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SENATE—*Friday, April 7, 2006*

The Senate met at 8:30 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the fountain of light and truth, we rise and stand because of Your mercies. You make our plans succeed.

Today, shine the light of Your presence upon our Senators. As they wrestle with complexity, show them the way. Give them the wisdom You have promised to all who will simply request it. Remind them of Your mission to bring deliverance to captives and liberty to the bruised. May they focus on pleasing You and not on political consequences. Give them contrite and humble spirits. Teach them new and creative ways to cooperate with each other for the common good. Bless their families and the members of their staffs.

Lord, guide each of us in these challenging days. Make our ignorance wise with Your wisdom. Make our weakness strong with Your strength.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ISAKSON. Mr. President, today we resume consideration of the border security bill. After an hour of debate equally divided and the leaders' remarks, we will proceed to a cloture vote on the motion to commit, which is the Hagel-Martinez language. This will occur at approximately 9:45 this morning. This will be the first of several votes we will have today. If cloture is not invoked, we will immediately proceed to the second cloture vote on the underlying bill. If cloture is not invoked on the underlying bill, we will turn to the cloture motions that were filed on the defense nominations. We confirmed two nominations last night, and we hope we will be able to reach agreement on the remaining few. Senators are alerted that we will have a busy morning and should stay close to the Chamber. I thank my colleagues for their cooperation before we recess for the Easter break.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, what is the matter before the Senate at this time?

The ACTING PRESIDENT pro tempore. Once the leadership time is reserved, the Senate will resume pending business, which is S. 2454, and there will be 1 hour of debate equally divided. Does the leader wish to proceed on his leadership time?

Mr. REID. No. I wish to proceed under the time allotted, 1 hour equally divided.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SECURING AMERICA'S BORDERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided between the managers or their designees.

The minority leader is recognized.

Mr. REID. Mr. President, for my colleagues who are in the Chamber and want to speak under the half hour that is allotted to us, I will leave time for them. I know Senator LEAHY has a matter elsewhere, and I will speak and give him the time next.

The committee bill that was reported from the Judiciary Committee on a bipartisan vote is a bill that virtually all Democrats support. We now are past that piece of legislation and on what we call the Martinez substitute. Virtually all Democrats support the Martinez substitute. I thought yesterday morning we were going today to be able to pass this important legislation. As I was walking from the caucus we had yesterday, Senator TOM CARPER of Delaware said: I have to leave early; I sure hope we can get something worked out on this. That is how the Senate felt yesterday. I sure hoped we could work something out. But as the day went on, things didn't work out as well as we had anticipated.

In the Senate, there are different ways of conducting filibusters. One is to have people stand and talk for long periods of time. The other is the ability Senators have, if they wish, to filibuster by virtue of amendment.

I made a proposal to the distinguished majority leader that we would have the Judiciary Committee do the conferees and have a limited number of amendments and move on. Last night, Senator FRIST said on the floor that he would have 20 amendments and, as we know from conversations we had on the floor, that was just the beginning. There would be more amendments. These amendments, of course, would be offered by those who oppose the Martinez legislation.

The majority leader said last night—and I was surprised—that he thought he would vote no on cloture on the amendment that he offered. Certainly, there could be an argument made, even though I don't think it is a good one, that we are going to vote against the substitute amendment, the Specter legislation, as a result of the fact that the minority filed a cloture motion. That is not the case here. The cloture motion that is pending now was filed by the majority leader, he says, because no amendments have been offered. Why would we reward those who don't like the bill? Why would we reward those who want to kill this bill by amendments?

I would hope that night has brought change, that night has turned to day, and that there will be those on a bipartisan basis who will support this invocation of cloture. That would be the right thing to do. To do so takes courage, I know, but it would be the right thing to do.

Virtually all Democrats support the Martinez legislation. This bill is supported by wide-ranging groups: the Catholic bishops, the Chamber of Commerce, civil rights groups, human rights groups, La Raza—on and on with groups that support this legislation. This legislation is good legislation, national security, real security, border security. It gives guest workers the opportunity to come to America with dignity. Twelve million people would no longer have to live in the shadows.

Franklin Roosevelt said it a lot better than I could in 1938, when he said: My fellow immigrants, remember always that all of us, and you and I especially, are descended from immigrants.

General George Washington, in a letter in 1783, said:

The bosom of America is open to receive not only the opulent and respectable stranger but the oppressed and persecuted of all nations and religions whom we shall welcome to a participation of all our rights and privileges if, by decent and proprietary conduct, they appear to merit the enjoyment.

That is what this is all about—Franklin Roosevelt, George Washington. Let's vote for cloture and move on, have a day of celebration.

I yield 7 minutes to the Senator from Vermont, the distinguished ranking member of this committee.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Democratic leader. I thank him for his statement. I also wish to commend him for the work he has done, both he and the distinguished deputy leader, in trying to bring us to this point. I know how hard the distinguished senior Senator from Pennsylvania, the chairman of the committee, has worked to pass a bill. I have been proud to work with him.

I was encouraged this week that the majority leader and other Senate Republicans moved in our direction—a good direction—by recognizing that we need a solution to the problems posed by having millions of undocumented immigrants inside our borders. Many of us believe that immigration reform, to have any chance to succeed, needs to be comprehensive, with strong enforcement of border security matched with fair and effective steps to bring millions of hard-working people out of the shadows and provide them a path to citizenship and a full measure of America's promise.

The bill now being proposed by the majority leader is not as comprehensive or as good as that produced by the Judiciary Committee in that it leaves many among us out of the equation and may have the perverse effect of driving millions further underground. I thought the bipartisan Judiciary Committee bill represented a better balance of strong enforcement of our borders with fair reforms that honored human dignity and American values. I will continue to work for a bill and a law that is fair to all. We all agree that it will be tough on security, but it also has to acknowledge our American values and, above all, human dignity.

The House-passed bill and the original Frist bill were overly punitive. But wisely, in our deliberations in the Judiciary Committee and in the alternative now being proposed, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions. That was a cruel, cruel amendment, and I am glad it is gone. You can't tell those who feed the hungry, clothe the naked, those who shelter people, that they are going to become felons for doing so.

We rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions understandably sparked nationwide protests and are being viewed as anti-Hispanic and anti-immigrant. They are inconsistent with American values. As one who is only one generation from immigrant grandparents, I am glad we removed those.

I fear that the arbitrary categorization of people in the current proposal is not fair to all. I would not want us to set bureaucratic hurdles and arbitrary timeframes that will serve negatively to continue an underclass in American and drive people underground. The purpose of the path to citizenship is to bring people into the sunshine of American life and into law-abiding status so that they abide by all our laws. That will allow our enforcement resources to be focused on real security concerns. Sadly, those across the aisle have refused to proceed on the bipartisan Committee bill so this alternative proposal is an effort to garner additional support from the Majority Leader and others but it comes at some expense. He opposed the Specter-Leahy-Hagel amendment but now supports the Frist amendment, which he graciously called the Hagel-Martinez amendment. The Majority Leader called it a "negotiated compromise."

I was not a party to those negotiations. Given the successful Republican opposition and obstruction of the bipartisan Committee bill, I have now joined in efforts to improve the Frist amendment and the Hagel-Martinez amendment. I am working with Senator OBAMA and Senator DURBIN to improve that measure.

I do not in any way disparage the efforts of my friends from Nebraska and Florida. I appreciate their efforts. I know that they had indicated their support for the bipartisan Committee bill. In fact, a majority of Senators supported the bipartisan Committee bill. Rather, they are trying to point a way toward the best possible legislation that can achieve not just a majority but a supermajority of support within the current Senate.

I will support the majority leader's motion for cloture on the motion to commit. That will bring the Frist amendment before the Senate, and I will continue to work for bipartisan, comprehensive, smart, tough, and fair immigration reform.

I was surprised to hear the Majority Leader say last night that he was considering opposing his own motion. We should have invoked cloture yesterday on the bipartisan Committee bill. I hope that we do so today on the Frist motion on the Frist amendment.

I appreciate that for those undocumented immigrants who can prove they have been in the U.S. for more than five years, the path to citizenship that we voted out of Committee would still govern. To earn status and eventual citizenship, the immigrant must undergo background checks, work, pay taxes, pay fines, and learn English. That is not an amnesty program. The Republican Leader has now reversed his position and supports those provisions. That is progress. In addition, the bill we will be considering continues to contain the Ag Jobs bill and the DREAM Act, and the amendments the Senate voted to add to the bipartisan Committee bill, including the Bingaman enforcement amendment and the Alexander citizenship amendment.

Those undocumented immigrants who have been here for two to five years would, under the provisions of the new bill, have to leave the U.S. and seek approval to return and to work under a temporary status for four years. They could eventually seek legal permanent status, probably after a total of 8 to 10 years, and only after those who have "seniority" to them by being in the group that has been in the U.S. for more than five years. Thus, this new grouping of people is treated under a combination of rules drawn from a bill introduced by the senior Senator from Nebraska and the Kyl-Cornyn bill. Perhaps those who negotiated this scheme will garner the support of Senator KYL and Senator CORNYN and others with whom they have been working.

At least, this new categorization preserves a potential pathway to regularized status. The test will be whether it is made so onerous by its implementation that those in this designated category will come forward at all. We will all need to work to make that a reality so that they know that we value them, their families and their hard work.

The most recent arrivals, those immigrants after January 1, 2004, are offered no special treatment. I was concerned about similar aspects of the Committee bill. There are no incentives to come forward. They are merely told to leave the U.S. and apply for one of the limited visas that will be authorized. They could try to come back as legal temporary workers.

If we do not, I worry that the Majority Leader's announcement of a "breakthrough" will have the unintended effect of having created a false impression and false hopes. I commend him for changing his position over the course of the last week. I am delighted that he and others who had been opposing comprehensive immigration reform with a path to citizenship are joining us in the effort. But an announcement is not the enactment of a new law. I urge people, especially the undocumented, to remember that. We are still a long way from enacting fair, comprehensive and humane immigration reform. None has yet passed the Senate. And certainly fair immigration reform has not passed the House. The cruelest joke of all would be to raise expectations and false hopes by premature talk of a solution when none has yet been achieved, especially if it remains elusive and that promise is not fulfilled.

So while I am glad that some Republicans have dropped their opposition to establishing a path to citizenship for many, I worry that many others may be left behind. I also urge everyone concerned about the lives of those who are undocumented to remain cautious and focused on enacting a law, and on what it will provide in its final form. It would be wrong to just pass a bill that ends up serving as a false promise to those who yearn to be part of the promise of a better life that is America.

Our work on immigration reform is a defining moment in our history. We are writing laws that will determine people's lives and what it is that America stands for. I continue to urge the Senate to rise to the occasion and act as the conscience of the Nation. I will continue to work on immigration reform so that the laws we enact will be in keeping with the best the Senate can offer the Nation and the best that America can offer to immigrants. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud.

There will be more rallies around the country next week by thousands of people in cities across the United States. They know what we Senators now know—our immigration system is broken and we need to fix it. We need to fix it with effective, comprehensive reforms. The question is still open whether the Senate is committed to making real immigration reform.

I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter.

The majority leader had often spoken of allowing two weeks for Senate debate of this important matter. We now approach the end of that work period. I had hoped we would be farther along. When the Senate did not complete work on the lobbying reform bill on schedule—because Republicans refused to vote on the port security amendment—it cut into time for this immigration debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with one week, not two. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. We have endured the false and partisan charges of obstruction came from the other side. We have experienced seemingly endless quorum calls without debate or action.

I thank the Democratic leader for his efforts. He has been working for a comprehensive, realistic and fair immigration bill. We still are. I regret that over the last several days some tried to make this into a partisan fight. I hope that we are now able to draw back together in a bipartisan effort to pass a good bill that becomes a good law.

Mr. REID. Mr. President, as soon as the distinguished chairman finishes his remarks, I will yield 8 minutes to Senator DURBIN, and following his statement, 8 minutes to the ranking member, Senator KENNEDY. If a Republican comes in between, that is fine with us. So 8 minutes to both Senators DURBIN and KENNEDY.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Before the distinguished ranking member, Senator LEAHY, leaves the floor, I would like his attention for a minute. He has to leave because he has other commitments. First, I congratulate him on the work he has done on this bill. I congratulate him on the work he has done in his 31 years in the Senate generally, but especially in the last 15 months, when he and I have worked together on the Judiciary Committee. I wanted to say this while he was still on the floor.

As chairman, I am committed to make this immigration bill the No. 1 priority of the Judiciary Committee. When we are unable to complete action on this bill today, as it now appears, I want everyone to know when we come back after the recess, this is our No. 1 priority. We succeeded in the Judiciary Committee, where everybody thought we would fail. Senator KENNEDY was on the committee and Senator DURBIN was on the committee. I mention them because they are in the Chamber. We were given an impossible deadline, but we met it. We met it by having a marathon markup on a Monday, which is unheard of around here—especially a Monday after a recess. We did it by voting 57 times. We had in that marathon markup 14 rollcall votes and 43 voice votes.

We had a lot of tough votes, but we finished the bill and we reported it to the Senate. We are going to go back to work on this bill because if the full Senate cannot find the answer, then the Judiciary Committee is going to find the answer. We are going to return to the floor of the Senate a bill which I believe the Senate will find acceptable, and we will set forth procedures that I think the full Senate will find acceptable. That is the commitment.

Mr. LEAHY. If the Senator will yield a moment on that, I have commended the Senator before for his indefatigable leadership. He worked extraordinarily hard. I commit to the senior Senator from Pennsylvania that on the Democratic side we will continue to work with him on any amount of time he needs in committee. Our committee demonstrated that we can produce a bipartisan bill. We will continue to work with him in any way necessary to finish this. I agree with him that it is important. On this of the aisle, we will continue that work.

Mr. SPECTER. I thank the distinguished ranking member.

Addressing the situation generally as to what we face now on the immigration bill. I think it is most unfortunate, really unacceptable, that the compromise arrangement has fallen through. I believe this legislation is vital for America's interests, vital for our national security interests, vital for our economic interests, and vital for our humanitarian interests.

The agreement has been decimated, has fallen through, because of partisan politics. Regrettably, partisan politics plays too large a role on both sides of the aisle, with Democrats and Republicans, and there is more concern about political advantage in this situation—as it is in many situations—than there is on public policy and the public welfare. The procedures for not allowing tough votes, regrettably—that practice has been undertaken by both Democrats and Republicans. I have been in the Senate for 25 years now, and this has been a repeated practice which I have noted at least from the past decade and a half. It has occurred even beyond that period of time. Both the Democratic and Republican leaders—minority leaders, but mostly leaders—have been in the position to do what is called "fill the tree."

Senate procedures are arcane and complicated. I would not begin to try to explain them now. But the conclusion is that you can use the rules to avoid having votes come up, if you want to do it. It is called filling the tree. Republicans on this immigration bill have been stymied from offering amendments. But at the same time, on other bills, on prior days, Democrats had been stymied from offering amendments. So it is a matter of bipartisan blame.

But what is happening is that the public interests are being damaged. A very similar situation occurred last year on the filibusters. The Democrats filibustered President Bush's judicial nominees in retaliation for tactics employed by Republicans to stymie President Clinton's nominees from having votes, from coming out of committee or, once out of committee, from having votes on the Senate floor. That impasse, that confrontation on judges, almost threatened to destroy a very vital part of the institution of the Senate, and that is the right of unlimited debate. Where the filibusters were used, in my view, inappropriately, consideration was given to changing the rules of the Senate to change the number of Senators necessary to cut off debate from 60, which is the current rule, to 51. Fortunately, we were able to avoid that confrontation.

Now as I said to the distinguished minority leader in a private conversation, that reason is going to have to prevail, and Democrats and Republicans in the Senate are going to have to come together and stop this reprehensible practice of denying votes. We are sent here to vote. When a bill comes to the floor, as we reported the immigration bill out of committee, other Members are entitled to offer amendments to see if they can persuade 51 Senators to vote their way or, if cloture is necessary, to cut off debate, to see if they can get 60 Senators to vote their way, and then to change a committee bill.

The committee doesn't speak for the Senate. The committee makes a recommendation. The Senate must speak for itself, in accordance with our procedures, with 51 votes to pass amendments or a bill, or 60 votes if it involves cutting off debate. But it is totally an unacceptable practice to stymie a bill by refusing to give votes. That is what has happened here.

In the negotiations between Senator FRIST and Senator REID yesterday, Senator REID said the maximum number of votes that would be permitted was three. I don't think he was concrete on three, but he wasn't going to go much beyond three—perhaps, as a suggestion was made, there might be a compromise for six. But on the Republican side, Senators wanted to offer a minimum of 20 amendments. An arrangement could not be agreed upon and, obviously, Senator FRIST could not accept three votes, or even six votes. The position was taken to avoid having Democratic Senators take tough votes. In committee, Republicans and Democrats took tough votes—57 votes, with 14 rollcall votes, during a marathon session on that Monday on the markup.

It is an open secret that there are many people who do not want to have an immigration bill. I think it is a fair comment—although subject to being refuted—that there is advantage for the Democrats to have only the bill of the House of Representatives before the public, which provides only for border security, and which doesn't take care of the 11 million undocumented aliens. That bill has provoked massive rallies—500,000 people in Los Angeles, 20,000 people reportedly in Phoenix, and more rallies are coming. The view is—and I think it is accurate—that it is very harmful to the Republican Party to have the Hispanics in America angry with the Republican position, as taken by the House of Representatives, to have only border security and not have a program to accommodate the 11 million undocumented aliens.

The Senate bill, of course, directs our attention to that bill, and the Judiciary Committee bill has a very rational, humanitarian, sensible approach—not amnesty, because there is not forgiveness, because these undocumented aliens have to pay a fine, have to pay back taxes, have to learn English, have to work for 6 years; they have to undertake many conditions in order to be on the citizenship track. With refinements put in by the Judiciary Committee, they are at the end of the line.

Then, in order to achieve an accommodation, changes were made on suggestions by Senator HAGEL and Senator MARTINEZ to modify that proposal, treating those who have been in the country more than 5 years differently from those who have been here less than 5 years. Frankly, I preferred the Judiciary Committee bill; I preferred our bill without amendments. But people have a right to make amendments. I was prepared to accept the compromise that brought into play the ideas of Senators HAGEL and MARTINEZ so we would have a bill. The issue that a legislator faces is not whether it is a bill he would prefer but whether the bill is better than the current system. In my mind, there is no doubt that had we moved forward with the compromise that was struck yesterday, it would be a vast improvement over the current system. It would secure the borders. It would provide a rational way to handle the 11 million undocumented aliens. It would provide a rational way to handle the guest worker situation. And it should have gone forward. It has not gone forward because there is political advantage for the Democrats not to have an immigration bill, not to take tough votes, to have the opprobrium of the House bill, which is objected to by the Hispanic population, illustrated by the massive rallies, to have that as the Republican position. Contrasted with what would have happened had the Senate produced a bill which was bipartisan, which was sponsored by Republicans, then the opprobrium, the edge would have been taken from the House bill.

So we are going to leave here, by all indications, without having completed action on the immigration bill or without having come to a point where we would have a definitive list of amendments, to have an agreement that on our return from the recess we could, in short order, finish the bill. That is totally unacceptable.

Again, I emphasize that the partisanship exists on both sides of the aisle. When I say the Democrats are wrong on this bill to avoid hard votes, I say simultaneously that we Republicans have been wrong in the past to deny Democrats votes on amendments which they wanted to offer. The distinction has been made by some of my colleagues—and I think it is accurate—that they have been denied votes in most situations on matters where they are nongermane to the bill.

Senator REID mentioned stem cells, and I agree, we ought to resolve the stem cell issue. I don't know if there was ever a stem cell vote offered in a way which would be nongermane, but we ought not take up an issue such as stem cells on the Transportation bill, for example.

There have been amendments offered by Democrats which were germane. They wanted to offer amendments which were germane, which have been denied.

It is my hope that we can come together. I have already talked with the distinguished Democratic leader this morning saying that we ought to come to some agreement that neither side will use the technicalities at our disposal to deny the other side votes. The Democratic leader has been very lavish in praise in supporting the work Senator LEAHY and I have done. That spirit of accommodation ought to be carried forward to the floor of the Senate when we consider matters such as this immigration bill. For the future, it is my hope that we will come together and stop this practice of denying votes to the other side.

Again, my commitment is to make this immigration bill the first priority item for the Judiciary Committee when we return after the Easter recess because America needs immigration legislation reform.

I inquire as to how much time our side has remaining?

The ACTING PRESIDENT pro tempore. There is 14 minutes remaining.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 8 minutes.

Mr. DURBIN. Mr. President, I come to the Senate floor weary—weary after 2 weeks of working on this historic legislation, both in the Senate Judiciary Committee and in the back rooms of the Senate Chamber and on the Senate floor; weary after a long, sleepless night thinking about how we might have done this better; weary with the knowledge that we come here this morning, having missed a historic opportunity. This opportunity is slipping through our hands like grains of sand.

It is hard to imagine that we have reached this point when one looks at the people of goodwill who have tried to bring this bill to passage and completion.

I first salute the chairman of the Senate Judiciary Committee. It took extraordinary courage for him to vote in favor of the bipartisan bill which came to the floor. He stuck with it. I thought he was fair in the way he handled his committee, and I thought we produced a good work product which I was proud to support.

I salute the Senator from Massachusetts who, for decades, has made this cause, immigration reform, his passion. He has never given up. In the weeks we have spent up to this moment, his strength has been remarkable.

On the Republican side, Senator MCCAIN, Senator GRAHAM, Senator BROWNBACK, Senator DEWINE, Senator MARTINEZ, Senator HAGEL, and so many others were bound and determined to defy the critics who said we couldn't come to a bipartisan agreement.

Yesterday, for one brief moment, one shining moment, we believed we had a bipartisan agreement. Senator MARTINEZ and Senator HAGEL worked all night and put together an amendment, came to us on the Democratic side and said: Can you accept these modifications, and then can we move forward together? We agreed. We stood together.

I think the most dangerous place in America for a politician is the front row of the St. Patrick's Day parade in the city of Chicago. I have been there. I have been pushed and shoved and elbowed aside by men and women who follow in the grand Chicago tradition of Dick Butkus and Brian Urlacher. But there is a second place I recall as the most dangerous for politicians in America, and it was in the press gallery yesterday as Senators were preening and priming themselves to appear before the cameras and announce we have an agreement, we have a bill, pushing one another aside to get to the microphone so they could announce the success of our efforts.

I was there. I stood back and thought: There is plenty of time for congratulations. Let's wait until we have done something before we congratulate ourselves.

Sadly, 24 hours have passed. The world has turned, and things have changed.

I stand here today uncertain about where the Republican Party of the United States of America stands on the issue of immigration. I know where the House Republicans stand. They are very clear. It is a punitive, mean-spirited approach to immigration, which most Republicans in the Senate have rejected. The idea of charging volunteers, nurses, and people of faith who help the poorest among us with a felony if one of those poor people happens to be an undocumented immigrant is the ultimate. That is the position of the House Republicans.

For the life of me, I don't know what the position of the Senate Republicans is on immigration. Their leader stood before us yesterday and accepted this bipartisan compromise, came before the cameras and said this was his bill, too. He filed a motion so that we could limit debate and move to final passage of this bill and announced last night that he would vote against his own motion.

In the history of the United States, there was a political party known as the mugwumps. They were called mugwumps because people said they had their mug on one side of the face and their wump on the other. That is what I see when I look at the Senate Republican caucus. Where are they on immigration?

I listened to Senator SESSIONS who has been open. He opposes immigration reform. He has 15 amendments. He wants to stop this process, slow it down. I watch as the leadership of the Senate Republican team files before the television cameras rejecting the very compromise their leader has embraced. Where are they? Who are they? And do they believe that the people across America, carefully following this debate because their faith, their future, and their family is at stake, are going to ignore the obvious, that in just a few moments, a vote will be taken on the floor of the Senate and Senate Republicans will march down and vote against the Senate Republican leader's motion?

When it is all said and done, the House Republicans are very clear. They are opposed to immigration reform. They have taken the most punitive stand. But where do the Senate Republicans stand? We won't be able to tell after this vote. But I will tell you this: The people who are following this debate will know that the Senate Republicans did not stand for comprehensive immigration reform. There are heroes among them. I have listed some of them, and I will stand by them and defend them to any group because I do believe they are sincerely committed to immigration reform. But when it comes to the majority of that caucus, when it comes to the leadership on that side, it is impossible to divine what their position is on this critical issue.

The saddest part of it is this: Across America, millions of people are living in fear, living in the shadows, people who have come to me in tears because their children's future is at stake, people who have come to me crying because their mothers came to this country from Poland years ago and never filed the right papers and are technically illegal. These people wanted us to do something, to achieve something in the Senate, and we have failed. We have failed because the Senate Republican leadership will not say to its own membership: There is a limit as to how far you can take us with these debilitating amendments.

Last night, the Senate Republican leader said all we want is about 20 or so amendments. With 20 amendments and second-degree amendments, we would eat up a week of time just on the Republican amendments, and there is no promise it would end there.

This was clearly a moment for the Senate Republican leader to step forward, not just at the microphone, but in his own caucus and say that we as a party are going to be counted as to whether we are really for this immigration reform.

I think it is time, Mr. President, that we acknowledge the obvious. It is time for us as a nation to have comprehensive immigration reform with enforcement—enforcement on our borders and enforcement in places of employment—but also to give a legal pathway to those good people who want to be our fellow citizens, who want to share this dream in America.

This morning we will not achieve it. And when the Senate Judiciary Committee chairman tells us we will return to this bill when we get back from the Easter recess, I don't have much hope that we will either have the time or the will to overcome what we have seen on the floor in the last several days.

I will work, put every ounce of my strength into making it a success. But as I stand here today, I think we have allowed this historic opportunity to escape us.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has consumed 8 minutes. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is an interesting time on the floor of the Senate. We just heard the most fascinating speech about fingerpointing I have heard in decades—fingerpointing from the other side that is trying to suggest they are blameless, absolutely without blame, because the Senate is stalled in its attempt to gain a comprehensive immigration reform bill.

This is one Republican Senator who, several years ago, stepped across the aisle and stood with Senator TED KENNEDY in a clear recognition that something had to be done to deal with illegal foreign nationals in our country in a just, reasonable, humane, and legal way.

To suggest that the Democratic caucus has not had conflict behind closed doors over the last week is, in fact, a false statement because today we see this veneered front. To suggest that they are without blame because the Senate for 1 week has stood still doing nothing because they would not allow amendments on the comprehensive bill? May I say shame on you? I am saying that because the veneer doesn't fit. It is paper thin like the front page of the legislation before us.

The Senate Judiciary Committee worked its will, and it brought forth a bill to this floor. Is it perfect? No. Is it the best they could do? Absolutely, yes. Did they work hard? You darn bet they did. Does it have all the components in it that we would want for tough border security and control to contain our borders, to secure them? It must have that, and it does have that. Because I don't care how good the legislation is that I think I have created with a coalition of over 500 groups of Hispanics and labor and agriculture over the last 5 years, as good as my legislation is, known as AgJOBS, it is not going to work if the border isn't secure. You have to stop the flow of illegals, and we do that. But we don't do it by pointing a finger at all of them and saying: You are all felons. We cause them to earn, in the course of years of hard work, the right to continue to work and, if they choose—if they choose—to become an American citizen by another lengthy process. Is that unfair? Is that irresponsible? It is absolutely not. Was that created by Republicans? Yes, it was. By Democrats? Absolutely.

So let me suggest that when the assistant minority leader stands up and says: No, not me, not us, not ours, that simply is not true. Yes, the Republican side is conflicted. Yes, we have differences. Yes, there were amendments. But those amendments, as would be the normal process on the floor of the Senate after a bill came out of committee, have been denied by that paper-thin veneer you have just heard this morning from the other side.

Immigration has been and will always be a bipartisan issue. It must be. It should be. Is it to our advantage to make it partisan? Absolutely not. But some are now playing that game, and that in itself is most dangerous.

I will continue to work with all of my colleagues to resolve this issue. It is fundamentally important to America that we do.

Yesterday, on the floor of the Senate, I said: America, turn and look at yourself in your mirror, and you will find a multiethnic, a multinational image. We as Americans are the phenomenal mosaic of the world, and we are because we have historically had an orderly, responsible immigration policy that didn't point fingers and didn't play partisan politics and worked its will. I must tell you there have been and there always will be those who got here yesterday who don't want those coming tomorrow. Yet America's great energy is simply that we continue to bring people from around the world who become Americans in search of the great American dream, who live under our constitutional structure, who embody it because of the new energy as a free citizen they employ. It is in itself the only Nation in the world that has been able to do that.

I say, when I am out in Idaho and around the country, is it possible for you to become Japanese if you are not born one? Absolutely not. Or to become an Italian if you are not born one? You can't become that. But you can become an American. Why? Because this great country was never one nationality, never one religion; it was the place the world came to find freedom and to be able to use its individual energies underneath the framework of a constitutional system that established laws.

What are we attempting to do here today? We are attempting to clarify a law, to strengthen a law, to make sure that the wonderful process we have seen throughout our history continues to be orderly and just and responsible.

Who is to blame here? The U.S. Senate, the Congress of the United States, when, in 1986, they passed a law about immigration, but they didn't recognize in doing so that they were creating a natural magnet and they didn't control the border, dominantly to our south; and then again in 1996 we did the same thing and we didn't control the border. This great economic engine of ours became the magnet for the downtrodden to come to work, to earn a little money, to improve themselves. We took advantage of that, hopefully in a positive way, hopefully in a humane way—not always, but we did take advantage of it. Then, after 9/11, we awakened to this phenomenal reality that there were millions in our country who were illegal, and some of them were bad guys bent to do us harm. Now we are playing political games on the floor as to who is on first and who is on second on this issue. Shame on us. Because the veneer on the other side is just that: paper thin.

This has been and will remain a bipartisan issue, it is an American issue, and it is responsible for this Senate to deal with it. It is right and proper under our rules that if someone has an amendment in disagreement to what I have done—and now I see my colleague from California, Senator FEINSTEIN, who worked with me and introduced into the committee mark a very valuable component as it relates to American agriculture. We didn't play the partisan game. We came together because she has in her State and in the great San Joaquin Valley, which is, without dispute, the greatest agricultural valley in the world, a true need to stabilize and build a legal workforce; and in Idaho, at the peak of our labor season, I have anywhere from 25,000 to 30,000 illegals. She has more illegals in one county in California working than I have in my entire State. Still, Senator FEINSTEIN and I understand one thing very appropriately: that what we do must be legal, that American agriculture cannot build its strength on an illegal foundation, and it knows it, too. That is why we have worked with them to solve this problem.

We think that within the committee bill, there is a solution. There are some on my side and on the other side who probably disagree with that, and there are amendments over here that would change what Senator FEINSTEIN and I have proposed, and that is within the committee mark. I think I can defeat those amendments. I am certainly willing to debate them. It would be appropriate under the rules of the Senate that some of those amendments would be offered, but that has been denied. I am disappointed in that.

I hope that over the course of the next 2 weeks, calm heads will prevail. I hope the idea of finger-pointing goes away. We all have a responsibility here, not only to our home States but to our Nation, to develop a comprehensive immigration reform policy to secure our borders for the sake of our Nation's security. That is what this Senate has attempted to do, and that is what we are now being denied. I don't believe that is the appropriate position for any of us.

Immigration reform has been—let me repeat—and will always be and must be a comprehensive approach, a bipartisan issue where we work together to resolve what is in itself a major national issue of the day. Our citizens have asked that we do this. While they are divided by our effort in every way, we attempt to bring together that division in what we hope is a comprehensive, responsible, legal approach that first embodies national security and secondly, and as importantly, though, represents a balance for our economy, a reasonable and responsible approach toward humanity for those who come to work and for those who want to be citizens. In my opinion, that is a responsible position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KENNEDY. Would the Chair tell me when I have 2 minutes remaining, please?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. KENNEDY. Mr. President, at this stage of the whole consideration of immigration reform, I wish to mention my friend and colleague, Senator McCAIN, whom I have had the good opportunity to work with—I have worked with many others but particularly with Senator McCAIN over the last 3 years—in terms of developing a comprehensive approach on this issue.

There was a bipartisan group that came together, including members of our Judiciary Committee and people who had a particular interest who were outside of our committee. I am very grateful to them and the chairman of our committee, Senator SPECTER, and, as always, a valued friend and also a leader, Senator LEAHY. I thank my own leader, Senator REID, for all of his good work and counsel and advice. The Senator from Illinois, Mr. DURBIN, and Senators SALAZAR, MENENDEZ, LIEBERMAN, and OBAMA have all been good supporters during this period of time.

On the other side, Senators GRAHAM, BROWNBACK, DEWINE, MARTINEZ, and HAGEL have worked very closely with us.

Senator FEINSTEIN has been a person of enormous knowledge, understanding, and awareness of the range of immigration issues, with very special attention to California, which presents such challenges. She has not only been in this debate and discussion an extraordinary ally, but to any debate and discussion on immigration and immigration reform, she brings a special dimension. She worked with Senator CRAIG in a very strong, bipartisan way in the initial proposal Senator McCAIN and I introduced. We recognized that the AgJOBS bill was enormously important. It had a few different approaches, but rather than making this issue more complicated, we did not include it. We welcomed it, but we had the leadership of Senator FEINSTEIN and Senator CRAIG.

So this has been a bipartisan effort in trying to bring about immigration reform. I will not review the very powerful and strong arguments about the border being broken and the need for our focus and attention on the border, about our national security interests and issues in trying to get it right, and about considering who comes to the United States and who does not come. As to our sense of humanity, I will speak about that for just a few minutes, in terms of how we are going to treat those who have come here and worked hard, played by the rules, who are devoted to their families and their religion, and who join the Armed Forces of our country and serve nobly.

So I rise this morning recognizing that the Senate has failed to adopt urgently needed immigration reform, and in doing so, we failed in our duty to our Nation and our democracy and our American people. We only make progress on issues of civil rights and immigration when we have bipartisanship. We haven't had a great deal of bipartisanship over the recent past. We certainly did on this issue, and that is why it is doubly disappointing and sorrowful that we have missed the opportunity at this time. I believe we also failed our immigrant heritage and the 11 million undocumented workers and families who looked to us for hope.

Clearly, the obstacles to progress are many, but for those who are committed to immigration reform, this debate certainly is not over. We will continue, if not today, then tomorrow and in the days ahead because the battle must go on.

As one who has been in the trenches on this issue since I first came to the U.S. Senate over 40 years ago and who has been a part of this effort to try to put into perspective the enormous magnet of America to people who look to it with hope and opportunity and progress and those who understand that we have to do this in an orderly and rational and reasonable and thoughtful way, there is always tension. But we are proudly a nation of immigrants, and I certainly believe we have lost an important chance and opportunity to make important progress on this issue.

What is at stake is not just our security but our humanity as well. We can't set that aside. We vote today on our security but also on our humanity. We cast a vote on what Congress will do about Sheila, an undocumented immigrant originally from Cork, Ireland, who has lived on Cape Cod for the last 10 years. She left Ireland due to the economic depression. Now her whole life is here in the United States. Her citizen brother is fighting in Iraq. But upon petitioning for her, he found he had a 15- to 20-year wait. Sheila listened to her grandfather's funeral through a cell phone because she wasn't able to travel to Ireland. A talented musician, she has worked and paid taxes for the past decade as a carpet cleaner and a secretary.

We vote today about what to do about William, who came to Massachusetts 14 years ago from Guatemala to make a better life for his family. He is a factory worker who has paid taxes for the past 14 years. He has a 7-year-old son, David, with cerebral palsy. David is severely blind, disabled, and can't walk. William is his sole provider.

The PRESIDING OFFICER (Mr. ISAKSON). The Chair would remind the Senator he has 2 minutes remaining.

Mr. KENNEDY. Mr. President, I am reminded now, in these last moments, Cardinal Mahony, the Archbishop of Los Angeles, has been a courageous voice on these issues: Now is a historic moment for our country. We need to come together and enact immigration reform that protects our national security and upholds our basic human rights and dignity. That is the challenge before us.

Fifty years ago President Kennedy wrote a book called "A Nation of Immigrants." In this book—I will just mention a very brief part—he writes:

> In just over 350 years, a nation of nearly 200 million people has grown up, populated almost entirely by persons who either came from other lands or whose forefathers came from other lands. As President Franklin D. Roosevelt reminded a convention of the Daughters of the American Revolution, "Remember, remember always, that all of us, and you and I especially, are descended from immigrants and revolutionists."
>
> As Walt Whitman said,
>
> "These States are the amplest poem, Here is not merely a nation but a teeming Nation of Nations."
>
> To know America, then, it is necessary to understand this peculiarly American social revolution. It is necessary to know why over 42 million people gave up their settled lives to start anew in a strange land. We must know how they met the new land and how it met them, and, most important, we must know what these things mean for our present and for our future.

Those words are as alive today as they were at that time. The challenge is here. We want to give assurances to those who have given us great support over this period of time that we are in the battle to the end.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. Mr. President, I am yielding 1 minute of my leader time to Senator FEINSTEIN and 1 minute of my leader time to Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized for 1 minute.

Mrs. FEINSTEIN. Mr. President, I offer these words on behalf of Senator BOXER, my friend and colleague, and myself. Senator CRAIG said it correctly. Senator BOXER and I have more illegal people in one county than most Senators have in their entire State. Therefore, what happens here is of serious consequence for the people of California and for us as well.

We are both going to vote for this motion to commit. We are going to vote for it with the hope that the ensuing weeks are going to enable some parts of it to be worked out more clearly.

I serve on Judiciary. I serve on the Immigration subcommittee. The beauty of the original McCain-Kennedy legislation was that once you accepted that approach, you accepted an approach of balance which was simple and which was able to be carried out.

My concern is by developing the three tiers of individuals, as the Martinez plan does, that you create a much more complicated scenario in terms of enforcement and therefore run the risk that it cannot be carried out well, particularly for those here for less than 2 years—who are in the millions. They simply disappear into the fabric, once again, of America, and you have the same problem all over again.

I hope during the 2 weeks cool minds will prevail and that we will be able to work on this legislation further. We have been on rather a forced march, a forced march in Judiciary to mark up a bill. There have been more than a half dozen guest worker plans in committee. It has been a difficult and complicated path.

I urge that we come together as one body, that we work together as one body. I think the lives to be affected by what we do are perhaps more deeply affected than with virtually any other piece of legislation. Both Senator BOXER and I offer our time and our energy to try to help in this.

We will vote yes on cloture. It is our hope a majority of this body will do so also.

I yield the floor.

Mr. GRASSLEY. Mr. President, I would like to speak for 20 minutes on immigration.

Immersed in the routines of daily life, many people don't make an extra effort to track legislation as it winds through Congress. It usually takes an issue that hits close to home before it motivates people to take notice.

This issue has hit home to many. We have dived into a very passionate and emotional debate in the U. S. Senate. Our country was founded by immigrants, and continues to be a Nation of immigrants. We have benefited from the achievements of many new residents. And, today, people in foreign lands want to be a part of this great country.

Generation after generation tirelessly pursues the American Dream. We should feel privileged that people love our country and want to become Americans. We are a wonderful nation, and it is evident by the number of people who want to come here.

But it is hard to empathize with those who thumb their noses at the rule of law. Estimates say more than 11 million undocumented immigrants already live in the country. They deliberately bypassed the proper channels and broke our laws to enter the country.

We are a nation of laws. Our country was founded on the rule of law. And now our welcome mat is being trampled on.

I am a member of the Judiciary Committee, and I was a part of the 5-week markup session. I voted against the committee bill. But I think we made great strides on the border security and interior enforcement titles.

I supported amendments to provide more authority and resources to our State and local law enforcement. One of my amendments increased the number of ICE agents we have in each State. I supported amendments dealing with expedited removal and increased detention space.

We enhanced border security and increased our manpower to patrol the border. We reformed the L visa program and the Temporary Protected Status program. We addressed the problem with countries which don't take back their illegal citizens by denying them visas.

We did a lot of positive things. But these reforms will mean nothing if an amnesty in sheep's clothing goes forward.

Some say that our enforcement-only approach in 1996 didn't work. Let me remind my colleagues that the 1996 bill contained measures that still have not been implemented. The best example is the entry-exit system. It is not fully operational because Congress and our bureaucrats keep delaying its implementation.

The compromise before us may contain enforcement measures, but they mean nothing if Congress and the administration don't make the commitment to follow through. And our strong enforcement measures are worthless if we pardon every illegal alien.

I was here in 1986. I voted for the amnesty during the Reagan years. I know now that it was a big mistake. I have been here long enough to know the consequences of rewarding illegal behavior.

Let me take a moment to raise some concerns about the compromise before us.

The compromise provides for a three-tier system. It puts illegal aliens into three categories. Those who have been here for 5 years or more automatically get a glide path to citizenship. Those who have been here for 2 to 5 years have to go home—at some point in the future—and re-enter through a legal channel. Those who have been here for less than 24 months are illegal aliens, and we assume that they will return to their home country.

Some have estimated that there are 7.7 to 8.5 million illegal aliens who have been here for more than 5 years. That is more than 75 percent of the illegal population. But that is not all. The compromise says that the family of the illegal alien—their spouses and children—can also apply. It doesn't say that their family has to be in this country. In fact, those back in their home countries are now getting a free pass to cross the border. They, too, are on their way to a citizenship.

Those in the second tier who are required to go home and re-enter through a legal channel won't go home. Why would they if their neighbors are getting citizenship? They will hold out for their reward. They will wait for Congress to pass another amnesty bill. We are sending a bad signal. We are saying some can get amnesty and some cannot.

I know my colleagues say this isn't amnesty, but it is. I know some say that the alien has to pay their taxes, pay a fine, have worked for 3 years, and learn English. They say that the aliens are earning their citizenship. I respectfully disagree.

Yes, an alien has to pay $2,000 to come out of the shadows. But individuals under 18 don't have to pay. And the fine probably won't cover the costs of implementing the program, nor will it cover the costs of a background check.

I have said it before, and I repeat is now: $2,000 is chump change. These same people probably paid a smuggler $15,000 to get them across the border. We are selling citizenship.

The proponents say that illegal aliens have to pay their taxes. Don't let them fool you. Sure, they have to pay all outstanding Federal and Sate taxes before their status is adjusted, but they only have to pay the taxes they owe for the 3 years that they are required to work. What about the other years? They have been here for at least 5. What about those under the age of 20 who are exempt from having to work? What if they work? Don't they have to pay their taxes?

Another point about this provision on taxes is that it is going to be a burden on the IRS. As chairman of the Finance Committee, which oversees the IRS, I can tell you that the taxman is going to have a difficult time verifying whether an individual owes any taxes. It will be impossible for the IRS to truly enforce this because they cannot audit every single person in this country. We need to place the burden on the alien, not the Federal Government. We need to require them to come forward and show us their tax returns.

When an alien applies for legal status, they have to prove that they have been working for 3 out of the last 5 years. If an illegal alien can't get their IRS records or an employer to attest to their working, then they can get a friend to attest. They can have anybody on the street sign a sworn affidavit to attest for them. That is fraud and corruption waiting to happen. Do you think the Federal Government is going to have time to check out their sources and prove their claims?

The proponents of amnesty also say that the alien is not eligible if they do not meet certain health standards. It does not say that one has to undergo a medical exam. In fact, those who fall under the second tier, who have been here for 2 to 5 years, may be required to take a medical exam.

My home State of Iowa is currently dealing with a mumps epidemic. Some speculate that the disease was brought over by a foreign student. That is the point of a medical exam. This compromise would place heavier burdens on our public health departments because we won't know what types of diseases these individuals have. They should be required to undergo a medical exam at their own expense. We need to require them upfront in order to prevent outbreaks of contagious diseases.

The English requirement is weak. It is weaker than current naturalization requirements. Under current law, an immigrant has to demonstrate an understanding of the English language and a knowledge of the fundamentals of our history and government. Under this compromise, an alien only has to prove that they are pursuing a course of study in English, history, and U.S. Government. Anybody could make that claim.

The compromise would require the Department of Homeland Security to do a background check on the illegal aliens in the United States. In fact, this compromise has placed a time limit on our Federal agents. They have 90 days to complete them. That is unrealistic. It is possible. It is a huge burden. And it is a huge expense.

Homeland Security will surely try to hurry with these background checks. They will be pressured by Congress to rush them. They will rubberstamp applications despite possible gang participation, criminal activity, terrorist ties, and other violations of our laws. This is a national security concern.

The compromise before us prohibits the Government from using the information in an application against an alien. So if an illegal alien writes in their application that they voted, or that they smuggled in drugs, or that they are related to Osama bin Laden, then our Government cannot use that information for critical investigations. In fact, the compromise would fine bureaucrats $10,000 if they use the information in an application for purposes other than adjudication.

But wait—there is more. If an alien has been ordered removed, and is sitting in jail ready to be deported, the alien still gets the chance to apply for this amnesty. The thousands of illegal aliens with orders to leave the country can apply. Their country won't take them back, so our country will give them citizenship. That doesn't make sense.

Everything that I have spoken about so far is based on the amnesty program for those who are currently in the United States. I would like to express two concerns about the future flow provisions. When we say future flow we mean those who aren't here but who can apply for legal entry through a "temporary" guestworker program.

First, on day 1 of their entry into the U.S., an employer can sponsor the alien for a green card. If they are not sponsored within 4 years, then the alien can petition for him or herself. Yes, this temporary program for temporary workers becomes a citizenship program for anybody and everybody.

Second, there is a numerical limit of 400,000. It is intellectually dishonest to say that this is the ceiling. The cap can be increased automatically without congressional approval if the limit is reached. It will never decrease; it can only increase.

This compromise will have enormous economic and employment implications for the Nation. If we enact it, we will sell out the middle class in America. We would also push aside the lower, uneducated class of American citizens.

Foreign workers won't have to take low-skilled jobs anymore. They won't be required to do the jobs that Americans supposedly won't do. Their spouses and children will permanently take jobs away. These aren't temporary workers anymore.

What happens when this country goes into recession? Americans will be banging on our door, asking why we did this to them.

We are allowing businesses to hire people at lower wages because they are illegal, rather than hire Americans at somewhat higher wages. Maybe this country needs to focus more on training and educating our own people, and less on how businesses can make more money by hiring illegals. By opening the floodgates for these kinds of low-skilled immigrants, we are taking away opportunities for our own.

Businesses have no problems paying under the table or paying lower wages. They also don't have problems paying CEOs and executives astronomical salaries. There is something wrong with this equation.

I have an amendment to create an Employer Verification System. This amendment, worked out between the Finance and Judiciary Committees, will require employers to check the eligibility of their workers.

It will give businesses the tools they need to be compliant with the law. Right now, the system is voluntary, but it is time to make this system a staple in the workplace. We will increase worksite enforcement and penalties, safeguards and privacy protections.

But this system needs to be in place if we are going to have a guest worker program. Employers are put on notice—we will hold them accountable, and we will penalize them if they violate the law.

We are taking a huge step here in shaping the future of our country. What we do here with immigration will impact every aspect of our daily lives.

An amnesty program for millions of people will increase the fiscal burden on our country. It will further strain our health care, education, and infrastructure systems. If these folks are not paying their taxes, then American citizens will have to pick up the tab. Americans will have to build bigger schools, and pay for the huge medical expenses of these people.

So I ask my colleagues to think twice. Read the fine print. Ask yourself this: What about fairness? What about those who waited their turn in line? What about those who abide by the rules?

I know many of my colleagues will support the compromise that was agreed to in the last day. I know they are saying to themselves: This is better than nothing. We had to do something. I ask my colleagues this: Do you think voting for this without the process of amending and debating is what we were elected to do? Voting for this bill because it is supposedly the best thing out there isn't a good enough reason.

As a U.S. Senator, I took an oath of office to honor the Constitution. I bear a fundamental allegiance to uphold the rule of law. And that is why I cannot in good conscience support granting legal status to illegal immigrants who have violated our laws. Lawbreakers should not be rewarded. The compromise sends the wrong message to millions of people around the world. If you vote for this compromise, you obviously don't respect the rule of law.

With a wink and a nod, Uncle Sam would turn America's historic welcome mat into a doormat trampled upon by millions and millions of illegal immigrants.

Mr. FEINGOLD. Mr. President, today I voted in favor of cloture on the Hagel-Martinez compromise on the immigration bill. I did not like the changes that this compromise made to the Senate Judiciary Committee bill, and I would vastly prefer that the Senate pass the committee bill intact. But we lost the cloture vote on the committee bill yesterday, and I saw this as the only way to move forward with comprehensive immigration reform this year. I remain hopeful that after this coming recess, we will be able to come to some agreement on meaningful, comprehensive reform. This issue is too significant to put off—too important to our national security, to our economy, and most importantly to the millions of people whose lives will be affected. Like so many of my colleagues, I am willing to work on a bipartisan basis to address the critical problems facing our Nation with regard to immigration, just as the Judiciary Committee was able to do.

I do want to lay out some of my concerns about the Hagel-Martinez substitute. But first, I should note that this compromise leaves intact most of the committee bill, including very important provisions like the guest worker program for foreign workers who want to enter the country in the future for jobs that Americans are not filling, the family reunification provisions, the AgJOBS title to help agricultural workers, and the DREAM Act to provide higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own.

Nonetheless, the compromise makes some troubling revisions to how we would deal with undocumented individuals who are currently in the country. I appreciate that Senator KENNEDY was able to secure some important changes to the original Hagel-Martinez proposal that help protect workers, such as stronger wage protections. Those were important concessions. But I am concerned about the core modification that the compromise makes to the committee bill; that is, treating differently those people who have been here for more than 5 years and those who entered the country illegally in the last 2 to 5 years. This approach is overly complicated and difficult to administer, and it is unfair to treat these two categories of people differently.

Mr. President, we must enact realistic, comprehensive reform, and I will continue to work with my colleagues toward a solution. I hope that we can accomplish that this year.

The PRESIDING OFFICER. The time of the minority has expired.

Mr. McCONNELL. Am I correct there is now 4 minutes left on this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, let me say the bill that came out of the committee, the Kennedy-McCain bill, was substituted there over the Specter bill. It lurched the bill even further toward amnesty than we already were heading. When it came up for a vote yesterday, it needed 60 votes to proceed. It got 60 votes against it—only 39 to proceed. It was defeated overwhelmingly.

Then they hatched a compromise among Members who already supported the Kennedy bill and they claimed they were producing a compromise that could be supported. But people who should have been involved in that compromise, who worked so hard on this, such as Senator KYL, Senator CORNYN, Senator FEINSTEIN, Senator DORGAN, Senator NELSON, and Senator KAY BAILEY HUTCHISON, who is here—I am not aware they were involved in it. So they bring that up now and expect us to support it.

Ninety-five percent of what was in the bill rejected yesterday is in this one and there is no substantial change in matters of amnesty. In fact, with regard to green cards, it increases significantly the number that would be granted over the bill we rejected yesterday. It is an unprincipled approach, in my view, and not a well thought out plan.

With regard to this question, who will say on the floor of this Senate that the enforcement provisions will be carried out and we will actually have enforcement on the border? That is why the Presiding Officer, Senator ISAKSON, had a perfectly important amendment. That was not allowed to be voted on. It would at least have taken a strong step toward ensuring that whatever we passed becomes law.

Finally, when asked what the cost was, nobody knew until last night and we find that the cost of this bill is $29 billion over 5 years. Nobody had even thought about it. That clearly is a budget-busting matter.

This bill is a dead horse, in my view. It should be rejected because amendments have not been allowed, and it should be rejected most importantly because it does not do what it purports to do.

I yield.

The PRESIDING OFFICER. The majority whip is recognized for 2 minutes.

Mr. McCONNELL. Mr. President, no one has been the beneficiary of legal immigration more than this Senator. My wife, who has the privilege of serving in the President's Cabinet, came to this country at age 8 not speaking a word of English and has realized the American dream and been an important part of my life, obviously, as my partner for a number of years. So I am one Senator who wishes to see a comprehensive immigration reform bill pass.

But the Hagel-Martinez bill is a lengthy, complicated measure, and it was suggested last night by my good friend, the Democratic leader, that somehow it is extraordinary to request 20 amendments on a bill of this magnitude and complexity.

Routinely on bills of this size we have at least this many amendments. In this Congress alone, for example, we had 21 votes on the Energy bill, 37 votes on the budget resolution, and 31 votes on the bankruptcy bill, including a couple of nongermane amendments on minimum wage. All of those bills, of course, were arguably complex, but certainly this one is as well.

We have been allowed to have only three votes on amendments to this bill, and we have been on this bill well in excess of a week. So what Republicans are arguing for today is fairness in the process, the routine, normal way with which we deal with complex legislation here on the floor of the Senate, after which we will produce, hopefully, a comprehensive bill that will be passed on a bipartisan basis. In the meantime, it is my hope and expectation that all Republican Senators will oppose cloture until we are allowed to offer this rather reasonable and modest number of amendments—about 20.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Democratic leader.

Mr. REID. If the majority agrees here, I will make a brief statement and use my leader time.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I spoke yesterday about the American people's need for a win on immigration—not the Republicans, not the Democrats. Today we have another chance to give them that win if we vote for cloture and move forward on legislation that will protect our borders and fix our badly broken immigration system. All of us, Democrats and Republicans—we all need the courage to do what is required of us now. It is time to move forward on tough and smart immigration reform.

The amendment before us does what we need of an immigration bill. An immigration bill will secure our borders, crack down on employers who break the law, and allow us to find who is living here by giving 12 million undocumented workers a reason to come out of the darkness, out of the shadows, pay a fine, undergo a background check, stay out of trouble, have a job, pay the penalties, and become legal when their number is called, even though it is many years from now.

Americans have demonstrated literally in the streets for a bill like this. They have spoken. It is up to the majority to answer their call. If tough, comprehensive immigration reform fails to move forward, it will be the Republicans' burden to bear. Virtually all Democrats supported the Specter bill that came before the Senate. Virtually all Democrats support the Martinez substitute. So the majority must explain to the American people why they are permitting a filibuster of immigration legislation, a filibuster by amendment.

On such an important national security issue, this is no place for stonewalling and obstruction. Yet that is where we are. We are ready today to fix our broken immigration system and give Americans the real security they deserve. They are looking for a win. They deserve a win. We can do it with a vote to invoke cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, a lot of people are asking what happened between the optimism of yesterday morning that centered on real progress, as people did come around working together, both sides of the aisle, on a Hagel-Martinez amendment, and this morning where it looks as if everything has been obstructed, stopped, stonewalled. There are talks of obstruction from the other side of the aisle. What has happened is no amendments have been allowed by the other side of the aisle to come to the floor to be debated, to be discussed, to be voted upon. Rollcall votes or voice votes—zero over the last 24 hours, where the clear understanding yesterday morning was that we would have an opportunity to allow Senators to express themselves on votes.

The Democratic leadership has effectively stopped, put a halt to that great progress that was being made yesterday morning, by not allowing amendments. Yes, they put a stranglehold on the right of every Senator to offer amendments and to have his or her views expressed and acted upon. The facts tell the story. Over the last 9 days, on complex issues based on a very good, solid product generated by the Judiciary Committee, about 400 amendments have been filed and only 3 of 400 have been allowed by the other side of the aisle to come to the floor to be voted upon. Only 3 out of 400. That tells the whole story. In the process on a bill that is a challenging bill, a large bill, a bill that will affect almost 300 million Americans now and many more in the future, we have only been allowed to have three votes over the last 9 days.

Viewers, I know, ask, people at home ask all the time: How can that possibly be, if you have good support and people look as though they are working together and all? And the answer is if anything takes unanimous consent around here, anything does, the Democratic leadership can effectively stop, put a halt to that debate and amendment process. Of 400 amendments, 3 have been considered over the last 9 days. It is a process that has been broken. It is a process we have to fix if we are going to be able to address the issues before us, whether it is immigration or other important bills.

It has been interesting, listening to some of the comments this morning and last night, and as has been reflected in both the Democratic leader's statements and in mine and others, it is true the Democratic leader—to me this is almost laughable—has said we are going to dictate who is on the conference committee, the minority leader, the Democratic leader, saying we are going to dictate who is on the conference committee. It is absurd. It is laughable. It has never been done. But it is proposed as if that is even a reasonable proposal before allowing us to take up amendments and debate them and have them voted upon.

I asked unanimous consent last night—because it is frustrating having 400 amendments over there and in 9 days only being allowed 3 votes—let's take up one of those amendments. That was refused. Let's take up another one. That was refused, my unanimous consent request, and a third was refused just to demonstrate—yes, it is frustration, and it is the right of the minority to obstruct, but that explains the difference between the optimism moving forward for a solution before we began the recess and now what is obviously going to occur; that is, we are going to have to postpone and delay full consideration of this bill.

The Democratic leader earlier this morning asked: Why aren't we allowing these amendments to come forth from the other side? Indeed, out of 400, I said: Can't we consider 20 of them at some point in the future? The answer was no. Why don't we consider amendments? Why are we shutting down the amendment process because some Members might not agree with everything in that 425-page bill?

There are going to be things in there that need to be fixed, modified. There may be some dangerous things in there in many people's minds. And to not even allow them to bring them to the floor to debate them is just flat out wrong.

I can understand the other side trying to advantage themselves in the outcome in their favor, but to shut out all amendments, to say that only 3 of 400 amendments are to be considered is simply wrong. It really does come down to a matter of fairness.

I began this debate a week and a half ago saying: Let's have a civil process, a dignified process. It is an important issue with many millions of people coming across our borders. We need to secure our borders. We need to have worksite enforcement and interior enforcement. We need to have a temporary worker program. There are 12 million people in the shadows. We need to bring them out.

It has effectively been brought to a halt by the other side. It is unfair to deny Members on both sides of the aisle the right to express their voice and have their amendments considered. It is unfair to the authors of the bill and the Judiciary Committee that generated this bill. It is unfair to this body, and I believe to the institution as a whole and to the American people.

Although I am strongly supportive of a border security bill—tighten those borders—a bill that addresses worksite enforcement, a temporary worker plan, and one that brings people out of the shadows, I feel it is important that we oppose bringing debate on the Hagel-Martinez amendment to a close in order to protect the rights of Members to offer amendments and to have them debated and voted on.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to commit S. 2454, the Securing America's Borders Act.

Bill Frist, Arlen Specter, Michael B. Enzi, Lindsey Graham, Trent Lott, Chuck Hagel, John McCain, Mitch McConnell, George V. Voinovich, Mel Martinez, Lamar Alexander, Norm Coleman, Pete Domenici, Orrin Hatch, David Vitter, Johnny Isakson, Jim DeMint.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the pending motion to commit S. 2454, the Securing

America's Borders Act, to the Committee on the Judiciary with instructions to report back forthwith shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—38

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Rockefeller
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. FRIST. Mr. President, for the information of our colleagues, the next vote will be a 10-minute rollcall vote. If cloture is not invoked, we are working on an agreement that will have about 55 minutes—hopefully less—before we will have another rollcall vote. That will be immediately followed by another rollcall vote, and then, depending on the outcome of that vote, that would either be the last vote or we might have one more vote. So a 10-minute vote, about 55 minutes, two rollcall votes, and then we will have more to say.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2454, the Securing America's Borders Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36 nays 62, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—36

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Cornyn
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Grassley
Gregg
Hatch
Hutchison
Isakson
Lott
McConnell
Murkowski
Nelson (NE)
Santorum
Sessions
Shelby
Smith
Sununu
Talent
Thune
Vitter

NAYS—62

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Craig
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Hagel
Harkin
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Rockefeller
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DOMENICI. Mr. President, I wish to express my dismay regarding the collapse of the Senate's work on border security legislation.

As a border State Senator, I know first-hand the need to secure our international borders because every day I hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. We need to address this situation but are not being allowed to because of Democrats' refusal to allow votes on amendments to border security legislation on the Senate floor.

Their refusal to allow votes means that my amendments, which are very important to New Mexico, the southwest border, and the Nation, cannot be considered. Those amendments would have provided for two more Federal judges in New Mexico to deal with immigration cases, provided 250 new deputy U.S. Marshals to transport and guard criminal illegal aliens, authorized $585 million for land port of entry infrastructure and technology, and called for Mexico's cooperation on border security.

My amendments are based on needs that are imperative to border security. I have been told of the need for new Federal district judges in New Mexico by the Chief Judge for the Tenth Circuit Court of Appeals, the Chief Judge of the New Mexico District, and several other Federal district judges in my home State. In fiscal year 2005, more than 1800 immigration cases were filed in the District of New Mexico. We must have more Federal judges to handle this caseload that the Judicial Conference has referred to this situation as a "crisis." I have been told of the need for new deputy U.S. Marshals by the U.S. Marshal for New Mexico. His deputies are responsible for transporting illegal aliens to court and guarding them when they appear in Federal district court. I have seen firsthand the need for port of entry improvements in New Mexico, and since I worked with Senator DeConcini on the last major land port of entry overhaul in 1986, I know that the time has come to again address our land port needs. Lastly, I am convinced that we must have Mexico's cooperation to secure our porous southwest border, and my amendment would have provided a path to secure that cooperation.

The refusal of Democrats to allow consideration of these amendments is nothing short of irresponsible behavior towards the security of America.

The Democrats' refusal to limit debate on the majority leader's border security bill today confirms their lack of understanding regarding the need for border security. Senator FRIST's Securing America's Borders Act includes 1,250 new customs and border protection officers, 1,000 new DHS investigative personnel, 1,250 new DHS port of entry inspectors, 1,000 new Immigration and customs enforcement inspectors, and 2,400 new border patrol agents. The bill authorizes funding for new border security technologies and assets, including new unmanned aerial vehicles, vehicle barriers, cameras, sensors, and all-weather roads. This bill would have addressed many of our border security needs, and I am frustrated that we were not allowed to vote on this bill.

As it stands now, we will not see any of the comprehensive border security improvements that New Mexico and other States desperately need. I could not be more disappointed.

On February 10, 2005, I introduced legislation to create additional Federal district judgeships in the State of New Mexico.

On November 17, 2005, I introduced the Border Security and Modernization Act of 2005, S. 2049, with bipartisan support. That bill calls for improvements to our port of entry infrastructure, increased Department of Homeland Security, DHS, and Department of Justice personnel, new technologies and assets for border security, increased detention capacity, and additional Federal assistance for States.

On February 17, 2006, I introduced the Welcoming Immigrants to a Secure Homeland Act. That bill calls for an increase in the number of DHS personnel who investigate human smuggling laws, employment of immigrants, and immigration fraud and increased penalties for violations of immigration laws. It also creates a new guest worker visa that lets individuals who want to, come to the United States to work. Lastly, it creates a way to account for the millions of undocumented aliens residing in the United States without creating an automatic path to citizenship.

I supported the efforts to jointly address border security and immigration reform legislation, but I am convinced that if we cannot agree regarding immigration reform, we must still secure our borders. The President must budget for our border needs, and Congress must appropriate for those needs.

EXECUTIVE SESSION

NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. FRIST. Mr. President, in executive session, I ask unanimous consent that the cloture motion be withdrawn with respect to Calendar No. 485, and that the Senate proceed to its consideration: provided further that there be 55 minutes for debate as follows: Senator WARNER 10 minutes, Senator LEVIN 25 minutes, Senator HARKIN 10 minutes, and Senator REED 10 minutes.

I further ask that following the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; provided further that the Senate then proceed to the vote on invoking cloture on the nomination of Calendar No. 252.

Finally, I ask unanimous consent that if either nomination is confirmed, the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mrs. HUTCHISON. Mr. President, I want to comment on what has happened over the last 2 weeks on a very important bill—maybe the most important bill for the future of our country that we will take up this year, and that is immigration reform.

I was very disappointed that we were not able to have a vehicle on which we can have amendments in the normal course of action that we have on the floor of the Senate. I cannot think of a more complicated, comprehensive issue that we could amend and make a better bill that would have the support of the vast majority of the Senate. Yet we have spent 2 weeks and were only able to have three amendments.

There are many differing views on what to do with the 12 million illegal immigrants that are in our country. But I think there is a consensus that we need better control of our borders, that we need security measures to know who is in our country, and that we need a guest worker permit program that would allow people to come into our country legally to work and earn a living for their families, contribute to the economy of the United States, and perhaps become citizens, if they decide to, or not become citizens if they wish to remain citizens of their home country.

However, the issue of what to do with the 12 million people was not able to be discussed, debated, or refined on the Senate floor. I think that is a mistake, and I think we have missed a very important opportunity. The negotiations got down to allowing 20 amendments—20 amendments—on one of the most complicated bills that we will take up this year. We take up appropriations bills that have 70 amendments. We take up authorization bills that have 40 amendments. The negotiation was down to allowing 20 amendments, and we were not able to get the consent of the minority to take up 20 amendments to try to refine a bill that would allow the Senate to speak with an overwhelming majority, or at least to have all the voices heard so that we could start beginning to craft a bill that would help with an issue in our country of security and economics.

Mr. President, I am very disappointed. I think we have missed an opportunity. I hope very much that, as we go home for a 2-week break, we will think about how we can come together, come back here and not give up on having an immigration reform bill that secures our borders, that creates a guest worker program that will be productive for the participants and for the economy of our country, that will not displace American jobs but will welcome the immigrants who seek to come here, as we have done for over 200 years in our country on a regularized basis.

I thank the chairman of the Armed Services Committee. I know he is going on to very important work. I hope that we can address this issue when we return, and I hope the minority will work with the majority not to block future amendments that would make this a better bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we wish to confine ourselves strictly to the time the joint leadership agreed upon in the event we need recorded votes.

Mr. President, Dorrance Smith, the nominee, is designated to be the principal advisor to the Secretary of Defense on matters relating to public affairs in the media. Mr. Smith is a four-time Emmy Award-winning television producer, a political consultant, and a media strategist who has worked for over 30 years in television and politics.

He spent 9 months in Iraq, in the years 2003 and 2004, where he served as senior media advisor to the setup at that time.

He was responsible for developing a state-of-the-art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the U.S. Government. In addition, Mr. Smith was asked to overhaul certain aspects of the Iraqi media network, which he did. He was quite successful, such that they had a television channel that was launched on satellite.

For those efforts, he was awarded by the Secretary of Defense a medal for exceptional public service.

I have met with Mr. Smith on several occasions. I believe him to be highly qualified, and I fully support his nomination.

At a full Armed Services Committee hearing on October 25, 2005, and later, at an Executive Session on December 13th, at which Mr. Smith was present, he was questioned about an Op Ed article he wrote that appeared in the Wall Street Journal on April 25, 2005, which I also attach. In this article, based on his in the trenches experience as Ambassador Bremer's Senior Media Advisor in Baghdad, Mr. Smith questioned the practice relied on by major media outlets in the United States of airing video of insurgent attacks supplied by the Arab satellite news channel Al Jazeera. Mr. Smith has clarified his intent about the role of U.S. Networks in his in raising these issues for discussion and public scrutiny. He has emphasized publicly that he has never written or stated that the United States networks aid and abet terrorists. In this regard, I have attached Mr. Smith's response to a question for the record he provided after the hearing.

I ask unanimous consent that a biography of Dorrance Smith, and some questions and answers during his nomination hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DORRANCE SMITH

Dorrance Smith is a four-time Emmy award winning television producer, political consultant, and media strategist who has worked over 30 years in television and politics.

Mr. Smith spent nine months in Iraq in 2003–2004 Senior Media Adviser. He was responsible for developing a state of the art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the United States government. In addition, Mr. Smith was asked to overhaul the fledgling Iraqi Media Network. By April, 2004 this effort was deemed so successful that the terrestrial channel—Al Iraqiya—was launched on satellite. For his efforts he was awarded the Secretary of Defense Medal for Exceptional Public Service.

A four time Emmy Award winning ABC News and Sports producer, he has held a number of positions at the network, including serving as the first executive producer of "This Week with David Brinkley."

From 1989 until 1991, Smith was the executive producer of ABC News "Nightline." During his tenure he was responsible for the weeklong "Nightline" series originating from South Africa, which covered the release of Nelson Mandela. The broadcasts won an Emmy award. In addition he served as executive producer of the prime time special "Tragedy at Tiananmen—The Untold Story," which was honored with the duPont Columbia University Award, the Overseas Press Club Award and an Emmy. "Nightline" also won an Emmy in 1991 for outstanding news coverage of the Iraqi invasion of Kuwait.

Prior to his work on "Nightline," Smith was the executive producer of the number one rated Sunday public affairs program, "This Week with David Brinkley," a post he held from the program's inception in 1981 until 1989. During his tenure the broadcast received the first Joan Barone Award, the George Foster Peabody Award, and was named the Best National TV Interview Discussion Program by the readers of the Washington Journalism Review.

In 1991 Smith left ABC News to become Assistant to the President for Media Affairs at the White House. In this capacity Smith handled all television and radio events involving President Bush, members of the White House staff and Cabinet. In addition his office handled all regional media; coordinated media strategy for administration officials seeking confirmation; and organized the debate preparation during the 1992 political campaign.

In 2001, Smith was designated by FEMA Director Joe Allbaugh to handle all media following the events of September 11th. In this capacity Smith was responsible for FEMA's media strategy for print, radio and television. Smith organized and distributed the now famous FEMA video feeds from Ground Zero. He reorganized the Public Affairs Office to meet the post September 11th media demands.

At ABC News, Smith became executive producer of all weekend news programming in 1980. He was responsible for the production and programming of "World News Saturday," "World News Sunday," "The Weekend Report," and "The Health Show."

Prior to his weekend assignment, Smith was Washington producer of ABC News' "The Iran Crises: America Held Hostage." He also served as ABC News Senior Producer at the 1980 Winter Olympics, the 1984 Winter and Summer Games, and the 1988 Winter Olympics in Calgary.

From 1978–1979, Smith served as ABC News' White House producer. Smith joined ABC News as a Washington producer in 1977. Previously he was staff assistant to President Gerald Ford.

He began his broadcasting career at ABC Sports in 1973 as an assistant to the producer. In 1974 he was made Manager of Program Planning for ABC's Wide World of Sports.

Smith is a member of the Advisory Council for the George Bush Library in College Station, Texas.

He graduated from Claremont Men's College in 1973 with a Bachelor of Arts degree. He lives in McLean, Virginia.

NOMINATION HEARING FOR MR. J. DORRANCE SMITH, SENATE ARMED SERVICES COMMITTEE, OCTOBER 25, 2005

Member: Senator John Warner, Witnesses: Young, Smith, Etter, Bell, Smith

Question #1

ARAB SATELLITE NEWS

Question: 1. Mr. Smith, on April 26, 2005, you wrote an article for the Wall Street Journal titled "The Enemy on our Airways." In the article you stated that ". . . Al-Jazeera continues to aid and abet the enemy . . ." Have you ever stated or written that U.S. broadcast networks have aided or abetted terrorists by airing video that first appeared on the Arab satellite news channel? Do you believe this to be the case?

Answer: I have never written or stated that the United States networks aid and abet terrorists by airing video that first appeared on the satellite news channel Al-Jazeera. I did write an Op Ed piece in April, 2005 for the Wall Street Journal which raised a number of questions following the airing of hostage video by Al-Jazeera and all 6 U.S. news networks. In that piece I wrote, "the battle for Iraqi hearts and minds is being fought over satellite T.V. It is a battle we are losing badly. And I wrote, "As long as Al-Jazeera continues to aid and abet the enemy, as long as we are fighting a war on the ground and in the airwaves, why are we not fighting back against Al-Jazeera . . ."

My past experiences running the Iraq Media Network in Baghdad gave me insight into the communications strategy of our enemy. Raising the tactics of the enemy in a newspaper piece was an effort to spur public discourse. I believe the public, the networks and policy makers should examine the tactics of the enemy including providing video to the Arab satellite network with the knowledge that it will be broadcast in the United States as well. Understanding the communications strategy of the enemy is a prerequisite to developing a communications strategy that is effective. In the WSJ, I was not writing as a policy maker or government official, nor was I a candidate for the Public Affairs job at the Pentagon.

Newspaper accounts that I believe the U.S. networks aid and abet terrorists are incorrect. When asked at the confirmation hearing "But you think it's a fair characterization now to say that the networks in the United States aid and abet terrorists by showing that." I said, "No, I do not." That is and always has been my belief.

I worked in network television for over 22 years and I maintain a professional working relationship with the today. During my nine months with the CPA in Iraq, I worked very closely with U.S. networks to meet their coverage needs. Most recently I was a media consultant to the United States Senate for the Joint Congressional Committee for Inaugural Ceremonies (JCCIC). For four months I represented that institution to the U.S. network pool with the aim of producing the best event for both parties. After the inauguration Tom Shales wrote in the Washington Post, "ABC's Peter Jennings noted that for the relatively few viewers able to see them in high-definition TV, the images were often "fabulous." Indeed they were.

As a network executive I appreciate the difficult decisions facing journalists during wartime especially potential conflicts between journalistic integrity and national security. If confirmed, I look forward to conducting my relationship with U.S. networks in a professional and respectful manner as I did when working in Iraq for nine months and for JCCIC. I also look forward to working closely with this committee on these important issues.

Do you agree with these goals?

Yes, I support the goals of the Congress in enacting the reforms of the Goldwater-Nichols legislation.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

I am unaware of any need to modify Goldwater-Nichols at this time. If I am confirmed, I will raise any such requirements that I may identify within the Department. The Department would consult closely with Congress, especially this Committee, on any changes that might be appropriate.

DUTIES

What is your understanding of the duties and functions of the Assistant Secretary of Defense for International Security Policy?

I understand that, if I am confirmed, my duties as Assistant Secretary of Defense for International Security Policy will be to serve as the principal assistant and advisor to the Under Secretary of Defense for Policy in formulating and implementing national security and defense policy in a wide range of areas, including: nuclear forces; technology security; missile defense; Europe and NATO; Russia, Ukraine, and Eurasia; arms control, non-proliferation, and counter-proliferation.

Assuming you are confirmed, what duties and functions do you expect that Secretary Rumsfeld would prescribe for you?

I would expect Secretary Rumsfeld to look to the Assistant Secretary of Defense for International Security Policy to fulfill all the duties assigned to that office under the authorities of the Secretary of Defense and the Under Secretary of Defense for Policy in particular, assistance and advice on the formulation of national security and defense policy in the areas noted in the response to the previous question.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 15 minutes to speak on the nomination of Dorrance Smith to be Assistant Secretary of Defense for Public Affairs.

I oppose this nomination for a very critical reason, which is that Dorrance Smith has spoken out against the very media in the United States that he would be involved with, engaged in, as the public affairs official for the Department of Defense.

Mr. Smith has shown in his writing and in his testimony before the Senate Armed Services Committee that he believes that our media undermines our national security when they perform their legitimate role of providing newsworthy information to the public about what is going on in Iraq and Afghanistan. He has gone so far as to accuse our major networks of acting in partnership with al-Qaida.

That extreme position is not appropriate for the spokesperson of the Department of Defense. This is what Mr. Smith said in his April 25, 2005, article in the Wall Street Journal, entitled "The Enemy on Our Airwaves," in which he complained about what he called "the ongoing relationship between terrorists, Al-Jazeera, and the [major U.S. television] networks." The basis of this alleged relationship is the fact that the networks played video of hostages in Iraq, which Al-Jazeera allegedly obtained from terrorist sources.

The text of Mr. Smith's article leaves little doubt about his belief that the "enemy on our airwaves" are our major television networks themselves, all of them—ABC, NBC, CBS, FOX, CNN—all of them. Here is what Mr. Smith said in this article:

> Osama bin Laden, Abu Musab al-Zarqawi, and al-Qaida have a partner in Al-Jazeera and, by extension, most networks in the U.S. This partnership is a powerful tool for the terrorists in the war in Iraq.

That is the view taken by the proposed spokesperson for the Department of Defense—that our networks are partners with Osama bin Laden, the man who orchestrated the slaughter on 9/11.

The smear then continues as Mr. Smith raises "ethics" issues about the conduct of the media.

> The arrangement between the U.S. networks and Al-Jazeera raises questions of journalistic ethics. Do the U.S. networks know the terms of the relationship that Al-Jazeera has with the terrorists? Do they want to know?
>
> What if one of the networks had taken a stand and refused to air the [video of an American hostage] on the grounds that it was aiding and abetting the enemy, and from that point forward it would not be a tool of terrorist propaganda?

Mr. Smith is entitled to his views. I will defend that right any day and any place. But we should not confirm him to represent the Department of Defense to the very media that he calls a partner with our deadly enemy, al-Qaida. That is over the top. It is extreme. It is not the kind of view that should be represented by the Department of Defense in their dealings with the media.

The Armed Services Committee held a hearing on Mr. Smith's nomination on October 25, 2005. At that time, I asked Mr. Smith about his statement that Osama bin Laden and al-Qaida "have a partner in Al-Jazeera and, by extension, most networks in the United States." Mr. Smith testified that he still believes this statement to be a fair characterization of the relationship between the networks and al-Qaida. He insisted that "there is a relationship that exists" and "the relationship is a cooperative one."

I pressed him:

> Does this "relationship" make the networks partners of our terrorist enemies, as you wrote? Do you really believe this, that they are partners?

Mr. Smith declined to provide a direct answer to that question.

I then asked him about his rhetorical question:

> What if one of the networks had taken a stand and refused to air the [video of an American hostage] on the grounds that it was aiding and abetting the enemy, and that from this point forward it would not be a tool of terrorist propaganda?

Mr. Smith testified he does not believe that the networks aid and abet terrorism by showing film of hostages. He insists that he was "raising the point that you never know where this video comes from and that . . . simply because it plays on al-Jazeera does not mean that it should necessarily play on any given network."

That is not being straight with the committee. That is not what his question clearly implied. There is only one implication from the question which he wrote, and that is that networks are aiding and abetting terrorism by airing this video. So if Mr. Smith does not believe this to be the case, it appears that Mr. Smith was willing to smear our television networks by implying something that he does not actually believe.

On December 13, 2005, the committee met with Mr. Smith in executive session to afford him a further opportunity to explain his position. And while I cannot quote from Mr. Smith's statements in closed session, I believe it is fair to say that it was consistent with his testimony in open session.

Mr. President, the free press in this country is not our enemy. Freedom of the press is not only guaranteed in our Bill of Rights, it is a fundamental part of what we stand for as a country. Every one of us disagrees with stories and characterizations that appear in the press from time to time, but to label our networks as partners with those who attacked us on September 11 is over the top, it is extreme, it is unacceptable, and it is not the kind of position that is going to be useful for a representative of the DOD with our media.

The Assistant Secretary of Defense for Public Affairs is the primary Department of Defense official responsible for providing timely and accurate information to the press and to the public about the activities of the Department of Defense. A person who believes that the U.S. media is the enemy is not the right person for this position. A person who shows a willingness to try to intimidate the press, to try to limit or color its cover, is not the right person to serve in this position. That is why I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my understanding that our distinguished colleague from Rhode Island will be addressing another matter.

Mr. LEVIN. No, this matter.

Mr. WARNER. Let me interject an observation or two, and then I will be happy to yield the floor.

Mr. President, the good Senator from Michigan and I have been partners on this committee now the 28th year and rarely do we have matters of—particularly with executive positions—difference because we screen them carefully. But on this one, we do. That is the way the system works.

I cannot impress upon my colleagues too strongly several points.

One, we did have an executive session, and I shall observe the confidentiality of that session, but I got quite a different impression when Senator LEVIN and I largely—I think Senator REED was present—cross-examined Mr. Smith very carefully. I felt he more or less acknowledged a better selection of words in hindsight he should have made.

In no way do I believe he was trying to smear the press. I think the best evidence I can produce for my colleagues that it wasn't sort of a smear is that, to the best of my knowledge—and I will put the question to all Members of the Senate, most particularly my distinguished ranking member—we did not receive—at least I did not—any comments from the media industry, individual stations, or trade associations, or anything else. I think they took this in stride as a 30-year veteran of their profession with great distinction.

Everybody makes an error now and then. Who among us on this floor has not made a public statement that he or she wishes perhaps they had couched in different words?

To deny this man the position of the Assistant Secretary for Public Affairs, having been nominated by the President of the United States, having really been personally screened by the Secretary of Defense and others for the position—the Secretary of Defense, with whom I have discussed this matter, has total confidence in this individual. He has been performing in an acting capacity in the Department now for some period of time.

I urge my colleagues to look at the overall picture, but most importantly, is anybody going to stand up and say: Oh, no, this is what the media industry communicated with me, and for that reason I feel I should oppose the nomination? I don't think that evidence is before us.

That industry is tough, tough on itself, and it wants to maintain its reputation. The industry, as such, has accepted this as an event which happens to all of us who speak in public life.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. REED. Mr. President, I stand to support the position of Senator LEVIN with respect to the nomination of Dorrance Smith to be Assistant Secretary of Defense for Public Affairs. I, too, participated in his hearings. I listened to Mr. Smith, and I think he lacks the judgment necessary to be the Assistant Secretary of Defense for Public Affairs.

Senator LEVIN has quoted the Wall Street Journal op-ed piece. This was not the example of making an offhand statement. This is not the situation where someone was being quizzed and extemporaneously suggested something that later one regrets. This was a very carefully crafted editorial which was sent to the Wall Street Journal for publication. In it, Mr. Smith says:

> Osama bin Laden, Abu Musab al-Zarqawi, and al Qaeda have a partner in al-Jazeera and, by extension, most networks in the U.S.

Mr. President, can you think of a more provocative and a more incendiary comment, to suggest that anyone is equivalent, by extension, to bin Laden and al-Zarqawi? That is essentially what he said about the media in the United States. I believe it represents extremely poor judgment. Perhaps that is why he is getting the job, because we have heard before these very loose suggestions that somebody is just like Zarqawi, somebody is just like that.

We also heard coming out of the Department of Defense the notion that we have problems not because of strategic mistakes that have been made, we have problems because the media just doesn't get the story right. This may be part of their approach to the media, but I don't think it represents the judgment necessary for an individual to discharge the responsibilities of that nature for the United States and the Department of Defense.

The other point is that Mr. Smith later went on to say:

> Al-Jazeera continues to broadcast because it reportedly receives $100 million a year from the government of Qatar. Without this subsidy it would be off the air, off the Internet and out of business. So, does Qatar's funding of al-Jazeera constitute state sponsorship of terrorism?
>
> As long as al-Jazeera continues to practice in cahoots with terrorists while we are at war, should the U.S. Government maintain normal relations with Qatar? . . . Should the U.S. not adopt a hard-line position about doing business with Qatar as long as al-Jazeera is doing business with terrorists?

All of these quotes are from the Wall Street Journal article.

I think what he fails to recognize is that Qatar is a major base of American military operations in the region. I asked at the hearing if he seriously thinks we ought to break diplomatic relations to Qatar. The answer was rather unsatisfactory, sort of: I was just posing a question. But these are the kinds of provocative questions that suggest he doesn't have the judgment to do the job.

Let me just suggest our involvement with Qatar. Qatar has invested over $1 billion to build Al-Udeid Air Base, one of our principal air operations in the region. There are 2,200 U.S. air men and women stationed today at that airbase. During our operations in Afghanistan, that number was over 4,000.

U.S. military flights leave and arrive from Iraq every single day going into Qatar. All of us on the Armed Services Committee have traveled in Qatar, have stayed in Qatar, have visited with the Government of Qatar, and to suggest, even rhetorically, that we should consider abandoning our normal relations with Qatar is absurd.

This was not some cocktail-party comment where he was just thinking out loud; this was a very well-crafted editorial. Again, it just goes to my conclusion that he lacks judgment.

It is a very intricate arrangement we have with the Government of Qatar. Yes, they do support al-Jazeera. Al-Jazeera is not an entity that is trying to promote American interests in the region. That is clear. But we have to recognize not just the simple black-and-white comic book approaches to policy but the reality of our engagement with Qatar, their support of our operations, and the essential facilities that are there. Statements such as these are totally, in my mind, indefensible and demonstrate a gross lack of judgment. That is not the kind of individual we want in a position that is supposedly designed to craft a policy that will, through ideas and engagement, get the people of this region to be supportive of the United States and its policies. So I join my colleague in opposing this nomination.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know of no other Senator who is going to speak with regard to Mr. Smith.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield? I don't know how much time I used on the previous comments.

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. LEVIN. I yield myself 2 minutes more on Mr. Smith.

Mr. President, I have no better friend in the Senate, nor have I ever had a better friend in the Senate than JOHN WARNER. I know of no finer Senator and no finer gentleman. We have a disagreement on this nomination, and we respect each other's points of view.

As he has pointed out, we have been partners, and we are partners. And the use of the word by Mr. Smith, "partner," carries very special meaning. For him to say in writing, in a prepared op-ed piece, that Osama bin Laden and al-Qaida have a partner in al-Jazeera and, by extension, most networks in the United States—and he rattles them off: ABC, NBC, CBS, FOX, CNN, and MSNBC—is absolutely indefensible, it is extreme, it is over the top, and it is unbecoming somebody who is going to be representing the Department of Defense with the media.

If any one of us had said this on the Senate floor, that FOX News is a partner with the people who attacked us on

9/11, we would think that person not only owed FOX an apology but would probably owe every single victim of 9/11 an apology. I find this such an extreme statement. And the use of the term "partner" and his defense of that when we pressed him on it I find to be one of the most extreme, irresponsible, and reckless kinds of statements anyone can make. Again, I will defend Mr. SMITH's right to make it; that is not the issue here. He can write any article in the Wall Street Journal or any other paper and I will defend his right to do so. But the issue here is whether someone who has this position—this position—on the issue of whether tapes of al-Jazeera should be played on American television is, it seems to me, the wrong representative for our Department of Defense.

I want to thank my friend from Virginia. As always, he is putting differences in context. We have very few of them, and when we do have them, we deal with them with great respect for each other and our points of view, and I will always not only admire him for that, but always relish this particular relationship which we have had for so many years.

Mr. WARNER. Mr. President, I thank my long-time friend and good colleague for his thoughtful remarks, and I assure you, I offer the same long-term feelings for you. But in this instance, I come back to the simple proposition that there is not a one of us who has not at times in our public career uttered or written statements that we wish we could have revised. I felt in executive session he was sufficiently contrite and acknowledged that he still has the basic concerns about al-Jazeera, and I share those concerns, but a better choice of words might have avoided it. Then all of the networks he enumerated, I didn't get any communications on it from any of them.

I suggest at this time, so that we can move and accommodate all of our colleagues—and I am very grateful to the majority leader and the Democratic leader for allowing these nominations to be acted upon today. For all Members, last night, I am pleased to say, we voice voted the Deputy Secretary of Defense Gordon England, so we made good progress in putting into position those persons who have been designated by the President for the Department of Defense.

NOMINATION OF PETER CYRIL WYCHE FLORY TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. WARNER. We now turn to Peter C.W. Flory who became the principal Deputy Assistant Secretary of Defense for International Security Affairs in 2001. In this capacity he serves as the principal assistant to the Assistant Secretary of International Security Affairs who is the principal adviser to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East, the Persian Gulf, Africa, and Latin America. I wish to put further facts regarding this distinguished gentleman into the RECORD, but I am very anxious to keep the momentum. I think the concern of my colleague can be best expressed by himself momentarily, perhaps not to Mr. Flory himself but to the matter of process, and that process is an issue that in some respects I share with my distinguished colleague.

I yield the floor.

Mr. LEVIN. Mr. President, how many minutes remain?

The PRESIDING OFFICER. There is 14 minutes remaining.

Mr. LEVIN. Mr. President, I want to explain to my colleagues why the Senate should not proceed to the nomination of Peter Flory to be the Assistant Secretary of Defense for International Security Policy.

At its core, this is an issue of the executive branch refusing to provide the Senate with documents that are relevant to the confirmation proceeding.

This issue dates back to the summer of 2003 when I directed the minority staff of the Committee on Armed Services to conduct an inquiry into the flawed intelligence prior to the war in Iraq. As part of that inquiry, I wrote a request to the Department of Defense in November of 2003 seeking documents relating to the activities of the Office of Under Secretary of Defense for Policy Douglas Feith concerning Iraq. Mr. Flory was a part of that office. It took 18 months of struggle to get as many documents as I could. I did not receive all the documents that were relevant to the inquiry and which are now relevant to the Flory nomination.

The Department of Defense has refused to produce key documents regarding the efforts of that office to develop and disseminate an alternative intelligence assessment which exaggerated the relationship between Iraq and al-Qaida. That assessment went directly to senior administration policymakers, bypassing the ordinary intelligence community procedure. These documents are critical to understanding exaggerated statements which were made by senior administration officials that al-Qaida and Iraq were allies, despite the conclusion of the intelligence community that there was no such link between the two.

Here is the critical connection between the Feith office and Mr. Flory: Mr. Flory worked in the office of Under Secretary Feith at the time the alternative assessment was developed and disseminated. Some of the internal e-mails we have been able to obtain indicate Mr. Flory requested and received briefings on the collection of intelligence from the Iraqi National Congress in December 2002. The INC material should have been evaluated by the intelligence community and filtered through their screen. Instead, it went to the Feith policy shop, which included Mr. Flory.

Mr. Flory was also a member of Mr. Feith's briefing team which came to the Senate in June of 2003 to explain to the Senate Committee on Armed Services staff the origins and work of the Office of Special Plans and the Policy Counterterrorism Evaluation group. Those were the two entities within Secretary Feith's office that were very much involved in characterizing the prewar intelligence.

In addition to the denial of relevant documents, the inspector general of the Department of Defense is currently conducting a review to determine whether Mr. Feith's office conducted unauthorized, unlawful, or inappropriate intelligence activities. We do not know what, if anything, that review may reveal about the role Mr. Flory may have played in such activities. What we do know is that his name appears in a number of relevant documents we have been able to obtain so far.

Before the Senate proceeds to his nomination, the Defense Department should provide the documents they have previously denied, or resolve the matter in a satisfactory manner, and the inspector general's office should be allowed to complete its investigation of the activities of Under Secretary Feith's office. That investigation may shed additional light on Mr. Flory's activities. It may show absolutely nothing about Mr. Flory's activities, but we will have to await its conclusion to know.

This is not a case of blocking Mr. Flory from occupying the office to which he has been nominated. I want to emphasize this for our colleagues: Mr. Flory has received a recess appointment. He occupies the office. He is currently serving in the position to which he was nominated. So there should be no argument that we need to give up a vital institutional right to obtain documents relevant to our carrying out of our confirmation function. Again, Mr. Flory occupies the office to which he has been nominated. The issue here is whether we are going to have access to documents that are relevant or may be relevant to this nomination.

I want to provide a little bit of additional background and context for this issue to indicate the seriousness of these matters to this institution's obligations and responsibilities. In the period before the war, the intelligence community did not find a substantial link between Iraq and al-Qaida. The intelligence community stated that the relationship "appears to more closely resemble that of two independent actors trying to exploit each other," and that "al-Qaida, including bin Laden personally, and Saddam were leery of close cooperation." Nonetheless, senior administration officials alleged at times that Iraq and al-Qaida were "allies" and that there was a close connection and cooperative context between Iraqi officials and members of al-Qaida.

How could that happen? How could there be such a disconnect between what the intelligence community believed and what some of the senior administration officials were saying? For one thing, there is evidence that there was an alternative intelligence assessment, an alternative assessment that did not go through the intelligence community or the CIA; an alternative assessment that was prepared by Under Secretary Feith and his office, and that this was an important source for those administration statements. For example, the Vice President specifically stated that an article based on a leaked version of the Feith shop analysis was the "best source of information" on this issue. The Feith assessment was presented directly to senior administration officials by Secretary Feith, including White House officials, a very different assessment from that of the CIA.

This issue of the alleged Iraq-al-Qaida connection was central to the administration's efforts to make its case for war against Iraq. And according to public opinion polling, more than 60 percent of Americans believed there was a connection between Saddam and the horrific attacks of 9/11, although there has never been any evidence of such a connection. The Feith operation product, which bypassed the intelligence community, went directly to top leaders and, it quite clearly appears, had a major impact on the lives of Americans and on the course of events in Iraq.

The process of seeking the relevant documents on this matter from the Department of Defense has been painfully slow and laborious. I have written many letters and raised the issue of the Department's insufficient response and slow response on numerous occasions. I have also raised the issue at hearings of the Committee on Armed Services with senior Defense Department officials. I raised it with Mr. Flory at his nomination hearing in July 2004, but the Department was still slow to respond. Sometimes the Department of Defense indicated there were no additional documents responsive to my request, only to be followed by acknowledgments that there were more documents. Documents were dribbled out. It was always a struggle. This chart behind me indicates the list of some of the efforts that were made to get documents relating to the Feith operation of which Mr. Flory was a part, and some of the documents that we have been able to receive in which Mr. Flory is named.

I finally met with Acting Deputy Secretary of Defense Gordon England in June of 2005 to discuss the documents I was seeking. Secretary England was able to provide a large number of additional documents in July. He also stated at that time they were the last documents the Department would release, and that there were 58 additional documents the Department would not release. So that is what it came down to: 58 documents that they have, responsive to my continuing requests, which may—may—like some of the documents we did receive, relate to Mr. Flory. We don't know until we get the documents. We have a right to the documents. The Senate, to the last person, should insist upon relevant documents. This should be an institutional issue where we all defend each other's rights to get documents that are relevant to a confirmation.

In late July 2005, I offered to lift my objection to proceeding with the Flory nomination if the administration would simply provide a list of the 58 documents they are not going to provide. Just give us the list, together with an indication that the President's senior advisors would recommend that he invoke executive privilege with regard to these documents, because that is what we were told orally. All we wanted was the accounting, the inventory. We didn't need the substance. Just tell us: What are the 58 documents? Who wrote whom on what date? Don't give us the substance, we will get along without that, providing you tell us that senior administration officials are going to recommend to the President that executive privilege be asserted.

Defense Department officials, by the way, indicated their willingness to do this, but it was the administration that declined to agree.

Then Mr. Flory received a recess appointment. So once again, he is in office. By the way, I want to thank my friend from Virginia. He has tried on a number of occasions to help me obtain these documents.

The administration has had the opportunity to resolve this matter in a very simple way. It has chosen not to. I offered the compromise which I have just outlined that the administration finally rejected.

Mr. Flory was a Principal Deputy Assistant Secretary in the Feith office. That office produced an alternative intelligence assessment. That is No. 1. That is his connection to the Feith office.

Second, he is mentioned in a number of the documents which have been made available, and he participated in briefing the Senate Armed Services Committee on behalf of that office, relative to the subject matter we are talking about here today.

I have said that I believe the Senate as an institution should insist on access to documents which may be relevant to a confirmation process. This should not be a partisan issue. We have supported each other's rights to documents consistently. As long as I have been here, we have defended each other's rights to access to documents.

Senator McCAIN last year or the year before held up promotions and transfers of senior officers in the Air Force because the Department of Defense refused to provide information he sought which was relevant to a proposed Air Force lease of tanker aircraft. We supported him. He was right; he is entitled to that information.

We all supported the nominations, or most of us did. But it was the way in which he chose to obtain relevant information, and we—I think probably every member of the Armed Services Committee—stood up for his right to get documents. That is what this issue is about. Are we as an institution going to stand up for the right of Senators to get documents that are relevant to a confirmation process or which may be relevant to a confirmation process? That is the issue here.

The issue here is this body and what we have a right to, or whether the executive branch—and I don't care who is in the executive branch, Democrat or Republican—can stiff us, can stonewall us in terms of producing documents that may be relevant to a confirmation process.

There is example after example where Senators have taken the position that we should not vote on the confirmation of nominees until documents have been provided. In 1986, Senators said they didn't want to vote on the confirmation of William Rehnquist to be a Supreme Court Justice until after documents were provided. The administration finally provided the information.

Senator Helms in 1991 blocked the nomination of an ambassador until he received State Department cables in which one of Senator Helms' aides was accused of leaking U.S. intelligence to the Pinochet government.

Mr. President, how much time does Senator HARKIN have?

The PRESIDING OFFICER. Senator HARKIN has 10 minutes remaining.

Mr. LEVIN. He has indicated his willingness to me, and I ask unanimous consent, that I have 3 of those minutes at this time.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I will not object, but I wish to advise my colleague a number of my colleagues are on the tightest of schedules. I am proposing, on the conclusion of the debate on Flory, we immediately go to an up-or-down vote on Smith followed by a cloture vote on Flory. Is that understood?

Mr. LEVIN. That is the existing unanimous-consent agreement.

Mr. WARNER. If cloture is obtained, will the Senator be willing to have a voice vote on Flory?

Mr. LEVIN. If cloture is obtained, I would be willing. I have to make sure that is acceptable to others.

Mr. WARNER. We will reserve that for the leadership, but as manager that would be my position. I must impress upon colleagues—they are all here, those able to remain for the votes—in order to accommodate a great many, let us hold rigidly to the time schedules allocated for the votes.

Mr. LEVIN. I was perfectly content to have these votes occur immediately after the recess. I am the last one who wants to hold up our colleagues from leaving, and I will abide by the suggestion of the good Senator from Virginia.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 additional minutes.

Mr. LEVIN. Senators Helms, KENNEDY, JEFFORDS, all of us—not all of us, many of us at times—have said we should not vote on a nomination until relevant documents have been obtained by the interested Senator, relevant to that confirmation process. We have supported those Senators in getting those documents. It has been an institutional position that Senators should be able to get documents that relate to a confirmation of a particular nominee.

These are documents which relate to this nomination or may relate to this confirmation process. We don't know until we see the documents, but we do know two things, that Mr. Flory was a Principal Deputy Assistant Secretary in the Feith office and he was actively involved in the discussions and the matters to which these documents pertain and that he is named in a number of the documents we have been able to obtain as being involved in this subject matter. That much we know. That is more than enough, it seems to me, for this body to insist that these documents be made available before we vote on his confirmation.

Finally, he is in office now. We are not blocking him from going into that office. He got a recess appointment.

To reiterate, there is nothing novel or unique about holding up a nomination in order to obtain information that is being withheld by executive branch officials. This defense of Senate prerogatives goes back a long way, probably to our beginning.

In 1972, Senator Sam Ervin insisted that the Senate would not vote on the nomination of Richard Kleindienst to be Attorney General until the administration provided information on a deal to drop an antitrust case against ITT in return for a $400,000 campaign contribution. The administration eventually provided the information and the nomination was confirmed.

In 1991, Senator Helms blocked the nomination of George Fleming Jones to be U.S. Ambassador to Guyana until he received State Department cables in which one of Helms' aides was accused of leaking U.S. intelligence to the Pinochet government. The administration eventually provided the information and the nomination was confirmed.

In 2004, Senator JEFFORDS placed a hold on nominations for four top jobs at the Environmental Protection Agency because of 12 unmet requests for documents over the previous three years. The documents in question related to the Bush administration's changes to air pollution rules.

In short, the Senate has a longstanding practice of holding up nominations in order to obtain documents relevant to confirmation and oversight responsibilities. This has been done by Senators of both parties, in Senates controlled by both parties, and with administrations controlled by both parties.

It is in the interest of the Senate as a whole to uphold our right to documents. It is at times essential to our obtaining the information we need to do our jobs. All colleagues should protect the right of any colleague to documents relevant to a nominee in a confirmation process.

This information that we seek is directly relevant to the nomination of Mr. Flory. The entire Senate should, as an institutional matter, insist on access to the relevant information before we act on his nomination. We should speak with one Senatorial voice against executive branch stonewalling on access to relevant information.

Mr. Flory has received a recess appointment to the position to which he has been nominated. By refusing to act on his nomination until we receive this information, we are not preventing this individual from carrying out his executive duties. On the contrary, it is the Executive Branch which is obstructing the Senate's ability to carry out our confirmation responsibilities when they deny us relevant documents.

I hope every member of the Senate will stand together to defend the right of the Senate to have access to the relevant documents that bear on this nomination.

Mr. WARNER. Mr. President, by way of wrapup, Mr. Flory is nominated to be Assistant Secretary of Defense for International Security Policy.

Peter C.W. Flory, by recess appointment on August 2, 2005, became Assistant Secretary of Defense for International Security Policy. He previously served from 2001 to the present as the principal assistant to the Assistant Secretary for International Security Affairs, who is the principal advisor to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East and Persian Gulf, Africa, and Latin America.

From April 1997 to July 2001, Mr. Flory was Chief Investigative Counsel and Special Counsel to the Senate Select Committee on Intelligence, SSCI. Mr. Flory had responsibility for the People's Republic of China and other regional issues, as well as counterintelligence, covert action, denial and deception, and other intelligence oversight matters.

An Honors Graduate of McGill University, Mr. Flory received his law degree from Georgetown University Law Center. After working as a journalist, he served as a national security advisor to Members of the House Foreign Affairs Committee and Senate Defense Appropriations Subcommittee. From 1989 to 1992, Mr. Flory served as the Special Assistant to Under Secretary of Defense for Policy Paul D. Wolfowitz. From 1992 to 1993, he was an Associate Coordinator for Counter-Terrorism in the Department of State with the rank of Deputy Assistant Secretary. From 1993 until he joined the SSCI staff in 1997, Mr. Flory practiced law with the firm of Hughes, Hubbard & Reed LLP.

Mr. Flory speaks German and French. He and his wife Kathleen have six children, and reside in Nokesville, Virginia.

I would simply conclude, this is somewhat of a dilemma for those not following it. This man is eminently qualified to discharge the responsibilities to which the President has nominated him. There is no doubt in my mind.

I have worked with my colleague. I will continue to work with my colleague. It is no different than other chairmen and ranking members, irrespective of party. We are always in a push-pull contest with the executive branch regarding the documents we need to perform oversight. I do not in any way disparage or criticize my colleague's observations. I think he is meticulously correct in what he has set forward to the Chamber. But the problem is, I am not sure this gentleman was party to in any way the obstruction of those documents coming forward. Those decisions primarily were made by his superiors. I think it would penalize him for actions of superiors, which superiors were acting as they believed in the best interests of the United States, and within the parameters of the time-honored traditions between the executive and legislative branches about the privacy of certain documents.

I hope now we could move on. I see my friend, the Senator from Rhode Island. Does he have a few concluding words?

Mr. LEVIN. If the Senator will yield, and I apologize for being distracted and not able to hear the Senator, but apparently it was announced already that this would be the last vote today. I think we have to leave it at that.

Mr. WARNER. Wait a minute. I must get from my side a clarification on that. My understanding is there were two votes.

Mr. LEVIN. The last two votes today.

Mr. WARNER. You said the last vote. Let's be clear.

Mr. LEVIN. I apologize. I think the Senator is correct. It has been announced these will be the last two votes, depending on the outcome of the second vote.

Mr. WARNER. We could consequently have a voice vote. I doubt if it will be necessary.

Mr. LEVIN. Let me see if we can accomplish that. Mr. WARNER. I see the Senator from Rhode Island.

Mr. REED. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. REED. I do not intend to take all that time, but I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Mr. President, there are two issues with respect to Mr. Flory. The first is access to documents which are necessary for the Senate to do its job. We can't formulate policy, we can't draft legislation, we can't properly review the activities of the Department of Defense if we are denied critical information. This Defense Department persistently, constantly denies information of that sort. This is something about which Senator LEVIN has made the point very well, made the point about his attempts to get information with respect to issues that touch on the activities of Mr. Flory and the activities of others. Senator LEVIN has been denied. Without any justification, without any legal precedent, they simply said we are not giving it to you—and that is outrageous.

Frankly, because we have acquiesced in this policy over many years, we have not done our job in the Senate. We allowed this Defense Department to take military forces to war without a plan for occupation because we didn't ask—demand that they give us the information in that plan. We have done this repeatedly. It has to stop because it has real consequences in the activities of our military and the effect on these young men and women across the globe. We have to do our job. Our job begins with getting this type of information.

It is outrageous that we continue to sit here and literally beg the Defense Department to give us information that is rightfully ours because of our responsibilities under the Constitution to supervise the activities of the Department of Defense. That is point No. 1.

Point No. 2 is Mr. Flory, by his own job description, was involved with the formulation and coordination of international security strategy and policy for several areas including the Middle East in 2001. As Senator LEVIN pointed out, he was part of this team that developed this alternate intelligence view—alternate in the sense that it was inaccurate, grossly inaccurate.

Now we propose to promote him. There are millions of Americans who are wondering who planned this operation in Iraq so poorly. And if they find out, it is not to give these individuals a promotion. There is real responsibility here and that is the other point I find very difficult to accept. No one seems to be accountable for palpable mistakes that have been made by the Department of Defense in the conduct of these operations—not the Secretary of Defense, not the new Secretary of State, who was the National Security Advisor—and now we are promoting someone who is deeply involved in the Feith operation that created the alternate intelligence view that was at dramatic odds with the intelligence community, with the suggestion that there were serious links between Saddam Hussein, al-Qaida, and other terrorist groups.

I think on both these points we should not proceed to this nomination. We have to have the information necessary to do our jobs. If we do not, we are not doing our jobs. We are not doing our duty. Today I hope is an opportunity to focus attention on, No. 1, the fact we need the information from the Department of Defense, and also I think it is about time someone is held in some degree responsible for errors that have been made by the Department of Defense.

I yield my time.

The PRESIDING OFFICER. The Senator yields.

VOTE ON NOMINATION OF DORRANCE SMITH

Mr. WARNER. Mr. President, I ask for the yeas and nays on the nomination of Dorrance Smith.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 34, as follows:

[Rollcall Vote No. 91 Ex.]

YEAS—59

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—34

Akaka
Baucus
Bayh
Bingaman
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Lautenberg
Leahy
Levin
Menendez
Mikulski
Nelson (FL)
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—7

Biden
Boxer
Brownback
Murray
Roberts
Rockefeller
Stevens

The nomination was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

NOMINATION OF PETER CYRIL WYCHE FLORY TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. WARNER. I urge we proceed immediately to the second vote, a cloture vote on Peter Flory.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Cyril Wyche Flory to be an Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, Robert F. Bennett, John Thune.

Mr. WARNER. Mr. President, this will be the last recorded vote of the day. There could be a voice vote subsequently, but this will be the last recorded vote for the record.

Mr. LEVIN. Whether cloture is invoked or not, we have agreed this will be the last vote.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRARY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted--yeas 52, nays 41, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Bingaman
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—7

Biden
Boxer
Brownback
Murray
Roberts
Rockefeller
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. WARNER. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2600 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate the courtesy of my friends, the distinguished Senator from Oregon and the leader, Senator BYRD, for allowing me to speak for a few minutes. He has been waiting a long time.

LEAK OF CLASSIFIED INFORMATION

Mr. REID. Mr. President, yesterday the American people received the shocking news that the Vice President's former chief of staff, Scooter Libby, may have acted on direct orders from President Bush when he leaked classified intelligence information to reporters. It is an understatement to say that this is a serious allegation with national security consequences. It directly contradicts previous statements made by the President. It continues a pattern of misleading America by this Bush White House. It raises somber and troubling questions about the Bush administration's candor with Congress and the American people.

Today, I come to the floor to request answers on behalf of our troops, their families, and the American people. For years President Bush has denied knowing about conversations between his top aides and Washington reporters, conversations where his aides, like Scooter Libby, sought to justify the war in Iraq and discredit the White House's critics by leaking national security secrets. In fact, President Bush is on record clearly, in September of 2003, as saying:

> I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it, and we'll take appropriate action.

Yesterday, we found there is much more to the story. According to court records, President Bush may have personally authorized the very leaks he denied knowing anything about. In light of this disturbing news, we need to hear from President Bush which of these is true: His comments in 2003 or the statements made by the Vice President's chief of staff. Only the President can put this matter to rest.

Harry Truman had on his desk in the Oval Office a plaque. It said: "The buck stops here." In George Bush's White House, perhaps he should put one that says: The leaks start here.

He, the President of the United States, must tell the American people whether President Bush's Oval Office is a place where the buck stops or the leaks start. This is a question he alone must answer, not a spokesman, not a statement, only the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I, too, thank the Senator from West Virginia for his courtesy. I ask unanimous consent to speak this afternoon for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WITHDRAWAL OF U.S. TROOPS FROM IRAQ

Mr. WYDEN. Mr. President, I rise to offer a simple proposition: Congress should act like a coequal branch of Government and vote on whether to keep American troops in Iraq for at least 3 more years. Late last month, the President told the American people that it is his intent to keep American soldiers in Iraq through the end of his term in office. He has never before made such a sweeping commitment. When the Senate voted in October of 2002 to send troops to Iraq, few Americans believed then that the U.S. military would be in Iraq in 2006, let alone 2009 or beyond. Based on what the Bush administration said then, Americans would be justified in thinking that by now Iraq would be free and democratic. Based on what the Bush administration said then, Americans would be justified in thinking that by now Iraq would be stable and self-supporting. Based on what the Bush administration said then, Americans would be justified in thinking that by now the vast majority of U.S. forces, if not all of them, would be safely back home.

Unfortunately, the rosy forecast put out by the White House and the Pentagon in 2002 perished in the harsh reality of Iraq.

The failure to plan for the post-war period has thus far created less security for the world, greater heartache for Iraq, and extraordinary costs for America.

As of today, neither the American people nor the Congress knows how the President intends to get American troops out of Iraq. Instead, virtually every day, the administration offers a new theory for how discouraging events on the ground in Iraq are actually positive signs.

Here is what is indisputable: 2,348 American soldiers are dead, 17,469 are injured, and 262 billion taxpayer dollars have been spent.

If our troops remain in Iraq for at least 3 more years, how many more will die, how many more will be injured? How many more hundreds of billions of dollars will it cost?

By all accounts, the insurgency remains strong and is constantly attacking and killing American soldiers, Iraqi soldiers, and Iraqi civilians. Every day there is another bombing, another brutal image on the TV that reflects the chaos that passes for an average day in Iraq.

Sectarian violence is rampant. The ethnic strife is so grave that Shiites and Sunnis living in mixed neighborhoods are fleeing for the safety of ethnic enclaves.

In recent months, there have been more and more groups of bodies found—hands bound, shot in the back of the head or beheaded—and many Iraqis have come to believe that their own Iraqi Interior Ministry is participating in these death squad-style killings.

According to Ambassador Khalilzad, the "potential is there" for all-out civil war. That, my friends, is an understatement. As former Prime Minister Allawi concedes, a low-level civil war is already being waged in Iraq.

The so-called "enduring bases" that the Pentagon has built in Iraq certainly create the appearance that the Bush administration intends for the United States to occupy Iraq indefinitely, unnecessarily fostering ill-will among the Iraqi population and throughout the Arab world.

Oil production, household fuel availability, and electricity production are lower than they were 2 years ago. Iraqis have electricity half of each day. About 32 percent of Iraqis are unemployed.

The list of problems that plague Iraq goes on and on.

Supporters of the war tout the Iraqi forces that are standing up and taking responsibility for security. Yet it has been reported that not a single Iraqi security force battalion can operate without U.S. assistance. The Iraqi police force is plagued by absenteeism and militia infiltration. The level of incompetence is high enough that U.S. forces are reluctant to hand over their best weapons to the Iraqis.

You will also hear supporters of the war point to the three elections as proof of progress. Yes, there have been elections. But as the current impasse makes clear, elections are just the beginning. And while those elected have been deliberating for the past 3 months, unable to reach consensus over the makeup of the new Iraqi Government, insurgents have been exploiting the power vacuum to kill, to maim, and to instill terror and fear.

Supporters of the war will also point to our reconstruction efforts. But billions of reconstruction dollars have been misused, misspent, or lost by American contractors, like Halliburton, and Iraqi ministries, including the Ministry of Oil.

While in Iraq recently, as a member of the Senate Select Committee on Intelligence, I sat down with representatives of the Oil Ministry to discuss the issue of graft. After I repeatedly pointed to independent analyses documenting the serious corruption problems within the Iraqi oil sector, the Iraqi officials finally acknowledged that there were "small" problems with graft in this sector. Considering that oil accounts for more than 90 percent of the country's revenues, this ought to be extremely disturbing to Congress and people all across America.

Just as the President made the case to go to war, he owes it to Congress and the American people to come to Congress and lay out his plan and his budget for achieving a lasting peace in Iraq.

Congress owes it to the American people and the institution to vote.

If the President refuses to come to Congress in the coming weeks with his plan and his budget to win the peace in Iraq, Congress owes it to the American people to vote up or down on whether to keep American troops in Iraq for at least 3 more years.

The President's case for winning the peace in Iraq should address these concerns:

First, how the President can help make the Iraqis self-reliant so that they can defeat the deadly insurgency.

Second, how the President intends to help Shiite, Sunni, and Kurdish leaders break the political impasse so that they can form a unity government.

Third, how the President intends to pull the Iraqi people back from the brink of all-out civil war and the specter of another Rwanda or Darfur.

Fourth, how the President intends to help rebuild the Iraqi infrastructure and ensure that Iraqis have access to basic services like electricity and clean water.

And fifth, how the President intends to bring the troops home from Iraq.

If need be, to be sensitive to national security matters, I would not be averse to the Senate moving into Executive Session to consider portions of the President's plan and his budget for securing the peace in Iraq.

I simply ask the President to come to Congress and describe his plan and his budget specifically, and let Congress consider its potential to succeed before the Congress, with its silence, consents to 3 more years of very costly involvement in Iraq.

The vote I call for today, if held, won't be about cutting-and-running. It won't be about who comes up with the best spin. It will be about holding the President and Congress accountable. The vote will hold the President accountable for presenting a plan and a budget for securing the peace. And the vote will hold Congress accountable by making it finally act like a co-equal branch of government.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon, who has just spoken, for what he has said. I shall read his speech carefully tonight, the Lord willing, the general theme of which I am in accordance with. His was a speech that had to be said and ought to be said. It was in his words. I might have made it with a change or two. But we are together, as we were when the Senator and I joined the immortal spirits of the 23 who on that day cast the most important vote that I have ever cast in my 48 years now in the U.S. Senate.

EASTER WEEK

Mr. BYRD. Mr. President, this Sunday, April 9, is Palm Sunday, thank God. It marks the beginning of the Christian holy week and Easter. The Senate will recess today so that Members might celebrate this holy week in the home churches, among their families, friends, and constituents. Before we adjourn, I would like to give a little consideration to those world-shaping events of some 2,000 years ago.

Whether one counts himself or herself as a Christian of any denomination or a follower of any other faith, one must admit that the man, the person, at the center of the Easter celebration was and is a figure of historical import, just as are the founding figures of the rest of the world's religions. There are today, by some estimates, approximately 2.1 billion Christians of all denominations, more than any other religious affiliation, and almost twice as many as those who describe themselves as secular, nonreligious, agnostic, or atheist—1.1 billion. By way of contrast, there are approximately 1.3 billion adherents of Islam and just 14 million of Jesus' Jewish faith. That one man's example and teachings have affected so many people so deeply and for so many years is a testament to his faith.

On Palm Sunday, a rabbi from Galilee, whom we know best today as Jesus, made a public entrance into Jerusalem to celebrate the Jewish holiday of Passover.

In doing so, Jesus surely knew what was in store for Him. He knew—He knew—He was a wanted man. He knew He was a wanted man—He knew it—marked for arrest by the civil authorities who feared that He would incite a rebellion that would lead to Roman occupation and unprotected by religious authorities who feared His teachings and who could not countenance His refusal to deny being more than human. But still He came. Still He came and the people cheered and threw palm leaves, a symbol of triumph and the national symbol of an independent Palestine, before his path. What a remarkable act of faith. What a remarkable act of faith to come willingly to one's tragic end, seeing through the suffering to the miracle of resurrection. The miracle; the miracle of resurrection. What a remarkable act of courage, to remain silent and smiling at the people He knew would not or could not aid Him in His final hours.

Some 2,000 years later, those 2.1 billion Christians around the world commemorate Jesus' final entry into Jerusalem by making crosses out of palm fronds, combining the triumphant entrance with the lasting image of Jesus Christ on the cross.

By Thursday, called Maundy Thursday or Holy Thursday, Jesus' freedom ended after His last meal, when He was arrested and imprisoned, betrayed—yes, betrayed—by Judas for 30 pieces of silver. Foreknowledge could not have made those fateful moments any easier to bear. On Good Friday, Christians will solemnly remember His suffering and death upon the cross. Candles and lights will be extinguished in memory of His final hours. Good Friday remains a sad, dark day despite the knowledge of His resurrection to leaven the terrible suffering He endured.

Holy Saturday is a day of vigil, as Christians figuratively keep watch over Christ's tomb and await the glorious resurrection to come. And Easter Sunday, or Resurrection Sunday, is a joyful, glorious day of reaffirmed faith, of promises kept, of hope restored.

I read now from the Book of St. Matthew, the 28th chapter, the first through the seventh verses, the King James version of the Holy Bible:

> In the end of the sabbath, as it began to dawn toward the first day of the week, came Mary Magdalene and the other Mary to see the sepulchre.
>
> And, behold, there was a great earthquake: for the angel of the Lord descended from heaven, and came and rolled back the stone from the door, and sat upon it.
>
> His countenance was like lightening, and his raiment white as snow:
>
> And for fear of him the keepers did shake, and became as dead men.
>
> And the angel answered and said unto the women, Fear not ye: for I know that ye seek Jesus, which was crucified.
>
> He is not here: for he is risen, as he said. Come, see the place where [Jesus] lay.

The scriptures say:

> Come, see the place where the Lord lay.
>
> And go quickly, and tell his disciples that he is risen from the dead; and, behold, He "goeth before you into Galilee; there shall ye see Him: Lo, I have told you."

For the next 40 days, Christ proved to his followers that He had, indeed, risen from the dead. Then He ascended into Heaven, fulfilling the final promise of His wondrous life. As John 3:16 so beautifully summed up the central promise of the Christian faith, "For God so loved the world, that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life." In Jesus' resurrection and ascension, God offers the greatest and only proof of His love and His promise that in death, there is life in faith. That—that, not chocolate bunnies and colorful eggs—is the great gift of Easter. Its comfort and solace linger on in the soul even longer than chocolate does on the lips. It warms us even more during sad times—yes—than does the spring sun after a cold and cheerless winter.

And so it is because of this great gift, this promise—yes, this promise of everlasting life and the heart-searing proof through sacrifice that Christianity survived the passing of its founder. Nearly 2,000 years later, the words and example of the Rabbi from Galilee motivate and support over 2 billion—over 2 billion—people around the world. Governments have tried to stamp Him out, but still He endures in the hearts of His devout followers. Technology has tried to distract us, but still His word—yes, his word—beckons. I am sure that whatever trials and tribulations lie ahead, His teachings and faith will offer comfort and hope no matter how bleak the future might appear. In all of the moments of our lives, large and small, joyful and desolate, triumphant and abject, He—yes, He is there at our side with support and hope. I do feel for those 1.2 billion people who do not have faith to sustain them and give them strength. It is a deep, deep well of support and nourishment for the weary soul—for the weary soul.

Mr. President, I close my speech with the words of Henry Wadsworth Longfellow from his poem "Christus: A Mystery." In the poem, Prince Henry is speaking to Elsie as they cross the square:

> This is the day, when from the dead our Lord arose; and everywhere, out of their darkness and despair, triumphant over fears and foes, the hearts of his disciples rose, when to the women, standing near, the angel in shining vesture said, "The Lord is risen; He is not here!" And, mindful that the day is come, on all the hearths in Christendom the fires are quenched, to be again rekindled from the sun, that high is dancing in the cloudless sky. The churches are all decked with flowers, the salutations among men are but the Angel's words divine, "Christ is arisen!" And the bells catch the glad murmur, as it swells, and chant together in their towers. All hearts are glad; and free from care the faces of the people shine. See what a crowd is in the square, gayly and gallantly arrayed!

Mr. President, let me close—and I hope I have not imposed too long on the Senate and on my friends who may have been waiting—let me close with these words spoken by William Jennings Bryan in his speech on immortality. Now is the time to think about it. That is what Easter is: the promise of immortality.

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn, and make it burst forth from its prison walls again in the mighty Oak, will He leave neglected in the Earth the soul of man, who was made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He withhold all the words of hope from the sons of men when the frosts of winter come? If Matter, mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation after a brief visit to this tenement of clay?

No.

> Rather, let us believe that He who, in his apparent prodigality, wastes not the raindrop, the blade of grass, or the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal.

Amen.

IN THANKS TO JAY AND SHARON ROCKEFELLER

Mr. President, at this time of Easter, at this time of rejoicing in the promise of eternal life, I also rejoice in the friendship that I share with my colleague from West Virginia, Senator JAY ROCKEFELLER, and his lovely wife, Sharon. JAY and Sharon Rockefeller are jewels. They have always opened their doors and their hearts to me and to my darling wife, Erma.

For more than 20 years, JAY ROCKEFELLER and I have worked in partnership for the people of West Virginia. There have been good times and bad; moments of great joy and moments of great hardship. But at each turn, we have stood together for our State, the Mountain State, West Virginia, where Mountaineers are always free.

In the past few years, when my wife battled against illness, JAY ROCKEFELLER always took the time to ask about her. He and Sharon always wanted to know how Erma was. Stand her side-by-side with JAY, and Erma probably didn't reach his chest. But she had a place in his and Sharon's heart, just as he and Sharon did in hers.

Today, Senator JAY ROCKEFELLER is recovering from back surgery. He has missed some time in the Senate, and we have missed him here. I know that JAY will be back on his feet soon. And, when he walks through the Senate door, I shall welcome him with open arms.

I wish Senator JAY ROCKEFELLER and his charming wife, Sharon, a most blessed Easter, and I thank them for their long and warm friendship toward Erma and me.

I thank all Senators, and I yield the floor.

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING PAUL COVERDELL

Mr. CHAMBLISS. Mr. President, I rise today with a little bit of sadness in my voice, but also with a lot of happiness about an occasion that is going to be taking place in about 30 minutes at the University of Georgia in Athens, GA, where I had hoped to be today, but, unfortunately, the business of the Senate required us to stay here. Today at 2 o'clock there will be a dedication of the Paul Coverdell Center for Biomedical and Health Sciences at the University of Georgia in Athens. This building is going to be named for a man who was not only a close friend of mine, but he was a close political ally.

He is a man who served in the Georgia Legislature for almost two decades and served in the U.S. Senate for 8 years, from 1992 to 2000, when, unfortunately, he died much too early as a result of a very sudden illness that he developed.

Paul Coverdell was a man of great vision, one of the hardest working individuals I have ever known in my life, and a man who truly believed in what was best for his country. He was a man who served, not just in the Senate in Washington, but he also was a director of the Peace Corps under President George Herbert Walker Bush. Today, President Bush and Mrs. Bush are in Athens to be the keynote speakers at the dedication of this building.

Paul Coverdell was a man who really took the Peace Corps to a different level. I was very pleased, along with a number of other Members of this body—particularly his close friend, Phil Gramm, the former Senator from Texas—and a number of other individuals who attended the dedication ceremony at the Old Executive Office Building in 2001, when President George W. Bush announced that we were naming the headquarters of the Peace Corps the Paul D. Coverdell Peace Corps Headquarters Building.

Paul had a great vision for biomedical science as well as research, so I think it is only fitting that today the building in Athens at the University of Georgia be named for him. Were it not for the hard work and the vision of another Member of this Senate, Senator Zell Miller, who succeeded Senator Coverdell, that probably would not have happened.

While it is sad to think of the fact that Paul is no longer with us, for him to be remembered as he is being remembered today, once again, on the campus of the University of Georgia, which is my alma mater, gives me a great feeling about carrying on the life, the vision, and the hope that Paul Coverdell had for our country.

His wife Nancy was very active in Paul's political life. She continues to be a very vivacious lady today. She happens to serve as the chairman of my military academy appointment committee, and does she ever do a terrific job. She is a great lady in and of herself, but Paul Coverdell was a special person.

He rose very rapidly in the leadership of the Senate after his election. He became the secretary of the conference and served his conference well. He served not only his Republican colleagues well, but he was an individual who, on virtually every occasion when he worked on an issue, reached across the aisle to Members on the Democratic side to make sure they were included in the process, and that his ideas and his visions for a greater America would always be shared and there would be cooperation with the folks on both sides of the aisle.

Today I stand with a little bit of a heavy heart but with a wonderful remembrance of a great friend, a man with whom I spent so much time, talking about not only politics. During the 8 years I served in the House, Paul was here in the Senate for most of those years. We had occasion to talk by telephone at least once a week. We made it a point to visit about things that were happening both in our State as well as here in Washington.

He is a man with whom I also had the opportunity to talk about life and about how to not only set examples, as Paul did—and I have always subscribed to but have never reached the level that Paul did—but he is a man who also just gave you a great feeling about the direction in which our country was headed.

When I had the opportunity to talk with Nancy Coverdell this morning, I expressed my significant disappointment in not being there today but, thank goodness, she being a wife of a former Member of the Senate, understood that our life up here is not controlled by our wishes and desires but oftentimes by people on both sides of the aisle. I am really pleased that we are once again honoring the name and the memory of Paul Coverdell with the dedication of this building on the campus of the University of Georgia today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, there has been a fairly lively debate. I ask unanimous consent I have such time as needed to make my remarks, should my remarks run more than 10 minutes, under the morning business rules. I need possibly 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Thank you, Mr. President.

IRAQ

Mr. LAUTENBERG. Mr. President, there has been almost a raging debate around here these last couple of days on evaluations of what is taking place in Iraq, where do we stand in this war—almost a war of attrition, as I see it.

And included in the reports on deaths, killings, this morning we heard about an explosion, with suicide bombers detonating a bomb in a mosque that killed around 40 people. It is almost a daily thing that we hear and see, the horror of families being torn apart by the loss of a loved one. Children, men, women, it does not matter. It is just universal killing and demolition. It is a terrible act to witness.

Now we have some different news that has come about to accompany those stories of horror from Iraq. Everybody now knows that the Vice President's former chief of staff, Scooter Libby, has been indicted as part of the investigation into the leak of classified material from the White House.

I remember when this controversy broke. President Bush acted incredulous that anyone would leak classified national security information. In fact, in September 2003, the President said:

> There's just too many leaks, and if there is a leak out of my administration, I want to know who it is.

But now we find out—I think embarrassingly for the President, embarrassingly for the United States—we now find out that the President himself was ordering a leak of classified material. And he leaked that classified information for political reasons. He was trying to undo some of the political damage caused by the disclosure that the intelligence community did not believe Iraq was trying to purchase uranium. There it was: the reason we went to Iraq in the first place, and substantial doubts.

People who supported that view are now challenging the intelligence that led us there, or at least the intelligence reports we got. Now, here we are, still bogged down in Iraq, with no hope in sight to fix the mess we have caused there.

Yesterday, there was debate between two of our colleagues. One was Senator KERRY, who served in Vietnam, decorated for that service, the other was the Senator from Colorado, who was harsh in his criticism of Senator KERRY's speech on Iraq.

Now, Senator KERRY and I are both veterans. I am a veteran of World War II, and I served in Europe during the war. His, again, distinguished service in Vietnam is well known. So we are both veterans, and we are very interested in the military analysis of the Senator from Colorado.

The speech of the Senator from Colorado sounded much like White House talking points: short on facts, long on innuendo and fantasy.

While politicians in Washington sometimes wear rose-colored glasses and fantasize about the situation in Iraq, American troops are dying, American troops are wounded. One need only visit Walter Reed Hospital to see how serious some of those wounds are. People have lost limbs. People lose their sight. People suffer very severely from post-traumatic stress, invisible wounds that penetrate, nevertheless, very deeply.

I have gone to many memorial services and funerals for young people from New Jersey who died in Iraq. Seventy-three soldiers from my home State of New Jersey have died in Iraq and Afghanistan. As I mentioned, I have visited Walter Reed Army Hospital here in Washington several times, and I have been struck by the incredible resilience and dedication to our country of those young Americans, those who want to be able to pick up arms again so they can do their duty. And while these brave men and women put their lives on the line, the administration is simply ignoring reality.

Paul Eaton, a former commanding general of the Coalition Military Assistance and Training Team, wrote in the New York Times on March 19, recently, that Secretary of Defense Donald Rumsfeld is—and here I quote the Times—"not competent to lead our armed forces."

Eaton further said that Rumsfeld "has shown himself incompetent strategically, operationally and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down."

This past Sunday on "Meet The Press," retired General Anthony Zinni, who just published a book, repeated the call for Mr. Rumsfeld to resign. General Zinni of the U.S. Marine Corps is a former Commander of the Central Command. He said Secretary Rumsfeld should be held accountable for tactical mistakes in Iraq.

I had the opportunity the other night to go to a testimonial for General Shalikashvili and saw films of him done with former Secretary of State Colin Powell, President Clinton—all kinds of testimonials. As I looked at General Shalikashvili, I recalled how splendidly he handled his assignment as the Chief of the joint members of the senior staff and recalled that he said that in Iraq we would need perhaps 300,000 troops or more. He was right. And we never delivered on that commitment. As a consequence, in many military circles it is believed that lack of force is responsible for some of the problems we currently see.

Several days after General Zinni spoke, President Bush dismissed calls for Rumsfeld to step down, saying he was "satisfied" with his performance.

How in the world can the Commander-in-Chief, President Bush, be satisfied with the situation in Iraq? It is chaotic. It is near a civil war. The definition of a "civil war" is that people within the same country are fighting one another. My gosh, it could not be clearer.

So how can he be satisfied with Secretary Rumsfeld's miscalculations, with his profound errors in judgment, with his stubborn unwillingness to admit mistakes?

These mistakes have had tragic consequences—tragic for the nearly 2,400 American men and women who have died in Iraq and Afghanistan, tragic for the families they have left behind.

To examine the incompetence a little bit further—I have not been in Iraq in the last couple of years. I was there then, and I met with troops, and they were asking for better body armor. They were asking for better Humvee armor. And it took 2 years to loosen up those products to protect our troops. How incompetent must one be for the President not to be up in arms?

After my visit, I said I was going to the Defense Department, and did, requesting expedited treatment for these articles that our troops needed to protect themselves and to fight the war fully.

We know that most of the claims of the Bush administration in the leadup to war were simply false. The administration claimed there was a connection between Saddam Hussein and al-Qaida. Not true.

The Bush administration claimed that there were weapons of mass destruction there. Not true.

The Bush administration claimed that the war would cost "in the range of 50 to 60 billion dollars." Not true. The wars in Iraq and Afghanistan, including the next supplemental to be brought before the Congress in coming weeks, will total a half a trillion dollars, nearly $7 billion a month spent just in Iraq.

The Bush administration said before the war the oil revenues from Iraq could bring "between 50 and 100 billion [dollars] over the course of the next two to three years." Not true again.

President Bush announced, "Mission accomplished," on May 1, 2003. He lulled the Nation into believing that it was all settled: Families, look forward to your kids coming home. Look forward to families restored. Look forward to fathers and mothers coming back to their children. He told the Nation that major combat in Iraq was over. Not true. Ninety percent of the Americans who have died in Iraq have died since combat operations had supposedly "ended."

The Bush administration claimed that the Iraq insurgency was in its "last throes." Not true. We know the insurgency has gained strength. General Abizaid recently said the number of foreign terrorists infiltrating Iraq has increased.

Since the last week of February, sectarian violence and death have reached new heights, while electricity production has dropped below prewar levels. Unemployment ranges from 30 to 60 percent.

The American people do not want their leader to deny reality. They want to hear the truth.

People on the floor of the Senate have heard me say it time and time again: I will never understand why the President of the United States refuses to let journalists, photographers, journalists who do photography, come in and take pictures of flag-draped coffins—flag-draped coffins. It is the country's last sign of honoring its dead. They are unable to take pictures of that because they do not want to tell the American people the truth about what is happening. It is, in my view, insulting to those families whose loved ones sacrificed their lives on the battlefield. Outrageous.

They do not want to tell us the truth. What they want to do is tell us untruths. Leaking information is inexcusable, when the penalties for anyone who leaks that information could be jail time.

The President of the United States, President Bush, under the guise of releasing the classification of sensitive material, had passed information, with Vice President CHENEY apparently being the person who furnished it, according to Libby, who is now fighting for his freedom. So he is saying things that he can prove, I would imagine; otherwise, he would not dare say it.

We are sick and tired of this war. I am not saying what the date is that we have to leave there, but I am saying that the date has passed for the truth, for knowing what is really happening there, for knowing what our troops and their families can expect.

Last week, I went to a return-home function in New Jersey, people who have come back. They were away, some of them, 18 months—little kids running around who haven't seen their fathers or mothers for that period of time. It is outrageous. We are in a state of confusion that defies imagination, that we, this country, with all of its might and all of its wealth, can't figure out some way to deal with this problem, after having made empty promises about how easy it was going to be—"treats and sweets" was one of the expressions used—totally misunderstanding, not thinking about what it was going to take, not only to fight this war but how do you win it. And winning it means that you go home triumphant. Not so.

We see in front of us a situation that reminds us of the sad days of Vietnam, when we wanted to extricate ourselves and couldn't quite do it until the pain was so excruciating that the population could no longer stand it. We need a leader who sees clearly what is really happening and who speaks candidly—we can take bad news; we don't like it, but we can take it—about what is taking place in front of our eyes on television and newspapers in our homes. We can take the news. We will accept it and fight on to rebuild our strength and our moral conviction about what we are doing. But we need to know the truth on how to do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hagel). Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, before I speak on the subject of immigration, I would like to make a couple of brief remarks, having noted the comments of the distinguished Senator from New Jersey about the difficult military struggle we are in today in Iraq. I wanted to make the observation that the distinguished Senator talked about his very honorable and distinguished service at another time and in another struggle during World War II. He speaks with shock and dismay—and it is a subject of great dismay—about the fact that there has been death and there are family separations and there are injuries as a result of the great sacrifice our men and women are making today in Iraq with great valor and distinction which we highly honor, just like he and others did in World War II.

The question is, Is it worth it? Are we in this matter of a war over there with a choice to do anything other than success?

What I didn't hear from the Senator was a solution, a plan, an idea of how he might extricate us from this effort differently. I believe the only way is to pursue it until its conclusion, when it is ultimately a peaceful and democratic Iraq. To do otherwise would do great harm to the honor of those who serve and those who have sacrificed.

IMMIGRATION

Mr. MARTINEZ. I turn now to a subject we have been involved in all this week, the subject of immigration. I am very pleased that Leader Frist and Chairman Specter have chosen to utilize the product of the good work of Senator Hagel for a number of years, for over 5 years, on this issue of immigration, an effort which I was glad to join in over the last couple of weeks and which now appears to be poised to be the basis of a sensible and reasonable compromise. I am pleased that this will be the vehicle which will be on the Senate floor when we return to this topic sometime in the next month. I am grateful to Senator McCain and Senator Kennedy for their leadership on this issue, for all the work they have done. Others who have worked with us on this—Senators Brownback, Graham, Salazar, and Lieberman—have all been a huge help as we tried to put together a way in which we can deal better with this complicated and very much broken down system of immigration.

We approach this issue by securing the borders, by dealing with a guest worker program, and by recognizing that the 1 million people who are in this country living under the radar, in the shadows, need a way out, need a way for us to welcome them into the mainstream of American life where they have now been, many of them, living for years and years, contributing, working, making a difference.

It does not give them amnesty. It requires a number of steps for them to go through. For those who have been here 2 years or less, it does not provide for them a vehicle to remain. For those who have been here 5 years or less, it requires that they return to a port of entry and make a legal entry into the United States before they can then follow a path toward normalized and regularized status.

The provisions of this bill have the support and encouragement of a large majority of the Senate. I hope over the next several days the procedural issues which prevented this matter from being voted upon, where I believe—and I know Senator Hagel believes—we would have had substantial majority support, will have a chance to be heard. I am still hopeful and optimistic. It is too important to the country. It is an issue that deserves a response. It deserves an answer and needs a solution.

I am very pleased to be working with the Presiding Officer on this issue. I hope in the next few days and weeks we will have an opportunity for full, fair debate and then a vote up or down on what is something of great need so we can engage with the House of Representatives in a conference committee and final resolution to this difficult issue for America.

I yield the floor.

The PRESIDING OFFICER. The distinguished assistant majority leader.

Mr. McCONNELL. Mr. President, let me commend the Senator from Florida and the occupant of the chair for their extraordinary leadership on this difficult issue the Senate has been wrestling with for the last couple of weeks. I join the Senator from Florida and the occupant of the chair, the distinguished Senator from Nebraska, in hoping that this issue will come back before the Senate and we will be able to deal with it in a comprehensive manner sometime in the very near future.

CONFERENCE ON THE PENSION REFORM BILL

Mr. REID. Mr. President, I am concerned with the lack of progress being made in conference on reaching a final agreement on the pension bill. To this point, little movement has been made to bridge the differences between the House and Senate bills.

This process does not need to be a partisan one. Throughout consideration of the pension bill, Democrats have worked with Republicans to move forward on pension reform. The Senate, working in a bipartisan manner, was able to produce a strong bill that passed by a vote of 97 to 2.

Democrats are eager to participate in the conference negotiations and are committed to enacting a strong pension reform bill. It is my hope that a conference agreement can be completed in a timely manner so that the uncertainty surrounding pensions can be resolved.

However, House Republicans seem intent on producing a bill without including Democrats. That would be unfortunate and is likely to produce a bill that fails to meet the principles supported by the Democratic caucus.

The Senate pension bill was crafted with bipartisan participation, and that approach produced a bill that received almost unanimous support in the Senate. Working together, the conferees can produce a conference agreement that would garner an equally strong vote.

Attached is a set of principles that our caucus has supported throughout consideration of this important bill. I believe these principles should be the basis for any agreement reported by the conference. I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The conference agreement should include balanced funding rules

The conference agreement should strike a proper balance between improving pension funding and keeping these plans an attractive benefit option for employers. While there is a trend away from defined benefit pension plans and this trend is likely to continue, rules should not be enacted that exacerbate this problem.

The key is to establish new rules that impose stronger funding requirements while maintaining incentives for employers to continue these plans. The Administration missed the mark on this. Their focus was primarily on the health of the PBGC and the ramifications for the future of defined benefit pension plans were considered collateral damage.

Democrats in the Senate share the concern over the PBGC's finances, but they also want help to preserve the traditional defined benefit system.

The conference agreement should protect older workers while clarifying the status of cash balance plans

As a type of defined benefit pension plan, cash balance plans contain protections for participants that Democrats support.

Cash balance plans are insured by the PBGC. They provide greater portability for workers. And they are more easily understood by participants.

On the other hand, some companies used conversions to cash balance plans to hide the fact that they were cutting benefits for workers. In some instances older workers saw their future pension accruals frozen for many years as a result of "wearaway" provisions of the new plans.

Recent court decisions on the legality of cash balance plans have created uncertainty for employers who maintain cash balance plans. Congress should clear up this uncertainty, but Senate Democrats will insist that rules be established to protect older workers.

The conference agreement should include targeted relief for troubled industries

The airline industry, and more importantly its workers, has faced difficult times the past few years. Those difficulties are likely to continue for some time.

In recognition of these difficulties, the Senate bill gives the airlines more time before the new stricter funding rules apply. This idea also has strong support in the House where a motion to instruct the House conferees to accept the Senate provision passed by a vote of 265–158.

The conference agreement must include relief to troubled industries.

The conference agreement should improve employer-based retirement savings plans

The Senate bill includes changes to defined contribution plans that address the problems uncovered as a result of the collapse of Enron.

These changes include getting better and timelier information to plan participants and giving participants greater ability to diversify away from employer stock.

The Senate bill also includes provisions allowing employers to incorporate automatic enrollment in their plans. The overwhelming evidence suggests that auto enrollment will significantly increase worker participation in DC plans.

Many 401(k) plan participants are looking for specific advice on how to invest their plan assets. Employers who would like to provide this to their employers are usually advised not to do so because it could subject the employer to liability for investment losses. The Senate bill provides employers relief from this liability so long as the investment advisors are independent.

The conference agreement should include reform of multiemployer pension plans

Multiemployer plans are defined benefit plans maintained by two or more employers. One in four pension plan participants are members of multiemployer plans.

Employers, employer associations, unions and multiemployer plans have worked together on a package of changes to improve multiemployer plan funding.

The conference agreement must include reforms that give these plans the tools they need to address their funding needs.

The conference agreement cannot include provisions that undermine patient's rights

At the 11th hour the House leadership inserted a special interest provision into the pension bill to benefit the insurance industry.

This provision would put insurance companies ahead of injured patients in any claim against wrongdoers.

The conference agreement should modernize ERISA without weakening worker protections

In the 32 years since ERISA was enacted it has served pension plan participants quite well. The Senate bill makes improvements to these rules while retaining important worker protections.

Conferees should be very cautious about going further than the Senate bill.

The financial strain facing pension plans makes it even more critical to retain provisions that guard against self dealing and conflicts of interest.

Recent scandals involving some mutual fund and other financial services providers highlights that these protections are vital to protecting our current and future retirees.

The conference agreement should be fiscally responsible

The Senate bill's cost is modest at $12 billion, attributable to the changes made to the funding rules and the cost of the automatic enrollment changes.

The House loaded up its pension reform bill with nearly $87 billion in tax cuts over the next ten years.

The Savers credit, which helps low- and middle income families save for retirement expires at the end of this year. It certainly should be extended, and is included in the list of expiring provisions that are part of the conference negotiations on the tax reconciliation bill.

The House also included permanent extension of the higher contribution limits for 401(k) plans and IRAs that were part of the 2001 tax cut bill. These provisions are popular, but they don't expire for another four years. There are many equally popular tax provisions that have already expired and should be considered first. For example, the research credit, the state and local sales tax deduction, the credit for hiring disadvantaged workers, and the deduction for classroom expenses paid by teachers have all already expired. Before we consider provisions that won't expire for another four years, we need to extend these important items.

The remaining tax cuts in the House bill relate to health care. Health care affordability is an important issue, which deserves to be addressed in its own right on a comprehensive basis, not piecemeal as an afterthought to this pension bill.

CFIUS REFORM LEGISLATION

Mr. REID. Mr. President, I wish to take a moment to acknowledge Senators SHELBY and SARBANES in their work to ensure national security is at the forefront of the critical Government review process that is triggered when a foreign-owned company attempts to purchase U.S. companies and assets. At the same time, Senators SHELBY and SARBANES struck a balance that will not unnecessarily hinder investment in America.

The Dubai Ports fiasco shined a light on a flawed process at the Committee on Foreign Investment in the United States—referred to as CFIUS. It raised questions regarding the competence of those in the Bush administration to review these matters and make decisions about the purchase of strategic U.S. assets. It also raised questions about a process that did not trigger a full investigation into a transaction that was so important to our national security.

Members of Congress, Governors, and even the President found out about the approval only through newspaper reports. Notwithstanding the President's knee-jerk threats to veto legislation overturning the deal and frantic efforts by the Treasury and Homeland Security to justify this sale, the American public is rightly convinced that something needs to be changed about the CFIUS process.

First, this process has to place a far greater emphasis on national security. Second, the process has to have more legitimacy—so the American public will have confidence that these sales of strategic assets get the thorough review they deserve by Government. Third, the CFIUS process must require a greater level of accountability from those who administer the program so that we ensure that the process is followed as designed. Finally, the process must be balanced to ensure that the vast majority of transactions that raise no concerns are not inadvertently undermined.

The Senate Banking Committee on Thursday voted to report legislation unanimously that would reform the CFIUS process. It was a difficult job. I commend Senators SHELBY and SARBANES for putting together bipartisan, consensus legislation that puts security first, while striking a balance that continues to welcome foreign investment. America has benefited a tremendous amount from foreign investment into our economy, so I am glad that we have not overreacted to the Bush administration's mistakes and mismanagement in their review of these important transactions.

As with other legislation we deal with, this legislation is not perfect. And, as it moves forward, I hope we can work together to make further improvements. I urge the majority leader to schedule floor consideration as soon as possible so that we can complete action on this bill before we adjourn this fall.

SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today to recognize several young people who were recently selected by the American Automobile Association, AAA, to receive the Lifesaver Award for their outstanding work as school safety patrollers.

More than 500,000 students in 50,000 schools worldwide participate in AAA's School Safety program. These young people have taken on the important responsibility of making the streets around their schools safer for their classmates. Though their responsibilities are often routine, the patrollers on occasion must place themselves in harm's way in order to save lives. Today, I want to recognize four students who received the AAA Lifesaver Award for selfless and heroic actions while fulfilling their duties as patrollers.

Nico DelGraco and Mitchell Davis of Simpson Elementary School in Bridgeport, WV, are the first two recipients of this year's awards. In the second week of November 2005, Nico and Mitchell were watching their patrol posts for traffic; a first-grader on his way home from school began to cross the street. As the student walked just past the center of the street, Nico noticed an SUV coming toward the red light that showed no signs of stopping. Nico quickly left his post, took hold of the child, and directed him toward Mitchell. Mitchell then grabbed the first-grader from Nico and dragged him back toward the sidewalk. No one was injured in the incident.

The third AAA Lifesaver Award recipient is Molly Kaiser, a fifth-grade student from Defer Elementary School in Grosse Pointe Park, MI. On the morning of November 9, 2005, Molly pulled a second-grader out of the street as a bus was turning. Molly had tried to verbally caution the student that he was in danger. After this was met with no response, she pulled the student out of the intersection and the path of the school bus that was making its turn. The bus swerved to avoid the child and drove on without stopping.

The fourth AAA Lifesaver Award recipient is also from the State of Michigan. Her name is Emma Elise Binegar, and she is a student at Morenci Elementary School in Morenci. On December 9, 2005, Emma quickly noticed that 5-year-old William Leeroy Webster was in danger as he was crossing the street in the path of a fast-approaching car. Emma saved him by pulling him out of the path of a vehicle about 10 feet away.

I would like to thank AAA for making the school safety program possible. The program has helped save many lives over the years and has made our schools safer for our students. As the stories of the Lifesaver Award recipients demonstrate, the streets around our schools are not safe enough. That is why I have worked for the last 2 years to create a national Safe Routes to School program, which was adopted as part of the Federal transportation bill on July 29, 2005. The $612 million allotted for the program can now help communities construct new bike lanes, pathways, and sidewalks, as well as to launch Safe Routes education and promotion campaigns in elementary and middle schools.

KATAHDIN IRONWORKS

Ms. COLLINS. Mr. President, I rise today to correct the record regarding conservation funding I secured last year under the Forest Legacy Program.

During debate on the fiscal year 2006 Interior Appropriations Act, I worked with Senator OLYMPIA SNOWE to obtain $4.5 million to protect 37,000 acres of forested land in my home state of Maine. I was very pleased that these crucial resources were allocated for this section of the 100-mile wilderness, which in addition to its natural beauty provides critical habitat to a variety of species, providing vital breeding, feeding, and resting grounds.

The site of a long-deserted factory, Katahdin Ironworks, marks the gateway to this treasured expanse of wooded land. It was from this notable Piscataquis County landmark that project supporters generated the name "Katahdin Ironworks Forest Legacy Program" to refer to this effort to protect and preserve this stretch of forest. As the old adage goes, so much is in a name. And this name has sparked unfounded criticism from colleagues and outside interest groups who have jumped to the assumption that funding secured for this project was to be utilized for the upkeep of an abandoned building. Today, I wish to set the record straight and assure my fellow Senators and other interested parties that this highly competitive program funding will be used to ensure the survival of thousands of acres of precious forest.

There are many things that make America great, but it is our commitment to safeguarding our open spaces and wooded lands that make us unique as an industrialized Nation. Sadly, the growing trend of urban sprawl, along with the increased pressure to exploit our natural resources, has placed the survival of these invaluable lands in jeopardy. General agreement that we must undertake conservation efforts to ensure the preservation of these precious natural landscapes for future generations has lead to the development of conservation programs like Forest Legacy. This initiative has afforded us a needed mechanism to facilitate the survival of these lands. Supported by the Wilderness Society, the Appalachian Trail Conservancy, and other respected environmental protection groups, the Forest Legacy Program enjoys a wide range of support among organizations committed to natural preservation causes.

Sadly, limited resources preclude our ability to defend all endangered wilderness areas through this program, and it thus remains appropriately competitive. For this reason, I was extremely pleased that both the President's budget and the Senate Appropriations Committee recognized the importance of maintaining this pristine wilderness in my home state, and included funding to protect it through tight Forest Legacy Program dollars. In fact, this project was recognized as one of the most meritorious in the country by a distinguished panel of experts at the United States Forest Service.

I am hopeful that through increased understanding of the Forest Legacy Program and a more accurate depiction of the Katahdin Ironworks project that my colleagues will appropriately recognize and appreciate my commitment to preserving our wooded lands.

"MEXICO AND THE MIGRATION PHENOMENON" DOCUMENT

Mr. DODD. Mr. President, yesterday I spoke about the need to pass a comprehensive immigration reform bill. In the course of those remarks, I described a document signed by all five of Mexico's Presidential candidates in the run-up to this July's Presidential elections in that country, as well as leaders from every major party in Mexico. That document makes clear that leaders on both sides of the border understand that border security is a fundamental necessity. I ask unanimous consent that the document, "Mexico and the Migration Phenomenon," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEXICO AND THE MIGRATION PHENOMENON

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entrance, return and transit of migrants are all present in our country.

Given the extent and the characteristics of today's migration phenomenon, which will continue in the immediate future and given the implications that it represents for our country's development, a new vision and a change are necessary in the way Mexican society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects in the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of shared responsibility, which acknowledges that both countries must do their share in order to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations intensified the dialogue and set in motion a process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon; these actions were taken with the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the link between migration and national security—mainly along the shared border—is now an essential issue of that agenda. On the other hand, the participation in the migration debate of varied political actors—especially legislators of both countries—has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform. represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the consequences that this process can have for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migratory issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded over shared diagnoses and platforms. Accordingly, the group has held a series of discussions titled Prospects and Design of Platforms for the Construction of a Mexican Migration Policy.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico's migration position and to offer some specific guidance regarding the process of migration reform in the United States.

PRINCIPLES

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico's migration policy:

The migration phenomenon should be fully understood by the Mexican State—society and government—because it demands actions and commitments that respond to the prevailing conditions.

The migration phenomenon has international implications that demand from Mexico actions and international commitments—in particular with the neighboring regions and countries—which, in accordance with the spirit of international cooperation, should be guided by the principle or shared responsibility.

Mexico's migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that facilitates their full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist.

Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migration status, as well as respecting the refugee and asylum rights. In accordance with the applicable international instruments.

The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring countries. Hence, it is necessary to consider those three elements when drawing up migration policies.

Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.

The migration processes that prevail in Mexico are regionally articulated—in particular with Central America—and therefore the Mexican migration policy should deepen its regional approach.

RECOMMENDATIONS REGARDING THE COMMITMENTS THAT MEXICO SHOULD AGREE ON

Main recommendations considered by the group in order to update Mexico's migration policy:

Based on the new regional and international realities regarding immigration, transmigration and emigration, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a timeline of fifteen to twenty years.

It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.

If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them. Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.

Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use or false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.

It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.

Mexico's migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of shared responsibility and respect for human rights.

Order and security in Mexico's north and south borders must be fortified, with an emphasis on the development of the border regions.

Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the Cumbre Iberoamericana.

The review and, if necessary, adjustment of the juridical and institutional framework, in order to adequately respond to the present and the foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter institutional mechanism of collaboration.

The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico's migration agenda.

ELEMENTS RELATED TO A POSSIBLE MIGRATION REFORM IN THE UNITED STATES

Mexico does not promote undocumented migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group decided to express certain thoughts about what is the Mexico's position in case a migration reform takes place in the United States:

Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay, it is indispensable to find a solution for the undocumented population that lives in the United States and contributes to the development of the country, so that people can be fully incorporated into their actual communities, with the same rights and duties.

Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.

In order for a guest workers program to be viable, Mexico should participate in its design management supervision and evaluation, under the principle of shared responsibility.

A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants and the use of false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants, the establishment of supporting, certification mechanisms, and the supervision and evaluation of its development.

Mexico acknowledges that a crucial aspect for the success of a temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.

Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their relatives, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.

Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This working group aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

U.S. DECISION ON UNITED NATIONS HUMAN RIGHTS COUNCIL

Mr. FEINGOLD. Mr. President, I wish to express my regret that the administration has decided to decline the opportunity for candidacy on the newly formed U.N. Human Rights Council. I supported the creation of the Human Rights Council because I believe that we need to create a system where human rights abusers are held accountable for the atrocities they commit. It was for that same reason that there was overwhelming international support for the creation of the Human Rights Council.

In choosing not to join the council, the U.S. Government has signaled its intention to address worldwide human rights abuses unilaterally. This decision will damage U.S. credibility when weighing in on the human rights debates of the future and further isolate the United States from multilateral decisions.

Human rights abuses should be addressed through an international strategy to ensure that there are internationally agreed-upon standards to protect all members of society. I am deeply concerned that the administration's decision will undermine our human rights agenda, rather than advance it.

I have repeatedly expressed my concern about the approach to the U.N. taken by this administration and am further disappointed by this most recent decision. The U.N. is by no means perfect, but a world without a global human rights body would be a more dangerous one for people everywhere and would serve to undermine fundamental U.S. interests.

I urge the administration to reconsider its decision.

ADDITIONAL STATEMENTS

COMMEMORATING THE 150TH ANNIVERSARY OF EUREKA, CALIFORNIA

• Mrs. FEINSTEIN. I wish to take this opportunity to recognize the city of Eureka as it prepares to celebrate the 150th anniversary of the city's formation.

The city of Eureka has a long history and often parallels California's past. Founded during the time of the gold rush, it became an important port city for northern California's logging and commercial fishing industries because of its proximity to a rich supply of natural resources. Eureka was incorporated on April 18, 1856, and was designated by the State legislature as the county seat for Humboldt County.

On a more personal note, Eureka is an important part of my family's history. My mother's family left St. Petersburg during the Russian Revolution and traveled by cart through Siberia and boarded a boat finally landing in Eureka.

Today, with a population of over 25,000, Eureka is a city on the move and the cultural center of the California's north coast region. It is the destination for many people wanting to explore miles of unspoiled coastline and visit the world-famous coastal redwoods that are within close proximity of the city.

The city's famed historic architecture has been preserved, earning it the designation as a "Victorian Seaport." The historic Eureka Inn is currently undergoing renovations that will make it once again the center of many community events such as the location of the city's Christmas celebrations.

I congratulate the city of Eureka on your special day and extend my regards to all of the citizens who will be celebrating this important milestone in the city's history. You should feel proud of your past, and I wish you the very best in the future.•

RECOGNITION OF ASIL

• Mr. KERRY. Mr. President, I would like to take this opportunity to congratulate the American Society of International Law, ASIL, on its 100th anniversary celebrated on January 12, 2006.

The ASIL was founded in 1906 as a nonprofit, nonpartisan association to advance the study of international law and encourage the establishment and maintenance of international relations on the basis of law and justice. A century later this organization continues to promote these goals by the publication of scholarly works in conjunction with providing policymakers and the public with outreach programs and research resources.

The membership of the ASIL is derived from nearly 100 nations and includes attorneys, academics, judges, and representatives from foreign governments and nongovernmental organizations. Four thousand strong, the society strives to contribute to the understanding of international law and its role in foreign affairs.

I would like to commend the ASIL for its 100 years of work in the field of international law and encourage the continuation of this course of thoughtful study.•

NATIONAL YOUTH SERVICE DAY

• Mr. SALAZAR. Mr. President, I rise today to commend the millions of young people across the United States—and in other countries—who will participate in National Youth Service Day on April 21, 2006. There is no doubt that communities will continue to be positively impacted by the dedication and kindness of children that participate in this annual celebration.

Earlier this week, the Senate enacted S. Res. 422, which designated April 21, 2006, National and Global Youth Service Day. I was proud to be a cosponsor of this resolution, which we unanimously passed. However, I am even more proud of the thousands of youth in my native Colorado who will participate in National Youth Service Day.

In Timnath, second graders at Timnath Elementary School are holding a schoolwide donation drive. During this drive, they will be collecting shampoo, soap, toothpaste, and toothbrushes to be donated to the local food bank to give to individuals in need.

In Thornton, volunteer youth are organizing an afternoon of service for frail, disabled, and chronically ill seniors throughout Adams County by helping them with the maintenance of their homes and gardens. They will clean up yards, garages, and homes, and work to beautify their community. This valuable service will be performed in conjunction with the local Big Brother/Big Sister program.

In Aurora, the Mile High Youth Corps will help the Denver Urban Gardens fix up their farm. The Denver Urban Gardens is one of the only organic farms in the Denver Metro area which offers unique educational opportunities and low-cost organic food to people of all economic levels. Youth volunteers will seed, weed, till, paint, plant, fix, mend, build, and any other valuable and needed volunteer activities to keep the farm in shape.

These are just a few examples of the incredible volunteer efforts that are occurring throughout Colorado. I thank the volunteers, and all of the staff and organizers of National Youth Service Day.

Speaking directly to the youth participating in National Youth Service Day, in Colorado and around the world. I commend your service and thank you for the positive difference you will make not only in the lives of the people you help directly, but for all the people within your neighborhoods and communities.

I would also like to remind you that your service and commitment is needed not just for just a few days but year round. I encourage you to carry forth your excitement, energy and goodwill into the future. I urge you to turn your sense of civic responsibility into a habit that will last for a lifetime.

The youth participating in National Youth Service Day today are our future doctors, lawyers, police officers, senators, parents, and community leaders of tomorrow. Instilling an early sense of service, involvement and dedication toward the betterment of their neighbors and communities is essential to continuing the caring and compassionate tradition embraced in America.•

AMERICAN COMMUNITY SCHOOL AT BEIRUT CENTENNIAL YEAR

• Mr. SUNUNU. Mr. President, I wish to recognize an important milestone for an institution in the Middle East that brings American-style education to the region.

This academic year, the American Community School at Beirut celebrates 100 years of providing quality education in Lebanon. Founded in 1905 by a group of American missionary families living in the country, and supported by the American University of Beirut and Aramco, ACS was the first American K-12 school to open in Lebanon. An independent, nonprofit, coeducational institution chartered in the State of New York, about 1,000 students are now enrolled at the school.

ACS aims to provide an American education for Lebanese and international families. Similar to many schools in the United States, the school's mission clearly states that it: ". . . seeks to educate the whole person and to lay the foundations for life-long learning . . . Students are encouraged to take responsibility for their thoughts, words and actions, to act with honor and purpose, and to make a difference in our diverse, complex global society. . . .'' The school's alumni have distinguished themselves in a range of fields, including serving the United States government and in Lebanese-American relations.

ACS, which appreciates the support of Congress through U.S. Agency for International Development and ASHA grants, starts a new century with a legacy of academic excellence, committed educators, and a dedicated community. I congratulate the school on this impressive achievement, and extend my best wishes for its next 100 years.●

RECOGNIZING KENT STATE UNIVERSITY PRESIDENT CAROL CARTWRIGHT

● Mr. VOINOVICH. Mr. President, I rise today to commend and congratulate Dr. Carol Cartwright who, after 15 outstanding years, is set to retire as president of Kent State University in Kent, OH.

Kent State was originally founded in 1910 as a teacher-training school. It has a proud history of meeting the evolving needs of northeast Ohio and the Nation, and throughout her time on campus, President Cartwright worked hard to ensure that this commitment to history was preserved.

I would like to take this opportunity to congratulate President Cartwright on successfully overseeing one of the Nation's largest university systems with an annual budget of more than $416.1 million and eight campuses serving about 34,000 students from throughout Ohio and the Nation, and from more than 90 countries.

Dr. Cartwright has earned many distinctions in her tenure at Kent State University—she was the first female president of a State university in Ohio when she took the helm in 1991 as the university's 10th president. Her presidency has been marked by innovations that have fostered economic growth on the campus and in the community. I am especially thankful for her work to train students for careers in underpopulated fields, and focus on unique courses of study to accommodate all students.

As a member of the Greater Akron Chamber and the Northeast Ohio Council on Higher Education; a cochair of the Ohio Technology in Education Committee; the Governor's Commission on Higher Education and the Economy; and the Ohio Business Development Coalition, President Cartwright worked to ensure that a cooperative relationship between students and industry was strong on her campus. In fact, she welcomed the Northeast Ohio Trade & Economic Consortium, NEOTEC, an economic development partnership that promotes trade, business, and economic opportunities for northeast Ohio to Kent State University's campus to further students' connection to future employment opportunities.

In 2004, the Kent Campus also became the site for NEOTEC's new regional International Trade Assistance Center, providing free information, resources, referrals, and counseling to small businesses, and expanded services such as market research. Also, in 2004, a new, market-driven Division of Regional Development was created to allow Kent State to serve a much wider constituency, develop mutually beneficial partnerships, and do an even better job of matching faculty and staff expertise with northeast Ohio's educational and economic needs. Further, working with the local Small Business Development Center, headquartered in Kent State's College of Business Administration, students are now exposed to real-world experiences while providing business and industry with essential new ideas and out-of-the-box thinking.

These kinds of partnerships and innovations will carry Ohio into the next era of progress and development, and Kent State will be an important part of that success. Already, 10 start-up companies have been created in the last 6 years to capitalize on Kent State faculty research and add to the economic growth in the region. This is real-world research that benefits society, consumers, and the university.

Under Carol Cartwright's leadership, Kent State was named by the Association of University Technology Managers as fourth in the Nation for the number of start-up companies formed per $10 million in research spending. Kent State also plays an important leadership role in JumpStart Inc., a new organization to help advance technology commercialization and foster economic development in Ohio.

Overall, President Cartwright's presidency has been marked by a commitment to developing students who are leaders and experts in innovation and service. Kent State has launched degree programs in high-demand and emerging fields, including an interdisciplinary undergraduate program in biotechnology that is unique in the State of Ohio; an interdisciplinary bachelor's program in American Sign Language; a baccalaureate program in paralegal studies; and the first graduate programs in Russian and Japanese at a public university in northeast Ohio. The revolutionary joint doctoral program in biomedicine with the Cleveland Clinic Foundation matches some of America's best and brightest students with world-class medical training opportunities, and Kent State is a partner in the Nation's only joint, 4-year doctoral program in audiology.

Her commitment to preparing students for the future and working with regional economic growth initiatives should be a model for colleges and universities across the country to emulate.

I ask my colleagues to join me in recognizing and commending President Cartwright on an excellent job of leading Kent State through an age of innovation and extraordinary achievement during her tenure. I wish her well on her upcoming retirement.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2603. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2611. A bill to provide for comprehensive immigration reform and for other purposes.

S. 2612. A bill to provide for comprehensive immigration reform and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6341. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Rule to Remove the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy-owl (Glaucidium brasilianum cactorum) From the Federal List of Endangered and Threatened Wildlife; Withdrawal of the Proposed Rule to Designate Critical Habitat; Removal of Federally Designated Critical Habitat'' (RIN1018–AU22; 1018–AI48) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6342. A communication from the Regional Forester, Forest Service, Department of Agriculture, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart A'' (RIN1018–AT81) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6343. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Recordkeeping and Reporting Requirements for the Import of Halon–1301 Aircraft Fire Extinguishing Vessels'' ((RIN2060–AM46) (FRL No. 8157–5)) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6344. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality'' (FRL No. 8054–8) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6345. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay and/or

Defer Sanctions, Arizona Department of Environmental Quality" (FRL No. 8054–9) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6346. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District" (FRL No. 8053–2) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6347. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Standard for the Flammability (Open Flame) of Mattress Sets" (RIN3041–AC02) received on April 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6348. A communication from the Legislative Affairs Branch Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Healthy Forests Reserve Program Interim Final Rule" (7 CFR Part 625) received on April 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6349. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerance" (FRL No. 7770–4) received on April 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6350. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service—Student Program" (RIN3206–AK59) received on April 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6351. A communication from the Archivist of the United States, transmitting, pursuant to law, the Report on the Proposed Richard Nixon Library; to the Committee on Homeland Security and Governmental Affairs.

EC–6352. A communication from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Parental Information and Resource Centers—Notice of Final Priorities and Eligibility Requirements" received on April 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6353. A communication from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled "State Charter School Facilities Incentive Program" received on April 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6354. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 2 officers to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–291. A joint memorial adopted by the Legislature of the State of Washington relative to international trade; to the Committee on Finance.

ENGROSSED SENATE JOINT MEMORIAL 8019

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The trade liberalization efforts of the early 1990s and trade agreements such as the North American Free Trade Agreement and the World Trade Organization Uruguay Round agreements have increased the role of state policymakers in international trade decisions; and

Whereas, Trade liberalization has transformed the historical state-federal division of power and taxed state agency resources in dealing with the world marketplace; and

Whereas, Recent trade agreements have proceeded beyond discussion of tariffs and quotas and now address government regulation, taxation, procurement, and economic development policies that are implemented at state and local levels; and

Whereas, States often lack a clearly defined institutional trade policy structure, making it difficult to handle requests from trading partners and federal agencies and to articulate a unified state stance on trade issues; and

Whereas, International lawsuits may be brought against states and governments found to be in violation of trade agreements; and

Whereas, There is a need for a stronger federal-state trade policy consultation mechanism; and

Whereas, Many state and local executive, legislative, and judicial branch officials have voiced the need for an informed, nonpartisan trade policy dialogue on a national level; and

Whereas, Federal-state communication and cooperation in the implementation of trade agreements is needed now more than ever before; and

Whereas, In August 2004, the Intergovernmental Policy Advisory Committee, a state-appointed advisory committee to the United States Trade Representative, recommended that a Federal-State International Trade Policy Commission would be an ideal resource for objective trade policy analysis and would foster communication among federal and state trade policy officials; and

Whereas, The creation of a federal-state trade policy infrastructure would assist states in understanding the scope of federal trade efforts and would assist federal agencies in understanding the various state trade processes: Now therefore,

Your Memorialists respectfully request that the United States Trade Representative create a Federal-State International Trade Policy Commission with membership to be drawn from federal and state trade policy officials; and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Ambassador Rob Portman, United States Trade Representative, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2596. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Mrs. CLINTON:

S. 2597. A bill to facilitate homeownership in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW:

S. 2598. A bill to require the Secretary of Veterans Affairs to establish and operate a community-based outpatient clinic in Alpena, Michigan; to the Committee on Veterans' Affairs.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. SANTORUM, Mr. COBURN, Mrs. DOLE, and Mr. SUNUNU):

S. 2599. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mrs. CLINTON):

S. 2600. A bill to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

By Mr. ALEXANDER (for himself and Mr. DEMINT):

S. 2601. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2602. A bill for the relief of Silvia Leticia Barojas-Alejandre; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2603. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; read the first time.

By Mr. ALLARD:

S. 2604. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 2605. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. COBURN):

S. 2606. A bill to amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site medicare payment rates for frequently reimbursed hospital impatient procedures, hospital outpatient procedures, and physicians' services; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. BENNETT):

S. 2607. A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself and Mr. VITTER):

S. 2608. A bill to ensure full partnership of small contractors in Federal disaster reconstruction efforts; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself and Mr. LEAHY):

S. 2609. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 2610. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. HAGEL, Mr. MARTINEZ, Mr. MCCAIN, Mr. KENNEDY, Mr. GRAHAM, and Mr. BROWNBACK):

S. 2611. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. HAGEL (for himself, Mr. MARTINEZ, Mr. SPECTER, Mr. MCCAIN, Mr. KENNEDY, Mr. GRAHAM, and Mr. BROWNBACK):

S. 2612. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2613. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Environment and Public Works.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2614. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2615. A bill to provide equitable treatment for the people of the Village corporation established for the Native Village of Saxman, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 2616. A bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mr. MENENDEZ, Mrs. LINCOLN, and Mr. DEWINE):

S. 2617. A bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes; to the Committee on Armed Services.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2618. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR:

S. 2619. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 2620. A bill to amend the Older Americans Act of 1965 to authorize the Assistant Secretary for Aging to provide older individuals with financial assistance to select a flexible range of home and community-based long-term care services or supplies, provided in a manner that respects the individuals' choices and preferences; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, and Mr. NELSON of Florida):

S. Res. 438. A resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. ALEXANDER, Ms. SNOWE, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, Mrs. MURRAY, Mr. LIEBERMAN, Mr. SALAZAR, Mr. DURBIN, and Mr. COLEMAN):

S. Res. 439. A resolution designating the third week of April 2006 as "National Shaken Baby Syndrome Awareness Week"; considered and agreed to.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. Res. 440. A resolution congratulating and commending the members of the United States Olympic and Paralympic Teams, and the United States Olympic Committee, for their success and inspired leadership; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. Con. Res. 88. A concurrent resolution urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1881

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. DAYTON), the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr.

KOHL), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. SALAZAR), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mr. TALENT) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2249

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2249, a bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2563

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

At the request of Mr. COCHRAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2563, supra.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

AMENDMENT NO. 3244

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3244 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3463

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3463 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3470

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3470 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3528

At the request of Mr. THOMAS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3528 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2596. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today with Senator COLLINS to introduce legislation to help reverse the devastating population decline and economic distress that has plagued individuals and businesses in Aroostook County, the northernmost county in Maine. What the bill does is simple, it will bring all of Aroostook County under the Empowerment Zone (EZ) program. The legislation is identical to a bill that we introduced in the 108th Congress and was included in the FY 2004 Agriculture Appropriations bill in 2003 as passed by the Senate.

To fully grasp the importance of this legislation, it is necessary to understand the unique situation facing the residents of Aroostook County. "The County", as it is called by Mainers, is a vast and remote region of Maine. As the northernmost county, it shares more of its border with Canada than its neighboring Maine counties. It has the distinction of being the largest county east of the Mississippi River. Its geographic isolation is even more acute when considering that the county's relatively small population of 73,000 people are scattered throughout 6,672 square miles of rural countryside. Aroostook County is home to 71 organized townships, as well as 125 unorganized townships much of which is forest land and wilderness.

As profound as this geographic isolation may seem, it is the economic isolation and the recent out-migration that has had the most devastating impact on the region. The economy of northern Maine has a historical dependence upon its natural resources, particularly forestry and agriculture. While these industries served the region well in previous decades, and continue to form the underpinnings of the local economy, many of these sectors have experienced decline and can no longer provide the number and type of quality jobs that residents need.

While officials in the region have put forward a Herculean effort to redevelop the region, with nearly 1,000 new jobs at the Loring Commerce Centre alone, Aroostook County is still experiencing a significant "job deficit", and as a result continues to lose population at an alarming rate. Since its peak in 1960, northern Maine's population has declined by 30 percent. Unfortunately, the Main State Planning Office predicts that Aroostook County will continue losing population as more workers leave the area to seek opportunities and higher wages in southern Maine and the rest of New England.

In January 2002, a portion of Aroostook County was one of two regions that received Empowerment Zone status from the USDA for out-migration. The entire county experienced an outmigration of 15 percent from 86,936 in 1990 to 73,938 in 2000. Moreover, a shocking 40 percent of 15 to 29-year-olds left during the last decade.

The current zone boundaries were chosen based on the criteria that Empowerment Zones be no larger than 1,000 square miles, and have a maximum population of 30,000 for rural areas. The lines drawn for the Aroostook County Empowerment Zone were considered to be the most inclusive and reasonable given the constraints of the program. It should be noted as well that the boundaries were drawn based on the 1990 census, making the data significantly outdated at the start and included the former Loring Air Force Base and its population of nearly 8,000 people, which had closed nearly 8 years before the designation, taking its military and much of its civilian workforces with it. The Maine State Planning Office estimated that the base closure resulted in the loss of 3,494 jobs directly related to the base and another 1,751 in associated industry sectors for a total loss of $106.9 million annual payroll dollars.

Some of the most distressed communities that have lost substantial population are not in the Empowerment Zone, and other communities like Houlton literally are divided simply by a road, having one business on the south side of the street with no Empowerment Zone designation look out their window to a neighboring business on the north side of the street with full Empowerment Zone benefits. The economic factors for these communities and for these neighbors are the same as those areas within the Empowerment Zone. This designation is not meant to cause divisiveness within communities, it is created to augment a partnership for growth and to level the playing field for all Aroostook County communities who have equally suffered through continuing out migration whether it be in Madawaska or Island Falls.

The legislation I am introducing would provide economic development opportunities to all reaches of Aroostook County by extending Empowerment Zone status to the entire county. This inclusive approach recognizes that the economic decline and population out-migration are issues that the entire region must confront, and, as evidenced by their successful Round III EZ application, they are attempting to confront. I believe the challenges faced by Aroostook County are significant, but not insurmountable. This legislation would make great strides in improving the communities and business in northern Maine, and I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF BOUNDARY OF AROOSTOOK COUNTY EMPOWERMENT ZONE.

(a) IN GENERAL.—The Aroostook County empowerment zone shall include, in addition to the area designated as of the date of the enactment of this Act, the remaining area of the county not included in such designation, notwithstanding the size requirement of section 1392(a)(3)(A) of the Internal Revenue Code of 1986 and the population requirements of section 1392(a)(1)(B) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as of the effective date of the designation of the Aroostook County empowerment zone by the Secretary of Agriculture.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing legislation that will modify the borders of the Aroostook County Empowerment Zone to include the entire county so that the benefits of Empowerment Zone designation can be fully realized in northern Maine.

The Department of Agriculture's Empowerment Zone program addresses a comprehensive range of community challenges, including many that have traditionally received little Federal assistance, reflecting the fact that rural problems do not come in standardized packages but can vary widely from one place to another. The Empowerment Zone program represents a long-term partnership between the Federal Government and rural communities so that communities have enough time to implement projects to build the capacity to sustain their development beyond the term of the partnership. An Empowerment Zone designation gives designated regions potential access to millions of dollars in Federal grants for social services and community redevelopment as well as tax relief.

Aroostook County is the largest county east of the Mississippi River. Yet, despite the impressive character and work ethic of its citizens, the county has fallen on hard times. The 2000 Census indicated a 15-percent loss in population since 1990. Loring Air Force Base, which was closed in 1994, also caused an immediate out-migration of 8,500 people and a further out-migration of families and businesses that depended on Loring for their customer base.

In response to these developments, the Northern Maine Development Commission and other economic development organizations, the private business sector, and community leaders in Aroostook have joined forces to stabilize, diversify, and grow the area's economy. They have attracted some new industries and jobs. As a native of Aroostook County, I can attest to the strong community support that will ensure a successful partnership with the U.S. Department of Agriculture.

Designating this region of the United States as an Empowerment Zone will help ensure its future economic prosperity. However, the restriction that the Empowerment Zone be limited to 1,000 square miles prevents all of Aroostook's small rural communities from benefiting from this tremendous program. Aroostook covers some 6,672 square miles but has a population of only 74,000. Including all of the county in the Empowerment Zone will guarantee that parts of the county will not be left behind as economic prosperity returns to the area. It does little good to have a company move from one community to another within the county simply to take advantage of Empowerment Zone benefits.

Senator SNOWE and I introduced this legislation during the 108th Congress. In fact, we were successful in getting this legislation passed in the Senate by attaching it to the fiscal year 2004 Agriculture Appropriations bill. Unfortunately, this language was removed during conference negotiations with the House. Senator SNOWE and I remain committed to bringing the benefits of the Empowerment Zone designation to all of Aroostook County's residents and will work to pass this legislation in both Chambers during this Congress.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. SANTORUM, Mr. COBURN, Mrs. DOLE, and Mr. SUNUNU):

S. 2599. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies; to the Committee on the Judiciary.

Mr. VITTER. Mr. President, I rise today to introduce a bill, the "Disaster Recovery Personal Protection Act of 2006" that would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

The city of New Orleans confiscated more than 1,000 firearms under the misguided policy of a local law enforcement officer. Our Second Amendment rights should not be subject to the whims of individuals. My bill would prohibit any agency using Federal disaster relief funds from seizing firearms or restricting firearm possession, except under circumstances currently applicable under Federal or State law.

Our law enforcement officers are under intense pressure to protect and serve, and I value their call to duty with great respect. The "Disaster Recovery Personal Protection Act of 2006" would not prevent law enforcement from confiscating guns from convicted felons or other prohibited persons. Also, it would have no effect on law enforcement outside of disaster relief situations.

The horrible tragedy that unfolded upon the State of Louisiana was certainly unprecedented. The devastation that occurred will last for generations, and yet, there is immense hope that our great State of Louisiana will shine better than ever before. In the days and nights that followed there were mistakes at all levels of government, and the confiscation of law-abiding citizens' personal protection was one of them.

I ask my fellow Senators to support this legislation in the hope that in the unfortunate likelihood of another disaster our citizens will be able to protect themselves without fear of government intruding upon our second amendment rights.

By Mr. WARNER (for himself and Mrs. CLINTON):

S. 2600. A bill to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

Mr. WARNER. I would like to take a few minutes of the Senate's time to introduce a bill together with Senator CLINTON. The bill is to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government for their services in Iraq and Afghanistan and for other purposes. Throughout the hearings of the Armed Services Committee this year and the appearance of our distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said to each that we need to get the entirety of our Federal Government into a greater degree—they have done much—of harness in our overall efforts in Iraq and Afghanistan to secure a measure of democracy for the peoples of those countries.

For example, the QDR so aptly states that "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad."

General Abizaid, when he appeared before our committee this year, stated in his posture statement:

> We need significantly more non-military personnel . . . with expertise in areas such as economic development, civil affairs, agriculture, and law.

Likewise General Pace, Chairman of the Joint Chiefs of Staff, iterated much the same message when he appeared before our committee.

I commend the President and the Cabinet officers. I ask unanimous consent to print in the RECORD a letter that I sent every Cabinet officer and agency head, asking what they had done thus far and of their ability to contribute even more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 15, 2006.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past three years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff, and General John P. Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee, "We need significantly more non-military personnel . . . with expertise in areas such as economic development, civil affairs, agriculture, and law."

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that, "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad." In the years since the passage of the Goldwater-Nichols Act of 1986, "jointness" has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operations, as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am
Sincerely,
JOHN WARNER,
Chairman.

Mr. WARNER. In my conversations with President Bush and the Cabinet officers and others, there seems to be total support. The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of a bill.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the forthcoming supplemental appropriations bill. The urgency is now, absolutely now. Every day it becomes more and more critical in the balance of those people succeeding with their message of 11 million on December 15 in Iraq: We want a government, a unified government stood up and operating. To do that, this government, hopefully, will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the coalition forces. Their families have borne the brunt of these conflicts now for these several years. Now it is time for every individual to step forward and work to make the peace secure in those nations so they do not revert back the lands of Iraq and Afghanistan to havens for terrorism and destruction to the free world.

I yield the floor.

By Mr. ALEXANDER (for himself and Mr. DEMINT):

S. 2601. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, I rise today to introduce the Health Care Choices for Seniors Act. My colleague from Tennessee, Representative BLACKBURN, has taken the lead in the House of Representatives, and I am proud to join with her by introducing this bill in the Senate. Our legislation is about giving seniors a new health insurance option by making it easier for them to create or continue using a health savings account (HSA) after they reach age 65.

A growing number of Americans are using HSAs, which allow individuals to save for future medical expenses on a tax-free basis. The money you put into an HSA is tax-deductible, the money in your account grows tax-free, balances can be rolled over year-to-year, and you can take money out of the account tax-free to pay for a wide range of health care expenses. Plus HSAs are portable—you can take them with you from job to job.

Many members of the Baby Boom generation are not planning to retire at age 65 and want more health care options. But the problem under current law is that seniors can't continue using health savings accounts after turning 65 because they are penalized if they don't join Medicare. The first penalty is that once you join Medicare, you can no longer make tax-free contributions into HSAs. The second penalty is that if you don't join Medicare, you can't collect your Social Security benefits. The third penalty is that if you delay enrollment in Medicare to a later age, you have to pay more. So, of course, almost everyone joins Medicare when they turn 65 instead of using an HSA for their health care needs.

At a time when health care costs are rising sharply, we need to move in the direction of giving Americans more options for getting health coverage at an affordable cost. Rather than forcing people into Medicare at age 65, the legislation that I am introducing today would make it easier for seniors to delay joining Medicare and to continue using health savings accounts. First, you could delay joining Medicare without losing the ability to make tax-free contributions into your HSA. Those who delay enrollment in Medicare would be eligible for a monthly voucher of up to $200 for an HSA. Second, you could delay joining Medicare without losing your Social Security benefits. Third, if you use an HSA, you would not be penalized for putting off joining Medicare until age 70. With these changes, HSAs would become a real option for seniors in Tennessee and throughout the nation.

I am a strong supporter of HSAs, which show the promise of holding down health care costs by putting more health care decisions in the hands of individual consumers and families. Health savings accounts only became available in January 2004, but they have seen significant growth in both individual and employer markets. A recent census by America's Health Insurance Plans showed that high deductible health insurance plans (HDHPs) offered in conjunction with HSAs covered 3.17 million people in January 2006, up from 1.03 million in March 2005.

This bill is an important step toward giving seniors more options to manage their health care and to allow greater use of health savings accounts. I look forward to working with Representative BLACKBURN to build support for our legislation in both Chambers of Congress.

By Mr. ALLARD:

S. 2604. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I rise today out of concern for the Western United States. The Rocky Mountain West is currently facing a very real threat to one of its most rare and precious resources. Out West there are few things more important than water, and it is this very important and increasingly needed resource that is in peril. This threat was in part brought upon us by a scourge barely larger than my finger tip, the bark beetle. This devious little devil has chewed its way through nearly 7,500,000 trees in Colorado. The beetle left these drought weakened trees dead and dying. This threat is exacerbated by the additional 6,300,000 acres of hazardous fuels that have accumulated throughout Colorado.

This devastation is concerning enough on its own, but when you consider the fire danger that it has created, and the direct threat that a catastrophic fire would pose to our watersheds, the true weight of this situation becomes clear. Much of the precipitation that falls into the forests ultimately finds its way into streams, ponds, rivers and lakes. Changes to forested lands caused by fire can have strong and devastating repercussions on the quality and quantity of water in these bodies. A forest fire is one big chemical reaction which releases a myriad of chemical elements from forest materials into the ecosystem. These chemicals can be washed or leach into our water systems. Forest fires can cause immediate and lasting changes to the chemistry of forest water systems, this happens as a result of increases in water temperature and from the smoke and ash created during the burning process. These effects can last long after the flames have passed, effecting water quality for years after the initial fire.

Colorado should be called "the Headwaters State," because it is the origin point of major rivers flowing both east and west and the source of a vast amount of the water of the United States. In fact the Colorado Rocky Mountains create the headwaters for 4 regional watersheds that eventually supply water to 19 Western States. Should the streams and rivers flowing out of Colorado become choked and polluted with ash and debris from a forest fire much of the United States' water supply would be affected.

The Federal agencies that manage the majority of the affected areas need to adopt an accelerated pace to reduce the public health and safety risk as soon as possible. To address this I am introducing The Headwater Protection and Restoration Act today that would work to help alleviate the pending threat to our Nation's water supply. My legislation takes into consideration the desperate need to create healthy forests in the lands around our Nation's water supply. This bill will not only help provide relief from this threat in the short term, but will help to create the necessary infrastructure to ensure that it does not happen again. It will give us a long term solution to this desperate problem. This would be achieved through steady, judicious, and effective forest management over time. This displays a much better and more cost effective strategy than dealing with the management of catastrophic events under emergency circumstances. Today we find ourselves poised in a position to take steps to help avert this potential disaster before it starts. It is my hope that I will be joined by my colleagues here in the Senate to act swiftly on my legislation before it is too late.

By Mr. BROWNBACK (for himself and Mr. COBURN):

S. 2606. A bill to amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site Medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians' services; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, today, I rise to introduce the Medicare Payment Rate Disclosure Act of 2006. This legislation tackles a key problem facing Americans today—that of rising health-related costs. It does so by empowering citizens to act as informed consumers when purchasing their health care. Countless examples in our Nation's history demonstrate that the American consumer possesses the ability to drive prices down and quality up by making informed decisions in the marketplace. Yet the cost of health care is not easily accessible to the American consumer, given the nature of our present system.

The Medicare Payment Rate Disclosure Act would create price transparency at a consumer level, allowing Americans to choose for themselves health care services that are affordable within their region. This bill ensures that there is one location on the Internet where either consumers with health savings accounts or who are uninsured can go to view the Medicare reimbursement rates for all common medical procedures and physician visits, region by region. This information will provide a critical baseline for these individuals to assess health care costs.

I believe that by removing barriers for health care consumers to "own their health care" and make the best personal choices, we empower Americans with the knowledge to take charge of their health spending and to negotiate health care prices. I should note that my home State of Kansas is also considering price-transparency initiatives.

This legislation is a good first step towards improving the quality of health care and lowering costs to consumers. I thank the original cosponsor, Senator TOM COBURN, for his support of this measure. Accordingly, I urge my colleagues to support the Medicare Payment Rate Disclosure Act of 2006.

By Ms. SNOWE (for herself and Mr. BENNETT):

S. 2607 A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this chamber to help small businesses, as they are the driver of this Nation's economy, responsible for generating approximately 75 percent of net new jobs annually.

Today, I rise with Senator BENNETT to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This is not a new crisis. Nearly 46 million Americans are currently uninsured. We've now experienced double digit percentage increases in health insurance premiums in four of the past five years. Small businesses face difficult choices in seeking to provide affordable health insurance to their employees. We must act now.

Study after study tells us that the smallest businesses are the ones least likely to offer insurance and most in need of assistance. According to the Employee Benefit Research Institute, of the working uninsured, who make up 83 percent of our nation's uninsured population, 60.6 percent either work for a small business with fewer than 100 employees or are self-employed.

Furthermore, many of the small businesses who we meet with tell us how they feel like the cost and complexity of the health care system has moved health insurance far beyond their reach.

That is why today we introduce the Small Business Health Education and Awareness Act of 2006. This bill establishes a pilot, competitive matching-grant program for Small Business Development Centers (SBDCs) to provide educational resources and materials to small businesses designed to increase awareness regarding health insurance options available in their areas. Recent research conducted by the Healthcare Leadership Council has found that a short, less than 10 minute education session, can increase small business knowledge and interest in offering health insurance by about 33 percent.

For those of you who are not familiar, SBDCs are one of the greatest business assistance and entrepreneurial development resources provided to small businesses that are seeking to start, grow, and flourish. Currently, there are over 1,100 service locations in every state and territory delivering management and technical counseling to prospective and existing small business owners.

Our legislation would require the Small Business Administration (SBA) to provide up to 20 matching grants to qualified SBDCs across the country. No more than two SBDCs, one per State, would be chosen from each of the SBA's 10 regions. The grants shall be more than $150,000, but less than $300,000 and shall be consistent with the matching requirement under current law. In creating the materials for their grant programs, participating SBDCs should evaluate and incorporate relevant portions existing health insurance options, including materials created by the Healthcare Leadership Council.

In addition, SBDCs participating in the pilot program would be required to submit a quarterly report to the SBA.

Enacting this legislation is an important step in the right direction towards assisting small businesses as they work to strengthen themselves, remain competitive against larger businesses that are able to offer affordable health insurance, and in turn bolster the entire economy.

We encourage our colleagues to join us in supporting this bill, and to continue to work to address the issues facing the small business community.

Thank you. I ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Health Education and Awareness Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Small Business Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

(3) ASSOCIATION.—The term "association" means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(5) PILOT PROGRAM.—The term "pilot program" means the small business health insurance information pilot program established under this Act.

(6) SMALL BUSINESS CONCERN.—The term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(7) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

SEC. 4. SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.

(a) AUTHORITY.—The Administrator shall establish a pilot program to make grants to small business development centers to provide information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(b) APPLICATIONS.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing such materials developed by the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(c) SELECTION OF PARTICIPATING SBDCS.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPINGS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (b)(1) is posted on the website of the Administration and the date on which the information described in subsection (b)(1) is published in the Federal Register.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, such as the materials created by the Healthcare Leadership Council.

(e) GRANT AMOUNTS.—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

SEC. 5. REPORTS.

Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administration, as the Administrator may direct, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(2) $5,000,000 for each of the 3 fiscal years following the fiscal year described in paragraph (1).

(b) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this Act.

By Ms. SNOWE (for herself and Mr. VITTER):

S. 2608. A bill to ensure full partnership of small contractors in Federal disaster reconstruction efforts; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Chair of Senate Committee on Small Business and Entrepreneurship, I rise today to introduce The Small Business Partners In Reconstruction Act of 2006. This legislation, co-sponsored by Senator DAVID VITTER, is the product of 3 hearings held in my Committee in September and November 2005, and in February 2006, which examined the response of the Small Business Administration, the Army Corps of Engineers, the Department of Homeland Security and its Federal Emergency Management Agency, and other Federal agencies to the devastation wrought by the Hurricanes Katrina and Rita on our Gulf Coast states.

Speaking on September 15, 2005 from New Orleans' historic Jackson Square, President Bush declared that "It is entrepreneurship that creates jobs and opportunity; it is entrepreneurship that helps break the cycle of poverty; and we will take the side of entrepreneurs as they lead the economic revival of the Gulf region." Unfortunately, the Federal Government's performance has not matched the President's declaration. This is particularly true with regards to the role of small firms, especially Gulf Coast small firms, with regards to contracts and subcontracts for recovery and reconstruction. Too often, small contractors have been treated in the disaster contracting process less like the partners in disaster recovery and economic revitalization they are, and more like unwanted stepchildren. Eight months after Hurricane Katrina, it is time for this to change.

To begin with, some Federal bureaucrats have used the Katrina and Rita disasters to exclude small business from contracting in the name of emergency and speed. Contracting with small firms, it was said, does not provide sufficient flexibility to the contracting officers in time of crisis. Quite the opposite is true. The Small Business Act contains flexible contracting authorities as part of the 8(a) program, the HUBZone program, and the service-disabled veteran-owned program, which allow Federal agencies to quickly buy goods and services in emergency situations. Indeed, on May 30, 2003, the Office of Federal Procurement Policy issued guidance on Emergency Procurement Flexibilities, which encouraged Federal agencies to use contracting flexibilities, such as the HUBZone flexibilities, which are part of the Small Business Act. This guidance was largely ignored, as billions of dollars went to large corporations through non-competitive mechanisms such as no-bid contracts or the so called micro-purchase authority, originally intended by Congress to cover small purchase card transactions.

My legislation requires the Office of Federal Procurement Policy and the Small Business Administration (SBA) to ensure that Federal contracting officials have the most comprehensive and up-to-date guidance on the full use of available small business emergency procurement flexibilities, and that such guidance is published in the Federal Register. My legislation also ensures that the SBA provides government-wide training for procurement agencies on using small business contracting flexibilities in emergency situations, and directs the SBA to designate at least one advisor for small business emergency contracting who would help Federal agencies apply small business procurement flexibilities in emergency situations.

Small contractors have also been denied access to reconstruction dollars by paperwork and bureaucracy. Red tape had the most serious effect on small disadvantaged businesses. Many of these contractors have been certified to do business under the Federally-funded, Congressionally-established Disadvantaged Business Enterprise Program (DBE) for transportation contracting such as highway or bridge construction. In the Federal procurement system, a parallel Small Disadvantaged Business (SDB) Program exists. According to law and the Memorandum of Understanding between the SBA and the U.S. Department of Transportation, the DBE certifications are based on the SDB certification requirements under the Small Business Act. Unfortunately, DBEs have been unable to secure recognition as SDBs by the Federal agencies or by Federal prime contractors. As a result, agencies and prime contractors had little assurance that SDB goals may be met by doing business with DBEs. My measure will ensure that capable small contractors enjoy full reciprocity among contracting programs instead of the red tape they currently face.

Lack of comprehensive procurement data on Katrina and Rita contracting is another flaw which my bill is trying to correct. It is hard to believe that almost 8 months since the Hurricane Katrina struck, the Federal Government's disaster contracting ship is literally sailing blind. Both the Small Business Act and the Office of Federal Procurement Policy Act require that accurate and comprehensive data on government contracting and subcontracting, especially including small business participation, be collected and maintained. Although the government-wide procurement spending database, the Federal Procurement Data System (FPDS), collects the data related to

Hurricane Katrina and Rita reconstruction, this data is demonstrably incomplete. According to the Government Accountability Office and admissions of Federal procurement officials, the FPDS data is not accurate and omits billions in Defense and Homeland Security contracts. As a result of these deficiencies, the Executive Branch made exaggerated claims concerning the share of reconstruction work that went to small businesses. For instance, last October, the Commerce Department claimed that small businesses received 72 percent of Katrina contracting dollars, and the SBA claimed the small business share to be at 45 percent. During hearings before my Committee, the GAO confirmed that the Administration's claimed numbers are unrealistic and unsubstantiated. My legislation directs the Administrators of the SBA and the OFPP to ensure that the Federal Procurement Data System reflects comprehensive government-wide contracting spending on Katrina and Rita reconstruction.

For years, the Historically Underutilized Business Zone (HUBZone) program, created to direct Federal contacting dollars to small firms in economically distressed areas, has been recognized as a potent economic development stimulus. Since its inception in 1997, the HUBZone program stimulated the hiring of over 124,000 HUBZone residents and investment of over half a billion dollars in HUBZones by HUBZone-certified firms. With the support of the Administration, I propose extending the HUBZone designation to the disaster region. A HUBZone designation would enable small businesses located in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. Extending the HUBZone designation to the Gulf Coast would bring needed businesses development tools to affected areas of the Gulf Coast. Under my proposal, the SBA Administrator would have the discretion to define the geographic scope or duration of this designation to ensure that the HUBZone preference is targeted to those who need it the most.

Small businesses vying for government contracts or subcontracts often must post bid or performance bonds in order to convince Federal contracting officials or prime contractors that small business are a good project risk. In turn, small firms must seek bonding from private bonding companies. The SBA, through its surety bond program, has provided guarantees on bonds awarded to small businesses up to $2 million. But small firms need an increase in bonds to handle larger projects for hurricane relief. Local small businesses in the Gulf Coast can use higher bonds to compensate for the damage to their assets from the hurricanes. My legislation would increase the maximum size of SBA surety bonds from $2 million to $5 million, and provide the SBA with authority to increase the maximum size to $10 million upon request of another Federal agency. In its proposal to re-build the Gulf Coast region, the Administration suggested making the $5 million increase.

My legislation also directs the SBA to create a contracting outreach program for small businesses located or willing to locate in the Katrina disaster area for the next five years. Federal contracts and subcontracts can provide critical assistance to small businesses located in the areas devastated by the hurricanes in the form of solid business opportunities and prompt, steady pay. In addition, government procurement would open doors for many local small businesses to participate in the long-term reconstruction work in the Gulf Coast areas. While many small businesses would benefit from other forms of disaster assistance, many of them want to get back to work and into business as soon as possible. Technical assistance and outreach through the SBA, the Procurement Technical Assistance Centers, the Federal Offices of Small and Disadvantaged Business Utilizations, and other organizations could prove invaluable to these firms.

Yet, outreach alone would not ensure fair participation of small businesses in Gulf Coast reconstruction contracts. To promote jobs creation and development in the disaster region, the Federal Government must set and follow definitive goals for small business participation. Prior to the disaster, small construction companies in Alabama, Mississippi, and Louisiana received nearly $500 million in Federal contracts a year. Total small business contracts in the Gulf Coast region exceeded $3 billion a year. With the Federal cost of hurricane relief and rebuilding estimated at over $100 billion, small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive their fair share of Federal contracting and subcontracting dollars. My legislation establishes a 30 percent prime contracting goal and a 40 percent subcontracting goal on each agency's hurricane-related reconstruction contracts. These goals are compatible with the Department of Homeland Security's and the Army Corps of Engineers' history of small business achievements.

My legislation would also address two unfortunate provisions in the Second Katrina Supplemental Appropriations that unwisely changed the emergency procurement authority Congress granted to contracting officers in the aftermath of 9/11 and reclassified many reconstruction contracts into categories that excluded small firms from prime contracting or subcontracting. I spoke out against these provisions, and Congress ultimately repealed them last year. Nonetheless, this bill puts in place safeguards to ensure that small firms do not fall prey to such actions again. My legislation protects the Small Business Reservation (SBR) for disaster-related contracts below the Simplified Acquisition Threshold (SAT). The SAT and the SBR are normally set at $100,000. The Federal Acquisition Streamlining Act allowed Federal agencies to use simplified procedures for all contracts below the SAT, but only if they attempt to place, or "reserve", these contracts to qualified small businesses. Many small businesses qualify for contracts under expedited procedures under the Small Business Act, which would help to move the reconstruction process forward. The SBR does not delay relief contracting. If no qualified small business is available to do the job, agencies can place the contract with any qualified supplier. This provision restores the parity between the SBR and the SAT any time the SAT is increased for disaster-related contracts.

My legislation also restores small business subcontracting requirements in emergency procurements. The Second Katrina Supplemental abolished small business subcontracting requirements for all Katrina-related contracts by treating contracts for hundreds of millions of dollars as purchases of commercial items, like contracts for office supplies. This is an improper and unjustified procurement practice. The Army Corps of Engineers currently imposes a 73 percent subcontracting requirement on hurricane-related contracts, demonstrating that the subcontracting requirements are not onerous. Under the Small Business Act, only a "good faith effort" to provide subcontracting opportunities is required. The legislation allows a grace period of 30 days to negotiate an acceptable plan (subject to a 50 percent payment limitation until the plan is concluded).

Looking forward, my legislation directs the Administrators of the OFPP and the SBA to work with other Federal agencies to ensure creation of multiple-award contracts for disaster recovery which are set aside for small business concerns. As the GAO testified before the Senate Committee on Small Business and Entrepreneurship last year, Federal agencies lacked adequate acquisition planning for hurricane disaster relief. This measure would reverse this practice both for ongoing and for future disaster recovery efforts.

I am a firm believer that the reconstruction acquisition process must be not only efficient, but also transparent. In this regard, the Federal Government provides central website postings for all Katrina-related opportunities through the SBA's Sub-NET. Unfortunately, the SBA's Sub-NET subcontracting database, though recommended by the Government, has been until recently unused by the Katrina prime contractors. My legislation directs all prime contractors which received substantial Federal contracts related to the Hurricanes Katrina and Rita for which subcontracting plans are required to post subcontracting announcements on the SBA's Sub-NET online database.

Finally, my legislation addresses the government's failure to direct contract dollars to those who need them the most—local small businesses. During the hearings in my Committee last November, I was deeply troubled to discover that Federal agencies failed to grant business opportunities to qualified Gulf Coast small firms. These shocking practices make a mockery of our national commitment to rebuild the Gulf Coast. For instance, while investigating Hurricane Katrina contracts at my request, the GAO found a memorandum from an official in the Army Corps of Engineers informing the SBA that the Corps has successfully concealed the information about millions of dollars in upcoming contracts for mobile classrooms in Mississippi from, among others, local small businesses. The Corps requested that SBA approve giving this work to an out-of-state company without any prior experience. As a result, the Corps excluded a local small business, licensed by the Mississippi Department of Education, from bidding. Incredibly, the SBA obliged and approved the contract three times, eventually increasing its value from $10 million to $47 million.

Practices such as these violate Section 15 of the Small Business Act, which unequivocally directs priority in government contracts "to small business concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas." It is hard to imagine a clearer example of an "area of concentrated unemployment or underemployment" or a area with labor surplus than the devastated Gulf Coast region. Nonetheless, some have ignored the clear command of the statute. My legislation would designate the Gulf Coast disaster area as a labor surplus area for purposes of the Small Business Act's preference for labor surplus area contractors. In addition, this provision authorizes Federal agencies to use contractual set-asides, incentives, and penalties to enhance participation of local small business concerns in disaster recovery contracts and subcontracts.

Finally, my legislation suspends the application of the Small Business Competitiveness Demonstration (Comp Demo) program to Gulf Coast disaster contracts. The Comp Demo Program denies the protections of the Small Business Act like set-asides to small businesses involved in construction and specialty trade contracting, refuse systems and related services, landscaping, pest control, non-nuclear ship repair, and architectural and engineering services, including surveying and mapping. Historically, small businesses have been the backbone of these industries, and these industries are in heavy demand for disaster recovery efforts. The Comp Demo Program, ostensibly a test program, denies Federal agencies likes the Departments of Defense and nine other agencies the ability to do small business set-asides. Essentially, the Comp Demo Program reserves whole industries for big business. Last year, at the request of the Department of Defense, I supported an amendment to terminate the Comp Demo Program. The Senate agreed that small businesses in all industries should receive the full protections of the Small Business Act, and unanimously voted to repeal this Program. Suspending this Program for Katrina and Rita contracts would go a long way towards restoring fair treatment for small businesses affected by this disaster.

I believe this legislation will find broad support in this body. Indeed, the HUBZone designation, the outreach programs, and the surety bonding increase have already been adopted by the Senate on a vote of 96-0 as part of my amendment to the Science, State, Commerce, and Justice Appropriations Act for Fiscal Year 2006. The provisions dealing with the small business reservation offset and retention of small business subcontracting in emergency procurements were cosponsored by a bi-partisan group of Senators as part of my bi-partisan disaster relief bill, S. 1807. With the Senate leadership and every Senator of both parties on the record in support of greater access of small businesses to Federal contracts, I look forward to speedy consideration of this legislation and its support by the Senate.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2614. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Finance.

Mr. THUNE. Mr. President, I rise today to introduce legislation along with my colleague from Illinois, Senator OBAMA, concerning what we believe is yet another important step in reducing our Nation's dependence on petroleum fuels.

S. 264, the Alternative Energy Refueling System Act of 2006 would provide an incentive for gas station owners across the country to install alternative refueling systems for automobiles. This legislation builds upon the existing tax credit that gas station owners can receive for installing alternative energy tanks. Most importantly, I would like to point out to my colleagues that this legislation does not require any additional taxes.

Currently, as a result of the Energy Policy Act of 2005, a tax credit of up to $30,000 is available through 2009 for gas station owners who install an alternative refueling system. Eligible alternative fuels include those that contain 85 percent by volume of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any mixture of biodiesel or diesel fuel that is composed of at least 20 percent biodiesel.

Our legislation basically allows gas station owners and operators to be reimbursed for 30 percent of the costs—not to exceed $30,000—of installing an alternative energy system.

One of the primary benefits of this legislation is that it can be used for up to two alternative refueling systems per gas station. This is important because under the tax credit that was part of last year's energy bill, a gas station owner can only utilize the $30,000 tax credit one time—even for those individuals who own multiple refueling stations.

For example, if a gas station owner in South Dakota, Illinois, or elsewhere wanted to install three new alternative refueling systems at his or her gas station, under the current system that owner would be limited to the $30,000 tax credit for a single alternative fuel system.

Under our legislation, that same gas station owner would continue to receive the tax credit for the first alternative fuel system. However, the station owner could also be reimbursed for 30 percent of the costs—not to exceed $30,000—for up to two additional alternative refueling systems. Therefore, the legislation we have introduced today would drastically increase the incentives for gas station owners to install additional alternative fuel systems.

I am hopeful that if this bill is signed into law, gas station owners across the country will be able to use this reimbursement mechanism to help consumers who already own or are thinking of purchasing an alternative fuel vehicle.

Senator OBAMA and I are both strong supporters of alternative fuels. In fact, South Dakota and Illinois are leaders in the production of ethanol—our Nation's leading renewable fuel. The legislation we are introducing today in no way preferences ethanol over other alternative fuels. In fact, they are all treated equally under our bill.

Alternative fuels such as E-85, which is composed of 85 percent ethanol, are starting to gain popularity. However, while automakers such as Ford and General Motors are producing an increasing number of flex fuel vehicles, which can run on either E-85 or gasoline, there is a critical need for more alternative refueling sites across the country. Many individuals would be shocked to know that of the 180,000 gas stations across the country, only 600—far less than 1 percent—offer alternative fuels such as E-85.

There are approximately 5 million flexible fuel vehicles on the road today. The addition of alternative refueling systems—such as E-85, compressed natural gas, biodiesel, and hydrogen—will allow American consumers the ability to refuel their vehicles with alternative fuels that are better for both the environment and our Nation's security.

As President Bush noted in his State of the Union Address earlier this year, "America is addicted to oil, which is often imported from unstable parts of the world." Since being elected to Congress I have worked hard in promoting the development of alternative energy sources. In fact, last year's energy bill marked an important milestone due to the 7.5 billion gallon renewable fuels standard that I and others advocated.

S. 2614 utilizes the interest earned from the Leaking Underground Storage Tank Trust Fund, which currently has a $2.6 billion surplus, to reimburse eligible gas station owners who add alternative refueling systems.

This trust fund continues to grow from a portion of the Federal gas tax—one-tenth of a cent per gallon—which amounted to roughly $190 million last year. The fund also continues to grow from the interest that is earned on the balance of the fund, which amounted to roughly $67 million in 2005.

I firmly believe that the Leaking Underground Storage Tank program serves an important function in keeping our land and water safe from storage tank releases. Our legislation simply seeks to use a portion of the interest earned annually to reimburse gas station owners for a portion of the costs associated with the installation of new alternative refueling systems.

An added benefit of using a portion of the interest from this trust fund is that the installation of alternative refueling systems reduces the overall number of petroleum tanks that can cause leaks.

Additionally, this bill ensures that States are not required to use their annual allocation of appropriated funding to reimburse gas station owners for the installation of alternative refueling systems. Such reimbursement would come directly from the EPA Administrator.

Mr. President, this bill would help to lessen our Nation's dependence on foreign sources of oil and—increase the use of alternative fuels. It is a step in the right direction, and is something I hope my colleagues will support.

Mr. OBAMA. I am pleased to join my distinguished colleague from South Dakota, Mr. THUNE, in introducing the Alternative Energy Refueling System Act of 2006. I applaud his work in crafting this bill and I hope my colleagues will provide their full support and work towards its swift enactment.

As members of the Senate Environment and Public Works Committee, the Senator from South Dakota and I have worked to promote the expansion of alternative fuels production capacity in the United States—most notably with the enactment of the Renewable Fuels Standard (RFS) included in last year's Energy Policy Act of 2005. The RFS states that 7.5 billion gallons of ethanol must be phased into the 140-billion-gallon annual national gasoline pool during the next 6 years.

That's a bold step in reducing our reliance on foreign oil, but we can't just rely on greater production of alternative fuels if we also don't make sure those fuels are available at gas stations. We need to make sure that when American drivers want to "fill 'er up" with something other than petroleum, they can.

Last year, I introduced S. 918, a bill to provide a tax credit for the cost of installing alternative fuel pumps. I was pleased that this tax credit was enacted as part of the Energy Policy Act of 2005. Soon hundreds more ethanol and biodiesel pumps throughout the United States will be installed as a result of this new policy.

But if we are serious about reducing our reliance on foreign oil in an expeditious fashion, we must intensify our efforts. We must double, triple, and quadruple our efforts. And that's exactly the purpose of our bill today, which simply provides a partial Federal reimbursement for the installation of alternative fuel pumps that otherwise are ineligible or have received the new tax credit.

Many more alternative refueling properties will be established by this bill—a strong complement to the tax credit passed last year. And this bill is fully offset in that it is financed by using just a small slice of the approximately $70 million in annual interest generated by the Leaking Underground Storage Tank (LUST) Trust Fund. We don't ask to use that small slice in perpetuity, but just for the next several years until enough alternative fuel refueling capacity is established across the country.

The total principal of the LUST fund is more than $2.5 billion—none of which we propose to draw down. And given that this fund has been capitalized by a one-tenth-of-a-penny fee for every gallon of petro-gas or petro-diesel purchased by the American people, it is altogether appropriate that any interest generated by any unused fractions-of-pennies be reinvested in infrastructure that weans our Nation from its dependence on the Middle East. All of this can be accomplished, while ensuring that the integrity of the LUST fund—which is used to clean up underground storage tanks—remains fully intact and untouched. In fact, I hope my colleagues on the Appropriations Committee will take note and will increase funding for LUST fund activities to the level it has long needed and deserved.

The Thune-Obama bill is a good bill that will accomplish good things for our national energy dependence, but even if enacted, this bill cannot by itself guarantee more alternative fuel refueling stations. As my colleagues are aware, alternative fuel refueling stations make up only a tiny fraction of the nationwide network of gas stations. And while that fraction is growing by leaps and bounds, the vast majority of stations within that small fraction are independently owned and operated.

By comparison, the big oil companies—the Exxons, the BPs, or the ConocoPhillips of the American petroleum industry—have not installed alternative fuel pumps. Rather, the evidence is accumulating that these companies have used institutional policies to deter the installation of alternative fuel pumps despite their retailers asking to sell these new fuels to meet growing consumer demand.

I think these practices must end. It is time for these companies to demonstrate leadership and reinvest in America. Until that day comes, however, I pledge to continue my work in Congress with like-minded colleagues to ensure that this Nation invests in a 21st Century refueling structure. The bill we are introducing today is part of that investment. I thank my colleague from South Dakota for his authorship on this bill.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mr. MENENDEZ, Mrs. LINCOLN, and Mr. DEWINE):

S. 2617. A bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes; to the Committee on Armed Services.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Military Retirees' Health Care Protection Act along with my colleagues, Senators HAGEL, KERRY, MENENDEZ, LINCOLN, and DEWINE.

This important legislation will keep the Pentagon from dramatically raising health care fees on military retirees.

Our bill will limit increases to TRICARE military health insurance premiums, deductibles, and co-payments for those in the National Guard and Reserves who are enrolled in TRICARE. Under this legislation, increases in health care fees cannot exceed the rate of growth in uniformed services beneficiaries' military compensation, thereby protecting beneficiaries from an undue financial burden.

In February, officials at the Department of Defense (DOD) announced plans to double fees on senior enlisted retirees and triple them for officer retirees. If enacted this would mean increases of up to $1,000 annually for some military retirees. While the Department of Defense has since temporarily halted plans to raise fees, it still has authority to implement steep increases in the future and may do so. We must pass legislation now that limits the amount of any health care increase and protects beneficiaries from extreme health care fee increases in the future.

Senator HAGEL and I want to demonstrate our commitment to our troops and future veterans by assuring them that just as they protected us, we will take care of them when their service ends. Just as our men and women in uniform vow never to leave a soldier behind in battle, so should we commit never to leave a veteran behind when he or she needs health care.

For three years, Congress has rejected a $250 Veterans Administration health fee increase for non-disabled veterans—doubling and tripling fees for career military is equally inappropriate.

I urge my colleagues on both sides of the aisle to support our troops by supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Retirees Health Care Protection Act".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) One effect of such curtailment is that retired members of the Armed Forces are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in the Armed Forces.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the 31 percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the Armed Forces 10 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the Armed Forces who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in the Armed Forces.

(10) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Retiree Health Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code, as amended section 725 of Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1991).

(12) Senior officials of the Department of Defense leaders have reported to Congress that counting such deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the Armed Forces that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the Armed Forces and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the Armed Forces who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay or compensation for such members.

SEC. 3. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g of title 10, United Stated Code, is amended by adding at the end the following new subparagraph:

"(C) The amount of any cost sharing requirements under this paragraph shall not be increased in any year by a percentage that exceeds the percentage increase of the most current previous adjustment to retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.".

(b) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE AFTER ACTIVE DUTY.—Section 1076d(d)(3) of such title is amended—

(1) by striking "The monthly amount" and inserting "(A) Except as provided in subparagraph (B), the monthly amount"; and

(2) by adding at the end the following new subparagraph:

"(B) In any year after 2006, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.".

(c) COPAYMENTS UNDER CHAMPUS.—Section 1086(b)(3) of such title is amended in the first sentence by inserting before the period at the end the following: ", except that in no event may such charges exceed $535 per day".

(d) PROHIBITION ON ENROLLMENT FEES UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

"(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.".

(e) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

(2) by adding at the end the following new paragraph:

"(2) In any year after 2006, the percentage increase in the amount of any premium, deductible, copayment or other charge established by the Secretary of Defense under this section may not exceed the percentage increase of the most current previous adjustment of retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.".

Mr. DEWINE. Mr. President, I rise today to express my support for Senator LAUTENBERG's and Senator HAGEL's bill, the Military Retirees Health Care Protection Act, which I have co-sponsored. We must ensure that our military personnel and military retirees, as well as their families, have access to affordable, quality health insurance.

Over the past 10 years, military health care benefits have been greatly expanded to include Medicare eligible retirees, Reservists, and their families. Additionally, new options for health care have been added for active duty families, including an elimination of co-pays if the families use military treatment facilities instead of civilian doctors. Since 1995, health insurance costs have increased in the civilian sector, but TRICARE rates have not increased. If fees aren't increased and other avenues for funding TRICARE aren't explored, defense health care costs, alone, may rise to as much as $64 billion by 2015.

As part of the fiscal year 2007 budget request, the Department of Defense proposed a significant increase to the enrollment and prescription drug prices for military retirees under age 65 and survivors. This increase would more than double enrollment fees. In almost every case, that's an unfathomable single-year increase for families who live on a very tight budget. This is particularly troublesome when the Department of Defense has many other options that it may pursue to limit the mounting costs of medicine.

In addition, last year I worked to extend military health insurance to every dependent child of a deceased servicemember at no cost as if that parent were still alive and serving our Nation. The Department of Defense indicates that this important benefit could save dependents as much as $15,000 per year compared to the cost of private health insurance premiums. This cost-free extension of TRICARE Prime medical insurance to surviving minor children will alleviate one of the biggest worries on families today—and that's health care costs. However, if premiums and fees are increased drastically for the surviving spouse, worries about health care costs will still weigh heavily on these families. TRICARE Prime premium increases would undo the good we have accomplished on this front.

The legislation we are introducing today would begin to address the need for premiums and other health care fees to keep pace with the rise in health care costs, while keeping in mind the effect such increases would have on the yearly budget for our military retirees, survivors, and their families.

This proposal calls for a yearly increase in premiums that is equivalent to the cost of living increase that military retirees receive. For instance, if the cost of living increase is 2 percent, TRICARE Prime premiums will increase by 2 percent. Similarly, under this proposal, fees for TRICARE Reserve Select—which I have fought for with many of my colleagues—would increase by the same percent as the basic pay raise. I believe that these represent fair fee increases for the men, women, and families who have selflessly served our country.

Unfortunately, I understand that these modest fee increases will not completely solve the rising costs of providing superior military health care. I encourage the Department of Defense to explore other options for reducing the overall cost to taxpayers of delivering this benefit. For instance, the DoD should negotiate with drug manufacturers for discounts in the TRICARE retail pharmacy network and encourage beneficiaries to use the mail-order pharmacy. There are many more options available to DoD to fund this health care system, which I strongly urge them to explore.

I believe we owe a great debt of gratitude to those men, women, and families who served our country in the armed services in uniform and on the home front. It is essential that we honor our commitment and investigate all available options for funding our military health care system, rather than strap the bill on the backs of those who already have paid for their health insurance with their blood, sweat, and tears. I will continue to work with Senators LAUTENBERG and HAGEL to ensure fair treatment of these men and women.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2618. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join with Senator GRASSLEY today to introduce the Access to Medical Treatment Act. The idea behind this legislation is to allow greater freedom of choice and increased access in the realm of medical treatments, while preventing abuses of unscrupulous entrepreneurs. The Access to Medical Treatment Act allows individual patients and their properly licensed health care providers to use certain alternative and complementary therapies not approved by the Food and Drug Administration (FDA), but that may be approved elsewhere. As more Americans seek out alternative and complimentary treatments for their health care, we need to be responsive. We need to see what works and what does not, but we also need to make sure that patients are protected, and are not misled about the potential benefits and risks of alternative treatments. The Access to Medical Treatment Act presents one option to help Americans make better choices, and it is my hope that this legislation can help spur a dialogue about the best way to promote access to safe and effective alternative medical treatments.

Importantly, the bill contains an informed consent protection for patients, modeled after the National Institutes of Health's, NIH, human subject protection regulations. Under the protections provided for in the legislation, a patient must be fully informed, orally and in writing of the following: the nature, content and methods of the medical treatment; that the treatment is not approved by the FDA; the anticipated benefits and risks of the treatment; any reasonably foreseeable side effects that may result; the results of past applications of the treatment by the health care provider and others; the comparable benefits and risks of any available FDA-approved treatment conventionally used for the patient's condition; and any financial interest the provider has in the product. The consent documents will then become part of the patient's medical record.

Providers and manufacturers are required to report to the Centers for Disease Control and Prevention, CDC, any adverse effects from alternative treatments, and must immediately cease use and manufacture of the product, pending a CDC investigation. The CDC is required to conduct an investigation of any adverse effects, and if the product is shown to cause any danger to patients, the physician and manufacturers are required to immediately inform all providers who have been using the product of the danger.

Our legislation ensures the public's access to reliable information about complementary and alternative therapies by requiring providers and manufacturers to report the results of the use of their product to the National Center for Complementary and Alternative Medicine at NIH, which is then required to compile and analyze the information for an annual report. The bill also stipulates that the provider and manufacturer may make no advertising claims regarding the safety and effectiveness of the treatment of therapy, and grants FDA the authority to guarantee that the labeling of the treatment is not false or misleading.

Mr. President, the goal of this legislation is to preserve the consumer's freedom to choose alternative therapies while addressing the fundamental concern of protecting patients from dangerous treatments and those who would advocate unsafe and ineffective therapies. I hope that we have struck the appropriate balance, and I welcome feedback from interested parties.

It wasn't long ago that William Roentgen was afraid to publish his discovery of X-rays as a diagnostic tool. He knew they would be considered an alternative medical practice and widely rejected by the medical establishment. As everyone knows, X-rays are a common diagnostic tool today. Well into this century, many scientists resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession came around on that one.

The underlying point is this: today's consumers want alternatives in many medical situations for them and their families. They want less invasive, less expensive preventive options. Americans want to stay healthy. And they are speaking with their feet and their pocketbooks. Mr. President, Americans spend $30 billion annually on unconventional therapies. That is one of the reasons we established the National Center for Complimentary and Alternative Medicine, NCCAM, at NIH in 1998. As more Americans look for alternative courses of treatment, we needed to provide a way to see what works and what does not. This bill is another step in that direction.

This legislation simply provides patients the freedom to use—with strong consumer protections—the complementary and alternative therapies and treatments that have the potential to relieve pain and cure disease. And it provides a means to see what works and what does not. I thank Senator GRASSLEY for his continued leadership on this issue, and urge my colleagues to consider this bill.

By Mrs. CLINTON:

S. 2620. A bill to amend the Older Americans Act of 1965 to authorize the Assistant Secretary for Aging to provide older individuals with financial assistance to select a flexible range of home and community-based long-term care services or supplies, provided in a manner that respects the individuals' choices and preferences; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased today to introduce the Community-Based Choices for Older Americans Act of 2006. This legislation would take several important steps toward helping older Americans meet their long-term care needs.

Issues related to long-term care are of growing concern to many in New York and around the country, especially as baby boomers begin to require more of these important services. Older Americans are struggling to afford costly care and to maintain dignity and choice regarding these services.

As I talk with seniors around the State of New York and throughout the country, what I hear most is that people want to stay in their homes for as long as they can. However, too many individuals struggle to afford quality home and community-based care and, as a result, are forced into institutional care: A more costly outcome they do not desire and that places additional burden on the Medicaid program.

That is why I am introducing this legislation today. The Community-Based Choices for Older Americans Act will assist individuals age 60 or older who grapple with daily living activities or with a disability, yet are above a State's Medicaid eligibility threshold, in meeting their long-term care needs.

This bill will establish a matching grant program to States to help these individuals pay for a broad range of health, social, and supportive services based on the individuals' personal choices and preferences in collaboration with a service coordinator. Eligible individuals will be able to purchase services and supports that would be provided in home or community-based settings, such as home modifications like a wheelchair or ramp, assistance with grocery shopping or meal preparation, or adult day services.

This legislation is based on the Cash and Counseling model successfully used in demonstration projects in 15 States. This consumer-directed approach offers individuals more choice, flexibility, and control in managing their daily lives.

Through this bill, State Agencies on Aging throughout the country will be given the tools to develop a community-based, long-term care system where seniors choose the services and the providers they want so they are able to maintain independence and dignity while they age in place in the homes and communities where they have often lived for decades.

This year marks the first year that the baby boom population turns 60. Development of a consumer-friendly, home and community-based system of long-term care is a critical step in planning services for this population.

I look forward to working with all of my colleagues to ensure passage of this bill to help our seniors choose the long-term care resources and services they need to remain independent.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community-Based Choices for Older Americans Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to provide grants to States in order to achieve the following:

(1) To enable eligible individuals to make informed choices about the long-term care services and supplies that best meet their needs and preferences.

(2) To provide financial assistance to older individuals to purchase a flexible range of long-term care services or supplies in a manner that respects the individuals' cultural, ethnic, and lifestyle preferences in the least restrictive settings possible.

(3) To make the purchase of long-term care services and supplies delivered in a home or community-based setting, such as a naturally occurring retirement community, more affordable for individuals with financial need.

(4) To help families continue to care for their older relatives with long-term care needs, including older individuals with physical and cognitive impairments, and to help reduce the number of older individuals who are forced to impoverish themselves in order to pay for the long-term care services and supplies they need.

(5) To help relieve financial pressure on the medicaid program by delaying or preventing older individuals from spending down their income and assets to medicaid eligibility thresholds.

(6) To concentrate the resources made available under this Act to those individuals with the greatest economic need for long-term care services and supplies.

SEC. 3. ESTABLISHMENT OF THE NATIONAL LONG-TERM CARE CHOICE PROGRAM.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"TITLE VIII—NATIONAL LONG-TERM CARE CHOICE PROGRAM

"SEC. 801. DEFINITIONS.

"In this title:

"(1) CAREGIVER.—The term 'caregiver' means an adult family member, or another individual, who is a paid or unpaid provider of home or community-based care to an eligible individual.

"(2) CONSUMER CHOICE.—The term 'consumer choice' means the opportunity for an eligible individual—

"(A) to have greater control over the covered long-term care services and supplies the individual receives; and

"(B) to elect—

"(i) to receive a payment under this title through a fiscal intermediary as described in section 806(b)(2)(B) for the purpose of purchasing covered long-term care services or supplies; or

"(ii) to receive such services or supplies from a provider paid by the State involved (or its designee) as described in section 806(b)(2)(A).

"(3) COVERED LONG-TERM CARE SERVICES OR SUPPLIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'covered long-term care services or supplies' means any of the following services or supplies, but only if, with respect to an eligible individual, such services or supplies are not available or not eligible for payment by any entity carrying out a program described in section 804(b)(8) or a similar third party:

"(i) Adult day services (including health and social day care services).

"(ii) Bill paying.

"(iii) Care-related supplies and equipment.

"(iv) Companion services.

"(v) Congregate meals.

"(vi) Environmental modifications.

"(vii) Fiscal intermediary services.

"(viii) Home-delivered meals.

"(ix) Home health services.

"(x) Homemaker services (including chore services).

"(xi) Mental and behavioral health services.

"(xii) Nutritional counseling.

"(xiii) Personal care services.

"(xiv) Personal emergency response systems.

"(xv) Respite care.

"(xvi) Telemedicine devices.

"(xvii) Transition services for individuals who have a plan that meets such requirements as a State shall establish, to relocate from a nursing home to a home or community-based setting within 60 days.

"(xviii) Transportation.

"(xix) Any service or supply that a State describes in its State plan and is approved by the Assistant Secretary.

"(xx) Any service or supply that is requested by an eligible individual (in coordination with the individual's service coordinator) and that is approved by the State.

"(B) EXCLUSIONS.—

"(i) SERVICE COORDINATION.—Such term does not include a service directly provided by the service coordinator for an eligible individual as part of service coordination under this title.

"(ii) SERVICES FOR NURSING HOME RESIDENTS.—Such term does not include any service for a resident of a nursing home, except a service described in subparagraph (A)(xvii).

"(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual—

"(A) who is age 60 or older;

"(B) who is not eligible for medical assistance under the medicaid program established under title XIX of the Social Security (42 U.S.C. 1396 et seq.);

"(C) who meets such income eligibility and total asset criteria as a State may establish;

"(D) who—

"(i)(I) is unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (such as eating, toileting, transferring, bathing, dressing, and continence); or

"(II) at the option of the State, is unable to perform at least 3 such activities without such assistance;

"(ii) has a level of disability similar (as determined by the State) to the level of disability described in clause (i); or

"(iii) requires substantial supervision due to cognitive or mental impairment; and

"(E) who satisfies such other eligibility criteria as the State may establish in accordance with such guidance as the Assistant Secretary may provide.

"(5) ELIGIBLE STATE.—The term 'eligible State' means a State with an approved State plan under section 804.

"(6) FISCAL INTERMEDIARY.—The term 'fiscal intermediary' means an entity that—

"(A) assists individuals who choose to employ providers of covered long-term care services or supplies directly, to—

"(i) carry out employer-related responsibilities, as designated by a State with the approval of the Assistant Secretary;

"(ii) assure compliance with Federal, State, and local law; and

"(iii) assure compliance with other requirements designated by the State; and

"(B) receives and disburses, as described in section 806(b)(2)(B), payments described in section 806(b).

"(7) FISCAL INTERMEDIARY SERVICE.—The term 'fiscal intermediary service' means a service to enable an eligible individual to carry out a responsibility described in subparagraph (A)(i) or (B) of paragraph (6) or assure compliance with Federal, State, or local law, or another requirement designated by the State.

"(8) LONG-TERM CARE.—The term 'long-term care' means a wide range of supportive social, health, and mental health services for individuals who do not have the capacity for self-care due to illness or frailty.

"(9) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'naturally occurring retirement community' means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a substantial number of individuals have aged in place and become older individuals.

"(10) NURSING HOME.—The term 'nursing home' means—

"(A) a nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

"(B) a skilled nursing facility, as defined in section 1819(a) of such Act (42 U.S.C. 1395i-3(a)); and

"(C) a residential care facility that directly provides care or services described in paragraph (1) of section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)) but does not receive payment for such care or services under the medicare or medicaid programs established under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

"(11) QUALIFIED PROVIDER.—The term 'qualified provider' means a provider of covered long-term care services or supplies who meets such licensing, quality, and other standards as the State may establish.

"(12) REPRESENTATIVE.—The term 'representative' means a person appointed by the eligible individual, or legally acting on the individual's behalf, to represent or advise the individual in financial or service coordination matters.

"(13) SERVICE COORDINATION.—The term 'service coordination' means a service that—

"(A) is provided to an eligible individual, at the direction of the eligible individual or a representative of the eligible individual (as appropriate); and

"(B) consists of facilitating consumer choice or carrying out—

"(i) a function described in section 805; or

"(ii) a function described in section 804(9), as determined appropriate by the State involved.

"(14) SERVICE COORDINATOR.—The term 'service coordinator' means an individual who—

"(A) provides service coordination for an eligible individual; and

"(B) is trained or experienced in the skills that are required to facilitate consumer choice and carry out the functions described in paragraph (13)(B).

"(15) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 802. ALLOTMENTS TO ELIGIBLE STATES.

"(a) ALLOTMENTS.—

"(1) IN GENERAL.—The Assistant Secretary shall make an allotment to each eligible State for a fiscal year, to enable the State to carry out a program that pays for the Federal share of the cost of providing covered long-term care services and supplies for eligible individuals under this title. The Assistant Secretary shall make the allotment in an amount determined under section 803.

"(2) LIMITATIONS.—From an allotment made under paragraph (1) for a program carried out in a State under this title for a fiscal year, not more than 15 percent may be used to pay for administrative costs (other than service coordination) of the program.

"(b) FEDERAL SHARE.—From that allotment for that fiscal year—

"(1) funds from the allotment shall be available to such State for paying a Federal share equal to such percentage as the State determines to be appropriate, but not more than 75 percent, of the cost of administration of the program carried out in the State under this title; and

"(2) the remainder of such allotment shall be available to such State only for paying a Federal share equal to such percentage as the State determines to be appropriate, but not more than 85 percent, of the cost of providing covered long-term care services and supplies through the program.

"(c) SUPPLEMENT, NOT SUPPLANT.—Allotments made to a State under this section shall supplement and not supplant other Federal or State payments that are made for the provision of long-term care services or supports under—

"(1) the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(2) a program funded under title XX of such Act (42 U.S.C. 1397 et seq.);

"(3) a program funded under title III of this Act; or

"(4) any other Federal or State program.

"SEC. 803. ALLOTMENTS.

"(a) ALLOTMENTS.—

"(1) IN GENERAL.—Subject to subsection (b), from sums appropriated for a fiscal year to carry out this title, the Assistant Secretary shall allot to each eligible State an amount that bears the same relationship to such sums as the number of individuals who are age 60 or older and whose income does not exceed 100 percent of the poverty line who reside in the State bears to the total number of such individuals who reside in all States.

"(2) DATA.—For purposes of paragraph (1), the number of individuals described in that paragraph shall be determined on the basis of the most recent available data from the Bureau of the Census.

"(3) DEFINITION.—In paragraph (1), the term 'State' does not include a State specified in subsection (b).

"(b) ALLOTMENTS TO TERRITORIES.—Of the sums appropriated for a fiscal year to carry out this title, the Assistant Secretary shall allot an amount equal to 0.25 percent of such sums among the following commonwealths and territories according to the percentage specified for each such commonwealth or territory:

"(1) The Commonwealth of Puerto Rico, 91.6 percent.

"(2) Guam, 3.5 percent.

"(3) The United States Virgin Islands, 2.6 percent.

"(4) American Samoa, 1.2 percent.

"(5) The Commonwealth of the Northern Mariana Islands, 1.1 percent.

"(c) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an amount allotted to an eligible State for a fiscal year shall remain available for expenditure by the State for the 2 succeeding fiscal years.

"(2) AVAILABILITY OF REDISTRIBUTED AMOUNTS.—An amount redistributed to an eligible State under subsection (d) in a fiscal year shall be available for expenditure by the State for the succeeding fiscal year.

"(d) REDISTRIBUTION OF UNSPENT FUNDS.—An amount that is not expended by an eligible State during the period in which such amount is available under subsection (c) shall be redistributed by the Assistant Secretary according to a formula determined by the Assistant Secretary that takes into account the extent to which an eligible State has exhausted, or is likely to exhaust, its allotment for that fiscal year.

"SEC. 804. STATE PLANS.

"(a) IN GENERAL.—In order to receive an allotment made under section 802 for an eligible State for a fiscal year, the State shall submit to the Assistant Secretary for approval a State plan that includes the information and assurances described in subsection (b).

"(b) CONTENTS.—

"(1) ELIGIBILITY.—The plan shall include descriptions of the eligibility criteria and methodologies that the State will apply, consistent with section 801(4), to determine whether an individual is an eligible individual for the program carried out in the State under this title.

"(2) PRIORITY FOR ELIGIBLE INDIVIDUALS WITH GREATEST ECONOMIC NEED.—The plan shall include an assurance that, in establishing and applying the eligibility criteria and methodologies described in paragraph (1), the State will give priority to providing assistance to those eligible individuals who have the greatest economic need, as defined by the State.

"(3) NEEDS AND PREFERENCES OF ELIGIBLE INDIVIDUALS.—The plan shall include a description of how the State will ensure that the needs and preferences of an eligible individual are addressed in all aspects of the program.

"(4) PAYMENTS FOR SERVICES.—The plan shall include an assurance that the State will make payments, at the election of an eligible individual, in accordance with section 806(b)(2), and will provide a fiscal intermediary for each eligible individual electing to receive a payment as described in section 806(b)(2)(B).

"(5) SERVICES AND SUPPLIES.—The plan shall describe the services and supplies that the State will make available to an eligible individual, consistent with the definition of covered long-term services or supplies specified in section 801(3).

"(6) COST-SHARING.—The plan shall include a description of the methodologies to be used—

"(A) to calculate the ability of an eligible individual to pay for covered long-term care services or supplies without assistance under the program carried out under this title;

"(B) based on the calculation of ability to pay, to determine the amount of cost-sharing that the eligible individual will be responsible for under the program, set on a sliding scale based on income;

"(C) to collect cost-sharing amounts, both in cases in which the State makes payments directly to a qualified provider as described in section 806(b)(2)(A), and in cases in which the State makes payments to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B); and

"(D) to track expenditures by eligible individuals for the purchase of covered long-term care services or supplies.

"(7) COST-SHARING REQUIREMENTS FOR PROVIDERS.—The plan shall provide an assurance that the State will require each provider involved in the program carried out in the State under this title—

"(A) to protect the privacy and confidentiality of each eligible individual with respect to the income, and any cost-sharing amount determined under paragraph (6), of an eligible individual;

"(B) to establish appropriate procedures to account for cost-sharing amounts; and

"(C) to widely distribute State-created written materials in languages reflecting the reading abilities of eligible individuals that describe the criteria for cost-sharing, and the State's sliding scale described in paragraph (6)(B).

"(8) COORDINATION WITH OTHER PROGRAMS.—The plan shall include a description of the methods by which the State will, as appropriate, refer individuals who apply for assistance under a program carried out under this title for eligibility determinations under—

"(A) the State medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(B) the medicare program carried out under title XVIII of such Act (42 U.S.C. 1395 et seq.);

"(C) a program funded under title XX of such Act (42 U.S.C. 1397 et seq.);

"(D) other programs funded under this Act; and

"(E) other Federal or State programs that provide long-term care.

"(9) ENTITIES AND PROCEDURES.—The plan shall include a description of the entities and procedures that the State will use to carry out the following functions:

"(A) Establishing eligibility for the program carried out under this title.

"(B) Assessing the need of an eligible individual for covered long-term care services or supplies.

"(C) Determining the amount of payments described in section 806(b) to be made for the eligible individual under the program.

"(D) Evaluating the cost-sharing by the eligible individual under the program.

"(E) In the case of an eligible individual who elects to receive payments as described in section 806(b)(2)(B), helping the eligible individual or the eligible individual's representative (as appropriate) identify, retain, and negotiate and terminate agreements with, qualified providers of covered long-term services or supplies.

"(F) Monitoring payments made for an eligible individual to ensure that—

"(i) the cost-sharing amounts that the eligible individual is responsible for under the State plan are paid;

"(ii) the payments made by the State for the eligible individual—

"(I) are made in a timely fashion; and

"(II) do not exceed the annual assistance amount established for the eligible individual under section 806(a); and

"(iii) when appropriate, the payments are made by the State in an expedited manner to account for health status changes of an eligible individual that require rapid responses.

"(G) Establishing a quality assurance system that assesses the covered long-term services or supplies provided for the eligible individual to ensure that the qualified provider of such services or supplies meets such licensing, quality, or other standards as the State may establish in accordance with paragraph (11).

"(H) Providing information to eligible individuals about average market rates for covered long-term care services or supplies.

"(I) Administering payments in a timely fashion and in accordance with a written care plan described in section 805(1) for an eligible individual (that takes into account payment rates established by the eligible individual or a representative of the eligible individual (as appropriate)), including the methods for—

"(i) making payments directly to a qualified provider as described in section 806(b)(2)(A);

"(ii) making payments to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B), for the purchase of such services or supplies; and

"(iii) making payments (when appropriate) in an expedited manner to account for health status changes of the eligible individual that require rapid responses.

"(J) Carrying out such other activities as the eligible State determines are appropriate with respect to the eligible individual or the program carried out under this title.

"(10) SERVICE COORDINATORS.—The plan shall include a description of how the State will—

"(A) provide a service coordinator (directly or by contract) for each eligible individual receiving assistance under the program carried out under this title; and

"(B) ensure that the service coordinator carries out the responsibilities described in section 805, including any responsibilities assigned by the State under section 805(5).

"(11) QUALIFIED PROVIDERS.—The plan shall include a description of any licensing, quality, or other standards for qualified providers (including both providers paid directly by the State as described in section 806(b)(2)(A) or through payments made to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B).

"(12) QUALITY ASSURANCE.—The plan shall include a description of the procedures to be used to ensure the quality and appropriateness of the covered long-term care services or supplies provided to an eligible individual and the program carried out under this title, which shall include—

"(A) a quality assessment and improvement strategy that establishes—

"(i) standards that provide for access to covered long-term care services or supplies within reasonable time frames and that are designed to ensure the continuity and adequacy of such services or supplies; and

"(ii) procedures for monitoring and evaluating the quality and appropriateness of the covered long-term care services or supplies provided to eligible individuals under the program carried out under this title; and

"(B) a mechanism for obtaining feedback from eligible individuals and others regarding their experiences with, and recommendations for improvement of, the program carried out under this title.

"(13) OUTREACH.—The plan shall include a description of the procedures by which the State will conduct outreach for enrollment (including outreach to persons residing in naturally occurring retirement communities) in the program carried out under this title.

"(14) INDIANS.—The plan shall include a description of the procedures by which the State will ensure the provision of assistance under the program carried out under this title to eligible individuals who are Indians (as defined in section 4(c) of the Indian Health Care Improvement Act (25 U.S.C. 1603(c))) or Native Hawaiians, as defined in section 625.

"(15) DATA COLLECTION.—The plan shall include an assurance that the State will annually collect and report to the Assistant Secretary such data and information related to the program carried out under this title as the Assistant Secretary may require, including the information required under section 807(a)(1)(B).

"SEC. 805. RESPONSIBILITIES OF SERVICE COORDINATORS.

"Each eligible State shall ensure that the service coordinator for an eligible individual receiving assistance under the program carried out under this title, at a minimum, carries out the following responsibilities:

"(1)(A) Assisting an eligible individual and the eligible individual's representative (as appropriate) with the development of a written care plan for the eligible individual that—

“(i) specifies the covered long-term care services or supplies that best meet the needs and preferences of the eligible individual; and

“(ii) takes into account the ability of caregivers to provide adequate and safe care.

“(B) Assuring that the care plan is coordinated with other care plans that may be developed for the eligible individual under other Federal or State programs (including care plans applicable to naturally occurring retirement communities).

“(2) Reassessing and, as appropriate, assisting with revising the care plan for the eligible individual—

“(A) not less than annually; and

“(B) whenever there is a change of health status or other event that requires a reassessment of the care plan.

“(3) Educating—

“(A) an eligible individual who elects to receive payments as described in section 806(b)(2)(B) about available qualified providers of covered long-term care services or supplies; and

“(B) an eligible individual about specific covered long-term care services or supplies.

“(4) Recommending, as appropriate, methods for community integration for an eligible individual who resides in a nursing home and who is relocating to a home or community-based setting.

“(5) Carrying out any other responsibilities assigned to the service coordinator by the State.

“SEC. 806. PAYMENTS FOR COVERED LONG-TERM CARE SERVICES OR SUPPLIES.

“(a) ANNUAL ASSISTANCE AMOUNT.—

“(1) IN GENERAL.—Subject to paragraph (2), an eligible State shall establish an annual assistance amount for each eligible individual enrolled in the program carried out under this title based on an assessment of the eligible individual.

“(2) COST-SHARING AMOUNT.—The State shall subtract from the annual assistance amount the individual's cost-sharing amount determined under section 804(b)(6) to obtain the amount of the payments described in subsection (b).

“(3) LIMITATION.—The annual assistance amount made for an eligible individual under a program carried out under this title may not exceed—

“(A) in the case of fiscal year 2007, $8,000; and

“(B) in the case of any subsequent fiscal year, the amount described in this paragraph for the preceding fiscal year increased by the percentage increase in the Consumer Price Index for all urban consumers (all items: U.S. city average) for the preceding fiscal year.

“(b) PAYMENTS.—

“(1) WRITTEN CARE PLANS.—Under a program carried out under this title, an eligible State (or its designee) shall make payments for the provision or purchase of covered long-term care services or supplies for eligible individuals in accordance with the written care plans established for such individuals.

“(2) ELECTIONS.—At the election of an eligible individual, the payments shall be made by the State (or its designee)—

“(A) directly to a qualified provider of covered long-term care services or supplies; or

“(B) to a fiscal intermediary on behalf of the eligible individual, to enable the fiscal intermediary to disburse the payments for the purchase of such services or supplies—

“(i) in advance to the provider or the eligible individual; or

“(ii) as reimbursement for the eligible individual.

“(c) LIMITATIONS.—In making payments under this section, a State shall ensure that not more than 10 percent of the funds made available to the State under section 802(a) shall be used to pay for service coordination.

“(d) EXCLUSION FROM INCOME.—Payments made for an eligible individual under this section for a program carried out under this title shall not be—

“(1) included in the gross income of the eligible individual for purposes of the Internal Revenue Code of 1986; or

“(2) treated as income, assets, or benefits, or otherwise be taken into account, for purposes of determining the individual's eligibility for, the amount of benefits under, or the amount of cost-sharing required by, any other Federal or State program.

“SEC. 807. ANNUAL REPORTS.

“(a) STATE REPORTS.—

“(1) IN GENERAL.—Each eligible State shall—

“(A) evaluate the establishment and operation of the State plan under this title in each fiscal year for which the State receives allotments under section 802; and

“(B) prepare and submit to the Assistant Secretary, not later than January 1 of the succeeding fiscal year, a report that includes the following:

“(i) The number of total unduplicated eligible individuals and the amount of expenditures made for the individuals, analyzed by type of payment specified in subparagraph (A) or (B) of section 806(b)(2) in the program carried out under this title in the State.

“(ii) The number of eligible individuals in the program that received each of the categories of covered long-term care services or supplies described in clauses (i) through (xx) of section 801(3)(A), analyzed, for each category by type of payment specified in subparagraph (A) or (B) of section 806(b)(2).

“(iii) The total amount of cost-sharing amounts that the State received from eligible individuals in the program.

“(iv) Information on the age and income of the eligible individuals.

“(2) FORMAT.—The Assistant Secretary shall provide guidance to eligible States regarding the format for the information included in the report required under paragraph (1) in such manner as to allow for comparison of the information provided across such States.

“(3) PUBLIC AVAILABILITY.—The Assistant Secretary shall make the State reports submitted under paragraph (1) available to the public.

“(b) REPORTS BY FISCAL INTERMEDIARIES AND QUALIFIED PROVIDERS.—The State shall require fiscal intermediaries and qualified providers participating in the program carried out in the State under this title to prepare and submit to the State, not less often than twice a year, reports containing such information as is necessary for the State to meet the reporting requirements described in subsection (a) and as is necessary for the administration of the program.

“(c) REPORT TO CONGRESS.—At the end of each fiscal year, the Assistant Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee of Health, Education, Labor, and Pensions of the Senate a report that contains a summary of the data submitted under subsection (a)(1)(B) and a description of any implementations issues with the programs carried out under this title.

“SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary to carry out this title, such sums as may be necessary for each of fiscal years 2007 through 2012.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 438—EXPRESSING THE SENSE OF CONGRESS THAT INSTITUTIONS OF HIGHER EDUCATION SHOULD ADOPT POLICIES AND EDUCATIONAL PROGRAMS ON THEIR CAMPUSES TO HELP DETER AND ELIMINATE ILLICIT COPYRIGHT INFRINGEMENT OCCURRING ON, AND ENCOURAGE EDUCATIONAL USES OF, THEIR COMPUTER SYSTEMS AND NETWORKS

Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 438

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in MGM Studios Inc. v. Grokster, Ltd., reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, “the probable scope of copyright infringement is staggering” (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in MGM Studios Inc. v. Grokster, Ltd., wrote that “deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft” (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United

States are illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, unauthorized peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas peer-to-peer use on college computer systems also exposes those systems to increased volumes of pornographic or obscene material, including child pornography, which are readily available on peer-to-peer systems;

Whereas peer-to-peer systems have also been used to gain unauthorized access to personal and sensitive information, such as social security account numbers, medical information, tax returns, and bank statements;

Whereas colleges and universities must use valuable and finite resources in responding to requests from victims and law enforcement seeking to stop illegal downloading on college computer systems;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property; the illegality and potential legal consequences of unauthorized downloading of copyrighted works; and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that unauthorized peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take all practicable steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

Mr. ALEXANDER. Mr. President, today I am submitting a resolution that expresses the Sense of Congress that colleges and universities should continue to educate their students about the importance of intellectual property and the harm caused by copyright infringement. I am joined in introducing this resolution by Senators LEAHY, HATCH, and NELSON of Florida, and I thank them for their support.

The intent of this resolution is to help draw attention to the problem of digital piracy on campus through the use of university computer networks to illegally share copyrighted materials. Efforts to combat digital piracy were bolstered last year when the U.S. Supreme Court handed down its decision in MGM Studios, Inc. v. Grokster, Ltd. That ruling has allowed the movie and recording industries to take additional steps to protect intellectual property and prevent what Justice Breyer described in the Grokster decision as "no less an unlawful taking of property than garden-variety theft."

However, truly stamping out digital piracy requires that we challenge the widespread belief that there is nothing wrong with illegally downloading music and other copyrighted material, and that it doesn't hurt anybody except for rich performers and corporate executives who have plenty of money. I can tell you that's not true because I have personally met with songwriters from Nashville who have explained how illegal downloading has hurt their livelihoods. There are many other Americans without million-dollar bank accounts who have been hurt by copyright infringement as well.

The place to start turning that belief around is at our institutions of higher learning. For many students, a college campus is the first place where they have high-speed Internet access and are exposed to technology that allows them to trade copyrighted files with other computer users. At the same time, college campuses are the source of some of our Nation's most valuable intellectual property. The combination of these two factors makes our colleges and universities the ideal place for students to develop a respect for intellectual property and to understand the harm caused by copyright infringement.

The resolution that my colleagues and I are introducing today encourages colleges and universities to take a leadership role in educating students regarding the importance of protecting intellectual property, and to take steps to prevent unauthorized downloading on their computer systems. Throughout the country, many schools are already meeting this challenge. In my own State, Vanderbilt University has taken steps to instill respect for intellectual property in its students, while taking action to prevent its computer system from being misused. For example, Vanderbilt has created VUmix, a music downloading service, to help its students understand the digital piracy issue and provide them with a legal alternative. The VUmix service is part of the university's Digital Life Initiative, a comprehensive approach to offering music, film, and other forms of digital media to the Vanderbilt community. Other schools are doing similar things to combat copyright infringement, and this resolution encourages such efforts.

I encourage my colleagues.to support this resolution and promote respect for one of America's most valuable assets: its intellectual property.

Mr. LEAHY. Mr. President, I am pleased today to stand with my colleagues, Senator ALEXANDER, Senator HATCH, and Senator NELSON of Florida, to express the sense of this Congress that institutions of higher education should act diligently to help eliminate the harms from the illicit copyright infringement that plagues many campus computer systems.

Online piracy, especially illegal file-sharing of copyrighted works such as music, movies and software, is a growing problem. While I always encourage technological innovation, I am also acutely aware of the need to respect the intellectual property rights and talent of those who create the works that are made available online. Some peer-to-peer software applications allow individuals, without authorization, to copy and distribute—for free—unlimited numbers of these valuable works. The speed and convenience of our universities' networks, which were built for academic pursuits, have unfortunately also proved to be a lure for students seeking to engage in this illegal and detrimental behavior.

When music and movie industry representatives speak with me about this problem, they describe a disturbing level of online piracy. In addition to exposing students to legal liability, illegal file-sharing on school networks may compromise the integrity of those systems by using up expensive bandwidth, introducing spyware, and hosting destructive viruses.

I am pleased that colleges and universities in my home state have been working for nearly two years to combat these problems. In July 2004, Middlebury College, located in Middlebury VT, announced a deal with Napster to provide legitimate file sharing services that offer online music to students. It is my hope that more institutions will follow in step, and work to provide students with the tools needed to lawfully access the wealth of information available on the web.

As technology continues to advance, the issues that surround legitimately accessing online content will become increasingly important. I want to thank my colleagues on both sides of the isle for working with me to convey this important message.

SENATE RESOLUTION 439—DESIGNATING THE THIRD WEEK OF APRIL 2006 AS "NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK"

Mr. DODD (for himself, Mr. ALEXANDER, Ms. SNOWE, Ms. LANDRIEU, Mrs.

CLINTON, Mr. LEVIN, Mrs. MURRAY, Mr. LIEBERMAN, Mr. SALAZAR, Mr. DURBIN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 439

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, nearly 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for 41.2 percent of all child abuse and neglect fatalities in 2002, and children aged 4 years or younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002;

Whereas abusive head trauma, including the trauma known as "Shaken Baby Syndrome", is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ⅔ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Kills: Instead Parents Please Educate and Remember Initiative (commonly known as the "SKIPPER Initiative"), the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbi, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children's Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children's Hospitals and related institutions, Never Shake a Baby Arizona, Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations;

Whereas a 2000 survey by Prevent Child Abuse America shows that approximately half of all citizens of the United States believe that, of all the public health issues facing the United States, child abuse and neglect is the most important issue;

Whereas Congress previously designated the third week of April 2001 as "National Shaken Baby Syndrome Awareness Week 2001"; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2006 as "National Shaken Baby Syndrome Awareness Week";

(2) commends those hospitals, child care councils, schools, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 440—CONGRATULATING AND COMMENDING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS, AND THE UNITED STATES OLYMPIC COMMITTEE, FOR THEIR SUCCESS AND INSPIRED LEADERSHIP

Mr. ALLARD (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 440

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

SENATE CONCURRENT RESOLUTION 88—URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM, REMOVE ALL LEGAL AND POLITICAL OBSTACLES FOR LAWYERS ATTEMPTING TO DEFEND CRIMINAL CASES IN CHINA, INCLUDING POLITICALLY SENSITIVE CASES, AND REVISE LAW AND PRACTICE IN CHINA SO THAT IT CONFORMS TO INTERNATIONAL STANDARDS

Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committees on Foreign Relations;

S. CON. RES. 88

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China's best known lawyers and legal rights defenders;

Whereas Mr. Gao has represented citizens of China in lawsuits against various local and administrative governmental bodies of the People's Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on "evil cults", such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao's law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of "illegal business practices" based upon his distribution of Bibles and religious material;

Whereas Mr. Gao's home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented by the Public Security Ministry from meeting with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have consistently monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter since late November 2005;

Whereas, on November 10, 2005, an open letter, signed by 138 organizations worldwide, was submitted to President Bush calling on him to voice support of Mr. Gao and his legal practice during the President's November 2005 visit to China;

Whereas other human rights lawyers, collectively known as "rights defenders", or Wei Quan, have also faced harassment, arrest, and detention for their consistent and vigorous activities to defend the fundamental rights of the people of China, contrary to measures within the law of China protecting human rights and rights of lawyers;

Whereas Mr. Chen Guangcheng, a blind human rights lawyer who has exposed cases of violence against women, including forced abortion and forced sterilization perpetrated by authorities of China under the 1-child policy, was beaten on October 10, 2005, and currently remains under house arrest;

Whereas law professor and People's Political Consultative Congress Delegate, Xu Zhiyong, who advocates on behalf of petitioners filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Guo Feixiong), a lawyer representing villagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under consistent surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village elections case, has been fired from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, lawyers who aggressively tried to defend their clients continued to face serious intimidation and abuse by police and prosecutors, and some of these lawyers were detained;

Whereas the Constitution of China states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, but in practice, the judiciary is not independent and it receives policy guidance from both the Government of China and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases;

Whereas the Criminal Procedure Law of China gives suspects the right to seek legal counsel, but defendants in politically sensitive cases frequently find it difficult to find an attorney;

Whereas the Lawyers Law of the People's Republic of China states that a lawyer may "accept engagement by a criminal suspect in a criminal case to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial";

Whereas according to Article 306 of the Criminal Law of China, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury;

Whereas according to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained on similar charges, and such cases continued during the last year despite promises made by the Government of China to amend Article 306;

Whereas the State Department's 2005 Annual Report on Human Rights states that China's human rights record "remained poor", that authorities of China quickly moved to suppress those who openly expressed dissenting political views, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted;

Whereas directly following their August 2005 visit to China, the United States Commission on International Religious Freedom found that—

(1) the Government of China actively seeks to control and suppress the activities of unregistered religious organizations;

(2) China has outlawed unregistered religious organizations and provides severe penalties for engaging in unregistered religious activities;

(3) leaders of unregistered Protestant organizations have come under increased pressure to register their churches and affiliate with one of the government approved organizations, and those who refuse, for theological or other reasons, are subject to harassment, detention, arrest, and closing of their religious facilities;

(4) groups determined by the Government of China to be "evil cults", such as Falun Gong, are brutally suppressed; and

(5) practitioners of Falun Gong have experienced severe persecution, including arrests, numerous detentions, torture, irregular trials, imprisonment, and subjection to the reeducation through labor system, whereby accused criminals are subject to up to 3 years detention;

Whereas despite questions raised by the Government of the United States and others about the charges made against Pastor Cai Zhuohua, the Government of China sentenced Pastor Cai and other members of his family to 3 years in prison for "illegal business practices" for their printing and distribution of religious materials;

Whereas, according to China's Regulations on Religious Affairs, promulgated in March 2005, any religious organization that carries out activities without registering with the government is subject to civil punishment and to criminal prosecution;

Whereas since the promulgation of the Regulations on Religious Affairs, the Government of China has stepped up its efforts to eliminate unregistered religious activity, with raids on "house church" Christian groups in several provinces, resulting in detention of hundreds of leaders of the house church, dozens of whom remain in custody; and

Whereas the Government of China has, on several occasions, stated a commitment to ratify the International Covenant on Civil and Political Rights, but has delayed ratification since signing the document in 1998: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress—

(A) commends "rights defense" lawyers and activists of China for their courage and integrity, and expresses moral support for this grass-roots "rights defense" movement in China;

(B) urges the Government of the People's Republic of China, at all levels, to cease its harassment of Mr. Gao Zhisheng, overturn the suspension of his license to practice law, and restore his legal right to represent the clients of his choosing as protected by China's own Constitution, its Criminal Procedure Law, and its Lawyers Law;

(C) urges the Government of the People's Republic of China to repeal Article 306 of the Criminal Code of China, which provides penalties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;

(D) urges the Government of the People's Republic of China to undertake measures to further amend the Lawyers Law to ensure lawyers' rights to investigate charges brought against their clients, to provide a vigorous defense of their clients, and to remain free of harassment and intimidation throughout the course of representing clients, including clients who are charged with offenses related to political or religious activities;

(E) urges the Government of the People's Republic of China to respect fully the universality of the right to freedom of religion or belief and other human rights;

(F) urges the Government of the People's Republic of China to ratify and implement in law the International Covenant on Civil and Political Rights, and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant;

(G) urges the Government of the People's Republic of China to amend or repeal Article 300 of the Criminal Code of China so it is consistent with international law, and to halt its crackdown on spiritual movements;

(H) urges the Government of the People's Republic of China to halt arrests, harassment, and intimidation of leaders of unregistered religious organizations on the basis that their organizations violated the law by not registering with the Government of China;

(I) urges the Government of the People's Republic of China to Amend the Regulations on Religious Affairs to conform more closely with the internationally recognized freedom of thought, conscience, religion or belief and allow all religious believers in China to practice their religion without interference from the government or from government sponsored "patriotic religious associations";

(J) urges the Government of the People's Republic of China to release Pastor Cai Zhuohua, his wife, and others imprisoned with him, and to allow Pastor Cai to resume religious activities and to resume leadership of his congregation in Beijing; and

(K) urges the Government of the People's Republic of China to invite the Special

Rapporteur of the Commission on Human Rights on freedom of religion or belief to China as promised according to an agreement between the Ministry of Foreign Affairs of China and the Department of State of China in March 2005; and

(2) it is the sense of Congress that—

(A) the Government of the United States should support democracy and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;

(B) the Government of the United States should support programs to promote legal protections and cultural awareness of the right to the freedom of religion or belief in China; and

(C) the President should raise the issue of the Government of China's harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law with Chinese President Hu Jintao.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3587. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes.

TEXT OF AMENDMENTS

SA 3587. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Technical Corrections Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Sec. 101. Alaska Native Claims Settlement Act technical amendment.
Sec. 102. ANCSA amendment.
Sec. 103. Mississippi Band of Choctaw transportation reimbursement.
Sec. 104. Fallon Paiute Shoshone tribes settlement.

TITLE II—INDIAN LAND LEASING

Sec. 201. Prairie Island land conveyance.
Sec. 202. Authorization of 99-year leases.
Sec. 203. Certification of rental proceeds.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

Sec. 301. National Indian Gaming Commission funding amendment.

TITLE IV—INDIAN FINANCING

Sec. 401. Indian Financing Act Amendments.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

Sec. 501. Clarification of provisions and amendments relating to inheritance of Indian lands.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENT.

(a)(1) Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended—

(A) in the matter preceding paragraph (1), by striking "Section 1629b of title 43, United States Code," and inserting "Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)";

(B) in paragraph (2), by striking "by creating the following new subsection:" and inserting "in subsection (d), by adding at the end the following:"; and

(C) in paragraph (3), by striking "by creating the following new subsection:" and inserting "by adding at the end the following:".

(2) Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended in subsection (f), by striking "section 1629e of this title" and inserting "section 39".

(b)(1) Section 337(b) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended by striking "Section 1629e(a)(3) of title 43, United States Code," and inserting "Section 39(a)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3))".

(2) Section 39(a)(3)(B)(ii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii)) is amended by striking "(a)(4) of section 1629b of this title" and inserting "section 36(a)(4)".

(c) The amendments made by this section take effect on February 20, 2003.

SEC. 102. ANCSA AMENDMENT.

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANSPORTATION REIMBURSEMENT.

The Secretary of the Interior is authorized and directed, within the 3-year period beginning on the date of enactment of this Act, to accept funds from the State of Mississippi pursuant to the contract signed by the Mississippi Department of Transportation on June 7, 2005, and by the Mississippi Band of Choctaw Indians on June 2, 2005. The amount shall not exceed $776,965.30 and such funds shall be deposited in the trust account numbered PL7489708 at the Office of Trust Funds Management for the benefit of the Mississippi Band of Choctaw Indians. Thereafter, the tribe may draw down these moneys from this trust account by resolution of the Tribal Council, pursuant to Federal law and regulations applicable to such accounts.

SEC. 104. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) SETTLEMENT FUND.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3289) is amended—

(1) in subsection (C)—

(A) in paragraph (1)—

(i) by striking the matter preceding subparagraph (a) and inserting the following: "Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2006 or any subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as the 'Annual 6 percent Amount'), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:"; and

(ii) by adding at the end the following:

"(g) Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters."; and

(B) by striking paragraph (4) and inserting the following:

"(4) No monies from the Fund other than the amounts authorized under paragraphs (1) and (3) may be expended or obligated for any purpose.

"(5) Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2006 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the 'Annual 1.2 percent Amount') may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year subsequent to Fund fiscal year 2006, any unexpended and unobligated portion of the Annual 1.2 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may also be expended or obligated for such per capita payments."; and

(2) in subsection (D), by adding at the end the following: "Notwithstanding any conflicting provision in the original Fund plan, the Fallon Business Council, in consultation with the Secretary, shall promptly amend the original Fund plan for purposes of conforming the Fund plan to this title and making nonsubstantive updates, improvements, or corrections to the original Fund plan.".

(b) DEFINITIONS.—Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3293) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively; and

(2) by striking subsections (B) and (C) and inserting the following:

"(B) the term 'Fund fiscal year' means a fiscal year of the Fund (as defined in the Fund plan);

"(C) the term 'Fund plan' means the plan established under section 102(F), including the original Fund plan (the 'Plan for Investment, Management, Administration and Expenditure dated December 20, 1991') and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;

"(D) the term 'income' means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;

"(E) the term 'principal' means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);".

TITLE II—INDIAN LAND LEASING

SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.

(a) In General.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) Land Description.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO–251, GO–252, GO–271, GO–277, GO–278, GO–284, GO–301 through GO–313, GO–314A, GO–314B, GO–329, GO–330A, GO–330B, GO–331A, GO–331B, GO–331C, GO–332, GO–333, GO–334, GO–335A, GO–335B, GO–336 through GO–338, GO–339A, GO–339B, GO–339C, GO–339D, GO–339E, GO–340A, GO–340B, GO–358, GO–359A, GO–359B, GO–359C, GO–359D, and GO–360, as depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

(c) Boundary Survey.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) Easement.—

(1) In general.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) Inclusions.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) Ownership of Sturgeon Lake Bed Unaffected.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) Conditions.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) No Effect on Eligibility for Certain Projects.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) Effect of Section.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.

(a) In General.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by striking "Moapa Indian reservation" and inserting "Moapa Indian Reservation";

(2) by inserting "the Confederated Tribes of the Umatilla Indian Reservation," before "the Burns Paiute Reservation";

(3) by inserting "the" before "Yavapai-Prescott";

(4) by inserting "the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe," after "the Cabazon Indian Reservation,";

(5) by striking "lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,," and inserting "the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington,";

(6) by inserting "land held in trust for the Prairie Band Potawatomi Nation," before "lands held in trust for the Cherokee Nation of Oklahoma";

(7) by inserting "land held in trust for the Fallon Paiute Shoshone Tribes," before "lands held in trust for the Pueblo of Santa Clara"; and

(8) by inserting "land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria," after "Pueblo of Santa Clara,".

(b) Effective Date.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 203. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under the first section of the Act entitled "An Act to provide for loans to Indian tribes and tribal corporations, and for other purposes" (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

SEC. 301. NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT.

(a) Powers of the Commission.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

"(d) Application of Government Performance and Results Act.—

"(1) In general.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

"(2) Plans.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.".

(b) Commission Funding.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.".

TITLE IV—INDIAN FINANCING

SEC. 401. INDIAN FINANCING ACT AMENDMENTS.

(a) In General.—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking "Sec. 201. In order" and inserting the following:

"SEC. 201. LOAN GUARANTIES AND INSURANCE.

"(a) In General.—In order";

(2) by striking "the Secretary is authorized (a) to guarantee" and inserting "the Secretary may—

"(1) guarantee";

(3) by striking "members; and (b) in lieu of such guaranty, to insure" and inserting "members; or

"(2) insure"; and

(4) by adding at the end the following:

"(b) Eligible Borrowers.—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.".

(b) Sale or Assignment of Loans and Underlying Security.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking "Sec. 205." and all that follows through subsection (b) and inserting the following:

"SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.

"(a) In General.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

"(1) may be transferred by the lender by sale or assignment to any person; and

"(2) may be retransferred by the transferee.

"(b) Transfers of Loans.—With respect to a transfer described in subsection (a)—

"(1) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and

"(2) the transferee shall give notice of the transfer to the Secretary.";

(2) by striking subsection (c);

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

"(2) VALIDITY.—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.";

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders."; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking "subsection (i)" and inserting "subsection (h)"; and

(B) in paragraph (2)(B), by striking ", and issuance of acknowledgments,".

(c) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by inserting "(not including an eligible Community Development Finance Institution)" after "Government".

(d) AGGREGATE LOANS OR SURETY BONDS LIMITATION.—Section 217(b) of the Indian Financing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking "$500,000,000" and inserting "$1,500,000,000".

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

SEC. 501. CLARIFICATION OF PROVISIONS AND AMENDMENTS RELATING TO INHERITANCE OF INDIAN LANDS.

(a) CLARIFICATIONS RELATING TO APPLICABLE LAWS.—

(1) IN GENERAL.—Section 207(g)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "described in paragraph (1)" and inserting "specified in paragraph (1)"; and

(B) in subparagraph (B), by striking "identified in Federal law" and inserting "identified in such law".

(2) LIMITATION ON EFFECT OF PARAGRAPH.—Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended by striking paragraph (3) and inserting the following:

"(3) LIMITATION ON EFFECT OF PARAGRAPH.—Except to the extent that this Act would amend or otherwise affect the application of a Federal law specified or described in paragraph (1) or (2), nothing in paragraph (2) limits the application of this Act to trust or restricted land, interests in such land, or any other trust or restricted interests or assets.".

(b) TRANSFER AND EXCHANGE; LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—

(1) TRANSFER AND EXCHANGE OF LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended to read as follows:

"SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED INDIAN LANDS AND SHARES OF INDIAN TRIBES AND CORPORATIONS.

"Except as provided in this Act, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized under this Act shall be made or approved: *Provided*, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived, or to a successor corporation; *Provided further*, That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108-374; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: *Provided further*, That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in the judgment of the Secretary, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.".

(2) LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348) is amended in the second proviso by striking "That" and inserting "That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1810),".

(3) EFFECTIVE DATES.—Section 8 of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; 118 Stat. 1809) is amended by striking subsection (b) and inserting the following:

"(b) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act apply on and after the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

"(2) EXCEPTIONS.—The following provisions of law apply as of the date of enactment of this Act:

"(A) Subsections (e) and (f) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as amended by this Act).

"(B) Subsection (g) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as in effect on March 1, 2006).

"(C) The amendments made by section 4, section 5, paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), and (11) of section 6(a), section 6(b)(3), and section 7 of this Act.".

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1773).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 19, 2006 at 10 a.m. in the Salón Ortega at the National Hispanic Cultural Center of New Mexico located at 1701 4th Street SW in Albuquerque, New Mexico.

The purpose of the hearing is to receive testimony regarding the drought conditions facing the state of New Mexico and S. 2561, to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at (202) 224–2179 or Steve Waskiewicz at (202) 228–6195.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2006 first quarter mass mailings is Tuesday, April 25, 2006. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

MEASURES READ THE FIRST TIME—S. 2603, S. 2611, AND S. 2612

Mr. McCONNELL. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2603) to reduce temporarily the royalty required to be paid for sodium produced on Federal lands and for other purposes.

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

A bill (S. 2612) to provide for comprehensive immigration reform and for other purposes.

Mr. McCONNELL. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

H.R. 4939—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 391, H.R. 4939, the supplemental appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MCCONNELL. I ask unanimous consent that the pending legislation be set aside until Tuesday, April 25, at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

TREATY ON THE MARPOL CONVENTION

TREATY ON MUTUAL LEGAL ASSISTANCE WITH JAPAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar: No. 12 and 14.

I further ask unanimous consent that the treaties be considered as having passed through the various parliamentary stages up to and including the presentation of the resolutions of ratification, that any statements be printed in the RECORD as if read, and the Senate take one vote on a resolution of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

Senators in favor of the ratification of these treaties, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification are as follows:

PROTOCOL OF 1997 AMENDING MARPOL CONVENTION (TREATY DOC. 108–7)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understandings and Declaration.

The Senate advises and consents to the ratification of the Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating Thereto (hereinafter in this resolution referred to as the "Protocol of 1997"), signed by the United States on December 22, 1998 (T. Doc. 108–7), subject to the understandings and declaration in sections 2 and 3.

Section 2. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification:

(1) The United States of America understands that the Protocol of 1997 does not, as a matter of international law, prohibit Parties from imposing, as a condition of entry into their ports or internal waters, more stringent emission standards or fuel oil requirements than those identified in the Protocol.

(2) The United States of America understands that Regulation 15 applies only to safety aspects associated with the operation of vapor emission control systems that may be applied during cargo transfer operations between a tanker and port-side facilities and to the requirements specified in Regulation 15 for notification to the International Maritime Organization of port State regulation of such systems.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

The United States of America notes that at the time of adoption of the Protocol of 1997, the NO_X emission control limits contained in Regulation 13 were those agreed as being achievable by January 1, 2000, on new marine diesel engines, and further notes that Regulation 13(3)(b) contemplated that new technology would become available to reduce on-board NO_X emissions below those limits. As such improved technology is now available, the United States expresses its support for an amendment to Annex VI, that would, on an urgent basis, revise the agreed NO_X emission control limits contained in Regulation 13 in keeping with new technological developments.

MUTUAL LEGAL ASSISTANCE TREATY WITH JAPAN (TREATY DOC. 108–12)

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Treaty between the United States of America and Japan on Mutual Legal Assistance in Criminal Matters, signed at Washington on August 5, 2003 (Treaty Doc. 108–12).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DESIGNATING THE THIRD WEEK OF APRIL AS "NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK"

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 439, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 439) to designate the third week of April 2006 as "National Shaken Baby Syndrome Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I rise today, along with my colleague Senator ALEXANDER, to introduce a resolution that of the resolution the Senate has passed to proclaim the third week of April of 2006 as Shaken Baby Syndrome Awareness Week. Last year, we passed a similar resolution and continue to support raising awareness of this important issue. I would like to recognize the many groups, particularly the National Shaken Baby Coalition and the SKIPPER Initiative, who support this effort to increase awareness of one of the most devastating forms of child abuse, one that results in the death or lifelong disability of hundreds of children each year.

We must recognize child abuse and neglect as the public health problem it is, one that is linked with a host of other problems facing our country and one that needs the comprehensive approach of our entire public health system to solve. The month of April has been designated National Child Abuse Prevention Month as an annual tradition that was initiated in 1979 by former President Jimmy Carter. In 2006, April is again National Child Abuse Prevention Month.

The tragedy of child abuse is well documented. According to the National Child Abuse and Neglect Data System, NCANDS, almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens. Each day, nearly four of these children die as a result of this abuse. Most experts are certain that cases of child abuse and neglect are in fact underreported.

Abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death of physically abused children, especially young children. Shaken Baby Syndrome is a totally preventable form of child abuse that results from a caregiver losing control and shaking a baby, usually an infant who is less than 1 year old. This severe shaking can kill the baby, or it can cause loss of vision, brain damage, paralysis, and seizures, resulting in lifelong disabilities and causing untold grief for many families.

Too many families have experienced the pain of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates that, in the U.S., an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome. Medical professionals believe that thousands more cases of Shaken Baby Syndrome are being misdiagnosed or not detected.

Families should be spared the needless tragedy of Shaken Baby Syndrome. Prevention is the most effective solution to ending Shaken Baby Syndrome. It is clear that the minimal costs of educational and prevention programs may help to protect our young children. Families as well as professionals who care for children must be made aware of the injuries that shaking can cause. In 1995, the U.S. Advisory Board on Child Abuse and Neglect recommended a universal approach to the prevention of child fatalities that included services such as home visitation by trained professionals or paraprofessionals, hospital-linked outreach to parents of infants and toddlers, community-based programs designed for the specific needs of neighborhoods, and effective public education campaigns.

Prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome. In 1998, Dr. Mark Dias started the Upstate New York SBS Prevention Project at Children's Hospital of Buffalo, which uses a simple video to educate new parents before they leave the hospital. Since that time, the number of shaken baby incidents in the Buffalo area has dropped by nearly 50%; none of the perpetrators have been identified as participants in the hospital education program. Hospitals around the country, including several in my own State of Connecticut, have adopted programs similar to these to educate new parents about the dangers of shaking young children.

I urge the Senate to adopt this resolution designating the third week of April of 2006 as National Shaken Baby Syndrome Awareness Week, and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

The prevention of Shaken Baby Syndrome is supported by advocacy groups across the U.S. that were formed by parents and relatives of children who have been killed or injured by shaking. I ask unanimous consent that a list of groups supporting this resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

The National Shaken Baby Coalition, The National Center on Shaken Baby Syndrome, The Children's Defense Fund, The American Academy of Pediatrics, The Child Welfare League of America, Prevent Child Abuse America, The National Child Abuse Coalition, The National Exchange Club Foundation, The American Humane Association, The American Professional Society on the Abuse of Children, The Arc of the United States, The Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, The National Association of Children's Hospitals and Related Institutions, Never Shake a Baby Arizona/Prevent Child Abuse Arizona, The Center for Child Protection and Family Support.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 439

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, nearly 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for 41.2 percent of all child abuse and neglect fatalities in 2002, and children aged 4 years or younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002;

Whereas abusive head trauma, including the trauma known as "Shaken Baby Syndrome", is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ⅔ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Kills: Instead Parents Please Educate and Remember Initiative (commonly known as the "SKIPPER Initiative"), the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbi, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children's Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children's Hospitals and related institutions, Never Shake a Baby Arizona, Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations;

Whereas a 2000 survey by Prevent Child Abuse America shows that approximately half of all citizens of the United States believe that, of all the public health issues facing the United States, child abuse and neglect is the most important issue;

Whereas Congress previously designated the third week of April 2001 as "National Shaken Baby Syndrome Awareness Week 2001"; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2006 as "National Shaken Baby Syndrome Awareness Week";

(2) commends those hospitals, child care councils, schools, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

CONGRATULATING THE MEMBERS OF THE U.S. OLYMPIC AND PARALYMPIC TEAMS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 440, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 440) congratulating and commending the members of the United States Olympic and Paralympic teams, and the United States Olympic Committee, for their success and inspired leadership.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 440) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 440

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 3351 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, H.R. 3351, the Native American Technical Corrections Act of 2005, was passed by the House on November 16, 2005, and referred to the Committee on Indian Affairs. Many of the provisions in the House bill have already been acted on by the Senate in various bills. I will ask the Senate to pass the bill with a substitute amendment which includes most of the provisions in the original House version of the bill as well as some amendments that were not in the House version. I am pleased to be joined by Senator DORGAN as an original cosponsor of the amendment.

The Senate amendment to H.R. 3551 that I am offering contains the following: Section 104 is the same as S. 1484, which passed the Senate on July 26, 2005, and it amends the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 to adjust the spending rule set forth in that act for the Tribe's Settlement Fund. The provision would authorize expenditure of 6 percent of the average market value of the Settlement fund over the preceding 3 years. Section 201 is the same as S. 706, which passed the Senate on July 26, 2005, and it authorizes the transfer of lands, now held by the U.S. Army Corps of Engineers, to the Department of the Interior to be held in trust for the benefit of the Prairie Island Indian community in Red Wing, MN. The transfer will have no effect on the tax status of the lands, nor will the Prairie Island Indian Community be permitted to develop commercial or gaming facilities on the land; section 202 authorizes various 99-year leases. Part of this section passed Senate in S. 1485 on July 26, 2005, while other provisions were contained in H.R. 3351. Section 203 addresses the problem of lack of appraisers in Indian country by providing that for purposes of obtaining agricultural loans, the market value of land is the default appraisal value. This section is the same as S. 1489, that passed the Senate on July 26, 2005. Section 301 previously passed the Senate in S. 1295 on December 12, 2005, and it authorizes the National Indian Gaming Commission to collect fees up to 0.08 percent of gross gaming revenues, and eliminates $12 million cap, and subjects NIGC to the Government Performance and Results Act. Section 401, like S. 1758, that passed the Senate on August 22, 2005, amends the Indian Financing Act of 1974 to clarify that nonprofit tribal entities are eligible for Bureau of Indian Affairs Loan Guaranty Program. In addition, because the BIA is fast reaching its $500 million limit on the amount of loans it can have outstanding, and this section will increase that number to $1.5 billion.

The four new provisions that have not passed the Senate as stand-alone measures do the following: Section 101 corrects a drafting error to the Alaska Native Claims Settlement Act; section 102 facilitates exchanges between Alaska Regional and Village Corporations of land obtained through the Alaska Native Claims Settlement Act by clarifying that undeveloped land received by each Native corporation participant in the exchanges is deemed to be land conveyed under ANCSA; and section 103 will allow the State of Mississippi to pay the Mississippi Choctaw for work already preformed, through a newly established BIA Trust Fund. The final new provision is section 501, the Native American Probate Reform and Technical Amendment, described in more detail below.

Section 501 corrects drafting errors and clarifies and includes new provisions relating to amendments made by the American Indian Probate Reform Act of 2004, AIPRA, and S. 1481, which was enacted into law in December of 2005. One of these provisions is an amendment to 25 U.S.C. 464. In 2004, this section was amended in AIPRA so that it would conform to the new uniform Indian probate code that was the centerpiece of AIPRA; however, after reviewing the various amendments that were made by AIPRA, which was a very complex piece of legislation, we concluded that the AIPRA amendments to 25 U.S.C. 464 was drafted in a way that its execution was unclear. So in the 109th Congress, we attempted to correct this in S. 1481—P.L. 109-157, enacted on December 30, 2005, by restating section 464 as it should have read. Unfortunately, there were drafting errors in S. 1481 that were not picked up prior to its enactment. Accordingly, my substitute amendment includes a new restatement of section 464 correcting these drafting errors and conforming the statute to the new uniform Indian probate code enacted as part of AIPRA. I would like to make the point here that the purpose of the amendments restating section 464, both in S. 1481 and in the current substitute amendment to H.R. 3351, were and are intended to do nothing more than to conform the provisions in that section relating to the devise and inheritance of lands to the new uniform probate code contained in the American Indian Probate Reform Act of 2004. As the author of both S. 1481 and the substitute amendment, I want to make it clear that neither measure intends to affect any of the other sorts of transactions that might otherwise be subject to section 464 or to affect in any way the application of any other Federal laws that might apply to lands that are covered by section 464.

We are also making clarifying amendments to AIPRA relating to the effective date of its amendments and to its amendments to the "Applicable Federal Law" provisions of section 207(g) of the Indian Land Consolidation Act. With respect to the former, the substitute includes technical amendments to the effective date section of AIPRA, section 8(b) of AIPRA, to make it clear that the amendments that were made to 25 U.S.C. 464 and 25 U.S.C. 348 are intended to take effect 1 year after the date on which the Secretary of Interior certified that notice of the AIPRA amendments had been given to Indian country in accordance with AIPRA section 8(a), and that sections 348 and 464, as they read immediately prior to the passage of AIPRA, would continue to apply until the effective date of the new amendments.

Finally, the substitute also makes some minor changes to the wording of section 207(g) of ILCA just to further clarify congressional intent that nothing in ILCA supercedes or affects the application of special laws that relate to specific Indian tribes or the allotted lands of specific tribes.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3587) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 3351), as amended, was read the third time and passed.

PROVIDING FOR ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 382, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 382) was agreed to, as follows:

H. CON. RES. 382

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 6, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 25, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 6, 2006, through Sunday, April 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 24, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

APPOINTMENT AUTHORITY

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on April 20, 2006, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 366 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 366) to congratulate the National Aeronautics and Space Administration on the 21st anniversary of the first flight of the space transportation system.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, there have been times that we, as a nation, have become so accustomed to successful space shuttle launches that we barely heard about them on the evening news. One hundred and fourteen successful missions have provided a wealth of information and research results that are seen and felt in our everyday lives. Yet few of us could identify these as having resulted from Space Shuttle research.

Today, the Space Shuttle is viewed by many as an over-aged relic of the past and the vehicle whose two failures in the past 24 years of its service cost the lives of 14 brave astronauts. As tragic and unforgettable as the *Challenger* and *Columbia* accidents were, we must honor the memory of their crews by honoring the task for which they gave their lives. I am proud that our Nation has chosen to learn everything possible from those tragic losses to minimize the risks that will always be present in human space flight and to move forward to keep the dream of spaceflight alive.

It is appropriate today, as we consider House Concurrent Resolution 366, to reach back to the very beginning of space shuttle nights to the day, 25 years ago next week—April 12, 1981, at 7 a.m. eastern time. On that morning, the space shuttle *Columbia* lifted off on her maiden voyage, carrying two brave and intrepid explorers, Commander John Young and Pilot Robert Crippen. They orbited the Earth 36 times in two days, six hours and twenty minutes, landing in California at Edwards Air Force Base on April 14, 1981, at 1:20 p.m. eastern time. This first mission of a reusable spacecraft marked the beginning of a new era in human spaceflight.

This era also provided the Nation and the world with new and incredible views of our Earth as seen from orbit. It also provided a continuous stream of important microgravity research that has found its way into medical devices, treatment procedures, computer enhancements, communications technologies, and a host of other practical applications that generally go unnoticed. The Great Telescopes, such as Hubble, Chandra and the Compton Gamma Ray Observatory, were all made possible by the Space Shuttle. In the case of the Hubble, its inestimable value as a research tool was both rescued by the Space Shuttle and extended by servicing missions not possible without the Space Shuttle.

In the next several years, as the Space Shuttle completes the mission for which it was designed—completing the assembly and outfitting of the International Space Station—we will move into a new era of human spaceflight. We will experience new firsts and enter new names into the history books of those who accomplish the important milestones along our way to the Moon, Mars and beyond.

None of that would be possible, however, without the service of those who have gone before, and especially those two heroes we honor and recognize today. These two men took a vehicle never flown before on a journey of over a million miles. By any standard, that is an impressive first step.

Mr. NELSON of Florida. Mr. President, 25 years ago, on April 12, 1981, the Space Shuttle *Columbia* lifted off from the Kennedy Space Center in Florida. It marked the beginning of a historic two day mission, and more importantly, it was the first of many future shuttle missions. I am pleased to support passage of H. Con. Res. 366, commemorating this important anniversary.

I applaud the tremendous bravery of the STS–1 crew—Commander John W. Young and Pilot Robert L. Crippen—on accomplishing the mission safely and successfully. This anniversary is a testament to the thousands of people who worked to bring the Space Shuttle Program to life and to those who have sustained it throughout the years.

The Space Shuttle Program brought our Nation commercial and government satellite deliveries, in-orbit satellite repairs, delivery of large science observatories such as the Hubble Space Telescope, Space Lab science missions, historic dockings with the Russian Mir Space Station and assembly of the International Space Station.

Since the STS–1 launch in 1981, this Nation has launched more than 100 flights. Sadly, the *Challenger* and *Columbia* were lost in 1986 and 2003, respectively. What we learned about safety in spaceflight, brought by the sacrifices of the *Challenger* and *Columbia* crews, has made our space program stronger.

Today the great challenge facing our space program is one of transition. We must complete the construction of the station and retire the shuttle fleet with dignity. And equally important, we must work together to preserve the workforce that will soon become the backbone of the new Crew Exploration Vehicle and the next human space project.

With the 25th anniversary of STS–1, let us all rededicate ourselves to the unfinished mission of exploration and discovery. Let us pledge to complete the journey that Commander Young and Pilot Crippen began by returning safely to flight with STS–121 later this summer, and move forward in leading the world in space exploration.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 366) was agreed to.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from North Carolina be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further that the Commerce Committee be discharged from further consideration of the following Coast Guard nominations: PN 1332, PN 1333, PN 1334, and PN 1335; provided further that the Senate proceed to their consideration; I further ask unanimous consent that the nominations be confirmed, with the motions to reconsider laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

COAST GUARD

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. David B. Peterman, 8115

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. Charles D. Wurster, 7274

The following named officer for appointment as Chief of Staff of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., section 50a:

To be vice admiral

Rear Adm. (lh) Robert J. Papp, 7417

The following named officer for appointment as Vice Commandant of the United States Coast Guard in the grade indicated under Title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. Vivien S. Crea, 5806

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 24, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 382 until 2 p.m. on Monday, April 24. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. We will return after the Easter/Passover break and begin consideration of the supplemental appropriations bill. As I indicated earlier, there will be no votes on Monday, April 24. However, Senators will be able to come to the floor for opening statements on the supplemental bill. We will begin consideration of the bill on Tuesday, and therefore votes will occur on Tuesday.

We also have two district judges on the calendar and may well schedule votes on them on that Tuesday as well.

I certainly wish everyone a restful and safe break.

ADJOURNMENT UNTIL MONDAY, APRIL 24, 2006, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 382.

There being no objection, the Senate, at 2:34 p.m., adjourned until Monday, April 24, 2006, at 2 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were confirmed:

COAST GUARD NOMINATION OF REAR ADM. DAVID B. PETERMAN TO BE VICE ADMIRAL.

COAST GUARD NOMINATION OF REAR ADM. CHARLES D. WURSTER TO BE VICE ADMIRAL.

COAST GUARD NOMINATION OF REAR ADM. (LH) ROBERT J. PAPP TO BE VICE ADMIRAL.

COAST GUARD NOMINATION OF VICE ADM. VIVIEN S. CREA TO BE VICE ADMIRAL.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, April 7, 2006:

DEPARTMENT OF DEFENSE

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. DAVID B. PETERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. CHARLES D. WURSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. (LH) ROBERT J. PAPP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDER OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. VIVIEN S. CREA

EXTENSIONS OF REMARKS

INCREASING AWARENESS OF KIDNEY DISEASE IN THE AFRICAN AMERICAN COMMUNITY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mrs. CHRISTENSEN. Mr. Speaker, as Congress recognizes National Minority Health Month, I join my colleagues, Congressman WATT and Congressman JEFFERSON to increase awareness about the devastating effects of kidney disease on the African American community.

Both kidney failure and its precursor, Chronic Kidney Disease (CKD), disproportionately affect African Americans. Although only about 13 percent of the U.S. population, African Americans make up 32 percent of the patients treated for kidney failure. The American Heart Association reports that African Americans have a 4.2 times greater rate of kidney failure than white Americans. The Congressional Black Caucus is especially concerned about the growing prevalence of kidney disease because of this disproportionate impact.

Mr. Speaker, the leading causes of kidney disease are diabetes and high blood pressure, both of which also disproportionately affect African Americans. Diabetes occurs at twice the rate in the African American community than it does with Caucasians. High blood pressure affects 1 out of every 3 African American adults. According to the American Heart Association, the prevalence of hypertension in the African American community is among the highest in the world.

Mr. Speaker, African Americans are four times more likely to develop kidney failure than Caucasians. African Americans make up 12 percent of the population but account for 30 percent of people with kidney failure. Diabetes and high blood pressure account for about 70 percent of kidney failure in African Americans. A recent National Kidney Disease Education Program (NKDEP) survey of African Americans found that only 17 percent named kidney disease as a consequence of diabetes, and only 8 percent named it as a consequence of high blood pressure. African American males ages 22–44 are 20 times more likely to develop kidney failure due to high blood pressure than Caucasian males in the same age group. Forty-five percent of African American men with kidney failure received late referrals to nephrologists. In some cases people were not aware they had a problem until they needed dialysis.

We must continue our strong support of the efforts of the kidney care community to meet the needs of these patients. We must fund education programs to raise awareness of the disease within the African American community. We must ensure that Medicare treats those who care for patients with kidney disease the same way it treats all other groups of providers—this means enacting an annual update mechanism to recognize inflation and other increases related to caring for these patients. Without equitable reimbursement, it will be difficult for the community to continue to meet the needs of the ever-growing patient population.

Supporting educational programs and high quality care not only improves quality of life for patients, but also reduces the cost to the overburdened Medicare program. Preventing kidney failure and improving care will result in substantial savings for the government. In addition, if treated early, individuals with kidney disease will experience an improved quality of life and be able to maintain more daily life activities, including keeping their jobs.

My colleagues and I applaud the efforts to increase awareness about this important issue and to show support for Americans living with kidney disease. We must act now to help Americans learn more about this deadly disease and how to prevent its development and progression to kidney failure.

TRIBUTE TO DR. RAY STOWERS' SERVICE TO MEDPAC

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. SULLIVAN. Mr. Speaker, I rise to pay tribute to a physician who has served my home State of Oklahoma and the Nation with distinction over the past 6 years. On April 20, 2006, Ray E. Stowers, D.O. will participate in his final meeting as a member of the Medicare Payment Advisory Commission (MedPAC).

For the past 6 years, Dr. Stowers represented the interest of Medicare beneficiaries, physicians, and hospitals as a member of this distinguished Federal body. Most notably, he represented the interest of rural America. During his years of service, MedPAC made recommendations on several difficult health policy issues, including advice on how to establish and implement a prescription drug benefit within the Medicare program.

Dr. Stowers spent over 25 years in a private, solo family practice clinic in northwest Oklahoma. At various times throughout his career, he was the only physician in the entire county. He provided care for the young and old alike. Many evenings were spent visiting the homes of those too ill to travel to his office.

Following his years in practice, Dr. Stowers accepted a position as the Director of Rural Health at the Oklahoma State University College of Osteopathic Medicine (OSU–COM) in Tulsa, OK. This position allowed him to share his experiences with medical students and residents, while designing training programs to prepare them for practice in rural and underserved areas. The Rural Health Center has emerged as one of the premier rural training programs in the country and continues to provide a valuable service to the citizens of Oklahoma.

Throughout his career, he has served the citizens of Oklahoma and the Nation well. Before serving on MedPAC, he was a member of the Physician Payment Review Commission (PPRC) prior to the formation of MedPAC in 1997. Additionally, Dr. Stowers served 7 years on the American Medical Association's Relative Value Update Committee (RUC). He truly is one of the Nation's foremost experts on physician payment policies.

Many will never understand or appreciate the time and energy Dr. Stowers dedicated to his service on MedPAC. However, as a Member of Congress representing constituents impacted by the policies developed by MedPAC, I appreciate the professional and caring manner in which he went about his duties. Mr. Speaker, on behalf of my fellow Oklahomans I would like to thank Dr. Stowers for his service and wish him the best in his future endeavors.

TRIBUTE TO ARMY SERGEANT TROY JENKINS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to the service and the memory of Army Sergeant Troy Jenkins of Repton, Alabama in my congressional district. He lost his life in defense of freedom on April 24, 2003.

Sgt. Jenkins loved his country, serving in both the Marine Corps and the Army. He studied Arabic and trained to be a paratrooper. His service took him to Afghanistan and Iraq. As a member of the 101st Airborne Division, he was standing patrol in Baghdad when a cluster bomb exploded, taking his life.

Sgt. Jenkins was known at home and among his comrades for his bravery. He demonstrated it when he put his own life in harm's way to protect others from the cluster bomb. He was remembered by his fellow soldiers as a friend and a hero; all of America can be proud of his service and his dedication to duty.

I would also like to commend Sgt. Jenkins' mother, Connie Gibson, for her efforts to honor the bravery and service of her son and all others who have lost their lives defending our great country. She has reached out to local veterans and their families to bring our community together to pay tribute to those who have given the ultimate sacrifice for America.

On the third anniversary of the loss of Sgt. Jenkins, I send my condolences out to his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

family, including his wife, Amanda, and sons, Tristan and Brandon. The thoughts and prayers of America are with you.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. SHAW. Mr. Speaker, fifty years ago Dwight D. Eisenhower was President of the United States, the communist regime in Cuba was underway, Elvis Presley's "Hound Dog" topped the charts, Don Larson pitched a perfect game as the Yankees beat the Brooklyn Dodgers in the World Series, and the cost of a first class stamp was .03 cents.

Amidst these historical events taking place, the Village of North Palm Beach was created. Much has changed in those fifty years in and around the village with new development, highways and a large population spurt to reach its present size, however, one thing that has not changed is the "small town" nature of the Village of North Palm Beach and its friendly residents.

The village has been blessed over the years with outstanding local elected officials and a strong participation by its residents and civic leaders. Mr. Speaker, over the years I have proudly represented this community, I have witnessed time and time again where the community has pulled together to support a common cause. The spirit of togetherness and pride is ubiquitous in the Village of North Palm Beach.

From the days that John D. MacArthur sold his property, which included a golf course and a country club, to create North Palm Beach, the first of Florida's master planned communities, the Village has always set the mark.

Now with 13,000 residents, its well managed growth has been a model for future planned communities throughout the state and country.

Environmentally, the Village is also ahead of the curve, when in 1989 the State of Florida purchased 437 areas of property from the Village along the Atlantic Ocean to preserve a natural coastal barrier Island. Preserved forever from being developed, it provides a home for nesting sea turtles, birds, indigenous plant and wildlife, reefs and a birthing and natural nursery for Florida Manatees. It is suitably named, MacArthur State Beach Park.

In recent years, the Town has also enhanced our local and State governments by being the hometown and formative training ground of Palm Beach County Commissioner Karen Marcus and State Senator Jeff Atwater.

Well done North Palm Beach in your first fifty years. You truly are "The Best Place to Live Under the Sun."

INTRODUCTION OF THE ROYALTY-IN-KIND FOR ENERGY ASSISTANCE IMPROVEMENT ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, this week I have introduced the Royalty-in-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Department of Interior to implement a provision in the Energy Policy Act of 2005 that was intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of Interior had authority to develop "royalty-in-kind" arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers when disposing of natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

Last September, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter we emphasized the importance of helping this country's most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department's lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law "does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil."

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department's legal opinion and has consulted with the Interior Department's lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision to help low-income consumers is an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation's most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title ("Royalty-in-Kind for Energy Assistance Improvement Act of 2006").

Section Two—sets forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill's purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provision (Section 342(j)) of the Energy Policy Act by—

(1) adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implementing that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy assistance program;

(2) clarifying that such a sale at a discounted price will be deemed to comply with the Anti-deficiency Act; and

(3) authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

HONORING BILL STAGGS FOR VALIANT SERVICE DURING WORLD WAR II

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to honor William (Bill) Staggs, Captain, United States Army Air Force for his valiant service as a fighter pilot during World War II.

Upon entering the service in September 1942, Mr. Staggs, born in Portland, Tennessee, was sent to Santa Anna, California for ground school. He soloed in April 1943, in a Ryan PT–22 at King City, California. He flew the PT–13A at Gardner, California, and the AT–6 and P–40 at Luke Field in Phoenix, Arizona. Staggs flew the P–47 at Baton Rouge, Louisiana before departing for England.

In the fall of 1944, Bill was assigned to fly the P–51 Mustang with the 55th Fighter Group, 38th Squadron of the 8th Air Force based at Wormingford, England. The P–51's mission was long-range escort of American and British bombers over Germany. Bill flew 56 missions totaling 279 combat hours from late 1944 to the end of the war.

During World War II, the three squadrons of the 55th Fighter Group destroyed over 580 enemy aircraft and Bill was officially credited with destroying three. Of particular note is the downing of one Focke-Wulf 190 for which he was not credited but resulted in Bill being awarded the Distinguished Flying Cross. While flying bomber escort over Germany in the spring of 1945, Bill came to the aid of a fellow P–51 pilot who was in a losing battle with a German plane. He skillfully maneuvered his plane behind the Focke-Wulf and shot the plane off his fellow pilot's tail. Bill later learned the pilot in the other P–51 was an 8th Air Force General. For his heroic act in saving the General's life, Bill was awarded the medal for extraordinary achievement in June 1945, by Brigadier General M.C. Woodley, Commanding General of the 8th Air Force's 66th Fighter Wing. During his entire service in England, Bill was awarded the Air Medal and six Oak Leaf Clusters. The Air Medal is awarded for an act of meritorious service in aerial combat. An Oak Leaf Cluster is awarded as an addition to the Air Medal and each Cluster represents an additional act of meritorious service.

I commend Captain Staggs and the many men and women of the "greatest generation" for stepping up when the people of the world needed them the most. One only wonders how the world would be today if it wasn't for those brave souls.

A TRIBUTE TO JEFF STEINBERG ON HIS RECEIPT OF THE THOMAS JEFFERSON AWARD FOR HIS WORK ON SOJOURNS TO THE PAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Jeff Steinberg, who was recently awarded the Thomas Jefferson Award for creating Sojourns to the Past. Mr. Steinberg is a resident of Millbrae, California, which is in my Congressional District.

Mr. Steinberg has lived and worked around the Bay Area his entire life. He began his community involvement as a history teacher at Capuchino High School in San Bruno, California and has worked to make our community a better place for over a decade as an educator. In 1999, Jeff created the Sojourns to the Past as an educational tool to teach high school students about American history in the South and to promote tolerance and human rights. Since its inception, over 3000 students have participated.

Sojourns to the Past promotes a living history of the Civil Rights movement. The curriculum contains books, documentaries, audio recordings, and on-site experiences. Veterans of the movement, like my friend and colleague Congressman JOHN LEWIS, meet with the students to teach lessons of tolerance, nonviolence and personal courage. The students visit eight cities in the South, starting with Atlanta and ending in Memphis. They tour landmarks of the Civil Rights era and can see firsthand the destructive effects of racism, sexism, homophobia and other forms of discrimination.

Mr. Speaker, Sojourns to the Past has inspired thousands of students. When they return from their trip the students have a better understanding of American history and the struggle for civil rights. I have received hundreds of letters from students who share their experience with me and I know that these students return from the trip with a unique appreciation for the struggle faced by the pioneers of the civil rights movement.

Mr. Speaker, Sojourns to the Past is a truly stimulating program and Jeff Steinberg is an extraordinary person who has worked tirelessly for his students and our community. Students who participate in this program become more engaged civically and are more likely to vote. I urge all of my colleagues to join me in congratulating him on this wonderful recognition.

IN HONOR OF CALVIN D. WEST

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PALLONE. Mr. Speaker, I rise today to honor a dear friend and someone who has served the people of Newark and my state of New Jersey nearly his entire life—Mr. Calvin D. West.

Calvin has served our state since he returned home from his time in the military more than fifty years ago. Elected to the Newark City Council in 1966, Calvin was the first African-American at-large-councilman in the city of Newark's history. His leadership and advocacy on behalf of the people of Newark and our state has been remarkable, and his more than fifty years of public service serves as an example for us all.

A true champion of the civil rights movement, Calvin helped Newark through the 1967 civil disobediences. He has continued to play a crucial role in the rebuilding of Newark and in bringing together the diverse communities that make the city so great. He has advised Presidents going back to John F. Kennedy, a long succession of New Jersey governors, including his service as Executive Director of the Governor's North Jersey Office for the past five years. Throughout his time in public service he has been a dedicated and tireless advocate for children and those in need.

On a personal level, Calvin's generosity and kindness has touched the lives of so many in Newark and across New Jersey. His work with the Boys & Girls Club of Newark, the Newark Preschools Council and other educational institutions and nonprofit organizations in the community has given countless young people the opportunity to be mentored by someone who understands their struggles.

Mr. Speaker, I am proud to call Calvin my friend and I wish him the very best as we celebrate his fifty years of public service. The people of Newark and our state can only hope that we can continue to benefit from his service, his expertise and his good will for many years to come.

CONGRATULATING KELLY NICOLE BRYANT

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. FOXX. Mr. Speaker, I rise this evening to recognize and congratulate Miss Kelly Nicole Bryant for being selected to represent the State of North Carolina in the 2006 National Cherry Blossom Festival. Kelly has strong ties to North Carolina's Fifth District, as she is the granddaughter of Juanita Bryant and the late Frank Bryant of Boonville.

Kelly has already represented our state at the festival's traditional Japanese lantern lighting ceremony. She has attended several embassy parties and has toured the White House and Kennedy Center.

Tonight, I am looking forward to meeting Kelly at the National Cherry Blossom Congressional Reception. I wish her well for the remainder of her stay in Washington. On Saturday she will represent North Carolina in the National Cherry Blossom Parade.

Kelly is a junior at East Carolina University, where she is majoring in Political Science and minoring in history. She is on the Dean's List and is a Member of the National Society of Collegiate Scholars. Kelly has made a positive difference in her community by volunteering for the Exploris Museum, Habitat for Humanity, Relay for Life and the Race for the Cure.

Mr. Speaker, please join me in congratulating Miss Kelly Bryant for being an outstanding representative for the State of North Carolina.

INTRODUCTION OF BILL TO AMEND THE INDIAN GAMING ACT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise to introduce this proposed legislation to require States to implement commonsense planning policy as it relates to the Class III Indian gaming within State borders.

Too often, Indian tribes are at the mercy of the shifting political winds of State government. Negotiating a Tribal-State compact for the right to engage in Class III gaming on their tribal lands is a process complicated by elections, changing attitudes towards the tribe, as well as an understanding that tribal gaming can be a lucrative business for the State. This process is frequently understood as "let's make a deal" time.

This proposed legislation directs the Secretary of the Interior to withhold approval of a Tribal-State compact until the State first develops a long-term plan to administer Class III gaming within its State boundaries. It employs a process to incorporate opinion by both the local communities and tribes, and represents a process often recognized by State and Federal Government as necessary but missing from the present application process for Class III gaming. This legislation will not prevent tribes from engaging in the application process or affect already approved Tribal-State compacts.

INTRODUCTION OF THE MORE WATER AND MORE ENERGY ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, this week I have introduced the "More Water and More Energy Act of 2006."

My bill deals with the issue of "produced water," the saline water generated in the production of oil. For every barrel of oil produced, approximately 10 barrels of saline water is generated. This country generates over 5 billion gallons of produced water per day.

While sometimes this water can be and is used for agriculture or other purposes, most often it has been handled as a waste and reinjected. But as we expand our development of fossil energy resources to meet our increasing demand for energy, we are also increasing the volume of water produced in the development process. And given the increasing demand for fresh water supplies in many areas of the country—especially in the West—it makes sense to consider how this produced water could supplement our limited fresh water resources.

I'm glad that this issue is beginning to engage so many around the country as they realize the potential benefits of produced water. Just this week, the Colorado Water Resources Research Institute is hosting a "Produced Water Workshop" to discuss "Energy & Water—How Can We Get Both for the Price of One?"

In my opinion, few topics could be more timely or important, not only for Colorado but for our country.

That's why I'm introducing the More Water and More Energy Act—to facilitate the use of produced water for irrigation and other purposes, including municipal and industrial uses. The bill would direct the Secretary of the Interior (through the Bureau of Reclamation and the U.S.G.S.) to carry out a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for such purposes.

In addition, it would authorize federal grants to assist in the development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the extent to which produce water can be recovered and made suitable for use for such purposes.

Developing beneficial uses for produced water could reduce the costs of oil and gas development, while also easing demand for water—especially in the West—by alleviating drought conditions and providing water for agriculture, industry, and other uses. Energy and water are two of our most important resources—so it makes sense to pursue ways to produce more of both. I believe my bill is a step in this direction.

Here is a brief outline of the bill's provisions:

Section One—provides a short title ("More Water and Energy Act of 2006"), sets forth findings, and states the bill's purpose, "to facilitate the use of produced water for irrigation and other purposes and to demonstrate ways to accomplish that result."

Section Two—provides definitions of key terms used in the legislation.

Section Three—authorizes and directs the Secretary of the Interior, acting through the Bureau of Reclamation and the U.S. Geological Survey, to conduct a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the use of produced water for irrigation and other purposes and the legislative, administrative, and other actions that could reduce or eliminate these obstacles. The study is to be done in consultation with the Department of Energy, the Environmental Protection Agency, and appropriate Governors and local officials, and the Interior Department will be required to seek the advice of experts and comments and suggestions from the public. Results of the study are to be reported to Congress within a year after enactment of the legislation.

Section Four—authorizes and directs (subject to the availability of appropriated funds) the Interior Department to award grants to assist in developing facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the use of produced water for irrigation, municipal or industrial uses, or for other purposes. No more than one such project is to be in a State of the Upper Basin of the Colorado River (i.e. Colorado, New Mexico, Utah, or Wyoming), no more than one is to be in either Arizona or Nevada, and no more than one is to be in California. Grants are to be for a maximum of $1 million, and can pay for no more than half the cost of any project. Grants cannot be used for operation or maintenance of a project.

Section Five—authorizes appropriations to implement the legislation, including up to $5 million for grants authorized by section 4.

HONORING MILLARD V. OAKLEY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to honor Millard V. Oakley of Livingston, Tennessee for his many contributions to the State of Tennessee and the people of the Upper Cumberland.

Millard has been a good and loyal friend to many people. A lifelong resident of Overton County, Tennessee, Oakley graduated from Livingston Academy High School, attended Tennessee Technological University, and graduated from Cumberland University School of Law, LLB, in 1951.

Shortly upon receiving his degree, Oakley engaged in the general practice of law and is still a practicing attorney.

Mr. Oakley was elected to four terms to the Tennessee Legislature, served one term to the Constitutional Convention, and was elected to four terms as County Attorney of Overton County.

His expertise in law took him to the U.S. House of Representatives where he served from 1971–1973 as General Counsel for the House Select Committee on Small Business. Moving back to Tennessee, Millard served as State Insurance Commissioner from 1975–1979.

Today, Oakley serves on the Board of Directors, First National Bank of Tennessee-Livingston/Cookeville/Crossville/Sparta. He also serves on the Board of Directors and Executive Committee, Thomas Nelson Publishers, the world's largest Bible publishing company.

Throughout his life, Millard has been a leader in business specializing in property and economic development in the Upper Cumberland. Through his financial institutions he has helped several entrepreneurs start and expand their business. A tireless advocate for education, Millard has been a leader in recruiting a satellite campus of Volunteer State Community College to Livingston and has been instrumental in the development of the science, technology, engineering, and math facility at Tennessee Technological University in Cookeville. His support of these facilities makes him one of the premiere advocates for the children of the Upper Cumberland area.

Millard's compassion and sincere concern for the people of the Upper Cumberland region of Tennessee is seldom surpassed by anyone.

He is married to J. Annette Oakley. They have one daughter, Melissa Oakley Smith, and one granddaughter, Kendall Vaughn Smith, also of Livingston, Tennessee.

It is fitting and appropriate that Millard V. Oakley be recognized for his charitable deeds and his abiding friendship to all of those who know him and future generations that we honor him in the U.S. House of Representatives.

CELEBRATING SAN MATEO COUNTY'S SESQUICENTENNIAL ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LANTOS. Mr. Speaker, it is with great pride that I rise to celebrate the sesquicentennial anniversary of San Mateo County, California, a county which I proudly represent, along with my good friend Anna Eshoo in the United States House of Representatives.

Much of the history of San Mateo County can be derived from its unique founding. The county was not one of the original counties created when California was granted Statehood in 1850, but instead came about as a political compromise. Originally part of San Francisco County, a group of progressively minded citizens, fed up with corruption in San Francisco, decided that it would be easier to clean up one government rather than two and proposed merging the San Francisco County and City governments. However, those opposed to this plan were also politically strong and at the end the day a compromise was agreed upon—that the San Francisco governments would be consolidated but it would become two counties.

The newly constituted San Mateo County was created from the most rural areas of San Francisco County and had a population of about 2500 people. While the progressives of San Francisco anticipated seizing control of this more remote area to establish a clean ethical government, their efforts were defeated by rampant ballot box stuffing and election fraud in 1856. In an interesting turn of event, two of the Judges who certified the election, John Johnson and Charles Clark, were themselves elected as two of the new county's first supervisors. This group of criminals were run out of town shortly after being elected when a vigilante mob of 800 San Franciscans rose up to take revenge on James Casey for his shooting of newspaper editor James King of William. After hanging Casey for shooting the popular editor, the mob turned south and his cronies who had infiltrated the County government fled San Mateo.

Mr. Speaker, although this is the 150th anniversary of San Mateo County, the human story of the land dates back much further and was home to numerous and varied cultures. Recent archeology indicates that man lived on the Peninsula as far back as 6500 years ago. When the first European settlers from Spain came in 1769, about 2000 native Californians called the Peninsula home. These Spanish conquistadors quickly colonized the area bringing their Catholic faith with them.

Before the Gold Rush of 1848, a number of Americans and other foreigners inhabited the southern hills of San Mateo working in a fledgling logging industry or at the port that was quickly expanding in Redwood City. Despite the fact that these industries continued to grow with the discovery of Gold in northern California, the County remained a lightly populated and mostly rural community for the remainder of the 19th Century.

It was this rural nature of San Mateo County that made it a place where certain activities could take place that were not permissible in San Francisco. Although San Francisco has always possessed a reputation as an "open city," but for many years it was common knowledge that if you were unable to get away with something in San Francisco all you had to do was cross over the county line. Examples of such activities included gambling, prostitution and dueling. Although outlawed everywhere in California, dueling continued to exist in San Mateo County and Daly City was the location of a duel that resulted in the death of United States Senator David Broderick. By the turn of the century prize fighting and horse racing, now illegal in San Francisco, were also commonly occurring in San Mateo County and the historic Bay Meadows Race Track was opened in 1934. During the era of Prohibition the prolific bootlegging operations run out of the County prompted one gangster to declare San Mateo the most corrupt county in California.

Mr. Speaker, despite the examples of lawlessness, San Mateo County remained a sleepy suburb of bustling San Francisco until America entered World War II. Like so many other towns and areas of the country, the need for components for the war machine revved up San Mateo County's economic engine as factories sprang up to produce necessary electronic parts. Coupled with the growth of firms such as EIMAC, Varian, Dalmo Victor and Ampex, was the expansion of hotels, warehouses and other supporting business. Perhaps the best example of the increasing stature of San Mateo County can be seen in the fact that the airport in South San Francisco, once dubbed a "mud hole" was handling one-tenth of all air traffic in the United States by 1946.

Industrial growth brought an increase in population and by the end of World War II the rural nature of San Mateo County passed into oblivion. This once quiet community is now home to some of the largest companies in the world, and a magnet for the computer software and biotechnological industry. Mr. Speaker, even though San Mateo County is now a major population and business hub, it continues to remain committed to the values of open space that were present when the then rural County was founded 150 years ago. I am proud to have contributed to the County's commitment to environmental conservation by expanding the Golden Gate National Recreation Area to include extraordinary landscapes such as Rancho Corral de Tierra, Mori Point and Sweeney Ridge. By designating these beautiful tracts of land as part of our national park and protecting them from development, we are able to maintain a connection to the rural heritage of San Mateo.

Mr. Speaker, San Mateo County's history during the past 150 years has certainly been colorful and storied and serves as an important bridge to a limitless and bright future. I urge all of my colleagues to join me in recognizing this significant milestone, the celebration of the 150th Anniversary of San Mateo County in California.

HONORING THE MONMOUTH UNIVERSITY "HAWKS" FOR AN OUTSTANDING NCAA EFFORT

HON. FRANK PALLONE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PALLONE. Mr. Speaker, I would like to recognize the outstanding achievement of the Monmouth University "Hawks" this year in becoming the first men's basketball team in the college's history to win a National Collegiate Athletic Association (NCAA) tournament game.

This accomplishment also gives me the opportunity to highlight Monmouth University—an educational institution that has experienced dramatic growth in recent years, enticing students from across the country and around the world to take advantage of its innovative academic programs.

The Hawk's trip to the NCAA was launched on March 8 when they defeated Fairleigh Dickinson and won the college's fourth Northeast Conference Tournament and an invitation to the NCAA Tournament. The Hawk's then were assigned to play their televised, 2006 NCAA Opening Round play-in game against Hampton, which had won the Mid-East Athletic Conference tournament championship.

As recounted by Ed Occhipinti, sports editor of the school paper, "A textbook display of motion offense, backdoor cuts, accurate long-distance shooting and a stifling match-up zone defense led to a dominant 71–49 win over Hampton. The country now knew what Hawks fans have known for years: their brand of basketball is effective, even if it lacks high-flying, show-time appeal and flair."

A few days later, the Hawks, as the No. 16 seed, faced a monumental challenge from Villanova, the Number 1 seed in the NCAA tournament's Minneapolis region. Even though the Hawks were able to cut Villanova's lead to seven points in the last four minutes of the game, it was not enough to overcome Villanova's legendary powerhouse team. While the Hawks lost by a score of 58–45, they certainly achieved new levels of national recognition and respect for their performance.

CBS announcer Jim Nantz, as quoted in the school paper "Outlook," stated: "The effort of Monmouth is what makes March Madness what it is. (Coach) Dave Calloway did a tremendous job, and for the kids themselves, there was a dream. Today was a special day for Monmouth, teams like that are what give the tournament its charm."

The players and coaching staff, under the direction of Dave Calloway, as well as the entire university community, are to be heartily congratulated for this great performance.

RECOGNIZING THE CONTRIBUTIONS OF CENTRAL OHIOANS TO THE ACHIEVEMENTS OF HONDA IN 2006

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to congratulate some of the men and women who live in my Congressional district and are dedicated employees of Honda North America, whose contributions to Honda's products helped the company receive four of the most prestigious awards given to automakers. Earlier this year, the Honda Civic lineup and Honda Ridgeline were selected as the 2006 Motor Trend Car and Truck of the Year. This is the first time that a single brand has won both awards from Motor Trend in the same year.

Significantly, the Civic Coupe, Civic Si and Ridgeline vehicles were researched, designed and developed at Honda R&D of the Americas with 10 facilities located across the United States. The major development facility is located in Raymond, Ohio in my 15th Congressional district. This facility employs approximately 1,000 U.S. associates and handles a variety of engineering, design, vehicle. fabrication and testing responsibilities.

In addition, at the 2006 Detroit International Auto Show, the Civic lineup and Ridgeline were awarded the 2006 "North American Car and Truck of the Year". The winners of these awards are selected by 49 full-time automotive journalists from the United States and Canada. Winners are chosen based on a multitude of factors including innovation, design, safety, handling, driver satisfaction and value for the money. Once again, this is the first time a single brand has won both awards in the same year.

These achievements reflect a very significant maturation of Honda's operations in America and the meaning of American workers, and specifically Ohioans, to Honda itself. Today, nearly 30 percent of the Honda and Acura vehicles sold in the U.S. in 2005 were researched, designed and developed in America. Honda currently employs approximately 15,000 associates in Ohio and its investment includes five manufacturing plants that produce automobiles, light trucks, motorcycles, engines and transmissions. Honda utilizes more than 160 parts suppliers from the "Buckeye State" to produce these vehicles and their components—further signifying the relationship between Honda and the Ohio worker.

I want to offer my congratulations to the associates of Honda in Ohio and especially those in Raymond, Ohio at Honda R&D of the Americas on receipt of these four awards. I appreciate the House allowing me to bring this matter to its attention.

IN RECOGNITION OF BASIC HIGH SCHOOL'S MARINE CORPS JROTC PROGRAM AND PARTICIPANTS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the contributions of a special group of high school students in Henderson, Nevada, the members of Basic High School's Marine Corps JROTC.

Basic's JROTC unit was activated in 1977 and is one of over 200 plus units sponsored by the United States Marine Corps. Basic's MCJROTC has been designed as a "Naval Honor School" 14 times and has received state and national recognition and honors. The Senior Marine Instructor and Marine Instructors are retired Marines with over 80 years of combined military service and 30 years at Basic High School.

The mission of the MCJROTC is to develop young leaders and responsible citizens with respect for constituted authority, to help individuals strengthen character and form habits of self discipline, and to learn the importance of national security in a democratic society. Students that participate in the MCJROTC program at Basic learn self-discipline, self confidence, personal responsibility and build their character.

Basic's MCJROTC students participated in the Western United States National Drill Meet on April 1, 2006 and were deemed the overall winner for the West Coast. Other awards earned included: 1st place in Armed Inspection; 2nd place in Unarmed Inspection; 1st place in 4 Person Unarmed; 5th place for 4 Person Unarmed; 3rd place in Unarmed Inspection; 2nd place for Color Guard Regulation; 1st place for 4 Person Armed; 1st place in Unarmed Exhibition; 2nd place in Color Guard Regulation; 4th place for 4 Person Armed; 2nd place for Armed Inspection; 3rd place for Unarmed Exhibition; 4th place for Color Guard Inspection; Outstanding Unarmed Commander Cadet.

Basic's MCJROTC students have won this prestigious championship twice in the last 4 years. Their commitment to this important program and devotion to excellence has helped them achieve these high honors, and I am proud to recognize them today for their accomplishments.

Mr. Speaker, it is with great pride that I salute the MCJROTC students at Basic High School.

IN HONOR OF JOHNNY RYE, SR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Johnny Rye, Sr., of Poinsett County, Arkansas, a great friend, and someone who has made countless contributions to his community.

Johnny was born into a sharecropping family on September 2, 1924, in Smithville, Mississippi but moved to Arkansas just 8 years later. After finishing school, Johnny started his own grocery business in the Black Oak Community. He has operated that grocery for more than 50 years, making it the oldest grocery business in all of Poinsett County.

In addition to being a great businessman, Johnny is an active member of his community. He is known for his generosity to many local charities, and has been a member of the Marked Tree Church of God since 1946. He has also taken the time to get involved in civic activities, serving as a delegate to the Democratic State Convention and helping Bill Clinton win Poinsett County in his 1982 race for Governor.

Johnny Rye and his wife, Maxine Branch Rye, have two sons, Johnny Rye, Jr., the Assessor of Poinsett County, and Randy Rye who works for the family business. They also have one granddaughter, Robin Rye who is studying to be a nursing major at the University of Central Arkansas.

I ask my colleagues in the U.S. House of Representatives to join me today in recognizing Johnny Rye, Sr. for his significant contributions to eastern Arkansas. He is a great friend, a great businessman, and a great American.

CARL ELLIOTT AND LISTER HILL: TWO INDISPENSABLE GREAT ANGELS FOR PUBLIC LIBRARIES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. OWENS. Mr. Speaker, on Friday, April 7, 2006, the University of Alabama School of Library and Information Studies and the University Libraries will conduct a Library Services Act 50th Anniversary Program honoring Congressman Carl Elliott and Senator Lister Hill, two great legislators who were the first great federal advocates for the Library Services and the National Defense Education Acts. As the only Librarian who has ever served in the Congress I was honored to be invited to speak at this commemoration; however, the scheduled vote on the budget prevented me from attending. The following are a portion of the remarks I prepared for that landmark occasion:

In his 2001 inaugural address President Bush left us with one profound image: the specter of an "Angel in the Whirlwind" guiding the fate of our nation. Democracy in America has survived and expanded despite the numerous whirlwinds and storms. At several critical periods our ship of state could have been blown off course and been wrecked on the rocks. Always in the past, the churning American political process has produced the leadership capable of conquering crises and opening new vistas.

Representative Carl Elliott and Senator Lister Hill were two leaders who opened new vistas. In the story of the making of America we can find many angels emerging from the whirlwind. Many of our greatest angels are unsung, unknown beyond a small circle. But the abundance of angels, ordinary and everywhere, has created the most fantastic nation on the face of the earth. Not from royal bloodlines or from pampered privileged classes but from the cradles in the tenements, from log cabins and shotgun shacks. Every citizen, all Americans are potential angels called by the voice of Thomas Jefferson to come forward and add your contribution to the ongoing miracle of America. Because we loudly assume that all persons are created equal we automatically break the chains of doubt and set our imaginations and spirits soaring to achieve at higher and higher levels, and to create new institutions.

Lister Hill refused to let his regional origins interfere with his national visions. Carl Elliott did not allow a lack of wealth and high-class status to limit his spirit and ambition. Both men focused intensely and accomplished missions that place them among the legions of great American angels.

Just as school systems for the masses never existed before they emerged in America, so it was with public libraries. Yes, from the time of ancient Egypt, Greece and Rome there were libraries, but always they were the closely guarded property of the rich and available only to the elite. From the embryo implanted by Benjamin Franklin to the urban facilities provided by the generosity of Andrew Carnegie to the legislation of enduring federal support for libraries the American angels were in motion.

To achieve the imprimatur of federal sponsorship was a life sustaining development for modern public libraries. Only a fellow legislator can imagine what Representative Elliott had to overcome to realize his dream. Politicians seldom dwell on systems and long-term goals that benefit citizens beyond their political district. Elliott was ridiculed as a man who was tinkering with the impossible. He was strongly advised to do what every other lawmaker was attempting. To get reelected and be celebrated back home, he was told to get himself an appropriation to build a bridge. Get something concrete to show off that could be dedicated with a ribbon cutting and marching bands. If Elliott had accepted that practical but mundane proposition, oh what a devastating gap there would have been in the progress of library service in America. Carl had to be the pitcher in the House of Representatives and Lister had to be the catcher in the Senate in order for the game of public library expansion to go forward.

Across the nation we can now boast of magnificent public libraries and library systems. The DNA of Elliott and Hill goes marching on. Other great library nurturing angels like Eileen Cooke of the ALA Washington Office boldly forged ahead in their spirit and played a major role in the legislation and administration of the E-Rate providing widespread utilization of computers and the Internet in libraries. A whole new dimension exciting the young and the old has been added to the information and education mission of public libraries.

As a philosophical descendant of Elliott and Hill; and a more immediate child of the LSCA I arrived in Congress determined to raise the profile of libraries of all kinds to a level where they could never be forgotten and neglected again. Certainly I have been frustrated that the higher Federal appropriations have not been gained which I think libraries deserve in order to relieve some of the funding burden on State and local governments. But basically I will be leaving the Congress after 24 years contented that most of my concerns have been fulfilled. There are now many legislative advocates for libraries and they exist in both parties, Republican and Democratic. In politics that pinnacle of bipartisan support is the ultimate goal. The fight is no longer for recognition and survival as a national priority. The fight is for growth and the expansion which will provide opportunities for libraries to meet the new emerging challenges of education located away from campuses and outside of classrooms.

Our libraries are indispensable institutions. President Clinton has described America as an indispensable nation. Carl Elliott and Lister Hill were indispensable great angels for this indispensable nation. Out of the limelight, with no headlines to encourage them they remained steadfast in their unglamorous mission. As early as 1919, the American Library Association was seeking federal support for libraries. But not until 1936 was there a small breakthrough which established the Library Services Division within the Office of Education. Through side doors such as the Tennessee Valley Authority and the WPA more federal support was garnered. But not until 1956 was the great breakthrough achieved; the Library Services Act was passed and later expanded in 1960. In the history of the House and the Senate there are few records of such longevity and perseverance in the unselfish pursuit of uplifting legislation.

The rock-solid basic principle pioneered by Carl Elliott and Lister Hill is the proposition that wealth, financial well being, should not be the deciding factor in determining who has access to information and knowledge. Elliott and Hill understood that the growth and development of the State and region economy were inextricably interwoven with the intellectual growth and development of ordinary residents of the State and region. While public libraries were only a small part of the overall education effort they were the institutions with the greatest cost-benefits ratio. Huge opportunities were provided for large numbers of persons on the roads to upward mobility at the lowest possible costs. Oh, yes the investment in libraries and education pays great dividends.

Long before the military leaders could comprehend it, Elliott and Hill understood that an educated populace was our nation's greatest asset for national security. From what was often labeled as an abstract dream of universal literacy reflected in their concern for rural libraries these two giant angels of American progress leaped to the hard-nosed preparations for a space age national defense system. The massive feats of science and engineering needed to develop the laser, satellites, spacecraft and rockets were made possible as a result of the initiatives of the National Defense Education Act. There is a clear connection between the vision and labor of Elliott and Hill and this nation's landing of a man on the moon.

America, not by accident, is the richest, most powerful nation that the world has ever known. In comparison the great Roman Empire was merely a village. America is great because the unsung heroes, the invisible angels are always at work carrying out the details that make our democracy a success.

There will be in America no aristocracy of the well informed. Know-how shall never be a rare or scarce commodity. The government shall encourage all persons to pursue their fullest development. Beyond universal access to information, libraries will provide assistance with knowledge creation and utilization. In the appreciation and the application of wisdom librarians will continue to play a vital role.

The vision and foresight of Carl Elliott and Lister Hill have been validated by time. Their concerns have become more relevant as we plunge further into the age of information. In America information will never become the weapon of elite dictatorships. Information, knowledge and the records of wisdom must be permanently supplied to the citizens. In many forms this library mission must carry on to maintain the land of the free, home of the brave, and the nation of the most thoroughly informed who are capable of that continuing oversight and vigilance necessary to guarantee that our great democracy will long endure.

INTRODUCTION OF THE NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM ACT OF 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to join my colleague Mr. Hall in introducing the National Integrated Drought Information System Act of 2006. This bill establishes a National Integrated Drought Information System—or NIDIS—within the National Oceanic and Atmospheric Administration (NOAA) that will provide early warnings, forecasts, and information about drought conditions to mitigate the impacts of drought.

The western part of our country, including my own state of Colorado, has experienced severe drought conditions in recent years, with adverse consequences that have included severe wildfires that have devastated many homes and businesses.

Droughts are a recurring part of climatic cycles, but that does not make them benign. And because unlike hurricanes or other weather events they develop slowly and their effects are felt over longer periods, there is a danger that efforts to mitigate or reduce the damage will not begin in time.

The direct impacts of drought include reduced crop yields and forest productivity, increased fire hazards, lower water levels, and damage to wildlife habitats. Droughts are costly to our economy as they reduce the incomes of farmers and increase the prices of foods and agricultural materials such as timber. Drought adversely impacts our environment and wildlife habitats, taking away from our public lands and recreational opportunities, which have become an essential component of the way of life for many western communities.

But while the Department of Homeland Security, is working to prepare for natural disasters such as floods and hurricanes, the federal government is not doing enough to mitigate and reduce the effects of drought.

Currently, NOAA works with several agencies to produce drought forecasts and monitoring. However, a report by the Western Governors' Association found that much of the current drought forecasting information is overly technical and not in a standard format. Many users also are not aware of resources available to reduce the impacts of drought.

The bill that Mr. Hall and I are introducing today responds to those problems by expanding NOAA's efforts in drought monitoring and forecasting, improving the dissemination of data to ensure more informed and effective decisions are made about drought.

Specifically, the bill establishes an early warning system called NIDIS. NIDIS will integrate information from key indicators of drought to provide timely assessments. NIDIS will be used to disseminate a drought forecast on a regular basis to decision makers on the federal, state, local, and tribal levels, as well as to the private and public sectors.

Real-time data is often the most helpful in making decisions about drought; however, data is rarely available to decisions makers until after the fact. Thus, NIDIS will provide real-time data where possible for regional and local drought conditions.

Our bill also calls for the coordination and integration of federal research to support NIDIS, thus ensuring that we continue to understand droughts and their impacts. Lastly, our bill directs NOAA to consult and coordinate with other federal agencies in the development of NIDIS to ensure that all appropriate communities benefit from the system.

I believe that NIDIS will ensure that we are able to proactively reduce the effects of drought and allow decision makers to take advantage of all opportunities to reduce as many impacts as possible. Mr. Speaker, I ask my colleagues to support the creation of NIDIS and better monitoring and forecasting of drought.

THE CONGRESSIONAL YOUTH ADVISORY COUNCIL MAKES A DIFFERENCE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. SAM JOHNSON of Texas. Mr. Speaker, when you think of the leaders of the future—what qualities come to mind? Civic activism? Community awareness? Personal leadership? Academic excellence? It is a privilege to recognize the members of the 2005—2006 Congressional Youth Advisory Council because they embody these qualities and more.

For the last 2 years, the members of the Congressional Youth Advisory Council have represented the young people of the Third District well by working as ambassadors of the future. Several times a year the members of the Youth Council would share a valuable youth perspective on the current issues before Congress. This year 42 students from public, private, and home schools in grades 10 through 12 made their voices heard and made a difference to Congress.

For the first time, this year there was a philanthropy element to the Youth Council. For the community service project, the members of the Youth Council reached out to veterans and encouraged them to share their stories. Called the "Preserving History Project," each member had to interview a veteran. Then the student had to submit a lengthy paper detailing the veteran's service and sharing what the student learned from that experience. The students submitted a summary of their work. Today I'm proud to submit the briefs provided so the hard and valuable work of the Youth Council may be preserved for antiquity in the CONGRESSIONAL RECORD.

Someday, each member will be able to share with children and grandchildren—"In high school I served my community and my work will always be recognized in the official CONGRESSIONAL RECORD."

A copy of each submitted student summary follows.

To each member of the Congressional Youth Advisory Council, thank you for your time, effort and sacrifice to help make the Congressional Youth Advisory Council a success. You are the voices of the future and I salute you. God bless you and God bless America.

My name is Lauren Huber and I had the great opportunity to interview my grandfather, Second Lieutenant Robert W. Jensen. My grandfather was a bombardier pilot in World War II. He has accomplished a lot in his lifetime and has survived being a prisoner of war, and living on barely anything. He has received many medals for his service in World War II, including: the Oakleaf Medal Cluster, Air Medal, and a Purple Heart. It was a pleasure and an honor to interview my grandfather and listen to what he had to say about his experience as a bombardier in WWII. I have learned a great deal about my grandfather I did not know, such as his strength. I have learned that conditions were horrible during the war and that many innocent people were killed because of WWII. I now have even deeper respect for not only my grandfather, but for all the veterans of every war in the world. I have a deeper gratitude for the soldiers who are currently fighting in Iraq and honor them with all my heart. I am very lucky to have known my grandfather long enough for him to tell his war stories for me, and I will be sure his legacy will live on in me and in the stories that I will tell my children and grandchildren of Robert W. Jensen.—Lauren Huber

Carl Eugene Beck, my grandfather, is an American veteran who relied on determination and dedication as he proudly served in the Navy during the Korean War. Carl finished the Navy as an aviation mechanic third class. Mr. Beck's experience in the Navy greatly allowed him to mature because, as he states, this was his first time to be independent. The Navy also matured Mr. Beck through discipline and hard work, all that he is thankful to have acquired. Finally, in the work field, the Navy provided Carl with a strong work ethic and an education that Carl states allowed him to keep his job. Thanks to the G.I. Bill, Mr. Beck was also able to have financial advantages not only in his education, but also later in life, such as when he bought his first house. Overall, the Navy taught Carl to be self-sufficient and gave him motivation to work hard in college and in life. Although Carl never actually fought, the very fact that he voluntarily joined the military, to me, is something that anyone should be proud of. Even though he came from a poor family, Carol's dedication and determination ultimately led to his successes in the Navy, as well as later in life.—Patrick Dyer

George William Wallis served during World War II in the 96th, 69th, and 3rd Infantry divisions. The Army gave him a battlefield commission in which he became a Second Lieutenant. Wallis was stationed primarily in Germany where his division gradually moved from town to town across Germany until it was the first to reach the Russians. George Wallis received an Air Medal, a European Theatre Ribbon, and two battle stars for his service. In addition to these tangibles, Wallis gained an increased level of maturity and a greater sense of teamwork and responsibility as a direct result of being in our Armed Forces.

Oftentimes the media, as well as many others, portray the military in a negative light. Because of this, I developed a somewhat faulty image of what life in the military was like. As opposed to hearing horror stories about cruel sergeants, rampant diseases, and lack of food, Wallis told me generally positive accounts of tough but kind sergeants, adequate food, and pretty decent conditions. My discussions with George Wallis helped to change my somewhat myopic view of military life, and it allowed me to gain a greater sense of what it was like to live let alone fight during a war that engulfed the entirety of the world.—Alyssa DeLorenz

I interviewed Private First Class Leo Serian. Leo Serian was drafted from New York into the Army in 1943 as part of the last company of soldiers to be shipped across to Europe where they advanced farther than any other company in WWII and ultimately liberated the concentration camp, Hersbruck. Although not a Christian during the war, Serian now looks back and believes the Lord held him in His hands during his whole enlistment. This includes many miracles like near misses by machine guns, to safe crossings of minefields, and even his placement in his company. For Serian, his experience in World War II was truly unforgettable, and he now resides in Dallas, Texas. Being devoted to Christ, Serian blended his faith with his war experiences in the poems he wrote, which are included in the essay.—Austin Lutz

Tony Brigham attended Sunset High School in South Oak Cliff and graduated in 1969. In 1971, at the young age of 20, he sought a future in the military. Before he got drafted for the Vietnam War, he decided to join the Air Force. He was stationed on the island of Okinawa for the majority of his time in the United States Air Force, and he experienced unforgettable moments while over there. He played a leading role in Operation BabyLift, as he coordinated the special flights coming into Hawaii. He is proud of his role helping infants and newborn children escape the perils of Vietnam. As it happened, many of the soldiers formed anti-Vietnam War opinions. Tony Brigham was one of those soldiers who enlisted with one opinion, which soon changed during his time of service. Seven years later, Tony retired from the Air Force. He decided to attend Eastroundsbourg St. Pennsylvania College, Steven F. Austin University, and the University of Texas at Dallas, all on the G.I. Bill. He received two undergraduate degrees, a B.S. in Environmental Science and in Forestry, and one graduate degree in Science Education. He applies all this knowledge in the classroom where he has been teaching for the past 22 years of his life.—Michael McCleary

I interviewed Chief Warrant Officer Jarvis W. Coburn, U.S. Army (Ret.). He served his country from 1965 through 1969. During his time in uniform, he served in the 176th Aviation Company of I Corps in the Vietnam War. He flew both lift and attack helicopters and received numerous awards and citations, including two Purple Hearts, two Distinguished Flying Crosses, thirty-nine air medals, one Presidential Unit Citation, and one Vietnamese Cross of Gallantry. Several times he was in life and death situations, and each time he managed to find a way through. He experienced the thrill of fighting alongside the United States Marine Corps and the agony of losing fellow soldiers in horrific battle. He returned to the United States, became a flight instructor and taught the next generation of Army pilots. His work in the private sector with Ross Perot's EDS led to the heroic rescue of two captured American prisoners as recorded in Ken Follett's On Wings of Eagles.

After interviewing Mr. Coburn, I gained a newfound respect, not only for the man himself, but also for all the soldiers that have served our country. Listening to the stories he shared with me reinforced how important the Armed Forces are to our Nation.—J. Andrew Clark

For the Preserving History: Veteran's Interview Project, I had the opportunity to interview a veteran of World War II. My grandfather, Michael Pessalano, was the veteran who shared his personal experiences with me. This man accomplished a lot in my eyes. He was a Codman in the United States Navy during World War II. He was awarded three ribbons: the American European Theater and Victory medal, and the American and European medals from serving overseas. Although he didn't see much combat, hearing his stories were still really interesting. Just by serving in the U.S. armed service I believe that you have been able to accomplish a lot. Having the determination, strength, risks taken, and dedication to one's country will vastly benefit anyone who serves. After having the opportunity to interview and hear the personal story of one's experience, I was shown the truth. Many people today, including myself, are clueless on what a soldier's life is really like. From this interview experience, I have learned to have more pride in my country, respect the people who are fighting for me, and we need to preserve the history so others can see the reality to how and who got our country where it is today.—Ashlea Banick

For this project I interviewed Captain Rick Burges. Captain Burges served in the Marine Corps of the United States of America from 1980 to 1984. He was positioned in artillery at Camp Le Jeune in North Carolina. Although he was never a part of combat or enlisted during a time of declared war, Captain Burges established himself as a Marine Corps hero by selflessly serving and climbing up the ranks for four years. This was an opportunity to open my mind up to the rigors of war and military training. Captain Burges was able to explain how military training is very long, hard, and tedious, but it also provides the greatest sense of satisfaction. But the greatest lesson is that I must always fulfill my dreams, no matter how hard or tiresome it may be, because only then can I live life completely satisfied.—Hansini Sharma

I interviewed my grandfather, Bentley Byrd Hinman. He served in the United States Army for two years as a Master Sergeant between the years of 1950 and 1952. During that time the United States was involved in the Korean War. My grandfather, however, was far removed from any field of combat. He spent the majority of his service in Germany serving as a superintendent for a collecting station, the place where the wounded were brought after battle. He was not exactly the definition of a war hero; in fact, he never even fought a battle. That fact, however, does nothing to demean the sacrifice he made. When he was drafted for the military in 1950, he was not anxious or excited to go. It was simply something that must be done, so he went. He traveled to Germany for two years performing a thankless job, but he fulfilled his duty and that is all we can ask. I discovered what many men serving our country feel like. Oftentimes, men are not required to enter battle but are simply called. That calling is duty and the men who are strong enough to hear its call and answer are the true heroes.—Jennifer Smart

I interviewed Captain Andrew George Schneider, formerly of the United States Navy Supply Corps. Mr. Schneider joined the Navy voluntarily during the Korean War. He served first on the USS *Elderado* as a seaman recruit. Later, he transferred to a Navy destroyer, the USS *Watts*, where he was a Lieutenant (junior grade). Only in his early twenties, he was a Supply Officer and head of the supply department. After several years of active duty, Andrew joined the reserves where he remained on alert status for 22 years. During that time he worked with classified missile plans and as a government auditor. In 1979, he retired after 29 years of service. I learned a lot about Mr. Schneider through this project. I never knew what he had done in the Navy, and I found his story particularly interesting because Andrew Schneider is my grandfather. He is a true hero!—Kristin Schneider

Mr. Johnson is dedicated to God, his country and his family. He has lived the story of a POW war hero that had determination to survive. He made his way back to Texas and his family. During the time of Mr. Johnson's captivity, Mrs. Johnson never believed that her husband was dead. Two years after he had been shot down she received evidence to prove that he was still alive. She has said that her main goal was to keep continuity in the children's lives, while her husband was away. Many supporters and friends offered her prayers of hope and wore Mr. Johnson's POW bracelet in his honor. The bracelet told the prisoner of wars' name and rank and date captured. My family was among those who did so, and they all remember the day Mrs. Johnson received the message of her husband being shot down and missing in action and then when she had heard that he was coming home.

Sam Johnson is a decorated hero. He has earned 2 Silver Hearts, 2 Legions of Merit, the Distinguished Flying Cross, the Bronze Star with Valor, the Meritorious Service Medal, and 9 other medals, including 2 Purple Hearts, as written in his book. He now serves his country as a United States Congressman. I am very thankful to have heard his story because it made my understanding of past war history even greater. Although I was not alive at the time, I can empathize and only imagine how horrible Mr. Johnson was treated as a captive prisoner. I gain strength in my Faith through the telling of his life story, and I admire all of his accomplishments.—Amanda Lipscomb

As part of the "Preserving History Project" I completed for Congressman Sam Johnson and the Congressional Youth Advisory Council, I had the pleasure of interviewing Mr. Bud Taylor who served in World War II as a Navy seaman. His exploits in the Pacific theater included the attack on Pearl Harbor, the bombardment Atu in the Aleutian Island chain, and minesweeping at Bikini Atoll and around Japan. Upon being transferred to the Atlantic theater, he was assigned to a convoy escort destroyer and participated in D-Day at Normandy. Mr. Taylor joined the Navy in 1940 as a sailor, rose to Seaman's 2nd Class, Seaman's 1st Class, and eventually his final rank of Gunner's Mate 3rd Class. As a result of this interview with Mr. Taylor, I saw how some of the men in the U.S. Armed Forces in Pearl Harbor fought against the odds to protect our country and the freedoms we enjoy in the U.S. I was confronted with how men gave their lives and Herculean efforts to protect America. My interview with Mr. Taylor opened my eyes to the privilege of serving in the U.S. Armed Forces; that in the time of need, we must all be ready to serve.—Michael Scott

Private First Class, George C. Powell was a member of the field artillery unit of the 66th Black Panther Division of the United States Army during World War II. Powell was born on November 6, 1924 in McKinney, Texas and was drafted by the U.S. military by the time he was eighteen. Upon completion of his training in Fort Sill, Oklahoma, Powell was sent to the European Theater of Operations, where his unit was engaged in the campaign on Northern France, where he fought until the end of the war in 1945. As part of the Baker 2 firing battery of the 66th field artillery unit, Powell was involved in several successes and achievements, namely the sinking of a German submarine. As a veteran of World War II Powell was able to serve his country and the United States of America, which is indeed his biggest accomplishment of all.

From this interview, I have gained so much more respect for the people who serve this country, as they truly understand the value of freedom. I have also come to realize the importance and the gift of living in a country where my rights are protected, and some day I hope to pass this on to others to make them realize the values of such a nation as the United States of America.—Morgan Bailey

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INTRODUCTION OF THE WORKFORCE HOUSING ACT OF 2006

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Workforce Housing Act of 2006.

Finding a moderately priced home used to be a concern solely for those with low incomes. Today, as the median price for a home in some parts of the United States is over $400,000, it has become an issue for all workers. This is especially true when only about 18 percent of the working population has enough income to purchase such a home. Other workers simply do not have the down payment needed to buy a home.

When large numbers of Americans are priced out of the housing market, it affects more than just a working family's ability to purchase a home. Communities that fail to provide affordable housing leave employers straining to find employees. The price to attract prospective workers ultimately makes essential jobs and services more difficult and more expensive for everyone.

Workers who cannot find affordable housing in or around places of employment are pressured to move further away. They endure longer commutes, use more gasoline, increase the levels of greenhouse gases, and spend more of their hard earned money on transportation. The financial impact is especially hard on low-income families who can spend 40 percent of their incomes on transportation alone.

In other cases, people are forced to seek less expensive homes elsewhere. Many of the housing alternatives they have to choose from are often built from older materials, emit more pollution, and require up to 50 percent more energy. Faulty ventilation and energy hungry appliances also increase the costs to heat, cool, and power a home. Rising energy costs required Americans to spend 24 percent more for energy in 2005 than in the previous year. Such expenditures quickly deplete any savings that working families hope to use when trying to buy a home.

Left unchecked, the shortage of affordable housing, combined with higher energy prices and increased transportation demands paralyzes employment, holds back economic growth, and leads to inflation. The Workforce Housing Act successfully addresses the challenges faced by America's current housing crisis. This bill provides badly needed assistance to help individuals and families purchase their first home and to encourage developers to build affordable workforce housing.

For those looking to purchase a home, the Workforce Housing Act creates two forms of assistance that can be used for the down payment, service charges, appraisal, and other acquisition costs to purchase a single-family home or condominium.

First, the bill creates a tax-exempt mortgage down payment account to be used for purchasing a home. This account works much like an Individual Savings Account, but can be used regardless of age and allows contributions of up to $10,000. Taxpayers that earn incomes up to 125 percent of the area median income will receive a tax credit equal to the amount of their annual contributions. The maximum credit is $2,500 for either single or married-filing-joint taxpayers. Those making below 80 percent of AMI can also receive an additional $500 credit to start the account.

Once the home is purchased, it is also possible to use any remaining funds for the future repair or replacement of items such as roofs, water heaters, or major appliances. This provision helps to ensure families can pay for these types of expenses without jeopardizing their mortgage payments.

Those who purchase homes using assistance from the Workforce Housing Act must use the home as their primary residence. To preserve the supply of homes created under this act, ownership of these homes can only be transferred to those with incomes that meet the stated affordability requirements.

Second, the Workforce Housing Act provides potential homebuyers with finance counseling and up to $15,000 in down payment assistance. Local communities have the discretion under the bill to give teachers, first responders, certain service workers, the elderly, and low-income families priority for this part of the program.

For builders, incentives are available for the construction of affordable workforce homes. Developers are allowed base incentives in the form of expedited building permits and density allowances that are above current limits when at least 25 percent of the units are priced affordably. Affordability is based on homes with a sale price that does not exceed the median purchase price for a specific area.

Additional incentives are provided in the bill for affordable workforce homes that are built near mass transit lines, with energy efficient technologies and appliances, and using active and/or passive solar technology. These incentives can be used individually or in any combination not to exceed 15 percent of the base incentive value. Local jurisdictions will determine how to utilize these incentives based on the needs of their communities.

The Workforce Housing Act is necessary to ensure there is an adequate supply of affordable housing for the people who need it most. It also provides reasonable alternatives that reduce some of the negative effects of increased energy demands. These are factors that threaten our economy, our ability to reduce our dependence on fossil fuels, and the viability of our cities and towns.

I ask my colleagues to support this legislation and urge the House leadership to bring it swiftly to the House floor for consideration.

TRIBUTE TO SAINT HYACINTH ROMAN CATHOLIC CHURCH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. DINGELL. Mr. Speaker, I rise today in honor of Saint Hyacinth Roman Catholic Church, in Detroit, MI on its centennial anniversary. Since 1907, Saint Hyacinth has served as a place of worship and gathering point for the Polish community in Detroit.

Saint Hyacinth was established in 1907 by a small group of Polish immigrants. At the beginning of the 20th century, this new parish served the large and growing Polish immigrant community in Detroit. During World War I, the congregation came together in order to provide solidarity for their brothers and sisters in Poland, as well as to contribute to the overall war effort. With a growing population Saint Hyacinth built a new church in 1924. This beautiful Byzantine-Romanesque church building towered over all other local buildings, serving as a deep source of pride for the Polish community.

World War II brought another opportunity for Saint Hyacinth to serve its country, community, and loved ones in Poland. With its strong connection to Poland, there was no doubt that Saint Hyacinth and many of its parishioners would play an active role in the American war effort. Their bravery and sacrifice was honored with an honor roll installed in the church vestibule.

The post-War years brought change to the surrounding community, but Saint Hyacinth remained steadfast in its dedication to serving the community. Following WWII, then Bishop Monsinger Woznicki appealed to the Church's many Polish parishioners to retain their family names, instead of changing them, as had become the custom. He also called on his parish not to flee to the suburbs, but stay in the surrounding neighborhood.

Saint Hyacinth was honored with its listing in the State of Michigan's Historical Site Registry on September 21, 1988. In January 2001, Saint Hyacinth was honored by the City of Detroit and its 300th Anniversary Committee, with a Heritage Award. It also received a granite paver, inscribed in both English and Polish, on the Riverfront Promenade. This serves as a testament to the great contributions this parish has provided to the city of Detroit and its people.

Mr. Speaker, for one hundred years Saint Hyacinth has served as the heart of Detroit's Polish community. Innumerable parishioners have passed through its doors through the years and the lessons they have learned helped shape their values and beliefs. Saint Hyacinth has stood as an example of all the hard work, determination, sacrifice and love that the surrounding community provides. For generations, the parish of Saint Hyacinth has turned a beautiful building into something much more, the heart of a community. I want to congratulate the congregation of Saint Hyacinth; the good works they have done serve as an example of all that a community can and should be.

TRIBUTE TO ELBERT GARCIA, RECIPIENT OF THE LATINO ALUMNI ASSOCIATION OF COLUMBIA UNIVERSITY'S TRAILBLAZER AWARD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Elbert Garcia, an extraordinary gentleman to whom I was first introduced when he was an American Political Science Association fellow in my congressional office, and who is now a media and policy analyst currently employed at my New York District Congressional office.

I commend the Latino Alumni Association of Columbia University on their decision to bestow their first annual Trailblazer Award on a group of exceptional individuals that included Elbert Garcia.

I was very pleased to find that this unique and very first annual Trailblazer award was presented April 1st during a celebration of the diversity and achievements of Columbia's Latino alumni appropriately called "El Regreso." The Columbia University alumni honorees consist of Marcel Agueros, Rafael Collazo, Jennifer Duran, Michael Maldonado, Vivian Santiago, and last but certainly not least, Elbert Garcia. The group was cited because "their dedication, vision, and representation of a wider movement were instrumental to the creation of the Center for the Study of Ethnicity and Race."

In 1995, this group of Latin American students at Columbia were frustrated that the initiatives to bring the history of ethnic studies to their campus continued to result in failure. They were determined to draw attention to their plight by staging a non-violent hunger strike. The strike ended in the arrest of 22 students and the resulting media coverage of the arrest finally propelled Columbia and its lack of ethnic studies into the national spotlight. This publicity served as a wake-up call to the powers that be and ultimately led to change which resulted in the creation of Columbia's Center for the Study of Ethnicity and Race. That Elbert was a leader of a group who had the strategic vision, self-discipline, determination and persistence to succeed is not a surprise to me because these are qualities which Elbert exhibits in his professional and personal life.

I know Elbert to be a dedicated family man with great conviction.

A Washington Heights-born freelance writer, Elbert has written about politics, music and culture for such publications as The Source, Urbanlatino Magazine, The New York Post and the Manhattan Times. The 31–year old son of Dominican immigrants has also worked as Web producer at MSNBC, the New York Times, and Philadelphia-based Latino news Web site, LATNN.com.

Elbert earned a B.A. in Urban Studies with a specialization in Political Science while being an active student leader at Columbia University. In addition to helping to establish the school's Latino Studies program and the Center for the Study of Ethnicity and Race, he served as one of founders of Columbia University's undergraduate Dominican organization, El Grupo Quisqueyano and managing editor of the multicultural magazine Roots & Culture.

Prior to entering the field of journalism, Garcia worked several years as alumni counselor and supervisor at the Prep for Prep program, a New York City leadership development organization that works with students of color from fifth grade through college. He was also one of the early organizers of the New York International Latino Film Festival.

Elbert spent a year working on Capitol Hill as a 2002–2003 American Political Science Association Congressional (APSA) Fellow, the oldest and most prestigious Capitol Hill fellowship program. Elbert rejoined my New York staff on a part-time basis in January, 2006. A product of the Ethical Cultural Fieldston School and the community's gifted and talented magnet school, Mott Hall, Elbert currently resides in the Upper Manhattan neighborhood of Inwood with his wife, Grissel.

Elbert's background in media relations and journalism has proven to be an invaluable asset as he assists me in communicating and implementing the role of government in the lives of the constituents of the 15th congressional District. Elbert is a non-assuming, focused and savvy analyst who genuinely cares about people. He is dedicated to ensuring that the needs of our constituency are met. I am particularly proud of the great strides Elbert Garcia has made not only at Columbia University but also in his service to the residents of the 15th District of New York City.

I salute and congratulate Elbert Garcia along with the five other honored Columbia alumni for the fortitude and bravery displayed in 1995 that brought about positive change that continues to benefit Columbia University to this day. I also salute Elbert for his continued work for the public in his chosen field.

At a time of sharp difference between us on the question of immigration policy, we all should keep in mind these words of Elbert Garcia. To quote Elbert, "A nation steeped in ethnic studies would not be in such a hurry to punish its immigrants."

TESTIMONY OF STEVE GRANDSTAFF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. KILDEE. Mr. Speaker, my constituent Steve Grandstaff is shop chairman of the United Auto Workers (UAW) Local 651, which represents hourly workers at Delphi East in my hometown of Flint, Michigan.

For the record I would like to read an excerpt of the electronic testimony that Steve wrote for the Education and the Workforce Committee e-hearing on the impact of the Delphi bankruptcy filing:

> I am the Shop Chairperson of UAW Local 651 in Flint, servicing Delphi Flint East and representing 2,800 hard working people. Early on in this whole saga I had a realization what the whole issue boils down to.
>
> I refer to it as the promise; the promise was part of the deal. The deal was that you came to work and did your job for 30 years and at the end of that time you could have the opportunity to go on your way with a somewhat comfortable pension to see you through your later years.
>
> The workers' end of the promise was that they worked the off shifts for the first decade of employment. This meant working the hot days in the summer and the cold ones in the winter. That in itself meant that you were at work when your family and your friends were working normal hours and enjoying life.
>
> The promise meant that you worked in the grimy, dangerous conditions. You did boring, monotonous jobs. You suffered the labeling by society because you worked in a factory.
>
> You would work the extra hours so that you could get the nice things that life offered. The things that seemed to come easier to other people but in your case you had to do a little extra to get them . . .
>
> Over the years many of us had the opportunity to make a decision, should I stay or should I move on to something else. Many, many people stayed on because of the promise.
>
> They made decisions not to go to a new career because they were many years into the equation of which the promise weighed oh so heavily.
>
> The promise was always out there.
>
> The company always reminded anyone that would listen about how they were funding our pensions and used that as a bargaining chip when our wages or benefits were on the table.
>
> It was always figured in as a benefit cost even though now some wonder if the company ever really intended to fulfill the promise.
>
> Now here we are near the end of our careers, not as young as we used to be, many of us broken. When so many of us are so close to being able to cash in on the promise, the company is attempting to take it away from us . . .

Mr. Speaker, this Congress has failed to protect American workers while focusing on protecting the privileged few.

It is time for these workers' stories to be heard and I am pleased to have this opportunity to share one of these stories.

INTRODUCTION OF THE FEDERAL AND SMALL BUSINESS TELEWORK PROMOTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the "Federal and Small Business Telework Promotion Act" to assist our Nation's small businesses in establishing successful telework programs for their employees and to secure energy saving opportunities, like teleworking for our Nation's Federal employees.

Across America, numerous employers are responding to the needs of their employees and establishing telework programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there will be an estimated 30 million teleworkers, representing an increase of almost 100 percent.

Unfortunately, the majority of growth in new teleworkers comes from organizations employing over 1,500 people, while just a few years ago, most teleworkers worked for small to medium-sized organizations.

By not taking advantage of modem technology and establishing successful telework programs, small businesses are losing out on a host of benefits that will save them money, and make them more competitive. By establishing successful telework programs, small business owners would be able to retain these valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition to the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80 percent of home-only teleworkers commute to work on days they are not teleworking. This also gives employees more time to spend with their families and reduces stress levels by eliminating the pressure of a long commute.

Mr. Speaker, our legislation seeks to conserve the energy consumption of the Federal workforce and to extend the benefits of a successful telework program to our Nation's small businesses.

Specifically, each agency shall take such actions as are necessary to reduce the level of fuel consumed by vehicles of employees of the agency. Due to the needs to reduce our dependence on imported oil, the bill directs all Federal agencies to find ways to reduce energy consumption by 10 percent in the year following the bill's passage. Agencies can achieve this reduction through telework, carpooling, bicycling and walking to work, fuel-efficient trip planning, public transportation use; and limiting travel.

Further the bill establishes a pilot program in the Small Business Administration (SBA) to raise awareness about telework among small business employers and to encourage those small businesses to establish telework programs for their employees.

Additionally, an important provision in our bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employing, persons with disabilities and disabled American veterans. At the end of the day, telework can provide more than just environmental benefits and improved quality of life. It can open the door to people who have been precluded from working in a traditional office setting due to physical disabilities.

The legislation is also limited in cost and scope. It establishes the pilot program in a maximum of five SBA regions and caps the total cost to five million dollars over two years. It also restricts the SBA to activities specifically proscribed in the legislation: Developing educational materials; conducting outreach to small business; and acquiring equipment for demonstration purposes. Finally, it requires the SBA to prepare and submit a report to Congress evaluating the pilot program.

Several hurdles to establishing successful telework programs could be cleared by enacting our legislation. The bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality and demonstrating the willingness of the Federal Government to expand their own telework policies.

Here is a brief outline of the bill's provisions—

Section One—provides a short title, namely "Federal and Small Business Telework Promotion Act."

Section Two—sets forth findings regarding the potential benefits of increasing the extent to which employees have the option of teleworking.

Section Three—amends the National Energy Conservation Policy Act by adding a new subsection requiring Federal agencies to act so far as possible to reduce the amount of fuel used by its employees by at least 10 percent during the year after enactment. Military use of fuel would not be affected. An agency could seek to achieve this reduction through increased telework opportunities; more carpooling; more people bicycling or walking to work; fuel-efficient trip planning; greater use of public transportation; or by limiting use of vehicles for business travel.

Section Four—directs the Small Business Administration to carry out a pilot program to raise awareness of telework among small businesses and to encourage them to offer telework options to their employees. This program is to include special outreach to businesses owned by or employing people with disabilities, including disabled veterans. Priority for locating the pilot program will be given to regions where Federal agencies and small businesses have demonstrated a strong commitment to telework. The pilot program will terminate after 2 years. This section also authorizes appropriation of $5 million for implementation by SBA.

HONORING MAJOR GENERAL WILLIAM A. BECKER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor Major General (Retired) William A. Becker, a distinguished veteran of World War II and Vietnam.

A Kaufman County native, William Becker was born on his family homestead in 1919. He graduated from Kaufman High School in 1936. He later attended Texas A&M College, where served as cadet corps commander during his senior year. Upon graduation in 1941, he was given a diploma, a commission as 2nd Lieutenant of field artillery, and orders to report within eight days to the 1st Calvary Division at Fort Bliss, Texas.

Maj. Gen. Becker was sent to fight in the Southwest Pacific Theater during WWII, and in four years, he advanced from the rank of 2nd Lieutenant to Lieutenant Colonel.

Maj. Gen. Becker also served in Vietnam. Over his 30-year career he had a variety of other commands and assignments. His last active duty assignment was to the Pentagon with the Office of the Secretary of the Army, as Chief of Legislative Liaison, working with the United States Congress from 1968–1971.

During his years of service he was awarded the Distinguished Service Medal twice with one Oak Leaf Cluster, Legion of Merit with Oak Leaf Clusters, Bronze Star with one Oak Leaf Cluster, and the Air Medal with 10 Oak Leaf Clusters.

Upon retirement from the Army, Gen. Becker returned to his home community with his wife, Fran, and their four children. In the early 1970's he established a real estate brokerage and is still active with that business. He also served as President of the Kaufman-Van Zandt Board of Realtors and Director of the Texas Association of Realtors.

President Calvin Coolidge once said, "The Nation which forgets its defenders will itself be forgotten." As a veteran, Gen. Becker understands that better than most Americans. On behalf of the grateful citizens of the Fifth District of Texas, it is my pleasure to honor Maj. Gen. Becker today in the United States House of Representatives. It is because of his service, we are able to enjoy freedom, peace, prosperity, and the many other blessings that God has bestowed upon this great land, the United States of America.

HONORING THE LIFE OF MARJORIE S. ANTHONY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay great honor to a dear friend and colleague of mine, Marjorie S. Anthony of South Windsor, Connecticut, who passed away on March 27, 2006. Marge was wonderfully unique in the way she pursued politics and community service. She did it with enthusiasm and love, candor and spirit.

Marge was a devoted wife, mother and grandmother. My heart goes out to her family, her loving husband of 48 years, Peter T. Anthony, Sr. Marjorie will be greatly missed by her four children and their spouses: Katherine Kennison and her husband, Ed, of South Windsor; Marybeth D'Onofrio and her husband, Tom, of Ellington; Patty Antonaras and her husband, Sam, of Ellington. Marjorie will also be deeply missed by her 12 grandchildren, Ashley Kennison, Shannon and Trevor Anthony, Matt, Rachel and Vinny Metacarpa, Katie, Tommy, and Christopher D'Onofrio, John, Brittany and Mikala Antonaras. Marjorie leaves behind five exceptional brothers, Charles J. Sullivan and sister-in-law, Maureen, of Riverton, NJ; Michael Sullivan and sister-in-law, Tina, of Atlanta, GA; Thomas Sullivan and sister-in-law, Carole, of South Bend, IN; Patrick Sullivan and Chris Domenick of Marlborough; and Kevin Sullivan of Hartford; her brother-in-law and sister-in-law, Thomas and Jane Anthony of Rocky Hill. Marjorie will also be deeply missed by her many nieces, nephews and cousins who were all a close knit family.

Marge led a tremendous life and was an active member of her community. Marge lived in South Windsor for 48 years of her life and graduated from Bulkeley High School. For 30 years of her life, Marjorie was a private business owner, Justice of the Peace, member of St. Francis of Assisi Church and Ladies Society, and State Central Connecticut Woman. Marge served as Past President of the South Windsor Democratic Women's Club, Past Vice-Chair and Secretary of the Democratic Town Committee, Past Chairman of the Zoning Board of Appeals, Chairperson of the Economic Development Commission, Chairperson of the South Windsor Committee for St. Patrick's Day Parade, Past Corresponding Secretary of the South Windsor Historical Society, and Past President of the South Windsor Athletic Booster Club. She was a member of the Board of Directors of the Greater Hartford Transit District, Board of Directors of the Tolland County Chamber of Commerce, and an Advisory Board member for Rockville Bank.

Mr. Speaker, I ask that my colleagues join me today in honoring the life of Marjorie S. Anthony. Marge will be missed by her family, friends and her community. She was a dear friend of mine and my family who join with her family in mourning her passing but rejoicing in her life.

TRIBUTE TO ELI SEGAL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary American, Eli Segal, who passed away on February 20, 2006 at the age of 63.

Eli Segal was born in Brooklyn, New York, in 1943. He graduated Brandeis University in 1964 and received a law degree from the University of Michigan in 1967.

Mr. Segal began a distinguished political career in 1968 when he joined Senator Eugene McCarthy's presidential campaign. Though Senator McCarthy lost, Mr. Segal was not deterred and served in key positions in several Democratic presidential campaigns, culminating with President Clinton's 1992 campaign, which was Mr. Segal's first campaign victory.

Mr. Segal then served as Assistant to the President in the Clinton White House, and within months established the Corporation for National Service, better known now as AmeriCorps. Thanks to his skilled management, the once controversial program has become an acclaimed success, and 400,000 young Americans have been enrolled in the program and helped to improve their communities and their country. Mr. Segal also took an active interest in City Year, another service program he eventually chaired. At the request of Nelson Mandela, he helped launch City Year in South Africa.

In 1996, when President Clinton signed welfare reform into law, Mr. Segal took on the challenge of creating opportunities for former welfare recipients who were required to work. He began asking American companies to make commitments to hire former welfare recipients, and his "welfare-to-work partnership" grew from five companies to twenty thousand. As he did with AmeriCorps, Mr. Segal left a great legacy in his contribution to the success of welfare reform.

Mr. Segal is survived by his wife Phyllis, his son Jonathan and his daughter Mora, two grandchildren, and his brother Alan.

Mr. Speaker, I ask my colleagues to join me in honoring an outstanding American and an extraordinary public servant, and extending our deepest sympathy to his family. He touched the lives of many Americans and changed our nation for the better.

HONORING ATHENS' FIRST MAYOR

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. John Matthews McDonald, the first known Mayor of Athens, Texas. John Matthews McDonald (1827–1883) was born in North Carolina but came to Texas in 1848 and lived first at Larissa, Cherokee County and then Mound Prairie, Anderson County, where his brother Murdoch earlier settled. Two years later, he moved to the young town of Athens and became a teacher and a lawyer.

He also served as the town's first mayor. He wed Mary Ann Elizabeth Pinson (1842–1931) in 1858, and the couple had ten children. During the Civil War, McDonald fought with the Confederate Army as part of Hood's Texas Brigade.

Active in public service, he held the offices of Justice of the Peace, County Judge and State Representative. His pioneer leadership proved vital to the early development of this adopted home.

On behalf of the citizens of Athens and the Fifth District of Texas, it is my pleasure to honor John Matthews McDonald in the United States House of Representatives.

HONORING THE LIFE OF ROSE BOUZIANE NADER

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor a distinguished constituent in my district, Rose Bouziane Nader of Winsted, Connecticut, whose incredible life has provided inspiration to all who have come in contact with her. Rose was a devoted mother, teacher and civic advocate, who passed away on January 20, 2006.

Rose Nader lived just 18 days short of her 100th birthday and led a life fulfilled by the inspiration she gave and the nurturing compassion she provided. Rose inspired America's foremost consumer advocate, her son Ralph Nader, and further inspired the rest of her children who are all dedicated to giving back to their community. The following are but glittering excerpts from the outpouring of people who spoke from their heart about this shining example for humanity.

"We have been brought together today by our mother, who was the light of our lives, the anchor, the compass and the vision. These are a few of her main qualities, qualities that we see in many good people. They represent the heights of human beings."—Ralph Nader.

"She was not a person of many words, but her content contained much memorable wisdom."—Claire Nader.

"On child-rearing formulas, Mom observed that, 'there is no recipe.' On supporting each other, it was 'operation cooperation.'"—Laura Nader.

"She was as fine an expression of the human spirit as I have ever met, and I say this from my heart."—Phil Donahue.

"I thought she was a remarkable person who lived a remarkable life, going literally from one century to another.

"She was strong, loving, hard-working and modest. All of the virtues were hers. I used to ponder how much she and her husband had seen in their lives for it was a great American story. They had come here in the Twenties with little more than their hopes and their capacity for hard work, and in just one generation they had seen their own children prosper—enriching what was around them and being enriched at the same time.

"What I will remember is her kindness to our family over the years, her sense of obligation to others, and a belief that citizenship demanded a daily commitment. And of course her modesty, in the midsixties, back when Life Magazine was still powerful, the editors put Ralph on the cover. My mother, thrilled by this, immediately called Rose to tell her.

'Yes,' said Mrs. Nader, 'that's nice. I must get out and get a copy.' We all loved that, the 'a copy' reference." David Halberstam Journalist, Author, Historian.

It has been my experience that what makes this country great are those humble people amongst us who live day to day and perform unheralded deeds for their community. Rose was one of those people. Her life was a testimony of inspiration, humor and compassion, and the love and satisfaction that comes from giving of oneself.

How blessed her family is to have had such an influence, how fortunate the community that her works lives on. Epitomized by her world famous son, Ralph, and her daughters, Claire and Laura, who never forget their community and their mother's devotion.

President Kennedy was fond of saying that communities reveal a lot about themselves in the memorials they create and the individuals they honor. How fitting it is for the family to establish the Rose Nader Circle: For the Agitation of the Caring Mind. I know all Americans join in saluting Rose Nader. I personally want to be part of the planting of roses throughout Winsted. What a fitting tribute to an extraordinary lady. I am both humbled by her virtue and honored to place her name in the annals of the United States Congress, an institution that could learn much from this incredible American.

IN HONOR OF SERGEANT RICHARD F. LITTO, UNITED STATES MARINE CORPS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. LYNCH. Mr. Speaker, it is with great pleasure and honor that I rise today to pay tribute to Sergeant Richard Francis Litto, United States Marine Corps and a resident of South Boston, MA.

Upon graduation from South Boston High School in 1976, Sergeant Litto joined the Marine Corps Active Reserve Unit. In 1990, Richie was called to active duty in Operation Desert Shield and assigned to the Military Police Criminal Investigations Division. During his tenure in Desert Shield, Richie received several accolades for his exemplary work ethic. One in particular, The Meritorious Mast, was awarded to Richie for his outstanding service.

Richie's next tour came in 2005, as part of Operation Iraqi Freedom where he was again asked to serve his country. Richie was activated in June of that year as a member of the 6th Civil Affairs Group (CAG), 2nd Marine Division of the United States Marine Corps. During this tour Richie was on a 137 "outside the wire mission," where he and his fellow members of the CAG Division worked on the streets of Fallujah, Amiriyah, and Zaidon protecting the citizens of Iraq from enemy insurgents.

Due to his exemplary service Richie was given Gunnery Sergeant responsibilities with E5 status, which any Marine knows is an amazing accomplishment and honor. Throughout his service in the United States Marine Corps, Richie Litto has been decorated with numerous awards. He has been awarded the Iraqi Campaign Medal, Navy and Marine Corps Medal, Good Conduct Ribbon, Combat Action Ribbon and the National Defense Ribbon on several occasions.

On a personal note, I have had the pleasure of counting Richie Litto among my dearest friends for most of my life. Recently, as part of a Congressional Delegation that visited Iraq and Afghanistan I had the opportunity to visit with Richie while he was stationed at Camp Mercury in Fallujah and tell him in person how proud we were of his service to our country.

Mr. Speaker, it is my distinct honor to take the floor of the House of Representatives today to join with Richie's wonderful family, friends, and brothers and sisters in the Marines and thank him for a job well done and welcome him home. I hope my colleagues will join me in celebrating Richie Litto's many accomplishments and all his future endeavors.

HONORING JERRY DeFEO

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Jerry DeFeo and his work with the National Exchange Club. Mr.

DeFeo joined the Noon Exchange Club of Garland, Texas as a charter member in 1982 and went on to serve in numerous offices at the club, district and national levels, culminating with his term as President of the National Exchange Club this past year.

Jerry DeFeo has devoted his time, talent and energy promoting the Exchange Club and it's mission: to make our communities better places to live through programs of service in Americanism, community service, youth activities, and its national project, the prevention of child abuse.

Mr. DeFeo is an accomplished member of the Garland Noon Exchange Club and has served the National Exchange Club Foundation board of trustees from 1987–88 and is a volunteer field representative (VFR). He has received multiple recognitions throughout his involvement, including the first ever VFR of the Year Award in 1997. He was also awarded the National Master Recruiter Award and he has recruited more than 350 members and built 15 Exchange Clubs.

Mr. DeFeo received a bachelor's degree in engineering management from the University of Texas at Arlington, and is the founder and president of DeFeo & Co. Enterprises, which specializes in a variety of architecture and construction. Jerry and his wife Mary Defeo reside in Garland and have four grown children and five grandchildren.

Still active in his community, DeFeo is serving his 12th year on Garland's Board of Adjustments, a zoning appeals board. He has also been involved with the Stars for Children Child Abuse Prevention Center, the Garland Chamber of Commerce, YMCA Indian Guides, and Crimestoppers and Scouting.

Over the course of his career, Jerry DeFeo has demonstrated a unique commitment to the Exchange Club and his community. Today I would like to recognize his outstanding service to his dedication to the people of Texas and the mission of the Exchange Club.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. HERSETH. Mr. Speaker, On April 5, 2006. I missed Rollcall vote No. 90 on H.R. 1127, the Darfur Peace and Accountability Act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes. Had I been present and voting, I would have voted yes on the Darfur Peace and Accountability Act.

HONORING THE MARTINS MILL GIRLS BASKETBALL STATE CHAMPIONS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Martins Mill Lady Mustangs basketball team who recently won the Texas University Interscholastic League 1A Division State Championship. On Friday March 3, 2006 the Lady Mustangs competed at the University of Texas in Austin's Frank Erwin Center (UTAFEC) for the Girls Basketball State Championship.

I would like to recognize teammates Cara Chaney, Courtney Gregory, Rebecca Hensley, Jordan Barncastle, Hayley Butler, Taylor Daniel, Brittney Perkins, Alexis Popelar, Ashley Tarrant, Jennifer Tindle, Christa Williams, Lynzi Williams, and Kim Wilson as well as team managers Carlee Alsobrook, Kati Clark, Joanna Daniel, Ashlee Milner, and Emily Williams.

The outstanding team performance of the Martins Mill Lady Mustangs earned them the number one ranking in the state from start to finish this season. At the State Championship game in Austin the Lady Mustangs defeated Elkhart Slocum 61–30 to claim the Class 1–A Division 1 Title in front of a crowd of 3,500 people.

Jordan Barncastle was named Most Valuable Player, and Offensive Most Valuable Player was awarded to Lynzi Williams and Christa Williams. Additionally, state team selections went to Taylor Daniels, Jennifer Tindle and Kim Wilson, and Ashley Tarrant. Cara Chaney, Brittney Perkins, and Hayley Butler also received honorable mention recognition. I would also like to honor Martins Mill Head Coach Doug Barncastle and Assistant Coach Don Tarrant, who were named Coaching Staff of the year.

As the congressional representative of the families, coaches, and supporters of the Martins Mill Lady Mustangs, it is my pleasure to recognize their tremendous victory and outstanding season.

RECOGNIZING BAY OF PIGS VETERANS ASSOCIATION 2506 ASSAULT BRIGADE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Bay of Pigs Veterans Association 2506 Assault Brigade. On April 15 of this year, this brave group of men will observe two monumental events. They will be commemorating the 45th anniversary of the invasion of the Bay of Pigs and the 43rd anniversary of the liberation of the captured members of the 2506 Brigade. The members of the 2506 Brigade came from all walks of life, ages, and backgrounds. The men range from doctors and farmers to students and priests. The oldest was a highly decorated 52-year-old World War II paratrooper and the youngest a 15-year old who lied about his age in order to be a part of the Bay of Pigs Assault Brigade. The 2506 Brigade trained for months with little supplies in preparing for this assault that they hoped would dethrone a cruel and heartless tyrant. These great patriots risked their lives in hopes of freeing their homeland from the tyrannical grip of a brutal dictator. My parents and I were fortunate enough to escape the oppression and persecution of Castro's regime when I was a young girl. Unfortunately, many have not been as lucky and still live in a country that does not recognize the human rights and personal freedoms that we cherish here in the United States. I applaud the efforts of all those who seek to eliminate the cruel dictatorship in Cuba and in its place instill a foundation for democracy and freedom. I along with the men in this distinguished group look forward to the day when Cuba is a free and sovereign nation. I pray that this day will soon come and that the Cuban people still living under Castro's oppressive regime will be able to have the freedom and democracy that was so patriotically fought for by the members of the 2506 Brigade.

HONORING SISTER CATHERINE DUNN

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. NUSSLE. Mr. Speaker, I rise to pay tribute to Sister Catherine Dunn, President of Clarke College in Dubuque, Iowa who will retire on June 30th 2006, after serving in this position for 22 years.

Sister Catherine came to Clarke in 1973 and started her service to Clarke and the Dubuque Community as a member of the education department faculty. In 1979 she became vice president of institutional advancement. On January 27th, 1984, she became Clarke's 14th president.

The first few months for the leader of any organization can be challenging, hectic, and perhaps chaotic at times. Sr. Catherine would face all of that and more, as her strength and fortitude were tested 111 days later, when on May 17th, 1984, fire destroyed one-third of the historic buildings on campus. In the spirit of Sister Mary Frances Clarke who founded the school in 1843, and propelled by students who hung banners proclaiming 'Clarke Lives,' Sr. Catherine oversaw an aggressive rebuilding project. Rising from the ashes were a new library, a chapel, music performance hall, administrative offices and a glassed atrium, which were dedicated in October of 1986. Most importantly, it showed the resilience of a woman who would not let devastation chart a negative destiny for the school or her presidency. Since then the school has had several other additions and expansions including a new sports and recreation complex, an activity center and increased student housing.

For most new presidents that would have been challenge enough, but Sr. Catherine's spirit reached far beyond 1550 Clarke Drive.

She has served on the boards of numerous local, regional, and national education and civic organizations. She has served on the executive committee of the National Association of Independent Colleges and Universities (NAICU) and chaired the organization's tax policy committee. In 1989, she was appointed to the Iowa Transportation Commission, making history in 1994 when she was named chair of the commission. She was the first woman to hold the position in the 81-year history of the commission.

Mr. Speaker, I am pleased to pay tribute to Clarke College President Sr. Catherine Dunn. The many lives she has touched will never be known, but that work, through others, will live on. We celebrate, we honor and we will remember Clarke College's 14th president.

HONORING THE VIENNA COMMUNITY CENTER'S 40TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the 40th Anniversary of the Vienna Community Center located in Fairfax County, Virginia.

For 40 years, the Vienna Community Center has served as the main location for the Town of Vienna Parks and Recreation Department. Like all aspects of the Town of Vienna Parks and Recreation Department, the Vienna Community Center enjoys a rich history of providing quality programs and facilities to the town's citizenry.

Even before the Community Center's construction, it was bringing the Town of Vienna together as a neighborhood. In 1946, the Vienna Lions Club provided the initial donation for the Community Center. In 1964, the opening night performance of the Vienna Theater served as a benefit event kicking off the final leg of the fund raising drive to build the Town's new Community Center. Tickets for the event were available from sponsoring organizations, which included the First National Bank and the Vienna Trust Co. The fund raising goal required to build the Community Center was completed through these community-backed ticket sales as well as direct donations from businesses, organizations, and community residents. Construction of the center began shortly thereafter.

The Community Center opened its doors on Sunday, April 17, 1966. The dedication ceremonies, organized by the Vienna Woman's Club, brought together a variety of area clubs and organizations.

Since those opening ceremonies, The Vienna Community Center has provided facilities for many events serving people of all ages such as fashion shows, bazaars, health fairs, plays, and antique exhibits.

Mr. Speaker, in closing, I would like to thank the Vienna Community Center for 40 years of dedicated service to its community. The activities, classes, programs, camps and trips, which the Vienna Community Center facilitates, enhance the town's sense of community. I call upon my colleagues to join me in applauding the Vienna Community Center's past accomplishments and in wishing the Center continued success in the many years to come.

SENATE—*Monday, April 24, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord of life, our refuge and fortress, we place our trust in You. You are our strength, our shield, and our salvation. We dedicate ourselves today to do Your will and to be instruments for Your glory.

Use our lawmakers as forces for good. May what they declare with their lips be proven by their deeds.

Increase our love for You that we may experience more of Your transforming presence. Help us all to enrich our faith with knowledge, self-control, perseverance, godliness, kindness, and love. We pray in Your holy Name.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today we return to our legislative business following the Easter/Passover adjournment. This afternoon, we will be in a period of morning business so that Senators can come to the floor to make statements.

There will be no rollcall votes during today's session. Tomorrow we will begin work on the supplemental appropriations bill. Chairman COCHRAN will be managing that bill, and we encourage Senators who have amendments to contact Senator COCHRAN and the ranking member.

We are now in a 5-week legislative period, which we anticipate will be a busy stretch of work. We have a lot of important issues to address during this time. The majority leader will have more to say on the schedule tomorrow.

Having said that, I welcome everybody back and hope everybody is rested and ready for the weeks ahead.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, it is my understanding that the majority leader wants to have a judge vote at 10:30 tomorrow morning.

Mr. McCONNELL. We would like to have a vote in the morning on a district judge, if that would be possible.

Mr. REID. I think we should alert all Members that we will have a vote in the morning.

Mr. McCONNELL. I thank my friend from Nevada.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Democratic leader is recognized.

COMPLIMENTING THE SENATE CHAPLAIN

Mr. REID. Mr. President, I first would like to acknowledge the prayer of Admiral Black, our good Chaplain. I hope that all those who heard his prayer, as I did, will take it to heart. Certainly, I am going to try to. I try to get here every day—and I am not able to do it every day—to hear his prayer. He is a remarkable man, and we are fortunate to have him as our Chaplain.

THE SENATE SCHEDULE

Mr. REID. Mr. President, I spent the recess traveling in Nevada—Las Vegas, North Las Vegas, Boulder City, Henderson, my hometown of Searchlight, and I also traveled to Pahrump, Reno, Fernley, Yerington, Fallon, and Hawthorne. These are all very different places, but not once in any of these cities where I met with people during the days, and in the evenings on occasion, not once did anyone talk to me about eliminating the estate tax, flag burning, or gay marriage.

Instead, throughout Nevada I was constantly asked about skyrocketing gas prices. My daughter-in-law, Amber, lives in Reno with my son with their four children. She has never talked to me about anything political in the many years we have known one another. But at dinner on Easter Sunday, she wanted everybody to hear, including me, how fed up she was with gas prices. She said that this is wrong and something has to be done about it.

She was speaking for millions of Americans. Even though she is the one who mouthed the words to me, this conversation could have taken place anywhere in America, at any dinner table, rich or poor. So not once did anyone in any of these Nevada cities talk to me about the estate tax, flag burning, and gay marriage. Instead, throughout Nevada I was constantly asked about these skyrocketing gas prices, the intractable war in Iraq, taxes, immigration, education, health care and, of course, homeland security.

I share this short report of my trip home because I am concerned about the Senate schedule in the coming months, and certainly in the next 5 weeks. All of us in the Senate, Democrats and Republicans, spent the last 2 weeks listening to what our constituents wanted to talk about, issues they care about. Now that we are back in Washington, when we look for these issues on the Senate calendar, they are nonexistent.

According to what I have read in the press in the last week, the majority leader is clearing time on the Senate schedule for what I describe as pet issues of the rightwing, issues such as a constitutional amendment to ban flag desecration—Mr. President, I agree with that; I have voted for that—a constitutional amendment to establish a Federal definition of marriage, and the estate tax reduction.

Each of these controversial issues has merit. There is no question about that. Each issue has a lot of merit. But do they trump gas prices? I don't think so. Do they trump homeland security? I don't think so. Do they trump a full, complete discussion on the Iraq war? By the way, that war, in a few short months, will have taken longer than World War II, in which the Presiding Officer flew airplanes. That American cause took about 3½ years. We are approaching that time with this war—a war that has already cost our country more than the Second World War. It is now costing us about $120 billion a year, $10 billion a month.

Do these issues have precedence over public education? I don't think so; over our polluted skies, where asthma for children is becoming endemic? I don't

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

think it does trump that. How about our country's shaky economy? Should we have a complete discussion on that? Do these issues trump our having raised the debt ceiling to $9 trillion? I don't think so. Does a constitutional amendment to ban same sex marriage have a higher priority than a debate on high gas prices? No. Does a constitutional amendment on flag burning have more precedence than immigration? No. Does a constitutional discussion on the estate tax, legislating a reduction in the estate tax, have more precedence, more importance than a discussion on health care? I don't think so.

We have only about 15 very short weeks left in this session of Congress. Regardless of your position, the majority leader's constitutional amendments and his saying he will bring the estate tax matter to the floor, there are serious issues of importance to millions of Americans. Surely we can all agree that they are not among the most pressing problems facing America today and the Senate's attention in these few remaining weeks that we have is best focused on the needs of the American people.

This morning, in a letter, I asked the majority leader to drop his plan to bring these partisan issues before the Senate and to commit to bringing the people's priorities to the floor instead. That is not an outrageous request. I guarantee you that if we could put this issue before a jury of the American people, overwhelmingly Democrats and Republicans would agree with my suggestion to the majority leader that we work on these real issues rather than these three issues that I have discussed.

We need to approach these last few weeks in a bipartisan way, and we are reaching out to the majority to let us tackle the urgent issues facing our country, and there are urgent issues facing our country. Americans are frustrated with the direction in which America is headed. We are frustrated equally with the performance of the Bush White House and the Republican Congress.

With just a few months remaining before we adjourn, the 109th Congress is going into the history books as the country's least productive Congress in the more than 200 years we have been a country. In fact, the 109th Congress is on track to exceed the famous do-nothing Congress of 1948, and there have been articles written on that. I am not making it up.

This Congress has worked on class action and bankruptcy, legislation that benefits big business. I have helped with that, but we need to do something to help the vast majority of the American people. To check these off as being great accomplishments, I don't think that is right.

The Senate, thanks to Democrats, did pass lobbying ethics reform legislation, known as the Honest Leadership and Open Government Act. But as yet we have not heard a single word from the House on this issue. And passing important legislation such as the Honest Government Act has proved to be the exception and not the rule.

Congress has not passed a budget. We haven't completed last year's budget, as a matter of fact, and, I might add, the ethics legislation we passed in the Senate has yet to be considered in the House.

America can do better. America can do much better.

This week the supplemental appropriations bill will be on the floor. It is important legislation, especially since President Bush refused to put the cost of the war of Iraq or the cost of helping the Katrina victims in his budget. Why? Can you imagine that, we are doing a supplemental appropriations bill on matters that should have been in the budget that was brought before the Congress some time ago. Why is it done this way? It is done this way to try to disguise the staggering deficits this administration has run up.

The best example I can give to the American people is what would happen if they did their budgeting the way the White House does its budgeting. We make so much money in our household, but to make our budget complete, what we are going to do is eliminate our car payments and our house payments. That, in fact, is what the President has done. He had a budget, but he eliminated the cost of the war in Iraq and the cost of the Gulf catastrophe, and now we are coming up here in the last few weeks before the Pentagon runs out of money to say we have to do it, it is an emergency. It is not an emergency. We had a bill. We should have taken it up as part of our ordinary cost of Government. Just as I explained, how can a person who has a household budget eliminate car payments or house payments or any other example? That is what this White House has done, and it is wrong.

But in spite of the President's budget gimmicks, Democrats look forward to the debate on the supplemental. We have a number of what we believe are tough and very smart amendments that we will offer to protect the American people, address the situation in Iraq, and provide relief from the energy crisis here at home.

When the Senate is finished with this supplemental, Democrats will insist the majority leader put his partisan agenda on the back burner and continue to focus the Senate on issues of urgent national importance.

I believe we as a Senate owe it to the American people to focus on their needs and not waste a single day working on partisan needs. We are asking in a bipartisan manner to reach out to the American people and say: We have something that will help you.

What this would mean, though, is setting aside issues such as the marriage amendment and tackling an issue such as gas prices. The price of gas has increased 100 percent—100 percent—during this President's last 5 years in office—35 cents to 50 cents in the last month, and over the weekend 10 or 15 cents.

In San Diego, I heard this morning, the highest price as of yesterday was about $3.10 a gallon. Nevada is not far behind. There are places in Nevada charging over 3 bucks a gallon for gasoline.

Today many families are paying $100 to fill their gas tanks, only to drive to work, pick up the kids, and whatever they have to do to get to and from work—$100. People say: Why don't they buy a car that doesn't use so much gas? That is for them to decide, and they are getting no help from this administration to establish CAFE standards so that cars are more fuel efficient.

It takes $100 to fill many of the vehicles in America today. These prices are taking an enormous toll on the pocketbooks of hard-working Americans. They are even more difficult for families to swallow given the headlines that Exxon sent their chief executive officer into retirement with a more than $400-million golden parachute. That is about a half billion dollars to retire. Golden parachute is what you get upon retirement, about a half a billion dollars.

There is nothing wrong with corporate profits. I am all for Americans having retirement security. But does anyone think it is fair to have consumers pay $100 a week to fill their fuel tanks and the big energy bosses fill their bank tanks with hundreds of millions of dollars?

We on a bipartisan basis need to work to provide consumers relief at the gas pump. It is much more important than measures to appease a few. We ask, on behalf of America, that the majority move to legislation that allows us to pass a Federal law with teeth and resources to go after price gougers regarding fuel, the profiteers, the energy market speculators.

We ask the Republican majority to debate a windfall profits tax. With a windfall profits tax, we can take big oil's excess profits and give them right back to consumers in rebates or use them to build alternative and renewable fuel facilities.

If the greedy oil companies won't invest their billions in profits in delivering affordable domestic fuels for America, then maybe America needs to take some of the windfall profits and put them to better use.

I worked a lot putting myself through school. I worked for Standard stations. I worked for Chevron Oil. I worked in all kinds of gas stations pumping gas, changing oil, lube jobs, and tires. My brother ran a service station for many years. Back then, oil companies made about 4 or 5 cents a gallon on gasoline. Gasoline then was cheap. Now with gas $3 a gallon or more, they still make the same amount of money. The service station operator still makes the same amount of money on $3 a gallon. He makes 3 or 4 cents a gallon. So when you fill up the car with gasoline, don't be mad with that corner service station because Exxon and all these other big oil companies are the greedy ones taking all the obscene profits. They are not going to the guy you are going to ask to wash your windows or to fill up at tank No. 6 and you pump it yourself.

We ask the Republican majority to bring before the Senate legislation that will secure America's energy future so we can put an end to the cycle of higher and higher gasoline prices. If the majority so moved, the Senate could develop a more aggressive national energy policy that would deliver affordable, clean energy from domestic sources now, not in 30 years or whenever the oil company CEOs decide the time is right. We cannot produce our way out of the oil problems we have. We in America, including the oil they say is in Alaska, have less than 3 percent of the reserves in the world. We can't produce our way out of our problems. We have to look to alternative energy sources.

It is terrible to think that American consumers are sending billions and billions of dollars overseas to pay for oil and some of that money, I am told, may be getting into the hands of violent anti-United States groups.

Even if that is not true, wouldn't it be better if we were like Brazil, a country that is areawise bigger than the United States with lots of people? Brazil is energy independent. They produce oil, but they also have determined that they are not going to import oil. And as of this coming June, just a few weeks from now, they will be totally energy independent. They started a number of years ago an alternative energy program, and it worked.

Brazil, this huge country, heavily populated, large in area, is energy independent. Think what America would be if we did not have to use 21 million barrels of oil a day, over 60 percent of which we import. Brazil is an example. It can be done.

National security is another issue that deserves considerable time on the floor in the remaining months. I am confident we will ultimately pass the supplemental for our troops, and the majority has pledged to bring the Defense authorization bill to the floor. I heard that earlier. That was the plan before we left for our recess. I hope that is true. Bring it to the floor, when? Do we want to wait, as we did last year, until the fall, leaving our troops, veterans, and families without the resources they need? I hope not.

Unlike last year, I hope the Defense authorization bill will not be pushed aside for other less important business. The troops are depending on us. It is so important. It was wrong to wait as long as we did last year. It sets up pay for the troops and what new equipment they need. It authorizes what the appropriators must come forward with to help our brave men and women.

I also hope we can pass last year's intelligence authorization bill. Interesting. Now, more than any other time, we are dependent on our intelligence for our security. What does that mean? It means our spies, our satellites, the other activities we do to make America safe. But because of the majority, we have not brought an intelligence bill before the Senate. Why? Because they are afraid amendments will be offered on prison abuse scandals and on how intelligence was manipulated prior to going to war. We have not even had an intelligence authorization bill. Right now we are in danger of not passing that important bill for the first time in 28 years because Republicans have been unwilling to hold the Bush White House accountable for its conduct in the war in Iraq and the war on terror.

For the first time in 28 years, we are not going to take up this most important bill dealing with the safety and security of our Nation. I ask: Is it important we do that? Is it more important we do that or talk about same-sex marriage or the estate tax which will affect a fraction of a percent of the American people, a tiny fraction of the American people? I think it is more important we deal with intelligence, the intelligence authorization bill.

Health care: Shouldn't we dive into health care and talk about it? That is something when you go home—and home can be anyplace in our 50 States—whether you are a big company, a little company, a rich man, a poor woman, it doesn't matter, people are concerned with the cost of health care. Surely we can agree that health care problems in our country are far more important than a handful of amendments to please the rightwing.

We need a real health care debate, not a 2- or 3-day minidebate. The majority leader said he will bring to the Senate floor a health care bill, the Enzi bill. He said we are going to do it during this work period.

The Enzi bill threatens existing coverage for everyone who has State-regulated health insurance. It is touted as a cure for the problems small businesses have in providing coverage to their employees, but it would actually expose small businesses to fraud and leave self-employed individuals with the same, if not more, problems than they have right now.

We all agree small businesses need health care relief. All businesses need health care relief. But the Enzi approach is not the way to move forward. Senator DURBIN has a bill in committee that will provide small businesses with the same kind of options Senators have. Why don't we bring them to the floor and debate them together and find out what is the best of the two or what is the best mix of the two. With the Enzi and Durbin bills we can, and we can also consider other problems facing our health care system, such as lowering drug prices, health care costs, expanding coverage, and fixing the President's botched Medicare drug program.

And if we are going to talk about health care, isn't it about time—isn't it about time—we got to stem cell research? We are approaching May 24, the 1-year anniversary of the House passing their stem cell bill, and we still haven't seen it in the Senate. Ask any of the Nevadans with whom I visited if they are more interested in seeing the Senate spend its time on issues of stem cells, an issue that offers hope to millions and millions of Americans suffering from heart disease, Parkinson's, Alzheimer's, Lou Gehrig disease, diabetes, or if they would rather see the Senate spend its remaining days debating same-sex marriage? The answer is obvious. I hope the majority leader, who said he supports stem cell research, will allow us to move forward with the House bill. Stem cell research offers hope to millions of Americans, and the Senate must not stand in its way.

Immigration. President Bush likes to point fingers on immigration and many other issues. I repeat: President Bush likes to point his finger on immigration and many other issues. Isn't it about time we move beyond that? Isn't it about time we pass comprehensive immigration reform that will secure our borders and secure our country?

Before we left for our 2-week break, we had a bipartisan immigration deal that was blocked by a handful of Republican Senators. That arrangement would have sealed our porous borders, given 12 million undocumented workers a reason to come out of the shadows, and provided personnel to enforce our laws, so existing "employer sanctions" would be more than just words. It also had a very important provision to take care of guest workers.

The Senate can move forward on immigration if the President will stand up to those in his party who are filibustering reform and tell them to quit standing in the way of America's security.

It is my understanding that the President gave a speech in Orange County, CA today. By the way, that is where San Diego is, where the highest gas prices are in the country, and maybe he should have spent a few minutes talking about that. Speaking about immigration, the President said he wants to do something about security. We all want to do something about securing our borders; everybody does. Is that a stand of integrity and courage? No. Everybody wants to do something about protecting our porous borders. The President says he wants to do something about a guest worker program. What? What does he want to do? It is easy for him to criticize. What does he want to do? Let us know what he wants to do. He is the leader of his party. He never got involved in the immigration debate until the two votes had taken place, and then he was a great finger pointer.

It is interesting. In all that I have heard when the President talks about immigration, what does he say about the 12 million who are here who are undocumented? What does he want to do? His party is split. What does the President of the United States want to do? What does he want to do on security? He wants to protect our borders. So do we. What does he want to do with guest workers? Rather than just words, tell us what his program is. He has a staff of thousands. Have a few of them come up and tell us what the President wants on a guest worker program. It appears he doesn't want anything. But does he want us to do anything with the 12 million? Let him take a stand on that.

The Martinez bill that came before the Senate was not supported by any of the Republicans. The Martinez bill had a provision for 7,000 new workers via Immigration and Naturalization, and their sole function would be employer sanction enforcement. I thought that was a step in the right direction. Does the President want that? Does he want stronger employer sanctions? I repeat: What does he want regarding immigration? I think he has to move beyond security, because all 100 Senators want that.

Finally, if we are going to do taxes, let's do something that will make a difference for those who need it. Talk to any economist and they will tell you that in America today, the rich are getting richer, the poor are getting poorer, and the middle class is being squeezed. Could we spend a little bit of time here on the Senate floor talking about tax relief for the middle class, this vanishing breed we have in America? It is not much of a distinction anymore to be a millionaire; it is whether you are a multibillionaire. That is what gets some attention. A millionaire is not much anymore; there are lot more of them. The poor are getting poorer and poorer, the rich are getting richer and richer, and the middle class is being squeezed.

We could start this tax debate by fixing the AMT, the alternative minimum tax. AMT was originally established to ensure that millionaires paid their fair share. But because AMT income levels were not indexed for inflation, it has essentially become a tax increase for millions of middle-class families. That was never its purpose, and we should fix it and fix it quickly.

Tax fairness should be the Senate's focus, not immoral, unfair tax breaks that will benefit a privileged few, which is further exacerbating the problem we have in America today where the rich are getting richer, the poor are getting poorer, and the middle class is getting squeezed, squeezed, squeezed.

So in the weeks ahead, we are ready—the Democrats are ready—to work with the majority on the real issues facing our country. Let's spend some time here debating these issues, legislating high gas prices and immigration and improving our Nation's security. We want to put politics aside and take up the real work facing our country.

With the right priorities and the right commitment from the majority, we can move America in the right direction and give the people the real solutions they need. America can do better, and we can do it together. That is what we need: bipartisanship, working together on America's problems.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from West Virginia.

THE SENATE AS A SAUCER

Mr. BYRD. Mr. President, an oft-repeated metaphor compares the U.S. Senate to a saucer in which a hot liquid is poured to cool. The earliest known written version of this story appears in an 1871 letter from constitutional law professor Francis Lieber to Ohio Representative and later President James A. Garfield. Lieber recounted a story he had heard about Thomas Jefferson's visit to Mount Vernon where Jefferson disagreed with Gen. George Washington over the need for a bicameral legislature, and Washington's response:

"You, yourself," said the General, "have proved the excellence of two houses this very moment."

"I," said Jefferson. "How is that, General?"

"You have," replied the heroic sage, "turned your hot tea from the cup into the saucer, to get it cool. It is the same thing we desire of the two houses."

The Washington-Jefferson dialogue drew further attention in the writings of the late 19th century American historian Moncure D. Conway, who altered the language and the beverage:

> There is a tradition that on his return from France, Jefferson called Washington to account at the breakfast table for having agreed to a second chamber.

"Why," asked Washington, "did you pour that coffee into the saucer? Why did you do that?"

"To cool it," answered Jefferson.

"Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

Francis Lieber never discovered the source of this delicious anecdote, but whether or not the incident really occurred, the story has been widely embraced because it conveys the essence—the essence—yes, the essence—of the U.S. Senate. What is the essence? It is a deliberative body. It is a deliberative body sheltered from shifting public opinion by longer and staggered terms, and originally by being elected via the State legislatures. It serves as a counterbalance to the U.S. House of Representatives.

The saucer story explains, in simple terms, the significance of the Senate, from its origins through its evolution into the most powerful upper body of any national legislature in the world. Do you get that? Think about that.

Senators and other close observers of the institution have grappled with their own ideas about the Senate seeking to highlight its unique and enduring attributes, and to explain its role in the American system of checks and balances. What is it? What is it? What is it that makes the Senate stand apart from other legislative bodies? What is it? What is it that makes the Senate stand apart from other legislative bodies? Why have its seemingly arcane rules and traditions survived, and what purpose do they serve? Over the next few months, the Lord willing—

You see, from the Book of James in the Bible, don't say "I'll go here" or "I'll go there," to this city or that city, and I will be this or that. You better qualify that. As my old mom used to say: Robert, you must say, "if the Lord willing." If the Lord wills it, you will do thus and so—if the Lord willing, or God willing. That has stuck by me all through these 80 and more years: If the Lord wills it.

Over the next few months, the Lord willing—I can't say that. You know, if I say over the next few months, who knows? But, if the Lord wills it—God willing, in other words—over the next few months I plan to offer a series of addresses in which I shall sample these ideas of the Senate with some explanation of each observer. Their ideas have ranged from the necessity of the Senate to its role as a balance wheel with the "people's House," the other body. They have focused on the rules of the Senate and its civility and decorum. They have viewed the Senate as a protector of constitutional liberties, a source of stability, and a product of politics.

As a deliberative body, the Senate has been hailed as a place for second thoughts, as a continuing body, and as an institution that values its traditions. The form of Senate elections, changed by constitutional amendment, and the rules for unlimited debate and cloture have been adjusted over the years, but the Senate still differs in fundamental ways from the House of Representatives. It stands out, the Senate does—the Senate stands out as a body of individuals with peculiar folkways that have fostered what has been described as the "Senate type."

A body of equals among individuals and among States, the Senate has been a difficult institution to lead. Its deliberations have frustrated impatient Presidents. Well, who cares? Senators don't care if they frustrate Presidents. Presidents come and go. Senators may stay on and on and on.

Its deliberations have frustrated impatient Presidents, leaders of the House, and even, yes, leaders of the Senate who seek speedy enactment: Let's get it done. We are in a hurry. Let's get it done. Do it now.

Remember that TV advertisement which said, "Do it now, do it here; do it now, do it now?"

There have been many efforts to modernize the Senate in order to meet new challenges. I have been here a long time. I have seen these efforts on the part of Senators. Some of them come over from the House of Representatives. They want to make this body into another House—let's get it done. Get it done; do it now; do it here; fast.

Yes, there have been many efforts to modernize the Senate in order to meet new challenges. Able leaders have demonstrated courage and skill in forging alliances and building friendships to pass legislation. I did that when I was leader of the Senate. I forged alliances with such and such a Senator. I forged an alliance. Despite more than two centuries of pressure to change and "modernize"—let's put quotation marks around that word, "modernize"—despite more than two centuries of pressures to change and "modernize," the Senate, as an institution, remains remarkably similar to the body created at the Constitutional Convention in 1787. It retains all of its original powers, including providing advice and consent—yes. You said it. You better read that again in the Constitution. It retains all of its original powers, including providing advice and consent to Presidents on nominations and on treaties, serving as a court of impeachment—you better believe it, Mr. President. The Senate can send you home. You better believe that.

If the House impeaches you, the Senate will try you. The Senate, don't forget it, serves as a court of impeachment and has an equal say with the House on legislation. The Senate has an equal say with the other body on legislation.

As my statements in the weeks ahead—Lord willing, God willing—will suggest, the distinctive features of the Senate have survived for so long because they have purpose and will endure as long as they serve the good of the Nation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. WYDEN. Mr. President, the same Bush administration that so tragically bungled the response to Hurricanes Katrina and Rita has now bungled its way to $3 per gallon gasoline. Unless you were a hermit living in a cave last summer, you couldn't have missed how miserably the administration has failed in its approach to natural disasters. Now it is clear to anyone who fills up at a gas pump that this administration is also failing in its approach to energy. In both cases the administration had advanced notice that a major problem was imminent and in both cases the administration failed to take action to head off the problem before it became a major crisis for the American people.

For Hurricane Katrina, disaster experts had testing that predicted in the spring what could happen, but the administration ignored the warnings of its own experts as major hurricanes were heading toward the gulf coast. If anything, the administration's failure to take action to prevent gas shortages and price spikes is even more indefensible because they had more advanced warning and greater certainty that the problem was coming.

The Bush administration knew last summer—almost 9 months ago—that gasoline shortages and price spikes would hit hard this spring. If ever there was a time to be watchful about oil markets, it has been during the past months as markets have gyrated virtually nonstop with one international crisis after another.

Nigeria has lost a quarter of its output, Iraq's oil production has fallen below prewar levels to its lowest point in a decade, Iran says something warlike about its nuclear program, and oil prices shoot up $10 per barrel, and today Venezuela announced that it will move toward nationalizing its oil industry and will cut output, which should put even more pressure on supply and demand.

Yet even with all of this turmoil in world oil markets, the key watchdogs at the Energy Department, at the Environmental Protection Agency, and the Commodity Futures Trading Commission are all absent without leave. No one is home minding the store when it comes to our oil and gasoline markets.

Never before has there been an administration with so much expertise in the oil industry. The President and the Vice President of course know a great deal about the oil sector. The Secretary of State was a director of Chevron and actually has an oil tanker named after her. The list goes on and on. But none of this expertise seems to be being used to help consumers at the gas pump.

The administration's recent inaction in the face of soaring prices is only the latest in a long line of failures. In what is a virtual rite of spring, gas prices typically spike as refineries shut down for maintenance to switch over to summertime gasoline blends. That has happened each of the last several years, and in each instance the administration has done nothing to help consumers at the pump. But this year the administration had good reason to know that a "perfect energy storm" would hit the consumer this spring, and it was clear that spikes would be even worse than prior years.

For example, the Wall Street Journal reported on August 12, 2005:

> A provision in the massive energy bill that cleared Congress last week is likely to shrink the nation's gasoline supplies next spring and could boost prices 8 cents a gallon or more.

The Wall Street Journal went on to describe the likely impact of eliminating the requirement to use cleaner burning additives in gasoline, saying:

> United States gasoline production would fall short of usual levels by about 158,000 barrels a day—the equivalent of losing output from four major refineries.

The Wall Street Journal quoted an official from Valero Energy Corporation, the Nation's largest refiner, who said:

> The price of gasoline "will definitely go up," estimating the potential rise at 8 cents per gallon.

Because of the new regulations for gasoline, there would not only be reduced supply but also lots of new hassles in supplying fuel at the local level. Gasoline additives would no longer be added at the refinery and transported in pipelines. Instead, ethanol would have to be shipped separately and blended locally, creating new challenges and new logistical hurdles for getting the fuel to America's gasoline stations.

With all of this disruption and all of these new challenges to address, it was clear to the oil industry that the energy equivalent of another category 5 hurricane would be hitting gasoline consumers around this time of the year. It should have been clear to the Bush administration as well. But following the same game plan they have used for last year's hurricanes, the administration waited until after the storm hit to respond. In fact, gasoline consumers are still waiting for help at the pump.

The two major hurricanes that hit the gulf coast last summer only made this spring's supply situation worse because those storms shut down a number of refineries and reduced oil and gas supplies. Coming in the wake of these storms, the impact of the new gas rules would only tighten further what was already a tight market for gasoline, and it should have been clear to the watchdogs in the Bush administration for months and months.

The record is clear as to what the facts were that the administration had some time ago. First, if the administration had read its own report, it would have known that gulf coast oil and gasoline production would not be fully restored by this spring. Congress knows this because the administration sends weekly reports to the Congress with updates on the situation. Yet again the administration failed to take any action to head off the problem before consumers got hit again.

If the administration had read its own report, it also would have known that the impact of the new gasoline rule would be substantial, equivalent to 2 percent of the Nation's gasoline supply overall, and 10 percent of the supplies in areas with smog problems. This information has been in Energy Department reports as well. Once again, there was no response from the administration.

Finally, if the administration had read its own reports and publications, the administration would have known that finding alternatives to replace these supplies would not be easy. In fact, a study by the U.S. Department of Energy estimated that it would take 4 years for refiners to find substitutes for the most commonly used gasoline additive known as MTBE.

In fact, the new rules are likely to be a double whammy for consumers. They tighten not only domestic supplies but also the availability of imports that were so crucial for supplying U.S. consumers following last year's hurricanes. That means the impacts will be similar to last year's hurricanes. But the same solution to address the problem won't be available this year.

As the president of Petroleum Industry Research Institute pointed out last summer, in the past the United States has imported gasoline from Europe to deal with this particular issue and prevent shortages. But at this point we may not be able to do that since European refiners use MTBE.

When you add it all up, the administration's record of bungling on gas supply and prices is extraordinary. They have known since last summer that there would be a big problem for consumers this spring. They knew that the problem had gotten even bigger since the hurricanes last fall. They knew it was going to take a long time to solve the problem and that what was done last fall to increase supply after the hurricanes might not be an option this spring.

But yet with all of the advance warnings and red lights flashing, the administration still sat on its hands. At a minimum, the administration should have convened the National Petroleum Council to seek advice and counsel on what options might be available to help consumers at our gasoline stations this spring.

But as we have seen all too often, the administration doesn't look to outside advice, and even more rarely does it listen to it. And there is little reason to believe the major oil companies, which have such a voice in American politics, would urge the administration to take any kind of significant step to help the consumers.

So what can be done now that predicted gasoline shortages and price spikes are upon us? What could we have prevented or certainly out of this time period helped to minimize the harm that consumers are facing? Those steps weren't taken, and the challenge is to put in place the best possible steps now to try to ameliorate a very bad situation that could have been minimized.

First, the administration should grant waivers of requirements to use ethanol in gasoline in areas where it is contributing to shortages or price spikes at the gas pump.

Section 1501 of last year's Energy bill provides the administration with this authority in cases where there is inadequate supply or where the mandate would severely harm the economy. Both of these criteria have already been met in a number of areas on the west coast and elsewhere in our country.

For example, my home State of Oregon isn't required to have ethanol in our gas to meet air quality standards. We also have little in-State ethanol production. So ethanol has to be transported into Oregon, largely from the Midwest, for blending into our gas supply. Waiving the requirement to have ethanol in Oregon gas would also free up supplies for other parts of the country. That reduces demand. And by simple supply and demand, that could serve to reduce prices around the country. It would also help to bring down the cost of gasoline in Oregon by eliminating the transportation costs of shipping ethanol from the Midwest.

Second, the administration should take steps to go after those who are speculating right now in our country's oil markets. In the press, for example, speculation is continually cited as a factor in the high oil and gasoline prices. For example, in last week's Wall Street Journal, there was a report:

> Crude oil closed above $70 a barrel for the first time, highlighting a phenomenon reshaping the petroleum world: Investment flows into oil futures are supplanting nitty-gritty supply and demand data as prime drivers of prices.

Last fall, former ExxonMobil chairman, Lee Raymond, the $600 million man, testified before the Senate Energy and Natural Resources Committee that speculation in oil markets was inflating prices by $20 per barrel. That inflated oil price, in return, raises gasoline prices at the pump by 50 cents a gallon. Yet the administration has done little to investigate speculation or to stop this activity.

To the contrary, on this question of speculation in the oil sector, I questioned the Bush administration's witness from the Commodity Futures Trading Commission last September. I asked specifically what the Commodity Futures Trading Commission was doing to investigate reports of oil traders making extraordinary profits immediately following Hurricanes Katrina and Rita. My question was about reports that there are traders who made so much money that week that they won't have to punch a ticket for the rest of the year.

Here is what the witness representing the Commodity Futures Trading Commission said from the Bush administration:

> Granted, a number of them made money, and that is how they do their job, that they earn a return from providing this service.

So the CFTC's response to reports of traders taking advantage of the worst natural disaster in our country's history to make extraordinary profits is: Well, they were just doing their jobs.

If that is the market at work, clearly it is not working for the American people who saw gasoline prices shoot up above $3 per gallon after last year's hurricanes and again this spring. The regulators of oil and gas markets need to rein in speculation, not defend it.

Another step that could help address speculation would be to have greater transparency in our oil markets. For example, pension funds and other institutional investors are buying oil as part of their investment portfolio, and this has created additional pressure on supply and prices. Institutional money managers now hold between $100 billion and $120 billion in commodities investments, at least double the amount 3 years ago, and up from $6 billion in 1999. More transparency about these transactions would help both the American consumer and the investors by reducing volatility while stabilizing prices.

Finally, for the long term, Congress should repeal oil tax breaks, breaks the industry executives told me when I questioned them in an open hearing they did not even need. Those unneeded oil tax breaks should be replaced with incentives to use biofuels that can replace supply lost from eliminating MTBE from gasoline.

These actions would address the immediate supply and price problems that the administration has failed to address since last summer. It will give the biofuels market incentives to do more research and increase production of cleaner alternatives to replace MTBE in the gasoline supply.

My guess is—and I am happy to see my friend who has an enormous amount of expertise on this issue in the Senate—over the next few weeks, we will hear a lot of debate about price gouging and exploitation. There is no question in my mind that there are certainly people trying to exploit the situation and trying to take advantage of these extraordinary circumstances we see in our energy markets.

A significant part of these problems such as the change from MTBE to ethanol, problems that we knew about a year ago, that the Wall Street Journal was reporting on, could have been minimized if those folks in the Bush administration, at the Department of Energy, at the Environmental Protection Agency, at the Commodity Futures Trading Commission, if they had been on deck doing their job to stand up for the American people, these problems would not be so serious today.

Yet the same people who bungled the response to those hurricanes last summer are bungling America on its way up to $3-per-gallon gasoline. I don't think that ought to be acceptable to any Senator. On a bipartisan basis we can force those watchdogs in the Bush administration to get back to the post and stand up for the public.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. ALEXANDER. Mr. President, 14 years ago, when I was the U.S. Secretary of Education, I received an invitation to the annual Italian-American dinner in Washington, DC. To tell the truth, I really didn't want to go because there are lots of dinners in Washington, DC, and the hours were long when I was working in the President's Cabinet. I wanted to stay home with my wife and children. But that year, 1992, the dinner was in honor of my law school roommate, Paul Tagliabue, who is known to most Americans as the commissioner of the National Football League and the person who likely will be presiding over his last NFL draft this weekend.

So I decided I would go to this one more long, I expected, Washington, DC, dinner in honor of my friend Paul Tagliabue. When I got there, the place was bursting with enthusiasm. Nobody could have doubted that it was the Italian-American dinner. Italian-ness was everywhere. Stallone was there, Pelosi was there, Justice Scalia was there and, of course, the National Football League commissioner Paul Tagliabue was there. It was wonderful, and I was delighted that I went.

The room was filled with emotion. But the reason I tell this story is that the height of emotion on that emotional evening was when everybody in the room paused, put their hands over their hearts, and said the Pledge of Allegiance to the American flag and sang "The Star-Spangled Banner." There were a lot of tears at that moment. The point of it is that in that room of people who were so proud of the country of Italy, from where they had come or their parents or grandparents had come, and there was no mistaking that they were proud to be from Italy, but they were prouder to be American.

I mention that because this week we will begin to discuss immigration again. I believe we are missing the fundamental issue in the immigration debate. Of course, border security is important. Of course, a proper allocation of temporary students and temporary workers is important. There will be a lot of debate about what defines amnesty in any sort of legislation. But I believe the real underlying emotion in the immigration debate, the part that we are missing, is the question of how many new men and women can we absorb at one time in this country. How many men and women can come into this country and become Americans and accept the rights and responsibilities of citizenship? I believe what underlies a lot of the emotion, a lot of the concern about the debate we are having, is that Americans are afraid that we may be exceeding that limit. They want to make certain that almost all of those who come to live here expect sooner or later to become Americans, to accept the rights and responsibilities of citizenship.

My rough calculation is that, in a country of about 300 million people who live in the United States of America today, about 10 percent of us are not citizens of the United States.

We have about 570,000 students from other countries. They are welcome here. They help improve our standard of living while they are working here, and when they go home, they usually spread our values better than any foreign aid we have ever passed.

We have about 500,000 temporary workers of one kind or another who are important to our free market system.

We have 11.6 million permanent legal residents, people with so-called green cards, some of whom are on their way to becoming citizens. But an increasing number of them are not electing to become citizens of the United States.

Then we have 10 million or 12 million people who are illegally here. They are here mostly to work. Some estimates are that they comprise about 5 percent of our workforce.

So, all in all, that is probably more or less 30 million people of the 300 million of us who live here who are not citizens of the United States, and there are another 2 or 3 percent of us who are dual citizens, citizens of the United States and of another country.

An important part of this debate is, how many is too many?

We know the benefits of immigration in the United States of America. We call ourselves a nation of immigrants, and we say that proudly. That spunk, bravery, and courage that caused people to come and still come to our country has defined our character. No other country in the world believes anything is possible, that anyone of any background can rise to the top.

My grandfather, who was a railroad engineer, used to say: Aim for the top, there is more room there. Most people think that is a silly statement. But we don't. That is an essential part of the American character. A lot of it comes from being a nation of immigrants. The diversity that comes into our country because of immigration makes our country more interesting. I once heard Robert Mondavi, the famous California winemaker, say that—and excuse me in Iowa for saying this—20 years ago we could not get a good meal in Des Moines, and into Des Moines came people from different cultures and different countries, and they brought their own recipes. And what makes the food so good today in Des Moines, said Mr. Mondavi, is not that one was an Indian dish or a Sri Lankan dish or a French dish or a Colombian dish, but they mixed it together and created an American cuisine.

The diversity brought to us by people regularly coming to our country makes a difference. And then the patriotism that comes from those who become new citizens enriches us. Our most patriotic citizens are often those who have just become citizens, reminding those of us who have been here, as our family has for seven, eight, nine generations, that it is nothing to be taken for granted. As our population growth reduces in this country, and in our free market system as we produce a disproportionate number of the new jobs here, we find new workers coming into our country, whether they are skilled workers helping to win new jobs or win Nobel Prizes or whether they are unskilled workers who add to our free market system.

We know the value of immigration to the United States. We know two other things as well. One is that those who come here expect to come to a nation that honors the rule of law. In many cases, immigrants have come here fleeing a nation that didn't have rule of law, where you might be ordered to this place by the whim of a dictator or a potentate or someone who was above the law. That is what most people are fleeing from—nations and countries without the rule of law. It is important that we honor the rule of law here.

New Americans, new people who come to live here understand very well that they have the freedom to drive across State lines, but they cannot run a stop sign. They have the freedom to make contracts with whom they please, but they have to keep the contract. They have a second amendment right to own a gun, but they cannot shoot anybody. This is a nation that honors the rule of law, and new immigrants and those who are already here understand that.

The other thing is that new people coming into our country for the most part understand as well as we do, those of us who are already here, that we are a nation based upon an idea. We are not a tribe. We are not a racial culture. Our ancestry isn't what's most important to us. What matters to us most is the motto that is engraved in stone above the Presiding Officer's desk, "E Pluribus Unum"—from many, one. This country's most magnificent accomplishment is that we have taken people from all different parts of the world and turned this into one Nation. We have done this by insisting that new citizens become Americans.

Becoming American—those two words have always been serious business in this country. In Valley Forge in 1778, as I mentioned on this floor several times, George Washington and his officers took an oath whereby they renounced their allegiance to their former ruler—King George III—and pledged their allegiance to this new country. Ever since then—since 1795 at least—the oath of allegiance that new citizens have taken has been essentially the oath of allegiance that George Washington and his officers took. They didn't renounce—in the case of those at the Italian-American dinner—their Italian-ness; they are proud of that. But they renounce loyalty to the Italian government and pledge allegiance to this country. They are clear about that, and we have been clear about that for more than 200 years.

When we have large numbers of new people coming into our country, as we did just 100 years ago, which was the last time we had such a large percentage of foreign-born people living in the United States, we went to great efforts to try to help them become Americans. Albert Shanker, the late president of the American Federation of Teachers, once said in a meeting in Rochester, which I attended, that the common school, our public school, was created primarily for the purpose of helping immigrant children learn the three Rs—reading, writing, and arithmetic—and what it meant to be an American, with the hope they would go home and teach their parents. The common school was an "Americanizing" institution. So was Ford Motor Company 100 years ago, as were many businesses.

Robert Putnam, in his book "Bowling Alone," talked about how in this country civic associations such as the Boy Scouts, Girl Scouts, Boys and Girls Club, and Rotary Club were all set up with the idea of reminding ourselves—those who are already here—to help new people coming into our country learn what it means to become an American, to learn our common language, learn our history, and to learn the principles that unite us as a country.

Other countries now are looking at the American experience and wishing they had some of it. Last year, France and England experienced great difficulties with the bombing in the London subways and the riots in France. What was it about? It was about people who had come from other countries to live in France and England and who didn't feel part of the country. They wanted to feel French; they wanted to feel English. People are starting to think—how do you become French or English or German, when 5 or 6 years ago you had to be the son or daughter of a German in order to be a German. How do you become Japanese or Chinese? That is a foreign concept in most countries. It is hard to become German or French or Japanese.

But to become a citizen of the United States, you must become an American. We don't want to lose that. That should be the central focus of any immigration debate on the floor of the Senate.

I was in Rome last week, and I visited with our Ambassador to Rome, who is the grandson of an Italian immigrant. He said they have formed a council there in Italy to try to deal with the problem of how do you become Italian because Italy needs more people. It has a population of 58 million, the second lowest birth rate in Europe, the largest percentage of elderly, 2.9 million legal immigrants, over 500,000 illegal immigrants, increasingly Muslim. A large number of Muslims—1.5 million—who live there don't feel they are a part of Italy. If Italy doesn't have people coming from other countries, the number of people who live in Italy will go down and down and so will their economy. They formed a council in Italy. Four people who were Muslims and who live in Italy were sent to the United States, and one who came back—a woman from Algeria who came to Italy when she was 14 and is now 30—said to our Ambassador to Italy: For the first time, I feel Italian. He asked why. She said: When I went to America, the Muslims I met there felt American. They may be against the war in Iraq, but they all thought of themselves first as Americans.

That is a concept which we don't dare lose. All of us know that the importance of becoming American has been gradually diminishing in our culture, especially since the 1960s. Our schools don't teach U.S. History in the way they once did and in the way they should. In fact, the lowest score our high school seniors have on national tests is not in math, not in science, it is in U.S. History. Our colleges don't require a course in U.S. History. Our colleges of education don't turn out very many teachers of U.S. History.

In an age of globalization, some people say, well, nationality doesn't really make much difference.

Increasingly, official business in States and counties is conducted in more than our common language, English. Even some of our political leaders extol diversity over unity. They extol the pluribus over the unum.

Make no mistake, diversity is important to the United States. It is a great advantage to us, but diversity is not our greatest strength. Jerusalem is diverse. Iraq is diverse. The Balkans are diverse. Our most magnificent accomplishment and greatest strength, and one we should not forget during this debate, is that we have taken all this diversity and formed it into one nation.

That is why I was pleased to see that the Senate adopted, before the immigration bill got off track, an amendment I proposed with a number of other Senators that would help prospective citizens become Americans. It would do it in a number of ways.

In the first place, it would raise to the level of law George Washington's oath, slightly rewritten, the same oath that a half million to a million new citizens have taken every year, an oath that recognizes that someone has waited that 5 years, learned English to an eighth-grade level, passed a test in our history, demonstrated their good character, and said: I foreswear allegiance from where I came, and I pledge allegiance to the United States.

The amendment, which passed the Senate overwhelmingly, would also create grants to prospective citizens who needed help learning English. It would reduce from 5 years to 4 years the amount of time you need to wait to become a citizen if you were fluent in English. That is a level higher than eighth grade. It would create a foundation to help with grants to encourage the teaching of civics and English in the same way that we did throughout civic organizations 100 years ago in this country.

In addition, we should also look carefully at other parts of what we do in our Government. We should have more support for English as a second language in the schools. We should not have waiting lines of adults who want to learn English in this country, our common language. People want to learn it. We should help them.

We should have more summer academies for outstanding teachers and students of American history and civics. This Congress approved that for the first time last year. We will have two this summer. We should have many more. And we should do more teaching through the traditional American history program that Senator BYRD and others put into the No Child Left Behind Act.

Those things do cost money, but in a $2.6 trillion budget, surely we can find something to take out so we can put those things in because nothing, I submit, is more important than making sure our children know what it means to be an American and to know that our new citizens do as well.

I am here today to remind myself and my colleagues of that story of my visit to the Italian-American dinner 14 years ago. I wish every Member of the Senate could have been there. I wish they could have seen the pride in the Italian-ness of all there to honor Paul Tagliabue, Justice Scalia, now the ranking Democrat in the House NANCY PELOSI, and Sylvester Stallone. It is important to be reminded that in that room, the greatest emotion was for the Pledge of Allegiance to the United States of America. They may be proud of where they came from, but they are prouder of where they have come.

I will ask unanimous consent to have two articles printed, one entitled "Citizenship is the Key" by Noah Pickus, who is the associate director of the Kenan Institute for Ethics at Duke University and who writes about the importance of hometown associations in the United States that link immigrants to their native community and culture while serving as a vehicle for engagement with American society.

He says:

> All of these approaches—new citizenship processes, new structures and strategies for incorporation and new coalitions—can focus our attention on the important and difficult work of building a nation here at home.

And secondly, an article from the Memphis Commercial Appeal about the teacher Christine Byrd who teaches children in Memphis who don't know English, our common language of English, and she wrote down what immigrant children have told her about their first impressions of America. It reminds us of the strength and vitality of new people coming here.

"You can take a shower with hot and cold water running at the same time," said a third grader from Sudan.

"You can have a fluffy towel to dry after a shower," said a first grader from Nigeria.

"You can go to school for free," said a student from Vietnam.

"You can go to a pet store and buy a pet," said a student from China.

"You can be rescued by the [Transportation Department] on the freeway," said a student from Vietnam.

"You can have ice cream any time you want," said a student from China.

I ask unanimous consent these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsday, Apr. 9, 2006]

CITIZENSHIP IS THE KEY

(By Noah Pickus)

Citizenship has become the most controversial element in current immigration reform. The House has passed an "enforcement-first" bill that would effectively preclude citizenship for illegal immigrants or foreign workers, and the Senate is grappling with various proposals that could legalize the status of some or all illegal immigrants who are already in the United States and create new guest-worker programs.

The key issue this legislation faces whenever it finally gets to a conference committee will be whether illegal immigrants or guest workers should be allowed to apply for citizenship and under what conditions.

This attention to citizenship is surprising, given that most of the public debate has turned on questions of economics, security and border enforcement. It also marks a significant break from the last major debate over illegal workers, the 1986 Immigration and Reform Control Act. Then, advocates for amnesty pressed for legal status, not citizenship, arguing that the latter was passe in a global world and that illegal immigrants' economic and social ties demanded full legal recognition.

More recently, Mexican President Vicente Fox has said that Mexicans in the United States are "not going to become American citizens, nor do they want U.S. citizenship. What they are interested in is having their rights respected." In this, he has been joined by business interests whose primary goal is to secure a steady stream of low-wage workers.

Whether legalization or guest worker programs are a good idea will rightfully be the subject of much debate in the coming weeks. But if we are to have them, it is critical to ensure that citizenship rather than merely legal status or labor eligibility is our common goal.

Most Americans don't favor temporary guest worker programs or simple amnesty programs. They want immigrants who work hard and have put down roots to further invest in creating stable neighborhoods and manageable schools, and in becoming American. By contrast, even if a temporary worker program operated effectively, it would create large numbers of immigrants who are, by definition, transient.

If, as seems likely, workers who put down ties in a community don't go home at the end of their work permit, we are creating the conditions for continued social disorder. If citizenship is not a realistic goal for illegal immigrants who have been in the United States for some time, or for future guest workers, we risk creating the same disenfranchised underclass of immigrants that is roiling Europe.

As important as a pathway to citizenship is, though, building a common sense of citizenship and identity will require an active commitment on the part of both immigrants and citizens.

Our naturalization process needs to offer a real opportunity for civic learning and social cohesion. The process now is characterized by frustrated administrators, poorly funded providers of civic and English classes, doubtful citizens and, most especially, confused and worried immigrants. (Although little noticed, one part of the current immigration reform bill would establish a foundation to support the activities of the Office of Citizenship and provide grants for organizations to offer civics, history and English courses.)

We also need to learn from past integration efforts that instruction in lofty principles isn't sufficient to incorporate newcomers. Immigrants need structures and strategies for negotiating the often bewildering challenges of making a new life in a new place.

One hundred years ago, during the last major wave of immigration, Jane Addams understood how poor, uneducated immigrants had to be enticed into the public realm by appealing to their pressing private concerns. She recognized that domestic issues of child care, nutrition and housing had to be linked to broader lessons about personal and social responsibility.

This approach is needed again today, especially in bridging the gap between immigrant and native-born communities. For at least the last decade or so, Americans have been worrying about the erosion of community ties, civic institutions and social trust. What has been too easily overlooked in these debates is that there are sources of social capital even in beleaguered immigrant communities.

There are, for instance, more than 1,500 hometown associations in the United States that link immigrants to their native community and culture while serving as vehicle for engagement with American society. If American civic groups joined forces with these associations, they could turn a legalization program into an integration movement. Instead of treating legalization as evidence of our inability to control our borders, they could use it as a vehicle for building coalitions in support of a common citizenship.

All of these approaches—new citizenship processes, new structures and strategies for incorporation and new coalitions—can focus our attention on the important and difficult work of building a nation here at home.

WITH ENGLISH AS THEIR SECOND LANGUAGE, RELATING COMES FIRST

(By Ruma Banerji Kumar and Halimah Abdullah)

Apr. 11, 2006.—Christine Byrd started speaking gibberish.

That's what it sounded like to the 15 or so teachers who were in a training session with her on a recent Friday.

Byrd was actually speaking Vietnamese. She asked the group simple questions: their names, the date.

The teachers started feeling uneasy. Some began to write nervously on paper, randomly guessing at what she was asking of them. Others stared blankly.

Byrd works in the Memphis city school office that trains and supervises teachers working with foreign-language speaking students. She had just taught the group a key lesson: how it feels to be an immigrant child in a foreign place.

"When you don't understand the language spoken all around you, you don't have any foothold," said Byrd's supervisor, Andrew Duck. "You're hearing sounds, but you're not able to relate them to anything. It causes a little bit of fear, uneasiness."

To drive the lesson home, Byrd also shared with teachers a diary she's kept of what immigrant children have told her about their first impressions of America. It's an account she has collected over the past decade.

The children use simple words.

They are grateful for basic opportunities.

Understanding that mindset, Byrd says, will help teachers meet the needs of students who are sometimes enigmas to them.

The words of the children take on particular significance this week, as an estimated 1 million immigrants rally across the country for reform in the way the law classifies and treats those who enter American borders illegally.

Byrd's journal is called "Only in America." Here is what some students say they can do only in America:

"You can take a shower with hot and cold water running at the same time."—Third-grader from Sudan, Treadwell Elementary.

"You can have a fluffy towel to dry after a shower."—First-grader from Nigeria, Treadwell Elementary.

"You can go to school for free."—Student from Vietnam, Treadwell Elementary.

"You can go to a pet store and buy a pet."—Student from China, Treadwell Elementary.

"You can have free transportation to school."—Student from Sudan, Treadwell Elementary.

"You can be rescued by TDOT on the freeway."—Student from Vietnam, Bellevue Junior High.

"You can have ice cream anytime you want."—Student from China, Bellevue Junior High.

"You can wash clothes anytime you want."—Student from Sudan, Treadwell Elementary.

"You can go to church every Sunday."—A student from China, Central High.

"You can raise million dollars to help the victims of 9/11."—Vietnamese student, Central High.

"You can travel at night and not be afraid of running out of gas and foods."—Student from West Africa, Central High.

"You can travel anywhere at anytime and not have to ask for permission."—Vietnamese student, Central High.

"You can vote for anybody you want."—Student from Sudan, Central High.

"Women can vote."—Student from Afghanistan, Central High.

"Women can have her baby at the hospital without her husband's blessing."—Student from Iraq, Central High.

"You can own 3 or more televisions, a house and 1 to 2 cars at the same time."—Student from Vietnam, Bruce Elementary.

"You can go to a Pet Bakery Shop and buy a cookie for your pet"—Student from Vietnam, Bruce Elementary.

Mr. ALEXANDER. Mr. President, I see the whip. I have three or four remarks on another subject.

Mr. McCONNELL. I am in no hurry.

Mr. ALEXANDER. I thank the whip. May I be granted time to finish my remarks?

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

FEDERAL COURT CONSENT DECREES

Mr. ALEXANDER. Mr. President, I ask unanimous consent to print in the RECORD an editorial from the Wall Street Journal, dated April 18, entitled "Democracy by Decree."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 18, 2006]

DEMOCRACY BY DECREE

Miracles do happen. In Los Angeles last week a state judge lifted a consent decree issued in 1991 after parents filed a lawsuit claiming that public schools in poor neighborhoods had too few experienced teachers. The court has since ordered the school district to spend an average of $11 million a year on teacher training in certain schools. And now, almost 15 years later, the judge has finally declared herself satisfied and declined to extend the decree for another five years.

Other locales aren't so lucky. Consent decrees are judicial decrees that enforce agreements between state and local governments and the parties suing them. But such decrees have proliferated to the extent that judges are micromanaging many public institutions in the name of protecting "rights." And they're costing taxpayers money and infringing on the right to self-government.

In New York, a 1974 federal consent decree has mandated bilingual education in the city's schools for more than 30 years—even though many parents want no part of it. In Tennessee, a federal consent decree from 1979 prevents the state from requiring generic, rather than brand-name, drugs for Medicaid patients despite the fact that this is standard practice for many private drug plans and other state Medicaid programs. And in Los Angeles, a 1996 consent decree has forced the Metropolitan Transit Authority to spend 47% of its budget on city buses no matter what the MTA deems to be its priorities.

New York Law professors David Schoenbrod and Ross Sandler call this "democracy by decree," or the process by which public-policy decisions are taken out of the hands of elected legislators and left to an unelected judiciary. Their 2002 book of that name is the inspiration for legislation introduced in the Senate last month that would limit the use of federal consent decrees.

The legislation's sponsors are Tennessee Republican Lamar Alexander and Arkansas Democrat Mark Pryor. It's no coincidence that both Senators were once state officials. "I'm looking at this as a former Governor," says Mr. Alexander. "The idea is to try to let those who are elected make policy unencumbered by courts." Mr. Pryor is a former Arkansas Attorney General. Similar legislation is pending in the House.

Consent decrees can be a huge burden on state and local officials. They sometimes last for decades, long after the officials who agreed to them have left office. Newly elected officials often find themselves locked in by the decrees, unable to put in place policies they were elected to implement. Outgoing officials have been known to sign their names to such decrees in an effort to force their successors to go along with policies they oppose.

One part of the Alexander-Pryor solution is term limits—either four years for a decree, or the expiration of the term of the highest elected official who signed his name to it. Their legislation also sensibly shifts the burden of proof for modifying or ending the decree to plaintiffs from state and local governments.

The legislation endorses the view of a unanimous Supreme Court, which in 2004 called for limiting decrees. It warned in Frew v. Hawkins that federal consent decrees could encroach on state and local power. They may "improperly deprive future officials of their designated and executive powers," the Court said. They may also lead "to federal court oversight of state programs for long periods of time even absent an ongoing violation of the law."

There are federal consent decrees in force in all 50 states, with judges running prisons, schools, welfare agencies, health-care systems and more—based on the advice of the advocates who brought the original lawsuits. It's time to turn those jobs back to the elected lawmakers, and it's good to see at least someone in this ostensibly conservative Congress show some modesty about federal authority.

Mr. ALEXANDER. Mr. President, 25 of us in the Senate have introduced S. 489, a bipartisan piece of legislation—Senators KYL and CORNYN on the Republican side and Senators PRYOR and NELSON on the Democratic side, and a number of others—to try to put some reasonable limits on the use of Federal court consent decrees that take away from elected officials and State and local government the right to make policy decisions that they make so they can get on with their business without undue interference from the courts. It is based on a scholarship book called "Democracy by Decree" by two former lawyers for the National Resources Defense Council, David Schoenbrod and Ross Sandler.

Their scholarship has been applauded by a broad range of people, including former New York City Mayor Ed Koch and former Senator Bill Bradley. It talks about the importance of taking Federal court consent decrees, which can be very useful tools, and making certain they don't last forever.

To use a one-paragraph example:

> In New York, a 1974 federal consent decree has mandated bilingual education in the city's schools for more than 30 years—even though many parents want no part of it.

In Tennessee—my State—a Federal consent degree from 1979 prevents the state from requiring generic, rather than brand-name, drugs for Medicaid patients despite the fact that this is standard practice for many private drug plans and other State Medicaid Programs.

While the State waited for a Federal court to decide how much it wanted to intervene, it was costing the State enough to give every Tennessee teacher that year a $700 pay raise.

And in Los Angeles, a 1996 consent decree has forced the Metropolitan Transit Authority to spend 47 percent of its budget on city buses no matter what the MTA deems to be its priorities.

In the House of Representatives, the Republican whip, ROY BLUNT, is the principal sponsor. JIM COOPER, a Democrat from Nashville, is the principal Democratic sponsor. Representative COOPER says this bill is about keeping democracy fresh. It has had hearings in the Senate. It is scheduled for markup. It is a good, reasonable bill. It is making progress in the House.

We are going to have to bring the growth of Medicaid spending under control over the next several years. We cannot ask State governments to do that unless we give them more authority over their own decisions. This bill would help do that.

I call this editorial to the attention of my colleagues.

I thank the Republican whip for granting me this extra time.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

PROGRESS TOWARD A PERMANENT IRAQI GOVERNMENT

Mr. McCONNELL. Mr. President, freedom took another important step forward this past Saturday in Iraq. Last December, we witnessed millions of free and brave Iraqi citizens defy the terrorist death threats and go to the polls to elect a parliament. Since that election, Iraqi political leaders have been hard at work forging a government that reflects the will of the Iraqi people.

This Saturday—unfortunately, it took a while to get there—we were finally able to celebrate the good news. Iraqis have made major progress toward achieving the goal of having a government in place. Iraqi political leaders reached an important agreement for the top leadership post for a national unity government.

Iraq will retain the experienced hand of Jalal Talabani as President, and the new Prime Minister Jawad al-Maliki appears to be a reformer, respected by all sides, who will hopefully have the credibility and the authority to shape a strong government with the power to take on the major issues facing that country.

The new Iraqi leadership has the will of the people at its back. They understand that democracy requires the courage to reach consensus. Over the next 30 days, they must fill the remaining slots of the cabinet and begin to address the challenges that grip that country.

Freedom and stability in Iraq is bad news for the terrorists. A stable, strong Iraq will unite its people against continued violence. A stable, strong Iraq will be an ally in the war on terror and a beacon of democracy in the Middle East. A stable, strong Iraq that cracks down on the terrorists in its midst will make the region and the world more secure.

Aside from the Iraqis themselves, much credit for this triumph in Iraq goes to Secretary of State Condoleezza Rice. Her skillful diplomacy appears to have been a crucial ingredient in breaking the logjam.

Much credit also goes to our U.S. Ambassador there, Zalmay Khalilzad, for his tireless efforts. And, of course, President Bush's continuing resolve to defy terrorism and terrorist-friendly regimes and to support freedom and democracy has inspired and strengthened everyone in the process.

As we celebrate the victory in Iraq, we are mindful that much hard work certainly lies ahead. Terrorist violence in Iraq continues. Some say the momentum from the three successful elections of last year each one drawing greater levels of turnout than the one before has been squandered with the last 4 months of political bickering. The new Iraq leaders must be sure not to squander any more by failing to assemble a government in a timely manner.

Although we are cautious, I think we should also be optimistic. America will continue to stand beside Iraq in the days ahead. I remind anyone who thinks this new government took too long to form that America also had a rocky start at its beginning. People forget that from the Declaration of Independence to the Constitution was 11 years, and from the Declaration of Independence until George Washington actually took office was 13 years.

Freedom, however, is worth the wait. The incoming Prime Minister appears to understand that he must form a consensus government, one that must reach out to Iraq's many ethnic and religious groups as his country begins its journey of democracy.

I was heartened by the promise he made this weekend. Here is what he had to say. He said:

> We are going to form a family that will not be based on sectarian or ethnic backgrounds. . . .Those who take responsibility in the new government will be representing the people, not their parties.

The new Prime Minister, al-Maliki, has the right attitude, and that attitude should continue to guide the new government in the days ahead.

I know my colleagues will join me in congratulating the people of Iraq for spurning the terrorists and continuing down the road to democracy.

Most of all, I wish to express my profound gratitude for our troops in Iraq. It has been their strength and courage that has made progress on the road to freedom possible.

HEAD START IN MONTANA

Mr. BURNS. Mr. President, each year since 1988, April 21 has been designated as Youth Service Day. This day is especially important for a group of Montanans in Billings, MT, who have been working with children since 1966. On April 21, the staff of Head Start, Inc. in Billings celebrated their 40th anniversary. I rise today to congratulate them on their past efforts and to express my support for another 40 years of service.

We have all seen the positive impact that Head Start has on children and families throughout Montana. This Federal program provides child and family development services by helping children under the age of 5 to develop the skills they will use throughout their formal education and for the rest of their lives. Head Start in Billings was recently recognized as among the top 2 percent of Head Start programs nationwide. Their continued dedication to excellence is deserving of recognition and praise, and I am honored to rise on their behalf.

While celebrating this milestone of service to Montana, these dedicated staff members recognized a very special volunteer named Thelma Adolph. Thelma, who volunteers through Head Start's Foster Grandparents program, has given her time for 20 straight years. She has touched the lives of countless children, and it is no exaggeration to say that the world is a better place because of her. Such dedication is all the more impressive because Thelma is 93 years old.

And so, I ask my colleagues to share my gratitude for the efforts, dedication and excellence of Head Start and Thelma Adolph. I thank them all for their hard work and dedication on behalf of Montana's children.

91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, I rise today to acknowledge and commemorate April 24, 2005, the 91st anniversary of the beginning of the Armenian genocide. I do so because I believe it is necessary to recognize and ensure that similar atrocities do not happen in the future.

No one knows this better than the 500,000 Armenians who are living in my home State of California. These men, women, and children are a shining example of the backbone of our society and serve as a symbol of perseverance and determination.

Their ancestors came to our country to build a better life for themselves and their families, and today, Armenian-Americans recognize that the repercussions of allowing aggression and injustice against ethnic, religious, or minority groups to persist can be dire.

During the Armenian genocide, which took place between 1915 and 1923, over a million Armenians were killed, and another 500,000 were driven from their homes.

We must never again allow a human tragedy to occur on this scale. It is unacceptable to witness thousands of innocent victims suffer and die without taking any action.

And I know this issue not only resonates with the Armenians in California but with everyone in the country. Every day, numerous constituents from different backgrounds call my office asking what Congress and the administration are doing to prevent genocide from occurring again.

It is absolutely essential that we do not let history repeat itself. We can—and we must—do better.

The Armenian-American community knows this all too well and today, we stand with them in commemorating the start of the Armenian genocide. So let us renew our commitment to support those around the world who face persecution and even death simply because of who they are. We will never forget the Armenian genocide, and we look to the present and future with a newfound sense of hope and optimism so that we may have the strength to stand up and prevent such atrocities.

Mrs. BOXER. Mr. President, I take this opportunity to commemorate the 91st anniversary of the Armenian genocide on April 24th. This anniversary offers an opportunity for us to renew our efforts to achieve—finally—genocide recognition for the Armenian people.

Ninety-one years ago, the Ottoman Turks began their systematic effort to eradicate the Armenian people. From 1915 until 1923, 1.5 million Armenians were tortured and killed; men were separated from their families and murdered; women and children were forced to march across the Syrian desert without water, food, or possessions; many died of hunger or thirst or were killed when they lagged behind during the forced marches into the desert.

The brutality of the genocide was atrocious. But the inhumanity continues today because the Turkish Government refuses to acknowledge the massacres as genocide. The wounds cannot heal until the Armenian people receive recognition.

The Armenian genocide was the first genocide of the 20th century. But as we have seen, it was not the last. As we know, if we ignore injustice, we are likely to see it repeated. In his justification for the Holocaust, Adolf Hitler said, "Who, after all, speaks today of the annihilation of the Armenians?" And today, we see ongoing atrocities in the Darfur region of Sudan, with innocent civilians being murdered. In the 108th Congress, I cosponsored a resolution declaring that the atrocities in Darfur constitute genocide.

I am currently a cosponsor of a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the record of the United States relating to the Armenian genocide and the consequences of the failure to realize a just resolution. And I have signed onto a letter urging President Bush to honor the historic leadership of the United States in defending human rights and to properly characterize the atrocities against the Armenian people as genocide in his April 24th statement.

Every year, we move closer to recognition of the Armenian genocide. But every year, we wonder how long it will take the Government of Turkey to acknowledge the genocide.

We need genocide recognition to honor those 1.5 million Armenians who lost their lives and to honor the survivors who are still with us today. We need recognition to send a message to the 8 to 10 million Armenians worldwide that they have not been forgotten. We need genocide recognition to remind the world that crimes against humanity are crimes against us all. And we need genocide recognition because it is the right thing to do.

By acknowledging this genocide for what it is, I hope that we are able to help create a more just and humane world.

Mr. REED. Mr. President, on behalf of the Armenian population of Rhode Island and Armenians around the world, I want to recognize the 91st anniversary of the Armenian genocide.

Ninety-one years ago today, April 24, the Young Turk leaders of the Ottoman Empire summoned and executed over 200 Armenian community leaders. By 1923, an estimated 1.5 million Armenians were murdered, and another one half million were exiled, affecting the lives of every Armenian in Asia Minor.

Author John Minassian, a survivor of the 1915 Armenian genocide, tells of his experience. "These fine people were now being made into refugees only because they had clung to their ancient beliefs and the faith of their ancestors. They marched proudly under a yoke of hatred, prejudice and bigotry, their morale high, their spirit as yet unbroken. They knew that their only 'crime' was being Armenian."

The Armenian genocide was condemned at the time by representatives of the British, French, Russian, German, and Austrian Governments, both foes and allies of the Ottoman Empire.

Today, as a cosponsor of S. Res. 320, I call on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the record of the United States relating to the Armenian genocide.

Armenian soldiers have supported Operation Iraqi Freedom as part of the Polish-led multinational division in south-central Iraq. Working as truck drivers, bomb detonators, and doctors, Armenia has not allowed others to be left helpless as they were nearly a century ago. The United States is proud to have Armenia as an ally in the rebuilding and reconstruction of Iraq.

So as history does not repeat itself, we must study and remember the events of our past. In instances such as the Armenian genocide, all nations must educate their youth in the hatred, the wrongdoing, and the oppression to deter future atrocities against humanity. Not more that two decades after the Armenian genocide, Hitler said to his generals on the eve of sending his death squads into Poland, "Go, kill without mercy . . . who today remembers the annihilation of the Armenians." We remember the Armenians.

Menk panav chenk mornar. We will never forget.

KHMER NEW YEAR

Mr. REED. Mr. President, on behalf of my fellow Rhode Islanders, I wish to recognize the 2550th anniversary of the Buddha, the Khmer New Year.

This cultural celebration highlights the rich heritage of Cambodian Americans, while recognizing contemporary Khmerian accomplishments. Ancient dance, music, and religious traditions of the Cambodian community are the focus of the holiday.

The festivity, celebrated in the reprieve between the harvest and the weeks referred to as the "rainy season," is an occasion for Cambodian Americans to pass their customs to future generations while simultaneously allowing all Cambodians to share their culture with other Americans.

Traditionally, the anniversary of the Buddha affords Cambodians a chance to give thanks, reflect, and welcome the spirit Tevada Chhnam Thmey. Also, in accordance with tradition, scores of Cambodian Americans will gather with family and friends to visit the wat, the local spiritual center, to offer food to their clergymen, pray for ancestors, give charity to the less fortunate, forgive the misdeeds of others, and thank elders for their knowledge and care.

The Khmerian New Year ceremonies and activities demonstrate that each year brings new opportunities for charity, peace, and happiness. As we commemorate this important time, let us reflect on our Nation's continued efforts to promote universal human rights and democratic principles. Let us also take this opportunity to honor the Cambodian Americans currently serving in the U.S. armed services, for their daily sacrifice in protecting our freedom.

Finally, I would like to wish all Cambodian Americans happiness, prosperity, and good health in this, the Year of the Dog.

ADDITIONAL STATEMENTS

TRIBUTE TO REVEREND ROGER PATRICK JOSEPH DORCY

• Mr. ALLARD. Mr. President, I rise to make a few remarks recognizing the Reverend Roger Patrick Joseph Dorcy.

The Reverend Roger Patrick Joseph Dorcy was born to Michael and Ellen Dorcy on July 4, 1946. Named for his Aunt Patricia, Patrick Joseph Dorcy was the third youngest of 14 siblings.

Growing up in Omaha, NE, he attended Holy Cross School, Creighton Preparatory School, and Mount Michael Abbey.

From 1967 to 1969 he worked for Senator Robert F. Kennedy in New York and Washington, DC.

He received his undergraduate and graduate degrees from St. Meinrad School of Theology in Indiana and completed post-graduate work at Catholic University of America in Washington, DC.

Prior to his ordination to the priesthood he was a member of the Order of

St. Benedict. St. Meinrad Archabbey. It was there he took the name Roger. Brother Roger was one of the order's youngest teachers, the Archabbey architect, a paramedic, and a firefighter.

When he left the Monastery, he moved to Colorado where he taught theology and English at St. Scholastica Academy in Canon City, CO. Finally answering his call, at the age of 33, Roger Patrick Dorcy was ordained a priest in the Diocese of Pueblo, Colorado, on January 29, 1980.

He served as pastor at Sacred Heart Church and campus minister at Adams State College in Alamosa, CO. He was associate pastor at St. Leander's and Our Lady of Guadalupe Churches in Pueblo. For 12 years he was the pastor of Our Lady of the Meadows Church in Pueblo; during that time he also served as the dean of the Pueblo Deanery of the Diocese of Pueblo.

In 2003 he was appointed rector of the Cathedral of the Sacred Heart, Diocese of Pueblo.

In addition to his parish life in Alamosa and Pueblo, he was a leader with the Southwest Liturgical Conference, the National Association of Clinical Pastoral Ministers, the Federation of Diocesan Liturgical Commissions, the National Catholic AIDS Network, and the Southern Colorado AIDS Project.

In 1993 he completed his sabbatical in clinical pastoral ministry at Immanuel Medical Center in his hometown of Omaha. Later, he served as Bishop Tafoya's community liaison for AIDS Ministry; as president of the Sangre De Cristo Hospice Board; and was a board member of St. Mary Corwin Medical Center since 2000.

He died on July 23, 2005, at the age of 59. The Reverend Roger Patrick Dorcy was a monk, a priest, a teacher, an actor, an architect, a healer, a leader: his vocation was dedicated to the healing of bodies and souls. On April 22, 2006, the communities of Pueblo and Colorado celebrated his legacy by naming St. Mary Corwin Medical Center's newly constructed, state-of-the-art cancer center, The Reverend Roger Patrick Dorcy Cancer Center.●

HONORING MANA DE SAN DIEGO

● Mrs. BOXER. Mr. President, I rise today to honor a wonderful organization in my home State of California, MANA de San Diego, as it celebrates its 20th anniversary.

MANA de San Diego is one of 20 regional chapters throughout the United States operating under the auspices of the MANA National Latina Organization. MANA, short for hermana, or sister in Spanish, was founded in 1974 by Mexican-American women and was later expanded to include Latinas of all descent. Today, it serves as the single largest organization of Latinas in the United States. MANA provides an important voice for women at local, State, and national levels.

The San Diego Chapter of MANA, founded in 1986, has played an important role in the civic development of San Diego's large Latina community. In 2000, Latinas made up 12.5 percent of San Diego's population of more than 2.8 million. MANA de San Diego encourages its members to actively participate on boards, commissions, and with civic and educational organizations in order to improve the quality of life for all San Diegans. Each year, MANA de San Diego recognizes local women in the law, education, government, and education at a "Brindis" or toast event. The "Brindis" not only helps to raise money for the scholarship program but brings together successful women and students.

Through a variety of programs, such as the mentorship program "Hermanitas," MANA de San Diego empowers Latinas and encourages educational pursuits. The program exposes young women to arts and culture, higher education opportunities, careers, and leadership opportunities they might not otherwise experience. Hermanitas participants tour major universities in San Diego to help them visualize where they can attend school. Since 1991, MANA de San Diego has given more than $140,000 in scholarships to Latinas. This is particularly important given that Latinas drop out of high school at a higher rate than any other group in the United States. In addition, MANA de San Diego promotes increased awareness of Latina health issues through its Annual Women's Health Fair.

Recently, MANA de San Diego partnered with Girl Scouts San Diego-Imperial Council to create the Cesar Chavez Community Service patch. The purpose was to create a patch to honor and encourage Girl Scouts to learn about Cesar Chavez. Girl Scouts throughout the Nation will be able to earn a new patch in recognition of outstanding community service. The students in the Hermanitas program worked closely with their mentors and the council to design this patch. Together, they created the rules to award the patch.

Organizations such as MANA should be recognized for the critical role they play in strengthening the Latina community in California and the United States. I salute the women of MANA de San Diego for their passionate commitment to the advancement of Latinas and tireless efforts to improve the broader San Diego Community. I wish the organization great success in the future.●

HOGAN'S HARDWARE

● Mr. THUNE. Mr. President, today I rise to recognize Hogan's Hardware of Kadoka, SD. Hogan's Hardware has enjoyed a long and rich history in my home State.

In April of 1946, Marvis and Florence Hogan opened Hogan's Hardware for business in Kadoka. Now some 60 years later Florence, her son Baxter, daughter Randi, and her son-in-law Don are keeping the business going strong. Small businesses are the back bone of the great State of South Dakota, and I commend the Hogan's for their contributions to their community and the State.

It gives me great pleasure to rise with the town of Kadoka in congratulating Hogan's Hardware and the Hogan family for their 60 years of service.●

PARKER, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I rise to recognize the town of Parker, SD. Parker was recently named the 2006 Small Community of the Year in my home State.

Each town and city in South Dakota may submit an application to be considered for this prestigious honor by our Governor and the Office of Economic Development. The citizens of Parker have seen rapid economic growth in their community, with over 10 businesses opening their doors in 2005. Clearly, the efforts of the Parker Development Corporation have been successful for both the past and present growth of the town. Small businesses are the backbone of the great State of South Dakota, and I commend the citizens of Parker for their contributions to their community and the State.

It gives me great pleasure to rise in congratulating the town of Parker for being recognized as South Dakota's 2006 Small Community of the Year.●

VOLUNTARISM

● Mr. VITTER. Mr. President, I rise today to acknowledge the volunteers of St. Francis Medical Center and St. Francis North Hospital in Monroe, LA. Beginning April 23 and ending April 29, this great organization will observe National Volunteer Week. Today, I would like to spend a few moments highlighting the importance of their efforts.

Sponsored by the Points of Light Foundation and Volunteer Center National Network, National Volunteer Week began in 1974. President Richard Nixon signed an executive Order establishing an annual celebration of volunteering. Every President since then has signed a proclamation promoting and recognizing National Volunteer Week during the third week of April. The theme for this year, "Inspire by Example," reflects the opportunity volunteers have to bring joy and hope to the people they serve, as well as to inspire others to serve.

National Volunteer Week allows volunteer centers, nonprofits, hospitals, faith-based organizations, and schools to recognize their own volunteers and support thousands of service projects in the community. This week, America has the pleasure of celebrating more than 64 million volunteers who use their time and talent daily to make a real difference in the lives of the children, adults, and elderly whom they serve.

I applaud the volunteers of St. Francis Medical Center and St. Francis North Hospital in Monroe for their continued service to the citizens of their community. Their hard work and dedication is something we all appreciate and celebrate as we recognize National Volunteer Week.•

BICENTENNIAL OF ST. CHARLES PARISH

• Mr. VITTER. Mr. President, I rise today to acknowledge the bicentennial of St. Charles Parish. As one of the original 19 parishes created from the Territory of Orleans, St. Charles will celebrate its 200th anniversary in 2007.

St. Charles Parish was created in 1807 from the "Cote des Allemands," or county of the German Coast, which begins 25 miles above the city of New Orleans and extends along both sides of the Mississippi River for 40 miles toward Baton Rouge. It contained a rich mixture of Germans, French Creoles, French Acadians, and Free Blacks and thrived as an agricultural center whose produce fed the city of New Orleans.

In 1720, 21 German families from the Rhine region of Germany settled on the west bank of the Mississippi River. These families had suffered horribly during the Thirty Years' War and fled by the thousands to the New World. These original German settlers were given small plots of land by Mr. Law's Company of the Indies.

By 1721, 330 German immigrants, also with the Company of the Indies, arrived in Louisiana. A year later, Germans from John Law's Arkansas Concession arrived in New Orleans demanding passage to Europe. Due to a lack of ships and supplies, Louisiana Governor Bienville persuaded them to remain, and they eventually joined the other German settlers along the banks of the river. In 1765 and 1766, the first Acadians arrived in the area, and they too were given land along the river, and joined the Germans in raising the fruits and produce that was used to feed the city of New Orleans. This produce business along with tobacco, indigo, and lumber made the area a major component in the growth and development of Louisiana.

Later the parish turned from an agricultural to an industrial economic base where new opportunities opened in large-scale oil production. The economic base of St. Charles Parish now centers around energy and petrochemical industries, and recent years have seen the parish's economy diversify into the areas of technology and transportation. The region has also been rated in the top 10 percent of best places to live in the United States by the Places Rated Almanac.

Today, I would like to applaud the good people of St. Charles Parish on their bicentennial and wish them continued prosperity.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on April 11, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 4979. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

Under the authority of the order of the Senate of April 7, 2006, the enrolled bill was signed on April 11, 2006, during the adjournment of the Senate, by the Acting President pro tempore (Mrs. DOLE).

MEASURES REFERRED

The following bill was read the second time, and ordered referred to the Committee on the Judiciary:

S. 2612. A bill to provide for comprehensive immigration reform and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2603. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2611. A bill to provide for comprehensive immigration reform and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6355. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006-39) received on April 7, 2006; to the Committee on Finance.

EC–6356. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "National Median Gross Income for 2006 Revenue Procedure" (Rev. Proc. 2006–20) received on April 7, 2006; to the Committee on Finance.

EC–6357. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, received on April 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6358. A communication from the Director, Office of Management, Department of Energy, transmitting, the Department's 2005 lists of Government activities determined to be inherently governmental and those to be not inherently governmental in nature; to the Committee on Energy and Natural Resources.

EC–6359. A communication from the Secretary of Energy, transmitting, the report of proposed legislation to enhance the effectiveness of the intelligence and counterintelligence programs within the Department of Energy; to the Committee on Energy and Natural Resources.

EC–6360. A communication from the Secretary of Energy, transmitting, the report of proposed legislation to facilitate international participation in the Second Line of Defense Program and to utilize such funds without further appropriation and without fiscal year limitation; to the Committee on Energy and Natural Resources.

EC–6361. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a Program Acquisition Unit Cost (PAUC) breach for C–130AMP, and Average Procurement Unit Cost (APUC) breach for Joint Air-to-Surface Standoff Missile (JASSM), and both PAUC and APUC breaches for Joint Strike Fighter (F–35) and Joint Primary Aircraft Training System (JPATS); to the Committee on Armed Services.

EC–6362. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the status of active duty female members of the Armed Forces for Fiscal Year 2005; to the Committee on Armed Services.

EC–6363. A communication from the Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption 80-26 (PTE 80–26) for Certain Interest Free Loans to Employee Benefits Plans" (Application Number D-11046) received on April 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6364. A communication from the Director, Regulations Policy and Management

Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Glycerides and Polyglycerides" (Docket No. 1994F-0457) received on April 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6365. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups" (RIN1870-AA12) received on April 7, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6366. A communication from the Secretary of State, transmitting, pursuant to United States Policy in Iraq Act, section 1227 of the National Defense Authorization Act for Fiscal Year 2006, a report relative to the current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC-6367. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of consular training with respect to travel and identity documents; to the Committee on Foreign Relations.

EC-6368. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Nomenclature Changes Reflecting Creation of Department of Homeland Security" (22 CFR Parts 40, 41, and 42) received on April 7, 2006; to the Committee on Foreign Relations.

EC-6369. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled "The President's Emergency Plan for AIDS Relief: Report on Refugees and Internally Displaced Persons—February 2006"; to the Committee on Foreign Relations.

EC-6370. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06-67-06-75); to the Committee on Foreign Relations.

EC-6371. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, (9) reports relative to vacancy announcements for the position of United States Attorney (9 districts); to the Committee on the Judiciary.

EC-6372. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report entitled "Federal Employees Clean Air Incentives Act 2003/2004 Report and Reporting Requirements Assessment"; to the Committee on Homeland Security and Governmental Affairs.

EC-6373. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule')" (RIN3084-AA74) received on April 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6374. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Corrections and Clarifications to the Export Administration Regulations" (RIN0694-AD67) received on April 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6375. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (I.D. No. 022306B) received on April 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6376. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (I.D. No. 030906E) received on April 7, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6377. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 030906G) received on April 7, 2006; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of April 7, 2006, the following reports of committees were submitted on April 20, 2006:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 476. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act (Rept. No. 109-231).

S. 1131. A bill to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes (Rept. No. 109-232).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 1288. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System (Rept. No. 109-233).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1346. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan (Rept. No. 109-234).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 1378. A bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation (Rept. No. 109-235).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1829. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands (Rept. No. 109-236).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 1830. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes (Rept. No. 109-237).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1913. A bill to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes (Rept. No. 109-238).

S. 1970. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes (Rept. No. 109-239).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 2253. A bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing (Rept. No. 109-240).

H.R. 318. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes (Rept. No. 109-241).

H.R. 326. To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes (Rept. No. 109-242).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 409. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes (Rept. No. 109-243).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 562. A bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933 (Rept. No. 109-244).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1129. A bill to authorize the exchange of certain land in the State of Colorado (Rept. No. 109-245).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1728. To authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve Country in the State of Missouri as a unit of the National Park System, and for other purposes (Rept. No. 109-246).

H.R. 2107. A bill to amend Public Law 104-329 to modify authorities for the use of the

National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes (Rept. No. 109–247).

H.R. 3443. A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District (Rept. No. 109–248).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2197. A bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories (Rept. No. 109–249).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 2245. A bill to establish an Indian youth telemental health demonstration project (Rept. No. 109–250).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2621. A bill to extend the temporary suspension of duty on Mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino)propylamide, dimethylsulfate, quaternized and polyricinoleic acid; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2622. A bill to extend the temporary suspension of duty on 12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized: to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2623. A bill to suspend temporarily the duty on 40% Polymer acid salt/polymer amide 60% butyl acetate; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2624. A bill to extend the temporary suspension of duty on 2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2625. A bill to extend the temporary suspension of duty on 1-octadecanaminium, N,N-di-methyl-N-octadecyl-,(SP-4-2)-[29H,31H-phtha-locyanine-2sulfonato(3-)-kN29,kN30,kN31,kN32]cuprate(1-); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2626. A bill to extend the temporary suspension of duty on 50 percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100; to the Committee on Finance.

By Mr. DOMENICI (by request):

S. 2627. A bill to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mrs. MURRAY, and Mr. WYDEN):

S. 2628. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to provide procedures for the release of Low-Income Home Energy Assistance Program contingency funds; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2629. A bill to improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law to enhance the penalties for gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 2630. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 2631. A bill to amend section 1028 of title 18, United States Code, to prohibit the possession, transfer, or use of fraudulent travel documents; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, Mr. BAUCUS, Mr. JEFFORDS, and Mrs. MURRAY):

S. 2632. A bill to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, to limit the cost of passport cards or similar alternatives to passports to $20, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS:

S. 2633. A bill to grant rights-of-way to owners of dams located in the Bitterroot National Forest in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 2634. A bill to amend title 38, United States Code, to strike the term of the positions Under Secretary for Health and the Under Secretary for Benefits and simplify appointments to such positions; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. CANTWELL, and Ms. COLLINS):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG:

S. Con. Res. 89. A concurrent resolution honoring the 100th anniversary of the historic congressional charter of the National Society of the Sons of the American Revolution; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Kansas (Mr. ROBERTS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 474

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 474, a bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 576

At the request of Mr. BYRD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 728

At the request of Mr. INHOFE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 728, a bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. DOMENICI), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mrs. CLINTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1108

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1108, a bill to amend title XVIII of the Social Security Act to make improvements to payments to ambulance providers in rural areas, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1513

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2121

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2121, a bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units.

S. 2125

At the request of Mr. OBAMA, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2125, a bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2201

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

At the request of Mr. OBAMA, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2201, supra.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. COLLINS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Florida (Mr. MARTINEZ) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2340

At the request of Mr. SPECTER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2340, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 2351

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2351, a bill to provide additional funding for mental health care for veterans, and for other purposes.

S. 2392

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2392, a bill to promote the empowerment of women in Afghanistan.

S. 2414

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2416

At the request of Mr. BURNS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2421

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2421, a bill to establish the Louisiana Hurricane and Flood Protection Council for the improvement of hurricane and flood protection in Louisiana.

S. 2459

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. SALAZAR) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2459, a bill to improve cargo security, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2484

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2498

At the request of Mr. THOMAS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2498, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2499

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2499, a bill to provide for the expeditious disclosure of records relevant to the life and assassination of Reverend Doctor Martin Luther King, Jr.

S. 2503

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2553

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2553, a bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

S. 2554

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2554, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 2556

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2571

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2571, a bill to promote energy production and conservation, and for other purposes.

S. 2593

At the request of Mrs. BOXER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2593, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2599

At the request of Mr. VITTER, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 431

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 431, a resolution designating May 11, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 438

At the request of Mr. ALEXANDER, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Res. 438, a resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (by request):

S. 2627. A bill to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce, at the request of the Department of the Interior, legislation to extend the authorization for the National Park System Advisory Board.

For the past 70 years, the National Park System Advisory Board has provided guidance and recommendations to the Director of the National Park Service and the Secretary of the Interior regarding management of America's national parks. The authorization for its existence will expire on January 1, 2007. The attached legislation will extend the authorization to 2016 and modify the composition of the board to include representation from a broader diversity of interests.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Advisory Board Reauthorization Act of 2006".

SEC. 2. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3 of the Act of August 21, 1935 (16 U.S.C. 463), is amended—

(1) by striking "**SEC. 3**" and inserting the following:

"SEC. 3. NATIONAL PARK SYSTEM ADVISORY BOARD.";

(2) in subsection (a)—

(A) by striking "(a) There is hereby established" and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established";

(B) in the second sentence, by striking "The Board shall advise" and inserting the following:

"(2) PURPOSE.—The Board shall advise";

(C) in the third sentence, by striking "Members of the Board" and inserting the following:

"(3) TERM; APPOINTMENT.—Members of the Board";

(D) by striking the fourth through ninth sentences and inserting the following:

"(4) MEMBERSHIP.—

"(A) IN GENERAL.—The Board shall be comprised of not more than 12 members, appointed from among citizens of the United States with a demonstrated commitment to the mission of the National Park Service, of whom—

"(i) at least 4 members shall have outstanding expertise in 1 or more of the fields of history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science;

"(ii) 3 members shall have outstanding expertise and prior experience in—

"(I) the management of National or State parks or protected areas; or

"(II) natural or cultural resources management;

"(iii) 3 members shall have outstanding expertise in any other professional or scientific discipline important to the mission of the National Park Service, such as financial management, travel and tourism management, recreational use management, concessions management, and land use planning or business management;

"(iv) at least 1 member shall have expertise in, and appreciation for, the historic recreational opportunities within units of the National Park System; and

"(v) at least 1 member shall be a locally elected official from an area adjacent or within close proximity to a unit of the National Park System.

"(B) GEOGRAPHIC REPRESENTATION.—Board members appointed under subparagraph (A) shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service.";

(E) in the tenth sentence, by striking "The Board shall hold" and inserting the following:

"(5) MEETINGS.—The Board shall hold";

(F) in the eleventh sentence, by striking "Any vacancy" and inserting the following:

"(6) VACANCIES.—Any vacancy";

(G) in the twelfth sentence, by striking "The Board may adopt" and inserting the following:

"(7) PROCEDURES.—The Board may adopt";

(H) in the thirteenth sentence, by striking "All members" and inserting the following:

"(8) COMPENSATION.—

"(A) TRAVEL EXPENSES.—All members";

(I) in the fourteenth sentence, by striking "With the exception of travel and per diem as noted above" and inserting the following:

"(B) NO ADDITIONAL COMPENSATION.—Except as provided in subparagraph (A)";

(J) in the fifteenth sentence, by striking "It shall be the duty of such board" and inserting the following:

"(9) DUTIES.—

"(A) IN GENERAL.—It shall be the duty of the Board"; and

(K) in the sixteenth sentence, by striking "Such board shall also" and inserting the following:

"(B) RECOMMENDATIONS.—The Board shall"; and

(L) in the seventeenth sentence, by striking "Such board is" and inserting the following:

"(C) CONSULTATION.—The Board is";

(3) in subsection (b)—

(A) by striking "(1)" and inserting "ADVISORY BOARD STAFF.—"; and

(B) by striking paragraph (2); and

(4) in subsection (f), by striking "2007" and inserting "2016".

SEC. 3. TECHNICAL AMENDMENTS.

The Act of August 21, 1935 (16 U.S.C. 461 et seq.), is amended—

(1) in section 3(c)(1)(D) by striking "arrangements." and inserting "arrangements,"; and

(2) in the first undesignated subsection of section 4, by inserting "(a)" before "The Secretary".

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 2630. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials find themselves confronted by yet another fraudulent scam in the digital age. This time the scam is known as caller I.D. "spoofing." Today I am introducing a bipartisan bill with Senator SNOWE, the Truth in Caller I.D. Act of 2006, to put an end to fraudulent caller I.D. spoofing.

It seems like every week we hear of new threats to our privacy and new ways to use the Internet to endanger consumers' financial security and physical safety. For several years now, I have been fighting back, pushing legislation to combat frauds such as identity theft and the unauthorized sale of consumer telephone records. Now it is time to fight caller I.D. spoofing.

What is caller I.D. spoofing? It is a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows someone to hide behind a misleading phone number to try to scam consumers or trick law enforcement officials. As the Miami Herald wrote on March 12, 2006, caller I.D. spoofing gives "debt collectors, telemarketers, and even scam artists the upper hand in the wearisome game of phone call 'gotcha'."

Beyond that scenario, let me give you a few shocking examples of how caller ID spoofing has been exploited in recent months: In one dangerous hoax, a sharp-shooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really had happened was that the caller used spoofing to trick law enforcement into thinking the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive phone number.

In another example, a Member of the U.S. House of Representatives was the victim of a sophisticated spoofing plot. It appears that fraudsters placed thousands of spoofed calls to the Member's constituents. In each case, the fraudster made it look like the phone call was dialed from the Member's office, and in each case the fraudster badmouthed the Member to the constituent on the other end of the line. The Member found out about this after his congressional office got angry phone calls from constituents.

In yet another instance, identity thieves bought stolen credit card numbers. They then called Western Union, set up caller I.D. to make it look like the call originated from the card holder's name, and used the credit card number to order cash transfers, which the identity thieves then picked up.

While these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone or giving out sensitive personal information. This could put peoples' lives in danger.

According to experts, there are countless Internet Web sites—going by names like Tricktel.com or Spooftech.com—that sell their services to criminals and identity thieves, or even bill collectors and private investigators. Any person can go to one of these Web sites, pay money to order a fake phone number, tell the Web site which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. system.

In essence, these Web sites provide the high-tech tools that identity thieves need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be representative of the consumer's credit card company or bank. The thief can ask the consumer to authenticate a request for personal account information. Once an identity thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Even if a consumer doesn't become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and whether to trust the person on the other end of the line.

If the caller I.D. says that my wife is calling me, when I pick up my phone, I expect my wife to be on the other end of the line. Instead, we have fraudsters and others who want to abuse the system and disguise their true identities. That defeats the whole purpose of caller I.D.

Unfortunately the Federal Communications Commission and Federal Trade Commission have been slow to act. Those agencies have not yet brought any enforcement actions against caller I.D. spoofers.

In the meantime, many spoofing companies and the fraudsters that use them believe that their activities are legal. Well, it is time to make it crystal clear that caller I.D. spoofing is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2006 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits anyone from using caller identification services to transmit misleading or inaccurate caller I.D. information. This prohibition covers traditional telephone calls or calls made using Voice-Over-Internet, VOIP, service.

Senator SNOWE and I don't intend to ban all caller I.D. spoofing. Instead, our bill recognizes that there are legitimate law enforcement uses for spoofing. And the bill requires the Federal Communications Commission to create appropriate exceptions for legitimate business purposes, after hearing public comment on the issue.

Anyone who violates this antispoofing law would be subject to a penalty of $10,000 per violation or up to 1 year in jail, as set out in the Communications Act. Additionally, the bill empowers States to help the Federal Government track down and punish these fraudsters. The more law enforcers out there to enforce this law, the better.

I note that Chairman BARTON of the House Energy and Commerce Committee just introduced a similar bipartisan antispoofing bill, which he expects to pass the House in short order. I invite my colleagues to join Senator SNOWE and myself in supporting the Truth in Caller I.D. Act of 2006. We should waste no time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Caller ID Act of 2006".

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, unless such transmission is exempted pursuant to paragraph (3)(B).

"(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

"(3) REGULATIONS.—

"(A) IN GENERAL.—Not later than 6 months after the enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

"(B) CONTENT OF REGULATIONS.—

"(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines appropriate.

"(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

"(I) any authorized activity of a law enforcement agency; or

"(II) a court order that specifically authorizes the use of caller identification manipulation.

"(4) REPORT.—Not later than 6 months after the enactment of this subsection, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

"(5) PENALTIES.—

"(A) CIVIL FORFEITURE.—

"(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed $10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.

"(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

"(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

"(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

"(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than $10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

"(6) ENFORCEMENT BY STATES.—

"(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

"(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

"(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission may intervene in such civil action and upon intervening—

"(i) be heard on all matters arising in such civil action; and

"(ii) file petitions for appeal of a decision in such civil action.

"(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(E) VENUE; SERVICE OR PROCESS.—

"(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

"(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

"(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

"(F) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted an enforcement action or proceeding for violation of this subsection, the chief legal officer or other State officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

"(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

"(C) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.

"(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection."

By Mr. BURNS:

S. 2633. A bill to grant rights-of-way to owners of dams located in the Bitterroot National Forest in the State of

Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I rise today to introduce the Bitterroot National Forest Dam and Reservoir Maintenance Act. The are 17 reservoirs in the Bitterroot National Forest and Selway-Bitterroot Wilderness Area. These reservoirs not only predate the 1964 Wilderness Act and creation of the Selway-Bitterroot Wilderness Area, many predate the designation of the Bitterroot National Forest. The reservoirs continued use is fundamental to a stable agricultural economy for the Bitterroot Valley in western Montana. In addition, these reservoirs provide multiple benefits to the people, economy, and natural environment of Montana in the form of ground water recharge, flood control, and increased late summer streamflows that support riparian and fishery habitat needs. In addition, the reservoirs ensure we maintain our open spaces by allowing sustainable family ranches and farms to continue instead of subdivisions.

When the Selway-Bitterroot Wilderness Area was adopted as the first congressionally designate wilderness area, access roads or trails were not specifically identified for access to these dams. Clearly the 1964 Wilderness Act does provide for some level of access to these existing reservoirs for inspection and maintenance. Subsequent wilderness legislation establishing wilderness areas after 1964 have excluded "cherry-stem" roads and trails to dams just like these in the Bitterroot thus avoiding the problem we have in Montana.

The Secretary of Agriculture, through the USDA-Forest Service, must provide access to these dams. Currently, the exact level of access is undefined and debated with each request. For each dam access request the Forest Service must comply with the National Environmental Policy Act, the Endangered Species Act, the Federal Dam Safety Act, and the Wilderness Act. To do so the agency must prepare an environmental assessment or environmental impact statement for the proposed access. This often requires months to complete and is subject to appeal and litigation by those opposed to motorized access to the dams, and in some cases those opposed to the use of the existing water rights.

This legislation will clarify that the administration of the reservoirs and rights of ways should reside with the State of Montana like all other water rights. The legislation also establishes right of ways for the reservoirs and access routes to the reservoirs that would pre-empt the Wilderness Act, and National Environmental Policy Act. This bill will allow for an efficient means for irrigation companies to access the reservoirs to complete inspections, and conduct safety and operation maintenance work in a timely manner.

I look forward to working with my Senate colleagues to secure passage of this important legislation.

By Mr. CRAIG:

S. 2634. A bill to amend title 38, United States Code, to strike the term of the positions Under Secretary for Health and the Under Secretary for Benefits and simplify appointments to such positions; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I wish to introduce a simple, but I think an important piece of legislation which, if enacted, will affect just two positions at the Department of Veterans Affairs: the Under Secretary for Health and the Under Secretary for Benefits. My bill would abolish the 4-year term limit on service in each position and remove the requirement that a search commission be assembled to identify candidates for either of the positions if a vacancy in the position occurs.

As some of my colleagues may know, VA has thirteen positions in its central office for which Presidential nomination and Senate confirmation are required. There are seven Assistant Secretaries, a General Counsel, three Under Secretaries, a Deputy Secretary, and, of course, a full Cabinet level Secretary. Only the Under Secretaries for Health and Benefits are given statutory terms of office. All of the other positions, two of which are superior offices and one of which is a fellow Under Secretary, serve at the pleasure of the President.

In addition, under current law, if a vacancy occurs in either one of the two offices I have just mentioned, the Secretary of Veterans Affairs must establish a commission made up of various interested individuals to recommend not less than three persons to the President for the job. If the President does not care for the list of persons provided by the commission, the President may request that the commission recommend additional individuals from which he can choose a nominee.

I believe the two changes I am proposing are warranted and deserve my colleagues' support for a number of reasons. First, and most important to me, is that the Constitution gives the President of the United States the power to nominate and with advice and consent of the Senate, appoint Officers of the United States. There is no requirement that any of the candidates be identified, vetted, or recommended by an extra-constitutional commission. In fact, recommendation and vetting is the power granted to the United States Senate through our advice and consent role.

I find it interesting that the President today can choose a nominee for Chief Justice of the United States, Attorney General, Secretary of State, Ambassador to the Court of St. James and other incredibly important high offices of this government without a statutorily required search commission. Yet these two Under Secretaries at VA must go through this vetting process before even being identified to the President for his consideration of a nomination.

I believe that it is our responsibility as elected representatives of the people to determine who is suitable for an appointment to a high office of public trust. The people, rightfully, hold us accountable for the performance of appointed officials. They do not hold commissions accountable. Certainly, the President and Senators are free to seek out the views of any number of interested parties before deciding whom to nominate or whether to vote to confirm that person. But those outside consultations should be encouraged and welcomed, not obliged by law.

The second reason I believe my colleagues should support this bill is that the language of the statute with respect to the commission and the term limits is at best unclear and at worst confusing.

The law requires the Secretary to establish a commission to identify potential nominees when "a vacancy in the position occurs or is anticipated". The law also allows the President to reappoint the current office occupant for like periods. This raises the vexing question of whether there is an anticipated vacancy, requiring the appointment of the search commission to identify potential nominees, just because a term is expiring. If the answer is yes, then I ask if that answer is different if the President intends to nominate the current office occupant for an additional term?

Clearly, it seems absurd to me to require a search commission to identify a suitable candidate for nomination if the President has already identified the current office occupant as his chosen nominee. Still, more confusing is what occurs if the President nominates the current office holder prior to the expiration of his or her term but then the term expires before the Senate has had the opportunity to act on the nomination. This scenario is actually not an absurd legal "what if" but an actual current problem.

Just a few weeks ago, the President nominated Daniel Cooper to serve a 4-year term as Under Secretary for Benefits. Mr. Cooper was already the Under Secretary at the time of his nomination. Thus, there was no vacancy in the office and none was anticipated since he was being offered as his own replacement. So, no search commission is required under law.

Yet, now Mr. Cooper's term has expired and the Senate has yet to act on his nomination. So, technically, there is now a vacancy requiring a search commission to identify a nominee. But, as I have just explained, the President has already nominated someone. So, with the concurrence of my ranking member, Senator AKAKA, I advised the White House that there was no need for a search commission. But, the fact that the conversation had to occur shows the need for a change in this law. Of course, my preferred course would be to just eliminate the law as I am now proposing.

Mr. Cooper's nomination has actually brought to light another reason that I believe we should eliminate the term limits on the positions. That is that the term adds a huge political element to the process of attempting to keep on a successful officeholder as in the case of Mr. Cooper. While not revealing any confidences or singling out individual Senators, I do not think my colleagues would be surprised to hear that since being nominated for an additional term Mr. Cooper has been subject to some political bargaining by Senators who seek to have him take some actions in his official capacity before they will vote to keep him on in his job. I understand that happens often around here. And I don't begrudge it in general. But, I think the opportunities for such actions should be minimized to the extent possible, especially when there is no question as to the nominee's qualifications or successful performance in office. If he or she is doing well, then, under my bill, the President would presumably retain his or her services. If not, then he or she should be removed, immediately. Not at the end of a term.

That brings me to my final reason for this legislation. I simply believe that senior governmental officials should serve in those positions only so long as they hold the confidence of the President of the United States. If the President loses confidence in any of his senior leadership, he or she should remove those individuals from those posts.

I understand that there are those who believe that this action would make the positions inherently political. I offer two thoughts to those who hold this belief. First, in 1988, when VA was elevated to cabinet level status through Public Law 100–527, the law required that the President appoint individuals to these two offices "without regard to political affiliation or activity and solely on the basis of integrity and demonstrated ability." I am not proposing to change any of those requirements. Even if I was proposing such a change, certainly the Senate could impose such a condition prior to any confirmation.

Second, I firmly believe that some political responsibility also leads to greater performance by officeholders and accountability to Congressional oversight. I think you all know that improved performance and bureaucratic accountability at VA are annual demands of our Veterans service organizations. I believe this change will move us one step closer to addressing their concerns.

Mr. President, as I said at the outset of my statement, this is a simple bill. But, just like the old saying that if you watch the pennies the dollars will take care of themselves, I believe that if we make the simple, but necessary improvements to VA's operations and management structure, the entire system will improve on its own. I urge my colleagues to support this bill as one step towards overall improvement.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. CANTWELL, and Ms. COLLINS):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am pleased to be joined by Senators SNOWE, COLLINS and CANTWELL in introducing the "Bicycle Commuters Benefit Act of 2006".

I know that I am speaking for many people in this country who want to do something concrete about our Nation's dependence on oil and gas. They do not think our national energy policy is doing enough. They are eager to do things that make them feel like they can take responsibility for overcoming their dependence on oil and gas. As gas prices continue to climb this spring and summer, more and more people are going to be looking for something that they can do to free themselves from this dependency. The bill I am introducing today gives Americans more incentive to give up the cars and trucks that they drive to and from work everyday and get on their bicycles instead.

According to recent Census reports, more than 500,000 people throughout the United States commute to work by bicycle. They are freeing themselves from sitting in traffic. They are saving energy and overcoming their dependence on oil and gas. They are getting exercise; avoiding obesity and helping us keep our air clean and safe to breathe.

Yet they are commuting by bicycle at their own expense. Their fellow employees who take mass transit to and from work have an incentive created in the Transportation Equity Act for the 21st Century that enables their employers to pay for their bus or subway ride. This incentive is great for mass transit commuters but it discourages people from riding their bikes to and from their jobs. The Bicycle Commuters Benefits Act of 2006 will eliminate this discrimination against bicycle commuters.

The bill extends the fringe benefit that employers can offer their employees for commuting by public transit, to those who ride their bicycles to and from their jobs. Our bill amends the tax code so that public and private employers can offer their employees a monthly benefit payment that will help them cover the costs of riding their bikes, instead of driving and parking their cars where they work. The bill also provides employers the flexibility to set their own level of benefit payment up to a specified cap amount. That way, employers and their employees can decide how much of an incentive they need to stop driving and start riding their bikes. Those who currently ride the bus and/or subway to work would also gain an extra incentive to ride their bikes. Employers can deduct the cost of their benefit payments from their taxable income. This reduces the taxes that they pay to the Federal Government. And, in turn, employees will receive anywhere from $40–$100 per month as a non-taxable benefit, to help them pay for the costs of riding their bikes.

I think that this is a fair and modest proposal that will reward employees who ride their bikes to and from their jobs.

Our Senate bill matches HR 807 that was introduced during the first session of the 109th Congress by my fellow Oregonian, Congressman EARL BLUMENAUER. He has 47 co-sponsors from both sides of the aisle and every part of the United States eager to offer bicycle commuters the same incentive that I want to give commuters who take mass transit.

In addition, our bill is supported by many regional and national bicycling organizations such as Cycle Oregon, the Bicycle Transportation Alliance, the League of American Bicyclists, the Washington Area Bicyclist Association and hundreds of Capitol Hill employees who commute by bike to work every day.

When you think about it and you look around our cities, the taxpayers have paid for millions of dollars of bike trails in all of America's urban areas and major job markets. Now, bicycle commuters will have an extra incentive to use them to commute to and from their jobs.

One week from today, we will start celebrating May as "National Bike-to-Work" month. I can't think of any better way to commemorate this special month than by introducing this legislation. I look forward to working with our colleagues to see this legislation pass.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bicycle Commuters Benefits Act of 2006".

SEC. 2. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

"(D) Bicycle commuting allowance.".

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) of such Code (relating to definitions) is amended by adding at the end the following:

"(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.".

(c) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) of such Code is amended by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (A), (B), and (D)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 89—HONORING THE 100TH ANNIVERSARY OF THE HISTORIC CONGRESSIONAL CHARTER OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. GREGG submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 89

Whereas the National Society of the Sons of the American Revolution (referred to in this preamble as the "Sons of the American Revolution") was—

(1) founded on April 30, 1889; and

(2) chartered by Congress 100 years ago on June 9, 1906;

Whereas the congressional charter was signed by President Theodore Roosevelt, who was a member of the Sons of the American Revolution;

Whereas the Sons of the American Revolution was conceived as a fraternal and civic society composed of lineal descendants of individuals who—

(1) wintered at Valley Forge;

(2) signed the Declaration of Independence;

(3) fought during the American Revolutionary War;

(4) served in the Continental Congress; or

(5) supported the cause of American Independence;

Whereas 16 Presidents have been proud members of the Sons of the American Revolution;

Whereas the charter of the Sons of the American Revolution describes the objects and purposes of the Society as ". . . patriotic, historical and educational";

Whereas the Sons of the American Revolution is devoted to—

(1) perpetuating the memory of the individuals who, by their services or sacrifices during the American Revolutionary War, achieved independence for the United States;

(2) inspiring citizens to revere the principles that the forefathers incorporated into the Government of the United States; and

(3) encouraging the development of historical research about the American Revolutionary War;

Whereas the Sons of the American Revolution has a long record of accomplishments in providing educational resources related to—

(1) the American Revolutionary War; and

(2) individuals who helped the original 13 British colonies gain sovereignty during the War for Independence;

Whereas, largely through the efforts of the Sons of the American Revolution during the late 1800s and early 1900s, the National Archives was established to gather the records of the individuals who served during the American Revolutionary War;

Whereas the Sons of the American Revolution advances its mission by commemorating battles and events that led to the formation of the United States;

Whereas the Sons of the American Revolution devotes a great deal of time, energy, and resources to working with children so that they may gain a better understanding of the history of the United States;

Whereas the Sons of the American Revolution is constructing a new facility adjacent to its national headquarters for the newly-established Center for Advancing America's Heritage; and

Whereas approximately 27,000 members of the Sons of the American Revolution are organized in chapters throughout 50 States, the District of Columbia, and in the numerous countries throughout the world that helped the original 13 British colonies win independence as the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 100th anniversary of the historic congressional charter of the National Society of the Sons of the American Revolution; and

(2) honors and praises the National Society of the Sons of the American Revolution for—

(A) the work of the Society to perpetuate and honor the memory of the brave individuals who fought for freedom during the War for Independence; and

(B) the unfailing devotion of the Society to the youth of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3588. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3589. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3590. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3588. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

REPEAL OF PROVISIONS REQUIRING OUTREACH TO VETERANS ON BENEFITS AND SERVICES AVAILABLE TO VETERANS UNDER LAW

SEC. ____. Section 228 of The Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114; 119 Stat. 2393) is repealed.

SA 3589. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 23, strike "Control and Prevention, and" and insert "Control and Prevention, $65,000,000 shall be for the Smithsonian Institution to carry out global and domestic disease surveillance, and".

SA 3590. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 12 and 13, insert the following:

RAMAPO RIVER AT OAKLAND FLOOD CONTROL PROJECT

For an additional amount for the Corps of Engineers for the completion of the Ramapo River at Oakland flood control project in the State of New Jersey, $2,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, April 24, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the economic and environmental issues associated with coal liquefaction technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke 202–224–4797 or Shannon Ewan at 202–224–7555.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the chair would like to inform the Members of the Committee that the Committee will hold a hearing on Wednesday, April 26, 2006 at 10:30 a.m. in Russell 428A to address the reauthorization of Finance and Entrepreneurial Development programs administered by the Small Business Administration.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, April 24, at 2:30 p.m. The purpose of this hearing is to receive testimony regarding the economic and environmental issues associated with coal liquefaction technology and on implementation of the provisions of the energy policy act of 2005 addressing coal liquefaction.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 109th Congress: the Honorable WAYNE ALLARD of Colorado and the Honorable GEORGE V. VOINOVICH of Ohio.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that immediately following morning business on Tuesday, the Senate proceed to executive session and to the consideration of Calendar No. 602, Gary Miller to be a U.S. District Judge for the Southern District of Texas; further, that there be 5 minutes of debate for each of the Senators from Texas and that following the use or yielding back of that time, the Senate proceed to a vote on the nomination; provided further that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

REFERRAL OF S. 2612

Mr. MCCONNELL. Mr. President, I ask unanimous consent that S. 2612 be referred to the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 2603 AND S. 2611

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2603) to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

A bill (S. 2611) to provide for comprehensive immigration reform, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard.

Without objection, the bills will be placed on the calendar.

ORDERS FOR TUESDAY, APRIL 25, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow, Tuesday, April 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; further, that following the vote on the district judge that was ordered earlier, the Senate then resume consideration of H.R. 4939, the emergency supplemental appropriations bill, for debate only until after the 2:15 recess. I further ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President and colleagues, the first vote of the week will be tomorrow morning at approximately 11 o'clock on a district judge. Following that vote, we will begin consideration of the emergency supplemental appropriations bill. Senators who intend to offer amendments to that bill are reminded to work with the bill managers. Additional votes obviously will occur, we hope, tomorrow afternoon.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senator INHOFE and Senator SPECTER for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

TRIBUTE TO FEDERAL JUDGE EDWARD R. BECKER

Mr. SPECTER. Mr. President, I have sought recognition to speak about the extraordinary career of Federal Judge Edward R. Becker who was appointed to the United States District Court for the Eastern District of Pennsylvania in 1970, was elevated to the Court of Appeals for the Third Circuit in 1982, was Chief Judge of the Circuit Court from February 1998 until May 2003, and continues to serve as a Senior Judge.

In addition to his 35-plus years on the Federal bench, he also has the distinction of being the 101st United States Senator. Some, who have laid claim to the position of 101st Senator, have enhanced their status. To identify Judge Becker as the 101st Senator is to enhance the status of the United States Senate.

Judge Becker became a member of the Senate's family by his negotiating, cajoling, and writing most of Senate Bill 852 dealing with asbestos reform. At my request, he convened the so-called stakeholders—that is, the manufacturers, labor—AFL–CIO, insurers and trial lawyers—in his Philadelphia chambers for 2 days in August 2003 to preside over discussions leading to the structuring of the asbestos reform bill.

Thereafter, on about 50 occasions, frequently with my being present, he continued to preside over negotiations with stakeholders in meetings attended by 20 to 50 interested parties. Beyond that, he met with numerous individual Senators, representatives of the stakeholders on dozens of occasions, and continuously counseled Judiciary Committee staff for almost 3 years. When the legislation was in committee and on the Senate floor, Judge Becker was at my side continuously counseling on the next steps to be taken to promote the bill's passage.

He undertook this arduous extra assignment in addition to his judicial duties notwithstanding the fact that he was undergoing treatment for prostate cancer.

When told of Judge Becker's contribution to this important legislation, President George Bush inscribed a tribute to Judge Becker on the face of Senate Bill 852 designating it as the "Becker Bill".

I first met Ed Becker in the fall of 1950 when we rode the Frankford elevated train, public transportation, together for about an hour each morning from Northeast Philadelphia to the University of Pennsylvania. He graduated Phi Beta Kappa from Penn in 1954 and, again with academic distinction, from the Yale Law School in 1957, which we again attended together. We were colleagues in a celebrated debate against the Norfolk Massachusetts State Prison team in 1952 before approximately 800 inmates, truly a captive audience. The prison team took the affirmative on the subject: Resolved that the Communist Party should be outlawed. Editors from the then-five Boston newspapers voted 4 to 1 that the prisoners won the debate.

Following graduation from law school, he had a distinguished law practice in the partnership of Becker, Becker and Fryman, his father and brother-in-law. He was active in politics, becoming a Republican committeeman, as his father was before him. He worked the rowhouses in Northeast Philadelphia going door to door seeking new registrations and support for his Party. He undertook kamikaze candidacies for State Senate and City Council on the Republican ticket in Philadelphia, a city totally dominated by Democrats. He represented the Republican Party as counsel in complex court proceedings.

He was a lawyer's lawyer, just as he later became a judge's judge. I turned to him for counseling and representation when the Supreme Court of Pennsylvania on three occasions in 1967 ruled on my status a to be a candidate for mayor while continuing to serve as district attorney. The Philadelphia Home Rule Charter prohibited any city officer from being a candidate for any other office. With his assistance, we won all three cases. If I had followed his political advice as well as his legal advice, I probably would have been elected mayor: but who knows what would have happened after that.

When appointed to the Federal Bench in 1970 at the age of 37, he merited the position both in terms of exceptional competency and extraordinary contribution to his party. No one in my experience has merited the appointment to the Federal bench more than Judge Becker on both counts.

Judge Becker and I have been good friends, really best friends, in the intervening years. Our wives were schoolgirl classmates. Joan Levy, now Specter, sat next to Flora Liman, now Becker in alphabetical order in Olney High School.

As Chief Judge of the Court of Appeals for the Third Circuit, he brought many innovations. In 2002, he was the recipient of the coveted Edward J. Devitt Distinguished Service to Justice Award with his selection as the most distinguished Article III Judge out of 862 then sitting "whose career has been exemplary, measured by their significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole."

He brought to the bench a prodigious work ethic. He is never without a stack of briefs which he reads whenever he has a moment to spare. At Philadelphia Eagles' football games, he would read those briefs during halftime preferring them to the dancing cheerleaders. He would even sneak a peak—I mean a peak at the briefs—during the incessant timeouts for the endless commercials.

Among his landmark decisions are three opinions adopted by the Supreme Court on cutting-edge issues. He pioneered new law on the reliability of scientific evidence which formed the basis for Justice Blackmun's decision in 1993 in Daubert v. Merrell Dow Pharmaceuticals. Similarly, he originated the rationale on class action certification adopted by Judge Ginsburg in 1995 in Georgine v. Amchem Products. When he disagreed with seven other Circuit Courts of Appeals, the Supreme Court followed his judgment on ERISA Standards of Review in Firestone Tire & Rubber Co. v. Bruch. He was consistently recognized by the University of Chicago Law Review as being among the three Circuit Judges most often cited by the Supreme Court.

His 2,000 judicial opinions, filling many volumes on law library shelves, are legendary—long, thorough, analytical with many footnotes. His masterful handling of Japanese electronics case produced four opinions exceeding 2,000 pages having ruled three times on complex evidentiary issues before granting summary judgment in a highly unusual case. His versatility was demonstrated when he once wrote an opinion in rhyme. When he is not up to going to the courthouse these days, he participates by telephone on the oral arguments and the conferences where the three judge panel discuss the cases.

Among his many accomplishments is his talent to play by ear any song known in the American repertoire. The Supreme Court of the United States has chosen him as the Court's pianist for their periodic sing-alongs. Rivaling his attributes as a jurist, Justice David Souter wrote in May 2001 in a University of Pennsylvania Law Review "Tribute to the Honorable Edward R. Becker": "I've never heard anyone call for a tune the Judge didn't know; never have I seen him read a sheet of music." Edward R. Becker is truly the personification of the Renaissance man.

Recently, he undertook a new challenge by testifying and organizing a panel of judges to appear before the Judiciary Committee in support of the nomination of Third Circuit Judge Samuel Alito for the Supreme Court. He did so out of conviction that Judge Alito was being unfairly criticized. Based on working with him for over 15 years, he advised the Judiciary Committee that after oral arguments, when the three panel judges would retire to deliberate, Judge Alito had an open mind, no agenda and was a superb jurist. That panel of current and former Third Circuit judges, led by Judge Becker, provided important testimony for the Judiciary Committee, leading to Judge Alito's confirmation.

For a man with such achievements, Judge Becker remains the model of modesty and humility. He continues to live in an unpretentious house in a working-class neighborhood in Northeast Philadelphia where he moved with his parents when he was 3. Even as the Chief Judge of the Circuit, he continued to ride public transportation to the Federal Courthouse, surprising fellow riders to see a man of his prominence sitting among them. He is the quintessential family man, with an accomplished wife, three professional children and four adorable grandchildren.

When his friends enjoy a variety of cocktails, his favorite drink continues to be "Schuylkill punch," which translates into Philadelphia tap water.

When I was diagnosed with Hodgkin's last year, I followed his advice on how to cope. He was an inspiration and model to me.

Watching close friends suffer and die from cancer, and from my own experience with Hodgkin's, all of that has reinforced my determination to work to secure sufficient funding for the National Institutes of Health to conquer cancer and other maladies.

In 1970, President Nixon declared war against cancer. If the United States had approached that war with the same intensity we do other wars, the cure for cancer would have been found long ago.

Two years ago I saw my chief of staff, Carey Lackman, a beautiful young woman of 48, die from breast cancer. A few months later, I saw the same fate for Paula Kline, the wife of my son's law partner.

Visiting Judge Becker at his home last Saturday, I saw a large stack of briefs on his desk and observed him carrying on his judicial duties from his living room with determination and gusto, notwithstanding his prostate cancer. From my own experience with Hodgkin's, I know cancer can be beaten. From watching Judge Becker, I have seen him beat cancer for more than 3 years.

My statement today has the dual purpose, No. 1, of recognizing and acknowledging the public service and contributions of a truly great American, and, No. 2, urging my Senate colleagues who have come to know, admire, and respect Judge Becker to support adequate funding to win the war against cancer.

I thank the Chair. In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold, the Senator from Oklahoma is recognized.

Mr. SPECTER. Mr. President, may I express my regret that I don't have eyes in the back of my head.

Mr. INHOFE. I always thought you did.

Mr. SPECTER. The distinguished Senator from Oklahoma, Senator INHOFE, is standing right behind me. I should have felt the radiation of his powerful personality. I yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the senior Senator from Pennsylvania. Before he leaves the Chamber, I want to applaud the work Senator SPECTER has done in getting these judges confirmed. It has been heavy lifting. We all know that. We also know probably from looking back, when we look back 10 years or 20 years from now on accomplishments, that perhaps getting these judges confirmed will be the major accomplishment of this legislative session.

IRAQ UPDATE

Mr. INHOFE. Mr. President, I am always distressed with the media and the way they are misrepresenting what is going on in Iraq, and particularly the accomplishments this last weekend. It is hard to believe.

On Saturday, the Iraqi Parliament, which was elected last December, convened to fill the top Government leadership positions. Exemplifying the democratic traditions beginning to take root in Iraq, the Iraqi Parliament successfully negotiated these nominees, clearing the way for the first permanent, popularly elected Government in Iraq's history.

The first permanent, popularly elected Government in Iraq's history—that is mind boggling.

In addition, I want to commend our soldiers in the theater. Without their brave efforts, this progress would have been impossible.

I just returned from my 11th trip to the Iraqi AOR. I come back, and I remember the stories that are told by our different troops there. Some of the things they come up with are amazing—the anecdotal things, stories that are comparable to the stories we heard back during World War II.

American soldiers continue to clear out terrorist strongholds, allowing democracy a chance to flourish. The accomplishments of American soldiers have permitted Iraqis the opportunity to vote and elect a parliament that has now produced leaders of this nation's national unity government. It has been a long road getting to this point, and we have further to go. There are some major hurdles these new leaders must keep in mind. These are Iraqi leaders. These are the elected leaders. For the first time in Iraq's history, they must build consensus for reigning in the militias, protecting critical infrastructure such as oil pipelines, preserving human rights for all Iraqi citizens, implementing necessary reforms to revive the civil economy, and, perhaps most importantly, the new leaders must inspire confidence in the permanent Government.

While what these seven nominees put forward on Saturday represents a huge political breakthrough, challenges lie ahead for both Iraq's new leadership and our troops stationed there. Our best men and women continue to serve valiantly in some of the most trying conditions. Some have been gravely wounded, and some have paid the ultimate price. The question you hear quite often is, they say, Is it worth it? It is impossible for me to answer that question on an individual basis, when you think about the depth of suffering of a wife or a child or a father, the loss of a loved one. I mourn that we have lost even one life, but I do not regret the cause in which that life is lost.

I will say that as America's elected leaders, we have been chosen to use our best judgment in these most difficult choices. Throughout history people have chosen to take an uncompromising stand in what they believe in. They have done this because they understand some things are so valuable that we must risk everything to preserve them.

Can the cost of preserving freedom ever be too great? That is a question I wrestle with day and night. As I do, I am sure other members of our Government and military leaders do the same.

I know freedom cannot be imposed, but I also know the thirst for it cannot be quenched. If September 11 showed us anything, it was that we affect and are affected by the rest of the world. Standing by and hoping for the best is not an option. When it comes to fighting terrorism around the world, we are involved, whether we like it or not, and the quicker we wake up to this reality, the better chance we have at setting things on the right course. The American public must be as resolute in this mission as our troops on the ground.

President Bush has stood stalwartly behind our troops and the Iraqi people and measurable progress has been achieved. It would be appropriate to list a few of these. You don't get this from the media, so you are going to have to get it from the floor, from those who have been over there personally and witnessed things happening.

Iraq's first Ambassador to the United States in 15 years presented his credentials to Secretary of State Condoleezza Rice at a State Department ceremony on April 11.

The Independent Electoral Commission of Iraq calculated that nearly 11.9 million Iraqis—approximately 75 percent—voted in the December 2005 elections. This represents an increase of about 4 million voters from the January 2005 election.

Since June 2004, when the Coalition transferred sovereignty, Iraqi people elected an interim government in January 2005, drafted and ratified a constitution in October 2005, and elected a 4-year, constitutionally based Government in December 2005.

There have been strong, positive economic changes as well. Iraq's economy is recovering after 30 years of dictatorship and lack of infrastructure maintenance. In 2005, the Iraqi economy grew an estimated 3 percent in real terms. The International Monetary Fund anticipates the Iraqi economy will grow by more than 10 percent in 2006. Certainly the Presiding Officer, one of the greatest economists of this body, understands the significance of the accomplishments in the economy of Iraq.

Under Saddam Hussein's regime, Iraqis' standard of living deteriorated rapidly. Iraq's per capita income dropped from $3,800 in 1980—higher than Spain at that time—to $715 in 2002, which is lower than Angola. Today economic recovery is picking up, with gross domestic product growing from $18.9 billion in 2002 to $33.1 billion in 2005.

Before liberation, Iraq's cities suffered from inadequate sewage systems. The United States has helped Iraqis build or repair sewage treatment plants for 5.1 million Iraqis. U.S.-funded projects have improved access to clean water for 3.1 million people.

You almost have go to there and see these people, and see what they are doing now that they say they couldn't have done. It is very difficult for an American to walk through the streets—whether it is Tikrit, Fallujah, Baghdad, or anywhere else—without people running up to you and saying my daughter can now get married, our girls can now go to school, now we have water we can drink, now we have a sewage system that we haven't had since the end of the regime of Saddam Hussein.

I think the greatest miracle of Iraq which the "cut and run" caucus refuses to acknowledge has been the performance of the security forces. Coalition military commanders are focused on developing Iraqi police forces, and are helping Iraqis develop a disciplined force that protects the rights of all Iraqis. One-hundred thirty Iraqi Minister of Defense combat battalions are now rising up from just a handful in August 2004. Of the 110 bases operated by Coalition forces, 34 have been closed and transferred to the Iraqis. That is something we have to understand. We were manning 100 percent of the bases of operation, and a third are now being taken care of by the Iraqis.

Thirteen Iraqi brigade headquarters and fifty battalions have assumed battle space. They are taking care of their own battle space. Iraqi forces control 65 percent of Baghdad.

I recall meeting General Madhi in Fallujah. At that time he had been working as a brigade commander for Saddam Hussein. He hated Americans until Saddam came down and General Madhi became the brigade commander for security forces in Fallujah. He started training with the Marines in Fallujah. They call it embedded training. They get in there with him. They worked together and they became so close that when we rotated the Marines out of Fallujah, they got together and they cried.

That same general, General Madhi, was transferred to Baghdad where he took over the security, starting from the east to the western part of Baghdad, and now has control of 65 percent of the eastern part of Baghdad. We do not have Americans doing that. We have Iraqis doing that. There are more than 250,000 trained and equipped Iraqi security forces, up from 115,000 16 months ago.

I stood here 3 months ago and talked about my experiences with the commanders in the field. They have a good answer to the question that keeps being asked each Member of the Senate: When will they be on their own and handle their own security? How long will it be? Not many politicians want to give the answer to something like that. I don't mind doing it because I think it is a good idea of what the answer is.

I remember talking to the commanders in the field over the last several years and they have consistently said if we get to the point where we can have 11 divisions of Iraqis trained and equipped—that translates to 325,000—they will be ready to take over their own security. That does not mean all Americans will leave. We still have American troops and an American presence in Bosnia, Kosovo, Sinai, and other places, but they are not doing the security there.

At that time when we get to the point where they have 11 divisions, which should be by the end of this year, or at the very latest by midyear of the following year, they will be able to handle their own security.

Something heretofore considered to be virtually impossible is going to happen. One of the main problems with this war is how the media is focused on weapons of mass destruction. We never should have been talking about weapons of mass destruction. We know Saddam Hussein had weapons of mass destruction. We know that some 4,000 of their own people were killed with weapons of mass destruction. We know in the 8-year Iran-Iraq war, over 100,000 Iranians were killed with weapons of mass destruction. We know they had them. There is no question. That was not the important thing.

The important thing in Iraq is that the most sophisticated training was taking place, training people to be sophisticated terrorists in cities such as Samarra, Ramadi, and Salman Pak, where they had the major trading areas. They are not training anymore. One Iraqi defector, CAPT Sabah Khodada, observed foreign Arabs being trained in hijackings, kidnapping of airplanes, trains, public buses, planting explosives in cities, and suicide operations. It could very well be most likely that is where the training took place that caused their successful attack on America's soil on September 11. Very likely it was. That is what they were teaching at that time.

We went into Iraq and we confiscated 2 million "exploitable" documents that we are still analyzing. Some of the documents have already proven the existence of the camps.

I want to lay out the facts. We know Saddam was giving money to the Palestinian families of suicide bombers. We know Saddam violated numerous U.N. resolutions since the end of Operation Desert Storm. We know the air defense forces would regularly shoot at our airplanes. We know he tortured, abused, murdered, and massacred many thousands of his own people.

I ask a very important question. Where would we be now if we had not gone into Iraq? The answer will be left up to history to decide. Probably we will never know. We know we have not been attacked on our territory since September 11. My own personal belief is the work we have done, the successes in Iraq have been responsible for that great victory.

I returned from my 11th trip to the Iraqi AOR. I met with the people over there, including General Madhi. However, the cut-and-run caucus can only think of surrender. They are still out there. Recent casualty rates exposed the insurgents' true intentions.

A lot of people are concerned, as I am, about the Americans, but if you see what has happened in the first 3 months of this year, in January and February and March of this year, the insurgents, the terrorists have been able to successfully kill 112 U.S. forces. However, during that same period of time they have killed 2,720 Iraqi civilians and security forces. What a huge change from the past.

We need to judge the insurgencies not by what they claim but who they actually are attacking. This is an enemy that we cannot surrender to or give ground to. Their objective is fear. Their method is death. They will never be appeased. If we were to withdraw early, we would abandon Iraq to violence, but we also would cause irreparable damage to this country.

It is not about Iraq, it is about defending America. We were attacked on our soil. The cut-and-run caucus is always there. Surrender is always their option. They are appeasers. An appeaser is someone who throws his friend to the alligators hoping they eat him last. No man lives when freedom fails. The best men rot in filthy jails. Those who yell, "appease, appease," are hanged by those they tried to please.

My wife and I have been married 46 years. We have 20 kids and grandchildren, and I say this: We are winning the war on terror, and winning it in their territory. I ask God to richly bless the decisionmakers and the troops.

GASOLINE PRICES

Mr. INHOFE. Mr. President, there have been several speeches today—I was not here, but I got a briefing—about the high gasoline prices, and I want to clarify some of the comments raised by the minority leader today and his Members in the press.

The minority is so eager to blame others for high gas prices they seem to ignore the fact that they do not bother to consult the media when they have a deadline. I am more interested in reducing high gasoline prices for American families than to bluster the selfish political advantage, unlike the minority.

I took the time to consider the nonpartisan experts of the Energy Information Administration and what they had to say. According to the EIA, there are three reasons leading to high gasoline prices. First, the Nation has not fully recovered from hurricane damage. Twenty percent of the domestic oil production and three refineries, representing nearly 5 percent of refining capacity, remain offline. However, offshore production is resuming and refineries are restarting. The EIA points out that the industry delayed maintenance to maximize production following the hurricanes. Today they must switch over to summer blends.

Yet the focus is on the politics. The senior Senator from New York charged the refiners are purposely withholding capacity from traditionally operating at 90 percent to the current operation of 85 percent. In demanding an investigation, that Senator also implied that the refiners should not maintain their facilities to ensure a safe work environment for employees or they should not switch to special summer blends.

One thing was clear. The senior Senator from New York did not bother to consider the fact that nearly 5 percent of domestic refining capacity is still offline due to hurricanes. Mr. President, 90 percent minus 5 percent equals 85 percent, as the investigation found.

Second, companies are increasing inventories to hedge against potential disruption in the future. Most of the time, the minority would call such risk management responsible but not when they celebrate the misfortune of the American people.

The third reason has to do with MTBE, and I won't get into that. I will only say this. I am the chairman of a committee that is called the Environment and Public Works Committee. It is our responsibility to handle most of the problems. We are in an energy crisis. There is no question about it. But for any Democrat to stand on the floor of this Senate and try to point the finger at Republicans for high gasoline prices is really absurd.

I have sat there and watched the votes take place. We are not able to vote on ANWR in northern Alaska. Right down party lines, Republicans are supporting it, the Alaskans are supporting it, the Democrats are opposing it. We are not able to go offshore and take advantage of the tremendous reserves that are there. It is right down party lines. Right down party lines they stopped us from being able to have tax incentives to go after marginal production.

I am from a State that has marginal production. There is a statistic that if we had all the marginal production flowing today that has been plugged in the last 10 years, it would be more than we are currently importing from Saudi Arabia.

Lastly, in the area of nuclear energy, it goes right down party lines.

I had a refinery bill that would have coupled with some of the closed military bases and said cities can use EDA grants to go in there and set up refineries and employ people and increase our refining capacity, and it was blocked right down party lines.

So the Democrats are clearly responsible for these problems we have in trying to increase the productivity, increase the production that is potentially out there today.

With that, Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:45 a.m. tomorrow.

Thereupon, the Senate, at 5:12 p.m., adjourned until Tuesday, April 25, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 24, 2006:

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

NATIONAL TRANSPORTATION SAFETY BOARD

MARK V. ROSENKER, OF MARYLAND, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS, VICE ELLEN G. ENGLEMAN, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

DIRK KEMPTHORNE, OF IDAHO, TO BE SECRETARY OF THE INTERIOR, VICE GALE ANN NORTON, RESIGNED.

DEPARTMENT OF STATE

DANIEL S. SULLIVAN, OF ALASKA, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS), VICE EARL ANTHONY WAYNE.

LESLIE V. ROWE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

ROBERT S. FORD, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

ANNE E. DERSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

EXECUTIVE OFFICE OF THE PRESIDENT

PAUL A. DENETT, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE DAVID SAFAVIAN.

THE JUDICIARY

DANIEL PORTER JORDAN III, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE TOM S. LEE, RETIRED.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE TERRY J. HATTER, JR., RETIRED.

GUSTAVO ANTONIO GELPI, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE HECTOR M. LAFFITTE, RETIRED.

DEPARTMENT OF JUSTICE

ERIK C. PETERSON, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE J. B. VAN HOLLEN, RESIGNED.S

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

ANITA KATIAL, OF ILLINOIS
ERICH KUSS, OF NEW YORK
MORGAN A. PERKINS, OF MARYLAND
MARK A. PETRY, OF INDIANA
SUSAN B. PHILLIPS, OF VIRGINIA
KARINA RAMOS, OF VIRGINIA
MICHAEL M. RIEDEL, OF MARYLAND
CHARLES L. RUSH, OF FLORIDA
JUSTINA L. TORRY, OF MISSOURI

DEPARTMENT OF COMMERCE

SANDILLO N. BANERJEE, OF WASHINGTON
DANIEL T. CROCKER, OF CALIFORNIA
MARY A. NANDI, OF NEW HAMPSHIRE

DEPARTMENT OF STATE

REX KENNETH MOSER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

HELEN L. PETERSON, OF CALIFORNIA
SCOTT D. POZIL, OF WASHINGTON
CHRISTINA A. SHARKEY, OF FLORIDA

DEPARTMENT OF STATE

COLLEEN ELIZABETH ALTSTOCK, OF WASHINGTON
HEIDI R. AROLA, OF MINNESOTA
ANTHONY WALTER BAIRD, OF NEW HAMPSHIRE
JOSHUA NATHAN BAKER, OF FLORIDA
NATALIE ASHTON BAKER, OF TEXAS
MAY GANAL BAPTISTA, OF CALIFORNIA
CHASE A. BEAMER, OF CALIFORNIA
LAURA L. BIEDEBACH, OF CALIFORNIA
DANIEL R. BISCHOF, OF FLORIDA
STEVEN ROBERTS BITNER, OF CALIFORNIA
MICHAEL F. BRENNAN, OF TEXAS
ROBERT CHRISTOPHER BRONK, OF NEW YORK
BENJAMIN A. BROWN II, OF VIRGINIA
GINGER MARIE CAMPBELL, OF CALIFORNIA
SUSAN CAROL CHEATHAM, OF CALIFORNIA
CHRISTOPHER J. DEGNAN, OF VIRGINIA
ZOJA DERETIC, OF CALIFORNIA
DANIEL J. ERNST, OF FLORIDA
Y. ROBERT EWING, OF VIRGINIA
SHARON K. FEATHERSTONE, OF VIRGINIA
JAMES BRENNAN FENNELL, OF NEW JERSEY
MICHAEL S. FLORES, JR., OF CALIFORNIA
J. DAVID GALBRAITH, OF CALIFORNIA
GUSTAV GOGER, JR., OF VIRGINIA
JOELLEN GORG, OF OREGON
KEVIN DANIEL GREEN, OF TEXAS
ANTONE C. GREUBEL, OF INDIANA
RAGINI GUPTA, OF NEW YORK
SARAH ELIZABETH HAYES, OF FLORIDA
CLAYTON PORTER HAYS, OF TEXAS
MARTIN PATRICK HEALY, OF VIRGINIA
JARAHN DAVONE HILLSMAN, OF CALIFORNIA
DAVID ANDREW HOLMES, OF CALIFORNIA
DESIREE L. HUMPHREYS, OF TEXAS
JILL EILEEN HUTCHINGS, OF WASHINGTON
STORM PETER JACKSON, OF NEW YORK
KALI C. JONES, OF LOUISIANA
RANDALL H. KAAILAU, OF HAWAII
DANIEL KACHUR, OF OHIO
MICHAEL KELLEHER, OF NEW YORK
MICHAEL JOSEPH KELLY, OF VIRGINIA
MICHAEL RICHARD KIDWELL, OF WASHINGTON
DANIEL B. KING, OF NEW HAMPSHIRE
LANCE B. KINNE, OF WISCONSIN
MATTHEW W. LEHRFELD, OF OREGON
ELIZABETH ANNE LEWIS, OF PENNSYLVANIA
TACK LIM, OF CALIFORNIA
L. ERIC LINDBERG, OF TEXAS
NANCY ELLEN LONG, OF VIRGINIA
MICHELLE GARCIA LOS BANOS, OF CALIFORNIA
LAUREN HOPE LOVELACE, OF KENTUCKY
MARGUERITE MACY, OF FLORIDA
JON LATON MARTINSON, OF VIRGINIA
MARLENE MARIE MENARD, OF TEXAS
EDWARD JOSEPH MONSTER, OF FLORIDA
JOHN STOKELEY MORGAN, OF THE DISTRICT OF COLUMBIA
MICHAEL EUGENE MUSSI, OF CALIFORNIA
ROHIT S. NEPAL, OF NEW YORK
DOROTHY MUTIO NGUTTER, OF MASSACHUSETTS
ADEDEJI E OKEDIJI, OF TENNESSEE
JARED SCOTT PENDLETON, OF CALIFORNIA
KATHLEEN PEOPLES, OF THE DISTRICT OF COLUMBIA
WILLIAM J. PIDGEON, OF FLORIDA
MATTHEW D. PILCHER, OF ILLINOIS
JASON P. REBHOLZ, OF NEW YORK
KEN OBATA REIMAN, OF ARIZONA
MARK ERIC RINCON, OF TEXAS
THOMAS M. ROSENBERGER, OF TENNESSEE
GEOFFREY F. SCHADRACK, OF NEW YORK
JOHN M. SENIOR, OF LOUISIANA
TEJAL NAVINCHANDRA SHAH, OF TEXAS
BRIAN LEROY SIMMONS, OF FLORIDA
NICHOLAS J.C. SNYDER, OF THE DISTRICT OF COLUMBIA
DOUGLAS LEE SUN, OF MASSACHUSETTS
ERICA NICOLE THIBAULT, OF MARYLAND
DANIEL A. TRAVIS, OF CALIFORNIA
TAHRA L. VOSE, OF MINNESOTA
HOLLY BETH WAEGER MONSTER, OF FLORIDA
BRIDGETTE L. WALKER, OF MARYLAND
LISA BESS WISHMAN, OF SOUTH CAROLINA
TONIANN WRIGHT, OF NEW JERSEY
MEETA MAHENDRA YAJNIK, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JENNIFER KANE, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

ANDREA LEE ABBOTT, OF THE DISTRICT OF COLUMBIA
BIANCA L. ADAIR, OF VIRGINIA
ERIC B. ALDRICH, OF NEW YORK
ROSARIO F.T. ALPINE, OF VIRGINIA
MICHELE ASSAD, OF FLORIDA
DOREEN PAGE BAILEY, OF TEXAS
MICHELLE BEATRICE BALDWIN, OF VIRGINIA
HANI BARAKAT, OF CALIFORNIA
ELIZABETH A. BARGER, OF VIRGINIA
CARISSA BARKER, OF VIRGINIA
LAURA ANITA BARKER, OF VIRGINIA
AMY REBECCA BASKIN, OF NEW YORK
AARON K. BECHINI, OF VIRGINIA
CHRIS BEENHOUWER, OF NEW MEXICO
JAMES BRADLEY BEERS, OF THE DISTRICT OF COLUMBIA
ALYCIA J. BENNETT, OF VIRGINIA
JEFFREY A. BENNETT, OF VIRGINIA
CARLTON BENSON, OF WASHINGTON
ALEX MICHAEL BERENBERG, OF HAWAII
AARON D. CHERTOFF BERMAN, OF THE DISTRICT OF COLUMBIA
JOHN ROBERT BIEBER, OF VIRGINIA
ANTHONY N. BISHOP, OF VIRGINIA
J. NATHAN BLAND, OF LOUISIANA
KRIS L. BODINE, OF VIRGINIA
RACHEL LYNN BOREK, OF VIRGINIA
COLLEEN BORLEY, OF VIRGINIA
JOSEPH BOSKI, OF CONNECTICUT
MARIE A. BOTSFORD, OF WEST VIRGINIA

JOSEPH LOUIS BRACKETT, JR., OF VIRGINIA
DIANE N. BRANDT, OF WASHINGTON
ANDRO L. CADIEUX, OF THE DISTRICT OF COLUMBIA
SETH R. CAPRON, OF THE DISTRICT OF COLUMBIA
SHEILA M. CAREY, OF FLORIDA
AGNES MARIE CARTER, OF MARYLAND
SEAN C. CELY, OF OREGON
KEVIN MAXWELL CHALKER, OF THE DISTRICT OF COLUMBIA
MARK PHILLIP CHAMBERLIN, OF VIRGINIA
ANNA L. CHAMBERS, OF VIRGINIA
NANCY NIM-CHEE CHEN, OF THE DISTRICT OF COLUMBIA
HEATHER FRANCES ELGIN COLE, OF MARYLAND
MICHAEL A. COMPTON, OF VIRGINIA
SEAN A. COSTANZO, OF THE DISTRICT OF COLUMBIA
KIM C. CRAWFORD, OF FLORIDA
ELIZABETH F.M. CROSSON, OF VIRGINIA
VIRGINIA L. CURRAN, OF VIRGINIA
CHRISTOPHER C. CURTIN, OF VIRGINIA
JANINE ELIZABETH DADE, OF VIRGINIA
JOHN S. DALE, OF VIRGINIA
NICHOLAS DAVATELIS, OF FLORIDA
GLEN S. DAVIS, OF CALIFORNIA
NICOLE DAVIS, OF NEW MEXICO
STEVEN C. DAVIS, OF VIRGINIA
GRANT T. DAY, OF VIRGINIA
BARBARA L. DELEO, OF THE DISTRICT OF COLUMBIA
JORGE DEL MORAL, OF FLORIDA
GARY C. DEMACK, OF CALIFORNIA
MARY B. DERMER, OF VIRGINIA
SHEILA DIXON, OF THE DISTRICT OF COLUMBIA
AMY N. DOVE, OF TEXAS
EDWARD A. DUNN, OF NEW YORK
ALICIA K. EDWARDS, OF VIRGINIA
CHARLES M. EHRENFRIED, OF VIRGINIA
ROBERT J. EMERTON, OF VIRGINIA
WIDA FARYAR, OF VIRGINIA
CHARLES ANTHONY FERNANDEZ, OF VIRGINIA
BENJAMIN C. FOWLE, OF VIRGINIA
DANETTE MICHELLE FREDERICK, OF VIRGINIA
PETER J. FRICKE, OF MINNESOTA
DAVID R. FULLER, OF MISSOURI
CARRIE GIARDINO, OF MASSACHUSETTS
STEVEN GUY MATTHEW GILLEN, OF VIRGINIA
JOHN S. GILLGREN, OF VIRGINIA
LESLIE K. GOLDSMITH, OF MARYLAND
ALISON JO GOLDSTEIN, OF INDIANA
DICK MALONE GREENLEE, OF VIRGINIA
ANDREW A. GRIFFIN, OF ILLINOIS
JAMES MARSHALL GROUNDS, OF OHIO
SARAH KATHRYN GROW, OF WASHINGTON
DEREK STEVEN HABLE, OF VIRGINIA
PATRICK JOSEPH HALEY, OF VIRGINIA
ANDREW HARRIS, OF VIRGINIA
SOPHIA L. HARRIS, OF MARYLAND
ELIZABETH A. HARTWICK, OF VIRGINIA
EDWARD JASON HARTWIG, OF WISCONSIN
GREGORY E. HEEREN, OF ILLINOIS
FRANK J. HERBERT, OF CALIFORNIA
RYAN HILLSBERG, OF VIRGINIA
AYANNA BAJITA DORETHA HOBBS, OF THE DISTRICT OF COLUMBIA
LAURA L. HOCHLA, OF NEW MEXICO
SARAH ANNE HOOVER, OF VIRGINIA
LISA M. HORNER, OF THE DISTRICT OF COLUMBIA
M. SHANE HOUGH, OF VIRGINIA
LOYE E. HOWELL, OF THE DISTRICT OF COLUMBIA
CHRISTINA L. HOWLAND, OF VIRGINIA
JEFFREY A. HULSE, OF WASHINGTON
LAURA M. JAROSZEWSKI, OF VIRGINIA
LESLIE ELIZABETH JELLICK, OF VIRGINIA
MICHAEL PATRICK JENSEN, OF VIRGINIA
MITZI D. JEREOS, OF VIRGINIA
LORI ANNE JOHNSON, OF COLORADO
PATRICE D. JOHNSON, OF ILLINOIS
STACEY LEANNE JONES, OF CALIFORNIA
JONATHAN M. KAYES, OF VIRGINIA
JASON L. KELLEY, OF THE DISTRICT OF COLUMBIA
GEORGE C. KENNEDY, OF VIRGINIA
LIV IRENE KILPATRICK, OF OREGON
KEVIN JOHN KRISKO, OF VIRGINIA
CHRISTINA MELHORN LANDI, OF VIRGINIA
ROBERT SCOTT LATOURRETTE, OF VIRGINIA
CRAIG P. LAUSIER, OF VIRGINIA
JENNIFER E. LAWSON, OF MASSACHUSETTS
ANDREW C. LITTON, OF VIRGINIA
ALLEN LIU, OF MARYLAND
EMILY J. MAKELY, OF VIRGINIA
LAURA MANTHEY, OF MARYLAND
DUBRAVKA MARIC, OF VIRGINIA
ANGEL LEANN MATTIMORE, OF THE DISTRICT OF COLUMBIA
JUSTIN D. MCCARTHY, OF VIRGINIA
KELLY DIONNE MCCARTHY, OF VIRGINIA
PATRICE A. MCCARTHY, OF VIRGINIA
DENISE M. MCNAIR, OF CALIFORNIA
RAMON MENENDEZ-CARREIRA, OF FLORIDA
MIKEAL WILLIAM MEYERS, OF MARYLAND
MICHELLE MILAN, OF VIRGINIA
MARK H. MITCHELL, OF VIRGINIA
LESLIE ANNE MOELLER, OF ILLINOIS
ALAN MOK, OF VIRGINIA
JENNIFER A. MOORE, OF VIRGINIA
TYREL W. MOXEY, OF VIRGINIA
RACHEL LUCILLE MUELLER, OF VIRGINIA
ROBERTA R. MULHOLLAND, OF MARYLAND
BRENDAN PATRICK MULLARKEY, OF VIRGINIA
JAMES MULLINS, OF TEXAS
DENNIS R. MURPHY, OF VIRGINIA
MARIA MUSSLER, OF VIRGINIA
WENDY P. NASSMACHER, OF COLORADO
CYNTHIA D. NICEWARNER, OF WEST VIRGINIA
SUSAN MICHELLE NIMMER, OF VIRGINIA
JESSICA ELIZABETH NORRIS, OF INDIANA
JAMES D. O'CONNOR, OF VIRGINIA
CHRISTOPHER L. OLSON, OF THE DISTRICT OF COLUMBIA
WILLIAM J. OWEN II, OF VIRGINIA
ADAM D. PERRIN, OF VIRGINIA
MARK DAVID PERRY, OF NEW HAMPSHIRE
DOUGLAS DAVID PETERSEN, OF THE DISTRICT OF COLUMBIA
DANIEL AUSTIN PHELPS, OF ARIZONA
KATHERINE K. PHIFER, OF THE DISTRICT OF COLUMBIA
PHYLLIS M. PICKARD, OF VIRGINIA
JOHN D. PITTS, OF VIRGINIA
CHRISTINE H. PORTER, OF VIRGINIA
GRIFFITH TIMOTHY POUND, OF VIRGINIA
LISA KNOTT POVOLNI, OF TEXAS
MICHAEL SCOTT PRESSEY, OF VIRGINIA
WILLIAM H. QUICK, OF TEXAS
RABIA Y. QURESHI, OF OHIO
JAMES W. RAWLINGS, JR., OF MISSISSIPPI
KATE RICHE, OF VIRGINIA
JAMES B. RICKER, OF THE DISTRICT OF COLUMBIA
ULLA M. RICKERT, OF MARYLAND
BRIAN KELLY RIGSBY, OF VIRGINIA
CHRISTOPHER D. ROBERTI, OF VIRGINIA
CHRISTOPHER S. ROSE, OF WASHINGTON
ERIC A. ROSEMAN, OF VIRGINIA
MANUEL RUBIO, OF FLORIDA
ASPEN H. RUSSELL, OF THE DISTRICT OF COLUMBIA
APRIL C. SCARROW, OF TEXAS
JOHN M. SCHUCH, OF NEW YORK
CATHERINE SCHULZE, OF VIRGINIA
KAIA SCHWARTZ, OF THE DISTRICT OF COLUMBIA
JOSE DANIEL J. SILVA, OF CALIFORNIA
PATRICK C. SMITH, OF PENNSYLVANIA
GARY RAY SOMBKE, OF VIRGINIA
WENDY REBECCA STANCER, OF CALIFORNIA
DANIEL J. STEWART, OF VIRGINIA
DEVON T. STREED, OF OREGON
CHRISTOPHER J. STRICKLAND, OF VIRGINIA
MICHAEL T. STROBEL, OF VIRGINIA
ANDREW WILLIAM SULLIVAN, OF VIRGINIA
WM. NEIL SUMRALL, OF VIRGINIA
JOHN SURFACE, OF VIRGINIA
JEROME TAAFFE, OF VIRGINIA
ANTONIO CARLOS TAVARES, OF MARYLAND
DAVID TAYLOR, OF MARYLAND
SEAN MACGREGOR TEAGUE, OF THE DISTRICT OF COLUMBIA
WANDA J. THOMPKINS, OF NORTH CAROLINA
STACY B. THURMAN, OF VIRGINIA
ROBERT CHRISTOPHER TOWNLEY, OF VIRGINIA
TIMOTHY D. TREE, OF VIRGINIA
AMY MEDLOCK TRIMBLE, OF VIRGINIA
CAITLIN BETH TURNACIOGLU, OF MARYLAND
MATTHEW R. TYSON, OF VIRGINIA
EBRU URAS, OF MICHIGAN
ANDY UTSCHIG, OF WISCONSIN
NATALIE ANGELA FAIRBANKS VAN DER HORST, OF VIRGINIA
JANINA KARINE VAN LOENEN, OF VIRGINIA
VAUGHN L. WARD, OF VIRGINIA
JAMES A. WATERMAN, OF WISCONSIN
MELISSA M. WATSON, OF VIRGINIA
WILLIAM H. WEBB, OF TENNESSEE
JEROME A. WEDDLE, OF CALIFORNIA
DANIEL WERBEL-SANBORN, OF VIRGINIA
JOEL WIEGERT, OF MARYLAND
KATHERINE M. WIEHAGEN, OF THE DISTRICT OF COLUMBIA
MARY T. WILSON, OF VIRGINIA
ROY WILLIAM WILSON, OF THE DISTRICT OF COLUMBIA
AMY K. WINCHESTER, OF THE DISTRICT OF COLUMBIA
HEATHER A. WINGARD, OF VIRGINIA
VICTORIA SUSAN WOLF, OF PENNSYLVANIA
CHESTER WOMACK, OF VIRGINIA
BRIAN KEITH WOOLSHLEGER, OF MARYLAND
MARK WUEBBELS, OF ARIZONA
STEVE S. YANG, OF VIRGINIA
DONNY HEEKYUNG YOO, OF ALABAMA
JONATHAN LEE YOO, OF WASHINGTON
AMANDA H. ZAFIAN, OF NEW YORK
ELIZABETH A. ZELLE, OF ILLINOIS
DAVID M. ZIMMERMAN, OF MARYLAND

INTERNATIONAL BROADCASTING BUREAU

WILFRED H. COOPER, OF VIRGINIA
WALTER D. PATTERSON, OF SOUTH CAROLINA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF THE TREASURY

MAUREEN GREWE, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ASIF J. CHAUDHRY, OF WASHINGTON

CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WAYNE P. MOLSTAD, OF VIRGINIA
SCOTT R. REYNOLDS, OF PENNSYLVANIA

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. CRAIG R. MCKINLEY, 8368

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN M. SPEAKES, 9036

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RONALD D. SILVERMAN, 3658

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL A. RYAN, 0558

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOSEPH ANDERSON, 0128
COLONEL ALLISON T. AYCOCK, 2987
COLONEL ROBERT B. BROWN, 3015
COLONEL EDWARD C. CARDON, 5464
COLONEL LYNN A. COLLYAR, 4719
COLONEL GENARO J. DELLAROCCO, 9829
COLONEL RICHARD T. ELLIS, 4731
COLONEL WILLIAM F. GRIMSLEY, 5306
COLONEL MICHAEL T. HARRISON, SR., 3958
COLONEL DAVID R. HOGG, 0373
COLONEL REUBEN D. JONES, 2033
COLONEL STEPHEN R. LANZA, 3643
COLONEL MARY A. LEGERE, 7243
COLONEL MICHAEL S. LINNINGTON, 8710
COLONEL XAVIER P. LOBETO, 8834
COLONEL ROGER F. MATHEWS, 3771
COLONEL BRADLEY W. MAY, 9269
COLONEL JAMES C. MCCONVILLE, 5757
COLONEL PHILLIP E. MCGHEE, 6765
COLONEL JOHN R. MCMAHON, 4283
COLONEL JENNIFER L. NAPPER, 7225
COLONEL JAMES C. NIXON, 5433
COLONEL ROBERT D. OGG, JR., 2880
COLONEL HECTOR E. PAGAN, 8352
COLONEL DAVID D. PHILLIPS, 4200
COLONEL CURTIS D. POTTS, 8198
COLONEL DAVID E. QUANTOCK, 0979
COLONEL MICHAEL S. REPASS, 8106
COLONEL BENNET S. SACOLICK, 0726
COLONEL JEFFREY G. SMITH, JR., 5557
COLONEL THOMAS W. SPOEHR, 9998
COLONEL KURT J. STEIN, 6492
COLONEL FRANK D. TURNER III, 8961
COLONEL KEITH C. WALKER, 9618
COLONEL PERRY L. WIGGINS, 3781

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ALAN T. BAKER, 5911

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL H. MITTELMAN, 0205

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MATTHEW L. NATHAN, 3388

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK A. HANDLEY, 4095
CAPT. CHRISTOPHER J. MOSSEY, 7447

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM A. BROWN, 5837
CAPT. KATHLEEN M. DUSSAULT, 3580
CAPT. STEVEN J. ROMANO, 5095

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

ROBERT J. TATE, 1668

To be lieutenant commander

RONALD G. TERRELL, 0064
FERDINAND G. HAFNER, 4914
RENE LAVERDE, 8580
EDWARD A. SYLVESTER, 5006

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS REGULAR OFFICERS IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

WILLIAM L. YARDE, 6856

To be lieutenant commander

STEVEN A. BLAUSTEIN, 2292
SHAWN S. CLAUSSEN, 8888
BRUCE R. DESCHERE, 3632

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

GREGORY G. ALLGAIER, 9523
ROBERT C. BOYER, 1808
ROBERT T. BRYANS, 6304
RUSSELL J. CALDWELL, 6734
WILLIAM CHAMBERS, 6949
GARY M. CHASE, 8336
MICHAEL S. DAVIS, 4171
WILLIAM M. DAVIS, 6347
MICHAEL F. DELANEY, 1353
THEODORE E. ESSENFELD, 6576
MATTHEW D. FANNING, 8987
EDWARD K. FLOYD, 1798
DANIEL F. GERAGHTY, 7537
GEOFFREY A. GORMAN, 6948
AMY E. GRAHAM, 9118
BLAIR H. GUY II, 4584
WILLIAM HENDERSHOT, 9215
ROSEMARY HENSON, 1763
MANUEL HERNANDEZ, 5354
KENNETH L. HOLLAND, 7471
WILLIAM S. HORTON, 6633
ROBERT S. HUSCHAK, 3107
JOHN C. LEPAK, 8239
ANDRE B. LESTER, 8828
LEONARD J. LONG, 2571
CHARLES H. MAHER, 0344
JOHN M. MANN, 3534
MICHAEL B. MARTINEZ, JR., 2735
GINA L. MCCAINE, 9785
KARRICK S. MCDERMOTT, 7030
BRADLEY J. MCINNIS, 1503
ETHAN D. MITCHELL, 0932
JOHN C. MOE, 7875
PATRICK R. MURPHY, 3530
JOHN D. NAYLOR, 6845
DANIEL K. NEICE, 4533
STEPHEN R. OKRESIK, 0951
MIKAL J. PHILLIPS, 1469
MARK A. QUINN, 3768
MICHAEL J. RAK, 9583
KELAND T. REGAN, 7746
JOHN M. RHODES, 7952
TODD A. SANTALA, 0461
ALBERT C. SEEMAN, 7977
RICHARD E. SESSOMS, JR., 8426
PETER M. SIWEK, 3619
ROBERT W. SPEIGHT, 1824
LINDA C. STONE, 3058
EDWARD D. SUNDBERG, 4666
CORA C. TAYLOR, 0016
CARLOS URBIZU, 0710
AARON T. WASHINGTON, 6839
TIMOTHY J. YANIK, 3752

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

CHANTEL NEWSOME, 0832

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

STEVEN L. ALGER, 4530
PEGGY L. DICKSON, 1782
ALEXANDER M. KASIRI, 4680
JAMES B. KOPP, 9148
EVERETT S. ONG, 8460
RACHELLE PAULKAGIRI, 4815

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 24, 2006 withdrawing from further Senate consideration the following nomination:

JOHN G. EMLING, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, WHICH WAS SENT TO THE SENATE ON FEBRUARY 27, 2006.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 25, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

9:30 a.m.

Environment and Public Works

Business meeting to consider the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation, and James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances, and William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator, both of the Environmental Protection Agency, and a proposal to amend Committee Rule 7(d) relative to the naming of public buildings and facilities.

SD-628

Foreign Relations

To hold hearings to examine United States-India atomic energy cooperation, focusing on strategic and nonproliferation implications.

SD-419

Judiciary

To hold hearings to examine the future of the music industry in the digital radio revolution, focusing on parity, platforms, and protection issues.

SD-226

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the state of the biofuels industry.

SR-328A

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for National Guard and Reserve.

SD-192

Finance

To hold hearings to examine authorizations of customs and trade functions.

SD-215

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine fostering innovation in math and science education.

SD-562

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Accountability Office and other issues.

SD-138

Small Business and Entrepreneurship

To hold hearings to examine the reauthorization of the Finance and Entrepreneurial Development programs administered by the Small Business Administration.

SR-428A

2 p.m.

Appropriations

Commerce, Justice, Science and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Aeronautics and Space Administration.

SD-192

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine ensuring early diagnosis and access to treatment for HIV/AIDS, focusing on how federal funding is being distributed to provide AIDS drugs and HIV testing opportunities in the United States.

SD-342

Commerce, Science, and Transportation

Global Climate Change and Impacts Subcommittee

To hold hearings to examine certain marine and terrestrial systems.

SD-562

APRIL 27

9:30 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD-226

Appropriations

Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Internal Revenue Service, Department of the Treasury.

SD-138

10 a.m.

Armed Services

To hold a closed briefing on operations and intelligence.

SR-222

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine drought issues.

SD-562

Veterans' Affairs

Business meeting to consider the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs; to be followed by a hearing on issues relating to VA research.

SR-418

Joint Economic Committee

To hold hearings to examine the current economic outlook.

Room to be announced

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of the Capitol Visitor Center construction.

SD-116

2:30 p.m.

Judiciary

To hold hearings to examine renewing the temporary provisions of the Voting Rights Act.

SD-226

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings to examine the progress of implementing the Western Hemisphere Travel Initiative.

SD-419

Intelligence

Closed business meeting to consider pending calendar business.

SH-219

MAY 1

2:30 p.m.

Energy and Natural Resources

To resume hearings to examine the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

SD-366

MAY 2

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the implementation of the peanut provisions of the Farm Security and Rural Investment Act of 2002.

SH-216

Judiciary

To hold hearings to examine Federal Bureau of Investigation oversight.

SD-226

4 p.m.

Judiciary

To hold hearings to examine certain judicial and executive nominations.

SD-226

MAY 3

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.

SD-138

MAY 10

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the implementation of the sugar provisions of the Farm Security and Rural Investment Act of 2002.

SR-328A

MAY 17

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine accelerating the adoption of health information technology.

Room to be announced

MAY 24

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To resume hearings to examine the progress of construction on the Capitol Visitor Center.

SD-138

JUNE 14

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

SENATE—*Tuesday, April 25, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

O God of mercies, You preserve the seas and all that is in them. You have promised to keep in perfect peace those whose minds are fixed on You.

Give our Senators today the serenity that comes through trusting in Your strength. As they do the work of freedom, may they seek Your guidance and wisdom. Lead them with Your precepts to the decisions that will honor Your name. Give your peace and unity to their hearts so that harmony can be seen in their interactions. Shine Your light within them so that they can serve humanity well.

Help us all to humble ourselves under Your mighty hand, that You may exalt us in due time. We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, we will start with a 1-hour period of morning business, and following that we will go into executive session to consider the nomination of Gray Miller to be a U.S. district judge for the Southern District of Texas. We have 10 minutes allocated for debate on that nomination, with the vote occurring after that time.

Senators can expect the first vote today at approximately 11 o'clock this morning. We have a group of Senators going to the White House. Therefore, we want to start that vote no later than 11 o'clock. I hope Members will be able to keep their remarks brief so we can get to that vote.

After the vote, we will resume consideration of the supplemental appropriations bill. There is an opportunity for Senators to give opening statements this morning prior to the policy lunch. The Senate will recess for each party's policy meeting between 12:30 and 2:15. Later this afternoon, I expect amendments to be offered to the supplemental, and I hope we will be voting on those amendments during today's session.

FOCUSING ON THE CHALLENGES FACING AMERICA

Mr. FRIST. Mr. President, I welcome my colleagues back from the Easter/Passover recess. It was a 2-week recess, where many had the opportunity to spend time with our families and with our constituents back at home. I hope everybody had a rejuvenating and productive period of time because we have a lot to do.

We have before us a 5-week block of time, during which I intend to keep the Senate focused on the big challenges facing America and on delivering meaningful solutions to the problems Americans are seeing out there every day, some of which are very apparent and some of which are not very apparent in their everyday lives.

As we set out from the very start, the goal of this Republican-led Senate is to make America safer, stronger, more productive, and healthier. That applies across the board, from the war on terror abroad—and we will have a lot of discussion on that on the supplemental—to the family budget right here at home, and people are feeling the pinch of gasoline prices and skyrocketing health care costs every day.

Time is of the essence. We have serious issues to tackle in 5 short weeks. That means working together, pulling the very best out of both sides of the aisle, and recognizing that obstruction is not in order as we proceed along this upward path of producing for the American people.

It is an election year. That always makes it challenging for everything we do every step along the way. But the American people expect us to legislate, to govern, and not to get mired down in partisan obstruction and partisan politics. It is our obligation and responsibility to deliver to them. We have the challenges out there. We have to act and we need to act with solutions. That is what the American people expect—challenge, action, solutions. That is what they deserve.

We need to support our troops who are fighting in the field for our freedom and safety. We need to address the skyrocketing health care costs and make health care more affordable, more accessible to every American, no matter where they live. We need to put judges on the bench who interpret and not make the law. We need to keep our economy strong and growing. We need to tackle that rising cost of gasoline. Right now it is up, teetering at the $3 level. That is too much to be paying per gallon.

Over the next 5 weeks, we are going to tackle each of these items. I call upon my colleagues on both sides to work together to get this done for the sake of our fellow citizens who have sent us here to work for them, to represent them.

Unfortunately, before the Easter recess, obstruction from the other side got in the way of comprehensive border security and immigration reform. But as I have announced over the last couple of days, I intend to bring this issue back and to continue driving forward on this important issue to the American people. We need real border security. That includes a fence along certain parts of the border, surveillance along other parts of the border. But we have to get this border under control. We took very positive steps last year in increasing the number of border agents and the number of detention facilities, and both are very important in this supplemental bill over the next several days. We will once again address border security.

We also need employer enforcement in a system that addresses the fact that we have 12 million to 20 million individuals who right now are kept in the shadows. Building on last year's efforts, spearheaded by the Senate, I will support an effort to put funds into the supplemental bill to make our next downpayment on securing the border.

Hiring more Border Patrol agents and giving them the tools they need to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

get the job done doesn't need to wait until we finish the overall immigration bill. We can take important steps now and indeed we will. It is part of the challenge, the action, and the solutions the American people want; they want serious reform.

Keeping America strong also means keeping America healthy. Insurance premiums have risen—health insurance premiums—73 percent over the last 5 years. It hits small businesses and their employees in particular. Of the 20 million Americans who are working and are uninsured, don't have health insurance, 49 percent are self-employed or work in firms with fewer than 25 employees. According to the Institutes of Medicine, nearly 18,000 Americans die prematurely each year due to lack of insurance. It is a fact. It has been proven again and again.

If you have health insurance—even if you do not have comprehensive health insurance, but you have any health insurance, you do better in terms of health outcomes. Last month, the HELP Committee reported out a bill to allow small businesses to band together all over a community to reach out and gain that purchasing clout which we know in the marketplace can drive prices down. It can make those insurance policies less expensive and thus more accessible.

The Enzi legislation, when fully phased in, would reduce employer premiums by 12 percent and the number of uninsured workers by at least a million. Voters are close to unanimous in their support for allowing self-employed workers and small business employees to band together to negotiate lower insurance costs as spelled out in that Enzi bill.

Again, challenge, action, solutions. It is time to get it done.

We have also known for some time that the medical malpractice system is broken. It is driving up costs, driving my doctor colleagues out of their professions, from practicing medicine and delivering care. Nearly half of America's counties today lack an obstetrician/gynecologist, and that is due in large part to excessive, skyrocketing medical malpractice premiums. Three out of four neurosurgeons will no longer operate on children. When you ask why, it is because of medical liability. And 79 percent of doctors practice defensive medicine for fear of getting sued. That means when somebody comes in and they have a headache, you get a whole barrage of unnecessary tests to protect yourself in the event there is a lawsuit. Health care costs have risen between $70 billion and $126 billion in defensive medicine costs.

I was in Texas the other day. Texas is fascinating to me as a physician. They recently adopted liability reform measures. The largest malpractice insurer in the State immediately began lowering premiums, and premiums in that State are now down by 22 percent. Indeed, there is an influx of doctors from all over the country moving to Texas because of this very effective, proven to be effective, malpractice reform. An overwhelming majority of Americans support a Federal law to limit jury awards to compensate for pain and suffering in medical malpractice suits. Challenge, action, solutions. It is time to get this done.

Keeping America strong means keeping our economy thriving. That is why we passed the Tax Relief Act of 2005. We know that tax cuts work. We know they grow the economy and help create jobs. In 2001, we passed $1.4 trillion in tax relief; 2 years later, another $350 billion. That is $1.7 trillion that goes into the pockets of everyday, hard-working Americans for them to save, to spend, to invest. We cut taxes on income and marriage. We doubled the child tax credit and slashed taxes on capital gains and dividends. Because we did, our economy has grown.

Right now, each month we are creating about 200,000 new jobs. Over the last 32 months, we have created 5.1 million new jobs. Home ownership is up. Minority home ownership is up at all-time highs.

Tax relief has led to 3 years of record economic growth. But we have a lot more to do. In the next 5 weeks, I intend to bring legislation to the floor to eliminate the death tax once and for all. The death tax is unfair, it is inefficient, and it taxes people for dying. It is double and triple taxation. The death tax drives hard-working people to spend billions of dollars on complicated tax structures for the sole purpose of avoiding death taxes on income that has already been taxed.

Because of Katrina, we could not move forward on repealing the death tax last fall, but now is the time to bury that death tax once and for all. Keeping America strong, protecting the democratic process means protecting the separation of powers. We need judges who interpret the law and who don't make law from the bench.

We have made substantial progress on judicial nominations. We put one Chief Justice, one Associate Justice, six previously filibustered circuit court nominees, 20 other circuit nominees, and 104 district court nominees on the bench since 2003. But we cannot rest on that progress.

Terry Boyle is one example of a nominee who deserves our consideration. He was nominated for a circuit court judgeship back in 1991 and then again in 2001. He has been waiting 15 years for a fair up-or-down vote.

Another is Brett Kavanaugh, first nominated in July 2003. He has been waiting ever since that date. He, too, deserves a fair up-or-down vote.

We need to keep up the momentum and keep driving forward so that each and every nominee gets a fair up-or-down vote on the floor of the Senate.

The weather is warming up and we are approaching the summer driving season, and American families are being squeezed tighter and tighter by these skyrocketing gas prices. We need to help them find relief. We know there is no single magic bullet. We know it is an issue of supply and demand.

As a first step, Speaker HASTERT and I have asked the President to direct the Federal Trade Commission and the Department of Justice to investigate if price gouging or speculation in the oil markets is contributing to the current high prices.

We need to get to the bottom of it, and if we do so, we may have legislative action required on the floor of the Senate, or we may not, but only an investigation, only an examination by the FTC and DOJ can give us that answer.

We need to find short-term solutions. In the long term, however, the answer is to reduce America's dependence on foreign oil. The fact that we are 60-percent dependent today on foreign sources of oil is simply inexcusable.

During our majority over the last 12 years, Democratic obstruction and delay has stopped measures to enhance domestic production, and domestic production must be a part of any long-term solution for our energy supply.

The President laid out a number of initiatives in his State of the Union Address, and I hope we can pursue them in committees and then bring them to the floor quickly. Again, challenge, action, solutions.

Those are some of the things we need to be doing over the next 5 weeks. There is a lot to do in a very short period of time, but I am convinced that with determination and focus and by leading on principle, we can and we must govern with meaningful solutions on the issues that matter, and they can be delivered to the American people. We can make America stronger, we can make America safer, and we can make it more secure. We must keep America moving forward.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Montana.

ENERGY

Mr. BURNS. Mr. President, this morning the leader touched on a lot of problems we have before us as we come back from Easter break. I know most of us have been home and listened to the folks at home. Most of us have probably come back with more challenges than when we left. Here are a couple of issues.

I was glad to hear the leader bring up the situation on insurance premiums, especially for small businesses and the self-employed. Senator ENZI of Wyoming and I have been working on the small business health plans for almost a year now. That is nothing new. It is not a new idea. Ever since I joined the Small Business Committee and even under the chairmanship of my good friend from Arkansas, Senator Bumpers, prior to 1994, we were working on the same issue, but we were unsuccessful then and have been unsuccessful up until now in striking a balance. There is broad support for the approach being taken by the chairman of the HELP Committee.

If you talk with folks engaged in small business, Montana businesses with 10 employees or less have little or no leverage when it comes to buying group insurance or trying to broaden their pool to keep their insurance premiums at a minimum. I look forward to that debate when the bill comes to the floor, and I look forward to final passage and getting it to the President for his signature.

I took a drive across the State of Montana over Easter Recess, all by myself. I just jumped into my pickup and took off and talked with rural Montanans. I fight awfully hard for rural Montanans for the simple reason that, right now, they are sort of being pushed into the background when we start talking about what is happening in our economy. Even though our livestock prices are decent, the grain producers, and many other folks, still have a real problem because they cannot get their arms around this business of containing costs, and the cost of energy is their main issue.

Whenever gas and diesel prices go up, it goes up on the farm also, and the cost of putting a crop in and getting it out has increased substantially due to these high energy costs.

We are a big State. We are a mobile State. We are 147,000 square miles. Yes, we only have 900,000 people, and some could probably make the case it is getting a little crowded up there. We have to drive long distances just to do business around the State, and these energy prices are impacting all of us.

Everybody wants to stand around on the floor of the Senate pointing fingers, when we could be looking at the real case of cumulative effects—of what we have done in policy and what has to be done to produce more energy for a growing society and a growing economy.

We are driven by agriculture in my State. Farmers and ranchers are price takers; in other words, we sell wholesale, we buy retail, and we pay the freight both ways. Any time we talk about freight, whether it is delivering or receiving, energy is involved.

So we are caught in what some would think is a perfect storm. We haven't hit the $3 mark for gasoline in Montana yet, as other parts of the country have, but we are nearing it. In fact, we are so close to it that folks are afraid of what will happen if we do hit it.

I will tell you this: We have a situation in northeast Montana and northwest North Dakota called the Williston Basin. This area is quite a large producer of oil and gas. When we start quoting the price of oil on the New York Mercantile Exchange, we are not really talking about what the cash or spot price of oil is costing today. Do you realize, even though everybody is talking about the price of $73 a barrel, that market price is not being paid to our oil producers today? It is a long way from that $73. In fact, it is from $25 to $35 lower than even the spot price. Why? We are finding more oil, we are doing a better job of finding oil and lifting it, but the infrastructure of transportation—in other words, getting the crude to the refineries—and the refineries' capacity to refine it has not kept pace even with our own production in the United States. Therein lies a problem, and it is one we have to address.

We have not built a refinery in this country for 30 years—35 years, I think, if you want to get very particular. The ability to expand refining capacity in the present-day facility is becoming very expensive and cannot be done without expanding outside the boundary.

If anybody has the idea that the refiners are making a lot of money, look at their return on investment. It is not very big. So people point their fingers at the refiners. Do they point their fingers at the big oil companies? Yes, they do, and in some cases justifiably so. We can sit here and poke holes in that argument. But our basic problem is siting and building facilities to satisfy a growing demand.

If you want to build a new refinery, or if you want to build a new pipeline to move the crude to the refining areas, I will tell you, you are going to have sticker shock when you look at what it costs just in permitting and siting for that facility. It is unbelievable. 25 percent of the estimated construction cost of a new refinery now will be eaten up in permits and siting, and all because of some laws and regulations that basically do not serve this country very well.

Am I justifying the prices today? Somewhat. But I think what we are seeing is a perfect storm of cumulative effects, of not keeping pace with our ability to produce and lift oil from the ground.

Alternative fuels and renewable fuels are also an important part of our energy program.

In 2002, we actually got a title into the agricultural bill that dealt with renewables and agriculture. We knew that we were going to have an energy bill and that title would dovetail into some of the policies that we wanted to put forward in an energy bill. We knew that an energy bill should come pretty quick. However, it did not come quickly. It came some 4 years later. After dragging and stalling and putting up all kinds of barriers, we finally got an energy bill in 2005, and we did dovetail some of the elements on renewables as it relates to agriculture.

In 2007, we will renew the Agriculture bill. And I would not be a bit surprised if we do not see energy even in the main title because we can produce renewables and we can produce alternative fuels to make sure we wean ourselves off of our dependency on foreign oil. We have to do that. We are going to get it done even though there are people who will obstruct and drag their feet in setting the policy.

I see my good friend from Utah is in the Chamber. Whenever you are producing oil at post-1970 production in the State of Montana, that means we have crude oil, like the crude oil that could go to refineries today in his State of Utah, from pipelines that are fed out of Montana, as well as to refineries in Montana and also in Colorado. Do you realize a 36-inch pipeline moves something like 86 thousand barrels a day? We can't even get on that pipeline. That pipeline is owned by Canada, and it is full of tar sands oil moving to refineries in Utah and Colorado. Meanwhile we are actually slowing down production at wells since we can't get all the crude oil being produced in the Williston Basin area today out of the area. If we do manage to get some of the crude oil on the pipeline, it is at a discounted price of around $25 to $30 a barrel.

What is wrong with this picture? The infrastructure isn't there to move the oil. The refining capacity is not there to refine the oil. We are picking and choosing who gets the oil on the pipeline and who gets to sell their crude oil at prices that are far less than $73 a barrel. The price that is going through the roof, that we hear so much about, is the oil futures price, which is set by speculators and expectations. That is not the spot price. Americans have to understand the difference.

So we need infrastructure, but we also need this ability to produce the alternatives and the renewables and to get those energy products on line as well. And we can do just that if we don't have to chew up 25 percent of our construction costs just in permitting and selecting a site in which to do the work.

I know that high costs affect people who have to drive automobiles to get to work and have to go places to make this economy grow. Yes, the President is right on. Let's take a look at the oil companies. Let's see what is going on there. Let's get on the internal part of it and see what the prices are all about today.

But I stand here today with the appeal that we need to look at our food and fiber production across this country.

I will tell you something else I found out while driving around Montana. I would drive down the highway through a little town, and if I saw a little restaurant there, a little café with six or seven pickups sitting there, I would go in and have a cup of coffee. You will get some conversation going on in there, I guarantee you. When I hear of farmers cutting back on the use of fertilizer by almost a third last fall and this spring when going in with their crops, that sends a message to the rest of the country that food and fiber production is being negatively impacted by these energy costs. Yields go down, the amount of grain and food products that moves to the marketplace goes down. The producers just can't afford the fertilizer. Then they go to pay their diesel costs for putting the crop in and taking it out, and it makes for a very interesting discussion around the restaurant or the cafe in the coffee clutch. Usually those fellows have all the answers, if you will just listen. I hope most of our Members of this Senate would do that: Just take off, sit down in a restaurant, listen to what people are talking about, and then try to come up with some sort of policy that would increase our ability to move and to be mobile and to fuel an economy that supports a very mobile society.

For alternative fuels, our technology is moving right along. We have many technologies that are going to help us in ethanol production, especially the cellulosic technology that uses plant residues. What we usually throw away, the waste, can now be turned into energy.

Biodiesel is viable. Genetically improved oilseeds are being produced and can be turned into a cleaner diesel. We were in Billings yesterday and saw an experiment of what can be done with biodiesel. We are the Saudi Arabia of coal in Montana. There are ways to turn that into diesel. Basically, we haven't found any alternative to diesel in moving big loads. We have to continue our research and development and our effort to turn what we grow every year, what is renewable every year, into usable, practical renewables to fuel our every day lives.

So I hope that during this week policies which would increase production, whether hydrocarbon or renewable, could move out because there is nothing in the short term that is going to take care of it. I tell you: we have to look at the long term of where we want to be in 20 years and ask ourselves how we get there. To formulate that policy in 1 week is asking a lot from this body or any other policymaking body. Nonetheless, we have to take up that challenge and be aware of what is happening on our farms and ranches across this country because the second thing every one of us does when we get up in the morning is eat breakfast, and we know the cost of that is going to rise if we don't address this business called high energy prices.

There is a cumulative effect here. We could point fingers at one, two, three, or four different contributing factors, but it is the perfect storm of all these factors that have come together. Finally we are being sent a message that policy has to be changed in order to increase our ability to move Americans.

I thank the Chair, and I yield the floor.

Mr. BENNETT. Mr. President, today's papers are filled with stories about energy prices and particularly gas costs and editorials demanding that the Congress and the President do something about it. I think perhaps the best comment that appeared was in this morning's Wall Street Journal in a story with the headline "Bush Aims To Rein In Gas Costs," where there is a quote from Robert Ebel, who directs the energy program at the Washington Center for Strategic and International Studies. All of us are familiar with CSIS and the good work that it does. I would like to quote Mr. Ebel because what he has to say is the clear understanding of where we are. He says:

> A good politician never admits he's powerless in a situation, but I don't see anything that the Congress can propose that will make any difference. We don't stand in isolation from the rest of the world oil market, and there are events going on around the world that affect the world price of oil.

I note that he uses the term "world"—I could count how many times, but multiple times—and we act as if this is a domestic problem. We act as if this is something we in Congress or the President in the White House can wave a magic wand and do something about.

I would like to point out a few facts and perhaps bring a little humility into this body, something that is in fairly short supply but in great need.

As Mr. Ebel points out, the price of oil is set by a series of world events. It is not set in the Congress. It is not set in the White House. People look at the cost of a gallon of gasoline and say to themselves: You know, it only costs—picking numbers out of the air but being illustrative—$1.50 to put that gallon of gasoline in the tank at the service station, yet the service station operator is charging me $3 to take it out; there is price gouging going on somewhere. The reality is that the price in the tank at the service station is not figured on the basis of what did it cost to get that gallon there; the price at the service station is figured on the cost of what will it cost to replace that gallon there. So the reason a gallon of gas is at $3 at the service station is that all of the forces involved in putting that gallon of gas in there assume that it will cost $3 to replace it; therefore, they better charge $3 for it in the first place.

Now, they may be wrong. It may be that they can replace that gallon of gas for $2.50, and as soon as they come to that conclusion, that gallon of gas will come down to $2.50. It may be that the cost of replacing that gallon of gas will be $3.50, and at that point, everybody will lose some money along the way. But whether it is the production of oil in the oilfield, the transportation of oil around the world, the refinement of oil in the various refineries, the transportation from the refinery to the service station, everyone is making a guess as to what it will cost for the next gallon of gas along the way, and that shows up in what appears at the service station.

So when there is trouble in Nigeria, someone says, by virtue of that trouble in Nigeria, the next gallon of gas is going to cost more than we think, and that is why the price goes up. If there is trouble and difficulty in Iran, well, that is going to cause the price to go up, and let's bet against that future. If there is trouble in Venezuela, then that figures in. When it turns out that the trouble doesn't materialize, the price of gasoline drops dramatically, and we have seen that in this past history.

The primary thing that started gas prices going up was Katrina. Why? Because Katrina wiped out a good percentage of our refinery capability. As the Senator from Montana has pointed out, we haven't built a refinery in this country for several decades. We need to get about it. But that is a 5- to 10-year problem. We can't instantly create a refinery out of nothing. As the refineries were shut down as a result of Katrina, the price of gas spiked as people anticipated that there would not be enough supply. As the refineries came back on line more rapidly than anybody anticipated, the price of gasoline dropped.

Now refinery capacity is being shut down again. Why? Because we here in this Congress mandated the replacement of MTBE with ethanol, and the refineries have to gear up to make that shift. When they do that, they shut down in order to retool. When they shut down, there is a lack of gasoline, and you have prices going back up again. Once they have made the shift over, we will find those prices will start to come down, unless there is some other unsettling situation somewhere in the world.

The bottom line, to repeat a refrain I have stated ever since I have been in the Senate, is that we cannot repeal the law of supply and demand. We engrave Latin phrases around here—and they are wonderful—to remind us of our history and our background, but if I could control what we carve in marble and see every day, it would be that statement: You cannot repeal the law of supply and demand. If we had built the facilities in ANWR in 2001 when there were sufficient votes in the House but was killed in the Senate, it is likely that oil would be coming on line now, because at the time people said: Don't get excited about ANWR; it is going to take at least 5 years. Well, 2001 was 5 years ago. If we had done that, we would start to see that oil. Would it lower the price? Of course it would because it would change the equation of expectations of people who are involved in this whole situation.

One last comment. I have talked about ethanol, and I have talked about MTBE. These are additives to lower the emissions that come out of gasoline, and they are good things. They are, however, expensive, and we cannot say on one hand: OK, let's get the price of gasoline as low as possible, and by the way, while we are doing it, let's put new burdens on the refineries that require this additive, that additive, and the other additive, that will require the creation of what are called boutique fuels, so that the refinery, instead of just putting out gasoline in regular or super high test, are putting out a boutique fuel for this part of the country and a boutique fuel for that part of the country and a boutique fuel for the other part of the country. That means constantly retooling, shutting down, starting up, changing, and all of that adds to the cost.

We have added to the cost here in the Congress in the name of environmental protection. I am not saying environmental protection is bad, but I am saying it costs money. We should pay attention to that so when the time comes for us to say what can we do about the high gasoline prices, the answer is we can pay attention and be a little more humble before the power of market forces. If we think Government can intervene with market forces and produce long-term lower prices, all we need to do is dredge up memory of what happened the last time we panicked about this as a nation in the 1970s. Under the leadership of President Carter we created a synfuels corporation, created oil company windfall taxes, and ended up in lines on separate days. You could only get your gas tank filled on alternative days. Ultimately, we saw all of the effort collapse when market forces finally took hold and brought the prices back in line.

I know it is not a message people want to hear. I, like Senator BURNS and other Senators, have been out in my constituency during the break, and I heard people talking about: What are you going to do about gas prices? I had two choices. I could either tell them I will come back here and I will fight to lower the gas prices—and make them feel good—or I could tell them the truth. I chose to tell them the truth. This is a long-term problem, it is a serious problem, and it can only be solved by serious policies. The most intelligent serious policy that we can adopt is to do whatever we can to facilitate the kinds of competition and market forces that ultimately will bring supply up and prices down and deal with the demand side as best we can through conservation.

It is not a quick fix. We can't pass a resolution and say, gee, look what we did and see something happen at the pump the day after tomorrow. It is time we recognize that fact and told our constituents the truth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

FTC INVESTIGATION

Ms. STABENOW. Mr. President, I rise today to talk about gas prices and the energy situation in our country. First, to agree with my distinguished colleague from Utah, in fact there are long-term issues we have to address. There is no question about that. Alternative fuels, the efforts to put forward very aggressive alternatives such as ethanol, soy-based biodiesel, and other alternatives that create real competition, are critical, but there are short-term actions we can take right now that will help the families who are being squeezed on all sides by outrageous prices, along with outrageously high profits of the oil companies.

Today our leader on the floor, our Republican leader, said there ought to be an investigation going on, and the President said today we ought to have an investigation going on as to possible price gouging. I come to the floor today, as the author of the amendment that successfully passed in the Energy bill last August, to say that we have an investigation going on. The Federal Trade Commission was authorized and charged with doing an investigation, which they are doing as a criminal investigation, into possible price gouging. I was pleased to be joined by Senator DORGAN and Senator BOXER and others in that effort.

Since that time, because they began to move extremely slowly last year, I was pleased to coauthor an increase of $1 million in the budget in order to fund that investigation. We passed that last fall. There have been bipartisan letters that have gone to the Chairman of the FTC saying let's get going. That occurred last fall, last September. Now we are seeing from the Federal Trade Commission that they intend to have this report done, this investigation done by May 21.

It is about time. First I would say: Mr. President, it is your FTC. You appoint the majority of the members on the Federal Trade Commission. You should know that this is going on.

I encourage the President to be engaged with what his Federal Trade Commission is doing at this very moment. Hopefully, we are going to get the right kind of investigation with tough recommendations that will tell it like it is. This is already occurring. Right now the investigation, as I said, is structured as a law enforcement case. They are working with the CFTC, with the States Attorneys General right now. I encourage everyone interested in this issue to give their input to the Federal Trade Commission that is already doing an investigation.

In fact, one of the things they found doing this investigation, as they sent out 200 investigation demands which are roughly the same as subpoenas, ExxonMobil, back in January-February, filed a petition to quash the FTC subpoena for tax information. Fortunately, the Commission denied the appeal and ExxonMobil had to subsequently comply. But now they are looking at manipulation and gouging, whether or not that is happening. They are confident, they say, that they found enough information for a solid determination in their final report, which is expected on May 21.

I say, first to my Republican colleagues, to the leadership, to the President, this investigation is already going on. I am glad you now think there ought to be an investigation. But we would appreciate it if you would be involved in making sure what the FTC does is tough and smart and tells it like it is in terms of what is really going on.

Gasoline is not a luxury for the families of Michigan or the families anywhere across the country. It is a necessity. Families are caught in a bind because, on the one hand, this is not a regulated utility like electricity, and there is not enough competition with basically five different companies. We all know there is not enough competition because of the consolidations that have gone on. So what happens? American consumers are stuck in the middle, squeezed on all sides.

Now in Michigan it costs about $42 to fill up a tank. That is $4 more than last month; $150 more than last year. We are told by the Energy Information Administration there is going to be an average 25-cent increase this summer. We already know that numbers are topping $3, in some cases around the country $4 a gallon.

What this means on average to Michigan families is about $500 more in the cost of gas for this year—about $500. For the average family that is a mortgage payment. That is the rent. That is a car payment. It is paying for food. It is the difference between helping your kids buy books when they need to go to college. This is a big deal. Yet we see comments coming from the head of ExxonMobil, Mr. Raymond, who dismissed the concerns between Exxon's record profits and out-of-control gas prices when he said on CNN that a single quarter or single year's profits is not all that significant.

Mr. Raymond, it may not be significant to you. It is significant to the people in Michigan. Five hundred dollars more is significant. It is a big deal.

We also know that according to our businesses—for instance, General Motors executives say that every time there is a $1 increase in the price of a barrel of oil it adds $4 million to GM's logistical costs. So this is an issue of jobs. Petroleum costs equate with what is happening on jobs. So this is a big deal.

It is also a big deal for the oil companies. As we all know, we have all been seeing the numbers, the total combined profit for the big five oil companies last year was $111 billion. For 2005, ExxonMobil reported the highest profits ever recorded in U.S. corporate history.

What adds insult to injury is when we look at the things like the CEO compensation. He is being paid a total compensation package of $69.7 million. That is about $110,000 a day, by the way. Most people in Michigan don't make $110,000 a year, and we have the head of the largest oil company making $110,000 a day, with a $400 million retirement package. Then we are to expect that this is just the global marketplace happening, that there is nothing we can do? I don't accept that.

In the short run we can do one thing and that is go back to the drawing board on a bill that is in conference committee right now on tax cuts. That has over $5 billion in new tax cuts, tax breaks for oil companies, some of it based on their businesses overseas. We can say no. This industry does not need taxpayers to subsidize $5 billion-plus, plus another $2 billion in the Energy bill that passed last year. We are looking at $7 billion in increased tax breaks that American taxpayers are subsidizing while we are paying the higher prices? No.

I have introduced a bill called the Oil Company Accountability Act that says no to more tax breaks for oil companies and puts that money back into a $500 rebate per taxpayer in this country to pay the cost of higher gas prices for the coming year. The average taxpayer is going to pay $500 more. I think that is a better use of those dollars than putting it into more tax breaks for an industry that is already the most profitable, with the most outrageous salaries, and that continues to price gasoline at a level that is out of control.

I am hopeful my colleagues will be offering this in various capacities. It would be terrific to get this passed right away because families could have their checks in the mailbox before Labor Day to help them pay the outrageously high gas increases that we are seeing: $500 tax rebate checks for families, no to the oil companies on more tax breaks, and that at least gets us on the right track while other long-term efforts needed take place.

Mr. President, I yield.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to take 5 minutes to talk a little about the energy issues that are affecting us and challenging us as a nation and the high price of gasoline more specifically. I am persuaded that most of the increase in the price of gasoline that we are seeing at the pump is a result of the increase in the price of oil and that most of that increase in the price of oil is a result of supply and demand factors. Not all of it, necessarily, but the majority of the cause is with supply and demand.

So the question comes down to what can we be doing to come to grips with this supply and demand situation? To the extent that there is manipulation of the price, what can we do to deal with that?

Let me talk about the manipulation first. I strongly support putting in place a Federal statute that prohibits price gouging. Many States have similar statutes, and they have had some success in the enforcement of those statutes. But we have no Federal statute to that effect. We had a hearing. That was a joint hearing between the Energy Committee and the Commerce Committee a couple of months ago. It was in November, so it has been more than a couple of months ago. We had the head of the Federal Trade Commission, Deborah Platt Majoras, there testifying. The Federal Trade Commission is the Federal agency that would be the natural agency to have responsibility for enforcement of a Federal anti-price-gouging statute. She testified:

> A Federal statute that makes it illegal to charge prices that are considered to be too high as long as companies set those prices independently would be a mistake. The omission of a Federal price gouging law is not inadvertent. It reflects sound policy choices.

The clear position of the Federal Trade Commission, as articulated by the Chairwoman of the Federal Trade Commission of this administration, is that they do not want a Federal anti-price-gouging statute, they do not believe it would be good policy to have such a statute. They would find it difficult to enforce and therefore they urge Congress not to proceed.

I think that is a mistake. I think we should bring an anti-price-gouging statute to the floor, and we should proceed to pass it as soon as possible. So that is on the manipulation issue.

What about supply and demand and the effect that is having on the price of gasoline? Clearly, the supply is not what it needs to be to meet demand today. Trying to increase simply over the short term is very difficult. The most likely prospect we have for increasing supply in the next few years is legislation that I have cosponsored along with Senator DOMENICI to try to open up an area in the gulf coast for drilling. That is lease sale 181. That legislation would open up for development an area that is estimated to contain 6 trillion cubic feet of natural gas, an area that is estimated to contain 1 billion barrels of oil. That would help. That is not an immediate fix, but over the next few years that could begin to help with the supply situation.

What about demand? Frankly, that is the area where we could do the most good. In the Energy bill we passed last year, we did some things to try to reduce demand, to try to encourage additional efficiency, to try to encourage additional conservation, but we did too little, in my view.

There is more that can be done, particularly in the transportation sector. This is legislation that I am joining with others on in a bipartisan group to introduce this week which is called the Enhanced Energy Efficiency Act of 2006. This legislation would try to set targets and goals and requirements for the various Federal agencies to adopt, policies to save oil over the next several years—and it would put specific amounts of savings that we would work toward. They could do that through a variety of initiatives, a variety of policy changes and regulatory changes to encourage more fuel-efficient vehicles, to encourage fleet conservation requirements, assistance to State programs to retire fuel-inefficient vehicles, assistance to States to reduce schoolbus idling.

There are a variety of provisions in this bill. These are provisions which were included in a bill that Senators BAYH, BROWNBACK, COLEMAN, and various other Senators introduced earlier in this Congress. I think it was S. 2025. But these are provisions that would be under the jurisdiction of the Energy Committee. These are provisions that I believe would begin the process of looking more seriously at ways we can reduce demand.

We could encourage efficiency in our use of energy, and particularly in our use of oil. These are steps that could be taken—that need to be taken.

I think we should pass a Federal anti-price-gouging law. We could do that quickly. We can get that to the President for his signature.

We can also pass this other legislation. We can pass the legislation that opens lease sale 181 for development. That, again, would help somewhat with the supply situation. Unfortunately, it is very difficult to affect the price of gasoline through legislation in the short term. I think we all need to acknowledge that. But I believe there are steps we can take. I believe there are policies we can adopt. I hope we can work in a bipartisan way to do that.

I hope we can come to the aid of the American consumers who are having to pay these very high prices for gasoline at this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, this morning the President of the United States held a press conference and announced the following: Prices at the pumps reflect our addiction to oil.

So it turns out it is our fault. It turns out it is the fault of the consumers. It is the fault of families and businesses and farmers that the prices have gone so high. I don't think so. I think the prices at the pump reflect the oil companies' addiction to greed.

Let me give you a case to consider. Lee Raymond, CEO of Exxon, recently retired. Did he get a gold watch for his service to Exxon? No. Mr. Raymond was given a severance package of $400 million. And the prices at the pumps reflect the consumers' shortcoming?

ExxonMobil recorded the highest corporate profits in the history of the United States of America. Money went straight from the credit cards of American families into the board rooms of ExxonMobil. They realized billions of dollars in profit, and they turned around and gave Mr. Raymond, as a farewell gift for his fine tutelage over their company, $400 million as a going-away gift. And the President says the price at the pumps reflects the consumers' addiction to oil? What choice do consumers have?

You go shop around in your hometown, as I did in Springfield and Chicago. There is some variation from pump to pump, from gas station to gas station. By and large, consumers have nowhere to turn.

What is happening is the price of gasoline is going up so fast, so high, that it is creating a hardship—not just for farmers and individuals but for America's economy—for the farmers I represent who are trying to put a crop in the field, for businesses that depend on the cost of energy as one of their input costs. That is a reality.

Let me say to the President that the prices at the pumps don't reflect our addiction to oil; they reflect a failure in leadership by this White House.

It hasn't even been 1 year—not 12 months—since the President ceremoniously signed the Energy bill for America's energy policy last August. What a great bill that has been. Since that bill was signed, what has happened to the price of energy and heating, and energy and gasoline? It has gone up dramatically across America. That bill was a failure. It was a failure because this administration believes the price at the pump is the fault of the consumers. It isn't. The consumers have nowhere to turn. That bill that was passed was an outrage. There were some provisions in it that I supported—expanding the use of alcohol fuels, alternative fuels—but the bill also contained multibillion-dollar subsidies to the oil industry at a time when they are enjoying record-breaking profits.

We are going to take money away from taxpayers and give it to industry? What in the world could we be thinking?

The bill also has had no meaningful conservation effort. How can we be serious about an energy policy in America if we aren't moving toward more fuel-efficient cars and trucks? We continue to import oil from overseas with abandon.

Why hasn't this administration set as a goal for America what the Democrats argued for on the floor: that is, that we would reduce our dependence on foreign oil by more than 50 percent over the next 10 years? We can do it with the vision and leadership of a White House that is not wedded to the oil industry but wedded, rather, to an economy that is being at this point seriously disadvantaged by the terrible increases in gasoline prices.

When the President wants to blame the consumer pulling up to the pump for his addiction to oil, I have to ask the President: What have you done? What has Congress done? What should we do?

Let me say this: Despite my serious misgivings about the energy policy of this administration which believes the answer to our prayers is to drill for oil in a wildlife refuge in Alaska that we have protected for 50 years, a refuge which at best will start producing oil in 10 years, and over its lifespan produce 6 months of energy for America, as if this is the answer to our prayers, that is very shortsighted. We need to come together. We need to understand that when the Republican leaders in Congress and the President of the United States are saying we had better call the Federal Trade Commission because something is going wrong with gasoline stations—America, excuse me; the Federal Trade Commission is part of this administration. Why are they waiting until this moment in time when all the bells and whistles and alarms are sounding to finally realize that we have to move on price gouging and price fixing?

I think it is time to have a windfall profits tax. I introduced that bill. When ExxonMobil can realize billions of dollars of profit at the expense of American businesses and families, it is time for us to step in and say that money is coming back to the Treasury and back to the consumers. We have talked for a long time about tax cuts for average families. How about a tax rebate from the windfall profits of these oil companies going right back to the families who are being flailed by these high gasoline prices. That would send a message to the oil companies that their price gouging is not going to go without penalty. They will pay a price for it. Those who would benefit from the windfall profits tax are the very consumers who are paying these high energy prices.

I think that is what we need to do. We need to understand that if we are going to have an energy policy in America which keeps our economy moving forward, we need to acknowledge the obvious. It is not the consumers' fault. The consumer has nowhere to turn at this point but to pay these high gasoline prices. It is the fault of leadership—the leadership at the oil companies that will take every last penny out of every working family they can at the pump, and it is the fault of an administration which comes from the oil patch and has been afraid to confront their old friends when it comes to these rising gasoline prices.

It is time to start anew. It is time to start on a bipartisan basis to understand that this isn't just a temporary inconvenience. It is something which can seriously handicap this economy for a long time to come.

I just returned from Illinois. I spent 2 weeks traveling all over the State, the city of Chicago, and suburban areas. I tell you that I expected to hear a lot about the Iraqi war, a lot about immigration, health care, education, and I did hear about those, but the thing that is focusing the attention of the people in Illinois is the price at the gasoline stations.

These families understand that this is a hardship they never counted on. It is bad enough in this country when these families struggle to try to make a living, to put their kids through school, make that mortgage payment, but then to have these oil companies and their rapacious greed charging higher and higher prices for their product and taking $400 million so Mr. Raymond can have a sweet retirement from ExxonMobil, that is unconscionable.

It is time for the President to speak out. It is not a question of whether our addiction to oil has caused this problem. It is not the consumers' fault. No. It is the fault of the oil company executives and this administration which needs to show real leadership so this economy doesn't stall.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I would very much like to work on an energy policy in a bipartisan way. I think we all understand that the only way to get anything important done in Washington, DC, is to work in a bipartisan way. Unfortunately, the same Bush administration that so tragically bungled the response to Hurricanes Katrina and Rita has now bungled its way to $3-a-gallon gasoline. And in particular, I am concerned that all of the evidence showed that this spring we would have these problems.

The administration, for example, has given Congress a variety of reports about how post-Katrina we would have evidence of a supply problem. With respect to the changeover from MTBE to ethanol, all the evidence was available many months ago. The Wall Street Journal was warning about it—that there would be huge logistical problems for service stations and others to make that changeover.

We know that ethanol—and the Senator from Illinois has been one of the leaders in this effort—is going to play an important role in America's gasoline future. Given that, this should have been an all-hands-on-deck approach at the administration trying to watchdog the transition from MTBE to ethanol. This is an administration with enormous expertise in the oil area. For all practical purposes, this is an administration that is almost marinated in oil. One official after another has a history and a background in this sector. Yet where was the Department of Energy? Where was the Environmental Protection Agency? Where was the Commodity Futures Trading Commission at a key time in our country's energy future?

With all the problems overseas—Nigeria, Venezuela, and Iraq producing a tiny fraction of what they were able to produce before the war—we knew that this was going to be a difficult time this spring.

I talked to a gasoline station owner last night. I pulled up and was faced with the prospect of $3.25 a gallon. That station owner said: Nobody gave us any information at all about how to proceed in this significant switchover from MTBE to ethanol.

They have to clean their tanks. There are tremendous logistical problems and a different role for transportation with respect to trucks and rails versus pipelines. Normally, you would have taken a much longer period of time to make this changeover. That wasn't done.

So the administration should have been there working with the service station owners and the oil companies and a variety of parties to try to minimize the problems when you are having this massive transition in the energy area. So we are going to see instances where people try to exploit the situation. I hope we can get the Federal Trade Commission off the dime and finally go out and take the steps to protect the public from this exploitation.

It was known a year ago that this was a time when we would have a perfect energy storm. We knew we were going to have the equivalent of what amounts to a level 5 hurricane in the gasoline market. Yet the folks in the administration sat on their hands. It did not have to be that way.

I want to work in a bipartisan way to turn this around. Unfortunately, the same kind of bumbling and bungling approach that was taken in responding to Hurricanes Katrina and Rita has driven our gasoline prices over $3 a gallon. We ought to come together. I recommended yesterday in a lengthy speech a variety of steps we could take in the short term—for example, helping the States to make this transition to ethanol easier. We can do it in a bipartisan way. If it were not for the bungling of this administration over the last year and its failure to take the steps that could have prevented much of what we have seen, we would not have to come to this point. That is unfortunate. The American people have been gratuitously hammered again. It didn't have to be.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have been listening to the debate in the Senate. Senator CORNYN is going to respond in a little more detail. Honestly, it is very important we address the energy issue in a way that suggests what we can do. The people of America are not interested in Democratic charges against Republicans and Republican charges against Democrats. They want more resources so the price of gasoline at the pump will come down.

In my hometown of Dallas, there are shortages now in addition to the high prices. We need to do some things that diversify our resources so we depend on our own resources for oil and natural gas. That means drilling for oil in our country and trying to make sure we have conservation and alternative sources of energy, which is exactly what Congress has been trying to do. We have been held up in doing it.

I appreciate very much this opportunity. I am very pleased to work with my colleague, Senator CORNYN.

Mr. CORNYN. Mr. President, I will use a few minutes to respond to some of the voices that have been raised regarding the fuel prices. Of course, this is an issue that affects everyone. It is ironic that those who have railed the loudest against high gasoline prices are the ones who indeed are responsible for obstructing rational energy policy in this country that would bring down the price of gasoline itself.

For example, we all know that the global competition for oil and gas is greater with the industrialization and growth of countries such as China, with 1.3 billion people, with the growth and industrialization of countries such as India. But notwithstanding the need to diversify our energy sources to nuclear energy and use the 300 years of coal we have in this country in a clean and environmentally sensitive way, we have been met with nothing but obstruction when it comes to trying to both diversify our energy sources and to undertake policies that would literally bring down the price of gasoline at the pump.

It is no secret the single greatest factor in high gasoline prices is high oil prices. We have simply been denied every opportunity we have tried to undertake to expand domestic production at home by exploring places such as the Arctic Wildlife Refuge in an environmentally responsible way and drilling offshore in America in a way that can preserve both the environment but also increase the supply of oil and help bring down the price of gas.

Congress can do a lot of things, but we cannot repeal the laws of supply and demand. Without additional supply, we know with additional demand, prices will continue to go up. Because of obstruction and unreasonable regulation we have not seen a new refinery built in this country in the last 30 years.

Our time would be used more productively if our colleagues across the aisle would work with us to diversify and expand the sources of domestic energy so we can help bring down the price at the pump. It would be much more constructively used if we work together rather than attempting to score political points and to place the blame in a political season.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GRAY HAMPTON MILLER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for consideration of Calendar No. 602, which the clerk will report.

Under the previous order, there will be 5 minutes for the Senator from Texas.

The bill clerk read the nomination of Gray Hampton Miller, of Texas, to be United States District Judge for the Southern District Of Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I take this opportunity to talk about Gray Miller. Senator CORNYN and I are dividing this time because we are both responsible for nominating this incredible person to serve on the Federal district bench from the southern district of Texas in his hometown of Houston.

Senator CORNYN and I have a process. We have a committee made up of Republicans and Democrats, geographically diverse, lawyers respected in their fields, who interview all of the nominees for Federal benches. There were quite a few nominees, probably 15 to 20, for this particular bench. They rank them. Senator CORNYN and I then talked to the top 3 or 4 nominees. It has been a great system. We have gotten extremely qualified judges on the district benches in Texas doing it this way.

I appreciate the input of Senator CORNYN, a member of the Judiciary Committee, because he has been attorney general of Texas. His input is very valuable and our system has produced a quality judge in Gray Miller.

Gray Miller is a senior partner at Fulbright & Jaworski. Gray has headed the firm's admiralty department, starting in 1997. In fact, he is widely considered one of the leading maritime lawyers in the world and was included in Euro's Money Guide to the world's leading maritime lawyers. Included in his many professional honors are accolades as a Texas superlawyer by Texas Monthly Magazine and recognition as one of the best lawyers in America.

Gray Miller is one of the most honorable, hard-working Americans I have ever known. From 1969 to 1978 Gray worked his way through undergraduate and law school as a Houston police officer. He and his wife raised their two children during this time. While he has obtained exceptional skills and qualifications as a lawyer and with the admiralty specialty, which is a big part of the practice in Houston, his experience of serving as a Houston police officer brings a unique perspective to the Federal bench.

He was appointed by the Governor of Texas to serve on the board of the Texas Department of Mental Health and Retardation. He is a lifetime member of the 100 Club of Houston, an organization that assists the families of police officers and firefighters who are killed or injured in the line of duty.

I am honored to recommend Gray Miller. He meets the high standards to which we hold all judicial nominees. He has an impressive record of service. He has great judicial temperament. He shoots straight. He has an experience that is so diverse, from being an on-the-ground police officer who is dealing with the criminal aspect in our society—we do not have enough people with that background on the Federal bench—to admiralty, which is an intellectual contract, and international law, part of the responsibility in the southern district of Texas.

With this array of experience and the integrity he holds, we have an outstanding nominee. I urge all of my colleagues to support the nomination of Gray Miller.

I yield the floor.

Mr. CORNYN. Mr. President, I join my colleague, Senator HUTCHISON, in commending to our colleagues this fine nominee to the U.S. District Court for the Southern District of Texas. Soon-to-be-Judge Miller will succeed Judge Ewing Werlein, who assumed senior status early this year.

I add to all of Mr. Miller's outstanding credentials my recognition and our appreciation for Judge Werlein's service to his Nation and the legal profession during his time on the bench.

First, I thank the chairman of the Judiciary Committee, Senator SPECTER, as well as the ranking member, Senator LEAHY, for working with Senator HUTCHINSON and me to fill the important vacancy in the Houston Division of the Southern District of Texas.

Mr. Miller has been nominated to fill the vacancy created when Judge Ewing Werlein assumed senior status earlier this year. Judge Werlein has served his country and the legal profession admirably, and I commend him for his dedicated service.

The Houston division is one of the most important and diverse in the entire Federal judiciary as it is responsible for some of the Nation's most complex, notable commercial disputes and criminal prosecutions. It is crucial that we fill this vacancy quickly and I thank the committee for their vote to bring Mr. Miller's nomination to the Senate floor.

When I consider nominees for the Federal bench, there are certain characteristics that I value. In fact, I believe that many of my colleagues also appreciate these same characteristics. First, nominees usually have a notable history of public service. In addition, nominees are often well-respected by their peers and have impeccable academic and/or professional records. Last, nominees usually have a long and distinguished history of civil involvement. Mr. President, Gray Miller possesses these traits.

Mr. Miller has the necessary qualifications to serve on the Federal bench. He has been a long-time partner in the distinguished Texas law firm of Fulbright and Jaworski. He has excelled at the practice of law and is well respected within the legal profession for his knowledge of admiralty and maritime law. This nominee also enjoys the support of the American Bar Association which has certified him as well-qualified after a thorough review of his credentials.

Furthermore, he devotes a substantial amount of his time to public service. Most notably, he spent 9 years as a Houston police officer, working his way through his undergraduate and law degrees. Now, as a private practice attorney, he supports a variety of public service initiatives, including the Houston Volunteer Lawyers Program and Habitat for Humanity. He also previously has served on the board of trustees of the Mental Health/Mental Retardation Authority of Harris County and on the board of the Texas Department of Mental Health and Mental Retardation. He and his wife actively support Houston schools for students with learning disabilities and drug and alcohol problems. His devotion to the greater Houston community is commendable.

From a congressional page in 1965 to a police officer in the 1970s to an accomplished trial advocate, Mr. Miller understands and respects the role of our three branches of government. He has an unfailing respect for the judiciary and the jury system. It is with this understanding that I believe Mr. Miller will serve his country honorably as a Federal district court judge should—by interpreting and applying the law and adhering to established precedent.

I am pleased that President Bush has nominated Gray Miller to serve on the court of the Southern District of Texas. I look forward to his service on the Federal bench in the Great State of Texas. I ask my colleagues to support his nomination.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gray Hampton Miller, of Texas, to be United States District Judge for the Southern District of Texas? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 93 Ex.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel

Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—7

Dayton
Jeffords
Kerry
Kohl
Obama
Rockefeller
Vitter

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, for debate only, until 2:15 p.m.

The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 4939), making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill, which was reported by the Committee on Appropriations, with an amendment.

[Omit the part shown in black brackets and insert the part shown in italic.]

H.R. 4939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

[CHAPTER 1

[DEPARTMENT OF AGRICULTURE

[FOREIGN AGRICULTURAL SERVICE

[Public Law 480 Title II Grants

[For an additional expenses for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 2

[DEPARTMENT OF DEFENSE

[DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[Military Personnel, Army

[For an additional amount for "Military Personnel, Army", $6,506,223,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Military Personnel, Navy

[For an additional amount for "Military Personnel, Navy", $1,061,724,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Military Personnel, Marine Corps

[For an additional amount for "Military Personnel, Marine Corps", $834,122,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Military Personnel, Air Force

[For an additional amount for "Military Personnel, Air Force", $1,145,363,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Army

[For an additional amount for "Reserve Personnel, Army", $166,070,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Navy

[For an additional amount for "Reserve Personnel, Navy", $110,412,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Marine Corps

[For an additional amount for "Reserve Personnel, Marine Corps", $10,327,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Air Force

[For an additional amount for "Reserve Personnel, Air Force", $1,940,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[National Guard Personnel, Army

[For an additional amount for "National Guard Personnel, Army", $96,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[National Guard Personnel, Air Force

[For an additional amount for "National Guard Personnel, Air Force", $1,200,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE

[Operation and Maintenance, Army

[For an additional amount for "Operation and Maintenance, Army", $18,380,310,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Navy

[(including transfer of funds)

[For an additional amount for "Operation and Maintenance, Navy", $2,793,600,000: *Provided*, That up to $75,020,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Marine Corps

[For an additional amount for "Operation and Maintenance, Marine Corps", $1,722,911,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Air Force

[For an additional amount for "Operation and Maintenance, Air Force", $5,328,869,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Defense-Wide

[For an additional amount for "Operation and Maintenance, Defense-Wide", $3,259,929,000, of which—

[(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

[(2) not to exceed $10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

[(3) not to exceed $1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

[(4) not to exceed $44,500,000 for Cooperative Threat Reduction:

[*Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE, ARMY RESERVE

[For an additional amount for "Operation and Maintenance, Army Reserve", $100,100,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE, NAVY RESERVE

[For an additional amount for "Operation and Maintenance, Navy Reserve", $236,509,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

[For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $55,675,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[For an additional amount for "Operation and Maintenance, Air Force Reserve", $18,563,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[For an additional amount for "Operation and Maintenance, Army National Guard", $178,600,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

[For an additional amount for "Operation and Maintenance, Air National Guard", $30,400,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[AFGHANISTAN SECURITY FORCES FUND

[(INCLUDING TRANSFER OF FUNDS)

[For the "Afghanistan Security Forces Fund", $1,851,833,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[IRAQ SECURITY FORCES FUND

[(INCLUDING TRANSFER OF FUNDS)

[For the "Iraq Security Forces Fund", $3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT

[AIRCRAFT PROCUREMENT, ARMY

[For an additional amount for "Aircraft Procurement, Army", $533,200,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MISSILE PROCUREMENT, ARMY

[For an additional amount for "Missile Procurement, Army", $203,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

[For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,983,351,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT OF AMMUNITION, ARMY

[For an additional amount for "Procurement of Ammunition, Army", $829,679,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OTHER PROCUREMENT, ARMY

[For an additional amount for "Other Procurement, Army", $7,528,657,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[AIRCRAFT PROCUREMENT, NAVY

[For an additional amount for "Aircraft Procurement, Navy", $293,980,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[WEAPONS PROCUREMENT, NAVY

[For an additional amount for "Weapons Procurement, Navy", $90,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

[For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $330,996,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OTHER PROCUREMENT, NAVY

[For an additional amount for "Other Procurement, Navy", $111,719,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT, MARINE CORPS

[For an additional amount for "Procurement, Marine Corps", $3,260,582,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[AIRCRAFT PROCUREMENT, AIR FORCE

[For an additional amount for "Aircraft Procurement, Air Force", $663,595,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT OF AMMUNITION, AIR FORCE

[For an additional amount for "Procurement of Ammunition, Air Force", $29,047,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OTHER PROCUREMENT, AIR FORCE

[For an additional amount for "Other Procurement, Air Force", $1,489,192,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT, DEFENSE-WIDE

[For an additional amount for "Procurement, Defense-Wide", $331,353,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

[For an additional amount for "Research, Development, Test and Evaluation, Army", $424,177,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

[For an additional amount for "Research, Development, Test and Evaluation, Navy", $126,845,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

[For an additional amount for "Research, Development, Test and Evaluation, Air Force", $305,110,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

[For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $145,921,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[REVOLVING AND MANAGEMENT FUNDS

[DEFENSE WORKING CAPITAL FUNDS

[For an additional amount for "Defense Working Capital Funds", $502,700,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OTHER DEPARTMENT OF DEFENSE PROGRAMS

[DEFENSE HEALTH PROGRAM

[For an additional amount for "Defense Health Program", $1,153,562,000 (reduced by $20,000,000) (increased by $20,000,000) for operation and maintenance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OFFICE OF THE INSPECTOR GENERAL

[For an additional amount for "Office of the Inspector General", $6,120,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RELATED AGENCIES

[INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

[For an additional amount for the "Intelligence Community Management Account", $158,875,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[GENERAL PROVISIONS—THIS CHAPTER

[(TRANSFER OF FUNDS)

[SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

[SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

[(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

[(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to such Governments for counter-drug activities.

[(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

[SEC. 1203. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed $1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109–163, from funds made available in this chapter to the Department of Defense, not to exceed $423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

[SEC. 1205. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

[SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

[CHAPTER 3

[BILATERAL ECONOMIC ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[CHILD SURVIVAL AND HEALTH PROGRAMS FUND

[For an additional amount for "Child Survival and Health Programs Fund", $5,300,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEVELOPMENT ASSISTANCE

[For an additional amount for "Development Assistance", $10,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[INTERNATIONAL DISASTER FAMINE ASSISTANCE

[For an additional amount for "International Disaster and Famine Assistance", $136,290,000, to remain until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[For an additional amount for "Operating Expenses of the United States Agency for International Development", $61,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OTHER BILATERAL ECONOMIC ASSISTANCE

[ECONOMIC SUPPORT FUND

[For an additional amount for "Economic Support Fund", $1,584,500,000 (reduced by $10,000,000) (increased by $10,000,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEPARTMENT OF STATE

[DEMOCRACY FUND

[For an additional amount for "Democracy Fund", $10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

[For an additional amount for "International Narcotics Control and Law Enforcement", $107,700,000 (reduced by $26,300,000) (increased by $26,300,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MIGRATION AND REFUGEE ASSISTANCE

[For an additional amount for "Migration and Refugee Assistance", $51,200,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEPARTMENT OF THE TREASURY

[INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

[For an additional amount for "International Affairs Technical Assistance", $13,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MILITARY ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[PEACEKEEPING OPERATIONS

[For an additional amount for "Peacekeeping Operations", $123,000,000 (increased by $50,000,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[GENERAL PROVISIONS—THIS CHAPTER

[(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

[SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

[SEC. 1302. Of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108–106, $185,500,000 is hereby transferred to and merged with the appropriation for "Economic Support Fund" contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[(RESCISSION OF FUNDS)

[SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109–13, $17,000,000 is rescinded.

[SEC. 1304. Notwithstanding any other provision of law, amounts under the heading "Iraq Relief and Reconstruction Fund" in title II of Public Law 108–106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided*, That, notwithstanding section 2207(d) of Public Law 108–106, requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008.

[CHAPTER 4

[DEPARTMENT OF HOMELAND SECURITY

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For an additional amount for "Operating Expenses", $26,692,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 5

[DEPARTMENT OF DEFENSE

[MILITARY CONSTRUCTION

[MILITARY CONSTRUCTION, ARMY

[For an additional amount for "Military Construction, Army", $287,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That, subject to the preceding proviso, $60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

[MILITARY CONSTRUCTION, AIR FORCE

[For an additional amount for "Military Construction, Air Force", $35,600,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

[GENERAL PROVISION—THIS CHAPTER

[SEC. 1501. The matter under the heading "Veterans Health Administration—Medical Services" in chapter 7 of title I of division B of Public Law 109–148 is amended by inserting after "calendar year 2005" the following: "and for unanticipated costs related to the Global War on Terror": *Provided*, That the provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 6

[DEPARTMENT OF JUSTICE

[LEGAL ACTIVITIES

[SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

[For an additional amount for "Salaries and Expenses, United States Attorneys", $3,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[FEDERAL BUREAU OF INVESTIGATION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and Expenses", $99,000,000, to remain available until September 30, 2007: *Provided*, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DRUG ENFORCEMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and Expenses", $5,000,000 (increased by $9,200,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and Expenses", $4,100,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEPARTMENT OF STATE AND RELATED AGENCY

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[DIPLOMATIC AND CONSULAR PROGRAMS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Diplomatic and Consular Programs", $1,380,500,000, to remain available until September 30, 2007: *Provided*, That of the amount made available under this heading, $1,326,000 shall be available for transfer to the United States Institute of Peace: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OFFICE OF INSPECTOR GENERAL

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Office of Inspector General", $25,300,000, to remain available until September 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

[For an additional amount for "Educational and Cultural Exchange Programs", $5,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[INTERNATIONAL ORGANIZATIONS

[CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

[For an additional amount for "Contributions for International Peacekeeping Activities", $129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RELATED AGENCY

[BROADCASTING BOARD OF GOVERNORS

[INTERNATIONAL BROADCASTING OPERATIONS

[For an additional amount for "International Broadcasting Operations", $7,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[BROADCASTING CAPITAL IMPROVEMENTS

[For an additional amount for "Broadcasting Capital Improvements", $28,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[GENERAL PROVISION—THIS CHAPTER

[SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947.

[CHAPTER 7

[DEPARTMENT OF THE TREASURY

[DEPARTMENTAL OFFICES

[SALARIES AND EXPENSES

[For an additional amount for "Salaries and Expenses", $1,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

[CHAPTER 1

[DEPARTMENT OF AGRICULTURE

[EXECUTIVE OPERATIONS

[WORKING CAPITAL FUND

[For an additional amount for "Working Capital Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[AGRICULTURAL RESEARCH SERVICE

[BUILDINGS AND FACILITIES

[For an additional amount for "Agricultural Research Service, Buildings and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[NATURAL RESOURCES CONSERVATION SERVICE

[EMERGENCY WATERSHED PROTECTION PROGRAM

[For an additional amount for "Emergency Watershed Protection Program" $10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 2

[DEPARTMENT OF DEFENSE

[DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For an additional amount for "Military Personnel, Army", $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Military Personnel, Navy

[For an additional amount for "Military Personnel, Navy", $22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Military Personnel, Marine Corps

[For an additional amount for "Military Personnel, Marine Corps", $3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Military Personnel, Air Force

[For an additional amount for "Military Personnel, Air Force", $21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Army

[For an additional amount for "Reserve Personnel, Army", $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Navy

[For an additional amount for "Reserve Personnel, Navy", $10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Marine Corps

[For an additional amount for "Reserve Personnel, Marine Corps", $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Reserve Personnel, Air Force

[For an additional amount for "Reserve Personnel, Air Force", $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[National Guard Personnel, Army

[For an additional amount for "National Guard Personnel, Army", $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[National Guard Personnel, Air Force

[For an additional amount for "National Guard Personnel, Air Force", $1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OPERATION AND MAINTENANCE

[Operation and Maintenance, Navy

[For an additional amount for "Operation and Maintenance, Navy", $29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Air Force

[For an additional amount for "Operation and Maintenance, Air Force", $37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Navy Reserve

[For an additional amount for "Operation and Maintenance, Navy Reserve", $12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Air Force Reserve

[For an additional amount for "Operation and Maintenance, Air Force Reserve", $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Operation and Maintenance, Army National Guard

[For an additional amount for "Operation and Maintenance, Army National Guard", $42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PROCUREMENT

[Procurement of Ammunition, Army

[For an additional amount for "Procurement of Ammunition, Army", $700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Other Procurement, Army

[For an additional amount for "Other Procurement, Army", $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Aircraft Procurement, Navy

[For an additional amount for "Aircraft Procurement, Navy", $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Procurement of Ammunition, Navy and Marine Corps

[For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Shipbuilding and Conversion, Navy

[(including transfer of funds)

[For an additional amount for "Shipbuilding and Conversion, Navy", $775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Other Procurement, Navy

[For an additional amount for "Other Procurement, Navy", $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Aircraft Procurement, Air Force

[For an additional amount for "Aircraft Procurement, Air Force", $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Procurement, Defense-Wide

[For an additional amount for "Procurement, Defense-Wide", $2,797,000 (increased by $2,000,000), to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION

[Research, Development, Test and Evaluation, Navy

[For an additional amount for "Research, Development, Test and Evaluation, Navy", $12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Research, Development, Test and Evaluation, Air Force

[For an additional amount for "Research, Development, Test and Evaluation, Air Force", $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Research, Development, Test and Evaluation, Defense-Wide

[For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[REVOLVING AND MANAGEMENT FUNDS

[Defense Working Capital Funds

[For an additional amount for "Defense Working Capital Funds", $1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[National Defense Sealift Fund

[For an additional amount for "National Defense Sealift Fund", $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[TRUST FUNDS

[General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense

[For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", $10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[OTHER DEPARTMENT OF DEFENSE PROGRAMS

[Defense Health Program

[For an additional amount for "Defense Health Program", $33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[GENERAL PROVISION—THIS CHAPTER

[Sec. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

[CHAPTER 3

[DEPARTMENT OF DEFENSE—CIVIL

[DEPARTMENT OF THE ARMY

[Corps of Engineers—Civil

[construction

[For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, $100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[flood control and coastal emergencies

[For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 4

[DEPARTMENT OF HOMELAND SECURITY

[Office of Inspector General

[(including transfers of funds)

[For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation, and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[Customs and Border Protection

[salaries and expenses

[For an additional amount for 'Salaries and Expenses' to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CONSTRUCTION

[For an additional amount for "Construction" to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $14,300,000, to remain available until September 30, 2007, of which up to $267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to $500,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

[For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[FEDERAL EMERGENCY MANAGEMENT AGENCY

[ADMINISTRATIVE AND REGIONAL OPERATIONS

[For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY

[For an additional amount for "Preparedness, Mitigation, Response and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DISASTER RELIEF

[For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $9,550,000,000 (reduced by $2,000,000), to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which $1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading Disaster Relief", up to $150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[GENERAL PROVISIONS—THIS CHAPTER

[SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

[SEC. 2402. (a) Title III of Public Law 109–90 is amended under the heading "National Flood Insurance Fund" by striking "$30,000,000 for interest on Treasury borrowings" and inserting "such sums as necessary for interest on Treasury borrowings".

[(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 5

[DEPARTMENT OF THE INTERIOR

[UNITED STATES FISH AND WILDLIFE SERVICE

[CONSTRUCTION

[For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[NATIONAL PARK SERVICE

[HISTORIC PRESERVATION FUND

[For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CONSTRUCTION

[For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[UNITED STATES GEOLOGICAL SURVEY

[SURVEYS, INVESTIGATIONS, AND RESEARCH

[For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MINERALS MANAGEMENT SERVICE

[ROYALTY AND OFFSHORE MINERALS MANAGEMENT

[For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[ENVIRONMENTAL PROTECTION AGENCY

[ENVIRONMENTAL PROGRAMS AND MANAGEMENT

[For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[LEAKING UNDERGROUND STORAGE TANK PROGRAM

[For an additional amount for the "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEPARTMENT OF AGRICULTURE

[FOREST SERVICE

[NATIONAL FOREST SYSTEM

[For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 6

[DEPARTMENT OF DEFENSE

[MILITARY CONSTRUCTION

[MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

[For an additional amount for "Military Construction, Navy and Marine Corps", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $28,880,000 (increased by $15,890,000), to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MILITARY CONSTRUCTION, AIR FORCE

[For an additional amount for "Military Construction, Air Force", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $57,300,000 (increased by $40,000,000), to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

[For an additional amount for "Military Construction, Army National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MILITARY CONSTRUCTION, AIR NATIONAL GUARD

[For an additional amount for "Military Construction, Air National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[MILITARY CONSTRUCTION, NAVY RESERVE

[(INCLUDING RESCISSION OF FUNDS)

[For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount $49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEPARTMENT OF VETERANS AFFAIRS

[DEPARTMENTAL ADMINISTRATION

[CONSTRUCTION, MAJOR PROJECTS

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to $275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the "Medical Services" account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 7

[DEPARTMENT OF JUSTICE

[LEGAL ACTIVITIES

[SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

[For an additional amount for "Salaries and Expenses, General Legal Activities", $2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

[For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[DEPARTMENT OF COMMERCE

[NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[PROCUREMENT, ACQUISITION AND CONSTRUCTION

[For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $11,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[SCIENCE

[NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[EXPLORATION CAPABILITIES

[For an additional amount for "Exploration Capabilities", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $30,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[RELATED AGENCIES

[SMALL BUSINESS ADMINISTRATION

[DISASTER LOANS PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to $190,000,000 may be transferred to and merged with appropriations for "Small Business Administration, Salaries and Expenses" for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That, of the amount provided under this heading, $712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109–174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[CHAPTER 8

[DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[COMMUNITY PLANNING AND DEVELOPMENT

[COMMUNITY DEVELOPMENT FUND

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, $4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109–148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than $1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to $15,000,000 to the Office of Inspector General and "Management and Administration, Salaries and Expenses" for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[INDEPENDENT AGENCY

[GENERAL SERVICES ADMINISTRATION

[FEDERAL BUILDINGS FUND

[For an additional amount for "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

[SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109–148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

[(INCLUDING RESCISSION OF FUNDS)

[SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for "Immigration and Customs Enforcement—Automation Modernization", $43,620,000 are rescinded.

[(b) APPROPRIATION.—For an additional amount for "United States Secret Service—Salaries and Expenses" for critical investigative and protective operations, $43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service "Salaries and Expenses" in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

[SEC. 3005. (a) The matter under the heading "Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109–148 is amended—

[(1) in the first proviso, by striking "or the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77)" and inserting "the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965"; and

[(2) in the second proviso, by inserting ", except that paragraph (7)(A) of such section shall not apply" after "1937".

[(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

[SEC. 3007. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended—

[(1) with respect to item number 536, by striking "an economic development planning study" and inserting "the Main Street Revitalization Project"; and

[(2) with respect to item number 444, by striking "City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center" and inserting "St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College".

[SEC. 3008. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date".

[(b) Section 5023 of title V of division B of Public Law 109–148 is amended by striking "in title III of Public Law 109–115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)" and inserting "in title III of division A of Public Law 109–115".

[(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

[SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended—

[(1) with respect to item number 714, by striking "construction of a senior center;" and inserting "renovation and buildout of a multipurpose center;";

[(2) with respect to item number 850, by striking "City of Lancaster, Pennsylvania" and inserting "in Pennsylvania"; and

[(3) with respect to item number 925, by striking "Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;" and inserting "City of Greenwood, South Carolina for the Emerald Triangle Project;".

[SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

[(1) in subsection (a), by striking "for a 1-time only obligation and expenditure";

[(2) in subsection (a)(2)—

[(A) by striking "for fiscal year 2007"; and

[(B) by inserting before the period at the end the following: ", to remain available until September 30, 2007"; and

[(3) by striking subsection (b) and inserting the following:

["(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

[SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

[(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

[(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

[(d) In this section:

[(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

[(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

[SEC. 3012. (a) None of the funds appropriated in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of nonviolence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

[(b) None of the funds appropriated under the heading "Economic Support Fund" in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

[SEC. 3013. None of the funds made available by this Act may be used to prohibit registered and legal, but displaced, residents of the Gulf Coast region from the right to legally vote in any officially designated election of the Gulf Coast region.

[SEC. 3014. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

[This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be used to support the previously approved fiscal year 2006 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses", $3,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $82,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,452,600,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95

(109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $25,300,000, to remain available until September 30, 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $5,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $69,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for programs and activities promoting democracy in Iran, $30,250,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1201. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 10 of Public Law 91–672 (22 U.S.C. 2412), section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)) and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $6,665,284,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,071,474,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $860,872,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,195,713,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $150,570,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $115,712,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $13,192,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $3,440,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $121,550,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $6,200,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,594,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $2,826,693,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,589,911,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,057,408,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,879,899,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $740,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph;

(3) not to exceed $36,500,000 for Cooperative Threat Reduction; and

(4) $75,000,000 shall be transferred to the Coast Guard "Operating Expenses" account:

Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $100,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $236,509,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $87,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $18,563,000:

Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $178,600,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $30,400,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Afghanistan Security Forces Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,908,133,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Iraq Security Forces Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $3,703,000,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Iraq Freedom Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $25,000,000, to remain available for transfer until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Joint Improvised Explosive Device Defeat Fund

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $1,958,089,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist U.S. forces in the defeat of improvised explosive devices: Provided further, That within 90 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

Aircraft Procurement, Army

For an additional amount for "Aircraft Procurement, Army", $533,200,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Missile Procurement, Army

For an additional amount for "Missile Procurement, Army", $203,300,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,592,451,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $829,679,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $6,286,145,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $412,169,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $63,351,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $327,126,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $140,144,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,576,467,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $679,515,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $29,047,000 to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,452,651,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $331,353,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $54,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $124,845,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $382,630,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $148,551,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $516,700,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,153,562,000 for operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities", $154,596,000, to remain available until expended: Provided, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: Provided further, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $1,815,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER INDEPENDENT AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the "Intelligence Community Management Account", $158,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1301. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1302. Section 8005 of the Department of Defense Appropriations Act, 2006, (Public Law 109–148; 119 Stat. 2680), is amended by striking "$3,750,000,000" and inserting "$4,350,000,000": Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEFENSE COOPERATION ACCOUNT

(TRANSFER OF FUNDS)

SEC. 1303. During fiscal year 2006 and from funds in the Defense Cooperation Account, the Secretary of Defense may transfer not to exceed $5,800,000 to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

U.S. CONTRIBUTIONS TO NATO

SEC. 1304. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2006 (Public Law 109–163) is amended by striking "$289,447,000" and inserting "$345,547,000".

COUNTER-DRUG ACTIVITIES

SEC. 1305. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $23,100,000 may be made available for support for counter-drug activities of the Governments of Afghanistan, Pakistan, and Kyrgyzstan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108 136), and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

ADVANCE BILLING

SEC. 1306. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed $1,200,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1307. In addition to amounts authorized in section 1202(a) of Public Law 109–163, from funds made available in this chapter to the Department of Defense, not to exceed $423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SUPERVISION AND ADMINISTRATION COSTS OF CONSTRUCTION PROJECTS

SEC. 1308. Supervision and administration costs associated with a construction project funded with Afghan Security Forces Fund or Iraq Security Forces Fund appropriations may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

PROHIBITION OF NEW START PROGRAMS

SEC. 1309. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

RETROACTIVE PAYMENT OF ADDITIONAL DEATH GRATUITY

SEC. 1310. (a) Effective as of January 6, 2006, and as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), subsection (d)(2) of section 1478 of title 10, United States Code, as added by section 664(b) of such Act (119 Stat. 3316), is amended by striking "May 11, 2005" and inserting "August 31, 2005".

(b) AVAILABILITY OF FUNDS.—Of the amounts appropriated or otherwise made available by this chapter for military personnel, an aggregate of $48,750,000 shall be available for the retroactive payment of death gratuity with respect to members of the Armed Forces as a result of the amendment made by subsection (a).

VOTING ASSISTANCE

SEC. 1311. (a) Congress recognizes the importance of ensuring that absent uniformed services voters, Department of Defense personnel, and their dependents have the opportunity to exercise their right to vote.

(b) IVAS BALLOT REQUEST PROGRAM.—

(1) The Interim Voting Assistance System (IVAS) Ballot Request Program shall be continued with respect to all Department of Defense personnel, and their families, covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the status of the program.

(c) FUNDING.—Of the amounts provided by this Act, $5,820,000 shall be available for the program referred to in subsection (b).

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $10,300,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $10,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Disaster and Famine Assistance", $136,290,000, to remain available until expended, of which up to $80,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development", for associated administrative costs: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $141,600,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", $1,757,500,000, to remain available until September 30, 2007, of which up to $11,000,000 may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Afghanistan or otherwise of reducing any amounts owed to the United States or any agency of the United States by Afghanistan: Provided, That such amounts for the costs of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of any provision of law limiting assistance to a country: Provided further, That the last proviso under the heading "Economic Support Fund" in title II of Public Law 109–102 and comparable provisions in prior Acts making appropriations for foreign operations, export financing, and related programs shall no longer be applicable to funds appropriated under such heading in this Act or any prior Act: Provided further, That of the funds available under this heading for assistance for Afghanistan, $5,000,000 shall be made available for agriculture and rural development programs in Afghanistan to be administered through a national consortium of agriculture colleges and land-grant universities: Provided further, That of the funds available under this heading for assistance for Iraq, not less than $75,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $10,000,000 shall be transferred to and merged with funds appropriated under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108–106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That funds made available under the previous proviso shall be in addition to funds appropriated by this Act that are available to the United States Agency for International Development for Iraq: Provided further, That funds appropriated under this heading that are made available for police and judicial reform in Haiti shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $39,750,000, for programs and activities promoting democracy in Iran, to remain available until September 30, 2007: Provided, That funds appropriated under this heading shall be made available notwithstanding any other provision of law and shall be administered by the Middle East Partnership Initiative: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $107,700,000, to remain available until September

30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $110,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $20,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", $13,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $181,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

IRAQ RELIEF AND RECONSTRUCTION FUND

SEC. 1401. Chapter 2 of title II of Public Law 108–106 (117 Stat. 1225–1226), as amended by Public Law 108–309 (118 Stat. 1142–1143), is further amended under the heading "Iraq Relief and Reconstruction Fund" by—

(1)(A) striking "$5,090,000,000" and inserting "$5,036,000,000" for security and law enforcement;

(B) striking "$1,960,000,000" and inserting "$2,349,800,000" for justice, public safety infrastructure, and civil society;

(C) striking "$4,455,000,000" and inserting "$4,220,000,000" for the electric sector;

(D) striking "$1,723,000,000" and inserting "$1,735,600,000" for oil infrastructure;

(E) striking "$2,361,000,000" and inserting "$2,131,100,000" for water resources and sanitation;

(F) striking "$500,000,000" and inserting "$465,500,000" for transportation and telecommunications;

(G) striking "$370,000,000" and inserting "$333,700,000" for roads, bridges, and construction;

(H) striking "$793,000,000" and inserting "$739,000,000" for health care;

(I) striking "$845,000,000" and inserting "$805,300,000" for private sector development; and

(J) striking "$342,000,000" and inserting "$410,000,000" for education, refugees, human rights, and governance; and

(2) inserting before the period the following: ": Provided further, That amounts provided under this heading shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein, except that after such initial obligation any subsequent obligation may be made without regard to the sectoral limitations set forth under this heading, as amended".

ADMINISTRATIVE COSTS

SEC. 1402. To the extent not otherwise authorized, supervision and administrative costs of the Department of Defense associated with a construction project funded with the Iraq Relief and Reconstruction Fund may be obligated at the time a construction contract is awarded or, for pre-existing contracts, by September 30, 2006: Provided, That for the purposes of this section, supervision and administration costs include all in-house Government costs.

AUTHORIZATION OF FUNDS

SEC. 1403. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 10 of Public Law 91–672 (22 U.S.C. 2412), section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)) and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

PALESTINIAN AUTHORITY

SEC. 1404. Section 550 of Public Law 109–102 (119 Stat. 2217) is amended to read as follows:

"PROHIBITION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

"SEC. 550. PROHIBITION ON ASSISTANCE.—None of the funds appropriated by this Act or any prior Act making appropriations for foreign operations, export financing, and related programs, may be obligated or expended for assistance for the Palestinian Authority unless the Secretary of State determines, and so reports to the Committees on Appropriations, that the Palestinian Authority has—

"(1) publicly acknowledged Israel's right to exist as a Jewish state;

"(2) renounced violence; and

"(3) accepted and is adhering to all previous diplomatic Agreements and understandings with the United States Government, the Government of Israel, and the international community.".

(RESCISSION)

SEC. 1405. Of the funds appropriated under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States that are available for tied-aid grants in title I of Public Law 107–115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, $13,200,000 are rescinded.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $26,692,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $214,344,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $28,200,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $35,200,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II

FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund", $25,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $445,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $15,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other *hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $20,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", $32,547,000, to remain available until expended, to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program", $165,000,000, to remain available until expended, for emergency measures in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available under this heading may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season for State Rural Development offices located in Mississippi and Louisiana: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for community facilities grants authorized under section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $150,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

NATURAL RESOURCES CONSERVATION SERVICE—COST SHARE REQUIREMENT

SEC. 2101. Notwithstanding any other provision of law, in carrying out the provisions of section 102 of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2748–2749), the Secretary may provide financial and technical assistance up to 100 percent Federal share: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE—VEHICLE DISPOSITION

SEC. 2102. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service (NRCS) may enter into agreements with organizations or State or local units of government affected by Hurricane Katrina and other hurricanes of the 2005 season, that provide for NRCS to donate used vehicles to the organization or to the State or local unit of government.

RURAL DEVELOPMENT—EMERGENCY AUTHORITIES

SEC. 2103. The Secretary of Agriculture may continue to use any of the authorities provided in section 105 of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2749–2750), for a period not to exceed 24 additional months: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FARM SERVICE AGENCY

(TRANSFER OF FUNDS)

SEC. 2104. Of the funds appropriated in section 101(a) of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2747), to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $38,000,000 are transferred to the National Oceanic and Atmospheric Administration in the Department of Commerce for activities involving oysters: Provided, That the amount transferred under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FARM SERVICE AGENCY—EMERGENCY CONSERVATION PROGRAM

SEC. 2105. Section 101(b) of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2747) is amended—

(1) in the heading, by striking ", Oyster,";

(2) in the matter preceding paragraph (1)—

(A) by striking ", oyster,"; and

(B) by striking "public and private oyster reefs or";

(3) in paragraph (3), by adding "and" at the end;

(4) by striking paragraph (4); and

(5) by redesignating paragraph (5) as paragraph (4).

RURAL DEVELOPMENT—RURAL HOUSING

SEC. 2106. There is hereby appropriated, $35,408,000, to remain available until expended, for housing needs in the most impacted and distressed areas related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the Secretary of Agriculture shall allocate funds provided under this section between the "Rural Housing Insurance Fund Program Account" and "Rural Housing Assistance Grants" program: Provided further, That the Secretary make this allocation and prioritizes the funding of projects with such funds within a State based on the priorities identified by the Governor of each State: Provided further, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance" for necessary expenses, related to the direct or indirect consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Attorney General shall consult with the House and Senate Committees on Appropriations on the allocation of funds prior to obligation.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $1,135,000,000, to remain available until September 30, 2007, pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, section 308(d) of the

Interjurisdictional Fisheries Act, and other authorities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That of the total amount appropriated, $100,000,000 shall be for the National Marine Fisheries Service to provide technical assistance to States and industry for oyster bed and shrimp ground rehabilitation, debris removal and cleaning, and to prepare for spat fall by planting sufficient amounts of cultch: Provided further, That of the total amount appropriated, $20,000,000 shall be provided to utilize the National Oceanic and Atmospheric Administration's expertise to assist in rebuilding coastal communities, especially focusing on fisheries infrastructure, zoning to mitigate against future catastrophes and natural disasters, and building standards for coastal structures: Provided further, That of the total amount appropriated, $10,000,000 shall be provided to coordinate and help implement planning efforts that will lead to capacity and effort reductions in Federal and State waters: Provided further, That of the total amount appropriated, $15,000,000 shall be provided to develop and implement a seafood promotion strategy for Gulf of Mexico fisheries: Provided further, That of the total amount appropriated, $15,000,000 shall be provided to institute job retraining programs for displaced fisheries workers into alternative occupations: Provided further, That of the total amount appropriated, $200,000,000 shall be provided to replace fishing gear damaged or lost in the hurricanes, and deploy advanced versions of turtle exclusion devices and by-catch reduction devices: Provided further, That of the total amount appropriated, $50,000,000 shall be provided to develop temporary marine services centers to cluster docking facilities, fuel, ice and provisions, offloading, processing and distribution and marine repair facilities for seafood industries: Provided further, That of the total amount appropriated, $300,000,000 shall be provided for re-development of marinas, piers, docks, wharves and warehouses to support commercial and recreational fishing, and especially investments in public facilities supporting working waterfronts: Provided further, That of the total amount appropriated, $50,000,000 shall be provided for planning and support for fishing-related marine industrial parks to cluster processing and marine support businesses in ways that increase access to key facilities and services, and enhance intermodal transportation of fishery products: Provided further, That of the total amount appropriated, $90,000,000 shall be provided for replacement of private fisheries infrastructure other than vessels: Provided further, That of the total amount appropriated, $10,000,000 shall be provided to implement rules where appropriate, and purchase and provide one year of associated fees to equip the offshore shrimp and reef fish fishery with electronic vessel monitoring systems: Provided further, That of the total amount appropriated, $10,000,000 shall be provided to equip federally permitted fishing vessels with electronic logbooks to record haul-by-haul catch data: Provided further, That of the total amount appropriated, $20,000,000 shall be provided for one percent coverage of the shrimp and reef fish fisheries with at-sea observer coverage to document catch, by-catch and profitability of these fisheries, for three years: Provided further, That of the total amount appropriated, $50,000,000 shall be provided to develop and fund a cooperative research program to test various gears and to monitor the recovery of Gulf of Mexico fishery resources and fisheries: Provided further, That of the total amount appropriated, $100,000,000 shall be provided for direct assistance to fishers and seafood workers to undertake cleanup activities and begin repairing damaged facilities: Provided further, That of the total amount appropriated, $20,000,000 shall be provided to assist shellfishermen in New England's coastal communities who suffered severe economic impact from last year's toxic red tide outbreak: Provided further, That of the total amount appropriated, $25,000,000 shall be provided to employ fishers and vessel owners in marine debris and living marine resource assessment activities.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $32,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $35,000,000 shall be for the Stennis Space Center, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,254,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That up to $190,000,000 may be transferred to and merged with "Salaries and Expenses" for administrative expenses to carry out the disaster loan program: Provided further, That none of the funds provided under this heading may be used for indirect administrative expenses: Provided further, That of the amount provided under this heading, up to $712,000,000 may be transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse in whole, or in part, that account for funds transferred to this account by Public Law 109–174: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $10,200,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $1,408,000, for *necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

OPERATION AND MAINTENANCE

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

Procurement of Ammunition, Army

For an additional amount for "Procurement of Ammunition, Army", $700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Shipbuilding and Conversion, Navy

For an additional amount for "Shipbuilding and Conversion, Navy", $1,025,236,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment, prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $1,222,000, to remain available until September 30, 2006, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Defense Sealift Fund

For an additional amount for "National Defense Sealift Fund", $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", $10,530,000, to remain *available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $326,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 2301. Upon his determination that such action is necessary to ensure the appropriate allocation of funds provided to the Department of Defense in this chapter, the Secretary of Defense may transfer up to $75,000,000, of such funds between such appropriations: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROHIBITION OF NEW START PROGRAMS

SEC. 2302. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

NAVY SHIPBUILDING COST ADJUSTMENTS

SEC. 2303. (a) Amounts appropriated or otherwise made available by this Act, or by chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109–148; 119 Stat. 2757), under the heading "Shipbuilding and Conversion, Navy" may be obligated and expended to pay the costs of any business disruption incurred by a ship construction contractor with respect to facilities or businesses located in the Hurricane Katrina Disaster Area by reason of Hurricane Katrina.

(b) Amounts received by a ship construction contractor under subsection (a) with respect to the costs of business disruption described in that subsection may not be treated as collateral insurance coverage or otherwise treated as payments which would reduce amounts otherwise payable to the contractor for such costs under any insurance or similar payer plan.

(c) The Secretary of the Navy shall adjust any shipbuilding contract with a ship construction contractor described in subsection (a) in order to take into account the business disruption incurred by the contractor as described in that subsection.

(d)(1) In the event a shipbuilding contractor receives payment (whether through insurance or similar payer plan) for costs described in subsection (a) for which the contractor has been paid amounts under that subsection, the contractor shall reimburse the United States for amounts paid under that subsection in the amount of the payment so received by the contractor.

(2) Amounts received by the United States as reimbursement under paragraph (1) shall be credited to the account from which payment for the amounts reimbursed were made. Amounts credited to such account shall be merged with amounts in such account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(e) In this section, the term "Hurricane Katrina Disaster Area" has the meaning given that term in section 1400M(2) of the Internal Revenue Code of 1986.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, $3,750,000, to remain available until expended: Provided, That $3,750,000 of the amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations, $122,850,000, to remain available until expended: Provided, That these funds shall not be subject to any non-Federal cost-sharing requirement: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That $22,850,000 of the amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress: Provided further, That $2,000,000 of the amount provided in the previous proviso shall be provided at full Federal expense for the Hawaii water systems technical assistance program.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,700,000, to remain available until expended: Provided, That $4,700,000 shall be available only to the extent an official budget request, that includes designation of the $4,700,000 as an emergency requirement is transmitted by the President to the Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,001,500,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in greater New Orleans and surrounding areas, of which $530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; and $60,000,000 shall be used for incorporation of certain non-Federal levees in Plaquemines Parish into the existing Federal levee system: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That $641,500,000 of the amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: Provided, That the *amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.*

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $90,570,900, to remain available until September 30, 2007, of which up to $267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to $470,000 may be transferred to "Research, Development, Test and Evaluation" to be used for salvage and repair of research and development equipment and facilities: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $191,844,000, to remain available until expended: Provided, That such amounts shall be available for major repair and reconstruction projects for facilities that were damaged and for damage to vessels currently under construction, for the replacement of damaged equipment, and for the reimbursement of delay, loss of efficiency, disruption, and related costs: Provided further, That amounts provided are also for equitable adjustments and provisional payments to contracts for Coast Guard vessels for which funds have been previously appropriated: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $71,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response, and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $10,600,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $301,000,000, to be used to assist local governments affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which $1,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such funds may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $400,000,000: Provided further, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2501. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): Provided, That the Federal share of the costs eligible to be paid shall be 100 percent.

NATIONAL FLOOD INSURANCE FUND

SEC. 2502. (a) Title III of Public Law 109–90 (119 Stat. 2079) is amended under the heading "National Flood Insurance Fund" by striking in the proviso "$30,000,000" and inserting "such sums as necessary, not to exceed $1,000,000,000,".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

HOUSING PILOT PROGRAM

SEC. 2503. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Individual Assistance Program the costs sufficient for alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the Secretary of Homeland Security shall submit for approval a proposal and an expenditure plan for the alternative housing pilot program to the Committees on Appropriations of the Senate and House of Representatives within forty-five days from the date of enactment of this Act: Provided further, That no State shall host more than one alternative housing pilot program.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $132,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $83,000,000, to remain available until expended: Provided, That of the funds provided under this heading, $80,000,000 shall be provided to State historical preservation officers for grants for disaster relief in areas of Louisiana, Mississippi, and Alabama impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic houses and designated "Main Street" commercial properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses: Provided further, That of the amount provided under this heading for disaster relief grants, $37,500,000 shall be for the State of Louisiana, $37,500,000 shall be for the State of Mississippi, and $5,000,000 shall be for the State of Alabama: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $15,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $32,500,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, for construction, rehabilitation, and acquisition of Job Corps centers as authorized by the Workforce Investment Act of 1998: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENTAL MANAGEMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

For an additional amount for "Community Health Centers", $6,000,000, to establish and purchase communication equipment including satellite phones for a communications network among departments of health, community health centers and major medical centers in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", $20,000,000, to remain available until expended, for mosquito and other pest abatement activities in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE SECRETARY

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,669,846, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $1,500,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

HURRICANE EDUCATION RECOVERY

For an additional amount under the heading "Department of Education" in Public Law 109–148 for carrying out section 107 of title IV, division B of that Act, $300,000,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That an additional $350,000,000 shall be available to the Department of Education, until expended, for carrying out the purposes of section 107 of title IV, division B of Public Law 109–148, for displaced students, as defined in section 107(b)(1) of that Act, enrolled prior to October 1, 2006: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For the principal amount of direct loans, as authorized under section 2701 of title II of this Act, made not later than 60 days after the enactment of this Act for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $300,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $200,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Hereafter, the loan level established under this heading shall be considered an estimate, not a limitation.

For an additional amount under part B of title VII of the Higher Education Act of 1965 for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000 for hurricane related costs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the Corporation for National and Community Service (the "Corporation") for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until September 30, 2007: Provided, That the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12611 et seq.): Provided further, That the Corporation may transfer funds from the amount provided under the first proviso to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of Civilian Community Corps participants and after notice is transmitted to Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

DEPARTMENT OF EDUCATION—HURRICANE EDUCATION RECOVERY

SEC. 2701. (a) AUTHORIZATION OF PROGRAM.—The Secretary of Education shall establish an Education Relief Loan Program that includes amounts appropriated under chapter 7 of title II of this Act and provides from such amounts funds for long-term, low-interest direct loans to eligible postsecondary educational institutions for direct or indirect losses incurred on or after August 28, 2005, resulting from the impact of Hurricanes Katrina and Rita, and recovery initiatives of such institutions.

(b) ELIGIBILITY.—In this section, the term "eligible postsecondary educational institution" means—

(1) a public postsecondary educational institution that was forced to suspend operations due to the impact of Hurricanes Katrina and Rita and has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes;

(2) a private, nonprofit postsecondary educational institution that was forced to suspend operations due to the impact of such hurricanes and has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes; or

(3) a public or private school of medicine that was forced to suspend operations due to the impact of such hurricanes and has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes.

(c) REQUIREMENTS FOR ASSISTANCE DUE TO LOSSES.—

(1) IN GENERAL.—An eligible postsecondary educational institution that desires to receive assistance under this section shall—

(A) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary of Education that indicates that the institution incurred losses resulting from the impact of Hurricanes Katrina and Rita and the monetary amount of such losses;

(B) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, and insurance prior to seeking assistance under this section; and

(C) demonstrate that the institution has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes.

(2) NO REQUIREMENT THAT INSTITUTION RECEIVE COLLATERAL SOURCE COMPENSATION.—An eligible postsecondary educational institution shall be eligible for a loan under this section regardless of whether or not such institution received collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, or insurance.

(d) USE OF ASSISTANCE.—Assistance received by an eligible postsecondary educational institution pursuant to this section may be used for—

(1) direct and indirect construction cost and clean-up resulting from Hurricanes Katrina and Rita;

(2) faculty salaries and incentives for retaining faculty; and

(3) costs of lost tuition, revenue, and enrollment.

(e) AUDIT.—The Secretary of Education and the Comptroller General of the United States may audit a statement submitted under subsection (c)(1)(A) and may request any information that the Secretary of Education and Comptroller General determine necessary to conduct such an audit.

(f) REDUCTION IN ASSISTANCE.—In calculating assistance to eligible postsecondary educational institutions under this section, the Secretary of Education shall calculate a figure that reduces from the monetary amount of losses incurred by such institution, only the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

(g) REGULATIONS.—Not later than 30 days after the date of enactment of this section, the Secretary of Education shall establish terms for the long-term, low-interest direct loan program and procedures for an application for assistance under this section and minimum requirements for the program and for receiving assistance under this section, including the following:

(1) Forms to be used in submitting request for assistance.

(2) Procedures to assist in filing and pursing assistance.

(3) Loan repayment and interest rate procedures and requirements, as specified by the Secretary of Education and in accordance with the published rule of October 18, 2005 (44 C.F.R. 206.370–377), implementing the Community Disaster Loan Act of 2005 (Public Law 109-88).

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

SEC. 2702. (a) In this section:

(1) The term "affected institution" means an institution of higher education that is—

(A) a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061); and

(B) located in an area affected by a Gulf hurricane disaster.

(2) The terms "area affected by a Gulf hurricane disaster" and "Gulf hurricane disaster" have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

(b) Notwithstanding any other provision of law (unless enacted with specific reference to this section), the Secretary of Education is authorized to waive or modify, as the Secretary determines is necessary, any statutory or regulatory provision related to historically Black college and university capital financing under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), in connection with a Gulf hurricane disaster, to ensure that—

(1) the calculation of financing need under section 343 of such Act (20 U.S.C. 1066b) for an affected institution is modified to reflect any changes in the financial condition of the institution as a result of the Gulf hurricane disaster; and

(2) an affected institution that was not receiving assistance under such part before the Gulf hurricane disaster is eligible to apply for capital financing to assist in institutional recovery from the Gulf hurricane disaster.

(c)(1) Notwithstanding section 343(b)(1) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(1), 1051 et seq.), in carrying out section 343 of such Act, a designated bonding authority shall withhold not more than 1 percent for the cost of issuance from the proceeds of qualified bonds that are loaned to an affected institution.

(2) Notwithstanding section 343(b)(3) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(3), 1051 et seq.), the interest rate charged for a loan issued under part D of title III of such Act, after the date of enactment of this Act and with respect to an affected institution, shall be a rate of 1 percent for the period of the loan.

(3) Notwithstanding any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), the requirements of section 343(b)(8) and 343(c)(2) of such Act (20 U.S.C. 1066(b)(8)) shall not apply with respect to an affected institution receiving a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.).

(d) Notwithstanding any provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under such title, the Secretary of Education shall grant a deferment, for a period of not more than 3 years, to an affected institution who has received a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.). During the deferment period granted under this subsection, the affected institution shall not be required to pay any periodic installment of principal required under the loan agreement for such loan, and interest on such loan shall not accrue for the period of the deferment.

(e)(1) Except as provided in paragraph (2), the authority provided under this section to enter into, or modify or waive the terms of, a loan agreement or insurance agreement under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), or to grant a loan deferment under subsection (d), shall terminate 1 year after the date of enactment of this Act.

(2) Any provision of a loan agreement or insurance agreement modified or waived by the authority under this section shall remain so modified or waived for the duration of the period covered by the loan agreement or insurance agreement.

(f) The amount provided in this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

USE OF SUPPLEMENTAL HIGHER EDUCATION ACT FUNDS

SEC. 2703. Funds available to the Mississippi Institutes of Higher Learning under the heading "Department of Education" in Public Law 109–148 may be used to support activities authorized by part B of title VII of the Higher Education Act of 1965, as determined necessary by the Mississippi Institutes of Higher Learning: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $44,770,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $103,500,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $210,071,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the *amount appropriated under this heading in the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B, Public Law 109–148) shall remain available until September 30, 2010.*

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Naval Reserve" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $24,270,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the amount appropriated under this heading in the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B, Public Law 109–148) shall remain available until September 30, 2010, except that, of such amount $49,530,000 are rescinded.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $623,000,000, to remain available until expended: Provided, That of that amount, $62,000,000 shall be for the disposal, environmental cleanup and debris removal of the Department of Veterans Affairs' land in Gulfport, Mississippi: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

ARMED FORCES RETIREMENT HOME

MAJOR CONSTRUCTION

For an additional amount for "Major Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $176,000,000, to remain available until expended: Provided, That such funds may be obligated or expended for planning and design and construction projects not otherwise authorized by law: Provided further, That these funds shall be used for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

MILITARY CONSTRUCTION

(WAIVER OF LIMITATION)

SEC. 2801. The limitation of Federal contribution established under section 18236(b) of title 10 is hereby waived for projects appropriated in this chapter.

DEPARTMENT OF VETERANS AFFAIRS

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 2802. (a) Of the amounts made available in chapter 7 of the title I of division B of Public Law 109–148, "Department of Veterans Affairs", "Veterans Health Administration", "Medical Services", $198,265,000 are hereby rescinded.

(b) For an additional amount for "Department of Veterans Affairs", "Veterans Health Administration", "Medical Services", $198,265,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005.

(c) The funds made available in subsection (b) may be transferred to the "Department of Veterans Affairs", "Veterans Health Administration", "Medical Services", "Medical Administration", "Medical Facilities", "Departmental Administration", "Construction, Minor Projects", and "Information Technology Systems" accounts as required.

(d) Not less than 15 days prior to making any such transfer as authorized under subsection (c), the Department shall notify the Committees on Appropriations of both Houses of Congress.

(e) This section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

LAND TRANSFER

SEC. 2803. Notwithstanding any other provision of law, within six months of enactment of this Act, the Secretary of Veterans Affairs is authorized and directed to cleanup and transfer all land parcels of the Department's land in Gulfport, Mississippi to the city of Gulfport, Mississippi.

DEPARTMENT OF VETERANS AFFAIRS

NEW ORLEANS AND BILOXI MEDICAL FACILITIES

SEC. 2804. Notwithstanding any other provision of law, and within the amounts appropriated for this purpose, the Secretary of Veterans Affairs may obligate and expend funds from the "Construction, Major Projects" appropriation to purchase a site for and the new construction, restoration or replacement of the Department of Veterans Affairs Medical Centers, New Orleans, Louisiana; and Biloxi, Mississippi.

ARMED FORCES RETIREMENT HOME

(TRANSFER OF FUNDS)

SEC. 2805. The following unobligated balances shall be transferred to the Armed Forces Retirement Home "Major Construction" account, to remain available until expended, for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi from amounts appropriated under the heading "Armed Forces Retirement Home" in chapter 7 of division B of Public Law 109–148 (119 Stat. 2769), $45,000,000 provided for Armed Forces Retirement Home-Gulfport; and unobligated balances of funds provided in fiscal years 1998 through 2004 for construction and renovation of the physical plants at the United States Naval Home/Armed Forces Retirement Home-Gulfport: Provided, That the amount provided or otherwise made available under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for "Emergency relief program" as authorized under 23 U.S.C. 125, $594,000,000, to remain available until expended, to be made available to carry out projects eligible for reimbursement under 23 U.S.C. 125 not otherwise funded in other Appropriations Acts and identified under "Total Backlog" in the Federal Highway Administration table entitled "Emergency Relief Program Fund Requests—updated 03/28/06" as well as projects eligible for reimbursement resulting from 2006 flooding in the State of Hawaii: Provided, That notwithstanding 23 U.S.C. 120(e), the Federal share for all projects for repairs or reconstruction of highways, roads, bridges, and trails to respond to damage caused by Hurricanes Katrina, Rita, and Wilma shall be 100 percent: Provided further, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for such projects in a State in a fiscal year, to respond to damage caused by Hurricanes Dennis, Katrina, Rita, or Wilma and by the 2004–2005 winter storms in the State of California: Provided further, That any amounts in excess of those necessary for emergency expenses relating to the eligible projects cited in the first sentence of this paragraph may be used for other projects authorized under 23 U.S.C. 125: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL TRANSIT ADMINISTRATION

EMERGENCY ASSISTANCE FOR PUBLIC TRANSPORTATION

For grants to State or local governmental entities directly affected by Hurricane Katrina for expenses related to emergency response and recovery of public transportation equipment, facilities and services, as determined by the Secretary of Transportation, $200,000,000, to remain available until expended: Provided, That for recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricane Katrina, the Secretary may waive the Federal matching share requirements for Federal transit assistance programs under such chapter, including the Federal matching share requirements contained in existing Federal assistance grant agreements: Provided further, That the Secretary may allow such recipients to use such assistance for operating assistance, notwithstanding the terms and conditions contained in existing Federal assistance grant agreements: Provided further, That the Secretary may waive any other Federal transit assistance grant requirements under such chapter or sections 3037 and 3038 of the Federal Transit Act of 1998, including those requirements contained in existing Federal assistance grant agreements to facilitate emergency response and recovery of public transportation equipment, facilities and services by such recipients: Provided further, That the authority of the Secretary hereunder shall expire two years after the date of enactment of this section, unless determined otherwise by the Secretary for a compelling need: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL GRANTS FOR RAIL LINE RELOCATION PROJECTS

Notwithstanding any other provision of law, to enable the Secretary of Transportation to make a grant under 49 U.S.C. 20154, for the purpose of facilitating the relocation of a rail line that was destroyed or received significant damage as the result of Hurricane Katrina and other hurricanes of the 2005 season, $700,000,000, to remain available until expended: Provided, That relocating a significant portion of the rail traffic from a rail line destroyed or damaged to an existing rail corridor or corridors inland, and thus less vulnerable to damage by future hurricanes, and which permits the abandonment and alternative use of significant portions of the right-of-way of the rail line destroyed or damaged in 2005, shall be a permissible relocation of said rail line pursuant to 49 U.S.C. 20154: Provided further, That paragraphs (2), (3), and (4) of subsection (c) of section 20154 and subsection (d) of section 20154 shall not apply in the consideration of an application or award of a grant under this provision: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For an additional amount for "Tenant-Based Rental Assistance" for tenant-based and project-based assistance for households within the area declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $202,000,000, to remain available until September 30, 2007, of which not to exceed $5,000,000 is for the administrative and related information technology costs of the Department of Housing and Urban Development: Provided, That such households shall be limited to those identified under this heading in division B, Public Law 109–148 and to those which, prior to Hurricane Katrina or Rita, received assistance under section 236 or under section 221(d)(3) pursuant to section 221(d)(5) of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965: Provided further, That, except as otherwise provided, such funds shall be subject to the terms and conditions of amounts provided under this heading in division B, Public Law 109–148, except that section 8(o)(7)(A) of the United States Housing Act of 1937 shall not apply to funds under such heading and under this heading: Provided further, That no less than $100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and may include new structures supported under the low income tax credit program: Provided further, That all previously assisted HUD project-based housing shall be accorded a preference in the use of this project-based assistance: Provided further, That, notwithstanding any other provision of law, after providing a first right of return to all households in the St. Bernard, Orleans, Plaquemines, Jefferson, and St. Tammany Parishes eligible for project-based housing assistance under this heading and under this heading in division B, Public Law 109–148, owners may then offer remaining available dwelling units to city and parish employees from those parishes for a period of not to exceed 12 months: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina and other hurricanes of the 2005 season, $5,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: Provided further, That each State may use up to five percent of its allocation for administrative costs: Provided further, That not less than $1,000,000,000 from funds made available on a pro-rata basis according to the allocation made to each State under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: Provided further, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: Provided further, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: Provided further, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: Provided further, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: Provided further, That of the amounts made available under this heading, the Secretary shall transfer $12,000,000 to the Office of Inspector General for costs associated with oversight: Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for the "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $37,000,000, from the General Fund and to remain available until expended: Provided, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III

EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 3001. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2006".

SEC. 3002. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of the date of enactment of this Act; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of the date of enactment of this Act.

(7) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 3011. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar cane and sugar beets, that incurred qualifying quantity or quality losses for—

(1) the 2005 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary; and

(2) the 2006 crop due to flooding in California and Hawaii that occurred prior to the date of enactment of this Act and for which a petition for a disaster designation has been filed with the Secretary not later than that date.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary to determine quantity losses for the crop of the commodity under subsection (c)(1).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to 1 or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the 1 or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(C) had average adjusted gross income (as defined by section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)), of greater than $2,500,000 in 2004; or

(D) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(2) CONTRACT WAIVER.—The Secretary may waive paragraph (1) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops, at a coverage level that provides—

(i) not less than 65 percent of the actual production history for the crop produced on the farm; and

(ii) 100 percent of the expected market price or a comparable coverage (as determined by the Federal Crop Insurance Corporation); and

(B) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) EFFECT OF VIOLATION.—In the event of the violation of a contract under paragraph (2) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

(f) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 3012. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(B) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(4) LIMITATION.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this subsection and another Federal program with respect to any loss.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT GROWERS.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary shall use funds of the Commodity Credit Corporation to establish a program to assist poultry producers in hurricane-affected counties that suffered income losses.

(2) TERMS AND CONDITIONS.—The program established under paragraph (1) shall contain similar terms and conditions as the terms and conditions used for the livestock indemnity program for contract growers described in subpart E of chapter XIV of title 7, Code of Federal Regulations (as in effect on January 1, 2002).

(d) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

(e) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3013. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 3014. SUGARCANE AND SUGAR BEET DISASTER ASSISTANCE.

(a) FLORIDA.—The Secretary of Agriculture shall use $120,000,000 of funds of the Commodity Credit Corporation to make payments to processors in Florida that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses in hurricane-affected counties that are related to hurricanes, tropical storms, excessive rains, floods, and wind in Florida during calendar year 2005, by an agreement on the same terms and conditions, to the maximum extent practicable, as the payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act of 2005 (Public Law 108–324; 118 Stat. 1235), including that the 2005 base production of each harvesting unit shall be determined using the same base year crop production history that was used pursuant to the agreement under that section.

(b) LOUISIANA.—

(1) COMPENSATION FOR LOSSES.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make $120,000,000 in payments to first processors of sugarcane that operate in a disaster county in Louisiana, or obtain sugarcane from a disaster county in Louisiana, and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), to compensate the producers and first processors for crop and other losses due to Hurricane Katrina, Hurricane Rita, or related conditions.

(2) ADMINISTRATION.—Assistance under this subsection shall be—

(A) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance described under paragraph (1) necessary to compensate affected producers for individual losses experienced by the producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting, or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

(B) made available under such terms and conditions as the Secretary determines are necessary to carry out this subsection.

(3) LOSS DETERMINATION.—In carrying out this subsection, the Secretary shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the hurricane assistance program under section 207 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 543).

(c) FUNDING.—The Secretary shall use $40,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(d) REQUIREMENT.—The Secretary shall make payments under subsection (c) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(e) TEXAS.—The Secretary shall use $400,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Texas by making a payment in that amount to the Rio Grande Valley Sugar Growers, a farmer-owned cooperative sugarcane processor in that State, for additional demurrage costs at the Port of Baton Rouge and additional storage and transportation costs of raw sugar resulting from hurricanes during calendar year 2005, excessive rains, floods, wind, and other related conditions.

(f) HAWAII.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to receive marketing assistance loans and loan deficiency payments made available under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.).

(g) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3015. SPECIALTY CROPS AND NURSERY CROPS.

(a) IN GENERAL.—The Secretary shall use funds of the Commodity Credit Corporation to provide assistance to producers of specialty crops and nursery crops in hurricane-affected counties.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Assistance required by subsection (a) shall be carried out by the Secretary under the same terms and conditions as the special disaster relief programs carried out for producers that suffered from crop damage and tree losses, and carried out related cleanup, in certain areas of Florida due to Hurricanes Charley, Frances, and Jeanne during August and September 2004, as described in the notice of program implementation relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs (69 Fed. Reg. 63134 (October 29, 2004)).

(2) LOSS OF RECORDS.—Due to the complete destruction of the business records of many producers, the Secretary shall use the best available information in determining eligibility, determining losses, and calculating payment amounts under this section.

(c) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3016. DAIRY ASSISTANCE.

The Secretary shall use $25,000,000 of the funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses and dairy spoilage losses in hurricane-affected counties.

SEC. 3017. COTTONSEED.

(a) DISTRIBUTION OF FUNDS.—The Secretary shall provide disaster assistance under subsection (c) under the same terms and conditions as assistance provided under section 206 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 543), except that assistance shall be—

(1) distributed to producers and first handlers of cottonseed; and

(2) based on cottonseed production during the most recent year for which a disaster payment specifically for cottonseed was not authorized.

(b) COTTONSEED ASSISTANCE.—The Secretary shall use $15,000,000 of the funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2005 crop of cottonseed in hurricane-affected counties.

SEC. 3018. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680); or

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006.

Subtitle B—Supplemental Nutrition and Agricultural Economic Disaster Assistance

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term "specialty crop" means any agricultural crop.

(2) EXCEPTION.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice; or

(F) peanuts.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop, livestock, and dairy production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

The Secretary shall make a supplemental economic loss payment to any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) at a rate equal to the product obtained by multiplying—

(1) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(2) 85 percent of the program crop base of the farmer; and

(3) the program payment yield for each program crop of the farmer.

SEC. 3023. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680); or

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006.

Subtitle C—Forestry

SEC. 3031. TREE ASSISTANCE PROGRAM.

(a) DEFINITION OF TREE.—In this section, the term "tree" includes a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree), bush (including a shrub), and vine.

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10203 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in hurricane-affected counties; and

(2) fruit and tree nut producers in hurricane-affected counties for site preparation, replacement, rehabilitation, and pruning.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

Subtitle D—Conservation

SEC. 3041. NATURAL RESOURCES CONSERVATION SERVICE.

(a) AUTHORITY TO CLEAR DEBRIS AND ANIMAL CARCASSES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county.

(b) AUTHORITY TO USE CERTAIN PRACTICES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, may use direct check-writing practices and electronic transfers to provide financial and technical assistance under the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

SEC. 3042. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $108,500,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

SEC. 3043. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $17,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

Subtitle E—Farm Service Agency

SEC. 3051. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $23,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle F—Miscellaneous

SEC. 3061. AUTHORITY TO PROVIDE IMMUNIZATIONS.

Notwithstanding any other provision of law, the Secretary of Defense may provide immunizations to employees of the Department of Agriculture involved in direct recovery work in a hurricane-affected county.

SEC. 3062. WAIVER OF CERTAIN PROVISIONS.

Notwithstanding any other provision of law, the Secretary may provide assistance in a hurricane-affected county under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) without regard to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

SEC. 3063. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 3064. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle G—Emergency Designation

SEC. 3071. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE IV

DROUGHT EMERGENCY ASSISTANCE

SEC. 4001. CORPS OF ENGINEERS.

In addition to any other funds made available by this Act, there is appropriated for "Department of Defense-Civil, Department of the Army, Corps of Engineer-Civil, Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), $5,000,000, to remain available until expended, to be used by the Secretary of the Army, acting through the Chief of Engineers, for emergency drought assistance.

SEC. 4002. BUREAU OF RECLAMATION.

In addition to any other funds made available by this Act, there is appropriated for "Department of the Interior, Bureau of Reclamation, Water and Related Resources", $7,500,000, to remain available until expended, for drought emergency assistance.

SEC. 4003. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE V

PORT SECURITY ENHANCEMENTS

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $266,050,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,000,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $227,000,000: Provided, That the entire amount shall be for port security grants pursuant to the purposes of 46 United States Code 70107 (a) through (h), which shall be awarded based on risk and threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4).

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for the Domestic Nuclear Detection Office, $132,000,000, to remain available until expended for the purchase and deployment of radiation portal monitors for United States seaports.

TITLE VI

PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, $2,300,000,000, to remain available until expended: Provided, That $300,000,000 shall be for upgrading State and local capacity, $50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention, and at least $200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response and quarantine: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE VII

GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 7001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

ADMINISTRATIVE PROVISION

SEC. 7002. Of the amount made available by the Department of Justice Appropriations Act, 2006 under the heading "Community Oriented Policing Services" (Public Law 109–108, 199 Stat. 2302), for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797 et seq.), $1,500,000 shall be available to the Attorney General, without regard to such part BB, for the study on forensic science described in House Report 109–272 to accompany Public Law 109–108.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

ADMINISTRATIVE PROVISION

SEC. 7003. The referenced statement of the managers in House Report 109–272, Making Appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for the Fiscal Year Ending September 30, 2006, and for other purposes, under this heading is deemed to be amended with respect to amounts made available under the heading "Science, Aeronautics and Exploration" for the Mitchell Institute by striking "educational purposes" and inserting "the science and engineering education endowment".

SMALL BUSINESS ADMINISTRATION

ADMINISTRATIVE PROVISION

SEC. 7004. Section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2338) is amended by striking "Clark County Department of Aviation, Las Vegas," and inserting "University of Nevada Las Vegas,".

INTELLIGENCE ACTIVITIES

SEC. 7005. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

OFFICE OF ECONOMIC ADJUSTMENT—DEFENSE

SEC. 7006. Sec. 8044 of Public Law 109–148 (119 Stat. 2708) is amended as follows: After "Defense," and before "acting" insert, "notwithstanding any other provision of law,".

INVESTIGATIONS, LOUISIANA HURRICANE STUDY COST SHARING

SEC. 7007. The $12,000,000 provided in division B, chapter 3 of title I, Investigations, of Public Law 109–148 (119 Stat. 2761) for the Louisiana hurricane protection study shall be at full Federal expense.

MISSISSIPPI RIVERS AND TRIBUTARIES

SEC. 7008. Chapter 3, under division B of title I of Public Law 109–148 (119 Stat. 2762) under the heading "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" is modified by inserting the following before the period: ": Provided further, That the Corps is directed to expedite and accelerate completion of any study or any unconstructed portion of the Mississippi River and Tributaries project for the flood and storm damage reduction projects in the south Louisiana area": Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MISSISSIPPI RIVER-GULF OUTLET

SEC. 7009. Chapter 3, under division B of title I of Public Law 109–148 (119 Stat. 2762) under the heading "Operations and Maintenance" is modified by inserting the following before the last proviso: ": Provided further, That $75,000,000 of the funds provided herein shall be used for the repair, construction or provision of measures or structures necessary to protect, restore or increase wetlands, to prevent saltwater intrusion or storm surge": Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHORE PROTECTION

SEC. 7010. Section 227 of Public Law 104–303 is modified as follows:

(1) Section 5(a) is amended by striking "6", and inserting "7" in lieu thereof.

(2) Section 5(e)(2) is amended by striking "$21,000,000", and inserting "$25,000,000" in lieu thereof.

RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

SEC. 7011. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "September 30, 2005" and inserting "September 30, 2010" in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004" and inserting "the period of fiscal years 2006 through 2010" in lieu thereof.

REPROGRAMMING OF FUNDS

SEC. 7012. None of the funds made available before, on, or after the date of enactment of this Act in an appropriations Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers using funds appropriated in any Act making appropriations for energy and water development, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget, if the project received funds in an Act making appropriations for energy and water development or any other appropriations Act making additional funds available for energy and water development.

BONNEVILLE POWER AUTHORITY

SEC. 7013. None of the funds made available under this or any other Act shall be used during fiscal year 2006 or previous to April 1, 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on February 6, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

DEPARTMENT OF HOMELAND SECURITY

(INCLUDING RESCISSION OF FUNDS)

SEC. 7014. (a) RESCISSION.—Of the funds available for "Screening Coordination and Operations", $3,960,000 are rescinded.

(b) SUPPLEMENTAL APPROPRIATIONS.—For an additional amount for the "Office of the Secretary and Executive Management", $3,960,000.

DEPARTMENT OF THE INTERIOR—U.S. GEOLOGICAL SURVEY

SEC. 7015. For an additional amount for "Department of the Interior, United States Geological Survey, Surveys, Investigations, and Research", $500,000, to remain available until expended, for assistance with assessments of critical reservoirs and dams, including the monitoring of dam structures: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 7016. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2006" and inserting "September 30, 2007".

DEPARTMENT OF LABOR—OFFICE OF JOB CORPS

SEC. 7017. Notwithstanding section 102 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), none of the funds made available under this Act or under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, shall be expended for any activity that—

(1) is related to carrying out Order 09–2006 of the Secretary of Labor; or

(2) transfers the Office of Job Corps but does not establish the Office of Job Corps as a single office within the Office of the Secretary that retains all staff, functions and authorities related to carrying out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.).

DEPARTMENT OF LABOR—MINE SAFETY

SEC. 7018. For an additional amount for "Department of Labor, Mine Safety and Health Administration, Salaries and Expenses", $25,600,000 for the inspection of coal mines: Provided, That progress reports on hiring shall be submitted to the House and Senate Committees on Appropriations on a quarterly basis, with the first report due June 15, 2006: Provided further, That the amounts provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CENTERS FOR DISEASE CONTROL—MINE SAFETY

SEC. 7019. For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977, $10,000,000 for research to develop mine safety technology including grants and contracts: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations on a quarterly basis, with the first report due June 15, 2006: Provided further, That the amounts provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RAILROAD RETIREMENT BOARD

SEC. 7020. Public Law 109–149 (119 Stat. 2876) under the heading "Railroad Retirement Board, Dual Benefits Payments Account" is amended by striking "proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000" and inserting "to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits" in lieu thereof.

HEAD START REGULATIONS EFFECTIVE DATE

SEC. 7021. Section 224 of Public Law 109–149 (119 Stat. 2862) is amended by striking "June" and inserting "December" in lieu thereof.

MILITARY CONSTRUCTION AUTHORIZATION

SEC. 7022. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking after "Augusta", "$61,466,000" and inserting in lieu thereof "$340,854,000". This project may be incrementally funded. Funds appropriated in Public Law 109–114 for this project shall be available to fund the first increment.

MILITARY CONSTRUCTION AUTHORIZATION

SEC. 7023. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking after "Kunia", "$305,000,000" and inserting in lieu thereof "$350,490,000". The project may be incrementally funded. Funds appropriated in Public Laws 108–7, 108–87, and 109–114 for this project shall be available to fund the first increment.

MILITARY CONSTRUCTION AUTHORIZATION

SEC. 7024. Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat 2149) is further amended by striking "840 acres" and inserting "1,540 acres".

DETAIL AUTHORITY FOR DOT

SEC. 7025. Section 171 of Public Law 109–115 (119 Stat. 2426) is amended by inserting before the period at the end of the following ": Provided, That the Department's Office of Intelligence, Security, and Emergency Response may assess and enter into reimbursable agreements with the modal administrations for services necessary to carry out emergency preparedness or emergency response activities, as determined by the Secretary of Transportation: Provided further, That notwithstanding any other provision of law, the Secretary is authorized to detail modal administration employees to the Office of Intelligence, Security, and Emergency Response without reimbursement and for fixed periods of time, as determined by the Secretary, only insofar as necessary to carry out emergency preparedness or emergency response activities: Provided further, That the Department shall transmit to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly report that provides information describing any reimbursable agreements or personnel details carried out in accordance with this section".

EMERGENCY HIGHWAY FUNDS

SEC. 7026. Under the heading "Department of Transportation, Federal Highway Administration, Emergency Relief Program" in Public Law 109-148 (119 Stat. 2778), strike "$629,000,000" and insert "$803,000,000".

LIMITATION ON CERTAIN TRANSPORTATION ACTIONS

SEC. 7027. None of the funds made available by this or any other Act may be used to issue or implement a decision on the Notice of Proposed Rulemaking (70 Fed. Reg. 67389) that proposes to change the Department's long-standing interpretation of "actual control" of an airline for purposes of section 40102(a)(15) of title 49, United States Code, issue any final rule, or make any fitness determination under section 41102 of that title that would change the Department of Transportation's long-standing interpretation concerning what constitutes "actual control" of an airline for purposes of section 40102(a)(15) of such title, or to submit a final rule to the Congress under chapter 8 of title 5, United States Code, that would change that interpretation.

DOJ AND TREASURY FUNDING FOR INTELLIGENCE ACTIVITIES

SEC. 7028. (a) Funds appropriated for intelligence activities, or made available by the transfer of funds, by this Act, by Public Law 109–108 for the Department of Justice, or by Public Law 109-115 for the Department of the Treasury, are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947, as amended, (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for Fiscal Year 2006.

(b) Subsection (a) shall be effective:

(1) with respect to funds appropriated, or made available by the transfer of funds, by this Act, upon the enactment of this Act;

(2) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109–108 for the Department of Justice, as if enacted on the date of enactment of Public Law 109–108; and

(3) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109–115 for the Department of the Treasury, as if enacted on the date of enactment of Public Law 109–115.

FUNDING FOR TREASURY TRAVEL

SEC. 7029. The first sentence under the heading "Department of the Treasury, Departmental Offices, Salaries and Expenses" in title II of division A of Public Law 109–115 (119 Stat. 2432) is amended by inserting after "travel expenses" the words "(except for travel performed by officials in the Office of Terrorism and Financial Intelligence and the Office of International Affairs)".

ECONOMIC DEVELOPMENT INITIATIVES CORRECTIONS

SEC. 7030. (a) The referenced statement of the managers under the heading "Community Development Fund" in Public Law 108-199 is amended with respect to item number 380 by striking "for construction of a new facility" and inserting "to upgrade an existing facility".

(b) The referenced statement of the managers under the heading "Community Development Fund" in Public Law 108–199 is amended with respect to item number 188 by striking "for the renovation of the historic Coca-Cola building" and inserting "for the construction or development of a driver's license facility".

(c) The referenced statement of the managers under the heading "Community Development Fund" in Public Law 109–115 is amended with respect to item number 532 by striking "Mark Twain Neighborhood Association" and inserting "Mark Twain Community Alliance".

GSA TRANSFER OF PROPERTY

SEC. 7031. Notwithstanding any other provision of law, the Administrator of General Services may convey, without consideration ownership and jurisdiction (custody, accountability and control) to the City of Crosby, North Dakota real property as described: Lots 9, 10, 11, 12, 13, and 14, Eastlawn Addition to Crosby, Divide County, North Dakota.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, it is my pleasure and honor to describe for the Senate the supplemental appropriations bill that has been reported by our committee. The President has requested supplemental appropriations for this fiscal year, which the committee has reviewed. The House has passed a bill reporting and referring to the Senate this bill that is described as an emergency. The funds are needed primarily for the global war on terror, which is included in title I of the bill.

The total committee substitute would provide $106,474,107,000 in supplemental appropriations for this fiscal year, 2006. It is above the President's request by $14,253,522,000. It is also above the House-passed bill, and we have broken this down and presented it to the Senate in titles.

The first title provides money primarily for defense-related activities, as I said, to carry out the global war on terror. It provides funding for ongoing operations and reconstruction efforts in Iraq and Afghanistan.

In title II, we have included funds above the President's request for recovery from the damages caused by the hurricanes in the Gulf of Mexico in 2005. The President requested $19.7 billion for this purpose. The committee, in consideration of amendments offered by Senators during the markup session, approved an additional $7.4 billion for this purpose. So the total of title II is $27,126,662,000.

Title III reflects the provision of an amendment that was offered in committee by Senators DORGAN of North Dakota and BURNS of Montana relating to agricultural disaster assistance for farmers and ranchers in States that are affected either by the hurricanes of 2005 or drought, flood, wildfires, and other natural disasters that have occurred. That amendment provides exactly $3,944 million for emergency agricultural disaster assistance.

Title IV reflects an amendment that was approved by the committee for emergency drought assistance, more broadly defined, and is an amendment offered by the Senator from New Mexico, Mr. DOMENICI, and agreed to by the committee, with $12,500,000 for that purpose.

Title V is an appropriation of $648,050,000 for port security enhancements. This was requested by—and the committee approved the request—the distinguished Senator from West Virginia, Mr. BYRD.

Title VI includes funds for influenza pandemic preparation and response activities. The administration asked for this amendment. It was included by the committee. It provides $2,300 million for that purpose.

Title VII is the part of the bill that has general provisions and technical provisions.

Overall, the bill can be described as having two major points of focus. First, it provides needed funding for our military to continue to carry out operations overseas. It also includes the commitment to rebuild the gulf coast to permit inhabitants there to recover from the devastation caused by Hurricanes Katrina and Rita.

It is my opinion—and I think this reflects the action taken by our committee—that it is critical that these funds be provided expeditiously, and we need the cooperation and support of all Senators to accomplish this goal. The committee recommendation has been available to Senators for several weeks. I hope we can consider amendments in an orderly fashion, that they can be brought up as early as possible so they can be considered without prolonged and unnecessary delay.

I have to say that the individual subcommittee chairmen worked hard to identify the needs in the areas under their jurisdiction. Those who serve as ranking minority members of the subcommittees have had opportunities to participate. It has been a bipartisan effort made by our committee to bring to the bill a recommended appropriation amount that would serve our national security interests as well as our economic interests and other problems that were caused by natural disasters.

At the appropriate time, I will move that the committee substitute be adopted and be treated as original text for the purpose of further amendments. I have to say at this point that the work of this committee reflects bipartisan cooperation and mutual respect between the Members on both sides of the aisle. It carries out a tradition that I believe has been one of the hallmarks of the activity of the Senate. It has reflected credit, therefore, on the Senate.

I hope Members will understand that we are not addressing issues on the basis of partisanship but on the basis of need to address problems that confront our country and those which were unanticipated when the President submitted his initial budget request for this fiscal year. We have had other events that have caused us to have to proceed to adopt emergency appropriations bills, and here again that is something we have to deal with. We are presenting this bill as a good-faith effort to meet the needs of the country as we see them and as requested by the President.

I am happy to yield to my friend, the distinguished Senator from West Virginia, Mr. BYRD, who has provided very important assistance to me personally and, through his service in the Senate, to the work of this committee for a long time. We appreciate his valuable assistance. All members of the committee have worked to be sure that this is a good bill and deserves the support of the Senate. I think it does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the truly distinguished and able chairman of the Senate Appropriations Committee, Mr. COCHRAN, for all of his hard work on this bill. He is so diligent, so fair, so honorable. I am proud to serve with him. Mississippi is so well represented in the Senate by this man. As a matter of great pride, I call him my friend, my colleague, my chairman.

The President has asked the Congress to approve over $92 billion of emergency spending, including $72.5 billion for the wars in Iraq and Afghanistan and $19.8 billion for the Federal response to the terrible hurricanes that struck the Gulf States in August and September of 2005.

When the committee opened its hearings on the supplemental on March 7, I stated my belief that it is our duty to scrutinize the President's request not only for what is in the bill but also for what is not in the bill. I said to the distinguished chairman and to Senator LANDRIEU and others that I would help them in every way I could in responding to the terrible storms that hit their States.

My State of West Virginia is often hit by floods and other damaging disasters, such as the recent accidents in West Virginia's coal mines. I am very sensitive to the ability of our Federal Government to prepare for and respond to disasters promptly and with competence, which is what our citizens need and what our citizens deserve. Sadly, many of our Federal agencies are no longer up to these fundamental tasks.

Mr. President, the chairman of the committee has taken the bull by the horns. Under his leadership, the recommendations of the committee fill in some of the gaps in the administration's request for funds required to respond to the hurricanes.

The committee added approximately $7.4 billion to the President's budget request—that is not chickenfeed—$7.4 billion added to the President's budget request for Federal programs to respond to these disasters.

I have to also note that the chairman of the committee included at my request—he would probably have done it, anyhow; perhaps I made it a little easier—and the request of others an amount of $35.6 million for improved mine safety and health programs. In the wake of 18 coal mining deaths in the State of West Virginia this year and another 16 mining deaths in other States this year, it is imperative that the Congress act immediately to ensure that an adequate number of safety inspectors will be provided for our Nation's mines and to expedite the introduction of critical safety equipment.

It is simply, absolutely, positively inexcusable that our miners have oxygen canisters that last only 1 hour—1 hour—when miners may be trapped underground for several days, or that the miners may not have emergency communications equipment. Think of that. Miners may not have emergency communications equipment that can reach the surface in the event of an extended rescue effort. I tell you, this is something to talk about.

The chairman has my genuine appreciation for including these funds in the committee-reported bill. I also thank Senator SPECTER, Senator HARKIN, and Senator ROCKEFELLER for their support of the initiative.

By the way, Senator ROCKEFELLER is recuperating from a very serious operation. He may not get back in the harness here until June. I was talking with him a couple of days ago. He probably won't get back until June. JOHN D. ROCKEFELLER, my colleague from West Virginia.

The bill before the Senate also includes a provision to extend the abandoned mine land authority through fiscal year 2007. The AML program and combined benefits fund are very important programs that are needed by retired coal miners, by their families, and by coalfields communities throughout the country. I thank Chairman COCHRAN. I thank Senator SPECTER and Senator DOMENICI for supporting this effort.

The supplemental appropriations bill includes $67.8 billion for the Department of Defense to prosecute the wars in Iraq and Afghanistan. Upon passage of this legislation, the total amount appropriated for the war in Iraq, including the cost of reconstruction, will be $320 billion. Mr. President, that is $320 for every minute since Jesus Christ was born 2,000 years ago. That is a lot of money. Man, think of that.

That is a staggering figure, but what is even more unbelievable is that the monthly cost of the war in Iraq has been steadily, steadily, steadily escalating. In May 2004, the Defense Department reported to the Armed Services Committee that the cost of operations in Iraq was averaging $4 billion per month. The Congressional Research Service reported this month that during fiscal year 2005, the cost of the war in Iraq had escalated to $5.6 billion per month. The Congressional Research Service estimates that the cost of operations in Iraq during the current fiscal year will grow to $6.8 billion per month.

I ask the Chair, can you comprehend how much money that is, $6.8 billion? That is $6.80 for every minute since Jesus Christ was born. Contemplate that.

The American people ought to be asking how on Earth has the monthly cost of the war in Iraq grown by 70 percent just in 2 years. Isn't there any way to control the cost of the war while making sure that our troops continue to get the support they need?

The truth is that the administration is out of control when it comes to asking for emergency spending. According to a Congressional Budget Office report, the White House has requested $515 billion in emergency spending between 2001 and 2006. That is more than 3½ times the combined total of all—all, a-l-l—all of the emergency spending bills in the previous 10 years.

Say that again. Did you hear me? More than 3½ times the combined total of all of the emergency spending bills in the previous 10 years.

The President refuses to include in his annual budget request a realistic estimate of the cost of the wars. As a result, there is virtually no debate about how our country is going to pay for these massive bills. And what is more, these emergency spending requests mean that Congress has only a limited opportunity to scrutinize the administration's spending proposals. As a result, nobody—nobody—seems to be minding the store when it comes to controlling the escalating cost of the wars in Iraq and Afghanistan.

I tell you, I was in favor of fighting the war in Afghanistan, but I was not in favor of going into Iraq. No, man. No.

The failure of the President to heed the repeated calls by the Senate—by the Senate, that is this body—to budget for the wars in Iraq and Afghanistan has resulted in more unnecessary spending that is hidden—hidden—from public view.

For example, the President requested $8.3 billion in military procurement to replace wornout or battle-damaged equipment, but this is essentially forward funding of replacement equipment that should be bought using funds in the regular appropriations bill. Since we do not need to buy the same equipment twice, future Defense spending bills need not appropriate procurement funds that have already been approved in previously enacted emergency appropriations bills.

This forward funding of military procurement accounts should then mean savings in the regular Defense appropriations bill. But when will these savings appear?

With the approval of this bill, the Department of Defense budget for fiscal year 2006 is $534 billion, an increase of 74 percent over fiscal year 2001. Congress has rubberstamped much of this increase without indepth budget justification.

Until the President begins to include a real estimate of the cost of the wars in his annual budget, American taxpayers will continue to see billions more dollars spent without any true measure of accountability. That is why I will again offer an amendment to the supplemental appropriations bill that calls for the President to budget for the cost of the wars in Iraq and Afghanistan.

The Senate has given its strong support to this amendment four times—four times—and the President continues to look the other way, continues to disregard this direction by the Senate. The Senate must insist on a long overdue and responsible step of budgeting for the cost of the war.

I am also very disappointed that the White House limited the supplemental request to the cost of the wars in Iraq and Afghanistan and in response to Hurricanes Katrina, Rita, and Wilma. As the Senate debates immigration and border security, it is rather astonishing, wouldn't you think, that no funding was included for border security. Nor were any funds included for port security. Dubai Ports World is now operating terminals at six of our major ports.

The "layered defense"—if I may put quotation marks around those two words—the "layered defense" that the administration claims is protecting our ports is, in fact, paper thin—paper thin. It is just that thin.

Nor did the President seek any supplemental funding for preparing for or preventing the outbreak of the avian flu or to help our farmers who have been devastated by drought and by the hurricanes.

The Appropriations Committee, under the chairmanship of Senator COCHRAN, has wisely approved funding for port security, wisely approved funding for the avian flu, wisely approved funding for drought relief, and I hope that border security funding will be approved this week on the floor.

I challenge the White House—it is easy to be brave from a distance; I am quite a ways up the avenue from the White House—I challenge the White House—come on—I challenge the White House to get serious about these issues. These are also emergencies. The White House should be leading rather than opposing efforts to improve border security and port security, and it should be preparing for the avian flu and helping our farmers.

The administration has a huge credibility gap when it comes to homeland security. There is a continuing drumbeat that another terrorist attack may occur or is even likely. The President, in his State of the Union Address, told the American people:

> The enemy has not lost the desire or capability to attack us.

That is true. One look at the budget reveals an odd complacency. The administration's speech writers and his policy writers seem to be living in different worlds.

In response to the administration's decision to allow Dubai Ports World to operate terminals in six major U.S. ports, it is asserted by the administration that it has a robust, layered security system for our ports. And yet for the second straight year, the White House proposes to eliminate the Port Security Grant Program. Of the $816 million the Congress has appropriated since September 11 for port security, only $46 million was requested by the President. There is nothing "robust" about that.

How serious are we about port security, when the President, the Vice President, the Secretary of Defense, and the Secretary of Homeland Security don't even know about the decision to sell the operation of six U.S. ports to a State-owned foreign company?

How serious are we about port security when Customs and Border Protection inspects only 5 percent of the 11 million containers that come into the country each year?

How serious are we when the Coast Guard Deepwater budget for replacing its ships, planes, and helicopters will not be completed until 2026?

The administration has not requested one thin dime for port security in this $92 billion supplemental.

The committee-reported bill includes my amendment to provide $648 million to fill critical gaps in our paper-thin port security program. The bill now provides resources for more radiation portal monitors, more container inspections, more port inspections, and would fund port security grants at the levels anticipated in the Collins-Lieberman and Stevens-Inouye port security authorization bills.

The American people—our people, your people—yes, our people, the American people—expect more than just a paper-thin—you can almost see through that—the American people expect more than just a paper-thin security plan for our ports. The bill, as reported by the Senate Appropriations Committee, begins—and Senator COCHRAN, the chairman of that committee, can take a lot of credit—begins to address this paper-thin port security program by including a total of $648 million to fill critical gaps in our port security program. I thank Senators DAN INOUYE, HERB KOHL, and TOM HARKIN for their support of my initiative in committee. Whose initiative? Mine, my initiative. Dizzy Dean says it is all right to brag if you have done it. Well, I have done it.

The White House should step to the plate and support this effort.

While the committee-reported bill has made some progress to address the gaps in the Nation's port security defenses, it virtually ignores border security. The Senate has recently been debating immigration and border security legislation to authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. It would authorize the hiring of additional immigration enforcement agents and detention officers. It would authorize border surveillance, technology, and unmanned aerial vehicles, and fences.

I am very concerned—very concerned—about lax border security. In fact, together with our colleague, Senator LARRY CRAIG, and with the support of my Homeland Security Subcommittee chairman, Senator JUDD GREGG, I led the effort in the Senate last year to appropriate hard dollars to begin to put real teeth—see these teeth? These are real teeth. They are just 88 years old. These are real teeth. Well, that is what we did. We put real teeth in our border security agenda. We did not merely authorize the hiring of more Border Patrol agents; we appropriated hard dollars to hire 500 more Border Patrol agents, as well as more immigration enforcement agents and detention officers. Don't you feel better about that? I do. I can sleep a little better. I will bet Senator HARKIN sleeps better at night because of it. Those 500 Border Patrol agents have been hired and trained and are deployed on our borders. They are out there defending our borders while we are sleeping. Think about that.

As we hire more Border Patrol agents and other immigration enforcement officials, they must have the tools they need to do their job. We need to start paying for those tools now so that they will be available as more and more Border Patrol and immigration enforcement officials are hired and trained.

I will be talking again about this matter as the Senate proceeds to consider this supplemental appropriations bill. Securing our borders requires more than just hot air. Hot air is cheap. We must put real dollars to work for border security.

Mr. President, I am pleased to report to the Senate that the committee-reported bill, under the strong leadership of Chairman COCHRAN—hey, you people down there in Mississippi better hold on to this man. He does a terrific job on this committee. This bill includes several other initiatives to deal with gaps in funding in the budget request.

I would suggest that principal among these gaps is an amount of $2.3 billion required to prepare for and to respond to a potential influenza pandemic such as the avian flu. My mother died during the great influenza epidemic of 1917 and 1918; the great influenza epidemic. So there is money here to prepare for and to respond to a potential influenza pandemic. The World Health Organization recommends that countries stockpile enough antiviral medications to cover 25 percent of the population or 80 million Americans.

According to the Department of Health and Human Services, there is a shortfall of 30 million courses. HHS will not receive the antivirals it has ordered until the end of this year.

We are also well short of the 20 million goal that has been set by HHS for purchasing prepandemic vaccine. Experts have said that a vaccine is the only effective way to stop the spread of a pandemic.

The availability of the vaccine and medicine is limited. The availability is limited. We should not wait to place our orders. The White House should support this effort.

The committee-reported bill also includes approximately $3.9 billion for emergency agricultural disaster assistance for farmers and ranchers in States affected by recent hurricanes in the gulf, drought in the southern plains and throughout the western corn belt, and excessive rainfall in North Dakota—North Dakota: Do you know where that is? That is north of South Dakota. North Dakota—and the upper Midwest flood. Nearly 80 percent of all U.S. counties were designated as primary or contiguous disaster areas by the Secretary of Agriculture or the President in 2005.

So, Mr. President, the chairman and I look forward to a good debate on this supplemental appropriations bill. It is a good bill, and it is truly responsive—truly responsive—to the needs of the American people.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I want to express my genuine heartfelt appreciation for the remarks of the distinguished Senator from West Virginia about me and about the work of our committee. He has been a very valuable tutor, friend, and companion during the work of our Committee on Appropriations since I have been on the committee, since January of 1981. I have learned a lot from him. I have learned to respect him in terms of the conscientious way he goes about carrying out his responsibilities to the people of West Virginia and also to the people of the United States as a U.S. Senator. We can all study his career and his dedication to public service with great profit for our own interests. We can be guided by his example and be very proud of our work product if we do.

Mr. President, at the appropriate time, I will ask unanimous consent that the committee amendment be agreed to and the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived by the request. I give the Senate notice that I will make that unanimous consent request in due course, and it probably will occur immediately after our break for the policy luncheons of the respective parties of the Senate. I am happy to yield to any other Senator who wishes to make any comments. I understand the Senator from Minnesota would like to speak as if in morning business, and I yield the floor.

Mr. COLEMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COLEMAN pertaining to the submission of S. Res. 442 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. COLEMAN. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 3594

Mr. GREGG. Mr. President, we are now on the supplemental appropriations bill. One of the issues raised in the supplemental appropriations bill, of course, is national defense. The purpose of this bill is primarily to fund efforts to fight terrorism and especially to make sure that our troops in Iraq and in Afghanistan have what they need in order to effectively fight terrorism. A big part, however, of national defense is clearly border security—being sure that we know who comes into this country, know what their purposes are when they come into this country, and whether they are coming into this country for the purpose of visiting us or maybe participating in our economy or for the purpose of doing us harm.

Unfortunately, we have for a number of years experienced borders which are very porous. That is a function of our history—where we have always believed in open borders, especially with our neighbors to the north and to the south.

That has been one of our great attitudes as a nation—that we are an inviting nation, and we have always felt strongly that we should have reasonably open borders. But in the post-9/11 world—and especially in light of the dramatic number of people who have been coming into our country illegally—we can no longer tolerate that approach, unfortunately. We need to put more aggressive effort into making sure that we know who is coming over the borders and limiting those folks coming over our borders to people who want to come in here legally and who do not want to do us harm.

As a result of that, we have undertaken for the last couple of years an aggressive effort to significantly increase the number and the effort of our Border Patrol agencies—Customs, Border Patrol, Coast Guard, and ICE. In fact, over the last 1½ years we have dramatically increased funding for all of these different agencies. This chart lists those types of increases in those prior supplementals and in the last appropriations bill relative to border security. We increased Border Patrol agents by 1,500. That is a lot. That is an increase of over 10 percent in agents, an increase in detention officers by 650 officers, investigators, and detention beds—again, by almost 10 percent.

This is a significant ramping up of the number of, for lack of a better word, boots on the ground on our border—especially on our southern border. That is exactly what we needed to do. In fact, as we move into the outyears, the administration—the President specifically—has made a strong commitment to try to continue this increase in our border security.

This chart reflects how many agents we intend to add every year so that we can make sure we have the necessary personnel on the border in order to make sure that we can limit dramatically—in fact, basically stop—illegal immigration into this country, especially along the southern border.

The reason we have added 1,500 agents so far—and we intend to add another 1,500 or 2,000—and the reason we are not adding more every year is because the infrastructure can't handle any more, to be honest with you. We can't train more, and we actually can't find more agents. In many instances, people who qualify—I have forgotten the numbers. I think it is something like 30,000 or 40,000 applications that we have to go through in order to get down to 1,500 agents.

It is actually hard to become a Border Patrol agent from a percentage standpoint of the number of people applying for the job versus the number of people who actually end up getting the job. It is harder to become a Border Patrol agent than it is to get into Harvard. That is because Border Patrol agents require special skills. They are talented people. And the type of folks we want to draw into this responsibility are people who have to have a tremendous amount of ability and expertise, and they are very hard to find. But they are good people, and we are adding to them dramatically.

We intend to get the Border Patrol up to 20,000 agents and an increase of detention beds of another 10,000. We will be literally able to control the southern border. We will no longer have this issue of people coming cross the southern border in waves illegally. Literally, we can stop that. We can do it, and we intend to do it. There is no issue about this. We intend to do this. However, we have found in ramping up the number of Border Patrol agents they have run into a fairly significant problem.

As an aside, I note that the only reason we have been able to increase these Border Patrol agents so dramatically is because Senator COCHRAN, as chairman of the full Appropriations Committee, has allowed the subcommittee, which I chair—the Homeland Security Subcommittee—to get special allocations in order to fund those.

It has really been out of his courtesy, his energy, and the support of Senator FRIST in this effort that we have been successful in basically increasing these numbers. We are on this path of basically being able to have enough boots on the ground in the Border Patrol area and Customs area and ICE area in order to adequately control the border.

What we found going through this process of expanding dramatically Border Patrol agents and Customs and ICE agents is that the infrastructure to support these people isn't there. They are driving old cars. For the most part they are flying helicopters which are 20 years over their useful life. Customs is actually flying airplanes that are 20, 30, or 40 years over their useful life. In fact, just recently the Customs agency was forced to basically ground all its Customs planes for a brief period of time, and the P-3 fleet, which is 40 years old, because these types of cracks developed in their wings. They obviously couldn't fly them. So they had to repair all of them—or not all but those that had this potential type of stress.

We have a very old fleet of aircraft. They are not able to do the job.

Equally important, in the technology area where we really should be more aggressive and where we really have the capability of having a huge impact along the border through surveillance capabilities—not necessarily require people, but it can be done by electronics such as unmanned aerial vehicles—we only have one flying the border. Regrettably, that one crashed today. It is ironic that we have this amendment on the floor. The one UAV we have actually crashed. So we don't really have unmanned aerial surveillance. This is in the Arizona area.

We think actually we should not only have one but that we should have a fair number of UAVs on the border. The situation with the purchase and buildup of UAVs is that if we are to stay with the present budget projections, we wouldn't have the full compliment that we would need for 4 or 5 years.

The amendment I offer today is an amendment to try to address the capital needs of border security in the Customs account, in the Coast Guard account, in the Border Patrol account, and in the ICE account—the capital operational needs, not the people on the ground but the capital needs which are deemed to be in an emergency distress situation.

Why is this justifiable on this bill? Because this bill is about defense, especially relative to terrorism. Yet fighting the war in Iraq is critical to this war on terrorism, and fighting the war in Afghanistan is critical to the war on terrorism, but I think equally important is making sure that our borders are secure.

That is as big an issue as we have today in the area of fighting the war on terrorism. We can't be effective on that issue unless we have the resources and the people in order to take care of securing the border. We are moving toward getting the people, and we are bringing them on line as fast as we can in the context of our capability to hire new people. But what we do not have is the resources to be able to support these folks.

This amendment will essentially accomplish that. It will add money for airplanes, and specifically to try to address the issue of flying all of these P-3s that are so old. The vast majority of this money will be for aircraft—over $700 million of it. It will add money for purchasing more UAVs so we can get these UAVs in the air sooner rather than later.

It cost about $30 million to put one of these up, to put the electronics behind it and the command center behind it. It will add money for purposes of construction so that as we add these new Border Patrol agents and these other new agents in these other departments, they will have the physical facilities to be able to handle their day-to-day operational needs.

It will add cars and SUVs, which are so critical, especially in some of these harsh frontier-type environments which they face along the border. It adds helicopters. Almost all the helicopters they are flying today are 20 years over their useful life. We replace those.

In the area of the Coast Guard, it will put in the water the type of boats they need in order to chase down the boats that are basically being used for illegal transportation of people into this country. And it will also assist the Coast Guard in advancing their aircraft capability in that area.

All of this is critical to putting in place the infrastructure to make sure that as we put the people on the ground, they have the assets necessary in order to effectively control the borders.

It is an emergency. These facilities are either not there today, such as in the case of UAVs, or they are not working well today, such as in the case of the P-3s, or they simply have not been ungraded to the point of being effective as we move forward with this larger basically human commitment on the ground, such as in the case of headquarters and facilities for these folks to work out of, helicopters to move them around, and automobiles to move them around, or fast craft for the Coast Guard to use to get out there and do their job.

It needs to be stressed that this amendment is completely paid for. It is paid for within the context of the President's initial presentation. The President sent up here initially a $92 billion proposal for emergency spending for the purposes of fighting the war on terror and addressing the issue of Katrina. Of that $92 billion, approximately $69 billion was specifically for fighting the war.

We have basically reallocated within that $69 billion money to pay for this initiative. I feel very strongly, as do the cosponsors of this bill—and I will get to who the cosponsors are of this bill because it is important—that this issue be addressed sooner rather than later; that we give our Border Patrol agents the tools they need, Customs the tools they need, the Coast Guard the tools they need, in order to secure the border.

This will be a major step forward in making sure we accomplish this goal. The goal is to make sure, at least on the southern border, that we know who is coming across the border, that we can control that border, and we do it in the near term rather than waiting for the long term.

It is a fully paid-for amendment, keeping the proposal the President sent up here, keeping the integrity of that proposal, relative to the top line number which was about $92.5 billion. So this amendment is done in that context. It does not take money from the additions that came out of committee. I happen to believe those additions were inappropriate. I am hopeful they will all fall by the wayside except for the avian flu one which is a legitimate emergency, and that when this bill is completed, either in the Senate or in the conference, it will be back to the original number prepared by the President.

I suppose I could have gone into the additional funding and taken it right out of that, but that would not be a legitimate approach. I am trying to make sure this offset is legitimate to the initial number which was $92 billion.

This amendment is cosponsored by myself, by the majority leader, Senator FRIST, who has been a tremendous advocate for this type of initiative, and by the senior Senator on the Democratic side, Senator BYRD, who also happens to be the ranking member of the Committee on Appropriations and the ranking member of the Subcommittee on Homeland Security. I very much appreciate Senator BYRD's cosponsorship and obviously greatly appreciate Senator FRIST's cosponsorship.

Again, I stress none of this would be able to be accomplished had it not been for the efforts which were well beyond what one might have expected from the Senator from Mississippi who a year and a half ago—after the administration regrettably sent up a budget which was woefully short because they allocated incorrectly for homeland security—he came forward and gave us an allocation which allowed us to put in place the people on the ground, the extra 1,500 border people, the extra beds which we are now trying to give to the backup facilities with what I would call a capital funding initiative for emergency capital needs of the Border Patrol. It was the Senator from Mississippi, the chairman of the Committee on Appropriations, who was able to get us on this path to a constructive and appropriate approach for addressing the border issue.

I believe the amendment is at the desk and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. FRIST, and Mr. BYRD, proposes an amendment numbered 3591.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, with an offset, emergency funding for border security efforts)

At the appropriate place, insert the following:

TITLE —BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. . (a) REDUCTION.—Except as provided in subsection (b), the aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $68,962,188,000.

(b) INAPPLICABILITY TO AMOUNTS FOR MILITARY CONSTRUCTION.—Subsection (a) does not apply to amounts provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act for military construction.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator from Georgia has indicated he wishes to speak on the amendment and I defer to him.

Mr. ISAKSON. I commend the distinguished Senator from New Hampshire, the chairman of the Committee on the Budget, on the offering of this amendment for the emergency supplemental. This is so important.

We went through 2 weeks of debate prior to the Easter recess where we ended up doing nothing on the issue of immigration and illegal immigration. We did nothing because there was a fear in this country and there is a fear in this Senate that no matter what we do, if we do not fix the borders first, secure the borders first, there is no way whatever to have true, meaningful immigration reform legislation.

The distinguished chairman of the Committee on the Budget, in his original budget document and now again in this amendment, is proposing exactly what the United States of America must do; that is, appropriate the money to fulfill the promises to secure the border so we can gain control of our immigration system and return to a system where people come to this country to work and to enjoy new lives and prosperity legally, where our borders are secure and our Nation is more secure.

I rise for a moment to point out that this amendment in and of itself to this emergency supplemental is, without question, the most significant component to the issue of illegal immigration and gaining control of our borders. I urge all of my colleagues in this Senate, when this amendment comes to a vote, to vote in favor of it. Only through appropriating the money and actually spending the money to make the investment, to improve the eyes in the skies in terms of unmanned aerial vehicles, to improve the boots on the ground, to more Border Patrol officers—the only way to do it is not with promises of authorizations but with the commitment of appropriations.

I commend the Senator from New Hampshire. I thank the Chair for the time. I urge all Senators to vote in favor of this amendment to secure the borders of the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, that the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The committee amendment in the nature if a substitute was agreed to.)

Mr. COCHRAN. Mr. President, I appreciate the cooperation of Senators in laying this groundwork for the further consideration and debate of this bill. I particularly appreciate the comments of the Senator from New Hampshire with respect to the situation regarding funding for border security activities, programs, and equipment necessary to help guarantee the strict enforcement of our laws and to ensure integrity of our borders. His suggestion in this amendment is going to result in a major step forward in achieving our goals.

His comments about our efforts when the Department of Homeland Security was initially established and funding for various activities under the jurisdiction of that Department are appreciated very much, but his leadership is demonstrating we can do a better job. He has made another suggestion in the offering of this amendment that carries out that past practice of identifying ways to use funds wisely, make investments in equipment, personnel, and strategies that will lead to a higher level of security for our country.

The offset identified in the bill for adding this money takes it away from certain Defense appropriations activities. We have consulted with the chairman of that subcommittee, the distinguished Senator from Alaska, Mr. STEVENS, and this offset can be accommodated, I have been advised, and without doing detriment to any military activities funded in this bill.

Unless there is a Senator who wishes to be heard in opposition or requesting a vote on this amendment, I recommend this amendment be accepted.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I have no objections to the amendment of the Senator from New Hampshire and would be fully supportive of it.

I will speak on another issue for about 5 minutes. I thank my colleague from West Virginia, our great leader, for ceding the time.

From one end of New York to the other, all the talk this past week has been on the high price of gasoline, the high price of oil, the high price of all petroleum products. Oil prices went up to $75 a barrel. Gasoline went up 40 cents in 1 month.

This is not only burning a hole in people's wallets and pocketbooks, but it is also putting a real crimp in our economy. In upstate New York, in New York City, we depend on tourism. Fewer people will drive, fewer people will come. People are making decisions not to buy that extra outfit of clothes for youngsters, not to take the trip to see the grandkids because of the high price of gas and oil.

Yet, today, when the President spoke about this issue for the first time, we did not hear what we needed to hear. The President seems to think that gouging is a problem of the corner gas station. It is not. It is a problem of the dwindling number of large behemoth oil companies. We did not hear from the President the five words we need to hear: Get tough with big oil.

That is the problem. Of course we have a supply and demand problem. We know that. The big oil companies, faced with no competition, take advantage of every twist and turn. Katrina occurs and the price naturally would have gone up, but it goes up higher, stays high longer, and spreads to more areas than need be because the oil companies are taking advantage.

Now we have had the changeover to summer fuels. Again, that cuts down production for a short period of time. But the big oil companies take advantage and keep the price high for too long. Over the last 5 years, never has production been as low as it has been today and stayed so low.

The bottom line is simple. We let—and this happened under Republican and Democratic Presidents—we let 20 oil companies become only 5. When there are so few, there is no competition. And who pays the price? The American consumer and the American economy.

The record profits are not an accident or part of free market capitalism. When you have so few energy producers, you are going to be taken advantage of. That is what the average citizen has found.

To ask for an FTC investigation, as the President did, about gouging, without mentioning big oil, does not make sense because it sure as heck is not the corner gasoline station.

The bottom line is we need to do three things: First, we most definitely need to conserve much more than we have. The fact that China's miles per gallon standards are higher than ours—and China is hardly an environmental country; they are doing it for economic purposes—should make us hang our heads in shame. We need a crash program to find new energy sources.

I, for one, am not averse to finding more fossil fuels while we wait for the new energy source to come online. The amount of money the President has proposed in this budget to do that is paltry.

Finally, we should, for the first time, seriously consider breaking up the big oil companies. As long as they have a stranglehold on us, we are not going to solve this problem. As long as they want to have fossil fuels be the dominant way we power ourselves and keep the prices high as possible and work in cahoots with places such as OPEC, we are not going to solve this problem. When there were 20 competitors, we always faced the fact that 2 or 3 would say I am going to expand market share by keeping the price a little lower. Not anymore. It does not happen.

When you ask, why have things gotten so much worse with oil prices and gasoline prices, part of it is supply and demand, but part of it is we let the antidote to collusion and gouging—good old-fashioned American competition—go by the wayside in the oil industry.

At some point I will be offering an amendment that we do a serious study about whether to and how to break up big oil as was once done about 100 years ago. I don't think there is any other solution that makes sense.

From President Bush, we finally heard some talk. But talk is cheap. The price of gasoline is not. We need serious action on conservation, on new energy sources, and on dealing with big oil if we are going to solve this problem and keep America as strong as possible.

I thank my colleague from West Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very able Senator.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. The legislation would authorize border surveillance technology and unmanned aerial vehicles.

However, the immigration bill is just an authorization bill. Now, if we are serious about border security, we must approve real dollars—real dollars.

Together with our colleague, Senator LARRY CRAIG, and with the support of my Homeland Security Subcommittee chairman, Senator JUDD GREGG, I led the effort in the Senate last year to appropriate hard dollars to begin to put real teeth into our border security agenda. We did not merely authorize the hiring of more Border Patrol agents; we appropriated hard cash, hard dollars to hire 500 more Border Patrol agents as well as more immigration enforcement agents and detention officers. The administration opposed this effort. But those 500 Border Patrol agents have been hired. They have been trained. They are now deployed on our borders defending our Nation and making us more secure.

As we continue to hire more Border Patrol agents and other immigration enforcement officials, we need to give them the tools they need to do their job. Yes. We need to start paying for those tools now so they will be available as more and more Border Patrol agents and immigration enforcement officials are hired and trained.

The Border Patrol needs new helicopters because the average age of its helicopters is nearly 40 years. The average age of our Customs primary fixed-wing aircraft is 30 years. All of our border enforcement officials, including the newly hired officials, need more vehicles, including all-terrain vehicles, high-endurance vehicles, and more buses to transport and remove illegal aliens. More radios are needed and other communications equipment, especially for those individuals operating in remote desert areas along our border.

Customs and Border Protection has a requirement for 18 unmanned aerial vehicles or UAVs. The immigration bill authorizes more UAVs, but until this morning, we had only one UAV operating on our border.

At 5:49 a.m. this morning, where were you? I was asleep. I bet you were, too. At 5:49 a.m. this morning, that one UAV crashed—get that, now—it crashed in the Arizona desert. Clearly, one UAV system is not adequate.

The amendment that Homeland Security Chairman GREGG is offering this afternoon provides $1.9 billion—$1.9 billion—in real dollars for our aging border security infrastructure. As ranking member on the Homeland Security Subcommittee, I support that funding. It provides $120 million for fencing and tactical border infrastructure, including an additional $20 million for the fence being constructed in San Diego. It provides—hear me, now—$790 million for new helicopters, fixed-wing aircraft, UAVs, and the facilities to house and maintain them. It provides $60 million for replacement vehicles for our border and immigration personnel. It provides over $150 million for communications equipment and sensors and cameras and other technology along our border. That ain't all, either. That ain't all. You better believe it. It provides $60 million to expedite the interoperability of the FBI and Homeland Security fingerprint databases so that we can have greater confidence about whom we allow to enter this country.

We know that as security at our land borders is tightened, illegal aliens, drug runners, and, yes, terrorists also—terrorists—will turn to our waterways for entry into this country, our country.

According to Coast Guard statistics, the flow of illegal aliens through our waterways has more than doubled in the last 10 years, and it will continue to grow. It will continue to grow. The administration has concluded that international migration "will be one of the most important factors affecting maritime security through the next 10 years" and that "a significant commitment of security resources" is necessary. Yet—could you believe it—the President did not request any supplemental money for the Coast Guard to repair, replace, or enhance its ships, its planes, and its helicopters.

The Coast Guard secures our waterways, but the Coast Guard is doing it with ships and planes that, in some cases, date back to World War II. Man, that is a long time. How about that—doing it with ships and planes that, in some cases, date back to World War II? This has resulted in a huge gap between operational commitments and operational capabilities. For instance, total Coast Guard patrol boat hours were only 75,000 in 2004, compared to 100,000 hours in 1998. Under the administration's deepwater modernization plan, this gap will not be closed until 2012. Now, I wonder if I will be around that long. This gap will not be closed until 2012, at the earliest. How about that? Do you believe it? How about that?

Current Coast Guard maritime patrol airplanes can only provide half of the hours required to meet operational commitments. At the same time, funding constraints require maintenance on Coast Guard ships and planes to be deferred more and more every year. You may not be around that long, either. No. Who knows? From fiscal years 2001 to 2005, the Coast Guard deferred over $121 million in maintenance needed for its surface fleet and $159 million in maintenance needed for its air assets.

The administration has ignored this problem—ignored this problem—for too long. Recent budget requests by this administration have allowed this crisis to fester, and fester. The pending amendment provides $600 million to accelerate the Coast Guard's program to modernize its fleet of ships and planes.

This funding will provide for seven additional maritime patrol airplanes and three new patrol boats. The funding in the amendment would also allow the Coast Guard to retrofit and arm its helicopters, refurbish existing medium endurance ships, accelerate the production of new medium endurance ships, and provide the technology necessary for commanders to speak to each other through a common operating environment. This level of funding is consistent with the recently filed Coast Guard authorization conference report.

The President often says that we live in a post-9/11 world. Frankly, the Coast Guard's fleet of ships and planes is fit for the last century. To properly secure the maritime domain, the Coast Guard needs a fleet fit for this century—the here and now, this century.

If we are truly serious—and I hope we are—about securing our borders and not just engaging in rhetoric and hot air, then we will put real dollars—real dollars—where the rubber hits the road.

So, Mr. President, I urge my colleagues to support the Gregg amendment, the amendment offered by Senator JUDD GREGG, of which I am a principal cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know of no further Senators seeking recognition on this amendment. I, too, support it.

I am advised that the leader wants to speak on the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand we are on the Gregg amendment now, and that will proceed under some fashion or form. I wish to take a few minutes to talk about an amendment I will offer when this amendment is dispensed with one way or the other.

I wish to announce my intention to offer an amendment to this supplemental bill to ensure that Federal funding appropriated for workforce investment is used to help people in genuine need and not to pay exorbitant salaries or bonuses to program executives.

The amendment I will be offering would address a gross abuse of Federal funds that was exposed recently in a

State audit of the Central Iowa Employment and Training Consortium, or CIETC. The audit showed that three executives of this program were paid nearly $1.8 million over the past 2½ years. The chief executive officer alone received almost $800,000 in salary and bonuses over that period of time, which is nearly 8 times the salary paid to the Governor of Iowa.

Obviously, these levels of compensation are exorbitant and outrageous. What happened at CIETC is a scandalous abuse of the public funds and of the public trust. It is also scandalous that these inflated salaries, technically speaking, may not be illegal under current law. The law states that executives in workforce enactment programs will be paid a "reasonable" salary. Unfortunately, that is a very elastic definition. There will always be a few bad apples, people who will stretch that definition in ways that are clearly unethical and wrong, even if not technically illegal.

On that score, CIETC is the only abuse that has come to light so far, to my knowledge. It is sort of the one bad apple in a program with an otherwise outstanding track record. Even one case of abuse is one too many. My amendment will ensure that there is no repetition of this very unfortunate incident.

To that end, my amendment encourages States to set maximum compensation levels for individuals employed by programs funded under the Workforce Investment Act, taking into account factors such as the State's cost of living, compensation levels for comparable State or local government employees, and the size of a State's job training program. In cases where a State fails to set a maximum salary, my amendment would impose a nationwide maximum equal to the Federal executive level of salary.

After the State audit of the Central Iowa Employment and Training Consortium was released on March 31, I urged the U.S. Department of Labor inspector general to launch a thorough investigation, and that investigation is now in progress. In addition, Iowa's State government is conducting a parallel investigation. I asked both the Federal and State investigators to report back to me with recommendations for preventing a repeat of the abuse that has occurred at CIETC. However, we can and should act now to fix the glaring problem here, which is the absence of any fixed ceiling on executive compensation in Workforce Investment Act programs.

Again, my preference, and the way the amendment is structured, would be for each State to set their compensation level. In cases where States fail to act, my amendment would set a maximum executive salary level across the Nation at executive level 2, which would be $165,000 a year maximum; that is salary and bonuses, total compensation. As I said, that is equivalent to the Federal level 2 compensation.

Now, why did we pick that? Because that is the same maximum level that was set a few years ago for salaries in the Head Start Program when we uncovered a similar kind of abuse that was going on in the Head Start Program. So that is the level there. There had been several isolated incidents of exorbitant salaries in the Head Start Program and they have stopped, thanks to that salary cap.

Clearly, $165,000 a year is a very substantial salary, but it might be appropriate in certain circumstances; for example, in the case of an executive who is administering a very large Workforce Investment Act program, or one that is located in a high-cost city or State.

We need to establish executive compensation caps in the WIA-funded programs. As a ranking member of the Senate subcommittee that funds job training, I find it hard to get that funding. I fight hard because I know that quality job training provides a ladder or ramp of opportunity to many thousands of hard-pressed Americans, including individuals with disabilities and people who are laid off due to plant closings.

Workforce Investment Act programs have proved themselves to be enormously effective. They have earned broad bipartisan support.

There are four core programs under title I of the act:

No. 1, assistance to disadvantaged adults, including people with disabilities, to assist them in entering the workforce;

No. 2, assistance to dislocated workers;

No. 3, training and placement services for job seekers; and

No. 4, assistance to low-income youths under the age of 21, including tutoring, dropout prevention, job training, and adult mentoring.

Funding for Workforce Investment Act programs is chronically scarce and inadequate. On the one hand, we want the discretion to pay salaries that will attract talented administrators, and we need to keep in mind local cost of living considerations. But it is unacceptable—it is a betrayal of the public trust—when unethical individuals use scarce WIA funds to pay themselves inflated and totally unjustified salaries and bonuses. Current law creates an opening that makes this kind of abuse possible. But by setting a nationwide compensation cap that would include not only salaries but bonuses, we can prevent future abuse.

That is the purpose of my amendment. I think it is urgently needed. I had a conversation a little bit ago with Senator ENSIGN, who has been working on the Workforce Investment Act reauthorization bill. My staff is working together with his at this time to make sure that what we are trying to do corresponds. Now, you might say maybe we should wait until WIA is reauthorized. I hope it is, but the year is clicking by and we have a lot on our plate. It is a short work year. I am not sure if we are going to get it done. I might add that in the Job Corps Program there is also a compensation cap, and that is a level 1. Head Start was level 2. So we thought for Workforce Investment Act job training programs it ought to be probably at about level 2, maximum. Keep in mind, States can set it lower than that. It is based upon the size of the job and the cost of living factors and other factors. But they cannot go over that. That is what happened in Iowa. Unethical people were paying themselves, in one case, up to $800,000 per annum in salaries and bonuses, which is 8 times what the Governor makes.

So I intend to offer this amendment at some point later on when the Gregg amendment is disposed of in some fashion or another. I hope I can have the support of my colleagues in adopting this salary cap on Workforce Investment Act programs.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are on the supplemental appropriations bill, I understand. I heard the presentations by the chairman of the Appropriations Committee and the ranking member earlier today. I would be remiss if I didn't first compliment both of them. This is not an easy job. It is difficult putting together legislation such as this and bringing it to the floor of the Senate. I compliment Senator COCHRAN and Senator BYRD for their diligent work.

I know that others will speak at some length about various pieces of this bill. I know the bill itself is controversial. I know there will be amendments perhaps to strip provisions that are in the bill. I wish to speak specifically about legislation that I added, along with Senator BURNS and others on the Appropriations Committee, dealing with agricultural disasters. I wish to do that because I think there is a feeling by some that somehow this extra money that is a part of this legislation to try to respond to agricultural disasters or disasters faced by family farmers is something called pork, as some would put it, or is unnecessary, is extraneous, is unworthy. I wish to talk about that.

There is not a lot of talk on the floor of the Senate about family farming because I think, with the exception of perhaps one person here, we are not farmers. We don't get up in the morning on the farm. We don't milk cows in the morning. We don't check the cattle at night. We are Senators. We work here on the floor of the Senate. We give speeches, go to committee hearings, and travel back and forth on weekends, but we don't run a family farm.

Family farmers in this country by their very nature are risk takers. They don't know what is ahead. They are going to plant a seed and hope it grows. They plant a seed in the spring, and they hope that somehow they will harvest in the fall. They hope that after they plant that seed, they will get enough rain but, they hope, not too much rain. They hope they don't face a drought. If they get just enough rain, then they get a crop. Then they hope when they get the crop that between when the rains come and the crops are ready to harvest, they don't have bugs, they don't have grasshoppers, they don't have disease on that crop. And then if, by chance, they are able to harvest that grain, they truck it to the elevator, and they are told by the elevator: This is the price. This is what the world price is. This is what the market price is. This is what the posted price is. If it is not what you expect, if it is below what it cost you to produce it, that is tough luck, that is the price.

So farmers take all those risks. Because they are substantial, we have decided for many decades in this country to build a bridge across those price valleys, to say to farmers: When times get tough, you are not alone. You are living out there on the land, under the yard light all by yourself taking those risks, and we want you to know when times get tough, this country wants to keep farmers on the farm. That is why we have a farm program.

The farm program used to have a disaster title. It doesn't any longer. I wish it did. I think it should, but it doesn't. We have had to do disaster programs now on an ad hoc basis. So we added a disaster provision to this supplemental appropriations bill. We do that because we have had weather-related disasters all around the country. In the Gulf Coast we had a devastating disaster, perhaps the worst natural disaster in the history of this country, called Hurricane Katrina. I can't pretend to know what it did to the Gulf of Mexico, to the people who live in the Gulf Coast region, in Louisiana and Mississippi and elsewhere. But my heart goes out to them, and I have wanted to be a part of everything that is done here in the Congress to extend our hand to them to say: You are not alone. This country wants to help. This country insists on helping in a time of need.

Family farmers in the gulf, I understand, got hit hard as well and, in many cases, lost their entire crops, just gone. We should and we will, and with this legislation, we did provide help to them. With this legislation, we say: If you planted a crop or if you couldn't plant a crop and your crop was destroyed, we are going to help you with a disaster plan. Our point was that there are farmers in the gulf who desperately need help, and there are farmers in other parts of the country who need help as well.

I want to show you a couple of pictures. This is of a little town called Souris, ND. This town called Souris, ND, as you can see, was inundated with water in June of 2005, with torrential rains that were just devastating, torrential rains that came to this area and several other areas of my State. The result was over 1 million acres—over 1 million acres—couldn't even be planted. Those farmers who had those acres, they didn't have a crop. They had a building and a family and a yard light, but they had nothing to harvest because they couldn't get anything planted. Another nearly 1 million acres was planted and then washed away by these torrential rains.

Another scene in Souris, ND. I could show many pictures of exactly the same circumstance in parts of my State that suffered devastating flooding. These farmers need help. Other farmers in States such as Illinois, for example, where they had the third driest year last year since 1895, are facing a drought. They too need help.

Last December, I offered a disaster amendment to the Defense Appropriations bill when we were in conference. The Senate conferees accepted it, and the House conferees rejected it. That is what brought us to this position on this emergency supplemental of offering another disaster bill. The support in bringing that package to the floor of the Senate by Senator COCHRAN, who has always been a very strong advocate and supporter of family farming and American agriculture, and the support by Senator BYRD and others when we offered this in the Senate Appropriations Committee, was very heartening. It was approved unanimously in the Appropriations Committee. So it now exists on the floor of the Senate. It is, in many cases, the distance between being able to continue farming and being forced off the land for a good many families in this country.

We have a fellow in North Dakota named Rodney Nelson who writes. He is a farmer and a rancher in Elmont, ND. He wrote a question once. He wrote a question on a piece of paper, and then asked this. He said: What is it worth?

He was talking about farming. He said: What is it worth? What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to drive a tractor, grease a combine? What is it worth for a kid to know how to butcher a hog? What is it worth for a kid to know all of these things? What is it worth for a kid to know how to teach a calf to suck milk from a pail? What is that worth? What is it worth to have a kid know how to plum a door? What is that worth?

We know what it was worth in the Second World War. This country sent millions of young men, particularly off America's farms, all around the world to fight. They could do anything. They could fix machinery, they could overhaul an engine, they could do anything. They knew how to weld, they knew how to build, they could do anything. There is only one university in America where they teach that, and that is the American family farm. It is the only place where you get that education. And the question is, What is it worth? What is it worth to a country?

That is the question I ask when we offer legislation to say that when family farmers get hit by torrential rains or drought, when family farmers get hit by devastating occurrences of weather that destroy their crops, destroy their ability to make a living, the question then is, Will Congress want to help? Should Congress help?

The answer, in my judgment, is yes. It is important not just for those families living out on the farm; it is important for the character of this country.

There was a wonderful author who wrote some remarkable books about small towns and family farms, and he talked about the seedbed of family values in America, in American history coming from family farms. And that seedbed of family values that comes from family farms and rolls on to small towns and big cities and nurtures and refreshes the character of this country is something that is very important to that which we call America. That is why the desire that I and my colleagues, Republicans and Democrats alike, have to offer a disaster piece on this emergency supplemental bill is so important. This isn't about words; it is about saying to families who were devastated by weather disasters, who are living out on the farm, far from town, under a yard light, struggling to try to make a living, raising a family, to say to them: We understand what you are facing. You are not alone, and we want to help. That is why this piece is in this legislation.

Again, I compliment the chairman and I compliment the ranking member for their work.

Let me mention one additional piece. A number of my colleagues today have mentioned the energy issue, particularly with respect to the price of gas and oil and the price of fuel. There isn't anybody hurt much more than family farmers with what is happening to the price of energy, and the price of gas and diesel, especially. Family farmers are heavy users of fuel. It is the way they plant their crop in the spring, and it is the way they take their crop out in the fall, with the heavy use of fuel and the heavy use of nitrogen and fertilizer. So there is nobody that is hurt more by what is happening with the price of gas and oil than family farmers. It is devastating to them.

This legislation also includes a partial offset with respect to a percent of direct payment that farmers receive as a result of what is happening on energy prices. But with respect to that, I want to make another point. We hear these days that what is happening with respect to the price of gas and oil is the function of the market. There is no market price that is a fair market price for oil. First, you have OPEC ministers that sit around a table from OPEC countries and talk about how much we should produce and how much we expect to get for it. That is No. 1. That is called a cartel: that is not a free market.

Second, we have oil companies. They used to have one name, now two names, and sometimes three names. Why? Because they all got married, decided to merge; big, blockbuster mega mergers, bigger and stronger, with more raw muscle in the marketplace.

Third is the futures market which is supposed to be a market that establishes pricing strategies, but the fact is it has become an orgy of speculation. It is an unbelievable orgy of speculation.

So you have three things: The OPEC ministers, the bigger oil companies, bigger by merger, and then a massive amount of speculation on the futures market. Then we are told: Here is the price of oil, it is $73. If you don't like it, tough luck. If you don't like it, you do not understand; it is the free market. That is total baloney. There is no free market here. All the pain is on the side of the consumers who pay 50 bucks or 60 bucks for a tank of gas, and it is like hooking a hose right up to the pocketbook of the American people to suck money right into the treasury of Exxon. That is what this is about. I am not anti-oil. We produce oil in our State. We also are heavy users of energy in our State. But what I am feeling strongly about is not about profits, it is about profiteering.

When companies decide they are going to ride this price in a way that injures the American people—and I believe what is happening today does do injury to the American people and is unfair and is not part of the so-called capitalistic market system—then I think Congress has a responsibility to act.

The President said this morning the Federal Trade Commission should do an investigation. I and a couple of my colleagues wrote a piece of legislation last year that became law as part of the Energy bill that requires the Federal Trade Commission to do the investigation. If the President had called the FTC, he would have understood that they have been doing an investigation and will report sometime toward the end of May.

I have to confess, however, that I believe the Federal Trade Commission has been dead largely from the neck up for some long while. I don't expect great results at the end of May, but, nonetheless, they are required and will be reporting the results of an investigation sometime in mid to late May.

I believe there should be investigations. I believe the issue of market manipulation is real. When you have market manipulation or potential price gouging, the way the system works in this country, there ought to be a mechanism by which you investigate it and take action if necessary. But I believe in the meantime, when the price of oil goes where it has gone, and where, with the historical circumstance that in 2004, at $40 a barrel average price, the oil industry had the highest profits in their history; and now with the price of oil at $65 and $70 and $72 a barrel, we have profits far in excess of that, despite the fact that the oil companies haven't done anything to generate those profits. They have just come. I believe those profits above the $40-a-barrel pricetag is a windfall.

The oil companies say: Well, we need all those profits because we are sinking that back into the ground to look for more energy. If they were doing that, I wouldn't be here talking. But that is not what they are doing. They are buying back their own stock. They are drilling for oil on Wall Street. And, oh, by the way, there is no oil on Wall Street. That doesn't come from me, that comes from Business Week: Drilling for oil on Wall Street, and that is all about using the capital on Wall Street to become bigger through mergers, buying back stock, drilling for oil on Wall Street, or paying a retired CEO, according to press reports, up to $400 million for a retirement package. That is not a golden parachute, that is a platinum parachute, one that I have not heard of before.

Does that anger the American people? It sure does, and they have a right to be angry. Something is wrong with this system.

My colleague, Senator DODD, and I offered an amendment last year that would have imposed a windfall profits rebate on profits above $40 a barrel at which price the oil companies have the largest profits in their entire history, and then we said this: But if those profits are used to sink back into the ground for additional exploration or to build refineries above ground, if those profits are invested back to expand the supply of energy which will inevitably, hopefully, reduce the price of energy, the price of gasoline, then they will not be subject to the windfall rebate. If the oil companies, in short, are doing what they say they are doing, then they will not be affected. If they are not, if they are buying back their stock and drilling for oil on Wall Street and paying executives $400 million for a retirement package, then they get hit with a windfall profits rebate. All of the money will be sent back to the American consumer as a rebate. All of it.

It is not a revenue-raising measure. It is not designed for the purpose of raising money for the Government. It is designed for the purpose of righting a wrong: Taking the windfall profits and sending it back to the consumers as rebates from whence it came.

We expect to offer that again. We didn't succeed last fall. I suppose someone could make the point that you didn't succeed because it wasn't a very good idea. I would disagree strongly. I think it is the right idea. My hope would be that when we offer it again on this supplemental that we will be successful. One way or another, I think the American people want this Congress and this President to stand for their interests.

I know we have larger energy problems, longer term energy problems; I understand all that. We have price-gouging legislation, and we have all kinds of issues that we need to deal with. A good start would have been in early 2001 with the meetings for which we still have not received public information. Notwithstanding that, we are where we are today and we need to find our way out of this. The point I was trying to make is that no industry, no group of people are hurt more, in my judgment, than family farmers. All Americans are facing pretty stiff penalties with these prices, but family farmers are devastated by these gas and diesel prices. For that reason, I think it is ever more important for us to support the disaster package that has come as a part of this emergency legislation brought to the floor of the Senate today.

Again, I will speak at another time on the floor about a couple of other pieces of this legislation. I am enormously proud to be a part of the Appropriations Committee. I think we have a great committee. We work well together. It is a bipartisan committee. I think the legislation we have brought to the floor, while not perfect, and while we might alter it in one way or another, I don't know, but I think given the President's request, this Senate is responding.

Let me make this final point. One of the responses with this legislation is to replenish the accounts in the Department of Defense with respect to what we are asking our men and women to do in the service of our country. I think each time we have done that, the chairman and ranking member and every member of the Appropriations Committee has indicated that when we ask men and women to wear America's uniform and go abroad and serve in harm's way, we are going to do everything conceivable, everything possible to fund that which is necessary for them to do their job. That is at least a part, a significant part, of this legislation as well.

I yield the floor.

Mr. HARKIN. Mr. President, with the concurrence and approval of my chairman of the Appropriations Committee, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3600

Mr. HARKIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Iowa [Mr. HARKIN], for himself and Mr. GRASSLEY, proposes an amendment numbered 3600.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the compensation of employees funded through the Employment and Training Administration)

At the end of page 248, line 22, insert the following:

SEC. . None of the funds appropriated in Public Law 109–149 under the heading Employment and Training Administration shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II. Where Employment and Training Administration funds appropriated in Public Law 109–149 are used for compensation of an individual, the total federal funding that may go to compensation of that individual shall not exceed a rate in excess of Executive Level II. States may establish a lower limit of total compensation for those receiving compensation from Employment and Training Administration funding employed in that state, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved including Employment and Training Administration programs.

Mr. HARKIN. Mr. President, this is the amendment about which I spoke a little while ago on the Senate floor regarding setting a maximum national cap on salaries and bonuses for people employed in the Workforce Investment Act programs across the United States. As I said earlier, States can set lower, but this would at least set a maximum which anyone could be paid in salaries and bonuses in any of those programs.

I thank the chairman of the committee for being willing to let me set aside the amendment and offer this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

ENERGY

Ms. CANTWELL. Mr. President, I come to the floor and join my colleagues on both sides of the aisle who have been here for the better part of today, discussing the President's comments this morning about energy legislation and about price gouging and about the Department of Justice and Federal Trade Commission investigation of energy prices.

Many of my colleagues here in this body know how important this is, and how important it is that we move forward. Yet I think we have actually been investigating for months. The fact remains that we need to do a more aggressive job in looking at the issue of price gouging. Fifty-seven Senators here supported legislation in November of last year, giving the tools to the FTC, the attorneys general, and to individuals who are responsible at the Department of Justice to investigate price gouging. It is that same legislation that I think would help us in moving forward today, giving consumers confidence as they head into the summer driving season that we are doing everything in our power to get serious about a Federal price gouging ban and that we are going to make it a Federal crime.

This legislation would create a new ban on price gouging during national energy emergencies, giving the President authority to declare that emergency. It would give the Federal Trade Commission and State AGs and the Department of Justice the ability to levy civil and criminal penalties for proven price gouging up to $3 million and 5 years in jail. And, on an ongoing basis, it would put in place a new ban on market manipulation and giving false information to the FTC or the Department of Justice.

If you think about it, it is similar to some of the requirements for those involved with the Securities and Exchange Commission and the Commodity Futures Trading Commission, and the standards they are required to meet. This bill also gives the FTC the authority to levy fines up to $1 million for each violation of market manipulation, that is the market manipulation and false information prohibitions in this legislation.

Some people would say $1 million for price gouging doesn't sound like a lot of penalties, but this is $1 million for each violation of the market manipulation ban. If you think about it, in the context of the market manipulation that is being discussed right now in the Enron trials, on an ongoing basis there were probably hundreds of instances of market manipulation related to Enron.

My colleagues and I offered this price gouging legislation on the floor and it received 57 votes, so I think it is time the Senate comes together on a very aggressive approach to tell consumers that we will protect them this summer. The reason I say it is imperative we do this now is because for the last 5 years in the West we have suffered through the aftershocks of the western energy crisis. That is, we have suffered the consequences in my State of the market manipulation that Enron engaged in. And five years later, really, we have gotten very little relief from Federal regulators on that issue.

What happens during periods of dysfunctional markets, where there is a lack of transparency, is that many people are hurt. Businesses are hurt, individual consumers are hurt, even school districts are hurt. We had one school district in Washington state that basically had to pay $2 million in additional energy costs because of Enron and manipulated energy prices, and thereby ended up not hiring teachers or buying books.

All this leads to a simple and inescapable conclusion. And that is, when it comes to energy commodities that power our economy, we have to be very aggressive at protecting consumers. We need to do everything in our power right now at the Federal level to put us on the right course and to fashion legislation that will help protect consumers now.

If you think about the President's request, he is saying the Department of Justice and the FTC should investigate. We do not even have the authorities and remedies in current law that would help in pursuing these cases and bring these individuals or corporations to justice if market manipulation is found. So I encourage my colleagues to move quickly on legislation that would give the Federal government the true tools we need to investigate market manipulation and to pursue remedies on behalf of consumers. Let's not wait several months into the summer season, as consumers are already being hurt at the pump, to come to this conclusion.

Since we have already had 57 Senators, a majority of the Senate, support this legislation, why not pass it out of the Senate and give consumers the confidence that, as they hear the earnings reports from oil companies in which they are making billions in profits, we are not going to give them a pat on the back. Instead, we are going to give a helping hand, to protect American consumers at the pump this summer, as these prices are expected to continue to rise.

UNANIMOUS CONSENT REQUEST—S. 1735

Mr. President, I ask unanimous consent the Commerce Committee be discharged from further consideration of S. 1735 and that the Senate proceed to immediate consideration of that legislation, that the Cantwell amendment which I am sending to the desk be considered and agreed to and the motion to reconsider be laid on the table, that the bill be read three times and passed, the motion to reconsider be laid on the table, without intervening action or debate.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. CANTWELL. Mr. President, I hope my colleagues will consider this. This Senator will continue to be vocal on passing Federal legislation to make price gouging a crime. I hope this is legislation that we can take up in the next several days, or at least in the next weeks, so we are giving consumers before the Memorial Day recess the confidence that we have serious teeth in Federal legislation to protect them at the pump.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, by way of explanation, the objection was lodged because we are currently considering a supplemental appropriations bill on the floor of the Senate to appropriate funds to the Department of Defense, Department of State, and assist gulf states in recovery from the devastation cautioned by Hurricanes Rita and Katrina. The request posed by the distinguished Senator would have not only required the Senate to turn immediately to the consideration of the bill she is offering, but that it be considered read, the debate concluded, no amendments be in order, and that it be passed and the motion to reconsider be laid upon the table.

It is the judgment of the managers of the bill that the thing to do now in the Senate is to complete action on this supplemental appropriations bill. Over $100 billion is being requested, approved by the Senate Appropriations Committee, to fund these needed activities, many of which are designed to protect our Nation's security. So under those circumstances I felt compelled to object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I will comment generally on the issue before the Senate, the issue of supplemental emergency spending.

Obviously, these last number of years we have had some emergency activities. Whether they be the war on terror or Katrina, they are unusual expenditures. From time to time, everyone experiences that, whether in your personal life or in business. After unusual expenditures, we have to make some effort to make up for that special spending so we can get back within our budget, we can get back to holding down the deficit to do something about the financial situation caused by the unusual expenditures. That is tough. Nevertheless, it seems to me that is a principle which is very important.

I will react a little bit to what seems to be the case in the Senate. We are talking about emergency spending. The bill we are debating today is expected to be about emergency spending. It is important we give a little thought to what that means and not be inclined to use this opportunity to make expenditures that would be very hard to entitle "emergency spending."

By definition, emergency spending is a supplement that breaks the caps and authorizes spending we did not account for or do not account for in the budget. Some expenditures are hard to justify. We have the "emergency" regarding the war on terror; however, we have been in this for 4 years. We have known about it for some time. It did not happen instantly. Hurricane recovery ended almost 5 months ago. It is a little of a stretch to say these are emergencies we did not know about. We did know about them, and we passed our budget resolution without including them. In that sense, there was no reason to exclude them from the regular budget process.

I understand that—hopefully—these are temporary expenditures. I will concede that a supplemental measure may be a more appropriate way to add the funds to the baseline budget. That said, the bill that resulted from emergency requests is then used to go beyond that scope, in some instances. Instead of narrowly controlling spending, this has become an overall opportunity for projects that have very little, if anything, to do with hurricane recovery or the war on terror but instead is used for a number of other items.

Mr. President, $92.4 billion in additional spending was requested. We are now considering a bill of $106 billion. That is a substantial increase. That is a substantial excess of what could be termed "emergency spending." We ought to give it some consideration.

The original request was far from pocket change, of course. It was a very large request in the beginning. Yet we apparently felt compelled to add significant new spending regardless of the size of that. Almost all spending can have an argument made for it. There is an endless need. We have to follow a procedure that puts some limits on what we do.

I don't think there is any Member who does not believe that spending has gotten a bit out of control. If we look at the percentage of spending in our budgets over the last several years, it has gone up. There are many factors, including the consideration of the role of the Federal Government with respect to the State government and local government. Do we just continue to spend as if there is no end? I think not. Certainly, when we take a look at the deficit we have created, it has to be resolved.

As I said, I am sure everything included involves a need of some kind. However, we have to set priorities. It seems to me we have a responsibility to the taxpayers to try to reconcile these unusual expenses we have had over the last several years and deal with those expenses so we get back to where we are with the budget, get back to where we are with a programmed movement toward reducing the deficit.

I cannot think of anything that is more important than to be fiscally responsible for what we are doing. There is no end to requests for spending. I understand there are needs out there. However, I have come to the point where we have to take a look at where we are, what we are doing, what our constraints are, what they should be, and begin to exercise a little more constraint and responsibility. I am very uncomfortable moving entirely over to emergency spending on these big items and then coming up with the request for emergency spending and adding another $15 billion, or whatever the amount is, on top of that and putting it out there to deal with.

I hope we do have discussions on these items. Quite frankly, I hope we can return to where we were so we can at least hold it to that amount requested for what is called emergency spending. If needed, we may have to offset something. I may offer an amendment that strikes altogether the spending earmarks that exceed the President's request. We ought to talk about that in terms not only of each individual expenditure, which we always do, but talk about it in terms of the policy, in terms of the overall direction we are taking and how we are going to resolve this issue of increasing spending and deficits. It is time to come to the hitching post and take a look at how we are going to do that. I look forward to the debate that will take place.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as I understand the state of play on the floor—I have been at meetings—it is that I should withhold offering any amendment now. But I am going to speak to an amendment I will be offering during the debate on the emergency supplemental bill.

When we last debated budget matters here on the floor, I came to the floor to indicate I was going to attempt to repeal the $2.6 billion in tax breaks the Energy bill afforded the oil industry. I want to give my colleagues the context in which I raised it then, raise it now, and will raise it again.

It is very easy, I understand—I have been here a long while—to demagog the oil prices and oil industries and big companies, and, when things get tough, to talk about blaming everybody's problems on profits of companies.

Well, the President, today, spoke, as many of us have up to now, on the need to investigate and determine whether there is any gouging going on with energy prices today by American oil companies. But that is not why I am here at this moment.

Senator SPECTER, the chairman of our Judiciary Committee, held a hearing in the Judiciary Committee a couple weeks ago, before the Easter recess, where he summoned, if I am not mistaken, the CEOs of the six largest oil companies. It may have been only four oil companies and one gas company and one energy company. But I think it was six. I will get for the RECORD exactly how many. But he included the chairman of the board of Exxon and other major oil companies. And the issue was whether there was some form of price fixing or gouging going on.

It came my turn to question. There had been a good deal of discussion about how much money in annual profits and quarterly profits companies were making. At that time, it was reported that ExxonMobil reported the highest annual profits, $36 billion, of any corporation in American history. That was not a surprise in the sense that they have had a great windfall with oil prices.

We were at our conference lunch today and someone said: Oil is going to go to $4 a gallon. And Senator BOXER, sitting next to me, said: It's already at $4 a gallon in my hometown in California.

Well, it is well over $3 a gallon in most of our constituencies, and we are paying that money, in my view, because we lack an energy policy. We lack an energy policy. And the one that has been written has been written basically to benefit big oil and big gas.

Since President Bush took office, oil prices have doubled, with at least a 100-percent increase, and high gas prices, that make us uneasy at the pump, have been very good for major oil companies. They are more flush than they have been anytime in history. Prices went up during Katrina. Six months later, we learned that all three oil companies made record profits of a total of $111 billion.

So why am I on the Senate floor about this? Everybody knows this. I am stating the obvious. When it came my turn to question in the Judiciary Committee, I asked the question of the chairman of the board of Exxon—and Senator SPECTER had sworn all of the witnesses in, so they were testifying under oath. And I said: May I ask you a question, Mr. Chairman—the chairman of Exxon. Then I went down the line to the rest.

I said: Are you aware of the incentives in the Energy bill we passed last year—that I voted against—which provided over $2.6 billion in incentives to oil companies in order for them to go out and find, invest, drill, and seek new resources and increase their capability to deliver to the market?

He said: Yes, I'm aware of that.

I said: Do you need that? In light of a $35 billion profit, is there anything you can tell me that would justify us giving the industry, including you, an extra $2.6 billion in incentives?

I might add, so we put this in proportion, for $1.4 billion, we could put portals at every single major port in the world that could detect whether a cargo container had a radioactive device and/or a radiological device or a nuclear device in that cargo container. But it would cost $1.4 billion. We are not doing that right now, in large part because of cost.

So just to put this in perspective, $2.6 billion to incentivize the oil industry now, could be used for a whole lot of other things. I am sure other of my colleagues would suggest there are other ways to use that money, not the least of which would be to reduce the deficit. But there are other ways to do it. So it was not an idle question. We are not just talking about a little bit of money.

I do not think the chairman of ExxonMobil liked my asking the question. But he indicated that, reluctantly, when I reminded him he—well, in fairness, I probably did not have to remind him he was under oath—but he indicated, no, he did not think that his company or the industry needed that incentive in light of their economic circumstance.

Then I went down the line. And I will submit for the RECORD the names of each of the companies represented and the names of each of the CEOs sitting in the witness chair. Every one of them answered the exact same way. They all said: No, we do not need this $2.6 billion. We don't need any incentive in order to be able to proceed to maximize productivity, to maximize discovery, to maximize product now.

And then I went back to the chairman of Exxon—I worked my way down again—and I said: Would you support an amendment I would offer repealing that incentive? And even more reluctantly, he said: Yes.

I then went and asked that question to all these oil company executives, and they all said: Yes.

So not only do they all acknowledge it is not needed, they all indicated, from the best of my recollection—and, again, I will submit for the RECORD their exact statements—I may be wrong about one or two of them, but not on whether they needed it but whether they supported the repeal. I think they all supported it.

Mr. President, I ask unanimous consent that relevant testimony before the Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BIDEN. Well, I mean, that is like saying—anyway, I do not have time because of the 5-minute rule here. Let me ask you, do any of you need, to be able to do what you are doing now, $2.8 billion in incentives the Federal Government is having other taxpayers pay for?

Mr. TILLERSON. Well, Senator, we did not lobby for any——

Senator BIDEN. I did not say you did. I am just asking, do you need it?

Mr. TILLERSON. No.

Senator BIDEN. Because you all point out we have to find alternative energy. It seems to me we should take the $2.8 billion that you all are getting, and we should put it into encouraging alternative energy. We should go out and do—right? What do you think?

Mr. MULVA. Senator, most of those incentives are directed towards energy in total, which is not necessarily the oil and gas business.

Senator BIDEN. Oh, it is mostly you guys.

Mr. MULVA. And second, it goes to independent producers, which are primarily the bedrock of most of our——

Senator BIDEN. But your company will not be upset if we take those away, right?

Mr. MULVA. Correct.

Senator BIDEN. None of you will object to us taking away those $2.8 billion of incentives as they apply to you, is that right?

I note for the record, everyone is saying okay.

Mr. KLESSE. Senator, excuse me.

Senator BIDEN. Do it quickly, I only have 24 seconds.

Mr. KLESSE. Okay. Valero, we were interested in the incentives to expand refining capacity. That's our business, and we were interested in it.

Senator BIDEN. Do you still need it?

Mr. KLESSE. Do we need it?

Senator BIDEN. Do you need them to expand?

Mr. KLESSE. No.

Senator BIDEN. Good, okay, that is all I need. So they are all for my bill. I want the record to show no one thought it would be any problem withdrawing it for all of them. Even though I only have 2 seconds left, I yield.

Mr. BIDEN. I have a simple proposition I am going to present to the floor. Although on a supplemental we cannot change tax policy—we all know the blue slip rule, and to use the jargon my friend, the chairman of the committee, understands better than anybody here, I cannot, we cannot, legislate tax policy on this bill that does not originate in the House, and so on—what I do want to do is, I want to get the Senate on record with a sense of the Senate that the Senate Finance Committee report back within 90 days a piece of legislation repealing—repealing—this $2.6 billion in incentives provided to the oil companies.

Now, the fact is, there are going to be some on this floor—and I am prepared to listen to the argument because when I raised this before, some argued: Well, smaller companies, companies producing less than 500,000 barrels a year maybe need this incentive, that they may need this incentive to maximize their capability of producing oil. I do not think that is accurate, but I am prepared to listen to that. I am prepared to listen to that.

But for the time being, I want to put my colleagues on notice that the last group in the world that needs a tax break now is the oil companies—the absolute last—not because they are bad guys, not because of anything else. I do not even know if they asked for it.

I often say to my friends on this side of the aisle that sometimes folks on my side make a mistake. They don't realize that rich folks are just as patriotic as poor folks. When you are handed windfalls, even poor folks would not turn their nose up at them. I don't know whether the oil companies insisted on this being in the Energy bill or not, but I know they think it is not needed. I do know they say they would support its repeal. So if there is anything—to use the phrase of a former head of the Intelligence Committee—that has been a slam dunk in my 33 years as a U.S. Senator, this should be it. We can reallocate $2.6 billion to needed, worthwhile initiatives and/or reduction of the national debt or deficit, and we can do it with the very recipients of that $2.6 billion saying they don't need it, they don't want it, and they support us taking it away.

So I cannot think of anything at all that can justify us keeping in the law a tax break for a group of folks who do not need a tax break at all. The American people need a break from these incredibly high prices. It seems to me that this is nonpartisan, and it is a no-brainer.

In a speech today, the President finally stated that these companies don't need these tax breaks. Senator WYDEN has a provision currently in conference that would accomplish some of this. Senators FEINSTEIN and SUNUNU have tried to remove some unnecessary tax breaks for these companies as well, which are already rolling in profits. Numerous groups have agreed, from the League of Conservation Voters, National Environmental Trust, Public Citizens, Taxpayers for Common Sense, and the oil companies—they all agree these incentives are not needed.

We are not talking about $100,000 or $500,000 or a half billion dollars; we are talking about $2.6 billion. You can do an awful lot with $2.6 billion. So I think we should take the first step in taking control of our national energy policy and show the oil companies that we are listening. They say they don't need it. They say they would support it being repealed. Let's not let them down. Let's, for one time, vote on something that everybody, including the recipients, seems to be in agreement with—everybody from the President, to the Senator from Delaware, to the chairman of the board of ExxonMobil, to the National Environmental Trust.

I will withhold doing it now, but I tell the chairman that at some point, I will be here to introduce that amendment, which will call for the sense of the Senate that the tax committee, the Senate Finance Committee, the committee of jurisdiction, report back to the Senate within 90 days a repeal of these incentives.

I thank my colleague from Mississippi for listening and the Chair for giving me the floor. Unless somebody else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3598

Mr. MENENDEZ. Mr. President, I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 3598.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MENENDEZ. Mr. President, I rise with a series of colleagues to offer an amendment that provides much needed, immediate relief for America's drivers. My amendment suspends the 18-cent Federal gas tax for 60 days and makes up for the lost revenue by getting rid of unnecessary tax giveaways to oil and gas companies.

In 2005, the oil and gas industry made nearly $140 billion in profits. The five largest oil companies made over $106 billion. ExxonMobil alone made a staggering $36 billion. Put another way, ExxonMobil's profit alone last year is more than the Federal Government spent on unemployment insurance, more than it spent on medical research, and more than it spent on the Nation's highways. Their CEO just got a $350 million retirement package. That is about $144,000 a day for every day he worked at the company. These record profits and gilded bonuses are occurring while the American people struggle to get to work, to get home, to pick up their kids from school, to take them to a soccer match, or to go to a doctor, all because of record gas prices.

Last year, the big oil companies hiked gas prices and blamed an act of God. But it is crystal clear that the current spike in gas prices is at least partly due to an act of greed—greed that has been enabled and even encouraged by the administration, greed that has been aided by an energy bill that put the oil and gas companies first and the American people second. The energy companies were already enjoying record profits and massive tax breaks when the President signed an energy bill that gave them billions more in taxpayer subsidies, plus additional relief from having to pay royalties—in essence, the Nation's collective patrimony for the oil and gas they produce in our oceans. The last thing the oil companies need is more handouts. The first thing the American people need is more help.

My amendment would give them that help by establishing a 60-day holiday on the Federal gas tax. As we head into the summer driving season and its traditionally higher gas prices, we should not be burdening American consumers with additional taxes. Temporarily suspending the gas tax will provide $100 million a day in relief to America's drivers, America's consumers.

But we cannot starve the highway trust fund with the crucial money needed to fix our Nation's roads. My amendment will repeal three unnecessary tax breaks currently enjoyed by the oil and gas companies, and it will also eliminate royalty relief and other production incentives enacted last year as part of the Energy bill.

With the price of oil as high as it is and unlikely to drop in the foreseeable future, companies don't need more incentive from the Federal Government to do their job.

This amendment, of course, is only a short-term fix. We need a real energy policy that takes real steps toward ending our dependence on oil, not the lipservice the President has given this issue before and gave again this morning.

I listened to what he had to say. The President talks about wanting to end our dependence on foreign oil, but instead of starting a Manhattan-type project to lead us to energy independence, we propose baby steps. The President's budget for fiscal year 2007 barely brought renewable and clean energy research funding back to 2001 levels, and it cut energy efficiency programs by 13 percent. In all the President's spending, there was only 23 percent of what

Congress requested in the Energy Policy Act for energy efficiency programs and only 1 percent for renewable energy programs.

The President continues to have the blinders on when it comes to real solutions for our energy problems. He said that consumers should buy more efficient cars, and we agree. But he remains opposed to higher fuel efficiency standards. The most recent CAFE standards will improve light truck mileage by only 2.5 miles per gallon. That is simply not enough. Passenger cars have the same standards they had in 1985, over two decades ago. That is not enough.

The President also continues to expect the oil companies, out of the goodness of their hearts, to spend substantial amounts of money on alternative energy technologies. Some of the more forward-thinking companies are doing that, but most are not. It is the Government's job to invest in these technologies, and the President's budget has shown that he is not serious about doing that.

In short, he suggests and he wants the oil companies and the American consumer to do the things he is unwilling to do.

Last month, I joined Senator BINGAMAN and the Senate Democratic leader and other Democrats in offering an amendment to fully fund energy efficiency and renewable energy programs in the fiscal year 2007 budget. Unfortunately, it was defeated.

Democrats in both Chambers have been at the forefront of proposing real solutions to our energy problems, and we were the first to call for the President to investigate price gouging by oil companies, a call he appears to finally have heeded.

This amendment is another idea that this Congress and our President need to adopt. It is about providing immediate relief to overburdened consumers who cannot afford for us to wait much longer. This morning, the President finally appears to be feeling the pressure families have been feeling at the pump for quite some time.

We heard what he had to say. The difference is that he doesn't make a commitment. He says we should phase out all of those tax benefits we have given the oil companies over the next decade, but he doesn't commit it back to America's consumers. Our amendment does that in the short term to give immediate relief to America's consumers while still maintaining our transportation trust funds, the funds necessary to continue to keep America moving.

That is what this amendment is all about. It is about keeping America moving, about keeping America rolling, and about helping the families of this country in a very significant way.

I think putting $6 billion in the hands and in the pockets of America's consumers is ultimately giving them real relief at a critical time. Obviously, putting that amount of money in their pockets at this time as they try to deal with high gas prices will have a ripple effect in the economy, as is also realized in the money that will be saved by those who bring to market produce which ends up on our tables, and the costs of the transportation of products to market across a wide scale of different consumer needs are going to be affected as well.

We see consistently companies adding a fuel surcharge to the cost to the consumer. So this will have a ripple effect in many different ways, and it is something we have the wherewithal to do and do now and by doing so sending at the same time, I hope, a message to the world marketplace and certainly to OPEC that we are not hostage to them without some options of our own.

Let's show American families that we are serious about addressing today's exorbitant gas prices. Let us adopt this amendment to provide real relief now. I urge my colleagues to join me and adopt this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, under rule XVI, I raise a point of order against the amendment. It is legislation on an appropriations bill.

Mr. MENENDEZ addressed the Chair.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President. I tried to seek recognition to speak to the point of order. I simply wish to say this is consistent with what the President proposed this morning, so I believe we should have a vote on the Senate floor. If we don't have a vote today, we are going to continue to bring this measure before the body and will eventually get a vote.

Mr. President, I ask unanimous consent that notwithstanding the points of order which lie against this amendment, the amendment still be in order.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota.

Mr. THUNE. Mr. President, there is no bigger issue facing the economy of the United States of America at the current time than the high cost of energy, and it has a ripple effect throughout the entire economy. In my State of South Dakota, we have farmers who are getting ready to go into the fields to plant. Obviously, agriculture is a very energy-intensive industry.

In my State of South Dakota, we rely heavily upon the travel industry. People come to our State to see the Black Hills and Mount Rushmore, so we are a very energy-intensive State. We have long distances to cover. So when gas prices come up and shoot through $3 a gallon or near that level in my State, it has a profound impact on the economy of our State and on the pocketbooks of all South Dakotans. It is important that this issue be addressed.

We have heard a lot of speechifying on the floor of the Senate today and a lot of news conferences held in front of gasoline pumps across this country, everybody attacking and pointing fingers and playing the blame game as gas prices have steadily crept upward.

I will be the first one in this Chamber to say that if, in fact, the oil companies have profiteered at the expense of hard-working consumers in this country, that they should be prosecuted to the full letter of the law. If there is manipulation, collusion, price fixing, or any other form of anticompetitive behavior for which we have laws in this country, then they need to be held accountable under those laws.

Furthermore, I also happen to believe that if, in fact, they benefit from policies that are put in place, economic policies from which they can benefit, whether that be a tax incentive in the Tax Code today, that they have an accountability to us as Members of Congress to explain why, for example, they can pay out $400 million to a retiring executive or CEO.

It seems to me at least that there are some very hard questions that need to be asked and some very serious answers that need to be given by folks in that industry. They need to be accountable to the American public. As I said before, I believe we need that accountability. I believe we need to look at those policies in place today from which those companies benefit. If, in fact, they are making such enormous profits, then perhaps they don't need the support and the tax incentives that are given to them by the American taxpayers, by Congress. So I am not going to in any way defend what are the practices, I believe, of many of the big oil companies in this country.

Having said that, though, there is also a lot of hand wringing going on and self-righteous politicking going on right now about the high cost of energy and attempts again to cast aspersions, cast blame, try and blame the President, blame the Republicans, and all these efforts that are made by people who would rather have a political issue than they would have a solution.

I have to say it seems to me that at the heart of this very issue is also what I would call a decade of obstructionism. We have tried for many years—I served for three terms as a Member of the House of Representatives—to get legislation through that would allow us to lessen our dependence upon foreign sources of energy, to add to the supplies we have in this country, to allow us to take advantage of the rich resources we have in America. Every time we have tried to do that since I have been here as a member of the majority party in the House of Representatives and now in the U.S. Senate, we have been blocked. We have been rebuffed by the folks on the other side of the aisle. In many cases, those have been tactics employed which haven't reflected the majority in the Senate. There have been steps taken to create a supermajority, a filibuster threshold over which we would have to get in order to get some of these policies put in place.

I go back to 1995 when, at that time, the Republicans had just taken control of the Congress and they passed in the budget that year legislation that would authorize exploration on the North Slope of Alaska. It passed the House and Senate, went to President Clinton's desk, and it was vetoed. We hear this still being debated in the Senate today. We get up and talk about the importance of taking advantage of the resources we have here in the United States of America, including the North Slope of Alaska; we hear the Democrats on the other side get up and say: Well, you can't do that. It could take 10 years for us to get that production on line. Well, it is 10 years later. That was 1995. It is now 2006, and we could have a million more barrels of oil in the pipeline today addressing what is a very serious supply problem in this country, had that bill been signed into law back in 1995.

We have tried repeatedly since that time, a number of times as a Member of the House of Representatives, where we voted. We voted to allow for that development to occur, for that exploration to occur, and perhaps eventually production to occur, and, of course, again it was blocked and stopped.

Most recently in December, in the Senate, before we adjourned for the Christmas holiday, we had a vote on whether we were going to do something to help ourselves in the area of energy independence and to develop that rich resource we have, somewhere between 6 billion and 16 billion barrels of oil on the North Slope of Alaska, or about a million barrels a day. We get about a million and a half barrels a day from Saudi Arabia. Can you imagine how it would lessen the supply problem if we were able to bring that energy on line in this country? Yet again it was filibustered. We had 57, 58 votes in the Senate—a clear majority for doing something about our supply problem. Yet the other side again blocked and now wants to blame, instead of doing what we ought to have been doing all along, and that is working in a bipartisan way to address what is a very serious crisis in America.

I remember when I was growing up back in the 1970s, and people who were around at that time also remember the gas lines, remember the talk at the time about we are way too dependent upon foreign energy; we have to do something to lessen our dependence on foreign sources of energy. At that time, we were 50 to 55 percent dependent upon foreign sources of energy. Here we are some 30 years later, and 60 percent of our supply comes from outside the United States. We have had opportunities throughout the course of the time that I have been here to do something about that. Every time I have voted to develop, explore, and to bring on line many of those resources which are available to us for development, it has been blocked and stopped by those on the other side who insist on having a political issue rather than a solution.

Just because I was interested in this debate, as a Member of the House—and as I said, I voted on energy exploration on the North Slope of Alaska, what we know as ANWR—I went up there last year because I wanted to find out what the debate was all about because in trying to understand these issues, when you come down here on the floor of the Senate, I believe it is important that you have a full perspective and insight into the arguments that are made by those on the other side. So we went to some of the development sites. We went to Prudhoe Bay, we went to the Alpine site, we went to Kabarak, and we went to the section 1002 area, which is the area which was proposed for development by an agreement that occurred way back in 1980. I believe between Senator STEVENS and someone on the other side of the aisle at that time. We looked at that area. We took one of those little planes, and we flew out there and walked around in that particular area, and we looked at the technology that is available today at some of those sites and how they, with a very minimal footprint on the surface, are able to access enormous amounts of energy below the surface in an environmentally sound way. They use ice roads, and then during the summer months when everything melts, the roads disappear; they are gone.

It is a remarkable thing for anybody who wants to see it. You walk away from that saying: Hold on just a minute here. I don't understand what the big issue is. We have an opportunity to do something about what are the most pressing economic issues and one of the most pressing national security issues facing our country, and that is energy and energy independence, energy security, and we have this vast resource up there and we can't get at it because it is consistently filibustered here in the Senate even though there is majority support, 57, 58 votes in favor of that. Yet after it passed the House and it went through the Senate, it got to conference and it came back, and we had an opportunity to do something that would allow us finally—finally—to explore and hopefully bring on line that incredible resource on the North Slope of Alaska.

For those who are concerned about the impact on the environment, you should know that the caribou are doing fine. Caribou numbers have actually increased, and they have dramatically over the past 30 years in that area.

My point very simply is this: We as a nation have to do something to help ourselves. We cannot continue to be held over a barrel by the sheiks and the mullahs in the Middle East or by Venezuela or any of the other countries from which we derive the majority or the vast majority of our energy supplies in this country. America needs to be energy independent.

I believe that consists of many things. I have been a big proponent of renewable fuels. As a Member of the House and now as a Member of the Senate, I was delighted that we were able last summer in the Energy bill to include in there a renewable fuel standard for the first time. As a matter of policy in this country, we have said we are going to guarantee a market for renewable fuels. Frankly, why would we not, when we have all of these things which we raise and grow, take a bushel of corn and be able to convert it into 2½ gallons of fuel we can use to run our economy here in this country, do that? It makes so much sense, and it lessens our dependence upon our addiction to oil, which, as the President said in his State of the Union Address, and I give him great credit for that, is something we need to do, a direction in which we need to move. Renewable energy is an important component of that. I believe there are a number of things that we need to be doing in the area of conservation as well, but I want to see more partnerships between manufacturers and retailers and producers of ethanol and biodiesel and other renewable energy so that we can begin to get away from that enormous amount of dependence we have on oil.

Even today, we hope to produce in the very near future 7.5 billion gallons of ethanol, which is what is called for in the renewable fuel standard. I think we are going to have to increase that dramatically because we are going to be there very soon. We are already at the 4.5 billion gallon level, on our way very quickly to 7.5 billion gallons, because we have a desperate need in this country, and production is coming on line more and more all the time. But even at that level, we use about 140 billion gallons of gasoline a year in this country. So ethanol represents about 3 percent of what the total demand or total consumption in America is for energy today. So it is important in this whole debate that we continue to develop those other sources, those traditional energy sources until such time as we can get where we begin that transition toward renewable energy.

But in the short term, we have a need. We have a need for oil resources. As I said, in places such as Alaska, we have an opportunity to do some things offshore in this country. We have a lot of offshore resources and reserves that are available, not only of oil but of natural gas, which is also a desperate situation which many people in my part of the country, in farm country, depend upon because that is what fertilizer is made from.

Every time we have had an opportunity to do something to address the long-term issue of supply in this country, we have met the politics of obstruction. I mentioned earlier going back to 1995 when Congress passed legislation that would authorize exploration of energy in Alaska. But if you look more recently than that, going back even to 2003—when the President took office in 2001, they created an energy task force, they made recommendations, they came up with an energy plan, and there was an energy bill that was debated up here on Capitol Hill, several different permutations of that, and ultimately one passed. In 2003, an energy bill passed. It passed the House and Senate, and it went into conference. The conference came out with a report that passed overwhelmingly in the House, came back to the Senate in November of 2003, and it was filibustered.

It failed by two votes. Fifty-eight votes to shut off a filibuster here in the Senate that would have gotten us an energy bill 2 years sooner, gotten us down the path toward a renewable fuel standard 2 years sooner, and addressed some of those supply issues 2 years sooner. But no, it was blocked. It was delayed, it was filibustered, and it was killed in 2003 by that Congress.

So to have people getting up now and many of my colleagues on the other side going out and holding news conferences and getting up on the floor of the Senate and beating their chests and making all these self-righteous speeches, to me it seems to be the very essence of hypocrisy, if you look at a decade-long practice of obstructionism when it comes to putting in place sound energy policies that would have lessened our dependence upon foreign sources of energy and put us much closer on a path toward energy independence.

So as we get into this, I have a piece of legislation which I have introduced along with Senator OBAMA from Illinois that would provide additional incentives for fuel retailers to begin to install pumps that would pump E-85, to build the demand and continue to create this market, this opportunity to work on the production side. On the retail side, again, we need to be working with the manufacturers when it comes to these flex fuel-type vehicles. I will continue to press forward on renewable fuels. That legislation—it is a bipartisan bill—and I hope it is something we can move through this Chamber, along with other types of initiatives, including additional supply initiatives.

Frankly, there is one other issue which I should also mention because, there again, we ran into basically party-line resistance in the Environment and Public Works Committee. We tried to pass through the Environment and Public Works Committee earlier this year legislation that would expand our refinery capacity. We have not built a refinery since 1976. We had Katrina wipe out much of our refinery capacity in the gulf and, as a consequence, we are having a difficult time not only with the supply, but we are also having a difficult time with refineries. We have what, in my view, we ought to be doing, and that is waiving a lot of these requirements on these boutique fuels because right now, at this particular time of year, the refineries have to go through this exercise of remixing and coming up with all of these different types of blends. It seems to me that at a minimum, we ought to be able to at least give them some temporary relief from that, but we also need to be building more refineries in this country.

We voted on that in the Environment and Public Works Committee, and it went down for all intents and purposes on a party-line vote. There was one Republican who voted with the Democrats. The fact is, that is true. But we had a wall of opposition from the Democrats on the Environment and Public Works Committee to even reporting the bill to the floor so that we could engage in a debate so that all Senators have an opportunity to participate in that debate about whether we ought to do something about the issue of refinery capacity in this country.

So my point again very simply is this: Since I have been here, in three terms in the House and during my time in the Senate, I focused on energy because it is important to my State, as I said earlier, and because I am a big proponent of increased use of renewable fuels. But every time we have had a chance to vote, whether it is ANWR, whether it is offshore production, whether it is refineries, whether it is the Energy bill in 2003, we run into the same arguments. And you will hear the same arguments that we heard in December and that we heard back in 1995 when we debated at that time the authorization of exploration in Alaska, and that is: It will take 10 years. Well, like I said, 10 years ago, if President Clinton had signed that bill into law, that 10 years would now be up. But the point is, we can't afford to wait another decade. We can't allow another decade of obstructionism to prevent us from doing what we ought to be doing to make America's energy future more secure. It is important that we focus as Senators, and I hope in a bipartisan way. But it doesn't help the issue to have all of this partisan hand-wringing and politicking. I know it is a year divisible by two. Whenever it is a year divisible by two, the rhetoric escalates a lot, and when everything gets said and done, a lot more gets said than done.

The reality is, we have an issue on which the American people want action. They should have had action 10 years ago. They should have had action 6 years ago. They should have had action 4 years ago. They should have had action in November of 2003, when that particular Energy bill was filibustered by our colleagues on the other side. But it is never too late to do the right thing.

We have an opportunity to do the right thing for the American people. If that consists of, as I said earlier, taking on the oil companies if there is any evidence whatsoever that there has been collusion or price fixing or gouging or any form of anticompetitive activity, then let's put the screws to them. Let's prosecute them to the full letter of the law. But let's also do something we should have done a long time ago, and that is begin to develop the resources that we have in this country and do something to help ourselves so 30 years from now, when my kids are my age, they are not saying the same thing that I am saying today, and that is that we have wasted 30 years and we are still as dependent on foreign sources of energy.

Frankly, I don't think we can wait that long because I do believe energy security is a matter of national security, and there is nothing that has a more profound impact and effect on the pocketbooks of working Americans. It is important that we do something about this. It is time to end the obstruction. It is time to end the block-and-blame game. It is time to get down to the business of taking care of the needs of the American people that they expect us to address.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators who may be interested in knowing what the plan of action is for the remainder of today, we have pending before the Senate an amendment offered by the distinguished Senator from New Hampshire, Mr. GREGG, relating to border security, to strengthen, tighten up the provisions of this bill with respect to adequacy of funding to protect the security of our borders.

It is our understanding that the other side would like to have an amendment also offered tonight, with debate on it, as much as whoever wants to discuss it would like to engage in, and then enter into some kind of agreement on having votes, back-to-back votes or close together tomorrow, on the two amendments, the Gregg amendment and whatever amendment is offered on the other side.

That is the situation as I understand it. I am happy to see the distinguished Democratic leader on the floor. He may be able to add to that or clarify the intentions with respect to another amendment tonight.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the manager of the bill is absolutely right. We have an amendment that has been laid down by the Senator from New Hampshire. We are going to lay one down. Rather than do a second-degree, we have talked to the floor staff, and it would be more appropriate to have two side by side.

Subject to the approval of your leader, we would have those two votes around noon tomorrow. We will debate. Anybody who wants to debate it tonight can do so and then we will come in in the morning and divide up what time is left over after morning business and have that vote. As I indicated, I only briefly talked to the majority leader about this. We had a meeting down at the White House, so I didn't talk to him at any great length, but this sounds like a fair way to go forward and move this bill along a little bit.

Mr. COCHRAN. I thank the Democratic leader.

AMENDMENT NO. 3604

Mr. REID. Mr. President, I have an amendment at the desk. I call that up.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. REID. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3604.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, with an offset, emergency funding for border security efforts)

TITLE ___—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REID. Mr. President, I am going to briefly talk about this amendment tonight and then we will have more time in the morning if necessary.

I had the opportunity 3 weeks ago tomorrow to go to the border, the Mexico-California border. We flew. We could see the Arizona border. I spent the day there and certainly got an understanding of some of the problems that these valiant Border Patrol agents face.

San Ysidro, CA, is one of the entry points. It is hard to visualize this, but think in your mind's eye of 24 lanes of traffic coming into America from Mexico. That is what is at San Ysidro, 24 lanes of traffic, one way: 24 lanes of traffic, 7 days a week, year round.

While I was there, the agent showed me some of the things they had been able to catch: a little utility truck, and hidden in it was narcotics in a secret compartment; a car, a compact car, and they had built a canvas drop in it under the back seat. Eight people were stuffed into that in the compact car, underneath so you couldn't see them, but the dogs and agents were able to pick them up.

These were only two examples. All day long this goes on. I talked to the agents about the walls that have been put up. These people, called coyotes—call them whatever you want—these people, who are criminals, who take money from Mexicans to bring them into the United States, sit up on one fence, which is a metal fence. On the other side there is a chain-link fence. If they see a Border Patrol agent, they have these powerful slingshots that have hospitalized our agents.

The Border Patrol agents say they can handle most of the traffic of people coming across the border. But what they need is protection against automobiles coming across the border. That is what they need help with. In a few places they have big metal things, about this big, that are stacked side by side to keep automobiles from coming across the border.

The only reason I paint this very meager picture of some of the things I saw is, as we speak, there is an emergency on the southern border. I am happy for the $2 billion. I am happy to put it into border security. That is important. I have talked about comprehensive immigration reform, and I have done it often and I always start with: Let's protect our borders. Then we move into the guest worker program, then we move into the path of legalization, and then we move into what we are going to do to make sure employer sanctions are meaningful.

I am in favor of the $2 billion, but I am not in favor of the across-the-board cut that is in the underlying Gregg amendment. That is not right. It is not right because it is robbing Peter to pay Paul. The amendment I have offered will secure the border in the same way as the Gregg amendment. It is the same amount of money. The difference is, I say, on an emergency appropriations bill, which we have before us—if there were ever an emergency, this is it—the Gregg amendment makes no sense. I have the greatest respect for Senator GREGG. I think he is one of the most principled people with whom I have ever dealt. But I say this amendment makes no sense. It robs Peter to pay Paul at the end of the day by taking vital resources away from who? Our military. And it fails to make us more safe. It makes us less safe.

There are lots and lots of examples of what an across-the-board cut would do. In order to pay for border security, it cuts the military personnel account, which includes cuts to pay and benefits for our Active Duty, our Guard and Reserve serving now in Iraq, Afghanistan, and elsewhere around the world. Do we want to have an across-the-board cut there? I don't think so. I hope not.

The underlying amendment, the Gregg amendment, makes cuts to operations and maintenance which provide for the body armor, for example, and the other day-to-day needs of our troops fighting in Iraq and Afghanistan.

The underlying Gregg amendment makes cuts to the Iraqi security forces training. I had the good fortune to be invited to the White House today, and on the big TV screen there in the White House we had the Ambassador to Iraq from the United States and General Casey telling us what is going on in Iraq.

One of the things General Casey and Khalilzad talked about was what is happening with the training of Iraqi forces. We are going to cut this money down as a result of border security? I don't think that is a good idea.

If we are going to succeed in Iraq, and that is very questionable at this time, but if we are going to succeed in Iraq, and I hope we do, one of the key areas of concern is the Iraqi security forces. If we are going to bring our troops home, we have to bring them up, and this amendment, the Gregg amendment, cuts those moneys.

The Gregg amendment makes cuts to the Joint Improvised Explosive Device Defeat Fund, which aids our troops in eradicating the deadly IEDs they confront daily. The reason that is so vitally important is when the war started, basically what the terrorists used were garage door openers. That is what they used, a garage door opener, basically. A vehicle comes by, they planted a bomb, they push that down, it blows up.

We have worked on ways to change that. But the Iraqis have also worked to stay ahead of us. That is why we still have these bombs going off. It is because we have to continually work with money from the Improvised Explosive Device Defeat Fund to have scientists and other technicians decide how we can defeat these explosive devices. The Gregg amendment cuts these moneys.

The Gregg amendment makes cuts to the Defense Health Program which provides medical assistance to our troops on the battlefield. One good thing about this war—and there are not a lot of good things about this war—is the percentage of the soldiers who are wounded who end up dying is very much less than in any other war because we have such great medical attention on the battlefield and we have protective equipment for these soldiers.

So they are not dying at the rate they did in the first Iraqi war, certainly not in Korea, and certainly not in the Second World War and certainly not in Vietnam. But the Gregg amendment makes cuts to this defense health program which provides medical assistance to our troops who are in the battlefield, not after they have come home. And really, the senseless nature of this amendment is that it makes cuts to the Death Gratuity Fund which assists families of fallen soldiers.

Also, I think almost every Senator has been to Walter Reed or Bethesda. You will see parents there with their wounded sons and daughters, husbands and wives. There is a fund that helps bring these people here. A lot of it is done through other charitable organizations, but we don't want to cut the Defense Health Program. And we don't want to cut the Death Gratuity Fund.

The Gregg amendment forces us to take from our troops to fortify our borders. That is a false choice. We do not have to choose between a secure border and a secure military, especially at a time when we are in a war. We can secure our borders and support our military.

As I have indicated, I am 100 percent for securing our borders. But we can find a better way to do it than cutting necessary resources from the men and women who keep us safe. This is an emergency appropriations bill. If there were ever an emergency, it is our border with Mexico and at times the northern border.

So I hope we can go forward with these resources but, as with the other things in this bill, this is an emergency. Our amendment calls for spending the $2 billion, but it would fall in line with the other matters in this bill. It would be an emergency.

I hope Senators will vote for this, what we call a side-by-side that I have offered. This is the right way to do this. I don't think anyone should have on his or her conscience voting an across-the-board cut on a defense bill. This is basically a defense bill, this supplemental. We should not have this on our conscience. Border security is an emergency without any question in my mind. I hope Senators will agree.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, this is a statement of an agreement that has been reached between the two leaders regarding the votes on the pending amendments.

I ask unanimous consent that at 12 o'clock on Wednesday, April 26, the Senate proceed to a vote on the pending Gregg amendment, as modified, to be followed immediately by a vote on amendment No. 3604 on the subject of border security offered by Senator REID; provided further that no second-degree amendments be in order to the amendments and that when the Senate resumes consideration of the bill on Wednesday all debate time until the votes be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished Democratic leader, and I thank all Senators for their cooperation in the consideration of this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3594, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Gregg amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 3594), as modified, is as follows:

At the appropriate place, insert the following:

TITLE —BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. ____. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $67,062,188,000.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY PRICES

Mr. FRIST. Mr. President, I would like to make a few comments on what is on the forefront of most people's minds today, especially if they have been in their automobiles or their trucks or driving their tractors, and that is the rising oil prices. As the weather heats up and families plan their summer vacations, many are getting increasingly frustrated by the rising price of gas. Every day it seems gas prices are ticking up, and some areas of the country gas prices have already topped a whopping $3 per gallon. Experts tell us that these already high prices only threaten to get worse as we head into the summer driving months.

While we understand global supply and demand pressures around the world, especially China and India, are the main culprits, it really doesn't seem fair to the average American consumer that they are having to pay so much at the pump each time they fill up their vehicle. It simply can't go on indefinitely. We can't continue to rely on foreign oil that comes from governments that are unstable or are directly hostile to America's interests. Just this week, Iran's hard-line President threatened that "the global oil price has not reached its real value yet."

We need to find short- and long-term solutions to America's dangerous dependence on these foreign sources of oil. We need to find ways to strengthen and diversify our own domestic supply.

On Monday, Speaker HASTERT and I sent the President a letter. In that letter we urged an effort to direct the Federal Trade Commission, as well as the Department of Justice, to examine, investigate possible price gouging and other anticompetitive practices that may be unfairly driving up gas prices.

Price gouging, price fixing, and other forms of collusion are wrong. They are immoral. They should be prosecuted to the full extent of Federal and State law. I am pleased that the President announced yesterday that the investigations we asked for are underway. I also urge consumers to report any suspicious activity directly to the Department of Energy's Web site so that we can track down any wrongdoers and bring them to justice.

Meanwhile, Senator STEVENS and others have developed an anti-price-gouging bill in response to my request last fall following the hearing with the CEOs of the major oil companies. I anticipate that the Senate will take up the Stevens proposal. In addition, the President has wisely called for suspending additions to the Strategic Petroleum Reserve this summer. We have enough oil in the reserve to get through any major short-term supply disruptions. While it is not a lot, this brief halt will leave a little more oil on the market and, as the President said, every little bit helps.

These are important first steps in bringing relief to millions of Americans being pummeled with high prices at the pump. But there is much more to be done. We need to think long term and strategically on how to move the supply and demand equation in our favor by breaking America's addiction to oil and diversifying our energy supply. Instead of looking for scapegoats, as the other side is doing now, we need to look for solutions and provide long-term security for the American people.

Last summer, after a decade of partisan obstruction, Congress passed a comprehensive energy bill. We doubled the amount of ethanol and biodiesel in our gasoline. By 2012, this should reduce oil consumption by 80,000 barrels a day. We passed a hybrid car tax credit of up to $3,400 per vehicle. There is more that we can do to encourage consumers to purchase fuel-efficient hybrid cars, and we will pursue those options vigorously. The Energy bill also allocated significant funding for research and development of hydrogen fuel cells. If just 20 percent or one out of five cars used fuel cell technology, we would cut oil imports by 1.5 million barrels a day.

We need to build on these initiatives and encourage American consumers, the producers, and entrepreneurs to think beyond oil. I believe, as does the President, that America's future lies with technology that will allow Americans to use environmentally safe and diverse energy sources. Instead of driving into a gas station, we will pull up to a fueling station where we might plug in or fill up with ethanol, electricity, or hydrogen or some combination that technology has made possible.

Political instability in Venezuela won't send our energy prices soaring. Foreign dictators won't be able to use oil to hold the world's policies hostage. America will be safer and more secure with American energy coming from American sources.

The Energy bill we passed last year is a good start. We can accomplish a whole lot more if we can get bipartisan cooperation. Unfortunately, when it comes to energy security, bipartisanship has been hard to come by, and that makes solving the energy problem even more difficult.

Developing new energy sources takes time and research. For example, had President Clinton not vetoed ANWR a decade ago, the reserve would be producing a million barrels of oil a day right now. That is about three-fourths of what we currently import from Saudi Arabia.

I hope to be able to work with my colleagues on both sides of the aisle to find fair and effective ways to strengthen and diversify America's energy supply.

Challenge, action, solutions—that is what the American people sent us here to do. By staying focused on our long-term goals, we can keep America moving forward.

METHAMPHETAMINE

Mr. FRIST. Mr. President, the growing problem of meth has been particularly personal to me. As I have traveled across my home State of Tennessee, I have heard the heart-wrenching stories of how meth is tearing families apart and about the unique challenges that meth abuse presents to law enforcement and social services.

I would like to commend Chairman GRASSLEY and Ranking Member BAUCUS of the Finance Committee for holding a hearing earlier today to discuss the social and economic impact of methamphetamine on our Nation's child welfare system.

Law enforcement ranks the number one drug problem—above cocaine, marijuana, and heroin. I am proud that the Senate listened to law enforcement and that we acted earlier this year by passing the Combat Meth Act. Because of this legislation, meth users in all 50 States are now restricted from purchasing large quantities of ingredients, like pseudoephedrine, used to make meth. This law is a step in the right direction. However, as we heard today in the Finance hearing, there is much left to be done.

One particular aspect of meth abuse that was addressed in the hearing today is the impact that this poisonous drug is having on our Nation's children. The hazards to children living in meth homes are numerous. First, when meth is being cooked, children are exposed to dangerous gases and hazardous waste which spread throughout the house, contaminating everything, including the children's clothes and toys. A recent study shows that the amount of exposure children living in meth lab homes have is about the same as if they were using meth directly. Secondly, these labs often explode, resulting in serious injuries, burns, and even death to innocent children.

Children living in homes where meth is being made are also more likely to be severely neglected and physically, mentally, and sexually abused by members of their own family as well as other individuals who may be present. Meth causes users to become paranoid and irritable, often leading to child abuse. Once the drug wears off, users tend to sleep for long periods and sometimes days, leaving children to fend for themselves.

One individual testifying today told the committee about a mother who was on a meth binge and literally forgot she had a baby. Child protective services was called when the woman did not pick up her 2-month-old from a babysitter. Three weeks later when the mother was located, she admitted that she had been on a meth binge.

Child welfare services throughout the Country have seen a sharp increase in the number of children removed from meth homes in the last several years. Two weeks ago in Knoxville, TN, a 18-month-old boy was rescued from a meth home when law enforcement raided the house and arrested his mother and her boyfriend for manufacturing meth. Sadly, this is just one example of a much larger problem.

In the last 2 years, over 1,000 children have been removed from homes in Tennessee due to meth-related investigations. And, nationwide, thousands more children were rescued from homes where meth was being cooked. Dr. Nancy Young testified today that in the last 5 years, over 15,000 children have been impacted by meth manufacturing nationwide. She added that this number was very low because many incidents go unreported.

The methamphetamine epidemic continues to place a tremendous strain on an already overburdened child welfare system. Child protective services and welfare officials are struggling to cope with the staggering increase in meth-related cases and the subsequent challenges associated with this particular addiction. Social workers in rural areas, where meth use is particularly prevalent, are rarely trained to deal with the unique issues related to this drug. They put themselves into harm's way every time they go into a home to rescue a child, both because of the toxic chemicals to which they are exposed, as well as the combative and sometimes violent state of the addicted parents.

As was highlighted by Chairman GRASSLEY and Senator BAUCUS this morning, the current funding structure for America's child welfare system is outdated and ill-equipped to respond to the challenges of the methamphetamine epidemic. We need to look at how we can better help States and communities respond to the spike in the number of meth-related child welfare cases, and I am pleased that the Finance Committee will continue to investigate the Federal role in healing children and families who are plagued by this dangerous and highly addictive drug.

Again, I thank Chairman GRASSLEY and Senator BAUCUS for holding the hearing today. And, I commend the individuals who shared their stories of recovery with the committee. From their testimony, we saw first hand that treatment can work. We heard that education about the devastating consequences of meth use can help to prevent potential users from going down this path of destruction. And, we learned that far too many of our Nation's children are being put at risk in homes where meth is being cooked.

As we continue to address the important issue of combating methamphetamine abuse, we need to do more to protect America's children, to educate our citizens about the dangers of drug use, and to support effective drug abuse treatment methods.

NATIONAL CRIME VICTIMS' WEEK AND LAS VEGAS TAKE BACK THE NIGHT

Mr. REID. Mr. President, I rise today to recognize National Crime Victims' Week, which began April 23 and runs through April 29. This year's theme is Victims' Rights: Strength in Unity. Victims of violent crime may never be able to forget the trauma they have suffered, but with unity and support, they will have a chance to heal.

That is why I would also like to acknowledge a powerful event that will take place in my home State of Nevada on April 28—the Take Back the Night March.

Take Back the Night started in the late 1970s as a way to recognize and protest the concerns women had about walking outside at night due to threats of assault, rape, and murder. Since then, the event has spread to almost every corner of the United States and around the globe

Hundreds, if not thousands, of Take Back the Night marches and rallies are held each year—often in late April—to coincide with National Crime Victims' Week. We have had events in Nevada before, especially on our university campuses, but this year is the first community-wide march in Las Vegas.

I am pleased to see this event expanding into the entire Las Vegas community. Take Back the Night marches are positive events that bring together communities and empower victims of domestic violence and sexual assault. The women and men who have survived these crimes can see they are surrounded by strong and supportive friends, neighbors, family members, and advocates. As organized by the Rape Crisis Center, this Take Back the Night includes activities for children and families, music, food, an open microphone, and a peace rally.

I have been a longtime supporter of legislation to combat violence against women, including the landmark Violence Against Women Act, VAWA. I voted for VAWA in 1994 and its reauthorization in 2000 and 2005. Our society can never be strong unless all its members feel safe in their own homes and on their own streets. We must do more to stop domestic violence and sexual assault.

I appreciate the time and effort of every Nevadan who is taking part in this year's Take Back the Night March. I would especially like to thank the Rape Crisis Center and its dedicated staff for organizing this wonderful event. I look forward to working with them in the future to make our streets safer.

TRIP TO COLOMBIA, PERU, BRAZIL AND DOMINICAN REPUBLIC

Mr. SPECTER. Mr. President, during the period of April 7-16, 2006, my colleague on the Senate Judiciary Committee, Senator JEFF SESSIONS, and I traveled to Colombia, Peru, Brazil, and the Dominican Republic for a firsthand view on issues of immigration, drug enforcement, and trade.

On April 7, 8, and 9, we traveled to Bogotá and Cartagena, Colombia. Upon exiting the plane, we immediately met with Ambassador William Wood, who has been U.S. Ambassador to Colombia since August 13, 2003, and is a graduate of Bucknell University.

I was looking forward to returning to Colombia in that I had not had an opportunity to visit there since December 1999. At the time, President Pastrana was the President of Colombia, and I had the opportunity to discuss with him my concerns about the forcible eradication of the supply of narcotics and the status of peace talks between the Colombia Government and the Revolutionary Armed Forces of Colombia, FARC.

Traveling to Colombia this time, I was aware that Colombia was still facing many serious challenges. Many of these suspicions were corroborated by Ambassador Wood. Ambassador Wood stated that the United States sent Colombia $600 million in aid in 2005. The purpose of this aid is to assist Colombia against various drug cartels and guerilla groups which threaten Colombia's security. Colombia faces two leftist and one rightwing insurgent group that wage guerilla warfare, carrying out kidnappings, hijackings, attacks on civilians, and political assassinations. The primary threat that Colombia faces is from FARC. Ambassador Wood estimated that FARC is composed of 17,000 members and operates in approximately 40 percent of Colombia.

Senator SESSIONS and I were also made aware of some recent changes that have occurred to Colombia's justice system. Ambassador Wood stated that the new Colombian Justice system has instilled in the Colombian people a new level of confidence in the prosecution of criminals. The new system provides for live testimony through the implementation of an oral accusatorial system, whereas the previous system was nonadversarial and operated almost exclusively on the basis on written testimony. Ambassador Wood stated that the new system is now in Bogotá and three other municipal areas. Over 17,000 prosecutors and judges have received intensive training in the new accusatory system in 2005 from various U.S. agencies. The implementation of this new justice system demonstrates that the Colombian Government is serious about cracking down on crime and will no longer serve as a kangaroo court for the benefit of the cartels.

Ambassador Wood also noted several other significant areas where the Colombian Government has improved in the area of law enforcement. Specifically, Ambassador Wood noted that the number of annual homicides were at their lowest number in 18 years. The number of kidnappings is down 39 percent, and terror attacks are down 42 percent under President Uribe's administration.

Later during the trip to Colombia, we had the opportunity to meet President Alvaro Uribe and Colombia's Vice Minister of Foreign Affairs, Camilo Reyes. I came away extremely impressed with President Uribe and his agenda for Colombia. President Uribe is a true Colombian patriot who has elected to take the battle to FARC and to try to eliminate the cultivation of illegal narcotics in his country. Based primarily on his success against narcotic groups, President Uribe was reelected President of Colombia on March 12, 2006, on a platform to defeat guerillas, eliminate paramilitary organizations, end narcotrafficking, and enhance Colombia's domestic security.

The first issue that Senator SESSIONS and I broached with President Uribe was the issue of narcotics. Approximately 90 percent of the cocaine that enters the United States and 80 percent of the heroin east of the Mississippi comes from Colombia. President Uribe agreed with us that the biggest problem in the war on drugs was lowering the consumption of drugs. President Uribe believes, as do I, that so long as there are consumers of drugs, people will keep producing it. Despite this concern, President Uribe was adamant that Colombia, with continued assistance from the United States, would be able to win the war on drugs. President

Uribe felt that so long as the United States supplied financial aid to Colombia for another 5 years, they will have taken significant steps towards eliminating cocaine production from his country.

During our meeting with President Uribe, Senator SESSIONS and I also discussed the recent actions that the U.S. Senate and House of Representatives have taken on the issue of illegal immigration to the United States. I was very curious to hear President Uribe's opinion on how we might deal with the issue. President Uribe stated his belief that it was important for the United States to legislate carefully in this area in order to maintain a positive relationship with Colombia. President Uribe noted that the United States needed friends in South America in order to serve as a counterweight to Venezuela and President Chavez. The comprehensive Senate bill that originated in the Judiciary Committee, President Uribe noted, appears preferential to the House bill.

Senator SESSIONS and I also asked President Uribe about the problem of seasonal workers that emigrate from Colombia to the United States in order to work temporarily on farms and don't return to Colombia once their appointed working time period has elapsed. I was interested to hear President Uribe state that he understood the concerns that the United States has with seasonal workers that overstay the work period in the United States. President Uribe stated that Colombia currently has a good working relationship with both Canada and Spain and that he would like to implement that same system with the United States. I asked President Uribe to explain how Colombia was able to get their seasonal workers to return from Canada and Spain after their designated work period had elapsed. President Uribe stated that whenever Colombia sends seasonal workers to Canada or Spain, they keep very close track of where the temporary worker is working and for what time period he is permitted to stay. Seasonal workers also have learned that if they don't return to Colombia at the conclusion of the seasonal work period, then they will never be permitted to participate in an overseas work program again.

Despite President Uribe's approach on this topic, I still expressed grave concerns whether this incentive of returning to seasonal work would be enough to have seasonal workers return from the United States at the conclusion of their work period. President Uribe said he would consider having Colombian workers have microchips implanted into their bodies before they are permitted to enter the United States to work on a seasonal basis. I doubted whether the implantation of microchips would be effective since the immigrant worker might be able to remove them.

I also asked President Uribe what new policies he would like to see the United States enact. President Uribe stated that the five nations of the Andean community, Colombia, Peru, Ecuador, Venezuela, and Bolivia, are going through trying times. President Uribe felt that it was important that the United States maintain a good relationship with Colombia, Peru, Ecuador, and Bolivia to combat the anti-American influence of Venezuela's President Chavez. I had the opportunity to visit President Chavez in December of 2005 and agree that he does pose a threat to U.S. interests in South America. I still believe, however, that it would be prudent for the United States to deal directly with President Chavez in order to reach an understanding on some of our Nation's differences.

Finally, President Uribe discussed with us a recent vote that had just taken place concerning the protection of intellectual property rights among the Andean nations. By way of background, in 2003, President Bush announced the intentions of the United States to begin negotiating a free-trade agreement, FTA, with Colombia, Peru, Ecuador, and Bolivia. Colombia, Bolivia, Ecuador, and Peru currently benefit from the Andean Trade Promotion and Drug Eradication Act, ATPDEA. This trade pact, which is set to expire on December 31, 2006, authorizes the President to grant duty-free treatment to certain products, with more than half of all U.S. imports in 2004 from the Andean countries entering under these preferences.

In a recent vote which just took place in the Andean community, the community voted three to two to protect intellectual property rights in trade agreements with the United States. Colombia, along with Peru and Ecuador, voted in favor of the protection of intellectual property rights, whereas Venezuela and Bolivia voted against the protection of these rights. President Uribe is concerned about whether or not Peru will still support the protection of intellectual rights once they elect a new President in the summer of this year.

Later in Colombia, Senator SESSIONS and I met Susan Reichle, Deputy Director of the USAID mission in Bogotá, and Guillermo Del Coilitto, Jorge Droujo and Rosano de Riccardi, board members on Project Unidad Pedagogica Productiva Agroindustrial de Turbaco. During our visit to the project, we were told that the project was started in order to teach 300 displaced Colombian families how to generate income and garner employment through agricultural and agribusiness activities in Northern Bolivar, Colombia. This and other USAID projects in Colombia provide income and employment opportunities to rural communities which agree to give up the growth of narcotic crops and for those that are displaced by the country's continued conflict. These projects serve to instill these employment skills which they can market outside of the cultivation of narcotics. I left Project Unidad Pedagogica Productiva Agroindustrial de Turbaco with a favorable opinion of the work that USAID is performing in Colombia.

When we visited the U.S. Embassy in Bogotá, Colombia, on April 8, 2006, we reviewed the incident of February 13, 2003, when a small U.S. plane crashed in Colombia resulting in FARC taking hostage Marc Gonsalves, Keith Stansell, and Tom Howes, who were under contract with the Department of Defense in the war against drug traffickers. Despite the best efforts by President Uribe to rescue these hostages, all efforts, as of now, have been unsuccessful. During our visit to the Embassy we were told that, if there were sufficient Department of Defense resources applied, the hostages could be located. As a result of this meeting, Senator SESSIONS and I sent a letter to Secretary of Defense Rumsfeld on April 10, 2006, requesting that he allocate additional resources toward the location of these men. In discussing this matter with the personnel at the Embassy, it was obvious that they wanted more resources for this effort as a successful outcome would clearly have a positive impact on morale and national credibility. One of the men at the Embassy said he thinks about the hostages every day. The Embassy people talk about these men as POW and MIA and there are plaques and signs displayed throughout the Embassy.

Senator SESSIONS and I also met with Robert Taylor, Assistant Regional Director in the Drug Enforcement Agency, DEA, and Admiral Alfonzo Diaz of the Colombian Navy. Mr. Taylor and Admiral Diaz discussed the methods by which the Colombian cartels use to smuggle cocaine and other drugs out of the country. We were advised that the primary way that drugs are shipped out of Colombia is via the use of go-fast boats. Go-fast boats can carry up to 3 tons of cocaine and can reach high rates of speed. They are frequently used to transport drugs to Mexico, Central American and Caribbean transshipment countries, using refueling vessels to extend their range. Despite the advent of go-fast boats, the Colombian navy, in conjunction with U.S. agencies, was able to intercept $25 billion in cocaine in 2005 as a result of their own faster go-fast midnight express boats, which can reach speeds in excess of 60 knots.

Both Admiral Diaz and Mr. Taylor stated that Colombian law enforcement has an excellent working relationship with the United States and all of its agencies. One of the primary examples of this is the sharp increase in the number of extraditions of Colombians to the United States. Since President Uribe took office in 2002, Colombia had extradited 304 Colombian nationals and 11 non-nationals to the United States. In early 2005, Colombia extradited FARC leader Nayibe Rojas Valderama and Cali Cartel leader Miguel Rodriguez Orejuela. The zeal with which President Uribe's administration is waging the war on drugs left little doubt that it is in the interests of the United States to continue to assist him.

Senator SESSIONS and I arrived in Peru on April 10, 2006. I have had the opportunity to travel to Peru on four previous occasions, the last of which was on January 4, 2002. This was an optimum time to be in Peru, as they are in the midst of Presidential elections which had taken place the day before our arrival. We first met with Ambassador Curtis Struble, who was confirmed as Ambassador to Peru on December 9, 2003. He and his staff gave us a country briefing and informed us that Peru's poverty rate is approximately 50 percent, but that Peru's economy is starting to rebound and per capita growth rate rose in 1 year from $2,100 a year to $2,800.

Soon after our meeting with Mr. Struble, we were met by Oscar Marutua, Peru's Foreign Minister, and Pedro Pablo Kuczynski, Peru's Prime Minister. I was especially impressed with Mr. Kuczynski, who is a graduate of Princeton University and worked in New York City for 20 years. He reminded me of our squash match 4 years earlier and commented on my "drop" shots.

One of our primary concerns was the status of Peru's recent Presidential elections. Prime Minister Kuczynski advised us that there were a total of 23 separate candidates running for President in Peru. Out of these 23, only 3 were viewed as serious candidates. Ollanta Humula, a leftwing candidate who had been receiving significant monetary support from President Chavez, was leading in the early election return with 30 percent of the vote. The other two primary candidates, Ms. Lourdes Flores Nano and Alan Garcia, were characterized by Mr. Kuczynski as moderates and were in a dead heat, each capturing about 25 percent of the votes.

Mr. Kuczynski explained that under Peru's political system, if no candidate receives 50 percent of the vote, then a run-off vote between the top two candidates occurs on May 7, 2006. Without question, it will be in the interest of the United States that either Ms. Flores Nano or Mr. Garcia prevails in Peru's election for President.

Foreign Minister Maurtua stated that there are approximately 1 million Peruvians living in the United States. Of these, he estimated that 50 percent were residing in the United States illegally. Kuczynski suggested breaking the issue of immigration down into two parts: what to do with the people already in the United States and what to do with those who would like to go there.

Senator SESSIONS and I also met with Susan Keogh, Director of Narcotics Affairs in Peru. Ms. Keough discussed the current difficulties the Peruvian Government was having in combating narcotics and the deleterious effect that narcotic cultivation has on the environment. Ms. Keough stated that approximately 400,000 acres are being deforested annually for the cultivation of coca and other plants. On average, there are approximately 40,000 to 100,000 coca plants per 2 acres, which require about 2 tons of chemicals to be used for their production. Since coca is very vulnerable to diseases, coca growers cover the coca with pesticides which are very deleterious to the environment. Some portions of these chemicals almost always find their way into rivers and streams, as coca must be cultivated close to a water supply.

I asked what efforts the Peruvian Government is taking to combat these problems. Ms. Keough remarked that the Peruvian Government hardly focuses on this issue and that the growth of cocaine and the effects on the environment was rarely mentioned during the current Presidential campaign. We suggested to Ms. Keough that she and her colleagues, who were concerned about protecting the environment, should write letters to the editor of respected Peruvian newspapers expressing their concern over the growth of cocaine in Peru and the deleterious effects that this cultivation is having on the environment.

Senator SESSIONS and I arrived in Brazil on April 12, 2006. Immediately upon our arrival, we met with acting U.S. Ambassador and Deputy Chief of Mission to Brazil, Phillip Chicola, a Cuban-American who came to the United States in 1961 and graduated from Florida Atlantic University. Mr. Chicola stated that, although Brazil views the United States as an ally, the Brazilian administration has made building relations with neighboring countries in the southern hemisphere its first priority. He said that Brazil is seeking to redress U.S. influence by strengthening ties with nontraditional trading partners such as India and China.

Senator SESSIONS and I also asked Mr. Chicola about narcotics trafficking throughout South America. Mr. Chicola stated that, although Brazil is not a significant drug-producing country, Brazil does serve as a conduit for cocaine moving to Europe and Africa. Specifically, both Colombian and Bolivian drug smugglers attempt to transport cocaine over the Brazilian borders. Although Colombian drug smugglers have had some success in bringing narcotics across the border, the Amazon rain forest and various rivers provide natural boundaries against drug smuggling. As a result of these natural boundaries, drug smugglers have attempted to fly drugs out of Colombia and into Brazil. Mr. Chicola stated that the majority of drug smugglers now ship their cocaine through Venezuela as a result of Brazil's shootdown law, which authorizes the Brazilian Air Force to use lethal force in the interdiction of aircraft suspected of involvement in drug trafficking.

Later during the trip we met with Under Secretary for South American Affairs Ministry for External Relations, Jose Eduardo Felicio. Mr. Felicio was an articulate, impressive man, who spent several years of his life working in New York City. One of the first questions we asked Mr. Felicio was how the United States can limit the destabilizing effect that President Chavez has been having on South America. Mr. Felicio stated that the Brazilian Government views Chavez as the legitimately elected President of Venezuela even though they do not approve of everything he says publicly. Mr. Felicio stated that, despite Chavez's harsh rhetoric against the United States, Brazil does not believe there is sufficient proof that Chavez is a disrupting force in South America.

I also asked Mr. Felicio what steps the United Nations Security Counsel should take in regards to Iran's attempts to develop nuclear arms in violation of the nonproliferation treaty. Mr. Felicio stated that, while Iran should cooperate with requests made by the International Atomic Energy Association, Brazil does not believe that Iran is being treated fairly because there is a double standard against Iran. While certain countries like Israel, Pakistan, and India are permitted to develop nuclear programs in violation of the Nuclear Non-Proliferation Treaty, Iran has been unfairly singled out.

The next portion of the CODEL took us to Manaus, where we spoke with Mr. Francisco Ritta Bernardino, the owner of many hotels throughout the Amazon and noted author of several books dealing with the importance of the Amazon ecosystem. A lawyer and entrepreneur, Mr. Bernardino told us of his meeting with Jacques Cousteau, the famous diver and undersea explorer who documented life in the Amazon from December 1981 to November 1982. Mr. Bernardino stated that it was during this time period that Jacques Cousteau convinced him that the greatest threat to mankind was not nuclear war, but the destruction of nature. Cousteau believed that if the destruction of the Amazon was not halted, mankind would be sacrificing the future of their children and grandchildren.

Soon after Mr. Bernardino's meeting with Mr. Cousteau, he set about the construction of the Ariau Amazon

Towers. Mr. Bernardino stated that he built the hotel in the middle of the Amazon in order to help people become acquainted with the Amazon in a region untouched by people. The Ariau Amazon Towers are built upon seven wooden towers interconnected by raised walkways over portions of the Amazon River. These walkways connect the towers with various docks and paths that lead throughout the Amazon.

During our meeting with Mr. Bernardino, we inquired about the origin of the Amazon River flow. Mr. Bernardino explained that the Amazon River is created at the junction of the Negro and Solimoes Rivers near Manaus. He stated that the water of the Negro River runs approximately 3,200 kilometers, originating from the various tributaries that spill out of the Andes Mountains of Colombia and Peru. The water of the Negro River is completely black, colored from the collection of minerals and organic materials that it collects from hundreds of tributaries that empty into it from the rock beds of the Andes. Mr. Bernardino explained that, although the Negro River is full of acid and poor in oxygen, it fertilizes the surrounding shores with its rich minerals. In contrast to the Negro River, Mr. Bernardino stated that the water of the Solimoes River is colored light blue and flows from the Brazilian-Peruvian border. The Solimões River runs for about 1,600 kilometers, until it meets the black Negro waters where it merges to form the Amazon River in a floodplain about 80 kilometers wide.

The Amazon River runs 5,904 kilometers in length; its basins widening during the rainy seasons to as much as 100 kilometers. Mr. Bernardino explained that approximately 1,100 tributaries empty their waters into the Amazon and that the Amazon average width ranges from 2 to 30 kilometers, until it reaches a width of 230 kilometers when it empties into the Atlantic Ocean. The flow of the Amazon river is so forceful that the waters of the Atlantic Ocean are pushed approximately 2 to 5 kilometers away from the shoreline of the Amazon basin by its free-flowing fresh water.

We also met with the National Aeronautical Space Administration, NASA, Project Liaison to Large Scale Biosphere Atmosphere Experiment, Josefine Durazo, about the effects the deforestation of the Amazon is having on global warming. Ms. Durazo explained that the Large Scale Biosphere Atmosphere Experiment, LBA, is an international cooperative research program led by Brazil and dedicated to the study of International Geosphere-Biosphere studies regarding the deforestation of the Amazon. She further stated that she worked with the LBA-ECO, which is a subproject operating under the LBA, funded entirely by NASA. The LBA-ECO is dedicated to gaining an understanding of how the ecosystem of the Amazon functions as a system and what effects the deforestation of the Amazon are having on climate control.

Ms. Durazo explained that NASA began funding the program in 1998 by constructing tower sites which measure carbon flux in various geographic areas within the Amazon. These towers, in conjunction with extensive support by Brazilian researchers, enable NASA to measure the flux of carbon levels during forest fires and lumbering projects. As a result of this research, NASA and LBA have discovered that current logging efforts in the Amazon cover an area nearly equal to that of the portions that have already been deforested. Ms. Durazo stated that by using these techniques, NASA and the LBA will soon be able to determine the effect that the continued logging of the Amazon will have on the level of carbon dioxide being emitted to the atmosphere.

After our meeting with Ms. Durazo, I had my staff reach out to Michael Keller a physical scientist working at the International Institute of Tropical Forestry. According to Mr. Keller, carbon dioxide is responsible for the largest portion of the manmade greenhouse effect. Each year, there are eight gigatons, 1 billion tons, of carbon added to the atmospheric burden of carbon dioxide. Of those 8 gigatons, 1.6 result from land use change processes, such as the clearing of forest and savanna in the tropics. Mr. Keller estimates that .3 gigatons of the carbon emitted to the atmosphere occurs as a result of the deforestation of the Amazon. Accordingly, Mr. Keller and other experts believe that the deforestation of the Amazon is playing a significant role in the manmade greenhouse effect. NASA is continuing to study the data that they have collected in the Amazon.

Senator SESSIONS and I arrived in the Dominican Republic on April 15, 2006, and met for a team briefing with Peter Reilly of the DEA, Andy Diaz of the FBI, Michael Garuckis of the State Department, Jeff Radgowski of the Coast Guard and Timothy Tubbs of the Department of Homeland Security regarding issues of drug trafficking and immigration.

We were told at this briefing that the Dominican Republic's long border with Haiti, combined with its overstretched law enforcement agencies and geographic location in the Caribbean, make the country a prime location for drug traffickers. Although the Dominican Republic is not a major drug-producing country, it nonetheless acts as a transit point for cocaine and heroin bound for the United States from Colombia and Venezuela. The main trafficking points are by sea from Colombia, which lies just 360 nautical miles from the coast of the Dominican Republic.

We were also informed at this briefing that there are approximately 1.6 million Dominicans residing in the United States. In 2005, U.S. immigration authorities repatriated 4,918 Dominicans. Most of those returned to the Dominican Republic had served 4 to 9 years in jail in the United States.

After our country briefing, we traveled to see a training program run by the Hotel Association with assistance from USAID and the Peace Corp at La Romana Bayahibe Tourism Cluster, Romana Cluster. The Hotel Association is attempting to educate and train the local populace in order to make the Dominican Republic more attractive to tourists. The Romana Cluster is a community of homes built by USAID for displaced individuals on land purchased by the Hotel Association for displaced Dominicans.

While there, we met with Lisette Gill, the executive director of the Romana Cluster, and Rosa Garza of the Peace Corps. Ms. Gill explained that the Romana Cluster was started in 2001 by USAID to train the local community in marketable skills so that the area would be more attractive to tourists. Ms. Gill stated that the Romana Cluster receives approximately $250,000 annually from the Hotel Association. Ms. Gill took us to a high school that was constructed by the Hotel Association for 120 students living in the Romana Cluster. Before the construction of this high school, we were told that Dominicans living in the area could not attend high school, as there was no public schooling available in the area.

Later that evening, we met with the Foreign Minister for the Dominican Republic, Mr. Carlos Morales Troncoso. I told the Foreign Minister that I had spoken to President Uribe about the problem of the United States of getting guest workers to return to their native country after they had finished working, and I was interested to hear his thoughts on the subject. Mr. Troncoso stated that the Dominican Republic had just begun a guest worker program with Spain. The Dominican Republic guest worker program was a 2-year program whereby the government would keep a log of where the worker would be working in Spain and where they could find him. Mr. Toncoso explained that, so long as the worker performed well and returned to the Dominican Republic at the end of the working season, then it would be permissible for the worker to work in Spain the following year. He stated that if the worker does not come back, that worker would be barred from being eligible for any future participation in a guest worker program.

Mr. Troncoso admitted that there is always the problem of some guest workers not wanting to return to the

Dominican Republic, but nonetheless, the current system seems to be working well. Mr. Troncoso stated that, in 2005, Dominican Republic citizens working in the United States sent approximately $2.8 billion back to their families in the Dominican Republic.

Senator SESSIONS and I also had the opportunity to meet with President Leonel Fernandez Reyna. President Reyna was a very impressive man who was born in Santo Domingo in 1953 and moved to New York City in 1956 where he attended elementary and junior high school. President Reyna returned to the Dominican Republic in 1969 and served as President from 1996–2000 but was not permitted to run again as a result of term limits. In 2003, however, the Dominican Republic constitution was changed, permitting President Reyna to become President for a second time in 2004.

President Reyna spoke to us about the border problems that the Dominican Republic was having with illegal Haitian immigrants entering the Dominican Republic. President Reyna explained that, while the Dominican Republic's unemployment rate was 17.4 percent, Haiti's was approximately 50 percent. As a result of this, the Dominican Republic must constantly contend with Haitian citizens coming across the border looking for work. President Reyna stated that it was imperative for the Dominican Republic to encourage the expansion of democratic institutions in Haiti, in the hope that this would lead to political stability.

We returned to Washington on April 16 to use the second week of the recess to work on the immigration bill.

HONORING OUR ARMED FORCES

STAFF SERGEANT KEVIN P. JESSEN

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to SSG Kevin P. Jessen of Paragould, AR. To those who knew him best, he was a loving husband and proud father whose life was filled with love and laughter. To his fellow soldiers serving on the battlefields of Iraq, he was a hero who, in the course of saving countless American and Iraqi lives, sacrificed his own.

His lifelong interest in military history and explosives led him to a career as an explosive ordnance disposal technician. It came as no surprise to friends and family that the young Arkansan, who spent countless hours as a child playing with G.I. Joe toys and bottle rockets, would become a soldier. He joined the ROTC while in high school and upon graduation enlisted in the National Guard before ultimately joining the U.S. Army.

Staff Sergeant Jessen's first of three tours in Iraq occurred shortly after Operation Desert Storm when he helped dispose of explosives left over from the war. In 2004, he returned through service in Operation Iraqi Freedom, only to return for a third tour 6 months after his second was completed. While serving in a foreign land seemingly worlds away from home, his heart and thoughts were undoubtedly never far from his wife Carrie and his 2-year-old son, Cameron. Between tours of duty, this battle-hardened soldier was often found changing diapers or handling bottle feedings in the middle of the night. It was the proud duty of a man who loved his family so very much, and it was symbolic of his devotion to them.

Throughout his time in Iraq, Staff Sergeant Jessen's role as an explosives ordnance disposal technician ensured that he was often called upon to disarm roadside bombs. Although it continually placed him in the line of danger, he selflessly saw it as his duty to help protect the lives of his fellow soldiers as well as the lives of Iraqi civilians. Tragically, while serving on a postblast investigation on March 4, 2006, he was killed by a secondary explosion in Rawah, Iraq.

At Staff Sergeant Jessen's memorial service, he was laid to rest with full military honors. Hundreds of family, friends, and those wishing to pay their respects joined together to remember this young Arkansan and to honor the life he led. Along his funeral procession, members of a grateful community endured the cold weather to honor this fallen hero, many with hands held over the hearts and waving American flags. At the cemetery, the American flag that had draped Staff Sergeant Jessen's casket was folded and presented to Carrie and Cameron as a token of remembrance of the man they loved and the sacrifice he made on behalf of us all.

Although the 28 years that Kevin Jessen spent with us were far too short, I am hopeful that his friends, family, and loved ones find some solace knowing that he touched the lives so many. He set examples of devotion to family and country that we should all follow, and he led an honorable life of love and selflessness that will continue to serve as an inspiration to us all.

My thoughts and prayers are with Carrie, Cameron, and all those who knew and loved this fallen hero.

STAFF SGT. BROCK A. BEERY

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Warsaw, IN. SSG Brock Beery, 30 years old, died on March 23 when his armored vehicle struck a land mine 80 miles west of Baghdad. With his entire life before him, Brock risked everything to fight for the values we Americans hold close to our hearts, in a land halfway around the world.

Brock decided to pursue a career in the Army in 1994, immediately following his graduation from Tippecanoe Valley High School. Remembered as a good student and a good husband, Brock took great pride in his work. He remained close to his family throughout his time in Iraq and planned to attend his younger sister's high school graduation in June. His father recounted to a local newspaper, "[Brock] liked his job. He liked challenges; he put his best foot forward every time. He gave his best to his family, too."

Brock was killed while serving his country in Operation Iraqi Freedom. He was a member of the Headquarters Company, 2nd Battalion, 123rd Armored Division, based in Bowling Green, KY. This brave young soldier leaves behind his mother and father, Pamela and Roger Beery; his wife and 7-year-old daughter, Sara and Elissa; his sister, Hope; and his brothers, Joel and Tobey. He was serving his third overseas tour of duty.

Today, I join Brock's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Brock, a memory that will burn brightly during these continuing days of conflict and grief.

Brock was known for his dedication to his family and his love of country. Today and always, Brock will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Brock's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brock's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Brock A. Beery in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brock's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brock.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In March 2006, Gregory Pisarcik was sentenced to life in prison in Santa Ana, CA for the murder of Narciso Leggs, a gay man. During the attack, Pisarcik repeatedly hit Leggs over the head with a champagne bottle. When police later found his body one ear had been cut off and anti-gay slurs were written all over his body. According to sources, police feel that sexual orientation was a motivation for the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law we can change hearts and minds as well.

GENOCIDE IN SUDAN

Mr. DODD. Mr. President, today is Holocaust Remembrance Day. Each year, our Nation commemorates this tragic event with a week-long period of remembrance, and this Thursday, I will join several of my colleagues in a ceremony honoring the victims of the Holocaust in the Capitol Rotunda. The theme for this year's "Days of Remembrance," the "Legacies of Justice," honors the courage and fortitude of those who testified during the trials of Nazi war criminals.

As many of my colleagues know, I have a personal connection to those trials. My father, Senator Thomas Dodd, then a young lawyer, was asked by the chief counsel for the United States at Nuremberg, U.S. Supreme Court Justice Robert Jackson, to join his prosecutorial team. My father served as vice-chairman of the Review Board and as executive trial counsel, and his experiences at those trials greatly influenced his thinking on human rights and the importance of international justice for the rest of his life.

One of the major accomplishments of the prosecutors and witnesses at Nuremberg was publicly exposing the scope of depravity of Nazi crimes. My father and his colleagues went to great lengths to meticulously record that evidence, and their efforts formed the basis of much of our current knowledge about the Holocaust. According to the U.S. Holocaust Memorial Museum, for example, it was during the Nuremberg trials that the world first heard the estimate of 6 million Jewish deaths.

I believe that my father and his colleagues placed so much emphasis on revealing the extent of Nazi crimes in large part because they understood that the Nuremberg proceedings had the potential to reach an audience that far exceeded the four members and four alternate members of the Tribunal sitting in judgment of the defendants. These trials would reveal to the world and to future generations that such unthinkable crimes were possible, and that the international community must, therefore, stand up to injustice and abuse wherever they occur.

The evidence uncovered by the Tribunal was truly horrific. Indeed, the crimes committed by the Nazis were so heinous that they required a new lexicon to describe them. These crimes were prosecuted under the legal terminology of "crimes against humanity," but later, an entirely new word describing them was formalized: genocide. Genocide refers to certain actions committed with the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group."

Sadly, the crime of genocide is not unique to the Holocaust. In Bosnia, Cambodia, and, of course, Rwanda, too many innocents died while the world looked away. And today, in Darfur, Sudan, escalating violence is claiming thousands of additional lives in a conflict that the Congress unanimously declared genocide almost 2 years ago, in July 2004. Secretary of State Colin Powell made that same declaration in September of that year.

Several weeks ago, I received a DVD about the situation in Darfur made by a group of Danbury, CT, high school students. The DVD, entitled "The Promise," is truly a wake-up call. The title, of course, refers to the promise made by the world after the Holocaust—the promise of "Never Again."

Yet, as these students so vividly portray, the people of Darfur continue to suffer while the world takes too little notice. By some estimates, as many as 300,000 people, many of them civilians, may have lost their lives in Darfur since the start of the conflict. The Government of Sudan has refused to curtail, and in many instances has actively supported, the activities of Jingaweit militias that have attacked and targeted tribal groups of African decent.

In a particularly moving segment of their DVD, the Danbury students display some of the artwork of children who have fled their homes in Darfur. As the students say, so much can be learned through the eyes of a child, and these images, produced by the children without any prompting, are of war, fire, and death. I think of my own children and shudder to imagine them suffering through the terror that afflicts the children of Darfur every day. Indeed, despite all that we have learned since Nuremberg, I am sad to say that the promise of "Never Again" remains a promise unfulfilled.

But while the story of Darfur is clearly one of tragedy, it is also one of hope. Since the start of the conflict, I have been impressed by the dedication and advocacy demonstrated by the people of Connecticut on this issue. If we are ever to fulfill "the promise," it will be due to the extraordinary efforts of dedicated individuals such as these Danbury High School students. I am proud that these students, just like the brave individuals who stood up to testify at the Nuremberg Tribunals 60 years ago to demand justice, are standing up to demand action in Darfur today.

In their DVD, the Danbury High School students cite a famous statement by Ghandi: "Be the change you wish to see in the world." I can think of no greater compliment to these students and the numerous individuals in Connecticut and across this country who have advocated for increased international action in Darfur, than to say that they have lived up to that admonition. I ask unanimous consent that the names of the Danbury students who made this DVD be included in the record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Today is a day of remembrance, but in remembering, we are also called to action. This week, we are debating the President's emergency supplemental request. To his credit, the President has included in that request substantial funds to support the African Union peacekeeping operation in Darfur and new humanitarian assistance.

Moreover, the United Nations Department of Peacekeeping Operations is scheduled to brief the Security Council tomorrow, on potential U.N. missions in Darfur. It is my hope that they will advocate a strong United Nations Peacekeeping force, despite Sudanese objections. It is also my fervent hope that we in the Senate actively support an increased international role in Darfur. Because only with our support can any international force hope to meet the enormous challenge of protecting the civilian population and providing a safe environment to supply humanitarian relief.

Finally, just as at Nuremberg the international community enforced justice where justice had too long been blind, I call on the Bush administration to actively support the work of the International Criminal Court in prosecuting those individuals who have committed crimes against the people of Darfur and against all humanity. I know the ICC is not popular in some circles of the Bush administration, but

I believe it is the best tool we have to enforce the vision of universal justice that was inspired by Nuremberg.

Following the trials of the major war criminals before the International Military Tribunal at Nuremberg, President Truman declared: I have no hesitancy in declaring that the historic precedent set at Nuremberg abundantly justifies the expenditure of effort, prodigious though it was.

Individuals such as my father expected that the historic precedent described by President Truman would long inspire nations to take action against crimes such as those prosecuted at Nuremberg. The lesson of Nuremberg to these individuals was indeed the promise of "Never Again." I hope that on this somber day of remembrance, we will commit ourselves to renewing that promise.

EXHIBIT 1

BACKGROUND—A DANBURY HIGH SCHOOL PROJECT

"The Promise" is a Danbury High School student video about genocide in the Darfur region of Sudan. After school for three months at the end of 2005, a group of students worked with assistant principal Tim Salem on the project. The result is an eight minute documentary meant to raise awareness about the genocide and motivate action. The name "The Promise" is a reminder of the promise the United Nations and the world made in 1945 to hold people accountable for crimes against humanity. With the backdrop of the Holocaust, narration, images and quotations, the focus is on the plight of the children of Darfur. The world was promised "never again". The children and people of Darfur are waiting.

CREDITS

All students are members of the class of 2006 Danbury High School, Danbury, Connecticut.

Created by: Timothy Salem and Brian Simalchik.

With: Katherine Calle, Caitlin Eaglin, Catherine Trieu and Lily Yeung.

Written by: Timothy Salem.

Narrated by: Emily DeMasi.

Edited by: Brian Simalchik.

Appearing: Katherine Calle, Emily DeMasi, Caitlin Eaglin, Mathew Ficinus, Simone Hill, Nick Noone, Michael Steinmetz, Catherine Trieu, Brian Wright.

Special thanks to: Brianna English, William Najam, Emmanuel Omokaro, Adam Pin, Greg Scalzo, David Shih, Iwonka Stepniak, Allison Walker.

IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, I rise to express concern about the consideration of comprehensive immigration reform legislation. As a member of the Judiciary Committee, I have been involved in the democratic process of reviewing, amending, and voting on this year's immigration bill. I was one of six Republicans who opposed the legislation in the committee on March 27.

When the bill was brought to the floor of the U.S. Senate, a select group of Members forged a "compromise" that drastically changed title VI of the bill that deals with the 11 million illegal aliens currently in the United States.

The Senate had very little time to review the bill. Moreover, some Members opposed any amendment that would change the Hagel-Martinez compromise. I had numerous amendments that would have improved the bill. However, the other side of the aisle refused to let our deliberative body do its job.

As a representative of the people of Iowa, I believe amendments should be debated. Therefore, I have asked the majority leader to make me aware of any unanimous consent agreements that both sides aim to enter into before unanimous consent is agreed to. I ask unanimous consent that my letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
CHARLES E. GRASSLEY,
Washington, DC, April 25, 2005.

Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, Washington, DC

DEAR LEADER FRIST: I respectfully request that I be consulted prior to the entering into of any and all Unanimous Consent Agreements with regard to the Senate's ongoing consideration of any and all immigration reform or border security related legislation. This would include, but not be limited to, S. 2611 and S. 2612. Thank you.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator

91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. FEINGOLD. Mr. President, this month people around the world are joining together to remember and honor the men, women, and children who perished in the Armenian genocide. One and a half million Armenians were systematically massacred at the hands of the Ottoman Empire, and over 500,000 more were forced to flee their homeland of 3,000 years. It is important that we note this terrible tragedy.

When the Armenian genocide occurred, from 1915 to 1923, the international community lacked a name for such atrocities. In January 1951, the Convention on the Prevention and Punishment of the Crime of Genocide entered into force to affirm the international commitment to prevent genocide and protect basic human decency. Today, we have the words to describe this evil, and we have an obligation to prevent it. But we must also have the will to act.

The Armenian genocide may have been the first instance of what Winston Churchill referred to as "the crime without a name," but it was certainly not the last. During the Holocaust, and later in the former Yugoslavia and Rwanda, the world has seen the crimes of ethnic cleansing and genocide recur again and again. Too often, the international will to stop atrocities has been lacking, or far too late in coming. Today, as the genocide in Darfur, Sudan, continues to unfold, we have to muster the will and the sense of urgency required to save innocent lives.

The international community has made the first steps, but it has a long way to go in punishing and, particularly, preventing genocide. As we move forward, we must learn the lessons of Armenia's genocide. We cannot be misled by the rhetoric of scapegoating, denial, and obfuscation used by murderous leaders to disguise their agenda. And we cannot respond to evidence of methodical, brutal violence by wringing our hands and waiting for some definitive proof that these events qualify as genocide. Enforcing a collective, international commitment to prevent and stop genocides from occurring is imperative. We owe the victims of the Armenian genocide this commitment.

This is why we must remember the Armenian genocide. To forget it is to enable more genocides and ethnic cleansing to occur. We must honor its victims by reaffirming our resolve to not let it happen again.

NATIONAL VOLUNTEER MONTH

Ms. MIKULSKI. Mr. President, 7 months ago, the world watched in horror and disbelief as Hurricane Katrina tore through the gulf coast and left massive devastation in its wake. We have seen the pictures of toppled buildings, collapsed houses, and communities covered in an endless blanket of debris. We have wondered—how will they ever recover?

With the help of volunteers, slowly they are making progress. Hundreds of selfless do-gooders have been putting on hard hats, wading through homes knee-deep in mud, clearing debris and literally doing the dirty work.

April is National Volunteers Month. I wish to recognize it by saying thank you to all the volunteers and service workers everywhere. And this year I especially want to honor those helping out with Hurricane Katrina recovery. They are taking time out of their lives to help their fellow Americans in their time of need—and they are doing it out of the goodness of their hearts.

AmeriCorps is the embodiment of this spirit of volunteerism and service to the country. Since 1989, I have been a leader in the creation of AmeriCorps. I introduced the National and Community Service Act to establish the Corporation for National and Community Service to oversee and coordinate our national volunteer efforts and to create a demonstration program that has evolved into what we know today as AmeriCorps. As one of the founders, I have been its chief advocate in the Senate. I fought to create AmeriCorps, I fought to strengthen AmeriCorps, and

I will continue to fight to save key AmeriCorps programs.

Hundreds of members of the AmeriCorps National Civilian Community Corps, NCCC, have set up camp in the gulf region. They have provided more than 250,000 service hours valued at $3.8 million to Hurricane Katrina recovery projects. They are helping thousands get their homes, their communities, and their lives back.

Their help is needed now more than ever. But President Bush's fiscal year 2007 budget would completely eliminate the NCCC program and close its five campuses nationwide—including one in my own home State at Perry Point, MD. The Government let the people of the gulf coast down when Hurricane Katrina hit, we can't let them down in her aftermath.

That is why I fought back against President Bush's budget cuts and worked to make sure the emergency supplemental spending bill, which will be considered on the Senate floor this week, contained $20 million for the NCCC to support volunteer hurricane recovery activities on the gulf coast and other affected areas.

AmeriCorps volunteers tackle the toughest problems in our communities. Not only are NCCC teams a vital resource in hurricane recovery on the gulf coast, they are deployed nationwide to build homes, clear thousands of acres of forests burnt by wildfires, and tutor children. They are unflagging, unflinching, and determined to make a difference. And we need their help. Now is not the time to take our volunteers for granted and turn our backs on the NCCC. It is time to thank them not just with words but with deeds.

RETIREMENT OF JOYCE A. RECHTSCHAFFEN

Mr. LIEBERMAN. Mr. President, I rise today to convey my deep gratitude and everlasting appreciation to my Homeland Security and Governmental Affairs Committee staff director, Joyce A. Rechtschaffen, who is leaving the Senate after 10 years of service in my personal office and 7 on the committee to head Princeton University's governmental affairs office here in Washington.

Benjamin Franklin once said: "Energy and persistence conquer all things."

That six-word sentence sums up a career of accomplishments that could fill volumes.

Joyce was on the front lines of many of the challenges of the century just past and the century just begun. And through her energy and persistence she accomplished great things for the American people.

I hired Joyce in 1989, shortly after I was sworn in as a freshman Senator, and the two of us learned the ropes of this institution together.

She worked for me on the Environment and Public Works Committee, later moving to my personal office as my environmental legislative assistant and counsel.

Joyce, a graduate of Princeton University and Harvard Law School, developed a reputation as a tiger early on, contributing significantly to the Clean Air amendments of 1990, working passionately to preserve the Arctic National Wildlife Refuge, and proposing innovative solutions to stemming harmful greenhouse gases.

It is a reputation she not only never lived down but made a point of earning time and time again on issue after issue.

In 1999, I became ranking member of the former Government Affairs Committee, and I appointed Joyce as minority staff director. In 2001, I became chairman when Democrats regained control of the Senate, and Joyce became majority staff director through the following year.

Whether in the majority or minority, Joyce never let up. With her brilliant mind, near photographic memory, and absolute dedication to the job, Joyce has seen this committee through 6 years of profound accomplishment.

She brought her knowledge of environmental issues to bear by launching principled and studied investigations into the Bush administration's regulatory actions and energy policies.

Joyce helped this committee run its investigation of the demise of the Enron Corporation, establish the 9/11 Commission, and write legislation creating the Department of Homeland Security and the reorganization of our intelligence systems—among the most significant reorganizations of Government in half a century.

And in her final mission for the committee and the American people, Joyce helped shepherd our bipartisan investigation and report on the Government's failed response to Hurricane Katrina.

Leading by example, Joyce helped assemble and retain a loyal staff whose work ethic and dedication have been tested time and time again with late nights on tight deadlines handling mighty challenges for the American people. They are the envy of the Senate.

But this is all in Joyce's nature. Shaking things up was just part of Joyce's nature. To Joyce, the status quo was often a barrier to progress that must fall as the constant casualty of time as we advance the cause of making our Nation safer, fairer, and more just for each and every American.

I am sorry to lose Joyce's vast knowledge and expertise, and I will miss her sound advice, strict attention to every aspect of an issue, and most of all her faithful service to me through 17 years.

But Joyce, you can walk away knowing that it was a job well done.

Robert F. Kennedy said: "Few will have the greatness to bend history itself. But each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation."

Joyce, through her energy, persistence, and selflessness, has written herself silently into the history of the great challenges of this generation and left a legacy of achievement that will be both the envy and inspiration for all those who follow.

Unfortunately, our committee has not had a markup since Joyce announced her retirement; our next one will be next week, after Joyce has left us. But because we owe her so much, I will be asking the committee at next week's markup to report an original resolution thanking her. Chairman COLLINS has said she will join me in this resolution, the text of which follows these remarks. But let me close by saying thank you Joyce. I owe you more than I can say, and I wish you all the best.

I ask unanimous consent that the text of a proposed resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THANKING JOYCE RECHTSCHAFFEN FOR HER SERVICE TO THE SENATE AND TO THE COMMITTEE ON THE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Whereas Joyce Rechtschaffen, an accomplished environmental lawyer, joined the staff of Senator JOSEPH I. LIEBERMAN upon his entry into the Senate in 1989 and served as his legislative assistant and counsel for environmental issues for almost ten years;

Whereas during her tenure in Senator LIEBERMAN'S office, Joyce Rechtschaffen contributed significantly to the protection of the nation's environment, most significantly through important contributions to the landmark 1990 amendments to the Clean Air Act, ceaseless efforts work to protect the Arctic National Wildlife Refuge and innovative proposals to stem the harmful effects of greenhouse gasses;

Whereas in 1999, upon Senator LIEBERMAN becoming the Ranking Member on the then-named Governmental Affairs Committee, Joyce Rechtschaffen took on the new challenge of serving as Democratic Staff Director;

Whereas during her more than seven years in that position, Joyce Rechtschaffen has worked tirelessly to advance the work of the Committee and of the nation;

Whereas Joyce Rechtschaffen has played a leading role in every accomplishment of the Committee since 1999, from the 2002 creation of the Homeland Security Department, to the establishment of the 9/11 Commission that same year, to the 2004 reorganization of the Intelligence Community, to the Committee's 2006 investigation into the governmental response to Hurricane Katrina, among many other things;

Whereas Joyce Rechtschaffen has shown the same focus and dedication to all of the work of the Committee no matter how significant the issue at hand;

Whereas Joyce Rechtschaffen has been a model manager, staffer, employee and colleague to all who have worked with her;

Whereas Joyce Rechtschaffen has worked tirelessly and selflessly for the Committee these past seven years, often at great personal sacrifice:

Whereas Joyce Rechtschaffen has been a model of integrity, intelligence, compassion and commitment to building a better America and has shown herself to be the very best and brightest of both civil and Congressional service: Now therefore, be it

Resolved, That the Committee on Homeland Security and Governmental Affairs thanks Joyce Rechtschaffen for her years of work for and dedication to the Senate and to the Committee and wishes her every success in her future endeavors.

ADDITIONAL STATEMENTS

UNIVERSITY OF MONTANA GRIZ

• Mr. BAUCUS. Mr. President, in Montana, we have a long and proud athletic heritage, and the University of Montana men's basketball team has added yet another chapter to this great legacy.

The Griz finished their Cinderella season with a 24-to-7 record. Among their many great achievements this season was beating perennial basketball powerhouse Stanford, upsetting the top-seeded Northern Arizona Lumberjacks to win the Big Sky tournament, and shocking the No. 5 seeded Nevada Wolfpack in the first round of the NCAA tournament.

This truly was a magical season for our Griz. By advancing to the second round of the NCAA tournament, the Griz accomplished a feat no Griz team had in over 30 years. Yet this season was about more than just wins and losses, it was about a team that is a true class act—both on and off the court.

This team's dedication to their school, their fans, their studies, and their community is a direct reflection of the man who leads them. Coach Larry Krystkowiak is truly the epitome of what it means to be a Montanan. Growing up in a small town, Coach "K" went on to play basketball at the University of Montana, where he still holds the record for the most points and rebounds in a career. Once he completed his collegiate career, he went on to a successful career in the NBA.

After his retirement from professional basketball, Coach "K" moved to the other side of the bench and became an assistant coach. Eventually he found himself back home, as coach of the Griz. As head coach, Coach "K" instilled in his team that being a college athlete is about more than just playing a sport, it is about being a role model for a community. Nothing exemplifies this mentality more than when Coach "K" himself offered to have his head shaved in order to show support to a friend who had recently been diagnosed with cancer and to raise money for children who were battling the disease.

I want to take this opportunity to publicly congratulate each player on the roster, the coaching staff, Coach "K", and the entire University of Montana community for their magical season.

I ask that the list of coaches and team members be printed in the RECORD.

The information follows:

2005–2006 UNIVERSITY OF MONTANA MEN'S BASKETBALL TEAM

Coaches: Larry Krystkowiak, Head Coach; Andy Hill; Brad Huse; and Wayne Tinkle.

Players: Mike Chavez; Kevin Criswell; Matt Dlouhy; Bryan Ellis; Jordan Hasquet; Matt Martin; Virgil Matthews; Stuart Mayes; John Seyfert; Kyle Sharp; Greg Spurgetis; Andrew Strait; Austin Swift; and Eric Van Vliet.•

TRIBUTE TO VICTOR FONTANEZ

• Mr. BOND. Mr. President, I rise today to honor Mr. Victor Fontanez of Platte City, MO. Mr. Fontanez is a World War II veteran who served with distinction in Europe from 1942 to 1945.

Mr. Fontanez joined the Army in January of 1941, 11 months before the attacks on Pearl Harbor. He recognized the need for soldiers to answer the call, and swiftly volunteered for service wherever he could be used. Joining Company B, 47th Infantry Battalion, 9th Division, Mr. Fontanez was quickly shipped to North Africa where he participated in the larger Battle of Tunisia against German Field Marshal Erwin Rommel's vaunted Afrika Korps.

In April of 1943, near the town of El Guettar, his battalion was given orders to go over the top of an important hill. As he ran down the hill towards the enemy, a mortar shell exploded close to him, sending shrapnel into the left side of his body. Despite profuse bleeding, he continued on to the bottom of the hill and took cover near a large rock. Another mortar hit the rock, sending concussions through his body and making it difficult to breathe. After the attack, his fellow heroes helped him back to the headquarters, where he was patched up quickly and evacuated to an American hospital in Oran.

For the wounds he suffered that day, he was awarded the Purple Heart.

After his recovery, he was assigned to the 36th Infantry Division as a combat engineer. He was a crucial part of the landing forces at Salerno Bay, Italy. After securing their positions, they were given orders to help reinforce the Anzio beachhead, and then to take Velletri, one of the key cities that the Germans used in the defense of Rome. After the Nazis fell, his division marched through the streets of Rome to a hero's welcome. After the liberation of Rome, his division was sent off on ships to another crucial mission: the invasion of southern France.

It was during Operation Dragoon on the beaches of France that Mr. Fontanez would earn his highest award for valor. While the troops advanced inland from the landing area, a low-flying plane dropped a bomb onboard one of the ships in the bay, causing explosions and major fires.

After seeing a number of badly burned men jump from the ship with their clothes on fire—and with total disregard for his own safety—he entered the water and was able to swim several safely to shore.

For this selfless act of bravery, he was awarded the Soldier's Medal.

Later he rejoined his company and was able to help drive the Germans out of Cannes and Grenoble. Moving through the cold snow, they rested where they could. As Christmas 1944 approached, the 36th was hoping for a lull in fighting, but German forces launched an attack to the north. After successfully defending their positions, the 36th renewed the offense and crossed the Rhine River into Germany in late March 1945. It was shortly after this that Mr. Fontanez got his well-deserved rest, and was expedited home for extended leave.

Like so many of his generation, Mr. Fontanez's success extended beyond the battlefield. He fathered two children: a son, Victor, Jr., who is now a retired military officer; and a daughter, Edith, who currently lives in Platte City and works with Support Our Troops & Vets.

He is the proud grandfather of six grandchildren and great-grandfather of four, and counts a military chaplain, two Army soldiers, a Guardsman, an attorney, and a social worker in his lineage. Nearing 90 years of age, Victor Fontanez is a proud member and example of our "greatest generation," and should be commended for his bravery in helping secure the freedoms we all enjoy. On this day, I encourage my colleagues to stand with me in praising the service of this true hero, Victor Fontanez.•

IN MEMORY OF MARCO ANTONIO FIREBAUGH

• Mrs. BOXER. Mr. President, California has lost a fine, young leader. Marco Antonio Firebaugh, former California Assembly majority floor leader, representing the 50th assembly district, and chair of the California Latino Legislative Caucus, recently passed away. I would like to take a few moments to recognize Marco Antonio Firebaugh's many important accomplishments and the tremendous impact he made as a leader in California.

Born in Baja California, Mexico, Firebaugh served three terms as a member of the California State Assembly and one term as the majority floor leader. In 1998, he was first elected to the California State Assembly, representing the 50th assembly district. During his tenure, he fought for the rights of all Californians, including immigrants and their children, with passion and great success. Under his leadership, the California State Assembly passed legislation that focused on increasing the availability of education to all California residents.

He led the effort to appoint more qualified Latinos and Latinas to high-level positions in State government, including the appointment of only the second Latino to serve on the California Supreme Court, the first Latina to serve as chancellor of a University of California campus, and two additional Latino presidents at the California State Universities at Fresno and Sacramento.

Firebaugh worked strenuously to protect and defend the dignity of his constituents, regardless of their immigration status, and remained involved in community affairs after his departure from the California State Assembly. He served as a visiting professor and policy fellow at the UCLA School of Medicine, Center for the Study of Latino Health and Culture. Most recently, he decided to reenter public life, as a candidate for the California State Senate, 30th district, and gained the support of many local community leaders, including current 30th district State senator Martha Escutia. His dedication to his fellow Californians will be missed.

I invite all of my colleagues to join me in recognizing and honoring Marco Antonio Firebaugh for his guidance and leadership in fighting to improve the lives of all Californians. He is survived by his mother, Carmen Ramos Garcia; his children, Ariana and Nicolas; brothers, Carlos and Jesse; and sisters, Cecilia and Esmeralda.●

TRIBUTE TO MARGARET SULLIVAN WILSON

● Mr. DODD. Mr. President, today I rise to honor one of Connecticut's finest educators: Margaret Sullivan Wilson.

Peg Wilson is a lifelong resident of Norwich, CT. Throughout her life, she has been dedicated to serving the people of her native city, as well as improving educational opportunities for children in Connecticut and, indeed, in America.

A 1944 graduate of Willimantic State Teachers College—now Eastern Connecticut State University—Peg received a bachelor's degree in education. She also attained a master's degree from the University of Connecticut. Between 1945 and 1950, she taught at Norwich Elementary School and was a reading supervisor in the Greenwich Public Schools. Returning to Eastern in 1950, Peg devoted herself to improving early childhood education.

In particular, Peg has dedicated herself to changing the way young students are taught. She advocated providing an individual approach to early childhood education, which was considered radical by many educators in the early 1950s. However, over the ensuing decades this approach has become widely accepted as the best method of preparing young children for success in school and life.

Peg Wilson was ahead of her time in recognizing the importance of providing children a comprehensive and demanding curriculum that considers each child's strengths and weaknesses. Her determination to improve early education was the driving passion of her career. As both a teacher and administrator, Peg imparted her "radical" theory to thousands of prospective teachers and parents during her nearly 40 years at Eastern. This knowledge undoubtedly improved the lives of even more children in Connecticut and throughout the country. For that, we should all be grateful.

During, and after her illustrious career at Eastern, Peg remained active in her community. While working at Eastern, Peg served on the Norwich Board of Education for 18 years. In addition, she is an original cofounder of the Norwich Historical Society, which is dedicated to promoting the history of that great New England town. In addition, she remained active in local politics, even running for city council president and State senate. Her contributions to her community have long been acknowledged; Peg received the Norwich Citizen of the Year Award in 1970.

Although Peg Wilson retired from Eastern in 1989 as vice president for administration and fiscal affairs, her dedication to early childhood development has continued undiminished. Never losing sight of her dream of individualized, comprehensive education for young children, Peg returned to Eastern as an assistant to the president. In this role, she spent nearly 4 years attempting to gain support for a facility on Eastern's campus dedicated to early childhood development. Her hard work, alongside that of the president and senior staff of Eastern, finally paid off. On February 28, 2006, Eastern University dedicated the Margaret S. Wilson Child and Family Development Complex. This new complex currently serves 14 children, ages 3 and 4, in a new comprehensive preschool, implementing many of the ideas Margaret Wilson has espoused for almost 60 years. As the center grows, a limited number of infants and up to 60 toddlers will be served. In addition, the center will eventually offer onsite services such as health, education, and financial services to the participating families. Peg's vision of comprehensive child development is truly being realized.

I would be remiss if I did not mention Peg's family: her late husband, W. Robert Wilson; her daughter, Margaret-Ellen Wilson; and her son, Dr. William Wilson, a recipient of Norwich's Native Son Award in 1999. Their love and support has been instrumental in allowing Peg to devote her career to promoting early childhood development.

As a Senator and a father of two young daughters, I am reminded every day of the importance of providing quality education early in a child's life. Throughout my career, I have strived to ensure that our country makes early childhood development a national priority. Today, I am honored to praise the work of someone who shares that commitment with me.

Margaret Wilson has played an integral role in improving thousands of young students' lives and reshaping early childhood education. The Margaret S. Wilson Child and Family Development Complex stands as a testament to one of Connecticut's most admired and visionary educators. This complex will help ensure that future generations of Connecticut children are provided with a quality education early in life, which is critical for our Nation's future. On behalf of a grateful state and nation, I say thank you, Peg Wilson, for all that you have done and continue to do for the children of America.●

CELEBRATING THE 125TH ANNIVERSARY OF ST. VINCENT HEALTH

● Mr. LUGAR. Mr. President, I am pleased to rise today in order to join my fellow Hoosiers in celebrating the 125th Anniversary of St. Vincent Health. Over the span of those 125 years, St. Vincent Health has grown into one of the largest health care systems in the State of Indiana, with 16 facilities serving 45 counties.

April 26, 2006, marks Founder's Day, the culmination of a year-long celebration which began on November 29, 2005, during which the 11,500 associates of St. Vincent and the communities they serve will commemorate this important milestone. This year Founder's Day will include the unveiling of a statue to commemorate the four Daughters of Charity who came to Indianapolis to start what is now known as St. Vincent Indianapolis Hospital and the 125 years of service that resulted from their remarkable work.

Like so many of my fellow Hoosiers, I am grateful for the important services that the associates of St. Vincent Health provide each day to Hoosiers in their time of need.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6378. A communication from the Director, Regulations and Disclosure Law, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishment of Port of Entry at New River Valley, Virginia, and Termination of the User-fee Status of New River Valley Airport" (CBP Decision 06–10) received on April 18, 2006; to the Committee on Finance.

EC–6379. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Medicare Graduate Medical Education Application Provisions for Teaching Hospitals in Certain Emergency Situations" (RIN0938–AO35) received on April 18, 2006; to the Committee on Finance.

EC–6380. A communication from the Regulations Coordinator, Office of Financial Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program, Requirement for Providers and Suppliers to Establish and Maintain Medicare Enrollment" (RIN0938–AH73) received on April 24, 2006; to the Committee on Finance.

EC–6381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—February 2006" (Rev. Rul. 2006–23) received on April 24, 2006; to the Committee on Finance.

EC–6382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April-June 2006 Bond Factor Amounts" (Rev. Rul. 2006–14) received on April 24, 2006; to the Committee on Finance.

EC–6383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Section 29 Inflation Adjustment Factor (for calendar year 2005)" (Notice 2006–37) received on April 24, 2006; to the Committee on Finance.

EC–6384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Gulf Opportunity Zone Bonds, Gulf Opportunity Zone Advance Refunding Bonds, and Gulf Tax Credit Bonds Notice" (Notice 2006–41) received on April 24, 2006; to the Committee on Finance.

EC–6385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 338 to Insurance Companies" (RIN1545–AY49) received on April 24, 2006; to the Committee on Finance.

EC–6386. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report entitled "Report on Acquisitions Made from Foreign Manufacturers for Fiscal Year 2005"; to the Committee on Finance.

EC–6387. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "National Coverage Determinations"; to the Committee on Finance.

EC–6388. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Vision Rehabilitation for Elderly Individuals with Low Vision or Blindness"; to the Committee on Finance.

EC–6389. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Child Pornography and Obscenity Prevention Amendments of 2006"; to the Committee on the Judiciary.

EC–6390. A communication from the United States District Judge, Federal Judicial Center, transmitting, pursuant to law, the Federal Judicial Center's Annual Report for the 2005 calendar year; to the Committee on the Judiciary.

EC–6391. A communication from the Commander, Civil Air Patrol , United States Air Force Auxiliary, transmitting, pursuant to law, the 2005 annual report to Congress concerning community service; to the Committee on the Judiciary.

EC–6392. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the 2005 report on the progress of implementing the provisions of the Family Court Act; to the Committee on the Judiciary.

EC–6393. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC–6394. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law , the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2075 of Title 28, United States Code; to the Committee on the Judiciary.

EC–6395. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law , the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC–6396. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law , the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC–6397. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law , the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC–6398. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to authorize the Secretary of Energy to use expedited procedures to promulgate rules establishing energy conservation standards; to the Committee on Energy and Natural Resources.

EC–6399. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report on Federal Government Energy Management and Conservation Programs for Fiscal Year 2004; to the Committee on Energy and Natural Resources.

EC–6400. A communication from the General Counsel, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Make-or-Buy Plans" (RIN1991–AB64) received on April 12, 2006; to the Committee on Energy and Natural Resources.

EC–6401. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Incident Reporting Requirements" (RIN1010–AC57) received on April 18, 2006; to the Committee on Energy and Natural Resources.

EC–6402. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–6403. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement and a manufacturing license agreement for manufacture and export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–6404. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Iraq; to the Committee on Foreign Relations.

EC–6405. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed multi-contract effort for manufacture and export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Canada, France and the United Kingdom; to the Committee on Foreign Relations.

EC–6406. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report on properties identified for possible disposal for fiscal years 2006 through 2007; to the Committee on Foreign Relations.

EC–6407. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the October 15, 2005 through December 15, 2005 reporting period; to the Committee on Foreign Relations.

EC–6408. A communication from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions" (RIN2900–AM31) received on April 12, 2006; to the Committee on Veterans' Affairs.

EC–6409. A communication from the Secretary of Veterans Affairs and the Secretary of Defense, transmitting, jointly, a report regarding the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act for Fiscal Year 2002; to the Committee on Veterans' Affairs.

EC–6410. A communication from the Deputy Secretary of Veterans Affairs and the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report on the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act for Fiscal Year 2005; to the Committee on Veterans' Affairs.

EC–6411. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–6412. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption 2002–51 (PTE 2002–51) to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program" (RIN1210–ZA05) received on April 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6413. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Voluntary Fiduciary Correction Program Under the Employee Retirement Income Security Act of 1974" (RIN1210–AB03) received on April 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6414. A communication from the Director, Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Removal of Obsolete and Redundant Regulations" (Doc. No. 2003N–0324) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6415. A communication from the Director, Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Reagents for Detection of Specified Novel Influenza A Viruses" (Doc. No. 2006N–0100) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6416. A communication from the Director, Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Adamantane and Neuraminidase Inhibitor Anti-influenza Drugs; Extralabel Animal Drug Use; Order of Prohibition" (Doc. No. 2006N–0106) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6417. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Changes to UI Performs, Change 1, Performance Criterion for the Overpayment Detection Measure; Clarification of Appeals Timeliness Measures; and Implementation of Tax Quality Measure Corrective Action Plans (CAPs) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6418. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2005 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Small Business and Entrepreneurship.

EC–6419. A communication from the Coordinator, Forms Committee, Federal Election Commission, transmitting, pursuant to law, the report of revisions to the instructions for FEC Form 3X and FEC Form 9; to the Committee on Rules and Administration.

EC–6420. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Assets Control Regulations" (31 CFR part 500) received on April 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6421. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Conversion of Developments from Public Housing Stock; Methodology for Comparing Costs of Public Housing and Tenant-Based Assistance" ((RIN2577–AC33) (FR–4718–F–02)) received on April 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6422. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a report of proposed legislation relative to the financing of a capital improvement project at the Washington Aqueduct drinking water facility; to the Committee on Environment and Public Works.

EC–6423. A communication from the Assistant Secretary, Policy Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department's inventory of commercial activities and the inventory of inherently governmental activities; to the Committee on Environment and Public Works.

EC–6424. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana" (FRL No. 8159–9) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6425. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" ((RIN2050–AD75)(FRL No. 8159–5)) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6426. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polychlorinated Biphenyl (PCB) Site Revitalization Guidance Under the Toxic Substances Control Act (TSCA); Notice of Availability" (FRL No. 7687–9) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6427. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection" (FRL No. 8157–9) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6428. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Substantial Inadequacy of Implementation Plan; Call for Missouri State Implementation Plan Revision" (FRL No. 8158–7) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6429. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of 'Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2006 Appropriations Act'" (FRL No. 8053–8) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6430. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of TSCA Section 4 Testing Requirements for Certain Chemical Substances" ((RIN2070–AD42)(FRL No. 7751–7)) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6431. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Revisions to Volatile Organic Compound Definition" (FRL No. 8157–8) received on April 12, 2006; to the Committee on Environment and Public Works.

EC–6432. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8158–4) received on April

12, 2006; to the Committee on Environment and Public Works.

EC–6433. A communication from the Secretary, Department of Agriculture, transmitting, the report of draft legislation to authorize the Secretary of Agriculture to dispose of certain National Forest System lands and retain receipts; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6434. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin; Pesticide Tolerance Technical Correction" (FRL No. 7766–2) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6435. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium Metasilicate; Amendment to an Exemption from the Requirement of a Tolerance" (FRL No. 8063–5) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6436. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Small Lots of Seed Without Phytosanitary Certificates" ((RIN0579–AB78)(Doc. No. 02–119–2)) received on April 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6437. A communication from the Chief, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Transfer of Sugar Program Marketing Allocations" (RIN0560–AH37) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6438. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Acreage Reports and Noninsured Crop Disaster Assistance Program" (RIN0560–AG20) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6439. A communication from the Regulatory Contact, Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "National Industrial Security Program Directive No. 1" (RIN3095–AB34) received on April 12, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6440. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Advisory Neighborhood Commission 7D Unauthorized Check Activity"; to the Committee on Homeland Security and Governmental Affairs.

EC–6441. A communication from the Director, Tennessee Valley Authority, transmitting, pursuant to law, the Report under the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6442. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Report under the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6443. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the annual report which contains certain fiscal year 2005 statistical data relating to Federal sector equal employment opportunity complaints; to the Committee on Homeland Security and Governmental Affairs.

EC–6444. A communication from the Archivist of the United States, transmitting, pursuant to law, the Fiscal Year 2005 Report Concerning Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–6445. A communication from the Chairman, United States Merit System Protection Board, transmitting, pursuant to law, the report entitled "Designing an Effective Pay for Performance Compensation System"; to the Committee on Homeland Security and Governmental Affairs.

EC–6446. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the annual Selected Acquisition Reports (SARs) for the quarter ending December 31, 2005; to the Committee on Armed Services.

EC–6447. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (25) reports relative to vacancy announcements within the Department, received on April 12, 2006; to the Committee on Armed Services.

EC–6448. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Incentive Program for Purchase of Capital Assets Manufactured in the United States" (DFARS Case 2005–D003) received on April 12, 2006; to the Committee on Armed Services.

EC–6449. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (12) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6450. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the closure of the Defense commissary store at Camp Hialeah, South Korea by July 31, 2006; to the Committee on Armed Services.

EC–6451. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the closure of the Defense commissary store at Bad Kissingen (Daley Village Army housing area), Germany by July 14, 2006; to the Committee on Armed Services.

EC–6452. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the Department's STARBASE Program 2005 Annual Report; to the Committee on Armed Services.

EC–6453. A communication from the Acting General Counsel, Office of General Counsel, Department of Defense, transmitting the report of proposed legislation relative to amending Section 1206 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW:

S. 2636. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2637. A bill to suspend temporarily the duty on 1, 4-Benzoquinone; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2638. A bill to suspend temporarily the duty on 2-Methylhydroquinone; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2639. A bill to suspend temporarily the duty on o-Anisidine; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2640. A bill to suspend temporarily the duty on Benzoic acid 3,4,5-trihydroxy-, propyl ester; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 2641. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEVIN, Ms. CANTWELL, Ms. MIKULSKI, Mrs. BOXER, and Mr. HARKIN):

S. 2642. A bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. BAUCUS, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SALAZAR, Ms. CANTWELL, and Mr. INOUYE):

S. 2643. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, and Mr. FRIST):

S. 2644. A bill to harmonize rate setting standards for copyright licenses under sections 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2645. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 2646. A bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958; to the Committee on Small Business and Entrepreneurship.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2647. A bill to suspend temporarily the duty on certain acrylic fiber tow imported in the form of 6 sub-bundles; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2648. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 2649. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by the declining Klamath River salmon and to develop and implement a research and recovery plan for Klamath River salmon, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 2650. A bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse."; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself and Mr. DEWINE):

S. 2651. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED):

S.J. Res. 34. A joint resolution expressing United States policy on Iraq; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. LEAHY):

S. Res. 441. A resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy; to the Committee on Foreign Relations.

By Mr. COLEMAN:

S. Res. 442. A resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 443. A resolution relative to the death of Francis R. Valeo, former Secretary of the Senate; considered and agreed to.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, and Mrs. DOLE):

S. Res. 444. A resolution commemorating the 100th anniversary of the founding of the American Jewish Committee; considered and agreed to.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. INHOFE, Mr. ENSIGN, Ms. SNOWE, Mr. BROWNBACK, Mr. ALLEN, Mrs. FEINSTEIN, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. FRIST, Mr. LAUTENBERG, Mr. BURNS, Mr. SPECTER, Mr. HAGEL, Mr. THOMAS, Mr. WARNER, Mrs. DOLE, Mr. CRAPO, Mr. TALENT, and Mr. SUNUNU):

S. Res. 445. A resolution expressing the sense of the Senate in commemorating Holocaust Remembrance Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 351

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 914

At the request of Mr. ALLARD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1440

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1515

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1531

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1531, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1801

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1801, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1906

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1906, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2076

At the request of Mr. HATCH, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2140

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2181

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2181, a bill to amend title XIX of the Social Security Act to provide for an offset from the Medicaid clawback for State prescription drug expenditures for covered part D drugs for Medicare beneficiaries.

S. 2251

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2251, a bill to amend the Energy Policy Act of 2005 to repeal the ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Missouri (Mr. BOND) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2399

At the request of Mr. CARPER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2399, a bill to prohibit termination of employment of volunteers firefighters and emergency medical personnel responding to emergencies, and for other purposes.

S. 2409

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2409, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 2414

At the request of Mr. BAYH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2422

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2422, a bill to establish a Conservation and Habitat Restoration Fund and to require the Secretary of Commerce to provide grants to States for coastal zone management, coastal wetlands conservation, coastal land protection, and fisheries habitat restoration, and to improve understanding of coastal areas, and for other purposes.

S. 2487

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2487, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2562

At the request of Mr. CRAIG, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2562, a bill to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2563

At the request of Mr. COCHRAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mrs. DOLE), the Senator from Kansas (Mr. ROBERTS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2593

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2593, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2617

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. RES. 182

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 409

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S.

Res. 409, a resolution supporting democracy, development, and stabilization in Haiti.

S. RES. 439

At the request of Mr. DODD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 439, a resolution designating the third week of April 2006 as "National Shaken Baby Syndrome Awareness Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. BAUCUS, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SALAZAR, Ms. CANTWELL, and Mr. INOUYE):

S. 2643. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Native American Meth Enforcement and Treatment Act of 2006.

Unfortunately, when Congress passed the Combat Methamphetamine Epidemic Act, tribes were unintentionally left out as eligible applicants in some of the newly-authorized grant programs. The bill I am introducing today, along with Senators SMITH, BAUCUS, CANTWELL, INOUYE, JOHNSON, FEINSTEIN, FEINGOLD, MURRAY, and SALAZAR, would simply ensure that tribes are able to apply for these funds and give Native American communities the resources they need to fight scourge of methamphetamine use.

The recently-enacted Combat Methamphetamine Epidemic Act of 2005 authorized new funding for three grant programs. The Act authorized $99 million in new funding for the COPS Hot Spots program, which helps local law enforcement agencies obtain the tools they need reduce the production, distribution, and use of meth. Funding may also be used to clean up meth labs, support health and environmental agencies, and to purchase equipment and support systems.

The Act also authorized $20 million for a Drug-Endangered Children grant program to provide comprehensive services to assist children who live in a home in which meth has been used, manufactured, or sold. Under this program, law enforcement agencies, prosecutors, child protective services, social services, and health care services, work together to ensure that these children get the help they need.

In addition, the Combat Meth Act authorized grants to be made to address the use of meth among pregnant and parenting women offenders. The Pregnant and Parenting Offenders program is aimed at facilitating collaboration between the criminal justice, child welfare, and State substance abuse systems in order to reduce the use of drugs by pregnant women and those with dependent children.

Although tribes are eligible applicants under the Pregnant and Parenting Offenders program, they were not included as eligible applicants under either the Hot Spots program or the Drug-Endangered Children program. I see no reason why tribes should not be able to access all of these funds.

Meth use has had a devastating impact in communities throughout the country, and Indian Country is no exception. Last month there was an article in the Gallup Independent newspaper about a Navajo grandmother, her daughter, and granddaughter, who were all arrested for selling meth. There was also a one-year-old child in the home when police executed the arrest warrant. It is absolutely disheartening to hear about cases such as this, with three generations of a family destroyed by meth.

I strongly believe that we need to do everything we can to assist communities as they struggle to deal with the consequences of meth, and ensuring that Native American communities are able to access these funds is an important first step. I hope my colleagues will join me in supporting this important measure.

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, and Mr. FRIST):

S. 2644. A bill to harmonize rate setting standards for copyright licenses under sections 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Platform Equality and Remedies for Rights-holders in Music Act, or the PERFORM Act, along with Senators GRAHAM and FRIST.

The need to protect creative works has been an important principle recognized in our country since its inception.

The founding fathers accurately understood the importance of intellectual property by including protective language in our Constitution, and in doing so they established a principle that would stand the test of time.

However, they could not have predicted that the path of innovation would eventually produce the amazing new technologies that we now take for granted.

While many of us still enjoy traditional analog radio, this, too, is rapidly changing. We now have music radio programs provided over the Internet, cable, and satellites. Even traditional radio is changing with the advent of new digital radio.

With the entry into the marketplace of these new music providers consumers are receiving the songs and artists they enjoy in new and innovative ways.

Yet, as these new business models and technologies are developed we must ensure that the artists and musicians who create and perform the music continue to be fairly compensated for their works.

Unfortunately, some of the new innovations have been used to supplant music sales and avoid fair compensation to the songwriters and performers.

From 1999 to 2004, total music sales have declined by 30 percent. Over the same period, CD sales declined 18 percent. The decline continued in 2005 as total album sales fell 7.2 percent year-over-year.

Some of this decline is due to outdated business models and competition from other entertainment products, some due to illegal actions and piracy, and some is due to outdated music licensing laws.

I believe our laws must strike the proper balance between fostering new business models and technology and protecting the property rights of the artists whose music is being broadcast.

I strongly support advancements in technology and I encourage ingenuity. The birth of the digital music place has been a boon for businesses and consumers. It is important that these new forums succeed and grow.

However, these new technologies and business models have become so advanced that the clear lines between a listening service and a reproduction and copying service has been blurred.

Historically, a radio service simply allowed music to be performed and listened to by an audience. However, many new services using the new digital transmissions and new technological devices have allowed consumers to also record, manipulate, and collect individual music play-lists off their radio-like services.

Thus, what was once a passive listening experience has turned into a forum where consumers can record, manipulate, reprogram and save songs to create their own personalized playlists.

As the modes of distribution change and the technologies change, so must our laws change. The government granted a compulsory license for radio-like services by Internet, cable, and satellite providers in order to encourage competition and new products.

However, as new innovations alter their services from a performance to a distribution the law must respond.

In addition, as the changing technology evolves, the distinctions between the services become less and less, and the differences in how they are treated under the statutory license make less sense.

Therefore I am introducing a bill that will begin to fix the inequities currently in the statute and open the door to further debate about additional issues that need to be addressed.

The bill I am introducing today with Senators GRAHAM and FRIST would: create rate parity—all companies covered by the government license created in Section 114 would be required to pay a fair market value for use of music libraries rather than having different rate standards apply based on what medium is being used to transmit the music; and establish content protection—all companies would be required to use reasonably available, technologically feasible, and economically reasonable means to prevent music theft. In addition, a company may not provide a recording device to a customer that would allow him or her to create their own personalized music library that can be manipulated and maintained without paying a reproduction royalty.

This does not mean such devices cannot be made or distributed. It simply means that the business must negotiate the payment for the music through the market rather than under the statutory license.

The bill also contains language to make sure that consumers' current recording habits are not inhibited. Therefore, any recording the consumer chooses to do manually will still be allowed. In addition, if the device allows the consumer to manipulate music by program, channel, or time period that would still be allowable under the statutory license.

For example, if a listener chooses to automatically record a news station every morning at 9:00; a jazz station every afternoon at 2:00; a blues station every Friday at 3:00; and a talk radio show every Saturday at 4:00; that would be allowable. In addition, that listener could then use their recording device to move these programs so that all programs of the same genre are back to back.

What a listener cannot do is set a recording device to find all the Frank Sinatra songs being played on the radioservice and only record those songs. By making these distinctions this bill supports new business models and technologies without harming the songwriters and performers in the process.

Unfortunately, anytime legislation is introduced there is a lot of misinformation about what it does. Often criticisms are lobbed without reviewing the actual text of the bill. So, let me be clear about some of the concerns I have heard.

The bill would not apply to over-the-air broadcasting. Terrestrial radio, i.e. traditional radio distributed by the broadcasters is not covered under this bill. This legislation only covers businesses that are under the 114 license—Internet, cable, and satellite.

The only application to broadcasters would be if they were to act as webcasters and simulcast their programs over the Internet, in which case they would be treated the same as all other Internet radio providers.

The bill would not inhibit technological advances. It would place limits on the types of recording devices cable, Internet and satellite providers may offer, IF they want to enjoy the benefit of a government license.

If, however, a company wants to offer new technologies that allow for manipulation of music so that a consumer may create their own music libraries, similar to a downloading service, they may. There is nothing in this bill prohibiting the use or creation of new technologies the company would simply lose the benefit of a government license.

The bill simply states that if a company wants to change its service from a performance to a distribution then they no longer are covered by the government license and must go to the record companies directly to negotiate a licensing agreement through the market.

The bill would not be discriminatory. Some argue that changing the rates or establishing content protection is discriminatory. However, under current law some businesses are required to pay higher licensing rates than others even though they provide essentially the same services.

In addition, if a new satellite company were to be formed today they would be required to pay a higher rate than the current two companies in the market—that is not fair. Instead this bill would establish the same rates and protections for all companies.

The argument that this bill is discriminatory ignores the inequities of current law as it applies to Internet, cable, old and new satellite providers and instead focuses on the differences between these new radio providers versus terrestrial or traditional over-the-air radio.

The argument is that there are already devices available and new technologies that allow consumers to capture and manipulate music being played by over-the-air broadcasters. Yet this bill does not apply to broadcasters and instead only applies to Internet, cable and satellite.

The conclusion being that by not covering broadcasters we are giving them a free pass and being unfair to the new businesses.

While the obvious argument is that the Judiciary Committee does not have jurisdiction to regulate over-the-air broadcasters, I think it is important to acknowledge that the Commerce Committee is actively looking into this issue right now. In addition, I am aware that there are active negotiations occurring between broadcasters and the record labels to develop similar protections for their services.

Thus, while some may be frustrated that jurisdiction may lie in different committees, efforts are on-going in each to address these issues. I do not believe we, in the Judiciary Committee, should wait and do nothing to protect artists and songwriters simply because the Commerce Committee has not yet moved legislation to deal with the same concern for terrestrial radio.

Having said that, let me be clear, this is the beginning of a process to address a very specific problem. I believe that as the process unfolds there will be additional improvements or other issues that may need to be added.

Already, some have raised questions about language in the bill and additional modifications to Section 114 that I believe should be looked at more closely.

I understand there is some concern about what fair market value means, especially under a government licensing scheme where there is not an actual competitive market. I think it makes sense to look into this issue and see if there is a definition that can be developed.

In doing this, I believe we should look at all the different models that have been used. We should look at what the courts have held, what the copyright office has used, what a real competitive market would entail, as well as other factors that may not have been considered.

The bill as introduced does not address the other conditions applied to Internet, cable, and satellite services in order for them to get the benefit of the statutory license. The one that I am most concerned with is interactivity.

I think there is real confusion about what is and what is not allowed under the current statute. How much personalization and customization may these new services offer?

Currently licensing rates are higher for interactive services. However, there are clear disagreements as to what constitutes an interactive service.

I tried to have the parties meet to negotiate a solution to this issue so that we could include new language this in the bill.

However, after two weeks and hours and hours of negotiations the parties were so far apart that a solution could not be reached. Despite this, I still believe this is an important issue that must be addressed.

Therefore, I put a placeholder in the bill that calls for the copyright office to make recommendations to Congress, but I am hopeful that through the process of moving this bill through the Senate we can develop a solution sooner rather than later.

I am hopeful that the parties will again meet and try to develop a compromise, however, if that does not occur I may try to work with my colleagues to develop a legislative solution independently.

Finally, some have raised concerns that applying content protection to all providers is unfair. They argue that if there is no connection between the distributor of the music and the technology provider that allows for copying and manipulating of performances then they should not be required to protect the music that they broadcast.

In general, I do not agree. We know that there are websites out there now that provide so-called stream-ripping services that allow an individual to steal music off an Internet webcast. It is not enough to turn a blind eye to this type of piracy and do nothing simply because there is no formal connection between the businesses.

At the same time, I am sympathetic to the concerns that if the type of technology a company uses is inadequate or ineffective, through no fault of their own, they can be saddled with huge mandatory penalties. I am willing to look at this issue more closely and see if there is some way to address this concern and find a compromise solution.

As I have said, this is the beginning of the process. I think this legislation is a good step forward in addressing a real problem that is occurring in the music industry.

Changes or additions may be necessary as the bill moves forward, but I believe to wait and do nothing does a disservice to all involved.

Music is an invaluable part of all of our lives. The new technologies and changing delivery systems provide exciting new options for all consumers. As we continue to move forward into new frontiers we must ensure that our laws can stand the test of time.

I look forward to working with my colleagues to pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD along with letters of support for the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Platform Equality and Remedies for Rights Holders in Music Act of 2006" or the "Perform Act of 2006".

SEC. 2. RATE SETTING STANDARDS.

(a) SECTION 112 LICENSES.—Section 112(e)(4) of title 17, United States Code, is amended in the third sentence by striking "fees that would have been negotiated in the marketplace between a willing buyer and a willing seller" and inserting "the fair market value of the rights licensed under this subsection".

(b) SECTION 114 LICENSES.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(3) in paragraph (1) (as redesignated under this subsection)—

(A) in subparagraph (A), by striking all after "Proceedings" and inserting "under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions during 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except where a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.";

(B) in subparagraph (B)—

(i) in the first sentence, by striking "affected by this paragraph" and inserting "under this section";

(ii) in the second sentence, by striking "eligible nonsubscription transmission"; and

(iii) in the third sentence—

(I) by striking "eligible nonsubscription services and new subscription"; and

(II) by striking "rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller" and inserting "the fair market value of the rights licensed under this section";

(iv) in the fourth sentence, by striking "base its" and inserting "base their";

(v) in clause (i), by striking "and" after the semicolon;

(vi) in clause (ii), by striking the period and inserting "; and";

(vii) by inserting after clause (ii) the following:

"(iii) the degree to which reasonable recording affects the potential market for sound recordings, and the additional fees that are required to be paid by services for compensation."; and

(viii) in the matter following clause (ii), by striking "described in subparagraph (A)"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any copyright owners of sound recordings or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for preexisting subscription digital audio transmission services, eligible nonsubscription services, or new subscription services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.".

(c) CONTENT PROTECTION.—Section 114(d)(2) of title 17, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by striking "and" after the semicolon;

(B) in clause (iii), by adding "and" after the semicolon; and

(C) by adding after clause (iii) the following:

"(iv) the transmitting entity takes no affirmative steps to authorize, enable, cause or induce the making of a copy or phonorecord by or for the transmission recipient and uses technology that is reasonably available, technologically feasible, and economically reasonable to prevent the making of copies or phonorecords embodying the transmission in whole or in part, except for reasonable recording as defined in this subsection;";

(2) in subparagraph (C)—

(A) by striking clause (vi); and

(B) by redesignating clauses (vii) through (ix) as clauses (vi) through (viii), respectively; and

(3) by adding at the end the following:

"For purposes of subparagraph (A)(iv), the mere offering of a transmission and accompanying metadata does not in itself authorize, enable, cause, or induce the making of a phonorecord. Nothing shall preclude or prevent a performing rights society or a mechanical rights organization, or any entity owned in whole or in part by, or acting on behalf of, such organizations or entities, from monitoring public performances or other uses of copyrighted works contained in such transmissions. Any such organization or entity shall be granted a license on either a gratuitous basis or for a de minimus fee to cover only the reasonable costs to the licensor of providing the license, and on reasonable, nondiscriminatory terms, to access and retransmit as necessary any content contained in such transmissions protected by content protection or similar technologies, if such licenses are for purposes of carrying out the activities of such organizations or entities in monitoring the public performance or other uses of copyrighted works, and such organizations or entities employ reasonable methods to protect any such content accessed from further distribution.".

(d) DEFINITION.—Section 114(j) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (10) through (15) as paragraphs (11) through (16), respectively; and

(2) by inserting after paragraph (9) the following:

"(10)(A) A 'reasonable recording' means the making of a phonorecord embodying all or part of a performance licensed under this section for private, noncommercial use where technological measures used by the transmitting entity, and which are incorporated into a recording device—

"(i) permit automated recording or playback based on specific programs, time periods, or channels as selected by or for the user;

"(ii) do not permit automated recording or playback based on specific sound recordings, albums, or artists;

"(iii) do not permit the separation of component segments of the copyrighted material contained in the transmission program which results in the playback of a manipulated sequence; and

"(iv) do not permit the redistribution, retransmission or other exporting of a phonorecord embodying all or part of a performance licensed under this section from the device by digital outputs or removable media, unless the destination device is part of a secure in-home network that also complies with each of the requirements prescribed in this paragraph.

"(B) Nothing in this paragraph shall prevent a consumer from engaging in non-automated manual recording and playback in a manner that is not an infringement of copyright.".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code (as amended by subsection (b) of this section), is further amended—

(A) in paragraph (1)(B), in the first sentence, by striking "paragraph (3)" and inserting "paragraph (2)"; and

(B) in paragraph (4)(C), by striking "under paragraph (4)" and inserting "under paragraph (3)".

(2) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking "and 114(f)(2)(C)"; and

(B) in clause (iv), by striking "or 114(f)(2)(C), as the case may be".

SEC. 3. REGISTER OF COPYRIGHTS MEETING AND REPORT.

(a) MEETING.—Not later than 60 days after the Copyright Royalty Board's final determination in Docket No. 2005-1 CRB DTRA, the Register of Copyrights shall convene a meeting among affected parties to discuss whether to recommend creating a new category of limited interactive services, including an appropriate premium rate for such services, within the statutory license contained in section 114 of title 17, United States Code.

(b) REPORT.—Not later than 90 days after the convening of the meeting under subsection (a), the Register of Copyrights shall submit a report on the discussions at that meeting to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

NATIONAL MUSIC PUBLISHERS' ASSOCIATION WELCOMES INTRODUCTION OF THE PERFORM ACT

April 25, 2006.—National Music Publishers' Association President and CEO David Israelite today released the following statement regarding the Platform Equality and Remedies for Rights-holders in Music Act, or the "PERFORM Act," new legislation to protect songwriters and music publishers while encouraging the growth of digital radio:

"The National Music Publishers' Association supports this important legislation, which will protect music as it is transmitted over digital radio, It is crucial that Congress update antiquated copyright laws in these days of rapidly emerging technologies."

"The songs we love and their creators need to be protected under the law. By passing the PERFORM Act, Congress will make certain that songwriters, music publishers and other members of the music community are compensated for their intellectual property."

"Platforms like High Definition and Satellite radio should be able to thrive and expand, but not at the expense of those who worked so hard to create the music that fans crave. Ultimately, this bill will allow the consumer more ways than ever to get high-quality digital music, while fostering an environment that will lead to the creation of more music."

"The NMPA applauds Sen. DIANNE FEINSTEIN (D-CA) and Sen. LINDSEY GRAHAM (R-SC) for their efforts on the behalf of music Publishers, songwriters and music fans everywhere."

NEW BIPARTISAN SENATE BILL LEVELS DIGITAL MUSIC PLAYING FIELD, ASSURES SATELLITE FIRMS PLAY BY SAME RULES AS OTHERS

MEMBERS OF MUSIC COMMUNITY HAIL BILL, SAYS WILL HELP ENSURE THAT ARTISTS AND SONGWRITERS FAIRLY PAID

WASHINGTON, APRIL 25, 2006—The Recording Industry Association of America (RIAA) today hailed the introduction of new legislation to level the playing field for digital radio as a major step forward in the music industry's drive for parity among digital music services. The bill—introduced today by Sens. DIANNE FEINSTEIN (D-CA) and LINDSEY GRAHAM (R-SC)—would reform the appropriate section of copyright law to assure satellite services play by the same rules as Internet music services—both in rate setting and content protection standards.

"There is a critical need for the government to harmonize the current protections and rate regimes that make for the haphazard patchwork covering digital music services today," said RIAA Chairman and CEO Mitch Bainwol. "This patchwork is allowing satellite radio to morph into something altogether different—a digital distribution service—with the creators of music left in the lurch. This legislation seeks to right that wrong and ensure a marketplace where fair competition can thrive. We're extremely grateful for the leadership of Senators FEINSTEIN and GRAHAM. This bill moves us far closer to achieving the platform parity that is so key to the health of the music industry in years to come."

The digital music marketplace is undergoing a convergence across all platforms—a convergence creating arbitrary advantages for certain services over others at the expense of creators. While offering great opportunities for the music community, satellite broadcasters and music fans, the convergence of radio-like services and downloading capability requires changes in the law to protect against a satellite company transforming its model into a download service without the appropriate license.

The RIAA and others in the music community have made it clear that satellite radio services should be required to obtain a license in the marketplace to offer the capability to cherry pick individual songs and then permanently store them in a digital library. Legislation—such as the Feinstein-Graham bill—is needed to ensure that satellite services play by the same set of rules everyone else does and not profit from becoming a download/subscription model without acquiring the appropriate license and compensating artists and songwriters.

Because traditional terrestrial radio is not covered by the government license or this legislation, private market negotiations on measures to similarly protect high-definition (HD) radio are currently in progress. The RIAA has also praised the introduction of legislation by Rep. MIKE FERGUSON (R-NJ) that requires users of free government spectrum to protect content delivered through HD radio receivers through private market agreements.

By Mr. KERRY:

S. 2646. A bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as Congress comes back in session for a five-week work period, it is high time we put partisan bickering aside and take up real issues that will improve the lives of America's hard-working families. Today, I rise to address one such problem—the growing shortage of quality child care for our country's future generations. Over the past 50 years, the United States has witnessed a 43 percent increase in the number of dual-earner and single-parent families. Furthermore, the Census Bureau estimates that more than six million children are left home alone on a regular basis. Nationwide, more households than ever are struggling to make ends meet, while providing safe, nurturing environments for their children to grow up in. For many, child care is not a choice, but a necessity in this endeavor. That is why we owe it to our Nation's families to increase the availability of quality child care—because strong, healthy families build a stronger America.

As the Ranking Member on the Senate Committee on Small Business and Entrepreneurship, I firmly believe that we can work with the Small Business Administration (SBA) to cultivate and expand existing child care facilities. In light of this, I rise today to introduce the Child Care Lending Pilot Act of 2006, which establishes a three-year pilot program enabling small, non-profit child care businesses to be eligible for the SBA's 504 loans.

With affordable fixed low interest rates and long terms, 504 loans play a vital role in spurring economic development and the rebuilding of communities. Current law permits for-profit child care small businesses to finance building repairs and expand existing facilities through these 504 loans. However, their non-profit counterparts are unable to access the same financing through the SBA. Given that the majority of child care centers in many States across the country operate as non-profits, this system is shutting out the lion's share of facilities from obtaining necessary funds to provide quality care for the families they serve. The Child Care Lending Pilot Act of 2006 reverses this trend. By allowing non-profit child care businesses to apply for 504 lending, the legislation enables these entities to put down only 10 to 20 percent of the loan with a term of up to 20 years. With low, predictable monthly payments, these non-profit centers can then invest in the families they provide services to, by updating and improving their buildings and materials without breaking the bank or raising fees.

Since the industry is not high-earning overall, a majority of child care centers do not have an abundance of easily accessible capital. Proposals that call for centers to simply charge less or cut back on employees are not the way to make child care more affordable for families and do not serve in the children's best interests. An adequate staff is crucial in ensuring that children receive proper supervision and support to foster their development and learning. Furthermore, if centers are asked to decrease operating costs in order to lower costs absorbed by families, the safety and quality of the child care provided would most likely be in jeopardy.

In recent years, the Children's Defense Fund estimated that in all but one State, the average annual cost of child care in urban area child care centers is more than the average annual cost of public college tuition. Additionally, they projected that child care can easily cost between $4,000 to $10,000 per year in cities and States across the Nation. Clearly, these high costs pose virtually insurmountable hurdles for low-income families in need of quality care for their children. Although many States have implemented grant and loan programs to help these child care small businesses, more must be done—not only to improve the quality of care, but also the overall supply of child care facilities for the Nation's neediest families.

I urge my colleagues to support this important legislation and allow nonprofit child care providers to access SBA 504 financing for their facilities and the children they serve. Funded entirely through fees, this legislation requires no appropriation. Additionally, it is consistent with the three-year SBA reauthorization cycle. This legislation is the product of work on this issue in both the 107th and 108th Congresses. Similar legislation was introduced in 2002, S. 2891, however the four year provision made this program inconsistent with the cycle of SBA reauthorization. To remedy this, I reintroduced the measure in 2003 as S. 822, making the act a three-year pilot program consistent with the cycle of reauthorization. This pilot program was also part of the larger Senate Small Business reauthorization legislation in the last Congress, S. 1375. Unfortunately, this innovative proposal to expand child care, which had bipartisan support, was cut out of the final authorization package when a scaled-back version of the reauthorization legislation, without most Democratic initiatives, was added to the FY2005 omnibus appropriations bill.

Although there is no quick-fix solution for the Nation's child care shortage and lack of quality facilities, this bill marks an important step in the right direction by allowing non-profit child care centers to receive SBA loans. I hope that my colleagues on both sides of the aisle will recognize the vital role that early education plays in the development of fine minds and productive citizens, and realize that in this great Nation, child care should be available to all families in all income brackets. The Child Care Lending Pilot Act of 2006 is a sound investment in our Nation's future—our children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Child Care Lending Pilot Act of 2006".

(b) DEFINITIONS.—In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 2. CHILD CARE LENDING PILOT PROGRAM.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "The Administration" and inserting the following:

"(a) AUTHORIZATION.—The Administration";

(B) by striking "and such loans" and inserting ". Such loans";

(C) by striking ": *Provided, however*, That the foregoing powers shall be subject to the following restrictions and limitations:" and inserting a period; and

(D) by adding at the end the following:

"(b) RESTRICTIONS AND LIMITATIONS.—The authority under subsection (a) shall be subject to the following restrictions and limitations:"; and

(2) in paragraph (1)—

(A) by inserting after "USE OF PROCEEDS.—" the following:

"(A) IN GENERAL.—;" and

(B) by adding at the end the following:

"(B) LOANS TO SMALL, NONPROFIT CHILD CARE BUSINESSES.—

"(i) IN GENERAL.—Notwithstanding subsection (a)(1), the proceeds of any loan described in subsection (a) may be used by the certified development company to assist a small, nonprofit child care business, if—

"(I) the loan is used for a sound business purpose that has been approved by the Administration;

"(II) each such business meets all of the same eligibility requirements applicable to for-profit businesses under this title, except for status as a for-profit business;

"(III) 1 or more individuals has personally guaranteed the loan;

"(IV) each such business has clear and singular title to the collateral for the loan; and

"(V) each such business has sufficient cash flow from its operations to meet its obligations on the loan and its normal and reasonable operating expenses.

"(ii) LIMITATION ON VOLUME.—Not more than 7 percent of the total number of loans guaranteed in any fiscal year under this title may be awarded under this subparagraph.

"(iii) DEFINED TERM.—For purposes of this subparagraph, the term 'small, nonprofit child care business' means an establishment that—

"(I) is organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

"(II) is primarily engaged in providing child care for infants, toddlers, pre-school, or pre-kindergarten children (or any combination thereof), and may provide care for older children when they are not in school, and may offer pre-kindergarten educational programs;

"(III) including its affiliates, has tangible net worth that does not exceed $7,000,000, and has average net income (excluding any carryover losses) for the 2 completed fiscal years preceding the application that does not exceed $2,500,000; and

"(IV) is licensed as a child care provider by the State, the insular area, or the District of Columbia in which it is located.

"(iv) SUNSET PROVISION.—This subparagraph shall remain in effect until September 30, 2009, and shall apply to all loans authorized under this subparagraph that are applied for, approved, or disbursed during the period beginning on the date of enactment of this subparagraph and ending on September 30, 2009.".

SEC. 3. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until September 30, 2009, the Administrator shall submit a report on the implementation of the program under section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act, to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report under paragraph (1) shall contain—

(A) the date on which the program is implemented;

(B) the date on which the rules are issued under section 4; and

(C) the number and dollar amount of loans under the program applied for, approved, and disbursed during the previous 6 months—

(i) with respect to nonprofit child care businesses; and

(ii) with respect to for-profit child care businesses.

(b) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—Not later than March 31, 2009, the Comptroller General of the United States shall submit a report on the child care small business loans authorized by section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act, to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall contain information gathered during the first 2 years of the loan program, including—

(A) an evaluation of the timeliness of the implementation of the loan program;

(B) a description of the effectiveness and ease with which certified development companies, lenders, and small business concerns have participated in the loan program;

(C) a description and assessment of how the loan program was marketed;

(D) by location (State, insular area, and the District of Columbia) and in total, the number of child care small businesses, categorized by status as a for-profit or nonprofit business, that—

(i) applied for a loan under the program (and whether it was a new or expanding child care provider);

(ii) were approved for a loan under the program; and

(iii) received a loan disbursement under the program (and whether they are a new or expanding child care provider); and

(E) with respect to businesses described under subparagraph (D)(iii)—

(i) the number of such businesses in each State, insular area, and the District of Columbia, as of the year of enactment of this Act;

(ii) the total amount loaned to such businesses under the program;

(iii) the total number of loans to such businesses under the program;

(iv) the average loan amount and term;

(v) the currency rate, delinquencies, defaults, and losses of the loans;

(vi) the number and percent of children served who receive subsidized assistance; and

(vii) the number and percent of children served who are low income.

(3) ACCESS TO INFORMATION.—

(A) IN GENERAL.—The Administration shall collect and maintain such information as may be necessary to carry out this subsection from certified development centers and child care providers, and such centers and providers shall comply with a request for information from the Administration for that purpose.

(B) PROVISION OF INFORMATION TO GOVERNMENT ACCOUNTABILITY OFFICE.—The Administration shall provide information collected under this paragraph to the Comptroller General of the United States for purposes of the report required by this subsection.

SEC. 4. RULEMAKING AUTHORITY.

Not later than 120 days after the date of enactment of this Act, the Administrator shall issue final rules to carry out the loan program authorized by section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act.

By Mr. MENENDEZ (for himself and Mr. DEWINE):

S. 2651. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the "Simon Wiesenthal Holocaust Education Assistance Act." This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout this Nation.

And I would like to thank my colleague Senator DEWINE for cosponsoring this legislation and my former colleague in the House, Congresswoman MALONEY, for her leadership on this issue.

This legislation could not come at a more important and solemn day in our lives. Today is Yom Hashoah, a day when we commemorate the approximately six million men, women and children of Jewish faith, as well as millions of others who were persecuted and murdered 65 years ago in a systematic, state sponsored genocide. Today, we also honor those who stood up against the genocide and risked their own lives to save others.

Today we stand in solidarity with Israel and the Jewish faith, and with all people throughout the world, in remembering these tragic events.

And today we honor Simon Wiesenthal who dedicated his life to making sure that those who perpetrated the horrors of the Holocaust were brought to justice.

Sixty-five years may seem like a lifetime away, and generations may have been raised thinking that the Holocaust, and events like it, is from a distant past. But let me be clear—these events are not so distant and are not in the past. In fact, they are in our present.

Just recently, Iran's president Mahmoud Ahmadinejad hatefully and outrageously declared the Holocaust a "myth" and Israel a "fake regime" which "cannot continue to live."

And just two months ago, an anti-Semitic gang that calls themselves "the Barbarians" tortured 23-year-old Ilan Halimi, a young Jewish man, for three weeks before leaving him for dead near a train station in Paris.

It is these events that make us aware of the destructive messages of hate and violence that arise from Holocaust denial. It is these events that show us the importance of Holocaust education, abroad and in our own Nation.

For although some States now require the Holocaust to be taught in public schools, this legislation goes further and makes grants available to organizations that teach students, teachers, and communities the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical information about the Holocaust and convey the lessons that the Holocaust provides for all people.

We must recognize that by remembering the millions who were murdered in the Holocaust, we create a sense of responsibility to stop genocide wherever it takes place. But we must also remember that hate crimes and genocide could, and are still, happening today.

We are reminded, through the deplorable comments made by Iranian President Ahmadinejad against Israel and through the murder of young Ilan Halimi in France that anti-Semitism still exists even 65 years after the Holocaust. The awful acts of murder and rape in Darfur are a horrific example of genocide in the 21st century.

And those who believe that anti-Semitism is an attack that need not be answered by those who are not Jewish do not recognize the consequences of history. In fact, an attack against anyone simply because of race or religion is ultimately the beginning of the unraveling of civilization. It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination.

We must fight the chorus of anti-Semitism and fight the fear and the hate. As a Nation proud of our diverse heritage, we must, each of us, take a stand. With our words, but most importantly with our actions, we will turn the tide against this new wave of anti-Semitism. And funding accurate educational programs on the Holocaust is a step toward winning this battle.

In the words of Samantha Power, a renowned expert on genocide, "the sharpest challenge to the world of bystanders is posed by those who have refused to remain silent in the age of genocide."

So today, the United States of America stands with Israel and all followers of the Jewish faith in commemorating Yom Hashoah, and condemning all anti-Semitism and hatred. And I am proud to join in the stand against anti-Semitism here and around the world.

I urge my colleagues to support this legislation.

By Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED):

S.J. Res. 34. A joint resolution expressing United States policy on Iraq; to the Committee on Foreign Relations.

Mr. LEVIN. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 34

Whereas there has been a strong consensus among the senior United States military commanders that a broad-based political settlement involving the three main Iraqi groups is essential for defeating the insurgency;

Whereas the two parts of that political settlement are (1) agreement on a national unity government that serves the interests of all Iraqis, and (2) compromises to amend the Iraq Constitution to make it an inclusive document;

Whereas such a two-part political settlement is also essential to prevent all-out civil war and is a critical element of our exit strategy for United States military forces in Iraq;

Whereas the Iraqi Council of Representatives' approval on April 22, 2006, of the Presidency Council consisting of Jalal Talabani as President and two Vice Presidents, and the election of a Speaker and two Deputy Speakers is a significant step, as is the decision by the Iraqi political leadership to select Jawad al-Maliki as the Prime Minister designate;

Whereas the Council of Representatives still needs to consider the nomination of Jawad al-Maliki and his still-to-be-chosen Cabinet, including an Interior Minister and a Defense Minister, and still needs to form a committee to recommend changes to the Iraq Constitution;

Whereas under the Iraq Constitution, Prime Minister designate Jawad al-Maliki has 30 days from April 22, 2006, to choose and present a Cabinet to the Council of Representatives for its approval;

Whereas under the Iraq Constitution, the Council of Representatives, at the start of its functioning, is required to appoint a committee from its members which will have four months to present recommendations to the Council for necessary amendments to the Iraq Constitution;

Whereas while the three main Iraqi groups have differing views about the duration of the presence in Iraq of the United States-led Coalition forces, none of them favor the immediate withdrawal of United States military forces from Iraq;

Whereas section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109—163; 119 Stat. 3465; 50 U.S.C. 1541 note) provides in part that "[t]he Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the timetable they set for themselves";

Whereas the United States Ambassador to Iraq, Zalmay Khalilzad, has done an exceptional job in working with Iraqi political, religious, and tribal leaders in an effort to achieve consensus on the prompt formation of a national unity government; and

Whereas the American public has become increasingly and understandably impatient with the failure of the Iraqis to form a national unity government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the Iraqi political, religious, and tribal leaders should be told by the Administration that—

(1) the continued presence of United States military forces in Iraq is not unconditional;

(2) whether the Iraqis avoid all-out civil war and have a future as a nation is in their hands;

(3) the Iraqis need to seize that opportunity and only they can be responsible for their own future; and

(4) completing the formation of a government of national unity and subsequent agreement to modifications to the Iraq Constitution to make it more inclusive, within the deadlines the Iraqis have set for themselves in the Iraq Constitution, is—

(A) essential to defeating the insurgency and avoiding all-out civil war; and

(B) a condition of the continued presence of United States military forces in Iraq.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 441—EXPRESSING THE SUPPORT OF THE SENATE FOR THE RECONVENING OF THE PARLIAMENT OF NEPAL AND FOR AN IMMEDIATE PEACEFUL TRANSITION TO DEMOCRACY

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 441

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association, including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as "a hollow attempt by the King to legitimize his power";

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra's February 2005 decision "to impose direct palace rule in Nepal has failed in every regard" and called on the King to restore democracy immediately and to begin a dialogue with Nepal's political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision;

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to redraft the Constitution of Nepal. Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy;

(2) commends the desire of the people of Nepal for a democratic system of government and expresses its support for their right to protest peacefully in pursuit of this goal;

(3) acknowledges the April 24, 2006 statement by King Gyanendra regarding his intent to reinstate the Parliament of Nepal;

(4) urges the Palace, the political parties, and the Maoists to immediately support a process that returns the country to multi-party democracy and creates the conditions for peace and stability in Nepal;

(5) declares that the transition to democracy in Nepal must be peaceful and that violence conducted by any party is unacceptable and risks sending Nepal into a state of anarchy;

(6) calls on security forces of Nepal to exercise maximum restraint and to uphold the highest standards of conduct in their response to the protests;

(7) urges the immediate release of all political detainees and the restoration of full civilian and political rights, including freedom of association, expression, and assembly;

(8) urges the Maoists to lay down their arms and to pursue their goals through participation in a peaceful political process; and

(9) calls on the Government of the United States to work closely with other governments, including the governments of India, China, the United Kingdom, and the European Union, and with the United Nations to ensure a common and coherent international approach that helps to bring about an immediate peaceful transition to democracy and to end the violent insurgency in Nepal.

Mr. LUGAR. Mr. President, as Members are aware, Nepal has been gripped by demonstrations in support of democracy for the past 20 days. At least 14 Nepali citizens have been killed in these protests and hundreds more injured. The demonstrations follow 14 months of direct rule by King Gyanendra and February 8, 2006, municipal elections that the State Department characterized as a "hollow attempt by the King to legitimize his power."

I am submitting today a resolution expressing the Senate's support for the reconvening of the Nepali parliament and for an immediate, peaceful transition to a democratic political process in the country. This resolution urges the King, political parties, and Maoists to support a process that returns the country to multi-party democracy and creates the conditions for peace and stability in the country.

SENATE RESOLUTION 442—EXPRESSING THE DEEP DISAPPOINTMENT OF THE SENATE WITH RESPECT TO THE ELECTION OF IRAN TO A LEADERSHIP POSITION IN THE UNITED NATIONS DISARMAMENT COMMISSION AND REQUESTING THE PRESIDENT TO WITHHOLD FUNDING TO THE UNITED NATIONS UNLESS CREDIBLE REFORMS ARE MADE

Mr. COLEMAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 442

Whereas the United Nations has continuously failed to meet minimal reform expectations, including those outlined in the September Summit Outcome Document;

Whereas the United Nations has allowed member states acting in defiance of their obligations to the United Nations to enjoy full participatory rights and leadership positions in all bodies of the United Nations;

Whereas the mandate of the charter of the United Nations that protects international peace and security is significantly hindered by the placement of pariah states in leadership positions within various commissions;

Whereas the credibility of the United Nations has been further crippled by the fact that Iran was elected to serve as the vice chair of the Asia regional group of the United Nations Disarmament Commission;

Whereas Iran has committed many acts of malfeasance with respect to its nuclear program that makes it an unacceptable candidate for the United Nations Disarmament Commission, including—

(1) developing a clandestine nuclear program for 18 years prior to 2003;

(2) repeatedly deceiving the International Atomic Energy Agency about a variety of nuclear-related activities;

(3) failing to provide inspectors from the International Atomic Energy Agency with access to various nuclear sites;

(4) refusing to answer questions related to its nuclear program;

(5) reneging on its commitments under the Paris Accords of November 2004, which included the suspension of uranium enrichment activities; and

(6) announcing its success in achieving uranium enrichment capabilities, which represented a brazen affront to the international community;

Whereas other actions and rhetoric by Iran have perpetuated its record of terror and tyranny, and warranted its isolation from the international community at the United Nations, including—

(1) continuing its calls for the annihilation of Israel, which is a member state of the United Nations;

(2) actively sponsoring terrorism through groups including Hezbollah, Hamas, and Islamic Jihad, which prompted the Department of State to classify Iran as the "most active state sponsor of terrorism in 2004"; and

(3) continuing its efforts to destabilize neighboring countries by meddling in the affairs of those countries, including Iraq, Israel, and Lebanon; and

Whereas, while Iran continues to enjoy full participatory rights and privileges as a member state of the United Nations, the overall conduct of Iran is a direct threat to world security and violates numerous fundamental principles on which the United Nations is based: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deep disappointment with respect to the failure of the Asia group members of the United Nations Disarmament Commission to stop the election of Iran as the vice chair of that body;

(2) asserts that the United Nations Disarmament Commission has no credibility on disarmament issues due to the participation of Iran, particularly in light of the defiance of Iran in disregarding resolutions passed by the International Atomic Energy Agency and the Security Council Presidential Statement relating to its nuclear program;

(3) calls on the United States to reject all resolutions passed by the discredited United Nations Disarmament Commission;

(4) condemns the continued intransigence of Iran with respect to its—

(A) nuclear program;

(B) treatment of Israel; and

(C) sponsorship of terror;

(5) shall work to ensure that funding from the United States is withheld from—

(A) the regular budget of the United Nations in the amount that is directed towards the activities of the United Nations Disarmament Commission; and

(B) any commission of the United Nations in which the worst violators of the principles it claims to promote are included in its membership, including the new Human Rights Council;

(6) calls on the United Nations to deny Iran from participating in any commission of the United Nations until it—

(A) complies with its obligations under the Non-Proliferation Treaty and International Atomic Energy Agency resolutions;

(B) halts—

(i) all uranium enrichment activities; and

(ii) all calls for the destruction of Israel; and

(C) withdraws support from terrorist groups; and

(7) calls on the President to—

(A) closely monitor the progress of the United Nations on reform; and

(B) exercise the option of the President to withhold funding unless credible reforms are made prior to discussions on the biannual budget.

Mr. COLEMAN. Mr. President, I rise to submit a sense-of-the Senate resolution expressing the deepest disappointment of the Senate with respect to the election of Iran to a leadership position on the United Nations Disarmament Commission and request the President to withhold funding to the United Nations unless credible reforms are made.

A couple of observations, Mr. President. In light of the Oil-For-Food scandal, it was my great hope that we would see a movement toward reform in the United Nations. The Secretary General had put forth some proposed reforms. There was some discussion about whether the U.N. Commission on Human Rights was going to be reformed. Unfortunately, the energy was there, the hope was there, and we seemed to be moving in the wrong direction.

On May 9, for the new Human Rights Council, elections will be held. It appears that Cuba may be appointed to the new Human Rights Council.

The recommendations from the Secretary General for minimum reform are now coming under attack by something called the G–77, the underlying nations, which may dismantle those. A little tremor occurred just about a week ago, and to some people it may be a little thing, but it is not. It is symbolic of some of the things we face with the United Nations.

Just recently, Iran was elected to the U.N. Disarmament Commission. Some may say that this is a very minor commission; it is an inactive forum; it only meets 3 weeks a year, the U.N. Commission on Disarmament. We have Iran out there thumbing its nose at the international community hell-bent on getting a nuclear weapon. And by the way, they said what they are going to do with it. They said they want to destroy Israel. That is what they said they are going to do. Hitler told us what he wanted to do and the world didn't listen. God forbid there is an explosion of an atomic weapon in Tel Aviv or Haifa. They have already said where it is going to come from, this is what we are going to do.

So Iran gets elected to the U.N. Commission on Disarmament. In some ways it doesn't make sense. In some ways it is absurd, but it does require comment. It does require a response. It does require folks to say: I don't care whether it meets 3 weeks a year or 1 week a year or 50 weeks a year. This is something that highlights the absurdity of what is happening today in this international body.

It is interesting that, as expected, Iran is already making efforts to convert the Disarmament Commission into yet another forum for antisemitism. Last week, at a working group meeting, Iran's representative to the Disarmament Commission stated that the suggestion that Iran had a nuclear weapons program was Jewish propaganda fabricated by the Jewish lobby in the United States. These brazenly antisemitic comments were objected to by our American representative, but other members, including the chair of the working group, remained silent.

I am disturbed by the moral indifference that the U.N. has reached where you have a member state seeking nuclear weapons with the expressed intention of destroying another member state, and that member state, Iran, is allowed to serve as the Vice Chair of the Disarmament Commission. That is completely unacceptable, to say the least. I am disappointed that the Asian member states did not step up to contest the candidacy of Iran.

This is what is happening: You have regional groupings, so each state, regional groupings, pick their members. The United States doesn't get involved in this. It is up to the member states, the Asian members. But somebody has to be thinking this doesn't make sense. This is going to cast a negative pall over the international community's reflection about what the United Nations community is all about. It is another step back at a time when we need to be moving forward.

It is the responsibility of member states at the U.N. to step up and prevent the system from being manipulated by pariah states such as Iran that are looking to pursue their destructive agendas. Iran is probably the major state sponsor of terrorism in the world today. Iran says they want to destroy Israel. Iran supports terrorism and Iran is intent on getting a nuclear weapon.

We do not control what other member states do, but we should make the position of the United States clear. The United States should not be funding institutions that not only undermine the very principles they claim to promote but directly harm U.S. interests. A disarmament commission with Iran in a leadership position should be condemned by the United States and we should make a statement. I have been very hesitant to talk about holding back funding, but we are going in the wrong direction. I will be back on the floor if Cuba gets appointed, gets elected to this new human rights council. I will be back on the floor. At a certain point in time you have to expect something. Much is given, much is received. We have given the U.N. a lot of money. We have given a lot of support. There are expectations then and they are not being met.

Lest someone has failed to be aware of Iran's deeds, let me review some of the credentials for being excluded from the commission. Iran has repeatedly deceived the IAEA about a variety of nuclear-related activities, failed to provide IAEA inspectors access to various nuclear sites, and refused to answer outstanding questions that led to its nuclear program. It reneged on its commitments under the Paris Accord of 2004, which included the suspension of uranium enrichment activities.

Again, I talked about the actions and rhetoric of the Iranian regime to perpetuate a record of terror and tyranny which also warrants isolation from the international community at the U.N., including calls for the annihilation of Israel, active sponsorship of terrorism through groups including Hezbollah, Hamas, and Islamic Jihad, meddling in the affairs of neighboring countries such as Iraq and Israel and Lebanon.

The overall conduct of Iran is a direct threat to world security. It violates numerous fundamental principles on which the United Nations is based. Yet it continues to enjoy full participatory rights and privileges as a member state of the U.N. In fact, it gets rewarded by a leadership position on the disarmament commission. Such a situation is beyond comprehension.

The resolution I plan to submit does the following. It expresses deep disappointment in the failure of the Asian group members of the disarmament commission to stop Iran's election as the vice chair of the body. It asserts the disarmament commission has no credibility on disarmament issues due to Iran's participation, particularly in the light of Iran's defiance of the IAEA resolutions and the Security Council presidential statement regarding its nuclear program. It calls on the U.S. to reject all resolutions passed by the discredited disarmament commission, condemns Iran's continued intransigence with regard to the treatment of Israel and sponsorship of terror and, finally, works to ensure that U.S. funding is withheld from the U.N. in the amount that is directed toward the disarmament commission's activities from its regular budget.

We are not talking about a lot of money here. What we are talking about is making a statement—making a statement. We call upon the President to closely monitor U.N. progress on reform and to exercise his option to withhold funding unless credible reforms are made prior to the discussions of the biannual budget in June.

What do you do? In the U.S. we ask the question, What shall we do when those who enforce the law break the law? In the international context we are asking, What do we do when a key voice in disarmament is given to one of the world's most willful sponsors of terrorism at a time when they are ignoring the international community in their quest for nuclear weapons?

The response is just to say no. Civilized nations must speak with one voice. That statement should begin right here with the passage of my resolution.

I urge my colleagues to join me in cosponsoring this resolution. The error of the United Nations is serious. To be silent in the face of it would be far worse.

SENATE RESOLUTION 443—RELATIVE TO THE DEATH OF FRANCIS R. VALEO, FORMER SECRETARY OF THE SENATE

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference Service and specialist in the Far East, before beginning his service to the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People's Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of Buckley v. Valeo;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate, from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty, and humanity; and

Whereas Frank Valeo's clear understanding and appreciation of the challenges facing the Nation have left his mark on those many areas of public life: Now, therefore, be it

Resolved, That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

(c) When the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Frank Valeo.

SENATE RESOLUTION 444—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN JEWISH COMMITTEE

Mr. SMITH (for himself, Mrs. FEINSTEIN, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Whereas the American Jewish Committee, after its founding in 1906, rapidly emerged as a pioneering human relations agency, dedicated to combating all forms of bigotry and championing a sense of shared civic responsibility;

Whereas the American Jewish Committee, through a range of innovative projects and programs, seeks to build a more hopeful world by expanding freedom, enhancing mutual respect, monitoring hate groups, and providing vital information about extremists of every type;

Whereas the American Jewish Committee has strengthened the culture of the United States in historic ways through programs that teach tolerance, such as America's Table, through far-reaching dialogues with ethnic and religious group in the country, through promoting interfaith awareness and playing a key role in the issuance of Nostra Aetate, and through steadfast support of vulnerable individuals throughout history;

Whereas the American Jewish Committee, the first American Jewish organization to establish a full-time office in Israel, has worked tirelessly to tell the extraordinary story of Israel through a range of endeavors, including Project Interchange, which has brought more than 3,000 American leaders to the Jewish state for journeys of discovery and understanding;

Whereas the American Jewish Committee, through its network of offices and associations in the United States and across the globe, works with many countries, the United Nations, and other international bodies to promote democratic ideals and to protect and uplift Jewish communities everywhere;

Whereas the American Jewish Committee, through advocacy and education, indefatigably defends and protects the treasured civic values of the United States, including religious freedom, and support for public education and the family;

Whereas the American Jewish Committee sponsored research cited in the landmark Supreme Court case banning segregation, Brown et al. v. Board of Education of Topeka et al., and played a vital role in the civil rights movement, stood with Soviet Jewry and all prisoners of conscience in the Soviet

Union, argued successfully for the inclusion of human rights clauses in the United Nations Charter, and insisted upon an acceptance of women's rights as a human rights issue; and

Whereas the American Jewish Committee, at work both on the world stage and here at home, for a century has had a proud and profoundly beneficial presence throughout the communities of the United States: Now, therefore, be it

Resolved, That—

(1) the American Jewish Committee, by choosing hope, inspires everyone in the United States as it continues its work into its second century of service; and

(2) the Senate salutes, commends, and congratulates the American Jewish Committee for its century of leadership.

SENATE RESOLUTION 445—EXPRESSING THE SENSE OF THE SENATE IN COMMEMORATING HOLOCAUST REMEMBRANCE DAY

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. INHOFE, Mr. ENSIGN, Ms. SNOWE, Mr. BROWNBACK, Mr. ALLEN, Mrs. FEINSTEIN, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. FRIST, Mr. LAUTENBERG, Mr. BURNS, Mr. SPECTER, Mr. HAGEL, Mr. THOMAS, Mr. WARNER, Mrs. DOLE, Mr. CRAPO, Mr. TALENT, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 445

Whereas the Holocaust involved the systematic persecution and genocide of millions of innocent Jewish men, women, and children, along with millions of others, by the Nazis under the leadership of Adolf Hitler;

Whereas an estimated 6,000,000 Jews and many others were killed in the Holocaust;

Whereas millions of survivors of the Holocaust endured enormous suffering through violence, torture, slave labor, and involuntary medical experimentation:

Whereas in the 61 years since the end of the Holocaust, this tragic event has helped to teach the people of the world awareness of the danger of hatred, anti-Semitism, bigotry, and racism, and the importance of compassion and understanding diversity;

Whereas Holocaust Remembrance Day is held every year in remembrance of the Holocaust and its millions of victims: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates Holocaust Remembrance Day, which falls on April 25, 2006;

(2) remembers the 6,000,000 Jews and many others who were killed by the Nazis, and honors the millions of survivors of the Holocaust; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassion, and education about the horrific consequences of anti-Semitism, bigotry, racism and hatred.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3591. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3592. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3593. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3594. Mr. GREGG (for himself, Mr. FRIST, Mr. BYRD, Mr. DOMENICI, Mr. ENSIGN, Mr. ALEXANDER, and Mr. SUNUNU) proposed an amendment to the bill H.R. 4939, supra.

SA 3595. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3596. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3597. Mr. LUGAR (for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3598. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3599. Mr. LUGAR (for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3600. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ENSIGN, and Mrs. MURRAY) proposed an amendment to the bill H.R. 4939, supra.

SA 3601. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3602. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3603. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3604. Mr. REID proposed an amendment to the bill H.R. 4939, supra.

SA 3605. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3606. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3607. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3608. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3609. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3610. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3611. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3591. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORTS TO CONGRESS ON A NATIONAL UNITY GOVERNMENT AND AMENDING THE IRAQ CONSTITUTION TO MAKE IT A UNIFYING DOCUMENT

SEC. 1406. (a) REPORTS REQUIRED.—In furtherance of the findings and sense of Congress set forth in Senate Joint Resolution 34, as introduced in the Senate on April 25, 2006, the President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) ELEMENTS.—Each report shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the 30-day and 4-month deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

SA 3592. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 12 and 13, insert the following:

FOX POINT HURRICANE BARRIER

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, $1,055,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 3593. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

CHAPTER 9

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2901. (a) GRANT PROGRAM AUTHORIZED.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public hospitals, nonprofit entities, and medicare and medicaid enrolled suppliers and institutional providers to reimburse such hospitals, entities, suppliers, and providers for health care related expenses or lost revenues directly attributable to the public health emergency resulting from the damage and devastation caused by Hurricanes Katrina and Rita in the Gulf Coast region if such expenses or lost revenues have not otherwise been reimbursed or are eligible for reimbursement from other sources. Grant amounts awarded under this section shall be available until expended.

(b) APPROPRIATION.—There is authorized to be appropriated and there is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 to carry out this section.

SA 3594. Mr. GREGG (for himself, Mr. FRIST, Mr. BYRD, Mr. DOMENICI, Mr. ENSIGN, Mr. ALEXANDER, and Mr. SUNUNU) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. ___. (a) REDUCTION.—Except as provided in subsection (b), the aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $68,962,188,000.

(b) INAPPLICABILITY TO AMOUNTS FOR MILITARY CONSTRUCTION.—Subsection (a) does not apply to amounts provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act for military construction.

SA 3595. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RE-EQUIPPING OF 53RD INFANTRY BRIGADE TEAM UPON ITS RETURN FROM DEPLOYMENT IN AFGHANISTAN

SEC. 1312. Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY", $59,300,000 shall be available for the re-equipping of the 53rd Infantry Brigade team upon its return from deployment in Afghanistan, of which—

(1) $15,000,000 shall be for PVS–7B night vision devices;

(2) $44,000,000 shall be for Heavy HMMWV variants and FMTV light and medium cargo trucks; and

(3) $300,000 shall be for M–4 rifles.

SA 3596. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

PRIORITY IN FUNDING FOR REPLACEMENT EQUIPMENT FOR THE NATIONAL GUARD FOR STATES LIKELY TO BE EFFECTED BY 2006 HURRICANE SEASON

SEC. 1312. In allocating amounts appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY" for the procurement of replacement equipment for the National Guard, the Secretary of Defense shall afford a priority in the allocation of such funds to the States likely to experience a hurricane during the 2006 hurricane season.

SA 3597. Mr. LUGAR (for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 10 and 11, insert the following:

SEC. 1202. DEPARTMENT OF STATE AND USAID AUTHORITIES.

(a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g)(1) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

"(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority.".

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

"(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.".

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

"(j)(1)(A) The Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

"(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.".

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on International Relations and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND RECUPERATION TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking "18 months" and inserting "12 months".

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

SA 3598. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—HIGHWAY FUEL TAX HOLIDAY

SEC. 8001. HIGHWAY FUEL TAX HOLIDAY.

(a) TEMPORARY ELIMINATION OF HIGHWAY FUEL TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C), and

"(B) paragraph (1) of section 4041(a) (relating to diesel fuel and kerosene) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the 60-day period beginning with the day after the date of the enactment of this subsection.

"(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and to the Leaking Underground Storage Tank Trust Fund under 9508, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section or section 4041.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(B) the term "tax reduction date" means the day after the date of the enactment of this Act.

(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by subsection (a), and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(B) GASOLINE AND DIESEL FUEL.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by section 4083 of such Code.

(C) FLOOR STOCKS TAX DATE.—The term "floor stocks tax date" means the day after the date determined by the Secretary under section 4081(f)(3) of such Code.

(D) APPLICABLE PERIOD.—The term "applicable period" means the period described in section 4081(f)(3) of such Code.

(E) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to gasoline, diesel fuel, or kerosene held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on gasoline, diesel fuel, or kerosene held in the tank of a motor vehicle.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1)—

(i) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(ii) on diesel fuel or kerosene held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

(d) BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.—

(1) PASSTHROUGH TO CONSUMERS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that—

(i) consumers immediately receive the benefit of the reduction in taxes under this section, and

(ii) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this section.

(B) STUDY.—

(i) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this section to determine whether there has been a passthrough of such reduction.

(ii) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under clause (i).

SEC. 8002. ELIMINATION OF CERTAIN PRODUCTION INCENTIVES.

(a) IN GENERAL.—Sections 342, 344, 345, 346, 353, and 383 and subtitle J of title IX of the Energy Policy Act of 2005 and section 107(k) of the Naval Petroleum Reserves Production Act of 1976 (as added by section 347 of the Energy Policy Act of 2005) are repealed.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect on the date of the enactment of the Energy Policy Act of 2005.

SEC. 8003. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8004. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

SEC. 8005. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SA 3599. Mr. LUGAR (for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

SEC. 1312. (a) The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for Cooperative Threat Reduction is increased by $8,000,000.

(b) Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for Cooperative Threat Reduction, as increased by subsection (a), $44,500,000 shall be deposited in the Former Soviet Union Threat Reduction Account and shall remain available until September 30, 2008.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3600. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ENSIGN, and Mrs. MURRAY) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of page 248, line 22, insert the following:

SEC. . None of the funds appropriated in Public Law 109–149 under the heading Employment and Training Administration shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II. Where Employment and Training Administration funds appropriated in Public Law 109–149 are used for compensation of an individual, the total federal funding that may go to compensation of that individual shall not exceed a rate in excess of Executive Level II. States may establish a lower limit of total compensation for those receiving compensation from Employment and Training Administration funding employed in that state, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved including Employment and Training Administration programs.

SA 3601. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ENVIRONMENTAL PROTECTION AGENCY

SEC. 7032. For an additional amount for "Environmental Programs and Management", $1,000,000, to remain available until expended, for assistance relating to assessments and monitoring of waters in the State of Hawaii; *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3602. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 225, beginning on line 2 strike "eligible to" and all that follows through line 5 and insert "eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).".

SA 3603. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, line 1, strike "$500,000" and insert "$1,400,000".

On page 246, line 3, insert "in the State of Hawaii" after "dams".

SA 3604. Mr. REID proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

TITLE ___—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3605. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, line 25, insert after "*Provided*," the following: "That the Navy, acting through the Naval Facilities Engineering Command, shall be the agent for all matters with regard to the planning, design, construction, and contract administration related to the construction of the new Armed Forces Retirement Home: *Provided further*,".

SA 3606. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, lines 15 through 17, strike "for necessary expenses" and all that follows through "$20,000,000" and insert the following: "$543,081,496, of which $523,081,496 shall be made available to make safety net payments for fiscal year 2007 under section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), to remain available until expended, and $20,000,000 shall be made available for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season".

SA 3607. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, strike line 18 and all that follows through page 197, line 16.

SA 3608. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike line 4 and all that follows through page 158, line 17.

SA 3609. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by $15,000,000.

SA 3610. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for oyster bed and shrimp ground rehabilition, and the amount made available under such heading is reduced by $100,000,000.

SA 3611. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, Sec. 7030(a) of this Act shall not take effect.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, May 1, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke 202–224–4797 or Shannon Ewan at 202–224–7555.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 25, 2006, at 10 a.m. to conduct a hearing on "A Review of Current Securities Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 25, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Social and Economic Effects of the Methamphetamine Epidemic on America's Child Welfare System".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Immigration: Economic Impacts" on Tuesday, April 25, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Panel I: Richard B. Freeman, Professor of Economics, Harvard University, Program Director of Labor Studies, National Bureau of Economic Research, Cambridge, MA; Dan Siciliano, Executive Director, Program in Law, Economics and Business, Stanford Law School, Stanford, CA; Barry R. Chiswick, Professor of Economics, University of Illinois at Chicago, Chicago, IL; Harry J. Holzer, Professor of Public Policy, Georgetown University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, April 25, 2006, at 2:15 p.m., in Room 226 of the Dirksen Senate Office Building.

Panel I: The Honorable Frank Lautenberg, United States Senator, D–NJ; The Honorable Robert Menendez, United States Senator, R–NJ; The Honorable Barbara Boxer, United States Senator, D–CA; The Honorable Gordan Smith, United States Senator, R–OR.

Panel II: Milan D. Smith, Jr. to be United States Circuit Judge for the Ninth Circuit.

Panel III: Renee Marie Bumb to be United States District Judge for the District of New Jersey; Noel Lawrence Hillman to be United States District Judge for the District of New Jersey; Peter G. Sheridan to be United States District Judge for the District of New Jersey; and Susan Davis Wigenton to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, April 25, 2006, at 2:30 p.m., for a field hearing regarding "North Korea: Illicit Activity Funding the Regime."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space be authorized to meet on Tuesday, April 25, 2006, at 2:30 p.m., on NASA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent Mr. Les Spivey, Mr. B.G. Wright, Ms. Rachel Taylor, and Ms. Mary Catherine Fitzpatrick of the Committee on Appropriations be granted full floor access during the consideration of H.R. 4939, the fiscal year 2006 emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I further ask unanimous consent that Mr. Mike Morrissey, Mr. Kevin Templin, and Dr. Leigh Ann Ross of my personal office staff be granted privilege of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Michael Pollock and Alison Garfield, detailees with the Defense Appropriations Subcommittee, be granted the privilege of the floor during consideration of the fiscal year 2006 supplemental and the fiscal year 2007 Defense appropriations bills; and that Rose Fabia, a detailee to the Appropriations Committee from the Department of Veterans Affairs, be granted the privilege of the floor for the remainder of the debate on H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that a State Department fellow in his office, Richard Driscoll, be granted floor privileges during the consideration of the supplemental appropriations bill, and that Navy detailee Tom Crowley also be granted the same privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator JEFFORDS, I ask unanimous consent that April Richards, a professional staff member of the Senate Committee on Environment and Public Works, be granted floor privileges during the consideration of H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 109th Congress: the Honorable PATRICK J. LEAHY of Vermont and the Honorable DANIEL K. AKAKA of Hawaii.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appoints the following individual to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, for a term of two years (May 15, 2006–May 14, 2008).

FRANCIS R. VALEO, FORMER SECRETARY OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 443, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 443) relative to the death of Francis R. Valeo, former Secretary of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 443) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 443

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference

Service and specialist in the Far East, before beginning his service to the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People's Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of Buckley v. Valeo;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate, from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty, and humanity; and

Whereas Frank Valeo's clear understanding and appreciation of the challenges facing the Nation have left his mark on those many areas of public life: Now, therefore, be it

Resolved, That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

(c) When the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Frank Valeo.

COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN JEWISH COMMITTEE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 444, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 444) commemorating the 100th anniversary of the founding of the American Jewish Committee.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 444) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 444

Whereas the American Jewish Committee, after its founding in 1906, rapidly emerged as a pioneering human relations agency, dedicated to combating all forms of bigotry and championing a sense of shared civic responsibility;

Whereas the American Jewish Committee, through a range of innovative projects and programs, seeks to build a more hopeful world by expanding freedom, enhancing mutual respect, monitoring hate groups, and providing vital information about extremists of every type;

Whereas the American Jewish Committee has strengthened the culture of the United States in historic ways through programs that teach tolerance, such as America's Table, through far-reaching dialogues with ethnic and religious group in the country, through promoting interfaith awareness and playing a key role in the issuance of Nostra Aetate, and through steadfast support of vulnerable individuals throughout history;

Whereas the American Jewish Committee, the first American Jewish organization to establish a full-time office in Israel, has worked tirelessly to tell the extraordinary story of Israel through a range of endeavors, including Project Interchange, which has brought more than 3,000 American leaders to the Jewish state for journeys of discovery and understanding;

Whereas the American Jewish Committee, through its network of offices and associations in the United States and across the globe, works with many countries, the United Nations, and other international bodies to promote democratic ideals and to protect and uplift Jewish communities everywhere;

Whereas the American Jewish Committee, through advocacy and education, indefatigably defends and protects the treasured civic values of the United States, including religious freedom, and support for public education and the family;

Whereas the American Jewish Committee sponsored research cited in the landmark Supreme Court case banning segregation, Brown et al. v. Board of Education of Topeka et al., and played a vital role in the civil rights movement, stood with Soviet Jewry and all prisoners of conscience in the Soviet Union, argued successfully for the inclusion of human rights clauses in the United Nations Charter, and insisted upon an acceptance of women's rights as a human rights issue; and

Whereas the American Jewish Committee, at work both on the world stage and here at home, for a century has had a proud and profoundly beneficial presence throughout the communities of the United States: Now, therefore, be it

Resolved, That—

(1) the American Jewish Committee, by choosing hope, inspires everyone in the United States as it continues its work into its second century of service; and

(2) the Senate salutes, commends, and congratulates the American Jewish Committee for its century of leadership.

HOLOCAUST REMEMBRANCE DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 445, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 445) expressing the sense of the Senate in commemorating Holocaust Remembrance Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, earlier today, this body voiced its support for a resolution commemorating the Holocaust—the Shoah—Nazi Germany's systematic effort to exterminate the Jewish people.

For anybody who questions the existence of evil, the Nazi regime's deliberate murder of 6 million Jewish men, women, and children should settle all doubts.

Today, people all over the world will mark Yom HaShoah, Holocaust Remembrance Day. At 10 o'clock local time today in Israel, a loud siren sounded throughout the country. Motorists pulled their cars aside and office workers stepped away from their computers. Everyone in the nation paused for a moment of silence in commemoration of the Holocaust.

Beginning with the Kristallnach Pogram on November 8 and 9, 1938, the Nazi government embarked on a systematic, deliberate campaign of cold-blooded murder. Families were stripped of their possessions and killing squads roamed the countryside. Millions upon millions of Jewish people were brought to concentration camps where the Nazi regime killed most immediately and sent some to work as slave laborers.

The Jewish people did not meekly submit to the Nazi onslaught. They fought back: 63 years ago this month, a group of 750 lightly armed Jewish partisans began the Warsaw Ghetto Uprising. Knowing that the Nazis planned to deport and murder them, the Jewish residents remaining in Warsaw staged occupied Europe's first ever organized urban rebellion against Nazi tyranny. They fought heroically and delayed the deportation for over a month.

During the Holocaust's 7 years, the Nazis did incalculable damage to ancient Jewish communities within Europe. In many parts of central Europe, few Jews remain today. But Hitler's evil plan failed utterly. He did not destroy the Jewish people. Millions survived. Many came to the United States. And many settled in what is now the prosperous, thriving, and democratic State of Israel.

Over the past year, 5 year olds who survived the Nazi death camps became eligible to receive Social Security benefits. Eighteen-year-old GIs who took part in the camps' liberation will turn 80 next year. Personal memories of the Holocaust are quickly disappearing.

We have an obligation to keep these memories alive even after these people pass on.

Through the United States Holocaust Memorial Museum, Tennessee's own Holocaust Memorial in Nashville, and Israel's Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority we have established places dedicated to making sure that we remember the Holocaust.

It is the least we can do. We owe this debt of memory to ourselves, to our children, to the Nation, and to the world.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 445) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 445

Whereas the Holocaust involved the systematic persecution and genocide of millions of innocent Jewish men, women, and children, along with millions of others, by the Nazis under the leadership of Adolf Hitler;

Whereas an estimated 6,000,000 Jews and many others were killed in the Holocaust;

Whereas millions of survivors of the Holocaust endured enormous suffering through violence, torture, slave labor, and involuntary medical experimentation;

Whereas in the 61 years since the end of the Holocaust, this tragic event has helped to teach the people of the world awareness of the danger of hatred, anti-Semitism, bigotry, and racism, and the importance of compassion and understanding diversity;

Whereas Holocaust Remembrance Day is held every year in remembrance of the Holocaust and its millions of victims: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates Holocaust Remembrance Day, which falls on April 25, 2006;

(2) remembers the 6,000,000 Jews and many others who were killed by the Nazis, and honors the millions of survivors of the Holocaust; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassion, and education about the horrific consequences of anti-Semitism, bigotry, racism and hatred.

ORDERS FOR WEDNESDAY, APRIL 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, April 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, following morning business, the Senate resume consideration of H.R. 4939, the emergency supplemental appropriations bill, and that with respect to the consent agreement regarding the rollcall votes at noon tomorrow, there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, under an agreement reached this afternoon, we will have two votes tomorrow at 12 noon. The votes will be on the Gregg and Reid amendments regarding border security. These will be the first votes of the day. Additional votes are expected tomorrow afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for the late Frank Valeo.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, April 26, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 2006:

DEPARTMENT OF DEFENSE

SUE C. PAYTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MARVIN R. SAMBUR.

FEDERAL COMMUNICATIONS COMMISSION

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2006. (REAPPOINTMENT)

DEPARTMENT OF STATE

APRIL H. FOLEY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

GADDI H. VASQUEZ, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

DEPARTMENT OF EDUCATION

LAWRENCE A. WARDER, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE JACK MARTIN, RESIGNED.

THE JUDICIARY

FRANCES MARIE TYDINGCO-GATEWOOD, OF GUAM, TO BE JUDGE FOR THE DISTRICT COURT OF GUAM FOR THE TERM OF TEN YEARS, VICE JOHN S. UNPINGCO, TERM EXPIRED.

SMALL BUSINESS ADMINISTRATION

STEVEN C. PRESTON, OF ILLINOIS, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE HECTOR V. BARRETO, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM M. FRASER III, 9314

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS R. CULLISON, 0250

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) ROBERT F. BURT, 9653

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 25, 2006:

THE JUDICIARY

GRAY HAMPTON MILLER, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

HOUSE OF REPRESENTATIVES—*Tuesday, April 25, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. DRAKE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 25, 2006.

I hereby appoint the Honorable THELMA D. DRAKE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Renewed in spirit by religious observances and the fresh breath of spring, Members of Congress return today to offer You, Lord God, praise and thanks. Strengthened by family ties, conversations with neighbors, and meetings with constituents back home, they are again grounded by the human relationships that make them one with the people they represent and whom they serve.

May the hopes, concerns, and heartfelt needs they carry back to Federal Government find full expression in their committee work and public policy and the just laws they formulate. In all their endeavors may they listen, Lord, and learn from one another, and together reach a new depth of corporate civility.

May they become aware that in serving your people, they serve You, Lord God; for You alone are Father of all and the source of love and justice, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 7, 2006, at 3:30 p.m.:

That the Senate passed with an amendment H.R. 3351.

That the Senate agreed to without amendment H. Con. Res. 366.

That the Senate agreed to without amendment H. Con. Res. 382.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

SENIORS ARE PLEASED WITH MEDICARE PART D

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, last week House Republicans hosted over 200 Medicare part D events across the country to educate seniors on this new prescription drug plan and to help them enroll. I hosted two successful Medicare part D enrollment workshops in North Carolina's Fifth Congressional District and was pleased to help many of my constituents sign up to get coverage and save money on their prescriptions.

This is a program that is working for most seniors, and early problems are quickly being corrected. Recently the Washington Post and ABC News reported that of the 30 million-plus seniors who have already enrolled, three-quarters said that the paperwork was easy to complete, and nearly two-thirds say that Medicare part D saved them money.

It is important for seniors interested in this program to enroll by May 15. Seniors do not have to be experts on Medicare to enroll. They can simply call 1-800-MEDICARE or visit medicare.gov for information and personalized assistance. These resources are available 24 hours a day, 7 days a week. If Medicare part D can help you or your loved ones, don't miss this opportunity.

GAS PRICES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, nothing was more talked about during the work recess than the outrageous gasoline prices as they go up and up and up. None were more harmed than seniors, others on fixed income, and, of course, America's families who are struggling. We also in Texas had a rolling blackout.

So we must act now; not the Republican agenda, not the agenda that does not work, but Democrats and Republicans must work together to act and pass solutions. We must have, if you will, a conservation day, 1 day that you are on public transportation or bicycles; taxes on the excessive CEO salaries, how much can they spend? We must have, of course, a tax on the outrageous profits of the energy companies, but, more importantly, that tax can be used as a rebate, a one-time $10 rebate to those families who are at a certain income; review of the release of barrels from the petroleum reserve; Congressional hearings on the allegation of price gouging; the FTC, the Federal Trade Commission, must be out in the field doing a national survey on gas prices, an assessment of the market, analyzing the exploiting of political issues like Iraq and Iran.

The President must take leadership. Government incentives for domestic production of ethanol and town hall meetings will be held in my district, and also we must do exploration in the gulf. Outrageous gas prices require us to act.

A TRIBUTE TO SPECIALIST MARK W. MELCHER

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Madam Speaker, I rise with a somber mood to recognize a citizen, a patriot, a soldier who gave his life for a cause he believed in serving his country as a soldier in Iraq.

Mark Melcher lived in Pittsburgh his entire life. He grew up on the north side watching the Steelers, Pirates and

Penguins play, and graduated the from North Catholic High School in 1989. Soon afterwards, he joined the Army. He served in Operation Desert Storm in Kuwait.

Following the 1991 conflict to liberate Kuwait, Mark returned home to begin working at the Mellon Financial Corporation. He then served in the National Guard's 1st Battalion, 103rd Armored Division located in Friedens, in Somerset County, Pennsylvania.

Mark departed for military training on the morning of Sunday, February 5th. Sadly, on April 15, 2006, just a month after arriving in theater, Mark was killed when his tank he manned came under fire outside of Baghdad. He was 34 years old. He is survived by his parents, Kathy and John Melcher, Sr., of Ross, Pennsylvania. I commend the deepest sympathies of all Members of this House to the Melcher family.

Also I offer the gratitude of every American. We should never forget his devotion of duty, his love of country. Today and every day let us give thanks to Mark Melcher, his family, and indeed all of our soldiers, sailors, airmen and the marines.

John Melcher, Sr., Mark's father, said of Mark, my son believed in the cause, he loved his country, gave his life for his country. You don't get any better than that. Yes, sir, Mr. Melcher, you do not get any better than that.

ESCALATING GAS PRICES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as every other Member, I have just returned from my congressional district, which includes a major part of the Dallas metropolitan area, and they have some of the highest gas prices in the Nation.

Recent reports revealed that gas prices have shot up nearly 25 cents per gallon over the past 2 weeks. In December of 2003, gas averaged $1.50 a gallon. Now gas is reaching $3 a gallon. While I agree that supply-and-demand forces are part of the reason behind the escalating gas prices, I also believe that price gouging is a fundamental problem.

Congress must act and enact innovative policies such as windfall profit tax on the gas companies and greater investments in alternative fuels, fuel efficiency, even public transportation.

Madam Speaker, I urge the Republican leadership to stop the rhetoric and start thinking about the real change.

SALUTING THE LEADERSHIP OF SECRETARY OF DEFENSE DONALD RUMSFELD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, as a 31-year veteran of the Army National Guard and the father of three serving in the military today, I greatly appreciate the military successes that have been achieved under the leadership of Secretary Donald Rumsfeld.

Secretary Rumsfeld has worked tirelessly in the global war on terrorism and led our troops to liberate 25 million people in Afghanistan, defeat Saddam Hussein's enormous Army in 18 days, train over 250,000 Iraqi security forces, capture countless terrorists, and further the greatest spread of freedom in the history of the world.

House and Senate Democrats promised a substantive national security policy over a month ago, but they continue to practice the strategy of retreat and defeat, which does not protect our country.

Fortunately, Secretary Rumsfeld and the U.S. military remain committed to fighting terrorists in Iraq, Afghanistan and worldwide so that we do not have to face them on the streets of America.

In conclusion, God bless our troops, and we will never forget September 11.

BUSH PRESCRIPTION DRUG TAX—TWENTY DAYS LEFT UNTIL TAX TAKES PLACE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the countdown continues. If neither the Bush administration nor this Congress act within the next 20 days, seniors who have yet to sign up for the new prescription drug plan will be penalized with a Bush prescription drug tax that will stay with them for the rest of their lives.

It is bad enough that the new prescription drug plan is so confusing and complicated that a vast majority of seniors have yet to sign up, but now, if seniors choose a drug plan after May 15, they will be penalized with a tax that will only make their prescription drug costs higher.

The Bush administration refuses to extend the deadline, even though they have heard recent reports of seniors waiting on the phone as long as 30 minutes to get more information on these private drug plans.

If House Republicans do not join us in extending this unfair deadline, seniors will encounter at least a 7 percent Bush prescription drug tax that they will be forced to pay every month for the rest of their lives.

As we check off another day on the calendar, House Republicans now only have another 20 more days to stand up and support America's seniors. It is time Republicans do the right thing.

GASOLINE PRICES—SOBER ACTION DEMANDED

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, talk is cheap, and gas prices aren't. With summertime right around the corner, Americans are making plans to pack up their car and hit the road for a summer vacation. However, this year gas prices are putting a damper on those summer plans.

The President and most Members of Congress appreciate something the American people know well, America has an addiction to oil. But higher gas prices today are the product of many different factors, including governmental regulation and heightened worldwide demand. Here at home we are best able to adapt by using tools at our disposal.

In the weeks ahead, Congress must continue to act on behalf of the American people by providing incentives for energy conservation and the development of alternative energy sources. We should expand our domestic oil production, including building new refineries and expanding current ones. Above all, Members of Congress cannot talk about the rise in energy prices and then say "no" to reforms when it comes time to vote.

Right now, talk, not oil, is cheap. Shortsighted solutions will not be effective. I urge my colleagues to work together on behalf of all Americans. Our Nation certainly has the will to evolve our actions and the capability to meet these challenges.

HONORING THE CAREER OF DAN PIERCECCHI

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Madam Speaker, I rise today to acknowledge and honor the career of a gentleman I have known for almost 20 years, Mr. Dan Piercecchi, who will be receiving a lifetime achievement award.

Dan has dedicated his life to public service throughout Michigan, having served on the Inkster Parks and Recreation Commission and then being elected to the Inkster City Council. He has also served on the Livonia Planning Commission and is currently a proponent and a champion of municipal government throughout America.

He is also a very dedicated activist to our own Grand Old Party, and he was one of the first people I ever met when I became involved in politics. He has the wisdom, sagacity, and tenacity of an old bull, and this young bull would like to thank him very much for the example he set of what one of man of integrity can do to move mountains.

□ 1415

FREE ACT

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, crude oil prices have exceeded previous records set after Hurricane Katrina, reaching over $75 a barrel. This summer, Americans are expected to pay significantly more at the pump than last summer. In the meantime, oil companies continue to rake in record profits.

During five town hall meetings I held in Michigan in the past 2 weeks, the price of gasoline was the most troubling for my constituents. There are currently no Federal laws against price gouging. The only way the Federal Trade Commission can even attempt to prosecute unfair pricing is through antitrust and antimonopoly laws. To date, the FTC has never brought a gas price gouging case to court.

Recently, President Bush ordered an investigation into gas prices. However, because the Federal Government does not have a clear definition of what price gouging is, the FTC can do little more than study the issues. But we have had enough studies. Last September, I introduced a bill to increase the Federal Government's ability to prosecute price gougers. My bill, the Federal Response to Energy Emergencies Act, FREE Act, will provide the FTC and the Department of Justice with the authority to investigate and to prosecute those who engage in predatory pricing, from oil companies down to distributors, with an emphasis on those who profit most.

The FREE Act will also allow State attorneys general to investigate unfair pricing practices. This includes the gouging of gasoline, home heating oil, and natural gas. The Federal Government has a responsibility to act responsibly and prevent price gouging, and I urge a vote on my legislation.

PRESIDENT SHOULD VETO SUPPLEMENTAL SPENDING BILL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, with a record deficit and national debt, now is the time for Congress to practice fiscal discipline, even where funding the war on terror is concerned.

While I have supported our troops and funding the rebuilding and reconstruction efforts along the gulf coast, I could not bring myself to support recent emergency funding legislation that left this House of Representatives at some $92 billion, including many elements that the President of the United States thought were unnecessary.

Well, if things were bad before, they just got worse. Madam Speaker, the Senate is working on the emergency supplemental bill, and it is now at $106.5 billion and rising, including such unrelated measures as $3 million for southern and eastern Kentucky tourism and $900,000 for Dartmouth College, to name two.

Let us support funding the war on terror and support the families and communities affected by the hurricanes that hit the gulf coast, but let us do it in a fiscally responsible way. This legislation has become a fruit basket of spending unrelated to our war efforts and Katrina; and I say plainly, Mr. President, veto this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. DRAKE). Members should direct remarks to the Chair and not to the President.

REACH OUT TO MODERATE PEOPLE OF IRAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, anyone following the news knows that tension is growing in our relations with Iran. But as we consider our response to this situation, let us be clear about where the problem lies.

The problem is with the radical new leadership of Iran, President Mahmoud Ahmadinejad, and his extremist regime. It is not with the good people of Iran, who have shown openness to freedom and moderation.

Historically, Iran has been a center of culture and civilization. Millions of Iranians still value these things and seek a future with greater freedom and individual liberty. We must be reaching out to these people through diplomacy, person-to-person diplomacy and other ways to encourage their desire for freedom.

The idea of nuclear weapons falling into the hands of a leader who calls the Holocaust a myth and openly says Israel should be wiped off the map is unthinkable and must be addressed. But the best way to do that is through reaching out to the moderate people of Iran who want better for their country than the current regime, not through military action.

MEDICARE SUCCESS STORY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to share yet another success story from a senior who is saving money with Medicare prescription drug coverage. These stories are plentiful, and it is important we share them with the American people so seniors will know the truth. They could be saving thousands of dollars a year with Medicare part D.

Mrs. Cornelia Kinnebrew lives in Rome, Georgia, in my district. Like many seniors, Ms. Kinnebrew's medication costs were astronomical. She was paying more than $700 a month for her drugs, a huge portion of her monthly budget.

Well, after contacting my office, Ms. Kinnebrew is signed up for a Medicare prescription drug plan. We discovered that she qualified for the additional help available to our low-income seniors, and I am incredibly pleased to report that now, with Medicare part D, Cornelia Kinnebrew pays only $37 a month for her prescription drugs. That is a savings of nearly $700 every month.

Madam Speaker, the initial enrollment deadline for Medicare part D is May 15. With 3 weeks left to sign up, it is extremely important we put people over politics and help ensure all seniors have the opportunity to enroll.

My message to seniors is this: with Medicare part D, the D stands for delivers. The President and this Republican-led Congress have done just that. Take advantage of it.

GAS PRICES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, gas prices are the topic right now, so let us talk about energy, because we have heard some of our liberal colleagues take great delight in talking about the gas prices, and probably they should. It is their policies that have led us to this point.

The Democrat Party in this country is very tightly tied to environmental extremist organizations; and since the 1970s, they have been working day and night to halt domestic exploration for oil.

We cannot search for oil on the Outer Continental Shelf, meanwhile Cuba and Venezuela are. We cannot explore for oil in ANWR because it might hurt the caribou. We haven't built a refinery since 1976 because environmentalists use their influence over liberal policymakers to create a regulatory and permitting scheme that makes it virtually impossible to get approval. That is why we have fewer refineries today.

Madam Speaker, the House passed a bill last year to make price gouging a Federal crime and to streamline the process for building a refinery. Not a single Democrat in this body voted for that, and now it is languishing in the Senate.

It is time for action. That is the reality of the situation.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 7, 2006, at 9:20 a.m.:

That the Senate passed without amendment H.R. 4979.

That the Senate agreed to without amendment H. Con. Res. 360.

That the Senate agreed to without amendment H. Con. Res. 371.

That the Senate agreed to S. Con. Res. 85.

With best wishes, I am,

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore WOLF signed the following enrolled bill on Tuesday, April 11, 2006:

H.R. 4979, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

HOUR OF MEETING ON THURSDAY, APRIL 27, 2006

Mr. RENZI. Madam Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 26, 2006, it adjourn to meet at 9 a.m. on Thursday, April 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, APRIL 27, 2006, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. RENZI. Madam Speaker, I ask unanimous consent that it may be in order on Thursday, April 27, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

TO MEMORIALIZE AND HONOR THE CONTRIBUTION OF CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. RENZI. Madam Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 83) to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

The Clerk read as follows:

H.J. RES. 83

Whereas President Richard M. Nixon nominated William H. Rehnquist to replace Associate Justice John Marshall Harlan on the Supreme Court on October 21, 1971, he was confirmed by the United States Senate on December 10, 1971, and served as an Associate Justice of the Supreme Court of the United States from January 1972 through September 1986;

Whereas President Ronald W. Reagan nominated Associate Justice William H. Rehnquist to replace Chief Justice Warren E. Burger as the Sixteenth Chief Justice of the United States on June 20, 1986, and he was confirmed by the United States Senate on September 17, 1986;

Whereas William Rehnquist presided as Chief Justice from September 1986 until September 2005 for a total of 19 years, making him the fourth-longest-serving Chief Justice after Melville W. Fuller, Roger B. Taney, and John Marshall, and the longest-serving Chief Justice who had previously served as an Associate Justice;

Whereas Chief Justice Rehnquist ably presided as chief administrator of the United States courts to insure the due administration of justice during times of rising caseloads and fiscal constraints;

Whereas Chief Justice Rehnquist was respected for his intellect, fairness, and humor by his fellow Justices and by members of the other branches of government; and

Whereas despite the debilitating effects of thyroid cancer, Chief Justice Rehnquist continued his service to the court and the country, and administered the oath of office to President George W. Bush at his second inauguration on January 20, 2005: Now, therefore, it is

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ACKNOWLEDGMENT AND HONOR

SECTION 1. The United States, acting through Congress, authorizes and directs the Curator of the Supreme Court, subject to the direction and approval of the Chief Justice of the United States, to procure a marble bust, including pedestal, of the late Chief Justice William H. Rehnquist, and to cause them to be placed in the Supreme Court building to honor his memory and legacy to the Supreme Court of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. There is authorized to be appropriated $50,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Madam Speaker, I yield myself such time as I may consume.

House Joint Resolution 83, introduced by Congressman RICHARD POMBO, chairman of the House Resources Committee, is offered to honor the contributions of former Chief Justice William Rehnquist by authorizing and directing the Curator of the Supreme Court to produce a marble bust, including a pedestal, of the late Chief Justice and have it placed in the Supreme Court Building.

Madam Speaker, Chief Justice Rehnquist served the people of this country and the court that he loved for 33 years. He was, in fact, the fourth longest serving Chief Justice. I believe a bust in the Supreme Court is but a small token of our deep appreciation for his dedication to this country and the rule of law.

Similar honors have been authorized by Congress for 13 other Chief Justices, and I believe Chief Justice Rehnquist is equally deserving. I encourage adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Madam Speaker, the majority has already explained the purpose of House Joint Resolution 83, which was introduced by Resources Committee Chairman RICHARD POMBO.

All former Chief Justices of the Supreme Court are currently memorialized with their busts placed in the Great Hall of the Supreme Court Building. House Joint Resolution 83 will extend this honor to former Chief Justice Rehnquist as well, and we support this legislation.

I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the joint resolution, H.J. Res. 83.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

APPROVING LOCATION OF COMMEMORATIVE WORK IN DISTRICT OF COLUMBIA HONORING FORMER PRESIDENT DWIGHT D. EISENHOWER

Mr. RENZI. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 28) approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

The Clerk read as follows:

S.J. RES. 28

Whereas section 8908(b)(1) of title 40, United States Code provides that the location of a commemorative work in the area described as Area I shall be deemed authorized only if approved by law not later than 150 days after notification to Congress and others that the commemorative work may be located in Area I;

Whereas section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note) authorizes the Dwight D. Eisenhower Memorial Commission to establish a memorial on Federal land in the District of Columbia to honor Dwight D. Eisenhower; and

Whereas the Secretary of the Interior has notified Congress of her determination that the memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of the commemorative work to honor Dwight D. Eisenhower, authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note), within Area I as depicted on the map referred to in section 8908(a) of title 40, United States Code, is approved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Senate Joint Resolution 28 approves the location of the Dwight D. Eisenhower commemorative work in the District of Columbia. Congressman JERRY MORAN is the author of the companion bill in the House, and he should be commended for his efforts to have this legislation enacted in such a timely manner.

□ 1430

Congress authorized the establishment of a Washington, D.C., memorial to former President Dwight D. Eisenhower in 2002. Under the Commemorative Works Act, Congress must formally approve the placement of memorials located in "Area 1" of the District of Columbia within 150 days of notification by the Secretary of the Interior. Area 1 comprises the central monument core along the National Mall.

The Secretary of the Interior notified Congress on January 31, 2006, that the Dwight D. Eisenhower Memorial Commission should be granted the authority to consider sites within Area 1 for the Eisenhower Memorial after concluding that former President Eisenhower is of "preeminent historical and lasting significance to this Nation." Congress must approve this recommendation by July 2, 2006, for the planning and approval process to proceed. Senate Joint Resolution 28 does just that. I urge adoption of the resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, President Dwight D. Eisenhower is a towering figure in American military and political history. We are pleased that the process for memorializing him is moving along rapidly and join our colleagues in offering our support for this resolution.

I would also like to congratulate the gentleman from Kansas (Mr. MOORE) for his steadfast advocacy of this legislation. Mr. MOORE is a member of the Executive Committee of the Dwight D. Eisenhower Memorial Commission, and in his letter to Ranking Member RAHALL noted, "President Eisenhower deserves a memorial location that speaks to his life and legacy." We are pleased to support this resolution.

Mr. MOORE of Kansas. Madam Speaker, I am very pleased that today the House is taking up S.J. Res. 28, a joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower. This measure, which was approved by the Senate earlier this month; it is identical to H.J. Res. 78, which was introduced by Representative JERRY MORAN of Kansas, with my original cosponsorship. With House approval of this measure today, this legislation will be sent to the President for his signature, marking an important milestone in the construction of a national memorial to President Eisenhower.

As a member of the Executive Committee of the Dwight D. Eisenhower Memorial Commission, established under Public Law 106–79 and Public Law 107–117, I have been working with my Commission colleagues to fulfill the laws' mandate that "an appropriate permanent memorial to Dwight D. Eisenhower should be created to perpetuate his memory and his contributions to the United States," and that the "Commission shall consider and formulate plans for such a permanent memorial to Dwight D. Eisenhower, including its nature, construction and location." I want to take this opportunity to thank my fellow Commissioners for their dedicated work on this project, and to take particular note of the contributions of Commission Chairman Rocco C. Siciliano and Commission Executive Director Brig. General Carl W. Reddel, USAF (Ret). Working in particular with my fellow Executive Committee members Senators TED STEVENS and DANIEL INOUYE, their tireless dedication to this project has been the primary reason we have moved so far so fast with this legislation. Their outstanding work is exemplified in the Commission's biographical essay about Dwight D. Eisenhower, which I include below:

THE NATIONAL MEMORIALIZATION OF DWIGHT D. EISENHOWER

Dwight D. Eisenhower (October 14, 1890–March 28, 1969) served as the 34th President of the United States and ranks as one of the preeminent figures in the global history of the twentieth century. Eisenhower was a central leader in the victorious resolution of World War II but his lasting significance in history lies in his deep commitment to freedom, the Constitution and democracy, and his contributions to defining and sustaining an international peace for which many Americans died.

A serving officer in World War I, Eisenhower's unusual abilities led to accelerated promotions at the outset of World War II and his selection in December 1943 as Supreme Commander of the Allied Expeditionary Forces. For this position he was appointed by President Franklin D. Roosevelt and endorsed by General George C. Marshall. He commanded the largest and most complex amphibious assault in world history. In this historic role, although he asked many Americans to sacrifice their lives, he became one of the most popular political figures in America and one of the most beloved military leaders in American history.

Toward the end of World War II, Eisenhower was nominated by President Roosevelt and approved by Congress for the rank of five-star General. Upon retiring from military service, he actively served as President of Columbia University from October 1948 to January 1951. While in that position, President Truman regularly sought his advice and counsel and then recalled him to active duty, appointing him in December 1950 as the first commander of the North Atlantic Treaty Organization's (NATO) military forces in Europe.

As the second presiding officer of the Joint Chiefs of Staff, replacing General Marshall in December 1945, he oversaw the peacetime demobilization of American military forces, recommended the continuation of universal military training and strongly advocated the unification of the armed forces.

As Eisenhower's two-term presidency began, American democratic values and national security were threatened by powerful adversaries. Passionately devoted to national security through alliances with other nations, President Eisenhower began his first administration when the Cold War's global challenges had gone beyond Europe. Convinced that a long-term strategy would be necessary to win this war, President Eisenhower sought to contain the Soviet Union militarily while building a prosperous economy. He understood the political economy of warfare better than most of his contemporaries and realized that excessive military expenditures could undermine the nation itself. Knowing that nuclear war was un-winnable and a threat to civilization, President Eisenhower promoted the peaceful uses of atomic energy, while skillfully and willingly deploying the most advanced electronic and photographic technologies to ensure American security. Simultaneously, he sustained strategic nuclear deterrence. President Eisenhower inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War in 1989.

While undertaking strategic Cold War measures, President Eisenhower assiduously pursued balanced budgets with remarkable fiscal responsibility and without sacrificing necessary public works. He introduced lasting innovations to the institution of the presidency, creating the first White House chief of staff, the first congressional relations office, the first presidential assistant for national security affairs and the first presidential science advisor. He dramatically improved the transportation infrastructure of the country with construction of the interstate highway system and the St. Lawrence Seaway. The territory of the United States was expanded with the addition of the new states of Alaska (January 3, 1959) and Hawaii (August 21, 1959).

To address the increasing complexity of citizens' social needs, President Eisenhower created the Department of Health, Education and Welfare in 1953, improved Social Security by increasing benefits and placing an additional ten million Americans in the Social Security system, and dispensed free polio vaccines. In 1957, he signed the first civil rights legislation since Reconstruction.

The extraordinary accomplishments of Dwight D. Eisenhower as president and military leader are enhanced in a series of memorable addresses and speeches including—Guildhall Address (London, 1945), Chance for Peace (Washington, 1953), Atoms for Peace (United Nations, 1953), Open Skies (Geneva Summit, 1956) and the Farewell Address (1961). Similar to Washington, Eisenhower became president and commander in chief after leading his country and its allies to military victory in Europe. His preeminent historical and national significance is assured. The challenge in our national memorialization of Dwight D. Eisenhower will be to honor all facets of his extraordinary career of life-long public service in a distinct, unique and enduring manner.

Mr. MORAN of Kansas. Madam Speaker, I rise today to pay tribute to one of Kansas' most famous sons, President Dwight D. Eisenhower. His remarkable career in public service and his legacy of protecting our country and the American people is most deserving of a memorial here in our Nation's Capital.

President Eisenhower spent his childhood in Abilene, Kansas, which is located in my district. Upon graduation from Abilene High School in 1909, he enrolled at West Point. Eisenhower soon became an esteemed figure and one of the most beloved military leaders in American history. After leading the U.S. and its allies to victory in World War II, he rose to the eminent rank of five-star general and went on to become the first commander of the North Atlantic Treaty Organization's military forces in Europe. In 1953, Eisenhower became the 34th President of the United States.

Initial site approval must be granted by Congress in order for monument design plans to proceed. The Eisenhower Commission was responsible for initially selecting the four-acre location near the Department of Education that has now been designated for the memorial. I was joined by the entire Kansas delegation in supporting H.J. Res. 78, the House companion bill to S.J. Res. 28. I recognize that the designation of the memorial site is an instrumental first step in making this tribute a reality.

Eisenhower himself once said that "this world has always set a high value on leadership." Eisenhower's valiant leadership qualities, innumerable successes, and staunch defender of American liberties make him worthy of a monument attributing to such. I stand here today offering my support for this important resolution.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. RENZI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 28.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RENZI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

* * *

GLENDO UNIT OF THE MISSOURI RIVER BASIN PROJECT CONTRACT EXTENSION ACT OF 2005

Mr. RENZI. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 592) to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The Clerk read as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Glendo Unit of the Missouri River Basin Project Contract Extension Act of 2005".

SEC. 2. GLENDO UNIT OF THE MISSOURI RIVER BASIN CONTRACT EXTENSION.

Section 2 of the Irrigation Project Contract Extension Act of 1998 (112 Stat. 2816, 117 Stat. 1854) is amended—

(1) in subsection (a), by striking "December 31, 2005" and inserting "December 31, 2007"; and

(2) in subsection (b)—

(A) by striking "beyond December 31, 2005" and inserting "beyond December 31, 2007"; and

(B) by striking "before December 31, 2005" and inserting "before December 31, 2007".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Madam Speaker, I yield myself such time as I may consume.

S. 592, introduced by Senator CRAIG THOMAS, extends nine water contracts between the Secretary of the Interior and water customers depending on the Glendo Reservoir in Wyoming until December 31, 2007. Our distinguished House colleague from Wyoming (Mrs. CUBIN) has led the effort in this Chamber to bring this bill to the floor.

To meet Endangered Species Act compliance within the Platte River basin area, Wyoming, Nebraska, and Colorado have been negotiating with the Federal Government on a recovery plan for four threatened and endangered species. Although all parties are expected to finalize and sign the recovery plan late this year, area water users need access to Glendo Reservoir water deliveries into the spring irrigation season, and this legislation ensures that while allowing the recovery plan process to go forward. I urge my colleagues to support this time-sensitive bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support the passage of S. 592. This bill would allow delivery of irrigation water to continue while work is finished on the Recovery Implementation Program for four listed species that rely on Platte River habitat.

A carefully managed process is in place to implement the Platte River Cooperative Agreement and to achieve species recovery. S. 592 will allow this critical work to continue without creating hardship for farmers who depend on irrigation water.

Madam Speaker, I yield back the balance of my time.

Mr. RENZI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 592.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING THE RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT

Mr. RENZI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2341) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas, as amended.

The Clerk read as follows:

H.R. 2341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF AUSTIN, TEXAS, WASTEWATER RECLAMATION AND REUSE PROJECT.

(a) AUTHORIZATION OF PROJECT.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1636. AUSTIN, TEXAS, WATER RECLAMATION AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Austin Water and Wastewater Utility, Texas, is authorized to participate in the planning (including an appraisal and feasibility study), design, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of Public Law 102-575 (106 Stat. 4600) is amended by adding at the end of the items relating to chapter XVI the following:

"Sec. 1636. Austin, Texas, water reclamation and reuse project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. RENZI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2341, introduced by Mr. DOGGETT, authorizes Federal participation in a water reuse project in Austin, Texas. Drought and increasing demands continue to stress existing water supplies. As a result, the city of Austin is being proactive and planning for its future water needs. This project is part of Austin's effort to create new water supplies. I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support the passage of H.R. 2341. Similar legislation was introduced in the 107th Congress, and we commend Mr. DOGGETT for his persistence and hard work to secure authorization for this important project.

The city of Austin is keenly aware that additional sources of water will be required to meet future water demands. The city has decided to meet the expected water supply shortfall by implementing aggressive water conservation and water recycling and reclamation programs.

The water recycling project identified in this bill will be eligible for limited financial assistance under the Bureau of Reclamation's title 16 water recycling program. Water recycling and desalination projects are proven technologies that can help stretch limited water supplies in areas such as Texas.

I want to express our full support for this legislation, and I offer my congratulations to Mr. DOGGETT for his leadership.

Mr. RENZI. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT), the sponsor of the bill.

Mr. DOGGETT. Madam Speaker, I appreciate the comments of both of my colleagues on the floor and the support of both the chairmen and the ranking members and staff of the Resources Committee and the subcommittee.

I rise in support of this legislation that I have offered on behalf of the City of Austin in addressing the growing water needs that we have in Central Texas in a fiscally and environmentally responsible way.

This particular project deals with the design, planning, and construction of a project to use wastewater and reclaim it in our community.

The Bureau of Reclamation was originally authorized to get involved with such projects in 1992, and this bill adds Austin to the list of eligible projects under what is known as Title 16. The bill will help the City with Federal funds to supplement what Austin is already doing locally to expand our water reclamation facilities.

Under Title 16, Federal participation is limited, and the City will remain responsible for at least three-fourths of the cost of the project.

Reclaimed water, or treated wastewater, is generally used when high-quality drinkable water is not required, such as for irrigation, industrial cooling towers, and for various manufacturing purposes.

For more than 20 years, the City of Austin has operated its own water reclamation project for irrigation and to supply the composting operations at the Hornsby Bend Plant on the Colorado River.

In Texas, although we have some mighty powerful rivers, we also have a mighty thirsty State. I believe that by conserving the many resources with which we have been blessed in Central Texas, we can ensure an ample water supply for the indefinite future.

This reclamation initiative will reduce the demand on Austin's existing water supply and conserve high-quality water from the Colorado River for human consumption.

Austin's existing reclaimed water system consists of 16 miles of pipe, 1.5 million gallons of storage in 2 tanks, 3 pump stations, and 2 pressure zones. We envision a much-expanded system under the master plan. We will reclaim water through 123 miles of pipe, 17 million gallons of storage, and multiple pump stations and pressure zones. For the system to grow from its existing limited capacity to its ultimate size will take about $200 million in additional infrastructure over the coming years. When completed, the expanded system authorized by this bill could eventually save as much as 9 billion gallons of water every year.

Austin is already a national leader in planning for a sustainable future that improves our quality of life, boosts economic development, and protects the environment. Water conservation is a key part of that plan and a critical issue for a growing economy in an environmentally-minded city. Even with active water conservation programs, the maximum daily demand for water in Austin increased by 43 percent during the 1990s. Austin recognizes that aggressive conservation efforts can meet about half of our future shortfall, but expanding our reclamation capabilities can get us the rest of the way there.

Ben Franklin once said, "When the well is dry, we know the worth of water." Well, this bill demonstrates that Austinites know the worth of water before our source of water goes dry, and we are taking steps to ensure water for our future.

The City and the Bureau of Reclamation have already advanced the project by completing a favorable Appraisal Report and beginning a Feasibility Study. The Appraisal Report concluded that the city's projected water "shortage can be eliminated by more aggressive water reclamation" and that "there is a Federal interest in pursuing water reclamation and reuse investigations in Austin."

In 1907, Theodore Roosevelt said, "The conservation of natural resources is the fundamental problem. Unless we solve that problem, it will avail us little to solve all others." With your help, the capital of the Lone Star State can make even more significant strides in managing its water resources. I urge approval of this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. RENZI. Madam Speaker, I appreciate the leadership of the gentleman from Texas, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 2341, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker. I move to suspend the rules and pass the bill (H.R. 4709) to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records, as amended.

The Clerk read as follows:

H.R. 4709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Records and Privacy Protection Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) telephone records can be of great use to criminals because the information contained in call logs may include a wealth of personal data;

(2) call logs may reveal the names of telephone users' doctors, public and private relationships, business associates, and more;

(3) call logs are typically maintained for the exclusive use of phone companies, their authorized agents, and authorized consumers;

(4) telephone records have been obtained without the knowledge or consent of consumers through the use of a number of fraudulent methods and devices that include—

(A) telephone company employees selling data to unauthorized data brokers;

(B) "pretexting", whereby a data broker or other person represents that they are an authorized consumer and convinces an agent of the telephone company to release the data; or

(C) gaining unauthorized Internet access to account data by improperly activating a consumer's account management features on a phone company's webpage or contracting with an Internet-based data broker who trafficks in such records; and

(5) the unauthorized disclosure of telephone records not only assaults individual privacy but, in some instances, may further acts of domestic violence or stalking, compromise the personal safety of law enforcement officers, their families, victims of crime, witnesses, or confidential informants, and undermine the integrity of law enforcement investigations.

SEC. 3. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH OBTAINING CONFIDENTIAL PHONE RECORDS INFORMATION OF A COVERED ENTITY.

(a) OFFENSE.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1038 the following:

"§ 1039. Fraud and related activity in connection with obtaining confidential phone records information of a covered entity

"(a) CRIMINAL VIOLATION.—Whoever, in interstate or foreign commerce, knowingly and intentionally obtains, or attempts to obtain, confidential phone records information of a covered entity, by—

"(1) making false or fraudulent statements or representations to an employee of a covered entity;

"(2) making such false or fraudulent statements or representations to a customer of a covered entity;

"(3) providing a document to a covered entity knowing that such document is false or fraudulent; or

"(4) accessing customer accounts of a covered entity via the Internet, or by means of conduct that violates section 1030 of this title, without prior authorization from the customer to whom such confidential phone records information relates;

shall be fined under this title, imprisoned for not more than 10 years, or both.

"(b) PROHIBITION ON SALE OR TRANSFER OF CONFIDENTIAL PHONE RECORDS INFORMATION.—

"(1) Except as otherwise permitted by applicable law, whoever, in interstate or foreign commerce, knowingly and intentionally sells or transfers, or attempts to sell or transfer, confidential phone records information of a covered entity, without prior authorization from the customer to whom such confidential phone records information relates, or knowing or having reason to know such information was obtained fraudulently, shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) For purposes of this subsection, the exceptions specified in section 222(d) of the Communications Act of 1934 shall apply for the use of confidential phone records information by any covered entity, as defined in subsection (h).

"(c) PROHIBITION ON PURCHASE OR RECEIPT OF CONFIDENTIAL PHONE RECORDS INFORMATION.—

"(1) Except as otherwise permitted by applicable law, whoever, in interstate or foreign commerce, knowingly and intentionally purchases or receives, or attempts to purchase or receive, confidential phone records information of a covered entity, without prior authorization from the customer to whom such confidential phone records information relates, or knowing or having reason to know such information was obtained fraudulently, shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) For purposes of this subsection, the exceptions specified in section 222(d) of the Communications Act of 1934 shall apply for the use of confidential phone records information by any covered entity, as defined in subsection (h).

"(d) ENHANCED PENALTIES FOR AGGRAVATED CASES.—Whoever violates, or attempts to violate, subsection (a), (b), or (c) while violating another law of the United States or as part of a pattern of any illegal activity involving more than $100,000, or more than 50 customers of a covered entity, in a 12-month period shall, in addition to the penalties provided for in such subsection, be fined twice the amount provided in subsection (b)(3) or (c)(3) (as the case may be) of section 3571 of this title, imprisoned for not more than 5 years, or both.

"(e) ENHANCED PENALTIES FOR USE OF INFORMATION IN FURTHERANCE OF CERTAIN CRIMINAL OFFENSES.—

"(1) Whoever, violates, or attempts to violate, subsection (a), (b), or (c) knowing that such information may be used in furtherance of, or with the intent to commit, an offense described in section 2261, 2261A, 2262, or any other crime of violence shall, in addition to the penalties provided for in such subsection, be fined under this title and imprisoned not more than 5 years.

"(2) Whoever, violates, or attempts to violate, subsection (a), (b), or (c) knowing that such information may be used in furtherance of, or with the intent to commit, an offense under section 111, 115, 1114, 1503, 1512, 1513, or to intimidate, threaten, harass, injure, or kill any Federal, State, or local law enforcement officer shall, in addition to the penalties provided for in such subsection, be fined under this title and imprisoned not more than 5 years.

"(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

"(g) NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or political subdivision of a State, or of an intelligence agency of the United States.

"(h) DEFINITIONS.—In this section:

"(1) CONFIDENTIAL PHONE RECORDS INFORMATION.—The term 'confidential phone records information' means information that—

"(A) relates to the quantity, technical configuration, type, destination, location, or amount of use of a service offered by a covered entity, subscribed to by any customer of that covered entity, and kept by or on behalf of that covered entity solely by virtue of the relationship between that covered entity and the customer;

"(B) is made available to a covered entity by a customer solely by virtue of the relationship between that covered entity and the customer; or

"(C) is contained in any bill, itemization, or account statement provided to a customer by or on behalf of a covered entity solely by virtue of the relationship between that covered entity and the customer.

"(2) COVERED ENTITY.—The term 'covered entity'—

"(A) has the same meaning given the term 'telecommunications carrier' in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

"(B) includes any provider of IP-enabled voice service.

"(3) CUSTOMER.—The term 'customer' means, with respect to a covered entity, any individual, partnership, association, joint stock company, trust, or corporation, or authorized representative of such customer, to whom the covered entity provides a product or service.

"(4) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time voice communications offered to the public, or such class of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network, or a successor network.".

(b) CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item relating to section 1038 the following:

"1039. Fraud related activity in connection with obtaining confidential phone records information of a covered entity.".

SEC. 4. SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 1039 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4709 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4709, the Law Enforcement and Phone Privacy Protection Act of 2006. This legislation will protect the privacy of consumers' cell phone records and create new criminal penalties for the unauthorized purchase, sale or disclosure of such records.

Certain unscrupulous companies operating on the Internet use deception to acquire an individual's phone records and then sell this personal information. Typically these companies employ a tactic known as "pretexting" to deceive the phone companies.

□ 1445

By impersonating the actual cell phone account holder, these companies are often able to obtain significant private information about the individuals.

This practice not only presents a threat to the privacy of the average consumer; the Judiciary Committee has also learned that criminals have employed these services to determine the identity of undercover law enforcement officers as well as suspected confidential informants and witnesses. Additionally, stalkers and domestic users can use such information to track a victim's location and associates.

Amazingly, none of this is clearly illegal under Federal law. H.R. 4709 targets pretexting and other deceptive practices not adequately addressed by the current law and provides express protection in the criminal code for the privacy of confidential phone records information. These important new consumer protections cover the records and calling logs of cellular, land line, Voice-Over-Internet-Protocol users, and accomplish this goal on a technology neutral basis. The bill also establishes specific criminal penalties for the fraudulent acquisition or disclosure of such records without the consent of the consumer.

More specifically, the bill prohibits third parties from purchasing or receiving confidential phone records information without the prior authorization of the consumer, or knowing or having reason to know that the information was obtained fraudulently. It exempts use of information by any covered entity if such use would be permissible under existing laws governing the handling of such information by telecommunications carriers. This exception includes any uses by agents, contractors, or joint venture partners to receive the confidential phone records acting on behalf of the covered entity to perform any of the functions permitted under existing law.

The bill also provides enhanced criminal penalties for anyone who engages in large scale operations to violate the law, or who discloses or uses fraudulently obtained confidential phone records information in furtherance of crimes of violence, including domestic violence and stalking, or to kill, injure or intimidate a witness, juror, confidential informant, or law enforcement officer.

The bill under consideration today incorporates several technical and conforming changes to the text that was reported unanimously by the Judiciary Committee on March 2 this year. This bipartisan legislation is supported by the U.S. Department of Justice, the National Center For Victims of Crime, the Cellular Telecommunications and Internet Association, and all of the major land line and mobile telephone companies.

I commend the chairman of the Subcommittee on Courts, the Internet, and Intellectual Property, Lamar Smith, for introducing this important measure. I also want to thank Judiciary Committee Ranking Member CONYERS, Congressman GOODLATTE, and Congressman SCOTT for their contributions to this legislation.

Madam Speaker, H.R. 4709 provides consumers with important new protections for the confidentiality of their calling records without compromising the legitimate lawful interests of law enforcement, emergency services and cellular telephone service providers. I urge my colleagues to support this sensible piece of legislation and hope that the Members of the other body will consider and pass this bill expeditiously.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). Without objection, the 20 minutes will be controlled by the gentlewoman from Texas (Ms. JACKSON-LEE).

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise with great pleasure and enthusiasm as one of the supporters of this legislation, Telephone Records and Privacy Protection Act of 2006, H.R. 4709; and I am pleased to acknowledge Mr. LAMAR SMITH and JOHN CONYERS as the original sponsors of this legislation.

I thank the chairman for yielding me this time, and I add my applause to legislation that makes several important and noteworthy changes to current law.

First and foremost, it establishes a new criminal offense against anyone who knowingly and intentionally obtains or attempts to obtain the confidential phone records of a third party through any one of the bill's several enumerated schemes or devices to defraud. Penalties for violating this prohibition include a fine or a term of imprisonment of not more than 20 years, or both.

Second, the bill establishes a new set of criminal penalties for anyone who knowingly and intentionally sells or purchases the confidential phone records of a third party without proper authorization or knowing that such records were obtained through fraud. Violators of either of these two provisions are subjected to a maximum term of imprisonment of up to 5 years.

Finally, in an effort to offer increased protection to the likely victims of such activities, this legislation includes a series of enhanced criminal penalties against any individual who engages in any one of the aforementioned crimes knowing that such information was sought in furtherance of or with the intent to commit any one of the bill's dozen or so enumerated offenses. Individuals specifically protected under this provision include potential victims of domestic-violence-related offenses, jurors, criminal witnesses, confidential informants, and law enforcement officers.

Recent investigations undertaken by State and Federal law enforcement officials have demonstrated the ease with which an individual can obtain the confidential calling records of a third party. By simply contacting one of the many on-line data brokers that currently exist, the private records of anyone sitting in this room could be filtered into the public domain within a matter of minutes.

And if put into the wrong hands, such information could be used to commit countless crimes of violence, including acts of domestic violence, retaliatory acts against law enforcement officers, or acts aimed at undermining our current criminal justice system.

Madam Speaker, I think it is important to note that as we fight the crime of identity theft, this new and innovative legislation puts a dagger in some aspects of that. For example, the records of high-ranking officials dealing with government business could be secured, whether it is local, State or Federal, and put various actions of the government in jeopardy.

And, yes, a law enforcement officer that may be undercover, those records can be secured and immediately put that law enforcement officer in great jeopardy of his or her life.

And, finally, for those of us who are parents, we understand what it means to be able to communicate with a young person through a cell phone. Just imagine a stalker or a child predator securing those records of your teenage son or daughter. What a horrific thought to think.

And so it is important that this legislation be passed for the protection of Americans all over this country and as well for the integrity of our technology system.

The bill before us seeks to stop these potential abuses from becoming a reality, and I strongly urge my colleagues to support this worthwhile measure.

I am pleased to acknowledge LAMAR SMITH and JOHN CONYERS as the original sponsors of this bill. This legislation makes several important and noteworthy changes to current law.

First and foremost, it establishes a new criminal offense against anyone who knowingly and intentionally obtains, or attempts to obtain, the confidential phone records of a third party through any one of the bill's several enumerated schemes or devices to defraud. Penalties for violating this prohibition include a fine or a term of imprisonment of not more than 20 years, or both.

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The bill before us seeks to stop these potential abuses from becoming a reality. I strongly urge my colleagues to support this worthwhile measure.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the author of the bill.

Mr. SMITH of Texas. Madam Speaker, since I introduced this legislation, I rise in strong support of the Telephone Records and Privacy Protection Act of 2006, the TRAPP Act. And I want to thank Chairman SENSENBRENNER for his leadership and continuing support of this bicameral and bipartisan bill.

Madam Speaker, few things are more personal and potentially more revealing than our telephone records. Who we call can reveal much about our business and personal lives, including intimate details about one's medical or financial condition. Calling records can even be used to identify a caller's location. In some cases the unauthorized release of personal information like a phone record can lead to a tragic result.

Unfortunately, existing Federal statutes that could be used to target data thieves are inadequate. These statutes have clearly not deterred data burglars from treating confidential phone record information as a commodity to be bought and sold over the Internet without the consent of consumers, sometimes for as little as $100.

The underlying bill targets companies and individuals who traffic in fraudulently obtained confidential phone records and provides new protections for the privacy of calling logs themselves. It establishes a new section, 1039, in title 18 of the United States Code, that will provide explicit penalties for those who use fraud to obtain confidential phone records.

Madam Speaker, the bill imposes a prison sentence of up to 10 years and a fine of up to $500,000 on any person who, in interstate commerce, sells, transfers, purchases or receives confidential phone records of a telephone company without the prior consent of the consumer.

The bill includes enhanced penalties for cases where the information is used in furtherance of crimes of domestic violence or a threat to law enforcement officials or their families.

We need to pass this bill to demonstrate that we take seriously the obligation to protect the confidentiality of consumer telephone records and to make clear to data thieves that their conduct will result in a felony conviction.

This legislation supports crime victims, prosecutors, and companies and individuals who have been the targets of this fraud. A companion measure is expected to be introduced soon in the Senate.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. SENSENBRENNER. Madam Speaker, at this time I have no further speakers, and I am prepared to yield back if the gentlewoman from Texas will yield back.

Ms. JACKSON-LEE of Texas. Madam Speaker, I include the following letters of support for this legislation:

CONSUMERS UNION,
Washington, DC., February 8, 2006.

Hon. CHARLES SCHUMER,
U.S. Senate,
Washington, DC.
Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.
Hon. BILL NELSON
U.S. Senate,
Washington, DC.

DEAR SENATORS SCHUMER, SPECTER AND NELSON: Consumers Union, the publisher of Consumer Reports, supports the Consumer Telephone Records Protection Act of 2006, S. 2178, and applauds your leadership on this critical consumer issue.

The Consumer Telephone Records Protection Act would go far in protecting consumers' private telephone records. Consumers have a reasonable expectation that their calling records will not be released to anyone other than themselves. Congress must meet that expectation by preventing stalkers, identity thieves, and shady data-brokers from accessing consumers' personal telephone calling records. Subjecting to criminal penalties the selling of those records and the practice of pretexting to obtain them will serve as a strong deterrence.

Importantly, instead of simply reaffirming Federal Trade Commission authority to enforce penalties against unfair and deceptive trade practices, the Consumer Telephone Records Protection Act ensures that other federal entities are empowered to protect consumers' calling records. Additionally, the bill covers all wireline, wireless and VoIP services, protecting the rights of consumers to keep their phoning records private regardless of which platform they use.

We look forward to working with you toward adoption of S. 2178 as well as other complementary measures required to protect consumers phone records. These include stronger enforcement powers and penalties for FTC and the Federal Communications Commission; mandatory consumer notice when calling records have been requested or provided to any party; requirements that consumers affirmatively opt-in before any of their records are shared, even with affiliates of the phone company; and finally, provisions strengthening carrier internal processes for safeguarding consumer information under Section 222 of the 1934 Communications Act, with tough penalties for noncompliance.

We applaud your swift action and thank you for your leadership to protect consumers. We look forward to working with you toward effective, enforceable consumer phone record privacy legislation.

We look forward to working with you toward enactment of this important legislation.

Respectfully,

JEANNINE KENNEY,
Senior Policy Analyst.

VERIZON WIRELESS APPLAUDS CELL PHONE PRIVACY BILL

BEDMINSTER, NJ.—Senators Charles Schumer of New York, Arlen Specter of Pennsylvania and Bill Nelson of Florida proposed legislation in the U.S. Senate today to make it a crime for someone to obtain cell phone customer calling or billing information under false pretenses or for a wireless company employee to sell such customer information. Verizon Wireless issued the following statement from Steve Zipperstein, vice president of legal & external affairs, in response to the filing:

"As the first wireless company in the U.S. to take legal action to protect cell phone customers' private account information from so-called online data brokers, Verizon Wireless applauds the efforts of Senators Schumer, Specter and Nelson to protect our customers' privacy from the crooks and predators who we've been hauling into civil court. The criminal penalties in this bill will provide another powerful weapon in the legal arsenal that the private sector and the government can use to protect consumers. We believe this legislation will give federal prosecutors and others in law enforcement the tools they need to crack down on this despicable practice and help defend the privacy of U.S. cell phone customers."

Verizon Wireless' record of aggressively protecting customer privacy has put the company at the forefront of the U.S. wireless industry.

On September 15, 2005, Verizon Wireless secured a permanent injunction against Source Resources Inc, a Tennessee-based company, to halt its illegal practice of obtaining and selling confidential customer telephone records. Verizon Wireless brought the lawsuit, believed to be the first of its kind, after one of its customers reported that his confidential wireless phone records had been secured without his permission by Source Resources. http://news.vzw.com/news/2005/09/pr2005-09-15.html

On November 9, 2005, Verizon Wireless obtained an immediate injunction against Global Information Group (GIG) of Temple Terrace, FL after the company made "thousands of attempts" to gather confidential information without proper authorization and used various fraudulent "schemes" to do so, including impersonating Verizon Wireless employees and posing as Verizon Wireless customers. The suit is pending. http://news.vzw.com/news/2005/11/pr2005-11-09a.html

In other actions to protect customer privacy: Verizon Wireless won permanent injunctions to stop two telemarketing firms—Intelligent Alternatives of San Diego, CA, and Resort Marketing Trends of Coral Springs, FL.—from making calls to Verizon Wireless customers by using auto-dialers and recorded messages. Federal consumer protection law prohibits use of auto-dialers or prerecorded messages in calls to cell phones—http://news.vzw.com/news/2005/12/pr2005-12-09.html

Verizon Wireless filed a lawsuit seeking an injunction against Passport Holidays of Ormond Beach, FL for violating federal and state laws after it sent more than 98,000 unsolicited short text messages to Verizon Wireless customers informing them they supposedly had won a cruise to the Bahamas and asking them to call to claim their prize—http://news.vzw.com/news/2005/11/pr2005-11-23.html

In August 2004, Verizon Wireless obtained an injunction against Rhode Island resident Jacob Brown, a known spammer who had been sending numerous text message solicitations to Verizon Wireless customers—http://news.vzw.com/news/2004/08/pr2004-08-30.html

In June 2004, Verizon Wireless broke with the wireless industry by becoming the first to announce it would protect customer privacy by refusing to participate in a national wireless phone directory—http://news.vzw.com/news/2004/06/pr2004-06-21.html

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SPRINT NEXTEL SUES TO SHUT DOWN ONLINE SERVICES THAT ILLEGALLY OBTAIN AND SELL CONFIDENTIAL TELEPHONE RECORDS

RESTON, VA.—(Business Wire)—Jan. 27, 2006—Sprint Nextel Corp. (NYSE:S) announced today that it has filed a lawsuit against the parent company of four online data brokers that use illegal and deceptive practices to obtain and sell wireless customer call detail records. Sprint Nextel states within the Complaint that 1st Source Information Specialists Inc., parent company of www.locatecell.com, www.celltolls.com, www.datafind.org and www.peoplesearchamerica.com, employs fraudulent tactics, such as posing as customers seeking information about their own accounts, to access cell phone logs and phone numbers.

In the suit filed today in Florida, Sprint Nextel states that the schemes conducted by these fraudulent online services invade the privacy of Sprint Nextel's customers. Sprint Nextel has requested both temporary and permanent injunctions against 1st Source Information Specialists Inc.

"Protection of confidential customer information is our number one priority and we are taking aggressive action to ensure that any threat to privacy is eliminated immediately," said Kent Nakamura, vice president for telecom management and chief privacy officer for Sprint Nextel. "1st Source Information Specialists continues to display egregious disregard for privacy, and previous industry-driven actions do not appear to have deterred their illegal activities. We can assure our customers that we will make every effort to put these services out of business."

To further demonstrate its commitment to protecting consumer privacy, Sprint Nextel is supporting federal legislation that seeks to increase criminal and/or civil penalties against third party companies that fraudulently seek to obtain, sell or distribute customer records. In particular, Sprint Nextel hails legislation crafted by senators Charles Schumer of New York, Arlen Specter of Pennsylvania and Bill Nelson of Florida for its provisions that make it illegal to obtain telephone customer records, and that stiffen prison sentences and fines for those companies fraudulently selling information. Sprint Nextel looks forward to working with these senators and other members of Congress to pass the legislation that best protects consumers and ends this fraudulent practice.

In addition to launching a legal assault on these illegal activities, Sprint Nextel's corporate security and customer care teams employ safeguards to protect confidential customer information from unauthorized access. Sprint Nextel customer service agents have been made aware of the fraudulent tactics used by online data brokers, and they are trained to follow detailed authentication procedures when responding to customer inquiries. Sprint Nextel's security practices were validated in 2005 when the company was awarded the "Best Practice in Security for Governance" by the Aberdeen Group.

Sprint Nextel strongly encourages its customers to take precautions to protect themselves. In particular, Sprint Nextel recommends that customers regularly change passwords used to access account information on the Sprint.com web site or when calling customer care, and select unique passwords to access voicemail messages on Sprint phones. For additional customer privacy tips, please go to www.sprint.com/privacy.

COUNTY OF LOS ANGELES,
Monterey Park, CA, March 29, 2006.

Hon. CHARLES SCHUMER,
U.S. Senate,
Washington, DC.

UNITED STATES SENATE BILL 2178—SUPPORT CONSUMER TELEPHONE RECORDS PROTECTION ACT OF 2006 AS INTRODUCED ON JANUARY 18, 2006

DEAR SENATOR SCHUMER: The Los Angeles County Sheriff's Department is proud to support your United States Senate Bill 2178 (S. 2178). This Bill would prohibit the obtaining, by fraud or other unauthorized means, of confidential phone record information.

Recently, there has been a lot of media focus regarding the sale of another's cell phone records over the internet. Many companies, charging as little as $20, offer to research and provide a month's worth of cell phone call information, no questions asked.

With the above in mind, S. 2178 seeks to correct this serious situation by prohibiting another from obtaining this information under false pretense or selling such information by any person, including an employee of the provider.

As Sheriff of Los Angeles County, I support S. 2178. Should you need further assistance regarding this issue please do not hesitate to contact me directly at (323) 526-5000, or my Legislative Advocate, Sergeant Wayne Bilowit, at (323) 240-5696.

Sincerely,

LEROY D. BACA,
Sheriff

T-MOBILE SUES CELL RECORD BROKERS FOR CRIMINAL PROFITEERING

BELLEVUE, WA., January 23, 2006—In an effort to restrain the unlawful activities of entities that attempt to fraudulently obtain confidential customer information, T-Mobile USA, Inc. is bringing legal action against online data brokers the company believes are involved in illegitimately obtaining and selling call records. Acting under Washington State criminal profiteering laws, T-Mobile today filed suit in King County, Wash., Superior Court seeking an injunction to stop Locatecell.com, as well as related companies and individuals, from engaging in such illegal behavior. T-Mobile also is prepared to take similar legal action against other believed violators.

"To further safeguard the privacy of our customers, T-Mobile is taking action to prosecute these online data brokers to the fullest extent permitted by the law," said Dave Miller, Senior Vice President and General Counsel, T-Mobile USA. "For the protection of all wireless customers, their illegal actions must be stopped."

T-Mobile also endorses the need for federal legislation making it a crime for anyone to obtain, sell or distribute, through fraudulent means, the private calling records of mobile phone customers.

"T-Mobile supports adoption of federal legislation making it clear that fraudulent activities by third parties to obtain, sell, or distribute call records is a crime," said Tom Sugrue, T-Mobile's Vice President of Government Affairs. "Legislation should address the deplorable and deceptive actions of these third-party brokers who illegitimately obtain and sell call records without the knowledge or consent of wireless customers. We applaud the FCC's recent citations against brokers that have defied its subpoenas."

Legislation introduced by Sens. Schumer, Specter and Nelson and co-sponsored by Sens. Burns and Reid, takes particular aim at these perpetrators, defined as anyone who sells or obtains confidential customer information through deception or unauthorized access to a telephone company's data. T-Mobile commends this bipartisan group of Senators for targeting privacy predators such as online brokers in an effort to bolster protections for consumers. T-Mobile looks forward to working with members of Congress to resolve this important privacy concern.

As a result of data uncovered during a continuing, thorough internal investigation, T-Mobile had issued numerous cease and desist letters against companies that were believed to have illegally obtained and sold phone-calling records of some of its customers.

T-Mobile reiterates that it is important for customers to continue to take steps to protect their accounts by utilizing passwords. T-Mobile urges all users of mobile phone services to take the following password protection steps:

Create separate passwords for voicemail, online access, and for use when calling customer care about your billing account.

Set complex passwords using both numbers and letters where appropriate.

Avoid common passwords such as birth dates, family or pet names and street addresses.

Change your passwords at least every 60 days.

Memorize your passwords.

Don't share passwords with anyone.

"T-Mobile takes customer privacy seriously. Customer protection is a primary concern. We have invested millions of dollars to help protect customer information, and we continue to further reinforce our systems. Our customer phone records are not for sale," said Sugrue. "We encourage Congress and the FCC to act swiftly to bring the illegal activity of online data brokers to an end."

Mr. SMITH of Texas. Madam Speaker, since I introduced this legislation, I rise in strong support of the "Telephone Records and Privacy Protection Act of 2006 (the TRAPP Act)."

And I want to thank Chairman SENSENBRENNER for his leadership and continuing support of this bicameral and bipartisan bill.

Madam Speaker, few things are more personal and potentially more revealing than our phone records.

Who we call can reveal much about our business and personal lives, including intimate details about one's medical or financial condition.

Calling records can even be used to identify a caller's location.

In some cases, the unauthorized release of personal information like a phone record can lead to a tragic result.

Unfortunately, existing Federal statutes that could be used to target data thieves are inadequate.

These statutes have clearly not deterred data burglars from treating confidential phone records information as a commodity, to be bought and sold on the Internet, without the consent of consumers, for about $100.

The underlying bill targets companies and individuals who traffic in fraudulently obtained confidential phone records and provides new protections for the privacy of calling logs.

It establishes a new section 1039 in Title 18 of the United States Code that will provide explicit penalties for those who use fraud to obtain confidential phone records.

The bill imposes a prison sentence of up to 10 years and a fine of up to $500,000 on any person who in interstate commerce sells, transfers, purchases or receives confidential phone records of a telephone company without the prior consent of the customer.

The bill includes enhanced penalties for cases where the information is used in furtherance of crimes of domestic violence or threat to law enforcement officers or their families.

We need to pass this bill to demonstrate that we take seriously the obligation to protect the confidentiality of consumer telephone records and to make clear to data thieves that their conduct will result in a felony conviction.

This legislation supports crime victims, prosecutors, and companies and individuals who have been the targets of this fraud.

A companion measure is expected to be introduced soon in the Senate.

Mr. GOODLATTE. Madam Speaker, I rise in strong support of H.R. 4709, the Law Enforcement and Phone Privacy Protection Act. I was pleased to join with Representatives SMITH, CONYERS and SCOTT to introduce this important legislation to protect phone records from thieves and opportunists.

The sale of confidential phone records is a serious problem. for approximately $100, anyone can buy an individual's private cell phone call history. These histories catalogue every outgoing and incoming call a customer makes or receives. This information should not be available for unauthorized sale on the Internet.

The primary method thieves use to obtain this information is known as "pretexting". This involves an individual with some key information—a cell phone number or possibly a Social Security Number—pretending to be the subscriber to get information about an account. The Law Enforcement and Phone Privacy Protection Act puts a stop to this by imposing criminal penalties for "pretexting," As well as other methods of seeking to obtain such records through the use of fraud.

Furthermore, this legislation will provide additional punishment for those who illegally sell or obtain phone records knowing they will be used in a criminal act. This is extremely important for the protection of law enforcement officers and potential victims of domestic violence, whose call histories may be particularly desireable to those who wish to do them harm.

We all use telephones and cell phones with the assumption that information about who we receive calls from and make calls to will not fall into the wrong hands. I urge the members of the house to support this legislation to ensure that phone records are protected.

Mr. CANTOR. Madam Speaker, I rise today in support of the Law Enforcement and Phone Privacy Protection Act of 2006.

As America continues to prosper, cell phones are becoming increasingly central to our everyday lives. We use this technology to keep in closer contact with our families, manage our livelihoods, and stay in touch with friends. We trust that the records of private conversations remain safe. Law enforcement must have the tools necessary to ensure the privacy of our cell phone records and prosecute those who invade our lives.

Today, criminals can use our cell phone records to expose a government informant, steal our personal information, or commit other forms of fraud.

This bill takes strong action to protect the privacy of American's cell phone records. By providing tough new protections, we can better ensure the privacy of confidential cell phone records. Law enforcement and prosecutors can impose serious criminal penalties on those who unlawfully invade and use our cell phone records.

Congress has a duty to protect all Americans and their confidential cell phone records.

Ms. ZOE LOFGREN of California. Madam Speaker, I am pleased to be an original cosponsor of this bill. I believe it provides critical privacy protections to the more than 180 million Americans who use cell phones. It will also protect the privacy of more than 100 million American homes with wired telephones. And it will protect Voice over IP users, now more than 2 million Americans and rapidly rising.

I think we've heard too many stories of how easy it is to fraudulently obtain cell phone call records and even cell phone locations. We've heard of how one political blog bought Wesley Clark's cell phone records, but the fact is lots of ordinary Americans have reason to be concemed about the privacy of their phone records. Imagine what a criminal organization could do with the cell phone call records of an undercover law enforcement agent, or what an abuser could do with a spouse's cell phone location. No one should be able to get another person's phone records through fraud, and this bill makes it a crime to purchase or use phone records obtained through fraud.

I want to thank Chairman SMITH of the Intellectual Property Subcommittee and Ranking Member CONYERS of the Judiciary Committee for their leadership in drafting this legislation, which I believe represents a sensible, bipartisan solution to a growing problem. I urge my colleagues to join me in voting to pass this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask the support of this legislation, and I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4709, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. STEARNS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 357) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

The Clerk read as follows:

H. CON. RES. 357

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 35 years, an improvement from a life expectancy of 10 years in the 1960s, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas one of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommends that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and longevity;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than two dozen potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May, 2006: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) promotes further public awareness and understanding of cystic fibrosis;

(3) advocates for increased support for people who have cystic fibrosis and their families;

(4) encourages early diagnosis and access to quality care for people with cystic fibrosis to improve the quality of their lives; and

(5) supports research to find a cure for cystic fibrosis by fostering an enhanced research program through a strong Federal commitment and expanded public-private partnerships.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. STEARNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Con. Res. 357, which supports the goals and ideals of National Cystic Fibrosis Awareness Month, beginning in May. Every year in the United States, about 1,000 children are born with cystic fibrosis, or CF, a life-shortening genetic disease.

According to the Cystic Fibrosis Foundation, those children face a median life expectancy of 36 years, an average that, fortunately, has continued to increase as science and research have developed better treatment and drugs. And while a median life expectancy of 36 is unacceptably low, that figure is cause for hope for those living with the disease and, of course, their families. They know that in 1955, the year parents of children suffering from this disease formed the Cystic Fibrosis Foundation, children born with CF usually did not live to attend preschool. As the life expectancy increases, those suffering with this disease and their families continue to work for a cure or a life-extending treatment.

Madam Speaker, while a cure for cystic fibrosis remains illusive, the symptoms and effects of the disease are fairly simple. CF is one of the most common life-threatening genetic diseases in the United States. More than 30,000 people in the United States have CF, and over half of them are children.

In addition, over 10 million Americans are unknowing, symptom-free carriers of the cystic fibrosis gene. Cystic fibrosis affects the lungs and digestive system.

□ 1500

The defective gene that causes CF triggers the production of abnormally thick mucus in the lungs that leads to restricted breathing, recurring lung infections, and in many cases digestive problems. The infections deteriorate the lungs and their capacity to deliver oxygen to the body, a condition that worsens over time and in many cases even leads to death or the need for a lung transplant. One of the goals of H. Con. Res. 357 is to promote the need for early diagnosis and the importance of newborn screening so that treatment of children with CF can begin as soon as possible to improve their health and longevity.

The five decades that have passed since the founding of the Cystic Fibrosis Foundation have brought not only hope but years to the lives of those suffering from CF. The Cystic Fibrosis Foundation continues to be at the forefront of making more with less in the area of drug discovery and development. The Therapeutics Development Program, TDP, created and launched by the CF Foundation, has pioneered new ways to conduct cutting-edge, lifesaving research in a cost-effective and efficient manner. This program now includes 18 major research institutions across the country in an established clinical trials network. The TDP provides innovative companies with funding, raised through private donations to the CF Foundation, to undertake research and development on promising new drug candidates, and supports an extensive pipeline of potential new therapies. In fact, the CF Foundation currently has more than 30 drugs and therapies in various stages of clinical trials, any one of which could dramatically improve the life of someone suffering from CF. I believe that the innovative programs like the Therapeutics Development Program are part of the blueprint for more efficient and cost-effective health care and should be supported. So, as you can see, Madam Speaker, CF Foundation-sponsored research is adding precious years to the lives of those living with the disease so that they might live long enough to benefit once a cure is found.

Today there is more potential research on new drugs and therapies than funds to finance that lifesaving work. This is a problem created by a wealth of scientific riches, and one that I hope can be bridged by more public-private partnerships which leverage our world-class biotech and pharmaceutical companies with the capabilities of institutions like the National Institutes of Health to ensure that the discovery phase of identifying new drugs and compounds to treat cystic fibrosis continues. To that end the resolution before us today advocates strong partnerships between government resources like the NIH and nonprofits like the Cystic Fibrosis Foundation as a key means to improve care for those with "orphan" diseases like CF.

Madam Speaker, in closing, I would like to commend my friend and colleague Mr. MARKEY from Massachusetts for his leadership and work supporting this resolution and for our partnership cochairing a new Congressional Cystic Fibrosis Caucus. The Congressional Cystic Fibrosis Caucus, like this resolution, is intended to provide Members and the American public a better understanding of cystic fibrosis and the need to support the incredible work that is being done by the Cystic Fibrosis Foundation as well as through public-private collaboration to find a cure.

I would also like to thank all those Members on both sides of the aisle who have cosponsored H. Con. Res. 357 and those who have joined the Congressional Cystic Fibrosis Caucus. And anyone who is watching is welcome to call my office or Mr. MARKEY's office. We would like to have your support, and we look forward to it.

So, my colleagues, please join me in honoring and supporting the goals and ideals of National Cystic Fibrosis Awareness Month by simply agreeing to H. Con. Res. 357.

Madam Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. DRAKE). Members should direct their comments to the Chair and not to the television audience.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

I thank my friend from Florida Mr. STEARNS. He and I have partnered on the resolution and on cofounding the Congressional Cystic Fibrosis Caucus. And I want to thank him for his commitment to CF, its cause, and the difference that this institution can make in helping to find the cure. It is, without question, something that we can agree upon on a bipartisan basis.

The resolution before us today is to support the goals and the ideals of the National Cystic Fibrosis Awareness Month, and it is really so that we can bring the most powerful four-letter word to this cause, and that word is "hope"; hope that the United States Government will increase its funding, will help to find the cure for this dreaded disease, that we can give hope to the families who are affected by it. And today is a really important day on that path because for the first time we do have a caucus, and this resolution in a lot of ways will memorialize that and give more momentum to finding the cure.

CF is one of the most common life-threatening genetic diseases in the United States. People with CF produce abnormally thick, sticky mucus, which makes breathing very difficult. They find, as a result, they cough and they wheeze constantly and are at constant risk for life-threatening lung infections.

Approximately 30,000 children and adults in the United States have cystic fibrosis, but it affects far more than those 30,000 people. It affects all of the families and the loved ones of those people who are struggling with this horrible disease. It affects the moms who have to wake up at 5 a.m. so that they can pound on their child's chest before they go to work. It affects their siblings who have to wait with their sister while she goes to yet another doctor's appointment. And it affects the dads who worry that their child will never grow up to have a normal life. This resolution is about supporting these families and providing them with the hope for a better future.

Significant improvements have been made in the treatment of cystic fibrosis. A few decades ago many children with CF did not live past 10 years of age. Today life expectancy is 35 years of age, and much of these achievements are due to the hard work and the dedication of the Cystic Fibrosis Foundation. That is why CFF really stands for courageous fighting families, courageous fighting friends of those families.

Yet even with this incredible work of our courageous fighting families, we still have a long way to go to provide the people with CF with a normal and healthy life. It is time for Congress to become more involved in the pursuit of a cure. We need to make a greater investment in research and make a stronger commitment to the people with CF, their families, and their caretakers.

This is something which in the 21st century we should leave as a forgotten memory, but we can only do it if we provide hope now. It is the most powerful word in the English language: Hope that we can raise awareness of the families struggling with CF, hope that we can find better treatments and ultimately a cure, hope that our children will have to turn to the history books to find that there ever was such a thing as cystic fibrosis.

I thank, again, the cochair of the caucus Mr. STEARNS. This is now going to bring a larger, more powerful spotlight on this disease. And hopefully, working together in a bipartisan fashion, we can address this as a human issue and not as a Democrat or Republican issue.

Mr. McGOVERN. Madam Speaker, I rise in support of H. Con. Res. 357, offered by the distinguished gentleman from Florida (Mr. STEARNS). This resolution would support the goals and ideals of National Cystic Fibrosis Awareness Month.

Cystic Fibrosis is one of the most common life-threatening genetic diseases in the United States. Approximately 30,000 people in the United States have cystic fibrosis, and about 1,000 new cases of cystic fibrosis are diagnosed each year. Tragically, more than half of those with CF are children. As I stand here today, more than 10 million Americans are unknowing, symptom-free carriers of the cystic fibrosis gene.

Significant improvements have been made in the treatment of cystic fibrosis. Just a few decades ago, children with CF did not live past 10 years of age. Today the life expectancy has improved, and the number of adults with CF has steadily grown. Even so, there is no cure for this disease, and much still must be done to provide people with CF with a normal and healthy life expectancy.

Early diagnosis is the key, and that is why it's so important that we work to further public awareness and understanding of cystic fibrosis. We must increase support for those affected by this disease and ensure that they have access to quality care, and we also must support research to find a cure for CF.

I am proud to provide my support to this cause, and I ask my colleagues to join me in supporting H. Con. Res. 357 so that the month of May can be dedicated to educating all Americans about cystic fibrosis, about the courage of those who suffer from this disease, and about the important research underway to find a cure.

Ms. HART. Madam Speaker, today, as we consider H. Con Res. 357 to support the goals of National Cystic Fibrosis (CF) Awareness Month in May, I would like to bring attention to such efforts in my district and in western Pennsylvania.

One such family in my district, the Nicotras, are doing just that. "Hayden's Heroes" was formed in 2005 by Sam and Rhea Nicotra to support CF research. The Nicotras' grandson, Hayden Klein, was diagnosed with CF in 2004, when he was just one week old. The Kleins and their family faced the questions familiar to many CF patients and their loved ones about genetic factors, the difficulty in diagnosing CF and, of course, the challenges in treating and managing the disease.

The Kleins had no history of the disease on either side of the family and, since CF patients can look healthy, there is no way to diagnose the disease just by looking at him or her. Clearly, cystic fibrosis is stealthy; we have much to learn about its origins, how to treat it and, ultimately, how to defeat it.

Fortunately, many Americans are committed to providing the resources to wage this battle, and, with National CF Month approaching, it is important that we recognize the many local resources to support this important task.

The local chapter of the Cystic Fibrosis Foundation is an active participant in the national Great Strides walk to raise funds for CS research—participants across the country have succeeded in raising more than $150 million since 1989. The local chapter will participate in this year's walk next month at North Park Lake in my district.

The local CF Foundation office also encourages friends and families of CF patients to provide support for such resources and research, and the Nicotras have been local leaders with Hayden's Heroes, which is hosting a "Dancing with the Pittsburgh Stars" event to raise awareness of the disease and support local resources, and a local talent-training organization in my district, the In Tune Studio, is also working on an event to support CF research.

It is through such community efforts that we will understand more about CF and treat this disease, and I commend the dedication and tenacity of the local chapter of the CF Foundation and, in particular, the Nicotras and their family, for advancing this important cause.

I ask my colleagues in the United States House of Representatives to join me in recognizing National Cystic Fibrosis (CF) Awareness Month and the Cystic Fibrosis Foundation. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute a worthy cause like the Cystic Fibrosis Foundation.

Mr. MARKEY. Madam Speaker, I yield back the balance of my time.

Mr. STEARNS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 349) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 349

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 17, 2006, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 349.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 349 authorizes the use of the Capitol Grounds for the 65th Annual Greater Washington Soap Box Derby to be held June 17, 2006. The resolution also authorizes the Architect of the Capitol; the U.S. Capitol Police; and the Greater Washington Soap Box Derby Association, the sponsor of the event, to negotiate the necessary arrangements for carrying out this traditional event in compliance with the rules and regulations governing the use of the Capitol Grounds.

The Greater Washington Soap Box Derby is one of the largest qualifying races in the country. This race takes place on Constitution Avenue between Delaware Avenue and Third Street, NW. Participants are residents of the Washington metropolitan area and range in age from 8 to 17. The winners of these races will represent the Washington metropolitan area at the national finals, held annually in Akron, Ohio.

I support this concurrent resolution, which continues our custom of authorizing the use of the Capitol Grounds for this exciting event, and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Tennessee. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), a good friend of mine and the prime sponsor of House Concurrent Resolution 349, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

□ 1515

Mr. HOYER. Madam Speaker, I want to thank the distinguished gentleman from Tennessee (Mr. DAVIS) for yielding me time. I want to thank my friend from Pennsylvania (Mr. SHUSTER) for his leadership on this issue.

Madam Speaker, for the 16th straight year, I am proud to sponsor the resolution allowing the Greater Washington Soap Box Derby Association to hold its annual race on the grounds of the United States Capitol.

H. Con. Res. 349 authorizes the Architect of the Capitol and the Capitol Police Board to work with the Greater Washington Soap Box Derby Association to ensure that all the necessary arrangements are made to conduct this race in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The 65th annual Greater Washington Soap Box Derby will be held on Saturday, June 17.

Soap box derby racing, Madam Speaker, in our Nation's Capital has a long and rich tradition. In 1938, Norman Rocca beat out 233 other racers to win the inaugural Greater Washington Soap Box Derby, which was held on New Hampshire.

Over the years, thousands of the region's young people have participated in this great race, although the location has varied from the original site on New Hampshire Avenue to Capitol Hill, with stops on Massachusetts Avenue, Pennsylvania Avenue, and Eastern Avenue along the way.

The essence of the race has remained the same. homemade gravity-powered cars, the spirit of competition, and the pure joy of racing. The Soap Box Derby consists of dozens of drivers, both boys and girls, ranging in ages from 8 to 17. These racers are divided into three division: stock, superstock and masters. The local winners of each division will automatically qualify to compete with racers from around the world in the 69th All-American Soap Box Derby in Akron, Ohio, on July 22 of this year.

The festivities in Akron begin when the racers receive a police escort into town and conclude in the winner's circle with the awarding of scholarships and merchandise. In between, the racers and their families participate in a whirlwind of activities that leave them with enduring friendships and memories to last a lifetime.

The past 6 years, the Greater Washington Soap Box Derby has had one of its participants finish in the top 10 in the All-American competition. In fact, last year's master's division champion, Robbie Reuss of Waldorf, finished an impressive second in Akron. Robbie's finish surpassed Gene Bean's third in the 1941 All-American and is the best finish for a representative of the Greater Washington Soap Box Derby. I am very proud of Robbie, and I am hopeful that this might finally be the year when one of our racers from the Greater Washington area is finally crowned world champion.

Madam Speaker, this event has been called the greatest amateur racing event in the world, and it is an excellent opportunity for the contestants from the District of Columbia, Maryland, and Virginia to learn basic building skills while gaining a real sense of accomplishment.

Madam Speaker, I strongly encourage my colleagues, as I expect them to, to join me with the other original cosponsors of this resolution, Representative FRANK WOLF, Representative JAMES MORAN, Representative ELEANOR HOLMES NORTON, Representative AL WYNN, and Representative CHRIS VAN HOLLEN, in supporting this resolution and congratulating all the participants.

Mr. DAVIS of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there are many things in America that are purely American. It is my understanding that the Soap Box Derby races that we have is purely an American phenomenon that started here. Other countries may have adopted it, but it is wonderful to be a part of this legislation that makes it possible for young men and young women to broaden their minds and their scientific knowledge as they develop the skills of building the eventual vehicle that they will ride, hopefully to victory.

Madam Speaker, I am delighted to support, along with Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. WYNN, Mr. VAN HOLLEN, and Ms. NORTON House Concurrent Resolution 349, and acknowledge the efforts of Mr. HOYER, who has been such a great and consistent champion for his constituents for this event.

House Concurrent Resolution 349 authorizes use of the Capitol Grounds for the Greater Washington Soap Box Derby. On June 17, 2006 youngsters from the greater Washington area will race down Constitution Ave. to test the principles of aerodynamics in hand designed and constructed soap box vehicles. All the contestants, ages 9 through 16, construct and operate their own soap box vehicles.

Madam Speaker, the All American Soap Box Derby originated in 1933 and quickly became a national phenomenon. There are now more than 150 races currently taking place nationwide to determine 440 qualifiers for the national race finals held in Akron, Ohio.

Madam Speaker, many hundreds of volunteers donate considerable time supporting the event and providing families with a fun filled day, which is quickly becoming a tradition in the Washington, DC area. The event has grown in popularity and Washington is now known as one of the outstanding race cities.

Consistent with all events using the Capitol Grounds, this event is open to the public and free of charge. The organizers will work with the Capitol Hill Police and the Office of the Architect.

I support House Concurrent Resolution 349 and urge passage of this resolution.

Mr. OBERSTAR. Madam Speaker, I join Mr. HOYER and Ms. NORTON, together with Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WOLF, and Mr. WYNN, in supporting House Concurrent Resolution 349, to authorize use of the Capitol Grounds for the Greater Washington Soap Box Derby. I especially want to acknowledge the dedication of Mr. HOYER, the resolution's annual sponsor, who faithfully introduces this resolution to authorize use of the Capitol Grounds for such a worthwhile event.

This annual event encourages all boys and girls, ages nine through 16, to construct and operate their own soap box vehicles. The Washington event, which attracts a great number of spectators and extensive media coverage, has grown in size and has become one of the best-attended events in the country. The winner in each of three divisions wins a trip to the national race in Akron, as well as trophies and prizes.

The principles of aerodynamics are combined with fun and excitement for all participants and their families in the Greater Washington area. It is an excellent opportunity for parents to have direct involvement in their children's activities. The derby's mission is to provide children with an activity that promotes technical and social skills that will serve them throughout their lives.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place for the event.

I support this resolution and urge my colleagues to support House Concurrent Resolution 349.

Mr. DAVIS of Tennessee. Madam Speaker, I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 349.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING PARTICIPATION IN ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

Ms. PRYCE of Ohio. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4916) to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

The Clerk read as follows:

H.R. 4916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST REPLENISHMENT OF THE RESOURCES OF THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND.

The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end the following:

"SEC. 39. FIRST REPLENISHMENT OF THE RESOURCES OF THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND.

"(a) CONTRIBUTION AUTHORITY.—

"(1) IN GENERAL.—The Secretary of the Treasury may contribute on behalf of the United States $150,000,000 to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) may be exercised only to the extent and in the amounts provided for in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the United States contribution authorized by subsection (a), there are authorized to be appropriated not more than $150,000,000, without fiscal year limitation, for payment by the Secretary of the Treasury.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. PRYCE of Ohio. Madam Speaker, I yield myself such time as I may consume.

The Multilateral Investment Fund, or MIF, was created as a mechanism to stimulate innovation and economic growth for Latin America and Caribbean countries and is operated by the Inter-American Development Bank, IADB, an organization that oversees many programs and loans that benefit the economically challenged in those areas.

Projects funded through the MIF are focused on new development approaches that work to promote inclusive economic growth. The IADB has made the central goal of the MIF to use both grants and investments to demonstrate new ways in developing micro- and small enterprises, to build workers' skills, strengthen environmental management, and improve the functions of financial markets.

This legislation fulfills the President's FY 2007 budget request for $25 million, or a total of $150 million over 6 years, to be given in replenishing the MIF and meet the U.S. commitment.

At the close of FY 2005, the total amount of projects approved by the MIF exceeded $1 billion, encompassing 799 projects with an additional $1 billion in co-financing that was put to use in meeting MIF goals.

Our authorizing this new replenishment allows for a continuation of all the good work the IADB has been doing in the area of microfinance.

Microfinance projects are especially important to developing areas in helping break the cycle of poverty by providing a loan to start a small or microenterprise, a business usually defined as having less than 10 employees in an economic hardship area.

Through small business growth, areas are then able to demonstrate that they have potential to attract wider sources of capital and enable further expansion of services for microenterprises. Building the small firm sector offers the greatest potential to generating job growth, which will lead to lasting freedom from poverty.

The MIF has pioneered the creation of venture capital for small business in Latin America and the Caribbean and continues to look for opportunities that would improve venture capital for small businesses by supporting reforms and regulatory and legislative frameworks, and by helping to remove barriers to small business financing.

This legislation honors our commitment to these countries, will attract further capital investment and help create stable, reliable trading partners in these developing nations.

Madam Speaker, I am so pleased to have the ranking members of the full committee and my subcommittee, Mr. FRANK and Mrs. MALONEY, as well as my subcommittee vice chair, Mrs. BIGGERT, and Chairman SPENCER BACHUS, joining me in supporting this replenishment; and I ask for my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong bipartisan support of H.R. 4916, a bill that will authorize continued United States participation in and appropriations for the U.S. contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

This bill was introduced with strong bipartisan support by Representative PRYCE, who chairs the subcommittee on which I serve as the ranking member, Congressman FRANK, Congresswoman BIGGERT and myself, and was reported unanimously out of the committee by voice vote.

The MIF is operated by the Inter-American Development Bank and is governed by a donors committee composed of representatives of 37 member countries. The United States is the MIF's largest contributor with 42 percent, and as such exercises considerable influence over its strategic direction and the individual projects it approves.

The MIF does exactly the kinds of things that those who follow the work of the international financial institutions on both sides of the aisle wish these institutions would do. Its principal work is to administer a private sector grant program to assist in developing microenterprises which particularly help small women-owned businesses, it builds workers' skills, it strengthens environmental management, and it improves the efficiency of financial markets in Latin America and the Caribbean.

Roughly 80 percent of MIF projects are undertaken in direct partnership with private sector business associations, trade groups and non-governmental organizations. Typically, MIF resources are matched dollar for dollar with contributions from these groups.

MIF resources also leverage additional funds from other sources, providing a multiplier effect for projects that have consistently been recognized as among the most innovative and effective of multilateral development institutions.

The total authorization for U.S. participation contained in this legislation is $150 million over 6 years. The remaining member countries have pledged over $350 million. The first installment of the U.S. contribution, $25 million, was included in the President's budget request for fiscal year 2007.

The Financial Services Committee has conducted close oversight over MIF programs since the fund was first established in 1993. In 13 years of operation, MIF has worked with over 400 private sector organizations throughout Latin America and the Caribbean, approving over $1 billion for roughly 800 different projects. The MIF is the single largest source of technical assistance for this part of the world.

One area in which the MIF's work has attracted particular attention in recent years involves the impact of remittances, transfer of money by foreigners to their home countries in that region. Thanks to the fund's efforts, the fees accompanying sending of these moneys back home have been significantly lowered, from 15 percent to 5 percent. Thanks to MIF technical assistance, the recipients of these funds have channeled them into their countries' formal financial systems, helping them to create badly needed jobs.

Madam Speaker, I would like to note that the House report that accompanies this bill mentions that the U.S. has an overdue balance resulting from the U.S. pledge to the original MIF agreement. While no funds are included in this bill for that purpose, the committee urges the administration to seek funding to pay this amount in back dues.

MIF is an example of a program that actually works. It offers proof that multilateral institutions can provide win-win solutions. MIF shows that U.S. taxpayers can benefit while hard-working citizens of Latin America and the Caribbean who wish to start a business and compete in the global economy can pull themselves out of poverty.

I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield 3 minutes to my good friend and chairman of the subcommittee, SPENCER BACHUS.

Mr. BACHUS. Madam Speaker, I thank Chairman PRYCE, and will start by commending Chairman PRYCE and Congresswoman MALONEY and Congresswoman BIGGERT and also Ranking Member FRANK for this legislation.

A lot of citizens might be hearing this debate and they may be thinking, what has this got to do with the United States? What do problems in Latin America have to do with the United States? What is in it for me, my constituents might ask me? Why would you support spending $25 million a year on this program? What do Americans get out of this program?

I submit to you that this program is probably one of the best uses of our taxpayers' money for one simple reason: when I go home today, people say to me, illegal immigration; do something about illegal immigration.

□ 1530

Well, let me say this to fellow Members: if you want to do something about illegal immigration, this vote today, a "yes" vote on this bill, will do more from a practical standpoint to stem the flow of illegal immigration than anything else.

James Schlessinger, one of my favorite quotes is a quote of his when he says: "When a problem has no solution, it is not a problem. It is a fact."

Well, I can tell you that illegal immigration is a fact. But it is also a problem that has solutions. And the first solution, the first step to solving it we can take today by voting for this bill.

Now, why is that? Well, let me tell you about illegal immigration. Let me tell you about Mexico, one of the countries that benefits from this program. It creates small enterprises, small jobs in Mexico. In Mexico every year, 600,000 Mexicans enter the job force; but there is only room for 150,000 of them. So almost a half million of them cannot even get a job at any wage.

The ones that do get a job is at one-fifth of what Americans pay, American jobs. Guatemala, El Salvador, the Dominican Republic, we are beginning to have more and more illegal immigrants from those countries. The reason? In the countries that I have just mentioned, about one out of every five young men or women that enters the job market can get a job.

So I can tell you it is a fact of life when they cannot get a job at any salary, they are going to try to come over here. Yes, we can build walls. Yes, we can employ more people on the border. But a cheaper, more practical, more long-term solution is this legislation today which will create the very jobs these countries need. And that is not the large government enterprises. It is the private enterprise businesses.

I close by saying this: another great thing about this program is we have partners. It is not a government program. The NGOs, the private sector business organizations, trade groups, they are all involved in this.

Let us vote "yes" on this. Let us start creating jobs in those countries and stemming the flow of illegal immigration.

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

I agree completely with the gentleman. This not only will help the economic development, but certainly will give immigrants a reason to stay in their own countries and develop their own economy.

Madam Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT) who has done so much work in this area.

Mrs. BIGGERT. Madam Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me time.

Madam Speaker, I rise in strong support of H.R. 4916, the bill that really authorizes the United States' contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund, which is often referred to as MIF.

I want to thank Chairman PRYCE for her leadership on the authorization bill and on all of the domestic and international economic development initiatives that she has undertaken since becoming chairman of the House Financial Services Domestic and International Monetary Policy Trade and Technology Subcommittee. It is an honor to serve as her vice-chairman.

I also thank the gentlewoman from New York (Mrs. MALONEY) for all the work that she has done as the ranking member of the committee. And I would like to thank Mr. BACHUS for really being able to put this all in context of what this really means for all of us in the United States and why this is so important.

It is important and in the U.S.'s best interest that we support international economic development initiatives as we fight the war on terror. It is especially important that we fund homegrown, microeconomic projects in developing countries.

These projects are often supported through MIF's technical and financial supports. The Inter-American Development Bank is doing important work to marry the public and private sectors, is working to engage the international community and pro-democracy, pro-free trade, and pro-free market.

Through a variety of initiatives, programs and projects, the bank is promoting sustainable economic growth in developing countries. Just as important as it is to the U.S., it is important to many developing countries to promote job growth, improve education, expand health care, enhance environmental standards, produce clean energy, develop sound infrastructure, and increase access to financial markets and institutions.

The MIF fund, which is operated by the International American Development Bank, is a critical component of all of these marks of economic stability for developing countries, particularly in Latin America and the Caribbean, as they work towards stabilizing their governments and towards sustainable economic growth.

H.R. 4916 authorizes the U.S. contribution of $150 million to MIF and sends a strong message to our neighbors in the south, and to the international community and the leaders in the Inter-American Development Bank that we support their efforts.

Madam Speaker, I would like to commend the U.S. delegation that participated in the 47th annual Inter-American Development Bank meetings that were held earlier this month and for their hard work. In particular, I would like to commend the bank's leaders and staff for taking the helm of anti-corruption initiatives and for promoting ethical practices within the bank.

In addition, I would like to recognize the new Inter-American Development president, Luis Alberto Moreno, for his leadership in promoting public-private partnerships, especially those that involve small businesses.

I would also like to thank him for facilitating discussions about Latin American debt relief and development at this year's annual meeting. MIF is a proven winner in meeting important job creation and economic goals throughout the region.

By tapping the talents, strengths, and resources of private sector groups and organization, we can continue to help others help themselves. This is a great program that leverages small dollars into big results for many people throughout Latin America.

Madam Speaker, I am again pleased to lend my support to the chairman for her legislation, and I urge my colleagues to do the same.

Mrs. MALONEY. Madam Speaker, I urge all of my colleagues to support this important legislation, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I have no further requests for time. It has been a pleasure working with the gentlewoman from New York.

Ms. WATERS. Madam Speaker, I rise in support of H.R. 4916, a bill to authorize U.S. participation in the Enterprise for the Americas Multilateral Investment Fund (the Fund/MIF). The bill provides $150 million for the Fund. While this may appear to be a small amount compared to some of our other commitments to multilateral institutions, the reauthorization of the Fund represents an important step in our continuing efforts to underwrite economic development activities outside of our own borders.

In the broadest sense the Fund is designed to promote private sector development in Latin America and the Caribbean. There are two overarching themes related to the Fund. One is to reduce poverty and promote grass roots economic growth in this part of the world. By strengthening micro and small enterprise capacities, the Fund stimulates improvements in the business environment and engages the private sector in the development process. Two, by underwriting projects that promote innovation, the Fund pilots new concepts, determining their feasibility for the commercial market, as well as whether they can be adapted on a larger scale.

To date, more than 75 percent of Fund project activities have been undertaken in partnership with the private sector. More than $1 billion has been approved for 800 projects. Through these projects MIF has become one of the best known organizations with private sector partners in Latin America and the Caribbean. As the largest provider of technical assistance in the Region, it is no doubt why this reauthorization has bipartisan support. Indeed, the Fund provides a stellar example of how we can best use our resources to promote development, while reducing poverty and raising the standard of living of our neighbors. Madam Speaker, I urge support of the bill.

Mr. KOLBE. Madam Speaker, I rise in support of H.R. 4916 authorizing a replenishment of the Enterprise Fund for the Americas.

The Multilateral Investment Fund (MIF) was created in 1993 as part of the 'Enterprise for the Americas' initiative to provide technical assistance in Latin American and Caribbean countries to stimulate innovation and economic growth. The objective of the fund is to use grants and investments to develop micro enterprises, build worker skills, strengthen environmental management and improve the functions of financial markets. I'm pleased to be able to say that the Multilateral Investment Fund has been a model of reform and transparency for other multilateral banks of reform and transparency. The Fund has aggressively embraced transparency in it's work. It is on the front line of change in a development sector where indictments of ineffectiveness are most often heard.

Experience demonstrates that private sector development agencies can be a powerful and transformative development tool. In Poland and across central Europe these types of funds have helped build small and medium size businesses, created jobs, changed the economic environment and helped establish a middle class. Given the rapidly deteriorating political condition in Latin America, we need every arrow in our quiver if we are to demonstrate to countries in our hemisphere the inherent value of open market—both political and economic.

In the preceding 4 years, Congress provided almost $72 million for the MIF. Although the U.S. has pledged $150 million over the next six years for MIF II, meeting that commitment will depend on budget constraints and shifting spending priorities. There are many competing needs in the fiscal year 2007 budget and it will be no different In following budget years. It is, however, worth noting that our pledge has leveraged thus far an additional $352 million from 36 other countries.

We need to be innovative in our development work if we are to increase trade and build small and medium size businesses. The Enterprise for the Americas Multilateral Investment Fund helps to achieve these goals. I support this legislation.

Ms. PRYCE of Ohio. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. PRYCE) that the House suspend the rules and pass the bill, H.R. 4916.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. PRYCE of Ohio. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

COMMUNICATION FROM CONGRESSIONAL FELLOW OF HON. TRENT FRANKS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Julia Winding, Congressional Fellow of the Honorable TRENT FRANKS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 18, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
JULIA WINDING,
Congressional Fellow.

COMMUNICATION FROM LEGISLATIVE CORRESPONDENT OF HON. LOIS CAPPS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ramesh P. Nagarajan, Legislative Correspondent of the Honorable LOIS CAPPS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 18, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to rule VIII of the rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
RAMESH P. NAGARAJAN,
Legislative Correspondent,
Congresswoman Lois Capps.

COMMUNICATION FROM CONGRESSIONAL FELLOW OF HON. BARBARA LEE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Michelle Christensen, Congressional Fellow of the Honorable BARBARA LEE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to rule VIII of the rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
MICHELLE CHRISTENSEN,
Congressional Fellow.

COMMUNICATION FROM CONGRESSIONAL FELLOW OF HON. DONALD M. PAYNE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Deborah Greene, Congressional Fellow of the Honorable DONALD M. PAYNE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2006.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
DEBORAH GREENE,
Congressional Fellow.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of Georgia) at 6 o'clock and 30 minutes p.m.

RESIGNATION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

House of Representatives,
Washington, DC, April 25, 2006.
Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: I am resigning my seat on the Committee on Standards of Official Conduct effective today.

The reasons that I am taking this action are fully set out in my letter to Democratic Leader Pelosi of April 21, 2006, which has been publicly released.

Most sincerely,
Alan B. Mollohan

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

House of Representatives, Committee on Transportation and Infrastructure,
Washington, DC, April 13, 2006.
Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: Enclosed please find thirty-five resolutions approved by the Committee on Transportation and Infrastructure on April 5, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,
Don Young,
Chairman.

Enclosures.

Site acquisition and Design—U.S. Border Station, Nogales, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 217,924 gross square foot facility and 400 outside parking spaces, located in Nogales, Arizona, at a site acquisition cost of $2,450,000 and design and review cost of $7,386,000, a prospectus for which is attached to, and included in, this resolution.

Construction—U.S. Border Station, San Luis, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of a 76,794 gross square foot facility and 80 outside parking spaces, located in San Luis, Arizona, at a design and review cost of $3,306,000, management and inspection cost of $3,854,000, and estimated construction cost of $34,869,000 for an estimated total project cost of $42,029,000, a prospectus for which is attached to, and included in, this resolution.

Construction—U.S. Border Station Calexico, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition and design of a 233,943 gross square foot facility and 197 new outside parking spaces, located in Calexico, California, at a site acquisition cost of $2,000,000 and a design and review cost of $12,350,000, a prospectus for which is attached to, and included in, this resolution.

Construction—U.S. Secret Service—Remote Delivery Facility II, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of a mail processing and screening facility of 80,000 gross square feet and 104 outside parking spaces located in Washington, DC, at a design and review cost of $1,025,000, management and inspection cost of $2,358,000, and estimated construction cost of $36,229,000 for a combined estimated total project cost of $39,612,000, a prospectus for which is attached to, and included in, this resolution.

Construction—U.S. Coast Guard Consolidation and Development of St. Elizabeth's Campus, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of a 1,338,000 gross square foot facility and a structured parking garage containing 1,000 spaces, located in Washington, DC, at a management and inspection cost of $31,040,000, (design and review cost of $24,900,000 was previously authorized), and an estimated construction cost of $352,957,000 for an estimated total project cost of $408,897,000, a prospectus for which is attached to, and included in, this resolution.

Design—U.S. Border Station, Columbus, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for construction of a 114,202 gross square foot facility and 33 new outside parking spaces located in Columbus, NM, at a design and review cost of $2,629,000, a prospectus for which is attached to, and included in, this resolution.

Construction—U.S. Border Station, El Paso, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for construction of a 190,300 gross square foot facility including 100 new outside parking spaces, located in El Paso, Texas, at a management and inspection cost of $2,051,000 (design cost of $2,491,000 was previously authorized), and estimated construction cost of $18,166,000 for an estimated total project cost of $22,708,000, a prospectus for which is attached to, and included in, this resolution.

Amended Prospectus—Construction—U.S. Border Station, McAllen, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, additional appropriations are authorized for construction of a 46,648 gross square foot facility and 96 outside parking spaces located in McAllen, Texas, at an additional design and review cost of $429,000 (design and review cost of $2,375,000 was previously authorized), additional management and inspection cost of $134,000 (management and inspection cost of $1,691,000 was previously authorized), and an additional estimated construction cost of $6,915,000 (construction cost of $13,872,000 was previously authorized) for a combined estimated total project cost of $25,416,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 23, 2003, which authorized $2,375,000 for design and review, $1,691,000 for management and inspection, and $13,872,000 for construction.

Alteration—Everett M. Dirksen U.S. Courthouse, Chicago, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Everett M. Dirksen United States Courthouse located at 219 S. Dearborn Street, Chicago, Illinois, at an estimated construction cost of $89,629,000 and management and inspection cost of $6,942,000 (design cost of $8,152,000 was previously authorized), for a combined estimated total project cost of $104,723,000, a prospectus for which is attached to, and included in, this resolution.

Amended Prospectus—Alteration—Mary E. Switzer Memorial Federal Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Mary E. Switzer Memorial Federal Building located at 330 C St., SW., in Washington, DC, at an estimated construction cost of $120,600,000, a design and review cost of $10,256,000, and management and inspection cost of $9,080,000, for a combined estimated total project cost of $139,936,000 (design and review, estimated construction and management and inspection cost totaling $116,325,000 were previously authorized), a prospectus for which is attached to, and included in, this resolution.

Amended Prospectus—Alteration—Main Interior Building, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Department of Interior's main headquarters building located at 1849 C Street, NW., Washington, DC, at a design and review cost of $11,213,000, a management and inspection cost of $20,900,000, and an estimated construction cost of $211,331,000 for an estimated total project cost of $243,444,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated June 23, 2003, which authorized an estimated total project cost of $220,265,000.

Alteration—Food and Drug Administration Center for Veterinary Medicine, Laurel, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Food and Drug Administration Center for Veterinary Medicine located on Muirkirk Road in Laurel, Maryland at an estimated design cost of $435,000, an estimated construction cost of $5,057,000, and management and inspection cost of $536,000, for a combined estimated total project cost of $6,028,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—WHITE OAK BUILDING 130, SILVER SPRING, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the White Oak Building located at 130 Dahlgren Road in Silver Spring, Maryland at an estimated design cost of $296,000, an estimated construction cost of $5,265,000, and management and inspection cost of $232,000, for a combined estimated total project cost of $5,793,000, a prospectus for which is attached to, and included in, this resolution.

AMENDED PROSPECTUS—ALTERATION—RICHARD BOLLING FEDERAL BUILDING, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Richard Bolling Federal Building located at 601 East 12th Street, in Kansas City, Missouri at an estimated construction cost of $225,760,000, design and review cost of $15,917,000, and management and inspection cost of $22,233,000 for a combined estimated total project cost of $263,910,000 (estimated total project cost of $199,583,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION—VARIOUS BUILDINGS, ALBUQUERQUE, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of three federal buildings, one located at 517 Gold Avenue, Albuquerque, New Mexico; the Chavez Federal Building and Courthouse; and the Albuquerque Courthouse, at an estimated design cost of $543,000, an estimated construction cost of $4,821,000, and management and inspection cost of $419,000, for a combined estimated total project cost of $5,783,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION—THURGOOD MARSHALL U.S. COURTHOUSE, NEW YORK, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Thurgood Marshall United States Courthouse in New York, New York at an estimated design cost of $16,393,000, an estimated construction cost of $201,640,000, and management and inspection cost of $9,849,000, for a combined estimated total project cost of $227,882,000 (design and review costs totaling $13,500,000 were previously authorized) a prospectus for which is attached to, and included in, this resolution.

ALTERATION—FEDERAL BUILDING AND U.S. COURTHOUSE, MILWAUKEE, WI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Federal Building and United States Courthouse located at 517 E. Wisconsin Avenue, in Milwaukee, Wisconsin at an estimated design cost of $458,000, an estimated construction cost of $4,796,000, and management and inspection cost of $345,000, for a combined estimated total project cost of $5,599,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION IN LEASED SPACE—SECURITY WEST BUILDING, WOODLAWN, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the alteration of the Security West Building, located at 1500 Woodlawn Drive, Woodlawn, Maryland, at a design and review cost of $1,310,000, an estimated construction cost of $16,382,000, and management and inspection cost of $2,123,000 for a combined estimated total project cost of $19,815,000, a prospectus for which is attached to, and included in, this resolution.

NEW CONSTRUCTION—MATERIAL PRICE INCREASES—VARIOUS PROJECTS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, additional appropriations are authorized for material price increases for the construction of projects located in Las Cruces, New Mexico; Del Rio, Texas; and two projects in El Paso, Texas, at an estimated additional construction cost of $19,155,000, a prospectus for which is attached to, and included in, this resolution.

DESIGN—VARIOUS LOCATIONS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the design of projects scheduled for the Eisenhower Executive Office Building (Phase III), located in Washington, DC at a design cost of $8,447,000; the Nebraska Avenue Complex, located in Washington, DC at a design cost of $1,200,000; the David Dyer Federal Building and Courthouse, located in Miami, Florida at a design cost $4,502,000; the George C. Young Federal Building-Courthouse, located in Orlando, Florida at a design cost of $2,563,000; the Dr. A.H. McCoy Federal Building-Post Office, located in Jackson, Mississippi at a design cost of $1,043,000; the U.S. Post Office and Courthouse, located in Brooklyn, New York at a design cost of $4,723,000; the U.S. Post Office and Courthouse, located in New Bern, North Carolina at a design cost of $1,279,000; and the Joseph P. Kinneary U.S. Courthouse, located in Columbus, Ohio at a design cost of $1,068,000 for a total design cost of $24,825,000, for which a prospectus is attached to, and included in, this resolution.

LEASE—INTERNAL REVENUE SERVICE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION, DENVER, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 D.S.C. 3307, appropriations are authorized to lease up to 170,704 rentable square feet of space and 57 inside parking spaces for the Internal Revenue Service currently located in leased space at Dominion Plaza, 600 17th Street, Denver, Colorado and government-owned space at Building 53, Denver Federal Center, Lakewood Colorado, at a proposed total annual cost of $5,974,640 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. 3307, appropriations are authorized to lease up to 144,000 rentable square feet and 10 parking spaces for the U.S. Equal Employment Opportunity Commission, currently located in leased space at 1801 L Street, NW, Washington, DC, at a proposed total annual cost of $6,768,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE JUDICIARY CENTER, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 376,219 rentable square feet of space for the Department of Justice currently located in leased space at 555 4th Street, NW, in Washington, DC, at a proposed total annual cost of $17,682,293 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF AGRICULTURE CONSOLIDATION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 330,000 rentable square feet of space and 65 parking spaces for the Department of Agriculture currently located in multiple leased locations in the Washington, DC Metropolitan Area, at a proposed total annual cost of $15,510,000 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL EMERGENCY MANAGEMENT AGENCY, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 325,000 rentable square feet and 17 parking spaces for the Federal Emergency Management Agency, currently located in leased space at 500 C Street, SW, Washington, DC, at a proposed total annual cost of $15,275,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF INTERIOR MINERALS MANAGEMENT SERVICE, METAIRIE, LA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized for a superseding lease of up to approximately 197,084 rentable square feet and 650 parking spaces for the Department of Interior—Minerals Management Service, currently located at 1201 Elmwood Park, Metairie, Louisiana, at a proposed total annual cost of $4,730,016 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—SOCIAL SECURITY ADMINISTRATION, BALTIMORE, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 538,000 rentable square feet and 1,076 parking spaces for the Social Security Administration, currently located in government-owned space at 300 N. Greene Street, Baltimore, MD, at a proposed total annual cost of $18,830,000 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, BOSTON, MA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 268,452 rentable square feet and 228 secured inside and 20 outside parking spaces for the Federal Bureau of Investigation, currently located in multiple leased locations in Massachusetts, at a proposed total annual cost of $12,348,792 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF AGRICULTURE WINCHESTER CENTER, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 342,865 rentable square feet and 1,628 outside parking spaces for the Department of Agriculture, currently located in leased space in the Winchester Center at 6501 Beacon Drive, Kansas City, Missouri, at a proposed total annual cost of $6,727,011 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, PORTLAND, OR

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 134,159 rentable square feet of space and 200 inside secured spaces for the Federal Bureau of Investigation, currently located in multiple leased locations in the Portland area, at a proposed total annual cost of $4,695,565 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE—JEFFERSON PLAZA 1 AND 2, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 347,947 rentable square feet and 2 inside parking spaces for the Department of Defense, currently located in leased space at Jefferson Plaza 1 and 2, Arlington, Virginia, at a proposed total annual cost of $10,438,410 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, 3100 CLARENDON BLVD., NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 221,084 rentable square feet and 16 inside parking spaces for the Department of Defense, currently located in leased space at 3100 Clarendon Boulevard, Arlington, VA, at a proposed total annual cost of $7,737,940 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF THE INTERIOR, ARLINGTON SQUARE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 143,572 rentable square feet for the Department of the Interior—Fish and Wildlife Service, currently located in leased space at Arlington Square, 4401 Fairfax Avenue, Arlington, VA, at a proposed total annual cost of $5,024,985 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—PATENT AND TRADEMARK OFFICE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 325,000 rentable square feet and 2 parking spaces for the Patent and Trademark Office in Northern Virginia, at a proposed total annual cost of $11,375,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—SOCIAL SECURITY ADMINISTRATION, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 334,103 rentable square feet and 24 parking spaces for the Social Security Administration, currently located in leased space at 5107 and 5111 Leesburg Pike, Falls Church, Virginia, at a proposed total annual cost of $11,693,605 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S.J. Resolution 28, by the yeas and nays;

H.R. 4709, by the yeas and nays.

Proceedings on H. Con. Res. 357 and H. Con. Res. 349 will resume tomorrow.

Tonight both of these votes will be conducted as 15-minute votes.

APPROVING LOCATION OF COMMEMORATIVE WORK IN DISTRICT OF COLUMBIA HONORING FORMER PRESIDENT DWIGHT D. EISENHOWER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, S.J. Res. 28.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 28, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 100]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Bishop (UT)
Davis (FL)
Evans
Ford
Fossella
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Jenkins
Lantos
Millender-McDonald
Moore (WI)
Oberstar
Osborne
Payne
Peterson (PA)
Platts
Ros-Lehtinen
Ryan (OH)

□ 1857

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). Members are advised that persons may be present in the rooms adjoining the Chamber during this next vote under the authority of House Resolution 480 (relating to the Capitol Visitor Center film).

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4709, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4709, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 101]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers

Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Bishop (UT)
Davis (FL)
Evans
Feeney
Ford
Fossella
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Jenkins
Lantos
Millender-McDonald
Moore (WI)
Oberstar
Osborne
Payne
Peterson (PA)
Platts
Pryce (OH)
Ros-Lehtinen
Ryan (OH)

□ 1914

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia) (during the vote). Members are advised 2 minutes remain in this vote.

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, April 25, 2006. As a result, I was not recorded for rollcall vote Nos. 100 and 101. Had I been present, I would have voted "yea" on rollcall Nos. 100 and 101.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 100 and 101.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. McDERMOTT. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—
>
> (1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and
>
> (2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

ROADMAP TO BORDER SECURITY

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today to give the Senate a roadmap to draft a border security bill that can pass the House of Representatives. The current Senate bill has three flaws that must be corrected.

First, the Senate bill waters down the employer sanctions by making then 10 times weaker than the House bill, from $5,000 fine down to $500.

Second, the Senate bill doesn't spend a single penny for a single border security fence in any urban area along the border.

Third, the Senate bill rewards illegal behavior with permanent citizenship. For example, if a person illegally snuck across the border, committed a felony by using a fake Social Security card, evaded law enforcement for 5 years, waved a Mexican flag and demanded amnesty, they would be rewarded with the chance for permanent citizenship.

The Senate should either fix the flaws in their bill or send over a giant pitcher of margaritas with it, because most sober Congressmen won't be able to vote for it.

JACKSON THEODORE POE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, a new son of Texas breathed the air of our free Nation with his birth on April 10, 2006. His birth made him an eighth-generation Texan, and he can trace his Scot, Irish and German roots to the proud days of the Republic of Texas.

Born in The Woodlands, Texas, at 6 pounds, 9 ounces, he bears a middle name that has been a family name for over 100 years and dates back to his ancestry in Germany. He is a gift from the Lord to his parents Kurt and Susie and to his four grandparents and his great-grandparents.

He is, by the chance of birth, an American. As a child he is the most important and the greatest of all American natural resources. Mr. Speaker, every time a child is born, the good Lord is making a bet on the future of our Nation.

As his grandfather, it is my hope that Jackson Theodore Poe lives the strong, rugged, determined life of a free man; that he will live with the words "liberty" on his lips, integrity in his heart and compassion in his soul: and that he never forgets duty, honor and loyalty. And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL TEACHERS HALL OF FAME INDUCTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to recognize this year's inductees into the National Teachers Hall of Fame located in Emporia, Kansas. We have all had special teachers in our lives, and we are indebted to them for their desire and unending efforts to see that students achieve their fullest potential.

Now in its 15th year, the Hall of Fame continues its mission to honor exceptional teachers and to promote excellence in its teaching profession. Congratulations to the 2006 inductees, Peggy Carlisle, Floyd Holt, Harlan Kredit, Pat Graff and Linda Kaye White.

At Pecan Park Elementary in Jackson, Mississippi, Peggy Carlisle has used her talents to make science and math stimulating to her students. A 2005 Mississippi Hall of Masters teacher, she uses her skills to help students realize they are only limited by the size of their dreams. According to the parent of a former student, Mrs. Carlisle makes science interesting. Just walking into her room lets you know that this is not a regular classroom, but a learning environment specifically arranged to get young minds thinking. By using many hands-on activities, she brings life to books and dusty old facts.

Floyd Holt, a physics teachers at Franklin D. Roosevelt High School in Hyde Park, New York, loves knowledge and conveys this to his students through his dedication to teaching. Floyd strives to make education interesting and create unique learning activities such as Spaceship Classroom of the Future. He has won the 1994 Presidential Award for Excellence in Science and Math in the USA and today also the 2000 USA Today Award.

According to a former student, what sets Harlan Kredit apart is that as well as he teaches biology, he teaches life even better. At Lynden Christian High in Lynden, Washington, Mr. Kredit believes kids need to connect to the world outside of their school for education to be meaningful and productive. He embodies this philosophy through his work as a ranger naturalist at Yellowstone National Park and through teaching environmental education to teachers at the American Wilderness Leadership School.

He is a recipient of the 1994 Washington State Conservation Teacher of the Year Award and the 2004 Presidential Award for Excellence in Teaching Science.

Pat Graff, a journalism, humanities and social studies teacher at La Cueva High in Albuquerque, New Mexico, is a bridge builder between different organizations, the media and business. She has had numerous students return to her school to give credit for her help and expertise and putting them on their current career path. Her additional accomplishments include being named the New Mexico English Teacher of the Year and also winning the 2004 Governors Award for Outstanding New Mexico Woman.

Lynn Kaye White of Haycock Elementary in Falls Church, Virginia, has shared her love of music and education around the world. She has traveled to Japan in 2003 with the Fulbright Memorial Fund and also to New Zealand to participate in the 2002 Fulbright Hays Seminar. She is able to seamlessly take the resources she has gathered from around the world and turn them into meaningful, substantive learning opportunities for her students.

Peggy, Floyd, Harlan, Pat and Linda exemplify what it means to be a teacher, what it means to make a difference. I commend the National Teachers Hall of Fame for their efforts to recognize great teachers. These five inductees collectivity have 134 years of teaching experience. I salute these men and women for their dedication to the students of this country. It is my hope that they will find satisfaction in knowing the positive difference they have made in the lives of their students. It is my honor to recognize these teachers here in the United States House of Representatives.

CENTERS FOR DISEASE CONTROL REPORT

Mrs. McCARTHY. Permission to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. McCARTHY. Mr. Speaker, last week the Centers for Disease Control released a report on the economic burden of injuries in the United States. The results were astonishing.

Every year injuries cost our economy $406 billion in health care, lost wages and lost productivity. The report goes as far as to list specifics on many different injuries; however, there is no listing on the costs of gun violence.

The public might ask how could the CDC avoid gun violence when listing the causes of serious injury in this country? The answer is simple: Congress won't let them.

That is right. Congress, in 1996, following the lead of their benefactors in the gun industry, refused to allow the CDC to report on the economic impact of gun violence. Independent studies show the cost to be nearly $100 million a year, but we can never be for sure because our government is prohibited from researching this public health issue.

In fact, the report on the CDC's Web page has a section dedicated to fireworks injuries, but no space dedicated specifically to firearms injuries or deaths. So the CDC can release information on a cause of injury that kills an average of four people per year, but not on the cause of thousands that are killed by gun violence every year.

However, the CDC cannot completely avoid the topic in its report. The report lists the top 10 causes of death among certain age groups, and, of course, homicide is prevalent, and of homicides of Americans more than 44 years of age, more than 10,000 were attributed to gun violence in 2003. In 1 year there were at least 10,000 people murdered with guns, and Congress won't allow the CDC to study how much these murders cost our economy.

Again, this defies common sense. The CDC isn't allowed to reveal how many Americans survive shootings, like my son did, each year, which adds an additional billions in cost to our economy as well. Gun violence is an epidemic in this country, and Congress is trying to stop us from learning the true impact of this public health crisis. This is a case of our government controlling the flow of information to protect the special interest group. What are they afraid of?

Is the congressional leadership afraid that if people know how much gun violence costs our economy, they would call for commonsense gun legislation? If people knew this information, would congressional leadership be forced to pass laws to keep military assault weapons out of the hands of criminals and terrorists? Would they be forced to stop passing legislation that protects the 1 percent of gun dealers who are responsible for selling 50 percent of the guns used in crimes?

Mr. Speaker, the American people have the right to know this information, and let the record show that the release of this information will have no affect on the right of law-abiding citizens to be able to own a gun. But the release of this information might help pass commonsense legislation that will make sure criminals and terrorists cannot legally buy guns, or allow for law enforcement agencies to share information of ballistic evidence.

Mr. Speaker, let's give the CDC the go-ahead to study this issue. The release of this information will make our Nation a safer, better place, and won't place a burden on the right of law-abiding American citizens to exercise their second amendment rights.

This past week it has been 5 years since Columbine. In the last 48 hours, we have seen many schools come under attack. They were prevented because our police got the information. We should allow also the CDC to be able to study why our young people are going to violence to commit and murder, 14, 17, 20 of their friends in school.

Mr. Speaker, gun violence is a health care crisis in this Nation, and until this Congress wakes up, until this country wakes up to be able to do something to reduce gun violence in this country, there are better ways that we could spend the money, certainly helping Medicare, certainly helping the poor get the health care that they need, looking at wellness centers instead of waiting too late until people are sick.

We can do something about this, but the American people need to know the facts and figures. It is only right that we do that.

□ 1930

TRIBUTE TO ONE OF IOWA'S OLDEST CITIZENS

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I rise today to honor one of Iowa's oldest citizens. At 110 years old, Letitia Lawson is the fourth-oldest Iowan and the oldest resident of Iowa's Fifth Congressional District. On April 10, 1896, Letitia was born on a small farm west of Milford, Iowa, to godly parents who, she says, "never knew anything but church on Sunday and school on weekdays."

Having learned the importance of education early in her life, Letitia became a teacher in a one-room schoolhouse in Excelsior Township. Though she left this post to marry, farm, and raise three children, she never gave up her passion for teaching. Since retiring from the farm in 1970, Letitia has continued to pursue her love of teaching. As late as last year, Letitia spoke to students of the Okoboji Elementary School on two different occasions and offers weekly lessons to the students who deliver meals to her in her home.

A reliable champion of family, togetherness, and love, Letitia represents all that is good about the traditional American values that we in Iowa hold dear. On the occasion of Letitia Lawson's 110th birthday, I offer my congratulations and the best wishes from Congress.

AMERICA MUST RESIST TEMPTATION TO START A WAR WITH IRAN

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I know it is an election year, and I know President Bush's ratings are at an all-time low, and I know gas prices are very high and the people are restless. Nevertheless, I call upon my colleagues and the President to resist the temptation to start yet another war.

There is an old saying: "Fool me once, shame on you. Fool me twice, shame on me." Well, friends, if we fall for the case being made to go to war against Iran, it will be "shame on us." And I define bombing from 40,000 feet as war.

Just as we did in the months leading up to the invasion of Iraq, a country which had no connection to 9/11 and no weapons of mass destruction, this administration intentionally confused us with regard to Iraq. It is doing the same with Iran. The administration says they want compliance with nuclear treaties but makes it clear that they really will settle for nothing less than regime change.

When I said before the Iraq war that I believed the President would be willing to mislead us into the war if he believed misleading us was necessary to fulfill his plans, I was excoriated, but I was right. I do not characterize the President's motives. I assume he took us into war in Iraq because he sincerely believed it was the right thing to do. We know now that he was wrong about that. The world is less safe. The Iraqis are in turmoil. More Americans have died in the President's plan in Iraq than died in New York City and at the Pentagon.

What the President did with our Iraq policy is being replicated with our Iran policy. There was much to criticize about Saddam Hussein, and there is much to criticize about the ayatollahs and their front men in Iran. We have every right to demand that Iran adhere to its obligations under the Nuclear Nonproliferation Treaty and to pursue sanctions and other penalties. What we do not have the right to do is to make it impossible for Iran to satisfy our demands without regime change.

When we started demanding regime change in Iraq instead of demanding compliance with U.N. inspectors, we put ourselves on the path to war in Iraq. We are on the same plan and the same path in Iran. We will not talk with the Iranian government, and we will not stop talking about overthrowing it. It is impossible for the Iranian government to satisfy this administration and remain a government, although this administration will immediately deny that.

Every time it appears something is going to work out with the Soviet Union, or whatever, we pull the rug out from the negotiators. Because we don't want negotiation. We don't want to solve the problem. We want regime change. Somehow this administration has got it in its head that it has the right to tell other governments to step aside for people we like better. That is wrong.

We tried it with Mosaddegh and put in the Shah and we are back at it again. What we should do instead is to call their bluff and let them save face at the same time. If they say they want nuclear energy, we should say, okay, if it is nuclear energy you want, you won't mind having wall-to-wall U.N. inspectors watching every move you make to keep people from getting the wrong idea.

We make sure that they can't build bombs and let them have what they are entitled to under the NPT: civilian energy. We must quit making the leaders more popular. And we are doing it by making them the guys who stand up to the U.S. We must quit acting like we are going to invade any country that has the wrong regime.

If we attack Iran, as I fear we are on a course to do, we will unleash a hell unlike anything this region has seen. Iran is not Iraq. It has not been under sanctions for 10 years. It has not been bombed flat by the Gulf War. It is a strong nation with weapons. We will make ourselves once again less safe if we attack them.

Mr. Speaker, this administration has now been told on this floor, in public, on the record. The President will come here in about 6 or 8 or 9 months and give us a State of the Union. If he has taken us into a war in Iran, he will deserve what happens.

This country does not need another war. We have already proven the failure of that in Iraq; and because they won't change their mind, they keep doing the same thing over and over again. And now there is an election coming up. The 2006 election is coming and they want to distract us. That is why they are leading us towards Iran.

IRAN IS A TERRORIST STATE

(Mr. BURTON Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, Iran, as my colleague leaves the floor, is a terrorist state. They are trying to develop nuclear weapons, and the world and the United States cannot tolerate that. We will rue the day if we allow them to go forward with their nuclear weapons program. We will try diplomatic means, we will try economic sanctions, we will try anything to stop them; but we cannot allow them to build a nuclear capability, because they are a known terrorist state, period.

And I want to say one more thing about my colleague's comments about weapons of mass destruction not being found in Iraq. Many people thought that Iraq sent those weapons out of the country. Well, one of our special ops organizations in the last two or three days found 800 canisters, 800 canisters, of chemical weapons, the type that was used to kill the Kurds, 10,000 women and children, Kurdish children, during the regime of Saddam Hussein, and also the kinds of weapons that were used in the Iran-Iraq war.

So saying there were no weapons of mass destruction, when we have actually found 800 canisters in just the last few days, proves that that is not correct.

TIME FOR THE IRAQI PEOPLE TO ASSERT CONTROL OVER THEIR POLITICAL DESTINY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the Iraq war is now in its 4th year, and I, like many of my colleagues and millions of my fellow citizens, are troubled about the direction the conflict is taking.

I have been to Iraq three times to visit our troops there, and I have spent time with our wounded here and in Germany. They have done everything we have asked of them, and they have done it magnificently. While we have a moral obligation to do whatever we can to avoid having Iraq spiral into an all-out civil war, now is the time for the Iraqis themselves to decide if they wish to be one country. And, Mr. Speaker, it is time for us to take steps that will ensure that 2006 is a year of significant transition to full sovereignty for the people of Iraq.

This is a conflict that has come to grief in many ways. In the fall of 2002, I voted to authorize the use of force against Iraq because of the threat that Saddam Hussein had stockpiles of chemical and biological weapons, and because I was concerned that he had an active nuclear weapons program. If you go back and look at the debate in the House and Senate, this was a decision taken by the Congress to prevent Iraq from acquiring or using or transferring nuclear weapons.

Months later, as American forces pushed across the Kuwaiti frontier and into Iraq, we were on a hunt for weapons of mass destruction. Delivering the Iraqi people from the brutality of Saddam Hussein was a noble act, but the promotion of democracy in Iraq was not our primary reason for going to war. Similarly, we knew the Shiite majority had suffered terribly under the Ba'ath regime, and freeing them from the oppression of the Sunni minority was an added benefit of the invasion. But reordering the ethnic balance of political power in Iraq was not our primary purpose for going to war.

Soon after the fall of Baghdad, it became clear that many of the pre-war assumptions that had guided the President and his advisers were wrong. There were no chemical or biological weapons, there was no nuclear program, and while many Iraqis celebrated the ouster of Saddam Hussein, they did not line the streets of Baghdad to greet our troops with flowers. In fact, within days, there emerged the beginnings of what would become an organized and deadly insurgency that would quickly put an end to General Tommy Franks' plan to pare down the 140,000 troops in April 2003 to about 30,000 by September 2003.

In recent months, even as our military has become more adept at combating the insurgency, the nature of the struggle in Iraq has changed yet again. Long-simmering ethnic tensions, which had been suppressed under Saddam's totalitarian regime, have threatened to tear the country apart. While the full-scale civil war that many feared in the wake of the bombing of the Askariya mosque in Samarra has not yet come to pass, most observers believe the country is currently in the grip of a low-level civil war that could erupt into a full-scale conflict at any time.

The ongoing sectarian strife has been exacerbated by the protracted struggle among and inside Iraq's political factions over the formation of a permanent government. Last week's decision by the Shiite parties that make up the largest block in parliament that was elected 4 months ago to replace Prime Minister Ibrahim al-Jaafari with Jawad al-Maliki paves the way for the formation of a broad-based government. The question is now whether this hopeful development will be enough to pull Iraq back from the precipice.

There is a broad census among experts here and abroad that Iraq's future will be determined by politics and not by force. The formation of a permanent Iraqi Government, one that will have the power of legitimacy and vision to assume primary responsibility for securing and governing the country, is a necessary precondition to ending the insurgency, preventing a civil war, and allowing large-scale reconstruction to begin.

Consequently, our role in Iraq must become more political and less military. For if there is one thing that Iraqis of every ethnic, religious, and political stripe can agree on, it is that they do not want foreign troops in their country indefinitely.

I support a responsible redeployment of our troops during the course of 2006 so we are not drawn into sectarian conflict and so Iraqis are forced to take primary responsibility for securing and governing their country. A responsible redeployment of American coalition forces will have to be done in stages to build greater Iraqi sovereignty and control over security, not civil war. We should also publicly declare that the United States does not seek to maintain a permanent military presence in Iraq, and I have cosponsored legislation to prevent the establishment of permanent bases, which can only serve as a catalyst for the insurgency and for foreign jihadis.

Devising and implementing a successful end-game in Iraq will be difficult, but an open-ended commitment to remain in the country is untenable and unwise. The American people want Iraq to succeed and for a representative government there to survive and to lead to a better future for the Iraqi people. But it will ultimately be the Iraqi people who must decide whether they wish to live together in peace as one country or continue to murder each other in large numbers. We cannot decide that for them.

In the fight against the malicious al Qaeda in Iraq, foreign jihadis bent on destroying a government chosen by the Iraqi people, we are in solidarity with the Iraqi people who want a better life for their children. But, Mr. Speaker, we will not stand as a shield between Iraqi sects bent on killing each other. The new prime minister and leadership have the next 30 days to form a strong unity government. We hope they will be successful in that task, and we hope that the Iraqi leaders understand that the patience of the American people is running out.

Mr. Speaker, the Iraq war is now in its fourth year and I, like many of my colleagues and millions of our fellow citizens, am deeply concerned about the direction that the conflict is taking.

I have been to Iraq three times to visit with our troops there and I have spent time with our wounded here and in Germany. They have done everything that we have asked of them and they have done it magnificently.

Tragically, these American heroes are still being killed and wounded daily. Over 2,300 troops have been killed and thousands more have been injured. American taxpayers are paying approximately $194 million a day for the war according to the Congressional Budget Office—that's more than a billion dollars a week. A new CRS report puts the current costs of continued operations in Iraq and Afghanistan at close to $10 billion a month, with most of that money going to Iraq.

While we have a moral obligation to do whatever we can to avoid having Iraq spiral into all-out civil war, now is time for the Iraqis themselves to decide whether they wish to be one country. And, Mr. Speaker, it is time for us to take steps that will ensure that 2006 is a year of significant transition to full sovereignty for the people of Iraq.

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In recent months even as our military has become more adept at combating the insurgency, the nature of the struggle in Iraq has changed yet again. Long-simmering ethnic tensions, which had been suppressed under Saddam's totalitarian regime, have threatened to tear the country apart. While the full-scale civil war that many feared in the wake of the bombing of the Askariya mosque in Samarra has not yet come to pass, most observers believe that the country is currently in the grip of a low-level civil war that could erupt into full-scale conflict at any time. I am especially concerned by media reports that Shiite militias have been deploying to Kirkuk, Iraq's third largest city, in a bid to forestall any attempt by Kurds to assert control over this major center of Iraq's oil-rich north.

The ongoing sectarian strife has been exacerbated by the protracted struggle among and inside Iraq's political factions over the formation of a permanent government. Last week's decision by the Shiite parties that make up the largest bloc in the parliament that was elected four months ago to replace Prime Minister Ibrahim al-Jaafari with Jawad al-Maliki paves the way for the formation of a broad-based government. The question now is whether this hopeful development will be enough to pull Iraq back from the precipice.

There is a broad consensus among experts—here and abroad—that Iraq's future will be determined by politics and not force. The formation of a permanent Iraqi government—one that will have the power, legitimacy and vision to assume primary responsibility for securing and governing the country—is a necessary precondition to ending the insurgency, preventing a civil war and allowing large-scale reconstruction to begin.

Consequently, our role in Iraq must become more political and less military; for if there is one thing that Iraqis of every ethnic, religious and political stripe can agree on, it is that they do not want foreign troops in their country indefinitely.

I support a responsible redeployment of our troops during the course of 2006 so that we are not drawn into sectarian conflict and so that Iraqis are forced to take primary responsibility for securing and governing their country. While the process of training Iraqi security forces has gone more slowly than many had hoped, recent reports have indicated that we are making progress and that every week more Iraqi units are capable of taking a greater role in combating the insurgency.

A responsible redeployment of American and coalition forces will have to be done in stages to build greater Iraqi sovereignty and control over security, not civil war. In the first phase of the redeployment, our forces should be gradually withdrawn from insecure urban centers and moved to smaller cities where reconstruction is supported by the local population, and to remote bases where our troops will be able to support Iraqi units if necessary. Over time, these troops will be withdrawn from Iraq altogether and redeployed outside the country, either in the region or back to the United States. We should publicly declare that the United States does not seek to maintain a permanent military presence in Iraq and I have co-sponsored legislation to prevent the establishment of permanent bases, which can only serve as a catalyst for the insurgency and for foreign jihadis.

Devising and implementing a successful endgame in Iraq will be difficult, but an open-ended commitment to remain in the country is untenable and unwise. The American people want Iraq to succeed, and for a representative government there to survive and lead to a better future for the Iraqi people. But it will ultimately be the Iraqi people who must decide whether they wish to live together in peace as one country or continue to murder each other in large numbers. We cannot decide that for them.

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TRIBUTE TO AIR FORCE TECHNICAL SERGEANT WALTER MOSS, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise tonight to pay tribute to a native Houstonian, Walter Moss, Jr., who voluntarily served our Nation in Iraq and who died doing so. He was assigned to the 366th Civil Engineer Squadron, Explosive Ordnance Disposal, or the EOD, Flight as a noncommissioned officer in charge of the EOD Resources Element, Mountain Home Air Force Base in Idaho.

On March 29, 2006, Tech Sergeant Moss became the 200th Texas member of the Armed Forces killed in Iraq. Mr. Speaker, Texans are only 7 percent of the United States population, but make up 10 percent of the volunteers in Iraq and Afghanistan. Further, almost 9 percent of the military deaths in Iraq are Texans.

Additionally, Moss was the first airman from Sather Air Force Base in Iraq to be killed in action during Operation Iraqi Freedom. He was 37 years old. In his long military career, he specialized in the dangerous job of detection and removal of explosive devices.

□ 1945

He was killed while trying to defuse a makeshift bomb while conducting operations near Baghdad. The terrorists in Iraq use the improvised explosive devices, or IEDs, as a cowardly way of murdering Iraqi women, children, civilians and Americans. The terrorist use of IEDs is one of the most dangerous threats to our troops in uniform in Iraq.

Technical Sergeant Moss was the first line of defense between IEDs and his fellow military comrades. Since being deployed to Iraq in January, Sergeant Moss had responded to more than 200 calls. Those 200 calls meant that Moss had perhaps saved the life of an American or Iraqi civilian.

Born in Houston, Texas, Moss attended Aldine High School. He joined the Air Force upon graduation from Aldine and soon married his high school sweetheart Georgina.

From the beginning of his military career, Moss stood out as a leader. His motivation earned him a coveted spot assisting the United States Secret Service. During his 16-year military career, he guarded the likes of former President George H. Bush and the First Lady.

While stationed in Guam, he disposed of 12,500 pounds of hazardous World War II munitions and supported the Secret Service again in protecting Hillary Clinton. In 1997, he and his family were stationed at the 31st CE Squadron, Aviano Air Force Base, Italy. He was handpicked from his unit to provide EOD support during the Middle East peace talks where he ensured then-Secretary of State Madeleine Albright's safety.

Moss had two children, Andrew, 13, and Veronica, 9. A military traveling family, they had already lived with their father in Guam, Italy and Turkey.

Technical Sergeant Moss was deployed in support of Operations Southern Watch, Allied Force, Desert Strike, Northern Watch and Iraqi Freedom. He was awarded the Meritorious Service Medal, the Air Force Commendation Medal with three oak leaf clusters, and the Air Force Achievement Medal with one oak leaf cluster.

Even though he was in the Air Force, the Navy and Marines honored him with the Navy and Marine Corps Achievement Medal, and he will be awarded the Bronze Star with Valor and the Purple Heart.

I attended Technical Sergeant Moss' funeral in Spring, Texas, and I talked to his father Walter Moss, Sr. Walter told me he was proud of his son, proud of the life he chose, and proud of the country he served. At the funeral there were a great number of Air Force personnel, strangers, citizens, family, and even a motorcycle group carrying large American flags.

I would like to extend my prayers and condolences to his father Walter, his mother Rebecca York, his brother Brian, his relatives and friends in Idaho and Texas, his wife Georgina, and his children Andrew and Veronica. He died as he lived: Protecting Americans.

Our hearts are filled with gratitude for the brave airmen such as Technical Sergeant Walter Moss. He sought out danger so others would not face danger. He was a father, a husband and a brother. His unyielding courage was an inspiration to his fellow airmen and his family. He was an American patriot, and he was a cut above the rest of us.

And that's just the way it is.

URGING ACTION ON THE ENERGY CRISIS

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, everyone is talking about gas prices. This morning President Bush presented the Nation with, he said, a "plan to lower gas prices."

A little over a year ago on June 6, 2005, energy was $2.09. I use that date because that was the date that the President of the United States signed his energy bill that he hailed would be a great improvement for energy and energy prices here in America. $2.09. Today in Chicago it stands on average a little over $3 in the Chicago area. Over a little less than a year ago when the President signed his energy bill, the one that this Congress delivered to him, energy was $2.09 a gallon. Today in Chicago gas is $3.32 a gallon.

In the year in which we debated the energy bill, the oil and gas interests spent $86 million lobbying this Congress and got $14.5 billion in taxpayer subsidies. They spent $86 million lobbying the House of the American people, and they got a $14.5 billion gift. You cannot get that type of return on Wall Street. That was about a 10 percent return. You cannot get a return like that on any other investment where you give $86 million to influence the people's House and get $14.5 billion of hard-earned taxpayer money, and energy is trading at $75 a barrel.

I understand if you want to help the oil and gas companies at $17 a barrel, $25 a barrel to help them drill for energy. At $75 a barrel, I would expect Exxon and Mobil and Chevron and Phillips, all who are making not just good money, historic record prices, would actually be able to go on their own and drill without the taxpayers having to pay for it.

So not only are we paying a record amount of $3.50 a gallon, not only are they making record profits, but at $75 a barrel, the taxpayers are paying them $14.5 billion. So the American consumer pays more at the pump, and they pay more on April 15 because of what this Congress did. Over the last year, in less than 1 year, energy went from $2.09 to $3.30, but that is only one example.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. EMANUEL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just want to say that we are drilling for oil in Texas, California, Oklahoma, and Nebraska. How did the gentleman vote when we wanted to drill in the ANWR, which is 3.5 times the size of Texas? We could have gotten almost 2 million barrels of oil a day, and it would have helped these prices.

Mr. EMANUEL. Mr. Speaker, reclaiming my time, I voted against that; and I vote against giving them $14.5 billion because I do not believe there is a worse example of corporate welfare, only to be followed by the prescription drug bill and the corporate tax bill that was a $5 billion problem. You all handed out $145 billion to corporate interests. Only in Washington do you try to resolve a $5 billion problem that cost you $145 billion, and it still did not resolve the original $5 billion problem.

I bring this all up for one simple point: For the last 5 years, this is supposed to be the people's House, and when that gavel comes down, it is supposed to open the people's House, not the auction house. And from the prescription drug legislation to the energy legislation to the corporate tax bill, you have sold off America's interests. Billions of dollars have been spent lobbying the people's House, and it shows when you go from product to product, from line to line. That is what has happened here.

Now all of a sudden everybody is worried about how we are going to deal with the energy problem. When you had an energy bill, you hailed it as a great victory for the American people. Since that time energy has gone up more than a buck a gallon at the pump.

But that is also an example of what has happened with the corporate tax bill and the pharmaceutical bill. People have used their influence. I do not bemoan what the energy companies have done. I do not bemoan what the pharmaceutical companies have done. I do not bemoan what the HMO industry has done. I do not bemoan what corporate interests have done to influence this Congress. What I bemoan is what the Congress has done for that money and what they have done to the American people's interests. And what is happening here, because now this week I think it is ironic we are all talking about energy, this Congress is going to bring up a lobbying bill. That piece of legislation has become the incredible shrinking legislation. It does nothing. The Washington Post called it "a watered down sham. Simply a joke."

USA Today writes, "Congress still doesn't get it. After more than a year of negative headlines about political corruption and money-soaked alliances with lobbyists, House leaders are weakening their already anemic excuse for reform."

It doesn't deal with an independent Office of Public Integrity. It does not ban gifts from lobbyists. It does not close the revolving door for Members who leave here. It does not deal with disclosure of lobbyists' solicitation of campaign checks.

The lobbying legislation we are dealing with is exactly the energy legislation we dealt with. The two are the same pieces of legislation. Those who have given and they are giving their checks because all that is left on K Street is checks. There are no checks and balances left in this system.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–438) on the resolution (H. Res. 774) providing for consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE SITUATION IN IRAQ

Mr. LEACH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, with mounting sectarian tensions and unabated insurgent violence, I rise today to discuss the deeply troubling situation in Iraq and its implications for the national interests of the United States.

Sometimes it is harder to know how to end a war than to start one. Just as it is important to think through the "why" of committing troops to a conflict, we must also think through the "why" of ending an engagement. Timing is a key element of both considerations.

Perspective is always difficult to bring to bear on events of the day. Developments of this week, however, could provide Washington with a seminal opportunity to stimulate a rethinking about the philosophical basis for a war that we initiated, with the goal of assessing how a great power can and should disengage.

Many people have noted analogies between America's involvement in Vietnam and the U.S. intervention in Iraq. My sense is that a number of these analogies are quite frail. But the one I am most concerned about relates to America's extraordinary difficulty in disengaging from Vietnam.

A key problem for Washington in trying to wind down its commitment in Vietnam was how to develop a mutual accommodation with the other side that would lessen the prideful pitfalls that often occur when political figures are forced to reassess policies. In the end it was the Paris Peace Accord which facilitated the withdrawal of American troops.

A negotiating avenue in a third-country capital does not appear to lend itself to a resolution of the Iraqi situation at this time. Nonetheless, I find it remarkable that in an autobiographical tome Henry Kissinger wrote that in December 1968, shortly after Richard Nixon had asked him to be his National Security Council Director, he met with the President-elect to discuss the direction of the new administration's foreign policy. They determined together, he noted, that their policy would be to get out of Vietnam.

After reading this passage I asked him years later at a Library of Congress symposium why they did not just proceed to do that. Kissinger looked at me for a moment and then uttered words I will never forget. "Young man," he said, "we meant with honor."

I then asked him if honor required escalation. "Absolutely," he responded.

In the Iraq circumstance, the executive branch has provided three broad rationales for American intervention. First, it hinted that there was an Iraqi connection to the attacks on 9/11. Then it suggested that America and the world faced an imminent threat from Iraqi weapons of mass destruction. When these two justifications for the U.S.-led invasion turned out to be without foundation, the administration fell back on the goal of spreading democracy in Iraq and the broader Middle East as the basis for ongoing U.S. engagement.

From an American perspective, the case for extending the reach of democracy abroad always has a ring of validity, although many have concluded that imposing democracy from the outside is not a proven or necessarily compelling art form. Intriguingly, however, it would appear that today in Iraq democracy building provides a credible rationale for American disengagement even though it was a secondary and possibly flawed basis for original intervention.

In the aftermath of elections held 3 months ago, the Iraqis have finally formed a government which will have under its jurisdiction, although perhaps not complete control, a newly formed Army and a fledgling police apparatus. Based on three elements, credible national elections, a new government and a new infrastructure of security, the U.S. is positioned to begin and, almost as consequently, to announce a steady process of disengagement.

In the middle of the Vietnam War, Senator Aiken proposed that we simply declare victory and get out. This may have been good politics then, but there is no basis for suggesting victory was at hand. Ironically, the formation of a new government today may provide the most promising claim of some success in Iraq. Not to take advantage of the circumstance could be a lost opportunity. This may indeed be the last timely movement for decisive decision-making.

Lyndon Johnson knew his Vietnam policy was failing, but he chose to pass it on to a successor who proceeded to escalate an already escalated conflict. To the degree there is relevance to Presidential precedent, it would seem far wiser for this administration to set the conditions and proceed with withdrawal rather than leave such a decision to a future President.

The reason a democracy-based framework for disengagement needs to be articulated is that it allows the United States to set forth a basis for ending the occupation that is on our terms and on our timetable. If we don't develop and announce a plan and a rationale for disengagement, we could at some point find ourselves withdrawing with the other side claiming it forced us out through destructive anarchy, i.e., insurgent attacks and suicide bombings, or through the insistence of the elected government in Baghdad.

Democracy implies consent of the governed and when a large percentage of the Iraqi people want us to leave, as opinion polls indicate is the case today, the U.S. should be hard-pressed to follow the original neo-con strategy of establishing and maintaining a semi-permanent military base in the country.

Here a note about the Crusades is relevant. While Americans use the word loosely and conjure up quaint cartoon images King Arthur and his knights, citizens of the Muslim world consider the Crusades living history, and it is no accident that Osama bin Laden refers to us as crusaders. For al Qaeda, the pushing out of U.S. forces would be an extension of the Crusades, an act of multi-century consequences. That is why it is so important to apply reason and public reasoning to the disengagement process.

This war has precipitated a great loss of confidence in and respect for the United States around the world. Quite possibly Iraq will be a better country because of America's intervention. But if we hang around too long, the Iraqi government and our government may suffer consequences even more negative than has so far been evidenced. Indeed, with each passing day of occupation, it appears our presence is increasingly inspiring more instability than stability.

It is true that precipitous withdrawal might be counterproductive and that precise timetables have disadvantages. But it is difficult for me to believe anything other than the declaration of a credible plan and reason for disengagement, coupled with a steady drawdown policy, is the wisest course of action today.

In a novel development, Congress has required the establishment of an "Iraq Study Group," under the aegis of the U.S. Institute for Peace, to be chaired by former Secretary of State James Baker and former Representative Lee Hamilton. At the risk of presumption, I would hope the perspective outlined above will be one of the approaches it and the Administration review. There are risks in too abrupt a departure; but a prolonged occupation leads too easily to the kind of retributive civilization clash that misserves America as well as peoples of the region.

20TH ANNIVERSARY OF CHERNOBYL DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tomorrow, April 26, the world will commemorate the 20th anniversary of the world's worst nuclear disaster at the Chernobyl nuclear power plant in the Ukraine when it was under Soviet control.

The explosion released into the air radiation equivalent to 90 Hiroshima-size bombs in the heavily populated areas of northern Ukraine, southern Belarus and southwestern Russia.

□ 2000

Millions of people throughout the world were affected by this disaster, and millions more continue to live with its consequences on a daily basis. Some have written about the North European countries being affected by what has been termed "white winds," the white winds that came from Chernobyl. Radioactive contamination continues to harm the health of men, women and children throughout our world. It is critical that we do not allow ourselves to forget the looming consequences of Chernobyl, which are with us still today, lest the tragedy repeat itself. We must remind our fellow Americans and the world that those problems continue to exist, and the countries that were affected by Chernobyl require assistance in resolving them. In order to achieve this goal, the Congressional Ukrainian Caucus, in cooperation with the Chernobyl Challenge '06 Coalition, is organizing a series of events at the end of this month to commemorate this solemn anniversary. I am very pleased to cooperate with our co-chairs of the Congressional Ukrainian Caucus, CURT WELDON of Pennsylvania, Congressman SANDER LEVIN of Michigan, Congressman ROSCOE BARTLETT of Maryland, along with myself. Tomorrow, April 26, at 10 a.m. here in the Rayburn House Office Building foyer will be a 1-day photo exhibit entitled "Chernobyl 20." The exhibit will include photographs by some prominent artists illuminating the human stories behind the Chernobyl catastrophe and highlighting the dignity and hope of its survivors. We welcome the public to come tomorrow and view this photo exhibit in the Rayburn House Office Building foyer. It begins at 10 a.m. and will remain there the entire day.

On April 27, the following day, Thursday, from 2 in the afternoon until 6, in HC–6 here in the Capitol, a congressional briefing will feature expert testimony on Chernobyl issues including radiation and health, agriculture and food, environment, economics and U.S. assistance and the containment of the fourth unit reactor. The ambassadors of Ukraine, Belarus, and Russia will provide brief remarks to inform about the current situation with respect to Chernobyl and their countries. If citizens are interested, they can contact our office at our Web site, rep.kaptur@mail.house.gov for information.

On Thursday, April 27 as well, from 6:00 to 8:00 p.m. in the evening, in B369 Rayburn House Office Building, the Chernobyl Challenge '06 Coalition, in cooperation with our Congressional Ukrainian Caucus, will hold a congressional reception and Members of Congress will have an opportunity to speak. Again, if citizens are interested they can contact our Web site at rep.kaptur@ mail.house.gov.

The Congressional Ukrainian Caucus is very grateful that for the briefing that will be held on Thursday, from 2 to 6 in Room HC–6, the Capitol Building, that some of the following speakers will appear, from the Chernobyl Children's Project International and the Children of Chernobyl Relief and Development Fund, their executive directors, several pre-eminent scientists from major organizations, public and private sector universities, talking about the illnesses that plague people today as a result of this huge catastrophe. And then, finally, those who have served as ambassadors to our country and ambassadors from the affected nations will address what we can do in the way of additional international response to meet today's challenges still arising from the Chernobyl catastrophe.

I have never seen birth defects as I have witnessed among the children affected by this continuing tragedy in Chernobyl. The thyroid cancers, the conditions to the heart, the distortions of the human form related to radiation resulting from Chernobyl are horrendous.

The southern part of Belarus is largely depopulated, though some people who are refugees from Afghanistan are moving into the area, incredibly, and eating and planting seeds in the ground and eating contaminated food and infecting themselves even until this day. There is so much for the American people to understand. Though it was 20 years ago, Chernobyl lives as it will for thousands of years to come.

USING HISTORY AS A GUIDE

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that bothers me is how some of my colleagues on both sides of the aisle come down here and paint a picture using history as a guide that is totally inconsistent with what I, as a Member of Congress for 24 years, have seen and believe.

The President of the United States and the Congress's number one responsibility is to protect this country from enemies, both domestic and foreign. After the attack on 9/11, the President of the United States went after the bad guys, the terrorists. And Saddam Hussein, we were told, was building weapons of mass destruction. In the early 1980s the Israelis attacked a nuclear production site in Iraq because he was trying to build a nuclear weapon. In the Iran/Iraq war he used chemical weapons to kill Iranians during that war. He killed thousands and thousands of innocent women and children, Kurds, using chemical weapons. And in just the last couple of days, some of our expert military personnel in Iraq have found 800 canisters, 800 canisters of chemical weapons, the type that were used to kill Kurds and kill people in the Iran/Iraq war. That is a weapon of mass destruction. We just found it. And so people that say that there are no weapons of mass destruction, or were none, we are starting to find those. And we believe that many of those weapons were carted out of the country before we invaded.

And when I hear my colleagues say there was no connection between al Qaeda and Saddam Hussein, and we had no reason to go in there, the fact of the matter is we know that Uday, Saddam Hussein's son, had leaders of the al Qaeda movement in Baghdad in the hospital and at other get-togethers many, many times. There was a loose-knit association between the Taliban, al Qaeda, Saddam Hussein and others who want to do the Free World ill. That is a fact. And how we see people trying to distort history to say, oh, my gosh, America's made a terrible mistake by going into Iraq really bothers me. The President is doing his dead level best to defeat the terrorists and protect this Nation and the world. There have been attacks in Spain, in France, in England, the United States and other places, in Bali, the terrorists in Egypt just recently. And we cannot back down to the terrorists. We cannot appease them. The President is doing the right things.

Now, regarding Iraq, we are turning the war over to the Iraqis. Eleven million people went to the polls and voted for freedom, democracy and a government; and that government will be formed. It is being formed as we speak.

But we are reducing our troop forces. I understand we have gone from 161,000 just recently to a troop reduction of 30,000 down to 131,000. So we are reducing our forces, and we are turning it over to the Iraqis as they are able to take care of the problems themselves.

The terrorists are going to continue to try to tear up jack over there. They are going to try to drive everybody out and destroy democracy. But it is in our interest and the Free World's to stay the course. And if we don't, we will rue the day that we didn't.

And I want to end up one more time by saying to my colleagues who were talking about Iran early today, the gentleman from Washington, Iran is a terrorist state. We cannot allow them to develop a nuclear capability. And if we do that, we will be dead sorry we did.

IRAQ DEMOCRACY PROMOTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the notion that the Iraq war is all about building freedom and democracy across the broader Middle East has been a staple of White House talking points for nearly as long as we have had our troops in harm's way.

But a few weeks ago, courtesy of a front-page story in The Washington Post, we learned something interesting about the President's actual nuts and bolts commitment to democracy. He doesn't have one. That April 5 story by Peter Baker reveals that when it comes to promoting democracy, the bottom line reality doesn't match all the fancy rhetoric.

The administration, in fact, is dramatically reducing funding for programs and organizations that do the nitty-gritty work of helping nations train their people to build and sustain a democratic infrastructure, political parties, unions, a free press and other institutions.

The National Democratic Institute of International Affairs and the International Republican Institute will, according to The Post, be running out of USAID grant dollars in a matter of days. Only a special earmark is keeping them open for business.

The U.S. Institute of Peace has seen funding for its democracy programs in Iraq slashed by nearly two-thirds. The National Endowment for Democracy recently received its last $3 million to spend in Iraq. As one vice-president at the U.S. Institute of Peace pointed out to The Post, the combined cost of all the programs dedicated to encouraging Iraqi democracy amounts to less than what we spend on the military occupation in Iraq in a single day.

Of course, in addition to being expensive in treasure, this military campaign has carried a devastating human cost, namely, 2,390 American men and women killed, all in the name of democracy that is in danger of never taking hold. It is not surprising, I guess, that this administration would shortchange democracy promotion. After all, these are the folks who thought there was no hard work involved in creating a free society. They thought all you had to do was drop a few bombs, kick out a brutal dictator, and democracy would miraculously and spontaneously spring from the oil wells or something. That is one of the reasons their post-war planning was so tragically inadequate.

But this war was never really about building democracy in any real sense. If that had been the justification presented to the American people in 2002, this body and our colleagues on the other side of the Capitol would never have authorized the President to use military force.

No, it was only after the whole weapons of mass destruction thing turned out to be a fraud that the administration started casting about for another rationale. And they came up with this fanciful notion that the war would give rise to democracy, not just in Iraq, but among its neighbors and across the region.

Mr. Speaker, we can encourage democratic elements in Iraq without a military campaign that is killing Americans, killing Iraqis, and fomenting a civil war. It is time to bring our troops home and start investing in true democracy building efforts.

I have offered a new approach to national security called SMART. This stands for Sensible Multilateral American Response to Terrorism. And its core is the notion of investing in nations' democratic potential without resorting to military force.

There are many elements to SMART. It calls for fighting terrorism and stopping the spread of weapons of mass destruction through stronger multilateral relationships and improved intelligence. It demands that the United States live up to its nuclear nonproliferation commitments. It would redirect money we are spending on obsolete Cold War weapons toward homeland security and energy independence. But perhaps most important of all, it is a humanitarian program designed to improve living conditions in troubled regions of the world, to address the oppression and the deprivation that often give rise to terrorism in the very first place. That means supporting programs that promote sustainable development; human rights education; peaceful conflict resolution, educational opportunities, particularly for women and girls; and democracy building.

It is time for the United States to actually put its money where its mouth is on promoting democracy.

MEDICARE PART D

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Tennessee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for 5 minutes.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, as we stand here on this Chamber floor, thousands of seniors in my district and millions across our country are suffering through piles of Medicare drug plan offers; and in far too many cases, these seniors are faced with a difficult dilemma. They are suffering under the weight of too much information, with too little time in which to make a choice on what drug plan they will use under the Medicare prescription drug program.

☐ 2015

Their decision is by no means simple. The drug plans our seniors choose will define their health care options for years to come. If they do not make a decision and wait until the May 15 deadline passes, they will face penalties and higher prices for the drugs that they need.

This week the Bucks County Courier Times, a daily paper in my district in Pennsylvania, mentioned the drug program dilemma faced by one senior. Mary Ann Morgan was fighting through the details and complications of the new program. She said, "It's the same as if you're going to buy a stock. The fine print is hard to figure out."

Traditionally, Medicare's assurance has been that for the elderly and persons with disabilities that they will not be alone when confronted with the full burden of their health care costs. However, the Medicare prescription drug benefit has changed, and if the nearly 3,000 seniors I have met through 12 town halls can represent a sample of opinion, many seniors do not yet understand the prescription drug program and do not plan to sign up for coverage.

Despite the administration's long public information campaign, for many months polls have consistently indicated only 37 percent of those eligible for Medicare say they only partially understand the program. Sixty-one percent state they simply do not understand the program. Approximately one in four seniors, 24 percent, say they plan to join the program, while 54 percent say they do not plan to join, and 22 percent have no opinion.

The U.S. Department of Health and Human Services projected that 39.1 million Medicare beneficiaries would have creditable prescription drug coverage for 2006. Of this total, HHS projected that 29.3 million beneficiaries would be enrolled in part D plans, and nearly 10 million beneficiaries would have creditable drug coverage under qualified plans such as employer- or union-sponsored plans.

Mr. Speaker, the most recent enrollment figures released just last month indicate that only 19.7 million beneficiaries are enrolled in a Medicare part D prescription drug plan, a number that falls short of the hoped for estimate of 29.3 million. This rate of enrollment cannot be viewed as a success. Members of Congress must act to modify the original plan.

Mr. Speaker, I contend that there is a simple solution to this problem. Our seniors need more time, and Congress should provide it to them. Congress changed Medicare to give our seniors more choice in what has historically been a highly structured government program. Congress cannot in good conscience allow thousands of seniors to suffer penalties simply because they could not make an informed decision for their health care coverage and do so in time.

It is for these reasons that I introduced H.R. 4399, legislation that will extend the initial year's enrollment period an additional 6 months, until November 14, 2006. My legislation would also extend the enrollment period for an additional 4½ months for all subsequent years. And, finally, under my legislation penalties would be suspended for 2 years when seniors enroll late in the program.

I call on my colleagues to join as a cosponsor of H.R. 4399 to give Mary Ann Morgan and thousands of seniors like her more time to make the best use of the choice that they have been given.

ROGER TOUSSAINT AND PUBLIC EMPLOYEE PENSION BENEFITS

Mr. OWENS. Mr. Speaker, I ask unanimous consent to claim the Special Order time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, Roger Toussaint, the president of Local 100 of the Transport Workers Union, is in jail in New York City tonight. Toussaint's crime is that he took a stand against New York Governor Pataki's sneak attack on public employee pension benefits. When the Governor's puppet appointees on the New York Metropolitan Transport Authority Board had already reached agreement on all other items during labor contract negotiations, the Governor ordered that a cut in pension benefits be added as a new demand. Although it was a cut proposed for the future employees, Roger Toussaint said, "No, I will not be a party to an agreement that sells out the unborn."

Roger Toussaint would not allow the Governor to set a precedent for all future State, city, county, and later on it would spill over to Federal employees, and they would have shoved in their face at the bargaining table this precedent of having cut public employee pension benefits. A domino effect would roll right across the entire Nation, and no public employee pension benefits would be safe. "Strike" was the rallying cry at that moment, and that rallying cry deserves the support of all working families across the Nation.

The private sector, the corporate butchers, have been carving up private employee pension benefit funds for some years now. Indeed, those of us who serve on the Education and Workforce Committee know that there is an impending pension bankruptcy crisis which may produce shock waves similar to the savings and loan scandal. Private pension benefits for workers we know are endangered, but we have all assumed repeatedly that pensions for public employees are safe, they are secure.

Roger Toussaint's confrontation with the Metropolitan Transit Authority dramatically exposes the fact that public employee pension benefits are also in danger. Governors, mayors, and legislative bodies can carve up pension benefits even faster than the private sector if working families and their representatives do not remain vigilant and stand up against these attempts.

Ten days in jail they have ordered for Roger Toussaint. Two and a half million dollars they have fined the TW Local 100 organization. Dues check-off privileges have been taken away. The Governor and his MTA puppet board are trying to destroy the union that stood up and exposed the plot to swindle the workers out of their pension benefits. They want to destroy Roger Toussaint, the labor rebel. They want to smother the union rebellion.

Roger Toussaint should not remain an unsung hero. Now is the time for all working families to come to the aid of an heroic labor leader. Listen to the final words of Roger Toussaint at the door of the jail: "I stand here today because a judge has found me guilty of contempt of court. The truth of the matter is I have nothing but contempt for a system that gives employers free rein to abuse workers."

Now is the time for all labor organizations across the country to come to the aid of TW and Roger Toussaint in New York.

THE PEOPLE OF BELARUS

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to claim the Special Order time of the gentleman from North Carolina (Mr. MCHENRY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I was fortunate to be part of a foreign observer team to observe the failed Presidential elections in Belarus on March 19. Why was it a failure? One, because about 400 political activists were arrested prior to the election. There was prevoting that no one could account for and credit as being valid. I attended with a colleague of mine from Portugal, a member of Parliament, Suarez, and at the end of the evening after visiting 19 precincts, we were not allowed to see the ballots, nor were we allowed to observe the counting of the ballots. There was also no ability for the opposition candidates to campaign and get time on the state-sponsored TV station.

Why is this important, and why do I bring this up today? Well, after the election there was a rally in Oktyabrskaya Square, and this is a photo from one, a protester with a banned flag. There were over 10,000 folks that rallied at this square, many of them staying in the evening through the next day over a period of weeks until the regime finally got fed up, which resulted in a crackdown of the protesters and imprisonment of, and I think there were about 685 on this list, 700 political activists who were jailed for protesting a failed election and rallying for the cause of freedom and democracy and the rule of law. In the square slogans that stated "Long Live Belarus"; "Freedom"; the announcement of one of the Presidential candidate's names, Milinkevich, those were the cries of people who want freedom, democracy, and the rule of law.

This was the regime's response. One of those jailed who is still in jail is opposition leader Alexander Kozulin. Kozulin was also a Presidential candidate. He remains in jail today and imprisoned unlawfully and will undoubtedly remain for the immediate future. On March 30 Dr. Kozulin was formally charged with two counts of hooliganism under part 2, article 339 of the Criminal Code. Now, hooliganism is taking part in a democratic rally and publicly speaking his concerns on freedom and democracy and the rule of law. Actions which disturbed the public peace, so the regime says, and active participation in them under article 342 is against the regime's laws. These crimes carry a maximum sentence of 6 years. Dr. Kozulin has yet to be assigned a trial date and will remain in prison until the regime succumbs to international pressure and assigns him a trial date to prove his innocence.

Tomorrow, April 26, as was stated by another of my colleagues tonight, is the anniversary of the Chernobyl disaster. Now, Chernobyl is in the Ukraine, but much of the fallout area is in the country of Belarus, and the prodemocratic organizations and movements and the political activists will be rallying again for freedom, democracy, and the rule of law.

The President/dictator of Belarus is an individual named Lukashenko, and since the election is now over and many of the international media has left the country, he may feel that it is within his power to continue to be ruthless and destroy and suppress the freedom movement in Belarus. My time tonight is to just talk to him, the folks in the country of Belarus and the people who yearn for freedom and democracy that the world will be watching the events of tomorrow's rally.

I hope that my colleagues here on the floor will stand with me in support of freedom of Belarus during this time and will work with the Belarusian people to bring free and fair elections to their country. Countries that are democratic historically have peaceful relationships with their neighbors who are also democratic. It is incumbent upon this House that is the bastion of freedom, democracy, and the rule of law to be of aid to those people who yearn to be free. That is what this Special Order is about tonight.

LARRY NELSON

Mr. GINGREY. Mr. Speaker, I ask unanimous consent to claim the Special Order time of the gentleman from Minnesota (Mr. KENNEDY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to congratulate a friend and a fellow Georgian Larry Nelson, who, after years of hard work and success, has been elected to the World Golf Hall of Fame this year.

Mr. Speaker, I want to call my colleagues' attention to this picture of Larry at my left. Look at that picture-perfect swing. I can only dream about that.

Larry Nelson, indeed, is an inspired golfer and an inspirational athlete. Throughout his successful 36-year career, Larry has risen to the top of his game, and he has remained there while racking up victory after victory. In the last 32 years on the PGA and the Champions tours, Larry has won 10 events, including 3 majors. His career is highlighted by his PGA championships in 1981, 1987, and his 1983 win at the United States Open. He is also a three-time member of the U.S. Ryder Cup team.

Larry's place among golf's greatest is well deserved. During the earlier part of his career in the 1980s, there were only three other golfers besides Larry who managed to win three major tournaments: Jack Nicklaus, Tom Watson, and Seve Ballesteros.

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Larry Nelson undoubtedly belongs with these legends of golf.

We often hear of self-made men, and Larry is certainly one of them. Mr. Speaker, as a sergeant in the United States Army during the Vietnam conflict, golf was not even a blip on his radar screen. In fact, he said he thought it was a game for sissies. Indeed. But upon his return to the States from Vietnam, Larry found himself drawn to golf. One day he noticed a golf center across the street from the Lockheed Martin plant in my hometown where he worked. Thus, the Sam Snead Golf Center in Marietta, Georgia, became the first training ground for his new passion.

For Larry, golf came naturally. He broke 100 on his first round. That is a little discouraging to me, Mr. Speaker. In this recent time in the district, I found one day to go out on the golf course, and I don't think I broke 150. But Larry broke 100 on that very first round, and enjoyed it. He said this many times, he enjoyed dedicating himself to the techniques and strategy of the game. Indeed, the qualities that it takes for victory and success, that determination and the hard work, that has to be put in every day. As Larry told the Atlanta Journal-Constitution, "I fell in love with it, and I got better every day."

His humbleness aside, Larry was dedicated to his game, and he worked hard to achieve those goals. He graduated from qualifying school in 1973; and by 1979, just 6 years later, he had already won his first PGA tour victory, capturing the Jackie Gleason Inverrary Classic.

Larry Nelson's career saw some amazing highlights. In 2000, he finished number one on the tour. I repeat, Mr. Speaker, he finished number one on the tour, and he was named the Champions Tour Player of the Year. Larry won a total of 19 tournaments; and, listen to this, he finished second 24 times. Just think about how difficult that is, to finish second in a major tournament.

He was never one to brag about his accomplishments, but anyone who looks at Larry Nelson's career knows that it has been outstanding.

Mr. Speaker, when Larry is inducted into the World Golf Hall of Fame in St. Augustine this October, he will assume his place among golf's greatest. This is the 11th year Larry has been on the Hall of Fame ballot, and I know many golf lovers join me in saying it is about time. I am so pleased Larry's accomplishments are receiving the distinction that they so much deserve.

Larry Nelson's life and career serve as an inspiration to all of us in any walk of life, an inspiration to pursue new interests and work to achieve the highest levels of success through faith in one's God-given talents, and Larry indeed has that gift.

When he was recently asked about how much longer he would be a golfer, Larry replied that he will keep playing as long as he enjoys it. Knowing Larry's love for the game, I predict we will get to see his successes for some time to come.

Mr. Speaker, I ask that you and all of my colleagues join me in congratulating Larry Nelson on his past accomplishments and his present induction into the Golf Hall of Fame.

STATUS REPORT ON CURRENT SPENDING LEVELS ON BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH FY 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through April 21, 2006.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95

[Reflecting action completed as of April 21, 2006—On-budget amounts, in millions of dollars]

	Fiscal year 2006	Fiscal years 2006–2010
Appropriate Level:		
Budget Authority	2,144,384	(1)
Outlays	2,161,420	(1)
Revenues	1,589,892	9,080,006
Current Level:		
Budget Authority	2,137,666	(1)
Outlays	2,157,194	(1)
Revenues	1,607,180	9,176,059
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−6,718	(1)
Outlays	−4,226	(1)
Revenues	17,288	96,053

[1] Not applicable because annual appropriations acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2006 in excess of $6,718,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2006 in excess of

4,226,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to further exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2006 in excess of $17,288,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of $96,053,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION

[Reflecting action completed as of April 21, 2006—Fiscal years, in millions of dollars]

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	−23	−24	−57	−64
Difference	−23	−24	−57	−64
Education and the Workforce:				
Allocation	100	100	500	500
Current Level	−12	−25	28	33
Difference	−112	−125	−472	−467
Energy and Commerce:				
Allocation	100	100	2,000	2,000
Current Level	1,141	981	2,283	2,240
Difference	1,041	881	283	240
Financial Services:				
Allocation	0	0	0	0
Current Level	2,210	2,210	3,356	3,356
Difference	2,210	2,210	3,356	3,356
Government Reform:				
Allocation	50	50	50	50
Current Level	−1	−1	0	0
Difference	−51	−51	−50	−50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	−25	−25	−27	−27
Difference	−25	−25	−27	−27
Judiciary:				
Allocation	6	6	6	6
Current Level	0	0	0	0
Difference	−6	−6	−6	−6
Resources:				
Allocation	8	8	50	50
Current Level	0	2	1	3
Difference	−8	−6	−49	−47
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,027	0	4,107	0
Current Level	4,445	662	37,375	1,521
Difference	1,418	662	33,268	1,521
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	350	346	1,537	1,914
Current Level	705	720	311	373
Difference	355	374	−1,226	−1,541

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations as of November 2, 2005 (H. Rpt. 109–264)		Current level reflecting action completed as of April 21, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,088	18,691	17,031	18,747	−57	56
Defense	403,280	372,696	393,131	406,132	−10,149	33,436
Energy & Water Development	30,495	30,273	30,495	30,696	0	423
Foreign Operations	20,937	25,080	20,937	25,213	0	133
Homeland Security	30,846	33,233	30,846	33,184	0	−49
Interior-Environment	26,159	27,500	26,159	28,760	0	1,260
Labor, HHS & Education	142,514	143,802	142,514	143,848	0	46
Legislative Branch	3,804	3,804	3,804	3,809	0	5
Military Quality of Life-Veterans Affairs	44,143	81,634	44,143	41,803	0	−39,831
Science-State-Justice-Commerce	57,854	58,856	57,854	58,537	0	−319
Transportation-Treasury-HUD-Judiciary-DC	65,900	120,837	66,518	121,433	618	596
Unassigned	0	430	0	0	0	−430
Total (Section 302(a) Allocation)	843,020	916,836	833,432	912,162	−9,588	−4,674

STATEMENT OF FY2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95—REFLECTING ACTION COMPLETED AS OF APRIL 21, 2006

(In millions of dollars)

	Budget Authority
Appropriate Level	23,158
Current Level:	
Elk Hills	0
Employment and Training Administration	2,463
Education for the Disadvantaged	7,383
School Improvement	1,435
Children and Family Services (Head Start)	1,389
Special Education	5,424
Vocational and Adult Education	791
Payment to Postal Service	73
Section 8 Renewals	4,200
Shipbuilding and Conversion, Navy	0
Total	23,158
Current Level over (+) / under (−) Appropriate Level	0

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 7, 2006.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through April 3, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report). This is my first report of the second session of the 109th Congress.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF APRIL 3, 2006

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation[1]	1,354,569	1,313,097	n.a.
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,958	−479,958	n.a.
Total, enacted in previous sessions:	2,208,434	2,156,941	1,607,180
Enacted this session:			
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance program for 2006 (P.L. 109–204)	1,000	750	0
Total, enacted this session:	1,250	1,000	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−72,018	−747	n.a.
Total Current Level[1,2,3]	2,137,666	2,157,194	1,607,180
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Current Level Over Budget Resolution	n.a.	n.a.	17,288
Current Level Under Budget Resolution	6,718	4,226	n.a.
Memorandum:			
Revenues, 2006–2010:			
House Current Level	n.a.	n.a.	9,176,059
House Budget Resolution	n.a.	n.a.	9,080,006
Current Level Over Budget Resolution	n.a.	n.a.	96,053
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

1. The Deficit Reduction Act of 2005 (P.L. 109–171) was enacted early in this session of Congress, but is shown under "enacted in previous sessions" as requested by the Budget Committee. Included in current level for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes the following amounts:

	Budget Authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Total, enacted Emergency requirements:	77,006	114,698	−7,111

3. Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

Source: Congressional Budget Office.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a pleasure it is to be back in front of my colleagues talking about items that are of such remarkable importance to us across our United States. We have been away for 2 weeks now at home on a district work period, and it is my privilege to come on back and take this leadership hour. I thank the leadership for allowing me to spend a few moments with some of my colleagues to talk about an issue that has really come to the fore in the past couple of weeks. But first I want to just introduce the Official Truth Squad once again.

The Official Truth Squad, many folks know, began with a group of Republican freshmen Congressmen and -women who said after about 6 months here in Washington that, well, you know, there seems to be a tone or a tenor to the debate here that is not productive, and there seems to be a lot of personal animosity that is getting in the way of solving the remarkable challenges that we have here in our Nation.

So we thought it was appropriate, because oftentimes when the anger and the emotion get greatest, that is when truth flies out the window, we thought it was appropriate to form this Official Truth Squad. What we try to do is to come before the House of Representatives almost every night when we are in session and to talk about particular issues that are of importance to the American people and talk about them in a way that hopefully is a little more positive, a little more enthusiastic about the solutions to the challenges that we have before us as a Nation, but grounded in truth, because if you don't talk about truth, you can't get to the right solutions. Everybody knows that.

We have been very, very pleased with the response that we have had really across the Nation, because one of the things we were so disturbed by was the general level of politics, of what I call the politics of division. The politics of division are tried and true, and they occur when people pit one group in our society against another and make it so that you have got to be for one and against another, and you can't be for both. It just really makes it difficult to solve problems when you have that kind of rhetoric going on.

There was a gentleman that kind of put it all in perspective a little over 100 years ago, the Reverend William Boetcker, who was a public speaker and a leader of the day back at the turn of the 20th century, the 19th to the 20th century. One of his heroes was Abraham Lincoln, and he attempted to crystallize what he thought would be Abraham Lincoln's philosophy on social discourse in different sectors of society.

I find it helpful always to look back at this quote, and I will share it with the House this evening, Mr. Speaker. This is a quote: "You cannot bring about prosperity by discouraging thrift; you cannot strengthen the weak by weakening the strong; you cannot help the wage earner by pulling down the wage payer; you cannot encourage the brotherhood of man by encouraging class hatred; you cannot help the poor by destroying the rich."

Really, I think that crystallizes what ought to be the American philosophy, because we are all in this boat together. We have all of these challenges that we must face together, and truly there are not necessarily Republican solutions or Democrat solutions, but there are American solutions. But unless we work together, we really won't be able to get to the right solutions.

As I mentioned, we have all been home for the past 2 weeks on our district work period. I have had an opportunity to meet with so many constituents across the Sixth District of Georgia, and I know that my colleagues have talked with their constituents and their friends and neighbors at home.

Mr. Speaker, I will tell you that one of the most important issues that is now confronting us as a Nation is the issue of energy prices, gas prices at the pump. We have seen a significant increase over the past number of weeks and months, and I think it is important when we talk about this issue, especially to talk about truth.

I thought I would begin just by sharing, everybody knows what the gas price is in their community. They range from, in my hometown it was $2.89 when I drove to the airport this morning for a gallon of gasoline. It goes down in some areas of the Nation to $2.40, $2.50. In some areas it is up in the high $3s.

Because we are interested in the truth here, I thought it would be helpful to share what some of the prices are around the world in other Western nations. What are these nations paying? This is what they were paying 2 weeks ago, the latest numbers we have. Belgium, $6.10 for a gallon of gas; France, $5.00 for a gallon of gas; Germany, $5.96 for a gallon of gas; Italy, $5.91 for a gallon of gas; the Netherlands, $6.73 for a gallon of gas; and the United Kingdom, Great Britain, $6.13 for a gallon of gas. At the same time in the United States, $2.88 on average for a gallon of gas.

That sounds like a lot of money, and indeed it is, but when we compare it to the rest of the world, which is the truth about this situation, it is extremely important that we talk about these numbers in a way that allows the American people to have as much information as possible when it comes to the issue of gasoline prices and energy prices. Otherwise, we are all just getting up here giving our opinion.

This brings me to the favorite quote of the Official Truth Squad, and that comes from a former Senator from the State of New York, Daniel Patrick Moynihan, who used to say, "Everyone is entitled to their own opinion, but they are not entitled to their own facts."

Mr. Speaker, that is so true about this issue and so many others, because unless we are talking about facts, unless we are talking about the truth, we can't get to the right solutions. So I would encourage my colleagues across the House to remember this when we are dealing with issues, especially as important as those that relate to energy prices and gasoline prices.

We are going to talk tonight about how we got to where we are, where are we, what the situation is and what kinds of things the United States and this Congress is doing in a positive and productive way to solve the challenges that we have in the area of energy.

I will be joined by a number of colleagues. First I am joined by a great friend and colleague from Tennessee, the Congresswoman from Tennessee, Mrs. BLACKBURN, who has been an incredible leader in our conference about so many areas, including the economy. She participated in small business, and just brings a wealth of experience and information to the table. I know that she has some thoughts to share with us tonight on the issue of energy and gas prices.

I welcome you this evening.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for his leadership on the issue. As you were saying, we are all in this boat together when we look at the energy issue and look at not only the fuel for our cars, but for our homes, how we generate electricity, how we address the energy needs of a booming economy, how we address the energy needs of a growing population.

As you said so very well, this is not a Democrat or a Republican issue, this is an American issue, and we need to go back and let history be a great teacher for us on this issue. How did we get to this point? This issue didn't just happen last week or last month or even last year. This is something that has been growing for a period of time. I really look at it as something that has been coming together over the past 30 years, when we look at what has happened with this.

If we go back to the mid-70s, a good start date to take for the sake of discussion on this issue is 1976. The reason we go back to 1976, Carter was President then and that was the last year that we had a refinery built in this country. That was the last year in which a new refinery, oil or gas refinery, was built on U.S. soil.

What we saw happen was an increase in regulation from the EPA and from OSHA and different environmental groups and different demands that environmental groups would place on creating or developing a new refinery or going out and exploring for oil or gas or developing new technologies to extract oil and gas to bring forward for the refining process.

Since 1976, we have seen layer upon layer upon layer of mandates, of rules, of regulations, that have made it very, very difficult to bring forward new technologies so that we can meet the energy needs of this Nation.

□ 2045

So that we are meeting the energy needs of this Nation. Great for instance. When you inventory what we had on line with refineries in 1981, there were 324 oil and gas refineries in this country in 1981. Today there are 148 refineries; 148 refineries. And, you know, the last refinery that went up in this country was out in Yuma, Arizona. It took 5 years and 4 months to get through the permitting process to put that refinery in place.

So we see that what we have done is to put in place a process where we have fewer refineries that are working, and fewer refineries to actually process the oil and gas that we need. Now at the same time our population is growing, we have more cars on the road, and we have more houses. Home ownership is at an all-time high.

We need to be processing 21 million barrels of oil a day. We have the capacity to refine 17 million barrels of oil a day. So what we have is a very tight supply line, and it is difficult for us to meet those needs with the current infrastructure that is in existence.

What we have to do also is couple those facts of fewer refineries and making it very difficult to do exploration and development. Now, you know, and I will tell you, the liberals on this issue need to realize the double-talk ought to stop. The double-talk needs to stop because you cannot have it both ways.

You do want oil and gas, but then you do not want the prices to be high, but you do not want to go drill in ANWR, you do not want to inventory the Outer Continental Shelf, and you do not want to extract any of those gas deposits that are there, and heaven knows, let us not go drill in the West.

And that is what we have the tendency to hear.

But at the same time, they are saying gas is too high, we need to immediately move to alternative fuels. But then they say, you are not doing enough for alternative fuels, but the gas prices are too high. And, you know, I will tell you, Mr. Speaker, it is that kind of double-talk that makes it very difficult to sit down and work out a solution to this that is going to help us with this issue.

And I will tell you, Mr. Speaker, I look at this with the fewer refineries, with the lack of exploration and development, Hurricanes Rita and Katrina taking fully 25 percent of our refineries off line, and what you have is the perfect storm of an energy crisis. And at the same time that is happening, we are switching from the MTBE to ethanol.

There are some supply line problems with the distributors there. And, yes, this has been a very difficult week. And I am like most persons. I go to fill up my car, and I just, you know, gasp at the price. And I think, my goodness, this is not what we are used to. This is not what we have planned for. This is not what we have budgeted for. It is so expensive.

And I held town hall meetings, as you were saying, as the gentlemen from Georgia was saying, visiting with my constituents. And you talk to those who are on the school boards who are saying, you know, it is costing more to run buses, and you talk to those who are running their county governments. They are saying, our supply costs and our fuel costs are going up.

And it says, yes, indeed we need to do something. And I think it is very important that we realize that there are some things we can do in the short term. There are some things that we will do that will affect the midrange, and then we need to be very conscious as we look at a long-range plan, and as we look at working toward an energy independence day.

And, Mr. Speaker, I look forward to working with the gentleman from Georgia in returning another night to talk a bit more about energy independence day and how we would get there and what that would look like.

And I think that as we look at this issue, we know legislatively there are some things that we can do and have done. We have passed the Energy Policy Act from the committee where I hold a seat, Energy and Commerce. And we first passed that piece of legislation in 2001, and it languished across the dome with our friends in the Senate. And finally this past June we were able to get that signed into law and passed to put $8 billion on to alternative fuels development, to simplify some the permitting process so that it is easier for those refineries to stand up and begin processing the fuels that we need.

You know, there is another piece of legislation, the Gas Act, that we passed after Katrina took place, and that is the piece of legislation we passed in this body on a 212–210 vote. It would federalize and put in place Federal penalties for price gouging. Unfortunately we did not have any help from our friends across the aisle on that. And we felt it was important to put in place, to federalize price gouging. Now, that piece of legislation that we passed is sitting in the Senate. The liberals are holding it up. It is time for us to pass this.

I yield to the gentlemen from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman for yielding.

I have got a number of posters about what, in essence, is the double-talk that you raise. Our good friends on the other side of the aisle, the liberals on the other side of the aisle, tend to talk one way, and then they vote another.

I just wanted to highlight the one you just mentioned, because this Gas Act is so remarkably important for energy independence for our Nation. It was roll call vote 519. This is what the Truth Squad is all about, bringing you information, facts that you might not be able to have otherwise. Roll call vote 519 in 2005, the Gas Act. Every single Democrat voted no. Every single one voted no, which just crystallizes that double-talk that you highlighted so very, very well.

I yield back.

Mrs. BLACKBURN. If the gentleman will yield. Yes, this is one of the things, and let us continue to look at this poster. You know, do we care more about caribou in ANWR, or do we want to come into an area that is an enormously large area and go into an area land-mass-wise that is about the size of the State of South Carolina, and go into an area that is about the size of the Atlanta airport and drill, and go in on ice roads during the winter and drill?

You know, I mentioned that we need 21 million barrels of oil a day, and that we have the capacity for 17 million. In that field in the North Atlantic Wildlife Refuge, that field would yield as much as 1 million barrels a day. So I think that this is the time when we have to say, where are our priorities? And how are we going to use the fossil fuels that we have while we try to wean ourselves from foreign oil, and while we develop alternative sources, and as we look at this electric power generation?

I was in another State in a coastal area with one of our colleagues, and we were going across a bridge. I had been speaking in one area, and we were going to the other for a speech. And there were two power plants on either side of this bridge out in this bay. And as I looked out there, I said, oh, are these on hydroelectric power? What are we using? What is the source here? Is it wind? Is it water?

One was burning coal; the other was burning oil and gas. You know, you have to say, if they are both using fossil fuels, why are we doing that and not being good stewards of our fossil fuels and using all of those other natural resources that we have?

So this is a time for us to say, let us be very thoughtful, let us learn some lessons from what has happened over the past 30 years. Let us look at what happens when you give environmental groups the say over how you are going to develop your energy policy. When you say we are going to work day in and day out, and we are going to keep you from drilling, let us look at the lessons that we have learned and what ends up happening in the long run.

And as we look at conservation and preserving efforts, which will help us with the short-term fix, when we look at the legislative efforts that will help us in the midterm and the long term, let us be very, very mindful that every piece of legislation that we pass is going to have some consequences whether intended or unintended, and we need to be very mindful of that.

With that I yield back to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman for her perspective and a cogent laying out of exactly what this situation is that we have right now, how we have gotten into this situation, and what sort of alternatives that we have.

And your statement about things beginning 30 years ago is so appropriate, because this did not happen overnight. We find ourselves in this situation now because of the policies of past Congresses, policies of past administrations, and the action of so many folks that brought us to this point right now.

And it is not going to be fixed overnight, but we are well on our way. We want to assure the American people that we are well on our way to making it so that we are energy independent. I appreciate your presentation so much.

I do want to highlight a couple of our items that were discussed as we move forward with the Official Truth Squad and talk about energy policy and gas prices. So much of the discussion that you have heard by some of our friends on the other side are talking about, in fact it has been this evening in the well and earlier today in the well, and they talk immediately about their solution, which is always to either put a cap on something or to tax something. And you have got to listen carefully, because sometimes the language is couched. But price controls or a windfall profit tax we have heard bandied about, increase the taxes. But the truth is that that action would be extremely detrimental. And I say that with all sincerity, pointing to the Official Truth Squad poster.

And folks will say, well, how do you know that? Well, we know that because of history. And history has a tendency to repeat itself unless you learn from it. And there is great history that we have, and it is not that long ago. There is a wonderful policy primer that was put out by the Cato Institute in Washington. It has got great information about what they call the case against oil price controls and windfall profit taxes, and they do so in a very academic and appropriate way by citing the information that we have available to us just a generation ago. And I want to read some of the information that was presented in this. And I will quote from it a number of different times.

One of the broad conclusions that they make is that, quote, free markets are more efficient than controlled markets. And goods and services are more available and less expensive in free markets as opposed to controlled markets.

So restricting product prices for profit opportunities invariably reduces investment in conservation and new supply. Now, that may seem counterintuitive, but if you restrict the opportunity for our system to work, our market system to work, our free market system to work, if you restrict that in certain ways, then what happens is that people say, well, I will not invest in new forms of energy. I will not invest in the new opportunity to find more oil. I will not invest in things that will declare our dependence on foreign oil. I will go invest in something elsewhere if the government is not involved. And it actually decreases supply. And we had a very clear example of that in the 1970s and the 1980s when price controls were enacted by this Government, and when the windfall profit tax was in place between 1980 and 1988.

There was an economist, Joseph Kalt, who, in 1981, a Harvard economist. I do not often quote a Harvard economist, Mr. Speaker, but I will tell you that he has some sage advice for us. And Kalt studied the price controls that were enacted in the 1970s, and he drew these conclusions.

He stated that price controls and the incentive to import created by the entitlement program reduced the incentive to bring new domestic oil to market. These are the things being considered on the other side of the aisle right now, and being touted as the be-all and end-all.

Kalt calculated as a result, domestic production was .3 to 1.4 million barrels per day lower, lower than it would have been otherwise. Clear example that price controls do not work.

In spite of that fact, clearly a demonstration, truthful demonstration, of what happens when you restrict that market.

Another quote, a few observations about the price control experience of the 1970s jumped out at the analysts. First, price controls are simply ideas in theory, but they are extremely complicated exercises in practice.

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Second, a tremendous amount of political pressure inevitably arises under price control regimes to provide regulatory benefits to favorite producers at the expense of less-favored producers, thus distorting markets even further.

Third, price controls have unintended consequences and often exacerbate the problems they ostensibly are designed to address.

Again, if you want to tell what the future is going to be, and you want to enact policies that have been tried in the past, then it is a pretty good bet that if you look at the consequences of the policies that were tried in the past, that you can tell what the future is going to be. Hopefully we want to look in a sober way at the policies that were enacted in the past so that we can determine whether or not we want, in fact, to go down that same path.

I would suggest to you, Mr. Speaker, that going down that same path for price controls and windfall profit tax, which sound wonderful, I mean they really do. I mean, you say we ought not to be having to pay that much at the gas pump. If we are paying that much, then somebody else is just making too much money.

The problem is, Mr. Speaker, that the policies of price controls and windfall profit tax don't have their intended effect. They don't result in a decrease in price significantly, and they significantly decrease the amount of availability, which then indeed drives up prices even more.

The conclusion of this treatise on price controls and windfall profit tax is very telling and, I think, very instructive. It goes as follows. The observation that price controls induce scarcity and impose net losses on the economy is as uncontroversial among economists as are observations about gravity among physicists. Let me read that again. Sometimes you can get lost in really the magnitude of a statement like that, but I think it is important, and it is very instructive for us as a Congress, for us as a Nation. The observation that price controls induce scarcity and impose net losses on the economy is as uncontroversial among economists as are observations about gravity among physicists.

He goes on to say the experience of the 1970s further suggests that price controls may not even achieve their stated goal of reducing consumer prices. Intervention in oil markets historically has improved the welfare of politically popular market actors, primarily small independent oil producers and small refinery owners rather than the welfare of consumers.

Whether politicians intended that to be the case is unclear. Regardless, if wealth distribution is the rationale for price controls and windfall profit taxes, general individual and corporate income taxes are certainly less costly and more equitable than sector-specific market intervention.

Now, people often support price controls and windfall profit taxes because they don't believe that oil producers have a moral right to higher-than-normal earnings. Mr. Speaker, how often have we heard that the last 2 weeks, that these profits are immoral? I heard it, certainly heard it. I heard it from the other side of the aisle.

He goes on there somehow there is a widespread sentiment that it is somehow wrong for owners to profit when exogenous events greatly inflate the value of commodities that they own. Yet those who hold that opinion don't oppose windfall capital gains for homeowners. In fact the public tends to cheer rising home prices and reacts to falling home prices as a problem to be solved.

Now, why is it morally wrong for some parties but not others to periodically earn windfall profits is a mystery that we cannot solve. That is the writers of this paper.

Regardless of the moral issues involved, Federal efforts to take excess profits from oil companies whether via price controls or excise taxes are bad public policies. They fail to achieve their proximate aim, which is to reduce prices paid by retail consumers, but do manage to reduce supply, increase imports and impose steep costs on the economy.

Mr. Speaker, I tell you, those comments, that statement, that conclusion of history, which is truth based upon what happened, is extremely telling. They fail to achieve their proximate aim, which is to reduce prices paid by retail consumers, so they don't decrease the prices. They don't decrease the prices.

If you put price controls on, and you put in place what is euphemistically called a windfall profit tax, it doesn't decrease the price. What it does do is it manages to reduce supply, increase imports and impose steep costs on the economy.

I don't know that there is a more clear evidence that moving in the direction of price controls or windfall profit taxes would just be the wrong thing to do, wrong for the economy, wrong for consumers, wrong for my constituents, wrong for the American people. I am hopeful that my colleagues will be mindful of the information that we have available to us about past actions.

I also want to just point out that when you hear people talk about how it is, quote, immoral, unquote, for somebody to earn that kind of profit, please harken back, harken back to the politics of division that I mentioned before, that the philosophy that was felt to be that of Abraham Lincoln and those who had a sensibility about how we as a society ought to move forward, and remember what he said. You cannot help the poor by destroying the rich. That is oh so true, Mr. Speaker.

I do also want to cite one other portion of this treatise. You have heard a lot of people talk about price fixing or collusion between oil companies for the cost of gasoline at the pump. This is a citation in this paper, but it is very telling because it is a nonpolitical arm of the government talking, and it is independent individuals who drew these conclusions.

The conclusion that they drew is significant. We are unaware of any governmental investigation since the formation of the OPEC cartel that has found evidence of price fixing or collusion in U.S. gasoline markets. The Federal Trade Commission concludes that, quote, the vast majority of the FTC's investigations have revealed market factors to be the primary drivers of both price increases and price spikes. Those investigations, it should be noted, were undertaken by both Republican and Democratic administrations.

Mr. Speaker, I am so disturbed when I go home and I hear people at home talk about the inability of Congress to get together and solve problems. What I say to them is that the level of demagogy on the part of many here is very disturbing, and it does a disservice to us all.

Again, these aren't Republican problems, they aren't Democrat problems, they are American problems, they are American challenges. We solve them best if we solve them together. I urge my colleagues to work together to not throw around the kind of language that we have already heard again today by others, because it is destructive, doesn't help.

What is the problem? Now, my good friend from Tennessee alluded to much of the problem, and I want to refer to a number of things that she said. I want to remind folks, though, about The Official Truth Squad favorite quote, and that is, again, because we are going to talk about facts now, that is from Senator Daniel Patrick Moynihan, who said, everyone is entitled to their own opinion, but you are not entitled to your own facts. Let's talk about some facts. Let's talk about why gas prices are high now.

You will hear a lot of folks conjecture and throw around things that they say are the reason that gas prices are so high. But I think there are, there are five or six general areas that can be distilled as to addressing why gasoline prices now are at the level that they are.

Remembering though, Mr. Speaker, that gas prices in other nations, other Western nations, are significantly greater. Remember the U.K., $6.13 for a gallon of gasoline; Germany, $5.96 for a gallon of gasoline; Belgium, $6.10 for a gallon of gasoline. But why are gas prices at an average of $2.88 in the United States?

There are a number of reasons. First reason that can be clearly pointed out is that we are in that time of year where we are changing gasoline blends, and this change disrupts the supply chain. What happens is that between winter and summer, the seasonal blends traditionally cause spikes at this time of year in gas prices. We are fond of saying at home, we have been for the past number of years, you hear people say, well, it is time for summer vacation, so they will crank up the prices again. But what is happening is there is a different formula of gasoline, the season blend of gasoline that is used in the summer, as opposed to the winter. That cost, just that shift to that different blend, causes some increase in price.

Also, the Energy Policy Act that we passed in 2005 ends the federally mandated oxygenate requirement for some gasoline blends beginning on May 5. Fearing an exposure to MTBE lawsuits, Mr. Speaker, fearing an exposure to MTBE lawsuits, refiners are, instead, turning to ethanol, and that is causing a significant increase in the cost of gasoline.

I will say to my friends on both sides of the aisle that there are three things that consistently drive up the cost of doing any business and providing increased cost to the bottom line for a service or a product. You know what these are well, Mr. Speaker. They are taxation, they are litigation, and they are regulation.

My good friend from Tennessee earlier talked about a lot of the regulatory challenges that we have in the area of energy policy that make it so that the cost of gasoline is higher than it ought to be. But what you just heard is that there are oil companies that because of the true threat of litigation have changed their formulation to include ethanol instead of MTBE. That cause, that threat of litigation, has caused a significant increase in the cost of gasoline, the addition of ethanol that they are using in place of the MTBE. Information agency estimates that the switch from MTBE to ethanol is responsible for an additional 5 cents a gallon in cost. Remember, that is a switch that much of which is brought about because of the risk of litigation.

Now, there are also tariffs on ethanol imports. So more intervention has resulted in tariffs on ethanol imports, which companies say they are relying on in greater quantities, and that those tariffs add 54 cents a gallon to a gallon of ethanol. Reports forecast that we might need an additional $2 billion of ethanol this year alone.

Mr. Speaker, 2 billion gallons of ethanol, 54 cents a gallon, an extra $0.05 a gallon for the switch. Mr. Speaker, that looks to me like something over $1 billion. That has got to be made up. So that is driving the cost.

Now, that is truth. Changing the gasoline blends, the addition of ethanol, those are two specific areas that have resulted in a marked increase in the price of gasoline at the pump.

Now, we can talk all we want about price controls and windfall profit taxes and the like, but they will not affect either of those costs at all. Not at all. In fact, they will decrease the supply if we adopt any of those, quote, solutions.

What is another reason that the price of gas is up right now? Gulf coast disruption. Tight supplies mean even one unscheduled refinery shutdown with can drive up gasoline prices; 22.3 percent of gulf coast oil production is still shut down from the hurricanes of last fall, 22.3 percent of gulf coast oil production is still shut down. That results in about over 300,000 fewer barrels of domestic oil available to Americans on any given day. So we have got some factual reasons why the price of gasoline at the pump is significantly increased.

What else? World supply and demand. Supply and demand. Our need for oil has grown, but we face new competition from other markets, particularly India and China, significantly increased economies. Their increase in economic viability is positive for the world, results in increased opportunities for all in the world, but they have a significant increase in demand for oil.

Our domestic production and our refining capacity haven't kept up. The gentlewoman from Tennessee earlier talked about the lack of any new refinery in our Nation coming on line in the last 30 years. It is phenomenal, Mr. Speaker, it is phenomenal.

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It is not right. And that has been a result of significant policies that have increased regulation, have increased the threat of litigation, and taxes have been so significant so that they haven't brought new refineries on line. Those kinds of things do not happen overnight. They do not happen overnight. And these problems haven't happened overnight.

We are not functioning in a vacuum either. It is not like you can order crude oil from one place in the world and expect it to always be there. Threats of supply reduction from Nigeria, Iran, and Venezuela have also caused crude oil prices to rise. So there is some real certain truthful reasons why the price of gas is what it is right now, not some conjecture. You don't have to make anything up. There is real evidence as to why the price of gas is what it is.

Fifth. Lack of domestic oil production. Here is one that really irks many folks in my district. They say, we've got gasoline available, we've got oil available right under our own Nation and within our own properties and off our own shores that can be obtained with great respect for the environment, that can be obtained safely, so why on Earth doesn't Congress enact the opportunity to be able to get that oil?

We are going to need much more oil before we ever kick our dependence on it, without a doubt. But, unfortunately, current law leaves nearly 100 billion barrels of oil out of reach to Americans. Out of reach to Americans. It is American oil. It is an American resource. And until that changes, American families will continue to pay more than they should for gasoline.

At a time when we import most of our crude oil and, increasingly, gasoline, these restrictions also undermine the Nation's security and prop up authoritarian regimes around the world. I will tell you, my folks at home are fed up. They say, look, we've got to, as a government, make certain that we can utilize the resources that we have.

And, finally, Washington inaction. Now that is something that probably is as true for this as it is for many, many other areas; but these problems, as I mentioned, took decades to develop and to come about. Most folks don't remember that 10 years ago this Congress passed the opportunity to utilize some of those resources that I mentioned and that President Clinton vetoed, vetoed the opportunity to, in an environmentally safe way, take care or utilize the resources that we have available to us in Alaska.

That is a fact. That is the truth. That is the truth. And that is what we are here tonight to talk about, is the truth behind why gas prices are where they are and what the solution is. So by way of summary, the gas prices are significant and high, higher today than they have been in the past for a variety of reasons. Changing gasoline blends, the addition of ethanol, disruption down on the gulf coast, world supply and demand, lack of our own domestic oil production, and then Washington inaction. Bureaucratic Washington inaction.

So, Mr. Speaker, I hope that has been helpful to my colleagues listening and those folks listening around the Nation as we talk about the extreme importance of addressing an issue that during our 2 weeks home I heard an awful lot about.

I am pleased to be joined by a number of colleagues, and now I would like to introduce a good friend and colleague, a member of the freshman class, a member of the Official Truth Squad, Congresswoman VIRGINIA FOXX from North Carolina. She has a great background of study, and I have always been impressed with her ability to crystallize an issue and to do the due diligence on how we got to a situation, how we arrived at a problem and what the solution is.

I look forward to her comments this evening on the issue of energy and gasoline prices, and I yield to Congresswoman VIRGINIA FOXX.

Ms. FOXX. Thank you, Congressman PRICE. I appreciate very much again your leadership in bringing the information from the Truth Squad here to the floor of the House and am pleased to join you and Congresswoman BLACKBURN tonight to talk about energy prices.

You know, Mr. Speaker, the Democrats sure do like to have their cake and eat it too. Over and over again they complain about something and then turn right around and oppose any commonsense solutions offered by Republicans. I think you have done a good job of talking about some of the issues related to the high price of gasoline. None of us likes to pay a high price for gasoline, and those of us who are Members of Congress who have large districts probably are affected by it as much as a lot of the average Americans are because of our ability to get out in the districts and travel and visit with our constituents.

But Democrats have a way of talking about things and doing something differently. They are giving us a hard time now about the high price of gasoline. They talk about the deficit, they whine about the deficit, but they vote against slowing the growth of spending. They complain about the President's plan in Iraq, but they offer no alternatives. They say we need to increase border security, but they vote against the bills that would do just that. The list goes on and on.

The Democrats' latest case of hypocrisy is that they hold a press conference to complain about our rising energy prices, even though their actions have contributed directly to the problem. For a party that claims it is looking out for the best interests of the American people, it has a funny way of showing it.

For decades the Democrats have fought to stop production of all forms of energy. They voted against increasing domestic energy supplies, which would not only lower prices but create more jobs here at home. They have opposed Republican efforts to lessen the tax burden at the pump. They have opposed nuclear energy and renewable fuels. They have opposed cracking down on price gouging.

Republicans have been working hard, Mr. Speaker, to address rising energy prices, but all the Democrats do is vote "no," and we don't think that "no" is an energy policy. Democrats have traditionally, again, and consistently opposed all GOP efforts to increase domestic energy production. For nearly three decades environmental extremists and their liberal allies in Congress have fought to halt production of all forms of energy. In fact, Democrat obstructionists have repeatedly voted against Republican efforts to increase domestic supply, encourage innovation and technology advancement, and lower the tax burden Americans pay at the pump.

Let me talk a little bit about the specifics on that. Five times Democrats have had a chance to vote for comprehensive energy reform for programs to expand the use of nuclear energy and renewable fuels, and five times they said no. And this is just in recent years.

July 25, 2005, H.R. 6, the Energy Policy Act of 2005, on agreeing to the conference report. It passed the House by a recorded vote of 275–256, but 124 Democrats voted "no."

June 15, 2004, H.R. 4503, Energy Policy Act of 2004, on passage, 152 Democrats voted "no." It passed by 244–178.

November 18, 2003, H.R. 6, Energy Conservation Research and Development, on agreeing to the conference report, 154 Democrats voted "no."

So they have consistently voted "no" on issues that would help us increase the energy supply.

We think that folks need to ask the minority leader some questions about rising gas prices and her record on that, and the Democrats' record on it. They have fashioned an abysmal record on energy issues that are important to the American public, yet now they have the temerity to complain about the strain of rising gas prices.

Here are some questions that need to be asked. In the face of rising gas prices for working families, why have you and your Capitol Hill Democrats consistently opposed measures designed to increase the supply of American energy?

With world energy prices rising because of increased demand, why did 124 of your House Democrats vote against the energy bill in 2005 to encourage the expansion of clean nuclear energy supplies?

Question number three that could be asked: In the face of rising gas prices for Americans, why did 196 of your House Democrats vote against the 2005 energy bill that would have streamlined the process of refinery expansion and construction that is so critical to the future of America's energy infrastructure?

Question number four: With gas prices for working Americans on the rise, why do you oppose major labor organizations, such as the International Brotherhood of Teamsters, who actively petitioned the Congress to increase domestic energy supplies to create jobs for their workers?

And last but not least, the fifth question: In the face of rising gas prices for working families, why do you and the Democrats continue to vote "no" on every responsible proposal that would put Americans to work producing more of our own American energy to lower prices?

Again, the Democrats want to have it both ways. They want to talk about the problem and put it off on us, but they want to avoid coming up with a way to solve the problem. We need to ask these questions of the Democrats and put them on the spot about why gas prices are so high.

They are responsible for it, because they have refused to allow us to come up with ways to provide alternative energy. I hope Americans will write their Members of Congress, particularly the Democrats, and say to them: Why are you doing this? Why do you want gas prices to be so high and hurt working Americans?

Congressman PRICE, I think I am going to let you tidy up this session, since you have done such a great job of it, and thank you for letting me be a part of it.

Mr. PRICE of Georgia. Thank you, Congresswoman FOXX, so very much for your wonderful observations and really astute observations about many of the challenges that we have and bringing some truth to this issue of gasoline prices and why we are in the situation that we are in right now.

As we have talked about, this isn't a Republican problem or a Democrat problem; it is an American problem. And so we work best when we work together to solve these problems. So I encourage friends and colleagues on both sides of the aisle to make certain that as we move forward with this situation that we work together. Political demagoguery and casting aspersions on either side is just not helpful to the solution.

Now, we have reviewed the clamor that we have heard out there currently for price controls and windfall profit taxes and those kinds of things that we have demonstrated clearly don't work. Remember, the truth is that they do not work and we know that because of the history.

We have also talked about what has resulted in the situation that we are in, why our gas prices are high. We have reviewed the items that have brought about the situation that we currently find ourselves in.

I thought it would be helpful to at this point very briefly talk about what has been done, because a lot has been done. Again, these problems that we have and the challenges that we have are a product of decades of activity that have put us in this situation, so these aren't going to be solved overnight. And anybody that says that they have the solution to bringing down gas prices right now is just not being truthful with the American people. And I think it is important to say that, because the truth is that the solution to this will happen over time, and it will happen by a number of things: increased production, conservation, alternative fuels, and all sorts of things.

I want to just share with you, Mr. Speaker, some of the things that have already been enacted. The Gasoline For America's Security Act of 2005 was passed, as was the Energy Policy Act of 2005. The Energy Policy Act of 2005 had some very specific items in it. It strengthens current supply. Strengthens current supply. It allows for new domestic oil and gas exploration and development. It requires the Department of the Interior to inventory oil and gas resources on the Outer Continental Shelf to enable the Federal Government to better assess the extent of these resources.

Again, when I go home, I hear people say, why don't you get to work and utilize the resources that we have? The technology is there to be able to do it in a very environmentally friendly way. It is a tough question to answer.

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We are moving forward on that, and we need the help of our colleagues on both sides of the aisle.

The Energy Policy Act also encourages building of new refineries and expanding existing refineries. We need to streamline those regulations and decrease the amount of litigation exposure that those refineries have. Remember, we have not brought a new refinery on line in this Nation in 30 years, and we wonder why we are in the situation we are in.

The bill includes $2.9 billion for fossil energy research to ensure more efficient exploration and development of oil, gas and coal, while decreasing the environmental impact of fossil energy production and its use.

The Energy Policy Act of 2005 also increases conservation. That is extremely important. Conservation is so important to this solution, and anything we can do as a Nation and as a people to conserve fuel goes right to the bottom line. It improves things immediately.

The bill increases funding to $17.5 million over 5 years to the Department of Transportation to continue its work on improving the CAFE standards which set fuel emission standards for cars and light trucks sold in the United States.

It increases funding to the Department of Energy's Clean Cities Program, provides tax credits for the purchase of hybrid fuel cell advanced clean-burn diesel and other alternative-power vehicles. That is important.

When I talk to groups, I always try to ask how many folks own a hybrid vehicle. At this point only none or one or two folks raise their hand. I am hopeful in a year we will see tens of hundreds of people in my district, or thousands or more across the Nation. The tax credit is up to $3,200 per individual depending on the vehicle. That ought to be a great incentive, and it begins to make hybrid vehicles become competitive with other vehicles that are sold.

The bill also provides a 30 percent credit, up to $30,000, for an investment in alternative fuel refueling stations. A lot of the problem is we do not have many of those stations right now, and it is important to bring those on line.

The Energy Policy Act of 2005 also embraces new fuel choices, authorizes $3.7 billion for a hydrogen fuel cell program, and requires 7.5 billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015.

Many of us are working to try to make certain that we bring that kind of will and enthusiasm to bringing about energy independence for our Nation within the next 10 years.

It includes $3 billion dedicated to developing affordable, efficient, renewable energy technologies and promoting their widespread use.

It promotes clean and renewable fuels by providing incentives for clean coal technology and renewable energy such as biomass, wind, solar and hydroelectricity. It extends the renewable electricity production credit through December 31, 2007, and authorizes the issuance of $800 million of tax credit bonds before December 31, 2007, to support renewable investment in municipal power authorities, rural cooperatives, and others.

I think it is important to talk about those things that we already have done because I would venture to say, Mr. Speaker, when you go home and when you talk to your constituents, I know when I go home and I say we have done these things, they say, "I have never heard about it." You are right, people do not hear about these things because they are not mentioned on the nightly news. This Congress does not get any credit for the positive work it is doing on the nightly news. You do not read about it in your newspapers, and you have a portion of individuals in this Chamber who want to down-talk and demagogue every single issue.

Mr. Speaker, it is just not productive. It is not positive. It does a disservice to every individual across this Nation, so I encourage my colleagues on both sides of the aisle to get together and work to make certain that we can continue to solve the energy challenges that we have as a Nation.

We are blessed to live in a wonderful and a glorious Nation. We are the hope of the world and continue to be a vessel of opportunity for so many people around the world. We do ourselves best when we work together and talk positively about the challenges that we have and positively about the solutions and make it so we can solve those challenges together as opposed to the kinds of difficult conversations that some folks tend to degrade into so quickly.

I urge my colleagues to work together as we move forward on the challenges as they relate to gas prices and energy policy.

I look forward to coming back and joining my colleagues once again for the Official Truth Squad, putting a little truth and positive perspective in front of the United States House of Representatives and the American people.

DEBT AND THE DEFICIT

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, I rise this evening as whip of the 37-member strong fiscally conservative Democratic Blue Dog Coalition. I rise this evening on behalf of the Blue Dogs, who are very concerned about this, our Nation's debt, which is $8.353,429,193.726 and some change. That means for every man, woman and child alive in America at this moment, it means their share of the national debt is $28,000. Many of America's priorities will continue to go unmet until we get our Nation's fiscal house in order.

I plan to spend a good part of this hour discussing the debt and the deficit, but I just heard some things from a group that calls themselves the Official Truth Squad. They had the nerve to come to the floor of the United States House of Representatives and say it is the Democrats that are responsible for $3-a-gallon gasoline at the gas pump. But the best one of all was when they blamed it on former President Clinton. Mr. Speaker, give me a break.

The American people know for the last 5 years and for the first time in 50 years, the Republicans control the White House, the House and the Senate. It is they who have failed to give us an energy policy that will allow us to become less dependent on foreign oil. They know that Democrats like myself have tried time and time again to reduce our dependence on foreign oil.

We have a bill in committee, in the Committee on Energy and Commerce, of which I am a member. We have a bill in the committee that mandates 10 percent ethanol in all gasoline and 5 percent biodiesel in all diesel fuel, and yet the Republican leadership refuses to give us a hearing let alone a vote on this bill that will reduce our dependence on foreign oil. It will create new markets for America's farm families. It will mean that we pay 60 to 70 cents less per gallon at the pump; and yes, it will reduce our dependence on foreign oil.

When we talk about alternative and renewable fuels, don't let anyone tell you that is too futuristic. I am here to tell you if we can strap a four-wheeler on a rocket and shoot it to Mars and control it from NASA's headquarters in Houston, it is American people that did that, and in America we have people with the know-how to create alternative and renewable fuels; not only ethanol and biodiesel, but many other forms that will reduce our dependence on foreign oil.

It was last August, 8 months ago, last August that I went to all 29 counties in my congressional district and called on the President to suspend deliveries to the Strategic Petroleum Reserve, and I did this because I know it is a short-term solution, and it works. President Bush's daddy did it in 1991, and the price of a barrel of oil dropped $11 overnight. President Clinton did it in 2000, and the price of a barrel of oil dropped $6. My question is why did it take this President 8 months to decide to announce today something I called for him to do last August, and that is to suspend deliveries to the Strategic Petroleum Reserve?

It is 8 months too late, and that means we have lost a number of farm families that will not be back in the business of providing America with a safe and reliable source for food and fiber. If we are not careful, we are going to become just as dependent on foreign countries for our food and fiber as we have for our energy supplies.

So I am very concerned that tonight all we heard from the Republican side of the aisle and this so-called Truth Squad is that it is the Democrats and President Clinton that are responsible for the high prices of gasoline.

Let me say that the American people are sick and tired of the partisan bickering going on the floor of the House of Representatives. Mr. Speaker, it should not matter if it is a Democrat or Republican idea; it should only matter if it is a commonsense idea, and does it make sense for the people that send us here to be their voice.

I am going to continue to push for ethanol and biodiesel and other renewable and alternative fuels that will reduce our dependence on foreign oil and bring down the price we pay at the pump because, Mr. Speaker, I represent a very large and rural district where it is not uncommon to travel 50 and 100 miles each way each day to a job. Our working farm families can no longer afford the prices we are seeing at the gas pump.

Mr. Speaker, I am also proud that the President finally today suggested something that I put into a bill last September that the Republican leadership refused to give me a hearing or a vote on, and that is calling on the Federal Trade Commission to investigate the big oil companies to determine if what we have been seeing is in any way related to price gouging. I can tell you if it is, the big oil companies responsible for that, they should not be put in the jail, they ought to be put under the jail. Why did it take this President 8 months to heed my call for a Federal Trade Commission investigation and to heed my call to suspend deliveries to the Strategic Petroleum Reserve? I am sure it has something to do with his approval rating now reaching an all-time low of 32 percent.

Now, I wasn't here this evening to discuss energy, but I got a little fired up when the other side of the aisle decided they were going to say it was the Democrats and President Clinton who are responsible for $3-a-gallon gasoline at the pump.

I am joined this evening by a good friend and colleague within the Blue Dog Coalition to talk about the debt and the deficit. He is a real active member of the Blue Dog Coalition, the group of 37 fiscally conservative Democrats, Mr. DAVID SCOTT of Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, it is a pleasure to be on the floor to set the record straight. I, too, heard what the Republicans were just saying. The American people are a lot of things, but they are not fools. They know that the President is a Republican. They know that the Senate is in the hands of the Republicans. They know that this House of Representatives is in the hands of the Republicans. The Republicans are leading the country.

When Democrats were leading this country, at least one of our Presidents, President Truman, said, the buck stops here. Not these. They say the buck stops with the Democrats when we are the minority party. There is not a bill we can get passed here because we are the minority party. It is wrong as wrong can be for the Republicans to point fingers and try to blame the Democrats for this huge increase in prices. This belongs where it ought to be: On the failed policies of the President.

Now, I like the President. I find the President to be a very fine person, and I hold him in great personal esteem, but I totally disagree with his policies. And the people of this country disagree with his policies.

Now let us talk about the truth. We have had the Truth Squad just speak, and I am sort of reminded of this story of a good friend of mine. Her name was Isabella. One day in New York City Isabella had a vision, and so she changed her name to Sojourner Truth. She went all over this country speaking, and everywhere she went, people would ask her about her funny name.

She would say, Let me tell you about my funny name. The Lord gave me "Sojourner" so I could travel the world showing the people and speaking to them. But I told the Lord I needed another name, and he gave me "Truth" so I could tell the truth to people.

Mr. ROSS, that is what the American people are expecting us to do tonight, to be sojourners of truth and to tell the truth. There is no more burning issue. Yes, we must talk about the deficit, but we have to talk about this gas price. We have to talk about the raising of it because it is what is on the hearts and minds and souls of the American people. They are fed up to here with these huge, gigantic gas spikes and gas prices.

☐ 2145

Many people can't even make it. I was just out in my district in Douglas County down on Dorsett Shoals Road this past Sunday. And one of my constituents, a little lady, came out and said, Congressman, please do something about these gas prices. Where is our country headed? Where are we going? Please do something about securing our borders. Where is our country going? I am here to tell you, Mr. Ross, the American people are very, very concerned about the lack of direction and going in the wrong direction that this country is headed in. Nowhere is it more startling than in these gas prices.

Now, let me bring this to your attention, Mr. Ross, because this really gets to me. And I want to talk about this for a moment. In this article, I think it was from one of the media, the New York Times or Washington Post. I don't have it correct. But they began to talk about something that brings home the point.

Now, let me preface this by saying, I am a capitalist. I was trained at the best school of business in the world, the citadel of capitalism, the Wharton School of Finance where I got my MBA. Served on the board of directors there for 6 years. So I am a capitalist. I believe in the profit motive. I understand all of that.

But listen to this that we hear about the CEO at Exxon-Mobil. For his efforts, Mr. Lee Raymond, who retired in December, was compensated more than $686 million from 1993 to 2005, according to an analysis done for the New York Times by Brian Foley, an independent compensation consultant. That amounts to $144,573, every day.

Now, I am for profit. But there is a difference between profit and greed, and that is what is upsetting the American people. At a time when we have diminishing oil resources, at a time that the fuel prices are skyrocketing, these oil companies are making huge profits.

Now, all I say is this: Don't we owe it to the American people to ask these executives from these oil companies to come before Congress and explain this to us?

The American people are asking questions. I know your constituents are asking questions: How can it be? And not only that, if we move over to Chairman Ray Irani of Occidental Petroleum. He received $63 million in total compensation just last year. And over the past 3 years, Irani has reaped more than $135 million.

I am not kicking anybody for making money. This is a free enterprise system. It is a capitalistic system. But we are not dealing with peanuts. We are not dealing with renewable stuff. We are dealing with a life and death, very valuable diminishing resource called oil that we are dependent on, not just for us to make our economy go. It also is the juice that enables us to fight our wars, protect this country. There is a lot at stake with this.

Meanwhile, we want the truth. Here are the facts: the price of gas, while all of these profits are going on, the price of gas has doubled. Profits for big oil and gas companies have quadrupled at the time that gas prices have zoomed up, while American families' incomes have been stagnated.

Many small independent gas stations are reporting that they are being gouged by big oil companies. Now, if they are saying that, shouldn't we investigate? Shouldn't we take a look? That is all that I am saying. I am saying we need to bring the oil industry individuals in and get them under oath to provide us with some answers.

No, this is not a Democrat or Republican situation. It is all of our situation. But I tell you, when they are in charge, it is wrong to blame us.

Mr. ROSS. I appreciate the gentleman from Georgia and his thoughts on this energy crisis. And he is right, these oil company executives, I would invite them to come to my district and look into the eyes of farm families that are no longer in business, working families who are having to make difficult decisions about how to spend their money because of the high price of gasoline just to get to and from work.

And yet this administration, this Republican-led Congress continue to tell us that life is getting better. It is getting better for whom? Gasoline prices are up 80 percent. Health care costs are up 50 percent. College costs are up 40 percent, and incomes are down in this country. That concerns me. And as one of the 37 members of the fiscally conservative Blue Dog Coalition, we understand that all of this is directly related to this, the national debt, which is now $8,053,429,193,726 and some change, which equates to every man, woman and child in America, including the children being born today, their share is $28,000. We call that the debt tax, D-E-B-T. And that is one tax that cannot go away until our Nation gets its fiscal house in order. A lot of people think the deficit doesn't matter, that the debt doesn't matter, that we can simply print more money. That doesn't happen. It doesn't work that way.

Unfortunately, here's how it works. We are borrowing money from the Social Security trust fund, which I am adamantly against. Now, I understand, the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. Now, I understand why the Republican leadership refused to give me a hearing or a vote on that bill, because the projected deficit for fiscal year 2007 is $348 billion. That is the number you will hear a lot. But the reality is that it is $548 billion. The difference is they are taking the money from the Social Security trust fund with absolutely no provision on how or when that money is going to be paid back.

Now, when I go to the bank to get a loan, my banker asks me how I am going to pay it back, where's the money going to come from to pay it back, and when am I going to pay it back. Our government should be no different. The politicians in Washington should keep their hands off the Social Security trust fund. But, instead, this is what we get.

Forty-five percent of the debt is being borrowed from foreign central banks and foreign investors. Forty-five percent of the deficit is coming from foreigners. In fact, this administration, in the last 6 years, has borrowed more money from foreign central banks and foreign investors in places like China and Japan and South Korea than the previous 42 Presidents combined. And if we are not careful, if we are not careful, those foreigners are going to influence and have an impact and have control of our Nation's monetary policy. And we already see what is happening with interest rates.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. ROSS. I will yield, yes, ma'am.

Ms. JACKSON-LEE of Texas. Let me just congratulate the Blue Dog Coalition. I have listened to this very articulate explanation, if you will, of the national debt; and I want to congratulate the gentleman from Georgia and the gentleman from Arkansas and the distinguished gentleman from Tennessee.

I just want to thank you for acknowledging or at least bringing to the attention of the American people the impact of the deficit. Just a reminder that when the Clinton administration left office there was a surplus. And so this issue of the national debt and deficit is crucial.

And I would just simply leave with this thought: I also heard you talk about the gasoline prices and, obviously, there is an enormous range of issues that we need to discuss with that, the ethanol issue and, of course, the strategic petroleum reserve.

But let us remember that the people who are most harmed by where we are today, the deficit and gasoline prices, are hardworking, struggling American families. These are people who get up every day, turn the lights on early and get in their cars to make ends meet. And, frankly, even though the President has offered some suggestions today as it relates to gasoline pricing, I don't think this House should rest a moment until we address this question.

Many people will say, I represent the energy company so I am not here to suggest that there is a single answer. But I think the energy company should come to the table. I think the President needs to have the bully pulpit, if you will, and some relief needs to go directly to mom and pop senior citizen at the gas pump. And I hope, as you continue your discussion this evening, that Americans will understand that Democrats are prepared to fix this horrible debt to protect the Social Security trust fund which is a very important issue, but also respond to the struggling Americans or the needs of fixed-income persons when it comes to this crisis in gasoline pricing. It is not tomorrow, next week; it is now. This Congress needs to stand up and address this question, and they need to do it now. And I thank the gentleman for yielding. I thank the distinguished gentleman from Georgia.

Mr. SCOTT of Georgia. The gentlewoman from Texas brings up a very interesting point in terms of our energy crisis and how it dovetails with our debt, one of the important points we have got to look at so we can see the dangerous track we are on. Mr. Ross, you just went through one of the most disturbing facts of our debt and that is the indebtedness that we are in to our foreign investors, borrowing more money from them than all the 42 Presidents combined. But let us look at who they are. Let us look at who they are who are controlling our financial security. They are the very same nations that are controlling our energy security. China and India, on the one hand, Japan, the OPEC countries, the countries in the Middle East, on the other hand. Each of these areas are controlling our debt, and they are controlling our oil.

The United States of America consumes 25 percent of the world's energy. But we produce or have access to just the refining and production capacity of just 5 percent. Put that together with the fact that one thing nobody mentions, not the President, not anybody, but it needs to be mentioned, and that is that why should we be taking this time to plan the future of this great country on a diminishing resource?

Every point, and I bring this to you again, this is a quote from a president, former president of Exxon-Mobil. I talked about the other's salary a minute ago to show the discrepancy. Here's what, 3 years ago, John Thompson, president of Exxon-Mobil said. He said, we estimate that the world's oil production from existing oil fields is declining at an average rate of 6 percent a year. To meet projected demand in 2015, the industry will have to add about 100 million barrels a day in new production. That is equal to 80 percent more than we are producing today, and oil is not a replenishing asset.

That brings me to the issue of where we really need to be planning for the future of this country is not on a diminishing resource of oil that is not going to be there in the future. We have got to look elsewhere. And I tell you this, Mr. Ross: if Brazil can take sugar cane and solve their energy crisis and turn it into fuel for their automobiles with ethanol, why in the world can't we do that in America with our corn or with our other biofuel capacities, with our research? We have got the American can-do spirit. The problem is we need to unleash it, and we have got to do it, not depending upon oil that is a diminishing resource, but have the vision, have the courage to look to the future.

And I tell you, surely, if Brazil can solve their problem with using one of their natural replenishable resources of sugar cane to provide their major source of fuel, surely we can do as well as that. And we must do that.

Mr. ROSS. The gentleman is absolutely correct, and the fact that our Nation is $8.3 trillion in debt has a direct impact on all of America's priorities, many of which are going unmet today because of this enormous debt. I mean, it is $8.2 trillion, but it is growing by nearly $1 billion a day. We are sending $279 million a day to Iraq, $57 million a day to Afghanistan. This President, in this year's budget, proposes cuts to things like education and student loans to the tune of $2 billion. And yet the same budget, the same budget includes over $200 billion in new tax cuts for those that are primarily earning over $400,000 a year. It is about priorities, and priorities should begin with bringing down the high price of gasoline and diesel fuel; and priorities should begin with reducing our dependence not only on foreign oil but on foreign central banks and foreign investors to fund our government.

□ 2200

The U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of about $2.174 trillion of our public debt. Compare this to only $23 billion in foreign holdings in 1993.

The top 10 current lenders, countries that this President and this Republican Congress continue to pass tax cuts with money that they are borrowing from these countries: Japan, $668.3 billion. China, you can see here in 2000, and these are based on numbers from the United States Treasury and the United States Census Bureau, the public debt held by China quadruples under President Bush by billions of dollars. In 2000, when the President took office, our government had borrowed $62 billion from China, and in less than 6 years this chart shows that we have now borrowed $257 billion from China. This was printed on February 23, 2006. We cannot get them printed and updated quickly enough because the new number is $262.6 billion. United Kingdom, $244.8 billion. Our Nation has borrowed $97.9 billion from the Caribbean Banking Center. I had never heard of such. Taiwan, $71.6 billion. OPEC nations, $77.6 billion that we have borrowed from them. With the excessive price we pay at the pump, they are getting the profits. They are getting so much in profits on our backs that they are then turning around and lending our Nation money so that these Republicans in Congress can keep borrowing money from OPEC to give their rich buddies a tax cut.

And I would submit to you if you earn over $400,000 a year, you ought to be for this. If you earn less than $400,000 a year, this is not a good deal for you, and it is certainly not fair to your children, who have got to pay this back someday.

Korea, $68.3 billion. Germany, $65.2 billion. Canada, $54.9 billion. And to round out the top 10 list of countries that our Nation has borrowed money from to fund tax cuts, Hong Kong, $48.3 billion.

Mr. SCOTT of Georgia. The American people are fed up with this, I assure you.

Mr. ROSS. The gentleman is so right. The gentleman is so correct on that.

In a moment we are going to be hearing from the cochair for policy for the 37-member-strong fiscally conservative Blue Dog Coalition, and it is interesting what the gentleman from Tennessee is about to present to us. This is a little known report.

And before we get into this, let me just let you know, Mr. Speaker, that every Tuesday night, as members of the Blue Dog Coalition, a group of 37 fiscally conservative Democrats, we come to the floor of the United States House of Representatives to talk about the budget, the debt, the deficit, and how this directly impacts America's priorities. And, Mr. Speaker, if you have any questions, comments, or concerns of us, I would encourage you to e-mail us at BlueDogs@mail.house.gov. Again, Mr. Speaker, I would encourage you to e-mail us your thoughts, concerns, or questions to BlueDogs@mail.house.gov.

Very few people in our Nation, in fact, very few people in this Congress, know about this little known report. It is called the Financial Report of the United States Government, and this is the 2005 edition. Very few copies of this report are printed. Very few copies are circulated.

Contrast that, Mr. Speaker, to this: This is the budget of the United States Government. It is delivered with a lot of fanfare to every Member of Congress's office. You always read about it and see it in the newspaper, radio, and television. You hear about it and see it, and this is the budget for fiscal year 2007. The budget of the United States Government, you get an idea of how thick it is. It is a big document, and it is delivered each year to all 435 Members with a lot of fanfare.

This document, however, is delivered only to a handful of people, and it is only delivered to them because the law requires it, but it is a financial report of the United States Government. And here is what is interesting about this report: When we tell you that the deficit for 2005 was $319 billion, that is based on cash-basis accounting. Now, the Financial Report of America, and I believe it was Senator John Glenn that introduced the legislation, Congress requires the Secretary of the Treasury to issue this Financial Report of America using accrual-based accounting. It is this Congress through various laws that require every business in America with revenues over $5 million to use accrual-based accounting. They get in a lot of trouble with the IRS if they do not, and yet our government does not use the accrual accounting method, and our government certainly is bigger than $5 million in revenue every year. Our government uses cash-based accounting. And based on cash-based accounting, the deficit for 2005 was $319 billion.

Maybe the reason this is not widely distributed and not very well known is because when the Financial Report of America issued by President Bush's Secretary of the Treasury, as required by law, uses an accrual-based accounting method, this little document reveals that the true deficit for 2005 was not $319 billion. It was $760 billion. Lord knows we are not trying to make it sound any worse than it already is because at $319 billion it is one of the largest deficits ever in our Nation's history. It is hard now to believe that we had a balanced budget in this country from 1998 to 2000, but we did. And yet under this administration and this Republican-led Congress, we have got the largest budget deficit ever in our Nation's history for 6 years in a row, and that is based on the cash-based accounting method. And when you look at the accrual accounting method, it is much worse.

Mr. Speaker, at this time I yield to the gentleman from Tennessee, the co-chair for policy for the 37-member-strong, fiscally conservative Democratic Blue Dog Coalition, Mr. Jim Cooper, who discovered this document. And I yield to him to better explain it to all of us.

Mr. COOPER. Mr. Speaker, I thank my good friend from Arkansas for yielding and my friend from Georgia for his remarks.

If the gentleman from Arkansas would not mind, I might take that podium because of the easel next to it, because I brought a chart with me tonight.

Mr. ROSS. Please do.

Mr. COOPER. I appreciated the gentleman's remarks because he was exactly on track. There are two basic methods of accounting. One is simple, it is based on the cash basis. That means when you pay for something, you have to acknowledge it on the books.

We all know that we live in a credit card economy, and it is easy to buy things with plastic, and you know that when you sign that little piece of paper after you put down your credit card, you have effectively bought it even though you have not paid the bill yet. You might not pay the bill until the end of the month or the end of the year, but it is important to acknowledge the fact that you have bought it when you put down the plastic.

That is essentially what the accounting method that my colleague from Arkansas was describing does. It is called accrual accounting, A-C-C-R-U-A-L. Now, it has nothing to do with the word "cruel." It is not a mean form of accounting. In fact, it is probably the kindest form of accounting because it remembers our elderly, it remembers our sick, and our disabled not just when their bills are due, but when their needs arise. And that is when we should pay attention to our seniors, our sick, and our disabled.

I brought with me a chart tonight that asks a very simple question. Here we are in the Congress of the United States. This is the greatest country in the history of the world. You would think that in a recent year we would be able to tell you, Mr. Speaker, and tell the American taxpayer how big our deficit was. Well, there are different ways of measuring it, and let me list the ways for you tonight.

One is the way that my colleague mentioned, the U.S. budget that the President talks about so much. I am going to have breakfast at the White House in the morning with the new OMB Director, Rob Portman, a former colleague of ours, and I am going to be discussing this with him in the morning. It will be interesting to see what his reaction is. Under the OMB approach of cash accounting, the deficit last year was $319 billion. That was the third highest figure in U.S. history. It is about 2.6 percent of GDP. So it is huge and worrisome. They claim it is shrinking, but let me show you these other deficit measures again for the same year, 2005. If you do not allow us to borrow money from Social Security, the gross borrowing for the U.S. that year was $494 billion. So in a sense our true deficit in 2005 was not $319 billion. It was $494 billion, because I do not know anybody back home who supports our borrowing from Social Security in order to reduce the appearance of the size of the deficit.

But here is the number that my colleague from Arkansas mentioned as well: This is using real accounting, accrual accounting, like all businesses of any size in America have to use by law. If you apply that to the U.S. Government, you get a shocking result. The budget deficit jumps $441 billion to $760 billion using modern accounting. And guess what. This deficit is not shrinking, as OMB claims. This one seems to be growing rapidly. And that number equals almost all domestic discretionary spending in America, defense and nondefense. That is a huge number. That is a deficit as large as basically all the money that Congress has any say over during the year because the rest of it is in entitlement programs and the interest on the national debt.

As bad as that is, look at these other numbers. These are truly scary numbers because if you believe, as I do, that Social Security is the most solemn obligation in the United States, you cannot ignore Social Security. And as good as this document is using modern accounting, it basically ignores Social Security because it has got a little paragraph in here on page 12 that says in the section "Other Responsibilities," oh, by the way, the Social Security unfunded liability situation is trillions of dollars. Well, that needs to be accounted for in the annual budget deficit, and if you account for it in the annual budget deficit, it means that the budget deficit in the year 2005 was basically $1.7 trillion, many times larger than the figure the administration releases.

But guess what. Not only is Social Security a sacred obligation of our Nation, so are other programs like Medicare. Medicare takes care of our elderly and our disabled, and it, too, is a solemn obligation of our Nation. But it, too, is ignored in this document, ignored in the annual deficit figure. If you factor that in, the true deficit for the year 2005 was not $319 billion, was not $494 billion, was not $760 billion, was not $1.7 trillion. It was $2.747 trillion, or $2,747 billion. That is a number so large, it is almost impossible to imagine. It is literally as large as the entire Federal budget itself.

So if you want to measure the budget deficit accurately, I think you have to acknowledge there is not just one measure. There is the old-fashioned cash measure, which can be used, but is unrepresentative of our true obligations under credit card accounting and under the needs that we have with Social Security and Medicare. If you used a more modern accounting, suddenly the deficit looks a lot larger. In fact, if you include Social Security and Medicare, the deficit is, in fact, larger than most citizens can imagine.

Very few people know this. It will be interesting tomorrow morning at breakfast to see whether the new Director of OMB knows this because these numbers are so large, they literally represent a crisis for our Nation.

It is a crisis not only for this generation, but for future generations, because what a deficit means is it is borrowing money, oftentimes, as my colleague from Arkansas said, from foreign nations, and these folks expect to be repaid with interest. And that puts a terrific debt burden, D-E-B-T, on the backs of our kids and grandkids as they struggle to pay the interest costs. Pretty soon interest alone will take up almost $400 billion or $500 billion a year of American productive capacity. That is a shame because that money could be invested in roads and schools and future productive opportunities for our young people. Instead it will be paid in interest to foreign central bankers. It is the only tax that can never be repealed.

□ 2215

It is a tax that will not go away until we once again return to the days of budget surpluses, when we can pay down that debt. But we are a long way from home right now, because the Nation is on the wrong track. We are headed in the wrong direction, and we need to acknowledge these truthful deficit measures so we can better understand our current plight.

It is important that the American people be informed of all the facts, not only the President's budget, but also the financial report of the United States Government which was issued by his own Department of Treasury, but which they printed so few copies of that they literally don't want you to see it.

So I would like to yield back my time to my colleagues from Georgia and from Arkansas. I appreciate your holding these issues up for the American people so the entire Nation can be involved in the debate. It is very important, Mr. Speaker, that all the American people see what is really going on in our great country, because our responsibility in this generation is to keep our country great.

Mr. SCOTT of Georgia. Mr. Speaker, one of the points, just to add to what you are saying to show the real gravity of this situation, is this: Just the interest, just the interest alone that we are paying back on this, is the fastest growing part of our budget. Just the interest. Combined, that interest amounts to more than all of what we are spending for veterans, for education and for our own homeland security. The interest just is overwhelming.

Now, I want to make a point, because you brought it home, and as you were explaining that, the gentleman from Tennessee, I was reminded of a little history lesson here. If you would look back through history at all of the great civilizations, great nations, from the Roman Empire to the British Empire to the Ottoman Empire, they all collapsed from three important things: Global overreach, diminishing resources at home and an overwhelming, irresponsible debt in the hands of foreigners.

We are on the verge of handing our country over to foreigners, in our fiscal area, in our petroleum area and because of a lack of security on our borders.

I tell you, Mr. ROSS, the American people are dialed in on this. They are concerned about this and they want some leadership. They want vision. They want our borders secure. They want America to be America.

Why can't we be independent in our resources, if we can make fuel to run our automobiles from corn? We know we can. Do you know why? Because the very first automobile manufactured by Henry Ford, the Model T, you know what it was fueled by? Ethanol made from corn. What more evidence do we need?

Mr. ROSS. I would say to the gentleman from Georgia, I could not agree with you more. The point we are making I believe this evening, I hope this evening, is as long as we have got this massive debt, which is costing us half a billion dollars a day in interest payments alone, as long as we continue to borrow $1 billion a day, increasing the $8.3 trillion debt by $1 billion a day, then America's priorities will continue to go unmet.

We talk about investing in alternative and renewable fuels. The Potlatch Corporation with their plant in Cypress Bend, Arkansas, in my congressional district, has been recognized for their efforts in publications including the Wall Street Journal, I believe.

They have a plan. They have the ability to take the wood, if you will, the timber, if you will, that is left in the woods that is not used in a manufacturing process, combine that with what is left on the sawmill floor, and they can power at least five towns the size of my hometown of Preston, Arkansas. To invest in that kind of equipment and technology and to make the thing economically feasible, it is going to have to be mass produced on a large scale, so they are in search of money to go forward.

In the energy bill there is money to invest in these types of alternative and renewable fuels, but because of the massive debt there is only $150 million. Don't get me wrong, $150 million is a lot of money to a country boy from Prescott, Arkansas. But my point is this: To be able to reduce our dependence on foreign oil and to make our Nation more energy self-sufficient, to get this project off the ground to where it can be mass produced, they need $100 million. There is $150 million for similar type projects for all of America. They need $100 million of it.

My point is we are not investing nearly enough in alternative and renewable fuels. $150 million is a lot of money, but our Nation is spending three times that, $500 million every day simply paying interest on the national debt, when we could be investing in alternative and renewable fuels to bring down the high energy bills that are having a negative effect, a horrible impact on America's working families, America's seniors and America's farm families.

Just look at what interest payments on the debt are doing. The red on this chart is the net interest that is being paid in billions of dollars. The blue is how much we spend on education. Yes, we will spend more money paying interest on the national debt in about 100 days than we will spend on education in 365. Homeland security is the green bar. Veterans. I might remind you, we have got a whole new generation of veterans coming home from Iraq and Afghanistan, including my brother-in-law, who is in the United States Air Force, and my first cousin, who is in the United States Army.

So look where our priorities lay in this country. Until we can get our Nation's fiscal house in order, this Republican Congress is going to continue to spend half a billion dollars a day paying interest on the national debt, while education and homeland security, keeping America safe and our veterans, will continue to get the short end of the stick.

I yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, it is a double-ended stick too, because we must understand what this means in terms of the President will say, well, we are borrowing this money, we are making these budget cuts for tax cuts, so we can give tax cuts to the top 10 percent of this country, when they are not tax cuts. America needs to understand, they are not tax cuts. They are deferred tax increases, deferred tax increases, because somebody has got to pay for that.

It is not fair. I have got two lovely little grandchildren. I love them to death. I have got two children. That debt is going to be on them. That is not fair. It is not fair to do that.

Now I need to talk about one other thing so that we will know clearly, as you spoke on renewable energy programs and as we talk about this budget, the budget that again we will hopefully not have the votes for again. But let's talk about it, because you have got to look at the President's actions and the Republican administration's actions.

Like I said earlier when we first started out, you can't blame the Democrats. We are not in charge. I hope that the American people will give us that opportunity this November to be in charge. Then we will be responsible.

But I guarantee you one thing; we won't point the finger at the Republicans. We will say, as Harry Truman said, "The buck stops here." We will say, as John Fitzgerald Kennedy said, "Ask not what your country can do for you; ask what you can do for your country." We will do what Franklin Delano Roosevelt said, "The only thing we have to fear is fear itself."

That is what the American people are waiting for. They are waiting to be challenged. They are waiting to be inspired. We don't need our country run by the Middle East, by Iran, Iraq or Saudi Arabia. We don't need it run by China or India. That is not what made America great. America became great because of our own inventiveness. We can become energy independent. All we have to do is unleash the mighty, free enterprise spirit within America.

If we know that oil is a diminishing resource, it is foolish for us to plan the future of this great Nation on a ready supply of oil, when we know it is running out. We have proven that. We have got to be bold. We must have vision. We must understand, and we must not be like those other previous civilizations on whose bleached bones are written those pathetic words, "too late." Rome moved too late, the Ottoman Empire moved too late, the Dutch Netherlands moved too late and even Great Britain moved too late.

Will we move too late, Mr. Ross? I don't think so, because there is too much can-do spirit in this country. That is what made America what it is, and that is what is going to take us forward. We have the leadership, we have the will, we have the vision, and we can be what the American people want us to be.

Mr. ROSS. The gentleman from Georgia is correct in talking about not only do we understand what the problem is, record debt, record deficits, but we also have a solution to the problem.

As members of the fiscally conservative Democratic Blue Dog Coalition, all 37 of us, we have a 12-point plan for meaningful budget reform. These are not rocket science ideas; they are common sense ideas.

One of them is promoting accountability within our government. I have talked about this before, and I am going to continue to talk about it, because I continue to have these manufactured homes located in my congressional district.

FEMA has this so-called FEMA staging area at the Hope Airport in Hope, Arkansas, and the idea was that manufactured homes, 14 and 16 foot wide, 60 foot long, and they are fully furnished, they would come and go. Hope is 450 miles from the eye of Hurricane Katrina.

Well, they all came, and none of them ever went. As a result, at one time we had 10,477 brand new, fully-furnished manufactured homes sitting at the airport in Hope, Arkansas. They were going to use these old World War II era runways, taxiways and tarmacs, and you can see that is what they did with some of them. Then they started to have to use pasture land.

Here is a better shot. When I say pasture land or hay meadow, you get the idea what I am talking about. Here are these mobile homes sitting there on the grass.

So when I started getting on them and raising this issue back in December, I thought FEMA would get these homes to the people who lost their home and everything they owned in places like Mississippi and Louisiana. But instead, FEMA's response to this is they are now spending $4.3 million laying gravel on this pasture to keep the manufactured homes from sinking, instead of getting the homes to the people that need them.

They claim they won't locate them in Louisiana and Mississippi in flood plains. Why didn't FEMA think about that before they went out and spent nearly $1 billion on these mobile homes? FEMA says it is okay to put tents in flood plains, it is okay to put almost 80 million camper trailers in flood plains, but, no, not mobile homes, not even temporarily for 18 months. So people continue to live in hotel rooms, they continue to live in tents, they continue to live in campers across Louisiana and Mississippi.

You would have thought that FEMA would have figured this thing out since last August when Hurricane Katrina hit. Unfortunately, we had a horrible tornado come through Arkansas and Tennessee, numerous tornadoes, I might add, which literally destroyed the community of Marmaduke, Arkansas. It took a number of Congressmen, a number of Senators, a Governor and I don't know who all else two weeks to get FEMA to move 25 of these 10,477 mobile homes from Hope, Arkansas, to Marmaduke, Arkansas.

We come to find out they have simply moved them to a so-called FEMA staging area at Marmaduke, and are telling those homeless it might take 30 days to process their paperwork to see if they can get one of these homes.

This is a symbol of what is wrong with this administration, this Republican Congress and their Federal Emergency Management Agency. I will continue to raise this issue and continue to give you an update, Mr. Speaker, as long as we have got a single home sitting at the airport at Hope, Arkansas, while people remain homeless from these horrible natural disasters.

In fact, Mr. Speaker, the current update as I understand it is we now as of tonight have 10,112 manufactured homes sitting there at the airport in Hope, Arkansas. This is an example of the lack of accountability within our government, the kind of accountability that we need if we are going to get our Nation's fiscal house in order.

Mr. SCOTT of Georgia. Mr. Ross, you cannot help but feel compassion for the American people. They deserve much better than this, with Katrina, the natural disasters that are happening and the lack of response of FEMA. You talk about FEMA. I had a similar problem in my own district, where we had literally thousands of trailers sitting right there on the campus of Ft. Gillem.

□ 2230

Weeks, weeks, weeks went by, not going down into the Louisiana area. Lack of coordination, lack of proper direction.

The American people deserve much better than this, and we are going to give them much better. We have got to change the direction of this country. It is implicit in the debt that we are having. It is implicit in the response and the concerns with the rising gas prices. It is implicit in what is happening with the depletion of our military and our armed services, in the service of Iraq and Afghanistan. It is implicit in the situation with the Dubai Ports deal, even to think that they would turn over the security of this country to a company owned by a country who was only one of three countries to recognize the Taliban as the authority, ruler, in Afghanistan, while we have got our young men and women dying and fighting the Taliban. A tremendous disconnect.

And it is obvious it is there. As I said at the outset, we are here to be sojourners of truth. And we are sojourners of truth here tonight.

Mr. ROSS. I thank the gentleman from Georgia, the gentleman from Tennessee for joining me this evening as we discuss this huge issue, this debt, and deficit facing our country, as we do every Tuesday night.

We began the hour with a debt, $8,353,429,193,726 and some change. Just in the last hour since we have been discussing the debt and the deficit and what it means to America and how America's priorities are not getting funded because of it, how our veterans are not being taken care of, our school children are not being taken care of, our Nation is not nearly as safe as it should be because of America's priorities cannot be met as long as we do not have our fiscal house in order.

But during this hour that we have stood here talking about this, this administration, this Republican Congress has increased the national debt to the tune of about $41 million. In fact, this is no longer the national debt. The debt now is $8,353,470,859,833. Just in the hour we have been here, our national debt increased by more than $41 million.

It now stands at $8,353,470,859,833 and some change. It is time for this Nation to get its fiscal house in order. Forty-nine States are required to have a balanced budget. As members of the fiscally conservative Democratic Blue Dog Coalition, we believe our Nation should have a balanced budget. Small businesses are required to have a balanced budget. And America's working families and seniors and farm families are required to have a balanced budget.

It is time for America to have a balanced budget. Madam Speaker, as members of the 37 Member strong, fiscally conservative Democratic Blue Dog Coalition, we will continue this dialogue and this debate on the House floor every Tuesday night until we have an administration and a Congress that will get our Nation's fiscal house in order.

With that, Madam Speaker, if you have any questions for us, in the time remaining, I would encourage you, Madam Speaker, if you have questions or comments or concerns, I would encourage you, Madam Speaker, to e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

GOLD AND THE U.S. DOLLAR

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for half the remaining time until midnight.

Mr. PAUL. Madam Speaker, the financial press and even the network news shows have begun reporting the price of gold regularly.

For 20 years, between 1980 and 2000, the price of gold was rarely mentioned. There was little interest, and the price was either falling or remaining steady. Since 2001, however, interest in gold has soared along with its price.

With the price now over $600 an ounce, a lot more people are becoming interested in gold as an investment and an economic indicator. Much can be learned by understanding what the rising dollar price of gold means.

The rise in gold prices, from $250 per ounce in 2001 to over $600 today has drawn investors and speculators into precious metals markets. Though many already have made handsome profits, buying gold, per se, should not be touted as a good investment. After all, gold earns no interest, and its quality never changes. It is static and does not grow as sound investments should.

It is more accurate to say that one might invest in a gold or silver mining company, where management, labor costs, and the nature of new discoveries all play a vital role in determining the quality of the investment and the profits made.

Buying gold and holding it is somewhat analogous to converting one's saving into $100 bills and hiding them under the mattress, yet not exactly the same. Both gold and dollars are considered money, and holding money does not qualify as an investment. There is a big difference between the two, however, since by holding paper money, one loses purchasing power. The purchasing power of commodity money, that is gold, however, goes up if the government devalues the circulating paper currency.

Holding gold is protection or insurance against government's proclivity to debase the currency. The purchasing power of gold goes up not because it is a so-called good investment. It goes up in value only because the paper currency goes down in value. In our current situation, that means the dollar.

One of the characteristics of commodity money, one that originated naturally in the marketplace, is that it must serve as a store of value. Gold and silver meet the test; paper does not. Because of this profound difference, the incentive and wisdom of holding emergency funds in the form of gold becomes attractive when the official currency is being devalued. It is more attractive than trying to save wealth in the form of a fiat currency, even when earning some nominal interest.

The lack of earned interest on gold is not a problem once people realize the purchasing power of their currency is declining faster than the interest rates they might earn. The purchasing power of gold can rise even faster than increases in the cost of living.

The point is that most who buy gold do so to protect against the depreciating currency, rather than as an investment in the classical sense. Americans understand this less than citizens of other countries. Some nations have suffered from severe monetary inflation that literally led to the destruction of their national currency.

Though our inflation, that is the depreciation of the U.S. dollar, has been insidious, average Americans are unaware of how this occurs. For instance, few Americans know nor seem concerned that the 1913 pre-Federal Reserve dollar is now worth only 4 cents. Officially, our central bankers and our politicians express no fear that the course on which we are set is fraught with great danger to our economy and to our political system.

The belief that money created out of thin air can work economic miracles if only properly managed is pervasive in the District of Columbia. In many ways, we should not be surprised about this trust in such an unsound system. For at least four generations our government-run universities have systematically preached a monetary doctrine justifying the so-called wisdom of paper money over the foolishness of sound money.

Not only that, paper money has worked surprisingly well in the past 35 years, the years the world has accepted pure paper money as currency. Alan Greenspan bragged that central bankers in these decades have gained the knowledge necessary to make paper money respond as if it were gold.

This, they argue, removes the problem of obtaining gold to back the currency and hence frees the politician from the rigid discipline a gold standard imposes. Many central bankers in the last 15 years became so confident they had achieved this milestone that they sold off large hordes of their gold reserves. At other times they tried to prove that paper works better than gold by artificially propping up the dollar by suppressing the market price of gold.

This recent deception failed just as it did in the 1960s when our government tried to hold gold artificially low at $35 an ounce. But since they could not truly repeal the economic laws regarding money, just as many central bankers sold, others bought. It is fascinating that the European central banks sold gold while the Asian central banks bought it over the last several years.

Since gold has proven to be the real money of the ages, we see once again a shift in wealth from the West to the East, just as we saw a loss of our industrial base in the same direction.

Though Treasury officials deny any U.S. sales or loans of our official gold holdings, no audits are permitted, so no one can be certain. The special nature of the dollar as the reserve currency of the world has allowed this gain to last longer than it would have otherwise.

But the fact that gold has gone from $250 an ounce to over $600 an ounce means there is concern about the future of the dollar. The higher the price of gold the greater the concern for the dollar. But instead of dwelling on the dollar price of gold, we should be talking about the depreciation of the dollar.

In 1934, a dollar was worth one-twentieth of an ounce of gold. $20 to buy one ounce. Today a dollar is worth one-six-hundredth of an ounce, meaning it takes $600 to buy one once of gold.

The number of dollars created by the Federal Reserve and through the fractional reserve banking system is crucial in determining how the market assesses the relationship of the dollar and gold.

Though there is a strong correlation, it is not instantaneous or perfectly predictable. There are many variables to consider. But in the long term, the dollar price of gold represents past inflation of the money supply. Equally important, it represents the anticipation of how much new money will be created in the future.

This introduces the factor of trust and confidence in our monetary authorities and our politicians, and these days the American people are casting a vote of no confidence in this regard and for good reasons.

The incentive for central bankers to create new money out of thin air is two-fold. One is to practice central planning through the manipulation of interest rates. The second is to monetize the escalated Federal debt politicians create and thrive on.

Today, no one in Washington believes for a minute that runaway deficits are going to be curtailed. In March alone, the Federal Government created a historic $85 billion deficit. The current supplemental bill going through Congress has grown from $92 billion to over $106 billion, and everyone knows it will not draw President Bush's first veto.

Most knowledgeable people therefore assume that inflation of the money supply is not only going to continue, but accelerate. This anticipation, plus the fact that many new dollars have been created over the past 15 years that have not yet been fully discounted, guarantees the future depreciation of the dollar in terms of gold.

□ 2245

There is no single measurement that reveals what the Fed has done in the recent past or tells us exactly what it is about to do in the future. Forget about the lip service given to transparency by the new Fed Chairman Bernanke. Not only is this administration one of the most secretive across the board in our history, the current Fed firmly supports denying the most important measurement of current monetary policy to Congress, the financial community and the American public.

Because of a lack of interest and poor understanding of monetary policy, Congress has expressed essentially no concern about the significant change in reporting statistics on the money supply. Beginning in March, though planned before Bernanke arrived at the Fed, the central bank discontinued compiling and reporting monetary aggregates known as M3. M3 is the best description of how quickly the Fed is creating new money and credit. Common sense tells us that a government central bank creating new money out of thin air depreciates the value of each dollar in circulation. Yet this report is no longer available to us, and Congress makes no demands to receive it.

Though M3 is the most helpful statistic to track Fed activity, it by no means tells us everything we need to know about trends in monetary policy. Total bank credit, still available to us, gives us indirect information reflecting the Fed's inflationary policies. But ultimately the markets will figure out exactly what the Fed is up to, and then individuals, financial institutions, governments and other central bankers will act accordingly.

The fact that our money supply is rising significantly cannot be hidden from the markets. The response in time will drive the dollar down while driving interest rates and commodity prices up.

Already we see this trend developing, which surely will accelerate in the not-too-distant future. Part of this reaction will be from those who seek a haven to protect their wealth, not invest, by treating gold and silver as universal and historic money. This means holding fewer dollars that are decreasing in value while holding gold as it increases in value.

A soaring gold price is a vote of no confidence in the central bank and the dollar. This certainly was the case in 1979 and 1980. Today gold prices reflect a growing restlessness with the increasing money supply, our budgetary and trade deficits, our unfunded liabilities, and the inability of this Congress and the administration to rein in runaway spending.

Denying us statistical information, manipulating interest rates, and artificially trying to keep gold prices in check won't help in the long run. If the markets are fooled only on the short term, it only means the adjustments will be much more dramatic later on, and in the meantime other market imbalances develop.

The Fed tries to keep the consumer spending spree going, not through hard work and savings, but by creating artificial wealth in stock market bubbles and housing bubbles. When these distortions run these courses and are discovered, the corrections will be quite painful as was witnessed with the collapse of the NASDAQ bubble. Likewise a fiat monetary system encourages speculation and unsound borrowing.

As problems develop, scapegoats are sought and frequently found in foreign nations. This prompts many to demand altering exchange rates and protectionist measures. The sentiment for this type of solution is growing each day. Though everyone decries inflation, trade imbalances, economic downturns and Federal deficits, few attempt a closer study of our monetary system and how these events are interconnected.

Even if it were recognized that a gold standard without monetary inflation would be advantageous, few in Washington would accept the political disadvantages of living with the discipline of gold since it serves as a check on government size and power. This is a sad commentary on the politics of today.

The best analogy to our affinity for government spending, borrowing and inflating is that of a drug addict who knows if he doesn't quit, he will die, yet he can't quit because of the heavy price required to overcome the dependency.

The right choice is very difficult, but remaining addicted to drugs guarantees the death of the patient, while our addiction to deficit spending, debt and inflation guarantees the collapse of our economy.

Special interest groups, who vigorously compete for Federal dollars, want to perpetuate the system rather than admit to a dangerous addiction. Those who champion welfare for the poor, entitlements for the middle class or war contracts for the military industrial complex all agree on the so-called benefits bestowed by the Fed's power to counterfeit fiat money.

Bankers who benefit from our fractional reserve system likewise never criticize the Fed, especially since it is the lender of last resort that bails out financial institutions when crises arise. It is true, special interest and bankers do benefit from the Fed and may well get bailed out, just as we saw with the long-term capital management fund crisis a few years ago.

In the past, companies like Lockheed and Chrysler benefited as well. But what the Fed cannot do is guarantee the market will maintain trust in the worthiness of the dollar. Current policy guarantees that the integrity of the dollar will be undermined. Exactly when this will occur, and the extent of the resulting damage to the financial system, cannot be known for sure, but it is coming. There are plenty of indications already on the horizon.

Foreign policy plays a significant role in the economy and the value of the dollar. A foreign policy of militarism and empire building cannot be supported through direct taxation. The American people would never tolerate the taxes required to pay immediately for overseas wars under the discipline of a gold standard. Borrowing and creating new money is much more politically palatable. It hides and delays the real costs of the war. The people are lulled into complacency, especially since the wars we fight are couched in terms of patriotism, spreading the ideas of freedom and stamping out terrorism. Unnecessary wars and fiat currencies go hand in hand, while a gold standard encourages a sensible foreign policy.

The cost of war is enormously detrimental. It significantly contributes to the economic instability of the Nation by boosting spending, deficits and inflation. Funds used for war are funds that could have remained in the productive economy to raise the standard of living of Americans now unemployed, underemployed or barely living on the margin.

Yet even these costs may be preferable to paying for war with huge tax increases. This is because although fiat dollars are theoretically worthless, value is imbued by the trust placed in them by the world's financial community. Subjective trust in a currency can override objective knowledge about government policies, but only for a limited time.

Economic strength and military power contributes to the trust in a currency. In today's world trust in the U.S. dollar is not earned, and, therefore, fragile. The history of the dollar, being as good as gold up until 1971, is helpful in maintaining an artificially higher value for the dollar than deserved.

Foreign policy contributes to the crisis when the spending to maintain our worldwide military commitments become prohibitive, and inflationary pressures accelerate. But the real crisis hits when the world realizes the king has no clothes in that the dollar has no backing, and we face a military setback even greater than we already are experiencing in Iraq. Our token friends may quickly transform into vocal enemies once the attack on the dollar begins.

False trust placed in the dollar once was helpful to us, but panic and rejection of the dollar will develop into a real financial crisis. Then we will have no other option but to tighten our belts, go back to work, stop borrowing, start saving, and rebuild our industrial base while adjusting to a lower standard of living for most Americans. Counterfeiting the Nation's money is a serious offense.

The Founders were especially adamant about avoiding the chaos, inflation and destruction associated with the continental dollar. That is why the Constitution is clear that only gold and silver should be legal tender in the United States. In 1792, the Coinage Act also authorized the death penalty for any private citizen who counterfeited the currency. Too bad they weren't explicit that counterfeiting by government officials is just as detrimental to the economy and the value of the dollar.

In wartime many nations actually operated counterfeiting programs to undermine the dollar, but never to a disastrous level. The enemy knew how harmful excessive creation of new money could be to the dollar and our economy. But it seems we never learned the dangers of creating new money out of thin air. We don't need an Arab nation or the Chinese to undermine our system with a counterfeiting operation. We do it to ourselves with the all the disadvantages that would occur if others did it to us.

Today we hear threats from some Arab, Muslim and some Far Eastern countries about undermining the dollar system not by dishonest counterfeiting, but by initiating an alternative monetary system based on gold. Wouldn't that be ironic? Such an event theoretically could do great harm to us. This day may well come not so much as a direct political attack on the dollar system, but out of necessity to restore confidence in money once again.

Historically paper money never has lasted for long periods of time, while gold has survived thousands of years of attacks by political interests and big government. In time the world once again will restore trust in the monetary system by making some currency as good as gold.

Gold or any acceptable market commodity money is required to preserve liberty. Monopoly control by government of a system that creates fiat money out of thin air guarantees the loss of liberty. No matter how well intended our militarism is portrayed or how happily the promises of wonderful programs for the poor are promoted, inflating the money supply to pay these bills makes government bigger.

Empires always fail, and expenses always exceed projections. Harmful unintended consequences are the rule, not the exception. Welfare for the poor is inefficient and wasteful. The beneficiaries are rarely the poor themselves, but, instead, the politicians, the bureaucrats or the wealthy. The same is true of all foreign aid. It is nothing more than a program that steals from the poor in a rich country and gives to the rich leaders of a poorer country.

Whether it is war or welfare payments, it always means higher taxes, inflation and debt. Whether it is the extraction of wealth from the productive economy, the distortion of the market by interest rate manipulation or spending for war and welfare, it can't happen without infringing upon personal liberty.

At home the war on poverty, terrorism, drugs or foreign rulers provide an opportunity for authoritarians to rise to power, individuals who think nothing of violating the people's rights to privacy and freedom of speech. They believe their role is to protect the secrecy of government rather than protect the privacy of citizens.

Unfortunately, that is the atmosphere under which we live today with essentially no respect for the Bill of Rights. Though great economic harm comes from a government monopoly, fiat monetary system, the loss of liberty associated with it is equally troubling.

Just as empires are self-limiting in terms of money and manpower, so, too, is a monetary system based on illusion and fraud.

When the end comes, we will be given an opportunity to choose once again between honest money and liberty on one hand, chaos, poverty and authoritarianism on the other. The economic harm done by a fiat monetary system is pervasive, dangerous and unfair.

Though runaway inflation is injurious to almost everyone, it is more insidious for certain groups. Once inflation is recognized as a tax, it becomes clear that tax is regressive in nature, penalizing the poor and the middle class more than the rich and the politically privileged. Price inflation, a consequence of inflating the money supply by the central bank, hits poor and marginal workers first and foremost. It especially penalizes savers, retirees, those on fixed incomes, and anyone who trusts government promises.

☐ 2300

Small businesses and individual enterprises suffer more than the financial elite, who borrow large sums before the money loses value. Those who are on the receiving end of government contracts, especially in the military industrial complex during wartime, receive undeserved benefits.

It is a mistake to blame high gasoline and oil prices on price gouging. If we impose new taxes or fix prices while ignoring monetary inflation, corporate subsidies and excessive regulations, shortages will result. The market is the only way to determine the best price for any commodity. The law of supply and demand cannot be repealed. The real problems arise when government planners give subsidies to energy companies and favor one form of energy over another.

Energy prices are rising for many reasons: inflation, increased demand from China and India, decreased supply resulting from our invasion into Iraq, anticipated disruption of supplies as we push regime change in Iran, regulatory restrictions on gasoline production, government interference in the free market development of alternative fuels, and subsidies to Big Oil, such as free leases and grants for research and development.

Interestingly, the cost of oil and gas is actually much higher than we pay at the retail level. Much of the DOD budget is spent protecting "our" oil supplies; and if such spending is factored in, gasoline probably costs us more than $5 a gallon. The sad irony is that the military efforts to secure cheap oil supplies inevitably backfire and actually curtail supplies and boost prices at the pump. The waste and fraud in issuing contracts to large corporations for work in Iraq only adds to price increases.

When problems arise under conditions that exist today, it is a serious error to blame the little bit of the free market that still functions. Last summer, the market worked efficiently after Katrina. Gasoline hit $3 a gallon, but soon supplies increased, usage went down, and the price returned to $2. In the 1980s, market forces took oil from $40 a barrel down to $10 a barrel, and no one cried for the oil companies that went bankrupt. Today's increases are for the reasons mentioned above. It is natural for labor to seek its highest wage and businesses to strive for the greatest profits. That is the way the market works. When the free market is allowed to work, it is the consumer who ultimately determines price and quality, with labor and businesses accommodating consumer choices. Once this process is distorted by government, prices rise excessively, labor costs and profits are negatively affected, and problems emerge.

Instead of fixing the problem, politicians and demagogues respond by demanding windfall profits taxes and price controls, while never questioning how previous government interference caused the whole mess in the first place. Never let it be said that high oil prices and profits cause inflation. Inflation of the money supply causes higher prices.

Since keeping interest rates below market levels is synonymous with new money creation by the Fed, the resulting business cycle, higher cost of living and job losses all can be laid at the doorstep of the Fed. This burden hits the poor the most, making Fed taxation by inflation the worst of all regressive taxes. Statistics about revenues generated by the income tax are grossly misleading. In reality, much harm is done by our welfare-warfare system supposedly designed to help the poor and tax the rich. Only sound money can rectify the blatant injustice of this destructive system.

The Founders understood this great danger and voted overwhelmingly to reject "emitting bills of credit," the term they used for paper money or fiat currency. It is too bad the knowledge and advice of our Founders and their mandate in the Constitution are ignored, and it is ignored at great peril. The current surge in gold prices, which reflects our dollar's devaluation, is warning us to pay closer attention to our fiscal, monetary, entitlement, and foreign policy.

A recent headline in the financial press announced that gold prices surged over concern that confrontation with Iran will further push oil prices higher. This may well reflect the current situation, but higher gold prices mainly reflect monetary expansion by the Federal Reserve. Dwelling on current events and their effect on gold prices reflects concern for symptoms rather than an understanding of the actual cause of these price increases. Without an enormous increase in the money supply over the past 35 years and a worldwide paper monetary system, this increase in the price of gold would not have occurred.

Certainly geopolitical events in the Middle East under a gold standard would not alter its price, though they could affect the supply of oil and cause oil prices to rise. Only under conditions created by excessive paper money would one expect all or most prices to rise. This is a mere reflection of the devaluation of the dollar.

Here are a few particular things that we should remember: if one endorses small government and maximum liberty, one must support commodity money.

One of the strongest restraints against unnecessary war is a gold standard.

Deficit financing by government is severely restricted by sound money.

The harmful effects of the business cycle are virtually eliminated with an honest gold standard.

Saving and thrift are encouraged by gold standard and discouraged by paper money.

Price inflation, with generally rising price levels, is characteristic of paper money. Reports that the Consumer Price Index and the Producer Price Index are rising are distractions. The real cause of inflation is the Fed's creation of new money.

Interest rate manipulation by central banks helps the rich, the banks, the government, and the politicians.

Paper money permits the regressive inflation tax to be passed off on the poor and the middle class.

Speculative financial bubbles are characteristic of paper money, not gold.

Paper money encourages economic and political chaos, which subsequently causes a search for scapegoats rather than blaming the central bank.

Dangerous protectionist measures frequently are implemented to compensate for the dislocations caused by paper money.

Paper money, inflation, and the conditions they create contribute to the problems of illegal immigration.

The value of gold is remarkably stable.

The dollar price of gold reflects dollar depreciation.

Holding gold helps preserve and store wealth; but technically, gold is not a true investment.

Since 2001, the dollar has been devalued by over 60 percent. In 1934, FDR devalued the dollar by 41 percent. In 1971, Nixon devalued the dollar by 7.9 percent. In 1973, Nixon devalued the dollar by 10 percent.

These were momentous monetary events, and every knowledgeable person worldwide paid close attention. Major changes were endured in 1979 and 1980 to save the dollar from disintegration. This involved a severe recession, interest rates over 21 percent, and general price inflation of 15 percent.

Today, we face a 60 percent devaluation and counting, yet no one seems to care. It is of greater significance than the three events mentioned above, and yet the one measurement that best reflects the degree of inflation, the Fed and our government denies us. Since March, M3 reporting has been discontinued. For starters, I would like to see Congress demand that this report be resumed. I fully believe the American people and Congress are entitled to this information.

Will we one day complain about false intelligence, as we have with the Iraq war? Will we complain about not having enough information to address monetary policy after it is too late?

If ever there was a time to get a handle on what sound money is and what it means, that time is today. Inflation, as exposed by high gold prices, transfers wealth from the middle class to the rich, as real wages decline while the salaries of CEOs, movie stars, and athletes skyrocket, along with the profits of the military industrial complex, the oil industry, and other special interests.

A sharply rising gold price is a vote of no confidence in the Congress' ability to control the budget, the Fed's ability to control the money supply, and the administration's ability to bring stability to the Middle East.

Ultimately, the gold price is a measurement of trust in the currency and the politicians who run the country. It has been that way for a long time, and it is not about to change.

If we care about the financial system, the tax system, and the monumental debt we are accumulating, we must start talking about the benefits and discipline that come only with a commodity standard of money: money the government and central banks absolutely cannot create out of thin air.

Economic law dictates reform at some point, but should we wait until the dollar is $1/1000$ of an ounce of gold or $1/2000$ of an ounce of gold? The longer we wait, the more people will suffer and the more difficult reforms become. Runaway inflation inevitably leads to political chaos, something numerous countries have suffered throughout the 20th century. The worst example, of course, was the German inflation of the 1920s that led to the rise of Hitler.

□ 2310

Even the Communist takeover of China was associated with runaway inflation brought on by the Chinese nationalists.

The time for action is now, and it is up to the American people and the U.S. Congress to demand it.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for the remaining time until midnight.

Mr. MEEK of Florida. Madam Speaker, it is an honor to address the House once again. The 30-something Working Group, we come to the floor to share with the American people some of the issues that are going on here in the Capitol dome, and hopefully bring about solutions that they can all feel good about, and hopefully we can work in a bipartisan way.

We want to thank the Democratic leadership for allowing us to have this hour on the floor: The Democratic Leader, Ms. Nancy Pelosi; and Mr. HOYER, our Democratic whip; and also our Democratic caucus chair Mr. CLYBURN; and also the vice chairman of the Democratic Caucus Mr. LARSON.

We have been on break for about 2 weeks. It seems like the American people have taken a deep breath to really take a step back and look at the way this government is being operated. It is almost self-explanatory.

I am so glad Ms. WASSERMAN SCHULTZ from the State of Florida is here. We served together as public policymakers for more than a decade, and I think it is important that we look at this time in the history of our country, at how our government is functioning at this particular time, and we point out how it can be different. I think it is important that we continue to hammer on that.

With that, I would like to welcome my good friend here tonight as we are going to hold down this 30-something special hour. We know that Mr. RYAN is not going to be with us tonight, and I do not believe Mr. DELAHUNT is going to be with us tonight.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I, too, want to express my thanks to the Democratic leader and the Democratic whip.

Wow, the 2 weeks we had at home, I am sure that you experienced just like I did, I went home and heard an earful from folks in my district who just really are at the end of their rope. They are fed up. They are sick and tired of being sick and tired. I think one woman said it best. She has just reached the end of her last nerve, whether it is the culture of corruption and the daily revelation that comes out of this capital with either an indictment or an accusation or an ethical cloud or an example of cronyism, or just one more example of the incompetence that has really permeated government as led by the Republican leadership.

People are sick of it. They really are. They are sick of the gas prices. They are sick of the issues coming up again repeatedly and not being dealt with and not being addressed and their concerns not being addressed until it becomes such an immense political issue that the Republican leadership realizes it is unavoidable. They are over it, and I can understand why they are over it.

Mr. MEEK of Florida. Madam Speaker, I just want to share with the gentlewoman that it is sad because we have had an opportunity to come to this floor and talk about the issues that are facing this country and that will face this country based on the legislation that the Republican majority has pushed through that the Bush White House wanted, that the majority in the Senate wanted that happened to be Republican. We talked about these things. We stood out as Democrats on the floor to try to come up with alternative fuels. We tried to get questions answered as it relates to the war in Iraq.

Now we have eight, nine, and if we continue to count, it will be in double digits, not just individuals within the military, but we are talking about generals, flag officers saying on behalf of their country we have to make a change.

Tonight, Madam Speaker, just like when we last year and the year before that talked about the K Street Project, which was a project, and I am so glad we are joined by Mr. DELAHUNT. I take back my words. I did not think you were going to be with us tonight. As usual, you came through.

Mr. DELAHUNT. This was a test.

Mr. MEEK of Florida. We talked about the K Street Project and special influence here in this House of Representatives. We talked about how certain lobbyists could not go into certain offices of Members of the majority. This came out of the mouths of Members if they were not a part of this activity. And then later after a lobbyist admitted, and, hey, you do not even have to call a jury, we do not have to call a trial. He admits, I admit I am wrong, I was a part of this operation here in Washington, DC. It was encouraged by Members of Congress. Then all of a sudden the majority comes out and says, we denounce this. It is wrong. It will no longer be tolerated on Capitol Hill.

It sounds like what we are hearing now. We are hearing the President respond to, Mr. President, can you talk about the oil prices?

The President says, America is addicted to oil.

We have to chuckle about it because it is so in the face of the American people.

Ms. WASSERMAN SCHULTZ. It is insulting. In January, the three of us, along with our colleagues, sat in this Chamber and listened to the President deliver the State of the Union and the line he had in the State of the Union about America's addiction to oil and that we needed to end it. You know, it is insulting. It is insulting on so many levels.

Number one, it is insulting that just last year, and I have made this reference before. I have only been here 14 months now, and in the last 14 months just while I was here, we have voted on two different energy bills that gave away the store to the energy companies, to the oil companies.

So it was just so obnoxious when in the President's State of the Union he is talking about us, the United States, needing to end. Americans needing to end our addiction to oil. Where have his proposals been? Where has his agenda been? Suddenly today or yesterday he comes up with his five points that we need to move on to address the energy crisis that we are in? I mean, give me a break.

The American people understand when their leaders are genuine and when they are scrambling because politically they know there is no other choice.

Mr. DELAHUNT. Madam Speaker, I was listening to the President today, and I thought it was interesting that for the first time that I can remember, this President indicated that maybe it was time to take away those tax breaks for big oil. I mean, that is just a desperate response to falling polling numbers, because those tax breaks and subsidies for big oil, Madam Speaker, were the product of his energy policy combined with the rubber-stamp Republican Congress that has run this country for the last 6 years.

□ 2320

Whose policy is it, Madam Speaker? It is not a Democratic policy that is responsible for a gallon of gas going from $1.45 on January 20, 2001, to $2.91 today.

Ms. WASSERMAN SCHULTZ. This is something that I think the Members who are hearing us should really be able to see while we are talking about it. And following, I mean, the comparison on the heels of what we have just been talking about with two pieces of Republican-led energy legislation giving away the store last year to the oil companies, forgiving taxes, allowing for drilling rights tax free, with taxes being forgiven. In the time that President Bush has been in office, when he took office January 20 of 2001, gas prices, Americans paid $1.45 a gallon. Now, fast forward to today, and we now pay an average price of $2.91 a gallon. Now, in 5 years, a little more than 5 years.

Mr. MEEK of Florida. I know, Mr. DELAHUNT and Ms. WASSERMAN SCHULTZ, that the American people see this and say wait a minute, they must have a typo on this. It is like $3.06 last I saw. But this is on average. I just want to make sure because, Madam Speaker, I think it is important. I am glad you are spelling this out, and I am glad you have this chart because we want to make sure the Republican majority knows exactly what their policies have brought on the American people, Democrat and Republican. I'm sorry, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. That is okay. So people understand what we are talking about, those two bills last year cost taxpayers more than $12 billion, with a B, billion dollars in giveaways to big oil companies. That was in the legislation where essentially taxes they were required to pay they did not have to pay because those pieces of legislation forgave those taxes

Mr. DELAHUNT. If the gentlewoman would just yield for a minute.

Ms. WASSERMAN SCHULTZ. I would be glad to yield.

Mr. DELAHUNT. I think it is important to review that for every year that this House of Representatives has been controlled by the Republican majority, during the summer months, from April 1 to September 30, the price of gasoline has dramatically escalated.

Mr. MEEK, in 2002, if you went to your local gas station, you paid $1.39. The majority, in 2002, in this House of Representatives, Madam Speaker, was Republican.

In 2003, Madam Speaker, the majority in this House was Republican. And if you examine that chart, there was about another 20 cent plus-up for a gallon of gas.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, can I ask you a question?

Mr. DELAHUNT. Of course.

Ms. WASSERMAN SCHULTZ. In the evolution of gas prices that you have on that chart, 2002, $1.39; 2003, $1.57; and $1.90 in 2004; $2.37 in 2005; and now an average of $2.91 in 2006, in between that time, because I have not been in Congress all those years, and you have, have the Republicans who have controlled Congress all of this time, and President Bush who has been President all of this time, have they put forward any proposals to fund, significantly fund, alternative energy sources? Has there been anything that has been initiated by the Republican leadership here, by this White House maybe that I didn't see since I was still in the State legislature to fend this off, to make it less likely that the situation we are in now we wouldn't find ourselves in? Because the President did say in his remarks and commentary in the last several days about what control he did or didn't have over gas prices, that he really wasn't able to control market forces. I mean, I heard him say that.

Well, no, he probably can't control market forces, but there are certainly things that they could have put forward. But I haven't seen it. Did they?

Mr. DELAHUNT. Well, they did, but it didn't help. What they did is they put forth a welfare program for Big Oil. I mean, that is truly what they did.

Ms. WASSERMAN SCHULTZ. What do you mean by a welfare program for Big Oil?

Mr. DELAHUNT. Well, how about $16 billion worth of subsidies for Big Oil? And this, of course, this is not for poor folk, because the big oil companies, Madam Speaker, they are doing remarkably well in this country. They are showing profits that only can be described as embarrassing in a free enterprise system.

Ms. WASSERMAN SCHULTZ. Should we illuminate that a little bit?

Mr. DELAHUNT. I yield to my friend.

Ms. WASSERMAN SCHULTZ. Some people might be concerned about our commentary here and you referring to profits as being obscene, because, obviously, in a capitalistic society we understand and think profit is a good thing. So I think it is important that people understand what we mean. While giving away the store, while giving away $12 billion in tax breaks.

Mr. DELAHUNT. Sixteen billion all together.

Ms. WASSERMAN SCHULTZ. Sixteen billion all together. Forgive me.

Mr. DELAHUNT. Subsidies and tax breaks. Let's just call it welfare for Big Oil.

Ms. WASSERMAN SCHULTZ. Right, the oil welfare that we have given away.

Mr. DELAHUNT. That is the oil welfare program.

Ms. WASSERMAN SCHULTZ. My experience with tax breaks as a State legislator and now a Member of Congress is that you generally give those kinds of breaks to help a business get back on its feet, thrive, to maybe bridge them through a difficult time. In 2002, the oil companies made a combined profit of $34 billion. In 2003 it was $59 billion.

Mr. DELAHUNT. Could I interrupt for a minute?

Ms. WASSERMAN SCHULTZ. Yes.

Mr. DELAHUNT. Could I ask my friend from Florida just to repeat that. $34 billion, and that was all of the major oil companies?

Ms. WASSERMAN SCHULTZ. Yes.

Mr. DELAHUNT. Would you, for the sake of our conversation here, would you identify them, if you can read them from the chart?

Ms. WASSERMAN SCHULTZ. Sure. As you can see, BP, Chevron, Shell, Conoco, and Exxon-Mobil.

Mr. DELAHUNT. So the five of them, Madam Speaker, in the year 2002?

Ms. WASSERMAN SCHULTZ. Yes, 2002.

Mr. DELAHUNT. In the year 2002 had a combined profit of $34 billion. And then, of course, that was just the beginning.

Ms. WASSERMAN SCHULTZ. That was only the tip of the iceberg, because if you continue down the road, and remember, I just got here, and so we will get to 2005 in a minute. But it was 2005 that the $16 billion was granted that we have been talking about. But you go to 2003: $59 billion in profits. Also the same oil companies.

Mr. DELAHUNT. So, in one year, you are telling me that it almost doubled, or did it?

Ms. WASSERMAN SCHULTZ. Not quite, not quite doubled. No. About a third more in profits.

Mr. DELAHUNT. Okay.

Ms. WASSERMAN SCHULTZ. Then you go to 2004, and we are at $84 billion in profits.

Mr. DELAHUNT. $84 billion.

Ms. WASSERMAN SCHULTZ. $84 billion.

Mr. DELAHUNT. In 2 years. I guess that is productivity.

Ms. WASSERMAN SCHULTZ. Not bad if you can do it. And then you go to 2005. In a year where we passed two major energy bills that gave away $16 billion in tax breaks and subsidies to the oil companies, they made, last year, $113 billion; and one of those companies made more money in one quarter than any company in U.S. history.

Mr. DELAHUNT. And that company is?

Ms. WASSERMAN SCHULTZ. That was Exxon-Mobil.

Mr. DELAHUNT. And my memory is that Exxon-Mobil, for the year, had a profit of $39 billion, that one company.

Ms. WASSERMAN SCHULTZ. More than all of the companies combined profited in 2002.

Mr. DELAHUNT. Three years ago. Now, that is why I use the word "obscene," because something is wrong with our free market system.

Ms. WASSERMAN SCHULTZ. And we don't begrudge profit.

Mr. DELAHUNT. I encourage profit. Clearly profit is important. And it is what made this country unique in terms of our ability to have a high standard of living. But this is not free market. This is not free market. This is something different. This is either price gouging or some sort of market.

Ms. WASSERMAN SCHULTZ. This is doing what the Republican leadership is allowing them to do.

□ 2330

Mr. DELAHUNT. This is oligopoly or a tendency towards monopoly, and this House has done nothing, Madam Speaker. There has not been any antitrust hearing as far as the oil companies are concerned, Madam Speaker. We have not had any hearings at all in the committee of jurisdiction, which is the Judiciary Committee, that would shed some light on why in 3 years they went from $34 billion to $113 billion. And we wonder why, Madam Speaker, we wonder why the American people are losing confidence in the House of Representatives, the people's House.

Ms. WASSERMAN SCHULTZ. Can I ask you a question, Mr. DELAHUNT, again because you have more direct experience with this than I do? My understanding is that the oil companies, they do not own the areas of the gulf and the other places that they drill for oil. The Federal Government sells them essentially, through payment of taxes, the rights to drill; that these are essentially public lands, whether they are in the Gulf of Mexico or wherever they are drilling, I mean whether it is Texas or any portion. I do not believe any of the area is private land, any of the significant area. So when we forgive the oil companies taxes, we are basically giving away the ownership rights to a private company that the government owns and just saying, here, take our oil stores for free. Is that right?

Mr. DELAHUNT. Well, there is such a thing as royalty payments, but in this administration there is a rule that has created a situation where even though the dollar value, as we can see from these various charts, has exploded in terms of revenue to the oil companies, the royalty payments that they make, Madam Speaker, have declined by $7 billion. And this is the energy policy of the Bush administration and the Bush Republican Congress. And yet we hear on this floor complaints about the Democratic proposals.

You cannot run against Washington, Madam Speaker, when you are Washington. You just cannot do it. You cannot argue with yourself. This is your mess. This energy policy, you own it, Madam Speaker. The leadership in this House, the leadership in this Republican Senate, and the leadership of the Bush administration own this reality today, which is over the past 3 years big oil profits have more than tripled. And we here in this Congress, in collusion with that White House, have provided welfare to Big Oil on top of that.

That is truly, Mr. MEEK, obscene.

Mr. MEEK of Florida. Well, Mr. DELAHUNT and Ms. WASSERMAN SCHULTZ, I just have been quiet for about maybe 8 or 10 minutes, which is not common when we are having this kind of discussion.

Madam Speaker, like I said before we went on break, it is not even fair. I mean, you would think that someone would wake up 1 day, especially the minority party would wake up, and say, wow, if we had a tool box that dealt with a war that is not being managed appropriately; an energy crisis within the country; containers as it relates to coming into this country going unchecked; families that are not able to provide health care, and neither are small businesses able to provide health care: States that are suing the Federal Government, Leave No Child Behind legislation, Democratic and Republican Governors are suing the Federal Government because of a lack of funding to the Federal Government's own initiative; that environmentally we have a number of issues going on on top of a natural disaster where the response and recovery were not managed well; CIA leaks at the White House; Members of this body in question of ethical violations and a culture of corruption and cronyism under the Capitol Dome. And better yet, Madam Speaker, the reason why we do not have a Democratic Member serving as Speaker or serving as the majority leader is the fact that we are in the minority. But the only good thing about that whole thing that I pointed out, because as an American it turns my stomach that that is even the environment in the United States of America as we speak, partisanship has nothing to do with my being an American and my responsibility as a Member of Congress.

So, Mr. DELAHUNT and Ms. WASSERMAN SCHULTZ, maybe for the next 4 minutes let us just talk about if Democrats were in control of this House and hopefully in control of the Senate to be able to say no to the administration when they want to put the country in this posture. Democrats, Independents, Republicans, what have you are all concerned about what is going on. The polling has indicated that.

Now, I just want to take out this document that we have held up several times, our innovation agenda. Wow, here is a plan. The Democrats' energy plan. Here is a plan. I want to say this to my Republican colleagues because they have the audacity to come down to the floor saying, They do not have any solutions; so how can they criticize our inability to carry out the energy policy?

Well, here is the solution right here. It has been on our Web site, and I encourage everyone to go to www.housedemocrats.gov and pull up the innovation agenda. We did not just put it on there before we came to the floor. It has been there for months. Months. They are talking about it. We want to do it.

Energy independence in 10 years. Energy independence in 10 years, to change the investment from counting on the Middle East and counting on the Midwest. Ethanol, making sure that we promote petroleum-based ideas of rapidly expanding the production of synthetic bio-based fuels. It is right there. It is just an investment.

But what is stopping the Republican majority from taking our plan, as I am going to point out here as we talk about price gouging, and running with it? Well, Ms. WASSERMAN SCHULTZ just had the chart up with all the oil companies. It has to be the relationship with the oil companies. The American people, Republicans, Democrats, Independents, are paying through the nose as we speak. Some folks are putting a quarter of gas in their tank because they cannot afford it. These are the constituents, unfortunately, of individuals of power and influence in Washington, D.C. I did not get a vote from any of these companies. Maybe the folks that work for the companies say maybe I want to vote on behalf of education and good representation in Washington, but they did not say, hey, you know, these are my constituents, and I am going to stand in the way and make sure that they have what they need.

Let me just talk fact, not fiction here, because I think it is important. Oil companies, record profits. RECORD profits. Folks want to talk about Wal-Mart? Goodness gracious, these oil companies make Wal-Mart look like a five and dime store.

Mr. DELAHUNT. In my day that was called penny candy.

Mr. MEEK of Florida. Let me just say this, Mr. DELAHUNT. Folks want to go knocking companies and start talking about who is making what, and folks are upset about it. And there are some folks out there. But the bottom line is, like you said, "profits" is not a bad word, and we believe in profits. It is the American way, and capitalism rules. And I am the first one in line when it comes down to that, and I am not faulting those oil companies. I am not mad at Exxon Mobil or any of those oil companies that are out there. I am upset with the Members that are allowing them to get away with literally a crime of ripping dollars out of everyday working Americans' pockets and then the majority leadership in both Chambers having the audacity to send a letter over to the White House, saying, "We would like for you to investigate this issue of price gouging," when they set the playing field for it to happen.

□ 2340

They set the playing field for it to happen.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for 15 seconds.

Mr. MEEK of Florida. You can have 20, if you want it.

Ms. WASSERMAN SCHULTZ. Thank you for your generosity. What we are saying, I want to underscore what we are saying when we say we are not opposed to profit, because that profit we had up there a minute ago, if it happened and the oil companies were being asked to pay their fair share, if they were paying the royalties and the taxes that they are supposed to be under the law to the Federal Government for the rights to drill, you know what? You can't begrudge them the profits, because that is the free market system.

But they are not. They are being given these oil rights for free, for no remuneration or very little remuneration whatsoever. And they don't need it. They are not struggling. Far from it. The people who are struggling now are Americans who need to go to work, who need to get their kids to school.

Mr. DELAHUNT. But stop for a minute and just see what the values are. We hear a lot about values. Here we are providing a wealthy program for big oil, and at the same time we are not adequately funding the so-called LIHEAP program, which provides assistance to low-income families, working families, so that they can get through the winter, so that they are not forced to make a decision between having food on the table and staying warm.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, given that I am from Florida and have a particular sensitivity to not using much heat, can you explain what the LIHEAP program is?

Mr. DELAHUNT. The LIHEAP program has been around for some time now, and it has been a program that was introduced in a Democratic Congress, supported by Democratic presidents and adequately funded. Today, only 20 percent of those who are eligible based on income, who would qualify if the funding were available, only 20 percent of those receive that assistance.

Ms. WASSERMAN SCHULTZ. What does LIHEAP do for folks?

Mr. DELAHUNT. It gives them basically a discount on the purchase of their energy for heating their homes.

Ms. WASSERMAN SCHULTZ. It gives them a break on their bill.

Mr. DELAHUNT. You said it better than I did. It gives them a break on their bill, and it is administered through community action programs. And, we don't fund it adequately. I think that the total is a little over $2 billion annually. Now, stop and think: $2 billion for hundreds of thousands, millions, actually, of families that would qualify in this country for some help to stay warm so they didn't have to make that choice between eating or freezing. Yet, we are giving $16 billion in subsidies to major oil.

This is Alice in Wonderland. Madam Speaker. Up is down and down is up. How does the majority justify this? How do you justify that in moral terms, Madam Speaker?

This is more than just public policy. I would suggest to you that doing that amounts to a violation of our moral code and moral responsibility as leaders in this country. That is what it is.

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, can I just describe the difference between the Alice in Wonderland-like policy that is made here, where down is up and down is up, and reality? At the end of Alice in Wonderland, Alice woke up and it was a dream and she could go back to what reality really was for her.

Mr. DELAHUNT. But this is a nightmare.

Ms. WASSERMAN SCHULTZ. That is right, that the Republican leadership won't let Americans wake up from.

Mr. MEEK of Florida. Can I reclaim my time from the 20 seconds?

Ms. WASSERMAN SCHULTZ. That was a long 20 seconds.

Mr. MEEK of Florida. But that was good information. Talking about the program a little further, we have a Stupak bill, which is a Democratic bill here in this House, that is going to give relief to consumers, small businesses and farmers and provide relief from skyrocketing heating home costs that they are taking on right now. It is the Low Income Home Energy Assistance Program, and basically it comes from the fines which I am going to go into now, Mr. DELAHUNT, of what the Republican majority blocked. Madam Speaker. And guess what? That is not what KENDRICK MEEK is saying, that is not what BILL DELAHUNT was saying or DEBBIE WASSERMAN SCHULTZ has said in the past or even Mr. RYAN in his absence has said in the past. This is the CONGRESSIONAL RECORD.

Republicans voted against imposing tough criminal penalties on price gouging companies and also tough civil fines up to $3 million in price gouging as it relates to protecting consumers. This is CQ vote number 500, H.R. 3402, taken September 28, 2005. The motion was rejected on a 195 to 226 vote. Republicans voted against this overwhelmingly, Democrats voted for it. 194 Democrats voted for it and I believe 226 Republicans voted against it.

Another vote, CQ vote, this is all stuff Members can look up, vote number 517, H.R. 3893, taken October 7, 2005. Again, Republicans voted overwhelmingly against this measure from being placed into legislation on price gouging, 199 to 222. The majority prevailed again.

I think it is important for us to understand, Madam Speaker, that time after time again, and I know we have another example, Republicans killed the amendment. Which one did I not share? Those are the two that were there. But they are continuing to kill these amendments.

So, Madam Speaker, it is kind of mind-boggling when we look up, open the local hometown paper, whatever it may be, it could be the one in Florida where I represent or it can be right here in the Beltway, to read that Republican leaders are thinking about going after folks as it relates to price gouging.

Now, I am just going to give the Republican majority a little. They will say okay, that is not true. We did do something.

What they did was nothing. I am not a black man with a conspiracy theory, but I am here to tell you that I am concerned, especially when I see headlines, the Washington Post, November 16, 2005, that says "Document says oil chief met with the Vice President of the United States on his task force." So how in the world can folks sit down with the very people that are making record profits? This was put in motion long ago, and now folks are acting like they don't know what is going on.

You know why they are acting like they don't know what is going on? Because the American people are pulling their car and saying you know something, Mr. Congressman, madam Congresswoman, you said you were there to protect me. You are not doing a good job, because I can't even put gas in my tank to take my children to school. I can't even make it to work. We are trying to car pool. Even that is becoming a little difficult. And you have folks, they don't have enough money. Some of these pumps in some communities won't even allow them to pump all of the gas they need to pump to fill their tank.

Hello? We have also gas stations here in Washington, D.C. that are out of gas, and South Florida. Maybe those small businesses, independent businesses within these oil companies, can't even afford the gas.

And we are going to find out. You know what is going to happen again? We are going to find in this time, and let me just say, Johnny Carson used to have the envelope he would put to his head.

Ms. WASSERMAN SCHULTZ. Carnack the Magnificent.

Mr. MEEK of Florida. He would say something like "high prices, backroom deals." He would open the envelope and later we would see oh, wow, and they made record profits while this was going on.

□ 2350

I am going to go ahead and crystal-ball this thing, because that is what is going to happen, and folks are going to say, well, we really need to do something about it.

If I was in the Republican majority right now, that is very hypothetical, I must add, I would be concerned. If I am home in the bed right now, Madam Speaker, and I was a Member of the majority, I would sit up in my bed and say, you know, maybe, just maybe, we need to go see the wizard, get some courage, get some leadership, and say, you know something, enough is enough, because I am going to be in the minority, not because of the fact that folks did such a great job as it relates to raising money, because you know we cannot raise more money than the other side, not the fact that, you know, our ties are better or our dresses, you know, the dresses that the female Members on this side wear are better.

But I think it is important, Madam Speaker, that we look at the facts. It is not fair. It is not fair to the American people, and it is not even fair if I was on the Republican majority side, we tell the Republican majority, come out and defend the selling of America. All of these countries here are owning a part of America. I do not care if you are a diehard Republican, and that you are the chair of the local Republican committee, you have to have a problem with this.

You tell your Members, explain this to me. Why are we selling America away? Why are we giving tax breaks we cannot afford? We are we allowing the oil companies to do this? Why? Why? Why? Do not tell me to vote Republican because we are Republicans and that we always did it, and that my mama did it, and that my grandmother did it, and that my great-great-grandmother did it. We cannot do it because of that. We have to do it because we salute one flag. People have died for us to have this opportunity.

I am so happy that we come to this floor, Madam Speaker, every day, because history will reflect that there were Members in this body in the minority fighting with what they had, with a nub, fighting night after night, day after day, filing amendments, failing on this floor, arm-twisting happening on the other side, and we prevailed because I am going to tell you, the American people are sick and tired of it, and change is going to happen, and it is going to happen for the better.

Ms. WASSERMAN SCHULTZ. I just want to ask you another question. As we went through last year and we debated those energy bills, and I remember when they went through the committees and then actually came, at least one of them did not even go to committee, it just came to the floor. And it came out on this Chamber. One of those bills was yet another example of the red lights changing to green lights, and the board being held open. I think the energy bill that I am referring to, I know the board was held open for at least 40 minutes, until the Republican leadership got the vote that they wanted.

Now, we have asked repeatedly, where is the outrage? Where was the outrage then when Republicans, rank-and-file Republicans, who not only needed some courage, but could have gotten some advice from the Scarecrow and the Tin Man then, too, for some heart and some brains, but where was the outrage? And what did that mean?

Essentially what did it mean when they had the opportunity, when they put their no vote up on the board, yet the leadership came to them on the floor, wrenched their arm behind their back, and what did they do? They were rubber-stamp Republicans yet again. Rubber-stamp Republicans.

And I just, time after time I have noticed that that is really the best way to describe the vast majority of Members of the Republican Caucus, because they have the opportunity to have some courage, they do not have any. What do they have? They have the ability to just say, uh-huh, sure, I will do it exactly the way you want it, Mr. Republican Leader.

Mr. MEEK of Florida. The real issue here is the fact that, Madam Speaker, I am done with trying to beg the majority to lead. I am just done. I mean, there is nothing more that we can say. They have had their opportunity. They have their opportunity now. They are still not moving as a majority. We have said what we would do as Democrats.

The bottom line is Ms. WASSERMAN SCHULTZ talked about the rubber stamp. It is now so big, Mr. President, whatever we can do, whatever you need us to do, we are with you. Just, that is it. Done. What else do you want us to do? And that is just where it is. And we are going to make this as obvious as possible.

Mr. DELAHUNT. I think it is really interesting to note for the record, Madam Speaker, that the relationship between this rubber-stamp Congress and this White House is so close that in the 6 years of this Presidency, he has never had to veto a single piece of legislation that came from the United States Congress. Not once, Madam Speaker, not once.

Mr. MEEK of Florida. Say it is not so, Mr. DELAHUNT.

Mr. DELAHUNT. It is so. Tragically it is so.

Ms. WASSERMAN SCHULTZ. He has never been forced to veto any legislation or sent anything that they were afraid he would not like. And I want to know, where are our colleagues on the other side of the aisle, where is their line? Where is the line that we know we all have, that says, you know, this far and no farther? I just cannot do it. They do not have that line.

Mr. DELAHUNT. Well, I tell you what is happening. Because we are talking about oil, and we are talking about home heating oil, and we are talking about staying warm. We are talking about heat. And the heat is coming, because, you know, we are going to hear a lot of hot air, but the American people are putting the feet to fire of those who have not supported a public policy regarding energy that makes sense for all Americans, not just Exxon Mobil that last year made $32 billion, and, by the way, whose CEO who is now retired, is earning a pension, Madam Speaker, of $150,000.

I hope you heard that, Madam Speaker, $150,000. Now, you might say that is not much money. Well, it is a lot of money when you get $150,0000 every single day of the year. It is a pension that is evaluated.

Mr. MEEK of Florida. Wait. Wait. Did I hear you? Did I hear you correctly? Did you say a hundred and what a day?

Mr. DELAHUNT. One hundred fifty thousand dollars. Not every 10 years. Not every 5 years. Not every year. Not every month. But every single day as long as he lives, $150,000. The pension package, according to newspaper reports, Madam Speaker, was $600 million. That is for one person. For one person.

This is a moral issue. This is a moral issue. There are people that are having difficulty, they are working hard, but they are having difficulty making it, and yet there is a CEO who runs a corporation that earns $39 billion in a single year. And he has a pension of $600 million that provides him with $150,000 a day. Is that right, or is that wrong?

Ms. WASSERMAN SCHULTZ. In our final minute or so, I can tell you that what I learned from my constituents when I went back home is that they know that together America can do better. It does not have to be this way. We do not have to keep going. And through our efforts and the efforts of our other Democratic colleagues, our 30-something Working Group will continue to take the floor each night.

I yield to my colleague from Florida to close us out. We do have a Website.

Mr. MEEK of Florida. Well, thank you. With Mr. RYAN's absence here tonight, I keep saying that because I want him to read the Congressional RECORD and let him know that I did note that he was not here.

Housedemocrats.gov/30something.

Members can go on there.

With that, Madam Speaker, we would like to thank the Democratic leadership for allowing us to have this hour.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOORE of Wisconsin (at the request of Ms. PELOSI) for today on account of personal business.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of personal matters.

Mr. OSBORNE (at the request of Mr. BOEHNER) for today and until 3:30 p.m. on April 26 on account of official business.

Ms. ROS-LEHTINEN (at the request of Mr. BOEHNER) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. POE, for 5 minutes, today and April 26 and 27.

Mr. ENGLISH of Pennsylvania, for 5 minutes, April 27.

Mr. DREIER, for 5 minutes, today and April 26 and 27.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, today and April 26 and 27.

Mr. BURTON of Indiana, for 5 minutes, today and April 26 and 27.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. LEACH, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. WOLF of Virginia, on April 11, 2006.

H.R. 4979. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on April 7, 2006, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 81. Providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

Karen L. Haas, Clerk of the House, reports that on April 18, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 4979. To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly at (midnight), the House adjourned until today, Wednesday April 26, 2006, at 10:00 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6925. A communication from the President of the United States, transmitting a request for FY 2007 budget amendments for the Departments of Agriculture, and State and Other International Programs; the Federal Communications Commission; and the Smithsonian Institution; (H. Doc. No. 109–97); to the Committee on Appropriations and ordered to be printed.

6926. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

6927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of consular training with respect to travel or identity documents, pursuant to Section 7201(d) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on International Relations.

6928. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending December 31, 2005, pursuant to 10 U.S.C. 2432; to the Committee on International Relations.

6929. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-18, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

6930. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-22, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on International Relations.

6931. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the annual report for FY 2005 of the Department's Bureau of Industry and Security (BIS); to the Committee on International Relations.

6932. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Education, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on International Relations.

6933. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Refugees and Internally Displaced Persons, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on International Relations.

6934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the intention to obligate Fiscal Year 2006 Economic Support Funds (ESF) on behalf of the Bureau of Oceans and International Environmental and Scientific Affairs; to the Committee on International Relations.

6935. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on "Overseas Surplus Property," pursuant to Public Law 105-277, section 2215; to the Committee on International Relations.

6936. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 15, 2005 — December 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

6937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2003 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on International Relations.

6938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Iraq (Transmittal No. DDTC 072-05); to the Committee on International Relations.

6939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Governments of Canada, France and the United Kingdom (Transmittal No. DDTC 002-06); to the Committee on International Relations.

6940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Egypt (Transmittal No. DDTC-58-05); to the Committee on International Relations.

6941. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 057-05); to the Committee on International Relations.

6942. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Supporting Democracy and Human Rights: The U.S. Record 2005-2006," pursuant to Public Law 107-228, section 665; to the Committee on International Relations.

6943. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

6944. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6945. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6946. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6947. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6948. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6949. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6950. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6951. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6952. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6953. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2006 through March 31, 2006 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 109-98); to the Committee on House Administration and ordered to be printed.

6954. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Search and Rescue Demonstration, Boston Harbor — Boston, Massachusetts [CGD01-05-093] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6955. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Virginia Beach, VA [CGD05-05-121] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6956. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk Harbor Entrance Reach Channel, Norfolk, VA [CGD05-05-132] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6957. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, Maryland [CGD05-05-133] (RIN: 1625-AA87) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6958. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kingsland Reach, James River, VA [CGD05-05-134] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6959. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kingsland Reach, James River, VA [CGD05-05-135] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6960. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kingsland Reach, James River, VA [CGD05-05-136] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Snow's Cut Channel from Cape Fear River to Intracoastal Waterway, NC [CGD05-05-500] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago River, North Branch, Chicago, Illinois [CGD09-05-132] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BID 21 Fireworks display, Milwaukee River, Milwaukee, WI [CGD09-05-133] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6964. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Magnificant Mile Festival of Lights, Chicago, IL [CGD09-05-134] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6965. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Containment Concrete Blasting, Lake Michigan, Charlevoix, MI [CGD09-05-136] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6966. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, Ohio. West Third Street Bridge Trainsit [CGD09-05-138] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Event; Rio Vista Bass Derby Fireworks Display, San Francisco Bay and Rio Vista, CA [CGD 11-05-029] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6968. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Jacksonville Beach, FL [COTP Jacksonville 05-121] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6969. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ponce De Leon Inlet and Port Canaveral, FL [COTP Jacksonville 05-144] (RIN: 1625-AA97) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6970. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Lake Tohopekaliga, Kissimmee, FL [COTP Jacksonville 05-160] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6971. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Johns River, Jacksonville, FL [COTP Jacksonville 05-161] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6972. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Vilano Beach, FL [COTP Jacksonville 05-169] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6973. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Florida Bay, Money Key Channel, Monroe County, FL [COTP Key West 05-136] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6974. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, California [COTP San Francisco Bay 05-010] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6975. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Guayanilla Bay, Guayanilla, PR [COTP San Juan 05-157] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6976. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show, Tampa Bay, FL [COTP St. Petersburg 05-119] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6977. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater, FL [COTP St. Petersburg 05-134] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6978. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Caloosahatchee River, Cape Coral, FL [COTP St. Petersburg 05-152] (RIN: 1625-AA00) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

[Omitted from the Record of April 6, 2006]

6979. A letter from the Administrator, FAA, Department of Transportation, transmitting a copy of the "Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Proposal Submission to Congress," received April 6, 2006, pursuant to 49 U.S.C. 106(l) and 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on April 7, 2006]

Mr. OXLEY: Committee on Financial Services. House Resolution 718. Resolution requesting the President and directing the Secretary of Homeland Security to provide to the House of Representatives certain documents in their possession relating to the Dubai Ports World acquisition of 6 United States commercial ports leases; with amendments (Rept. 109–414). Referred to the House Calendar.

[Filed on April 7, 2006]

Mr. BOEHLERT: Committee on Science. House Resolution 717. Resolution directing the Secretary of Commerce to transmit to the House of Representatives a copy of a workforce globalization final draft report produced by the Technology Administration (Rept. 109–415). Referred to the House Calendar.

[Submitted April 25, 2006]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 349. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 109–416). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 282. A bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; with an amendment (Rept. 109–417). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3462. A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purpose; with an amendment (Rept. 109–418). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2978. A bill to allow the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated, and for other purposes (Rept. 109–419). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2563. A bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; with an amendment (Rept. 109–420). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 518. A bill to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds, with an amendment (Rept. 109–421). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 374. A bill to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe; with an amendment (Rept. 109–422). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 122. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water district Recycled Water System Pressurization and Expansion Project; with an amendment (Rept. 109–423). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 4912. A bill to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals (Rept. 109–424). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Joint Resolution 78. Resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower (Rept. 109–425). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1307. A bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes (Rept. 109–427). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1869. A Act to reauthorize the Coastal Barrier Resources Act, and for other purposes (Rept. 109–428). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 1165. An Act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii (Rept. 109–429). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4204. A bill to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes (Rept. 109–430). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3967. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes (Rept. 109–431). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4080. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming (Rept. 109–432). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3682. A bill to redesignate the Mason Neck National Wildlife Refuge in Virginia as the Elizabeth Hartwell Mason Neck National Wildlife Refuge (Rept. 109–433). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. 2006 Congressional Drug Control Budget and Policy Assessment: A Review of the 2007 National Drug Control Budget and 2006 National Drug Control Strategy (Rept. 109–434). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Updating Nuclear Security Standards: How Long Can the Department of Energy Afford to Wait? (Rept. 109–435). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Strengthening Disease Surveillance (Rept. 109–436). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 774. Resolution providing for consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 109–438). Referred to the House Calendar.

Mr. SENSENBRENNER. Committee on the Judiciary. H.R. 4975. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; with an amendment (Rept. 109–439, Pt. 1). Ordered to be printed.

Mr. EHLERS. Committee on House Administration. H.R. 4975. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; (Rept. 109–439, Pt. 2). Ordered to be printed.

Mr. DREIER. Committee on Rules. H.R. 4975. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; with amendments (Rept. 109–439, Pt. 3). Ordered to be printed.

Mr. TOM DAVIS of Virginia. Committee on Government Reform. H.R. 4975. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; with amendments (Rept. 109–439, Pt. 4). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Standards of Official Conduct discharged from further consideration. H.R. 4975 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO. Committee on Resources. S. 584. A bill to act require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park (Rept. 109–426). Referred to the Private Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. POMBO. Committee on Resources. H.R. 1595. A bill to implement the recommendations of the Guam War Claims Review Commission, with an amendment; referred to the Committee on Judiciary for a period ending not later than June 9, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X (Rept. 109-437, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SODREL (for himself, Ms. Carson, Mr. Visclosky, Mr. Burton of Indiana, Mr. Buyer, Mr. Pence, Mr. Chocola, Mr. Hostettler, and Mr. Souder):

H.R. 5169. A bill to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office"; to the Committee on Government Reform.

By Mr. SHADEGG (for himself, Mr. Simmons, and Mr. Hoekstra):

H.R. 5170. A bill to suspend temporarily the duty on ethanol; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. Gillmor, Mr. McCotter, Mr. Rogers of Michigan, Mr. Ehlers, Mr. Boozman, Mr. Shadegg, Mr. Camp of Michigan, and Mr. LaTourette):

H.R. 5171. A bill to amend the Public Health Service Act to provide for community projects that will reduce the number of individuals who are uninsured with respect to health care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself, Mr. Farr, Mr. Pallone, Mr. McDermott, and Mr. Case):

H.R. 5172. A bill to improve the effectiveness of Department of Defense programs for the remediation of unexploded ordnance on former defense sites, and for other purposes; to the Committee on Armed Services.

By Mr. BRADLEY of New Hampshire (for himself and Mr. Gerlach):

H.R. 5173. A bill to amend title XVIII of the Social Security Act to suspend the Medicare prescription drug late enrollment penalty during 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself and Mr. Evans):

H.R. 5174. A bill to amend the Higher Education Act of 1965 to prevent veterans' contributions to education benefits from reducing Federal student financial assistance; to the Committee on Education and the Workforce.

By Mr. DOGGETT (for himself and Mr. Sherman):

H.R. 5175. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to disclose taxpayer identity information through mass communications to notify persons entitled to tax refunds; to the Committee on Ways and Means.

By Mr. EMANUEL:

H.R. 5176. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Levin, Mr. Baker, and Mr. Kanjorski):

H.R. 5177. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself and Mr. Hoekstra):

H.R. 5178. A bill to direct the Secretary of Homeland Security to conduct a study to identify best practices for the communication of information concerning a terrorist threat, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL:

H.R. 5179. A bill to amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. Renzi, Mr. Gibbons, Mr. Calvert, Mr. Kolbe, and Mr. Porter):

H.R. 5180. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; to the Committee on Resources.

By Mr. JINDAL:

H.R. 5181. A bill to amend the Federal Property and Administrative Services Act of 1949 to limit the number of, and require reporting relating to, all subcontracts under contracts with the Federal Government; to the Committee on Government Reform.

By Mr. JONES of North Carolina (for himself, Mr. Berry, Mr. Rangel, Mr. Moran of Kansas, Mr. Weiner, Mr. Marshall, Mr. Taylor of Mississippi, Mr. Jefferson, Mr. Etheridge, Mr. Wicker, Mr. Ross, Mr. Wexler, Mr. Holden, Mr. Doyle, Mr. Moore of Kansas, Mr. Brown of Ohio, Mr. Abercrombie, and Mr. Allen):

H.R. 5182. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York:

H.R. 5183. A bill to amend title II of the Social Security Act to exclude benefits of adopted disabled adult children from determinations of the family maximum; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California:

H.R. 5184. A bill to require businesses to permit customers to cancel certain subscription services in the same manner and by the same means as is provided by such person to individuals to subscribe to such service; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 5185. A bill to promote the empowerment of women in Afghanistan; to the Committee on International Relations.

By Ms. NORTON:

H.R. 5186. A bill to amend the Internal Revenue Code of 1986 to replace the expired tax benefits for the DC Zone, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. Young of Alaska):

H.R. 5187. A bill to amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; to the Committee on Transportation and Infrastructure.

By Mr. SWEENEY:

H.R. 5188. A bill to amend title 18, United States Code, to strengthen enforcement of spousal court-ordered property distributions, and for other purposes; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 5189. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 5190. A bill to establish the Comprehensive Immigration Reform Commission; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 5191. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to require, as a condition of receiving a homeland security grant, that a grant recipient submit reports on each expenditure made using grant funds; to the Committee on Homeland Security.

By Mrs. WILSON of New Mexico:

H.R. 5192. A bill to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico:

H.R. 5193. A bill to amend titles XVIII and XIX of the Social Security Act to provide for continuity of Medicare prescription drug coverage for full-benefit dual eligible individuals, for Medicare prescription drug coverage of benzodiazepines and off-label uses of certain prescription drugs and biological products, for optional Medicaid coverage of Medicare prescription drug cost-sharing for full-benefit dual eligible individuals, for authorization to the Secretary of Health and

Human Services to waive certain determinations denying Medicare prescription drug coverage, and for holding pharmacies harmless for certain costs incurred during implementation of Medicare part D; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. Moran of Virginia, Mrs. Jo Ann Davis of Virginia, Mr. Forbes, Mrs. Drake, Mr. Scott of Virginia, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Boucher, and Mr. Tom Davis of Virginia):

H.R. 5194. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office Building"; to the Committee on Government Reform.

By Mr. WOLF (for himself, Mr. Goode, Mrs. Capito, Mr. Platts, Mr. Tom Davis of Virginia, Mrs. Jo Ann Davis of Virginia, Mr. Scott of Virginia, and Mr. Boucher):

H.R. 5195. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. CASTLE:

H. Con. Res. 389. Concurrent resolution amending the Rules of the House of Representatives and the Standing Rules of the Senate to require the full payment and disclosure of charter flights provided to Members of Congress; to the Committee on Rules.

By Mr. DAVIS of Kentucky (for himself and Mr. Sodrel):

H. Res. 772. A resolution amending the Rules of the House of Representatives to require the Committee on Standards of Official Conduct to provide regular ethics training for Members, Delegates, and the Resident Commissioner; to the Committee on Rules.

By Mr. SESSIONS (for himself, Mr. Lewis of Georgia, and Mr. Dreier):

H. Res. 773. A resolution commending the American Jewish Committee for its century of leadership, and for other purposes; to the Committee on Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. Bartlett of Maryland, Mr. Meeks of New York, and Mr. Lantos):

H. Res. 775. A resolution commending the Community of Sant'Egidio for their extensive charity and generosity on behalf of the poor throughout the world; to the Committee on International Relations.

By Mr. HEFLEY:

H. Res. 776. A resolution supporting the observance of a "National Day of the American Cowboy"; to the Committee on Government Reform.

By Mr. MEEK of Florida:

H. Res. 777. A resolution expressing the sense of the House of Representatives, in recognition of the contributions of the Haitian people to the history and culture of the United States, by establishing "Haitian-American Heritage Month"; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. Gallegly and Mr. Fitzpatrick of Pennsylvania.

H.R. 97: Mr. Pomeroy and Mr. Miller of Florida.

H.R. 147: Mr. Kennedy of Minnesota and Mr. Cole of Oklahoma.

H.R. 198: Ms. Corrine Brown of Florida, Mr. Cooper, Mr. Emanuel, and Mr. Simmons.

H.R. 282: Ms. Bordallo, Mr. Gary G. Miller of California, Mr. Tom Davis of Virginia, Mr. Young of Alaska and Ms. Watson.

H.R. 303: Mr. Ortiz.

H.R. 333: Mr. Filner.

H.R. 354: Mr. Lewis of Georgia and Mr. Wamp.

H.R. 356: Mr. McKeon.

H.R. 363: Mr. Hinchey.

H.R. 378: Mr. Serrano, Mr. Rangel, and Ms. Lee.

H.R. 521: Mr. Davis of Kentucky.

H.R. 533: Ms. Pelosi.

H.R. 550: Ms. Roybal-Allard, Ms. Pelosi, Mr. Leach, Ms. Matsui, Mr. LaHood, Mr. Chandler, Mr. Lynch, Mr. Holden, Mr. Gerlach, and Mr. Al Green of Texas.

H.R. 552: Mr. Boustany and Mrs. Cubin.

H.R. 558: Mr. Filner.

H.R. 559: Ms. Solis, Mr. Hinchey, and Mr. Honda.

H.R. 583: Mr. Brady of Pennsylvania, Mr. Dent, Mr. Davis of Tennessee, and Mr. Green of Wisconsin.

H.R. 602: Mr. Levin and Mr. Markey.

H.R. 662: Ms. Jackson-Lee of Texas and Mr. Kucinich.

H.R. 663: Mr. Davis of Illinois, Ms. Waters, Mrs. Christensen, and Ms. Moore of Wisconsin.

H.R. 697: Mr. Payne.

H.R. 808: Mrs. Wilson of New Mexico.

H.R. 874: Mr. Simpson, Mr. Shaw, Mr. Hostettler, Mr. Cole of Oklahoma, and Mr. Miller of Florida.

H.R. 917: Mr. Boswell.

H.R. 926: Mr. Gene Green of Texas.

H.R. 939: Mr. Lantos and Ms. Pelosi.

H.R. 964: Ms. McCollum of Minnesota.

H.R. 987: Mrs. Capito and Mr. Moore of Kansas.

H.R. 994: Mr. Osborne, Mr. Gutknecht, Mr. Salazar, Ms. Moore of Wisconsin, Mr. Istook, Mr. LaTourette, and Mr. Wicker.

H.R. 998: Mr. Istook, Mr. Chandler, and Mr. Wamp.

H.R. 1002: Mr. Lewis of Kentucky and Mrs. Drake.

H.R. 1059: Mrs. Davis of California.

H.R. 1079: Mr. Culberson and Mr. Rahall.

H.R. 1105: Mr. Ford.

H.R. 1131: Mr. Hoekstra, Mr. Davis of Kentucky, Mr. Oberstar, and Mr. Frank of Massachusetts.

H.R. 1172: Mr. Smith of Washington and Mr. Capuano.

H.R. 1175: Mrs. Capito, Ms. Baldwin, and Mr. Goodlatte.

H.R. 1188: Mr. Bishop of Georgia, Mr. Baca, and Ms. Carson.

H.R. 1227: Mr. Fitzpatrick of Pennsylvania, Mr. Pastor, Mr. Gerlach, Ms. Bean, Mr. Simmons, Mr. Obey, and Mr. Castle.

H.R. 1245: Mr. Sabo, Mr. Young of Florida, Mr. Pastor, Mr. Davis of Tennessee, and Mr. Gerlach.

H.R. 1352: Mr. Towns.

H.R. 1356: Mr. Rush, Mr. Scott of Virginia, and Mr. Kirk.

H.R. 1364: Mr. Conyers.

H.R. 1415: Ms. DeGette and Mr. Kucinich.

H.R. 1426: Mr. Miller of North Carolina.

H.R. 1431: Mr. Evans and Mr. Abercrombie.

H.R. 1432: Ms. Jackson-Lee of Texas and Mr. Moore of Kansas.

H.R. 1433: Ms. Jackson-Lee of Texas and Mr. Moore of Kansas.

H.R. 1462: Mr. Filner.

H.R. 1498: Mr. Melancon and Mr. Weldon of Pennsylvania.

H.R. 1514: Mr. Reichert.

H.R. 1548: Mr. Boehlert, Ms. Millender-McDonald, Mrs. Musgrave, Mrs. Blackburn, Mr. Fortuño, Mrs. Davis of California, Mr. Bonner, Mr. Dicks, Mr. Lipinski, Mr. Shaw, Mr. Chandler, Mr. Conyers, Mr. McCotter, Mr. Calvert, Mr. Wolf, Mr. Lantos, Mr. Lynch, and Mr. Smith of New Jersey.

H.R. 1554: Mr. McGovern and Mr. Neal of Massachusetts.

H.R. 1578: Mr. Smith of New Jersey, Mr. Murtha, Mr. Bishop of Georgia, Mr. Smith of Texas, Mrs. Blackburn, and Mr. Bishop of Utah.

H.R. 1582: Ms. DeGette and Mr. Jindal.

H.R. 1591: Mr. Strickland.

H.R. 1595: Mrs. Davis of California, Mr. Bartlett of Maryland, Mr. Akin, Mr. Kolbe, Mr. Hefley, Ms. Pelosi, and Mr. Inslee.

H.R. 1633: Mr. Simmons.

H.R. 1671: Mr. Gingrey.

H.R. 1687: Mr. Etheridge, Mr. Schiff, Ms. Millender-McDonald, Mrs. Christensen, Ms. Norton, Ms. Eddie Bernice Johnson of Texas, and Ms. Eshoo.

H.R. 1696: Mr. Smith of New Jersey and Mr. Gerlach.

H.R. 1707: Mr. Sanders and Mr. Rangel.

H.R. 1708: Mr. Paul, Mr. Sessions, Mr. Engel, and Mrs. Napolitano.

H.R. 1951: Ms. Schwartz of Pennsylvania, Ms. Bordallo, Mr. Chandler, Mr. Brown of South Carolina, and Mr. Fossella.

H.R. 2043: Mr. Boucher.

H.R. 2076: Mr. Ross.

H.R. 2088: Mr. Barrow.

H.R. 2177: Mr. Tom Davis of Virginia and Mr. Udall of Colorado.

H.R. 2230: Mr. Moore of Kansas and Mr. Filner.

H.R. 2231: Ms. DeGette, Mrs. Bono, Mr. Dent, Mr. Smith of New Jersey, and Mr. Dingell.

H.R. 2238: Mr. Cole of Oklahoma.

H.R. 2328: Mr. Filner, Mr. LaHood, Ms. Baldwin, Mr. McCotter, Mr. Cleaver, Mr. Sweeney, and Mr. King of New York.

H.R. 2350: Mrs. Emerson.

H.R. 2353: Mr. Aderholt.

H.R. 2357: Mr. Hinojosa.

H.R. 2369: Mr. Ortiz, Mr. Herger, Ms. Waters, and Mr. Campbell of California.

H.R. 2390: Mr. Fossella.

H.R. 2421: Mrs. Maloney, Mr. Cardin, Mr. Markey, Mr. Meek of Florida, Mr. Ehlers, Mr. Olver, Mr. Brown of Ohio, and Mr. Gerlach.

H.R. 2429: Mr. Oberstar.

H.R. 2456: Ms. Moore of Wisconsin.

H.R. 2561: Miss McMorris and Ms. Herseth.

H.R. 2567: Mrs. Northup and Mr. Weldon of Pennsylvania.

H.R. 2568: Mr. Goode.

H.R. 2662: Ms. Matsui.

H.R. 2669: Mr. Davis of Kentucky.

H.R. 2684: Mr. Doyle.

H.R. 2716: Mr. Gerlach and Mr. Allen.

H.R. 2736: Mr. Rahall.

H.R. 2793: Mr. Costello and Mr. English of Pennsylvania.

H.R. 2813: Mr. Weiner.

H.R. 2842: Mr. Bradley of New Hampshire.

H.R. 2861: Mr. Spratt.

H.R. 2928: Mr. Fattah and Mr. Scott of Georgia.

H.R. 2943: Mr. Gerlach and Mr. Grijalva.

H.R. 2960: Mr. Meehan.

H.R. 3151: Mr. Langevin.

H.R. 3155: Ms. Norton, Mr. Wexler, and Ms. Millender-McDonald.

H.R. 3164: Mr. MANZULLO.

H.R. 3312: Ms. SCHWARTZ of Pennsylvania.

H.R. 3352: Mr. WAMP.

H.R. 3380: Mr. SANDERS.

H.R. 3436: Mr. BARROW.

H.R. 3442: Mr. BAIRD.

H.R. 3476: Mr. STRICKLAND, Mr. HINCHEY, Ms. NORTON, Ms. KAPTUR, Ms. BALDWIN, Mr. CLAY, Mr. ABERCROMBIE, Mr. TOWNS, Mr. BURGESS, Mr. REYES, Mr. FARR, Mr. DINGELL, Mr. GREEN of Wisconsin, and Mr. WEXLER.

H.R. 3568: Ms. BORDALLO.

H.R. 3576: Mr. KUCINICH, Mr. FATTAH, and Mr. HINOJOSA.

H.R. 3612: Mr. TERRY.

H.R. 3614: Ms. HARRIS and Mr. CUELLAR.

H.R. 3623: Mr. CHABOT.

H.R. 3628: Mr. CASE, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, and Mr. CUMMINGS.

H.R. 3656: Mr. LARSON of Connecticut.

H.R. 3689: Mr. MOORE of Kansas, Mr. TOWNS, Mr. FILNER, Mr. CONYERS, and Ms. ZOE LOFGREN of California.

H.R. 3701: Ms. MCKINNEY and Mr. SERRANO.

H.R. 3712: Mr. GRIJALVA, Mr. PAYNE, and Mr. CONYERS.

H.R. 3715: Mr. BARROW.

H.R. 3753: Mr. JINDAL.

H.R. 3762: Mr. BLUMENAUER, Ms. MATSUI, Mr. MORAN of Virginia, and Mr. ABERCROMBIE.

H.R. 3778: Mr. PAYNE and Mrs. TAUSCHER.

H.R. 3780: Mr. PALLONE.

H.R. 3854: Mrs. JOHNSON of Connecticut.

H.R. 3858: Mr. SCHIFF, Mr. MARIO DIAZ-BALART of Florida, Mr. ROTHMAN, Mr. DICKS, Mrs. TAUSCHER, Mr. PLATTS, Mr. FERGUSON, and Mrs. KELLY.

H.R. 3859: Mrs. KELLY.

H.R. 3861: Mr. ENGEL.

H.R. 3883: Mr. SHUSTER.

H.R. 3933: Mr. REICHERT.

H.R. 3936: Ms. LORETTA SANCHEZ of California, Mr. LARSON of Connecticut, Mr. STRICKLAND, Mr. DAVIS of Alabama, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. ACKERMAN, Mr. PAYNE, Mr. GORDON, Ms. WATSON, Ms. HOOLEY, Mr. GEORGE MILLER of California, and Ms. KILPATRICK of Michigan.

H.R. 3949: Mr. BONNER, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. DAVIS of Kentucky, Mr. FRANK of Massachusetts, and Mr. PRICE of North Carolina.

H.R. 3957: Mr. CHABOT.

H.R. 4025: Mr. LAHOOD, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. BORDALLO, and Mr. HINOJOSA.

H.R. 4042: Mr. OTTER.

H.R. 4049: Mr. ABERCROMBIE, Mr. CONYERS, Mr. ENGLISH of Pennsylvania, and Mr. MCKEON.

H.R. 4062: Mr. LANGEVIN.

H.R. 4063: Mr. LARSEN of Washington and Ms. MCCOLLUM of Minnesota.

H.R. 4098: Mr. MORAN of Kansas, Mr. GERLACH, Mr. SULLIVAN, Ms. KILPATRICK of Michigan, and Mr. SMITH of Washington.

H.R. 4126: Mrs. JO ANN DAVIS of Virginia.

H.R. 4188: Ms. CARSON, Mr. BERMAN, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. WAXMAN, Mr. LYNCH, Ms. SLAUGHTER, Mr. STARK, Mr. WEXLER, Mr. MCGOVERN, and Mr. BROWN of Ohio.

H.R. 4217: Mr. WHITFIELD, Mr. GREEN of Wisconsin, Mrs. DRAKE, Mr. LATOURETTE, and Mr. CARTER.

H.R. 4222: Ms. LEE and Ms. BALDWIN.

H.R. 4229: Mr. MILLER of North Carolina.

H.R. 4236: Mr. MOORE of Kansas and Mr. BOSWELL.

H.R. 4259: Mr. SCHWARZ of Michigan, and Ms. BORDALLO.

H.R. 4341: Mr. CHOCOLA, Mrs. BLACKBURN, and Mr. BUYER.

H.R. 4361: Mr. CUMMINGS.

H.R. 4371: Mr. CUELLAR and Ms. MCKINNEY.

H.R. 4384: Mrs. MALONEY.

H.R. 4398: Mr. MOORE of Kansas.

H.R. 4399: Mr. PORTER and Mr. SWEENEY.

H.R. 4409: Mr. ROGERS of Alabama, Mr. MORAN of Virginia, Mrs. BONO, Ms. PRYCE of Ohio, and Mr. BONNER.

H.R. 4424: Mr. HOYER and Mr. SCOTT of Georgia.

H.R. 4463: Mr. KUCINICH.

H.R. 4474: Mr. CARDIN.

H.R. 4479: Mrs. MALONEY, Mr. UDALL of Colorado, Mr. WEINER, Mr. WEXLER, Mr. LEVIN, Mr. DOYLE, Mr. GUTIERREZ, Mrs. MCCARTHY, Mr. LYNCH, Ms. SOLIS, Mr. OLVER; Mr. GEORGE MILLER of California, Ms. MATSUI, and Mr. SCOTT of Virginia.

H.R. 4493: Mr. REYES.

H.R. 4511: Ms. HART.

H.R. 4542: Mr. SCHWARZ of Michigan, Mr. EDWARDS, Mr. KUHL of New York, Mr. FARR, Mr. PRICE of North Carolina, and Mr. REYES.

H.R. 4547: Mrs. CUBIN, Mr. BARROW, and Mr. DAVIS of Tennessee.

H.R. 4550: Mr. FORTUÑO, Ms. ROS-LEHTINEN, Mr. SHERWOOD, Ms. VELÁZQUEZ, Mr. RAHALL, Mrs. CAPPS, Mr. SCHIFF, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.

H.R. 4574: Mr. MILLER of Florida and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4582: Mr. DEFAZIO.

H.R. 4597: Mr. MOORE of Kansas.

H.R. 4600: Mr. SERRANO, Mr. CLEAVER, Mr. RUSH, Mr. OWENS, Mr. CONYERS, Mr. GRIJALVA, and Mr. FATTAH.

H.R. 4606: Mr. MCDERMOTT.

H.R. 4619: Mr. CROWLEY.

H.R. 4621: Mr. PORTER.

H.R. 4624: Mr. MEEKS of New York.

H.R. 4629: Mr. KUCINICH.

H.R. 4650: Mr. JINDAL, Mr. MURPHY, and Mr. FORD.

H.R. 4651: Ms. LEE, Mr. MOORE of Kansas, Mr. HOLT, and Ms. SCHAKOWSKY.

H.R. 4662: Mr. KENNEDY of Minnesota.

H.R. 4665: Mr. HINOJOSA.

H.R. 4666: Mrs. JOHNSON of Connecticut.

H.R. 4668: Mr. GOODLATTE.

H.R. 4672: Mr. LEWIS of Kentucky.

H.R. 4677: Mr. ADERHOLT.

H.R. 4695: Mr. CHANDLER, Mr. HOLT, and Ms. WOOLSEY.

H.R. 4696: Mr. ADERHOLT.

H.R. 4704: Mrs. JONES of Ohio and Mr. BACA.

H.R. 4705: Mr. OWENS, Mr. BISHOP of New York, Mr. JEFFERSON, and Mrs. KELLY.

H.R. 4710: Mrs. MYRICK, Mr. ABERCROMBIE, and Mr. JEFFERSON.

H.R. 4727: Mr. STRICKLAND, Mr. DELAHUNT, and Mr. ROSS.

H.R. 4730: Mr. CARTER, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. WAMP, Mr. WILSON of South Carolina, Mr. WHITFIELD, Mr. GIBBONS, and Mr. MILLER of Florida.

H.R. 4739: Mr. MORAN of Virginia and Mr. JEFFERSON.

H.R. 4740: Mr. PLATTS.

H.R. 4747: Mr. TERRY, Ms. BALDWIN, Mr. WEXLER, Mr. BROWN of Ohio, Ms. ESHOO, and Mr. PRICE of North Carolina.

H.R. 4749: Mr. BLUMENAUER, Mr. MEEHAN, Mr. STUPAK, and Mr. CONYERS.

H.R. 4753: Mr. BROWN of Ohio, Mr. BROWN of South Carolina, and Mr. JEFFERSON.

H.R. 4755: Mr. DINGELL, Mr. BERMAN, Mr. MCINTYRE, Mr. HINCHEY, Mr. SCHWARZ of Michigan, Mr. FRANK of Massachusetts, Mr. BARROW, Mr. CASE, Mr. SNYDER, Mr. REYES, Mr. MILLER of North Carolina, Mr. BRADY of Pennsylvania, Mr. REHBERG, Mr. BECERRA, Ms. WATERS, Mr. MCCAUL of Texas, Mr. CLYBURN, Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. HINOJOSA, Mr. MURPHY, Mr. BOREN, Mr. LARSON of Connecticut, Ms. SOLIS, Mr. SHERMAN, Ms. LORETTA SANCHEZ of California, Mr. PLATTS, Mr. MEEHAN, Mr. SCOTT of Virginia, Mrs. LOWEY, Mr. SHAYS, and Mr. COLE of Oklahoma.

H.R. 4761: Ms. PRYCE of Ohio, Mr. TAYLOR of Mississippi, Mr. BUYER, Mrs. CAPITO, and Mr. BARRETT of South Carolina.

H.R. 4769: Mr. FATTAH, Mr. CASE, Mrs. BONO, and Mr. ROGERS of Michigan.

H.R. 4772: Mr. BROWN of South Carolina.

H.R. 4774: Ms. BEAN.

H.R. 4794: Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. FATTAH, Mr. GRIJALVA, Mr. WYNN, Mr. FILNER, Mr. KUCINICH, and Ms. ZOE LOFGREN of California.

H.R. 4806: Mr. MCCOTTER.

H.R. 4808: Mr. HAYES, Mr. BUTTERFIELD, and Mr. MARSHALL.

H.R. 4809: Mr. TIBERI.

H.R. 4824: Mr. JEFFERSON, Mr. EMANUEL, Mr. POMEROY, and Mr. ENGEL.

H.R. 4838: Mr. FEENEY.

H.R. 4843: Mr. CAMPBELL of California.

H.R. 4854: Mr. BISHOP of Georgia and Mr. ENGLISH of Pennsylvania.

H.R. 4860: Mr. BRADY of Pennsylvania and Mr. CARNAHAN.

H.R. 4861: Mr. TERRY.

H.R. 4873: Mr. FORD.

H.R. 4894: Mr. WILSON of South Carolina, Mr. MCKEON, Mr. SHAYS, Mr. REICHERT, Mrs. MILLER of Michigan, and Mr. CAMPBELL of California.

H.R. 4897: Mr. MCHUGH and Mr. HINOJOSA.

H.R. 4902: Mr. ETHERIDGE, Mr. HIGGINS, Mr. DINGELL, Mr. REICHERT, Mr. MELANCON, Mrs. EMERSON, Mr. BOREN, Mr. EVERETT, Mr. CLYBURN, and Mr. GALLEGLY.

H.R. 4903: Mr. BROWN of Ohio.

H.R. 4922: Mr. CARTER and Mr. ENGLISH of Pennsylvania.

H.R. 4937: Mr. REICHERT and Mr. CUELLAR.

H.R. 4948: Mr. BAIRD.

H.R. 4949: Mr. MORAN of Virginia, Mr. LAHOOD, Mr. SHERMAN, Ms. ZOE LOFGREN of California, Mr. SCHIFF, Mr. BURGESS, Mr. LANTOS, Mr. BOUSTANY, Mr. MEEHAN, and Mr. PAUL.

H.R. 4956: Mr. ENGLISH of Pennsylvania.

H.R. 4959: Mrs. CAPITO.

H.R. 4960: Mr. SESSIONS.

H.R. 4962: Mr. NADLER and Mr. ENGEL.

H.R. 4963: Mr. CONYERS, Mr. HOSTETTLER, Mr. RAMSTAD, Mr. OWENS, Mr. DAVIS of Illinois, Mr. ROTHMAN, Mr. FATTAH, Mr. DEFAZIO, Mr. TOWNS, Mrs. MCCARTHY, Mr. PORTER, and Mr. CLAY.

H.R. 4974: Mr. CROWLEY, Mr. KNOLLENBERG, Ms. GRANGER, Mr. WILSON of South Carolina, Mr. ENGEL, Mr. WESTMORELAND, and Mr. ACKERMAN.

H.R. 4992: Mr. FILNER and Mr. RAHALL.

H.R. 4993: Ms. LEE, Mr. MCCOTTER, Mr. GENE GREEN of Texas, and Ms. SCHWARTZ of Pennsylvania.

H.R. 5005: Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. NORWOOD, Mr. BRADLEY of New Hampshire, Mr. SOUDER, Mr. SHUSTER, Mr. PETERSON of Minnesota, and Mr. GORDON.

H.R. 5010: Mrs. CUBIN.

H.R. 5013: Mr. SCHWARZ of Michigan, Mr. HAYES, Mr. ADERHOLT, Mr. MCHENRY, Mr. DINGELL, Mr. WESTMORELAND, Mr. SODREL, and Mr. RAHALL.

H.R. 5033: Mr. VAN HOLLEN, Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, Mr. PAYNE, and Mr. WEXLER.

H.R. 5036: Mr. FLAKE.

H.R. 5037: Mr. Barrett of South Carolina, Mrs. Lowey, Mr. Reynolds, Mr. Sensenbrenner, Mr. Bradley of New Hampshire, Mr. Hastert, Mr. Lantos, Mr. Ackerman, Mr. Wamp, Mr. Langevin, Ms. Linda T. Sánchez of California, Ms. Pryce of Ohio, Mr. Marshall, Mr. Brady of Pennsylvania, Miss McMorris, Mr. Fitzpatrick of Pennsylvania, Mr. Carter, Mr. Stearns, Mr. Smith of Washington, Mr. Hoekstra, Mr. Al Green of Texas, Mr. Udall of Colorado, Mr. Bartlett of Maryland, Mr. Case, Mr. Boren, Mr. Marchant, Mr. Wilson of South Carolina, Mr. Mario Diaz-Balart of Florida, Mr. Calvert, Mr. Boustany, Mr. Gordon, Ms. Schakowsky, Mr. Dingell, Mr. Blunt, Mr. Doolittle, Mr. Bonner, and Mr. Rahall.

H.R. 5039: Mr. Cuellar.

H.R. 5050: Mr. Westmoreland, Mr. Blunt, and Mr. Rogers of Alabama.

H.R. 5051: Mr. Boehlert, Mr. LaHood, Mr. Van Hollen, Mr. Moran of Virginia, Mr. Hinchey, Mr. Kirk, Mr. Schiff, and Mr. Cummings.

H.R. 5055: Mrs. Bono.

H.R. 5056: Mr. Kirk.

H.R. 5063: Ms. DeLauro, Mr. McGovern, Mr. Pastor, Mr. Bishop of Georgia, Mr. Lipinski, and Mr. Van Hollen.

H.R. 5065: Mrs. Lowey.

H.R. 5069: Mr. Cardin.

H.R. 5075: Mr. Abercrombie.

H.R. 5081: Mrs. Davis of California, Mr. Boozman, Ms. Bordallo, and Mr. Gallegly.

H.R. 5099: Mr. Filner, Mr. Davis of Alabama, Ms. McCollum of Minnesota, Mr. Leach, Mr. Cleaver, Ms. DeLauro, and Mr. Rehberg.

H.R. 5113: Mr. Kildee, Ms. Carson, Mr. Visclosky, Ms. Kaptur, Mr. Brown of Ohio, Mr. Grijalva, Mr. Kucinich, Ms. Schakowsky, Mr. Payne, Mr. Farr, Mr. Delahunt, Mr. Strickland, Ms. Lee, Mr. Lewis of Georgia, and Mr. Thompson of Mississippi.

H.R. 5118: Mr. Norwood, Mrs. Cubin, Mr. Pickering, and Mr. McNulty.

H.R. 5119: Mr. McIntyre.

H.R. 5129: Mr. McCotter, Mrs. Blackburn, Mr. Istook, and Mr. Conaway.

H.R. 5134: Mr. Tanner, Ms. Schakowsky, Mr. Reyes, Mr. Hinchey, Mr. Jefferson, Mr. Gerlach, and Mr. Shuster.

H.R. 5136: Mr. Boehlert, Mr. Burgess, Mr. Boren, Mr. Conaway, and Mr. Hinojosa.

H.R. 5137: Mr. Payne and Mr. Grijalva.

H.R. 5150: Mr. Scott of Virginia and Mr. Ryan of Ohio.

H.R. 5159: Mr. Holt, Mrs. Musgrave, Mr. Murphy, Mr. Ford, Mr. Honda, Mr. Kirk, Mr. Brown of South Carolina, Ms. Foxx, Mr. Carter, Mr. Miller of Florida, and Mr. Peterson of Minnesota.

H.R. 5160: Mr. Larson of Connecticut, Mr. McNulty, and Mr. Sweeney.

H.R. 5166: Mr. Wexler, Mr. English of Pennsylvania, Mr. Wilson of South Carolina, Mr. Etheridge, Mr. Cuellar, Mr. Hayes, Mr. Rogers of Alabama, Mr. Shuster, Mr. Alexander, Mr. Miller of Florida, Mr. McHugh, Mr. Boehlert, Mr. Rahall, Mr. Coble, Mr. Renzi, Mr. Gibbons, Mr. Porter, Mr. Dent, Mr. Pitts, Mr. Baird, Mr. Bishop of Georgia, Mr. Jackson of Illinois, Mr. Gene Green of Texas, Mr. Ross, Mr. Farr, Mr. Davis of Tennessee, Mr. Serrano, Mr. Wynn, Mr. Rush, Ms. Jackson-Lee of Texas, Ms. Woolsey, Mrs. Tauscher, and Mrs. McCarthy.

H. Con. Res. 10: Mr. Berry.

H. Con. Res. 42: Mr. Berry and Mr. Carter.

H. Con. Res. 85: Mr. Shays.

H. Con. Res. 106: Mr. Strickland.

H. Con. Res. 137: Mr. Rothman.

H. Con. Res. 219: Mr. Frank of Massachusetts.

H. Con. Res. 231: Mr. Emanuel, Ms. Linda T. Sánchez of California, Mr. Shays, and Ms. Zoe Lofgren of California.

H. Con. Res. 234: Mr. Evans, Mr. Frank of Massachusetts, Mr. Nadler, Mr. McGovern, Mr. Markey, and Ms. Woolsey.

H. Con. Res. 235: Ms. Kaptur.

H. Con. Res. 282: Mr. Cummings.

H. Con. Res. 306: Ms. Schakowsky.

H. Con. Res. 340: Mr. Capuano, Mr. Scott of Georgia, Mr. Waxman, Mr. Larsen of Washington, and Mr. Bishop of Georgia.

H. Con. Res. 346: Mr. Gonzalez, Mr. Hensarling, Mr. Tom Davis of Virginia, Mr. Andrews, and Ms. Ros-Lehtinen.

H. Con. Res. 348: Ms. Schakowsky.

H. Con. Res. 357: Mr. McDermott.

H. Con. Res. 363: Mr. Doggett, Mr. Holt, and Mr. Terry.

H. Con. Res. 368: Mr. Costa, Mr. Fattah, Mr. Bass, Mr. Holden, Mr. Weldon of Pennsylvania, Mr. Kanjorski, Mr. Sherwood, Mr. Wolf, Mr. Pickering, Ms. Hart, Mr. Jefferson, Mr. Pallone, Ms. Harris, Mr. Pitts, Mr. Grijalva, and Mr. Conaway.

H. Con. Res. 378: Mr. McHugh, Ms. Ginny Brown-Waite of Florida, Mr. Holt, Ms. Jackson-Lee of Texas, Mr. Faleomavaega, Mr. Payne, Mr. Bishop of Georgia, Mr. Hinojosa, Mr. Holden, Mr. Shadegg, Mr. Grijalva, Mrs. Tauscher, and Mr. Smith of New Jersey.

H. Con. Res. 380: Mr. Van Hollen and Mr. Manzullo.

H. Con. Res. 388: Mr. Crowley and Mr. Wolf.

H. Res. 67: Mr. Moore of Kansas.

H. Res. 222: Mr. Grijalva and Mr. English of Pennsylvania.

H. Res. 299: Mr. Ross.

H. Res. 305: Mr. Snyder.

H. Res. 316: Mr. Cleaver.

H. Res. 335: Mr. Larson of Connecticut.

H. Res. 498: Mr. Johnson of Illinois, Mrs. Maloney, Mr. Gordon, and Mrs. Jones of Ohio.

H. Res. 521: Mr. Taylor of North Carolina, Mr. Duncan, Mr. Rangel, Ms. Zoe Lofgren of California, Mr. Capuano, and Mr. Rahall.

H. Res. 526: Mr. Langevin and Mr. Bishop of Georgia.

H. Res. 600: Mrs. Christensen, Mr. Bishop of Georgia, Mr. Meeks of New York, and Mr. Wexler.

H. Res. 636: Mr. Filner.

H. Res. 637: Mr. Filner.

H. Res. 638: Ms. Linda T. Sánchez of California, Mr. Cummings, Mr. Dicks, Mr. Conyers, and Ms. Norton.

H. Res. 699: Mrs. McCarthy.

H. Res. 701: Mr. Terry, Mr. Feeney, and Mr. Green of Wisconsin.

H. Res. 722: Mr. Murtha.

H. Res. 723: Ms. Schakowsky, Mr. Doyle, Mr. Fattah, Mr. Ford, Mrs. Capps, Mr. Meek of Florida, Mr. Bishop of Georgia, Ms. Kilpatrick of Michigan, and Mr. Oberstar.

H. Res. 727: Mr. McNulty, Mr. Rangel, Ms. Eddie Bernice Johnson of Texas, Ms. Norton, Mr. Hinchey, Mr. Conyers, Mr. McDermott, Ms. Millender-McDonald, Mr. Hastings of Florida, Mr. Scott of Virginia, Mr. Berman, Ms. Wasserman Schultz, Mr. Meehan, and Ms. DeLauro.

H. Res. 729: Mr. Mario Diaz-Balart of Florida, Ms. Lee, and Mr. Davis of Illinois

H. Res. 739: Mr. Oxley.

H. Res. 740: Mr. Ackerman.

H. Res. 745: Mrs. Myrick, Mr. Payne, Mr. Brown of Ohio, Mr. McCotter, Mr. Wolf, Mr. Waxman, Mr. Burton of Indiana, Mr. Smith of Washington, Ms. Jackson-Lee of Texas, Mr. Berman, Mr. Rangel, Mr. McNulty, Mr. Hinchey, Mr. Bishop of Georgia, Mr. Grijalva, and Mr. Brady of Pennsylvania.

H. Res. 771: Mr. English of Pennsylvania.

EXTENSIONS OF REMARKS

IN HONOR AND RECOGNITION OF THE ASSOCIATION OF OHIO COMMODORES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise to honor and congratulate the Association of Ohio Commodores. Celebrating their 40th anniversary this year, the association has traveled the globe as Ohio's preeminent ambassadors to international commerce.

Founded in 1966 by Governor James A. Rhodes in honor of Commodore Oliver Hazard Perry, the hero of the Battle of Lake Erie, the Ohio Commodores have served various missions around the world as official representatives of the State. From the Japanese Ambassador and the Governor of Ohio's sister province in Korea, to the Consul Generals of Canada, Mexico, Brazil and Argentina, they have acted as the official hosts to foreign dignitaries visiting Ohio.

Since its inception, the association has invited over 300 men and women to join the ranks of Commodores. Considered Ohio's "most distinguished honor," government officials, lawmakers, leaders in higher education, and business leaders have all been recognized for their contributions to the economic strength of the State.

Mr. Speaker and colleagues, please join me in honor and congratulation of the Association of Ohio Commodores, which has dedicated the past four decades to honor the finest Ohioans and ensure a bright future for the Buckeye State.

PAYING TRIBUTE TO DANIEL SKINKIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Daniel Skinkis for more than two decades of volunteer work in Southern Nevada.

Daniel Skinkis has founded several outreach programs over the past 22 years and speaks publicly each week at homeless shelters to help addicted and disenfranchised members of society turn their lives around. From 1988 to 1993, Mr. Skinkis ran a private fellowship in Henderson, NV, for young people with addictions, called Witness Outreach. In addition, Mr. Skinkis started Desert Homeless Outreach over 20 years ago as a place where homeless people talk about issues they face and work toward resolving them. Most recently, these efforts to assist the homeless community have earned Mr. Skinkis the prestigious Jefferson Award bestowed by the American Institute for Public Service.

Mr. Speaker, I am proud to honor Daniel Skinkis for his admirable work with the community in an effort to enrich the lives of disenfranchised and impoverished people. I wish him the best in his future efforts.

TRIBUTE TO WILLIAM MOCK

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor William Mock, who has been named Historian of the Year by the Bedford County Historical Society. Bill, a Vietnam veteran and retired biology teacher from Bedford County, will be honored with this distinguished award at the Bedford County Historical Society's annual banquet in April.

Bedford County is an area rich with historical value and meaning, dating back to the revolutionary era. Bill has worked to promote it by proposing the establishment of a Bedford County historical center to exhibit historical records and artifacts from the area. As he often says of himself, Bill lives in the past. His love of history has propelled him to take on many meaningful, honorable activities to commemorate our Nation's heroes and ensure they are never forgotten.

A member of the Bedford County Historical Society, the Gettysburg Blues and the Sons of the Union Veterans of the Civil War Gettysburg Camp No. 112, Bill takes immense pride in working with these organizations to preserve our Nation's history. He planned and executed the rededication of the Pennsylvania Monument in Andersonville National Cemetery for its 100th anniversary. To mark the occasion, Bill spent months researching and fundraising to reproduce the 138th Pennsylvania Volunteer Infantry Regimental flag, which he carried in the March of Honor to the monument.

William Mock's dedication to the preservation of our local and national history is admirable, and we can hope that others will follow in his footsteps and view our history with the same pride and honor as those that came before us.

SWEARING-IN "DAISY" WITH THE LEWISVILLE FIRE DEPARTMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Daisy, the most recent member of the Lewisville Fire Department in North Texas. Daisy is a 1½ year old yellow lab that was previously under the training of the Bureau of Alcohol, Tobacco, and Firearms. She has achieved a reputation within the community as a very capable instrument in the detection of explosives.

Daisy and Division Chief Terry McGrath trained together for ten straight weeks in Virginia. This training consisted of various conditioning and learning skills that trained both Daisy and her handler. The two were educated in the many different scenarios that could very well be encountered in the line of duty. Daisy is trained to recognize 18,000 different scents that may be linked to explosive devices.

The Lewisville Fire Department was contacted by an ATF agent in the Dallas Regional Office to see if they would participate in the program and would welcome Daisy as a valuable member of the force. Needless to say, they were more than thrilled with the opportunity to be able to provide a highly trained dog like Daisy for the safety of the entire North Texas region.

I am pleased to join in with the rest of the Lewisville Fire Department in welcoming Daisy as their latest member. Her devotion to her handler, the department and the safety of the public makes her an invaluable asset to the community.

HONORING THE OAKTON HIGH SCHOOL FOOTBALL TEAM'S STATE CHAMPIONSHIP

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, today I would like to honor the Oakton High School Cougars football team, who won the 2005 Virginia High School League Group AAA, Division 6 State Championship.

On Saturday, December 10, 2005 at Darling Stadium in Hampton, the Cougars all but shut down the Landstown Eagle's infamous passing game, accumulating 401 total rushing yards against the Eagles' defense.

Led by head coach, Joe Thompson, and his assistant coaching staff, David Foley, John Glufling, Tom Goggin, Bryan Gordon, J.J. Hetman, Brent Newell, Kolapo Olarinde, Pat Purcell, Jason Rowley, Donny Samson, Rick Wells, Joe Drewer and Packy Purcell, the Cougars trained intensively throughout a dramatic and triumphant season. The Cougars dedication and teamwork culminated in their 28–7 state title victory, the first in Oakton High School's history.

I congratulate all the talented members of the Virginia High School League Group AAA, Division 6 State Champion Cougars: Keith

Payne, Thomas Rupp, Michael Lee, Handel Stephen-Dowd, Ervin Garner, Adrien Laffitte-Smith, Donald Murphy, Brian Sweeny, Aaron Dishner, Stephen Poumaras, Mark Davis, Curtis Eward, Bradley Rhodes, Kumail Baig, Kevin Houghton, Derek Zimmerman, Tyler Morris, Ilyas Karimov, Sean Purcell, Erich Kottke, Alex Wargo, Connor Madden, David Kidwell, Trey Watts, Peyton Mahaffey, David Shumway, Dylan Grimm, Justin White, John Henry, Chris Rainwater, Ryan Harris, Mike Bautista, Chris Coyer, Jack Tyler, Jackson Kibler, Kevin Swanson, Taylor Naleppa, Jonathan Kedrock, Justin Otley, Josh Nelson, Mark Bleiweis, David Crain, Jim Roberts, Zachary Capozzoli, Patrick Tyler, Jeremy Rudolph, Carl Myrville, Bo Farrar, Flory Niyonkuru, Alex Hanson, Joshua Lewin, Kevin Miller, Jared Ruppert, Evan Fiore, Tim Seeger, Asif Kazmi, Gavin Wait, Jared Green, Rob Koster, Mark Larsen, Clark Scheible, Marques Wilson, Kevin Schweiker, Ryan Keely, Mike Shvenderman, Joe Sullivan, Drew Whalen, Joey McCallum, Thomas Vitale, Kevin Culkin, James Wheatley, Chad Faulkner, Michael Pournaras, Wade Reynolds, Kenny Hanson, and Morad Motamedi (Manager)

Mr. Speaker, it is my pleasure to honor their championship, and to wish them all the best in their future endeavors.

H.R. 609 FAILS AMERICA'S STUDENTS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CONYERS. Mr. Speaker, I stand today in opposition to H.R. 609, the so-called "College Access and Opportunity Act," because it creates greater problems in providing financial assistance for college students, and will lead to graduates inheriting greater debt. The Republicans have chosen to neglect young Americans who need assistance with the costs of higher education. A number of academic organizations oppose this legislation including The National Education Association, the United States Student Association, and The American Federation of Teachers. The Democratic alternative to this bill helps those students and their families who cannot afford the skyrocketing costs of college tuition in America today.

This legislation is problematic because it produces a number of obstacles which could interfere with students' ability to pursue higher education. It fails to make college more affordable for Americans falling in the low- and middle-income brackets by prohibiting them from consolidating their loans while in school or during the six month grace period directly following graduation. The "College Access and Opportunity Act" also revokes a student's ability to secure a low fixed-interest rate. In addition, it bars married couples from consolidating their student loans with their spouses.

The Republicans claim they are for strengthening Pell grants when the truth is that over the last four years, their legislation has done the exact opposite. In 2000, the maximum Pell grant covered about 41% of tuition expenses. Now, in 2006, the maximum Pell grant barely covers a third of tuition expenses. Students are unable to cover this gap. This bill creates problems in the long run which will prevent millions of students from attending college simply because they cannot afford it and because the Republicans in Congress have refused to make higher education a priority.

Students and their families deserve more than what this resolution offers. That is why I will be supporting the more comprehensive approach found in the Democratic alternative, the Miller-Kildee-Scott-Davis-Grijalva amendment.

The Democratic alternative offers many benefits to college students and their families. It cuts the college loan fixed interest rate in half from 6.8% to 3.4%. This will provide protection to students who use loans to finance their education. The Democratic alternative also provides funding for programs that support low-income black and Hispanic students.

Today nearly two-thirds of all American college students graduate with debt—up from one-third in 1993—and a typical student borrower graduates from college with $17,500 in debt. The Republicans in Congress have taken $12.5 billion dollars out of student aid accounts to pay for their tax cuts and now, with this bill, students will suffer the burden of higher interest rates, new fees, and more debt while in school and after graduation. Congress should create more opportunity for America's student, not less. H.R. 609 hurts students and their families who cannot afford the cost of higher education.

TRIBUTE FOR JOSE "LEFTY" MARTINEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Jose "Lefty" Martinez, a lifelong resident of Laredo, for his bravery and service to the nation during World War II, Korea, and Vietnam. Jose Martinez passed away recently on March 23rd, 2006, in San Antonio, Texas.

There were many that lost their lives during World War II, however, Lefty Martinez's valiant return reminded us of the sacrifices made in defending our freedom and liberty. It was the call to service that drew Lefty at the age of seventeen. It was March 1946, when Lefty had enlisted in the Marine Corps, which took him to the Barbers Point Naval Air Station in Hawaii, working on C–46 and C–54 aircraft transports.

When his two-year tour was cut to fifteen months, however, he remained with aviation for years after he left the Marine Corps as a civilian contractor. Veterans' training benefits gave him the opportunity to receive federal licensing as an aircraft mechanic, enabling him to serve all over the United States and in places such as the Philippines, Thailand, France, and Vietnam. In Vietnam, he lost half of his civilian contract crew during the 1968 Tet Offensive, and shortly afterwards, he returned back to Laredo, Texas.

In Laredo, Lefty joined veteran organizations and was the commander of the Catholic War Veterans Post 1908. He also was a former member of the American Legion, VFW, Marine Corps League and Vietnam Veterans of America. He was an active member of the Knights of Columbus, Fourth Degree Assembly No. 2565, and a former member of the Laredo Evening Lions Club and the Webb County Heritage Foundation.

What I remember about Lefty was his dedication to his country. In the spare time he had, he always stopped by the middle and high schools to talk about his war experiences, and he showed the importance in serving one's country with honor and dignity. It is a great loss to this country to have lost such a great veteran, and I hope we will continue to treat our veterans today with the respect they deserve.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Jose "Lefty" Martinez.

PAYING TRIBUTE TO KATHY L. BATTERMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Kathy L. Batterman who became one of the first crew members for "Flight for Life" and was the first certified flight nurse in the United States. Mrs. Batterman's life was tragically cut short in the line of duty when, on April 4, 1999, the "Flight for Life" helicopter crashed in Indian Springs Nevada during a bizarre snowstorm after transporting a patient to a Las Vegas hospital.

During her career Kathy flew over 3,000 rescue flights and is credited with saving thousands of lives. Kathy epitomized excellence in all aspects of nursing. Not only was she one of America's premiere flight nurses, she was a certified flight registered nurse, an advanced trauma specialist, and Nevada's first pre-hospital nurse practitioner. Kathy was a respected educator and a pioneer of EMS education in Nevada. Her contagious energetic spirit, encouraging smile, and enthusiasm inspired many others to do their best. Kathy was also instrumental in placing a second "Flight for Life" base in Pahrump, Nevada recognizing how crucial the response time is for those needing emergency care in the outlying rural communities around Las Vegas. Not only was she a magnificent flight nurse, she was also a caring and devoted wife and mother.

Mr. Speaker, I am proud to honor Kathy L. Batterman for her dedication to providing emergency medical service to the Las Vegas and outlying community. Her death is a profound loss to the community and the medical profession.

IN HONOR AND RECOGNITION OF JAMES ANTHONY ZACK, A CHAMPION OF LABOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the life of James Anthony Zack, who was truly a champion for the rights of working people in northeast Ohio and a proud and dedicated Teamster.

Jim served for 18 years as a Union Trustee, Vice President, and in June of 1997, was elected President of Teamsters Local #1164. He was constantly working to further his knowledge of the issues and areas of concern to Ohio's working families. In 2002, he received a certificate in labor relations from Cleveland State University.

A 1958 graduate of Elyria High School, Jim had over 25 years in sales at Pepsi Cola of Elyria, close to 23 of which were as a driver salesman. Additionally, Jim owned and operated his own businesses as a distributor for 7-Up and Pepsi.

Well liked by those who knew him, Jim truly brightened and enriched the lives of all those around him. His devotion to the Teamsters and the members he worked so hard to represent was matched only by his love and devotion to his family and faith. My thoughts and prayers are with his wife, Barb, children, Jim Jr. and Debbie, and five grandchildren.

Mr. Speaker and Colleagues, please join me in honor and recognition of the life of James Anthony Zack. His dedication on behalf of working people has served to uplift our entire community.

IN RECOGNITION OF BASIC HIGH SCHOOL'S MARINE CORPS JROTC PROGRAM AND PARTICIPANTS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the contributions of a special group of high school students in Henderson, NV, the members of Basic High School's Marine Corps JROTC

Basic's JROTC unit was activated in 1977 and is one of over 200 plus units sponsored by the United States Marine Corps. Basic's MCJROTC has been designated as a "Naval Honor School" 14 times and has received State and national recognition and honors. The senior marine instructor and marine instructors are retired marines with over 80 years of combined military service and 30 years at Basic High School.

The mission of the MCJROTC is to develop young leaders and responsible citizens with respect for constituted authority, to help individuals strengthen character and form habits of self-discipline, and to learn the importance of national security in a democratic society. Students that participate in the MCJROTC program at Basic learn self-discipline, self-confidence, personal responsibility and build their character.

Basic's MCJROTC students participated in the Western United States National Drill Meet on April 1, 2006 and were deemed the overall winner for the West Coast. Other awards earned included: first place in Armed Inspection, second place in Unarmed Inspection, first place in 4 Person Unarmed, fifth place for 4 Person Unarmed, third place in Unarmed Inspection, second place for Color Guard Regulation, first place for 4 Person Armed, first place in Unarmed Exhibition, second place in Color Guard Regulation, fourth place for 4 Person Armed, second place for Armed Inspection, third place for Unarmed Exhibition, fourth place for Color Guard Inspection, Outstanding Unarmed Commander Cadet.

Basic's MCJROTC students have won this prestigious championship twice in the last 4 years. Their commitment to this important program and devotion to excellence has helped them achieve these high honors, and I am proud to recognize them today for their accomplishments.

Mr. Speaker, it is with great pride that I salute the MCJROTC students at Basic High School.

GENERAL AVIATION SECURITY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. ROTHMAN. Mr. Speaker, the American people should be outraged to learn that all it takes to get on an on-demand charter flight at a general aviation airport is a credit card. You don't have to go through an x ray machine. No one is going to look into your carry-on bags. You and your friends can literally bring anything you want to on one of these flights and no one is going to stop you. According to the charter aviation industry this is actually a good thing and it represents advancement in security from the days where cash could get you a seat on one of these planes. And Mr. Speaker, I'm not talking here about small prop planes used by recreational pilots. Jets in the charter industry are larger, faster, and heavier than they used to be, therefore making them more like their commercial counterparts than ever before.

One of the ten busiest general aviation airports in the country is in my district. Teterboro Airport is only 12 miles from New York City and handles a volume of over 200,000 flights every year, nearly equal to the number of flights at JFK International Airport. So far this year there have been three incidents at the airport, including one where a car crashed through the airport's chain link fence on January 12th. An 18-year-old driver lost control of her Jeep and ran through the cyclone fence that separates a major roadway from parked planes. After going through the fence, the car actually crashed into a fully fueled plane parked on the tarmac causing damage to both the car and the plane. For those who have never driven by Teterboro, I'm sure it seems outrageous that a car could crash through the airport's fence and hit a plane. But it's true. This incident raises a question that all of us should be asking ourselves: If an 18-year-old can accidentally breach the security fence and drive straight onto the tarmac, into a fully fueled aircraft, at one of the busiest general aviation airports in the country, what could a motivated psychopath or terrorist do? Mr. Speaker, this incident speaks to the need for much greater security at general aviation airports.

We know that our Nation remains an inviting target for terrorists and we would be foolish not to assume they are looking for vulnerabilities. If a terrorist had a chemical or biological weapon and needed an airborne delivery mechanism, it would be shamefully easy to commander an aircraft at an airport like Teterboro, fly that plane over New York City, less than 5 minutes flight time away, and deploy that weapon.

The threat posed by lax security at general aviation airports does not begin and end with a car crashing through a fence. There are other very worrisome concerns, starting with the security and screening procedures for passengers boarding air taxi flights. Security procedures are actually nonexistent. Let me repeat, there are no security requirements for these passengers. That's right; no Federal agency requires any screening. In fact, passengers are not even required to show a license or have their baggage checked. All you need to do to hop on board an air taxi service flight is a credit card to buy your ticket. There's absolutely nothing else you need to do.

So you might be wondering, if the Federal Aviation Administration and the Transportation Security Administration are not regulating security at general aviation airports, then who is? The industry is of course. To help them out, TSA worked with the charter industry to publish "Security Guidelines for General Aviation Airports" in May of 2004. But none of these guidelines are mandatory. They offer suggestions and guidance, but the TSA does not require any local airport operators, owners, or users to put the guidelines to use. If we're not mandating security procedures, then what's the point of even having guidelines? Since there are no mandatory requirements, the threat to our Nation's security remains.

The excuse for the inadequate security has been that it is impossible to provide a one-size-fits-all security plan for the Nation's 19,000 general aviation airports. If that's true, then why isn't the TSA looking at airports in high risk locations? That seems like a reasonable place to start, but the TSA has not even done that.

However, there has been one notable exception where the TSA stepped in and mandated tighter security for general aviation aircraft. Just a few miles away from the Capitol at Ronald Reagan National Airport, the TSA requires all general aviation flights leaving and coming into Reagan National to undergo special security procedures and all passengers must be screened by TSA. Now, I understand the threats that exist for flights around our Nation's Capitol. However, the same risks exist for my constituents in Northern New Jersey and for the people of Manhattan and New York who are at the same risk from flights taking off and landing at Teterboro Airport. Yet, the only thing the TSA has done to improve security at Teterboro is to require that flights to Reagan National follow the required safety precautions. This is just not enough.

There clearly is nothing preventing a terrorist from taking out a credit card, buying a ticket on an air charter flight, showing up for the flight with a gun, a bomb, or even a weapon of mass destruction and stepping onto a jet. With no air marshal on board and a full tank of fuel, any general aviation jet could become the next weapon of mass destruction. If the TSA wanted to do something about this threat they would, but they haven't. They are putting all their efforts into preventing the kind of attacks we saw on 9–11 and putting their trust in the charter industry to protect our Nation from a new style of air-based attack. In fact, the charter industry, which has seen dramatic growth since 9–11, markets itself based on its lax security procedures. They spend millions of dollars in advertising to the rich and powerful that the way to avoid the security hassles and inconvenience of commercial airports is to book a seat on a charter flight. They actually promote their own lack of security.

Protecting our homeland is the responsibility of government. It's time for this Congress and the administration to open their eyes and address this urgent homeland security concern. This industry is expected to grow by as much as 25 percent in the next few years. We must do something now. I urge the Homeland Security and Transportation and Infrastructure Committees to address this issue and enact legislation that will keep America safe from the threat posed by the lack of security at general aviation airports.

HONORING THE SELECTION OF CASEY'S PLACE AS THE NATIONAL HOUSING ENDOWMENT'S CHOICE AS "PROJECT OF THE YEAR"

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WALSH. Mr. Speaker, I rise today to congratulate and honor The Home Builders Association of Central New York on having their project, Casey's Place, chosen as "Project of the Year" by the National Housing Endowment. The Home Builders Association of Central New York is the first association in the Northeast to receive this prestigious award.

Casey's Place, a pediatric respite house for children with disabilities, is truly a remarkable project. It is the only facility of its kind in the U.S. that offers the needed services for the medically fragile and the developmentally challenged and their families, all free of charge.

Casey's Place came about through the hard work and dedication of the 350 member Home Builders Association of Central New York. Members donated materials, labor, and made financial contributions in order to create this dream home where families can escape the hardships of dealing with these types of tough medical conditions. The 10,000 square foot space is equipped with a media room, recreation room, accessible kitchen, themed restrooms, fully accessible shower and bathing facilities with reclining air jet tubs and state-of-the-art overhead lifting systems.

To date, Casey's Place has provided overnight, school break and summer day programs to over 150 children and their families from Central New York. Casey's Place lets these kids experience many of the activities we all take for granted. Without the altruistic spirit of the Home Builders Association of Central New York, none of this would be possible. They deserve special recognition. I wish them the best of luck with the Casey's Place and hope they are able to touch many more families across the region.

RECOGNIZING THE PUBLIC SERVICE OF SENATOR LOURDES LEON GUERRERO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the contributions of a dedicated public servant and a true daughter of Guam, Senator Lou Leon Guerrero. The daughter of the late Jesus Sablan and Eugenia Aflague Leon Guerrero, Lou was born and raised on Guam along with her brothers Jesse and Tony Leon Guerrero. She graduated from the Academy of Our Lady of Guam High School and earned her Bachelor's Degree in Nursing from the California State University at Los Angeles in 1973. Lou began her career as a healthcare professional, working as a staff nurse at the Santa Monica Hospital. She was also attending graduate courses at UCLA, at this time. She earned her Master of Arts degree in Public Health in 1979.

Lou returned home to work at the Guam Memorial Hospital in 1980. She quickly rose through the ranks of Guam Memorial Hospital, serving as the hospital's Assistant Director of Nursing 1982 to 1983. Lou then worked for next 10 years at the Family Health Plan (FHP), a private health clinic on Guam. Lou became the FHP's Director of Operations in 1990. She served in that capacity until she entered politics in 1994.

Lou is a four-term senator in the Guam Legislature. She has served in a number of leadership roles during her 8 years in the Legislature. Lou became the Chairwoman of the Committee on Rules and Health in 2003. She was also a candidate for Lieutenant Governor during the 1998 election cycle.

Lou's career as a nurse laid the foundation for her commitment to serving Guam and the public. Lou's caring nature, her humanity, and her commitment to improving not only the quality of the healthcare available on this island, but the island as a whole was clear to see to those who worked closely with her over the years. It is my hope that her legacy of professionalism, service to the island, and community leadership will serve as a lasting inspiration for her family, friends, and associates as she leaves the Legislature for a new chapter in her professional life.

Lou forges an exciting a new path for herself and her family as she transitions to the position of President, Chief Executive Officer, and Chairwoman of the Board of Directors of the Bank of Guam. Her brother Tony also served in this capacity. Her father Jesus founded the bank. Her service at the Bank of Guam is continuing the family tradition.

I have had the honor and privilege to work very closely with Lou over the years. She is both a colleague and a friend. I admire her tenacity, her love for the island of Guam and its people, and her commitment to do what she believes is best for them. Her determination to improve the lives of residents of Guam, her commitment to forming good public policy, and her persistence in seeing the needed carried out is commendable. Her presence in the Legislature will be greatly missed.

On behalf of a grateful island, I join her husband, Attorney Jeff Cook, her children Joaquin and Mariana, and all the people of Guam, in extending Senator Lou Leon Guerrero my most heartfelt appreciation for all the good work she has done for Guam. Additionally, I wish her success and prosperity in her new leadership roles at the Bank of Guam.

MEDAL OF HONOR WINNER REMEMBERED

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BUTTERFIELD. Mr Speaker, I rise today to remember a great American warrior and patriot. Chief Warrant Officer Michael J. Novosel was a veteran of three wars, a Medal of Honor recipient, and a major figure in Army aviation history. He passed away on April 2 at Walter Reed Army Medical Center after a long battle with cancer. CWO Novosel spent his last days as he spent most days at Walter Reed, talking with soldiers that were recovering from injuries sustained in Iraq and Afghanistan.

Novosel received the Medal of Honor for his "gallantry and intrepidity in action at the risk of his life above and beyond the call of duty." His citation reads:

> He unhesitatingly maneuvered his helicopter into a heavily fortified and defended enemy training area where a group of wounded [South] Vietnamese soldiers were pinned down by a large enemy force. Flying without gunship or other cover and exposed to intense machine gun fire, CWO Novosel was able to locate and rescue a wounded soldier. Since all communications with the beleaguered troops had been lost, he repeatedly circled the battle area, flying at low level under continuous heavy fire, to attract the attention of the scattered friendly troops. This display of courage visibly raised their morale, as they recognized this as a signal to assemble for evacuation.
>
> On 6 occasions he and his crew were forced out of the battle area by the intense enemy fire, only to circle and return from another direction to land and extract additional troops. Near the end of the mission, a wounded soldier was spotted close to an enemy bunker. Fully realizing that he would attract a hail of enemy fire, CWO Novosel nevertheless attempted the extraction by hovering the helicopter backward. As the man

was pulled on aboard, enemy automatic weapons opened fire at close range, damaged the aircraft and wounded CWO Novosel. He momentarily lost control of the aircraft, but quickly recovered and departed under the withering enemy fire.

In all, 15 extremely hazardous extractions were performed in order to remove wounded personnel. As a direct result of his selfless conduct, the lives of 29 soldiers were saved. The extraordinary heroism displayed by CWO Novosel was an inspiration to his comrades in arms and reflect great credit on him, his unit, and the U.S. Army.

As a dustoff pilot, CWO Novosel flew 2,543 missions and rescued 5,589 wounded or stranded soldiers, according to Army records. He was an excellent soldier and an extraordinary American. May God bless him and his family.

PAYING TRIBUTE TO DR. CAROL C. HARTER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Dr. Carol C. Harter, who is retiring after serving as the president University of Nevada, Las Vegas for the past 11 years.

Dr. Harter has dedicated herself to enriching the academic experience of the students at UNLV and expanding programs and enrollment at the university. Since Dr. Harter's appointment in 1995, UNLV has created more than 100 new degree programs. During her tenure at UNLV, more than 17 new buildings have been added, including the Lied Library. In addition, under her leadership, UNLV created the William S. Boyd School of Law, the School of Architecture, and the School of Dental Medicine—the first professional schools in Nevada in these areas as well as professional programs in Physical Therapy and Public Health.

As president of UNLV, Dr. Harter has received numerous national awards including the Presidential Leadership Award by the National Collegiate Honors Council, the President's Award by the National Association of Student Affairs Professionals, and the College President's Award by the All American Football Foundation.

Mr. Speaker, I am proud to honor Dr. Carol C. Harter and her distinguished career in service to higher education. I wish her the best in her retirement.

IN HONOR OF CLEVELAND READS VOLUNTEER OF THE YEAR JOHN "JACK" DOXSEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. John "Jack" Doxsey and every volunteer who participated this past year in Cleveland Reads, bringing hope and possibility through the gift of literacy to countless children and adults—thereby changing their lives forever. I also rise in recognition of Cleveland Reads Volunteer of the Year Nominees: Jessica Anthony, Andy Evridge, Dorothy Fike, Anita Morgan and Stephen Novak.

Established in 1987, Cleveland Reads, a non-profit organization, has consistently worked to draw individuals, businesses and agencies into their volunteer literacy projects and campaign. Mr. Doxsey, 84 years young, consistently reflects a caring and positive demeanor that gently inspires his students, raising their confidence with every turn of the page.

Twice weekly for the past 6 years, Mr. Doxsey, a tutor with ABLE in Cleveland Heights, volunteers his mornings as a tutor, instructing teachers and college students in English as a Second Language class. Mr. Doxsey has worked with students who hail from countries around the world, spanning five continents. Following the profound loss of his beloved wife, Mr. Doxsey had several options, including moving closer to his adult children, who live outside Ohio. Instead, he chose to move closer to Case Western University, where he has given the gift of language to numerous students struggling to assimilate to their new experience in America.

Mr. Speaker and Colleagues, please join me in honoring every Volunteer of the Year nominee, and especially Mr. John "Jack" Doxsey, upon being named Cleveland Reads Volunteer of the Year. Mr. Doxsey's patience, kindness and concern for the young people of the world who journey to Cleveland seeking education, serves to build foundation of understanding that transcends language, borders and culture, connecting us all with the gifts of giving, empowering, and humanity.

PAYING TRIBUTE TO PATTY MURPHY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Patty Murphy, a volunteer from southern Nevada, who because of her time and efforts helping others, has earned the distinguished President's Volunteer Service Award.

Patty is a volunteer nurse with the Medical Reserve Corps of Clark County. In September 2005 after the destructive forces of Hurricane Katrina tore through the Gulf Coast, she was deployed to Mobile, Alabama. There she worked on the M.S. Holiday, a cruise ship that temporarily housed evacuees following the Katrina aftermath. For 2 weeks Patty worked with a team of heath care professionals to provide medical care for the evacuees.

The Medical Reserve Corps of Clark County is a committed and available reserve of practicing and retired health care professionals that can be rapidly mobilized to strengthen medical response capabilities during large-scale local emergencies. Although this organization was created by the local community for the local community, the leadership and experience provided by this group has proved to be a viable asset for a disaster on the opposite side of the country.

In 2002, President George W. Bush called on all Americans to make a difference in their communities through volunteer service. He created USA Freedom Corps, an Office of the White House, to strengthen and expand volunteer service. The President's Volunteer Service Award is presented to outstanding individuals who have displayed an outstanding example of service and who have accumulated over 100 hours of service.

Mr. Speaker, I am honored to recognize Patty Murphy on the floor of the House today. Her example of service testifies to all of us that we can all do a little more to help our neighbor. I applaud her for her efforts.

IN RECOGNITION OF TEXAS WOMEN'S UNIVERSITY'S GYMNASTICS TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the teamwork and spirit of the Texas Women's University's gymnastics program. These individuals have established themselves as true champions emphasized no less by their devotion and passion to the sport. Texas Women's University seized the opportunity to claim the 2006 USA Gymnastics Collegiate National Championship. This victory marks the Pioneers' eighth national title and the first since 2003.

The Texas Women's gymnasts have exhibited their commitment to each other and their common goals this past year by diligently competing and overcoming any adversity in their way. Throughout the season these outstanding individuals have shown the success that comes from working as a team to achieve a great goal.

Under the leadership of head coach Frank Kudlac, assistant coaches Jackie Fain and Tim Rivera, graduate assistant Lisa Klein, and manager Catherine Schnoes, the team has continued its championship status.

TWU's gymnasts Courtney Arno, Amie Boles, Brenda Campbell, Brisa Fuentes, Amy Hulbert, Jennifer Kingsbury, Amber McMeans, Brista Michael, Kelsey Nixon, Brittany Parker, Tonya Pipkorn, Nicole Poling, Bethany Rehm, Emily Seidelman, and Nakia Westbrook have made their university community shine as well as themselves.

It is with great honor that I stand here today to recognize this group of individuals who have made their community so proud. The gymnastic program of Texas Women's University has demonstrated the essence of the American spirit of sportsmanship.

RECOGNIZING THE MASON DISTRICT LITTLE LEAGUE UPON ITS 50TH ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to the Mason District Little League as it celebrates its 50th anniversary.

In 1956, the Bailey's Crossroads community saw a growing demand for baseball, which at the time was the only organized sport available for young children. This spurred organization of the Bailey's Crossroads Little League. The league was organized and maintained by volunteers, mainly fathers of the players, as it still is today.

The league built their first fields in the Skyline area. After 12 years in the Skyline area, the league moved to JEB Stuart Park, and in 1978 the league underwent its largest reorganization when it joined with the Annandale American Little League, and was finally renamed to what it is today, Mason District Little League.

For 50 years, the Mason District Little League has been a strong part of the community, teaching kids the game of baseball. Hopefully in 50 more years the league will still be carrying on its great tradition of instilling in its players the values of sportsmanship, fair play, physical fitness, teamwork and an appreciation for the American pastime.

Mr. Speaker, in closing, I would like to thank the thousands of parents, grandparents, children, and volunteers who have participated in and contributed to the success of the Mason District Little League. By teaching their community's children the game of baseball, the many Mason District Little League volunteers have contributed to the development of honest, productive, and decent citizens. I congratulate the League on its successes over the last 50 years and I wish it more successful years in the future. I ask that my colleagues join me in applauding this outstanding institution.

REGARDING THE 25TH ANNIVERSARY OF JOE LOUIS' PASSING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CONYERS. Mr. Speaker, I rise today to acknowledge the 25th anniversary of the great Joe Louis' passing; which will be commemorated on April 12th of this year in a wreath laying ceremony at Arlington National Cemetery.

Even though I was very young, I will never forget sitting with my father listening to the radio broadcast of Louis' 1938 fight in which he knocked out Nazi Germany's Max Schmeling in the first round. His victory was important to me for many reasons, but the fact that Louis was from Detroit made his victory extra special.

The following is a copy of the press release issued by Arlington National Cemetery of the event.

What: Joe Louis Wreath-Laying Ceremony

When: Wednesday, April 12, 2006, 10:30 a.m.

Where: Arlington National Cemetery, Arlington, VA, Section 7A, (Below the Tomb of the Unknown Soldier).

Joe Louis, former heavyweight champion of the world, will be remembered by his son, Joe Louis Barrow, Jr., along with several dignitaries and family members, during a wreath-laying ceremony on the 25th anniversary of his passing. The ceremony will be held at Arlington National Cemetery where Louis is buried just below the Tomb of the Unknown Soldier.

Louis, considered by many as the greatest boxer of all times, died on April 12, 1981 in Las Vegas, NV. Born in Chambers County, Alabama. Louis grew up in Detroit, Michigan. He became the World Heavyweight Championship in 1937 and held the title until 1949, a record 11 years 8 months. Louis defended his title a record 25 times and defeated his opponents 5 times in first round knockouts, also a record.

His most memorable bouts were with German Max Schmeling. Louis took a devastating defeat early in his career, losing to Schmeling in a 12th round knockout in their first encounter in 1936. After winning the title by defeating James J. Braddock on June 22, 1937, Louis and Schmeling met again on June 22, 1938 before 78,000 fans in New York Yankee Stadium. Louis, wanting to erase the cloud on his championship from his earlier defeat, delivered a stunning knockout of Schmeling in two minutes and four seconds of the first round. With that victory, Louis transcended from Heavyweight Champion to American Hero. In 1981 President Ronald Reagan granted the request to have Louis buried in Arlington National Cemetery. Louis served in the U.S. Army during World War II and achieved the rank of staff sergeant.

April 12, 2006 will be a day when America and the world will pause to acknowledge the impact of an African American born to sharecroppers in Alabama, growing up in the inner city of Detroit who rose to the pinnacle of his career. In doing so Louis provided hope to an entire generation of Black Americans and simultaneously challenged a segregated United States to question limiting the rights of its citizens based on the color of their skin.

TRIBUTE TO THE MARION STATE BANK

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the 100th anniversary of Marion State Bank in Marion, TX.

The Marion State Bank was granted a State charter on October 26, 1906, 30 years after the establishment of Marion as a town. The Marion State Bank has operated for almost a century without changing ownership and has not merged with any other banking institutions, ranking it seventh in the State of Texas in terms of longevity, and one of the original 130 chartered banks in the State of Texas.

In addition, the Marion State Bank will celebrate its 100th anniversary with total assets of close to $43 million. It has served as a major partner in the economic growth of the greater Marion community for a century which includes the communities of New Berlin, Marion, Zuehl, and Santa Clara. The bank has assisted farmers and ranchers to produce crops, buy cattle and land as the major economy of the 80-square-mile area that they have served for the past century.

The Marion State Bank stands as an exemplary banking institution that has provided the community with stability and commitment to the future of the citizens of the greater Marion community. The bank has weathered many outside influences and economic changes, but it stands today as a symbol of a home-owned bank that brings a sense of community in an ever-changing and fast-paced world.

Mr. Speaker, I am honored to have had this time to honor the 100th anniversary of Marion State Bank in the State of Texas.

PAYING TRIBUTE TO FRANK SCOTT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Frank Scott, whose story of personal and professional success should serve as an inspiration for us all.

Mr. Scott built his business empire after returning to Las Vegas from World War II where he had served as a second lieutenant in the Army in Japan. In the 1950s and 60s, Scott opened a wholesale building material company, operated a fixed base aircraft operation and founded Stocks Ready-Mix Concrete. In the 1970s, as chairman of the First Western Savings Association, Scott was credited with saving the bank from near financial ruin. And in 1983 Mr. Scott was named co-Convention Man of the Year by the Hotel Sales Management Association's Las Vegas Chapter. Scott was also the founder of the Plaza Hotel and Casino.

Frank Scott was a bank chairman, director of Nevada Power and president of the Greater Las Vegas Chamber of Commerce and the Nevada Resort Association. Additionally, Scott was a board member of the local Boy Scouts chapter, a UNLV trustee, a captain of the Sheriffs Mounted Police and a board member of the Nevada Museum of Fine Arts.

Mr. Speaker, I am grateful to honor Frank Scott and his extraordinary career and I appreciate his efforts on behalf of the community. His death is a profound loss for the community and he will be greatly missed.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. ANDREW CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the parish community of St. Andrew Catholic Church, as members and leaders celebrate 100 years of faith and hope throughout Cleveland's southwest side.

Throughout the past century, St. Andrew parish has served as a spiritual refuge, opening its doors to individuals and families in search of guidance, spirituality and peace.

The ministry of St. Andrew began in 1906, serving immigrant families who settled in Cleveland. Since that time, a number of pastors and parishioners have served as critical guides in the journey of the faithful at St. Andrew Church. Over the years, the parish community has evolved and grown, and has also survived numerous struggles and hardships.

Mr. Speaker and colleagues, please join me in honor and recognition of every past and current member and spiritual leader of St. Andrew Catholic Church. Despite hardship and adversity, St. Andrew Catholic Church continues to provide a haven of faith, guidance, renewal and support for hundreds of families and individuals, in the heart Cleveland and far beyond.

IN RECOGNITION OF THE LAS VEGAS WINGS CHAPTER OF THE DISTINGUISHED FLYING CROSS SOCIETY

HON. JON. C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the contributions of a special group of American heroes, those that have received the Distinguished Flying Cross. I honor them today for their service and dedication to our great Nation.

The Distinguished Flying Cross was authorized by an act of Congress on July 2, 1926 and is awarded to any officer or enlisted member of the Armed Forces who has distinguished themselves during combat in support of operations by "heroism or extraordinary achievement while participating in an aerial flight."

Since its creation the Distinguished Flying Cross has been awarded to some of America's greatest aviators and serves as a reminder of their heroic actions. This prestigious medal was first awarded to Charles A. Lindbergh, of the U.S. Army Corps Reserve, for his solo flight of 3,600 miles across the Atlantic in 1927. The first Distinguished Flying Cross to be awarded to a naval aviator was awarded to Richard E. Byrd, of the U.S. Navy Air Corps, for his flight to the North Pole. The contributions of these great aviators and those that followed are honored by this prestigious award.

In 1994 the Distinguished Flying Cross Society was formed as a nonprofit organization whose members have been awarded the Distinguished Flying Cross. The society has established scholarships and benefits for organizations and individuals throughout the Nation that are seeking to make advances in aviation.

In February of this year the Distinguished Flying Cross Society officially recognized a new chapter, the Las Vegas Wings Chapter in Southern Nevada. The great State of Nevada is home to more than 260,000 veterans many of which have been awarded the Distinguished Flying Cross. As a Member of Congress and a Nevadan, I would like to extend a heartfelt welcome, to the Las Vegas Wings Chapter, of the Distinguished Flying Cross Society.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute these great American heroes and the Las Vegas Wings Chapter of the Distinguished Flying Cross Society.

HONORING MR. BILL BUEVENS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize Mr. Bill Buevens for his commitment to safety as an air traffic controller at the Dallas/Fort Worth Terminal Radar Approach Control.

On a warm, cloudy night with poor visibility, Mr. Buevens noticed American Airlines Flight 599 approaching the Dallas/Fort Worth Airport lined up incorrectly on the runway by fault of the instrument landing systems.

After noticing that a problem might potentially arise, Buevens remained on constant watch of Flight 599 which seemed weary on his instinct. Drawing on his 18 years of experience and hunch, Buevens' fear proved true when the plane lined up to the wrong runway where another flight was taxiing for take off.

Buevens immediately alerted the tower controller who then contacted the pilot and realigned the flight to the correct runway. This save is credited as remarkable because of the radar display.

Mr. Buevens was honored with the NATCA's Archies League Medal of Safety, which is named for the first U.S. air traffic controller. He is one of 11 controllers honored this year for saves.

I am honored to today to recognize the exceptional service of Mr. Bill Buevens. His knowledge and dedication to safety saved not only the air line from a great travesty, but also kept the estimated 300 passengers out of harm's way.

TRIBUTE TO THE BERGEN RECORD

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. ROTHMAN. Mr. Speaker, I would like to extend my congratulations to all those at the Bergen Record newspaper who worked on the excellent award-winning 'Toxic Legacy' series of articles, which documented Ford Motor Company's dumping of toxic waste in northern Bergen and Passaic Counties in New Jersey.

The latest award from the Society of Professional Journalists is a testament to the dedicated reporting of Jan Barry, Barbara Williams, Tom Troncone, Mary Jo Layton, Alex Nussbaum and Lindy Washburn, photographer Thomas E. Franklin, Editor Debra Lynn Vial, and project leader Tim Nostrand.

Investigative journalism of the caliber shown in this series is critical to an informed electorate and democracy. I am proud that so many prestigious journalism awards have gone to a daily newspaper written, printed, and distributed in my own District. Residents of Bergen and Passaic Counties are privileged to have access to a vibrant and competitive free press in New Jersey.

HONORING THE 200TH ANNIVERSARY OF THE ONONDAGA COUNTY MEDICAL SOCIETY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WALSH. Mr. Speaker, I rise today to recognize the 200th Anniversary of The Onondaga County Medical Society. The Onondaga County Medical Society was first founded back on July 1, 1806. Back then, 11 physicians met on top of Onondaga Hill at the first Onondaga County Courthouse to establish this great society.

Since its founding, the society has helped Central New York deal with some of the more menacing health threats of the time. In the 1830s, physician members of the society dealt with Asiatic cholera. In the 1900s, the society addressed the local impact of the worldwide flu; which resulted in over 750 deaths within the Syracuse area. During the 1950s the society assisted the local community in dealing with the polio epidemic. Currently, the society and its more than 1,260 members are working with the New York State Department of Health in preparation for the possibility of a bird flu outbreak.

The Onondaga County Medical Society also played a leading role in the establishment of the College of Medicine at Syracuse in 1872. In 1950, this college went on to become the Upstate Medical University, which has become a tremendous resource and aide for the entire Central New York region.

Throughout its history, The Onondaga County Medical Society has played an important role in the healthcare of the people of Central New York. Members have done their best to live up to the Society's motto, "to promote and preserve quality health care by working for patients, physicians and the community."

On behalf of the people of Central New York, I applaud the 200 years of hard work members of The Onondaga County Medical Society have provided. I wish the Society the best of luck and expect nothing but the best service in the many years to come.

IN RECOGNITION OF U.S. SMALL BUSINESS ADMINISTRATION, DWIGHT D. EISENHOWER AWARD PRESENTED TO BLACK CONSTRUCTION CORPORATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate Black Construction Corporation of Guam on the occasion of it being awarded the Dwight D. Eisenhower Award for Excellence in the construction category by the U.S. Small Business Administration (SBA). Named for the president under whom the SBA was founded, the Dwight D. Eisenhower Award for Excellence honors large federal contractors nationwide with the most outstanding small business subcontracting programs.

Each year, the SBA awards those businesses and federal agencies that have excelled in various aspects of federal procurement. To be eligible for consideration for the Dwight D. Eisenhower Award for Excellence a company must first be the recipient of the SBA Award of Distinction. The SBA has twice honored Black Construction Corporation for its record of support for small business on Guam and throughout Micronesia, following a nationwide review of construction companies that are awarded federal contracts. It is my hope that companies that are prime contractors for federal construction projects heed the example set by Black Construction Corporation and will continue to subcontract with local small businesses.

The vast majority of American companies are small businesses. They are the largest creator of private sector jobs. American small businesses have also established a strong record of innovation and are routinely implementing cutting edge technologies. Furthermore, the success of local economies is dependant upon the strength of small businesses. As local small businesses grow stronger, so do the communities in which they serve. Black Construction Corporation fulfills an essential role in that process on Guam and throughout Micronesia by utilizing small businesses to complete federal construction projects.

HONORING THE SERVICE AND SACRIFICE OF MR. DAVID FOY FOR THE PEOPLE OF THE UNITED STATES

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BUTTERFIELD. Mr. Speaker, today I rise to honor a constituent, a public servant, an American patriot who laid down his life in support of the ideals of our great nation.

On March 2, 2006, David Foy, a Department of State Facilities Manager for our Consulate in Karachi, Pakistan was killed, along with three other individuals, by a suicide bomber. We will never forget David's service, nor its premature end.

David Foy served his country by dedicating 23 years of his life to the United States Navy retiring as a Senior Chief. But David wanted to keep serving his country. After several years as a civilian employee at Fort Bragg, he moved over to the Department of State's Bureau of Overseas Buildings Operations where he became a Facilities Manager. For the last three years he has served in areas at the heart of our War on Terror, Kyrgyzstan and Pakistan.

David's eulogy says everything you need to know about him as a man and him as a servant. He is a hero and a warrior. He was a devoted family man who deeply loved and adored his wife and their four daughters.

Secretary of State Condoleezza Rice on May 5th will honor this loyal patriot by presenting to his wife, Donna, and his daughters the Department of State's Thomas Jefferson Star Award for sacrifice in the performance of his duties.

Mr. Speaker, David Foy is a hero both to his country and to his wonderful family. We salute his dedication to this country that he served so long and so well. David and other civil servants like him are the reason why we rise every morning in the warmth of a blanket of freedom. May he not be forgotten and may his mission continue in the work of this body and the hearts of all Americans.

PAYING TRIBUTE TO LOU EMMERT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lou Emmert for her professional success and outstanding contributions to the community.

Lou Emmert is the vice president and general manager for Sprint of Nevada, the primary local telephone provider for Clark County. In this role, she directs the efforts of local and state governmental relations, regulatory relations, public relations and community involvement activities, and is the main point of contact for key business leaders.

Lou is also involved in many community organizations, including the Girl Scouts of Frontier Council, the Las Vegas Chamber Board of Trustees, the YMCA Board, the Nevada Development Authority Board, the Las Vegas Philharmonic Board of Directors, the Nevada International Women's Forum, the Clark County Public Education Foundation, the Clark County Department of Social Service Citizens Advisory Committee, the Henderson Chamber of Commerce Board of Directors and Desert Research Institute Foundation Board.

Mr. Speaker, I am grateful to honor Lou Emmert for her extraordinary record of professional and community service. I wish her the best in her future endeavors.

IN HONOR OF THE CLEVELAND FEDERAL EXECUTIVE BOARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Cleveland Federal Executive Board, for their individual and collective dedication as public servants, all focused on the public good.

The community of federal employees in Cleveland, Ohio, is comprised of nearly 20,000 individuals who contribute their talent, trade and expertise daily within an array of roles, including park rangers, administrators, accountants, clerical employees, attorneys, engineers, military members, mail carriers, scientists, nurses and physicians.

The professional contribution extended daily by federal employees serves as a foundation of support, safety and security throughout our community. Every day, the mail is delivered; veterans receive medical care; the environment is monitored; our national park is preserved; immigrants are guided to citizenship; job services are provided; and astronomers study the mysteries of the universe.

Mr. Speaker and Colleagues, please join me in honor and gratitude of the members of the Cleveland Federal Executive Board and the thousands of federal employers who live and work within our Cleveland community. Their individual and collective commitment to their work continues to preserve, protect and strengthen our entire community.

BOOKSELLER OF THE YEAR—HONORING A VERMONT INSTITUTION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. SANDERS. Mr. Speaker, I want to commend Northshire Books, honored as this year's Bookseller of The Year. The selection and award was made by Publisher's Weekly.

Northshire Books is located in the small town of Manchester, Vermont. Owned by Ed and Barbara Morrow, it is a wonderful example of a locally-owned bookstore. It boasts a handsome environment for browsing books and a huge selection of titles. The selection it carries is not chosen by corporate giants seeking maximum sales, or by a central office following national trends. Quite the contrary, Northshire's wonderful inventory of books is the result of the informed knowledge of its staff: people who read and value books.

Northshire Books regularly presents readings by authors, allowing it to serve as a rich cultural resource for all of southwestern Vermont. It introduces young people to reading, through its fine children's section, and "Story times" for young readers.

Vermont authors value this wonderful store. "Northshire is everything one could want in a bookstore," said Vermont novelist Chris Bohjalian. "It's a huge gift to the state." And best-selling novelist John Irving agreed: "What's remarkable about the quality and range of the Northshire Bookstore is that Manchester isn't a college town, or even a very big town, yet the store is both broad and deep—it is literary, friendly to children, and welcoming to tourists. I love the place." Novelist Howard Frank Mosher said, "Every time I walk through there, the first thing I see is a dozen or so of my favorite contemporary novels and non-fiction books. He continued, "Then, the booksellers that the Morrows have hired over the years are, I think, the most knowledgeable booksellers I've ever met. They've actually read the books they sell and know an enormous amount about them."

Northshire has not been purely commercial. In 2003 its owners sponsored "Cry Out: Poets Protest the War," a collection of the anti-war poems were read by eleven renowned poets, including Galway Kinnell, Grace Paley and Jamaica Kincaid, to an overflow crowd of 500 in Manchester's First Congregational Church. That event was announced after the White House canceled a poetry reading out of a fear that poems critical of the war in Iraq might be read. The poems read were subsequently published by Braziller. And when the Patriot Act eliminated reader privacy—making it easy for investigators to check bookstore purchases without judicial oversight—Northshire actively opposed the law with American Booksellers Foundation for Free Expression. As a result, a petition with 185,000 signatures was sent to Congress, asking that it restore protections for reader privacy which were eliminated by Section 215 of the act.

Small, local business is the heart of the American economy. Local bookstores are, and have been ever since the times of Benjamin Franklin (a bookshop owner), a center of American learning. Congratulations to Northshire bookstore, to owners Ed and Barbara Morrow, to its manager Chris Morrow, to its staff, and to its dedicated and supportive patrons.

IN HONOR OF PACE UNIVERSITY'S CENTENNIAL CELEBRATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. NADLER. Mr. Speaker, I rise today to honor one of the most respected private institutions of higher learning in my district, Pace University, as it celebrates a major milestone, the 100th anniversary of its founding in 1906. This great school has grown from humble beginnings as a School of Accountancy to become a vibrant and dynamic Liberal Arts University offering more than 100 majors.

Over the last century, the school has lived up to its motto, Opportunitas, by offering its students the opportunity to discover and fulfill their potential, and affording its distinguished faculty and outstanding staff the opportunity to achieve excellence. As part of its 15-month centennial celebration, Pace University will be hosting lectures, symposia, service activities, and other special events that reflect on its long history of opportunity and innovation.

With its six schools and colleges and two main campuses, Pace is consistently ranked among the top quarter of 4-year colleges and universities in the country. Pace's School of Law is nationally recognized for the excellence of its Environmental Law Program and its Lienhard School of Nursing has been an acknowledged leader in nursing education, research, and practice for more than 35 years.

Ultimately, Pace University's greatest strength has been its people—its faculty, staff, students, and alumni—and its most profound achievement can be seen in the countless lives that have been transformed by the Pace experience. I offer my sincere congratulations to all those that have helped the school prosper and grow over the past 100 years.

PAYING TRIBUTE TO THE ARMENIAN-AMERICAN CULTURAL SOCIETY OF LAS VEGAS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Armenian-American Cultural Society of Las Vegas on this, the 91st anniversary of the Armenian Genocide. This organization was established in 1978, and since that time has grown in size and influence. They are now the largest non-political, non-denominational organization in Nevada. They have worked tirelessly to educate the general public about the atrocious acts committed against their people and also to help preserve the Armenian culture here in Las Vegas and America.

I am proud to represent a large and vibrant Armenian community in the Third Congressional District of Nevada and I consider it an honor to have been invited to participate in the ceremonies commemorating the 91st anniversary of the Armenian genocide. These ceremonies offer participants an opportunity to honor the survivors and their descendants, and to remind the world of the tragedy that befell Armenians of the Ottoman Empire.

It is estimated that one and a half million Armenians perished between 1915 and 1923 in a genocide planned and executed by the Turkish government against the Armenian population of the Ottoman Empire. The great bulk of the Armenian population was removed from Armenia and Anatolia to Syria, where the vast majority was sent into the desert to die of thirst and hunger. Large numbers of Armenians were methodically massacred throughout the Ottoman Empire. The entire wealth of the Armenian people was expropriated. After only a little more than a year of calm at the end of WWI, the atrocities were renewed between 1920 and 1923, and the remaining Armenians were subjected to further massacres and expulsions.

While there are still many who deny that the Armenian Genocide ever took place, I am pleased to see more and more countries and states and even the media are now in the process of recognizing the genocide. It is critical that we reflect on this human tragedy and on the lessons of history and work to avoid the horrors faced by the Armenian people in 1915.

H.R. 3380—THE GUARDIANSHIP ASSISTANCE PROMOTION AND KINSHIP SUPPORT ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to take this opportunity to acknowledge and honor the 294,969 California grandparents as well as 2.4 million grandparents around the Nation who act as primary guardians to grandchildren that are unable to live with their parents. As a result of the service and efforts of these individuals, many children around California and the country are able to live with relatives and stay out of the foster care system.

According to the Census of 2000, 6.8 percent of California's children are living in grandparent-headed households as well as an additional 3.5 percent living in households headed by other non-parent relatives. I commend the efforts these relatives take in providing a safe and familiar living environment for these children.

However, now more than ever, I also recognize the financial hardships and personal sacrifices faced by these guardians. As a cosponsor of H.R. 3380, The Guardianship Assistance Promotion and Kinship Support Act, I am committed to working toward a solution that will help to alleviate these financial burdens placed on guardians and give them access to Federal funds that they deserve.

Today, on behalf of the constituents of the 16th District of California, I extend my deepest appreciation to these exceptional guardians. It is an honor to have many of these individuals in my own district whose care and commitment to vulnerable children help to build a better future for them.

IN RECOGNITION OF COUNTY CONNECTION'S 25TH ANNIVERSARY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise with my colleague, Representative GEORGE MILLER, to pay tribute to County Connection, the public bus system provider that serves more than a dozen communities and unincorporated areas of central Contra Costa County in our two Congressional Districts.

County Connection was founded on March 27, 1980 under a Joint Exercise of Powers Agreement. After several years of careful planning, locally elected officials in Central Contra Costa recognized the need for a truly coordinated and integrated regional transit system.

County Connection began providing service with 12 buses, carrying 1,950,000 passengers, traveling 1,423,357 miles. In just its first ten years, the agency multiplied its fleet of buses ten fold. Today, the transportation agency maintains a current fleet of 131 buses and 56 LINK vans, makes nearly 5,000,000 fixed-route and paratransit trips throughout central Contra Costa and provides 4.5 million rides annually.

The system is now overseen by an 11-member Board of Directors, one representative from each jurisdiction and one representative for the unincorporated areas of Central County.

Since its establishment, County Connection has received numerous prestigious awards including; the American Public Transit Association (APTA) Minority & Women Advancement Award for its meritorious accomplishments in the employment, promotion and training of minorities and women in management positions, and this year, the California Water Environment Association recognized the agency with its "Facility of the Year" award in recognition for going above and beyond normal efforts to protect susceptible plant and wildlife that survive in local streams.

For 25 years, County Connection has provided vital transportation services to residents throughout Central Contra Costa. As the population of this County grows, the services provided by County Connection have never been needed more. Each day agency buses help people get to their work, return home, and in general provide a service that no other program in the community can. Today, we are proud to commend County Connection for the agency's service to the community and its lasting commitment to the people of Contra Costa County.

MGIB LEGISLATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mrs. DAVIS of California. Mr. Speaker, I rise today to address an inequity facing America's men and women in uniform who seek an education in return for their military service.

For years, the Montgomery GI Bill (MGIB) has allowed thousands of men and women in uniform attend college or to receive vocational training to prepare for a new career after the military.

It is an excellent program and one we must preserve.

However, Mr. Speaker, I would like to remedy an inequity that exists in this program with legislation I am introducing today.

To receive the benefits of the Montgomery GI Bill, our service members must pay $1,200 to $1,800 into the program at the beginning of their military service.

A $100 is deducted each month from their military pay for the first 12 months, for example.

With the legislation I offer today, our service members would still make the initial contribution. However, this contribution would no longer count against them later on when they apply for federal student aid.

In many cases, Mr. Speaker, the Montgomery GI Bill alone does not cover the cost for college or job training. Our service members must also apply for federal student aid to cover tuition and other expenses.

The Department of Education considers their benefits from the Montgomery GI Bill as "income"—thereby reducing the amount they are eligible to receive from federal student aid programs.

This legislation goes back to the $1,200 out-of-pocket contribution that a service member made to become eligible for the Montgomery GI Bill.

It is not fair to ask our service members to pay the original amount out of their own pocket and then penalize them for it later on.

This bill would simply exempt the original contribution that came from their own pocket from the Department of Education's income consideration.

This legislation does not present significant cost to the federal government but would go a long way to help America's individual service members afford college.

I offered the provisions contained in this legislation as part of the College Access and Opportunity Act (H.R. 609) when it was on the House floor.

Unfortunately, the amendment was not accepted, but I plan to pursue the issue until we correct this inequity.

Mr. Speaker, I would also like to take just a moment to thank those who have worked on this issue and who have pushed for the exemption in the past.

I am proud to offer this legislation along with Ranking Member LANE EVANS of the House Committee on Veterans' Affairs.

Mr. EVANS and his staff have been seeking a remedy for this inequity for several years.

Mr. Speaker, thank you for the opportunity to offer legislation benefiting America's military service members and helping them to attend college or receive job training.

TRIBUTE ON THE RETIREMENT OF ED PEREZ

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I wish to honor the 30 years of service that Ed Perez, Esq. has given to the City of Los Angeles. Although his retirement from the City Attorney's Office on February 17th marks the end of his City employment, it does not end a notable career in the practice of law. Indeed, his contributions to the City's telecommunications policies have been so great that several members of the City Council hope he will return as an advisor.

As the City continues to negotiate franchise agreements and shape important telecommunication policies that impact the everyday lives of all Angelinos, we understand the value and depth of expertise that a faithful employee brings to the table at this critical time.

Mr. Perez began his initial employment with the Office of the City Attorney in the Criminal Division and switched to the Civil Division 3 years later. In that position he provided legal advice regarding public utilities such as telecommunications and energy, and transactional matters for the City's Information Technology Agency.

Mr. Perez was the City's legal advisor for cable television franchising and regulation from 1981–2003, beginning with the initial wiring of the city in 1981 and culminating in the citywide franchising agreements in 1987. During this period, Mr. Perez had the distinguished honor of presenting an oral argument before the United States Supreme Court in 1986, in the *Preferred Communications* v. *City of Los Angeles*, 476 U.S. 488. For this, we offer our sincere appreciation to Ed Perez for both his commitment to and invaluable understanding of these issues on behalf of the citizens of Los Angeles.

When Mr. Perez transferred to the Department of Water and Power in June 2003, he continued to be one of the principal attorneys monitoring complex utility regulations for the City.

He looks forward to more time with his wife Patricia, and their children, Christine and David, upon his retirement. I wish him all the best as he plans for an active retirement and sincerely thank him for his noteworthy accomplishments on behalf of the citizens of Los Angeles.

RECOGNIZING THE LAUNCH OF U.S.-KOREA FTA NEGOTIATIONS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. MEEKS of New York. Mr. Speaker, in a ceremony held February 2, 2006, in the Mansfield Room of the U.S. Capitol and attended by many Members of Congress, U.S. Trade Representative Rob Portman and South Korean Minister of Trade Hyun-Chong Kim announced the commencement of negotiations toward a U.S.-Korea Free Trade Agreement and signaled their commitment to conclude the talks by March 2007. The U.S. and Korea plan to implement the agreement by September 2007. In light of the fact that the FTA negotiations will officially begin next week, I rise to recognize the significance of this undertaking.

Launching the United States-South Korea FTA talks is a critical step in the relationship with an important U.S. strategic ally and economic partner. I strongly believe that as we pursue market access for U.S. exporters, it is to our advantage to strengthen already constructive relationships with our allies. South Korea is our seventh largest trading partner and a friend in a challenging region of the world. Advancing the economic relationship makes sense and will be an important benefit to two great nations.

Close engagement between the U.S. and South Korea has paved the way for FTA negotiations. Even before the official announcement, the South Korean Government demonstrated how important it considers improved trade relations with the United States. South Korea took the concrete step of reducing the long-standing quotas that limited the screening of films by the American entertainment industry. I am encouraged by the progress that has been made so far on addressing several trade concerns. I am confident that South Korea will continue to work closely with the USTR Rob Portman toward making this endeavor a success.

The FTA negotiations will officially begin on May 3, following the expiration of the statutory 90-day consultative period. In the interim, our two governments have agreed to hold preliminary discussions. According to reports, once the FTA takes full effect, over 90 percent of traded goods between the U.S. and Korea will be phased out over 10 years.

Mr. Speaker, in the interest of underscoring the importance of these talks, permit me to list a few salient facts about the U.S.-Korean economic relationship.

South Korea is a stable, democratic country with a free-enterprise economy and a gross domestic product of $726.5 billion in 2005, making it the world's 11th largest economy.

The per capita income of South Koreans in 2004 is an impressive $14,162.

As noted by the Los Angeles Times, South Korea is now the seventh largest trading partner of the United States, with over $72 billion in trade volume each year. Moreover, South Korea is the fifth largest market for U.S. agricultural products.

U.S. exports into South Korea totaled $25.1 billion through November of 2005, up 4.6 percent from the same period in 2004, with the biggest U.S. sales coming in computer chips, $4.2 billion; industrial machinery, $1.4 billion, organic chemicals, $1.3 billion, and civilian aircraft at $953 million.

At the same time, South Korean exports to the United States totaled $40.1 billion through November 2005, down 5.4 percent from the same period in 2004, with the biggest South Korean sales coming in passenger cars, $7.2 billion; household goods, including cell phones, at $5.7 billion; computer chips, $2.8 billion; and computer accessories, televisions, and VCRs at $3.9 billion.

According to a study done in 2001 by the U.S. International Trade Commission, a U.S.-Korea free-trade agreement could increase U.S. exports to South Korea by $19 billion and U.S. imports from South Korea by $10 billion.

Finally, according to the U.S. Department of Commerce, during the 2004 calendar year, 627,000 South Koreans visited the United States for tourism and business travel, representing the fifth largest foreign market of tourists, excluding Canada and Mexico.

Mr. Speaker, for these reasons, I wish to recognize the launch of the U.S.-Korea Free Trade Agreement negotiations and I encourage my colleagues to offer their own expressions of support. South Korea is a long-standing and trustworthy ally of the United States and a mutual FTA would only further solidify and reinforce our alliance partnership.

TRIBUTE TO 2005 NOBEL PRIZE WINNERS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. HOLT. Mr. Speaker, I rise to celebrate and honor Drs. Roy J. Glauber, John L. Hall, and Theodor Hänsch for being awarded the Nobel Prize in Physics for 2005, and Drs. Yves Chauvin, Robert H. Grubbs, and Richard R. Schrock for being awarded the Nobel Prize in Chemistry for 2005.

The 2005 Nobel Prize in Physics encompasses the field of optics and its applications. The three gentlemen celebrated today are laser pioneers. Lasers have numerous practical applications, including in products such as CD players and grocery store scanners, for computer manufacturing, and in surgery.

Roy Glauber gave a detailed, quantum mechanical description of the interaction of light and matter, thus creating the foundation for the field of quantum optics. Glauber's work also created the groundwork on the quantum theory of lasers.

In addition, John Hall and Theodor Hänsch received the prize for their contributions to the development of laser-based precision spectroscopy. This technique allows scientists to probe the atom with ever-increasing accuracy, explore the subtle intricacies of gravity, and lead to a better understanding of the pressing question of imbalance between the amounts of matter and antimatter in the universe.

The work of the three in concert will lead, for instance, to the next generation satellite navigation systems, improving on GPS, which is widely used in both military and civilian transportation systems. Another major potential application of this research, quantum cryptography, which could impenetrably secure data transmission, is of interest to financial institutions and governments as the emerging knowledge economy requires the protection of information and ideas.

I would also like to recognize Dr. Yves Chauvin, Professor Robert H. Grubbs, and Professor Richard R. Schrock who were awarded the 2005 Nobel Prize in Chemistry for development of the metathesis method in organic synthesis. From the Greek words meaning to change position, metathesis methodology, and its variety of enabling catalysts, have become invaluable in the development and industrial scale production of polymers, fuel additives, biologically active compounds, and drugs.

The formation and reorganization of carbon-carbon bonds is the heart of synthetic organic chemistry. Developing new techniques and methods for controlling carbon connectivity is critical to advancing an enormous range of scientific advancement and technological development.

Methods like metathesis represent the very tools used by chemists around the world to build better drugs, better fuels, and better materials in ways that are cheaper, faster, and cleaner. Chemists around the world have incorporated metathesis reactions into production schemes for novel medicines and even materials used in bullet-proof vests; and the increased efficiency realized by metathesis reactions leads to less waste generated in the process.

The work of these Noble laureates reverberates through technological developments and innovative engineering, resulting in the strengthening of our economy. The basic research which brought about the Nobel Prizes in 2005 was funded by agencies like the National Institutes of Health, the National Science Foundation, and the National Institute of Standards and Technology, which are funded by the Federal Government.

While much of the fundamental research performed or funded through these agencies may not immediately appear to have practical applications, we must recognize that today's chemical oddity or strange physical principle could be tomorrow's Nobel Prize. Yet, the total Federal research and development portfolio is taking a cut for the first time since 1996 in the President's fiscal year 2007 budget request.

Mr. Speaker, the world is in transition right now. We, and the other industrialized nations of the world, are accelerating into a knowledge-based global economy. We can make no assumptions that the United States will remain the dominant factor in this economy. Complacency will be our downfall.

As we celebrate Nobel Prize winners and honor their work, we are slipping behind in the scramble for the top of the globalization mountain. Other nations are acting as we sit thinking of actions to take. The cultural shift required for our Nation to move forward and maintain a competitive edge over other nations begins with how the Federal Government spends its money. We must increase the funding for research and development to maintain our competitiveness.

We must come together as one Congress, united across party lines, choosing to act for our future.

RECOGNIZING BILL SERGEANT

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. JENKINS. Mr. Speaker, I would like to recognize the outstanding humanitarian service and contribution made by Rotarian William T. ("Bill") Sergeant on the occasion of his retirement from his position as Chairman of the International PolioPlus Committee of The Rotary Foundation of Rotary International—a committee that develops Rotary's policies and strategies to achieve polio eradication. Since the inception of Rotary's International PolioPlus Committee in 1994, Bill Sergeant, a retired Colonel, has served tirelessly as the General leading the efforts of Rotary's army of 1.2 million volunteers in the war against polio.

A member of the Rotary club of Oak Ridge, Tennessee for more than 50 years, Bill Sergeant held many leadership positions in Rotary, including Rotary International Vice-president, Director, and Foundation Trustee, before assuming leadership of PolioPlus, Rotary's flagship program. Bill Sergeant has traveled to countries on 6 continents to participate in polio eradication activities, represented Rotary International at strategic meetings, and promoted the cause of global polio eradication and ensured its prominence among the Rotary world as Rotary's highest priority.

Through his integrity, acumen and keen observation, Bill Sergeant quickly earned the respect of peers in the other three spearheading organizations: the World Health Organization, UNICEF, and the U.S. Centers for Disease Control and Prevention; thereby strengthening the efficacy of this unique public/private collaborative effort for the ultimate benefit of the children of the world. Under Bill Sergeant's leadership, Rotary established criteria for the strategic use of PolioPlus grant funds, launched the PolioPlus Partners program to provide supplemental support for critical polio eradication activities, and established international advocacy to ensure sufficient political and financial public sector support for global polio eradication efforts.

During his tenure as Chairman of Rotary's International PolioPlus Committee, three regions of the world have been certified polio-free and only four countries remain with endemic transmission of polio. Bill Sergeant has demonstrated, through his exemplary, single-minded dedication to the goal of a polio-free world, that one man can make the world a better place through commitment, determination, and a great deal of heart.

Mr. Speaker, I ask you and our fellow representatives to join me in recognizing Bill Sergeant for his outstanding leadership and service in support of the goal of a polio-free world—a goal which the United States Government shares.

TRIBUTE TO MR. MAI TRAN AND MR. BRUCE HOTTMAN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to recognize and congratulate Mr. Mai Tran and Mr. Bruce Hottman of Information Technology Experts in Fort Collins, Colorado on being named Small Business Persons of the Year by the Small Business Administration.

Over the course of its 10-year history, ITX has consistently been recognized as one of Colorado's foremost small businesses. As a leading provider of full-service Information Technology support in Northern Colorado, ITX has earned the confidence of numerous corporate, non-profit, and governmental organizations. The leadership and expertise demonstrated by Mr. Tran and Mr. Hottman have resulted in the tremendous expansion and growth of ITX. In only 6 years, ITX has more than tripled the size of its workforce to 95 individuals.

Mr. Speaker, the remarkable economic success realized by ITX pales in comparison to the extraordinary generosity and commitment to the community embodied by members of the ITX family. Following the 2004 Asian tsunami disaster, ITX generously contributed funds to aid Chennai victims and was subsequently honored by the City of Fort Collins with a key to the city. Additionally, ITX has been lauded for providing much-needed computer equipment to the Asian Chamber of Commerce and discounted IT services to over a dozen Northern Colorado non-profit organizations.

As a member of the Governor's Minority Business Advisory Council, Mai Tran is a recognized leader in the small business community and is active in addressing issues that affect minority businesses across the State. He personifies his own belief that through skill, hard work, and determination, minority businesses strengthen Colorado's economy.

At the age of 16, Mr. Tran fled to the United States after South Vietnam fell to communism. Through a great deal of determination and hard work, Mr. Tran overcame his lack of English skills and went on to earn a degree in Computer Science and Mathematics from Colorado State University. Today, as President and CEO of ITX, Mr. Tran's dedication and commitment to others serves as an inspiration to his employees and his community.

As co-founder and Executive Vice President of ITX, Mr. Hottman's wealth of experience and expertise in the field of information technology have ensured the success of ITX and its continued contributions to the community. After graduating from Colorado State University with a degree in computer information systems, Mr. Hottman worked at United Banks and the United States Department of Agriculture before joining the Western Area Power Administration as Project Leader. While at WAPA, Mr. Hottman and Mr. Tran worked together as a high performing team of IT professionals, and in 1996 they decided to form their own IT services provider. Like Mr. Tran, Mr. Hottman's involvement in the Fort Collins Foothills Rotary Club and other community organizations has inspired and encouraged the employees of ITX to become active members of their community.

I am proud to represent individuals with such a remarkable entrepreneurial and compassionate spirit. Mr. Speaker, I urge my colleagues to join me in recognizing the many accomplishments and selfless dedication of Mr. Mai Tran and Mr. Bruce Hottman.

IN RECOGNITION OF TEXAS WESLEYAN UNIVERSITY'S TABLE TENNIS TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the teamwork and spirit of the Texas Wesleyan University's Table Tennis program. These individuals have established themselves as true champions, emphasized no less by their devotion and passion to the sport. Texas Wesleyan is home to the National Championship Team for Collegiate Table Tennis, a title they have held since 2002. Texas Wesleyan University has won 16 out of 25 possible collegiate titles in 4 years.

The Texas Wesleyan table tennis players have exhibited their commitment to each other and their common goals this past season by diligently competing and overcoming any adversity in their way. Throughout the season these outstanding individuals have shown the success that comes from working as a team to achieve a great goal.

Under the leadership of former coaches and players such as Christian Lillieroos, the team has continued its championship status. It is with great honor that I stand here today to recognize this group of individuals who have made their community so proud: Interim Coach Keith Evans; Interim Assistant Coach Jasna Reed; Program Assistant Michael Meier; Volunteer Assistant Coach James Rautis; and Women's Junior Varsity team members Johnese Evans and Kareema Styles; Women's Varsity team members Jasna Reed and Sabrina Worrell; Men's Junior Varsity team members Andre Scott, Aldis Presley, Michael Meier, David Livings, Peter Lindsay-van der Puije, Sadiq Khan and Tim Aikey; and Men's Varsity team members Eric Owens, Courtney Roberts, Dinko Kranjac, Abdul Rahman Khan, Ludovic Gombos and Carlos Chiu.

The table tennis program of Texas Wesleyan University has demonstrated the essence of the American spirit of sportsmanship.

ACADEMIC ALL-STAR TEAM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky.

The regional academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based upon their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities, both school related and outside school activities, employment history, and an autobiographical essay.

Mr. Speaker, education is the foundation upon which we reach our human potential. Students in my district are developing their talents, furthering their education and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

David Keith Greene III, David Aaron Griffith, Brian Matthew Harrell, Kenton Mark Henderson, Matthew Thomas Hightower, Nicole Liane Paul, Michael Wayne Rowe, Lindsey Michelle Storm, Allison Rae Hudson, Steven Kurtis McGhee, Samantha Jean Moore, Daniel Stephen Richard, Elizabeth Alice Riley, Dustin Alan Shaw, Sarah Nicole Becker, Amanda Josephine Collett, Jessica Elizabeth Joy Gapp, Samantha René McIntyre, Cody James Noffsinger, Hilary Dawn Pate, Mary Rachel Ray, Paul Allen Reed, Thomas Andrew Burkhead, Amanda Leigh Hall, and Lindsey Nicole Hancock.

Eric Anthony Money, Kelsey Paige Pendleton, John Luke Schirtzinger, Sarah Ann Stokes, Christie Marie White, Bethany Ann Cooper, Caitlyn Taylor Hughes, Kari Jaclyn Keech, Patrick Ross Metcalfe, Denver Andrew Sizemore, Caitlyn White, Betsy Camille Austin, Barrett Ray Boyd, Garrett James Ebel, Hunter Wood Hayes, John David Heisterberg, Garrett Richard Sharp, Stacey Brooke Sholar, James Gregory Williams II, Justin Keith Cavanaugh, Courtney Lynn Greenfield, Joshua Dwayne Jenkins, Aleia Lynne Judd, and Palak Manoj Majmudar.

Brittney Michele Metts, Forrest Samuel Pittman, Amanda Jane Sweet, Brittney Michelle Addison, Alana Freeman Baker, Kyle Mark Dettro, Leonard Gordon, Jr., Jennifer Lee Robinson, Derrick Shane Strong, Jillian Katherine Terhune, Kelsi Micole Austin, Amanda Baker, Hadley Burns, Shantinna Marie Hartrum, Mackenzie Isenberg, Emily K. Kelley, Lyndsey McClain, Cody Warren Nance, Stephanie M. Radford, Brandon Thomas Stanley, Hannah Elizabeth Stokes, Kanisha Paige Frye, Keishla A. Garcia, and Tanner James.

Justin Jatczak, Jordan Lee Johnson, Aaron Michael Laurent, Leslie Denise Peck, Brittany Sweet, Kevin Tyler Wiseman, Preston Workman, John Wright, Marty Stuart Asbridge, Taylor Davis, Lyndsey McClain, Anna Miller, Kendra Angela Montejos, Carly Jo P'Pool, Michelle Schulz, Thomas Shaheen, Chelsea Smith, Sarah Tucker, Josh Villafranca, Matthew P. Clark, Will Farmer, Thomas James Gilkey, Casey Haley, Austin Porter Hart, Jessica Nichole Jobe, Emily Anne Koehler, Tierra L. McShan, James Lile Rummage, Ashton Spangler, and Kelsey Elizabeth Thomason.

Mr. Speaker, these students embody the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent them in my District. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of this House.

TRIBUTE TO MR. EDDIE WALTER JACKSON, JR.

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great individual and community leader, Mr. Eddie Walter Jackson, Jr., and to thank him for his contributions to the greater Waco community and this great Nation.

Mr. Jackson is one of three children born to the late Ed W. Jackson, Sr., and the late Lula Mae Bowman Parker.

Mr. Jackson graduated from Corsicana Public Schools and later Paul Quinn College where he received a Bachelor of Science degree in mathematics and business. He served this Nation honorably as a member of the U.S. Navy, World War II veteran.

Following his service in the military, Mr. Jackson's exemplary work history includes working as a teacher and coach at the Anderson High School in Mart, TX; 34 years of outstanding service at the Veterans Administration Medical Center in Waco, TX, and Nick's Restaurant for over 30 years.

Mr. Jackson has a deep love for his family. He shared wonderful years of marriage to the late Lonnie B. Taylor Jackson. They had one son, Ronald Wayne Jackson, Sr., and three daughters, Sara L. Pimpton, Doris Laverne Jackson, and Portia Elaine Jackson. He is a proud and devoted grandfather of nine, great-grandfather of eight, and great-great-grandfather of two.

For over half a century today, Mr. Jackson has been a devoted member of the Pleasant Olive Missionary Baptist Church. He is a life member of the American Legion, a member of the A. Phillip Randolph Institute, the American Federation of Government Employees, AFGE, Local 1822 for over 40 years, a dedicated member of the Central Texas Labor Council for 50 years and the Masonic Family-Mason.

Within the community, Mr. Jackson has shown a deep commitment by serving as a deputized voter registrar, poll watcher for elections, precinct 2, volunteer for the Democratic Party, and a candidate for the Silver Haired Legislature.

Mr. Jackson is a man of energy and action. He is the past president of the North Junior School PTA, past vice-president of AFGE Local 1822 and the immediate past president of the Central Texas Labor Council. He has dedicated his life to working to make Waco a better community.

Mr. Speaker, it is a privilege to honor Mr. Eddie Walter Jackson, Jr., and offer my heartfelt appreciation for a life dedicated to service to the Central Texas Labor Council, his community and the people of Central Texas.

TRIBUTE ON THE RETIREMENT OF AMERICAN HOSPITAL ASSOCIATION PRESIDENT RICHARD J. DAVIDSON

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CARDIN. Mr. Speaker, I rise to congratulate Dick Davidson, President of the American Hospital Association, who has announced that he will retire on January 1, 2007.

I have been privileged to know Dick Davidson for decades, since he headed the Maryland Hospital Association and I was a member of the Maryland House of Delegates. During his 22 years as the first president of MHA, Dick believed strongly in the shared obligation between state government and hospitals to ensure that communities' health needs are met, and he put that belief into practice. MHA was a proactive partner with the Maryland state government in creating innovative approaches to issues of health care costs and quality, most notably the Health Services Cost Review Commission, and the MHA Quality Indicator (QI) Project, the largest national and international effort to measure and compare indicators of hospital performance. More than 1,900 health care organizations in the United States and abroad now participate in the QI Project. I am pleased to note that the tradition of collaboration established by Davidson continues at MHA today.

In 1991, Dick Davidson was named President of the American Hospital Association, which represents 4,800 hospitals and health systems throughout the nation. At AHA, he continued to foster the tenet that hospitals and the federal government could together create ways to better serve the health needs of their communities. He assembled what is often considered the finest team of policy professionals and advocates in Washington. Davidson's tenure will also be remembered for promoting diversity in health care leadership. In 1994, AHA founded the Institute for Diversity in Health Management to expand leadership opportunities for ethnically, culturally, and racially diverse individuals, and increase the number of these individuals entering and advancing in the field. Over the past decade, the Institute has awarded more than $110,000 in scholarships to undergraduate and graduate students, and placed candidates in residencies and fellowships at health care organizations across the country.

Among health care providers, payers, analysts, and policymakers, there is strong consensus that Dick Davidson's leadership has contributed to the improvement of the quality of health care across America. For that, the health care community and, indeed, our nation are grateful.

I also want to congratulate Dick's wife Janet, who will undoubtedly be able to spend much more time with him beginning in 2007. Janet was herself a fixture in the Maryland state house for many years, having worked for current Senate President Mike Miller and former Senate President STENY HOYER, among other distinguished elected officials. I would ask my colleagues in the House of Representatives to join me in wishing the entire Davidson family—including their three sons—Mike, Andy, and Rick—all the best as the Davidson era at the American Hospital Association draws to a close.

RECOGNIZING MR. LONNIE EUGENE ROARK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. SOLIS. Mr. Speaker, I rise today in remembrance of my uncle, Lonnie Eugene Roark, who passed away on April 15, 2006 at the age of 84.

Mr. Roark was born on February 11, 1922 in Missouri and grew up in Oklahoma during the Great Depression. He later moved to California and spent most of his life in the community of La Puente.

Mr. Roark was a proud veteran of our armed forces. He was stationed in Brazil during World War II while serving in the U.S. Army and went on to serve in the Philippines and Hawai'i with the U.S. Air Force. Mr. Roark's service is commemorated in the book, Fighting Men of Oklahoma.

Mr. Roark was like a brother to my father, Raul Solis, and was my sister, Anna Solis', godfather. His acts of kindness and dedication have inspired me and many who know him. It is a true blessing to have been raised with a role model like Mr. Roark; it is not every day that we encounter a person filled with such generosity and love.

Mr. Roark was a devoted husband, father, grandfather, great-grandfather, and friend. He is survived by his wife, 3 children, 4 grand children and 3 great-grand children. He will be truly missed.

HONORING THE LATE CHARLES WILLIAM ROGER

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize and honor a man who will long be remembered for his devotion to his family, church, community and nation. Charlie Roger of New Iberia, LA, died last month following heart complications he experienced during surgery.

A native of Lafayette and a resident of New Iberia for 15 years, Charlie was a veteran of the U.S. Marine Corps. Following his military service, Charlie continued to exemplify the Marine code of "Semper Fidelis" by serving as an officer with the Lafayette Police Department, ultimately retiring as a Captain. I came to know Charlie through his most recent service as a Court Security Officer at the Federal Court House in Lafayette, where my office is located. I will always remember his smiling face as he walked the halls of the courthouse, keeping the building safe for my staff and the many other employees who worked there everyday.

Outside of his public service, Charlie also worked as a limousine driver for Mary Ellen's Bridal Shop on weekends. He was also an exceptionally talented musician, and was well known for playing the drums in his own band, "Charlie Roger and the Lafayette Playboys," or playing the scrub board with "Kenny and the Heart Breakers." Most recently, Charlie was awarded the Cajun French Music Association "First New CD of the Year 2006 Award."

In his off time, Charlie enjoyed working out and weight lifting at Red Lerille's Health Club. He was a member of the Sacred Heart of Jesus Catholic Community in Broussard, and also remained a member of the Marine Corps League and Fraternal Order of Police Officers.

I ask my colleagues here in the House of Representatives to join me in paying tribute to the memory of this outstanding public servant and in offering our deepest condolences to his wife, Debbie Picard Roger; his son Charles "C.J." Jude Roger; his sister Nelda Powell; and his brother Joseph Roger.

IN HONOR OF THE VOLUNTEERS OF SOUTHWEST HOUSING AND THE VILLAS OF REMOND COMMUNITY IN DALLAS, TEXAS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the generous volunteers of Southwest Housing and the Villas of Remond community in Dallas, Texas. While many volunteers in the DFW Metroplex are worthy of recognition during National Volunteer Appreciation Week, the Southwest Housing and the Villas of Remond Community have performed inspiring and commendable work through their many acts of volunteerism.

During the past year, these volunteers have served on hospitality, spiritual wellness and entertainment committees that make important decisions for their community. They have led Bible studies, exercise classes, hosted book clubs, and planned celebrations. Additionally, volunteers and residents not only shared the food and clothes with the Hurricanes Katrina and Rita evacuees, but also encouraged friends, fellow churchgoers and family members to do the same. Through their generous work they have experienced first-hand the ancient truth to give is better than to receive.

The Villas of Remond is a senior community for ages 60 and "better" that encourages its residents to live life to the fullest and share their love, laughter and wisdom with anyone in need. It is indeed an honor and privilege to have these exceptional volunteers supporting the Dallas community. I salute their leadership and look forward to hearing of their continued volunteer success stories that are so critical to the local community.

INITIATIVES UNDERTAKEN BY THE CUBAN-AMERICAN COMMUNITY TO AID THE CHILDREN OF UKRAINE ON THE 20TH ANNIVERSARY OF THE CHERNOBYL TRAGEDY

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, last December I had the honor to lead a Congressional delegation to Ukraine. The focus of the visit was to identify humanitarian initiatives that the Cuban-American community, that I am honored to represent, could undertake to help the "Orange Revolution" as it moved forward to address the most pressing needs of the Ukrainian people.

In the fall of 2005, Undersecretary of State Paula Dobbriansky was kind enough to arrange a meeting with the First Lady of Ukraine, Katerina Yushchenko. During that meeting the First Lady made clear that one of President Viktor Yushchenko's priorities is to improve the healthcare system in Ukraine, and that she had established a foundation, known as Ukraine 3000, for the purpose of aiding hospitals in Ukraine by securing much needed medical equipment and medicines.

The delegation I led to Kiev in early December included Dr. Stephen Lipshultz, professor and chairman of the Department of Pediatrics at the University of Miami School of Medicine, Dianne M. Kube, Chief Administrative Officer of the Community Oncology Alliance, Sylvia Iriondo, a respected Cuban-American leader and President of Mothers and Women Against Repression, and Dr. Zenon Matkiwsky, President and Chairman of the Children of Chernobyl Relief and Development Fund and Nadia Matkiwsky, a member of the Board of Directors. These two Ukrainian-Americans have spent the last 13 years tirelessly dedicated to helping the people of Ukraine.

As a result of our visits to various pediatric hospitals in Kiev and meetings with Ukrainian government officials, including President Viktor Yushchenko, and also Mrs. Yushchenko, we identified three initiatives that would be the focus of our work during the course of 2006, the 20th Anniversary of the Chernobyl Tragedy. First, establishing a physician exchange program with the University of Miami's School of Medicine so that physicians in Ukraine could come to the United States to meet with their counterparts and establish links of communication on the latest medical techniques, procedures and medicines. This past January the first step was taken toward creating this exchange program; six of Ukraine's leading pediatric physicians attend a national pediatric conference in Miami hosted by the University of Miami's School of Medicine. Second, helping the Children of Chernobyl Relief and Development Fund, a highly respected humanitarian organization led by Dr. Zenon Matkiwsky and Nadia Matkiwsky, to secure medical equipment and medicines for the 20th Anniversary Airlift that the U.S. State Department is coordinating. Children of Chernobyl have an impressive reputation in working to obtain medical equipment and medicines for the neediest hospitals in Ukraine. And another initiative identified by the group, is to bring children from Ukraine who are ill to vacation at Walt Disney World in Orlando, Florida. The first Ukrainian child, thanks to the generosity of Mrs. Sylvia Iriondo, already spent five days visiting the "Magic Kingdom".

I commend the Children of Chernobyl Relief and Development Fund for their dedication over the years on behalf of the people of Ukraine, especially Dr. and Mrs. Matkiwsky who are the heart and soul of the organization. I am also truly optimistic regarding the relationship that has been forged between physicians at the University of Miami's School of Medicine and physicians from Ukraine, and I commend Dr. Stephen Lipshultz for spearheading this worthy endeavor. I also thank Dianne Kube for her sound guidance and the countless hours she has dedicated to work on these initiatives, and Sylvia Iriondo for her generosity and constant leadership.

Mr. Speaker, as we pass this resolution commemorating the 20th Anniversary of the Chernobyl tragedy, I am honored to say that the community I represent is committed to doing all it can to help the noble people of Ukraine as they move forward on their new democratic course.

TO NAME THE MANASSAS POST OFFICE IN HONOR OF THE LATE HONORABLE HARRY J. PARRISH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WOLF. Mr. Speaker, I am pleased to honor the legacy of the Honorable Harry J. Parrish by introducing legislation which would name the Manassas Post Office at 8801 Sudley Road, Manassas, VA 20110 the "Harry J. Parrish Post Office Building." Mr. Parrish was a member of the Virginia General Assembly and decorated World War II pilot from Manassas, Virginia, who passed away on March 28 at the age of 84.

Harry Parrish served over 50 years in elected office, including 13 terms in the Virginia House of Delegates and chairman of the Finance Committee since 2000, Manassas council member and mayor. At the time of his passing, he was the oldest serving member of the House of Delegates. During his 12 years as town councilman and 18 years as mayor, Harry helped guide the transformation of Manassas from a small Virginia town to a thriving, lively suburb. As a member of the House of Delegates, he was known for conducting himself in a bipartisan manner, putting Virginia first. I was proud to call Harry my friend. He was a true Virginia gentleman.

As a decorated World War II pilot, Harry was part of the British Royal Air Force. He flew C–47s over the Himalayas delivering supplies, weapons and other cargo, from India to China. He received the Distinguished Flying Cross and the Air Medal for his valiant efforts. He served as a reservist in the Korean and Vietnam wars before retiring as a colonel.

Naming the post office on Sudley Road in Manassas in his honor is an appropriate reminder to the people of Manassas of Harry's dedication to public service.

COMMEMORATING THE 70TH ANNIVERSARY OF MR. AND MRS. CARL W. RAFOTH

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. NORWOOD. Mr. Speaker, I rise today to congratulate Mr. and Mrs. Carl Rafoth of Augusta, GA on the occasion of their 70th wedding anniversary, which they celebrated on April 21, 2006. Carl and Hylda Rafoth were married on April 21, 1936, in Youngstown, OH. Carl supported his family of four children by working at the Islay Dairy Company in Youngstown. Since then, their family has grown significantly in size, as they now have 11 grandchildren and 14 great-grandchildren. Their family resides throughout the country in Georgia, Ohio, and Pennsylvania, where their children, grandchildren, and great-grandchildren hold fast to the work ethic and patriotism instilled in them by these two fine Americans.

Carl's and Hylda's many decades together exemplify our American values concerning the institution of marriage. They are committed citizens, and even in their golden years, they have never waned in actively serving their family, their country and their community in Augusta. Their service and dedication are a model for all Americans, and I come before the House with the hopes that they had a most memorable 70th anniversary.

HOLOCAUST MEMORIAL DAY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CANTOR. Mr. Speaker, I rise today to commemorate Yom Hashoa, Holocaust Memorial Day.

Yom Hashoa is a day set aside on the Jewish calendar to recall with great reverence and respect the lives of the millions of victims of the Holocaust.

More than 60 years ago, a maniacal dictator rose to power in Europe, and darkness fell upon the earth. Through a doctrine of hatred and destruction, he slew blameless, pure and innocent, men, women and children. The Nazis were intent on performing a systematic annihilation of the Jewish people. Their brutal endeavor to commit genocide was no more evident than in their zeal for murdering children.

It is a heinous crime to destroy a people's past and to annihilate their future. One can only imagine the contributions to the world lost by this act of genocide, not only for our generation but for the future generations that will now never exist.

For the survivors, the Holocaust did not end with liberation. Like the marks on their arms, their lives were forever marked by this atrocity. Those who survived faced the enormous challenge of rebuilding their lives. Many succeeded, others did not, but all would remember the horror of the crimes that were perpetrated against them. Survivors who suffered this hell are a living testament to the depths of evil to which man can fall. We must never again allow such a monstrous crime by man to be committed again.

We read in Sefer Yeshayahu, the book of Isaiah:

> In my house and within my walls, I shall give them a Yad Vashem—a monument and a name better than sons and daughters; an eternal, imperishable name will I give them.

On Thursday, in the United States Capitol Rotunda, we will observe Yom Hashoa. Through our observance, we create a human monument assuring that these innocent victims will not be forgotten. We here in the United States, the birthplace of Thomas Jefferson and Martin Luther King, are privileged to enjoy the greatest freedom known to man. We must never allow ourselves to take these freedoms for granted. We must never forget the genocide and human rights abuses that have occurred and, sadly, continue to occur around the world. We must not remain silent. We must dedicate ourselves to continuing to educate people around the globe about the horrors of the Holocaust. We must be eternally vigilant that such intolerance never happens again.

God full of mercy who dwells on high
Grant perfect rest on the wings of Your Divine Presence
In the lofty heights of the holy and pure who shine as the brightness of the heavens to the souls of the men, women and children who were slaughtered, burned and murdered during the Holocaust for the sanctification of your name,
who have gone to their eternal rest
let us pray for the elevation of their souls.
May their resting place be in the Garden of Eden.
Therefore, the Master of mercy will care for them under the protection of His wings for all time
And bind their souls in the bond of everlasting life.
God is their inheritance and may they rest in peace and let us say Amen.

HONORING ROBERT SILLEN FOR HIS OUTSTANDING WORK IN HEALTHCARE FOR SANTA CLARA COUNTY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise along with my Santa Clara County colleagues Representatives MIKE HONDA and ANNA ESHOO to acknowledge and honor Robert Sillen who is retiring after a noteworthy and successful career in public health serving the residents of Santa Clara County.

In June, 1993, the Santa Clara County Board of Supervisors, on which Congress Members LOFGREN and HONDA served, created a full-service, integrated County health care system consisting of the Santa Clara Valley Medical Center, Department of Public Health, Department of Mental Health, Department of Custody Health Services and the Department of Alcohol & Drug Services. The Santa Clara Valley Health & Hospital System is responsible for a full continuum of preventive intervention and treatment services throughout the County, both directly under County auspices and through contracts with the private sector. The system is comprised of over 6,200 employees and has an annual operating budget of nearly $1.4 billion.

Until very recently, Robert Sillen served as Executive Director and was responsible for all aspects of the system's operations, long range planning, private and public partnerships, community relations, and capital development and information systems. Mr. Sillen was fully accountable for the development of a cost effective, fully integrated system that is essential for the successful conversion to a full-service managed care delivery system in a highly competitive environment. In addition, he was responsible for designing and implementing a County-wide Medi-Cal Managed Care program in June 1996 as well as the Children's Health Initiative and Healthy Kids program in January, 2000.

Prior to his position with the Santa Clara Valley Health & Hospital System, Mr. Sillen was Executive Director of the Santa Clara Valley Medical Center, a 500-bed regional medical center with an operating budget of over $800 million and 4,500 full-time equivalent employees. Services range from community based primary care satellite clinics to regional services for treatment of burns, spinal cord injuries, head trauma, neonatal intensive care, poison control and trauma, the life flight helicopter and health services for those in jail custody.

Prior to his executive director positions with the Santa Clara Valley Health & Hospital System and the Santa Clara Valley Medical Center, Mr. Sillen worked at the University Hospital at the UC Medical Center in San Diego, the City Hospital Center at Elmhurst, New York and the U.S. Public Health Service in New York, New York. He earned his Bachelor's degree from the University of Denver, Colorado and his Master's degree in Public Health from Yale University.

Robert Sillen has acted as a guardian of the virtues and spirit behind the creation of the Santa Clara Valley Health & Hospital System. The initial challenges faced in establishing a foundation for a strong network of health providers with private, local, regional and national departments were dizzying, but achievable with Mr. Sillen at the helm. We sincerely thank him on behalf of the thousands of residents who have benefited from this system and wish him the very best upon his retirement.

EQUAL PAY DAY STATEMENT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. HONDA. Mr. Speaker, I rise today to address the persistent gender pay gap. More than four decades ago, President Kennedy attempted to address pay disparities between men and women. The Equal Pay Act of 1963 made it unlawful for employers to pay women lower wages than men for equivalent jobs. Unfortunately, this law has not eradicated pay inequality. On average, women still earn about 77 cents for every dollar earned by men. Though women earn about 18 cents more compared to men than they did in 1963, they still face significant and intolerable wage discrimination.

Women of color face even greater discrimination on the payroll. In 2004, African American women earned 67 cents for each dollar earned by white men, and Hispanic women earned a little over half of what white men earned. These pay differences persist even in equivalent positions for employees with the same levels of education and expertise.

Worse yet, pay equality for some positions has actually lost ground in the past few years. Female managers earned less than their male counterparts in 2000 than they did in 1995. Studies have shown that even when women's career choices match those of men and they work the same number of hours in equivalent positions, they earn less than men.

Wage inequality is a major indicator of gender discrimination in our country. As an original cosponsor of the Paycheck Fairness Act, H.R. 1687, I feel that it is the duty of Congress to address this unacceptable gender disparity. The Paycheck Fairness Act would strengthen provisions of the original Equal Pay Act and would make filing for class action status less onerous.

It is well past the time when women should be receiving fair wages for the work that they do. While the overall wage disparity between men and women has decreased since the 1960s, progress has been frustratingly slow. I believe that with appropriate congressional action we can finally reach wage equality for all Americans.

PAYING TRIBUTE TO FORMER CONGRESSMAN DAN SCHAEFER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of former Congressman Dan Schaefer, who succumbed to cancer on Tuesday, April 18, 2006.

Former Republican Representative Dan Schaefer served as the Congressman from the 6th District of Colorado for 14 years until he retired in 1998. Congressman Schaefer served on the House Commerce Committee, while he was Chairman of the Energy and Power Subcommittee, and was the senior member of the Colorado congressional delegation when he retired. His long and distinguished political career began when he was elected to the state House of Representatives in 1977, then the state Senate in 1979 before running for Congress in 1983.

Among the many causes he championed were mass-transit projects and the southwest light-rail line, and while in the Colorado State Legislature Schaefer sponsored several child protection laws. In Congress, he also helped found the House Renewable Energy and Energy Efficiency Caucus and for his efforts the main building at the National Renewable Energy Laboratory in Golden, was named in his honor. Schaefer was a major proponent of plans to deregulate the electric power, industry and to open it to competition. He fought for the cleanup of the decommissioned nuclear weapons plant at Rocky Flats, pushed for spending cuts, and worked on telecommunications issues.

Mr. Speaker, I am proud to honor the life and legacy of former Congressman Dan Schaefer who served in the House of Representatives with honor and integrity. His death is a profound loss to the community and to the causes he most admirably championed.

HONORING ELIZABETH QUINTERO

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. LANTOS. Mr. Speaker, I rise today to honor a remarkable young woman and one of my constituents, Elizabeth Quintero of Redwood City.

Elizabeth was recently selected as the California's Boys and Girls Club Youth of the Year. She was chosen from among three-dozen competitors for the title because of her intelligence, positive attitude and perseverance. Elizabeth is even more extraordinary because of the battles she has won in her personal life.

Mr. Speaker, in the last five years Elizabeth has experienced more tragedy and stress than most seventeen year olds. Her father has had to endure a tragic and debilitating health diagnosis, her home was robbed and then completely destroyed by an unfortunate fire. In addition to these challenges, Elizabeth also struggled with a strong case of social anxiety that prevented her from participating in school and in her community.

Mr. Speaker, we honor Elizabeth today for the courage and optimism she showed in the face of adversity. After accompanying a friend to the local Boys and Girls Club of the Peninsula she began to fight her social anxiety. This once shy girl became an active member of the Keystone Club where she attended workshops on leadership skills and public speaking. She volunteered for Community Service and Academic Programs, while excelling at school and emerging as a leader among her friends and classmates.

Elizabeth received the Youth of the Year award honoring her outstanding contributions to the community but also overcoming personal obstacles.

Elizabeth continues to challenge herself and her friends and neighbors. On the day she was named Youth of the Year she also learned she had been accepted for admission to the University of San Francisco. This summer she will advance to the Regional Youth of the Year competition, and then to Washington, D.C. to compete for the title of National Youth of the Year, an honor that includes a $15,000 college scholarship presented by President George W. Bush.

Mr. Speaker, I urge all my colleagues to join me in congratulating Elizabeth on this distinguished award and her promising future.

CELEBRATING THE LIFE OF REV. WILLIAM SLOANE COFFIN, JR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. RANGEL. Mr. Speaker, I rise in celebration of the life of an American patriot, the Reverend William Sloane Coffin, Jr. As a prophetic mouthpiece for God, Reverend Coffin spoke truth to power. He trumpeted the call to America to live up to its moral ideals by remembering the plight of the poor and oppressed at home and abroad. Reverend Coffin was a peace maker around the world, encouraging America and nations alike to pursue peace over war; "Blessed are the peacemakers, for they will be called children of God."

Reverend Coffin fought for civil rights and was a staunch opponent of the Vietnam war in the 1960's. In Montgomery he was arrested in protest of segregation in the South; he was a disciple and advocate of civil disobedience. He believed civil disobedience could bring social and political change in the world pervaded with inequality and injustice. As an ordained Presbyterian minister he adhered to a strong sense of call to social activism. He was in the early 60s the senior minister at the historic Riverside Church in my congressional district.

His ministry focused on a variety of social and moral issues facing humanity. He drew attention to the plight of the poor, political and military power, nuclear disarmament and interfaith understanding. Reverend Coffin exemplified tremendous courage in standing up for what he believed was just and fair. He would often say that "courage is the first virtue, because "it makes all other virtues possible." Reverend Coffin was indeed courageous in his fight against genocide in certain parts of the world, particularly in Bosnia.

"Every minister is given two roles, the priestly and the prophetic." He would often remind his interviewers of this theological claim to help America and the world understand why a minister was concerned with social-political affairs. In the tumultuous years of the Vietnam war he was outspoken in opposition to the war along side another prominent minister, Dr. Martin Luther King, Jr. He led major demonstrations in protest concerning the grave injustice and moral wrongness of the Vietnam war which garnered him international recognition. His prophetic role mandated Reverend Coffin to challenge the status quo on an international level.

In addition to serving as a senior minister, Reverend Coffin also assumed the chaplaincy post at Yale University. At Yale, during the Vietnam war, he counseled and encouraged students to protest the draft by returning their draft cards to the Justice Department. He infuriated the Johnson administration but he stood courageous and firm. Students at Yale respected him for his genuine and sincere approach to ministry and were urged to become sensitive to social struggle around the world by championing the cause of justice and peace. He remained at Yale until 1976, when he began to work on world hunger programs.

Mr. Speaker, as we celebrate the life of Rev. William Sloane Coffin, his life reminds America that the voice of dissent is patriotism at its best. When he engaged in debate about American social policies and practices he would often characterize them as a partner engaged in a lovers' quarrel.

COMMEMORATING EARTH DAY 2006

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CARDIN. Mr. Speaker, I rise today to commemorate Earth Day 2006, which was celebrated last Saturday, April 22.

Earth Day was established in 1970 by Senator Gaylord Nelson of Wisconsin, who firmly believed that education was the key to changing public attitudes about the environment. Since then, Earth Day celebrations have spread throughout America and to the rest of the world, with more and more people getting involved in efforts to clean and nurture the environment.

Despite Earth Day's popularity and the many programs that were created to improve the planet's health, our world is still wrought with environmental problems. We still face many pressing issues, such as protecting coastal waters from offshore drilling, preserving the Alaskan Tongass Rainforest, the Redrock lands in Utah, and resources in the Rockies.

Closer to home, we must continue to focus our efforts on restoring the Chesapeake Bay. The Bush Administration's budget proposes drastic cuts to vital initiatives, including the Chesapeake Bay Targeted Watershed Grants Program, the EPA's Chesapeake Bay Program Office, and several Farm Bill Conservation programs that help farmers reduce nutrient runoff entering the Bay. Last year, I was pleased to participate in the Living Shoreline Grants program, which involved growing seagrasses in my office that I later planted in Annapolis' Back Creek. I am also pleased to be an original cosponsor of the Chesapeake Bay Restoration Enhancement Act, which will reauthorize the Chesapeake Bay Program and implement new water quality standards for the Bay's tributaries.

I have long supported a comprehensive, long-term, more environment-friendly energy policy that places emphasis on increasing the availability and use of renewable energy, as well as promoting greater energy efficiency that new technologies can provide. The United States needs to utilize new technologies that focus on renewable energy sources to reduce the nation's dependency on foreign oil and high gasoline prices.

Earth Day celebrations serve as important reminders that we cannot take America's natural resources for granted. I urge my colleagues to join with me in doing our part to preserve, protect, and restore our planet's natural treasures.

HONORING WILLA LIVINGSTON CARSON

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life and legacy of a true community leader, Willa Carson, who passed away on April 14, 2006, at age 80.

Willa was born in St. Petersburg, Florida, and moved to New York City after marrying Ernest Carson. While in New York, Willa earned her practical nursing license and worked for years in the health care industry. In 1972, Willa returned to Florida, retiring in Clearwater with her husband. However, Willa always needed to help others and was unfulfilled with retirement, so she undertook a second career teaching her passion for nursing to others.

Willa is best known for founding the Greenwood Community Health Resources Center, which she established in 1995. In the beginning, Greenwood operated out of two apartments. Today, this tremendous facility provides free treatment for nearly 600 individuals monthly who have no insurance and little money to afford health care costs. This is especially impressive because the Center only is open three days a week and all the doctors and nurses volunteer their time and expertise. While I am very familiar with the generosity of our nation's health care professionals, I know that this Center would not have been so successful without Willa's tireless efforts to help the poorest in our society.

Last month, the Greenwood Community Health Resources Center was appropriately renamed after Willa Carson. However, this was a tribute Willa did not want or welcome. Humbly, she wanted the Center to be about helping others, not personal glorification.

Willa does not need the Health Resources Center to be renamed after her for her impact on this community to be realized. Her generosity will be reflected on the faces of the countless people that she has helped. I hope her family will take solace in knowing that, in heaven, Willa's loving arms will be able to reach much further than Clearwater, Florida.

Mr. Speaker, our community truly is better off because of Mrs. Carson's contributions. Her leadership, life and legacy are truly an inspiration to everyone. I'm honored to have known her and to have called her a friend. May her memory be eternal!

100TH ANNIVERSARY OF AMERICAN BUSINESS MEDIA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to acknowledge American Business Media, ABM, located in my congressional district, as it celebrates 100 years of service to business media and the American economy. ABM is the not-for-profit, global association for business information providers, including producers of magazines, Web sites and digital content, trade shows, newsletters, rich data, custom publishers, as well as conventions, conferences, seminars, trade shows. ABM's 300 member companies represent about $20 billion in annual revenues and include such respected brands as Dow Jones, Forbes.com, The Economist, Farm Journal, Google, PC World, plus about 5,000 additional print and electronic titles, and 1,000 trade shows. Its mission is to help business information providers excel at their tasks and provide the best intelligence available to their readers—the captains of industry.

Established in 1906, ABM has a staff of specialists in governmental affairs, marketing, communications, promotion, education and finance. More than 20 active ABM member committees regularly assess developments in the industry and formulate the Association's positions on key issues. ABM hosts prestigious editorial and creative excellence awards programs, and initiates events that are focused on enhancing the knowledge of and providing services to members and the industry. ABM offers a first-rate opportunity for networking and creative peer interchange at these meetings, and brings together thousands of the best minds in business information each year.

I congratulate American Business Media on this momentous occasion and wish it continued success.

TRIBUTE TO WILLIAM MacLAUGHLIN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor William MacLaughlin of Jamestown, NY, for his many years of dedicated public service to the City of Jamestown.

William MacLaughlin is a graduate of Empire State College with a Bachelors degree in Criminal Justice and a graduate of St. Bonaventure University where he received his Masters in Education; he was hired in 1972 as a Jamestown Police Officer.

During his time as a police officer, he served on the SWAT team, eventually becoming commander of the SWAT team in 1985. He has also served as a member of the bomb squad and a member of the color guard. Officer MacLaughlin rose through the ranks and was appointed Chief of Police for the City of

Jamestown in 1995 by Mayor Richard Kimball, Jr., and was later appointed as the Director of Public Safety by Mayor Sam Teresi in 2000.

Officer MacLaughlin has received several departmental and community awards including the American Legion, Department of New York, Police Officer of the Year Award, Sons of the American Revolution, Medal for Heroism as well as the Medal of Valor. He is involved in several professional organizations as well as being very active in his community.

Officer MacLaughlin retired as Chief of Police on January 7, 2006. His dedication and excellence in public service to the Jamestown community will be missed. That is why, Mr. Speaker, I rise to honor him today.

RECOGNIZING THE 20TH ANNIVERSARY OF THE HARLEM CONGREGATIONS FOR COMMUNITY IMPROVEMENT, INC.—FAITH AT WORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. RANGEL. Mr. Speaker, I rise today, on the eve of the twentieth anniversary of the Harlem Congregations for Community Improvement (HCCI) to enter into the CONGRESSIONAL RECORD a perspective that recognizes the many achievements and accomplishments attributed to the HCCI.

Since 1986, the Harlem Congregations for Community Improvement (HCCI) has been devoted to bringing about positive change to the Harlem community as its coalition of churches remain vigilant in their efforts to revitalize the spirit of Harlem by continuing to work to improve conditions in the community.

The HCCI initiative started with a consortium of 16 ministers and has grown to a membership of nearly 100 churches. Their organization has constructed over 2,000 units of affordable housing, provided job development and training and established support groups to reinforce and assist with services to the community.

I have lived in Harlem my entire life and can attest to the success of the many initiatives undertaken by the HCCI. I have witnessed the collective conception of ideas that grew into plans that resulted in major improvements to the lives of the people of Harlem.

Mr. Speaker, I am extremely proud of the achievements of the HCCI and I respectfully enter into the CONGRESSIONAL RECORD this perspective which serves to recognize the HCCI's noteworthy accomplishments as we approach the organizations' twentieth anniversary.

THE HARLEM CONGREGATIONS FOR COMMUNITY IMPROVEMENT, INC.: FAITH AT WORK

For the past two decades, the Harlem Congregations for Community Improvement (HCCI) has quietly, yet methodically, changed the physical landscape and the spiritual soul of the people of the Harlem community. HCCI was founded in 1986 as a consortium of 16 Harlem churches, whose pastors and congregants had long endured the surrounding urban decay. HCCI's first President was the late Bishop Preston R. Washington, Sr. The organization grew to an organization of more than 90 churches, mosques and a synagogue.

The organization began with a grassroots planning and organizing initiative. Harlem area churches raised $100,000 which was matched by the Trinity Episcopal Church on Wall Street. A plan for the Bradhurst community was developed by working with the Harlem Urban Development Corporation, Columbia University's Urban Technical Assistance Project and the City College Architecture Center. That plan was eventually adopted by the City of New York as the Bradhurst Urban Renewal Area Plan. The Bradhurst area had such a high level of deterioration that the blight seemed almost incurable, with rampant crime, drug addiction, abnormally short life expectancy, high infant mortality rates, population exodus, HIV/AIDS, an unemployment rate that outstripped the national average, poor schools with alarming dropout rates, and no decent or affordable housing. The first grants to address the Bradhurst area were received from Local Initiative Support Corporation and leveraged donations raised through special church collections. The organization used the Industrial Areas Foundation method of developing an organization. Since then, HCCI's community service has been reversing these conditions concurrently, block by block.

From welfare-to-work training and placement, to adult basic education and GED prep (in collaboration with Literacy Partners), HCCI has helped hundreds of Harlem residents prepare for the workforce through its Office of Human Capital Development and trains still others to become licensed family childcare providers. Other job readiness services include computer training at HCCI's Career and Technology Center, and collaborations with Literacy Partners. The Intel Computer Clubhouse trained neighborhood kids in web design so well that they won a grant to create a Web site on the negative effects of tobacco. The city's building trade industry has welcomed graduates of the Construction Trades Academy where students learn valuable skills in construction work, including handling hazardous materials such as asbestos abatement and lead paint control.

HCCI's customer service training program proved valuable for residents who were hired at the new Pathmark Supermarket at 145th Street and Frederick Douglass Boulevard. Part of a $42 million real estate initiative, HCCI's Office of Real Estate Development broke ground on the market and a 126-unit co-operative apartment complex in the heart of the Bradhurst neighborhood. Indeed, quality affordable housing has been the centerpiece of HCCI's services to the community from the very beginning. To date, approximately 2,000 units of affordable housing have been built through innovative cross sector collaborations with city and State elected officials, the NYC Housing Development Corporation, the Department of Housing Preservation and Development, a host of banking institutions that include JPMorganChase, Citicorp, Roslyn Savings, the Bank of New York, Bank of America, Wachovia and Washington Mutual. Embarking on the Equitable Development initiative, JP Morgan Chase's Community Development competition awarded the $25,000 top prize to three New School University graduate students to create an architectural design that would transform the Erbograph Building on 146th Street into a new community facility space for some of HCCI's offices and housing for the elderly.

One of the more damaging health care crises of the twentieth century has been the AIDS epidemic. Communities of color have been the hardest hit. African-American men and women are nine times more likely to die from the disease than white AIDS patients. In 2004, Central Harlem recorded 218 newly diagnosed cases of HIV/AIDS. HCCI began to educate Harlem residents about HIV/AIDS and other diseases, and more recently created a pilot program called the Community Organizations and Congregations for Health institute (COACH), offering technical assistance to five faith-based institutions to help them start nonprofits to sustain their HIV prevention services. For the past seven years, HCCI has hosted the Balm in Gilead/Annual Black Church Week of Prayer for the Healing of AIDS. HCCI increases awareness through street education and outreach, presentations and workshops, and their growing Health Resource Library. HCCI's scattersite housing initiative has proved effective in housing HIV/AIDS patients, many of whom were homeless. Food stamp access programs and other services funded by the city's Human Resources Administration have helped restore them to more productive lives.

The question is always asked whether the church can be an agent for change if it is facing all of the previously mentioned challenges. It is an uphill battle to be sure. But HCCI's 100-church membership has proven that with God's help it can be done.

THE APPOINTMENT OF EVE J. HIGGINBOTHAM, M.D. AS DEAN OF THE MOREHOUSE SCHOOL OF MEDICINE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Dr. Eve J. Higginbotham on her appointment as the new Dean and Senior Vice President for Academic Affairs at the Morehouse School of Medicine. Dr. Higginbotham has long been a valued member of my Health Advisory Committee, where she has demonstrated remarkable leadership abilities.

Dr. Higginbotham received her S.B. and S.M. degrees from the Massachusetts Institute of Technology and her M.D. from the Harvard Medical School. In 1994, Dr. Higginbotham was appointed as Chair of the Ophthalmology and Visual Sciences Department at the University of Maryland School of Medicine, becoming the first woman in the United States to head a university-based ophthalmology department. Previously, she served on the University of Illinois faculty as Chief of the Glaucoma Clinic and an Associate Professor and Assistant Dean for Faculty Affairs at the University of Michigan.

Dr. Higginbotham has also served on numerous boards, including those of the American Academy of Ophthalmology and the Helen Keller Foundation. Her strong commitment to improving health care is evident from her work with the Friends of the Congressional Glaucoma Caucus Foundation, where as Director of Outreach Services she established a program through which medical students screen patients in their communities for glaucoma. The program, Student Sight Savers, has been a great success and is currently in operation at more than thirty medical schools nationwide.

Throughout her career, Dr. Higginbotham has received numerous awards and honors, including the AAMC Humanism in Medicine Award in 2004. She has received the Suzanne Veroneaux-Troutman Award and the Roman Barnes Achievement Award. She has consistently been listed among the Best Doctors in Baltimore and America for over a decade.

The Morehouse School of Medicine (MSM) is an historically black institution established to recruit and train physicians, scientists, and public health professionals committed to primary health care. Founded in 1975, the Morehouse School of Medicine admitted its first class in 1978, became an independent, four-year medical school in 1981, and was fully accredited in 1985. Since its founding, it has graduated 602 physicians, 68 percent of whom are primary care practitioners and 84 percent of whom practice in economically depressed areas. I am confident that Dr. Higginbotham will help continue and further shape the legacy of the Morehouse School of Medicine as it works to fulfill the needs of America's under served communities.

Mr. Speaker, Dr. Higginbotham is both a renowned expert in her field and an outstanding public servant. I urge my colleagues in the U.S. House of Representatives to congratulate Dr. Eve J. Higginbotham on her new role as Dean and Senior Vice President for Academic Affairs. This week, Maryland's loss is Atlanta's gain, and I wish to stand with the many Marylanders who are grateful to Dr. Higginbotham for her tremendous service to our community.

HONORING PVT. JODY MISSILDINE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life and legacy of a true American hero, Pvt. Jody Missildine. Tragically, on April 8, 2006, Jody was killed while serving in Tal Afar, Iraq. He was 19 years old.

Jody's dream was to see the world and one day go to college. However, he selflessly did not want to burden his grandparents, Shirley and Melvin, with the financial responsibility that comes with world travel and a four-year degree. He saw the Armed Forces as the best way to achieve his goals, and most importantly, on his own terms. So while still attending high school, Jody signed up for the Army and immediately following his graduation, he left his home in Plant City, Florida, to begin his service to our nation.

Soon Jody's division was deployed to Iraq and despite being several thousand miles away from each other, Jody did his best to stay close to the family he loved so dearly, calling home nearly every week. Always concerned for the well-being of others, Jody rarely spoke about the daily events in Iraq, but rather, he focused his attention on the safety of his family. On Friday, April 7, Jody expressed concerns about Iraq to his grandmother, or Nanna as he called her, during their telephone conversation. Sadly, the next day while on patrol in the northern Iraqi city of Tal Afar, an explosive device detonated near his convoy and killed Jody.

Jody embodied everything that this great country stands for: integrity, hard work, determination, and compassion. He always put others ahead of himself and I am honored to know that this fine young man helped ensure America's continuing independence and security.

Mr. Speaker, as we have seen throughout the history of this nation, freedom is not free; it comes with a heavy price. The sacrifices of brave men and women like Jody have guaranteed this country's continuing liberty. And just as Jody did all he could to protect his family while he was alive, I know he is watching over them from heaven.

I know words can not help fill the emptiness that the Missildine family feels from the loss of Jody. However, I hope they take solace in knowing that our nation is truly stronger and greater for having a man of Jody's character serve it.

May God bless the Missildine family and may He continue to watch over the United States of America.

INTRODUCTION OF THE "AFGHAN WOMEN EMPOWERMENT ACT OF 2006"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mrs. MALONEY. Mr. Speaker, today, I introduce the "Afghan Women Empowerment Act of 2006" which would authorize $45 million each year from FY2007 through FY2009 for programs in Afghanistan that benefit "women and girls as well as the Afghan Independent Human Rights Commission and the Afghan Ministry of Women's Affairs. The funding would be directed toward important needs including medical care, education, vocational training, protection from violence, legal assistance, and civil participation. This legislation was introduced earlier this year in the Senate by Senator BARBARA BOXER (D–CA).

Women's rights in Afghanistan have fluctuated greatly over the years. Women have bravely fought the forces of extremism at various points in the country's turbulent history. At one time, women were scientists and university professors. They led corporations and nonprofit organizations in local communities.

While the Afghan constitution guarantees equality for Afghan women, throughout Afghanistan, women continue to face intimidation, discrimination, and violence. The United States has an obligation to ensure that women and girls have the opportunities that they were denied under the Taliban and that the gains that have been made are not lost in the coming months and years. It is imperative that we provide the support needed to ensure that the rights of women are protected in the new Afghanistan.

TRIBUTE TO NANCY GADEN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Nancy Gaden, a resident of Chautauqua County and the City of Jamestown for the honor of the Team Spirit Award.

Ms. Gaden is a very active member of the Chautauqua County Retired and Senior Volunteer Program (RSVP). She was selected for this award because of her outstanding volunteer work and amazing spirit.

Nancy is best known for her musical abilities. She can always be found brightening the lives of people by way of her innovative approach to music. Wherever Nancy goes to perform she brings rhythmic instruments and passes them out to everyone in the crowd. Regardless of a person's mental or physical state they receive an instrument and can always find a way to express themselves through it. Ms. Gaden is always an upbeat, motivated and cheerful person. She is an inspiration to everyone she meets. The outlet that she provides by way of music is so important because it allows everyone to participate and be part of the entertainment. She touches people's lives wherever she goes and her presence and music brighten everyone's day.

For all of her volunteer work and her willingness to touch the lives of others I commend her, and that is why Mr. Speaker I rise to honor her today.

CIVIL RIGHTS STRUGGLE FAR FROM OVER: NAACP REMAINS IN FOREFRONT, ALMOST A CENTURY AFTER ITS CREATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD an editorial from the April 11, 2006 New York CaribNews entitled "Civil Rights Struggle Far From Over: NAACP Remains In Forefront, Almost A Century After Its Creation"; that praises the longevity and extreme effectiveness of the most influential civil rights organization in the United States known as the National Association for the Advancement of Colored People or the NAACP.

Since its inception the National Association for the Advancement of Colored People (NAACP) was poised for a long, tumultuous and rewarding history. Although it may be possible to chronicle the challenging and harrowing legacy of the NAACP, the real story of the Nation's most significant civil rights organization lies in the hearts and minds of the people who would not stand still while the rights of America's people of color were denied.

The history of the NAACP is one of blood, sweat and tears. From bold investigations of mob brutality, protests of mass murders, segregation and discrimination, to testimony before congressional committees on the vicious tactics used to bar African Americans from the ballot box, it was the talent and tenacity of the NAACP members that saved lives and changed many negative aspects of American society. While much of its history is chronicled in books, articles, pamphlets and magazines, the true movement lies in the faces—black, white, yellow, red, and brown—united to awaken the conscientiousness of a people, and a nation. This is the legacy of the NAACP.

Mr. Speaker, This article that I enter today reiterates the facts that the civil rights struggle is far from over as it proudly details from history a few of the organization's past successes. I am confident that such leaders as Bruce Gordon, President and Chief Executive Officer of the NAACP and Karen Boykin-Towns, President of the Brooklyn Chapter of the NAACP will continue to keep the legacy alive and also keep the NAACP in the forefront, as progress and accomplishments continue, for years to come.

[From the New York CaribNews Editorial, April 11, 2006]

CIVIL RIGHTS STRUGGLE FAR FROM OVER: NAACP REMAINS IN FOREFRONT, ALMOST A CENTURY AFTER ITS CREATION

It was a succinct and forceful reminder. And it came from a person who knows the issues and from an organization that has led the fight for respect for Black people's civil rights and political liberties. "There is still a lot of civil rights work to be done," was the way Bruce Gordon, President and Chief Executive Officer of the National Association for the Advancement of Colored People, NAACP, put it in an interview with this newspaper. "Many people believe the passing of Rosa Parks, Coretta Scott-King and other icons of the movement signals that the task is over," he added. "Nothing could be further from the truth." Well said!

Anyone looking at the state of Black America, the lack of jobs in Black communities, limited access to adequate health care, a dire shortage of affordable housing, the intolerance of tens of millions of whites, the virulent strains of racism, the glaring attempts to cast young Black men as villains, the policy of cutting off much needed federal, state and local government assistance to families that need it the most and the poor schools that saturate our communities would readily endorse Gordon's marching orders, if you will.

The NAACP is in an excellent position to assess the needs and to address them. And they have earned our support.

Founded on February 12, 1909 by a multiracial group of activists, who answered the "Call" to action, the NAACP has been at the helm of the long struggle from that historic occasion. We expect it to continue its important work for at least another century.

Turn back some of the pages of history and the record of America's largest and oldest civil rights organization would become clear. A handful of examples, in:

1913 when President Woodrow Wilson officially sanctioned segregation in the federal government, a horrified NAACP launched a nationwide protest.

1915 the NAACP took to the streets and the barricades to condemn D.W. Griffith, the movie producer, for his "inflammatory and bigoted silent film, "Birth of a Nation," which today draws rave reviews from white critics for what they call his "creativity" while ignoring the bigoted nature of the film's content.

1922 In an unprecedented step, the NAACP placed large advertisements in many of the nation's major newspapers to focus national attention on the despicable and inhuman practice of lynching.

1935, NAACP lawyers Charles Houston and Thurgood Marshall battled successfully in the courts to have Black students admitted to the University of Maryland.

1939 When the Daughters of the American Revolution prevented world famous soprano, Marian Anderson, from performing at their Constitution Hall, the NAACP sprung into action. It moved the concert to the Lincoln Memorial and 75,000 persons attended.

1948, the organization led the fight that forced President Harry Truman to ban racial discrimination by the federal government, especially in the military.

1954, the NAACP won the landmark case before the Supreme Court that forced an end to segregation in public schools. Brown vs. Board of Education stands today as a battering ram against official segregation.

1965, Congress passed and President Lyndon Johnson signed into law the Voting Rights Act, which gave Blacks the unfettered right to participate in the electoral process as voters and candidates. The NAACP was a driving force behind its enactment.

1985, it led a massive anti-apartheid rally in New York that dramatized the plight of millions of Blacks in South Africa.

1997, the organization launched its "Economic Reciprocity Program to fight against conservative efforts in Congress and the courts to end affirmative action.

2000, at the helm of a march by 50,000 persons to protest the flying of the confederate flag over state buildings. It was the largest civil rights demonstration ever held in the South. On and on we can cite chapter and verse about the successes and indeed the relevance of this noble institution whose effectiveness was demonstrated in almost every section of the country and in many nations in different parts of the world.

As the NAACP itself has pointed out, "from the ballot box to the classroom the dedicated workers, organizers, and leaders who forged this great organization and maintain its status as a champion of social justice, fought long and hard to ensure that the voices of African-Americans would be heard." We couldn't have said it any better.

If the Association's history was built on the blood, sweat and tears of its members and supporters who believe in its vision then it has earned its place in our minds and hearts.

Gordon is coming to New York to hail the resuscitation of the Brooklyn Branch, a development which comes a few years before the centennial anniversary of the NAACP itself and which sends a strong and positive signal to people around the country that the organization is vigorous and its future is secure.

We extend our congratulations to Gordon and to the officers and members of the Brooklyn branch that's led by Karen Boykin-Towns.

TRIBUTE TO AMERICA'S WORKING MEN AND WOMEN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to America's working men and women. These are the mineworkers, firefighters, nurses, janitors, postal employees, and hundreds of other workers who often are exposed to serious injury or even death while on the job. Friday, April 28, is Workers Memorial Day, a time when we remember the thousands of Americans who have been killed or injured while doing their jobs.

I also want my colleagues in the U.S. House of Representatives to join me today in taking a moment to remember Jeffrey Wroten, a Maryland Division of Correction's officer who was killed in January while guarding a hospitalized patient.

This also has been a deadly year for coal miners. In January, 12 miners died during the Sago Mine tragedy, and, Nation Wide, 24 coal miners have lost their lives this year. For the first time since 1994, there has been an increase in workplace fatalities. In 2005, more than 5,700 workers were killed on the job and more than 50,000 Americans died from occupational diseases.

We pledge to them that we will rededicate our efforts to fight for safe working conditions; we pledge to them that we will fight for decent wages; and we pledge to them that we will make sure they have good pensions and health care benefits.

I also want to commend the many unions throughout the Nation that work everyday to protect American workers. The best way to help ensure worker safety is to make sure workers have the freedom to join unions so they can fight for their rights.

I urge my colleagues in the House to join me in honoring America's working men and women by ensuring they have the rights and protections they need to stay safe on the job.

RECOGNIZING MS. KELLY SMITH AS MILKEN NATIONAL EDUCATOR AWARD RECIPIENT

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, it gives me great pleasure to rise today to recognize the outstanding achievements of an educator in Baltimore County. Ms. Kelly Smith, chair of the English Department at Dulaney High School in Timonium, MD, is the recipient of the prestigious 2005–06 Milken Educator Award.

The Milken National Educator Award was established by Lowell and Michael Milken. They created the award to celebrate and reward people in the education system showing exemplary work.

This award, acknowledged in Teacher Magazine as the "Oscars of Teaching" was designed to recognize people in the education system who have exceptional talent. Recipients play an instrumental role in developing new and inventive programs of study. These educators help to develop not just the curriculum, but also the students' confidence and self worth.

Dulaney's Kelly Smith has made great strides in the school's English Department. Her tremendous contributions have aided in the school's academic success. She developed "One Book, One Dulaney," a book club, in which students, teachers and parents participate. Throughout the year the club chooses a book to read and later discusses it, opening the lines of communication on all levels.

Ms. Smith also developed and co-chaired Students Organized for Academic Success. SOAR gives assistance to challenged students showing potential for scholastic achievement. She holds study sessions on Saturdays to prepare aspiring college students for the college entrance exam, the SATs.

Under Ms. Smith's leadership, test scores have greatly increased. She implements critical reading, thinking and vocabulary in her classroom. She also incorporates a "Readers' Theatre Project" giving students an opportunity to learn about literature through performance, writing and acting. This creates a new dimension of learning for students. They become a part of the process, which is both fun and educational.

I believe education is the key to success. Today's youth are the future of this country. People like Ms. Smith are shaping the leaders of tomorrow. I applaud all of those who devote their lives to the betterment of the education system.

Mr. Speaker, I ask that you join with me today to commend Ms. Kelly Smith for winning the 2005–06 Milken Educator Award. She is truly an inspiration.

EIGHTY YEARS OF RAZZLE-DAZZLE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. OXLEY. Mr. Speaker, a son of Massachusetts celebrated his 80th birthday in March. Bob Crane, who won 11 statewide elections and held elective office for 34 years, is being feted by friends and family for a lifetime of public service and his unbeatable joy of life and politics.

Bob began his service to his country over 60 years ago when he enlisted in the Marine Corps at age 18 during World War II. Bob is a decorated war hero and fought in the bloodiest battle of World War II in Okinawa. This son of Irish immigrants returned after the war to Boston where he attended Boston College, married his lovely Mary, had five great children and began a memorable career in politics.

First elected to the state legislature, Bob served an unprecedented 26 years as State Treasurer. Bob left office in 1991 but, as is often the case with extraordinary people, the best was yet to come. Bob entered the business world to become the CEO of the Nation's largest food brokerage firm, but continued his lifelong habit of being a volunteer entertainer at homes for the elderly, children and the needy in the Boston area with his wonderful group, the Treasury Notes. Some of his most ardent admirers are people who no longer see the caring hand of friendship and support in their lives.

Bob Crane has been called an equal opportunity schmoozer and is known as a bipartisan charmer. He answers his critics with a warm grin and a confidence that any negatives directed at him will bounce off like water on the back of the ducks in the Boston Common. He has won the admiration of both Republicans and Democrats at the State and national levels and his fans include this Ohioan who has joined him in singing the Findlay Ohio classic, "Down by the Old Mill Stream" to the delight of various political crowds.

A Boston Globe columnist once wrote,

> Crane is a full-plumage specimen of an endangered species: the warm-blooded, pre-Watergate politician who attends wakes, sings with a robust Irish tenor at weddings and nursing homes, and charms even his enemies with generosity and a smile as big as the Ritz.

Although Bob Crane is a Democrat and I am a Republican, and he loves the Red Sox while I am a Tiger fan, we share a mutual pleasure in golf; I agree with Mike Barnicle, the well-known columnist who wrote that Bob is one politician "who can still smile, who still thinks that politics means people, and one who takes his business but not himself that seriously."

Bob has been called the "Johnny Carson of Massachusetts politics," and having seen how he wins over even his toughest critics, I have to agree. Happy Birthday, Bob. Here's to 80 more years of razzle-dazzle.

FREEDOM FOR OSCAR MARIO GONZÁLEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Oscar Mario González, a political prisoner in totalitarian Cuba.

Mr. González is an independent journalist and pro-democracy activist in totalitarian Cuba. His peaceful, pro-democracy activities and truthful articles have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, the dictatorship forcefully represses those who bravely support freedom and rise in resistance to the despotic regime.

According to Reporters Without Borders, on March 24, 2005, Mr. González was summoned and questioned by regime agents, who threatened that he would not be able to see his family again if he continued practicing as an independent journalist. Despite these gangster tactics and heinous threats, Mr. González continued to demand basic human rights for the people of Cuba.

As part of the tyrant's heinous July 2005 crackdown on peaceful pro-democracy opponents, on July 22, Mr. González was arrested as he tried to participate in a peaceful demonstration outside the French Embassy in Havana, demanding the release of political prisoners in Cuba. As part of this vicious crackdown, over 30 brave opponents were arrested at home, on their way to the demonstration or on the sidelines of the gathering.

According to CubaNet, Mr. González has been charged with violating Law 88. This is the same brutal, sham law that the tyrannical regime used to wrongly convict many of the pro-democracy activists arrested in March 2003. According to Reporters Without Borders, Mr. Gonzalez is still awaiting trial for supposed "crimes."

On April 26, 2006, The Miami Herald published the following moving letter from Mr. González to his daughter:

> In all the years that I have been by your side, you have never known me to pose a threat to anyone or anything, yet today I am writing to you from prison.
>
> Neither one of us, in writing to each other for so many years, ever imagined we be doing it from a prison cell.
>
> Such is life around these parts! Anything and everything can happen in this green island that so few really know about, weaving instead fantasies fed by the Cuban government's propaganda.
>
> The reasons for my imprisonment would be incomprehensible to anyone living in the society you live in, but they are totally understandable to a Cuban.
>
> I had the temerity to criticize and question the government of my country and to denounce its totalitarian character before the world. I did it in the only way I know, peacefully, with words.
>
> For that, the Cuban government classifies us as criminals and calls us mercenaries and agents of U.S. imperialism. I swear to you that I have never had so much as a private conversation with any official of the United States or of any other country, for that matter.
>
> Also, the only monies I have been paid from the only press agency for which I have ever worked, Cubanet, scarcely cover my few material needs.
>
> The real reason for my confinement is to have denounced my country's government to a Cuban press agency in Miami, since the news media inside Cuba are closed to those, who like myself, exhibit independent criteria. Cuban media are only open to sycophants and apologists for the regime.
>
> My conscience impels me to expose the abuses to which Cubans have been subject for more than 47 years now.
>
> I never thought my modest contribution to the future of Cuba would go very far.
>
> I'm a simple citizen who tried to make public the brutal nature of the Cuban government, thinking that would be my small contribution to the future of Cuba.
>
> How was I to know my humble purpose would land me in prison at age 62 and in poor health?
>
> My love for my country, for liberty and democracy, are the real causes for my imprisonment.
>
> If some day you hear me say something that contradicts what I have said so far here, know that it is not your father speaking. It would be another man, reduced, drugged or in the throes of fear, and obligated to say whatever they wanted him to say under pressure of threats and blackmail.
>
> I hope some day we can see each other again in our country, with liberty to walk down the street holding hands and looking to the future, without fear or hate.
>
> Teach my grandson, next to the love of God and neighbor, the devotion to human rights and liberty so that he will never put up with injustice and abuses.
>
> May God bless you, and may He allow me to kiss you soon.

Mr. González is a brilliant example of the heroism of the Cuban people. His letter exemplifies the Cuban desire to live in liberty, free of the tyrannical repression imposed on them by the murderous despot. Read the strength of this letter, Mr. González knows the violence, abuse, and repression that will be used to try to break him. Yet he stands strong in the strength of his conviction: "My conscience impels me to expose the abuses to which Cubans have been subject for more than 47 years now." Mr. González is an apostle of freedom for Cuba.

Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press and individual liberty are the inalienable right of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. González, who represent the best of the Cuban nation.

Mr. Speaker, let me be very clear, Mr. González is languishing in the grotesque squalor of the gulag because he desires freedom for all Cubans. My Colleagues, read his letter often. We must demand the immediate and unconditional release of Oscar Mario González and every political prisoner in totalitarian Cuba.

INTRODUCTION OF THE JOURNEY THROUGH HOLLOWED GROUND NATIONAL HERITAGE AREA ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WOLF. Mr. Speaker, today I am introducing legislation to create the Journey Through Hallowed Ground National Heritage Area. Senator ALLEN is introducing companion legislation in the Senate.

We remember the words of Abraham Lincoln in his Gettysburg Address:

> We cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have hallowed it far above our poor power to add or detract.

The Journey Through Hallowed Ground winds its way along U.S. Route 15 from Gettysburg, Pennsylvania, to Jefferson's home of Monticello, in Charlottesville, Virginia. Starting as a trail used by the Susquehannock and Iroquois, America's early history can literally be traced along this corridor. Jefferson's Monticello, Madison's Montpellier, Monroe's Oak Hill and Ashlawn Highland, Zachary Taylor's homes, Eisenhower's Cottage, Teddy Roosevelt's Cabin, John Marshall's home, General George Marshall's home, and Camp David are situated along this route also dotted with numerous Civil War battlefields and sites from the underground railroad.

Designation of this historic route as a National Heritage Area will create a partnership between the Federal, State, and local governments as well as local civic organizations to commemorate, conserve and promote the history and resources along the Route 15 corridor between Gettysburg and Monticello. It will help link national parks to historical sites, package tourism opportunities, and provide financial and technical support for sites in the corridor.

This historic corridor includes a significant part of the 10th District of Virginia, which I am proud to represent. I echo the sentiments of author and historian David McCullough when he said that "[t]his is the ground of our Founding Fathers. These are the landscapes that speak volumes—small towns, churches, fields, mountains, creeks and rivers with names such as Bull Run and Rappahannock. They are the real thing, and what shame we will bring upon ourselves if we destroy them."

This bill is modeled after the legislation Senator WARNER and I introduced which created the Shenandoah Valley Battlefields National Historic District in the Shenandoah Valley in 1996, Through that legislation, the Civil War battlefield sites in the Valley are being preserved, As with that bill, local, State and Federal officials, working along with landowners and business leaders will be able to better promote the history of the Journey Through Hallowed Ground attracting tourism and an appreciation for the unique history of this area.

I would like to thank the Journey Through Hollowed Ground Partnership which has been working to forge partnerships that span the four States that fall within the proposed boundaries of the heritage area. This group has laid the groundwork in identifying the significant historical properties within such a concentrated area along U.S. Route 15. Dozens of towns and counties along the corridor have offered letters of support as have local civic groups. The Virginia General Assembly also has approved a resolution of support.

Thomas Jefferson in his Notes of the State of Virginia said:

> You stand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain a hundred miles to seek a vent. On your left approaches the Potomac, in quest of a passage also. In the moment of their junction, they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place, particularly, they have been dammed up by the Blue Ridge of mountains, and have formed an ocean which filed the whole valley; that continuing to rise they have at length broken over this spot, and have torn the mountains down from its summit to its base. The piles of rocks on each hand, but particularly on the Shenandoah, the evident marks of their disrupture and avulsion from their beds by the most powerful agents of nature, corroborate the impression. But the distant finishing, which nature has given to the picture, is of a very different character. It is a true contrast to the foreground. It is as placid and delightful as that is wild and tremendous. For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth, blue horizon, at an infinite distance in the plain country, inviting you, as it were, from the riot and tumult roaring around, to pass through the breach and participate in the calm below.

The landscape Jefferson depicts has been inspirational to American leaders for hundreds of years. From Susquehannock Indian trading routes and to Revolutionary War battles; from the homes of the founding fathers to the first brave pioneers to make a home beyond the Blue Ridge Mountains; from the Civil War battles which threatened to divide the union to the underground railroad, our Nation was forged along this route. From Blue Ridge Mountains to the west and the fertile Piedmont to the east of the corridor the route in many ways exhibits the birth and development of our Nation's economy, social movements and political landscape. Perhaps even more significant than the battlefields that cluster along the route are the documents penned in the homes along the corridor. The Declaration of Independence, the Monroe Doctrine and the Marshall plan have influenced not only this Nation, but the entire world.

Every American citizen should take a trip along this route so that they know not only from where our Nation has come, but also to where we are going.

As we come upon the 400th anniversary of America's birthplace at Jamestown, I urge my colleagues to join with me in supporting this legislation.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA TAX INCENTIVES IMPROVEMENT ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the District of Columbia Tax Incentives Improvement Act of 2006. The legislation builds on and adds to federal tax incentives I first got through Congress in 1997 in order to help produce residential and business stability and growth. These tax credits have surpassed the city's highest hopes with a renewed and replenished residential and business tax base to show for it. However, this bill is necessary if this growth is to continue to make up for the fact that the District is not a state.

Studies and investigation by experts widely agree that the D.C. credits have been very successful and have been the single most important factor both in stemming residential flight and in stimulating commercial development in the applicable neighborhoods. However the changes are appropriate to: reduce but target the credits to poor neighborhoods not yet reached; increase the efficiency of the incentives; achieve increased leverage from city and other federal resources; and provide more incentive to purchase homes given the large increase in housing prices in the District.

The legislation would extend the life of the D.C. Enterprise Zone (EZ) Benefits to 2009 to put the District on par with the other cities that have empowerment zones and will allow the city to fully realize and assess the effectiveness of the incentives and eliminate the continuing uncertainty that has plagued the program. There was a disruption of economic activity and planning by the business sector when Congress did not immediately renew those provisions that expired at the end of 2003. The District is experiencing this setback again as H.R. 4297, the Tax Reconciliation Act of 2005, has not yet been passed and the District tax provisions are extended in that bill.

The improved EZ incentives will target the areas of greatest need; align the Zone boundaries with areas designated for concentrated investment by the Mayor's Great Streets Initiative; and more effectively connect the unemployed with job opportunities by limiting the Employment Credit to those businesses that employ persons residing in those census tracts that have unemployment rates twice that of the national average.

The legislation also asks for a triple tax exemption for District bonds which would allow the District to issue bonds at lower interest rates and put D.C. on par with other "stateless" jurisdictions, including Puerto Rico, Guam and the Virgin Islands, with no loss of revenue to the federal treasury. Currently, bonds issued by the District are exempt from federal and District taxes, but subject to taxation by state and local governments for bondholders located outside the District.

With the first-time homebuyer tax credit, this bill raises the $5,000 credit for a first-time homebuyer in the District to $10,000 to help meet sharply increased home prices that are driving many lower middle and middle income taxpayers from the city. Senator TRENT LOTT raised the amount in the Senate bill several years ago, but that bill did not pass the House. The homebuyer credit and the economic development occurring in the District have been almost entirely responsible for significantly stemming taxpayer, residential and business flight, bringing both in significant numbers to the District. However, the improvements in my bill are essential if the District is to achieve the 100,000 new residents necessary to sustain its stability that the former D.C. control board said was necessary.

The federal tax incentives provided under the Enterprise Zone and homebuyer credit programs will be critical to the continuation of the District's essential fiscal partnership with the federal government, which seeks to diversify the D.C. economy, reverse the continuing rise in the unemployment rate in significant portions of the city, strengthen and diversify the District's narrow tax base, and address its structural fiscal imbalance.

The D.C. Enterprise Zone tax incentives and the homebuyer credit alone cannot solve these problems. But by extending and improving these measures, Congress can continue to make a low-cost, efficient and effective contribution to the District's economic well being.

COMMEMORATING THE 10TH ANNIVERSARY OF THE CIVILIAN DEATHS AT QANA, LEBANON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. CONYERS. Mr. Speaker, the violent death of innocent civilians not involved in military hostilities is an appalling human tragedy. For decades, the violence in the Middle East has claimed a multitude of innocent civilian victims: Men, women and children, Arab and Israeli. It is with great sorrow that we remember one such incident that occurred just over ten years ago in Qana, Lebanon. A number of my constituents lost precious relatives on that day, April 18, 1996. Aboudi and Hati Bitar of Dearborn, Michigan, ages 7 and 9, were visiting their grandmother at Qana when they were killed. On the occasion of the tenth anniversary of the Qana incident, we solemnly remember and mourn the loss of these innocent children and the hundreds of others who were killed or wounded on that tragic day. On behalf of Michigan's 14th Congressional District, my family and I offer our support and prayers to the Bitar family and to the many others who lost loved ones at Qana.

When it comes to civilian deaths, violent hostilities play no favorites. I call on my colleagues to pause to remember the civilian victims that the violence in the Middle East has claimed on all sides. Let us remind ourselves that this carnage among the innocent will continue until America makes a stronger effort to help resolve the issues that have bred the violence there.

HONORING THE 60TH ANNIVERSARY OF THE POLISH AMERICAN WAR VETERANS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 60th Anniversary of the Polish American War Veterans located in Caseyville, Illinois.

The year 1946 saw our Nation's veterans return home from serving their country during World War II. During that year, a group of Polish American veterans in East St. Louis, Illinois gathered to form an organization that would recognize the contributions of Polish Americans during the war, celebrate their Polish heritage and assist veterans, their families and other organizations within their community.

The first discussions took place at Steve Mizulski's S.M. Tavern and the first organizational meeting was held at the Polish Hall in East St. Louis. Soon after this meeting, the Polish American War Veterans organization was chartered by the State of Illinois.

With the formation of the PAWV a slate of officers was installed. Stanley Gula was the first Commander and other officers were: Stanley Boryczko, Vice Commander, Joseph Skowron, Adjutant, Michael Bartosz, Quartermaster and Adam Wondolowski, Sergeant-At-Arms. Initial charter members were: Walter Kloczak, Les Kloczak, Louis Skosky, Tony Wondolowski, Ted Skrabacz, John Babinski, Aloysius Szablowski, Edward Cich and Ed Wondolowski.

The Polish Hall was the home for the PAWV from its founding, into the 1960s. The American Legion Hall in Fairmont City, Illinois served as the PAWV home until 1979, when the permanent home was built in Caseyville, Illinois.

During their years of service, the organization has held a number of events to raise funds, celebrate their Polish heritage and to provide family and recreational opportunities in their community. These have included organizing teams for bowling and baseball leagues, holding dances and golf tournaments and participating in many parades. They continue to offer "care packages" to veterans who are hospitalized or in nursing homes.

In 1999, the PAWV formed an Honor Guard that performs at area events and provides full military honors for veterans' funerals. This unit has received many honors and commendations from area civic and veterans groups.

The Polish American War Veterans have been an active and involved part of our community for 60 years. The service they gave to their country did not stop when they retired from active military duty. They continue to live by the motto, "Still Serving and Proud to be Polish."

Mr. Speaker, I ask my colleagues to join me in honoring the 60th Anniversary of the Polish American War Veterans and to wish the best to them for continued service in the future.

HONORING UNIVERSITY OF WISCONSIN MEN'S HOCKEY TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. BALDWIN. Mr. Speaker I rise today to recognize the University of Wisconsin men's hockey team, NCAA champions for the sixth time in the program's history. This is the first national championship for the Badgers since 1990, and also the first under head coach Mike Eaves. Coach Eaves previously won a national title as a player when he was the Badgers' team captain in 1977, and also coached the United States teams to their first gold medals at the 2002 World Under-18 Championship and the 2004 World Junior Championship. Coach Eaves' latest honor is being named the head coach of the United States Men's National Team.

This championship caps off a remarkable season for the Badgers. Senior assistant captain defenseman Tom Gilbert tied for the national lead in goals by a defenseman, and scored the most points by a UW defenseman in almost ten years. Gilbert was named to the All-American second team, and was joined there by sophomore center Joe Pavelski. Pavelski led the team in scoring during the season, and also became just the ninth player in Badgers history to score 100 points in his first two years.

Junior goalie Brian Elliott was named a first-team All-American. Elliot led the nation in every significant category of goaltending statistic, including goals-against-average, save percentage, and winning percentage, en route to being named a finalist for the Hobey Baker Player of the Year award. He also recorded eight shutouts, including two in the NCAA Tournament's regional rounds, helping Elliot earn Most Outstanding Player honors for the Midwest Regional.

During the Frozen Four Championship in Milwaukee, it was Badgers' junior forward Robbie Earl who proved the Most Outstanding Player. Earl scored three goals combined in the semi-finals and finals, including the game-winning goal in the semi-final game and a tying goal in the final game.

After the Badger women's hockey team won their national championship two weeks before the men, several players joked that they had stolen for Wisconsin the title of the "State of Hockey" from Minnesota. After the men's team completed the NCAA hockey sweep for UW, Athletic Director Barry Alvarez put it more simply: "We own college hockey."

TO COMMEMORATE AND HONOR THE VICTIMS OF THE HOLOCAUST

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. HONDA. Mr. Speaker, I rise today to commemorate the memory of those murdered during the Holocaust.

During that dark period, the nations of the world stood still as millions were massacred. Every year we come together and speak of how we shall "Never Forget." We talk of how we may honor their memory by never allowing such unspeakable crimes of genocide to be committed once again.

I fear we may not be doing their memory justice. Even as the United States has officially declared that genocide is occurring in Sudan, we stand concerned, but need to do much more to stop the bloodshed. Have we not learned from the horrors committed by Nazi Germany? How can we observe the rampant campaign of rape and genocide in Darfur without acting?

My heart and prayers go out to those who survived the Holocaust as well as those who were coldly murdered. We must honor them not just with words, but also by our actions. Over the next few days, hundreds of thousands of Americans will converge on Washington to demand that the US act to stop the genocide in Darfur. Let us honor the memory of those who were murdered during the Holocaust by doing everything we can to protect the people of Darfur.

RECOGNITION OF AFRICA MALARIA DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PAYNE. Mr. Speaker, I stand today to recognize Africa Malaria Day, declared on April 25, 2000 by 43 African heads of state. That declaration marked the end of a 3-day summit called to renew and re-invigorate Africa's commitment to defeating malaria, a disease that takes a terrible toll on the African continent. It renewed a commitment to exploit all means possible to finally tame the disease that kills more African children than any other single disease. It recognized the massive impact of malaria and the potential for reducing that impact. It affirmed African leaders' intent to remove roadblocks to malaria control and called for more active participation by the international community.

UNICEF and the World Health Organization estimate that malaria kills from 1 million to 2 million people every year, most of them young children and pregnant women in Africa. Along with HIV/AIDS and tuberculosis, malaria remains one of the three biggest infectious disease killers in the world today.

Effective weapons in this fight include prompt access to effective treatment, increased use of locally appropriate means of mosquito control such as insecticide-treated nets and indoor residual spraying, early detection of and response to epidemics, and improved prevention and treatment of malaria in pregnant women. To make a sustained impact against malaria we need a vaccine.

There has never been a licensed malaria vaccine, but great progress toward that end is now being made, as evidenced by last year's results of a malaria vaccine clinical trial in Mozambique. However, people who need the vaccine the most are infants and children in developing countries. This means that market forces by themselves cannot drive malaria vaccine development. Ensuring the successful development of a vaccine for a disease that primarily affects the poorest people in the world requires public funding for research and development as well as funding for vaccine purchase once malaria vaccines are licensed. As a nation, we must take the challenge offered by African heads of state in 2000 and Bill Gates last fall to greatly increase funding for the development of new tools to defeat malaria, including a vaccine.

Global and national efforts to control malaria are making a difference. Lives are being saved and the movement to finally control malaria in Africa is picking up momentum. Evidence of this includes the increasing level of support for malaria control by the Global Fund for AIDS, Tuberculosis and Malaria, by USAID and the President's Malaria Initiative. But more and broader support is needed to achieve the goal of ending deaths from malaria in the shortest time possible. For each year we delay, another one to two million lives are lost.

Today, Africa Malaria Day, the equivalent of seven large planeloads of children died from malaria. Most of these children were under the age of 5. This is a tragedy of immense proportions. While it is deeply saddening, we cannot let its sheer magnitude paralyze us into complacency. Knowing about these deaths impassions me to do everything I can. We must ensure adequate support for existing and new malaria control tools to prevent more deaths, today, tomorrow, and into the future.

HONORING THE MEMORY OF MR. BOB SCHULTZ

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BONNER. Mr. Speaker, Mobile and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Bob Schultz, otherwise known as "Mr. Mardi Gras," was a musical legend in Mobile. Arriving in Mobile in 1960, Bob quickly distinguished himself as the sound of carnival playing swing era music on both the clarinet and saxophone. In 1976, he organized the Bob Schultz Big Band. He and his band have played at countless mystic society balls, weddings, and other events over the last three decades. They were also a staple at the Riverview Plaza Sunday brunch.

One wedding, in particular, stands out in my memory. Bob and his band played "Stars Fell on Alabama" for my new bride and me to lead the dance. To say Bob Schultz will be missed is a considerable understatement.

Bob Schultz and his band members also found time to perform for many charities including: the Child Advocacy Center, United Way, the Taste of Mobile, the Alabama Desert Storm Heroes Welcome Home Committee, and the Cathedral Towers.

Mr. Speaker, I ask my colleagues to join me in remembering a fixture of Mobile Mardi Gras. Bob will be deeply missed by his family—his two brothers, William Schultz and Irving Schiff; and his sister, Irene Karasevich—as well as the countless friends and associates he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO THE FOUNDERS AND EMPLOYEES OF THE CONTAINER RESEARCH CORPORATION ON THEIR 50TH ANNIVERSARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise to honor the founders and employees of the Container Research Corporation on the celebration of their 50th anniversary on this Saturday, April 29, 2006. The Container Research Corporation is located in the small town of Glen Riddle, Pennsylvania, in the 7th Congressional District that I represent.

The Container Research Corporation, CRC, was founded in 1956. At its helm were the young, innovative minds of Stan Rines, Sr. and Bill Swan, Sr., talented businessmen and engineers. Mr. Rines and Mr. Swan designed and patented modern high tech metal containers that replaced existing commercial and military wooden crates. I am pleased to report that Mr. Rines and Mr. Swan, now in their eighties, still own and manage the growing company, with 140 employees at three facilities.

The Container Research Corporation was an early pioneer of military packaging for large aircraft parts. Over their 50 years of service they have excelled in the research, design and manufacturing of aerospace maintenance platforms, storage and shipping containers to worldwide aerospace customers. CRC has produced containers for the Pershing Missiles, the Pickatinny Arsenal artillery shells, nuclear fuel rods, all styles of helicopter blades, jet engines and most recently the F–35 Joint Strike Fighter Jet. They have partnered with such companies as Westinghouse, Boeing, Bell, Sikorsky and the U.S. military.

As the Vice-Chairman of the House Armed Services Committee and the Homeland Security Committee, I have seen first-hand the positive effects of the Container Research Corporation's incredible work ethic and upstanding patriotism. They have been a strong and consistent partner in strengthening not only our national economy, but our national defense and security as well.

Mr. Speaker, I am proud to have within my district one of the founding companies for modern aerospace storage and shipping containers. Our Nation owes Mr. Rines, Mr. Swan and all of the dedicated employees at the Container Research Corporation a huge debt of gratitude. We are certainly a safer country because of their efforts. I am proud to represent these fine men and women and honor them on their 50th Anniversary on the House Floor today.

TRIBUTE TO AN AMERICAN HERO—MICHAEL J. NOVOSEL

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to one of America's greatest military heroes, Michael J. "Mike" Novosel, who passed away on April 2 at the age of 83 at Walter Reed Army Hospital in Washington, DC.

Mike Novosel was a remarkable man who ranked among the best who ever donned a military uniform. I'm proud to point out that he spent much of his life in southeast Alabama where he had a monumental impact on the mission of the U.S. Army Aviation Center at Fort Rucker.

Born in Pennsylvania in 1922, Novosel joined the U.S. Army Air Force when he was 19. His training eventually took him to Maxwell Air Force Base where he qualified to fly the B–29 Superfortress. In 1945, he flew four Pacific combat missions with the 58th Bombardment Wing during the final days of World War II. But he did not stop there. Novosel commanded a B–29 as part of a fly-over during the Japanese surrender ceremony. His military career then led him to command the 99th Bombardment Squadron in the Pacific where he served until 1947 when he returned to the United States as a B–29 test pilot and then joined the Air Force Reserve. Soon after, he was called back to active duty at the Air Command and Staff School during the Korean War. But this was all just the beginning for Novosel.

During the Vietnam War, then Lt. Col. Novosel volunteered for duty in the Air Force Reserve. However, he was turned down because of his age. So, he traded his blue suit for the uniform of a U.S. Army warrant officer, and instead of piloting B–29's, took the stick of a Bell UH–I Huey. As a "dust-off" helicopter pilot, Novosel served two tours in Vietnam, totaling 2,543 missions airlifting 5,600 medical evacuees. Amazingly, one of the men he rescued was his own son, who, ironically, later rescued him. In one rescue mission, Novosel braved tremendous enemy fire to rescue no less than 29 men.

His bravery resulted in his receiving the Congressional Medal of Honor. He returned stateside to instruct the Army's Golden Knights parachute team at Fort Bragg and later he taught the Warrant Officer Career College at Fort Rucker. In 1985, Novosel was the last World War II pilot still flying. Fort Rucker named its main street "Novosel Avenue" for him, and after retirement Novosel remained in Enterprise, Alabama where he was an active member of the community until his death.

Mr. Speaker, Chief Warrant Officer Four Mike Novosel will rightfully be buried in Arlington National Cemetery alongside America's other great heroes. We can all be proud of his exemplary record, and I extend my condolences to his family.

TRIBUTE TO RICHARD L. KOHNSTAMM

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the passing of a great Oregonian innovator, businessman, and friend. Richard L. Kohnstamm passed away last Friday, just days after his 80th birthday.

Like many Oregonians, Dick arrived in Oregon as a young man eager to forge his own future, and build his own adventure. What Dick couldn't possibly have known then, was that his future would become a true Oregon Legacy.

In 1955, Dick took over the management of Oregon's Historic Timberline Lodge on Mt. Hood. With his imagination, vision, and dedication, Dick transformed the lodge from a neglected public works building to an Oregon landmark.

He started the nation's first summer skiing, started a racing school, brought in Olympic Medalists as instructors, and completely revamped the lodge, making it a destination for Oregonians and visitors. With Dick's leadership, Timberline Lodge was the first ski area in the nation to receive the National Historic Landmark designation.

Dick met his wife Molly, and raised their four sons on the Mountain. He was a father figure to hundreds of young employees away from home. He was a leader. He was a visionary. He was a pioneer in the best Oregon tradition. He was an Oregon Icon.

I consider myself lucky to have known Dick, and I want to honor him for his extraordinary life and his many contributions to Mt. Hood and the State of Oregon.

LETTER TO THE EDITOR AS OFFERED BY WILLIAM T. WALKER, THEODORE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BONNER. Mr. Speaker, recently one of my constituents, William T. Walker, submitted a letter to the Mobile Register providing an interesting perspective on the recent peace march that started in Mobile, Alabama, and traveled throughout the Gulf Coast.

Many people across the Gulf Coast are still working hard to rebuild their homes, businesses and lives following last year's hurricanes. While the freedom to protest is one of the foundations of American democracy, it is important to see the effect that it can have. Today, I rise to ask that this letter be entered into the CONGRESSIONAL RECORD in its entirety:

MARCHERS HURT SPIRIT, GOOD WILL

"It does not take a majority to prevail . . . but rather an irate, tireless minority, keen on setting brush fires of freedom in the minds of men."—Samuel Adams

I like to think of myself as part of that minority to whom Adams was referring. I know that some grow tired of my constant rant about freedom, about supporting this country and our leaders. Yet, I continue. Why?

Things like the peace march that left Mobile recently is one reason. When I heard about that march, I was in Gulfport, Miss., helping a man put his ceiling back in his house after it was hit by a pine tree during Hurricane Katrina.

A 60-foot pine tree will break any roof on the Gulf Coast. Sixty misguided, self-serving marchers were trying to break the good will and spirit of a people who have been through tragedy.

As I held the piece of drywall up for my friend to nail in, he asked me this: "I wonder what those marchers have done to help people rebuild here on the Gulf Coast." That struck me. What have they done?

As they marched along the road, being photographed and reveling in their notoriety, thousands of people were out there, rebuilding the Gulf Coast. And those soft-headed fabricators of veracity marched on.

As those people marched along the road, having their pictures taken by news photographers, all us old dumb guys were in the background. Black and white, Democrat and Republican, religious and not, we were repairing things, cleaning up, and making this a better place to live.

And those foot soldiers of fabrication marched on, planting their perfidious propaganda with each step. I pray that their crop will fail.—WILLIAM T. WALKER, Theodore, Alabama

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HONORING MATT VALENTI NCAA WRESTLING CHAMPION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a special honor to recognize Matt Valenti, a student athlete from the University of Pennsylvania, who recently won the NCAA wrestling championship. Penn's sports history records need updating now to include Matt as one of only three wrestlers to have achieved this distinction as national champion. All three wrestlers are bound together by their high level of motivation and their devotion to the time-honored virtues of hard work and sacrifice.

We are all aware of the competitive nature and demanding rigors of this sport. Matt's achievements have set a new benchmark for excellence in this sport. The following statistics speak for themselves and place Matt in an elite category:

> He won five consecutive matches against the nation's best wrestlers in the 2006 NCAA Championships to win the national title at 133 lbs.
>
> He showed courage and determination in reversing and riding Chris Fleeger of Purdue University to win the national final 3–2.
>
> He accomplished his title by beating the tournament's second and third-seeded wrestlers and a former national runner-up.
>
> He had two pins in five matches at the NCAA Championships.
>
> He showed excellence and outstanding skill by being taken down only once and reversed once in his five matches.
>
> He became only the third national champion in the 102-year history of Penn wrestling.
>
> He led his team to score the most points in an NCAA Championship in team history.
>
> He is a two-time All-American, in 2004 and 2006.

On the day Matt won the NCAA Championship, the pressure on him was immense. The way he wrestled his way to the championship is a testament to his grace under pressure, his good sportsmanship, and most importantly, his example as a role model for youth that make him special to not only to wrestling fans in Pennsylvania, but to everyone who pursues the American dream.

Finally, I would be remiss, if I did not recognize the extraordinary effort and commitment of Head Coach Zeke Jones who inspires and motivates the true grit and discipline so necessary on the mats. His personal commitment to excellence has served the University of Pennsylvania well. We share his pride in Matt Valenti's tremendous success as NCAA Champion and look to Matt to take us to the 2008 Olympics.

CONSUMER CANCELLATION FAIRNESS ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, consumers are currently exposed to difficult cancellation policies for service subscriptions that are more costly and burdensome than continuing the service and paying the annual or monthly fee.

When consumers sign up for a service, they are often told that renewal occurs through automatic charges to their credit cards. When consumers decide to cancel, they run into difficulties, such as long distance phone calls with long hold times, all at the expense of the consumer.

To combat such abusive business practices, I have introduced the Consumer Cancellation Fairness Act.

My bill would require businesses to permit their customers to cancel subscription services in the same manner and by the same means they use to subscribe to such services.

If one click on a Web site or a toll-free call is all it takes to sign up for a service, then one click or a toll-free call should be enough to cancel.

I strongly urge this House to swiftly consider and pass the Consumer Cancellation Fairness Act to protect consumers from further abuse.

CONGRATULATIONS TO MR. AND MRS. WILLIE THOMAS POUNCY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BONNER. Mr. Speaker, I rise today to congratulate Mr. Willie Thomas Pouncy and Mrs. Lucile Pouncy on the occasion of their 50th Wedding Anniversary, which began on April 21, 1956, at Rock Elvy Baptist Church in Shady Grove, Alabama.

Mr. Pouncy is a respected member of his church and community. He has served faithfully as a deacon at Rock Elvy Baptist Church since 1954. In 1952, Mr. Pouncy was drafted in the U.S. Army, where he served during the Korean War. Upon completion of his tour of duty, he went on to own and run a small farm in Goshen, Alabama, and work on the railroad in Waycross, Georgia. He also worked for Brotherhood of Maintenance of Way Employees for 19 years. Mr. Pouncy worked diligently to set an example to his seven sons as to what a husband and father should be, and he taught his seven daughters what traits are important in a husband. All the while, Mr. Pouncy had several admirers but none as important as his 14 children and his wife, Lucile.

Mrs. Pouncy was born Lucile Tucker in Shady Grove, Alabama. She is the embodiment of a God-fearing woman. She has always emphasized the importance of God, family, and education. Mrs. Pouncy served Rock Elvy Baptist Church as a secretary and is an usher, board member and deaconess. She managed a household of 14 children while her husband was away with work. She always made sure the homework was completed, chores finished, and Sunday school lessons comprehended. Mrs. Pouncy mastered the art of rearing with a stern will but a compassionate heart. She was not only a mother to her own children, but she served as a second mother to many of the children in the community.

I know Alabama and even our nation have benefited from the union of Mr. and Mrs. Pouncy. Among their 14 children, 32 grandchildren and six great-grandchildren, there are two sons and two grandsons that have served in the recent war on terror. Additionally, they have raised: a social worker, several engineers, a bank president, a counselor, a minister, numerous business professionals, and most important to me . . . my director of constituent services.

Their 14 children: Willie Dean, Willie Thomas, Jr., Claudie Frank, Sharon (deceased), Linda, Michael, Lisha, Winfred, James, Kathy, Salena, Tyrone, Errical and Eric would like me to pass on their word of appreciation to their parents for the example they set, encouragement given, and yes, even for the discipline administered.

Mr. Speaker, in these times it is refreshing to know a family that is committed to the values and outstanding morals that Mr. and Mrs. Willie Thomas Pouncy have encouraged in their marriage and family. I have no doubt that this marriage symbolizes the strength of character and love of God that every American should emulate. Congratulations to Mr. and Mrs. Pouncy on their 50th Wedding Anniversary—the world is a better place because of their contributions.

FAILURE OF "PLAN COLOMBIA"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. PAUL. Mr. Speaker, I rise to introduce the following article detailing the complete failure of "Plan Colombia" into the CONGRESSIONAL RECORD. As the article points out, despite more than 4 billion dollars being sent to Colombia to fight the "war on drugs," the coca crop grew by 21 percent last year. After six years of massive wealth transfers from U.S. taxpayers to the Colombian government, not only has no progress been made, but in fact things are getting worse. Unfortunately, with the way things are done in Washington, this failure of "Plan Colombia" will likely result in calls for even more money to be tossed in the black hole of the drug war. It would be far better to learn from our mistakes and abandon the failed "Plan Colombia."

[From the Houston Chronicle, April 16, 2006]

COCA CROP JUMPS DESPITE U.S. AID

(By John Otis)

BOGOTA, COLOMBIA.—In a blow to the United States' anti-drug campaign here, which cost more than $4 billion, new White House estimates indicate that Colombia's coca crop expanded by nearly 21 percent last year.

Figures released late Friday by the Office of National Drug Control Policy indicate Colombian farmers last year grew 355,680 acres of coca, the raw material for cocaine. That represents a jump of nearly 74,000 acres from 2004 even though U.S. funded cropdusters destroyed record amounts of coca plants in 2005.

Washington has provided the Bogota government with more than $4 billion, mostly in anti-drug aid since 2000 for a program known as Plan Colombia—which was supposed to cut coca cultivation by half within six years.

Yet according to the new figures, more coca is now being grown here than when Plan Colombia started. "This is going to turn heads" on Capitol Hill, said Adam Isacson, a Colombia expert at the Center for International Policy in Washington and a long-time critic of U.S. counterdrug strategies in Latin America.

"You're talking about $4.7 billion spent on Plan Colombia, and this is all we have to show for it?"

The Bush administration downplayed the significance of the coca crop survey, an annual study of parts of Colombia carried out by the CIA using satellite imagery and on-the-ground inspections.

Rather than an increase in the crop's size, the higher numbers may reflect a more thorough job of surveying the Colombian countryside, the White House said in a news release.

The statement said the area of Colombia sampled for the 2005 coca estimate was 81 percent larger than in 2004.

"Because of this uncertainty and the significantly expanded survey area, a direct year-to-year comparison (of the size of the coca crop) is not possible," said the statement.

However, when year-to-year drug crop comparisons have reflected positive trends, U.S. officials have loudly touted the numbers as clear proof of success.

In 2002, for example, the CIA survey showed a drop in coca production and White House drug czar John Walters declared: "These figures capture the dramatic improvement. . . . Our anti-drug efforts in Colombia are now paying off."

But some U.S. officials and drug policy analysts claim that Colombia has likely been producing far more coca over the past five years than the CIA surveys have indicated.

"The cultivation numbers, wherever they seem to be headed, need to be taken with a grain of salt," said Joy Olson, director of the Washington Office on Latin America, a think tank. "In reality, coca cultivation and cocaine production exceed the official estimates, perhaps by wide margins."

What's more, she said, cheap, potent cocaine remains readily available on U.S. streets, indicating that the drug war in Colombia is having little real impact.

Some U.S. officials have forecast a gradual reduction in assistance for Colombia, starting in 2008. This year, Washington will send about $750 million in aid to Colombia, the source of 90 percent of the cocaine sold on U.S. streets.

The centerpiece of the U.S. anti-drug strategy here is a controversial aerial-eradication program in which crop-dusters, escorted by helicopter gunships, bombard coca plants with chemical defoliants. But the program costs about $200 million annually and many critics say the money would be better spent elsewhere. The idea of eradication is to persuade peasant farmers to give up growing coca and to plant legal crops. But funding by the U.S. and Colombian governments for crop-substitution programs pale in comparison to the eradication budget and most efforts to develop alternatives have failed.

Part of the problem is that coca is often grown in remote jungles and mountains that are controlled by Marxist guerrillas, contain few roads or markets, and have almost no government presence. Thus, even as crop-dusters have killed off record amounts of coca, farmers stay a step ahead of the spray planes by pushing deeper into the wilderness to grow more.

In 2000, Colombian farmers attempted to grow about 450,000 acres of coca, about one-third of which was wiped out by the spray planes, according to U.S. government figures. Last year, by contrast, they tried to grow a whopping 780,000 acres. "People with no economic alternatives have not been deterred by fumigation," said Isacson of the Center for International Policy. "Fumigating an area is no substitute for governing it."

Despite the rise in coca cultivation, Anne Patterson, a former U.S. ambassador to Colombia who heads the State Department bureau that runs the eradication program, told a congressional hearing in Washington last month that the Bush administration was considering "stepping up" the crop-dusting campaign.

Beyond the drug war, Patterson said, the overall U.S. aid program "has benefited Colombia in ways we had not anticipated."

She cited better security conditions in the cities and the countryside, where the number of kidnappings and murders has dropped, as well as recent blows to the nation's narcotics traffickers and guerrilla groups.

RAMSEY, INDIANA WILFRED EDWARD "COUSIN WILLIE" SIEG, SR. POST OFFICE

HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. SODREL. Mr. Speaker, it is with great honor I introduce this bill to recognize the accomplishments of one man by naming the Ramsey, IN postal facility after a beloved member of our community, "Cousin Willie". The privilege to introduce this bill with the support of the entire Indiana Delegation makes it all that more special.

If you asked someone in Ramsey who Wilfred Edward Sieg, Sr. was or what he was about, some may not be able to tell you. But if you asked them about "Cousin Willie", that's a different story. "Cousin Willie" and Wilfred Edward Sieg, Sr. are one in the same.

Wilfred Edward "Cousin Willie" Sieg, Sr., son of the late Edward and Agnes Gettelfinger Sieg, was born March 16, 1931 in his life-long home of Ramsey, IN. After finishing High School at Corydon High, "Cousin Willie" went on to graduate from Indiana University in 1953 with a degree in marketing. Upon graduation, Cousin Willie served our country as First Lieutenant in the United States Air Force. He continued to serve his country through 1968 as a member of both the Air Force and the Air Force Reserves.

After his active-duty service, Cousin Willie returned home to help run the family business, Ramsey Popcorn Company, alongside his parents and brothers. "Cousin Willie's" parents started Ramsey Popcorn in 1944 going door to door selling raw popcorn kernels out of the back of their truck. The business soon grew and in the early 1960's, "Cousin Willie", along with his three brothers, took over day-to-day operations of the business from his parents and eventually served as President of Ramsey Popcorn Co., Inc. Under his guidance, Ramsey Popcorn Co. grew to become one of the top four producers of popcorn in the world. The company sells roughly 50 million pounds of popcorn a year and exports to over 20 countries throughout the world. Ramsey also sells to house-hold name snack food manufacturers and supermarkets including Kraft, Frito Lay, Campbell's, The Kroger Co. and Target as just a sample.

Before graduating from IU, "Cousin Willie" married his High School sweetheart, Doris Marie Byrum. "Cousin Willie" and Doris were the proud parents of 13 children. Cousin Willie was a firm believer in hard work and was known to put his kids to work on the family farm doing tough and unwanted jobs. "That way, by the time they get to working at the popcorn plant, they like it just fine."

Mr. Sieg was truly proud of his small community and felt compelled to become involved in any way he could. In addition to employing many members of his community, he was also a member of the Ramsey Lion's Club, the Ramsey-Spencer Grange and local Farm Bureau. He was a Rotarian and actively involved in local and state politics as well as the area schools' athletic programs. He also served as a Member of two Boards; the Ramsey Water Company and the North Harrison Community School Board.

Mr. Sieg passed away on February 2, 2006 at the age of 74 after losing a battle with lung cancer. The town of Ramsey, Harrison County, and the state of Indiana lost a proud and prominent member of their community. I am privileged to have had such an outstanding Hoosier as a constituent and I cannot see any greater honor for a father, husband, community leader, employer, veteran and friend known for his dedication to family, faith, business and community, Wilfred Edward Sieg, Sr., Cousin Willie than by bestowing this honor upon him.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. LANGEVIN. Mr. Speaker, on the evening of April 6, 2006, I was unable to vote due to an important prescheduled speaking engagement, for which I was granted a leave of absence. I would like the RECORD to reflect that, had I been present, I would have voted "yea" on Roll Call vote numbers 93, 94, 95, 96, 97, 98 and 99.

TRIBUTE TO REVEREND JEROME A. GREENE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. SERRANO. Mr. Speaker, I rise today to honor Rev. Jerome A. Greene, a dear friend, who used his life to uplift and empower others. Although Reverend Greene passed away on August 23, 2004, his lifetime of service lives on in the hearts and minds of the residents of the Bronx. On Wednesday, April 19, 2006, his city and his home borough will show its gratitude to this remarkable man by renaming Teller Avenue between E. 168th and E. 169th "Reverend Jerome A. Greene Place".

Reverend Greene was born March 12, 1941 in Welch, West Virginia to Emmanuel Greene and Savannah Elsie Anderson. As a young man he led the fight for the integration of his high school in West Virginia and became the first black male to graduate with honors. Upon graduating from high school, he moved to Queens, NY and enrolled in City College. Graduating with a degree in education, Greene began his teaching career in Harlem in 1963.

In 1967, Reverend Greene left the public school system to serve as Director of Programming, Evaluation, Education and Training at the Morrisania Community Progress Center. Although he was no longer with the public school system, Reverend Greene remained committed to improving the educational experience of New York students. Realizing the importance of putting more teachers in the classroom, he helped to secure millions of dollars to create more than 600 paraprofessional jobs in various school districts. His efforts not only earned him the nickname "Father of Paraprofessionals" but the respect and admiration of the young men and women he helped to employ, myself included. My experiences as a paraprofessional in the late 1960's provided me with a unique understanding of the public school system and helped to shape my career as a public servant. I will always be grateful to Reverend Greene for helping to open the door that enabled me to serve my community.

In 1975, Reverend Greene married his beloved Aurelia and for 29 years they worked side by side in an effort to improve the lives of the residents of the Bronx. It was not long after his marriage that he began teaching prayer ministry in his home, which ultimately became the Bronx Christian Charismatic Prayer Fellowship, Inc. In 1991, the church moved to its current location on Third Avenue in the Bronx, providing the good Reverend with more space to teach the benefits of living a virtuous life.

Reverend Greene also served as Treasurer and Chairperson of Bronx Community Board #4 and was elected Male District leader of the 77th Assembly District, where he served until his passing in 2004.

The recipient of many civic and professional awards, Reverend Greene was well loved and well respected. His works will continue to impact the lives of New Yorkers for generations to come. Surely, that is the mark of a great life.

May "Reverend Jerome A. Greene Place" forever stand as a reminder of his selfless efforts to improve the lives of his fellow man and may it compel us all to do the same.

Mr. Speaker, for his indomitable spirit that continues to inspire even though he has passed on, I ask that my colleagues join me in honoring Rev. Jerome A. Greene.

TRIBUTE TO GRAND RABBI OF SATMOR, RABBI MOSES TEITELBAUM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. TOWNS. Mr. Speaker. I rise to join the Satmar and Jewish communities across the world in mourning the passing of the Grand Rabbi of Satmar, Rabbi Moses Teitelbaum. Thousands amassed in Brooklyn and Monroe, New York on short notice to show their respect and admiration. It is indeed a tribute to Rabbi Teitelbaum's leadership that the Satmar community now numbering over 120,000, experienced remarkable growth during his tenure.

Rabbi Teitelbaum's life was one of perseverance, dedication and commitment to the Satmar and Jewish communities. A survivor of Auschwitz and the Holocaust, Rabbi Teitelbaum began a new life in the United States after he lost his immediate family to the Nazi genocide. As perhaps a tribute to his life, his first great, great granddaughter was born on the day the Rebbe passed away.

I was blessed with the opportunity to meet with the Grand Rabbi on numerous occasions in his home in Williamsburg, Brooklyn. A simple and humble man, his poignant advice and encouragement were sought by many and the depth of his wisdom will sorely be missed.

Mr. Speaker, I know that my colleagues will join me in marking the passing of this great leader. We can all be comforted with the enormous legacy that survives Rabbi Moses Teitelbaum's remarkable life.

INTRODUCTION OF THE "MILITARY RANGE LEGACY ACT OF 2006"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. BLUMENAUER. Mr. Speaker, today I am introducing the "Military Range Legacy Act of 2006." This bill strengthens military base clean-up programs through the use and development of new technologies, better programmatic organization, and a greater attention to the needs of the communities impacted by base closures.

I am proud that the United States has the best trained military in the world. Yet, as a result of this training, over 3,000 sites on former military ranges are contaminated with unexploded ordnance, UXO discarded military munitions, and munitions constituents. These sites, littered with still-dangerous explosives and harmful contaminants, pose health and safety risks to our communities while preventing the redevelopment of closed bases and limiting opportunities for job creation and economic growth. By passing the Military Range Legacy Act or including provisions of it in the 2007 National Defense Authorization Act and providing the necessary funding, we can achieve real progress towards making our former defense communities safer, healthier, and more economically secure.

TRIBUTE TO KIMBERLY OLIVER, NATIONAL TEACHER OF THE YEAR

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise to congratulate my constituent Kimberly Oliver for being named the 2006 National Teacher of the Year. Ms. Oliver, a kindergarten teacher at Broad Acres Elementary School in Silver Spring, Maryland, exemplifies the best of the teaching profession—an innovative instructor who inspires her students to reach their full potential. Today, Ms. Oliver makes history as the first Montgomery County Public School or Maryland teacher to win this prestigious honor.

Ms. Oliver has worked tirelessly, not only as a teacher but also as a leader outside of the classroom. Just a few short years ago, Broad Acres was on the brink of a takeover by the Maryland State Department of Education due to low performance by its students. Thanks to the hard work and dedication of Ms. Oliver and other faculty members, staff, and students, Broad Acres is now a model of school reform.

Oliver was named Montgomery County Teacher of the Year in April 2005 and was selected Maryland Teacher of the Year last October. She was named one of four finalists for the national honor in January. As the 56th National Teacher of the Year, she will spend the next year representing our Nation's teachers at events around the country.

The National Teacher of the Year Program is one of the oldest and most prestigious national honors programs that recognizes excellence in teaching. I am proud that one of Montgomery County's many outstanding teachers was awarded this honor.

Education is the foundation of opportunity and America's children need teachers like Ms. Oliver to help provide them with the knowledge and training they need to become the leaders of tomorrow. I applaud Kimberly Oliver's achievement and wish her success in her future endeavors.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of the Armenian Genocide.

Each year on April 24th, the Armenian community and others throughout the world remember and solemnly commemorate the 300 Armenian religious, political, and intellectual leaders that were arrested in Constantinople, taken to Turkey and murdered. Today marks the 91st anniversary of the deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. From 1915–1923, 1.5 million Armenians were murdered and more than 500,000 were forced from their homeland into exile.

Despite the effort of some to minimize the scope and deny its occurrence, the Armenian Genocide is a historical fact. In the years since, descendants of Armenian immigrants have clung to their identity and have prospered across this nation and throughout the world. In my district, there is a significant population of Armenian survivors and their families that showed heroic bravery and a will to survive. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their culture, traditions, and religion by sharing their story of the genocide. It is through their unforgettable tragedy that we are able to share in their history and strong heritage.

Mr. Speaker, it is impossible to imagine an evil more powerful than the massacre and willful destruction of a people. By commemorating the Armenian Genocide, we renew our commitment to prevent future atrocities, and therefore we ensure the lessons of the Armenian Genocide are properly understood and acknowledged. As U.S. efforts to aid victims of genocide continue, it is imperative that we pay tribute to the memory of others who have suffered and to never forget the past.

RECOGNIZING THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Ms. SOLIS. Mr. Speaker, I rise today to commemorate the 91st anniversary of the Armenian genocide.

From 1915 to 1923, more than 1.5 million Armenians suffered mass killings and more than half a million others were forced from their homeland into exile by the Ottoman Empire. Yet, from the ashes of destruction, the survivors rebuilt their lives. In the years since, descendants of Armenian immigrants have clung to their identity and have prospered across this nation and throughout the world. Communities in California and across the United States are fortunate to be home to an organized and active Armenian community, whose members contribute and participate in every aspect of civic life.

Despite the many thriving communities, the scars of genocide remain deeply embedded in history and in our conscience. Today we mourn the victims, pay tribute to the survivors, stand together with all who are committed to promoting awareness about the atrocities of genocide, and renew our commitment to prevent future atrocities. Today we remember to never forget.

COMMEMORATING THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to commemorate the 91st anniversary of the Armenian genocide, to remember the victims, to recognize the survivors, and to keep the memory of this atrocity fresh and alive.

The Armenian genocide began April 24, 1915 with the Ottoman Empire's campaign to eradicate the Armenian presence within its borders. The alarmed American ambassador at the time protested Ottoman policy and wrote to Washington describing what was happening on the ground as a "campaign of race extermination." By the time the genocide ended eight years later it claimed one and a half million souls and forced another half a million Armenians to flee their homes and leave their country in order to survive, many coming to the United States where the community would go on to thrive.

This despicable mass murder, torture, and killing of innocents was indeed a genocide; that fact can neither be denied nor ignored. It is outrageous that 91 years later the governments of the United States and Turkey still refuse to acknowledge this slaughter for what it was. This is shameful in light of the magnitude of suffering the Armenian community has endured since their victimization and the subsequent historical denial of their persecution.

It is time to act by appropriately condemning this horrific event. I join my colleagues from the Congressional Caucus on Armenian Issues in calling upon this administration and the government of Turkey to formally recognize the Armenian genocide.

91ST ANNUAL OBSERVANCE OF THE ARMENIAN GENOCIDE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 2006

Mr. LEVIN. Mr. Speaker, I rise to join my colleagues in commemorating the 91st annual observance of the Armenian Genocide.

Ninety-one years ago, there began a vast human tragedy with the execution of some 300 Armenian leaders, professionals and intellectuals. Over the next eight years, a brutal campaign of genocide against the Armenian people was carried out in the Ottoman Empire, leading to the deaths of over 1.5 million people and the deporting of another 500,000.

Decade after decade there has been a failure to acknowledge the Armenian genocide. Today, while there is increased pressure on Turkey to acknowledge the facts of history, and some new voices have been raised to urge this acknowledgement, there remain efforts to evade this dark chapter in human history, as evidenced by a book recently sent to Congressional offices.

So this is the time for all of us who have been joining in the commemoration of the Armenian Genocide to continue to speak out. It is vital and urgent for us to insist that there be a universal participation in remembering the victims. We must say, to those who hesitate, our humanity can settle for nothing less.

SENATE—*Wednesday, April 26, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Spirit, the giver of every good and perfect gift, we rejoice in the mystery of Your power and grace. You overwhelm us with Your faithfulness, Your mercy, and Your love.

Today, remind our Senators that they are stewards of Your generous blessings. Empower them to seize the many opportunities to be used as instruments of Your will. Make their faithfulness inspire others to glorify You, the fountain of all that is holy and true.

Help each of us to be responsible managers of the different talents You have provided for the good of humanity.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with 30 minutes allocated for morning business. At the conclusion of morning business, we will return to the pending supplemental appropriations bill. The order provides for debate to run equally in relation to Senator GREGG's border security amendment, along with Senator REID's amendment on border security. We will vote on both of those amendments beginning at 12 noon today. I encourage Senators to come forward with their amendments. If Senators are considering amendments, please notify the managers as soon as possible. They will then be able to line up an orderly process.

It is my intent to have votes throughout the day on amendments, and I hope Senators agree to reasonable time agreements to allow us to work through as many of these issues as we can during today's session.

SUPPLEMENTAL SPENDING REQUEST

Mr. FRIST. Mr. President, yesterday the President made clear that he will veto any supplemental spending bill that exceeds the administration's request. I thank and applaud the administration and recognize their determination to stick to true emergency spending. I will support the veto, if necessary, to keep Federal spending under control. Families live within their means; so should Washington.

The President has taken a strong stance on a necessary, must-pass piece of legislation that we know will bolster our national security, support hurricane recovery, and border security efforts as well. We need to work swiftly and in good faith to meet the President's request, but we need to focus on the necessary spending.

The President submitted his request for $92.2 billion in emergency spending in late February. The House passed the supplemental in March. This legislation needs to be on the President's desk before Memorial Day. We intend to do just that.

We need to support our troops who are currently in the field fighting to protect us, and we need to support our fellow citizens who are working hard to rebuild and recover their homes and communities on the gulf coast. Both are extraordinary responsibilities. We should not in any way, with either of these issues, play politics in succeeding on these critical efforts. Nor can we afford to encumber this must-pass legislation with unnecessary amendments. It is always tempting for people to come forward and get their own projects or interests attached to these must-pass spending bills. On this bill, we encourage people not to do that.

In order to keep within our spending limits, we are encouraging Senators who may have legitimate emergency spending requests to find offsets for those amendments in order not to drive the overall top line of this bill higher and higher.

For example, the amendment I cosponsored with Senator JUDD GREGG increases emergency spending for border security, but it is offset within the bill, and I think that is how we should approach issues as much as possible.

Time is limited. We must finish this legislation, I hope within the week, so we can quickly get on to a conference with the House and get it to the President for signature. These are emergency funds and the troops need these funds overseas. By pulling together, I am confident we can move this legislation forward and get the critical work of the American people done.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

GASOLINE PRICES

Mr. REID. Mr. President, in Nevada, the average price of a gallon of gasoline is $2.97. We know it is $3.10 a gallon elsewhere. And in other places, it is higher than that. That 45-cent increase has caused tremendous pain in Nevada and around the rest of the country. The prices are going up and up and up. Talk to any Senator about the price of gasoline.

I watched the evening news last night and they had a segment where they talked about the booming business of pawnshops since the price of gas has gone up. It showed people there pawning antique watches. One man was pawning a watch he had that was 100 years old, which was his grandfather's. Why? He had no money to get back and forth to work. They are also pawning guitars and guns. One man even went in and pawned his car. He got to drive it away, but he gave the title to the pawnshop. That is the price of gasoline as reported on the national news.

It is not just Nevada, as indicated in the national news. Talk to any Senator; they have similar stories. The average price of gas in California is $3.14. In New York, it is $3.09. Here, in the District of Columbia, it is $2.99. In Illinois, it is $2.96. Those are average prices. Unfortunately, gas prices are expected to soar and increase at least another quarter by this summer—that is, if nothing goes wrong. There doesn't appear to be any relief in sight.

That is especially true if this President and this Republican Congress have their way. Yesterday, the President said he had a four-way plan. I don't come here to the floor every day just to say things about the President, that I don't agree with him, because there is nothing else to talk about. I come here because I believe I have an obligation to the people of Nevada and all the people in this country to call it the way I see it.

We went to the White House yesterday. I thought what the President did in dealing with immigration was significant. I heard myself on the morning news complimenting the President, as I should have. I cannot compliment the President today because he is wrong on this gas situation. What he did with his four-way plan is nothing. Most of it has already been done, thanks to Democratic amendments in the Senate. Other parts don't make a dent. For example, he talks about an investigation. In the bill we passed in Commerce, State, Justice last year, we passed what he says he wants done. It is the law of the land. They are going to report sometime next month on their investigation. The President said he is not going to pump 12 million barrels of oil this summer into our Strategic Petroleum Reserve. Well, two things—one, we are not buying oil to put in it now. We are not doing that now.

We use 21 million barrels of oil every day. Twelve million barrels over the summer?

So what the President has done is not a serious attempt. What he provided in his speech was not a solution to the energy crisis but exactly what you would expect from a President who spent 5½ years standing side by side with big oil in his Oval Office. And next to big oil is an even bigger oil baron, the Vice President of the United States.

America needs a new direction on energy. Our dependency on oil is ruining our competitiveness, the balance of trade, damaging our national security, and limiting freedom and opportunity. It is time to change. We, the minority, want the American people to guide that change. We have a plan for a better future, and it doesn't involve Enron or the former CEO of Exxon.

I hope the Republican majority will work with us on this bill to give consumers relief and security to America's long-term energy future.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I salute my colleague, the leader on the Democratic side, Senator REID, for addressing the shortcomings of the President's message yesterday.

People across America get this. They understand that every morning when they go to fill up their tanks, it is costing them more money than they ever imagined. Senator REID, from Nevada, has referenced a situation in his State where people are going to pawnshops and taking valuable things they own, trying to come up with enough cash to keep going.

We find in Illinois that we have what are called "payday loans." I don't know if you have it across the country. It is not an industry I admire. It charges some of the highest interest rates to people who have low credit ratings. We find people going into these payday loan shops, borrowing against their next paycheck to buy gasoline for their cars to go to work. This is obviously a desperate move by people who have nowhere to turn.

We hear from the President that he is going to call on the Federal Trade Commission to get tough. As Senator REID said, we already included that in the last Energy bill in a Democratic amendment offered by Senator STABENOW of Michigan. It is in the bill. This is nothing new. To hold back 1 day's investment of oil into the Strategic Petroleum Reserve is not going to have a measurable impact on anything.

The simple fact is the President has to call the oil company executives into his office, stare them in the eye, and tell them they are destroying the American economy, they are killing jobs in America, they are making farming unprofitable, and they are causing a hardship to American families much greater than any tax rebate check sent several years ago by this administration. Until the President stares them in the eye and tells them he is going to take action against them, they are going to continue to kite their profits at the expense of the American workers and businesses.

That is why ExxonMobil had the largest profit in the history of business in America in a quarter. It showed billions of dollars in profit and then rewarded its retiring CEO for his fine job in running up the price of gasoline and gave him a $400 million going-away gift. That is some gold watch, isn't it? Mr. Raymond didn't even have to buy a Powerball ticket, and he got $400 million. Why? Because we are paying outrageous sums for gasoline at the pump. The oil companies blame everybody—Hurricanes Katrina and Rita, OPEC—and they have all kinds of explanations. But the bottom line is their profits are going through the roof. Every morning in newspapers across America are full-page ads saying: Don't hold against us that we are profitable; we are going to do good things with the money you are sending us.

It doesn't work. They are crippling the economy. There are indications on Capitol Hill that the oil industry executives got the message yesterday.

Do you know what the announcement was this morning? The oil company executives have announced that because of this concern across America for rising gasoline prices, they have gotten the message. They are going to invest $30 million in buying more lobbyists in Washington, DC. That's right. The Hill newspaper this morning reports that the American petroleum industry has decided they are going to buy $30 million worth of lobbyists to roam and crawl through the Halls on Capitol Hill to find their friends and to tell them this really isn't a problem.

You know what. Unfortunately, they may be successful. Just yesterday, in the reconciliation bill, the House Republicans decided they did not want to have taxes imposed on the oil companies. They want to take these taxes off the oil companies. Why would you do that? The oil companies have record profits. The money coming back from those profits should be helping America and helping consumers. But with $30 million more worth of lobbyists on Capitol Hill, I am afraid I know how this is going to end—the special interests will win again, and the consumers will lose.

I say to my colleague from Nevada, as we consider the issues that face us, we believe—I hope he shares in that belief—that energy is a critical issue. It is important not only to family budgets, it is important to economic growth in America. And unless and until we have the vision and leadership coming from the White House to stare down these oil company executives and to set an agenda for energy independence in America, it is my fear that we will continue to see these crippling gasoline prices in Nevada and across Illinois.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Every day I get something called "A Look at Today's News," such as immigration and homeland security. But No. 1 on today's news is energy.

Is the Senator aware that the L.A. Times headline today reads, "Bush's Proposals Viewed as a Drop in the Oil Bucket"? Is the Senator aware that the Washington Post headline today is, "GOP Blocks Measures Boosting Taxes on Oil Companies' Profits," and the New York Daily News headline is, "Midterm Elections Fuel His"—meaning the President's—"Sudden Flip-Flop," and the Hill newspaper, about which the Senator has already commented, headline is, "Oil Industry Prepares $30 Million Fight Back"? Is the Senator aware of these headlines?

Mr. DURBIN. I am aware of that. I know the Democratic leader is also aware that two of our colleagues came to the floor yesterday and asked for emergency consideration of measures to deal with this right now, things that could make a difference.

Senator MENENDEZ of New Jersey came to the floor and asked that we have a tax holiday so that the money can be given back to consumers across America that is being charged them now at the pump.

Senator CANTWELL of Washington came to the floor and asked for us to consider an antigouging amendment so we can say that if oil companies are found guilty of gouging, they will be asked to pay the price in the courts and through the regulatory agencies.

The Senator from Nevada realizes that despite the best efforts of our colleagues, both of them were ruled out of order. The obvious question is: If we can't consider those measures on this bill, how soon will the Republican leader of the Senate move to legislation that deals with this immediately? The idea that we will get to this in 2, 3, 4, 5 months is not acceptable where I live. Families I know and businesses I know cannot wait. They expect this Congress to respond.

I know the Senator from Nevada realizes within our caucus there will be many other proposals that might deal with this issue. Senator NELSON of Florida has come up with a proposal as well to deal with this issue. We had Senator STABENOW come to the floor. Why aren't we dealing with this on an emergency basis? It is truly an emergency across America when it comes to our economy.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. REID. Mr. President, is the Senator aware that the profits these massive international companies that are controlling the cost of gasoline and fuel oil in this country are theirs only? If one goes to their corner service station or convenience store that pumps gas, does the Senator realize they only make about 4 cents a gallon on each gallon of gas, even though the consumer may be paying $3.20 for that gallon of gas?

This is all a gouge, an obscene gouge by these massive international corporations. Even the people who retail their product make no money. Is the Senator aware of that fact?

Mr. DURBIN. Mr. President, I am aware of it, and I feel sorry for the people who run these gas stations. One can imagine what their customers say when they come to the counter. They are outraged over the increase in gasoline prices, angry over this situation and the impact it is going to have on their lives. And, of course, they try to take it out on the first person they see, and that happens to be an innocent bystander, the person running the gasoline station.

What troubles me as well, instead of moving toward energy independence, we have resistance for putting in place facilities so that alternative fuels can be used by consumers across America.

Senator OBAMA of Illinois, my colleague, has introduced legislation to put E–85—that means it is a fuel you can use in your car that is 85 percent alcohol fuel, 85 percent ethanol, cheaper now than a gallon of petroleum-based gasoline. The oil companies have been very slow to put those facilities in the gas stations even across Illinois, the largest producer of ethanol in the Nation.

What Senator OBAMA has pushed for—and I agree—is that we need to have the oil companies opening up opportunities so that consumers can at least fight back.

If you have a car or a truck that can burn this environmentally friendly and energy-efficient ethanol, then you ought to have an option to fill your tank that way. Sadly, they don't. The oil companies have been very slow and dragging their feet in giving consumers that option. Why? Because they don't make the ethanol and, as a consequence, they don't want to promote a product from which they cannot profit. That day is over. We have to move toward alternative fuels.

Isn't it amazing that the country of Brazil decided more than 10 years ago they were not going to be held hostage to foreign oil and they would become energy independent. Making that decision with the right leadership at the top, they are moving soon to the day where they don't have to worry about foreign dictators pushing them around like chumps when it comes to oil supplies.

How did they do this? They went to alcohol fuel. They said: We can fuel an economy with home-grown energy.

We can do the same thing in America. How important is it? Take a look at the morning paper, the Washington Post, and you will see a story about Iran. The man who runs this country of Iran is a very strange man. He makes pronouncements about the world and history which are nothing short of bizarre. Yet he sits on top of 70 million people and some of the largest oil reserves in the world.

What did he say about the pressure from the United States to stop him from building nuclear weapons?

> Other Iranian officials said the Islamic republic would hide its nuclear program and curtail its oil production if foreign governments took harsh actions against Iran for failure to restrict its nuclear activities.

In most places, this is known as blackmail—blackmail—that the leader of Iran would say to us: If you put pressure on us to stop building nuclear weapons, we are going to hold back your oil. You think $4 a gallon is expensive? How about $5? That is the kind of showdown we face because these petro-dollar-based puppet dictators around the world have us over an oil barrel.

When are we going to change? When will we find leadership from this President and this administration to move us to energy independence? When will we have fuel efficiency for cars and trucks instead of seeing it go the wrong way—21 miles a gallon and lower? Why aren't we moving toward the day when it is 35 miles per gallon and more?

When I offered an amendment for CAFE standards in the last bill, I had very little support. I didn't even have everybody on my side of the aisle, to be perfectly honest with you. But I wonder what would happen if that amendment came back today. People need to understand we need fuel-efficient vehicles, we need alternative fuels, we need conservation.

To think we signed an energy bill last August creating a national energy policy and have had nothing but energy crises ever since is an indication we need to go back to the drawing board. We need to reassess where we are in this world economy, and we need to understand that the fault at the pump is not because of an addiction to oil by consumers. The fault at the pump is because of the greed of oil companies and the lack of vision and leadership at the top in our American Government.

We need to have a new direction, a significant change in direction if we are going to become energy independent in the near future and if we are going to see gasoline prices come down before they cripple the American economy.

I know of what I speak. If you go to O'Hare Airport, you will find it to be the home of United Airlines, now emerging from bankruptcy. It was a painful process. Workers and retirees gave up a lot to get through bankruptcy. And the major reason that airline went into bankruptcy? The cost of fuel. Other airlines face the same situation—reducing their workforce, reducing their pay, reducing retirement, reducing health benefits because the price of fuel went up. While they are suffering, ExxonMobile has record-breaking profits.

What is wrong with this picture? Where is the fairness? Where is the equity? Where is the President? We need voices here that speak to these oil company executives about a new course of action.

Gasoline prices across America are intolerable. We can go through community after community, and you can see it when you go home, as I did this last work period, the Easter work period, back in the State of Illinois. People understand this one. They understand there is a failure in leadership. If we lament the fact that people don't get up and vote and don't seem to care about the state of our Government, it is because when they are in trouble, the Government is not there.

The simple speech made by the President yesterday is not the answer, but it is the beginning, I hope, of a dialog, a bipartisan dialog to move us in a new direction.

I hope the President not only invites the oil company executives in to tell them they are destroying the American economy but also invites people from both sides of the aisle in, in a bipartisan dialog, about a new direction. To give a speech on Earth Day about hydrogen-powered cars is an interesting, long-term concept. It is certainly not a near-term or medium-term answer to what we are faced with in America.

We have to have a new approach and a new direction when it comes to our energy. There are ways to do it. Lessening our dependence on foreign oil, an amendment offered by Senator CANTWELL of Washington to the Energy bill, was rejected on a partisan vote. It said: Why doesn't America set a goal of reducing our dependence on foreign oil by at least 50 percent over the next few years? It was rejected on a partisan basis. Everyone on the other side of the aisle voted against it. Why? In my mind, that is the beginning of energy independence and a stronger American economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry: How much time do we have now?

The PRESIDING OFFICER. Fifteen minutes remain on the majority side.

Mr. DOMENICI. Mr. President, I understand I will get a part of that time, and I will yield part of that time to the Senator from Alaska when she arrives.

ENERGY

Mr. DOMENICI. Mr. President, I rise today to talk candidly about rising gasoline prices and what we can do about them. I have been deeply concerned about our reliance on foreign oil and the rising cost of energy for many years. That was one of the reasons I gave up my post as chairman of the Budget Committee in the Senate to become chairman of the Energy Committee. I saw energy dependence and rising energy prices as a big problem for this great Nation, and I wanted to help solve it.

Last year, we passed a bipartisan policy act called the Energy Policy Act of 2005. It was the first comprehensive Energy bill in 12 years. It took Republicans and Democrats 5 years and a lot of hard work to get this bill passed. It is an excellent bill and one I am proud of. This bill fixed a lot of our energy problems, and in a year or two from now, it will fix a lot more. Let me highlight a couple of the remarkable accomplishments which our Energy bill has put before the American people.

We create a pilot program in seven Western States that will streamline the permitting process so oil and oil developers won't have to wait years to develop their leases. Some people wonder: Are we doing anything to help America solve our problems? One thing we must do is develop our resources where we have them and where we can. We cannot sit by and be naysayers about developing what we have that we can use, so we don't have to buy it from others.

In this bill, we require 8 billion gallons of ethanol be included in the gasoline by 2012. This provision will help ethanol displace 2 billion barrels of foreign oil over the next 6 years.

There are those on the other side who say the President proposed nothing to help the farmers of the United States and the ranching community. I just discussed with you what the Energy bill will do with reference to ethanol, and all of that creates a new market for the products of our farmers, makes them wealthy, gives them alternatives to sell their product so they can be used to ultimately go into the tanks of our automobiles in lieu of crude-oil derivatives called gasoline. We provide several incentives in this bill for new nuclear power that have prompted nine utility consortia to plan at least 19 new nuclear powerplants in the immediate future. We had zero, we are already moving toward 19, and some think it is 22.

The bill encourages wind, solar, and geothermal sources. Our incentives will bring more than 14,000 megawatts of wind energy that could be on line by the end of next year, which is enough energy to power roughly 5 million homes for 1 year. Those are the things we did. Those are the things that would have all been front and center had Katrina not hit us and taken away all of the positives we were thinking of and put us in that tank that came as a result of that enormous hurricane which we are still recovering from. But all of the things I am discussing are there, actually taking place, as the United States changes because of that new energy bill.

The oil and gas prices continued to climb after the Energy bill was passed, and a lot of that was due to the hurricane I have described. We still have two refineries that are down because of the storm. That accounts for 5 percent of our refining capacity. We have lost about 1.5 million barrels of oil per day because of damaged oil rigs. That is a whopping 22 percent of our domestic production.

So for all of those who wonder: Did anything happen that could have caused the problems we are having that might have been otherwise? Obviously we can look at Katrina and say something very bad happened. We didn't have to have that. Things could have been better.

Let me talk about the global unrest and the rising global demand that has driven up the prices of oil across the globe. Oil is a global commodity. Nobody knows what a barrel of oil is worth as it comes out of the ground. Nobody knows what it is inherently worth. Let me say to my fellow Americans, I regret to tell you, it is worth what somebody will pay for it. That sounds strange, but that is what it is. It comes out of the ground, it is gathered up, and when it finally gets on a ship, somebody buys it. And what do they buy it for? They buy it for what they think it is worth, and they bid it, and that is what it is worth. So oil is worth what people pay for it. Regrettably, they are paying more and more because they are worried about the world situation and whether oil supply is credible, whether it is going to remain reliable. So they bid it up higher and higher.

Problems in producing nations such as Venezuela, Nigeria, and Iran have sharply driven up this price, along with this great, new, voracious appetite on the part of China and India. They are entitled—they are entitled, just as we are—to use this oil, and they are buying it up, bidding it up, causing the supply and demand to have the impact I am describing with all of you here this morning.

There are some things we can do to try to ameliorate this problem, and, yes, some of them are very difficult. Most of it we can't do much about, unless we either wean ourselves off foreign oil, which will take several years to do, or dramatically increase our own production of oil. I regret to say there are too many on the other side of the aisle, not everyone but most on the other side of the aisle here in the Senate and in the House who refuse to acknowledge that we must produce more of our own wherever we can.

Let's talk about what we can do.

President Bush proposed four things yesterday, and I endorse every one of them. Every one of those is now out there for the market to look at, for everyone to look at, and they have already had a positive effect. He wants an aggressive investigation of fraud and manipulation. We mandated a similar investigation in the Energy bill, and I absolutely support what the President called for—an ongoing investigation into the manipulation or cheating that might be taking place. Let's get on with it. Let's put the resources in. Let's make sure the American people feel comfortable that it is taking place. We are doing it. Whether it proves anything, we will have to wait and see.

The President wants to do another thing. He wants to repeal certain tax breaks that are in the Energy bill. He says they are unnecessary for oil companies. I agree. Actually, I thought they would do some good, but the President has convinced me and many of us, under his leadership, to repeal those tax items that are in the bill. I am happy to take the lead, along with those who write the tax laws, and see if we can repeal and eliminate the deepwater drilling tax relief that is in the bill.

The President also recommended and announced that he will temporarily halt the filling of SPR, a move I hope will free up about 12 million barrels of oil this summer, meaning we won't use it for the Strategic Petroleum Reserve. So it will be available to those who are purchasing oil to be used as we have been describing it here: for the marketplace to put in refineries and be used by the great demand that is worldwide.

If we had developed ANWR—and I note the presence of the junior Senator from Alaska on the floor—if we had done that 10 years ago, if we had passed ANWR legislation—we did pass it. Had the President of the United States not vetoed it—and that was President Bill Clinton who vetoed it—then what we would have had available is at least 1 million barrels of oil—American owned—that we could use every day, and it would be added to the inventory that is out there for the world to use, and for the United States it would be a dramatic reduction in the amount of oil we would have to buy from others.

We have to wake up. There is nothing to be damaged. You can go look at ANWR and see what we would be doing with new drilling, new approaches to drilling, if we would get that done. It is regrettable that we won't produce our own and we will sit and talk and blame, and in particular, the other side will blame the President and blame Republicans. These Senators understand that today's gasoline prices are driven ever increasingly by long-term speculation on global production. They understand that a strong signal on supply can drive prices up today and down tomorrow. They know a vote to develop ANWR will have an immediate impact on oil prices, which in turn will have an immediate impact on gasoline prices.

Look at what happened to the energy markets yesterday after the President announced his four-prong plan. Energy prices fell. Yet these same Senators fought against ANWR, fought against OCS production, and have consistently fought against new energy production almost anywhere, production they know will ease our price and supply problems.

We have worked in the committee and marked up, gotten ready for a vote, Lease Sale 181 on natural gas, a bill that will develop oil and gas 100 miles off the coast of Florida. Democrats have threatened to filibuster the bill when it comes to the floor. It shows there is no desire to produce even what is our own.

The Massachusetts delegation continues to block the Weaver Cove liquefied natural gas facility, a facility proposed for Fall River that would provide 400,000 mcf of natural gas per day. That is enough to ease the price and supply pressure for most of New England.

Another example is if you don't want to produce energy that is our own, then you ought not be complaining about the fact that the price continues to rise because of shortages in global markets. Instead, today some on the other side propose a tax holiday. I find it interesting that it is Democrats who want to temporarily repeal the gasoline taxes since it was they who voted over the years to increase that same tax.

I can support the idea of a holiday. I like the idea of helping American families keep some of their money they are spending at the gas pump. But we use that money to build roads and mass transit. The Federal Government is going to have to make up those revenues somewhere. So let me propose this idea: Let's let the oil companies make up the difference. That is what we ought to do.

Anyway, I suggest we are on the right track. The President's suggestions are good suggestions, and we can come up with some more. But in the meantime, we ought to tell the American people the truth: There is no quick fix, and it is easier to blame than it is to have solutions. Let's look for the solutions and then we will all get a chance to judge who is doing the most to help America move toward energy independence.

I believe I have some additional time, and I yield it to the distinguished Senator from Alaska.

The PRESIDING OFFICER (Mr. VITTER). At this time all time has expired on the majority side.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 5 additional minutes to be added on this side and on the other side as well.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I commend the distinguished chairman of the Energy Committee who has taken such a leadership role on the issue of achieving energy independence for this country.

We all had an opportunity to go home over the past couple of weeks, and I think it is fair to say that without question, in every State across this country, the No. 1 issue our constituents are talking about is energy prices. With the crude oil prices passing an all-time high of $75 a barrel last week, I think it is fair to say we can anticipate that the prices will go higher and higher.

It seems we all want to blame someone. Americans want to blame someone—anyone—for the high prices. They want to blame the oil industry companies that have been showing record profits. They want to blame the filling station operators and accuse them of price gouging. They want to blame the oil commodities traders for bidding up the price of crude. They want to blame the Congress for allowing and perhaps encouraging these prices. Quite frankly, it is hard for us not to accept some of the blame. But what Americans don't want to accept is that these prices we are seeing are the result of nearly 20 years of incoherent energy policy.

The reasons for the price increases are many, and we have heard the chairman discuss many of them. But the biggest goes back to the lessons we learned in high school economics about the law of supply and demand. Today the world consumes 80 million barrels of oil a day. The U.S. is responsible for a quarter of that. Right now, our oil producers collectively around the world have the ability to produce at most 81 million barrels daily. So the demand is bumping dangerously close to maximum current supply, and that demand for the oil is booming.

We talked about China. China last week announced that its economy grew more than 10 percent last year, and its demand for fuel is rising an equivalent amount. Developing nations are outbidding industrial nations for oil, and the trend continues. Demand for fuel in the Asian pacific region is likely to grow at over 3 percent annually for the next 25 years, nearly 5 times the growth rate of fuel use in North America and 4 times the rate in Europe.

In addition to the demand side of the picture, the supply side is down. Six percent of the Nation's oil production remains offline as a result of the damage from Hurricanes Katrina and Rita. We have often talked about the world's supply. The world's supply is uncertain, given the unrest we are seeing in Nigeria, the political events in Venezuela, rhetoric from Iran, supply disruptions that plague Iraq.

We here in Congress also have a place in this equation when we look to the supply side. It was 6 years ago that Congress passed the requirement that said by June 1 of this year the Nation's refineries must reduce the sulfur in diesel fuel from 500 parts per million to 15 parts per million, and refiners have spent the money, more than $8 billion, to comply. The changes are this: They are going to cut the diesel exhaust pollution by 90 percent. But it does take more fuel to make a similar amount of diesel, and it is costing the refineries more money to comply with the ultralow sulfur diesel rules.

Last year we were talking about MTBE and what to do about it. We didn't provide for an organized phaseout of MTBE, which means the refineries are rushing to acquire ethanol to replace MTBE in gasoline. What this does is causes a host of different price pressures, from the added costs of building new tanks to store the ethanol to the crush of finding railroad tank cars to move the ethanol from the Midwest to the Northeast and down into Texas, where it can be blended into the gasoline.

Since it requires a special base form of gasoline, the ethanol-to-MTBE switch makes it difficult for us to import gasoline from overseas to relieve these price pressures, because outside of Europe there are few foreign refineries that can actually make this base form. So that means tighter fuel supplies that cannot readily be remedied by imported product.

We talk about the cost to us as Americans. According to the Energy Information Administration, we are already paying about twice as much for fuel today as we did in the summer of 2002. On the whole, our country is spending $212 million more per day for gasoline than we did last year, a half billion dollars more per day than 4 years ago. It is incredible.

What do we do about it? The chairman of the Energy Committee noted some of the steps, and noted some of the steps the President has advanced. But our first effort today is to conserve, to increase our conservation and efficiency efforts.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. We must do the simple things first. Conservation, efficiency, make sure the tires are inflated, our cars are in tune, drive less, reduce the air conditioning—those small things that will make a difference. We have to move quickly to increase our fuel efficiency, continue to expand the use of renewables such as wind, geothermal, biomass, oceans, solar—all of those that are available. But we must increase our domestic supplies of oil and natural gas, and the first place we start is up in ANWR. We have the ability to do it. We have demonstrated that we can. Opening ANWR would produce up to 1 million barrels a day of additional oil for 30 years to meet the world demand and drive the prices down.

People are saying it is not going to make a difference today, and they are correct. But we didn't get to this place in 1 day. What we are anticipating is the need down the road. Anyone who thinks in 5 or 10 years there are not going to be anymore hurricanes or supply disruptions or production impediments is fooling himself. So let's plan for the future. Let's plan for our own domestic energy security by doing what we can in this country. The first place to start is by opening ANWR to limited oil exploration and development, and doing it in an environmentally sensitive and balanced manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I understand the remaining time on the Democratic side is not needed and may be yielded back.

Mrs. MURRAY. Mr. President, I yield back the remaining time on the Democratic side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939), making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Gregg modified amendment No. 3594, to provide, with an offset, emergency funding for border security efforts.

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

Reid amendment No. 3604, to provide, with an offset, emergency funding for border security efforts.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I yield to myself 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, there will be a rare opportunity about noon on the Senate floor. There will be a chance for the American people to have for themselves a handy list of big spenders, something they can put on their blogs, something they can put in their newsletters, something they can speak about at the dinner table, something they can read to friends. There is always a lot of talk around here about who is responsible for the fact that the Federal Government is spending more money than it ought to. We are about to see a good example of who is responsible for that, if things go true to form, because we will have two amendments before us at noon. One is by the distinguished Senator from New Hampshire, Senator GREGG, and one by the distinguished Democratic leader, Senator REID. Both of them are border security amendments.

There will not be very many votes in this body, I suspect, against border security. I want to speak about border security because the Gregg amendment takes very important steps to maintain our current level of security on the border, which is a minimum level of security. I am proud to cosponsor that. And the Gregg amendment pays for it by taking money from other parts of the President's budget. That is the Gregg amendment.

The Reid amendment, as I understand it, which we will be voting on side by side, does identically the same thing on border security the Gregg amendment does, except it pretends that money comes out of thin air, that it grows on trees, that it comes from nowhere. It is the thing we see time and time again around here, whereby someone comes up with an essential, good idea but with no way to pay for it. So we print the money, make it up, and the runaway spending goes on and on.

I wish to talk this morning a little bit about those two issues—first, border security, the subject of the Gregg amendment and why I believe it is essential that we adopt it as part of the supplemental appropriations bill that is before us. I also want to talk about the difference between how it is paid for so the American people can get ready to make their handy list of big spenders because those who vote for the Reid amendment will be on a handy list of big spenders because that amendment is not paid for.

Let me start with the Gregg amendment and the condition of border security. Americans are angry about border security, or the lack of it. They have a right to be angry about border security, or the lack of it. That is not the responsibility of the Governor of the State of Arizona or the Governor of Texas or the Governor of California. It is a Federal responsibility. Immigration is our job. Border security is our job. It is a Washington job and it is a job that has been neglected for a long period of time.

At least to the credit of the majority leader, he has forced this Senate to deal with this issue and we are in the middle of it and we ought not rest nor go home again until we deal with the issue of border security. There are a lot of other issues that do not have to deal with immigration. How many temporary students do we want here in the United States? We have 572,000 of them today. They are an important part of our country, contributing to our standard of living. When they go home, they usually spread our values and our good will better than any foreign aid ever has. We have about half a million people who are here each year and we give them new temporary worker status. It is important to have them here as well, because in a vibrant, growing economy, we need more workers. We have an important debate to have about what to do about the 10 to 12 million people who are illegally here, and what I think is the most important part of the whole immigration debate and that is how do we make sure those who are not citizens of this country are, for the most part, becoming Americans so we do not leave this country a large enclave of people whose allegiance is to some other country.

We are a big country, 300 million people. We have about 30 million people, or 10 percent of us today, who are noncitizens—about two-thirds legally here and one-third of those illegally here. But we need to make sure that for the most part, people who are here who are not citizens are learning English, are learning the saga of American history, are learning about our founding documents and are willing to take the oath which foreswears allegiance to where they came from and adopts allegiance to this country.

There are many important debates about immigration, but there is nothing more important than border security. Border security is the first issue before us because it is based upon the bedrock principle of the American character which is the rule of law. Most families who have come to this country are immigrant families. Almost all of us descend from those. Most of those families, in addition to wanting to make a dollar, wanting to improve their lives, wanting to gain freedom, wanted to come to a country where there is the rule of law. They did not want to live in some other country where some potentate could snatch you out of your bed in the middle of the night and, based on the whim of that ruler, decide your fate. Or where a contract that you made would be decided by some person, not by the rule of law, and where some people are higher than the law and some people lower than the rule of law. They wanted to come to this country, the United States, which honors the rule of law and upholds the rule of law.

Yes, people came here because they wanted freedom. They wanted to be able to drive across State lines, but they expected to have to stop at stop signs. They wanted to come to a country where they were free to make contracts with whomever they wanted, but they expected the contracts would be enforced. They wanted to come to a country where they have second amendment rights to own a gun, but they expected they wouldn't be allowed to shoot people with that gun.

This has been a country with the rule of law, and we have been ignoring that for the last number of years by looking aside while millions and millions of people stream back and forth across our borders illegally while millions of other people patiently wait in line, attesting to their good character, learning at least eighth grade English, passing a test on American history, waiting for 5 years, and preparing themselves to take an oath where they foreswear their allegiance from where they came and pledge allegiance to the United States.

Those people are bypassed by these people running back and forth across the border. It is unfair to them. Principally, it is an offense to the principle of the rule of law. There may not be anyone in this Chamber who does not agree with the principle of the rule of law and that we ought to secure and control our borders. If we believe that, we ought to do it.

I am growing increasingly to think that Senator ISAKSON is right as he suggests that the first thing we ought to do in this immigration debate is secure our borders, perhaps allow the President to certify they are secured, and then begin to deal with temporary workers and other issues that come up.

In any event, we want to secure or borders. That is why the Gregg amendment is so important. Senator GREGG has proposed we provide $1.9 billion in emergency funding as a critical investment in border security in this supplemental appropriations bill which is now before the Senate. This is an integral component of the war on terror.

Key critical capital improvements that are part of this bill include: No. 1, stemming the tide of illegal aliens entering the country; No. 2, ensuring that terrorists and weapons of mass destruction are not capable of slipping through our arguably porous borders; No. 3, decreasing the illegal drug flow.

The subject matter of the debate, the bill before the Senate, is an emergency appropriation for the war on terror. This is an integral part of the war on terror except that the border is on our southwest border and not somewhere in the Middle East. It is at home. It is part of what we ought to be talking about.

Here are a few examples of exactly what the Gregg amendment, which I am proud to cosponsor along with others, would do. These are improvements necessary to secure our borders. For example, we have an outdated fleet of aircraft. The P-3 fleet which serves as our border security's primary air surveillance is over 40 years old. 20 years beyond the average life of this type of plane. Last month, the entire fleet was grounded due to safety issues uncovered during a routine inspection. The entire fleet needs to be overhauled to extend its service life.

Example No. 2, outdated vehicles. Nearly 1,700 vehicles are virtually unusable due to the wear and tear of the desert, extreme environments and hard use, forcing border patrol agents and investigators to use vehicles with a high breakdown rate.

Example No. 3, lack of sufficient patrol boats. There are not enough patrol boats today, resulting in fewer patrol boat hours now than we had in 1998, about half the number of hours needed to meet the mission requirement.

Next example, lack of sufficient patrol aircraft. We currently detect 3 out of every 10 boats carrying smugglers. Of the boats detected by a patrol aircraft, we stop 75 percent of them. More aircraft are needed to act on intelligence regarding human and drug smuggling activities.

Next, unmanned aerial vehicles. We have only one unmanned aerial vehicle operating along our southwest border. In 7 months it has assisted in the apprehension of over 1,000 aliens. Yesterday morning it crashed while surveying the Arizona border. The department has only begun to grapple with how to replace this surveillance capacity until the next unmanned aerial vehicle is delivered in August. The department indicates that up to 18 are needed.

Armed helicopters is another example. So the $2 billion increase in border dollars will replace—or repair, when that is sufficient—outdated vehicles, aircraft, helicopters, and boats. The money will also be used to improve law enforcement communications.

The point I am seeking to make is that these essential capital improvements on border security, the $1.9 billion this year, which is in addition to the amount of money that Senator GREGG and this Congress added to the budget in the last two budgets, will make capital improvements necessary to merely maintain our current capacity to enforce our borders. There is no need to pass any kind of immigration bill unless we have both the authority and the money to secure the borders. We should want to send a clear signal to the American people that before we establish a system of temporary workers and confirm our system of student visas and put into place other applications to help people legally here become American citizens, we should make sure we are doing our job of ensuring that border is secure.

Let me talk about the money. There are a great many urgent ideas expressed in the Senate. That is what we are for: Let ideas percolate, ideas that need resolution, debate them and solve them. It is a wonderful system. The more I travel and see the rest of the world, as I have over my lifetime, the more I admire the system we have, messy as it often is.

The No. 1 issue that might light up the switchboards would be border security. I judge No. 2 would be runaway Federal spending. That is why I say it is important for those paying attention to this debate to be ready to make a list of big spenders. For those who believe in voting for a good idea but then getting the money out of a tree or up off the ground or out of some imaginary printing press to pay for it, that is why we have a big Federal deficit. We vote for a big idea, and then we do not pay for it.

Senator GREGG pays for it. He does it by saying we will take the $1.9 billion from the 2.775 percent reduction in the $69 billion in funding provided for the Department of Defense in title I, chapter 3, and title II, excluding military construction money. Senators COCHRAN, STEVENS, and FRIST all believe that leaves the committees with sufficient flexibility to support our needs in Afghanistan, Iraq, as well as our needs along the border.

The President has said he will veto a supplemental appropriations bill that just balloons to the sky, that goes over $92.2 billion. The letter came last night, and it does not say "advisors predict" or "someone said." It says the President will veto anything over $92.2 billion. I intend to support the President if he does have to veto. I hope we will be fiscally responsible.

The Democratic amendment takes $106 billion and adds another $2 billion to it for this good idea, border security. The Gregg amendment says let's pay for it out of funds we have, keep it within the budget.

At noon today, we will have a chance, No. 1, to vote for border security. That is essential. Both amendments do the same thing. The second thing we have a chance to do is compile for the country a list of big spenders, those who believe in taking the money out of the air somewhere, printing it in a printing press. You can do a lot of talking, but if you do not offset the dollars, you are a big spender and you go on the list.

Perhaps one should be proud of being on such a list, but I would rather vote with Senator GREGG, which is why I am cosponsoring his amendment rather than the Democratic leader's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield 15 minutes to the Senator from New York and 15 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, sitting here listening to my colleague from Tennessee reminds me of that old story about the boy who kills his parents and then stood before the judge and asked for mercy because he was an orphan. This is an unbelievable narration we have just heard.

The other side of the aisle has been expert in running up the largest deficits we have ever had. We had a balanced budget, we had a surplus 5 years ago. We were on the right track economically. We were fiscally responsible. But the combination of this White House and this Republican majority has blown all of that to smithereens.

This President has never vetoed anything and now we finally get a veto threat on an emergency supplemental. This President has used emergency supplementals in order to avoid the budget realities that would confront anyone who knows elementary arithmetic about how much we are spending that we do not have.

With all due respect to my colleague, this is a rather strange argument to be making at this point in time as though none of the history of the previous 5 years had occurred.

The debate between these two amendments is a worthy debate; however, it is an unnecessary debate. The President sent a budget to this Congress just a few months ago. It could have had much of what is in this emergency supplemental in the budget. They chose not to do so because even they are getting a little embarrassed about the ocean of red ink we are all swimming in these days.

What this supplemental appropriations bill does is provide vital support for our men and women currently serving in Iraq, Afghanistan, and elsewhere. This emergency supplemental provides body armor, tools to defeat improvised explosive devices, the so-called IEDs that are killing and maiming young Americans every single day. This supplemental provides money for training for the Iraqi security forces. Maybe, finally, we will have a government in Iraq that knows how to do that. They certainly need to get the message that we are not there for the long term unless they start defending themselves and providing security for their own people.

These funds are to replenish the money we are spending in our military to make sure our young men and women who are bravely serving us have the resources, the equipment, the tools they need to do the job we sent them to do.

The bill also includes funds to continue the rebuilding from Hurricane Katrina. As we approach yet another month of debris, confused leadership, failure to supervise and monitor expenditures from this administration, we know how much more needs to be done to rebuild New Orleans and the gulf coast region.

Here we are, about to have a vote in a few hours on an amendment—really, two amendments—as to whether we are also going to face up to our responsibilities along our border, and how we are going to pay for that. Both the Gregg amendment and the Reid amendment recognize the critical need for increased border security.

I have long maintained it is unconscionable to think that in our post-September 11 world we still do not know the identities of people who enter our country, stay illegally in our country, and may or may not exit our country. Over the past several weeks, we have seen agreement in the Senate that securing our borders must be a top priority and a major component of whatever immigration reform we consider.

Now, there are those who are, frankly, misguided and demagogic in their claims that all we need is border security. We know that is not the case. Senator KENNEDY, who is in the Chamber at this moment, has been a leader on immigration reform for decades. He knows if you do not have comprehensive immigration reform, you do not deal with the challenges we confront.

We all are in agreement we have to do more to secure our porous borders. The Reid amendment is a step in the right direction because it does provide $1.9 billion to strengthen our borders. These funds would be used to replace and upgrade law enforcement communications, provide Border Patrol agents with air and land vehicles, expand air operations for Customs and border protection, invest $100 million in sensor and surveillance technology that will help our Border Patrol agents be more effective.

If we can succeed in securing our borders, something that we have not yet succeeded in doing, then we can turn our attention as a nation and focus our energies and our resources on other credible threats against our homeland.

I commend Senator REID's efforts to direct resources to strengthening our borders. I know he would agree with me that obtaining these additional funds should not be mistaken for comprehensive immigration reform. We still need comprehensive immigration reform that secures our borders, creates a better set of agreements and understandings with our neighbors to the south as to what they are going to do to stop the flow of illegal immigrants through their countries, particularly Mexico, and imposes and enforces tough sanctions against employers who employ illegal immigrants. After all, these people would not be risking their lives if there wasn't a job waiting for them at the other end of their dangerous journey; make sure we don't disadvantage people who have waited legally for their opportunity to come here to join a family member and to get a job that has been promised.

We need to do something to help alleviate the financial burden on local communities—not just along the border but, frankly, in New York—that are paying health care and education and law enforcement costs because this Federal Government can't figure out how to run an immigration system.

Yes, we need an earned pass to citizenship to bring out of the shadows the 11 or 12 million hard-working immigrants who are here and give them a chance through paying back taxes, going through a background check, learning English, and waiting their turn to become legal. We know what comprehensive reform looks like. And border security is absolutely paramount, but passing the Gregg amendment is not the end of immigration reform. I hope everyone understands that.

My colleague from New Hampshire agrees that we need to increase border security, but he would cut needed funds for our troops in the name of border security. The Gregg amendment would take money from troop pay, body armor, and even from the joint improvised explosive device funds. That is a false choice, and it is a wrong choice.

I do not believe that we should be engage in deficit spending. That is why I have voted against many of the provisions that have come from the other side—tax cuts which we can't afford, spending that should be under control. But it is an odd moment indeed that all of a sudden my friends have found a conversion experience and they want to take money from our troops to secure our borders. I will take that comparison any time. I will be on any list that says don't take money from our troops; don't cut the research which we finally have as to how we are going to defeat improvised explosive devices because you now decide you want to do border security when you have been presenting budgets for 5 years after 9/11.

We need to get serious about defending this country and the men and women who serve on its behalf. We shouldn't be cutting funds for our troops in the name of border security. It is wrong to cut funds for body armor or for efforts to defeat IEDs. It is wrong to cut money from Iraqi security force training when they are finally about to have an Iraqi Government, something we have all been waiting for. It is wrong to cut the defense health program which provides medical assistance to our troops on the battlefield. And it is wrong to cut the death gratuity which assists the families of fallen soldiers.

If I sound a little passionate about this, it is because I am. I find this a false, cheap choice to score political points. And I think it is wrong.

The most important obligation of our Government is to provide for the security of the American people. Border security is an urgent need. It should and must be addressed by this Congress. But our security and our values are not served by choosing between protecting our troops and protecting our homeland, nor by playing support for our men and women in uniform against our need for border security. The Gregg amendment undermines both. I urge my colleagues to support the Reid amendment.

Do we need to get back to fiscal responsibility? You bet we do. Let us talk about that when it comes to cutting even more taxes for people making more than $1 million a year. Let us talk about that when we are spending $10 billion a month in Iraq and Afghanistan. Let us talk about that when we borrow $60 billion a month from foreign lenders, such as the Governments of China, Japan, South Korea, Saudi Arabia, and India.

How do we protect our security against an increasingly dangerous world? How do we stand up to the threats from unstable regimes and from competition from China and elsewhere for scarce natural resources when we can't even get our own fiscal house in order because the other side of the aisle and the other end of Pennsylvania Avenue are addicted to tax cuts for the wealthy regardless of the costs for anything else, regardless of the costs for our country?

We need an energy policy that moves us toward energy independence. We get rhetoric, we don't get budget priorities. We are living on borrowed time and borrowed money. We are one accident or one terrorist attack away from oil at $100 a barrel—not just $75. We have no leadership. We are not asked to sacrifice anything. The only people who sacrifice on a daily basis are the young men and women wearing our uniform.

Now we are standing up here with a straight face saying we are going to cut funds for body armor, we are going to cut the IED research program, we are going to cut the death gratuity so we can score political points and act all of sudden as if we have become fiscally responsible. I am sorry, I find that a sad commentary about what should be expected from each and every one of us.

I hope we will begin to seek common ground and try to figure out how we get ourselves out of the dangerous situation we are in today. All one has to do is pick up the morning newspapers or turn on the news. It is beyond me why we would want to have a political debate pitting border security against the needs of our men and women in uniform.

There are other ways to pay for this. There is money for construction that could be postponed until a real budget emerges. There are other kinds of options. But, no, we are going to have a debate about two serious, urgent requirements that we should be stepping up to meet.

I hope we will support the Reid amendment and do what is right by our troops and our border needs, and then let's get down to a serious discussion that is long overdue in this Chamber about where this country is headed.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when there is 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, as she is exiting the Chamber, I wish to commend my friend and colleague, the Senator from New York, for an excellent statement and comment about what is really at play here at noontime in the Senate; that is, a choice between meeting our responsibilities to the service men and women who are serving bravely and gallantly in Iraq and Afghanistan and also meeting our responsibilities to protect our country at our border. I have listened to her on many different occasions, and she spelled out the choice as clearly and as passionately as I have ever heard the case made. I thank her for her excellent and eloquent comments.

Mr. President, we are getting close to decision time on this particular amendment. Just to review very briefly where we are on the issues that are before us, I think all of us in this Chamber understand that we are making progress on an extremely difficult and complex issue; that is, the issue on immigration reform.

There are strong emotions, strong feelings, and strong beliefs on a variety of different aspects of immigration reform, but one which I believe has total support in this body is that what we do need to do is be able to control our borders, and to be able to do that, we have to be able to make the investment which is going to be necessary to secure our borders.

Many of us believe that just in and of itself trying to establish just a border or just a fence in one part of the country is not going to do it.

All we have to really do is look at history. We understand that 10 years ago, about 40,000 illegals were coming into the United States. Since that time, we have spent over $10 billion on border security, we have increased the number of border guards by 300 percent, and now we have some 400,000 coming into the United States.

It is going to take tough border security, but it is going to take something more in terms of law enforcement in this country for those who are eligible to be able to work and separating out those who are ineligible and also to be able to develop a program of earned citizenship for individuals who are here because they want to provide for their families, to work hard, to play by the rules, and to serve in the Armed Forces. They are prepared to pay a penalty, and they are prepared to go to the back of the line and wait their turn for up to 11 years before they would even be eligible for citizenship.

The immigration debate will continue along, and we will get back to it here in the Senate, but there is broad agreement on doing more in terms of our border security. There is some difference in how that should be shaped, but we ought to recognize that we need the resources, we need the $2 billion which is before the Senate. What is completely unacceptable is the tradeoff between trying to deal with and seal our borders and to see a reduction in the support for our military and the armed services in both Iraq and Afghanistan. A number of us have worked very hard to increase in more protective humvees and the up-armoring of the humvees over the last 3½ years.

I serve on the Armed Services Committee. We have had 12 different estimates from the Defense Department on the requirement for up-armor humvees, and after each and every time, they have raised the requirement in order to protect troops.

We have added resources, both in the Armed Services Committee and here on the floor, to ensure that we are going to provide the best protection that the humvees can provide when they are up-armored. Now we are faced with an amendment which would reduce the resources for up-armoring humvees, something I believe is completely unacceptable. The tradeoff is completely unacceptable. We need both.

We have read and Americans have understood that we need to do a great deal more on armor for our troops. We are all familiar with the stories of American servicemen going through dumpsters in Iraq to get strips of steel and metal and strapping those onto their vehicles because we weren't providing sufficient body armor either to individuals or to the trucks that are used in convoys over there. Nonetheless, the proposal that is being offered by the Senator from New Hampshire would reduce the funds available for the kinds of protective armor which is so essential for individuals and for their vehicles.

The IED, as we have heard from General Casey, as we have heard from General Abizaid, and as we have heard from the commanders in the field, is the primary threat to American service men and women. Who of us has not watched the news virtually every single night and not seen the smoking ruins of some vehicle where young, brave, courageous American men have lost their lives? Those are primarily destroyed by IEDs.

We have not done the kind of research into IEDs necessary in order to master the technology so our servicemen will have a defense. In the very beginning, IEDs were being set off with simple signals, but we were unable to jam them because it interfered with our military's communications. We have an opportunity. We have sent men and women to the Moon and brought them back, but we are unable to develop the electronics to set off the IED before it can hurt our troops coming down the road. I don't understand it. But I know that we haven't utilized to the extent we should the entrepreneurship, the ideas, and the innovation in the private sector in terms of electronics to be able to advance this whole area of technology.

We have finally established a very interesting important task force to try to bring in the best minds in defense and the private sector together to solve this problem. But we are going to be cut back on that for border security. What possible sense does that make?

Those are a few of the very top priorities but there other priorities that will be affected, including training the Iraqi security forces to upgrade their skills so they can stand up and Americans can stand down. This amendment would cut that program, as well as training programs in Afghanistan.

Why in the world, if we have made assessments that these programs are justified, are necessary, that are included in the supplemental, is it possibly justified to say: Well, those weren't really accurate, those really didn't reflect the need? We can chip away at any number of those programs because we need border security. It is a bad choice. I would like to take note, particularly of some of the smaller dollar items but, nonetheless, items which are of enormous importance and consequence.

Family support counseling: We have read about the explosion in the number of divorces that have taken place among our service men and women who are returning from Iraq. It is now four or five times the national average of those in their generation because of the stress experienced by these individuals, both those who go to Iraq and, sadly, those who are left behind. So we provide assistance in terms of family support counseling, which is so important, so necessary.

And all of us are familiar with the stories of children who are missing their father and may have difficulties in school. We also hear of the families who have difficulties in adjusting to the fact that parents are away for a long time, come home for a brief time, and then are sent back to Iraq; come home for a brief time, and then are sent back to Iraq again. This puts enormous pressure on families who see these enormous potential dangers to the lives and well-being of their loved ones. So the resources in here to help with support counseling are very important. This amendment would reduce those services.

This amendment would also reduce the help and assistance, particularly, for patient transportation, medical services, and rehabilitation services, particularly for those severely wounded. The fact is, we have made some progress in the advancement of technology for helmets, so we have less injuries to the brain and to the head than we have seen in previous wars. And we have also made improvements in body armor. But as a result we have seen the extraordinary trauma in the extremities, and many servicemen have lost their limbs—legs and arms. We have some special provisions in this legislation to give greater focus and attention, direction and support, to programs that deal with these injuries.

I do not understand why, if we are talking about getting $2 billion for border security—which I strongly support—we ought to put at risk any of these programs. That is what this amendment will do. We know we have to do something to protect our borders. We know we need to make the improvements which are outlined in both the amendments of Senator REID and Senator GREGG, which are areas I certainly support, but we should not do it at the cost of these essential programs which are absolutely necessary for those individuals who are fighting on the front line and risking their lives every single day in a dangerous part of the world, and their families.

It is the wrong choice to make, to put any of these programs at risk in order to support the $2 billion. We ought to be able to support that. We ought to add that and it should be a part of this Nation's obligation for the future.

I just remind ourselves of a recent excellent report by a Nobel laureate, Professor Stiglitz, at Columbia, whose estimate is that this war in Iraq—just in Iraq—is going to cost $1 trillion—$1 trillion—before the end of it. A Nobel laureate estimating it will cost $1 trillion. We are being asked here for just about $2 billion to provide vital support services to those men and women who fight this war. It seems to me we have seen extraordinary expenditures already to date. I had my reservations, and I opposed going to this war, and I still believe it has not enhanced our national security or the security of Americans, but, nonetheless, what I am sure of is that it does not make sense for us to see a reduction in these programs that are so vital for our service men and women.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I do not suppose there is a row of seats in the U.S. Senate that produces more passion and eloquence than the back row on the other side of the aisle. I enjoyed listening to the Senator from New York and the Senator from Massachusetts on this subject. I was especially struck by the Senator from New York, who spoke about budget deficits and talked about history and talked about an ocean of red ink and made a very impassioned speech. Then, when she got to the end of her speech, she volunteered to be on the list of big spenders that is going to be created at noon, which will be those who vote for the Reid amendment.

The Gregg amendment and the Reid amendment are identical. They are about border security. All the Reid amendment does is they took the Gregg amendment, which is a carefully structured approach to try to help maintain our border security on the southwest border, just at its present level, and they just struck out "Gregg" and they wrote in "Reid" and they did something else: they struck out the way to pay for it. So they are going to pay for it from thin air. They are going to pay for it with cotton candy.

There was talk about a brazen smokescreen. That is a brazen smokescreen. That goes on all the time here. I am on the Budget Committee. The Senator from New Hampshire is the chairman. We sat in the Budget Committee and voted down—I think it was 17 "no" votes—as the Democrats sought to add $128 billion over the next 5 years. Then the debate moved to the floor, and they tried to add $273 billion over the next 5 years.

So I guess it is all right to be fiscally irresponsible, but at least you ought to stand up and say: Yes, I am the one doing it. I am the one who has the good idea and then does not want to pay for it—which is exactly what the Reid amendment does.

The Senator from New York said: Oh, there must be other ways to pay for it. Why doesn't she suggest one? Why doesn't she cut something?

The Gregg amendment does not cut anything. This is a supplemental emergency appropriation for the war on terror. The war on terror is mostly in Iraq and Afghanistan and in the Middle East, but it is also along our southwest border. I believe the Senator from New Hampshire believes that, and I believe most American people believe that. I believe it is appropriate to include that with the additional money that we are appropriating to support our men and women in uniform.

So the false choice—the false choice—is to stand up and say: We want to support border security, but we have no money to pay for it. That puts you on a list of big spenders. So as it stands today, the Gregg amendment is the responsible amendment. And the Senator, I am sure, will speak, as I have spoken earlier, on exactly what it does to help maintain our current infrastructure.

The Reid amendment is the identical amendment, except it is a smokescreen. There is no way to pay for it. So as to the list of those on the Reid amendment, those votes will be a handy list of big spenders, which can be taken to your blog, which can be taken to your dinner table. And when somebody says: Who is it in Washington who keeps coming up with these good ideas but then never pays for it with real dollars, and so as a result we have runaway spending, then you will have a list of people who do that.

This is not about the last 5 years. It is not about the next 5 years. It is about today's vote: the Gregg amendment, which is the border security paid for amendment; or the Reid amendment, which is the same amendment not paid for.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the very concise and accurate summation of this amendment, its purposes, and how it would affect spending by the Senator from Tennessee. I do think it is appropriate to respond even a little further on this issue.

The purpose of this amendment is to basically give the people who are defending us on our borders—the border security agents, the Customs agents, the Coast Guard—the tools they need to do their job right, which includes the airplanes, the unmanned vehicles, the boats, the cars, and the helicopters. That is clearly a critical element of our national defense in the fight in the war on terrorism. It has to be done. It has to be done now.

For example, the Senator from Tennessee noted that the one unmanned vehicle on the southwest border crashed—it is fairly ironic it would crash this week, but it crashed this week—so we now have none. We need to replace that. We not only need to replace it, we have to add about three or four more. It costs money, and this amendment would accomplish that. We know that has to be done if we are going to get the borders under control. With the proper capital support, with the proper technical support, and with the proper number of people on the border, we can bring the border under control.

We are on a path to do that. We added 1,500 agents. We are going to add another 1,500 agents this year. We are adding them as fast as we can hire them. But the problem is hiring is a little difficult because they are high-quality people, and we get about 40,000 applicants for every 1,500 we can hire, so it takes a while to ramp up. But with this capital support, we will have to accomplish that, and we will have the border under control, in the near term. But this argument coming from the other side: Well, you should not pay for this initiative, is just plain wrong. We are a country which, if we are going to remain strong and vibrant, has to be fiscally responsible and set priorities.

Now, it was my priority, quite honestly my personal priority, that we pay for this by taking out of the emergency request that came up from the Defense Department a number of items which really are not clearly emergencies. They go more to the core operation of the Defense Department, but I think they were put in the emergency because they thought it was maybe a way to pick up those dollars and not have to worry about them in their basic underlying budget.

I suggested the modernity initiative, which is about $3.5 billion and would essentially have paid for this initiative in the Border Patrol, be taken out and replaced by the Border Patrol needs which are an emergency. They are an emergency. The planes are not flying. The UAV crashed. We do not have enough boats. The cars aren't running. The facilities are not there. It is an emergency. The Defense modernity is something we need to do, but it should be done and built out over the basic defense budget. There are a couple of other items in this emergency supplemental that also fall into that category, such as the V-22 Osprey purchase.

But I went to the people who understand defense spending around here, and I said: How should we pay for this? I went to Senator STEVENS. My staff talked to Senator WARNER's staff, Senator COCHRAN. And they said they would rather pay for it the way the amendment has been structured with basically an unidentified across-the-board cut—it is not going to even be across the board but an unidentified reduction to the overall number, giving the Defense Department the flexibility to find those dollars within the $530 billion they will spend, $2 billion.

So to come down here and allege that these funds are going to come out of the needs of the people who are on the front lines in Iraq or Afghanistan is pure poppycock, pure. And to make that representation is hyperbole and waving a red flag, which is totally inappropriate to this debate because if they read the amendment and they recognize how the amendment was structured, they would know that would never happen. They do know it would never happen. They are down here just trying to get attention for their position and make an excuse for why they are not willing to pay for their proposal.

The fact that it will not happen is because when you line up Senator STEVENS and Senator WARNER and Senator COCHRAN on one side, and you put the folks who are saying the opposite on the other side, I tend to come down on the side of those three Senators as knowing more about what we are going to do and what we need in defense than necessarily the critics of this amendment. These are the people who have stood by our Defense Department for not only this year but for generations.

When the defense was being cut, savaged basically under the Clinton administration, when it was basically being hollowed out under a Democratic Congress in the early 1990s, it was people like Senator STEVENS and Senator WARNER who stood on this floor and tried to stop it. It is those folks who have built the Defense Department back up so our soldiers have what they need so we have a strong national defense. They came to me and said: We would like to see your amendment done this way rather than the way you proposed. And I said: OK. You are the experts. I am perfectly willing to follow your suggestion.

So this argument that is being thrown out on the other side is a straw dog. The issue is, as Senator ALEXANDER has framed it, a question of whether we are going to set priorities, whether, when we say we are going to do something about the Border Patrol needs, Coast Guard needs, Customs needs in the area of capital assets—such as planes and helicopters, unmanned vehicles—we are going to do that, and whether we are going to prioritize so that goes to the top of the list or close to the top of the list of our national priorities, and so it is paid for and is not put into debt.

So the choice, as Senator ALEXANDER has reflected, is: Are you going to pay for it or aren't you going to pay for it? Are you going to be a big spender or are you going to be somebody who is fiscally responsible?

The amendment I have put forward is a fiscally responsible amendment which will have no negative impact on any soldier who is in the field or on our operational capabilities in Afghanistan or Iraq. That representation clearly is inappropriate and wrong. I take a little bit of umbrage at it.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. I wonder if, through the Chair, I might ask the Senator from New Hampshire a question. Typically, a piece of legislation that is paid for has a better chance of making it all the way through to the end than a piece of legislation that is not paid for; is that not correct?

Mr. GREGG. The Senator is absolutely correct. We have attempted in the past to get these capital funds for the Border Patrol without paying for it, and the language has been dropped as it worked its way through the process. This is a priority we should be willing to pay for. As responsible governors of the purse of the American people, we should pay for it rather than just put it on the debt.

Mr. ALEXANDER. There is some talk about a brazen smokescreen on the other side. I suggest the brazen smokescreen might be to first stand up and say we are going to have more border security but we are not going to pay for it, and then turn around 30 seconds later and claim to be the guardians of fiscal responsibility. You can't do that. That is a smokescreen.

Another way to have a brazen smokescreen might be to stand up and make an impassioned speech and say: Let's spend $2 billion for border security without paying for it, knowing full well that many amendments that are not paid for then get lost somewhere in the process and never are passed. And then the American will people say: What happened over there in the Senate? I saw them say they were for border security, but the money never came through.

The American people want us to maintain the border, pay for it, and do it. The Gregg amendment does it. The amendment offered by the distinguished Democratic leader does not.

Mr. GREGG. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the final 10 minutes of debate before the votes at noon be equally divided between the Democratic leader and the majority leader or their designees, with the final 5 minutes reserved for the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum and ask unanimous consent that the time be applied to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to speak for 5 minutes on the amendment.

The PRESIDING OFFICER. There is only 3½ minutes remaining.

Mrs. HUTCHISON. If the 3½ minutes is not taken on our side, I will ask unanimous consent for that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of Senator GREGG's amendment. I appreciate the job Senator GREGG has done in his position as chairman of the Appropriations Subcommittee on Homeland Security, which has done so much to try to beef up our borders. Senator GREGG has been a leading proponent of strengthening control of our borders with Mexico and Canada.

I think this amendment is a very positive and productive one, adding $1.9 billion to homeland security and trying to do the things that would make access through our borders more secure. The US–VISIT Program, which sometimes stifles legitimate commerce on our borders will be provided $60 million. This will be used to integrate the biometric databases so they will work better and we will know who is in our country and to allow people who are legitimately in our country to be able to go back and forth. It adds funds for Customs and border protection. It adds money for construction of new stations, checkpoints and tactical infrastructure, Immigration and Customs enforcement.

I think this is an issue everyone in America is absolutely behind. We want to have control of our borders. I have had meetings with Hispanic-American leaders, and I have had meetings with small business people who are on the border, as well as throughout our country. Everyone believes that as a sovereign Nation and for the security of our country, we need to control our borders. We had 160,000 other-than-Mexican illegal aliens entering our country from all over the world last year through the Mexican border. This is unacceptable for a sovereign country not to know who is in our country, particularly when al-Qaida puts out the word that if you want to penetrate America, go through the southern border.

It is not good for Mexico. Mexico knows there are people coming through their southern border, all the way through Mexico, sometimes as a criminal element, and they are doing so to get to the United States.

So it is very important that we pass the Gregg amendment. What is different about the Gregg amendment from the Reid amendment is that it is offset, it is an agreed-to offset, with a reduction in spending in other parts of the bill, in order to pay for this effort to secure our borders, and strengthen our national security.

I think it is so important that we are focusing on the Coast Guard to upgrade their patrol aircraft, their ships, and their patrol boats. The whole Gulf of Mexico is a very vulnerable area, and we need to secure the coast, as well as the land border areas.

I urge my colleagues to vote for the fully offset Gregg amendment that will beef up our border security at a time when we all know this is a first priority.

I yield the floor.

Mr. LEAHY. Mr. President, for those of us who have served in the Senate for the past 5 years, the irony of the amendments before us today is inescapable. Had the Bush administration fulfilled its promises over those years and lived up to its rhetoric about bolstering our Nation's border security, there would be no need for the emergency supplemental spending amendments proposed by the distinguished chairman of the Homeland Security Subcommittee of the Appropriations Committee and the Democratic leader.

The administration's failure on this front has not gone unnoticed. In December of 2005, the 9/11 Commission's Report Card gave the Bush administration a 'D' grade for its efforts on border security, and specifically, for its failures in fostering international collaboration to improve border security. This is particularly disappointing in light of the grandiose statements in February 2001 in which the President heralded a new era of cooperation with President Vicente Fox on immigration and border issues.

For all its talk and swagger about security, the Bush-Cheney administration has not lived up to its public promises. Just last month we heard about nuclear material being successfully smuggled across our borders in a sting operation. Not long after that bombshell, a U.S. Citizenship and Immigration Services employee, Michael Maxwell, testified before a House subcommittee about an astonishing culture of corruption, and misdirected priorities in the agency within the Department of Homeland Security charged with processing immigration applications. For an administration that has regularly touted its commitment to national security, it is incomprehensible that the type of behavior Mr. Maxwell testified about was occurring in one of our most critical border security agencies.

You do not have to take my word for it or read the New York Times to see criticism of this administration's competence when it comes to border security. Take just one day's worth of reports from the Washington Times, one of the most conservative papers in the country. On Tuesday, that paper ran a front page story in which it reported that U.S. law enforcement officials say that "[h]undreds of Mexican nationals who wear government-issued uniforms, carry official identification cards and are authorized to use weapons are helping smugglers move tons of drugs into the United States." This follows numerous reports of uniformed incursions into the United States.

On page 3 we read that the Homeland Security Department's inspector general has completed a 22-month investigation "into Syrian nationals suspected of practicing to hijack a plane during a Detroit-to-Los Angeles flight." The inspector general's public summary says that the Department needs to better coordinate information on suspicious passengers, and on the conflicting jurisdictions of the FBI and Federal Air Marshal Service that can compromise investigations of in-flight incidents. Because the 40-page inspector general report is classified, its detailed contents have not been made public, but it involves an incident from June 2004. According to the paper, the suspects were traveling under expired visas on one-way tickets bought with cash, but that immigration officials had failed to report to the airport to detain them.

Then on page 13, Tuesday's Washington Times reports about the case of a high-ranking Iranian official travels in and out of the United States on a U.S. green card, even though he carries an Iranian passport and is reported to be "an economics and technology aide to Iran's top nuclear negotiator," and is reported to have "joined the Iranian government last year" and to be a "high-ranking Iranian official."

The three incidents I have just described are all possible border security scandals reported in just one newspaper on just 1 day.

Just as gas prices for American consumers have doubled during the Bush-Cheney administration so, too, have the number of undocumented immigrants within the United States doubled. I do not think that I need to remind the American people that the same Government Department that so mishandled Katrina and its aftermath is in charge of border security. Nor will any of us forget that after 9/11 the immigration authorities were still sending cordial correspondence to dead suicide hijackers.

Here in Congress, we have met the President's calls for increased border enforcement with authorizations across the board. Indeed, we have often acted, as we are now, to provide additional authorities and resources that the administration did not request in order to try to force progress on border security. The administration, however, has not lived up to its end of the bargain. Despite the funding mandates of the intelligence reform bill that provided for 2,000 new Border Patrol agents annually, the President's budget request for 2006 would have provided enough funding to add only 210 Border Patrol agents. That is 10 percent of what Congress mandated, and not a single new agent would have been assigned to help protect our northern border.

What the President has said and what the administration has done couldn't be more different. He has talked about border security, but his priorities in the budget proposals he has sent to Congress shows that his administration values tax cuts for the rich over robust border security.

It is incomprehensible that almost 5 years after the horrific attacks of September 11, only 6 percent of shipping containers entering U.S. ports are screened. Despite the recommendations of the 9/11 Commission and despite Coast Guard recommendations that $5.4 billion is needed for port security over a 10-year period, the Republican Congress has appropriated only $800 million in grants during the last 5 years. I commend Senator BYRD for the port security additions he has made over time and to this bill. Following its failed effort to approve the Dubai Ports deal, the administration has recently made a big show of arrests of undocumented workers at one company. Ironically, those recent raids emphasize how little this administration has done over the last 5 years in terms of interior enforcement and enforcement of prohibitions against employers' illegal hirings. Where is the President's leadership on these critical issues?

I was pleased to see an increase in the President's proposed budget to allow for the hiring of 1,500 or more Border Patrol agents in 2007. The Judiciary Committee reported a bipartisan bill that calls for even more agents and investigators than that. But even the 1,500 new agents proved to be another hollow promise from the Bush administration. On closer scrutiny, it is clear that the funds to pay for these agents do not exist. The administration's budget also fails to specify whether any of these new positions are allocated to the northern border.

The President's budget priorities for fiscal year 2007 raise other serious concerns, including a proposal to eliminate grants dedicated to port security. This short-sighted proposal inexplicably shortchanges what we know is already a critically vulnerable aspect of our border security. It is difficult to reconcile what this President says about border security and what his administration does or does not do.

The lack of effectiveness of this administration is represented for many Americans by the Department of Homeland Security's failures to prepare for and respond to Hurricane Katrina. It was a disgrace and a human tragedy. It has been 6 months since the hurricane hit. We know that 1,604 lives were lost, but approximately 1,840 individuals are still listed as "missing" or "whereabouts unknown." These numbers are astonishing. Is it possible that more lives were taken by Hurricane Katrina—a storm that we knew was coming for several days before it hit—than on September 11, 2001, when we were attacked without warning? What is being done to locate these persons and discover if they are living or if their lives were taken in the storm? It is no surprise that Congress is required to force action on border security when we consider how the Bush administration has performed.

I support the additional funding for border security in these amendments, though I do so with the regret that the Bush administration's lack of leadership on this critical issue has brought us to this point. Many of the items are the types of expenditures that we are now categorizing as "emergency spending" because of more than 5 years of neglect and incompetence in making them part of our regular budget and spending priorities as they should have been.

I conclude by commending the Democratic leader for his amendment. He has recognized a serious concern with the way that the alternative amendment was drafted. Both amendments contain the same funding. Both provide for long overdue law enforcement communications upgrades. Senator GREGG and I have worked on these matters since the tragic Drega incidents that affected our States demonstrated this critical need. Both amendments contain funding for border patrol vehicles and surveillance technology. Years ago it was a Vermont agent who helped develop remote sensors for border patrol purposes. Both contain almost $800 million for helicopter replacement and other air patrol and surveillance needs. Both contain $600 million for the Coast Guard vessels, aircraft, and equipment that is needed. Some of the other inclusions are less essential but I will not quibble with the subcommittee chairman or the Democratic leader who both include the same items and dollar amounts.

The difference between the amendments is a significant one, however, as the Democratic leader has explained. He supports, we all support, increased border security. But his amendment ensures that these additions are not paid for by taking funds from the emergency funding recommended for the needs of troops fighting in Iraq and Afghanistan or from the needs of those victimized by Hurricane Katrina in the gulf region. We should not be cutting pay and benefits for our National Guard, Active Duty and Reserve troops. We should not be cutting Iraqi security force training funding. We should not be cutting the Joint Improvised Explosive Device Defeat Fund that is intended to protect our troops from the scourge of deadly IEDs that threaten them in Iraq. We should not be cutting but should be improving health programs for out veterans and, sadly, the death benefits for their families. I agree with Senator REID and will support his amendment to better secure our borders and years of neglect but will do so without shortchanging the needs of the troops whom the President has committed to fighting in Iraq, and that we all authorized be sent to Afghanistan.

Mr. BYRD. Mr. President, the Senate will vote today on two amendments to provide $1.9 billion of critical resources to enhance our border security. I will vote for both amendments.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. It would authorize border surveillance technology and unmanned aerial vehicles. However, the immigration bill is just an authorization bill. If you are serious about border security, you must approve real dollars.

Yesterday, the administration sent Congress a Statement of Administration Policy on the pending emergency supplemental bill. I will ask that the statement be printed in the RECORD. In this statement, the President threatens to veto the bill if it exceeds $94.5 billion. He opposes providing disaster aid to our farmers impacted by drought and hurricanes. He opposes funding for 31 States to repair highways that were damaged by floods, and other disasters. He fails to endorse critical investments in port security.

By threatening to veto the bill if it exceeds $94.5 billion, he forces the Congress to make very difficult tradeoffs. By endorsing additional border security funding while capping the bill at $94.5 billion, the President is supporting cuts in his own request for the Department of Defense, or for aiding the victims of Hurricane Katrina.

I think this tradeoff is unnecessary and unfortunate. That is why I will vote for the Reid amendment. However, Chairman GREGG has done an excellent job in crafting the $1.9 billion package of border security investments. If the only way to get the additional border security funds is to accept the President's position requiring offsets, then, in this case, I will vote for the Gregg amendment as well.

I ask unanimous consent that the before mentioned statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 4939—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

(Sponsors: Cochran (R), Mississippi; Byrd (D), West Virginia)

The Administration supports expeditious Senate passage of an FY 2006 Emergency Supplemental for the Global War on Terror and Hurricane Relief as requested by the President. The Administration commends the Committee for its continued support for our ongoing military and intelligence operations in the Global War on Terror (GWOT), other international activities, and hurricane relief and reconstruction. The Senate reported bill also included $2.3 billion in emergency funds for pandemic influenza preparedness and prevention included in the President's Budget for FY 2007. The Administration wants to work with Congress to secure enactment of pandemic influenza funding before October 1, 2006, and believes this is an appropriate vehicle to ensure the funding is available when it is needed.

However, the Senate reported bill substantially exceeds the President's request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately presented a bill that provides more than $92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

In addition, today the President sent to Congress a revision to the Administration's pending supplemental request, asking for an additional $2.2 billion for the U.S. Army Corps of Engineers to heighten and strengthen levees in New Orleans. This additional funding is fully offset by a corresponding reduction to the previous request for the Disaster Relief Fund and assumes a non-Federal share for a portion of the work. The Administration urges the Senate to amend the bill to incorporate this revised request during its consideration of the bill.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

Global War on Terror (GWOT)

The Administration appreciates the Committee's strong commitments to the President's funding request for ongoing military operations in the GWOT. The Administration also commends the Committee for funding the President's request for international funding for counter-insurgency and stabilization activities in Iraq and urgent, unanticipated needs to help relieve human suffering, including in Sudan and other parts of Africa.

The Administration appreciates the Committee's full support for the training of the Iraqi Security Forces, but opposes the $290 million reduction from the President's request of $2.2 billion for the Afghan Security Forces Fund (ASFF). This reduction to ASFF would set back efforts to build police forces by denying them the ability to operate from secure, functional, and economical facilities. Such setbacks hamper the effort to build cohesive units able to secure the peace and foster continued democratic transition in Afghanistan.

Similarly, the Administration opposes the reduction of funding for coalition support by more than one-half, or $760 million. Failure to fund this effort through the end of the calendar year would jeopardize continued coalition partner support and a shared coalition responsibility for success in Iraq and Afghanistan this fall and winter.

The Administration opposes the reduction in requested transfer authority, particularly the failure to increase general transfer authority from $3.75 billion to $5 billion. The lack of additional transfer authority and needed flexibility will hamper the Department of Defense's (DOD's) ability to ensure that funding goes to the most pressing requirements.

The Administration appreciates the Committee's support for military pay and allowance programs, but notes that the increase of over $500 million for these programs should have been appropriated in the base appropriations bill for FY 2006. The Administration opposes the inclusion of unrequested procurement funding while reducing critical funds for supporting combat missions in Iraq and for responding to unanticipated requirements. The Committee reduces $104 million from the Army's Operation and Maintenance account that is intended to sustain Iraqi military forces operating side-by-side with American units.

The Administration appreciates the Committee's support for the National and Military Intelligence Programs. However, the bill funds the National Intelligence Program at a higher level than requested, particularly for the National Reconnaissance Office. The Administration urges the Senate to redirect this funding to restore other reductions to the President's request.

In addition, the Administration is concerned about the $13 million rescission to the Export-Import Bank's subsidy appropriations that are available for tied-aid grants, which help deter or defend against trade distortions caused by government-to-government concessional financing of public sector capital projects in developing countries.

Hurricane Disaster Relief and Recovery

The Administration appreciates the Committee's support for the request for FEMA's Disaster Relief Fund. However, the Administration is concerned that the additional $1.2 billion provided far exceeds what is needed for the new "alternative housing pilot program" authorized in the bill. Such a pilot program should maintain the Department of Housing and Urban Development as the lead agency for longer-term and permanent housing initiatives, and focus on cost-effective alternatives that treat severely affected communities equitably.

The Committee provides $5.2 billion in Community Development Block Grant funds, $1 billion above the request. The Administration is concerned that the bill would permit funding to all affected States rather than limiting it to Louisiana, as requested, because Louisiana faces unique needs to mitigate future flood risk and address other housing concerns. The Administration also believes that designation of $1 billion of the total for affordable rental housing is unnecessary and hampers the ability of local communities to prioritize funding based on local needs and citizen input.

The Administration commends the Committee for supporting the President's proposed actions to strengthen the Greater New Orleans hurricane protection system, including providing needed authorization for levee improvements and restoration of wetlands. Today the Administration is transmitting a proposal to Congress to authorize and fund actions needed to certify the majority of the levee system in the New Orleans area and, where needed, replace floodwalls. The Administration requests that Congress support the revised request, which is fully offset by a reduction to the Disaster Relief Fund request.

The Administration urges the Senate to eliminate section 2303, which instructs the Navy to adjust shipbuilding contracts for business disruptions that contractors incurred as a result of the hurricanes in 2005, for several reasons. First, it would require the Navy to cover shipbuilding costs that are routinely borne by private insurance, creating an incentive for insurance companies to deny payments. Expanding the scope of the Navy's liability would also limit flexibility in future contract negotiations because shipbuilders could claim business disruption for years to come. Second, Federal Acquisition Regulations expressly disallow insurable losses and already adequately evaluate the costs at issue in the shipbuilding contracts. Third, the legislation would require the Navy to cover business disruption costs of any affected shipyard—including those completely unrelated to DOD.

The Administration also opposes the $594 million provided for Federal Highway Emergency Relief for requirements unrelated to the Gulf hurricanes, and the $200 million provided to the Federal Transit Administration, which was not requested.

The Administration strongly objects to the $700 million included in the Senate bill to relocate the privately owned rail line that runs along the Mississippi Gulf Coast. The CSX Corporation, using its own resources, has already repaired damage to the line, and trains are now running. Relocating the tracks would represent a substantial investment beyond pre-disaster conditions and would improperly require U.S. taxpayers to pay for private sector infrastructure.

The Senate is also urged to eliminate other unrequested and unnecessary funding and programmatic waivers in the bill, such as that included for the National Aeronautics and Space Administration, private historic residences, USDA debris removal and rural development programs, Job Corps construction, National Civilian Community Corps, Army Corps projects and reprogramming activities, and grants for Federal law enforcement.

Other Items

The Administration understands that an amendment may be offered to add additional funding for border security efforts. The Administration believes that such funding can significantly complement comprehensive immigration reform that provides enhanced border security and increased interior enforcement efforts and creates a temporary worker program that does not provide amnesty and allows new citizens to fully assimilate into their communities. The Administration looks forward to working with Congress to ensure that any additional funding provided for these purposes is targeted to address enforcement challenges on the Nation's borders most effectively.

The Administration strongly opposes the Committee's agricultural assistance proposal, totaling nearly $4 billion. The 2002 Farm Bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near-record production, and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

The Administration appreciates the Committee's support for the President's proposed funding to rebuild a National Oceanic and Atmospheric Administration facility, assess fishery resources, and provide mapping to assist debris removal. However, the Administration strongly objects to the additional $1.1 billion provided for the Department of Commerce. Providing direct income assistance would constitute preferential treatment for fishing industry participants, who are already eligible for other sources of assistance. In addition, the Committee provides substantial funding for non-emergency needs such as a promotion campaign for seafood.

The Administration urges the Senate to remove a provision prohibiting the use of funds to implement a final rule regarding foreign control of U.S. airlines. The Administration is committed to working with the Congress to address concerns with the rule.

The Administration objects to restrictions on the Bonneville Power Administration's (BPA) ability to use a portion of its secondary revenues to pay down debt owed to the Treasury. The Administration's proposal is consistent with sound business principles and would provide BPA with more financial flexibility to meet its long-term capital investment needs.

The Administration appreciates the Committee's support for the Administration's previous request for pandemic influenza prevention and preparedness activities and looks forward to working with the Congress to ensure this funding is allocated in the most effective manner possible to achieve our preparedness and prevention goals.

Constitutional Concerns

The language under the heading, "State and Local Law Enforcement, Office of Justice Programs," purports to require that the Attorney General consult with Congress prior to obligating funds. Because this provision would infringe on separation of powers, it should be modified to be permissive.

In addition, Section 2503 of the bill purports to require approval of the Committees prior to the obligation of funds. This provision should be changed to require only notification of Congress, since any other interpretation would contradict the Supreme Court's ruling in INS v. Chadha.

Mr. FEINGOLD. Mr. President, I support the increased funding for border security that is provided by the Gregg and Reid amendments. This funding for replacing and upgrading the equipment and vehicles that we need to protect our borders is vital to our security. Of course, border security alone will not solve our immigration problem, and I am committed to working toward comprehensive immigration reform. But providing much needed resources to those who are working to secure our borders is a critical part of guaranteeing our national security and dealing with our broken immigration system.

Although both amendments would provide this funding, only Senator GREGG's was offset. The spending of this Republican-controlled Congress has been out of control, and it is beyond time to rein it in. The Gregg amendment is a start. The 2.75-percent cut to the defense portions of this bill will not come out of important items to protect our troops. I would never consider supporting any measure that threatened their safety. This is supposed to be an emergency funding bill, but there are billions of dollars of nonemergency items in the bloated defense portion of this bill that have nothing to do with protecting our troops and have no business in this supplemental—items that can be cut to pay for the real border security needs funded in both amendments. Some examples include the unrequested funding for V–22 Ospreys and C–17s and the clearly nonemergency Army modularity program. Our spending on our national security is also completely imbalanced, with almost all resources going to the Department of Defense and very little to other important national security priorities such as border security and the U.S. Coast Guard. The Gregg amendment brings back some balance to our spending.

Mrs. BOXER. I rise today to express my opposition to the amendment put forward by Senator GREGG to the emergency supplemental appropriations bill—an amendment to provide additional funding for border security at the expense of the U.S. Armed Forces.

While I certainly support the goal of providing an additional $1.9 billion to secure our Nation's borders, it is completely unconscionable to cut funding for our military men and women at a time when they are risking their lives in Iraq and Afghanistan.

Let me explain how Senator GREGG's amendment would hurt our military.

The Gregg amendment cuts Department of Defense programs included in this bill. This includes critical funding, such as funding for the military personnel account—which provides pay and benefits for Active-Duty, Guard and Reserve troops—and the Defense Health Program, which is responsible for providing our troops with medical assistance.

Funding for the training of Iraqi security forces is included, as well. We know this mission is critical to our success in Iraq and the ability to bring home our brave servicemembers.

The bill also includes funding for the Joint Improvised Explosive Device Defeat Fund, which provides assistance to our troops seeking to eliminate IEDs the leading cause of death for U.S. troops in Iraq.

Furthermore, the Death Gratuity Fund, which provides assistance to the families of fallen soldiers, is included in this bill.

Senator GREGG's amendment seeks to secure our borders but does so by reducing much-needed funding for the men and women fighting for our country every day. This is unacceptable.

While I oppose Senator GREGG's amendment, I am pleased to support Senator REID's amendment. The Reid amendment also provides nearly $2 billion in additional funding for our Nation's border security but without dangerous funding cuts that would harm our troops.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. DURBIN. Mr. President, the news this morning tells us Secretary of Defense Donald Rumsfeld is in Iraq. That is a good thing. It is a good thing for the leaders of our Government to be in touch in the field to let them know we are on their side. I am glad the Secretary is there. I know when he visits there, he often learns things—things that help us wage this war more effectively.

Do you remember not so long ago when Secretary of Defense Donald Rumsfeld had an open meeting with the soldiers in Iraq? He invited them to comment on how the war was going. A member of the Tennessee National Guard stood up and said: Mr. Secretary, why as a soldier do I have to dig through a dump to find a piece of metal to put in my humvee to protect me and my fellow soldiers? Why has it come to this?

It was a moment of great embarrassment for the Secretary. It was a moment of embarrassment for our Nation. We ask these young men and women to take an oath to defend this country and risk their lives in uniform for us every day. We stand and sit in the comfort of this Chamber on Capitol Hill with all of the protection around us, and they wake up every morning putting on a uniform knowing it may be their last day on Earth.

Now take a look at this amendment. Take a close look at this amendment. This amendment is designed to give us better control of our borders, and we need it. Our borders are out of control. There are 500,000 illegal people crossing them every year, at least. We know that has to change, not just because of the immigration issue, a terrible challenge to America to get it right, but because of security. So we all support, on both sides of the aisle, more resources at the borders, more people, more technology, better efforts to stop this illegal flow of immigration.

It is a serious problem, and we should take it seriously. That is why the Democratic leader, Senator REID, has offered this amendment, an amendment which provides the resources for the border. He says it is an emergency; it should be treated as such. I couldn't agree with him more.

But listen to the other side of the aisle. Senator GREGG on the Republican side said we can only pay for border security at the expense of soldiers in the field. He takes the roughly $2 billion out of the military account to make our borders stronger. That is not fair to the soldiers. It is not fair to the men and women who are risking their lives every day in Iraq and Afghanistan.

We know we have failed them many times. This administration has failed to provide the body armor these troops needed. Senator DODD of Connecticut had to offer an amendment to allow ordinary American families to deduct from their taxes the cost of body armor that they would buy for their soldiers which they sent overseas. I have met them in Illinois, families who said: I got tired of waiting for the Army to give my son protection; my wife and I bought it ourselves.

Another one said: We had a little potluck supper at church to raise money for body armor for our soldiers.

Think about that. We know about these humvees. They were death traps for entirely too long. They were not well protected. We know what happened. We had helicopters in the field that didn't have good defense devices, and they were shot down.

Now the Republican side says let's take more money away from the defense of our soldiers so our borders are more secure. What a terrible choice to ask of this Senate, but what an easy choice for many of us.

I am not going to take money away from these soldiers. This Senator voted against this war in Iraq, but I have voted to give this President and this administration every penny they have asked for to wage this war for one basic reason. I thought to myself: What if it were my son or daughter, would I want them to have the best equipment and best supplies, even if I felt the foreign policy was wrong? You bet. And when it comes to this choice in this amendment, it is very clear. We can take the Republican approach of making our borders safer while making our soldiers less safe, or we can take the approach which Senator REID is suggesting: Declare this an emergency at our borders that deserves emergency status.

Isn't it interesting, when it comes down to these choices, so many on the Republican side of the aisle say: Now we are going to be fiscal conservatives, fiscal conservatives at the expense of our soldiers. It is plain wrong.

I ask my colleagues: Read these amendments carefully. Understand the stark choice we are being given. Support Senator REID's amendment which declares it an emergency to have strong enforcement at the borders but not at the expense of our men and women in uniform who risk their lives while we stand in the safety of this Capitol Building.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have the greatest respect for the chairman of the Budget Committee, the distinguished senior Senator from New Hampshire, but he is absolutely wrong on this issue. I heard his impassioned statement that this is no problem; anyone who says this is a problem, they haven't read the bill.

The amendment is written in English. It is very clear:

> The aggregate amount provided by . . . chapter 3 of title II of this Act may not exceed $67,062,188,000.

The amendment takes $1.9 billion from this bill. It seems rather unusual to me that on an emergency appropriations bill—this bill—everything in it is being paid for, like everything else around here, by the American taxpayers. This, I am sorry to say—like most of what has been paid for in the past 5½ years in the Bush administration—is being paid by my children, their children, their children's children. Deficit spending and suddenly there is a concern about this.

Our concern is that money that should go to our gallant troops in Iraq and Afghanistan will not go to them if the amendment that has been offered by the Senator from New Hampshire is adopted.

What are these cuts? They are cuts to the military personnel account, operations and maintenance, Iraqi security forces training, the improvised explosive device defeat fund, defense health program. What are these programs? No matter what my friend from New Hampshire says, the $2 billion has to come from someplace, and this is what is in this bill:

Military personnel account: This includes hardship pay for those in the line of fire—I think people in Afghanistan and Iraq who are serving in our military qualify for that—and family separation pay for those who are forced to serve in combat zones away from their families.

Is this what we want, for men and women currently serving in Iraq and Afghanistan not to get this pay I have outlined?

The operations and maintenance accounts provide resources for the day-to-day needs of our military. This money allows our forces to conduct operations against insurgents in Iraq and Afghanistan. It includes money for nuts-and-bolts activities—the airlifts, the transportation, and other logistical missions. It also provides for the Commander's Emergency Response Program which gives resources to commanders on the front lines to support humanitarian reconstruction projects. If a commander in the streets of Baghdad wants to put up a power line that was knocked down, this account gives them tools to do that. Is this what we want to cut?

As the President has said time and again, as foreign troops stand up, we can stand down. This account is what will help us ensure foreign troops are able to stand up. It is the money that we use to assist the Governments of Iraq and Afghanistan to assume increased responsibility for their Nation's security. Is this what we want to cut? I hope not.

The joint improvised explosive device defeat account: Explosive devices every day are a threat to our forces in Iraq. This account directs money helping our troops to spot these IEDs and defuse them. These people in Iraq are very ingenious. We figure out a way to stop them from using a certain method, and they figure out a way to go around that. We need to stay ahead of them. We are not doing a very good job of that, and cutting money from this account isn't going to help. Our troops need resources so they can keep up with everchanging enemy tactics. This account will help them do that.

Defense health program: This is money for health care for our troops—and their families—who are serving today in Iraq. It is their health care.

The choice here is pretty direct: If the amendment offered by the Senator from New Hampshire is adopted, we will have added border security.

Mr. President, I will use my leader time now.

If the amendment offered by the Senator from New Hampshire is adopted, we will have improved border security, and that is important. If there were ever an emergency, this is it. If my amendment is adopted, we will have increased border protection. But with my amendment, we pay for it as we do everything else in this bill—in this bill. I think it is rather unusual to have the majority coming to the floor now suddenly with qualms of conscience about these deficits that have been run up by President Bush and his administration—trillions of dollars, not billions, trillions.

I am not willing to vote to cut the military personnel account, operations and maintenance, Iraqi security forces training, explosive device defeat fund, the defense health program, or the death gratuity fund. I am not willing to cut those programs. I want border security. It is important. I was 3 weeks ago today on the border. If there ever was an emergency and we need to do something, it is this program. I don't make any apologies for saying this situation on the border is an emergency. It is an emergency, like other matters in this bill.

I hope that on a bipartisan basis we will vote to give the troops everything they need and also do a better job of protecting our borders.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

Mr. FRIST. Madam President, in a few moments we will begin the votes on these two amendments. I wish to say right up front that I applaud and congratulate Senator JUDD GREGG, chairman of the Appropriations Subcommittee on Homeland Security, for having as the very first amendment on the supplemental request an amendment that focuses on border security, on national security, on tightening the borders that we all know are too porous. It shows good leadership. It shows priorities in this being the first amendment to tighten the borders and strong border enforcement.

Actually, the first step was taken last year by Senator GREGG, when we were on this floor, under his leadership, and funded an additional 1,400 border guards, as well as 1,800 detention beds, a strong statement recognizing the importance of addressing border security. This is step two today in addressing more the capital expenditures, the equipment, the infrastructure which we know those border guards require to guard that border.

A key element of our security, of our global war on terrorism, indeed, is securing our Nation's borders, and this amendment takes that next major step in that direction by providing $1.9 billion for improving that border infrastructure.

The Democratic leader just mentioned he had been on the southern border. I have been on the southern border. It doesn't take long to witness for every one person detained and stopped, there are two or three people who sneak around that border, and that is as many as 2 to 3 million people a year who come to this country. We don't know who they are, why they are here, or what their intentions are. For this particular amendment, there are a number of things we have talked about over the course of the morning. It will provide needed funds to upgrade an outdated P–3 aircraft fleet that is used for surveillance along our borders. When you are there and you look at that 1,900 mile border, you know how important it is to have those surveillance aircraft to be able to look down and identify along that long expanse people coming across illegally. It will provide needed funding for a number of unmanned aerial vehicles operating along our southwest border. As we talked about already today, it is amazing that we only have one UAV, unmanned aerial vehicle, which has worked very effectively, but—I said we have—we had, because literally that aircraft crashed yesterday morning while serving along that Arizona border.

The amendment will provide additional resources for continued construction of the border fence—the fence itself, the physical structure—near San Diego.

This first amendment also sets what is a very important standard framework, a fiscal spending framework as we begin debate on this emergency funding bill. The initiative included in the amendment put forward by our side of the aisle—we initiated this amendment for the tightening of border security—is paid for in the bill itself, and that is a very important framework which I hope we can continue to use for absolutely necessary emergency spending as we look at the rest of this bill.

Securing our borders is the first step for any action we need to take in terms of more comprehensive reform of immigration, an issue we debated for 2 weeks on the floor beginning about a month ago and an issue we will come back to. But border security is first, it is foremost. I feel strongly that we need to look at workplace enforcement and interior enforcement and a temporary worker program as well, and we will come back to that later. But now is the time for us to say forcefully that we are serious about tightening that border, and we will provide the resources, the personnel, and capital infrastructure to do just that.

Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3594. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—59

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—39

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Harkin
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Talent
Wyden

NOT VOTING—2

Kerry
Rockefeller

The amendment (No. 3594) was agreed to.

Mr. GREGG. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3604

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3604 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent. I also announce that the Senator from Massachussetts (Mr. KERRY) is absent due to illness in the family. I further announce that, if present and voting, the Senator from Massachussetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Talent
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Kerry
Rockefeller

The amendment (No. 3604) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3616, 3617, 3618 AND 3619, EN BLOC

Mr. McCAIN. Madam President, I ask unanimous consent the pending amendment be set aside and I send four amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments numbered 3616, 3617, 3618, and 3619, en bloc.

The amendments are as follows:

AMENDMENT NO. 3616

(Purpose: To strike a provision that provides $74.5 million to states based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration's emergency supplemental request)

On Page 229, strike lines 5 through 14.

AMENDMENT NO. 3617

(Purpose: To strike a provision that provides $6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request)

Beginning on Page 224, strike line 23 through line 10 on page 225.

AMENDMENT NO. 3618

(Purpose: To strike $15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request)

Beginning on page 138, line 24, strike all after the ":" through "fisheries" on page 139, line 2.

AMENDMENT NO. 3619

(Purpose: To strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines)

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

Mr. McCAIN. I thank my colleague from Virginia.

AMENDMENTS NOS. 3620 AND 3621, EN BLOC

Mr. WARNER. I ask that the pending amendments be laid aside and I be allowed to send to the desk two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3620 and 3621, en bloc.

Mr. WARNER. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3620

(Purpose: To repeal the requirement for 12 operational aircraft carriers within the Navy)

At the appropriate place, insert the following:

SEC. ___. Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

AMENDMENT NO. 3621

(Purpose: To equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan)

On page 126, between lines 12 and 13, insert the following:

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States

Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

Mr. WARNER. Madam President, the U.S. Navy today very proudly has 12 aircraft carriers on active service. That is a figure that was acted upon by this body and the other body and enacted into law, instructing the Commander in Chief—the President—and the Secretary of Defense to maintain no less than 12 carriers in our fleet.

Subsequent to the legislation by the Congress, and the law enacted, the Navy has determined that the USS *John F. Kennedy*—a ship that bears a name in which every Member of this Chamber takes a deep and abiding pride—that ship is now 38 years old and is, in the judgment of the Chief of Naval Operations, not qualified to perform her primary mission of aviation operations. And she is not deployable without a significant investment of resources. By that I mean to return her to her primary mission would require an inordinate amount of money to go into reconstruction of the launching and arresting gear, the main powerplant, steam-powered plant. She is a conventional as opposed to a nuclear-powered carrier.

It is a decision of the Department of the Navy that those expenditures on a ship 38 years old are simply not prudent, not in the best interests of the Navy, and those funds should be directed towards new ship construction.

As to the risks inherent to naval aviation—and they are very significant risks to all of us who have been aboard those carriers and watched aircraft take off and land—and as to maintaining her at sea, at this point in time she cannot perform that primary mission. Therefore, the purpose of this amendment is to revise the previous legislation such that the Secretary of the Navy can retire this ship.

Now, I recognize to many it is a painful thing to realize this ship can no longer serve. But these are the consequences, if we were not to enact this legislation: Each month there is a delay on a decision—the decision being not acting on this piece of legislation—costs the Navy $20 million in operations and manpower funds, funds that are sorely needed elsewhere by the Navy.

It puts an extraordinary burden upon the sailors who are proudly attached to this ship and deep in their hearts regret that ship can no longer perform its primary mission. And it puts a burden on their families. There have to be adjustments in their new assignments—moves, transfers, and all the other personnel actions that are essential to maintain our fleets throughout the world.

Madam President, as I said, I rise today to offer an important piece of legislation related to our Navy and national security.

The Department of Defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces. In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense Strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by Congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the National Defense Strategy. Carefully considering this conclusion, we must weigh the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV–67.

The compelling reality is that today the 38-year-old USS *John F. Kennedy*, CV–67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy $20 million in operations and manpower costs that are sorely needed to support greater priorities, and it levies an untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long-term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

Therefore, I urge the Senate to act favorably upon this amendment. At this time I will not seek the yeas and nays. I will defer to the manager that at such time as he believes it is appropriate that this matter be brought up.

Now, Madam President, to the second amendment. I have taken a great interest, along with other Senators—and it came into clear focus on my last trip to Afghanistan and to Iraq—that we simply have insufficient infrastructure in place from those Departments and agencies other than the Department of Defense. We are ever so proud of the courage and the dedication of the men and women in uniform who each day are assuming risks to see that the people of Iraq and Afghanistan have a government of their own choosing and take their place alongside other democracies in our world community.

But they need help, those military people. The Iraqi people need help. The new government which is making considerable progress towards its formation needs help. We need people experienced in agriculture, people experienced in commerce, people who can help them devise a code of military justice, a framework of laws, the whole framework of infrastructure that must be put in place to support these emerging democracies.

I first learned of this need in testimony months ago by General Abizaid, General Casey, Ambassador Khalilzad appearing before the Armed Services Committee and, indeed, in other public appearances. I have talked to them personally.

I subsequently have had two brief meetings with the President of the United States on this subject. I am very pleased to say that he is in full support of this legislation, which legislation devised by the Office of Management and Budget enables the various Cabinet officers to give additional incentives to their employees to accept all of the risks and hardships of being transferred to Iraq to perform missions to support our military, to support the formation of the new government by the Iraqi people.

Madam President, as I said, I rise today to propose an amendment along with Senators LUGAR and CLINTON that will equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the U.S. Government serving in Iraq and Afghanistan.

Many civilian agencies and Departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and al-Qaida.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004; they tried to stop millions from voting in the January 2005 elections; they tried to stop Sunnis from participating in the October 2005 constitutional referendum; they tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and, in each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional Members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said to each of them that we need to get the entirety of our Federal Government engaged in our efforts to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR that which aptly states that:

> Success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

> We need significantly more non-military personnel . . . with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I, along with five other Senators, heard the same sentiments from our field commanders and diplomatic officials during a trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each Cabinet Secretary asking for a review of their current and future programs to support our Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

I will ask to have a copy of one of the letters printed in the RECORD.

The aim of this bill is to assist the U.S. Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly situated U.S. Government civilian personnel. It is essential that the heads of all agencies who have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the Cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill. The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government, stood up and operating. To do that, this emerging Iraqi Government will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the Coalition Forces.

Now it is time for others in our Federal workforce to step forward and add their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

Madam President, I ask for the consideration of this amendment at such time as the distinguished manager so desires. I will reappear on the floor. Perhaps these amendments can be accepted. If not, I will ask for rollcall votes.

I ask unanimous consent to have printed in the RECORD the before mentioned letter to Cabinet officials regarding interagency support to our operations in Iraq and Afghanistan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 15, 2006.
Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past three years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff, and General John P. Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee, "We need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law."

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that, "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad." In the years since the passage of the Goldwater-Nichols Act of 1986, "jointness" has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operations, as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am
Sincerely,
JOHN WARNER,
Chairman.

Mr. WARNER. Madam President, I yield the floor.

Mr. KENNEDY. Mr. President, I thank the chairman of the Committee on Armed Services for his kind words about aircraft carrier named for my brother. The chairman has long been a friend of my family, and his support is deeply appreciated and reciprocated.

All of us in our family are proud of the USS *John F. Kennedy*, and to her many years of outstanding service to our country. The keel for the carrier was laid on October 22, 1964, in the chairman's home State of Virginia. She was christened on May 27, 1967, by President Kennedy's daughter Caroline, when she was just 9 years old, the carrier came to be affectionately known to her crew as "Big John."

In 1983, the *JFK* was called upon to support U.S. forces during the growing crisis in Beirut. Six years later, at the height of the cold war, F-14 Tomcats assigned to the *Kennedy* shot down two Libyan MiG-23s that were threatening the battle group.

Afterward, the *JFK* returned to the U.S. and visited New York City for Fleet Week and then returned home to Boston for the Fourth of July, to the state that my brother was so proud to represent. Soon after that, she was assigned to the Red Sea, and stayed to support Gulf War I in Operation Desert Storm in 1991.

The following year, she was deployed to the Mediterranean Sea and monitored the turmoil in the former Yugoslavia. Later returning to the U.S. for routine maintenance, she was designated as the Reserve Operational Carrier.

In 1996, the carrier made a dramatic visit to the port of Dublin in Ireland. More than 10,000 visitors were able to tour the ship and learn about her history. I was honored to be there for that visit and awed by love the Irish people showed her. Before she left, 16 planes from the *JFK* took off from the flight deck and performed a thank-you flyover of Cork and Dublin, in gratitude for the affection shown by people.

From September 1999 through March 2000, the *JFK* was back in the Mediterranean, and her aircraft patrolled Iraq's southern no-fly-zone. In 2002, in the Mediterranean and in the Arabian Gulf, she supported our troops in Afghanistan and Operation Enduring Freedom. She was called on again in 2004 to support U.S. troops in Operation Iraqi Freedom. She was relieved by the USS *Harry S. Truman*. She returned to her homeport in Mayport, FL, that December and last year, she made what may be her final visits to Boston and New York.

It is bittersweet to know she will be retired, but the people of Massachusetts and the Kennedy family are very proud of her service and know she holds a special place in the hearts of the Navy and the Nation.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. DAYTON. Mr. President, earlier today, the chairman of the Senate Agriculture Committee, Senator CHAMBLISS, and the ranking member, Senator HARKIN of Iowa, held a very important hearing on the biofuels industry. I hope it will be the first and not the last because biofuels, specifically ethanol and biodiesel, are real, viable, here-and-now alternatives to the ever-increasing cost of gasoline and diesel fuels.

We are in the midst of another price crisis for the gasoline, diesel, and oil upon which our citizens, our industries, and our lifestyles and our entire national economy depend.

Most Americans want their fuel prices to be lower, but they do not want to change their fuels in order to make them so. People say, understandably: Solve our energy problems right now, but don't make us do anything differently. That is why I respectfully disagree with people who say: We do not have a national energy policy. We do. And it is to maintain the status quo for as long as possible.

That is actually a rational policy because our existing energy sources, over 95 percent of which are oil and oil-derived products, coal, natural gas, and nuclear, have been and, in most cases, continue to be cheaper, more available, more convenient, and certainly more familiar than any of their alternatives.

The sources of supplies, their production, transportation, distribution systems, and retail networks are all well established and well protected by everyone who profits from them. Those industries and companies that control and profit from our country's enormous and almost exclusive dependence upon their sources of energy have enormous stakes in preserving their control and protecting their profits by destroying any real competitive threats to their energy monopolies.

Nowhere are the stakes higher than in our Nation's transportation sector.

Over 40 percent of total U.S. energy consumption is of oil and petroleum products, and over two-thirds of that oil is used for transportation. Our country now consumes almost 30 percent of all the oil produced in the entire world each year, which means that 20 percent, or one out of every five barrels of oil produced in the entire world, goes into an American car, truck, train, or airplane. Up until recently, oil was the only fuel that those cars, trucks, trains, and airplanes could run on. What a gigantic energy monopoly that is. It is the largest monopoly of any in the world. And like most monopolies, it is hugely profitable for the monopolists and hugely expensive for everyone else. Like every other source of enormous profits and financial power, it is not going to be surrendered voluntarily by the profitable and the powerful.

The huge oil and oil products monopoly is not going to willingly surrender sales or market share or profits, not to a competitor such as the biofuels industry. Like any other established energy monopolies, they may give lip service to those energy alternatives, but they don't really mean it. That was very clear when the Senate considered its energy bill last year. There were full-page ads in the Hill and Roll Call newspapers, run by the American Petroleum Institute, which smeared the biofuels industry with the same misrepresentations, distortions, and fearmongering that they tried to use a decade ago to defeat a 10-percent ethanol mandate in the Minnesota Legislature.

Back then, the oil industry claimed that biofuels, particularly ethanol, would raise the price of every gallon of gasoline, that the supply would be impure and unreliable, and that people's gas tanks would explode or their carburetors would implode or the cars would be damaged or destroyed. None of those occurred. Yet almost 10 years after Minnesota required every gallon of gasoline sold in our State to contain at least 10 percent ethanol, we were still the only State to do so. Nationwide, the use of ethanol is only about 2.5 percent that of gasoline.

It turns out that regular automobile, SUV, and small truck engines not only run very well, with no modifications at all, on 90 percent gasoline and 10 percent ethanol, but they can also, with factory-modified engines, run as well or even better on a blend of 85 percent ethanol and 15 percent gasoline called E-85 fuel. In Brazil, where I visited 2 weeks ago, automobiles run very effectively on 100 percent ethanol.

This week's U.S. News and World Report magazine contains a two-page ad by General Motors touting its flex fuel engines which could run on either 100 percent regular unleaded gasoline, 85 percent ethanol, or a combination of the two. Yesterday, Daimler-Chrysler announced that in model year 2008, 500,000—or one-fourth of its vehicles—are going to be produced with flex fuel engines.

The flex fuel engine is the key to unlocking the gasoline monopoly. With a flex fuel engine, as I have in both my Minnesota and Washington cars, the consumer has a choice at every service station offering both regular unleaded gasoline and E-85 fuel. It is that price competition which will do more than anything else to stop the price gouging and profiteering by the oil and gasoline companies.

For the past 3 years, I have introduced legislation requiring that every car, truck, and SUV sold in this country have a flex fuel engine, beginning with the model year 2005, 2007, 2009—you can pick the year. Some people say that simply isn't possible, but last year over 70 percent of all automobiles sold in Brazil had flex fuel engines. I met last year in Detroit with General Motors and Ford company engineers. They told me they can design and install flex fuel engines at a production cost of between $100 and $300 per vehicle. They are better engines. However, until now, most American consumers haven't known about them or even wanted them.

We in the Federal Government can take one of two positions: We can do nothing and let the markets eventually change manufacturers' and consumers' behaviors, as they are starting to do now, or we can act to accelerate that transition. It seems clear that our constituents are clamoring for us to make available alternatives to the rising cost of gasoline and other fuels. We have before us right now the opportunity to do so—right now, not 10 years from now with hybrid engines, not 20 years from now with hydrogen engines. They may ultimately be more energy efficient and environmentally friendly, but "ultimately" is years away. Right now, we can give Americans a real energy alternative, the first large-scale, readily available alternative to a traditional energy source in many years, because ethanol—and behind it, biodiesel—is not just a substitute for the gasoline additive MTBE, it is a substitute for gasoline. It is not perfect. No energy source yet is. There are transition costs, production and distribution challenges, and similar susceptibilities to supply manipulation, price gouging, and profiteering as with oil, gasoline, or other fossil fuels. The key is the competition, consumers' ability to choose the lower priced, better option.

Last week, traveling around Minnesota, I could choose, with my vehicle with the flex fuel engine, between E-85, which was costing about $2.39 a gallon, and regular unleaded gasoline, which was costing about $2.79 a gallon. Both of those prices were significantly higher than they were in Minnesota 6 months or a year ago. Both prices are too high. Americans are being taken advantage of at the gas and the E-85 stations in Minnesota and other places around the country, and this Congress has a choice whether to do something about it or to do nothing.

President Bush said last weekend that his administration would investigate and prosecute price gouging and profiteering at the gasoline pump. I am glad to hear the President say that. I only question whether he really means it because he said the same thing last September when gasoline prices skyrocketed after Hurricane Katrina. Yet as far as I know, there is not a single charge that has been brought against anyone. In fact, the Chairman of the Federal Trade Commission subsequently testified before a Senate committee that no "Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently." She went on in her prepared statement to state that an oil company's "independent decision to increase price is and should be outside the purview of the law."

As my mother used to say to me, actions speak louder than words. Price gouging investigations and prosecutions for now are just words. I urge the President to turn them into actions.

The President yesterday touted his support for biofuels. However, in the last 2 years, he has signed into law cuts of almost 50 percent in bioenergy grants. His fiscal year 2007 budget calls for a 57-percent reduction for renewable energy grants. I urge the President and the Congress to turn their words into actions by increasing Federal funding for biofuels and other renewable energy research and development.

Another important action Congress should take this year is to pass a new energy bill. Some progress toward increasing the supply and use of biofuels such as ethanol and biodiesel was achieved in last year's energy bill but, as a nation, we are tiptoeing when we should be running. A new energy bill should accelerate this transition away from our Nation's increasing dependence on foreign oil which, even after last year's legislation, is projected to increase from 62 percent now to 67 percent in 2012. If we are really serious about reversing our growing energy dependence on oil and its products and not being held captive to rising oil, gasoline, and diesel prices here and around the world, we must act again by passing energy legislation, and we must act this year in doing so.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3633

Ms. STABENOW. Mr. President, I rise today to talk about what is on everybody's mind in my State, and that is what is happening as it relates to gas prices.

First, we all know there are multiple ways in which we need to address this issue. I was in an Agriculture hearing this morning on biofuels. It is very exciting to see colleagues on both sides of the aisle talking about what we can do in the way of policy to build on what was in the Energy bill that was passed last August in terms of ethanol and biobased fuels.

I know in my home State, we will have five ethanol plants by the end of the year. We already have biobased diesel being used. There are many exciting opportunities to create jobs, to help our farmers create new markets, to address our environmental issues in a sound way that deal with protecting our environment, protecting the Earth and, at the same time, getting us off foreign oil. I believe very strongly, if we work together—and we need to do this boldly and quickly—we can start buying our fuel from Middle America instead of the Middle East. That should be a goal for all of us. I know colleagues on both sides of the aisle share the excitement about moving forward in this way. We have things happening in all of our States.

From my perspective, not only corn but sugar beets can be used for ethanol. Soybeans are part of what we grow in our multitude of different crops in Michigan, and there are a lot of opportunities, not just for fuel but for us to replace oil-based plastic with corn-by-product-based plastic, and to do a number of other things that will move us off foreign oil, which needs to be one of our major goals as a Congress, and certainly working here in the Senate.

We have some short-term issues we have to deal with as well. While we move boldly—and I believe we need to move very quickly on the question of real competition—we also have to address what is happening right now without competition. We have an oil industry that has been consolidated down to five major companies. There is no real competition. It is not a regulated utility such as electricity and other basic necessities. Yet it is a necessity. Gasoline is not a luxury, it is a necessity. And the fact is, price increases for this necessity are making it harder and harder for people to be able to afford the product they need to get them to work, to get the kids to school, to be able to till the fields, to be able to do business, or to be able to take that trip up north in beautiful northern Michigan on vacation where tourism is so critical for us.

We also know it directly relates to jobs. GM executives have indicated, for example, that for every $1 increase in the cost of a barrel of oil, it costs them $4 million more to operate. So this is a question of jobs. From every angle, this is something that needs our immediate attention while we address where we go long term. Nothing would please me more than to be able to drive my American-made automobile into a service station—and by the way, they use flex fuels and E-85 ethanol and a number of products right now—right now—for our automobiles, and we see GM and Ford and Daimler Chrysler doing wonderfully bold things and advertising alternative fuels, flex fuels right now. But nothing would please me more than to see a pump with E-85 in it that is giving competition to the other pumps where the prices are going through the roof.

It would be one thing if this was just about supply and demand, but it is not. We know there are multiple factors. It is not about an industry hard hit, an oil industry barely being able to make it because of international factors or because of the hurricanes. No, we are talking about an industry that had over $111 billion in combined profits last year. We are talking about ExxonMobile with the highest profits recorded in the history of the country. And to add insult to injury for people, that same company pays their top executive, we understand, the equivalent of $110,000 a day in salary—a day. That is more than the average person in Michigan makes in a year, $110,000 a day. Then, when he announced his retirement, he gets a combined package of $400 million.

No wonder people are outraged. No wonder they look at us and say: What are you doing? What is going on here? You have the industry with the highest profits ever paying their executives more than the revenue of some cities in my State. Yet, at the same time, the policies continue to support tax break after tax break subsidized by American taxpayers to continue to increase the profits of the oil companies. It makes absolutely no sense whatsoever. It is outrageous that the oil companies are bringing in billions of dollars in profits each year, while families are now paying over $40 every time they fill up their gas tank, and certainly it could be $50 or it could be $60. On average in Michigan right now, it is about $42. That is up $4 from last month and $10 from last year, and we know it is going to be going up and up as the summer goes on.

We also know that, unfortunately, there appears to be no relief in sight. On average, I am told that Michigan families will be paying at least $500 more in the next year for their gasoline based on what is happening. Five hundred dollars may not sound like a lot to a lot of people. In fact, Exxon CEO Lee Raymond indicated in an interview with CNN that a single quarter or a single year of profits is "not all that significant," and that what is happening evidently in the oil industry is not all that significant.

Well, it is significant when it comes to what is happening to people who are working hard every day trying to make it. Five hundred dollars is a house payment. It is the rent. It is a car payment. It is paying for food. It is making sure your kids have the opportunity to go to college, maybe pay for the books that are needed for them to be able to go to college for a year. So it is a lot of money for the average person.

I think it is outrageous that somebody who has been earning the equivalent of $110,000 a day would act like what is happening to average families and the profits that are going to the oil companies is somehow insignificant. People in my State don't know if they are going to have a job tomorrow. There are policies, unfortunately, that have caused manufacturers in our country to believe, I am concerned to say, that maybe we don't need to make things anymore in this country, which of course is what has built our middle class. And those folks who have built our middle class and created our way of life and are the consumers who buy goods so that we can be successful in this country are now feeling that they are getting hit on all sides. They may not have a job.

Health care is going up. They may not have their pension. The cost of college certainly has gone up, based on things that have been happening here, such as taking away $12 billion as it relates to student loans and other proposals, to have the cost of college go up.

Now, to add insult to injury, we have an industry that is more profitable than it has ever been, with the highest recorded profits by ExxonMobile, the highest of any publicly held company ever, and now the American consumer is being told: You are going to pay again. You are going to pay for all of the excesses that are going on right now by making it harder for you to get to work, to take the kids to school, to be able to do your job, and maybe to take a little vacation this summer. It is absolutely outrageous.

I want to also make the point that this is not about our gas station owners. I met with some terrific people on Monday who talked to me about how they are helping people literally piece together pennies, helping people who have been longtime customers of theirs, a single mom coming in with kids and the gas station owners trying to help her piece together a few dollars so they can put enough gas in the tank so she can go to work, so she can take care of her kids. I was told by one gas station owner that a gentleman came in with 69 cents trying to figure out how he could get a gallon of gas into his tank. Sixty-nine cents buys a quarter of a gallon. We are now hearing stories about pawn brokers doing great guns right now, their business is going great because people are pawning their watches, their jewelry, their cars, whatever they have, in order to get enough money to be able to drive to work.

This is in America. We can do better than this in our country. People expect us to stand up and fight for them, not an industry that is gouging the American consumer and raking in billions of profits in the meantime.

I am putting forward an amendment that will address this very thing. People say: What can we do about it right now? We need to look long term. When I began speaking, I said I know we need to look long term. This morning, in the Agriculture Committee, we had a wonderful bipartisan discussion, and there is a lot of excitement about a number of things that we can do together to look long term. We know there are ways for us to move off of foreign oil and to move off of oil period, and we can do that. There is the old saying that the first way to get out of a hole is to stop digging. We need to stop digging. Part of that right now is to stop the continuation of tax breaks that Americans, working hard every day and paying their taxes, are subsidizing for the oil companies which then turn around and are so grateful that they raise their price at the pump.

In the conference committee right now there is work being done relating to tax cuts. There is an additional $5 billion in new tax breaks for the oil companies. Some of it relates to how we subsidize their foreign activity. They do business with the Middle East and somehow we are going to give them favorable treatment through our tax policy. It makes absolutely no sense. It is an insult to the American people. That is on top of $2 billion that was put into the Energy bill that was passed last year in subsidies. It is unexplainable and unacceptable at a time when there are so many other areas where we need to provide tax relief, when we need to address middle-income people bumping up against the alternative minimum tax or small businesses that are trying to make it, businesses large and small, when we need to deal with health care costs that need a tax credit—and I am more than happy to support that. But instead of that, we have $5 billion in the conference committee report that subsidizes an industry that is raking in billions and billions of dollars in profits at the expense of the American consumer. I think that is wrong.

My amendment would take that $5 billion and instead put it right back in the pockets of the folks paying the bill. We know on average there is going to be about $500 in additional cost for the average family for the next year as a result of these high gas prices. My amendment will give an immediate $500 rebate to every individual or family, just as we did with the $300 rebate. It is the very same process that was done then, where people were given the $300 rebate when the tax cut was done. We can use that very same mechanism. It is very simple and straightforward. In fact, we can do this if we act quickly, before Labor Day, to help people pay their bills.

My amendment would give $500 back to each family or each individual filer so that they are able to help pay the price of this outrageously high-price gas. That is a short-term fix while we get our act together on what needs to be happening to create more competition and more alternatives, which I believe we can do, working together in the Senate. But I believe it is an outrageous situation when we are continuing to add $5 billion in tax breaks to an industry that is causing so much pain for American families.

My amendment is based on a bill of mine called the Oil Company Accountability Act. In total, it would repeal both the $5 billion in committee plus the $2.6 billion that was passed in the Energy bill, for a total of $7.6 billion in tax breaks for oil companies, and provide an immediate $500 tax rebate to families to offset their energy costs.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3633.

Ms. STABENOW. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes)

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—OIL COMPANY ACOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. ENERGY TAX REBATE.

"(a) General Rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $500.

"(b) Remittance of Payment.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

"(c) Certain Persons Not Eligible.—This section shall not apply to—

"(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(b) Conforming Amendment.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(c) Clerical Amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Energy tax rebate.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(1) In general.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-oil equivalent.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of Requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) Applicable Integrated Oil Company.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating to Large Integrated Oil Companies Which Are Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) Large integrated oil company.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) In General.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) Nonapplication to large integrated oil companies.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. COCHRAN. Mr. President, I make a point of order that the amendment is not in order under the provisions of rule XVI.

Ms. STABENOW. Mr. President, I ask unanimous consent that the amendment be in order, notwithstanding the point of order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard. The Chair sustains the point of order under rule XVI and the amendment falls.

The Senator from Michigan.

Ms. STABENOW. Mr. President, the people of Michigan and the people of the country deserve better than what we are doing right now. There is a sense of urgency. We can make this in order if we want it to be in order. There is no question about it.

If we come together and we want to act today, if we want to put in place the opportunity for people to have a $500 rebate before Labor Day to help pay for the high gas prices they are paying right this minute, we can do that. The choice of the majority is not to do that, but we could be doing that if there were agreement. That is very unfortunate because there is a sense of urgency on behalf of every individual, every family right now, trying to figure out what they are going to do, with gas prices that are over $3, $3.20, $3.50—in some parts of the country $4 a gallon. It is the difference between whether people will be able to pay their bills, go to work, do what they have to do for their families. The American people, certainly the people of my great State, deserve better than inaction.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to set aside the pending amendment to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 3615

Mr. THOMAS. Mr. President, I call up amendment No. 3615, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. Thomas] proposes an amendment numbered 3615.

Mr. THOMAS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's Record under "Text of amendments.")

Mr. THOMAS. Mr. President, I bring forward an amendment this afternoon to talk about my concern with the process we are going through. We started out with a request for $92.2 billion in emergency spending—$20 billion for hurricane recovery, $72 billion for the war on terror. Then we added $14 billion of additional nonemergency spending.

Our constituents simply can't run their households or businesses like this, and I think we should not be running our business here, for the country, in that way either. The money we spend here does not come out of thin air. Of course, it comes out of the pockets of hard-working Americans. We should not take the emergency spending process lightly.

By definition, these are dollars we have not budgeted, and they should be reserved only for the urgent and dire need for which they were intended. There are some examples, very briefly, of nonemergency items. There are a number of them. Regardless of their merit, and they probably have merit, the question is, Do they belong in this bill? Why are we using this bill to provide $230 million for an Osprey program which is not involved in either Iraq or Afghanistan? We also just enacted a $286 billion highway bill less than a year ago. Yet this bill will add an additional $594 million in additional highway spending that really has nothing to do with any emergency. Why is there an emergency to spend $700 million to move a railroad that, while damaged by Katrina, has already been repaired? It may be a useful thing. Is it an emergency? I think not.

Finally, this is not the right vehicle for spending almost $4 million in farm subsidies or increasing the funding for community development block grants.

Again, these may be legitimate priorities. Perhaps they are. But in my view, this is not the right vehicle, nor the right process. Therefore, I have offered this amendment which will pull out all the extraneous spending and get us back to the President's request for emergency funds. I understand the way my amendment is drafted it merely strikes the whole bill and replaces it with the original amount in the President's request and this would vitiate any amendments adopted in the interim. I have also modified my amendment to account for Senator GREGG's security amendment and the President's revised request with respect to avian flu funding.

It seems to me this is something we ought to consider. Obviously, we have a lot of things to do. But overall, we have a responsibility, a financial responsibility to follow the rules, to go through the processes that are appropriate to do something about holding down spending, not put these items in the budget if they are not emergencies, and we ought not to be using these kinds of vehicles to spend more money when we are in the process of trying to do away with the deficit we have. These issues are out there, and they are out there all the time.

We have all just been home for a couple of weeks. What do we hear about a lot? We have to do something about spending. We have to do something about the deficit.

We do. Still, here we are expanding a request—one, frankly, that the President has threatened to veto. I encourage him to continue to take that position. We ought to deal with those things that are out here that fit this definition of emergency.

I have introduced this amendment, and I hope we give it some consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing this amendment to the floor. It does go to some of the points of contention that have been raised in the discussions based on whether the President's request should be exceeded by the Congress.

First of all, the President has threatened to veto the bill, which, of course, he has a right to do. He is setting out another marker that any amount over and above the request of the President would be considered inappropriate and therefore would subject the bill to a veto.

This is very early in the process of considering the bill for the President, in my opinion, to be threatening a veto. We have clear emergencies confronting the country that require the expenditure of funds for the Department of Defense and our military forces which are deployed in Iraq and elsewhere and engaged in the global war on terror to protect the security interests of our country and the lives of our American citizens. That is the major portion of this legislation.

Another very important part of the bill is to replenish some accounts in the Department of State, where agencies and officers of that Department are engaged in the same kind of peacekeeping activity, diplomatic efforts to avoid conflict, to preserve the peace where it can be preserved and protect the security interests of our citizens.

The third request the President submitted was to provide additional disaster assistance for the gulf coast States, primarily in the State of Louisiana but also across the gulf coast. I know that we can disagree on the exact dollar amounts. In the Senate, we are going to have a difference of opinion on some of these issues, but it suits me now to just test the water and see where the Senate is. Do we want to ignore, as a body, the needs that are clear and important and serious, that are addressed by the funding in this legislation? This amendment takes a lot of money out of the bill. It may respond to some concerns that some have that this bill calls for spending more money than is necessary. The Senate Appropriations Committee reported this bill to the Senate and is recommending its passage. I am hopeful that we can get an early reading. If this bill should go back to the committee, we could reconsider it.

But I think the time is now, when we should come to terms with the realities of this legislation. Either the Senate agrees that these needs are real, that they require the funds we recommended be appropriated, or not. We had an open discussion in the committee, in public. Any Senator who serves on that committee could offer an amendment to reduce funding. I don't recall any amendment to reduce funding. There were amendments to add funds to address needs that had either arisen after the President submitted his request and the House had acted early on the legislation or because of information that had come to the attention of the Committee on Appropriations. It was the view of the majority, the vast majority of the members of that committee, that the funding should be included at the amount reported to the Senate.

I am prepared to have a vote. I suggest—I don't know of any reason why we can't have the vote now. I can move to table the amendment and ask for the yeas and nays and we will get a vote. I think that is what we will do.

Mr. President, I move to table the amendment of the Senator from Wyoming, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

Mr. President, I will withhold my request until you have made a decision on the vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3615. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—72

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—26

Alexander
Allard
Allen
Brownback
Bunning
Burr
Chafee
Coburn
DeMint
Dole
Ensign
Enzi
Feingold
Frist
Graham
Gregg
Hagel
Inhofe
Isakson
Kyl
McCain
McConnell
Santorum
Sessions
Sununu
Thomas

NOT VOTING—2

Kerry
Rockefeller

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The Senator from Idaho.

SOUND ENERGY POLICY

Mr. CRAIG. Mr. President, I speak today of my strong concern over what I believe are troubling movements in the Western Hemisphere in relation to U.S. energy independence, energy security, and competitiveness of the U.S. oil and gas industry in the region and this country's political and economic influence in our own backyard.

For all the right reasons, in the past few years we have been appropriately focused on developments in the greater Middle East as we have engaged in a global war on terror and fought in Afghanistan and Iraq. Again, we are absolutely right to be engaged in conflicts in that region. But it is dangerous for any region to have a monopoly on this country's attention.

At home, in this Senate, we have engaged in many debates regarding U.S. energy independence. This issue was first recognized in World War I, when Winston Churchill stated that the answers to energy security "lie in variety and variety alone."

Energy security is becoming a hot topic, and many Senators—Democrats and Republicans—have been on the floor the last few days talking about tight oil markets, high oil prices, threats of terrorism, instability in some of the exporting nations, nationalistic backlashes in other fiercely competitive areas and supplies, geopolitical rivalries, and all countries' absolute need for energy to power their economic growth.

We have no time to waste to move forward on a sound national energy policy. Many of us in this body have taken the first step. We passed last August a national energy policy. By its action, we agreed to drastically decrease our energy dependence on the Middle East. Now our economy in energy is working in that direction, slowly, because of the phenomenal investment in time it takes to turn something as big as our energy industries of all kinds.

In 2005, the U.S. obtained 41 percent of its total petroleum imports from OPEC countries, which equals 27 percent of total U.S. consumption.

In order to reduce our reliance on Middle East energy sources and strengthen our Nation's energy security, it goes without saying that our energy sector must be doing business elsewhere. No doubt, the closest, therefore the most economically viable, option should be to turn to our own backyard or should I say "-yards."

Unfortunately, that is hard to do when we too frequently send our oil and gas companies into international competition hobbled by self-defeating laws and regulations that allow our economic adversaries and our competitors to beat us to the punch right at our doorstep.

I must point out that it is certainly ironic that the same people blocking the American public from obtaining resources in our own country, and in the region, are the same people not offering solutions to the new and very rapidly growing demand across the world.

Frankly, the United States has taken our neighbors in the Western Hemisphere for granted. We have hamstrung the United States energy sector from seeking additional resources in the region while at the same time allowing the likes of China and Canada and Brazil and France and others to freely seek energy opportunities 50 miles off our coast without competition from state-of-the-art technologies and expertise of our own United States gas and oil industries.

I have here a chart that is phenomenally self-explanatory. As shown, here is the coast of Florida, Alabama, Mississippi, and Louisiana. Of course, here is the great peninsula or the Panhandle of Florida down to the Keys. Here is Cuba. And literally, within the last 2 years, Cuba, within their water, 50 miles off the furthest point of the Keys of Florida, has allowed the nations of China and Canada and Spain to start drilling. It will be possible—or should I say it may be possible—to stand on the furthest Florida Key in the near future and see an oil rig drilling in Cuban water.

Did that happen accidentally? No. Why isn't an American company, with the best technology that could do it the cleanest, there? Because we simply have not allowed that to be.

For example, a February 2005 U.S. Geological Survey reported on a possible deposit in the Northern Cuban Basin—this area shown on the map that is all charted off—estimated at 4.6 billion barrels of oil, and possibly as much as 9.3 billion barrels. I would remind my colleagues these estimates are almost the same as the kind we are talking about on the Coastal Plain of Alaska known as ANWR, and it is simply 50 to 60 miles off our coast.

So the question must be asked: What is the U.S. doing while foreign countries and companies are exploring right off the U.S. coast in the Northern Cuban Basin, which is adjacent to the U.S. Outer Continental Shelf and contiguous to this country's Exclusive Economic Zone?

Well, I can firmly tell my colleagues that we are doing absolutely nothing about it. Not one single U.S. company is exploring in these potentially beneficial waters that extend to within 50 miles off the Florida coast. Oh, we are all angst about Gas Lease Sale 181, and it is at least 120 miles off of any coast. But stand on a high place in the lower Florida Keys someday and you may see an oil rig, and it will not be ours. It could be Red China's, or certainly mainland China's. I guess that is the politically correct thing to say about them now. And, frankly, ladies and gentlemen, it is China, and they are drilling in our backyard.

I am certain the American public would be shocked, as this country is trying to reduce its dependency on Middle East oil, that countries such as China are realizing this energy resource. In my opinion, China is using the area off our coast and in the Cuban national waters as a strategic commodity reserve. It is doing this by acquiring exclusive rights in the emerging Cuban offshore oil sector, thereby forever closing the door on those resources to the United States itself and dramatically impacting our foreign policy in the region.

As the administration recently pointed out in its National Security Strategy, China has quickly become the world's second largest user of petroleum products. Additionally, the administration's most recent National Security Strategy appropriately points out that China is "expanding trade, but acting as if they can somehow lock-up energy supplies around the world or seek to direct markets rather than opening them up."

We will miss the boat—because, folks, this boat will sail only but once—if we continue to deny ourselves the right to allow our companies to engage where they ought to be engaging, where they have the talent, the resources, and the expertise to engage. But, instead we are by our action forcing potentially substandard companies that do not have the talent, the expertise, the environmental know-how, to drill in an area that could be phenomenally damaging to the coast of Florida. That is the reality of today's policy in this country.

Higher oil prices will spur others to turn marginal opportunities into commercial prospects with or without the United States. As we saw last week, since demand for oil is so high, any disruption in small oil production—whether it be in Ecuador or Argentina or the Congo or Egypt or Azerbaijan or Bahrain or Sudan or Yemen or Chad—can have a profound impact on oil prices at the pump anywhere in this country. It is for this reason that we must and should act aggressively to diversify our imports and production and compete with other nations around the world.

On top of the economic competitiveness we are missing out on, we are also allowing the energy security of this country to slip away, to slip away right in our backyard. Simply put, too many unknowns lie in the hands of terrorists, instability, and chaos in the Middle East. Therefore, let us think about and rid ourselves of the vulnerability that we forced ourselves into by the responsible and environmentally sound development of our own resources or resources that are just across the fence in our neighbor's backyard. This is the opportunity we now deny ourselves.

I intend to look at these opportunities to bring about potential legislation that will cause this Senate to look and to act responsibly, as it would allow us to deal with these kinds of opportunities, instead of simply denying them. We think we can build a buffer around us to secure ourselves environmentally, and yet we have denied our backdoor. Our backdoor is open. The southern Florida coast is potentially vulnerable to second-rate drilling capabilities from foreign countries that do not have the kind of deepwater expertise and talent that has resulted in no spills by U.S. companies now for well over a decade.

Therein lies the opportunity. Yet we have some who would say: Oh, my, 50 miles we will turn our back on but 100 miles out, oh, we have a problem there. No, folks, we have a problem here, and we have a problem in Cuba. We ought to be recognizing it instead of denying it.

Here is the reality. Here is the sale area, the opportunity that Cuba is now exploiting by allowing foreign countries to come in our backyard or, can I say, just across the fence in our neighbor's backyard. Is it 50 miles off the coast of Key West? Is it 70? Is it 90? It is all of those. And it is potentially an opportunity for us to work with another government in effectively, responsibly, and environmentally exploiting a very valuable resource. We have denied it. Shame on us.

I yield the floor.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. The Senator's point that he makes very well is that foreign governments, such as the Republic of China, drilling off the north coast of Cuba, because of the currents—the currents come up there in the Gulf of Mexico and down around the Florida Keys, what is known as the Straits of Florida, and then northward, as it turns into the gulf stream—the Senator is making the point that illegitimate or unrestrained second-rate drilling that would occur off the north Cuban coast could threaten the delicate environment and ecology of the coral reefs and the Florida coast. Is that one of the points the Senator would make?

Mr. CRAIG. Well, the point I am making is, we have had the expertise in the gulf to do it and do it right without any environmental damage. But we have denied exploration within a certain margin or buffer zone of the coast.

As shown on the map, in this case, here is Lease Sale 181 that is being talked about today. On the average, from Pensacola, it is 100 miles out, approximately. And this is gas.

This is oil and gas. At the closest point, we believe, at least to the line here of the EEZ, it is 50 miles.

I simply offer this as an opportunity for the American people to become aware that in their backyard something is going on we are ignoring at this moment, and that we should not be ignoring.

Mr. NELSON of Florida. If the Senator will further yield, I would point out very respectfully to the Senator that the chart he shows with the oblong green block there—that is the existing lease of Lease Sale 181. What is proposed is an additional 4 million acres to the east.

Mr. CRAIG. Yes.

Mr. NELSON of Florida. Yes, sir. In there is the area that is restricted because it is the largest training and testing area for the U.S. military in the world. It is, as declared by the Pentagon, incompatible to have rigs where we are doing the testing and training of our U.S. military.

I ask the Senator, who is a great supporter of the military, why did all pilot training for the FA–22 come to Tyndall Air Force Base in Panama City, and why, in the realignment, did all pilot training for the new F–35 Joint Strike Fighter come to Eglin Air Force Base, and why did all of the U.S. Navy Atlantic fleet training come to northwest Florida after it was shut down?

Mr. CRAIG. I will reclaim my time, Mr. President, since the Senator has answered for himself. It is obvious, training capability. We also know—and the military will agree—that once a well is drilled, the rig goes away. There is no surface obstruction. We are talking about 3 trillion cubic feet of gas potentially. We may be talking about a whole region that has 6 or 7 billion barrels of oil in it, let alone trillions of cubic feet of gas. We ought to be concerned environmentally, but my guess is we can fly around them a little bit while it is going on and then the rigs go away. But the oil and the gas keep flowing for the security of the economy of this country.

I don't think citizens at the pumps right now are worried too much about flight patterns, but they are worried an awful lot about a flat pocketbook because we have not allowed ourselves the foresight that I am trying to suggest our foreign policy in these instances denied. You and I will debate 181 and beyond. But at our back door, and a heck of a lot closer to the coastline of your State than any sale proposed today out of 181, toward the east, 50 miles off is where the Chinese at this moment are test drilling to determine whether in fact there is a supply of oil. Then the rigs go in place. Then the environmental issues that you and I are concerned about may well come to be. I hope I am wrong. But I know I am right about this. These sales and test drillings are currently going on.

Mr. NELSON of Florida. This Senator, if I might conclude and compliment the Senator from Idaho, certainly has a commonality of interest with the Senator with regard to countries such as China drilling off the north coast of Cuba and the threat not only to U.S. interests that that portends but also to the interests of Florida. We will debate the question of oil drilling out there in the military area of the eastern Gulf of Mexico, particularly at a time that the people recognize that we ought to be independent of oil, not continuing the dependence that we have.

Mr. CRAIG. I thank the Senator for his comments. Before I yield the floor, whether it is the Senator from Florida or Idaho, the American people are saying to us: A foreign policy that allows China to drill in our backyard is not a very good policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3632

Mr. DURBIN. I ask unanimous consent to set aside all pending amendments and call up amendment No. 3632.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BIDEN, proposes an amendment numbered 3632.

Mr. DURBIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2006".

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

Mr. DURBIN. Mr. President, more than half the men and women serving the United States now in Iraq and Afghanistan are members of Guard and Reserve units. Not that long ago they were working civilian jobs with regular payroll and, of course, performing their responsibilities in the Guard and Reserve on weekends and during summer duty. They understood when they volunteered that they could be activated. They have been. In my State, 80 percent of the Guard units have been activated. They have served this Nation bravely, selflessly. They have done it at great sacrifice to themselves and their families: The pain of separation to be away from your family for a whole year, sometimes longer, to be gone when important family events occur, and an additional hardship that comes with this service.

Some of these service men and women find that when they are activated in the Guard and Reserve units, they are paid less by the military than they were receiving in their civilian capacity. So the expenses they incur, the bills they have to pay—whether it is for a mortgage, utility bills, education expenses for their children—continue, even though as they serve our country they receive less money. We are fortunate that many of their civilian employers have stepped up and said: We will protect you. If you will stand up for America, we will stand up for you. We will make up the difference between your pay as you serve our country in the Guard and Reserve and what you would have earned if you would have stayed here.

We appreciate that. As a Nation, we should be grateful, thankful that these companies stand by these men and women when they need it most so that as they worry about the pain of separation and coming home safely, they don't have to worry about whether the bills will be paid. We create Federal Government Web sites paying tribute to these companies that stand by Guard and Reserve Units. Some of the companies and some of the entities involved include Ford Motor Company, IBM, Verizon, Safeway, the State of California, Los Angeles County, and Austin, TX. The list goes on and on. There are some 23 different States that have said: If any of our State employees are activated, we will make up the difference in pay.

So why do I rise today with this amendment? Because the largest single employer of Guard and Reserve members in the United States fails to make up that difference in pay. There is one huge employer that will not say to these activated men and women: We will stand by you. If you are going to lose money, we will make up the difference.

Who could that employer possibly be? The United States Government. The Federal Government does not make up the difference in pay for these Guard and Reserve members. Why? If we value their service, if we praise these private entities and State governments and local governments that stand by these men and women, if we say they are setting a great example for America, why aren't we setting an example as the Federal Government? Why aren't we making up the difference in pay?

Some would argue there may be a disparity, that you may have two sergeants serving in the same place: one is in the active military being paid less than one who is having a supplemented salary as a former Federal employee, now activated as a sergeant serving overseas. Think about the current disparity, a disparity where this soldier, in private life a few weeks or months before, incurred expenses for his family which he thought he would be able to pay, and now, because he is serving his country, he cannot. I don't think the active military soldier will resent this. They will understand it and be glad they have a fellow soldier standing by them, leaving the comfort and security of a civilian life to serve our country so well.

What this amendment says is that the Federal Government will stand behind its employees activated in the Guard and Reserve to make up the difference in pay for them. It is a reasonable suggestion—in fact, so reasonable it has passed in the Senate several times, last time by an overwhelming vote. More than 90 Senators voted for it. Sadly, when it goes to conference where the House and Senate come together, it doesn't have a good fate. It turns out the Department of Defense and this administration don't care for the idea much, and they usually kill it once it gets to conference.

I am going to give them another chance for this Government to stand behind these soldiers. I hope my colleagues in the Senate will join me, as well as my other colleagues—Senator

MIKULSKI of Maryland, who is a cosponsor, Senator ALLEN of Virginia, Senators BIDEN, BINGAMAN, LANDRIEU, and LAUTENBERG. We offer this amendment and hope that it will be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this is an amendment, as the Senator points out, which has been before the body before. We have approved it by a substantial margin on a recorded vote. We are prepared to recommend that the amendment be accepted on a voice vote, so we can proceed to that unless there are other Senators who want to be heard on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3632.

The amendment (No. 3632) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

ENERGY

Mr. SESSIONS. Mr. President, I am concerned about the increase in gasoline prices. They are indicative of other increases in natural gas and diesel fuel. It is an important national issue. A family that may have been paying $150 for a month for fuel, $200 a month, may be paying $50, $75 dollars more a month than they were several years ago. It is real money out of real working Americans' pockets. It is an issue we need to confront. We have talked about it on the floor for many years. Unfortunately, we have not done enough to confront the problem and deal with it in a way that actually makes a difference.

We did recently pass an energy bill that is better than most people realize, that did a lot of good things. For example, it took us from zero preliminary applications for a nuclear powerplant to now 18. Since last fall, we have had 18 or 19 applications which would reduce the demand for natural gas that we are using so much now to generate electricity. But we failed in a number of important issues.

It is surprising to me, but the strength of the economy and the increase in productivity of our workforce is such that we haven't seen a surge in inflation across the board as a result of these increasing energy prices. But it could happen. It could begin to happen and could affect our economy adversely. We went through the last spike without serious consequences. But when you absorb this much extra cost, it does have some impact.

Unfortunately, what I have been hearing on the floor is a lot of politics, a lot of blame game from people who oftentimes are the very ones who have blocked key decisions that we should have made that would have made our energy situation far better.

I see my colleague from Idaho. Few people—as a matter of fact, virtually no Senators—have steeped themselves in energy issues more than he. When he speaks on this issue, we should listen. He has historical perspective and knowledge of the issues. I compliment him and will follow up on some of the things he said.

There is some bipartisan work going on. I am part of the energy security caucus that believes we should treat energy as a national security issue and even take steps that might in the short run seem not to be economically as wise but in the long run will be wise and help our economy. I care about this. I believe we should work in a bipartisan way.

I want to push back a little bit and talk about how we got in this fix and what it is going to take to get out of it. A few months ago this bipartisan group and others were invited to the White House. We met with President Bush. He passionately argued and excited all of us, Republicans and Democrats, about his vision for ethanol and hydrogen and biodiesel. It was a good give-and-take session. He heard everybody's ideas. He is moving forward in many different ways. It is good to have the President engaged personally in these issues. He has a lot of things on his plate, but I am glad he has chosen—and has for several months now—to personally push the development of better energy supplies.

How did we get here? A number of things are important to note. I just saw a report about the world economy. The world economy is growing at a great rate, 4 or 5 percent internationally. This is so much better than the downturn that they suffered several years ago. I was recently in Peru and the Dominican Republic. Their growth rate has exceeded ours, although we have had the highest growth rate of any industrialized nation in the world, higher than any single European Nation, at least of the larger economies in Europe. But the Dominican Republic has exceeded our growth—9 percent growth. You know about China and India's sustained growth, and they are using more oil and gas in all these areas, and we are using more as a result of that economy. It has increased demand, and we do have political instability around the world.

We have had problems in Nigeria and problems with Venezuela. The lines are still open there, but that is an area which causes some problem. There is concern and speculation that we could have a shutoff from any number of areas in the Middle East. So those are things which have curtailed supply while demand has been increased.

I wish to talk about some of the key votes we have cast in the Senate—votes that are very important. I have to say that in the votes I will be talking about, my Democratic colleagues provided the bulk of the votes that blocked decisions that should have been made, some of which I think go beyond the pale. I have said that for years.

Let's talk about ANWR. We have heard that discussed time and time again. It was passed one time. President Clinton vetoed it. We came within a vote or two of passing it several times since. Ninety percent of my colleagues on the other side of the aisle voted against opening up ANWR to exploration. The ANWR region of Alaska is so large, it is as large as the State of South Carolina. The area they want to drill in, propose to drill in, where they have identified huge reserves of oil and gas, is the size of Dulles Airport. That is how small it is. With directional drilling and the scientific skills we have developed, we have a proven track record that oil can be produced safely in these kinds of regions. It is beyond my comprehension that we would deny our Nation these large amounts of oil in the ANWR region.

I will show you what we would have to move CAFE standards to, which is the mileage standards for automobiles, to equal the impact of the ANWR oil and gas. You would have to raise CAFE standards to 39 miles per gallon for cars and 29 miles for light trucks. The amount of oil there is equivalent to the energy that would be generated by a 3.7 million-acre wind farm. It would be the size of the entire States of Connecticut and Rhode Island combined. That is how much energy we are talking about. Or solar energy from 448,000 acres of solar panels. A fifth of America's domestic oil could be produced out of ANWR by 2025.

We should have done this 10 years ago. It should be flowing today. We should hold companies and producers accountable and make sure there will be no spills. We are producing oil and gas so much safer than we ever have. We are not having a problem, frankly, anywhere with oil and gas spills.

I will say one more thing about this issue. It is very offensive to me when you say to those of us who have advocated ANWR drilling and other areas, like in the gulf: Oh, you are for the oil companies. You are doing this for the oil companies.

Let me make one thing clear. My proposal to drill in ANWR and the gulf and other areas is for the American people. Now, the oil companies which own oil interests around the world—sometimes I think they don't have enough interest in finding new reserves. They have their reserves. They will sell it at whatever the market price is. If the supply is low and demand is high, they will charge every dime they can charge. That is what they have always done, and that is what they will always do. But when we deny our people the ability to produce oil and gas in our own country and keep that money at home—it has been estimated by union groups that support this drilling that 600,000 jobs would be created in America. Why would we not do that? Why would we send our money off to a foreign nation that is hostile to our interests, perhaps, and let them spend it and create jobs in their nation? You tell me why.

This is not a political issue. It has always been about accessibility of oil and gas for the American people. It is not for the oil companies, it is for the American people, to keep our wealth at home. You may say: We care about the environment. Do you care about Lake Maracaibo in Venezuela where they are drilling perhaps thousands of wells or the Persian Gulf—aren't those nice areas for the environment? What about the hundreds and thousands of wells in the Gulf of Mexico off of Alabama, Mississippi, Louisiana, and Texas?

We have to get real here. Ninety percent of the votes cast to block the drilling in ANWR came from our Democratic colleagues. They are the very ones in this Chamber right now who are complaining and blaming President Bush because we don't have enough oil and gas and the price is going up. Let's just say that is what it is. That is a plain fact.

Now, Senator LARRY CRAIG really talked about something I know a good bit about, just because of my location. I live in Mobile, on the Gulf of Mexico. This past weekend, I visited my brother-in-law, who has a house on Fort Morgan, out toward the peninsula there on Mobile Bay. Right off of his pier, in the bay, is a producing oil well. Friday, we got up early and went fishing; it was the first day of snapper season. We didn't catch any snapper. We caught some redfish. Where did we go? We went out a few miles into the gulf and fished around the oil well. There were four boats fishing around that oil well. We caught four nice redfish. We threw them back. That is where people fish. It provides good structures for fish.

Louisiana, Texas, Mississippi, and Alabama are providing the Nation a tremendous amount of production. Twenty percent of that production was lost as a result of Hurricane Katrina. They have shut off the valves, so if the rigs are damaged, the shutoff valve doesn't allow oil and gas to spill. Many of the rigs' valves are still shut off. They are not connected. But oil is not being spilled.

My point is that we lost 20 percent of our offshore production, and we have a 5-percent problem still as a result of Katrina's damage to refineries. The Senator from Mississippi knows that so well. So just those factors right there make a demand for oil and gas to exceed the supply. When that happens, the people who have the supplies can manipulate the price and can charge whatever they think they can get. That is what is happening. It has impacted us adversely. That is the way the world works. I am not prepared to try to fix the prices on this. I am willing to look at what has happened and ask tough questions of the oil companies, like: Do you really have enough interest in exploring new reservoirs and finding new reserves and bringing that on line? Maybe you do not have enough interest. Maybe you are happy to not confront the environmentalists or the Democratic obstructionists and sit on what you have, and if the price goes up, charge it. We are not getting enough production, in my view. A big part of the problem is political; it is Congress.

Let me show you a couple of things. ANWR is a big deal. I read off how much ANWR has. If I am not mistaken, ANWR is less than a half billion barrels of oil. The Gulf of Mexico, according to our best estimates, has about 3.65 billion barrels of oil, but they are under moratorium; we cannot drill there. This is a pocketbook issue, not a political issue. Whole regions of the gulf are not available for drilling today. What is happening? Fidel Castro in Cuba is partnering with China and is moving forward with plans that could allow him to drill within 50 miles of Florida, off the Florida coast. He can drill, but we cannot. He can take the money and fund his adventures around South and Central America and complain against the United States. And we are going to buy oil from him? Is that who we pay? And the Chinese company that produces it—is that what people would like to see?

This is reality. That is all I am saying. It is not a pleasant thought. It is unfortunate. I suggest that if we had moved forward out there, we may not be seeing such activities now.

I will show you another chart. This shows what Secretary of the Interior Norton said about Hurricane Katrina, one of the most powerful hurricanes ever to hit the United States:

> Despite such intense winds and powerful waves offshore, we experienced no significant spills from any offshore well on the outer continental shelf.

See these dots on the chart? They represent oil platforms. There are hundreds and hundreds of them there, and we are getting a tremendous amount of oil and gas from them. It is important to the American economy. If we weren't buying it there, who would we be paying for it? Iran, Venezuela, Saudi Arabia, Nigeria? So we have been getting it here in Texas, Louisiana, Mississippi, and Alabama.

Look over at this area of the gulf, where 3.65 billion barrels of reserve is expected to be, and there is a moratorium on that; we cannot drill out there. Why? Because somebody in Florida believes it might impact their coastline adversely. But we have had no impact, and they are drilling a mile off of our shores, in our bay, in little Mobile Bay right here, up in the bay, where there are wells. And there are wells off of the Texas and Louisiana coasts by the hundreds. We are not having oil spills. Do you think you would not see it on television if there were a spill? They would have it on the front pages, whether it was significant or not. We are just not seeing that. They have learned to do this in such a safe way that we have been able to avoid any significant spills.

So, as Senator CRAIG noted, right here on the chart there is a little lease area—some area we can drill in—and we are working on that now. Some are trying to block that. I want to repeat that the votes we have cast on the floor that deal with that issue have fundamentally involved party-line votes on so many of these issues—although not totally. Our Presiding Officer cares about this issue. He is from Florida, and I admire him so much. We just disagree on this issue. I fish around these rigs. I am not so much worried about it. I would like my Florida friends to get more comfortable with the wells, and they would be less concerned about them. So these wells are there, and we have an opportunity to drill a tremendous amount of them, and then that natural wealth will be returned again and again in our own economy so that we can keep it in our Nation instead of sending it to nations around the world, many of which are hostile to our political interests or to our national security interests. It is important. That is why we have a national security caucus, because we are concerned about the transfer of American wealth to nations whose interests are not harmonious with ours.

It is a big deal. I point out a story I told a year or so ago on the floor. My hometown of Mobile produces natural gas offshore, and there is a pipeline there. Our friends in Florida down in Tampa and other places on the beach have nice houses and they have to keep them cool. So they took our natural gas that we produce and put a pipeline all the way to Florida so they could generate electricity to cool their fine houses on the beach where they can have their mint juleps out there in the breeze. It is such a beautiful area down there.

I think they ought to start asking themselves: Would it hurt if we had some wells out in this area of the country? Would it help the American economy? Wouldn't it make us a healthier, stronger nation? I think so.

So we had some debates about this last year with the Energy bill and a modest proposal came up.

I will conclude with this, because I am pushing back a little bit at some of my colleagues who are screaming about the high price of oil and gas. Somebody came out with a proposal to survey the Atlantic Coast where we haven't surveyed to see if there is oil and gas out there. The religious crowd, the anti-oil production religious crowd opposed that. They opposed even doing a survey. Seventy percent of the votes against that amendment were provided by my colleagues on the other side.

I assure you, a good percentage of those who voted against even surveying our coastline to see if there is any more oil and gas available, if we ever decided to drill, are some of the same ones who are yelling the loudest about high oil prices.

I thank the Chair for this time. We need to move away from politics. We need to think through this issue carefully and see what we can do to improve the method of production, to improve conservation, and to deal with the scientific breakthroughs and accelerate those so we can confront the problems we face and reduce these high oil and gas prices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that I may be permitted to speak as in morning business for 8 minutes to introduce a measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2658 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, is there objection to setting aside the pending amendment?

The PRESIDING OFFICER. Yes. There was objection to setting aside the pending amendment.

Mrs. MURRAY. We just want to see what it is.

AMENDMENT NO. 3641

Mr. COBURN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3641.

Mr. COBURN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, at this time I ask the amendment be divided in the form which I send to the desk.

The PRESIDING OFFICER. The amendment will be so divided.

The amendment is as follows:

At the appropriate place, add the following:

DIVISION I

"Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading "Capital Grants for Rail Line Relocation Projects" may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by $700,000,000.

DIVISION II

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by $15,000,000.

DIVISION III

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

DIVISION IV

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

DIVISION V

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading "Emergency Relief Program" may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by $594,000,000.

DIVISION VI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by $20,000,000.

DIVISION VII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading "National and Community Service Programs, Operating Expenses" may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by $20,000,000.

DIVISION VIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading "Aircraft Procurement, Navy" may be available for the procurement of V-22 aircraft, and the amount made available under such heading is reduced by $230,000,000.

DIVISION IX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the American River (Common Features) project in California, and the amount made available under such heading is reduced by $3,300,000.

DIVISION X

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $10,000,000.

DIVISION XI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading "Major Construction" may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $176,000,000.

DIVISION XII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by $10,000,000.

DIVISION XIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by $20,000,000.

DIVISION XIV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by $6,250,000.

Division XV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by $50,000,000.

Division XVI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by $90,000,000.

Division XVII

Notwithstandmg any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by $25,000,000.

Division XVIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by $200,000,000.

Division XIX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by $11,300,000."

Mr. COBURN. Mr. President, I ask that this point, division 1 of the original amendment, be pending, and I will withhold my time until I have noticed both Senators LOTT and COCHRAN—and I see Senator COCHRAN here—because I know they will want to be active on this debate. I would ask their guidance on when I should bring this up for consideration of this first amendment which has to do with the railroad and supplemental moneys for the movement of the CSX railroad in Mississippi.

I ask their advice and desire.

The PRESIDING OFFICER. Division 1 is pending.

Mr. COCHRAN. Mr. President, if the Senator will yield, I have no advice to give him except to withdraw the amendment. I disagree with it, the part I have read, so that would be my advice.

Mr. COBURN. I thank the Senator from Mississippi.

I want to talk first about this. Our country is facing some pretty significant financial difficulties, and we find ourselves with a supplemental bill, as requested by the President. Basically, the whole idea of this supplemental is something the American people should reject. We have been in a war now going into the fourth year. We should have the money for funding this war as part of the regular budget. It should not be in an emergency supplemental. Of what we know about the Katrina results, that should have been budgeted this year as well, but it was not.

It is important for everybody to know why it was not. It is not budgeted because it becomes part and parcel of the debt your children and grandchildren will have to pay, without ever getting on the books of the Federal Government. So when you hear the deficit or the surplus—which it has not been for some time, as a matter of fact not since the early 1970s if you were honest in the accounting—you hear the budget numbers this year, for what the budget will be, and it will not count this money. This money will not be counted, although it will be added to the IOUs that our children and grandchildren will be paying back.

I am thankful for the leadership, in terms of giving us an opportunity this June to talk about budget process reform. Nobody would run their household this way. No business runs this way. This is a gimmicky way under which we can disguise how much we put this country in debt, and it ought not to be that way.

Most people understood that and would agree with it. Yet we find ourselves here. I am not happy we are doing a supplemental emergency bill in that regard.

The second thing is many of the things with Katrina we knew were coming before the budget came through the Senate and the House, and that should not be an emergency. Emergencies are supposed to be reserved for true emergencies, unexpected costs facing the Federal Government. This bill is loaded with things that are not unexpected. We knew the war was going to be expected. We knew some of these costs associated with Katrina and Rita and Wilma were expected. So we need to address the integrity of our process. It is my hope in June we will be able to do that.

I know this amendment will, in fact, not win when it comes to a floor vote on the Senate floor. But I want to give a little background. During Hurricane Katrina, large sections of the CSX railroad along the gulf coast of Mississippi were damaged or destroyed. One 40-mile stretch of track was completely destroyed. The railroad hugs the gulf coast and stretches from New Orleans to Mobile, AL. It is one of only two railroads that reach New Orleans from the east. The other passes over Lake Ponchartrain and runs parallel to the I–10 Twin Spans Bridge. Three railroads approach New Orleans from the west. Although the CSX railroad was significantly damaged by Katrina, it was repaired; $250 million in insurance proceeds and I believe somewhere between $30 million and $50 million from CSX to repair it and bring it back up to usable and safe status.

Governor Barber, following Hurricane Katrina, created a commission. My hat is off to him. I think he has done a wonderful job for the State of Mississippi and their response to this. This commission was to review and recommend options for recovery and rebuilding in the State of Mississippi. The report released by the Governor's commission recommended purchase of the CSX right-of-way in order to create a new east-west thoroughfare, relieve congestion on US 90, and to provide for light rail or rapid transport through Gulfport. The report also proposes to transform US 90, which runs directly along the gulf coast, into a scenic, pedestrian, friendly beach boulevard. One of the Commission's reports also states:

> For many years, planners and local leaders have called for the removal of freight traffic on the CSX railway, which runs east-west through the region, roughly 800 feet from the coast.

I actually went to Mississippi and visited this area after the hurricane. You can see the hurricane damage, you can see this road, and then you can see the rail.

Numerous news outlets, including the Washington Post and ABC, have stated local developers and planners have wanted this railway relocated for years. I agree with that. I think this is a great development plan for the State of Mississippi to enhance the value of their beaches, their waterfront, and the wonderful coastal assets they have. I do not object to the plans behind this. I think it is very good from a developmental standpoint.

What is unknown at this point is where the existing CSX freight traffic will be transferred. While the Governor's commission recommends in some areas the relocation of the railroad somewhere north of I–10, which is 3 to 6 miles from the coast, the Commission's final report pegs the cost of that proposal at $795 million and states the idea is no longer seen as practical. If the entire railroad right-of-way of Mississippi is purchased by the State, rail traffic heading west from Alabama would have to be rerouted northwest from Mobile to Hattiesburg, into Mississippi, and then southwest into New

Orleans and Lake Ponchartrain. The additional distance of this route relative to the CSX line along the coast is approximately 100 miles. There is currently a railroad that runs from Hattiesburg into Gulfport, but if the CSX right-of-way is surrendered, it would not be possible for a freight train traveling along that line to go from Gulfport to New Orleans.

There are a lot of other things I will not go into. I think the principles that we ought to be asking about are, is this a bad idea? No, it is not a bad idea. It is a good idea.

No. 2, is it an emergency? I would contend that this is not an emergency, especially on the fact that this has been planned and advocated for years in Mississippi in terms of the development—some for safety. Some will argue the railroad line now has 70-plus crossings. But the statistics on safety are that they are at a 5-year low in terms of injury. For 30 years it has been a declining number. It is not an emergency.

The railroad is vulnerable, where it currently lies, to hurricanes. There is no question about that. But so will a five- to seven-lane highway that is going to be put in its place be vulnerable.

The current budget resolution for 2006 explicitly defines what constitutes an emergency, and it should be noted that all of the following five criteria must be satisfied in order for something to be considered an emergency: necessary, essential, and violent; sudden, quickly coming into being and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

The proposal to move this railroad does not meet the definition of emergency as defined by the Congress. The permanent removal of a railroad to make way for permanent construction of a highway does not qualify as an emergency either, as well. While the railroad may indeed be vulnerable to hurricanes because of its proximity to the coast, it makes no sense to replace it with a highway that is going to be just as vulnerable in its proximity to the coast.

Despite the vulnerability of the railroad, CSX and its insurers quickly repaired the lines such that it was fully operational within months of its destruction.

There is no desire, I believe, by CSX to move this line, and it would be good business sense if CSX thought it was vulnerable to the point it should make a business decision to move the line interior to the State of Mississippi.

According to Gary Sease, a spokesperson for CSX:

> We rebuilt that line across the gulf coast as quickly as possible because it is a critical artery for us. It serves our purposes. It meets our customers' needs. There is absolutely nothing wrong with it.

Furthermore, at a time when it is important more than ever to have freight quickly delivered to devastated regions in New Orleans along the gulf coast, it is inadvisable to remove one of the only railroads into New Orleans from the east, one of two, thus forcing the remaining freight over Lake Pontchartrain.

Within the emergency spending bill, the railroad funding is provided through the Rail Line Relocation Capital Grant Program which was created in the 2005 highway bill. That program requires the Secretary of Transportation to analyze the effects of the railroad relocation on motor vehicle, pedestrian traffic, safety, community, quality of life, and area commerce. However, the language providing money for the railroad specifically prohibits the Secretary of Transportation from considering those factors as they apply to the CSX relocation.

If safety is a sufficient reason to relocate the rail, it is incredibly odd that the Secretary of Transportation would be prohibited from making judgments as to the effects of the railroad relocation on safety and traffic. We will hear today that hurricane evacuation is a reason to relocate the railroad so it will relieve congestion along U.S. 90 and allow for a better evacuation route in the potential of future hurricanes. They will also say at the same time that the railroad's current location is too vulnerable to future hurricanes. These claims are mutually exclusive and cannot be both true at the same time.

If the current location is too vulnerable to future damage, it makes no sense to build a brand new highway in exactly the same place. It will be wiped out in the next massive hurricane as well.

Both the railroad and the proposed new east-west thoroughfare are located half a mile from U.S. 90 and the gulf coast. A major interstate highway, I-10, is located only 3 to 6 miles farther to the north. Given that the railroad was completely destroyed by Katrina at least over a 40-mile section, the argument that a new road in its place would be safe is hard to fathom.

I have great respect for the Senators from Mississippi. They are great advocates for their State. They are accomplished legislators. They are experienced beyond all means in the operations of the Senate and how to accomplish the best goal that they perceive for their State and our country.

I have to say that at some point it has to stop. Americans have to ask the question:

No. 1, is something truly an emergency?

No. 2, is it truly the responsibility of the rest of the country to do an economical development project that was on the drawing table long before Katrina and to use Katrina as the justification to have the rest of us pay for it?

I don't believe that is fair for future generations of this country. I don't think it is fair for the process.

I think you can see in the wording of this bill that the very definition of emergency is not met. I think you can also see very clearly that blocking the Secretary of Transportation from making an evaluation on safety was designed because they may in fact not pass that test. It has to stop. Our children and grandchildren deserve for us to preserve the opportunities we have had. We cannot continue to borrow money from their future standard of living so we can do what we want to do today. The heritage of our country is one of sacrifice in the present generation to create opportunity for the future.

This is a good plan for Mississippi; it is just not a plan that the people of the rest of the country—especially on an emergency basis—ought to be asked to do.

If in fact it is brought back through the proper process and channels and looked at by the full committee and this body feels it should be done in a prudent and thoughtful way, that would be far better than putting it into this bill. Mississippi will win if this happens. But the future of our country loses if this kind of thing continues to happen.

This is called an earmark. It is placed in a bill to benefit one specific area at the expense of everyone else. It has legitimate value for the State of Mississippi. It is not an emergency. And it certainly will be paid for through lost opportunities for our kids and our grandkids. Think about what $700 million could do for everybody else in Katrina. How many classrooms can be rebuilt? How many hospitals to serve the poor and helpless can be made available? How much education can we offer up that will create future opportunities and earnings?

The progress we seek to secure for the future is being limited by our own inability to make the hard decisions that aren't pleasing, aren't fun, but that are necessary to secure that future.

If you assume an interest rate on our debt—which is going to be very soon 6 percent—this $700 million relocation will balloon to more than $4 billion by the time we start paying it back. The net present value of this isn't $700 million, it is $4 billion. That is what your grandchildren will have to pay back for what we are proposing to do today.

I respect a great deal the chairman of the Appropriations Committee. He has a very difficult job. Everybody asks and nobody wants to give when they come to see Chairman COCHRAN. Everybody has a need. He has the job to find the best way to get a bill out of his committee. This particular project just happens to lie within his home State, and he advised me that his best recommendation would be for me to withdraw the amendment. I understand why. But I cannot in good conscience withdraw what I perceive to be and many are willing to debate on the floor something that is truly not an emergency, and truly even though it will offer great benefits for Mississippi in terms of economic development is not something the rest of us in the country should be paying for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent the pending amendment be set aside so the Senator from Hawaii can proceed to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3642

Mr. AKAKA. I thank the Senator from Mississippi for permitting me to discuss my amendment. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Mrs. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, and Mr. JOHNSON, proposes an amendment numbered 3642.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $430,000,000 for the Department of Veteran Affairs for Medical Services for outpatient and inpatient care and treatment for veterans)

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services" for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, $430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, $168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, $80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"): *Provided further*, That of the amount under this heading $182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. AKAKA. Mr. President, I ask unanimous consent I be yielded 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today with the Senator from Washington, Senator MURRAY, and the Senator from Massachusetts, Senator KERRY, to offer an amendment to address the costs of providing health care to veterans. I am proud that 16 of our colleagues have joined us in this effort.

Last year, we all recognized the need to provide supplemental funds to VA. We did this to allow VA to absorb an influx of new patients from Operations Iraqi and Enduring Freedom. It is time to act once again.

This amendment we offer today allows VA to provide care for returning troops without displacing those veterans currently using the system. It provides VA with more tools to deal with those mental health issues faced by returning veterans.

The amount of this amendment, $430 million, is largely directed toward mental health needs, coupled with a modest level of funding to eradicate waiting lists and existing shortfalls. Eighty million dollars is directed to Vet Centers, readjustment counseling, and outreach. For returning veterans who have suffered psychological wounds, the stigma surrounding these types of injuries creates a barrier that oftentimes prevents them from seeking the care they need. Vet Centers provide a means to overcome this barrier because of the location in the community and because veteran staff members can relate to the experiences of veterans seeking services.

We are receiving information that our Vet Centers maintenance funding is being depleted. We learned also that resources for equipment that is needed by the centers cannot be bought because funds are not available. In the year 2005, Vet Centers cared for 36,000 veterans. So far this year, Vet Centers have seen more than 70,000 such veterans.

This chart shows in 2003 there were 1,936 veterans; in 2004 there were 9,611 veterans; in the year 2005, 36,717. It is projected to be 70,547. Therefore, the need for assistance is there.

When we close the books on 2006, Vet Centers will have ended up seeing nearly 140,000. That is a projection. Yet the budget for the program has remained virtually stagnant.

Another component of our amendment aggressively targets the more debilitating mental health issues of servicemembers. The experts predict as many as 30 percent of those returning servicemembers may need psychiatric care. Yet we are told that the system is nowhere near ready to handle this type of workload.

Steady budget cuts over the years have diminished VA mental health care capacity. GAO found VA has lagged in the implementation of recommendations made by its own advisory committee on PTSD to improve treatment of veterans who suffer from this very serious mental illness. The GAO has questioned whether VA can keep pace with the demand for mental health treatment from veterans of Operations Iraqi and Enduring Freedom. In order to provide the VA health care system for these needs, we believe $168 million should be sent to VA. The VA developed its own comprehensive plan to reach all veterans in clinics or in VA hospitals. This is the administration's plan, but we need to find a way to fund it.

In addition to mental health needs, our amendment addresses the existing shortfalls in the system. We know right now waiting lists have begun to creep up. VA hospitals are running deficits. Yes, we are back here again.

Let me share some specifics. In Phoenix, the supplemental funds provided last year went almost entirely to help with the backlog of patients and nary a dime was used for equipment purchases or maintenance which was delayed previously.

In Network 22, they are still relying on management efficiencies to balance the budget. These same efficiencies were decried by the GAO as being fictitious.

In Texas, the VA is again using maintenance and equipment funds to cover its current deficit.

Health care provider positions also remain open all across the country, resulting in shortages of doctors, nurses, and medical technicians, to name a few. We know we can do better.

I close by taking my colleagues back a year when we offered a similar amendment to the last war supplemental. Armed with evidence that VA facilities were operating in the red, we came before our colleagues and asked that VA be given the funds necessary to care for returning servicemembers. We had VA's own documentation which showed that higher numbers of patients were seeking care than were expected.

The Bush administration, at the same time, assured all Members that sufficient funds were available. Our amendment was rejected. Many were led to believe VA could handle the unexpected workload. It took 4 months for the VA to come clean and admit help was needed from Congress. With swift bipartisan action, the VA finally ended up with more funding.

Let's be upfront about the fact that the costs of the war we are fighting today will continue to add up long after the final shot is fired, mainly in the form of veterans' health care and veterans' benefits.

I urge my colleagues to join in this effort to see that servicemembers are provided the care they are currently earning.

I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud to be in the Senate today to support the Senator from Hawaii, Senator AKAKA, in offering this amendment, the current pending business regarding adding additional funds for our veterans who have served us so honorably overseas every day in Iraq and Afghanistan.

Mr. McCAIN. Mr. President, parliamentary inquiry: Can the Senator yield to another Senator?

The PRESIDING OFFICER. He cannot yield, but the Senator can be recognized on her own and she was recognized.

Mrs. MURRAY. Mr. President, every day in Iraq and Afghanistan the men and women of our Armed Forces make us very proud. Last year, I had the honor of visiting our troops in Baghdad and Kuwait. I was personally impressed with their commitment and their professionalism. We in this Senate all agree that we support them and we stand with them as they carry out the mission they have been asked to do.

However, they also deserve our support when they come home, when they come home as veterans. We need to make sure they have the health care they were promised, job training, and transition assistance. They deserve all the things our country promised them when they signed up to serve us.

Unfortunately, today our country is still falling short of meeting those needs. We all have known for years that the demands on the VA have grown considerably, but funding just has not kept pace. Senator AKAKA talked about what happened last year with the funding shortfall we got into. We had to get back in place emergency funds to meet the needs last year.

We are again offering this amendment to increase funding for America's veterans, frankly, because they were there for us and now it is up to us to be there for them.

We need this amendment this year again because veterans are still facing tremendous shortages and delays in getting the care they need. Veterans today coming back from Iraq and Afghanistan are able to get an appointment initially with the VA, but then they have to wait up to 6 months for a consultation and another 7 months for surgery. So, as a result, we are seeing veterans today take over a year before they get the care they are seeking at our veteran services. A lot of our veterans coming back from Iraq have to wait 18 months to get their disability claims processed. Imagine returning from Iraq and waiting a year and a half before you get the services you have been promised.

We all have met with veterans who have returned. We know many of them are coming back with severe injuries. Many of them are facing tremendous mental health hurdles. Today, the VA is operating on a bare-bones funding. It is doing more and more with less and less. As the war in Iraq continues, our heavy reliance on the Guard and Reserve has affected the VA and utilization rates in our ability to keep our promises to them for their health care and their services when they return.

Last month, the Secretary of the VA came in front of the MilCon VA Subcommittee and told us that OIF and OEF veterans accessing VA care was 38 percent higher than expected halfway through this fiscal year—38 percent higher than they predicted, than they had requested funds for.

We have to make sure the VA has the funds it needs to care for our veterans. I personally can think of no better way to honor those who have made the ultimate sacrifice in Iraq and Afghanistan and their families than by taking care of them when they return.

All Senate Members have met with our veterans, their families and spouses, those who serve them. We know the mental health care of our veterans is not being met today. Recent reports have verified that 30 percent of OIF and OEF veterans are accessing mental health services. That is much higher than anyone predicted.

We need to make sure those mental health care services are available. That is why Senator AKAKA is in the Senate today offering this amendment to provide the VA with $430 million to enhance readjustment counseling and outreach to returning servicemembers, to shore up the VA's capacity to provide mental health services to veterans who need them, and to address the current shortfalls we are facing across the system.

Our amendment simply recognizes that caring for our veterans is and should be part of the ongoing cost of war. The bulk of the VA's readjustment counseling is provided through our Vet Centers, as many Members know. These are storefront facilities that operate independently of the rest of the VA health care system. That separation from the institutional VA care makes them an invaluable resource in reaching many of our returning servicemembers who today may be wary of the VA system or in very remote locations.

Our amendment provides $80 million for these Vet Centers so they can meet the needs they are seeing today. We know in the budget these Vet Centers have been flatlined. Over the years, these centers have provided services to a total of 118,811 OIF and OEF veterans. So far this year, these Vet centers have provided services to 70,547 OIF and OEF veterans. And these vet center services include outreach to our returning servicemembers at their demobilization sites. So they are very critical services, and we need to make sure they are funded.

I mentioned mental health a minute ago. I think we all know that men and women who are returning from Iraq and Afghanistan are suffering serious mental health problems. So our amendment addresses that by providing $168 million toward the implementation of the VA's own mental health strategic plan. That will help serve our veterans who are suffering from PTSD and other debilitating conditions.

We all know, and as I know from talking to our soldiers in Iraq and Afghanistan, many of these soldiers are literally on the front line 24-7, and we know the cost of that in returning. We have to make sure they get the services they need for PTSD and other mental health conditions because not only should we provide that for them because they need it but because we need to make sure when they come home they get the help they need so they can remain valuable members of our communities.

Finally, the amendment secures an additional $182 million for the various regions in the country that are once again suffering from shortfalls. Despite all of our work last year, and despite our efforts on the floor last year, evidence has continued to mount that demonstrates there is still a need for supplemental funds. The VA medical centers are still millions of dollars in debt. We need to make sure we provide the dollars within the supplemental to take care of that.

So I am proud to stand with Senator AKAKA as we offer this amendment. I hope every Senator recognizes that part of the cost of war is paying for the care of our men and women when they return home. I can think of no more important promise to keep. I urge all

Senators to join us in supporting this critical amendment.

Thank you, Mr. President.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I am proud to be a cosponsor of the Akaka amendment to increase funding for the Department of Veterans Affairs by $430 million dollars.

We are offering this amendment on this emergency legislation composed primarily of war funding for two simple reasons. In the first place, this funding is needed urgently to meet the needs of America's veterans. Second, caring for America's veterans is a continuing cost of war.

Sadly, the Department of Veterans Affairs continues to have to tighten its belt to meet the needs of its patients. Last year, after warnings from Democrats, the administration was compelled by the gravity of events to admit a shortage of more than $1 billion for veterans health care. Congress made an emergency supplemental appropriation of the needed dollars, but we know now that the Department is still $182 million short. I don't believe that the VA should have to squeeze budgets to provide patient care. So this amendment rightfully provides $182 million to cover unmet needs.

Not all the wounds of war are physical. In July of 2004, the New England Journal of Medicine reported that one in six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or posttraumatic stress disorder. A more recent study in the Journal of the American Medical Association found that 19.1 percent of returning veterans from Iraq and 11.3 percent of veterans returning from Afghanistan reported mental health problems. We know from historic experience that soldiers will return from war having to navigate a range of emotional issues, regardless of whether they are diagnosed with PTSD.

So this amendment will provide $248 million dollars to fund expanded screening and treatment of posttraumatic stress disorder and other mental health conditions. It will enable the VA to make use of community-based outpatient clinics for PTSD screening and treatment. It will expand innovative programs that link the work of Vet Centers with National Guard units returning from combat.

We must never forget the veteran—that young American who stood up to be counted when their country needed them. Now they need our assistance, and it is our turn to stand with them. I urge my colleagues to stand up and be counted on this important amendment.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, I want to indicate my strong support for the amendment by Senators AKAKA, MURRAY and others to provide an additional $430 million for the Department of Veterans Affairs as part of the supplemental appropriations. I have asked to be included as a cosponsor of this crucial amendment.

While I am recovering from recent surgery and unable to cast my vote on the floor, I continue to monitor the work of the Senate and I want to signal my continuous support for better funding for VA care. We should make it a priority to care for all our veterans, the young soldiers returning from Iraq and Afghanistan and the aging veterans from previous conflicts including our WWII veterans.

This amendment is a strategic investment. It would provide $80 million for our vet centers that provide vital readjustment counseling. The budget for vet centers has been flat for too long. In recent years, the centers and staff have struggled to meet the needs of our returning veterans from Iraq and Afghanistan. Since 2001, over 118,811 veterans, including Guards and Reservists, have sought services and support from our vet centers. I have visited vet centers in West Virginia and privately met with returning veterans so I am very aware of the care and support our centers provide. The work of our centers is truly important for our veterans and their families throughout West Virginia and our country.

This amendment also includes $168 million for a comprehensive VA Mental Health Plan. Many studies indicate that as many as one out of every three returning veterans will need some type of mental health care, and many veterans will struggle with posttraumatic stress disorder. Rumors persist throughout my state about delays in testing and care for mental health issues for veterans after their initial health care appointment. Every veteran who has served in combat deserves the full range of health care in a timely manner, including mental health care.

Another concern is a variety of shortfalls that our VA hospitals and networks are reporting. Some areas need specialty doctors, while other hospitals face nursing shortages. This important amendment would provide $182 million to deal with current shortfalls in the system based on local needs and problems.

For West Virginia veterans, and veterans across our country, this amendment states that we fully support their service to our country, and their return home and successful readjustment to civilian life.•

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding that the distinguished Senator from Texas has an amendment to the Akaka amendment which she intends to offer. And I was going to be sure she had that opportunity at this time. I am happy to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. ENSIGN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mrs. HUTCHISON addressed the Chair.

Mr. ENSIGN. Mr. President, do I have the floor?

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

The Chair is corrected. The Senator cannot yield the floor to another Senator.

The Senator from Nevada is recognized.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. Thank you, Mr. President.

MOTION TO RECOMMIT

Mr. President, I want to thank Senators MCCAIN, GRAHAM, DEMINT, SUNUNU, and COBURN for joining me in a motion to commit that I will raise in a minute. I believe the Appropriations Committee needs to go back to the drawing board to come up with a bill that does not exceed the President's request of $94.5 billion in emergency spending. Let me be clear—I don't agree with everything in the President's request—I do believe that we should not spend above the total level of his request.

The emergency supplemental appropriations bill we are considering today provides funds necessary to support our troops who are fighting to make our nation more secure. This bill provides $72 billion for defense. Much of this funding is absolutely critical. It will ensure that our troops have the safest and most up-to-date equipment, as they serve in harm's way, in order to protect each of us.

That is why I support many of the provisions of this supplemental appropriations bill. I am, however, disappointed that this bill includes so much unnecessary, and in fact wasteful, spending. Spending that is not related to the emergency needs of the military. Spending that was not requested by the President, the Commander-in-Chief of our Nation's military.

In my opinion, this bill abuses the spending process. Certain provisions in this bill clearly reflect that the Senate is using our troops to push wasteful spending through Congress. That is simply wrong.

Congressional spending is out of control. So much spending in Washington is simply wasteful. We are running huge deficits as a result of too much spending. The American public understands all of this. What I can't understand is why Congress does not.

This bill has questionable and unnecessary spending. The purpose of an "emergency supplemental" is to provide spending to address national emergencies. Last year's budget contained a comprehensive explanation of what constitutes an emergency. The budget states that an emergency addresses a situation that is "necessary, essential, or vital." Much of the spending included in this emergency supplemental appropriations bill does not meet the budget's definition of an emergency. This bill shows that the Senate has no concept of what an "emergency" is.

Congress has a responsibility to ensure that taxpayer dollars are being spent wisely. We should not, in good conscience, continue to pass off trillions of dollars in debt to our children and grandchildren in order to fund extraneous nondefense spending. If we enact this bill, Congress will not be acting as good stewards. I agree with the President when he says "taxpayer dollars should be spent wisely, or not at all." Sadly, there is a great deal of spending in this bill that should not be spent at all.

I make a motion to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not to exceed $94.5 billion.

Mr. McCAIN. Will the Senator yield for a question?

Mr. ENSIGN. Mr. President, I will yield to the Senator from Arizona for a question without losing my right to the floor.

Mr. McCAIN. Will the Senator from Nevada explain exactly what his motion is?

Mr. ENSIGN. I thank my colleague from Arizona for his question. It is important for my colleagues to understand the substance of this motion. This motion only sets the spending ceiling for this bill. We are not singling out anyone's projects with this motion. We are not stripping funding for any provision.

This motion sends the bill back to the Appropriations Committee for further consideration. It preserves the rights of the committee to determine the level of spending for each program. We are not taking anything away from the committee's jurisdiction. The motion lets the committee make their decisions but within the top line number that the President called for yesterday.

If the Appropriations Committee wants to fund items in this bill that were not requested by the President, they can do so. But they must pay for it. They must find offsets. That is what this motion does. We were sent here to make decisions, sometimes hard ones. This motion ensures that this Congress makes tough decisions today rather than heaping debt on to the backs of our children and grandchildren.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not exceeding $94.5 billion.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to table the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—68

Akaka
Baucus
Bayh
Bennett
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feinstein
Frist
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—28

Alexander
Allard
Allen
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cornyn
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Inhofe
Isakson
Kyl
McCain
McConnell
Santorum
Sessions
Sununu
Thomas

NOT VOTING—4

Biden
Bingaman
Kerry
Rockefeller

The motion was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Texas is recognized.

AMENDMENT NO. 3647 TO AMENDMENT NO. 3642

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the Akaka amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3647 to amendment No. 3642.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the availability of funds)

Before the period at the end of the amendment insert the following:

": *Provided further*, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement."

Mrs. HUTCHISON. Mr. President, the amendment is on behalf of myself and Senator BURNS. This second-degree amendment basically says that the funds available in the Akaka amendment would only be expended if the President requests of Congress such an emergency expenditure.

I certainly understand that the veterans need to have all of the money that would cover their legitimate health care costs. That is exactly what we have done in the underlying appropriations bills from last year and this year. In fact, the Veterans' Administration, after we put $1.5 billion in emergency spending in the health care account last year, is 4.3 percent below last year's spending level. That is because they now have better modeling for what is forecast to be needed in the medical care-medical service area.

In the mental health area that is covered by the Akaka amendment, there is already $2.8 billion from the 2006 budget which is $386 million over the 2005 level. The 2006 medical care account has $31 billion, and that is $1.1 billion over the 2005 level. We have also added supplemental expenditures over the 2006 budget.

I think the prudent thing for us to do is to allow this money to be made available only if the President and the Veterans' Administration request it, and that is exactly what my amendment does.

I ask for support of the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I want the Senator from Texas to know that I do appreciate the changes made by her. I believe it is an approach with which we can all live.

A letter was circulated last year to Senators in which the VA assured Senators "that the VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely quality service that is always our goal. But certainly for the remainder of this year, I do not foresee any challenges that are not solvable within our own management decision capability."

We know that in the end, however, emergency funds were needed. With this modification in my amendment, I expect the President to come forward expeditiously and will not tolerate forestalling and suppression of the facts. Our men and women are depending on us. We will be watching.

I express my appreciation for the second-degree amendment. Following the adoption of that amendment, I will ask for the yeas and nays on my amendment, as amended by the Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me answer the Senator from Hawaii by saying I commend the President and Secretary Nicholson for coming forward after the letter that had been written during our regular appropriations process and saying they did need extra money. And, Congress stepped right up to the plate. We worked together with the Senator from Hawaii, the Senator from Washington, and my colleague Senator FEINSTEIN to provide that money. We always will do that. We will never skimp on veterans' care and, in fact, it is now acknowledged that it is the best health care system in America.

This money Senator AKAKA has proposed will be available, if needed, if the President asks for it. It will certainly be there. I ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to amendment No. 3647.

The amendment (No. 3647) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CRAIG. Mr. President, let me speak briefly on what we have done and why I suggest we do not need to do it. I have the great privilege of being the chairman of the authorizing Veterans Affairs Committee. The Senator from Texas has done the right thing to shape the Akaka amendment that calls for, in an emergency spending bill, an emergency of $430 million in this fiscal year, and yet, did you hear what the Senator from Texas said?

Because of what I demanded last year, because of what she demanded, because of what Senator MURRAY demanded, because of what Senator AKAKA demanded, we now have a much more accurate accounting system, a quarterly reporting system of the Veterans' Administration. Right now, based on the money we gave them for the 2006 budget, they are 4.3 percent under their spending levels as projected.

What does that mean? It means that over $600 million they thought they would spend they are now not spending. So where is the emergency? It doesn't exist. Why are we doing this? How can you spend more in a program in the last half of the year than the whole program was designed to spend in 12 months? And yet in three of the four programs that the Akaka amendment deals with, it does just that.

It doesn't make any sense. Well, any fiscal sense. It may make political sense. But the reality is this is simply wrong. In the 2007 budget, we increased their spending. It is the largest increase in a single department spending than any of our Government. Why? Because Congress—Democrats and Republicans—are phenomenally sensitive to the needs of our veterans, and I am extremely proud of that.

In no way do I suggest that the Senator from Hawaii is less sensitive. It is why he is on the floor and cares deeply about our veterans and our veterans' needs, and we work closely together. But I must tell my colleagues, how can we increase budgets halfway through the year by 75 or 80 percent and spend them wisely, responsibly? We cannot.

This money, if it were allocated, will not get spent. That is why the Senator from Texas, who is the chairman of the Appropriations Subcommittee on VA, said only if an emergency occurs.

Right now there is almost $600 million in unspent money that was designated for the timeframe, and there is a $430 million contingency fund already built into the VA, and we know that. That is a fact. It is operated that way. Do the numbers, folks.

If there were an emergency, we have over $1 billion worth of resources to assure that our veterans have what they need.

I will argue all the time for our veterans, but I do believe our veterans expect us to be fiscally responsible, along with meeting their needs. I cannot imagine that there is a veteran out there today who would suggest that in most instances we are not meeting their needs. We brought one of the finest health care systems in the world to the forefront again. We have expended phenomenal amounts of money on it. And this year, the VA budget is bigger than any other budget in our Federal Government, including Defense during wartime. I am talking about rates of increase, not total dollars.

Those are the realities with which we are dealing. I don't mind standing up and talking about it. Why? Because I can go home to my veterans and say we have been fair and we have been responsible, and I am not willing to listen to the VSOs that "you gotta, gotta, gotta spend more." Is there a limit to how much we should spend? No, there isn't, apparently.

I hope in the end, even though it has been effectively shaped so it won't get spent and it won't get spent because it isn't needed, that the President, as he should, and the Secretary of the Veterans' Administration, as he should, will have the opportunity to declare an emergency if it happens and this Congress will know it now because of what we in a bipartisan way did to make sure what happened a year ago never happens again. We are now reported to quarterly for the first time in the history of the VA. By the last report, they are 4.3 percent under their spending proposal and that $600 million—do the numbers, folks. At a time of major deficits in this country, we are going to spend more of this kind of money? No, we are just going to put it on the books now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask for the yeas and nays on my amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment No. 3642, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—84

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski

Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Voinovich
Warner
Wyden

NAYS—13

Brownback
Coburn
Craig
Crapo
Ensign
Enzi
Gregg
Inhofe
McCain
Sessions
Sununu
Thomas
Vitter

NOT VOTING—3

Biden
Kerry
Rockefeller

The amendment (No. 3642), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, now we are back on the pending amendment, the Coburn amendment; is that correct?

The PRESIDING OFFICER (Mr. THUNE). The first division.

Mr. LOTT. Mr. President, for some time now public officials in Mississippi have been concerned about the vulnerability and safety of the CSX rail line long the Mississippi Coast. These discussions have taken on a sense of urgency as part of the overall dialogue about how to rebuild the gulf coast region after Hurricane Katrina.

Transportation is the lifeblood of our economy, and making it less vulnerable to future destruction while also making it safer should be a priority. I am an unabashed advocate of safer roads, bridges and yes, railroads—most recently lending my support to a $700 million plan to move the Mississippi gulf coast's CSX railroad line north to higher ground, away from people and storm surges.

In the aftermath of the worst natural disaster in American history, any good post-Katrina reconstruction plan should consider moving these tracks. Given the tracks' proximity to the Gulf of Mexico and to motor traffic and flood waters, gulf coast residents and leaders would be irresponsible if we did not consider a safer place for the railroad. At some point we must move these tracks from the middle of busy, growing communities like Biloxi, Gulfport, and Pascagoula.

Let me briefly discuss the rail safety problem in the 3 Mississippi counties along the gulf coast. There are 185 highway-rail crossings on the CSX line in those counties. That is more than 2 crossings per mile. In some cases, there are more than 2 crossings in 1 mile of rail track.

In the last 10 years, 40 people have been killed in collisions between vehicles and trains. In other words someone is killed every 3 months in a rail accident along the gulf coast. Another 68 people have been injured. There have been 147 accidents over those 10 years. That's more than 1 accident per month.

This is an authorized national program. The funds for this project would be appropriated under the Rail Line Relocation and Improvement Program. I was a long time champion of the legislation to create this program, and last year Congress finally passed it. This program was designed to alleviate the adverse effects of rail traffic on safety and on communities. Now that funds are available for projects that can save lives, such as this one in Mississippi, the program should be utilized.

Many have asked why this qualifies as an emergency project when the rail lines have already been rebuilt. They are oblivious to the fact that this strategic railroad—actually spans the length of our Nation between California and Florida, handling vital cargo.

The simple answer is that this project is needed to prevent future emergencies. There was no way that CSX could have waited on the Federal Government to relocate the line. This project will not be completed until 2008 at the very earliest. Therefore, there was never serious consideration given to not rebuilding the line. The urgency to restore rail operations for the benefit of customers along the corridor was paramount. That is why CSX spent private dollars to rebuild the line as quickly as possible. To be clear, no Federal money has been spent to repair the existing line, as press reports lead you to believe.

It ultimately took CSX 143 days to get the line back in condition to serve customers. Six major bridges and 40 miles of track had to be rebuilt or repaired. During that time hundreds of businesses were without service, 300 CSX employees were affected. Millions of citizens, and numerous seaports depend on this critical rail artery for freight and passenger services. The gulf coast corridor serves as the Southeast's primary gateway for freight being shipped to the western United States. Even with the new construction and rebuilt infrastructure built to the best possible standards, this line would still be significantly damaged in another storm given the proximity to the storm surge.

It is also important to mention, there are significant national security and energy security benefits to moving the current line away from the Nation's highest density of defense—for example, Ingalls, Keesler, Coast Guard, CBC Gulfport, CRTC Gulfport, Stennis Space Center Federal Reservation, and energy—for example, Chevron refinery, fuel transfer pipelines—infrastructure.

The fact is this is not solely a Mississippi project. Remember, the CSX line runs form Jacksonville, FL, to the Port of New Orleans before continuing on to Los Angeles. The Federal investment required to relocate the line will benefit Georgia, Alabama, Mississippi, and Louisiana by upgrading tracks within those states. Factually, this is a Southeast United States project, not a Mississippi project.

Our State has not asked for anything that is unreasonable or that the people in this devastated region do not deserve.

Mr. President, I know the hour is getting late and Senators have commitments. This is an issue which I feel very strongly about. It is one we have to address. These are the problems which have been created by the CSX transportation rail line across the Mississippi gulf coast. I thank Senator COCHRAN, the chairman of the Appropriations Committee, for taking the initiative to address this issue.

I would like to correct several misunderstandings. First, this would provide the funds to relocate the railroad track from right along the coastline, including crossing significant bodies of water in three different places, and it would then be relocated to an area north of there, connecting several railroad tracks. It would run like this, to New Orleans, instead of all the way along the gulf coast. Keep in mind, this is a major corridor that runs from Jacksonville, in Florida, all the way to California. This issue needs to be addressed.

Senator COCHRAN and I and our Governor and our officials in Mississippi have tried to be restrained and responsible and conservative in the requests we have made. This Congress has been very helpful, the Senate has been very helpful to meet a lot of our needs, but we need to come to terms with this issue. That is why Senator COCHRAN has chosen to put it in the supplemental.

Let me make sure you understand that this is Katrina related, No. 1. Some people will say: Look, the old railroad tracks were rebuilt after Hurricane Katrina at the cost of $250 million. But it was not one nickel of Federal dollars in it. It was done by the rail company and was done with insurance money, because this is a major thoroughfare that serves a lot of companies that had to get back in business. If we make this move, it will be 2008 at the earliest before it can possibly happen. I wanted that corrected.

There has been some suggestion that it relates to the gaming industry along the gulf coast. It does not, not at all. In fact, they would probably like for it to stay in this area, which forces traffic along Highway 90, along this coastline, instead of moving it off of the coast. By moving, then, the highway which runs right along the coast, it will be north of where the gaming area is. So there is no connection there.

Why do we need this? Let me make it real clear. There are several very good reasons. No. 1, it is exposed. It does run right along the water and has been blown out several times in the past—

three times. It is there because it has been there for a hundred-and-something years.

This shows what happens every time we have a major blow. This is the track. It is built in marshes and on sand. It cannot stand. It will not stand. So we are going to have to do this repeatedly.

This shows the strength of the hurricane. This is a railroad bridge. Look at how the railroad track is actually bent.

This is going to be repeated. It causes economic dislocation. They shut down for 134 days just after this hurricane. That is one factor.

The second thing is, it is a major thoroughfare. We do not have evacuation capability with the current location, where it is now. We do not have east-west rails where people can get to the north-south lines. We just do not have enough room to do that. We will take a railroad bed and turn that into a five- or six-lane road across the major county that is involved, Harrison County, MS.

It is also about safety. People are killed and injured here every year. On this chart, the circles show deaths and injuries that have occurred. I will just give you the numbers we are talking about. Over a period of 10 years, there have been 147 accidents along this trackage. There have been 40 people killed in the last 10 years. There are 185 highway and rail crossings that are involved here.

Some people say you should do it through the authorization process. That has been done. Last year, as part of the highway bill, we passed for the first time the National Rail Relocation Act. This sort of thing needs to be done in a lot of places in America, from State to State. We have an authorization in place, so it is authorized. This provides the funds through the authorization. But this is about hurricanes, it is about evacuation, it is about safety, and it is about getting track out right along the coastline and moving it north so we do not have this repeated problem.

I ask my colleagues to look at it seriously. There are also going to be some 18 amendments to follow that will knock out various and sundry things in the bill. This is an important part of the Katrina recovery. We are still going to be able to get into New Orleans with the trackage coming north and move that transportation traffic on farther to the west coast. But I just wanted to rise and speak briefly in support of what is in the bill and against the motion to strike.

I thank Senator COCHRAN for his leadership in providing this opportunity.

Mr. COCHRAN. Mr. President, the Senator has very ably explained the challenge that is faced to restore and rebuild and recover in terms of transportation assets on the Mississippi coast, but this applies and will have an effect across the breadth of the area of the gulf coast that was damaged, including Louisiana, Mississippi, as well as Alabama.

Somebody cavalierly noted the other day that this is like the bridge to nowhere—this is the railroad to nowhere.

It is a transportation corridor that links New Orleans; Bay St. Louis, MS; Pass Christian; Gulfport, MS; Biloxi, MS; Pascagoula, MS; Mobile, AL, and beyond—as the Senator said—all the way to California on the west side. This is a very important part of the transportation system across the southern United States, and on this line of transportation facilities the Stennis Space Center, where our rockets are tested for the space program, and many other military activities in that part of the gulf coast area—the ship yards at Pascagoula, the Keesler Air Force Base along U.S. Highway 90 in the Biloxi, MS, area, and on and on and on. The Coast Guard facilities and the former naval station at Pascagoula have other activities there.

There are national security consequences for the failure to rebuild and recover and restore these important transportation facilities. That is why it is appropriate to do it now.

This is authorization. The committee recommended $700 million for the Rail Line Relocation Capital Grant Program. That is the entity where the money goes, and through that money to mitigate damages and restore transportation under the provisions of that authorization, the funds will be used to relocate.

This is what our committee report says:

> To relocate tracks that are currently located along the coast of Mississippi, the damaged railroad line——

These are findings of a committee of Congress——

> is a major east and west freight corridor adjacent to the Mississippi gulf coast.

It is vitally important to numerous Mississippi, Louisiana, and Alabama industries, and essential to the successful operations of major Gulf of Mexico ports.

The rail line sustained major damage and total destruction in some areas as a result of Hurricane Katrina's winds and water surges. Eleven bridges were destroyed. More than 38 miles of track were completely lost. Signaling and safety systems were demolished and many track beds were completely washed out along the rail corridor. The rail line has been out of commission for 143 days.

Progress is being made, but these funds will be used to accelerate the reconstruction and the recovery that is essential for that area of the gulf coast of the United States.

We have made a case for it in committee. The committee agreed to provide these funds. The Senator from Mississippi, my colleague, has adequately and impressively described the consequences to the gulf coast area. This amendment should be defeated. It would strike all of these funds that have been approved by the committee.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COBURN. Mr. President, I would like to speak a few moments discussing why we are all here.

The PRESIDING OFFICER. The Senator from Oklahoma should be informed that the motion to table is not debatable. Is the Senator seeking consent to debate?

Mr. COBURN. I ask unanimous consent to answer the questions raised in the debate by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I never asked any questions. The Senator has had an opportunity to describe his amendment. He did that earlier in the day. He used information that I presume he will present all over again. I don't have any objection to his proceeding, but I don't want him to talk too long. We have Members who are waiting to vote. They have read comments in the paper and the debate that has been carried throughout the press for the last 2 weeks while the Senate wasn't in session. I think the Senate has heard enough about it and is ready to vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, I will do this quickly.

First of all, what is the definition of "emergency" by our own budget rules? Necessary, essential, vital, suddenly, quickly coming into being, not building over time, urgent, pressing, compelling need, requiring immediate action, unforeseen, unpredictable, and unanticipated, not permanent, temporary in nature.

That is the first point I would make.

The second point is the committee's own report says:

> Even prior to Katrina, Presidents, business leaders and local and State officials seriously considered relocating the rail line from its present location to alleviate burgeoning traffic which continually worsened as the region's tourism industry grew.

This is $700 million. It is a great project for Mississippi. I agree. It is probably something that should be done. The question is, Is it an emergency and should everybody else in this country pay for it?

I could go into all the details. I will not do it in deference to the chairman's request that I be brief.

But Mississippi people have spoken. This was planned long before this hurricane. The fact is, if we are going to replace this rail line with Federal money which is going to come in and build a new road, that is going to be susceptible to the same hurricane damage. We have to figure out how we should go through a regular process.

The final point I would make is the committee report eliminates the ability of the Department of Transportation to say whether it is a safety issue. They specifically take it out so they cannot stop it.

The point is, we are leaving the regular process to do something which is maybe a great idea, but our grandchildren shouldn't be paying for it. If we continue to do this, this is going to be costly. This $700 million will cost $4 billion by the time we start paying it back, if we want to sacrifice the next generation—not in terms of trying to take it away from Mississippi but setting a standard of which we can behave in a manner that secures the future. That is what I am asking for.

I am sorry it is against two Senators I really like. I want Mississippi to be a hit. This is not the way for us to conduct business in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to the motion to table amendment No. 3641, division I.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—49

Akaka
Alexander
Allard
Baucus
Bennett
Bond
Burns
Byrd
Clinton
Cochran
Coleman
Collins
Craig
Crapo
Dayton
DeWine
Domenici
Dorgan
Feinstein
Frist
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Landrieu
Lautenberg
Leahy
Lincoln
Lott
Martinez
McConnell
Menendez
Mikulski
Murkowski
Pryor
Roberts
Sarbanes
Schumer
Smith
Snowe
Specter
Stevens
Vitter
Warner

NAYS—48

Allen
Bayh
Bingaman
Boxer
Brownback
Bunning
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Conrad
Cornyn
DeMint
Dodd
Dole
Durbin
Ensign
Enzi
Feingold
Graham
Hagel
Inhofe
Isakson
Kohl
Kyl
Levin
Lieberman
Lugar
McCain
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Salazar
Santorum
Sessions
Shelby
Stabenow
Sununu
Talent
Thomas
Thune
Voinovich
Wyden

NOT VOTING—3

Biden
Kerry
Rockefeller

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I seek recognition to ask unanimous consent to lay aside the pending amendments so that I may call up four rather minor amendments, outline them very briefly, and basically put them in order for consideration on the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I object only because we have not seen the amendment. If we can see it fairly quickly, then I am sure we can proceed with it. So I would just call for a quorum.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana retains the floor.

Mr. VITTER. Mr. President, I will be happy to send copies over to the Senator. I will resume consideration in a few minutes when she has a time to peruse them.

The PRESIDING OFFICER. Will the Senator suggest the absence of a quorum?

Mr. VITTER. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Thank you, Mr. President. Again, I rise seeking consideration of four specific amendments. All of them are hurricane related very directly, and none of them add to the cost of the bill.

AMENDMENT NO. 3627

Mr. President, the first amendment I call up and ask for its consideration is amendment No. 3627, which has been filed at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3627.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita)

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking "or";

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.".

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "The Program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.".

Mr. VITTER. Mr. President, this amendment would do something very specific, very narrow, but also very important in terms of making sure that small business, including local business, gets a full opportunity to participate in the recovery throughout the gulf coast region. This would designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and would waive the Small Business Competitive Demonstration Program Act of 1988 for those specific areas.

This idea has been fully vetted in the committee of jurisdiction, the Small Business Committee, on which I serve. It was an important element of a larger small business package that was reported out of the committee to the floor, to the full Senate. However, because of other unrelated matters in that bill package, that overall package has some objection and has not passed through the Senate. So I simply chose to remove out of the full package these narrower HUBZone provisions to include in the supplemental bill.

I would also note that the leadership of the Small Business Committee supports this move in terms of this legislation and has no objection to the amendment.

The PRESIDING OFFICER. Who seeks recognition? Is there further debate on the amendment?

AMENDMENT NO. 3626

Mr. VITTER. Mr. President, I now call up amendment No. 3626 and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Ms. LANDRIEU, proposes an amendment numbered 3626.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the limits on community disaster loans)

On page 166, line 12, insert before the colon the following: ", and may be equal to not more than 50 percent of the annual operating budget of the local government".

Mr. VITTER. Mr. President, this amendment has to do with the Community Disaster Loan Program. That is a preexisting program that existed well before these hurricane events that in particular situations loans money to communities in dire straits that have major disasters and therefore revenue problems.

Obviously, in this hurricane, there are many communities in that situation—the city of New Orleans, St. Bernard Parish, and others. The community disaster loan program has been utilized to help them through this very difficult time. Already in the supplemental appropriations bill is $300 million for this program, additional dollars to use in the disaster area. My amendment would simply tweak certain language that would say rather than the upper limit of a jurisdiction, which jurisdiction is subject to be able to borrow being 25 percent of its annual operating budget, my language would raise that upper limit to 50 percent, so it would change language. It would not add money to the bill. The appropriations and the money are already in the bill.

This is very important for the hardest hit communities, such as St. Bernard Parish, such as the city of New Orleans, because they have virtually no revenue for the foreseeable future. This is absolutely necessary to help them get through these very difficult times for the next several months.

AMENDMENT NO. 3628

Mr. VITTER. With that, Mr. President, I call up amendment No. 3628.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3628.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages, and for other purposes)

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term "covered funds" means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

Mr. VITTER. Mr. President, this amendment is language only. It does not add dollars or cost to the bill. It is important language to make sure that all of our activity and all of our spending in the disaster area goes to important needs. This language would base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages rather than by other arbitrary allocation formulas. This is specifically in the situation where Congress, in a particular issue area, allocates a fund for the entire disaster area and leaves it to the administration to disburse those funds between the various localities and States affected. This language would simply say that when you do that, the administration has to think about a fair formula that is based on actual objective criteria that is based on actual objective need or statistics that make sense and then would have to publish that formula with regard to the specific funds we are talking about several days in advance of the money being disbursed. This would make sure that the money is used appropriately in the disaster area and is not allocated in an arbitrary or purely political way.

That explains this amendment. Again, it is language. It does not add any additional cost to the bill.

AMENDMENT NO. 3648

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3648 which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3648.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance to damaged fishery vessels in Hurricanes Katrina and Rita)

On Page 139, line 8, insert after "and" the following: "replace or". On Page 139, line 17, insert after "docks" the following: "vessels", on Page 140, line 22, after "repairing" add "vessels and"

Mr. VITTER. Mr. President, this has to do with the fisheries component of the bill. Thanks to the leadership of the chairman of the committee, a fisheries component was included in this supplemental appropriations bill because the fisheries industry was truly devastated along the gulf coast. Before this general fisheries provision was added, I believe this is the first instance in U.S. history where an administration has made a declaration regarding fisheries losses but has not followed that declaration of loss with a request for funds.

The chairman's committee action would, in a general sense, remedy that. My amendment No. 3648 would tweak the language—again, not add or increase any dollars—so that that money could be used in part for the repairing of vessels in situations where those repair costs go beyond insurance proceeds available and other available funds.

This is a very large component of the need that exists in the fisheries of the gulf coast. Passing this fisheries aid package without making any of that money available under the proper circumstances for repairing vessels would leave a huge hole in our attempt to get that industry up and running once again.

To reiterate, this is language that would not change or increase the spending level of the bill.

I have explained my four pending amendments. I look forward to any further discussion on them as well as votes, hopefully tomorrow.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum. The distinguished Senator from Kentucky is on his way. He wishes to present wrap-up, and then I have an amendment to offer.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. WYDEN. Reserving the right to object—and I have no intention to object—my understanding was that I was going to be able to offer an amendment to the bill. I want to make sure that that amendment will be able to go first prior to morning business.

Mr. McCONNELL. I say to my friend from Oregon that all I am doing is putting wrap-up on automatic, after which the Senator from Oregon will be recognized to offer his amendment.

Mr. WYDEN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DR. DWAIN PRESTON

Mr. DURBIN. Mr. President, I rise today to honor an outstanding Illinoisan, Dr. Dwain "Doc" Preston, one of our State's finest educators, and congratulate him on his upcoming retirement.

Doc Preston began his teaching career in 1961, after serving in the Air Force, at Quincy Junior High School in Quincy, IL. Since then, he has taught high school and college students in a variety of fields including American history, English, and speech.

Doc Preston is retiring from his position at Quincy Notre Dame High School, QND, where he has educated and inspired his students for more than 25 years. He has also taught at the University of Illinois in Urbana-Champaign, Western Illinois University in Macomb, and John Wood Community College in Quincy. Doc has taught his mother, mother-in-law, wife, and all four of his daughters at some point in time. He also takes great pride in teaching senior citizens how to tell their life stories through writing.

Doc has served as a mentor and role model to so many students in western Illinois, including current and former members of my Senate staff. He has emphasized the importance of writing and public speaking in all fields and careers and gently encouraged even the quietest students to express themselves.

In addition to his many successes as an educator, including winning the prestigious Golden Apple and Rush Memorial Awards, Doc Preston is a prolific author and photographer as well as a professional storyteller. He possesses a lifetime love of politics and has been active in his community. He is a sage political observer and adviser, whether helping students on the Quincy Notre Dame Student Council or lending a hand in writing announcement speeches for candidates.

Doc is supported in all his endeavors by his wonderful wife, Regina, also a QND faculty member, and their 4 daughters—Carolyn, Cheryl, Deborah, and Teresa—and 11 grandchildren. He has shown his devotion to his family by writing poems and books to mark the births and birthdays of his grandchildren as well as the weddings and birthdays of his daughters and wife.

Mr. President, I congratulate Dr. Dwain Preston on his many accomplishments throughout his long and distinguished career. I am sure his retirement will give him more time to spend with his family, write, and cheer on the St. Louis Cardinals.

I thank him for his service and wish him all the best.

EQUAL PAY DAY

Mr. KENNEDY. Mr. President, today, is Equal Pay Day, which means that 115 days into 2006, an average American woman will finally have earned enough in 2005 and 2006 together to equal what a man doing similar work earned by the end of 2005. Equal Pay Day is a sad reminder that gender discrimination is still very much a part of our country.

In America today, women earn only 77 cents for every dollar earned by men. The wage gap exists in every segment of our society. Women of every race and national origin earn less than their male counterparts. African-American women earn just 68 percent of the average earnings of African-American men. Latinas earn only 57 percent of the average Latino male wage. Asian-American women earn 88 cents for every dollar earned by Asian-American men.

This is not a problem just for poor women or rich women; it cuts across all occupations. There are even wage gaps in the operating room. The average male physician or surgeon makes $52,000 more a year than the average female physician. In the boardroom, the average male CEO makes $35,000 more a year than his female counterpart.

There are wage gaps in the classroom. The average male teaching assistant earns $5,000 more a year than the average female. In the dining room, the average male cook makes $2,000 more than his female counterpart.

The problem is not getting better. This year's wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

The wage gap is caused in part by how society deals with the realities of working women's lives, such as time out from the workforce to have children and care for family members. Among working women, nearly two-thirds do not receive paid maternity leave when they give birth; a quarter have to quit their jobs to care for their children, and doing so permanently lowers their future earning potential. It is wrong to dismiss the pay gap as a consequence of women's choosing to take time out of the workforce. Women do not willingly choose to forego fair pay in order to have children and care for elderly parents, nor should they.

More important, we cannot blame the pay gap exclusively on women's predominant role in childcare. The evidence shows that actual gender discrimination also accounts for the disparity between men and women's pay. In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women's working patterns does not explain the entire disparity in their wages. Discrimination plays a role as well, and we need to combat it with Federal legislation to close the gap. Congress needs to act.

I strongly support Senator CLINTON's Paycheck Fairness Act and Senator HARKIN's Fair Pay Act to prevent and remedy gender pay discrimination. It is appalling and unacceptable that such discrimination still exists in America. The issue is simple fairness. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act and the Fair Pay Act.

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I submit amended rules of the Committee on Environment and Public Works and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age.

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RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

STANDING RULES OF THE SENATE

RULE XVII

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

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RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional

meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any sub-

committee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a com-

mittee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a re-

port thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

> (1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and
>
> (2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

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THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, on Monday we observed the 91st anniversary of the Armenian genocide. On April 24, 1915, the Turkish Ottoman Empire began a coordinated campaign of deportation, expropriation, torture, starvation, and massacre which lasted 8 long years and left an estimated 1.5 million Armenians dead. The violence forced an additional 500,000 people to leave their homeland and live in exile.

The Armenian genocide is a shameful period in world history that highlights the catastrophic consequences of inaction in the face of violent persecution. It is a tragedy which could have and should have been prevented by the intervention of all nations who value freedom and peace. A retired Theodore Roosevelt wrote in 1918, "The Armenian horror is an accomplished fact. Its occurance was largely due to the policy of pacifism this nation has followed for the last four years." Roosevelt argued for U.S. involvement "because the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it; because the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense."

It is important to make clear that the annual remembrance of the Armenian genocide is not a condemnation of our NATO partner, the present day Republic of Turkey. Indeed, it was the founder of the Republic, Mustafa Kemal Ataturk, who ended the Ottoman government.

Instead, the annual remembrance of the Armenian genocide presents us with an opportunity to both honor the memory of those that were lost and rededicate ourselves to working with our allies, including Turkey, to prevent any occurrences of persecution and genocide around the world.

Unfortunately, we know too well that the Armenian genocide was the first but not the only genocide of the 20th century, and millions more perished as additional genocides were perpetrated against innocent minorities in Europe, Africa, and Asia. In remembering the victims of past genocides, we must now turn our efforts to ending the first genocide of the 21st century in the Darfur region of Sudan.

Only by remembering the loss of family and loved ones and by working to alleviate the current suffering of others can we truly honor the victims of the Armenian genocide. That is the goal of the 91st anniversary remembrance of the Armenian genocide.

EARTH DAY 2006

Mr. FEINGOLD. Mr. President, this past weekend we celebrated Earth Day. That celebration, begun in 1970 by the late Gaylord Nelson, a great environmental leader whose U.S. Senate seat I hold today, provides us the chance to reflect on our environmental past, take stock of our present environmental situation, and formulate a vision for our environmental future.

We have much to be proud of in our past, especially the bipartisan initiatives that were produced in the 1970s, including the Clean Air Act, the Endangered Species Act, and the Clean Water Act. Unfortunately, our present environmental circumstances show we have a lot of work to do. Mercury pollution contaminates our waterways and threatens the health of our citizens, increased greenhouse gas emissions feed global climate change, and the majestic Great Lakes, a natural resource of particular interest to me and my fellow Wisconsinites, face such threats as invasive species and loss of wetlands. It is the future, though, that I urge Americans from all walks of life and from all across the country to focus on as they celebrate Earth Day this year.

Quite frankly, over the next few years we will face major decisions that will shape our relationship to our natural resources. We can make decisions that demonstrate we want a future that recognizes that when we disrespect and dishonor the planet, we, in fact, disrespect and dishonor ourselves, or by failing to act or by making shortsighted choices, we can turn our backs on our responsibility to pass on to future generations a vibrant and living planet.

Despite what is at stake, there is reason for hope. One of the most pressing challenges we face is that of making a commitment—both individually and collectively—to adopting sustainable energy habits that will serve the country for years to come. Our Nation, throughout its history, has faced challenges that we have overcome based on our ingenuity and our unwillingness to fail. It is this attitude that must be embraced today as we look to our energy future.

We must challenge ourselves to adopt a new energy vision for the 21st century. This new vision involves moving away from our dependence on oil, a source of energy that puts our environment, our national security, and our economy at risk. We all know that the burning fossil fuels, like oil, emits tremendous amounts of greenhouse gases into our atmosphere and that these gases fuel global warming. We all also know that global climate change is a problem plagued by a lack of leadership by the current administration and by its allies in Congress. Getting real about global warming—which must happen soon—will require a commitment to reducing our dependence on oil as opposed to continually fighting about opening up pristine areas, including the Arctic National Wildlife Refuge, for oil drilling. Reducing our dependence on oil will also make us more secure. Given that we have less than 3 percent of the world's proven oil reserves here in the United States, we will be dependent on others for our fuel until we get serious about using biofuels that can be produced here at home.

A new energy future will not create itself—it will require a dedicated effort by individuals across the country and by decision makers at all levels. This new energy future can be built on efforts to be more efficient, efforts to only use only what we need, and efforts to use renewable sources of energy. While the Federal Government has failed to take bold action, Americans are forging ahead, actually leading the way. For example, students at universities are holding competitions to reduce energy use, and nearly 200 cities are part of a nationwide movement to reduce greenhouse emissions in their cities to 7 percent below 1990 levels by 2012.

But more must be done, and Americans must demand accountability and leadership from their Federal elected officials.

So as we come together on Earth Day 2006, let's make a commitment to each other and to future generations to rise to the challenge of securing a new energy future for our country, for this is not only one of the most important environmental commitments we can make to each other, but it is also a decision about our national security and our economy. Let's work toward an environmental future that our children's children will, years from now, reflect upon as a turning point in our history, a time during which we came together and worked for the best interest of humanity, across the globe.

HONORING ARMY LIEUTENANT JEROME N. SHAPIRO

Mr. LEVIN. Mr. President, this week, as we observe Holocaust Remembrance Day, Yom Hashoah, I would like to take a moment to recognize Stephanie Mellen of Troy, MI, for her tireless and enduring efforts to honor the memory of her father and help ensure that the horrific events of the Holocaust will never be forgotten.

On May 7, 1945, Ms. Mellen's father, 1Lt Jerome N. Shapiro, led the team that captured Air Marshal Hermann Goering, the de facto leader of Nazi Germany following Adolf Hitler's suicide. Eighty miles behind enemy lines in Austria, Lieutenant Shapiro and three others caught Goering and his entourage of 78 people. Goering calmly surrendered his weapon to Lieutenant Shapiro, a Jewish American, and was held under Lieutenant Shapiro's command at Fischhorn Castle in Zell Am See, Austria, until he was transferred to Allied headquarters 2 days later. Hermann Goering was the principal defendant at the Nuremberg Trials the following year, and Lieutenant Shapiro continued as part of his guard detail during the trial.

Lieutenant Shapiro was hesitant to talk about his role in Goering's capture, but Stephanie Mellen began to understand the importance of his story even as a young girl. She saw the gun that her father was carrying when Goering surrendered and recalls using Goering's field typewriter to type her school assignments. Stephanie was 13 years old when she saw her father named as "Goering's guard" in a television documentary. These memories helped her to understand and appreciate what her father accomplished.

Lieutenant Shapiro passed away on April 4, 1968, but his legacy lives on through the committed actions of his daughter. Stephanie Mellen has spent countless hours writing and speaking to educate people on the importance of what her father did to bring Hermann Goering to justice. She shares her father's story to honor the courage and resolve of Lieutenant Shapiro and all those members of America's "greatest generation" who fought and defeated the Axis Powers in one of humanity's most critical moments. But most of all, she shares the story of her father to remind all of us that the cause of universal human freedom and dignity is our own.

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005, that resulted in the assassination of former Lebanese Prime Minister Rafiq Hariri and the deaths of 22 others, and other bombings or assassination attempts in Lebanon since October 1, 2004, that are related to Hariri's assassination or that implicate the Government of Syria or its officers or agents. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and undermining United States and international efforts in Iraq constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the "Commission"), reiterated its call for the strict respect of the sovereignty of Lebanon, and reaffirmed its unequivocal condemnation of the February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafiq Hariri and 22 others. The Commission's charter included identifying the bombing perpetrators, sponsors, organizers, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide necessary assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as suspected of involvement in this terrorist act, upon notification of such designation to, and agreement of, the Committee of the Security Council established by UNSCR 1636. United Nations Security Council Resolution 1644 of December 15, 2005, condemned other terrorist attacks in Lebanon since October 2004 and reaffirmed that all those involved in these attacks must be held accountable for these crimes, and in doing so, authorized the Commission to extend its technical assistance to Lebanese authorities with regard to their investigations regarding the terrorist attacks perpetrated in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of the terrorist act on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, or any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri's assassination or that implicates the Government of Syria or its officers and agents, or to have obstructed or otherwise impeded the work of the Commission. The order further authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombings, or assassination attempts, or any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. The order was effective at 12:01 a.m. eastern daylight time on April 26, 2006.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 26, 2006.*

MESSAGE FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4916. An act to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

H.J. Res. 83. An act to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and

Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; to the Committee on Energy and Natural Resources.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records; to the Committee on the Judiciary.

H.R. 4916. An act to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6454. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 10 regulations)" (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6455. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; High Capacity Passenger Vessels and Alaska Marine Highway System Vessels in Alaska" (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6456. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Maple-Oregon Bridge Boring Program, Sturgeon Bay Ship" (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6457. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events: Severn River, College Creek, Weems Creek, and Carr Creek, Annapolis, MD" (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6458. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; 2006 San Francisco Giants' Opening Night Fireworks Display, San Francisco Bay, CA" (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6459. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Rates for Pilotage on the Great Lakes" (RIN 1625-AA38) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6460. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation (including 3 regulations)" (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6461. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 7 regulations)" (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6462. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 9 regulations)" (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6463. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 25 regulations)" (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6464. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2005 of the Commerce Department's Bureau of Industry and Security (BIS); to the Committee on Commerce, Science, and Transportation.

EC–6465. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, NASA's FAIR Act 2005 Commercial Activities Inventory, FAIR Act 2005 Inherently Governmental Inventory, and FAIR Act Inventory Executive Summary; to the Committee on Commerce, Science, and Transportation.

EC–6466. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the United States Coast Guard report entitled "Report on Demonstration Project: Implementing the Crew Endurance Management System (CEMS) on Towing Vessels"; to the Committee on Commerce, Science, and Transportation.

EC–6467. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's (DOT) Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2005; to the Committee on Commerce, Science, and Transportation.

EC–6468. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Federal Trade Commission Annual Report 2006: Fair Debt Collection Practices Act"; to the Committee on Commerce, Science, and Transportation.

EC–6469. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 44th Annual Report of the Commission's activities for fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–6470. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Report to Congress on the Fiscal Year 2005 Competitive Sourcing Efforts"; to the Committee on Commerce, Science, and Transportation.

EC–6471. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting the report of a nomination for the position of Administrator, received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6472. A communication from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea" ((RIN 0648-AS98)(I.D. No. 010305B)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6473. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. No. 030906B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6474. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (I.D. No. 032106B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6475. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 030906A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6476. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 032006A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6477. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021706A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6478. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Total Allowable Catch Amount for 'Other Species' in the Groundfish Fisheries of the Gulf of Alaska" ((RIN 0648-AT92) (I.D. No. 110805A)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6479. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial and Recreational Fisheries from Cape Falcon, Oregon, to Point Sur, California" (I.D. No. 031406F) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6480. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Fishery Closure" (I.D. No. 032006E) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Thomas J. Loftus to be Major General.

Air Force nominations beginning with Brigadier General Chris T. Anzalone and ending with Brigadier General Mark R. Zamzow, which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2006.

Air Force nomination of Col. Steven Westgate to be Brigadier General.

Army nomination of Lt. Gen. Franklin L. Hagenbeck to be Lieutenant General.

Army nomination of Maj. Gen. Michael D. Rochelle to be Lieutenant General.

Army nomination of Col. Russell J. Czerw to be Major General.

Marine Corps nomination of Maj. Gen. Frances C. Wilson to be Lieutenant General.

Navy nomination of Rear Adm. Nancy E. Brown to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Kristine M. Autorino and ending with Tiwana L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2006.

Air Force nomination of Rex R. Kiziah to be Colonel.

Air Force nomination of Maureen McCarthy to be Colonel.

Air Force nomination of Joseph A. Weber, Jr. to be Colonel.

Air Force nomination of Daniel J. McGraw to be Colonel.

Air Force nominations beginning with Constance C. Mcnabb and ending with Amy L. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Kenneth R. Franklin and ending with Michael S. Peters, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Peter L. Barrenechea and ending with Ralph M. Sutherlin, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with David G. Allen and ending with David D. Zwart, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Thomas E. Baldwin and ending with Michelle K. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 5, 2006.

Army nomination of David M. Lind to be Colonel.

Army nominations beginning with Mary M. Sunshine and ending with Debra Chappel, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Jacqueline P. Allen to be Lieutenant Colonel.

Army nominations beginning with Valerie Mcdavid and ending with Cathleen Sterling, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Charles C. Dodd to be Major.

Army nominations beginning with Alvis Dunson and ending with Francis Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nominations beginning with Soonja Choi and ending with Mehdy Zarandy, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2006.

Army nomination of E. N. Steely III to be Colonel.

Marine Corps nomination of Sanford P. Pike to be Lieutenant Colonel.

Marine Corps nomination of Jayson A. Brayall to be Major.

Navy nomination of Paul W. Marquis to be Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. Kyl, Ms. Cantwell, Mr. Frist, Mrs. Boxer, Mrs. Hutchison, Mr. Bingaman, Mr. McCain, Mr. Domenici, Mr. Coleman, Mr. Talent, and Mr. Conrad):

S. 2652. A bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. Inouye, Mr. Burns, Mr. Dorgan, Mr. Lott, Mrs. Boxer, Mr. Allen, Mr. Nelson of Florida, Mr. Vitter, Mr. Lautenberg, Mr. Warner, Mr. Lieberman, Mr. Bond, Ms. Landrieu, Mr. Gregg, Ms. Mikulski, Mr. DeWine, Mr. Jeffords, Mr. Inhofe, Ms. Murkowski, Mr. Coleman, Mr. Alexander, Mr. Santorum, Mrs. Dole, Mr. Bennett, Mr. Allard, Mr. Domenici, Mr. Enzi, Mr. Graham, Ms. Snowe, Mr. Rockefeller, Mr. Thomas, Mr. Pryor, Mrs. Clinton, Mr. Craig, Mr. Talent, and Mr. Burr):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer's ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 2656. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. Bayh):

S. 2657. A bill to extend the Iran and Libya Sanctions Act of 1996; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. Leahy):

S. 2658. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

By Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. NELSON of Florida, Mr. HAGEL, Mr. CARPER, Mr. ALLARD, Ms. LANDRIEU, Mrs. CLINTON, and Mr. KERRY):

S. 2661. A bill to provide for a plebiscite in Puerto Rico on the status of the territory; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2662. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by salmon fishery restrictions along the California and Oregon coast, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 446. A resolution recognizing the 50th Anniversary of the Crop Science Society of America; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 447. A resolution congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 420

At the request of Mr. KYL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 484

At the request of Mr. WARNER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 537

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 832

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1735

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1735, supra.

S. 1741

At the request of Mr. VOINOVICH, the names of the Senator from Delaware (Mr. CARPER), the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1767

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1767, a bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megaHertz band and the un-auctioned portions of the lower 700 megaHertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2048

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2048, a bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maine (Ms. SNOWE), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Utah (Mr. BENNETT) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2385

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2451

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2451, a bill to amend the Internal Revenue Code of 1986 to expand certain tax benefits related to Hurricane Katrina and to Hurricane Rita.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2503

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2557

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2617

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. 2643

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 441

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Res. 441, a resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy.

S. RES. 445

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 445, a resolution expressing the sense of the Senate in commemorating Holocaust Remembrance Day.

AMENDMENT NO. 3594

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3594 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3597

At the request of Mr. LUGAR, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 3597 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. LOTT), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3599 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3600

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3600 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. BURNS, Mr. DORGAN, Mr. LOTT, Mrs. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTENBERG, Mr. WARNER, Mr. LIEBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. GREGG, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. INHOFE, Ms. MURKOWSKI, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANTORUM, Mrs. DOLE, Mr. BENNETT, Mr. ALLARD, Mr. DOMENICI, Mr. ENZI, Mr. GRAHAM, Ms. SNOWE, Mr. ROCKEFELLER, Mr. THOMAS, Mr. PRYOR, Mrs. CLINTON, Mr. CRAIG, Mr. TALENT, and Mr. BURR):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, the Call Home Act of 2006 would require the Federal Communications Commission to take such actions as may be necessary to reduce telephone rates for Armed Forces personnel deployed overseas, including the waiver of government fees, assessments, or other costs.

In seeking to reduce phone rates, the legislation would require the FCC to evaluate and analyze the costs of calls to and from official duty stations including vessels whether in port or under way; evaluate methods of reducing rates including deployment of new technology such as Voice over Internet protocol, VOIP, or other Internet protocol technology; encourage phone companies to adopt flexible billing procedures and policies call to and from Armed Forces personnel; and seek agreements with foreign governments to reduce international surcharges on phone calls.

The legislation would, however, prohibit the FCC from regulating rates in order to carry out the Call Home Act's requirements.

The Call Home Act of 2006 would replace similar legislation from 1992 that limited the FCC's efforts to reduce rates to specific countries. The Call Home Act would expand the FCC's efforts to benefit troops wherever they are deployed in support of the global war on terrorism.

We have received a letter of support from the Military Coalition, which represents 36 military and veterans groups. We have also received letters of support from individual members of that coalition and others urging Congress to enact this legislation: Veterans of Foreign Wars; Association of the United States Army; Enlisted Association of the National Guard; Military Officers Association of America; American Legion; Naval Reserve Association; Naval Enlisted Reserve Association; Gold Star Wives of America; and Air Force Sergeants Association.

The Veterans of Foreign Wars' letter of support says that calls home are "lifeline" for the brave men and women stationed abroad.

I urge you to vote for this important legislation.

I ask unanimous consent letters in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
Alexandria, VA, April 10, 2006.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is writing to express our strong support of your bill, "Call Home Act of 2006," that directs the Federal Communications Commission to seek ways to reduce telephone rates for Armed Forces personnel deployed overseas.

Everyday, military members deployed or assigned unaccompanied overseas are faced with the burdens of being separated from families and loved ones. Your bill recognizes the burden these members and families encounter and takes an important step forward to reduce the costs of high phone rates.

The Military Coalition thanks you for introducing this legislation and recommends that the bill be expanded to include all members of the uniformed services. We also appreciate your leadership on issues affecting all servicemembers and their families and pledge our strong support in seeking enactment of this important legislation.

Sincerely,

Signed by 36 representatives of member organizations of the Military Coalition.

ASSOCIATION OF THE
UNITED STATES ARMY,
Arlington, VA, April 6, 2006.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: On behalf of over 100,000 members of the Association of the United States Army (AUSA), I write to express our strong support of your bill, "Call Home Act of 2006," that directs the Federal Communications Commission to seek ways to reduce telephone rates for Armed Forces personnel deployed overseas.

Everyday, military members deployed or assigned unaccompanied overseas are faced with the burdens of being separated from families and loved ones. Your bill recognizes the burden these members and families encounter and takes an important step forward to reduce the costs of high phone rates.

AUSA thanks you for introducing this legislation and for your leadership on issues affecting all servicemembers and their families. We pledge our strong support in seeking enactment of this important legislation.

Sincerely.

GORDON R. SULLIVAN,
General, USA Retired.

The American Legion,
Washington, DC, April 5, 2006.

Hon. Ted Stevens,
U.S. Senate,
Washington, DC.

Dear Senator Stevens: On behalf of the 4 million members of The American Legion Family, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs the FCC to develop new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We support efforts to reduce telephone rates for our servicemembers stationed overseas who depend on an affordable and timely means of communication with their family and loved ones. Over a decade ago, American Legion National Commanders discovered in their visits to troops in the Balkans that our servicemembers were being charged exorbant telephone rates to call home. The American Legion is strongly supportive of military quality of life, and frequent and timely calling home is a huge morale factor which could only pay dividends to oUr troops going into harm's way.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

Clarence Hill,
Chairman,
National Security Commission.

Enlisted Association of the
National Guard,
Alexandria, VA, April 6, 2006.

Hon. Ted Stevens, *Chairman,*
Hon. Daniel Inouye, *Ranking Member,*
U.S. Senate, Committee on Commerce, Science and Transportation, Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is pleased to express our strongest support, on behalf of the Enlisted men and women of the Army and Air National Guard, for the "Call Home Act of 2006" which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Unfortunately, many of these members, predominately in the junior enlisted ranks, are not be able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons; however most Guard and Reserve member's home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness.

Thank you for recognizing one of the many needs of the military community. You have the support of EANGUS and our membership.

Working for America's Best!

Michael P. Cline,
Executive Director.

Veterans of Foreign Wars
of the United States,
Washington, DC, April, 5, 2006.

Hon. Ted Stevens,
U.S. Senate,
Washington, DC.

Dear Senator Stevens: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs FCC to evaluate the role of new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We believe that telephone calls and service are a lifeline for our servicemembers stationed abroad who depend on an affordable means of communication with their friends and family. To help decrease these costs in any way is the least we can do for those fighting for our freedoms and for their families who are making their own sacrifices on the home front.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

Robert E. Wallace,
Executive Director.

Naval Reserve Association,
Alexandria, VA, April 5, 2006.

Hon. Ted Stevens,
Committee on Commerce, Science and Transportation,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

Dear Chairman Stevens: I am writing you on behalf of the members of the Naval Reserve Association, members of the Navy Reserve, their families and survivors. I'm writing to express our strongest support for The "Call Home Act of 2006" which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Additionally, during any month, approximately 25 percent of the Navy Reserve force is doing some type of operational support to the fleet for operational mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve member's home towns are not in the vicinity of a traditional base; therefore, contact with their families is critical when deployed.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed, this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness. I look forward to working together in support of a strong and viable Navy Reserve, and all reserve components. Thank you for all your hard work on their behalf with the Call Home Act of 2006.

Sincerely,

Casey W. Coane,
RADM, USN (Ret.),
Executive Director.

The Naval Enlisted
Reserve Association,
Falls Church, Va.

Hon. Ted Stevens,
Chair, Senate Committee on Commerce, Science, and Transportation, Russell Senate Office Building, Washington, DC.

I am writing you on behalf of the members of the Naval Enlisted Reserve Association, members of the Navy, Marine Corps and Coast Guard Reserve, their families and survivors. I'm writing to express our strongest support for The "Call Home Act of 2006" which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Additionally, during any month, approximately 25 percent of our Reserve Forces are doing some type of operational support to meet the country's mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve members' home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed. Due to time and operation differences, it is not practicable for the families to call them and if they are able, the cost is still prohibitive.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness. I look forward to working together in support of a strong and viable Reserve and Guard Force. Thank you for all your hard work on their behalf with the "Call Home Act of 2006."

DAVE DAVIDSON,
CAPT, USN (Ret.),
Executive Director.

GOLD STAR WIVES OF AMERICA, INC.,
Arlington, VA, April 5, 2006.
Mr. HARRY WINGO,
Counsel, Committee on Commerce, Science, and Transportation, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MR. WINGO: On behalf of Gold Star Wives of America, I'm writing to support the "Call Home Act of 2006" which directs the FCC to seek to reduce telephone rates for Armed Forces personnel deployed overseas.

Gold Star Wives has a chatroom for new widows of the Iraq and Afghanistan Conflict. Our survivors of the Global War on Terrorism know first hand how important it is to have frequent contact with their loved ones deployed overseas. With reduced phone rates for those serving overseas, it would certainly help permit more frequent phone calls to keep in touch with loved ones. It would be a great morale booster.

Thank you for this bill, and if we can help in any way, please don't hesitate to contact me. Gold Star Wives of America., Inc. is a member of The Military Coalition.

Sincerely,

ROSE LEE,
Chair, Legislative Committee.

By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer's ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, today, families across this country face a growing problem of rising credit card debt. In 2004, the average American household had $9,300 in credit card debt, up from $3,200 just 12 years earlier. More and more Americans are using credit card debt to manage daily living expenses such as basic living costs, medical bills, and house or automotive repairs. And for college students, the problem cannot be overstated. According to university administrators, colleges lose more students to credit card debt than to academic failure.

To fuel that growth, credit card issuers have increased the number of solicitations sent to consumers 500 percent since 1990 to a record 5.23 billion in 2004. And they start sending them to children at younger and younger ages. Last year, AJ, the son of my State director received his very first solicitation at the age of 2 years old. If you have a pulse and a social security number, you can get a credit card.

Credit card companies are increasingly targeting people who are likely to default. They have focused their attention on teenagers and college students, people who live beyond their means, and those who have declared bankruptcy. Clearly, credit card companies are not paying attention to whom they are giving a credit card, much less if the applicant can afford to pay the balance.

There is no question that we must demand personal responsibility from consumers, but at the same time credit card companies should not be allowed to take advantage of consumers with excessive fees and unreasonable interest rates. One study found that people in this Nation pay $90 billion each year in penalty fees and interest payments. Just think about that for a second—$90 billion annually. It is money that could be used to send our children to college, to pay the health care bills of both our children in the dawn of their lives and our parents in the sunset of theirs, while still saving for our own retirements.

One of the most egregious practices is known as "universal default." It involves credit card companies raising interest rates, up to 30 percent APR, on customers who have a perfect record with the credit card but miss a payment with any other creditor. So a person can make their credit card payment on time every month but see their interest rate skyrocket because they paid their gas bill late. Further, this penalty interest rate is often applied not only to future purchases but retroactively to current balances as well. This is a completely arbitrary rate-hike intended solely to hike the company's bottom line.

That is why I am introducing the Credit Card Bill of Rights—two pieces of legislation that, taken together, will stop some of the most egregious practices of credit card issuers while also ensuring that future generations have the information to make financial decisions.

Many American adolescents are inadequately prepared for the complex financial world that awaits them. In 2004, almost two-thirds of the students who took a personal finance survey failed the test.

The causes for this failure are largely due to the lack of high school finance courses available to teenagers combined with insufficient parental mentoring. Statistics show that while a large majority of both college and high school students rely on their parents for financial guidance, only 26 percent of 13- to 21-year-olds reported their parents actively taught them how to manage money. Public education has not filled this void as only about one in five students between the ages of 16 and 22 say they have taken a personal finance course in school.

Credit card companies are exploiting this financial inexperience of young Americans with an aggressive marketing strategy designed to maximize enrollment and profit, with little regard for a potential customer's ability to pay. As a result, over 20 percent of children between the ages of 12 to 19 have access to a credit card.

This credit card marketing blitz further intensifies once an individual enters college. During the first week college freshmen arrive on campus, they are barraged by an average of eight credit card offers. Students actually double their average credit card debt, and triple the number of credit cards in their wallets, from the time they arrive on campus until graduation. This large number of new credit card owners combined with the lack of financial illiteracy of high school graduates leads to high levels of debt amongst undergrads.

Credit card companies have actually encouraged this rise in credit card debt through increasing the median balance for undergraduates. As a result, 21 percent of undergraduates that have credit cards, have high-level balances between $3,000 and $7,000.

The Protection of Young Consumers Act will protect people, especially college students and other young people, against skyrocketing consumer debt and the barrage of credit card solicitations that lead to it. The bill will do so by building on the current opt-out program for pre-approved credit card solicitations by requiring young consumers under age 21 to proactively opt-in to receive solicitations from credit card companies. This proposal will also establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers.

In addition to targeting high school and college students, credit card companies have become very adept at increasing their profits through hidden fees and deceptive advertising, taking advantage of Americans of all ages.

The Credit Card Reform Act will protect consumers against hidden fees and excessive interest rates. It does so by: 1) prohibiting "universal defaults" that I mentioned earlier, 2) banning unilateral changes in credit card agreements without written consent, and 3) requiring that the fees charged by creditors are "reasonably related" to the cost incurred by the issuer.

The bill will also establish standards that would prohibit unfair or deceptive acts or practices, while tightening regulations on credit card companies to ensure that they are not offering credit to high-risk cardholders without verifying their ability to pay.

I would like to be clear that I am not trying to remove the obligation for consumers to behave responsibly. Every individual must take responsibility for their own actions, but at the same time it is the obligation of the companies who are earning billions in profits from credit cards to behave ethically as well.

This Credit Card Bill of Rights will help ensure that New Jersey consumers and consumers across the country are given a fair chance at being responsible consumers who will enjoy economic security as well as economic opportunity in their futures.

By Mr. BOND (for himself and Mr. LEAHY):

S. 2658. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

Mr. BOND. Mr. President, today I join my friend and fellow cochair of the Senate National Guard caucus, Senator PAT LEAHY, in introducing bipartisan legislation to strengthen one of our Nation's most important military and civilian resources—the National Guard.

The Guard has a long and proud history of contributing to America's military away game, while providing vital support and security to civil authorities in the home game. Since September 11, 2001, our citizen-soldiers have taken on greater responsibilities and risks from fighting the war on terror to disaster assistance.

Today, the Guard supports the Nation's military strategy overseas, functions as a primary line of defense here at home, and helps local responders deal with overwhelming natural disasters.

We have seen the tremendous value of Guard forces as they confront terrorists in Afghanistan, Iraq, and other hotspots, and as they provide water, food, and health supplies to victims of Hurricane Katrina and other natural disasters.

More than 1,300 guardsmen from my home State of Missouri were deployed in less than 72 hours following Hurricane Katrina, providing medical, transportation, airlift, military police, engineering, and communications capabilities. For example, the 139th Airlift Wing evacuated 23 critically ill young patients from Children's Hospital in New Orleans and brought them to Children's Mercy Hospital in Kansas City for the high-level care they needed.

Stories such as this were repeated all over the country in most if not all our States.

Why was the Guard successful when other elements of the Katrina response were not? Quite simply, the Guard is the entity best organized and trained to initiate and coordinate a civil response to any disaster on the scale of Katrina.

In addition, more than 200,000 Guard troops have left their homes, their jobs, and their families to participate in another critical mission: the global war on terror. The National Guard has provided as much as half the combat force and 40 percent of the total force in Iraq.

I point out that the Guard is a tremendous value for the capabilities it provides. It gives 40 percent of the total military force for around 4.5 percent of the budget. Whether at home or abroad, the men and women of the Guard are performing their duties with honor and valor, often at great sacrifice to their families and their own lives. As they willingly make these sacrifices to preserve American lives and freedoms, we have a responsibility to support them as they carry out their unique dual mission.

While serving abroad, National Guard troops serve under Air Force and Army commands under title 10 status. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

There is a lot more we can do to make this work more smoothly.

Despite their importance on the street, as it were, the Guard is often given short shrift back at Pentagon headquarters, which has proposed repeatedly to cut Guard personnel and equipment budgets.

The Guard will play a critical role in response to another terrorist attack or natural disaster, but the Pentagon has allowed its equipment levels to sink to dangerously low levels. Currently, the National Guard has only about 35 percent of the equipment it needs. In Missouri, only one of two engineering battalions that were requested to assist with Katrina could respond because the other one did not have the equipment they needed.

With the support of 75 of my colleagues, Senator LEAHY and I led an effort to increase equipment funding for the Guard by almost $1 billion. We are going to continue that fight this year to ensure the Guard has equipment it needs to carry out both missions.

Just a few months ago, the Army proposed significant cuts to Guard troop strength. Three-quarters of the Senate again joined us in a letter opposing this, and I thank all of our colleagues who joined us.

We need to do more to empower the Guard. We need to give the Guard more bureaucratic muscle. Time and again, the Guard has had to rely on Congress, not its total force partners in the active duty, to provide and equip fully the resources it needs to fulfill its missions.

That the Guard is left out of the Pentagon decisionmaking process is beyond dispute. In the most recent Quadrennial Defense Review, during the BRAC review process of 2004 and 2005, when the Army and Air Force reduced National Guard force structure in 2005, and when equipment levels of the Army and National Guard reached the dangerously low levels of 35 percent, Congress has had to step in.

To remedy this, the legislation we introduce today to strengthen the Guard consists of three central planks.

One, we will allow the National Guard Bureau to establish more formal relationships with the Secretary of Defense and the Joint Chiefs.

We will give the Guard more muscle in existing relationships, elevating the Chief of the National Guard Bureau to a four-star position and providing a seat for him on the Joint Chiefs of Staff.

It goes without saying that to be a part of a big decision, you have to be at the table. Having a four-star Guard general providing advice to the SECDEF instead of a two-star major general will give our governors and 450,000 citizen-soldiers and airmen access to the highest level of the DOD and ensure key policy decisions are heard and taken into account.

To put things in perspective, the Active-Duty Army has 12 four-star generals and 46 lieutenant generals. The Air Force has 13 four-star generals and 35 lieutenant generals. The National Guard, which represents over 40 percent of the entire force structure, is represented by three lieutenant generals and zero four-star generals.

Can anyone tell me with a straight face how the Guard one four-star general and an additional three-star will endanger our national security? The only element endangered would be the Pentagon status quo which is outdated.

Facts are stubborn things. Clearly, the facts demonstrate a glaring, disproportionate number of three- and four-star generals in the Army and the Air Force when compared with the Guard.

Second, we will ensure that the Deputy Commander of the Northern Command is a member of the Guard, a new command with the mission of coordinating responses to emergencies within the United States.

The Guard is the entity best suited to respond to major incidents, and they need that capability. With both the Guard and NorthCom's missions being defense of the homeland, it only makes sense to have substantive input through a lieutenant general as deputy commander.

Finally, we must ensure the Guard plays a role in identifying and filling any gaps between civilian emergency response capabilities and those of the military. Current DOD policy prohibits procurement of supplies or equipment for providing military support to civilian authorities during emergencies except with the permission of SECDEF. That policy is outdated. It will give the National Guard Bureau, in consultation with the State adjutant generals, the budgetary power to research, validate, and make those equipment purchases.

Neither the homeland support nor the military support missions of the Guard are likely to diminish. They are needed more now than ever. But we must strengthen the decisionmaking capability of Guard leaders within the Department of Defense.

As we heard today from General Blum, Chief of the National Guard Bureau, before the Defense Appropriations Subcommittee when he was asked questions by Senator INOUYE, he responded with a football analogy. When we asked him if he was in the huddle, he said he was "not in the huddle" during the QDR.

This legislation would empower the Guard to respond in the affirmative the next time it is asked, "are you in the huddle" on this major decision.

I thank my colleagues for their past support. I ask for their support of this legislation.

Mr. President, I ask unanimous consent that congressional findings regarding National Guard Forces be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD FORCES

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

1. The Constitution of the United States recognizes a well-regulated militia is a necessity to the security of a free state.

2. The United States continues to face a wide spectrum of threats at home and abroad, including terrorism, natural disasters, proliferation of weapons of mass destruction and other emerging perils. In meeting these threats, the United States relies heavily on the men and women of the National Guard.

3. At no time in America's history has the National Guard played so critical a role in the security of our homeland and in our Nation's military objectives abroad.

4. The National Guard is a vital part of this Nation's security, and this country relies on the exemplary service provided this Nation by the members of the Guard, their families, their employers and their communities.

5. The National Guard is a critical component of the Department of Defense's contribution to the security of our Nation and has been key to the Department's accomplishments at home and abroad. Much of the success DOD has had would not have been possible without the participation of National Guard forces.

6. The National Guard's response to our Nation's emergencies in the post 9/11 world has been unparalleled.

7. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Within 24 hours of the attacks, over 8,000 New York National Guard Soldiers and Air men and women were on active duty supporting New York State's security needs. These troops provided not just a calming presence on the streets of New York during unsettling times; they provided New York's first responders with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering assets and other logistical support.

8. At the request of the President, State Governors supplemented the security of the Nation's airports with National Guard personnel. Their missions encompassed over 400 airports in 52 States and territories. National Guard troops along the northern and southern borders were used to support the U.S. Custom Service, the Immigration and Naturalization Service, and the Border Patrol in the heightened post 9/11 security posture.

9. In contrast to Hurricane Andrew (1992) in which National Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force for Hurricane Katrina.

10. The response to Hurricane Katrina proved that the National Guard is the Nation's first military responder and that the overwhelming majority of forces that respond to disasters in the United States will be National Guard who will be on the scene before the Department of Defense is requested to respond.

11. More than 9,700 National Guard soldiers and airmen were in New Orleans by August 30. National Guard deployed over 30,000 additional troops within 96 hours of the storms passing. In wake of the Hurricane Katrina devastation, the National Guard mobilized over 50,000 personnel in support of hurricane relief in the largest and fastest domestic deployment since World War II, saving over 17,000 lives. The Air National Guard flew nearly 3,500 flights and over 12,000 tons of cargo in support of all Hurricane relief in the last year.

12. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau is a significant joint force provider for homeland security missions.

13. The National Guard is continuously on active duty supporting State security missions, Federal security missions under Operation Noble Eagle and overseas military operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements around the Nation and the world. Under Title 32, counter-drug activities are a daily operational mission of the National Guard, fortifying a longstanding successful relationship with civil authorities.

14. The Department of the Army and the Department of the Air Force could not fulfill current Title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of the combat forces in Iraq.

15. The National Guard has mobilized over 300,000 soldiers and 36,000 airmen supporting the Global War on Terror since September 11, 2001. (Need NGB confirmation)

16. Since September 11, 2001, 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 206,000 sorties accumulating over 620,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

17. National Guard forces have provided: 55 percent of the Army's combat capability; 55 percent of the Air Force's airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 100 percent of Operation Enduring Freedom A–10 missions; 66 percent of Operation Iraqi Freedom A–10 missions; 45 percent of all F–16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

18. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

19. National Guardsmen and women are their State's primary emergency response force, providing support in their communities and to civil authorities and first responders throughout their States.

20. The National Guard is invaluable to civil support mission, homeland defense and emergency preparedness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of this Nation, responding heroically and meeting every mission asked of them, particularly in times of crisis—terrorism, natural disasters, plane crashes, blizzards, wildfires, floods.

21. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies. State concerns about maintaining sovereignty must be respected. Governors, who are most intimately familiar with and better understand the National Guard's unique capabilities, must retain the ability and authority to deploy their National Guard troops in times of crisis.

22. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

23. The National Guard and State Adjutants General are invaluable nexus of coordination between Federal and State planning, exercising and response to emergencies and disasters. Over 50 percent of State Adjutants General are also State Emergency Managers offering unparalleled integration of planning, preparation and response capabilities in emergencies.

24. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersal and relationships to State and local governments.

25. The National Guard is familiar with the local area and local culture. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

26. WMD Civil Support Teams are a specialized homeland security capability based entirely in the National Guard.

27. As America prepares for an influenza pandemic, the National Guard has more domestic response training and decentralized capabilities than any other military organization and ready to respond in a moment's notice.

28. The National Guard Bureau has proved its ability to plan for and respond to natural and man-made events with the establishment of Joint Force Headquarters-State, Joint Task Force State, CBRNE Enhanced Response Force Packages, CERFP, National Guard Reaction Force, NGRF, and the current development of Joint CONUS Communications Support Environment, JCCSE.

Congress finds that despite the contributions of the National Guard to the United States—

1. The Department of Defense has not adapted to the significant role of the National Guard in this nation's security.

2. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or decision-making processes.

3. The Department of Defense, the Department of the Army and the Department of the Air Force do not have a long-term strategy to equip the National Guard at a high level of readiness for overseas or domestic missions.

4. The Department of Defense does not adequately resource or equip the National Guard for its current operational missions. Currently the National Guard receives only 4.5 percent of the Department of Defense's budget.

5. The Army National Guard has been equipped at less than war-time readiness levels and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also left behind many equipment items for use by follow on units. Army officials do not track and develop plans to replace Guard equipment.

6. Army and Air National Guard forces are generally expected to perform homeland defense and civil support missions only with equipment supplied for their war-fighting mission or equipment supplied by the States.

7. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert mission of the Air National Guard at full capacity.

8. During the BRAC process, the Air Force failed to adequately solicit input of Air Guard leadership and State Adjutants General.

9. When developing Future Total Force Strategy, the Air Force failed to adequately consult Air Guard leaders and State Adjutants General.

10. The Department of Defense does not have adequate knowledge of the role of the National Guard at home or incorporated the National Guard's significant capabilities into plans for homeland defense or security.

11. Left unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

12. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and military support to civilian authority planning.

13. The Department of Defense has not recognized that governors will rely on National Guard manpower and equipment before relying on Federal forces.

14. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard's critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard's role or requirements will be in implementing the strategy.

15. The Department of Defense and Northern Command have not articulated specific requirements or capabilities that National Guard forces need during major homeland disasters. Without formal requirements, equipment deemed necessary for the National Guard to assist civilian authorities in Katrina had not been purchased by the Department of the Army and the Department of the Air Force.

16. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard's roles in these missions has not been defined and requirements for manpower, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not require the purchase of equipment specifically for military assistance to civilian authorities for the National Guard.

17. WMD Civil Support Teams' face challenges in personnel, equipment acquisition and facilities under current Department of Defense and service budgets.

18. The lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning between active-duty personnel and the Guard is vital during emergencies. The Department of Defense and the National Guard must plan and exercise together to prepare for events in the homeland.

19. The National Guard leadership and State Adjutants General are not adequately involved in Department of Defense planning guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

20. There was a lack of coordination of Joint Task Force Katrina and the National Guard headquarters in supporting States.

21. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military assistance to civil authorities, which would have allowed for a more effective response to Hurricane Katrina and other homeland emergencies.

22. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

23. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if the Department of Defense and the Department of Homeland Security adopted and made NIMS a priority for emergency management.

24. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not assign homeland defense and military assistance to civilian authorities a sufficiently high priority.

25. The Department of the Army decided to reduce end-strength without substantive consultation with Guard leaders and the Air Force has decided to reduce end-strength without substantive consultation with National Guard leaders.

26. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluxation of current Department of Defense transformation policies affecting the Army and Air National Guard, sets up an undeniable risk to this country.

27. National Guard force structure cuts could result in the closure of over 200 National Guard community-based facilities throughout the U.S.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

1. The National Guard is a force essential to the Nation's security and safety.

2. The National Guard brings to bear significant capabilities for contingencies at home or abroad.

3. The National Guard is no longer a strategic reserve, but an operational reserve.

4. States and governors are not adequately represented at the Department of Defense.

5. The role of the National Guard Bureau as chief communicator between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

6. The men and women of the National Guard have earned the right to be represented at the highest levels of the Department of Defense.

7. The National Guard leadership needs to be integrated into the highest offices in the Department of Defense, the Department of the Army and the Department of the Air Force.

8. The National Guard Bureau plays a critical role in planning for and responding to future terrorist attacks in the U.S.

9. The National Guard Bureau is in a unique position to understand and create requirements for the National Guard for missions in support of states and other civilian authorities.

10. The National Guard Bureau plays a critical role in the development of requirements for military assistance to civilian authorities.

11. NORTHCOM lacks knowledge of its theater of operations, specifically State emergency plans and resources, and knowledge of National Guard resources. NORTHCOM needs to be reformed to include increased National Guard leadership and participation in all levels of its operations.

Mr. LEAHY. Mr President, I am pleased today to join my friend and cochair of the Senate National Guard Caucus, the Senator from Missouri, Senator BOND, in introducing far-reaching legislation that will strengthen our Nation's defense and the National Guard, which is an inextricable part of the bedrock of our security. The National Defense Enhancement and National Guard Empowerment Act of 2006 would empower the National Guard.

It offers the Guard new authorities and a greater and more fitting voice in policy and budgetary discussions that is more line with the reliance that we place on this force of proud men and women.

The Nation asks the Guard to provide a large part of the ground forces in Iraq, but then we give the force no say in strategic planning and budget discussions. In fact, there have been recent efforts within the armed services to cut the force precipitously.

Anyone who has watched recent events knows that the role of the Guard is dramatically changed as we come into this century.

We ask the Guard to carry out missions at home in response to disasters and possible domestic attacks, but then give the force no real ability to develop new equipment for this unique mission. And, in a crunch, our senior defense leaders—including the President—turn to the Chief of the National Guard for guidance in addressing and responding to emergencies within the domestic United States, yet those same senior Guard leaders receive only mediated and filtered advice at other points. This gap between the Guard's real world missions and its institutional position is simply unacceptable. It is not efficient, and it is not smart. It violates basic notions of logic, and it hinders our ability to get the full potential out of the National Guard.

Our legislation will take them from the 19th and 20th century structure into the 21st century's reality.

Our legislation directly addresses this troubling missions-to-authorities gap in three very specific ways. First, the National Defense Enhancement and National Guard Empowerment Act of 2006 would elevate the Chief of the National Guard to the rank of General with four-stars, also installing this senior officer on the Joint Chiefs of Staff. The Joint Chiefs is the highest military advisory body to the President and the Secretary of Defense. Without a Guard representative at the four-star level, the Secretary and the President receive only filtered advice from the Chiefs of Staff of the Army and the Air Force about National Guard matters.

The Army and the Air Force chiefs can provide keen insights about the Guard's role as a prime military reserve to the active components. However, they are not responsible for, and therefore are not experts on, disaster relief and homeland security functions that the Guard carries out at the State level, often under the command-and-control of the Nation's governors. Placing a National Guard General on the Joint Chiefs offers the fullest and most sensible guidance to our leaders on all aspects of the Guard, and this arrangement would give the Nation's governors a straight line to the Joint Chiefs and the President on military matters.

Creating a Guard senior advisor to the Secretary of Defense and the President streamlines and formalizes an arrangement that already arises in real emergencies. During the darkest early days of Katrina, for example, the current National Guard Bureau Chief General Steven Blum was by the side of the Secretary of Defense and the President. A permanent Guard presence on the Joint Chiefs ensures that this advisory relationship is in no way last-minute and ad-hoc.

The second way that this legislation puts the National Guard's authorities more in line with its real-world missions is by giving the force more budgetary authority. The Act gives the National Guard the ability to research, develop and procure equipment that is peculiar to its unique mission in the realm of homeland security.

This authority would be similar to the authority of the Special Operations Command, given under the Nunn-Cohen legislation of the mid-1980s, to develop unique equipment for the special forces.

Last year, Congress appropriated almost $1 billion for the National Guard to procure equipment that has application for homeland security. This legislation establishes more formal structure for the Guard to refine such equipment requirements and work in close coordination with the states to ensure an adequate force structure—fully adequate in domestic emergencies—is in place.

The final way that this legislation brings realistic authorities to the Guard is by ensuring that the Deputy Commander of Northern Command is a three-star general from the National Guard. This Command is charged with planning for the active military's response to federal emergencies, as well as coordinating the response with other federal agencies and civilian authorities. Any military response in the domestic United States will surely include the National Guard, in many cases with the State governor overseeing the effort.

Currently, there are few if any senior Guard officers at the highest reaches of the Command, and the legislation would ensure expertise on the force exists there.

There has been a lot of discussion already about this legislation after Senator BOND and I last month expressed our intention to pursue it. To clear up any confusion, let me say what this legislation does not do. This legislation does not affect the National Guard's role as one of the primary military reserves to the Air Force and the Army, which we believe is beneficial for the country.

It also does not inflate the size of National Guard headquarters here in Washington. We put a firm cap on the size of the Guard Bureau in this legislation. The legislation further does not create any new general office positions beyond the four-star Joint Chiefs position. It only ensures that the adequate seats of representation is in place in key positions; in fact, the legislation actually removes a less influential Major General officer slot on the Joint Staff.

What this bill does do—and with great intensity—is to give the National Guard the institutional muscle commensurate with the Guard's missions. With this bill, we can ask the Guard to do all that it does, but then say that, yes, it can have a seat at the table during key discussions involving the Guard's missions and readiness. With this bill, we can tap into the Guard for situations like the war in Iraq and the response to Hurricane Katrina and tell these proud men and women that we take are committed to taking real steps to keep the size of this force steady and improve its stock of available equipment.

With this bill, we can ensure that our senior leaders—the Secretary of Defense and the President—are making decisions about the National Guard based on the best available information.

With this bill, we strengthen the National Guard, the military chain-of-command, and the Guard's ability to effectively serve each of the States and the entire Nation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce an important piece of legislation for our Native American veterans. The Native American Veterans Cemetery Act of 2006 would provide tribal organizations eligibility for Department of Veterans Affairs grants to establish veterans cemeteries on trust lands. Currently, VA does not have the authority to make such grants.

Native American veterans have a long and proud history of military service on behalf of this Nation. Per capita, Native Americans have the highest percentage of people serving in the U.S. Armed Forces. Native Americans have honorably served in every war fought by the United States. After completion of their service, many Native American veterans return to their communities on trust lands. Passage of this legislation would provide them the option of veterans cemetery burial in a location convenient for their families and loved ones.

Throughout my tenure in Congress, I have always fought for the rights of our indigenous peoples. The Native American Veterans Cemetery Act of2006 is another step forward in helping native peoples. The Department of Veterans Affairs supports enactment of this legislation and estimates it to be budget neutral. It is my hope that the Senate will expeditiously proceed to the consideration of this important bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Veterans Cemetery Act of 2006".

SEC. 2. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

"(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

"(3) In this subsection:

"(A) The term 'tribal organization' has the meaning given that term in section 3764(4) of this title.

"(B) The term 'trust land' has the meaning given that term in section 3764(1) of this title.".

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I introduce today legislation to require the White House to notify Congress when it declassifies information. This bill will both enhance Congress's oversight abilities and ensure that intelligence is not used for political gain.

This legislation recognizes that as the head of the executive branch, the President has the authority to declassify any information he so chooses. It does not place any conditions or procedures on that declassification process, it only requires that the Congress be provided with notice so that it can meet its own constitutional responsibilities.

Information is usually declassified because the public's need to know outweighs the security risks to intelligence sources and methods. In such cases, it is important for the Congress to be informed so that Senators and Representatives can discuss the issues with the American people.

And if the President declassifies information so that his subordinates can discuss intelligence with reporters, Congress should be alerted so that the intelligence committees can ensure that national secrets are not being used for political purposes.

According to court filings and media reports, the Vice President's chief of staff, I. Lewis Libby, acting on the direction and authorization of the President and Vice President, disclosed information in the 2002 National Intelligence Estimate on Iraq's weapons of mass destruction to select journalists. This was not done to provide the American people with a fuller understanding of the pre-Iraq war intelligence; the Estimate was fully and publicly declassified shortly afterwards in a more appropriate manner. Rather, the selective declassification and leak was intended to stem a tide of bad press and discredit an administration critic through a subtle campaign of media manipulation.

According to the prosecutor in Mr. Libby's case, Libby provided information on Iraq's purchase of uranium from Niger to New York Times reporter Judith Miller. The Niger claim was not a "key judgment" of the NIE, meaning that it was not deemed by the intelligence community to be a priority. It was included in the body of the report "for completeness," according to the primary author. At the time, the Department of State's intelligence office found the Niger uranium claim to be "highly dubious," and the intelligence community downplayed the Niger connection afterwards:

The CIA had deleted a reference to Niger from the President's October 7, 2002 speech in Cincinnati;

Two senior intelligence officials had downplayed the assessment in testimony to the Senate Intelligence Committee;

The International Atomic Energy Agency had denounced the claim as being based on forged documents; and

The intelligence community had retracted the intelligence.

Let me say that again: the intelligence community had retracted this piece of intelligence. None of this additional information, apparently, was provided by Mr. Libby.

Had the Senate and House intelligence committees been informed of this declassification, as would be required by this legislation, Members could have corrected the public record. I would hope that with this reporting requirement, administrations of both political parties will be deterred from improper use of intelligence.

In addition to stemming the politicization of intelligence, the bill I introduce today also notes the importance of keeping the full intelligence community informed of declassifications. If the President chooses, for whatever reason, to declassify information, the intelligence agency that had been responsible for those secrets has to take steps to protect intelligence sources and methods.

Similarly, the National Archives are to be informed upon a Presidential declassification so the Nation's records can be appropriately maintained. As has been highlighted again today with the release of the Archives audit over the reclassification of intelligence, the Archives play an important role in providing declassified intelligence to the public. To do so, it must be informed when information enters the public domain.

It should be made clear that there are more traditional procedures by which individual intelligence agencies declassify information on a regular basis, when the release of that information is seen as no longer damaging the national security. This is done thousands of times a week throughout the intelligence community.

It is important that the public have access to as much information on its government's activities as possible. To that end, I look forward, through this legislation and otherwise, to working with my colleagues and the executive branch to ensure that declassification is done as extensively and as quickly as possible without risking our national security.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTICE TO CONGRESS OF CERTAIN DECLASSIFICATIONS OF INTELLIGENCE INFORMATION.

(a) NOTICE REQUIRED.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"NOTICE TO CONGRESS ON CERTAIN DECLASSIFICATIONS OF INTELLIGENCE

"SEC. 508. (a) NOTICE REQUIRED.—Not later than 15 days after the date of the declassification of any intelligence by the President, or Vice President if authorized by Executive Order or other delegation of authority from the President, the President shall submit to the congressional intelligence committees notice on the declassification of such intelligence.

"(b) SENSE OF CONGRESS ON ADDITIONAL NOTICE.—It is the sense of Congress that, in furtherance of the protection of intelligence sources and methods and to ensure appropriate handling and dissemination of intelligence, any notice submitted to the congressional intelligence committees under subsection (a) should also be submitted to—

"(1) the Director of National Intelligence;

"(2) the Archivist of the United States; and

"(3) the heads of applicable elements of the intelligence community.

"(c) EXCEPTION.—This section does not apply to the declassification of intelligence done as part of the mandatory or systematic declassification of information as described by section 3 of Executive Order No. 13292, of March 25, 2003, or any successor Executive Order.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Notice to Congress on certain declassifications of intelligence.".

(b) REPORTS TO CONGRESS ON CERTAIN OFFICIALS AUTHORIZED TO DECLASSIFY INFORMATION.—

(1) INITIAL REPORT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth a current list of each official of

the Executive Office of the President, other than the President, who is authorized to declassify information other than information originally classified by such official.

(2) UPDATES.—Not later than 15 days after adding or removing an official from the list required by paragraph (1), the President shall submit to the congressional intelligence committees an update of the list and a notice of the addition or removal of such official from the list.

(3) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 446—RECOGNIZING THE 50TH ANNIVERSARY OF THE CROP SCIENCE SOCIETY OF AMERICA

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

SENATE RESOLUTION 447—CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN'S HOCKEY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men's hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5–2 in the semifinals; and

(2) the Boston College Eagles by a score of 2–1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men's hockey team, including—

(1) Andy Brandt;
(2) Adam Burish;
(3) Ross Carlson;
(4) Shane Connelly;
(5) A.J. Degenhardt;
(6) Jake Dowell;
(7) Davis Drewiske;
(8) Robbie Earl;
(9) Brian Elliott;
(10) Josh Engel;
(11) Matthew Ford;
(12) Tom Gilbert;
(13) Tom Gorowsky;
(14) Jeff Henderson;
(15) Ryan Jeffery;
(16) Andrew Joudrey;
(17) Kyle Klubertanz;
(18) Nick Licari;
(19) Jeff Likens;
(20) Ryan MacMurchy;
(21) Matt Olinger;
(22) Joe Pavelski;
(23) Joe Piskula;
(24) Jack Skille; and
(25) Ben Street;

Whereas numerous members of the University of Wisconsin men's hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men's hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men's hockey team has won the National Collegiate Athletic Association Division I Men's Hockey Championship 6 times;

Whereas the University of Wisconsin has won 3 national championships during the 2005–2006 academic year; and

Whereas the championship victory of the University of Wisconsin men's hockey team ended a terrific season in which the team outscored its opponents 145–79 and compiled a record of 30–10–3: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin men's hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3612. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3615. Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3616. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3617. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3618. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3619. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3620. Mr. WARNER proposed an amendment to the bill H.R. 4939, supra.

SA 3621. Mr. WARNER (for himself, Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, supra.

SA 3622. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3623. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3624. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3625. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3626. Mr. VITTER (for himself and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3627. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3629. Mr. CHAMBLISS (for himself and Mr. Isakson) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3630. Ms. LANDRIEU (for herself, Mr. Vitter, Mr. Kerry, and Mr. Bayh) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3631. Ms. LANDRIEU (for herself, Mr. Kerry, and Mr. Bayh) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3632. Mr. DURBIN (for himself, Ms. Mikulski, Mr. Allen, Mr. Bingaman, Ms. Landrieu, Mr. Lautenberg, Mr. Biden, and Mr. Johnson) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, supra.

SA 3634. Mr. SMITH (for himself and Mr. Reed) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3635. Mr. ALLEN (for himself and Mr. Burr) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra: which was ordered to lie on the table.

SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3637. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3639. Mr. LEVIN (for himself, Mr. Dorgan, Ms. Stabenow, and Mr. Conrad) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra: which was ordered to lie on the table.

SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, supra.

SA 3642. Mr. AKAKA (for himself, Mrs. Murray, Mr. Kerry, Mr. Dayton, Ms. Stabenow, Mr. Menendez, Mr. Obama, Mr. Schumer, Mr. Dorgan, Ms. Landrieu, Ms. Mikulski, Mrs. Lincoln, Mr. Biden, Mr. Rockefeller, Mrs. Boxer, Mr. Reed, Mrs. Clinton, Mr. Lautenberg, Mr. Pryor, Mr. Johnson, and Mr. Durbin) proposed an amendment to the bill H.R. 4939, supra.

SA 3643. Mr. SALAZAR (for himself, Mr. Warner, and Mr. McCain) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3645. Mr. SALAZAR (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3646. Mr. SALAZAR (for himself, Mr. Allard, Mr. McConnell, and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3647. Mrs. HUTCHISON (for herself and Mr. Burns) proposed an amendment to amendment SA 3642 proposed by Mr. Akaka (for himself, Mrs. Murray, Mr. Kerry, Mr. Dayton, Ms. Stabenow, Mr. Menendez, Mr. Obama, Mr. Schumer, Mr. Dorgan, Ms. Landrieu, Ms. Mikulski, Mrs. Lincoln, Mr. Biden, Mr. Rockefeller, Mrs. Boxer, Mr. Reed, Mrs. Clinton, Mr. Lautenberg, Mr. Pryor, Mr. Johnson, and Mr. Durbin) to the bill H.R. 4939, supra.

SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3649. Mr. ALLEN (for himself and Mr. Harkin) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3650. Mr. OBAMA (for himself, Mr. Akaka, Mrs. Murray, Mr. Rockefeller, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3652. Mr. OBAMA (for himself, Mr. Levin, Mr. Bayh, Ms. Landrieu, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill H.R. 4939 , supra; which was ordered to lie on the table.

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3654. Mr. REID (for Mr. Kerry) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3655. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939. supra; which was ordered to lie on the table.

SA 3657. Mr. LEAHY (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3660. Mr. LEAHY (for himself, Mr. Coleman, and Ms. Murkowski) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3662. Mr. FEINGOLD (for himself, Mr. Leahy, Mr. Salazar, Mr. Byrd, Mr. Lieberman, and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3664. Mr. LEAHY (for himself, Mr. Coleman, Ms. Murkowski, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, supra.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3670. Mr. DORGAN (for himself, Mr. Dodd, Mrs. Boxer, Mr. Reed, Mr. Lieberman, Mr. Leahy, Ms. Mikulski, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3612. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, line 17, strike "Prohibition" and insert "(a) Prohibition".

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

"(b) Waiver Authority.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

"(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.".

SA 3613. Mr. VOINOVICH (for himself, Mr. Obama, Mr. DeWine, Mr.

Levin, Ms. Stabenow, Mr. Durbin, and Mr. Dayton) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 24, after "2006" insert the following: ": *Provided further*, That, of the amount provided under this heading, $400,000 shall be made available for the operation of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3))".

On page 162, between lines 12 and 13, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2401. Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

Sec. 7032. (a) Subject to subsection (b), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109–148; 119 Stat. 2680) or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

(1) condemnation;

(2) seizure by a Federal entity of private property; or

(3) any other means.

(b) The prohibition on the use of funds described in subsection (a) shall not apply to a land exchange between a willing seller and a willing buyer.

SA 3615. Mr. THOMAS (for himself and Mr. Ensign) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

Public Law 480 Title II Grants

For an additional expenses for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $6,506,223,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $1,061,724,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $834,122,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $1,145,363,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $166,070,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy", $110,412,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Marine Corps

For an additional amount for "Reserve Personnel, Marine Corps", $10,327,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $1,940,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $96,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $1,200,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $18,380,310,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,793,600,000: *Provided*, That up to $75,020,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $1,722,911,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $5,328,869,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,259,929,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed $1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as

the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) not to exceed $44,500,000 for Cooperative Threat Reduction:

Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $100,100,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $236,509,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $55,675,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $18,563,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $178,600,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $30,400,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,851,833,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $533,200,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $203,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,983,351,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $829,679,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $7,528,657,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Navy

For an additional amount for "Aircraft Procurement, Navy", $293,980,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Weapons Procurement, Navy

For an additional amount for "Weapons Procurement, Navy", $90,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $330,996,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $111,719,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $3,260,582,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $663,595,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $29,047,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $1,489,192,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $331,353,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $424,177,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $126,845,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $305,110,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $145,921,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $502,700,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $1,153,562,000 for operation and maintenance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Office of the Inspector General

For an additional amount for "Office of the Inspector General", $6,120,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

Intelligence Community Management Account

For an additional amount for the "Intelligence Community Management Account", $158,875,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to such Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1203. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed $1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109–163, from funds made available in this chapter to the Department of Defense, not to exceed $423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1205. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND –

For an additional amount for "Child Survival and Health Programs Fund", $5,300,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $10,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $136,290,000, to remain until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $61,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND–

For an additional amount for "Economic Support Fund", $1,584,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE

DEMOCRACY FUND–

For an additional amount for "Democracy Fund", $10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $107,700,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $51,200,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE–

For an additional amount for "International Affairs Technical Assistance", $13,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS–

For an additional amount for "Peacekeeping Operations", $123,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1302. Of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108–106, $185,500,000 is hereby transferred to and merged with the appropriation for "Economic Support Fund" contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(RESCISSION OF FUNDS)

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109–13, $17,000,000 is rescinded.

SEC. 1304. Notwithstanding any other provision of law, amounts under the heading "Iraq Relief and Reconstruction Fund" in title II of Public Law 108–106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided*, That, notwithstanding section 2207(d) of Public Law 108–106, requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES –

For an additional amount for "Operating Expenses", $26,692,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY–

For an additional amount for "Military Construction, Army", $287,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That, subject to the preceding proviso, $60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

Military Construction, Air Force–

For an additional amount for "Military Construction, Air Force", $35,600,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. The matter under the heading "Veterans Health Administration—Medical Services" in chapter 7 of title I of division B of Public Law 109–148 is amended by inserting after "calendar year 2005" the following: "and for unanticipated costs related to the Global War on Terror": *Provided*, That the provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $3,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $99,000,000, to remain available until September 30, 2007: *Provided*, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Drug Enforcement Administration

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Bureau of Alcohol, Tobacco, Firearms and Explosives

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,100,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $1,380,500,000, to remain available until September 30, 2007: *Provided*, That of the amount made available under this heading, $1,326,000 shall be available for transfer to the United States Institute of Peace: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)–

For an additional amount for "Office of Inspector General", $25,300,000, to remain available until September 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $5,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

International Organizations

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

Broadcasting Board of Governors

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", $28,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947.

CHAPTER 7

DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Executive Operations

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $25,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Agricultural Research Service

BUILDINGS AND FACILITIES–

For an additional amount for "Agricultural Research Service, Buildings and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Natural Resources Conservation Service

EMERGENCY WATERSHED PROTECTION PROGRAM–

For an additional amount for "Emergency Watershed Protection Program" $10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, $3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, $10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, $1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, $12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, $42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for “Procurement of Ammunition, Navy and Marine Corps”, $899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Shipbuilding and Conversion, Navy”, $775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", $10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, $100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation, and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $14,300,000, to remain available until September 30, 2007, of which up to $267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to $500,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $9,550,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which $1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading Disaster Relief'', up to $150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109–90 is amended under the heading "National Flood Insurance Fund" by striking "$30,000,000 for interest on Treasury borrowings" and inserting "such sums as necessary for interest on Treasury borrowings".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION–

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND–

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION–

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH–

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT–

For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST SYSTEM—

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Navy and Marine Corps—

For an additional amount for "Military Construction, Navy and Marine Corps", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $28,880,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Air Force—

For an additional amount for "Military Construction, Air Force", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $57,300,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Army National Guard—

For an additional amount for "Military Construction, Army National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Air National Guard—

For an additional amount for "Military Construction, Air National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Military Construction, Navy Reserve

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, $24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount $49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to $275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the "Medical Services" account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF JUSTICE

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $11,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SCIENCE

National Aeronautics and Space Administration

EXPLORATION CAPABILITIES—

For an additional amount for "Exploration Capabilities", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $30,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)—

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to $190,000,000 may be transferred to and merged with appropriations for "Small Business Administration, Salaries and Expenses" for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That, of the amount provided under this heading, $712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109–174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Community development fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, $4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109–148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than $1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to $15,000,000 to the Office of Inspector General and “Management and Administration, Salaries and Expenses” for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for “Federal Buildings Fund” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Sec. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109–148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Sec. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING RESCISSION OF FUNDS)

Sec. 3004. (a) Rescission.—Of the unobligated balances available for “Immigration and Customs Enforcement—Automation Modernization”, $43,620,000 are rescinded.

(b) Appropriation.—For an additional amount for “United States Secret Service—Salaries and Expenses” for critical investigative and protective operations, $43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service “Salaries and Expenses” in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

Sec. 3005. (a) The matter under the heading “Tenant-Based Rental Assistance” in chapter 9 of title I of division B of Public Law 109–148 is amended—

(1) in the first proviso, by striking “or the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77)” and inserting “the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965”; and

(2) in the second proviso, by inserting “, except that paragraph (7)(A) of such section shall not apply” after “1937”.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Sec. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item number 536, by striking "an economic development planning study" and inserting "the Main Street Revitalization Project"; and

(2) with respect to item number 444, by striking "City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center" and inserting "St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College".

SEC. 3008. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date".

(b) Section 5023 of title V of division B of Public Law 109–148 is amended by striking "in title III of Public Law 109–115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)" and inserting "in title III of division A of Public Law 109–115".

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended—

(1) with respect to item number 714, by striking "construction of a senior center;" and inserting "renovation and buildout of a multipurpose center;";

(2) with respect to item number 850, by striking "City of Lancaster, Pennsylvania" and inserting "in Pennsylvania"; and

(3) with respect to item number 925, by striking "Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;" and inserting "City of Greenwood, South Carolina for the Emerald Triangle Project;".

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking "for a 1-time only obligation and expenditure";

(2) in subsection (a)(2)—

(A) by striking "for fiscal year 2007"; and

(B) by inserting before the period at the end the following: ", to remain available until September 30, 2007"; and

(3) by striking subsection (b) and inserting the following:

"(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of nonviolence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

(b) None of the funds appropriated under the heading "Economic Support Fund" in Public Law 109–102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

TITLE IV

PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, $2,300,000,000, to remain available until expended: *Provided*, That $300,000,000 shall be for upgrading State and local capacity, $50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention, and at least $200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response and quarantine: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: *Provided further*, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE V—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, $2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, $60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $180,000,000, of which $80,000,000 is for border patrol vehicle replacement and $100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, $790,000,000, to remain available until expended, of which $40,000,000 is for helicopter replacement and $750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", $120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, $80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. 5001. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed $67,062,188,000.

SA 3616. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 229, strike lines 5 through 14.

SA 3617. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on Page 224, strike line 23 through line 10 on page 225.

SA 3618. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 138, line 24, strike all after the ":" through "fisheries" on page 139, line 2.

SA 3619. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

SA 3620. Mr. WARNER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SA 3621. Mr. WARNER (for himself and Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

SA 3622. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 217, line 19, strike "(e)" and insert the following:

(e) BOVINE TUBERCULOSIS HERD INDEMNIFICATION.—The Secretary shall use $1,500,000 of funds of the Commodity Credit Corporation to indemnify producers of cattle in the States of Michigan, Minnesota, New Mexico, and Texas for losses suffered due to bovine tuberculosis.

(f)

SA 3623. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30. 2006. and for other purposes; as follows:

On page 162, between lines 12 and 13, insert the following:

GENERAL PROVISIONS–THIS CHAPTER

SEC. 2401. In addition to amounts made available under this chapter, $10,000,000 shall be made available to the Assistant Secretary of the Army, Civil Works, to carry out the Napa River project of the Corps of Engineers.

SA 3624. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. ___. TEMPORARY WINDFALL PROFITS TAX; HOUSEHOLD REBATE.

(a) TEMPORARY WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during any taxable year beginning in 2006.

"(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

"SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

"(c) ADJUSTED BASE PRICE DEFINED.—For purposes of this chapter, the term 'adjusted base price' means $40 for each barrel of taxable crude oil.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS .

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) DEFINITIONS.—For purposes of this chapter—

"(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil.

"(2) CRUDE OIL.—

"(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

"(3) BARREL.—The term 'barrel' means 42 United States gallons.

"(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. TEMPORARY WINDFALL PROFIT ON CRUDE OIL.".

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any taxable year beginning in 2006.

(b) HOUSEHOLD REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. HOUSEHOLD REBATE.

"(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $450.

"(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than June 1, 2006.

"(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

"(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $40,000,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Household rebate.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SA 3625. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES"-Office of the Secretary, insert the following:

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for the Public Health and Social Services Emergency Fund for emergency expenses to respond to Hurricane Katrina to provide grants to public entities, not-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers that remained open and operating during Hurricane Katrina in the severely affected Parishes and Counties in the Presidentially declared disaster area on August 29, 2005, to reimburse such entities, suppliers, and providers for healthcare-related expenses or lost revenues directly attributable to the public health emergency resulting from Hurricane Katrina, $100,000,000 to remain available until expended: *Provided*, That such funds shall not be used for expenses or lost revenues that have previously been reimbursed or that are eligible for reimbursement from other sources: *Provided further*, That amounts made available in this Act under title II under the heading "DISASTER RELIEF" for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be reduced by $100,000,000.

SA 3626. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 166, line 12, insert before the colon the following: ", and may be equal to not more than 50 percent of the annual operating budget of the local government".

SA 3627. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking "or";

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.".

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "The Program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.".

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term "covered funds" means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

SA 3629. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the comprehensive review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific times for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the processing, disposition, and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by the most qualified Department personnel available;

"(B) ensure the provision of such briefings as soon as possible after death;

"(C) ensure that such briefings relate the most complete and accurate information available at the time of such briefings;

"(D) provide for comprehensive and timely updates of such briefings, when warranted;

"(E) ensure, to the extent possible, that incomplete or unverified information is not provided during the course of such briefings or updates; and

"(F) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

SA 3630. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

HURRICANE RESPONSE PLAN FOR THE 2006 HURRICANE SEASON

SEC. 2201. (a) In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Disaster Loan Program" means the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636);

(3) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(4) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632);

(5) the term "system" means the Disaster Credit Management System of the Administration; and

(6) the term "2006 Atlantic hurricane season" means the period beginning on June 1, 2006, and ending on November 30, 2006.

(b) Not later than May 31, 2006, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the status of the disaster response plan of the Administration for the 2006 Atlantic hurricane season.

(c) The report required under subsection (b) shall include—

(1) the plan of the Administrator for responding quickly and efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of chartable events such as hurricanes);

(2) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including details on where and when joint training sessions are planned during the 2006 Atlantic hurricane season);

(3) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration (including the small business development centers);

(4) the contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

(5) any available or revised surge plans for the system (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(6) information on the plans of the Administration, if any, for upgrading the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

(B) the estimated cost for upgrading the software and equipment to handle additional users;

(7) the number of full-time equivalent employees and job descriptions for the planning

and disaster response staff of the Administration;

(8) information (including potential cost estimates) on whether—

(A) the Administrator plans to hire full-time planning staff during the 2006 Atlantic hurricane season; and

(B) such full-time planner would be hired in the Office of Disaster Assistance or in another office of the Administration;

(9) the inservice and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

(11) information on the procurement procedures of the Administration for acquiring equipment and staff, including—

(A) standard procurement procedures during nondisaster periods;

(B) standard procurement procedures before and after major disasters;

(C) whether the Administration meets the criteria to be exempt from the normal General Services Administration procurement process for its disaster response; and

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Service Administration procurement process in response to a disaster; and

(12) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005.

SA 3631. Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT

SEC. 2201. (a) In this section—

(1) the term "applicable period" means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and

(2) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(c) Each report under subsection (b) shall include—

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(5) an estimate of how long the available funding for such loans will last, based on the spending rate;

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(7) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under subsection (b);

(8) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(9) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

SA 3632. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the "Reservists Pay Security Act of 2006".

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(d) Effective Date.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—OIL COMPANY ACOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. ENERGY TAX REBATE.

"(a) General Rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $500.

"(b) Remittance of Payment.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

"(c) Certain Persons Not Eligible.—This section shall not apply to—

"(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(b) Conforming Amendment.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(c) Clerical Amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Energy tax rebate.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(1) In general.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-oil equivalent.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of Requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) Applicable Integrated Oil Company.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating to Large Integrated Oil Companies Which Are Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) Large integrated oil company.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) In General.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) Nonapplication to large integrated oil companies.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3634. Mr. SMITH (for himself and Mr. Reed) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services" for the Department of Veterans Affairs to increase mental health staffing at community-based outpatient clinics, to establish post-traumatic stress disorder (PTSD) and readjustment related service programs with primary care physicicans, mental health clinicians, and post-traumatic stress disorder coordinators, and to provide access to family therapy services, $29,000,000, to remain available until September 30, 2007: *Provided*, That the Secretary of Veterans Affairs shall certify to Congress not later than October 15, 2007, whether funds appropriated under this heading were expended for the specific purposes for which they are provided under this heading, and for no other purpose: *Provided further*, That the Secretary include with the certification required under the preceeding proviso a report describing the degree to which funds described in that proviso improved mental health staffing in community-based outpatient clinics, provided for family therapy services, and improved mental health care for veterans generally and veterans from Operation Iraqi Freedom and Operation Enduring Freedom in particular: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3635. Mr. ALLEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

FEDERAL FUELS LIST

SEC. 7____. (a) Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by striking the second clause (v) and inserting the following:

"(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans.

"(II) The Administrator, in consultation with the Secretary of Energy (referred to in this clause as the 'Secretary'), shall—

"(aa) determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans; and

"(bb) not later than 90 days after the date of enactment of this item, publish in the Federal Register a list of the fuels described in item (aa), including the states and Petroleum Administration for Defense District in which they are used.

"(III) The Administrator—

"(aa) shall remove a fuel from the list published under subclause (II) if the fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator; and

"(bb) reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

"(IV) Subclause (I) shall not limit the authority of the Administrator to approve a control or prohibition respecting any new fuel under this paragraph in an implementation plan of a State, or a revision to such a plan, after the date of enactment of this subclause if the new fuel completely replaces a fuel on the list published under subclause (II).

"(V)(aa) Except as provided in item (bb), in considering the implementation plan of a State or a revision to such a plan, the Administrator shall have no authority under this paragraph to approve any fuel unless that fuel was, as of the date of the consideration, approved in at least 1 State implementation plan in the applicable Petroleum Administrator for Defense District.

"(bb) The Administrator may approve as part of a State implementation plan, or a revision to such a plan, a fuel with a summertime Reid Vapor Pressure of 7.0 psi, but such an approval by the Administrator shall not cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

"(VI) Nothing in this clause affects any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with that subsection after the date of enactment of this subclause.

"(vii)(I) Clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause (V) is achieved, at which time clause (v) shall no longer apply and the limitations of the authority of the Administrator under subclause (IV) shall apply.

"(II)(aa) Not later than 1 year after the date of enactment of this clause, the Administrator, in coordination with the Secretary and after providing notice and an opportunity for public comment, shall identify and publish in the Federal Register a list, to be known as the 'Federal Fuels List', containing 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b).

"(bb) The list shall include 1 Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator in effect as of the date of enactment of enactment of this clause and shall permit the implementation of 1 alternative diesel fuel, approved under this subparagraph before that date for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date), 1 conventional gasoline for ozone attainment areas, 1 reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

"(cc) None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

"(III)(aa) Gasolines and diesel fuels shall be included on the Federal Fuels List based on an analysis by the Administrator of the ability of the fuels to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List.

"(bb) In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend the implementation of this clause.

"(cc) The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1108) on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

"(IV)(aa) On publication of the Federal Fuels List, the Administrator shall have no authority, in considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not 1 of the fuels on the Federal Fuels List or to approve an implementation plan or plan revision of a State to move from 1 fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the judgment of the Administrator, the plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas.

"(bb) A finding of the Administrator under item (aa) shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

"(V) The Administrator, in consultation with the Secretary, shall—

"(aa) develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List; and

"(bb) not later than 18 months after the date of enactment of this subclause, promulgate implementing regulations for this plan.

"(VI) The harmonization plan under subclause (V) shall be fully implemented by the States by not later than December 31, 2008.".

(b) Section 1541 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

"(c) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

"(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary shall undertake a study of the effects of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) on—

"(A) air quality;

"(B) the number of fuel blends;

"(C) fuel availability;

"(D) fuel fungibility; and

"(E) fuel costs.

"(2) FOCUS OF STUDY.—

"(A) IN GENERAL.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system.

"(B) Inclusions.—The study under paragraph (1) shall include an analysis of—

"(i) the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended;

"(ii) the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including—

"(I) a fuel blend of on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before the date of enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date);

"(II) a fuel blend of conventional gasoline for ozone attainment areas;

"(III) a fuel blend of reformulated gasoline (RFG) meeting the requirements of subsection (k); and

"(IV) 2 gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

"(3) Conduct of study.—

"(A) In general.—In carrying out this subsection, the Administrator and the Secretary shall—

"(i) use sound science and objective science practices;

"(ii) consider the best available science;

"(iii) use data collected by accepted means; and

"(iv) consider and include a description of the weight of the scientific evidence.

"(B) Coordination with other studies.—The Administrator and the Secretary shall—

"(i) coordinate the study required by this section with other studies required by this Act; and

"(ii) avoid duplication of effort with regard to those studies, to the maximum extent practicable.

"(4) Responsibility of administrator.—In carrying out the study under this subsection, the Administrator shall—

"(A) coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study;

"(B) use sound and objective science practices; and

"(C) take into consideration the best available science; and

"(D) take into consideration and include a description of the weight of the scientific evidence.

"(5) Responsibility of secretary.—In carrying out the study under this subsection, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

"(6) Report to congress.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Secretary shall jointly submit to Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study under this subsection, including any recommended regulatory and legislative changes.

"(7) Authorization of appropriations.—There is authorized to be appropriated to the Administrator and the Secretary $500,000 for the completion of the study under this subsection.".

SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—OIL COMPANY ACOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. ENERGY TAX REBATE.

"(a) General Rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $500.

"(b) Remittance of Payment.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

"(c) Certain Persons Not Eligible.—This section shall not apply to—

"(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded $120,000,

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(b) Conforming Amendment.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(c) Clerical Amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Energy tax rebate.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(1) In general.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-oil equivalent.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of Requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) Applicable Integrated Oil Company.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating to Large Integrated Oil Companies Which Are Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of $500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3637. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", as increased by subsection (a), $10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.—Section 910(b)(1) of title 10, United States Code, is amended by striking "18 continuous months of service" and inserting "six continuous months of service".

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading "MILITARY PERSONNEL" is hereby increased by $27,000,000.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading "MILITARY PERSONNEL", as increased by paragraph (1), $27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 10, United States Code, as a result of the amendment made by subsection (a).

SA 3639. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 14 and 15, insert the following:

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", $12,000,000, for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in

Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons".

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State $100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS" is hereby increased by $12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND" is hereby increased by $12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS", as increased by paragraph (1)(A), $12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND", as increased by paragraph (1)(B), $12,500,000 shall be made available for democracy programs and activities in Iran.

(3) The amount appropriated or otherwise made available by chapter 3 of title I under the heading "OTHER PROCUREMENT, ARMY" and available for Army modularity is hereby reduced by $25,000,000.

SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading "Capital Grants for Rail Line Relocation Projects" may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by $700,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by $15,000,000.

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading "Emergency Relief Program" may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by $594,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading "National and Community Service Programs, Operating Expenses" may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading "Aircraft Procurement, Navy" may be available for the procurement of V-22 aircraft, and the amount made available under such heading is reduced by $230,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the American River (Common Features) project in California, and the amount made available under such heading is reduced by $3,300,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading "Major Construction" may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by $176,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by $10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by $20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by $6,250,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by $50,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by $90,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by $25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by $200,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by $11,300,000.

SA 3642. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services" for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, $430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, $168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, $80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"): *Provided further*, That of the amount under this heading $182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3643. Mr. SALAZAR (for himself, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION

SEC. 1312. (a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking "**Death Gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen Hero Compensation:**".

(2) The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 102, line 15, insert after "the threats," the following: "the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices,"

SA 3645. Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH PROJECTS

SEC. ______. In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, $30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3646. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

SEC. 7032. (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees.

SA 3647. Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Before the period at the end of the amendment insert the following:

Provided further, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement.

SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 139, line 8, insert after "and" the following: "replace or". On page 139, line 17, insert after "docks" the following: "vessels". On page 140, line 22, after "repairing" and "vessels and"

SA 3649. Mr. ALLEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.

(a) FINDINGS.—Congress finds that—

(1) on November 4, 1979, the Iranian militants seized the United States Embassy in Tehran, Iran, and held 52 Americans hostage for 444 days until their negotiated release on January 20, 1981;

(2) on January 19, 1981, the United States Department of State entered into a series of agreements with Iran that came to be known as the Algiers Accords. The accords established the United States-Iran Claims Tribunal to adjudicate United States and Iranian commercial claims. The Accords, however, precluded the 52 American hostages or their families from bringing suit against Iran for their seizure, detention, torture, and injuries;

(3) on December 29, 2000, the 52 American hostages and their spouses and children filed suit in the United States District Court for the District of Columbia, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(4) on August 6, 2001, the District Court entered a default judgment against Iran after certifying the case as a class action;

(5) the United States Department of State intervened in the case of the former American hostages and their families, and successfully moved to vacate the decision against Iran by invoking the Algiers Accords;

(6) the former American Hostages and their families have been denied the rights given every other American citizen to prosecute their claims against a state sponsor of terrorism pursuant to the Antiterrorism and Effective Death Penalty Act of 1996; and

(7) a common fund should be established to recognize these American heroes.

(b) COMMON FUND FOR HOSTAGES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall commence payments to a common fund to be established and administered by the certified class representatives for the former American hostages in Iran and their survivors (as identified in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia).

(2) ADMINISTRATION.—The common fund shall—

(A) be administered to pay claims to the Americans held hostage in Iran and to members of their families, and the estates of those hostages and family members who have since died, who were identified as class members in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia; and

(B) be administered for the purpose of satisfying such claims, as approved by the certified class representatives identified in that case number.

(c) FUNDING.—Payments to the common fund under subsection (b) shall be derived from the liquidation of blocked assets (as defined in section 201(d)(2) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 28 U.S.C. 1610 note) with respect to Iran, and from amounts in the Iran Foreign Military Sales Fund account within the Foreign Military Sales Fund. The Secretary of the Treasury may use the interest in the Iran Foreign Military Sales Fund account, the principal in the account, or liquidate assets for purposes of this subsection.

(d) AMOUNT.—The Secretary of the Treasury shall make payments into the fund in amounts equal to—

(1) for each former hostage identified as a class member under subsection (b)(1), $1,000 for each day of captivity;

(2) for each spouse and child identified as a class member under subsection (b)(1), $500 for each day of captivity of the former hostages; and

(3) interest on each amount under paragraph (1) and (2), calculated at the historical daily prime rate, as published by the Board of Governors of the Federal Reserve System, for the period from the date of the release of the hostages until the date of payment under this section.

(e) TAXES.—Payments to the former American hostages and their family members pursuant to this section shall be exempt from Federal taxes.

SA 3650. Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $80,000,000, to improve timeliness and accuracy of claims processing, rating, and adjudication, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. _. WORKING FAMILY TAX RELIEF.

For purposes of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of child tax credit made refundable), in the case of any taxable year beginning during 2006 or 2007, with respect to any taxpayer who had a primary residence in the Hurricane Katrina disaster area (as defined in section 1400M(2) of such Code) on August 28, 2005, clause (i) of section 24(d)(1)(B) of such Code shall be applied by substituting 10 percent of the taxpayer's earned income for such taxable year for the amount which would otherwise be determined under such clause for such taxable year. A taxpayer may elect not to have this section apply for any taxable year.

SA 3652. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after "Provided, That" insert the following: "$1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: Provided further, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: Provided further, That".

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, lines 20, after "Provided, That" insert the following: "$500,000 shall be for the Secretary of Homeland Security, acting through the Office of State and Local Government Coordination and Preparedness and the Office for Civil Rights and Civil Liberties, to take appropriate actions to carry out recommendation 43 (regarding improving evacuation procedures for people with special needs) in the report by the Assistant to the President for Homeland Security and Counterterrorism entitled 'The Federal Response to Hurricane Katrina: Lessons Learned,' dated February 23, 2006: Provided further, That:".

SA 3654. Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

SUPPORT FOR MENTAL HEALTH AND READJUSTMENT PROGRAMS

SEC. 1601. Congress makes the following findings:

(1) Not all the wounds caused by war are physical.

(2) In July of 2004, the New England Journal of Medicine reported that one of every six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or post-traumatic stress disorder (PTSD).

(3) A more recent study in the *Journal of the American Medical Association* found that 19.1 percent of returning veterans from Iraq, and 11.3 percent of veterans returning from Afghanistan, reported mental health problems.

(4) Historic experience reveals that soldiers will return from war having to cope with a range of emotional issues, regardless of whether or not they are diagnosed with post-traumatic stress disorder.

(5) Care for veterans is an ongoing cost of war.

(6) The New Hampshire National Guard pioneered a new approach to meeting the mental health and readjustment needs of its soldiers.

(7) The New Hampshire model stipulates that as part of a comprehensive return and readjustment program, members of the National Guard receive individual counseling with counselors from Vet Centers who specialize in treating war trauma and related readjustment issues.

(8) The counseling is both mandatory and confidential, destroying any stigma associated with seeking help for emotional mental health problems.

(9) Of the first 810 soldiers to pass through the screening process, nearly 200 have received counseling.

(10) Counselors at Vet Centers are highly trained in readjustment counseling. Sixty percent of the counselors in Vets Centers are veterans themselves, 40 percent are combat veterans, and all are very experienced with helping veterans and their families deal with the challenges of readjustment.

(11) The greatest obstacle to the adoption of the New Hampshire program nationwide is the lack of resources available to Vet Centers.

(12) In fiscal year 2004, Vet Centers served 125,859 veterans in more than 1,000,000 visits.

(13) Even without the war in Iraq, Vet Centers were already overloaded with cases.

(14) In fiscal year 2005, Vet Centers were expected to provide services to nearly 14,000 veterans of Iraq and Afghanistan in almost 44,000 office visits, and more than 3,800 of these veterans had post-traumatic stress disorder.

(15) As of the end of February 2006, Vet Centers provided services to 70,547 veterans of operations in Iraq and Afghanistan in 2006.

MEDICAL SERVICES

For an additional amount for "Medical Services", $100,000,000, for the Readjustment Counseling Services of the Department of Veterans Affairs to expand transition programs, increase screening for post-traumatic stress disorder (PTSD), and expand resources available for treatment of post-traumatic stress disorder: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3655. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

REPORT ON ASSISTANCE FOR IRAQ

SEC. . Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report setting forth the procedures in place to ensure that United States assistance is not provided to security force units in Iraq credibly alleged to be involved in gross human rights violations, including the procedures for vetting all police, military and other security force units receiving such assistance, monitoring the use of such assistance, and maintaining a list of units ineligible to receive such assistance.

SA 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAVEL DOCUMENT PLAN.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "June 1, 2009".

SA 3657. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike "$136,290,000" and insert in lieu thereof "$171,290,000".

SA 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 13, after the colon insert the following:

Provided further, That of the funds appropriated under this heading for assistance for Iraq, not less than $16,000,000 shall be made available to the United States Agency for International Development for continued support for its Iraq Civil Society and Media Program: Provided further, That funds made available under the previous proviso shall be in addition to funds appropriated by this Act that are available to the United States Agency for International Development for Iraq

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike "$10,500,000" and insert in lieu thereof "$20,500,000".

On page 117, line 26, after "That" insert the following:

of the funds appropriated under this heading, $10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: Provided further, That

SA 3660. Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking "which" before "engages in, or has a subgroup" and inserting in lieu thereof "that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified"; and

(2) by adding at the end, the following new clause:

"(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General or Secretary of Homeland Security when applying for admission) that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted.".

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC.——. For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108–375); 118 Stat. 2081), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT", "ECONOMIC SUPPORT FUND", "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT," and "INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE".

(2) Funds appropriated or otherwise made available for assistance for Iraq by title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) under the heading "ECONOMIC SUPPORT FUND".

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 1, strike "in Iran" and insert in lieu thereof:

, of which $34,750,000 shall be made available to promote democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo

On page 121, line 2, after "heading" insert "for assistance for Iran".

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking "which" before "engages in, or has a subgroup" and inserting in lieu thereof "that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified"; and

(2) by adding at the end, the following new clause:

"(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the Secretary of State, Attorney General or Secretary of Homeland Security that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted."

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than $55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is $10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) In this section, the term "fair market value" means the value of a parcel of land, as determined by an appraisal performed by an independent, certified appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

(b) Subject to subsection (c), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109–148; 119 Stat. 2680), the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114; 119 Stat. 2372), or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

(1) condemnation;

(2) seizure by a Federal entity of private property; or

(3) eminent domain.

(c) The prohibition on the use of funds described in subsection (b) shall not apply to a land exchange between a willing seller and a willing buyer in which the exchanged land is purchased for an amount that does not exceed the fair market value of that land.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, line 17, strike "$60,000,000" and insert "$80,000,000".

On page 161, line 19, insert ", and in Jefferson Parish in the vicinity of Jean Lafitte," after "Plaquemines Parish".

On page 162, line 4, strike "$641,500,000" and insert "$621,500,000".

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7___. For purposes of chapter 3 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 21, insert "Provided further, That no State shall be allocated less than 3.5 percent of the amount provided under this heading:" after "impacted areas:".

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. . WINDFALL PROFITS TAX; ENERGY CONSUMER REBATE.

(a) WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year an excise tax equal to the excess of—

"(1) the amount equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during each taxable year, over

"(2) the amount of qualified investment by such company during such taxable year.

"(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

"SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE; QUALIFIED INVESTMENT.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

"(c) ADJUSTED BASE PRICE DEFINED.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'adjusted base price' means $40 for each barrel of taxable crude oil plus an amount equal to—

"(A) such base price, multiplied by

"(B) the inflation adjustment for the calendar year in which the taxable crude oil is removed from the property.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

"(2) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for any calendar year after 2006 is the percentage by which—

"(i) the implicit price deflator for the gross national product for the preceding calendar year, exceeds

"(ii) such deflator for the calendar year ending December 31, 2005.

"(B) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

"(d) QUALIFIED INVESTMENT.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'qualified investment' means any amount paid or incurred with respect to—

"(A) section 263(c) costs,

"(B) qualified refinery property (as defined in section 179C(c) and determined without regard to any termination date),

"(C) any qualified facility described in paragraph (1), (2), (3), or (4) of section 45(d) (determined without regard to any placed in service date),

"(D) any facility for the production of alcohol used as a fuel (within the meaning of section 40) or biodiesel or agri-biodiesel used as a fuel (within the meaning of section 40A).

"(2) SECTION 263(C) COSTS.—For purposes of this subsection, the term 'section 263(c) costs' means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS .

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) DEFINITIONS.—For purposes of this chapter—

"(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil.

"(2) CRUDE OIL.—

"(A) IN GENERAL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of this chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

"(3) Barrel.—The term 'barrel' means 42 United States gallons.

"(e) Adjustment of Removal Price.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

"(g) Termination.—This section shall not apply to taxable crude oil removed after the date which is 3 years after the date of the enactment of this section.".

(2) Clerical amendment.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Chapter 56. Windfall Profit on Crude Oil.".

(3) Deductibility of windfall profit tax.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(4) Effective date.—

(A) In general.—The amendments made by this subsection shall apply to crude oil removed after the date of the enactment of this Act, in taxable years ending after such date.

(B) Transitional rules.—For the period ending December 31, 2006, the Secretary of the Treasury or the Secretary's delegate shall prescribe rules relating to the administration of chapter 56 of the Internal Revenue Code of 1986. To the extent provided in such rules, such rules shall supplement or supplant for such period the administrative provisions contained in chapter 56 of such Code (or in so much of subtitle F of such Code as relates to such chapter 56).

(b) Energy Consumer Rebate.—

(1) In general.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. ENERGY CONSUMER REBATE.

"(a) General Rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for each taxable year beginning after December 31, 2005, in an amount equal to the lesser of—

"(1) the amount of the taxpayer's liability for tax for such taxpayer's preceding taxable year, or

"(2) the applicable amount.

"(b) Liability for Tax.—For purposes of this section, the liability for tax for any taxable year shall be the excess (if any) of—

"(1) the sum of—

"(A) the taxpayer's regular tax liability (within the meaning of section 26(b)) for the taxable year,

"(B) the tax imposed by section 55(a) with respect to such taxpayer for the taxable year, and

"(C) the taxpayer's social security taxes (within the meaning of section 24(d)(2)) for the taxable year, over

"(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits) for the taxable year.

"(c) Applicable Amount.—For purposes of this section, the applicable amount for any taxpayer shall be determined by the Secretary not later than the date specified in subsection (d)(1) taking into account the number of such taxpayers and the amount of revenues in the Treasury resulting from the tax imposed by section 5896 for the calendar year preceding the taxable year.

"(d) Date Payment Deemed Made.—

"(1) In general.—The payment provided by this section shall be deemed made on February 1 of the calendar year ending with or within the taxable year (July 1, in the case of calendar year 2006).

"(2) Remittance of payment.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later that the date which is 30 days after the date specified in paragraph (1).

"(e) Certain Persons Not Eligible.—This section shall not apply to—

"(1) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins,

"(2) any estate or trust, or

"(3) any nonresident alien individual.".

(2) Conforming amendment.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(3) Clerical amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Energy consumer rebate.".

(4) Effective date.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

NOTICES OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 amendment No. 3670. (The amendment is printed in today's Record under "Text of amendments.")

Mr. DOMENICI. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 the attached amendment, as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—GAS TAX RELIEF AND REBATE

Subtitle A—Fuel Tax Holiday Rebate

SEC. 8101. FUEL TAX HOLIDAY REBATE.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. FUEL TAX HOLIDAY REBATE.

"(a) General Rule.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $100.

"(b) Remittance of Payment.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than August 30, 2006.

"(c) Certain Persons Not Eligible.—This section shall not apply to—

"(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded the threshold amount (as determined under section 151(d)(3)(C) for such preceding taxable year),

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(b) Conforming Amendment.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(c) Clerical Amendment.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Fuel tax holiday rebate.".

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Price Gouging

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the "Gasoline Consumer Anti-Price-Gouging Protection Act".

SEC. 8202. PROTECTION OF CONSUMERS AGAINST PRICE GOUGING.

It is unlawful for any person to increase the price at which that person sells, or offers to sell, gasoline or petroleum distillates to the public (for purposes other than resale) in, or for use in, an area covered by an emergency proclamation by an unconscionable amount while the proclamation is in effect.

SEC. 8203. JUSTIFIABLE PRICE INCREASES.

(a) In General.—The prohibition in section 8202 does not apply to the extent that the increase in the retail price of the gasoline or petroleum distillate is attributable to—

(1) an increase in the wholesale cost of gasoline and petroleum distillates for the region in which the area to which a proclamation under section 8202 applies is located;

(2) an increase in the replacement costs for gasoline or petroleum distillate sold;

(3) an increase in operational costs; or

(4) regional, national, or international market conditions.

(b) Other Mitigating Factors.—In determining whether a violation of section 8202 has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the gasoline or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

SEC. 8204. FEDERAL AND STATE PROCLAMATIONS.

(a) In General.—For purposes of this subtitle—

(1) the President may issue an emergency proclamation for any area within the United States in which an abnormal market disruption has occurred or is reasonably expected to occur; and

(2) the chief executive officer of any State may issue an emergency proclamation for any such area within that State.

(b) Scope and Duration.—

(1) In general.—An emergency proclamation issued under subsection (a) shall specify with particularity—

(A) the geographic area to which it applies;

(B) the period for which the proclamation applies; and

(C) the event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

(2) Limitations.—An emergency proclamation issued under subsection (a)—

(A) may not apply for a period of more than 30 consecutive days (renewable for a consecutive period of not more than 30 days); and

(B) may apply to a period of not more than 7 days preceding the occurrence of an event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

SEC. 8205. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) Violation Is Unfair or Deceptive Act or Practice.—This subtitle shall be enforced by the Federal Trade Commission as if the violation of section 8202 were an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Actions by the Commission.—The Commission shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle. Any entity that violates any provision of this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subtitle.

(c) Regulations.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe such regulations as may be necessary or appropriate to implement this subtitle.

SEC. 8206. ENFORCEMENT BY STATES.

(a) In General.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of this subtitle, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subtitle or a regulation under this subtitle.

(b) Notice.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) Authority To Intervene.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) Venue; Service of Process.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the violation occurred;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) Limitation on State Action While Federal Action Is Pending.—If the Commission has instituted a civil action or an administrative action for violation of this subtitle, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this subtitle alleged in the complaint.

(g) Enforcement of State Law.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 8207. PENALTIES.

(a) Civil Penalty.—

(1) In general.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle is punishable by a civil penalty of—

(A) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c)); and

(B) not more than $5,000,000 in the case of any other person.

(2) Method of assessment.—The penalty provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) Multiple offenses; mitigating factors.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) Criminal Penalty.—

(1) In general.—In addition to any penalty applicable under the Federal Trade Commission Act, the violation of this subtitle is punishable by a fine of not more than $1,000,000, imprisonment for not more than 2 years, or both.

(2) Enforcement.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General of the United States, in accordance with section 515 of title 28, United States Code.

SEC. 8208. DEFINITIONS.

In this subtitle:

(1) Abnormal market disruption.—The term "abnormal market disruption" means there is a reasonable likelihood that, in the absence of a proclamation under section 8204(a), there will be an increase in the average retail price of gasoline or petroleum distillates in the area to which the proclamation applies as a result of a change in the market, whether actual or imminently threatened, resulting from weather, a natural disaster, strike, civil disorder, war, military action, a national or local emergency, or other similar cause, that adversely affects the availability or delivery gasoline or petroleum distillates.

(2) State.—The term "State" means the several States of the United States and the District of Columbia.

(3) Unconscionable amount.—The term "unconscionable amount" means, with respect to any person to whom section 8202 applies, a significant increase in the price at which gasoline or petroleum distillates are sold or offered for sale by that person that increases the price, for the same grade of gasoline or petroleum distillate, to an amount that—

(A) substantially exceeds the average price at which gasoline or petroleum distillates were sold or offered for sale by that person during the 30-day period immediately preceding the sale or offer; and

(B) cannot be justified by taking into account the factors described in section —03(b).

SEC. 8209. EFFECTIVE DATE.

This subtitle shall take effect on the date on which a final rule issued by the Federal Trade Commission under section 8205(c) is published in the Federal Register.

Subtitle C—Tax Provisions

SEC. 8301. REPEAL OF THE LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN -BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.

(a) In General.—Subsection (f) of section 30B of the Internal Revenue Code of 1986 is repealed.

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendment made by section 1341(a) of the Energy Policy Act of 2005.

SEC. 8302. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) In General.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

"(D) Special rule for certain alternative motor vehicles and qualified electric vehicles.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.".

(b) Conforming Amendment.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 8303. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) In General.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking "and before January 1, 2012" in subparagraph (B) and inserting "and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012", and

(2) by inserting "if described in subsection (d)(1)" after "of which" in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) QUALIFIED REFINERY.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

"(1) crude oil, or

"(2) qualified fuels (as defined in section 45K(c)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8304. 5-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR MAJOR INTEGRATED OIL COMPANIES.—

"(A) IN GENERAL.—In the case of an integrated oil company described in subparagraph (B), paragraphs (1) and (4) shall be applied by substituting '5-year' for '24 month'.

"(B) INTEGRATED OIL COMPANY DESCRIBED.—An integrated oil company is described in this subparagraph if such company is an integrated oil company (as defined in section 291(b)(4)) which—

"(i) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year,

"(ii) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

"(iii) has an ownership interest (within the meaning of section 613A(d)(3)) in crude oil refiner of 15 percent or more.

For purposes of the preceding sentence, all persons treated as a single employer under subsections (a) and (b) of section shall be treated as 1 person and, in case of a short taxable year, the rule under section 448(c)(3)(B) shall apply".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329 of the Energy Policy Act of 2005.

SEC. 8305. REPEAL OF LIFO METHOD OF INVENTORY ACCOUNTING.

(a) IN GENERAL.—Sections 472, 473, and 474 of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 56(g)(4)(D)(iii) of such Code is repealed.

(2) Section 312(n)(4) of such Code is repealed.

(3) Section 1363(d) of such Code is repealed.

(c) EFFECTIVE DATE.—The repeals made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the repeals made by subsection (a) to change its method accounting for its first taxable year beginning after the date of the enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(3) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 20-taxable year period beginning with the first taxable year beginning after such date of enactment.

Subtitle D—CAFE Standards

SEC. 8401. CLARIFICATION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO AMEND FUEL ECONOMY STANDARDS FOR PASSENGER VEHICLES.

Section 32902(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(2) by striking paragraph (2).

Subtitle E—Alternative Fuels

SEC. 8501. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking "$250,000,000" and inserting "$150,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $250,000,000 for each of fiscal years 2009 through 2011".

SEC. 8502. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term "battery" means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term "electric drive transportation technology" means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term "engine dominant hybrid electric vehicle" means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) INITIATIVE.—The term "Initiative" means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) NONROAD VEHICLE.—The term "nonroad vehicle" has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term "plug-in hybrid electric vehicle" means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(9) INDUSTRY ALLIANCE.—The term "Industry Alliance" means the entity selected by the Secretary under subsection (f)(2).

(10) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) Advanced Battery Initiative.—

(1) In general.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) Industry alliance.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, the primary business of which is the manufacturing of batteries.

(3) Research.—

(A) Grants.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) Industry alliance.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) Availability to the public.—The information and roadmaps developed under this subsection shall be available to the public.

(5) Preference.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) Cost Sharing.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

Subtitle F—Strategic Petroleum Reserve

SEC. 8601. STRATEGIC PETROLEUM RESERVE.

(a) Findings.—The Senate finds that—

(1) the Strategic Petroleum Reserve, as established by the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), provides the United States with an emergency crude oil supply reserve that ensures that a disruption in commercial oil supplies will not threaten the United States economy;

(2) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) strengthened the Strategic Petroleum Reserve by authorizing a capacity of 1,000,000,000 barrels of crude oil;

(3) as of the date of enactment of this Act, the inventory in the Strategic Petroleum Reserve is sufficiently large enough to guard against supply disruptions during the time period for the temporary cessation of deposits described in subsection (b)(1); and

(4) the cessation of deposits to the Strategic Petroleum Reserve will add approximately 2,000,000 barrels of crude oil supply into the market.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) consistent with the authority granted under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), the Secretary of Energy should cease deposits to the Strategic Petroleum Reserve for a period of not less than 6 months;

(2) the Secretary of Energy should continue to work toward establishing the infrastructure necessary to achieve the 1,000,0000,0000 barrels of crude oil capacity authorized under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(3) after the temporary cessation of deposits to the Strategic Petroleum Reserve, the Secretary of Energy should continue to increase the inventory of crude oil in the Strategic Petroleum Reserve to work toward meeting the authorized capacity level to enhance the energy security of the United States.

Subtitle G—Arctic Coastal Plain Domestic Energy

SEC. 8701. SHORT TITLE.

This subtitle may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2006".

SEC. 8702. DEFINITIONS.

In this subtitle:

(1) Coastal plain.—The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) Secretary.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 8703. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) In General.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this Act a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) Repeal.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) Compliance With Requirements Under Certain Other Laws.—

(1) Compatibility.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) Adequacy of the department of the interior's legislative environmental impact statement.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to

actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on such map as shall be identified by the Secretary.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 8704. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 8705. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 8704 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 8706. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 8703(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 8707. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 8703, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or

related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) Regulations to Protect Coastal Plain Fish and Wildlife Resources, Subsistence Users, and the Environment.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) Compliance With Federal and State Environmental Laws and Other Requirements.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) Considerations.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) Facility Consolidation Planning.—

(1) In general.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) Objectives.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) Access to Public Lands.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 8708. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaint.—

(1) Deadline.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) Venue.—Any complaint seeking judicial review of an action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) Limitation on scope of certain review.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) Limitation on Other Review.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8709. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) In General.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 712(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) Payments to Alaska.—Payments to the State of Alaska under this section shall be made semiannually.

(c) Use of Bonus Payments for Low-Income Home Energy Assistance.—Amounts that are received by the United States as bonuses for leases under this subtitle and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 8710. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) Exemption.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 8703(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 8711. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 8712. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2006 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Dirk Kempthorne, of Idaho, to be Secretary of the Interior, vice Gale Norton, resigned.

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Wednesday, April 26, 2006 at 10 a.m., in SD-106, Dirksen Senate Office Building. The purpose of this hearing will be to review the state of the biofuels industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GLOBAL CLIMATE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Global Climate be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m., on Marine and Terrestrial Systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation's Subcommittee on Technology be authorized to meet on Wednesday, April 26, 2006, at 10 a.m., on Fostering Innovation in Math and Science Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 26, 2006, at 9:30 a.m. to hold a hearing on U.S.-India Atomic Energy Cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that on Wednesday, April 26, 2006 the Committee on Environment and Public Works be authorized to hold a Business Meeting at 9:30 a.m. to consider the following agenda:

Nominations: Richard Capka to be Administrator, Federal Highway Administration, James Gulliford to be an Assistant Administrator, EPA, William Wehrum to be an Assistant Administrator, EPA.

Committee Rules: A proposal to amend Committee Rule 7(d) on the naming of public buildings and facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Parity, Platforms and Protection: The Future of the Music Industry in the Digital Radio Revolution" on

Wednesday, April 26, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building. The witness list is attached.

Panel 1: Anita Baker, Performing Artist, Toledo, OH; Todd Rundgren, Lead Singer, The New Cars, Darby, PA; Victoria Shaw, Songwriter, Nashville, TN; Edgar Bronfman, Chairman and CEO, Warner Music Group, New York, NY; Gary Parsons, Chairman of the Board, XM Satellite Radio, Washington, DC; Mr. Bruce T. Reese, CEO and President, Bonneville International Corp., Salt Lake City, UT; and N. Mark Lam, Chairman and CEO, Live365, Foster City, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 26, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Authorizations of Customs and Trade Functions".

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing to address the reauthorization of Finance and Entrepreneurial Development programs administered by the Small Business Administration on Wednesday, April 26, 2006, beginning at 10:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m. for a field hearing regarding "Ensuring Early Diagnosis and Access to Treatment for HIV/AIDS: Can Federal Resources Be More Effectively Targeted?"

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent to allow the privilege of the floor to be granted to Jessica Wilcox, an Energy Fellow in my office, for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that Jeremy Weirich, a detailee with the Senate Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, from the National Oceanic and Atmospheric Administration, be granted the privileges of the floor for the duration of consideration of the supplemental appropriations bill, H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that CAPT Benjamin Venning, a Marine Corps military fellow on my staff, be granted the privileges of the floor for the remainder of the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 601, Patrick Schiltz, to be U.S. District Judge for the District of Minnesota. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CROP SCIENCE SOCIETY OF AMERICA 50TH ANNIVERSARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 446 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 446) recognizing the 50th Anniversary of the Crop Science Society of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN'S HOCKEY TEAM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 447 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 447) congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 447) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men's hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5–2 in the semifinals; and

(2) the Boston College Eagles by a score of 2–1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men's hockey team, including—

(1) Andy Brandt;
(2) Adam Burish;
(3) Ross Carlson;
(4) Shane Connelly;
(5) A.J. Degenhardt;
(6) Jake Dowell;
(7) Davis Drewiske;
(8) Robbie Earl;
(9) Brian Elliott;
(10) Josh Engel;
(11) Matthew Ford;
(12) Tom Gilbert;
(13) Tom Gorowsky;
(14) Jeff Henderson;
(15) Ryan Jeffery;
(16) Andrew Joudrey;
(17) Kyle Klubertanz;
(18) Nick Licari;
(19) Jeff Likens;
(20) Ryan MacMurchy;
(21) Matt Olinger;
(22) Joe Pavelski;
(23) Joe Piskula;
(24) Jack Skille; and
(25) Ben Street;

Whereas numerous members of the University of Wisconsin men's hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men's hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men's hockey team has won the National Collegiate Athletic Association Division I Men's Hockey Championship 6 times;

Whereas the University of Wisconsin has won 3 national championships during the 2005–2006 academic year; and

Whereas the championship victory of the University of Wisconsin men's hockey team ended a terrific season in which the team outscored its opponents 145–79 and compiled a record of 30–10–3: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin men's hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

ORDERS FOR THURSDAY, APRIL 27, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee, the second 15 minutes under the control of the Democratic leader or his designee; further, that following morning business the Senate resume consideration of H.R. 4939, the emergency supplemental appropriations measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow we will continue work on the emergency supplemental. We had six votes today. Senators should expect a full day, with as many votes as we can possibly process tomorrow.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order following the remarks of the Senator from Oregon, Mr. WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3648, AS MODIFIED

Mr. VITTER. Mr. President, I ask that my amendment No. 3648, which I spoke about, be modified with the changes at the desk, which are technical in nature.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 3648), as modified, is as follows:

On page 140, on line 22, insert "vessels and" after "repairing".

Mr. VITTER. I yield back my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3665.

(Purpose: To prohibit the use of funds to provide royalty relief)

On page 253, between lines 19 and 20, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than $55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is $10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

Mr. WYDEN. Mr. President, the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. Now, in order to stimulate production of oil in our country, the Federal Government over the last decade has been discounting these royalty fees. These discounts now amount to billions of dollars. It appears that the royalty relief that is given to the oil companies is now the granddaddy of all of the subsidies.

We have been talking considerably on the floor of this body over the last few days about tax breaks for oil companies. The President, it seems to me, to his credit, over the last few days has indicated that he understands that these tax breaks are no longer needed. I was very pleased to see that because when the energy executives came to the committee, I literally went down the row and asked them if they continued to need all of these tax breaks. They don't, but Congress has continued to ladle them out. But on top of these record profits, record prices, and record tax breaks, there is now record amounts of royalty relief granted to the oil companies as well.

Now that the prices have shot up, I don't see how anybody can justify this multibillion-dollar subsidy. The point of this amendment is to say that we are going to get rid of these special oil company discounts, the special breaks that amount to billions of dollars, unless the price of oil comes down, or unless the Bush administration indicates that royalty relief is necessary to avoid supply disruption.

Mr. President, it is astounding that there is a tremendous chorus now of support, saying that royalty relief is needed. Yet nobody seems to be doing anything concrete to roll back these unnecessary subsidies.

For example, to show the bipartisan interest in this, not long ago, a distinguished member of the other body who chairs the resources committee, RICHARD POMBO, said in a newspaper interview that there is no need for this particular incentive. That is not the head of some consumer group; that is the distinguished chairman of the resources committee, Mr. POMBO, from California. He has said there is no need for this kind of royalty relief. Mr. Michael Coney, a lawyer for the Shell Oil Company, said the same thing. He basically said that in this kind of climate you cannot make a case for this particular kind of multibillion-dollar subsidy.

The architect of the program, our former colleague, Senator Bennett Johnston, has said that what has taken place with respect to the royalty relief program isn't anything close to what he had in mind when he developed this program.

So what you have is a Democratic Member of the Senate saying let's roll back these subsidies unless the Bush administration certifies they are needed to avoid disruption or unless the price goes down, and let's do it because there is a bipartisan consensus that this Royalty Relief Program is completely out of whack.

By the way, Mr. President, I know you have had great interest in the effort to target these subsidies. You and I have talked about it on a number of occasions. Consistently what we find is the way these multibillion-dollar subsidies find their way on to our tax rolls and Government programs is on a bipartisan basis somebody messes up. Somebody isn't watchdogging the way these dollars fly out the door, and that was certainly the case with the Clinton administration.

Previously, there had been a particular provision in the Royalty Relief Program that said when the oil prices shot up, when they went above a certain level—then it was considered about $34 a barrel—the companies would have to, once again, start paying these royalties. But the Clinton administration just wasn't watching the store, wasn't watchdogging this program as they should have, and so they didn't put that particular clause—the clause that protects the taxpayers—into a number of these royalty relief agreements. What has happened is we just had a litigation derby with scores and scores of lawsuits.

Now the General Accountability Office estimates that at a minimum, the Federal Government is going to be out $20 billion. This is the biggest subsidy of them all, and given all of the litigation that has taken place, this subsidy could go up and up.

Under the Energy bill signed into law last summer, the oil companies were given new subsidies in the form of reduced royalty fees for the oil and gas they extract from Federal land, including offshore drilling in the Gulf of Mexico. This particular new subsidy was signed into law when the companies were already reporting these extraordinary profits. We were already seeing the consumer taking a shellacking at the gas pump. It would have been the ideal time for the U.S. Congress to do what colleagues such as Congressman POMBO in the other body are talking about, lawyers for the Shell Oil companies tell the newspapers, what I and others and a bipartisan group who have been interested in this have said for a long time: It doesn't pass the smell test to be dispensing billions and billions of dollars of royalty relief to the oil companies on top of everything else they already receive from the taxpayers' wallet. So what I hope we will be able to do here is roll back this new subsidy.

By the way, the program was useful back when prices were low. For example, it significantly helped in the Gulf of Mexico at a time when prices were low. That is not the case now. As our colleague in the other body, Mr. POMBO, notes, they sure don't need any incentives when the marketplace is providing all the incentives anybody could possibly ask for.

Government subsidies, sure, when the price is low, when we have to stimulate production, when our economy needs a shot in the arm. But billions of dollars of royalty relief for oil companies in this kind of time? I don't get it, and tomorrow I hope a majority of the Senate will share my view and will share the view of other colleagues who have taken a good look at this particular program.

It seems to me this is a time when the Congress ought to say: Let's look carefully at all of these various subsidies and breaks. As the distinguished Senator from Oklahoma has said, let's shine some light on it, let's take a sharp pencil out and really make some concrete judgments about what is in the taxpayers' interest.

At a time when consumers are already paying more at work, they are paying more at home, they are paying more when they drive everywhere in between, we ought to be giving them a break in their personal energy bills before we give breaks to the oil companies on the amounts they owe for drilling on our Nation's lands.

With oil selling for more than $70 a barrel, $15 a barrel higher than the price that the President said incentives were not needed, Congress should not be giving away more taxpayer money for more unnecessary subsidies that benefit profitable energy interests.

Let me highlight that particular point and explain why it is so pivotal in this discussion for royalty relief for oil companies.

The President of the United States said that he doesn't see the case for additional incentives and Government benefits to encourage production when oil is over $55 a barrel. Now we are talking about oil at $70 a barrel. We are talking about billions of dollars of new payments to the companies at a time when the General Accountability Office says the minimum tab will be $20 billion. And all I am saying to the Senate tonight is I want to cut off those payments unless one of two things happens: If the price of oil comes down, you bet, let's go back and say we need some incentives for production. If the President of the United States, the Secretary of the Interior, the people who are in the administration who know a lot about the oil business say that we have to have these multibillion-dollar discounts in order to encourage production, my amendment doesn't apply.

In effect, the President of the United States can say we have to have the Royalty Relief Program in order to get the oil industry moving again in our country. But with prices high and no argument for these breaks, not on the basis of my judgment but on the basis of what the President has said in the past, I want to cut off these particular breaks.

I hope my colleagues will want to save our taxpayers money and promote fiscal responsibility. This is a program which is completely out of control. This is a program which has lost its moorings. You cannot defend this, in my view, in front of any group of our citizens. That is why a variety of leaders and individuals in the private sector, many of them coming from the oil industry itself, have said there is no logical argument for royalty relief at this particular time.

Certainly there are going to be some who will say it is never enough. There is litigation going on now where some companies are in court trying to secure additional information. I am looking at a recent article in the press authored by Edmund L. Andrews headlined: "General Accounting Office Sees Loss in Oil Royalties of at Least $20 Billion."

We know that the Government Accountability Office isn't an organization with any ax to grind. They are our nonpartisan investigators. Those are the people who take out the sharp pencil and are given the job of actually looking to see if taxpayer money is being used wisely. They have essentially said recently—this year, just months ago—that billions of dollars are going to be wasted with this Royalty Relief Program.

The Interior Department has indicated that they know they are going to lose billions of dollars in royalty payments. I don't see anybody saying that the price of oil is going to fall precipitously anytime soon. If it does, the President and the Department of Energy can essentially waive my amendment. We explicitly say that if the price of oil goes down, if there are any national security questions, any disruptions that threaten supply, the amendment can be set aside.

It is time to rein in these costs that are going through the stratosphere. The Royalty Relief Program is the granddaddy of all subsidies. I hope tomorrow, when the Senate has an opportunity to vote, we will say that we ought to prohibit further royalty relief, unless prices go down or we face a disruption, and save our citizens' hard-earned tax dollars for more worthy causes.

Mr. President, I hope my colleagues will support this amendment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to propound a unanimous consent request for wrap-up momentarily. I will also note, as I have been speaking on this amendment to forego some royalty relief for oil companies, that when we go back in at approximately 10 o'clock, I will continue a discussion regarding this amendment and hopefully have a chance to hear from colleagues on both sides of the aisle.

ORDER FOR RECORD TO REMAIN OPEN

Mr. WYDEN. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, the RECORD remain open this evening until 8:45 p.m. in order for Senator FRIST or his designee to submit a statement relating to a notice of the suspension of the rules relative to the supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 tomorrow morning.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, April 27, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, April 26, 2006:

THE JUDICIARY

PATRICK JOSEPH SCHILTZ, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.

HOUSE OF REPRESENTATIVES—*Wednesday, April 26, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 26, 2006.

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend John Hergenrother, Presiding Judge, Tribunal of the Archdiocese of Chicago, offered the following prayer:

Lord, God, Father, Allah, Higher Power, we address You with many names, but You are one. We are many people striving to be united in mutual justice, equity and concern. 444 of Your people have the awesome responsibility to represent, to lead, to care, to legislate for over 260 million of Your people.

May the laws that come from this House strengthen, nourish and keep us united in the bond that we share as citizens and as Your children. With all of our ideals, and all of our limitations, we pray for the Members and staff. Give them insight, guidance and vision to discern the common good of all Your people in this land and beyond. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. ESHOO) come forward and lead the House in the Pledge of Allegiance.

Ms. ESHOO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FREEDOM IN MACEDONIA

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, as a member of the House Democracy Assistance Commission, I was honored this past week to host a delegation of Parliamentarians from the Republic of Macedonia, in my home State of Michigan.

The Macedonia delegation was immersed in many factors important to the development of a democratic society. They visited our State capitol, as well as visiting one of our major daily newspapers, understanding that a free press is critical to a thriving democracy.

They met with State elections officials to talk about how to run free and fair elections, a fundamental caveat of a thriving democracy. They visited the University of Michigan's famed Center for Russian and Eastern European Studies. They visited our courts to get a better understanding of our system of justice, and we enjoyed each other's fellowship at a banquet held in their honor at our local Macedonian cultural center.

This week we welcome them to Washington, DC. The Republic of Macedonia is a great emerging democracy, and its leaders are committed to the cause of freedom and liberty for every individual.

Da zivee slobodna, Makedonia.

Long live freedom and democracy in Macedonia.

NATIONAL DAY OF SILENCE

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Madam Speaker, I rise today to give voice to those who are silent: the many youth in our high schools and middle schools who are afraid to speak out of their place in our society because they are gay, lesbian, bisexual, transgender, intersex or questioning their sexual identity.

Today marks the 10th National Day of Silence in which we celebrate the diversity in our society, but acknowledge a deep-seated intolerance toward that diversity.

In my district, several efforts are being made to turn the intolerance into tolerance. The Watsonville YMCA has added a group called Latinas y Lesbianas y Aliadas. It is one of the few programs in the Nation dedicated to reaching out to the Spanish-speaking community, which has not historically had access to such support systems. I hope this becomes a national movement.

I am also proud to represent several Shoreline Middle School eighth graders who have been nominated for the Queer Youth Leadership Awards. These brave students have worked to end homophobia and discrimination, making their school or community a safer place for people of all walks of life. These students are joined by their families, but should not be alone in their efforts.

For this reason, I join my colleague ELIOT ENGEL in cosponsoring H. Con. Res. 86 which memorializes the National Day of Silence and encourages each State or local jurisdiction to adopt laws to prohibit discrimination and harassment against persons of alternative sexual orientation.

GEORGIA: AMERICA'S PROVEN ALLY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this week the House Democracy Assistance Commission, led by Chairman DAVID DREIER, is hosting parliamentarians and staff from five emerging democracies.

Last week, I welcomed the delegation from the Republic of Georgia, led by M.P. Nino Nakashidze, vice chairman of the Foreign Relations Committee. The delegation toured the Midlands of South Carolina, visiting the State House, the University of South Carolina, top international businesses, Fort Jackson, the Lexington Rotary Club and the Batesburg-Leesville Chamber of Commerce, coordinated by special assistants Walt Cartin and Jonathan Black.

It is inspiring to meet fellow colleagues such as Georgia's, whose country has evolved from a repressed Soviet Republic to a vibrant democracy, promoting freedom with troops in Iraq and Afghanistan. The Republic of Georgia is an appreciated new ally of America, participating in the greatest spread of democracy in the history of the world.

In conclusion, God bless our troops, and we will never forget September 11.

GAS PRICES AND THE NEED FOR LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, yesterday President Bush said record oil

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

prices and large cash flows also mean that these companies don't need unnecessary tax breaks. How does the President think that these oil companies got the tax breaks in the first place? A Republican Congress of course.

Energy companies spent $86 million lobbying Congress last year, and in return the Republican Congress gave them $14.5 billion of hard-earned money by the taxpayers. You can't get a return like that on Wall Street. Before the President signed the energy bill of June 6, 2005, energy was $2.09 a gallon. Today it is $3.30 in my district.

The debate about lobbying reform is a debate about a $14.5 billion taxpayer giveaway to Exxon, Chevron, and ConocoPhillips. But what this Congress is going to vote on tomorrow is not lobbying reform. To quote the Washington Post, it is a sham. To quote the New York Times, it is a laughing stock. You could say the same and use the same adjective to describe the energy bill.

Remember, it all started with the Vice President behind closed doors meeting with energy executives. They weren't exactly playing Scrabble or gin rummy back there. Madam Speaker, the Republican bill isn't reform, it is just another sign that the people's House is still for sale.

ROBBER BARON BUREAUCRATS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, as this Victims Rights Month of April comes to an end, the bureaucrats are also trying to end a fund that supports victims of America. The Victims of Crime Act requires convicted criminals to put money into a fund that then pays for crime victim services.

What a great idea: make criminals pay for the system that they have created. Make them pay rent on the courthouse. This fund is about $1.6 billion. This is not Federal money, this is not taxpayer money, this is victim money.

Now the robber baron bureaucrats want to take this money and put it into the abyss of the Federal Treasury. As one of the members of the Victims Rights Caucus, along with JIM COSTA and KATHERINE HARRIS, we do not want the government to victimize victims again.

This money belongs to thousands of victims and thousands of victims organizations, including domestic violence shelters, rape centers, child abuse centers, and should not be taken away. Congress needs to prevent this stealth stealing of victims' money, and we must demonstrate to America that criminals will pay and be accountable for the misdeeds against the American people.

And that's just the way it is.

HONORING THE LIFE OF RICHARD KOHNSTAMM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, last week Oregonians were saddened by the sudden death of Richard "Dick" Kohnstamm.

He was a visionary leader who conceived and then for half a century led the Kohnstamm family crusade to restore the jewel that is Timberline Lodge. This historic structure, a Depression-era public works project on Oregon's majestic Mt. Hood, is today an artistic and historic treasure.

Dick was not just a leader in alpine sports, an innovator in year-round skiing, but also a force in recreation and tourism at the national level as well. His passions ranged from historic preservation to, notably, public broadcasting leadership. He was a pioneer in creative ways to fashion public and private partnerships before the buzz word became popular.

He will be sorely missed but leaves a vision, a committed family, and a State that is grateful for over half a century of leadership.

EXTENSION OF ALTERNATIVE MINIMUM TAX

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Madam Speaker, millions of Americans filed their income tax returns last week.

The tax relief measures we have passed in Congress during the past 5 years have helped drive down the Federal tax bill of all Americans, but more work needs to be done to enable our constituents to keep more of the money they earn, rather than sending it here to Washington in taxes.

This year, we have got to get the alternative minimum tax off the backs of small business and the middle-class families once and for all.

It was a tax increase in 1993 that failed to adjust the AMT exemption amounts for inflation. That negligence left us with a stealth tax that is looming at the doorstep of middle-class families throughout New York and across our country.

We protected those middle-class families by increasing the AMT exemption amounts in tax relief we enacted during the past few years, but if middle-class exemptions are not extended or made permanent this year, the number of New Yorkers forced to pay the AMT will more than quadruple to 1.6 million next year, and this is just New York.

Let us not repeat the mistake Congress made in 1993. Let us stop the alternative minimum tax on the middle class and on America's small businesses. Let us commit ourselves to lowering taxes, not raising them.

EXCESSIVE OIL COMPANY PROFITS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, Congress must break the hold which the oil companies have on the politics of our country.

The American people are demanding action. The price of gasoline has climbed to over $3 a gallon, headed towards $4, maybe $5 a gallon. But listen to this: since 2001, the five largest oil companies have made over $280 billion in profits. ExxonMobil alone made $36 billion in profits last year.

There is only one way to stop the oil companies from an endless series of increases in the price of gasoline.

Nearly 50 Members of Congress have now signed on to my bill, H.R. 2070, which calls for a 100 percent excess profits tax on the oil company profiteering. This act does not tax the price of gasoline so it will not increase the cost. However, by taxing excessive profits, it puts the breaks on price gouging and will lower the price of gasoline.

Congress must not stand by while the oil companies are stealing from the American people.

RECOGNIZING NATIONAL CRIME VICTIMS RIGHTS WEEK

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, I would like to take this opportunity to recognize Crime Victims Rights Week with my colleagues from the Congressional Victims Rights Caucus.

Recently, the Judiciary Crime Subcommittee examined the issue of crime victims where we discovered that one violent crime occurs every 6 seconds in this country, one rape or sexual assault occurs every 2½ minutes.

The issue of how crime victims are treated within the criminal justice system has been of paramount importance to myself and many of us throughout our tenure in Congress. I was the sponsor of the Crime Victims Rights constitutional amendment back in the 106th, 107th and 108th Congresses. That legislation would have given crime victims the right to be reasonably protected from the accused, to be heard at all court proceedings, to receive full and just compensation in the form of restitution and, most importantly, to be treated with fairness and dignity and respect.

Unfortunately, despite numerous hearings and attempts by Senators KYL and FEINSTEIN, it was bipartisan, myself and others, we did not have the votes to pass a constitutional amendment. However, the Crime Victims Rights Act was included as title I of the Justice for All Act.

We need to recognize and support all crime victims in this country.

☐ 1015

WELCOME TO STUDENTS AND PRINCIPAL OF ST. JOSEPH'S AT SACRED HEART SCHOOL

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Madam Speaker, I am very pleased to welcome a special group to the Capitol this morning. It is the season where so many students come to Washington to see their government in action and to visit the historic sites in Washington. This week the students of St. Joseph's School of the Sacred Heart in Atherton, California, are here.

The school is over 100 years old. It was founded by the religious of the Sacred Heart, the beloved religious of the Sacred Heart, and the traditions and their mission of excellence in education and the formation of the character and the spiritual formation of students continues today. How proud I am that they are here; how proud I am of the teachers; how proud I am of the principal of St. Joseph's at Sacred Heart, my daughter, Karen Eshoo.

Welcome, students, and enjoy your memorable and historic visit to our Capitol. May what you see and what you experience remain with you for a lifetime.

SUPPORT LEGISLATION TO ADVANCE ENERGY INDEPENDENCE

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Madam Speaker, the statistics say it all: two-thirds of the oil we consume today is imported. Sixty percent of our trade deficit, the increase, is as a result of oil imports, and today we are paying $3 or more per gallon of gasoline. The message is clear: we need independence from imported oil.

Last year's energy bill was a good start. In the district I represent, we are seeing new jobs created and much investment in wind energy, ethanol production, and a doubling of biodiesel production at the local plant, but we need to do more. I urge this House to take up and advance comprehensive legislation to replace oil with renewable fuels.

Would you support legislation that would replace 1.6 million barrels of oil a day? I would hope so. We have that opportunity with the Biofuels Act, H.R. 4973, legislation that would increase the amount of ethanol and biodiesel we produce from 4 billion gallons a year today to 25 billion gallons by the year 2025. This legislation will reduce our oil imports, create energy independence, and it is home-grown fuels.

"DO-NOTHING" CONGRESS REPUBLICANS HAVEN'T CHANGED MUCH FROM TRUMAN'S TIME

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, back in 1948, President Truman dubbed the Republican-led House the "Do-Nothing Congress." He came up with the name because the House barely ever met.

Would you believe that as bad as the 1948 Congress was, the Republican-led Congress of 2006 is worse? So far this year we have only been in session 22 days, and we are only scheduled to hold votes on a total of 97, which is 11 days less than the "Do-Nothing Congress" of 1948.

There is so much to do, gas prices and all the rest, but here in Washington the House Republicans seem content just to ignore our Nation's problems. Maybe they are satisfied with the work they have already done on behalf of their special interests for the election.

There is another thing this group has in common with the 1948 Republican "Do Nothing Congress." Consider this comment from President Truman in 1948: "Something happens to Republican leaders when they get control of the government. They have a hard time hearing what the ordinary people of the country are saying, but they have no trouble at all hearing what Wall Street wants."

It is time for the 2006 Congress to do something about the problems of the people in this country.

DEMOCRATS' HYPOCRISY ON ENERGY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, the Democrats sure do like to have their cake and eat it, too. Over and over again they complain about something, then turn right around and oppose any commonsense solutions offered by Republicans.

Democrats whine about our deficit, but vote against slowing the growth of spending. They complain about our President's plan in Iraq, but they offer no alternatives. They say we need to increase border security, yet vote against the bills that would do just that. The list goes on and on.

The Democrats' latest case of hypocrisy: they hold a press conference, complain about our rising energy prices, even though their actions have contributed directly to the problem. For a party that claims it is looking out for the best interests of the American people, it has a funny way of showing it.

For decades the Democrats have fought to stop production of all forms of energy. They voted against increasing domestic energy supplies, which would not only lower prices, but create more jobs here at home. The Democrats have opposed Republican efforts to lessen the tax burden at the pump. They have opposed nuclear energy and renewable fuels. They have opposed cracking down on price gouging.

Madam Speaker, Republicans have been working hard to address rising energy prices, yet all the Democrats do is vote "no."

GAS CRISIS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, if you liked the administration and the Republican Congress' response to Hurricane Katrina, you are going to love the response to this gas crisis. Because while folks said they could not anticipate that the levees would be topped, when you do what the administration has done, you should have been anticipating $3 plus, $3.25, and $3.35 gasoline at the pump.

When you go into secret energy meetings, as the Vice President did, to devise an energy strategy and come out with a giveaway to the energy industry; when you have a President who refuses to act when Enron was stealing billions of dollars from the economy, telling the oil industry you can go ahead and do the same thing because I will not act; when three times Democrats stood proudly to have a bill to allow the FTC to investigate this price gouging and the Republicans voted in lockstep against it, you could anticipate the levees would be topped, and you could anticipate that the oil companies would run rampant with the price of gasoline.

Now, how has this President responded? He wants to do this thing with a slow one-half of one-third of 1 percent increase in production to do something about it. If your house is on fire, the President would bring you a thimbleful of water, and that is the only assistance we are getting. We need real action, not these baby steps.

REFINING CAPACITY

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Madam Speaker, we all know that gas prices are very high right now, but one of the reasons that gas prices are high is that we haven't built or expanded a refinery in this country for 30 years, and the reason is because the environmental extremists won't allow that to happen. That is one of the reasons there is not enough supply for the demand out there. It is very simple. That is what it is, supply and demand.

Our refineries right now are operating at maximum capacity. They can't pump out any more gas to the people of this country. So we need to expand domestic production. We need to expand refining capacity in this country. It is critically important we do that, and that in return will help to reduce gas prices in this country.

So we need to build these around the country and to build them with geographical diversity as it relates to the refining capacity. Katrina underscored that, because 40 percent of our refining capacity is down in the gulf, and it was affected by Katrina. We saw gas prices go up when they were affected. So one of the things we need to do is spread refining capacity around the country.

One of the best places to build a refinery in this country is Cushing, Oklahoma. I say that not only because I am from Oklahoma, but because nine major oil pipelines intersect in Cushing. We have the infrastructure in place already and the supply there. It is about a near perfect place to build a refinery in this great country. We need it desperately. Let's make it a megarefinery producing 500,000 barrels a day.

GAS PRICES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, it is breathtaking what President Bush and congressional Republicans will say or do when it comes to skyrocketing gas prices. In discussing tax breaks for oil companies, the President said yesterday, and I quote, "Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks."

Coming from the single greatest champion of tax breaks for oil companies that the Oval Office has ever known, that is rich. The President has spent the last 5 years fighting for these tax breaks that he now disavows. Last year's energy bill, which he signed, had $8 billion of corporate welfare for oil companies. For him to suggest now that he opposes these tax breaks is, in my opinion, dishonest, cynical, and the height of hypocrisy.

When it comes to solving the energy crisis, President Bush and his Republican Congress have no credibility. Had they spent the last 5 years working to reduce demand by raising fuel standards, rolling back the billions of dollars in tax breaks and royalty relief to the big oil companies; and if he were about promoting alternative fuels, as Democrats have proposed, we might now today be on the road to energy independence. Instead we are bracing ourselves for $4 gas prices.

The American people expect leadership from their President and Congress, Madam Speaker. They are not getting it from either.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from referring to the President in personally offensive terms.

COMMONSENSE APPROACH TO BORDER SECURITY

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Madam Speaker, I rise today to talk about a commonsense approach to border security. I recently conducted three town hall meetings throughout central Florida. The message I received from my constituents was loud and clear: our first priority must be to secure our borders and enforce the law. After that we can then determine for ourselves how many workers we need for construction, agriculture, landscaping, and other jobs.

It is really a matter of common sense. For example, imagine there was a bucket of water sitting next to a wall. Just above the bucket is a faucet turned on full blast. Your job is to take a ladle and remove the water from the bucket. You could do that job for the rest of your life, or common sense would tell you to first turn off the faucet, then it would be much easier to decide what to do with the remaining water.

Let's use our common sense and make securing our borders and enforcing the law our top priority in Congress.

NINETEEN DAYS UNTIL BUSH RX DRUG TAX TAKES PLACE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Madam Speaker, when are House Republicans going to stop being a rubber stamp for President Bush and join us in being on the side of seniors and the disabled instead of the pharmaceutical companies?

House Republicans don't have too much time left to make the right decision. As this calendar shows, Congress has only 19 days left to act on behalf of millions of American senior citizens who have still not chosen a drug plan. Despite a multimillion-dollar campaign and months of heavy promotion by the administration, only 8 million uninsured Medicare beneficiaries have voluntarily signed up so far for a private drug plan, leaving 14 million seniors still without any drug coverage.

Well, some of these seniors have simply determined that the new prescription drug plan will not help them and their prescription drug bills. Others are still navigating through dozens of different plans hoping to find one that will help them. House Republicans should not add to this pressure by supporting the President's unreasonable May 15 deadline.

House Republicans should join the Democrats in extending the deadline until the end of the year. As we mark off another day, the countdown continues.

DEMOCRATS CAN'T HAVE IT BOTH WAYS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, you know, as we are talking about energy, and as we are talking about fuel prices today, it is quite amazing to watch selective memory and revisionist history take place within this Chamber. To my liberal colleagues I would simply say: you cannot have it both ways.

And I hope we are learning a lesson from what we are hearing in this Chamber and from what we are seeing in the papers. Thirty years of environmental extremist policies on energy consumption in this Nation leads to the situation that we have today. For 30 years we have not been able to build new refineries because of environmental regulations. For 30 years we have not been funding exploration and development of new sources. Couple that with what has happened with Katrina and Rita, and, yes, we have a painful situation with energy prices.

Let us learn the lesson. Let us come together and let us be certain that we are thoughtful and that we realize our Nation depends on an energy source that is going to be consistent and supply lines that are going to be open.

□ 1030

VICTIMS RIGHTS WEEK

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, I rise today to speak on behalf of the Victims Rights Caucus which Congressmembers POE, HARRIS and I chair. We have introduced a resolution that recognizes what many Americans know all too well: crime does not know any geographic, demographic, or political boundary. It touches all of our communities.

We support the Victims Rights Week and the Crime Victims Fund, legacies that President Reagan and Congress passed in the 1980s. The Crime Victims Fund is distributed to service providers who assist millions of crime victims annually throughout our communities in a host of ways. It is paid for by fines levied on criminals, not taxpayers.

Yet today, our caucus is fighting to protect that fund from this administration's wrongheaded attempt to balance the budget on the backs of victims by putting those dollars into the general fund. That is simply wrong.

We must ensure that this fund is used for its original intent: to provide for crime victims, to provide for probation departments, and to help the victims who truly need and deserve our assistance to hold offenders accountable.

PASS LOBBYING REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, after months of scandal and years of deficit spending, millions of Americans fear that this Congress is fiscally and ethically bankrupt.

This week, thanks to the bold leadership of Speaker DENNIS HASTERT, Congress will consider historic lobbying reform legislation that will bring new transparency to the relationship between lobbyists and lawmakers, and I applaud it.

But as important as these changes are, we must also change the way we spend the people's money here on the floor of this Chamber. And this legislation also includes commonsense reforms in earmark spending that will end an era of unaccountable pork-barrel spending in Congress.

It is said that righteousness exalts a nation, and meaningful lobbying reform and earmark reform will lift the spirits of the American people demoralized by years of disappointment from Washington, D.C.

I urge my colleagues to come together in the spirit of that high standard and this privileged service and support lobbying reform legislation.

GOP IGNORED ENERGY PROBLEM FOR 5 YEARS

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Madam Speaker, it is hard to believe that when President Bush took office in 2001, the average price of gasoline was $1.65. Since that time, on both the President and Congressional Republicans' watch, gas prices have doubled, leaving everyday families squeezed to afford other necessities.

Washington Republicans have had 5 years to develop a comprehensive energy proposal that would not only free America from reliance on Middle East oil, but would also crack down on price gouging and market manipulation. Instead, almost immediately after taking office, the Vice President began holding secret meetings with oil and gas company executives to create a special-interest energy plan. The secret Bush administration energy plan was finally rubber-stamped by the Republican Congress last year.

Under this energy plan, oil companies got at least $20 billion in both tax breaks and royalty-free drilling rights, while hardworking Americans got stuck with the bill.

It is no wonder that their initials are G-O-P: Gas, Oil and Petroleum. Democrats refuse to do the dirty work of the special interests and are demanding that this Congress crack down on price gouging. It is time House Republicans join us in providing some real relief to the American consumer.

ENERGY SOLUTIONS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, in 1995 President Clinton, led by his environmental hard-core left-wing friends, vetoed drilling for oil in the Alaska National Wildlife Reserve. Now, had he signed that bill in 1995, which had passed the Senate and the House, we would have a 20 percent higher supply in domestic oil, 1 million barrels of gas each day more than what we have in our current supply. How big is the wildlife reserve? It is the size of South Carolina. How big is the exploration area? About 2,000 acres.

How many of the environmentalists and how many of the Democrats drove to town today in an SUV that makes 15 miles a gallon? We could use that supply. It is not the total answer, but it is part of the answer. And the Democrats always conveniently overlook that 10 years ago their President vetoed a bill that would have increased domestic gas supply today 20 percent.

There are other solutions that we are continuing to work on, and I hope that we can get them to join us on them.

REPUBLICANS REFUSE TO HELP CONSUMERS WITH GAS PRICES

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, yesterday the Republican-controlled House returned from a second spring break recess. Today is the 116th day of 2006. Remember, you set the House schedule.

Would you believe, Madam Speaker, that this is only the 22nd day we have had votes here in the House this year? That is 22 days out of a total of 116. We indeed are a do-nothing Congress.

House Republicans simply have not focused on the concerns of average Americans. Today, Americans face record prices at the gas pump. In some areas, gas prices are hovering around $4 a gallon. Since President Bush took office in 2001, gas prices have doubled, and yet for 5 years now, House Republicans have done absolutely nothing to address the problem. They passed an energy bill last year, but the Bush administration's own Energy Department admitted that it would not do anything to reduce gas prices.

Madam Speaker, it is time for House Republicans to stop sending us home for breaks. The American people were rightfully demanding a solution to the energy crisis. It is time for the do-nothing Congress to do something.

BETTER ENERGY POLICY IS POSSIBLE

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Madam Speaker, the American people seem wedged between record oil company profits, half-billion-dollar retirement packages for oil executives, and a Federal energy policy that just does not work. Now Americans have to choose between not only medicine through a prescription drug plan that is a boon to pharmaceuticals and a doggle to the people who need the drugs, but the people are also being victimized by a secret energy plan drawn up by oil barons. For years, people like me have been saying that this Nation needs to decrease oil dependence, that it was depletable, causes global warming, was not worth destroying ANWR or waging wars over.

Better policy is possible, but we won't get it from this administration of oil barons.

ENERGY SOLUTION NEEDED

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Madam Speaker, I do not want to blame Republicans or Democrats for the price of gas. I think perhaps all of us have somewhat to share in it. We need to find a solution so we can become energy independent.

I believe that the scientists, those people who live in our country who won a war, have the capability of creating a situation and doing the scientific research necessary to make us self-sufficient.

But I do have a suggestion. I hear a lot from the other side about the environmental issues. We have passed several trade agreements in this country: GATT and the WTO that regulates environmental issues and labor issues and prohibits the employers in this country from even negotiating issues with those countries. So corporate America is leaving in an exodus from this country to build factories in Asia and other parts of the world. My suggestion to Big Oil is they use part of the $113 billion that they earned last year just to move south of Padre Island and south of San Diego and build refineries if that is what is causing all of our high gas prices. They can build them there without environmental issues, and certainly no labor issues would be involved. That is my answer.

ADDRESSING SKYROCKETING ENERGY PRICES

(Mr. LYNCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LYNCH. Madam Speaker, we have to stop the partisan bickering here. The American people need our help. I am sure we are all aware of the effects and hardships that $3-a-gallon gas prices are having on average American citizens and their families. It amounts to a huge tax increase. And the saddest part of this fiasco is that much of this price increase is the result of mere speculation. It is, therefore, preventable.

We, the Democrats, have an answer which will provide immediate relief to American families. It is H.R. 3936 offered by the gentleman from Michigan (Mr. STUPAK). It would regulate and put an end to the process of price gouging. We have been trying to get this bill passed for some time.

For once we need to forget about the rich oil companies and record profits and tax cuts for the oil companies. That needs to go away. We need to start remembering the American people who need our help. The Republican leadership needs to realize this economy is going in the toilet as a result of this administration's economic policies and millions of American families are suffering. We need to pass the Stupak anti-price-gouging bill.

REPUBLICANS TOO COZY WITH OIL AND GAS COMPANIES

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, last year when gas prices hit record highs after Hurricane Katrina, House Republicans called the CEOs of the oil and gas companies to a closed-door meeting for an explanation.

One of the CEOs Republicans met with was ExxonMobil's chief executive, Lee Raymond, who just walked away with a $400 million retirement package. House Republicans voiced dismay as to why these CEOs did not get the message last fall.

Who was the House Republican leadership trying to fool? Why would oil and gas executives worry about Republicans taking action against them? After all, House Republicans have refused repeated Democratic efforts to allow a vote on tough legislation that would empower the Federal Government to end price gouging.

House Republicans also supported an energy bill last year that did little more than provide $20 million in gifts to the oil and gas companies.

Madam Speaker, House Republicans have a cozy relationship with these guys, and they have had it for too long to be taken seriously. It is no wonder oil and gas CEOs did not get the Republican message.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 443

In the Senate of the United States, April 25, 2006.

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference Service and specialist in the Far East, before beginning his service to the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People's Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of Buckley v. Valeo;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate, from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty, and humanity; and

Whereas Frank Valeo's clear understanding and appreciation of the challenges facing the nation have left his mark on those many areas of public life: Now, therefore, be it

Resolved, That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions of the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

(c) When the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Frank Valeo.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to serve as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Ninth Congress:

The Senator from Colorado (Mr. ALLARD).

The Senator from Ohio (Mr. VOINOVICH).

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to serve as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Ninth Congress:

The Senator from Vermont (Mr. LEAHY).

The Senator from Hawaii (Mr. AKAKA).

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Preeta D. Bansal of Nebraska for a term of two years (May 15, 2006 to May 14, 2008).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM AND REVISE LAW AND PRACTICE IN CHINA SO IT CONFORMS TO INTERNATIONAL STANDARDS

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 365) urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards.

The Clerk read as follows:

H. CON. RES. 365

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China's best known lawyers and legal rights defenders;

Whereas Mr. Gao has represented citizens of China in lawsuits against various local and administrative governmental bodies of the People's Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on "evil cults", such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao's law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of "illegal business practices" based upon his distribution of Bibles and religious material;

Whereas Mr. Gao's home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented by the Public Security Ministry from meeting with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have consistently monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter since late November 2005;

Whereas, on November 10, 2005, an open letter, signed by 138 organizations worldwide, was submitted to President Bush calling on him to voice support of Mr. Gao and his legal practice during the President's November 2005 visit to China;

Whereas other human rights lawyers, collectively known as "rights defenders", or Wei Quan, have also faced harassment, arrest, and detention for their consistent and vigorous activities to defend the fundamental rights of the people of China, contrary to measures within the law of China protecting human rights and rights of lawyers;

Whereas Mr. Chen Guangcheng, a blind human rights lawyer who has exposed cases of violence against women, including forced abortion and forced sterilization perpetrated by authorities of China under the 1-child policy, was beaten on October 10, 2005, and currently remains under house arrest;

Whereas law professor and People's Political Consultative Congress Delegate, Xu Zhiyong, who advocates on behalf of petitioners filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Guo Feixiong), a lawyer representing villagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under consistent surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village elections case, has been fired from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, on February 28, 2006, the Joint United Nations Programme on HIV and AIDS (also known as "UNAIDS") office in China expressed concern regarding the disappearance of Mr. Hu Jia, an activist who worked to organize the legal defense of AIDS patients in Henan Province, and who has been placed in detention and has not been permitted to contact his friends and family since February 16, 2006;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, lawyers who aggressively tried to defend their clients continued to face serious intimidation and abuse by police and prosecutors, and some of these lawyers were detained;

Whereas the Constitution of China states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, but in practice, the judiciary is not independent and it receives policy guidance from both the Government of China and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases;

Whereas the Criminal Procedure Law of China gives suspects the right to seek legal counsel, but defendants in politically sensitive cases frequently find it difficult to find an attorney;

Whereas the Lawyers Law of the People's Republic of China states that a lawyer may "accept engagement by a criminal suspect in a criminal case to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial";

Whereas according to Article 306 of the Criminal Law of China, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury;

Whereas according to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained on similar charges, and such cases continued during the last year despite promises made by the Government of China to amend Article 306;

Whereas the State Department's 2005 Annual Report on Human Rights states that China's human rights record "remained poor", that authorities of China quickly moved to suppress those who openly expressed dissenting political views, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted;

Whereas directly following their August 2005 visit to China, the United States Commission on International Religious Freedom found that—

(1) the Government of China actively seeks to control and suppress the activities of unregistered religious organizations;

(2) China has outlawed unregistered religious organizations and provides severe penalties for engaging in unregistered religious activities;

(3) leaders of unregistered Protestant organizations have come under increased pressure to register their churches and affiliate with one of the government approved organizations, and those who refuse, for theological or other reasons, are subject to harassment, detention, arrest, and closing of their religious facilities;

(4) groups determined by the Government of China to be "evil cults", such as Falun Gong, are brutally suppressed; and

(5) practitioners of Falun Gong have experienced severe persecution, including arrests, numerous detentions, torture, irregular trials, imprisonment, and subjection to the reeducation through labor system, whereby accused criminals are subject to up to 3 years detention;

Whereas despite questions raised by the Government of the United States and others about the charges made against Pastor Cai Zhuohua, the Government of China sentenced Pastor Cai and other members of his family to 3 years in prison for "illegal business practices" for their printing and distribution of religious materials;

Whereas, according to China's Regulations on Religious Affairs, promulgated in March 2005, any religious organization that carries out activities without registering with the government is subject to civil punishment and to criminal prosecution;

Whereas since the promulgation of the Regulations on Religious Affairs, the Government of China has stepped up its efforts to eliminate unregistered religious activity, with raids on "house church" Christian groups in several provinces, resulting in detention of hundreds of leaders of the house church, dozens of whom remain in custody; and

Whereas the Government of China has, on several occasions, stated a commitment to ratify the International Covenant on Civil and Political Rights, but has delayed ratification since signing the document in 1998: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That —

(1) Congress—

(A) commends "rights defense" lawyers and activists of China for their courage and integrity, and expresses moral support for this grass-roots "rights defense" movement in China;

(B) urges the Government of the People's Republic of China, at all levels, to cease its harassment of Mr. Gao Zhisheng, overturn the suspension of his license to practice law, and restore his legal right to represent the clients of his choosing as protected by China's own Constitution, its Criminal Procedure Law, and its Lawyers Law;

(C) urges the Government of the People's Republic of China to repeal Article 306 of the Criminal Code of China, which provides penalties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;

(D) urges the Government of the People's Republic of China to undertake measures to further amend the Lawyers Law to ensure lawyers' rights to investigate charges brought against their clients, to provide a vigorous defense of their clients, and to remain free of harassment and intimidation throughout the course of representing clients, including clients who are charged with offenses related to political or religious activities;

(E) urges the Government of the People's Republic of China to respect fully the universality of the right to freedom of religion or belief and other human rights;

(F) urges the Government of the People's Republic of China to ratify and implement in law the International Covenant on Civil and Political Rights, and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant;

(G) urges the Government of the People's Republic of China to amend or repeal Article 300 of the Criminal Code of China so it is consistent with international law, and to halt its crackdown on spiritual movements;

(H) urges the Government of the People's Republic of China to halt arrests, harassment, and intimidation of leaders of unregistered religious organizations on the basis that their organizations violated the law by not registering with the Government of China;

(I) urges the Government of the People's Republic of China to Amend the Regulations on Religious Affairs to conform more closely with the internationally recognized freedom of thought, conscience, religion or belief and allow all religious believers in China to practice their religion without interference from the government or from government sponsored "patriotic religious associations";

(J) urges the Government of the People's Republic of China to release Pastor Cai Zhuohua, his wife, and others imprisoned with him, and to allow Pastor Cai to resume religious activities and to resume leadership of his congregation in Beijing; and

(K) urges the Government of the People's Republic of China to invite the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief to China as promised according to an agreement between the Ministry of Foreign Affairs of China and the Department of State of China in March 2005, and

(2) it is the sense of Congress that—

(A) the Government of the United States should support democracy and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;

(B) the Government of the United States should seek grant proposals and fund programs to promote legal protections and cultural awareness of the right to the freedom of religion or belief commensurate to ongoing rule of law programs funded by the Human Rights and Democracy Fund for Chinese workers, women, and public interest law training; and

(C) the President should raise the issue of the Government of China's harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law during his planned meeting with Chinese President Hu Jintao in April 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank our good friend, Mr. MARK KENNEDY, for sponsoring this important human rights legislation. It is very well crafted. It sends a clear and unambiguous message to the People's Republic of China. Having worked the China issue for 26 years as a Member of Congress, I want to thank him for his extraordinary leadership on this. It is an excellent resolution.

This resolution can probably be summed up in one phrase: Rule of law. When you get past the details, it asks China simply to adhere to the rule of law. First, it demands that China adhere to its own Constitution, its own procedure law, and its own law on lawyers. This is not asking a great deal. These instruments give very few rights, it is true, but unless China protects the rights it already acknowledges, nobody in China can have any genuine fundamental human rights.

China acknowledges the right of defendants to a lawyer, the right of a citizen to seek redress of their legitimate grievances through the courts, and the duty of lawyers to represent clients. Yet China tramples on even these minimal rights.

Lawyers like Gao Zhisheng, who dare to follow the law and represent clients, are harassed, threatened, beaten, forbidden to practice, detained and imprisoned. Defense lawyers are faced with the constant threat of indictment for perjury if and when the government decides their clients have lied. These practices must stop.

Secondly, the resolution demands that China cease its assault on basic human rights, an assault that is the real reason behind the persecution of Gao Zhisheng and other Chinese lawyers.

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They are being punished for their courageous defense of religious freedom, the right of women not to be violated by China's coercive population control program, the right of citizens to protest corrupt officials, the rights of citizens to petition their government to redress grievances. Such rights are not Western or American inventions. They are universal. No rule of law can exist unless such rights are acknowledged and protected.

Last week, Madam Speaker, on the eve of President Bush's meeting with Chinese President Hu Jintao, I held a hearing to examine China's human rights abuses, and it was my 26th hearing on human rights abuses in the People's Republic of China. Our witnesses included three individuals—survivors—who have spent considerable time in Chinese concentration camps—Laogai—including Harry Wu, who spent 19 years in prison. The hearing focused on some of the worst abuses, including Chinese censorship of the Internet, the use of the Internet as a tool of repression, violations of the rights of Chinese citizens to worship freely; also the trampling of labor rights, and coercive family planning, which continue to be a serious and highly pervasive abuse by the Chinese Government.

Madam Speaker, Beijing has increasingly viewed the information available on the Internet as a potential threat to the party's ability to control the population and monopolize political power. It has turned China into one of the most repressive and restrictive Internet countries in the world. It is important to note that freedoms that we enjoy in America allowing individuals to publish information and news on the Web unfiltered is not something that Chinese individuals have. Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned and tortured.

At the very least, U.S. corporations should not be aiding in that process. Yet at a February hearing I chaired on the Internet in China, we learned in greater and disturbing detail how some of the biggest corporations of America have partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers, labor activists, and prodemocracy advocates.

Yahoo told us at the hearing how they profoundly regretted sending Shi Tao to prison for 10 years, but then they couldn't tell us and didn't seem to want to know how many others were condemned to jail and torture because of Yahoo's complicity with the secret police. When I asked under what conditions, a court order, police demand, a fishing trip, Yahoo surrenders e-mails and address files, Yahoo told us that they couldn't reveal this information because it would break Chinese law. Give me a break.

Google, for its part, created an exclusively Chinese search engine that only a Joseph Goebbels could love. Type in any number of vile words like "human rights" or "Tiananmen Square massacre" or "Falun Gong," and you get rerouted to government propaganda, much of it heavily anti-American, much of it heavy anti-President Bush, and filled with hate, especially for the Falun Gong.

How did Google respond to our deep concern about their enabling of a dictatorship to expand its hate message? They hired big-time Washington lobbying firms like Podesta-Mattoon and the DCI Group to put a good face on it all, and presumably kill my pending legislation, the Global Online Freedom Act of 2006.

Amazingly, Cisco showed no seller's remorse whatsoever that its technology, especially Policenet, a tool for good in the hands of honest cops and legitimate law enforcement, but a tool of repression in the hands of Chinese police, has now effectively linked and exponentially expanded the capabilities of the Chinese secret police.

Microsoft also censors and shuts down blogs that Big Brother objects to. You can be sure that no serious discussion of human rights was on the agenda at President Hu's visit with Bill Gates at Microsoft.

China's continued repression of religion is among the most despotic in the world. In February, a BBC report said that China had warned Hong Kong's newly appointed Cardinal, Joseph Zen, a well-known critic of China's suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subjected to torture, imprisonment and death, at which time prisoner organs are frequently harvested to meet demand. Christians, Tibetan Buddhists, and Muslim Uighurs are all being persecuted for their faith. Today numerous underground Roman Catholic priests and bishops and Protestant pastors languish in the infamous concentration camps known as the Laogai for simply proclaiming the Gospel of Jesus Christ.

In the early 1990s, Madam Speaker, I met a bishop, Bishop Su Zhimin of Baoding Province, a gentle and kind man who celebrated mass for our small delegation. I was deeply inspired by his faith. He had recently been let out of jail, and his compassion was overwhelming even for those who jailed and mistreated him. He had no animosity for his jailers, only compassion and forgiveness. Soon after my visit—he was sent back to prison. What kind of regime incarcerates a truly noble man like this? Bishop Su has now spent 30 years of his life in prison for loving God and for loving his neighbor and even loving the despotic dictatorship that so hates him. What kind of barbaric regime hurts a man like this?

And then there is the special hate that Beijing pours out on the Falun Gong. Nearly 7 years ago the Chinese Government began its brutal campaign to completely eradicate the Falun Gong through whatever means necessary. Many party members as early as 7 years ago or so and army officials began to practice Falun Gong. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control, so it decided to destroy and intimidate those who practice Falun Gong. We see before us now a Stalinist nightmare revived for the 21st century, hundreds, perhaps thousands, dead as a result of torture; tens of thousands of jailed individuals without trial held in labor camps, prisons and mental hospitals where they are forced to endure torture-brainwashing sessions.

I would note parenthetically that when a woman protested on the White House lawn when President Hu was making his speech, it may have been impolite for her to do that, but had she done that in China, Madam Speaker, she would be dead now, having been subjected to torture and then an execution. That is the reality on the ground in the People's Republic of China.

Just over a year ago, Madam Speaker, Beijing finally released the renowned Uighur human rights activist Rebiya Kadeer, who also testified at our hearing from prison, where she had be held on trumped-up charges and lived there in prison for over 6 years. We had hoped this signaled some sort of genuine improvement. Maybe things were beginning to turn. However, we have now learned that nothing could be further from the truth, and the Muslims, like the Tibetan Buddhists and like so many others, are being continually harassed and put into prison.

Madam Speaker, coercive family planning in China has slaughtered more innocent children than any war in human history. It is a weapon of mass destruction. Coercive family planning has wounded Chinese women by the millions. And one psychological consequence is that some 500 women commit suicide each and every day in the People's Republic of China. China's one child per couple policy decreed back in 1979 has killed hundreds of millions of babies by imposing Draconian fines up to 10 times annual salaries for both husband and wife on their parents who are told they must abort their child. Brothers and sisters in China, Madam Speaker, are illegal.

Sex selection abortions, a direct consequence of the one child per couple policy, has led to gendercide. Approximately 100 million girls are missing in China, killed by sex selection abortion. One Chinese demographer has admitted that by the year 2020, 40 million Chinese men will not be able to find wives because Beijing's weapon of mass destruction, population control, destroyed the girls.

Then there is the whole issue of labor rights. We heard from the policy director of the AFL–CIO who raised significant and profound issues of labor rights violations by the Government of China, Ms. Thea Lee, who spoke at our hearing. We all know that solidarity in Poland made the difference in ushering in respect for human rights in Central and Eastern Europe and then Russia, and that in China there are no labor rights, and there is no recourse for hundreds of millions of Chinese laborers trapped in these poor working conditions. Ms. Lee pointed out that those who protest unjust wage and labor practices are often put into prison. They, like religious and prodemocracy advocates, are tortured and cruelly mistreated by the Government of China.

So let me just say, Madam Speaker, this resolution puts us on record as a Congress in a bipartisan way; Mr. LANTOS, who has been just outstanding and a champion on behalf of the human rights in China, MARK KENNEDY and FRANK WOLF and so many others who daily speak out against these abuses. This resolution gives us all an opportunity to speak truth to a despotic power that is literally getting away with murder that they must stop these egregious violations of human rights, and they must stop now.

I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I might consume. I rise in strong support of this resolution.

Madam Speaker, before dealing with this resolution, I would like to commend my friend from New Jersey Chairman SMITH for holding an extraordinary hearing during the visit of the Chinese President Hu Jintao here in Washington. I had the privilege of watching that hearing from California, and I want to commend my friend for injecting a sorely needed dose of realism into this very ceremonial and in many ways misleading visit. You did the country great service, Mr. SMITH.

I would like to acknowledge the efforts of the leading Democratic cosponsor of this important measure, Representative DENNIS CARDOZA, my fellow Californian, and an emerging leader on human rights issues on the International Relations Committee.

Madam Speaker, during his groundbreaking trip to South Africa in 1966, the late Robert Kennedy addressed students at the University of Cape Town. His remarks that day were particularly eloquent, and I quote, "Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential vital quality for those who seek to change the world which yields most painfully to change."

Madam Speaker, Chinese human rights lawyer Gao Zhisheng is precisely the type of individual Robert Kennedy had in mind 40 years ago in Cape Town. As a former soldier in the People's Liberation Army and a member of the Chinese Communist Party, Gao was set to join China's political and social elite. But, instead of power and prestige, Gao opted to become a human rights lawyer in a nation where respect for human rights and political freedoms are not part of the government's lexicon.

Gao's struggle for human rights within China's legal system has not been without cost. His law firm has been shut down by the Chinese Government. Gao and his family are subject to constant surveillance by an army of government agents. Police officers called him a few months ago to say, we have gathered a lot of information about you, including your home, your wife and your children. We even know which bus your children usually take to go to school.

Madam Speaker, these scare tactics are unfortunately standard practice against Chinese lawyers who fight for real justice in the Chinese legal system. Gao provoked Beijing's wrath by defending a Chinese activist who had worked on behalf of the villagers trying to unseat their corrupt village chief, and by representing a journalist sentenced to jail for posting his own political thoughts on line. And perhaps, most importantly, Gao had written an open letter to the Chinese leadership condemning the unfounded persecution of the Falun Gong.

The resolution before the House today commends Gao and other Chinese human rights lawyers for their brave and principled actions on behalf of individual Chinese citizens fighting the government's injustice. It also condemns the Chinese Government's ceaseless efforts to harass, intimidate and imprison lawyers who are simply attempting to uphold China's own Constitution.

Madam Speaker, when Bob Kennedy spoke to South African students four decades ago, it seemed inconceivable that apartheid would fall and that human rights and democracy would one day flourish in South Africa.

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The skeptics were wrong. Today it seems similarly probable that China will one day have a democratically elected government that respects human rights. But Gao and his fellow human rights lawyers have bravely refused to concede defeat, and we remain grateful to their moral courage and willingness to persevere despite all the odds. When the day comes that human rights are respected in China, we will all stand to applaud Gao and his colleagues.

Madam Speaker, I strongly support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KENNEDY), the author of this resolution.

Mr. KENNEDY of Minnesota. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise today to call attention to the persecution that has been well laid out to those who dare challenge the Chinese Government on matters of human rights and religious freedom. This resolution calls on the Government of China to stop its persecution of lawyers who defend clients in human rights and religious freedom cases and to repeal its laws designed to prohibit unlicensed religions from meeting freely.

The case of Gao Zhisheng, one of China's best-known lawyers and human rights defenders, is illustrative of the abuse that the Chinese people suffer for the exercise of rights that many Americans take for granted.

Mr. Gao has dared to represent Chinese citizens in lawsuits over corruption, land seizures, police abuse, and violations of religious freedom. One of these lawsuits was filed to appeal a verdict against Cai Zhuohua, who was found guilty of illegal business practices because he dared to distribute Bibles. Because of his human rights defense work, Mr. Gao had his law practice closed and virtually everyone he knew and his family followed by state agents.

Madam Speaker, just as troubling is the case of Chen Guangcheng, a human rights lawyer who is blind and who exposed cases of violence against women, including forced abortion and forced sterilization under China's one-child policy. For his advocacy, last October Mr. Chen was beaten by state agents, placed under house arrest, and this past March taken into police custody. His whereabouts are presently unknown.

These are not isolated cases, according to the Department of State 2005 Country Report on Human Rights Practices in China. That report detailed the serious intimidation and abuse that continues to occur in China for those who defend basic human rights and religious freedom. In fact, with the promulgation of the Regulations on Religious Affairs, the Chinese Government has stepped up its efforts to eliminate unregistered religious activity with raids on house church Christian groups and the detention of hundreds of house church leaders, dozens of whom remain in custody.

Last November I stood with Chairman CHRIS SMITH, Ranking Member LANTOS, and Minority Leader NANCY PELOSI and listened as the U.S. Commission on International Religious Freedom report the active efforts to suppress religion it found in China. The commission's report detailed systematic activity against religious freedom, including the criminalization of unregistered religious organizations and severe penalties for those who engage in unregistered religious activities. Those who defy these rules are subject to harassment, detention, arrest, and closing of their religious facilities. Some, like the members of Falun Gong, face brutal oppression for their beliefs and horrific acts of torture that shock the conscience.

Madam Speaker, when I traveled to China last year, I spoke with government officials, including representatives of the Chinese Catholic Patriotic Association, to address these subjects. I spoke of the need for the U.S. and China to have an open dialogue about the importance of respecting these values. As I said then, fundamental human rights such as religious freedom should face no ideological, political, or geographic boundaries. These are rights given to man by the Almighty. They are part of who we are as human beings and are bigger than any government.

Madam Speaker, I urge the Chinese Government to release Chen Guangcheng and to cease persecution of Gao Zhisheng and reinstate his license. If China wants the respect of the world, it needs to respect its own people. I ask my colleagues to support this resolution. Let us make a statement that the Chinese Government and the Chinese rights defenders will hear.

Mr. LANTOS. Madam Speaker, this body stands united in calling on the Chinese Government to release this courageous fighter for human rights, and we urge all Members to vote for this resolution.

I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank Mr. KENNEDY for his eloquent statement as well as TOM LANTOS for his always eloquent statements on behalf of human rights.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

IRAN FREEDOM SUPPORT ACT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 282) to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran, as amended.

The Clerk read as follows:

H.R. 282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Freedom Support Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title
Sec. 2. Table of contents

TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

Sec. 101. Codification of sanctions
Sec. 102. Liability of parent companies for violations of sanctions by foreign entities

TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN

Sec. 201. Multilateral regime
Sec. 202. Imposition of sanctions
Sec. 203. Termination of sanctions
Sec. 204. Sunset
Sec. 205. Clarification and expansion of definitions
Sec. 206. United States pension plans
Sec. 207. Technical and conforming amendments

TITLE III—DIPLOMATIC EFFORTS TO CURTAIL IRANIAN NUCLEAR PROLIFERATION AND SPONSORSHIP OF INTERNATIONAL TERRORISM

Sec. 301. Diplomatic efforts
Sec. 302. Strengthening the Nuclear Nonproliferation Treaty

TITLE IV—DEMOCRACY IN IRAN

Sec. 401. Declaration of Congress regarding United States policy toward Iran
Sec. 402. Assistance to support democracy in Iran
Sec. 403. Waiver of certain export license requirements

TITLE I—CODIFICATION OF SANCTIONS AGAINST IRAN

SEC. 101. CODIFICATION OF SANCTIONS.

(a) Codification of Sanctions.—United States sanctions, controls, and regulations with respect to Iran imposed pursuant to Executive Order 12957, sections 1(b) through (1)(g) and sections (2) through (6) of Executive Order 12959, and sections 2 and 3 of Executive Order 13059 (relating to exports and certain other transactions with Iran) as in effect on January 1, 2006, shall remain in effect until the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Iran has verifiably dismantled its weapons of mass destruction programs.

(b) No Effect on Other Sanctions Relating to Support for Acts of International Terrorism.—Subsection (a) shall have no effect on United States sanctions, controls, and regulations relating to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) relating to support for acts of international terrorism by the Government of Iran, as in effect on January 1, 2006.

SEC. 102. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) In General.—In any case in which an entity engages in an act outside the United States which, if committed in the United States or by a United States person, would violate Executive Order 12959 of May 6, 1995, Executive Order 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) Definitions.—In this section—

(1) an entity is a "parent company" of another entity if it owns, directly or indirectly, more than 50 percent of the equity interest in that other entity and is a United States person; and

(2) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

TITLE II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN

SEC. 201. MULTILATERAL REGIME.

(a) Reports to Congress.—Section 4(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(b) Reports to Congress.—Not later than six months after the date of the enactment of the Iran Freedom Support Act and every six months thereafter, the President shall submit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

"(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran;

"(2) a description of those measures, including—

"(A) government actions with respect to public or private entities (or their subsidiaries) located in their territories, that are engaged in Iran;

"(B) any decisions by the governments of these countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to these entities; and

"(C) actions taken in international fora to further the objectives of section 3;

"(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

"(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).".

(b) Waiver.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

"(c) Waiver.—

"(1) In general.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that—

"(A) such waiver is vital to the national security interests of the United States; and

"(B) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

"(2) Subsequent renewal of waiver.—If the President determines that, in accordance with paragraph (1), such a waiver is appropriate, the President may, at the conclusion of the period of a waiver under paragraph (1), renew such waiver for subsequent periods of not more than six months each.".

(c) Investigations.—Section 4 of such Act (50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

"(f) Investigations.—

"(1) In general.—The President shall initiate an investigation into the possible imposition of sanctions against a person upon receipt by the United States of credible information indicating that such person is engaged in activity related to investment in Iran as described in section 5(a).

"(2) Determination and notification.—

"(A) In general.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), the President shall determine, pursuant to section 5(a), whether or not to impose sanctions against a person engaged in activity related to investment in Iran as described in such section as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

"(B) Extension.—If the President is unable to make a determination under subparagraph (A), the President shall notify the appropriate congressional committees and shall extend such investigation for a subsequent period, not to exceed 180 days, after which the President shall make the determination required under such subparagraph and shall notify the appropriate congressional committees of the basis for such determination in accordance with such subparagraph.

"(3) Determinations regarding pending investigations.—Not later than 90 days after the date of the enactment of this Act, the President shall, with respect to any investigation that was pending as of January 1, 2006, concerning a person engaged in activity related to investment in Iran as described in section 5(a), determine whether or not to impose sanctions against such person as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

"(4) Publication.—Not later than 10 days after the President notifies the appropriate congressional committees under paragraphs (2) and (3), the President shall ensure publication in the Federal Register of the identification of the persons against which the President has made a determination that the imposition of sanctions is appropriate, together with an explanation for such determination.".

SEC. 202. IMPOSITION OF SANCTIONS.

(a) Sanctions With Respect to Development of Petroleum Resources.—Section 5(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking "To Iran" and inserting "To the Development of Petroleum Resources of Iran";

(2) by striking "(6)" and inserting "(5)"; and

(3) by striking "with actual knowledge,".

(b) Sanctions With Respect to Development of Weapons of Mass Destruction or Other Military Capabilities.—Section 5(b) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

"(b) Mandatory Sanctions With Respect to Development of Weapons of Mass Destruction or Other Military Capabilities.—Notwithstanding any other provision of law, the President shall impose two or more of the sanctions described in paragraphs (1) through (5) of section 6 if the President determines that a person has, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items knowing that the provision of such goods, services, technology, or other items would contribute to the ability of Iran to—

"(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

"(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.".

(c) Persons Against Which the Sanctions Are to Be Imposed.—Section 5(c)(2) of such Act (50 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by striking ", with actual knowledge," and by striking "or" at the end;

(2) in subparagraph (C), by striking ", with actual knowledge," and by striking the period at the end and inserting "; or"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) is a private or government lender, insurer, underwriter, or guarantor of the person referred to in paragraph (1) if that private or government lender, insurer, underwriter, or guarantor engaged in the activities referred to in paragraph (1).".

(d) Effective Date.—The amendments made by this section shall apply with respect to actions taken on or after March 15, 2006.

SEC. 203. TERMINATION OF SANCTIONS.

Section 8(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (1)(C), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) poses no significant threat to United States national security, interests, or allies.".

SEC. 204. SUNSET.

Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking "; **SUNSET**";

(2) in subsection (a), by striking the subsection designation and heading; and

(3) by striking subsection (b).

SEC. 205. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) Person.—Section 14(14)(B) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting after "trust," the following: "financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiaries of the foregoing,"; and

(2) by inserting before the semicolon the following: ", such as an export credit agency".

(b) Petroleum Resources.—Section 14(15) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after "petroleum" the second place it appears, the following: ", petroleum by-products,".

SEC. 206. UNITED STATES PENSION PLANS.

(a) Findings.—Congress finds the following:

(1) The United States and the international community face no greater threat to their security than the prospect of rogue regimes who support international terrorism obtaining weapons of mass destruction, and particularly nuclear weapons.

(2) Iran is the leading state sponsor of international terrorism and is close to achieving nuclear weapons capability but has paid no price for nearly twenty years of deception over its nuclear program. Foreign entities that have invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have afforded Iran a free pass while many United States entities have unknowingly invested in those same foreign entities.

(3) United States investors have a great deal at stake in preventing Iran from acquiring nuclear weapons.

(4) United States investors can have considerable influence over the commercial decisions of the foreign entities in which they have invested.

(b) Publication in Federal Register.—Not later than six months after the date of the enactment of this Act and every six months thereafter, the Secretary of State shall ensure publication in the Federal Register of a list of all United States and foreign entities that have invested more than $20,000,000 in Iran's energy sector between August 5, 1996, and the date of such publication. Such list shall include an itemization of individual investments of each such entity, including the dollar value, intended purpose, and current status of each such investment.

(c) Sense of Congress Relating to Divestiture From Iran.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States should, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.

(d) Sense of Congress Relating to Prohibition on Future Investment.—It is the sense of Congress that, upon publication of a list in the relevant Federal Register under subsection (b), there should be, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, no future investment in any entity included on the list by managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Findings.—Section 2 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking paragraph (4).

(b) Declaration of Policy.—Section 3 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking "(a) Policy With Respect to Iran.—"; and

(2) by striking subsection (b).

(c) Termination of Sanctions.—Section 8 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking "(a) Iran.—"; and

(2) by striking subsection (b).

(d) Duration of Sanctions; Presidential Waiver.—Section 9(c)(2)(C) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(C) an estimate of the significance of the provision of the items described in section 5(a) or section 5(b) to Iran's ability to, respectively, develop its petroleum resources or its weapons of mass destruction or other military capabilities; and".

(e) Reports Required.—Section 10(b)(1) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking "and Libya" each place it appears.

(f) Definitions.—Section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by—

(i) striking ", or with the Government of Libya or a nongovernmental entity in Libya,"; and

(ii) by striking "nongovenmental" and inserting "nongovernmental"; and

(B) in subparagraph (A), by striking "or Libya (as the case may be)";

(2) by striking paragraph (12); and

(3) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (12), (13), (14), (15), and (16), respectively.

(g) Short Title.—

(1) In general.—Section 1 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking "and Libya".

(2) References.—Any reference in any other provision of law, regulation, document, or other record of the United States to the "Iran and Libya Sanctions Act of 1996" shall be deemed to be a reference to the "Iran Sanctions Act of 1996".

TITLE III—DIPLOMATIC EFFORTS TO CURTAIL IRANIAN NUCLEAR PROLIFERATION AND SPONSORSHIP OF INTERNATIONAL TERRORISM

SEC. 301. DIPLOMATIC EFFORTS.

(a) Sense of Congress Relating to United Nations Security Council and the International Atomic Energy Agency.—It is the sense of Congress that the President should instruct the United States Permanent Representative to the United Nations to work to secure support at the United Nations Security Council for a resolution that would impose sanctions on Iran as a result of its repeated breaches of its nuclear nonproliferation obligations, to remain in effect until Iran has verifiably dismantled its weapons of mass destruction programs.

(b) Prohibition on Assistance to Countries That Invest in the Energy Sector of Iran.—

(1) Withholding of assistance.—If, on or after April 13, 2005, a foreign person (as defined in section 14 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), as renamed pursuant to section 208(g)(1)) or an agency or instrumentality of a foreign government has more than $20,000,000 invested in Iran's energy sector, the President shall, until the date on which such person or agency or instrumentality of such government terminates such investment, withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to the government of the country to which such person owes allegiance or to which control is exercised over such agency or instrumentality.

(2) Waiver.—Assistance prohibited by this section may be furnished to the government of a foreign country described in subsection

(a) if the President determines that furnishing such assistance is important to the national security interests of the United States, furthers the goals described in this Act, and, not later that 15 days before obligating such assistance, notifies the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate of such determination and submits to such committees a report that includes—

(A) a statement of the determination;

(B) a detailed explanation of the assistance to be provided;

(C) the estimated dollar amount of the assistance; and

(D) an explanation of how the assistance furthers United States national security interests.

SEC. 302. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) Findings.—Congress finds the following:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the "Nuclear Nonproliferation Treaty" or "NPT") states that countries that are parties to the Treaty have the "inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.".

(2) Iran has manipulated Article IV of the Nuclear Nonproliferation Treaty to acquire technologies needed to manufacture nuclear weapons under the guise of developing peaceful nuclear technology.

(3) Legal authorities, diplomatic historians, and officials closely involved in the negotiation and ratification of the Nuclear Nonproliferation Treaty state that the Treaty neither recognizes nor protects such a per se right to all nuclear technology, such as enrichment and reprocessing, but rather affirms that the right to the use of peaceful nuclear energy is qualified.

(b) Declaration of Congress Regarding United States Policy to Strengthen the Nuclear Nonproliferation Treaty.—Congress declares that it should be the policy of the United States to support diplomatic efforts to end the manipulation of Article IV of the Nuclear Nonproliferation Treaty, as undertaken by Iran, without undermining the Treaty itself.

TITLE IV—DEMOCRACY IN IRAN

SEC. 401. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.

(a) In General.—Congress declares that it should be the policy of the United States to support independent human rights and peaceful pro-democracy forces in Iran.

(b) Rule of Construction.—Nothing in this Act shall be construed as authorizing the use of force against Iran.

SEC. 402. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.

(a) Authorization.—

(1) In general.—The President is authorized to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(2) Limitation on assistance.—In accordance with the rule of construction described in subsection (b) of section 401, none of the funds authorized under this section shall be used to support the use of force against Iran.

(b) Eligibility for Assistance.—Financial and political assistance under this section may be provided only to an individual, organization, or entity that—

(1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) at any time during the preceding four years;

(2) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) Funding.—The President may provide assistance under this section using—

(1) funds available to the Middle East Partnership Initiative (MEPI), the Broader Middle East and North Africa Initiative, and the Human Rights and Democracy Fund; and

(2) amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) Notification.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate. Such notification shall include, as practicable, the types of programs supported by such assistance and the recipients of such assistance.

(e) Sense of Congress Regarding Diplomatic Assistance.—It is the sense of Congress that—

(1) contacts should be expanded with opposition groups in Iran that meet the criteria under subsection (b);

(2) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(3) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(A) between the Government of Iran and the Government of the Russian Federation; and

(B) between the Government of Iran and individuals from China and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(4) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Department of State such sums as may be necessary to carry out this section.

SEC. 403. WAIVER OF CERTAIN EXPORT LICENSE REQUIREMENTS.

The Secretary of State may, in consultation with the Secretary of Commerce, waive the requirement to obtain a license for the export to, or by, any person to whom the Department of State has provided a grant under a program to promote democracy or human rights abroad, any item which is commercially available in the United States without government license or permit, to the extent that such export would be used exclusively for carrying out the purposes of the grant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Madam Speaker, I request the time in opposition if neither gentleman is opposed to the bill.

The SPEAKER pro tempore. Does the gentleman from California support the motion?

Mr. LANTOS. Yes, I support the motion, Madam Speaker.

The SPEAKER pro tempore. Then the gentleman from Texas (Mr. PAUL) is entitled to control 20 minutes in opposition.

Mr. SMITH of New Jersey. Madam Speaker, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I rise in very strong support of H.R. 282, the Iran Freedom Support Act. And I want to thank our colleague from Florida, Chairman ROS-LEHTINEN, for sponsoring this important legislation. I am proud to be an original cosponsor.

The United States and the world community, Madam Speaker, are at a crucial point in our efforts to prevent Iran from producing nuclear weapons. Let us be clear: Iran's acquisition of nuclear weapons will be a devastating blow to peace and security not only in the Middle East but in the entire world.

Iran has been designated, as we know, as a "State Sponsor of Terrorism" for over two decades. The Department of State has declared in its most recent Country Reports on Terrorism that Iran "remained the most active state sponsor of terrorism in the world." Iran maintains "a high profile role," they go on to say, "in encouraging antiIsraeli terrorist activity, both rhetorically and operationally," according to the State Department. Supreme religious leader Khamenei does not just praise Palestinian terrorist operations; Iran also provides Lebanese and Palestinian terrorist groups, most notably Hamas, with funding, safe haven, training, and weapons. Iran has now pledged to contribute $50 million to Hamas so that the Hamas regime in Palestine can continue to resist international pressure to recognize Israel's right to exist.

In October Iran's President Ahmadinejad called for Israel to be "wiped off the map." In December he declared the Holocaust "a myth." Last Monday he attacked Israel as a "fake regime" that "cannot logically continue to live." Can we doubt that such people are capable of carrying out their threats if they ever acquire the means to do so? Have we learned nothing in 60 years?

This prudent measure will strengthen our sanctions regime against Iran's nuclear weapons proliferation. To keep up economic pressure, the bill tightens the existing sanctions against Iran by requiring a yes-or-no decision on whether to impose sanctions on firms reported to be making investments in the Iranian petroleum sector. The bill also amends the Iran-Libya Sanctions Act, or ILSA, Public Law 104-172, to eliminate the 5-year sunset clause included in the original ILSA. We should certainly not give the Iranians the impression that they can wait us out on the sanctions issue.

The bill requires that all bilateral U.S. sanctions, controls, and regulations on Iran related to weapons of mass destruction remain in effect until Iran has verifiably dismantled its WMD programs. The bill also provides the means and moral pressure to encourage American investors and American pension plans to divest from companies that invest in Iran's energy sector. Such investment can be a powerful tool in our efforts to stop Iran's march towards nuclear weapons.

In February, Madam Speaker, H. Con. Res. 341 passed overwhelmingly by this House, 404-4. We called on all members of the U.N. Security Council, in particular the Russian Federation and the People's Republic of China, to take expeditious action in response to Iran's noncompliance with the mandate of the Security Council, and it calls on "all responsible members of the international community" to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons.

We were severely criticized by many members of the world community, Madam Speaker, for not relying on the Security Council and on sanctions in our confrontation with Saddam Hussein. Now is the time for the world community, for China and Russia especially, to show that they are indeed responsible members of the international community and take effective action to stop this terrorist regime in Iran.

Time is running out. The world needs to act now. The Bush administration deserves high praise for working with our friends to get Iran to the Security Council where once again next week it will be on the agenda.

This bill renews our call for diplomatic and multilateral action and will strengthen the President's hand with our international partners.

Finally, we must work to change Iran itself by working to promote democracy and human rights within Iran. This bill authorizes the President to provide democracy assistance to individuals who are working through exclusively peaceful means to support democracy and promote democracy in Iran. It does not in any way authorize the use of force.

The bill was introduced, as I noted, by our friend and colleague Ms. ROS-LEHTINEN of Florida, who has devoted tremendous efforts to secure its passage. She now has 360 cosponsors. Chairman HYDE had asked her to manage the bill, but she has a family emergency in Florida that required her to leave for Florida and to be with her family. Our thoughts and prayers are with her during this time.

Madam Speaker, I reserve the balance of my time.

Mr. PAUL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I sought the time in opposition mainly because it is a very opportune time to talk about our foreign policy and the disadvantages that intervention poses for us.

There are two types of foreign policy we can have: interventionism, where we tell other people what to do: and the more traditional American foreign policy of nonintervention and not using force to tell other people what to do. The policy of foreign intervention has been around a long time, and it is not only one party that endorses it. In 1998 we had a similar bill come up to the floor. It was called the Iraqi Freedom Act. And that was the preliminary stages of leading to a war, which is a very unpopular, very expensive, and deadly war going on right now in Iraq. So this is a similar bill moving in that direction.

□ 1115

The 1998 resolution, which required regime change and laid the plans out for regime change, did not come up under this administration. That occurred with the previous administration.

But I have no qualms about the goals of the authors of this legislation. They would like to see freedom in Iran. I would, too. It is just that I believe the use of force backfires on us, and when we use force such as sanctions and subsidizing and giving money to dissidents, what we really do is the opposite of what we want. Those individuals who are trying to promote more freedom in Iran actually are forced to ally themselves with the radicals, so instead of undermining the system, it has made it worse. It is always argued that they will welcome us when we march in as liberators, and Iraq proved that that was not the case. Iran won't be much better.

But let me just say a few things about interventionism. Interventionism, which is essentially something that was gradually developed over the 20th century, led to a century of war and killing and was very expensive to the American people in costs. It means that we assume the moral right and the constitutional authority to be involved in the internal affairs of other nations, and yet there is no moral right for us to get involved in the internal affairs of other countries, and there is no constitutional authority for us to do so.

We are not designated as "the nation builder." No matter how well-intended it is, it doesn't work, and we don't have this authority to do this. We have not been designated the "policeman of the world," although we have assumed that role more so every year, and that has been going on for several decades.

There are always more costs than anybody imagines. Iraq was supposed to cost $50 billion. It is now hundreds of billions of dollars. There is economic harm done. There is inflation that it causes. Yet it continues, and instead of coming to an end, it tends to spread. That is why I fear this so much.

I see the way we are dealing with Iran as just spreading a problem that we contributed to in the Middle East. Too many innocent lives are lost, innocent American lives, GIs that go over and are killed so needlessly, especially since we don't achieve the goal of bringing freedom and liberty and democracy to these countries.

Interventionism endorses the principle that we have this authority to change regimes. We have been doing it for more than 50 years through activities of the CIA in a secret manner, and now we are doing it in a much more open manner where we literally invade countries. We initiate the force. We start the war because we believe that we have a monopoly on goodness that we can spread and teach other people to understand and live with.

There are too many unintended consequences, too much blow-back. It comes back to harm us in the long run. At one time we were an ally of Saddam Hussein. At one time we were an ally of Osama bin Laden. These things don't work out the way we think they are going to.

The one thing that interventionism endorses, which I strongly disagree with, it really deemphasizes diplomacy. It deemphasizes it to the point where if we don't feel like it, we are not willing to talk to people. When we feel like it, we might demagogue it and pretend we are talking. But it really doesn't encourage diplomacy.

Another reason why interventionism is so bad for us, it encourages special interests to get behind our foreign policy and endorse what we are doing and influence what we are doing, possibly another country and possibly some industry that might influence us.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. The single-most important action that we will take today is to ensure that the Iran-Libya Sanctions Act is not extended. Libya no longer needs to be subject to such punitive measures. It is our partner in the global goal of controlling the spread of unconventional weapons.

In December 2003, Libya took a bold and courageous step. It pledged to rid itself of all weapons of mass destruction. I was in Tripoli immediately thereafter in January 2004 to encourage the leadership of Libya to follow through with its stated goal. After that, Libya loaded its nuclear weapons onto American ships. These weapons, together with all detailed plans and programs, are today under lock and key in Tennessee. As a result, the legislation now before us removes all references to Libya from the Iran-Libya Sanctions Act. ILSA, Madam Speaker, is dead, and the Iran Sanctions Act will rise in its place.

The weight of American sanctions will now be focused exclusively on Iran because the mullahs in Tehran continue to pursue blatantly their nuclear ambitions. The message to Tehran is simple: follow the Libya model, and we in Congress are more than prepared to open a new, constructive and happy chapter in U.S.-Iranian relations.

Madam Speaker, the Iran Freedom Support Act will dramatically ratchet up the economic pressure on Tehran to abandon its head-long pursuit of nuclear weapons. If we fail to use both our economic and our diplomatic tools, the world will face a nightmare that knows no end; a despotic, fundamentalist regime that avidly supports terrorism, exploiting and threatening to use the ultimate weapon of terror.

Just yesterday the leader of Iran indicated that they stand ready to share their nuclear technology with the Government of Sudan, which as we speak here this morning is engaged in genocide in Darfur. This is the regime that we are dealing with.

It is very naive, Madam Speaker, to expect that we can convince Iran to end its nuclear program voluntarily based on reason. We can only hope to inflict economic pain at the highest levels in Tehran and starve the Iranian leadership of the resources it needs to fund a costly nuclear program. And that is the purpose of our legislation.

Some argue that this legislation might undermine our relations with European allies which invest in Iran, but who have also helped lead an important diplomatic effort to bring the Iranian nuclear issue to the U.N. Security Council. But that argument, Madam Speaker, is a pure and simple misreading of the contents of our bill.

Our legislation is intended to reinforce diplomacy with economics. We ask our allies to do what the United States did over a decade ago, divest from Iran's energy sector, the cash cow of the ayatollahs' nuclear plans.

At the same time, our legislation does not put the President in a straitjacket. If a verifiable deal to eliminate Iran's nuclear program can be negotiated, or if certain sanctions will undermine the national security of our own Nation, the President may waive implementation of our law.

But, Madam Speaker, let me be clear on one point: Congress will no longer tolerate lax enforcement of American sanctions against Iran. For over a decade both Democratic and Republican administrations failed to implement the Iran-Libya Sanctions Act measures that we do have in place. Meanwhile, Iran's nuclear program has marched forward at a frighteningly rapid pace.

Our legislation will extend the Iran Sanctions Act indefinitely. It will dramatically boost congressional oversight over its implementation. The administration will have to enforce the law fully. Ignoring the law will no longer be an option.

I commend the administration for convincing the International Atomic Energy Agency in Vienna to send its Iran file to the U.N. Security Council. Unfortunately, the Russians have already made clear that the Security Council action will be impeded by them. Just last week, the Russian Foreign Minister announced that Moscow would only consider U.N. sanctions on Iran if it were shown what it called concrete proof of Iran's nonpeaceful intentions.

Madam Speaker, what gall. As we all know, there is no shortage of proof to be found in the numerous International Atomic Energy Agency reports over recent years. These reports demonstrate conclusively that for two decades, for two decades, Iran has run a clandestine nuclear program in violation of its commitments under the treaty of the nonproliferation of nuclear weapons.

I can't help but wonder what the Russians require as proof. Perhaps Iran parading a nuclear device through the streets of Tehran, or Israel being wiped off the map, as the Iranian President has declared.

The leadership in Moscow ought to know that support for terrorists is not a policy that the United States or other civilized nations will accept, especially from a country that expects to be treated as a member of the G-8 nations, seven of which are a true democracy. Russia clearly is not.

Madam Speaker, I would be delighted if our legislation were rendered redundant by serious Security Council action, but the attitudes shown by Russia and China thus far show that that is a most unlikely development. In the meantime, we cannot shirk our responsibility to employ every peaceful means possible to undermine Iran's ugly nuclear ambitions. That, in essence, is the reason for the urgency of passing H.R. 282 today.

Madam Speaker, I strongly support this bill for the sake of staving off a looming, long-term nuclear threat, and I urge all of my colleagues to do as well.

Madam Speaker, I ask unanimous consent that the balance of my time be controlled by my good friend, our colleague from New York (Mr. CROWLEY) since I have responsibilities in the International Relations Committee.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana (Mr. PENCE) will now control the time that the gentleman from New Jersey (Mr. SMITH) previously had controlled.

There was no objection.

Mr. PAUL. Madam Speaker, I yield myself 20 seconds for a quick quote, and then I am going to yield to the gentleman from Oregon.

The quote: "The people of England have been led in Mesopotamia into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiques are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. We are today not far from a disaster."

This comes from Lawrence of Arabia, 1920. We should learn from our mistakes and other countries' mistakes.

Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution.

One of the reasons, Madam Speaker, that I argued against our invasion of

Iraq long before the war began was because I felt we needed to face far more serious threats like the danger posed by Iran. In the 3 years since that attack, the threat from Iran has grown, and our capacity to meet that threat has diminished. Now Iran has a President who exploits Iranian national grievances to consolidate power and has threatened to wipe Israel off the map. Our troops are bogged down in Iraq, placing them at risk should Iran launch a new wave of terrorism.

□ 1130

We have done nothing to break our dependency on oil, the control of which gives Iran its greatest ability now to blackmail us and other countries.

I appreciate the leadership of my good friend Mr. LANTOS and others bringing the resolution forward to spotlight the problems with Iran. I appreciate their working with us to improve the bill.

For instance, now the bill will not allow us to deal with terrorist groups on our own watch list. I think that is very, very important. Unfortunately, this legislation does not provide solutions. Instead it limits the administration's flexibility to pursue diplomacy without providing any new tools not already at their disposal.

We need allies and partners to address the Iranian threat. We need the cooperation of the European Union, of China and, yes, Russia, since we have no more unilateral sanctions to place on Iran.

Our global standing is at a low point. Yet this bill sanctions not Iran, but the very countries we need for a strong diplomatic effort. This bill tragically gives equal weight to overthrowing the Iranian Government as it does to the immediate threat of nuclear proliferation.

Now, I am strongly opposed to this regime, but preventing them from developing nuclear weapons capacity must be our first priority, not prioritizing behavior change over regime change. We pull the rug out from underneath anybody in the current Iranian leadership who values survival over the nuclear program, and it clearly works to eliminate incentives for diplomatic solutions.

I have a sense of deja vu when I think back to the Iraq Liberation Act of 1998 which did not explicitly authorize the use of force, but certainly got the ball rolling that led to the tragedy of this Iraq war. Knowing what they know today, how many Members of this House would have voted differently 8 years ago?

I am very worried about where all this ends. We have heard reports from the Pentagon of plans to attack Iran, indeed plans for a nuclear strike on Iran, the repercussions of which should make us all recoil with horror. Now, the administration dismisses these news reports, but the American people and this Congress got better information about what happened in Iraq from reporters like Seymour Hirsch than it got from, sadly, the President, Secretary Rumsfeld and Secretary Rice.

I do not pretend to imagine the horrific things that Iran would do with nuclear weapons. We are all opposed to that. That is why we need a strong, smart, constructive diplomatic strategy. This bill does not provide it.

For over half a century, Madam Speaker, we have made a series of mistakes regarding Iran, starting in 1953 when the United States led the charge to overthrow the democratically elected Government of Iran and replace them with a dictatorship in the person of the Shah. Our support for that dictatorship and its repressive policies fueled the reaction that led to the Iranian revolution. It was part of what happened with the hostage crisis in Iran.

More recently there are very credible reports that diplomatic feelers extended by the Iranian Government were dismissed by this administration 2 and 3 years ago. I sincerely hope that we do not overwhelmingly and unthinkingly pass a resolution today that makes us feel good because we all hate this regime, but instead sets in motion a process that actually is destabilizing and makes the peaceful future that we all seek harder.

Madam Speaker, I ask unanimous consent that debate on this bill be extended by 40 minutes equally divided, and I yield 10 minutes of my time to the gentleman from New York (Mr. CROWLEY) which I ask he be permitted to control.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, debates of this nature, I think, are wholly constructive in the life of the Nation. I rise today not just to support the Iran Freedom Support Act, but to engage in a thoughtful debate.

I commend my colleagues, 360 of whom have cosponsored this legislation brought forward by the admirable Representative ROS-LEHTINEN of Florida and supported strongly by the International Relations Committee. But I also speak with admiration on behalf of my colleagues who are here debating and opposing this measure. In fact, the gentleman from Oregon just made some eloquent comments in which he called, and I paraphrase, with respect for strong, smart, diplomatic efforts.

And while we may disagree on the meaning of those words, I would borrow them, Madam Speaker, to say that I believe that is precisely what the Iran Freedom Support Act is. It is strong, it is smart, and it is a diplomatic measure expressed by the Congress, the will of the American people, into a circumstance that is real, that is meaningful, and for which the clarity of the position of the United States of America is essential at this moment.

Let me speak for just a second about the Iran Freedom Support Act, which does just a couple of things that are worth restating, and then I want to talk about the nature of this confrontation.

This legislation attempts to deny the Iranian regime critical technical and financial resources to pursue unconventional weapons, incite terror and oppress the Iranian people. It is important to note that H.R. 282 does not authorize the use of force against Iran, despite the tone and tenor of some of the debate today.

Specifically this bill requires that WMD-related U.S. sanction controls and regulations on Iraq remain in effect until Iran has verifiably dismantled its WMD program. It also authorizes the President to provide democracy assistance to foreign and domestic individuals and organizations promoting freedom within that country, and engages in a host of additional economic measures and sanctions, including amending the Iran-Libyan Sanctions Act to recognize the historic gains that Ranking Member LANTOS referred to in relation to our relationship with Libya.

Now, that being said, I just want to talk as a Hoosier from the Midwest about the real stakes here, and about the nature of the present leadership in Iran, and the importance of us to speak as the one people and as one Nation forcefully into this diplomatic engagement.

Listen to some of the quotes of the leadership of Iran today. President Ahmadinejad said in September of last year, "Iran is ready to transfer nuclear know-how to the Islamic countries due to their need."

We are not just dealing with nuclear proliferation within a country that has a long and profound history of association with terrorism, but one that desires to export nuclear technologies.

President Ahmadinejad said in October of last year, "God willing, with the force of God behind it, we shall soon experience a world without the United States and without Zionism." And it was not long ago that he said that Iran would inflict both "harm and pain on the United States."

And his threats against Israel in particular should be deeply offensive to every freedom-loving person in the world, and every American who cherishes our relationship with our ally, Israel. President Ahmadinejad said in October of last year, "As the Imam said, Israel must be wiped off the map." And the President of Iran also said, "Anyone who recognizes Israel will burn in the fire of the Islamic Nations' fury."

This is real. Madam Speaker. This is a confrontation that I pray we will be able to resolve with strong, smart, diplomatic efforts. But if the United States fails to act with clarity, including adopting the Iran Freedom Support Act, the potential consequences of inaction could be catastrophic.

I urge my colleagues to join the 360 Members, Republicans and Democrats alike, who have supported this legislation when it comes to the floor later today.

Madam Speaker, I reserve the balance of my time.

Mr. PAUL. Madam Speaker, this bill authorizes strong sanctions as well as funding to dissident groups inside Iraq to overthrow that government. In my interpretation that is the use of force, and I yield 6½ minutes to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, I thank the gentleman from Texas for the point that he made that is well taken.

With all due respect to my colleagues who may have a difference of opinion about this bill, I think that most American people know that this administration has already made a mess of international relations with respect to the illegal and unwarranted invasion of Iraq.

We now know that Iraq did not have weapons of mass destruction, that Iraq was not cooperating with al Qaeda with respect to 9/11, that Iraq had neither the intention nor the capability of attacking the United States, and yet we took steps, starting with the policy of regime change, that took us into a war against Iraq that we clearly did not have to initiate, and we clearly should not be there.

Now, if you love the steps which took this country into a war in Iraq, then you are going to like this bill because it does the same thing, which is why I rise in opposition to it. This bill sounds a lot like the Iraq Liberation Act of 1998, which many Members voted for in good faith, not knowing later on it would be evoked as a cause for the prosecution of war against Iraq.

Overall this bill seriously inhibits the ability of the United States Government to use diplomacy, and diplomacy is the strongest and most rational tool we have to resolve the situation regarding Iran's nuclear program.

Instead I submit that this bill sets our country on a path to war with Iran. You can be sure the Government of Iran will view this bill in this way. First, the bill makes it official U.S. policy to impose international sanctions through the U.N. Security Council for Iran's "repeated breaches" of its nuclear nonproliferation obligations.

Now, this sounds eerily familiar to actions pursued in the lead-up to the invasion of Iraq, and which, as we know, were for appearances only. Similarly, advocating international sanctions against Iran through the Security Council is for appearances only. This administration has apparently made up its mind it wants to attack Iran. There is evidence that the U.S. military is already inside Iran, and I ask to include at this point in the debate an article from the New Yorker by Seymour Hirsch which asserts just that.

Including this section in the bill that I just referred to is simply an attempt to cover the President's slap in the face of the international community with respect to Iran.

Second, H.R. 282 also promotes regime change in Iran as opposed to behavior change, regime change as a solution to the stand-off regarding Iran's nuclear program. By advocating regime change, we indicate our priority is not, in fact, to encourage Iran to adhere to its nonproliferation treaty obligation, but to remove the leadership in Iran even if it were to make some concessions.

□ 1145

This communicates to the world community that, to the U.S., Iran has passed the point of no return, which completely undermines any efforts towards diplomacy and negotiations. Furthermore, while this bill makes the point of so-called not authorizing the use of force against Iran, be assured this is a stepping stone to the use of force, the same way that the Iraq Liberation Act was used as a stepping stone.

Third, H.R. 282 supports anti-government advocates in Iran promoting regime change. Now this is highly problematic. While an important amendment offered by my friend Congressman BLUMENAUER was adopted in this bill during markup to prohibit U.S. assistance to groups that are on the State Department's list of terrorist organizations or have been on the list for the last 4 years, there are ways around this.

For example, according to a Newsweek article from February 14, 2005 that the U.S. has been recruiting individuals from the MEK, a group currently labeled as terrorists by the State Department, who have agreed to form a new group with the same mission as the MEK, regime change in Iraq.

I will insert this article from Newsweek in the RECORD at this point.

[From Newsweek, Feb. 14, 2006]

LOOKING FOR A FEW GOOD SPIES

(By Christopher Dickey, Mark Hosenball and Michael Hirsh)

This is a terrorist cultleader? Maryam Rajavi is dressed in a Chanel-style suit with her skirt at midcalf, lilac colored pumps and a matching headscarf. Over a dinner of kebab, rice and French pastries, Rajavi smiles often and laughs easily. She's at once colorful and demure, like many an educated woman in the Middle East. Indeed if George W. Bush—who relies on powerful females for counsel—were pressed to identify a Muslim model of womanhood, this 51-year-old Iranian would look very much the part.

But of course that's exactly the impression Rajavi seeks to give. Behind her smile is a saleswoman's savvy—and a revolutionary's zeal to prove that she and her mysterious husband, Massoud Rajavi, are neither cultists nor terrorists. Maryam Rajavi is demanding that the exile groups they lead together, centered on the Mujahedin-e Khalq (People's Holy Warriors) or MEK for short, should be taken off the State Department's list of terrorist organizations, their assets unfrozen and their energies unleashed. The MEK, Rajavi says, is the answer to American prayers as Tehran continues to dabble defiantly in both terrorism and nuclear arms. "I believe increasingly the Americans have come to realize that the solution is an Iranian force that is able to get rid of the Islamic fundamentalists in power in Iran," she told Newsweek in a rare interview at her organization's compound in the quiet French village of Auvers sur Oise. The group's own former role in terrorist attacks dating back to its support for the U.S. Embassy takeover in 1979, Rajavi insists, is ancient history. And the MEK is not a Jim Jones-like cult as critics allege, with forced separation between men and women and indoctrination for children, all overseen by the Rajavis' autocratic style. Instead, she insists, it is "a democratic force."

Whatever Rajavi's true colors, Newsweek has learned that her role may be growing in the calculations of Bush administration hard-liners. At a camp south of Baghdad—it's called Ashraf, after Massoud Rajavi's assassinated first wife—3,850 MEK members have been confined but gently treated by U.S. forces since the invasion of Iraq (once they were allies of Saddam against their own country in the 1980s Iran-Iraq war). Now the administration is seeking to cull useful MEK members as operatives for use against Tehran, all while insisting that it does not deal with the MEK as a group, American government sources say.

Some Pentagon civilians and intelligence planners are hoping a corps of informants can be picked from among the MEK prisoners, then split away from the movement and given training as spies, U.S. officials say. After that, the thinking goes, they will be sent back to their native Iran to gather intelligence on the Iranian clerical regime, particularly its efforts to develop nuclear weapons. Some hawks also hope they could help to reawaken the democratic reform movement in Iran, which the mullahs have silenced. "They [want] to make us mercenaries," one MEK official told Newsweek.

These individuals have been conducting military activity in Iran with United States support. I just wanted to remind everyone that the MEK was the group responsible for the U.S. Embassy takeover in Tehran in 1979. This group also had a camp in Iraq where Osama bin Laden's first fighters were reportedly trained. The MEK also trained and supported Taliban fighters. Now we are recruiting help from members of the MEK which makes a total mockery of the so-called war on terror.

Fourth, H.R. 282 states that it is U.S. policy to focus attention to stopping cooperation, stopping cooperation, between Iran, Russia, China and Pakistan. Considering Russia and China have the strongest leverage with Iran, yet are also opposed to Iran's violations of the Nonproliferation Treaty obligations, the U.S. should try to work with Russia and China to try to find a path to diplomacy, not to isolate Russia and China.

In the end we are only isolating ourselves and setting our country on another unilateral path of war. Our troops are already extended in Iraq, and they are in a vulnerable position. Starting a war in Iran is the last thing we should be doing.

I urge a vote against this dangerous bill. Stop this unilateralism. Work with diplomacy and work towards peace.

Mr. CROWLEY. Madam Speaker, I yield myself such time as I may consume.

I rise in support of the Iran Freedom Support Act. This legislation received strong bipartisan support when it was passed in the International Relations Committee last month.

I commend my colleague from Florida, Ms. ILEANA ROS-LEHTINEN, for introducing this bill and working both sides of the aisle to produce this strong bipartisan piece of legislation.

I would also like to thank my ranking member, TOM LANTOS, for his continued leadership on ensuring that Iran does not gain access to nuclear weapons. This legislation is not the first step towards war, like I have heard some contend, but I believe a tightening of the current restrictions on Iran. We must use every tool we have, whether it be diplomatically or economically, to limit the development of Iran's nuclear weapons. Iran has shown time and time again that they do not respect the international community, or the International Atomic Energy Agency, the United Nation's nuclear watchdog.

Iran made a deal with the international community when they designed the Nuclear Nonproliferation Treaty, and that was to not seek nuclear weapons in exchange for civilian nuclear technology. Iran broke this deal 18 years ago when they began to pursue a secret nuclear program with the aim of producing enough material to create nuclear weapons to threaten the stability of the region and of the world. We cannot allow a terrorist state like Iran to attain such deadly weapons.

On Monday of this week, Iranian President Ahmadinejad vowed to press ahead with uranium enrichment and boasted how he did not expect the United Nations Security Council to impose sanctions on this terrorist state. This legislation is needed to let our allies know that the House of Representatives and the United States are serious about using economic means to isolate Iran and ensure they end their nuclear weapons ambitions. The permanent five members of the Security Council have all declared they are opposed to Iran gaining the knowledge to develop nuclear weapons, but words are sometimes not enough.

When the IAEA presents its report to the Security Council on Friday, the members of the Security Council must be prepared to move forward with sanctions if Iran chooses to remain in noncompliance of the IAEA. I hope this House speaks with a unified voice today to let our allies know we are serious about stopping Iran's pursuit of nuclear weapons. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PENCE. Madam Speaker, it is my privilege to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Madam Speaker, I rise today in support of H.R. 282, the Iran Freedom Support Act, and I particularly want to join in thanking Representative ILEANA ROS-LEHTINEN for her efforts on this bill. The United States and the international community should hold the current regime in Iran accountable for its threatening behavior. We do need to encourage the Government of Iran to change.

We need to focus on the danger of allowing the President of Iran, a man who has repeatedly called for the destruction of Israel and is willing to support terrorist organizations such as Hamas and others, to be in control of the most dangerous weapons in the world. This is a serious test for the international community. Passing this bill alone will not prevent Iran from developing nuclear weapons. However, it will send a message that the United States considers any person or entity that helps Iran develop weapons of mass destruction to be an obstacle to peace and security.

This bill also encourages the forces of democracy in Iran. Among all nations of the world, Iran has one of the longest and strongest national heritages, and many Iranian Americans join in these efforts to strengthen the potential for an Iran that proudly embraces freedom and proudly embraces the idea of the rule of law.

I urge my colleagues to support this bill. It is essential to the well-being and safety of our country, and the entire international community that the Iranian regime does not possess nuclear weapons to hold the world hostage, and that the Iranian people are allowed to move proudly toward freedom.

Mr. PENCE. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CANTOR), our chief deputy majority whip.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Indiana.

I too rise today in strong support of the Iran Freedom Support Act, and I would like to also commend the leadership of Chairman ROS-LEHTINEN for her leadership on this bill and all those that she continues to fight for in the defense of freedom around the world.

The world is clearly at a critical juncture. We are in the midst of waging a global war on terrorism to defend the free world from terrorists who seek not only to kill us, but to destroy our way of life. Make no mistake about it; the very essence of the rights and freedoms for which our forefathers fought are at stake.

This bill that stands before us today is a key component of our war on terror. Iran is one of the largest state sponsors of terror in the world. They have funneled money and arms to terrorist cells throughout the Middle East, and have American blood on their hands. Iran, without a doubt, is one of the most dangerous threats to our national security and to world stability.

Now Iran stands on the verge of obtaining a nuclear weapon, yet another tool in its arsenal of terror and violence. Iran's President Ahmadinejad is a maniacal dictator who thrives on his hatred for the United States and its desire to destroy our freedom. The world cannot and will not tolerate a nuclear Iran.

It is not only the United States which is at risk, but our allies as well. President Ahmadinejad has made clear his intentions to wipe off the map Israel, our longest-standing democratic ally in the Middle East.

This week, Madam Speaker, we commemorate Yom Hashoah, Holocaust Memorial Day. We remember with great reverence and respect the victims of another maniacal dictator who threatened to wipe an entire people off the map and who wanted to impose his theory of a perfect society on the rest of the world.

We must learn from our mistakes of the past to take these threats seriously and act hastily.

The Iran Freedom Support Act is an important step in neutralizing the threat Iran poses to the world. I must stress, however, that passage of this bill should be the first step, not the last. God forbid we stand on this floor 60 years from now memorializing the victims of yet another Holocaust.

Let us fulfill our pledge to never forget. Let us learn from the lessons of our history and continue to strengthen our tools to fight this global war on terror and preserve our freedoms.

Mr. PAUL. Madam Speaker, I yield myself 1 minute before I yield to the gentleman from Iowa.

I want to quote from Article IV of the NonProliferation Treaty of which Iran is a signator: "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination."

Our position is that they do not have the right to enrich. Those who deny the right to enrich are more in violation of the NPT Treaty than Iran itself.

What do we do for those who are totally in defiance to international law in the NPT Treaty, like India and Pakistan? We reward them and subsidize them. At the same time, there is no proof that there has been any violation of this treaty by Iran, and yet the rewards go to those who are in total defiance.

Madam Speaker, I would yield 5 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, I know of no circumstance in the world in which more options are all bad than this particular one. We all have to be clear-headed about the challenge of Iran. It is a more difficult society to deal with, a more difficult government than Iraq.

It is absolutely clear that Iran does seek nuclear capacity. It is absolutely clear that Iran has been the greatest State promulgator of terrorist activity in the Middle East. Those are bases that we all have to understand.

Then we have to think through what is our response and what are the kinds of strategies that the United States should develop and are there lessons that exist today that might lend to this circumstance.

One of the lessons is that some things we do as a society can be counterproductive. All of us are concerned with the security and the fate of the State of Israel as well as the American national security, but if we think it through, does our policy in Iraq advance the security of Israel? Does a preemption of Iran advance the security of Israel? Does it advance the security of the United States?

If the United States acts militarily, for instance, in Iran, do we spark and ensure the great prediction, that none of us want to come to pass, that we will enter into one of these clashes of civilization made inevitable by another war of the West against another Muslim State? Muslims would view this as a circumstance that the Judeo-Christian world is attacking the world of Muslim culture. We have to think deeply and seriously about this.

Then when it comes to nuclear weapons, it is bad for Iran to have a nuclear weapon, but there are things that are worse. One of the things that is worse is to give them reason to use that nuclear weapon, whether it be against ourselves or an ally of the United States.

The administration has informed the committee of jurisdiction that it profoundly opposes this piece of legislation and that it prefers a tack of stressing international diplomacy, and it is suggested to the committee in the strongest possible terms that this type of legislation undercuts their effort to be multilateral.

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And so, while many Members of this body, many members of the public have objected to this administration for being too unilateral, this Congress is saying, with this kind of legislation, that we will be more unilateral than the administration wishes to be. In other words, with an administration that no one of any stripe would argue is not muscular—it is a very muscular administration—this Congress is trying to out-macho the muscular. That is something we should all think very seriously about.

Then we ought to think through what it means if we go forth in a given kind of direction, which words like "regime change" imply. What does preemption mean? It is clear that if we move in a muscular direction and, for example, preemptively strike Iraq, that that will slow down the capacity of Iraq to develop a nuclear weapon. But will it stop it? Not necessarily, partly because of the capacities Iran has to develop WMD capacity in a more decentralized way than Iraq once did, but there are other ways of getting nuclear weapons. One can get nuclear weapons through the "loose nuke" dilemma of purchase or theft. And if one gives Iran reason to attack, it will, and it will in many ways that are now available in the world through decentralized terrorist activities, but also potentially through nuclear. And the potential of nuclear use increases if they are attacked.

Now we have the other option which is stressed in this bill—but the first, force being implied, but what is stressed is economic sanctions. So our two options are to shoot Iran or to shoot ourselves in the foot economically. And I will tell you that I can't think of anything that is more outrageous in logic. So I think we have to think through new types of approaches involving new ways of dialogue, new ways of international pressure of a very different nature than are proposed by this committee at this time.

While I have enormous respect for the proponents of this legislation, particularly the distinguished chair of the Subcommittee on the Middle East and Central Asia (Ms. ROS-LEHTINEN) and our distinguished ranking member on the full committee (Mr. LANTOS), I am convinced that in its present form the approach brought before this body complicates ongoing diplomatic efforts to peacefully resolve the building crisis with Iran.

Indeed, it is for this reason that the Department of State indicated that the Administration would be unable to support the legislation. As noted in a letter to Chairman HYDE, the bill would "narrow in important ways the President's flexibility in the implementation of Iran sanctions, create tensions with countries whose help we need in dealing with Iran, and shift the focus away from Iran's actions and spotlight differences between us and our allies. This could play into Iran's hands, as it attempts to divide the U.S. from the international community as well as to sow division between the EU–3, China, and Russia. It would also create dissension among UNSC members, as the Council considers the Iran nuclear dossier."

There are few areas of the world with a more troubling mix of geopolitical problems than the Middle East. The irony is that the war in Iraq which has consumed so much of our country's political and economic capital may hold less far-reaching consequences than challenges posed in neighboring Middle Eastern countries.

To the West, the Israeli-Palestinian stand-off remains the sorest point in world relations, complicated by the incapacitation of Ariel Sharon and the rise of a Hamas-led government in the occupied territories. To the East, the sobering prospect of Iran joining the nuclear club stands out.

In life, individuals and countries sometimes face circumstances in which all judgments and options are bad. The Iranian dilemma is a case-in-point. But it is more than just an abstract bad-option model because at issue are nuclear weapons in the hands of a mullah-controlled society which has actively aided and abetted regional terrorists for years.

Indeed, the issue has become even more acute with the election in Iran of its hard-line, populist President, Mahmood Ahmadinejad, who suggested late last year that the murder of six million European Jews by the Nazis did not occur and called for Israel to be wiped off the map.

In reference to recent disclosures of enhanced Iranian efforts to develop nuclear weapons as well as missile delivery systems to carry such weapons, concerned outside parties are actively reviewing options.

The Europeans have led with diplomatic entreaties; neo-con strategists in the U.S. with open-option planning—including, if investigative journalist Seymour Hersh is to be believed—the possible use of nuclear weapons.

In the background are references to the 1981 preemptive strike by the Israeli Air Force against Iraq's Osirak reactor.

At issue is the question of whether preemption is justified; if so, how it should be carried out; and, if carried out, whether intervention would lead to a more conciliatory, non-nuclear Iran or whether the effects of military action would be short-term, perhaps pushing back nuclear development a year or two, but precipitating a new level of hostility against the U.S. and Israel in Iran and the rest of the Muslim world which could continue for decades, if not centuries.

Since the American hostage crisis which so bedeviled the Carter Administration in the late 1970s, we have had a policy of economic sanctions coupled with comprehensive efforts to politically isolate Iran.

Six years ago, Senator ARLEN SPECTER and I invited Iran's U.N. Ambassador to Capitol Hill, the first visit to Washington by a high-level Iranian representative since the hostage crisis.

On the subject of possible movement toward normalization of relations with Iran, I told the ambassador that while many would like to see a warming of relations, it would be inconceivable for the U.S. to consider normalizing our relationship so long as Iran continued its support of Hamas and Hezbollah. The ambassador forthrightly acknowledged that Iran provided help to both these terrorist organizations, but also noted, in what for some might be considered the most optimistic thing he said that day, that his government was prepared to cease support to anti-Israeli terrorist groups the moment a Palestinian state was established with borders acceptable to Palestinians.

For decades in the Muslim world, debate has been on-going whether to embrace a credible two-state (Israel and Palestine) approach or advance an irrevocable push-Israel-to-the-sea agenda. The implicit Iranian position, as articulated by the ambassador, was support for a two-state approach, but if the U.S. on its own, or Israel as a perceived surrogate, were to attack Iran, the possibility that such a compromise can ever become possible deteriorates.

While angst-ridden, the Muslim world understands the rationale for our intervention in Afghanistan where the plotting for the 9/11 attack on the U.S. occurred. It has no sympathy for our engagement in Iraq, which had nothing to do with 9/11, but if these two interventions were followed by a third in Iran, the likelihood is that such would be perceived in the vocabulary of the Harvard historian, Samuel Huntington, as an all-out "clash of civilizations," pitting the Judeo-Christian against the Muslim world. In the Middle East it would be considered a war of choice precipitated by the United States. We might want it to be seen as a short-term action to halt the spread of nuclear weapons, but the Muslim world would more likely view it as a continuance of the Crusades: a religious conflict of centuries' dimensions, with a revived future.

If military action is deemed necessary, the U.S. broadly has only three tactical options: (a) full-scale invasion a la Iraq; (b) surgical strikes of Iranian nuclear and missile installations; or (c) a surrogate strike by Israel, modeled along the lines of Osirak.

The first can be described as manifestly more difficult than our engagement in Iraq, particularly a post-conflict occupation. The second presents a number of difficulties, including the comprehensiveness of such a strike and the question of whether all aspects of a program that is clandestine can be eliminated. The third makes the U.S. accountable for Israeli actions, which themselves are likely to be more physically destructive but less effective than the 1981 strike against Osirak.

In thinking through the consequences of military action, even if projected to be successfully carried out, policymakers must put themselves in the place of a potential adversary. A strike that merely buys time may also be a strike that changes the manner and rationale of Iranian support for terrorist organizations. It may also change the geo-strategic reason and methodology for a country like Iran to garner control of nuclear weapons. "Loose nukes" abound. Countries with money and will can garner almost anything in the world despite efforts by the U.S. and others to make theft or sale difficult.

It is presumed that the major reasons that Iran currently seeks nuclear weapons relates to: (1) Pride: a belief that a 5,000 year-old society has as much right to control the most modern of weapons systems as a younger civilization like America or its neighbors to the west, Israel, and to the east, Pakistan; (2) Power: the implications of control of nuclear weapons with regard to its perceived hegemony as the largest and most powerful country in the Persian Gulf, particularly with regard to its nemesis, Iraq, which not only once attacked Kuwait, but Iran itself using chemical weapons; (3) Politics: the concern that Israeli military dominance is based in part on the control of weapons that cannot be balanced in the Muslim world, except by a very distant Pakistan.

The issue of the day from an American perspective is weapons of mass destruction, their development and potential proliferation to nation-states and non-national terrorist groups. The question that cannot be ducked is whether military action against Iran might add to the list of reasons Iran may wish to control such weapons: their potential use against the United States. Perhaps as significantly, American policymakers must think through the new world of terrorism and what might be described as lesser weapons of mass destruction.

Any strike on Iran would be expected to immediately precipitate a violent reaction in the Shi'a part of Iraq, where the U.S. has some support today. With ease, Iranian influence on the majority Shi'a of Iraq could make our ability to constructively influence the direction of change in Iraq near hopeless.

And there should be little doubt that in a world in which "tit for tat" is the norm, a strike on Iran would increase the prospect of counter-strikes on American assets around the world and American territory itself. The asymmetrical nature of modem warfare is such that traditional armies will not be challenged in traditional ways. Nation-states which are attacked may feel they have little option except to ally themselves with terrorist groups to advance national interests.

We view terrorism as an illegitimate tool of uncivilized agents of change. In other parts of the world, increasing numbers of people view terrorist acts as legitimate responses of societies and, in some cases, groups within societies who are oppressed, against those who have stronger military forces.

If Afghanistan, an impoverished country as distant from our shores as any in the world, could become a plotting place for international terrorism, such danger would increase manifoldly with an increase in Iranian hostility, especially if based on an American attack.

If there exists today something like a one-in-three chance of another 9/11-type incident or set of incidents in the U.S. in the next few years, a preemptive strike against Iran must be assumed to double or triple such a prospect.

And Iran, far more than Osama bin-Laden, has within its power the ability not only to destabilize world politics, but world economies as well. Oil is, after all, the grease of economic activity, and an Iranian-led cutback in supply precipitated by us or them cannot be ruled out.

Given the risk, if not the untenability, of military action, policymakers are obligated to review other than military options. One, which has characterized our post-hostage taking Iranian policy for a full generation, is isolation of Iran. This policy can be continued, but as tempting as it is, there is little prospect of ratcheting it up much more, except in ways, such as a naval embargo on Iranian oil, that would be difficult to garner international support for and would, in any regard, damage us more than Iran.

The only logical alternative is to consider increasing dialogue without abandoning the possibility of future sanctions with this very difficult government.

Iran—its government and people—has to be fully engaged, and I am pleased that U.S. Ambassador Khalilzad in Baghdad has been authorized to talk to the Iranians about the situation in Iraq. The Iranians played a stabilizing role regarding Afghanistan just several years ago, and logically they have a stake in a stable Iraq. I would urge the leadership in Tehran to re-think its apparent decision to close the door on this potentially productive avenue for dialogue.

With respect to the Iranian nuclear program, however, it is difficult to see how confrontation can be avoided if we will not talk directly with Tehran in appropriate foras about this and other matters. The stakes could not be higher. If diplomacy fails, there is a credible prospect that Iran will follow the North Korean model of rapid crisis escalation, including the cessation of international inspections, with a wholly unsupervised nuclear program leading in time to the production of nuclear weapons and the dangerously unpredictable regional consequences that might flow from that; or a perilous move to an Iraq-like preventive military strike, with even more far-reaching and alarming consequences both regionally and worldwide.

A proposal that might be suggested is negotiation of a Persian Gulf nuclear-free zone, which would reduce, although given the high possibility of cheating, not eliminate entirely one of the reasons Iran presumably seeks nuclear weapons—fear that it may be at a disadvantage in a conflict with an oil-rich neighbor. In this context, Iran, the EU and Russia, with U.S. support, might agree on a proposal under which Iran would indefinitely and verifiably suspend domestic enrichment activity in exchange for an internationally guaranteed fuel supply, U.S.-backed security assurances, and a gradual lifting of sanctions by and resumption of normal diplomatic relations with the U.S., including expanded country-to-country cultural ties.

Here, it should be stressed, hundreds of thousands of Iranians have been educated in the United States. The people, although not the government of Iran, have democratic proclivities. While real power in Iran is controlled by the mullahs. Few societies in the world have if given a chance more potential to move quickly in a democratic direction than Iran. And just as it is hard to believe that outside military intervention would lead to anything except greater ensconcement of authoritarian mullah rule, a bettering of U.S. relations with Iran provide a greater prospect of progressive change in Iranian society.

There is nothing the new government of Iran, or for that matter Osama bin Laden and his al Qaeda movement, benefit more from than an aggressive, interventionist U.S. policy toward Iran.

Finally, a note about arms control. If the U.S. wishes to lead in multilateral restraint, we might want to consider joining rather than rebuking the international community in development of a comprehensive test ban (CTB). All American administrations from Eisenhower on favored negotiation of a CTB. This one has taken the position the Senate took when it irrationally rejected such a ban seven years ago. The Senate took its angst against the strategic leadership of the Clinton Administration out on the wrong issue. This partisan, ideological posturing demands reconsideration. We simply cannot expect others to restrain themselves when we refuse to put constraints on ourselves.

We are in a world where use of force can not be ruled out. But we are also in a world where alternatives are vastly preferable. They must be put forthrightly on the table.

Mr. PENCE. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished majority leader of the House of Representatives and an original cosponsor of this legislation.

Mr. BOEHNER. Madam Speaker, I appreciate my colleague for yielding, and I want to congratulate Chairman HYDE and Ranking Member LANTOS of the International Relations Committee, as well as Ms. ROS-LEHTINEN for her work on this issue, and I rise strongly today to support H.R. 282, the Iran Freedom Support Act. The Iran Freedom Support Act sends, I think, a strong message: the United States expects Iran to be a responsible member of the international community.

Iran has repeatedly asserted its rights to nuclear power, but its government has remained silent on their international obligations. Iran must be transparent in meeting its international nuclear obligations. In particular, Iran's refusal to answer the International Atomic Energy Agency's questions about critical elements of its nuclear power program is of deep concern to me.

In addition, Iran's sponsorship of terrorism raises troubling questions about its true intentions and its long-term goals. It is impossible to have faith in a regime which spreads fear, violence, and disruption through its support of terrorist organizations and networks.

I support President Bush's efforts to work with the United Nations Security Council and the International Atomic Energy Agency to compel the Iranian regime to be a responsible member of the international community.

Mr. CROWLEY. Madam Speaker, at this time I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank Mr. CROWLEY for yielding time. Madam Speaker, and I rise in strong support of the Iran Freedom Support Act. I am proud to be an original cosponsor of this important legislation and ask for its immediate passage.

It would be difficult to overstate the danger Iran represents. Unchecked Iranian nuclear proliferation, combined with increasing support for international terrorism, will help to further destabilize the entire region.

Iran currently possesses ballistic missiles capable of striking 1,200 miles away. This places U.S. forces in this region, moderate Islamic Arab countries located in the region, as well as the State of Israel in grave danger. Imagine, if you will, if these missiles had nuclear delivery capability.

For over two decades, the Iranian regime has been pursuing a covert and now overt nuclear program. It has manufactured centrifuges, sought completion of heavy-water reactors, and experimented with uranium enrichment. According to one weapons inspector, it has already converted 45 tons of uranium into gas, enough to build more than one nuclear bomb.

In a perfect world, we should be able to rely on the United Nations to curb Iranian nuclear proliferation. In a perfect world, the eight reports by the International Atomic Energy Agency regarding Iran's violation of the Nuclear Nonproliferation Treaty would be enough to motivate action. In a perfect world, all of the members of the Security Council would appreciate the seriousness and catastrophe of a nuclear Iran. But since we cannot count on the international community, China and Russia are far too interested in Iranian oil and Iranian trade money, the United States must step up the pressure and do what is right.

This bill, in my opinion, accomplishes that goal. U.S. sanctions would dramatically increase the pressure on the Iranian regime to give up their nuclear ambitions and allow international inspections of their facilities. Since the President of Iran was elected last summer, Iran's stock market has lost 40 percent of its value, there has been a capital flight of more than $200 billion, and Iran's manufacturing sector is increasingly dependent on imports. Iran is struggling financially. This legislation will further squeeze Iran and deny it the financial resources to continue its path towards nuclear armament.

There is no debate, not anywhere, not in this body, that Iran is a radical and fundamentalist country headed by a President who is willing to share nuclear technology with the most unstable countries in the world, and by mullahs who raise religious fanaticism to a new art form. Every pronouncement this President makes further dramatizes how mentally unstable and unbalanced and dangerous he is. The United States must act quickly and decisively if we are to counter the continuing threat posed by the Iranian regime. We must deny Iran the technology and assistance and financial resources it needs to pursue this unacceptable behavior.

I have no illusions. I can't guarantee that the sanctions contained in this bill will have the desired effect, but I do know that it is a far better alternative to invading Iran or bombing Iran. And unlike the Iraq Freedom Act, which many people have cited today as a reason not to pass this particular piece of legislation, there is nothing in this act that we are debating today, there is nothing in this legislation that can be construed as authorizing use of force against Iran, and none of the assistance should be used to support covert action that is contained in the legislation.

Mr. CROWLEY. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from New York and the gentleman from Indiana, and I am happy to be an original cosponsor of this bill. I want to compliment Congresswoman ROS-LEHTINEN and Congressman LANTOS for this bill. I rise in strong support of this resolution, and I condemn the actions and statements of the Iranian Government.

I believe this is one of the greatest crises since the end of the Cold War, and we have to be up to the challenge. Under the guise of saying it needs to meet its own energy needs, Iran has, for years, been engaged in secret efforts to develop nuclear technology that has weapons capability.

Let us be very clear. Iran is lying when she says she wants to use this for peaceful purposes. Iran is a major oil exporter and doesn't need nuclear power for peaceful purposes. She is doing this for one reason and one reason only: to be hostile; defying and misleading the international community.

Iran's President Ahmadinejad has gone to extremes to stir up anti-American and anti-Israel sentiment in Iran and throughout the Arab world. Not only, as was stated before, has he publicly declared his hope for "a world without America," he has also stated his desire "to wipe Israel off the map."

These remarks demonstrate a gross disregard for the rule of law, human life, and the core principles of the United Nations. I wholeheartedly support the United Nations Security Council's looking into taking swift and strong action to counter Iran's growing threat, and I urge prompt adoption of H.R. 282.

This is a commonsense resolution. This has nothing to do with Iraq, to my colleagues who were talking about Iraq. There is no analogy here. This is another threat, and we have to stand up to the threat. If the world had stood up to Hitler in the 1930s, maybe the Holocaust wouldn't have happened.

Maybe World War II wouldn't have happened. Every time there is a chance, society and the world has to stand up to prevent worse things from happening in the future. I don't want to be around if Iran detonates a nuclear weapon and say I stood here in Washington and was afraid to act.

As Ms. BERKLEY pointed out, this resolution doesn't say anything about any kind of military action. We hope this can be resolved diplomatically, but, frankly, I believe that all options should be on the table. The military should be an absolute, absolute, ultimate last resort, but we have to tell these thugs in Iran that we are not going to stand idly by and allow them to be destructive, allow them to make threats, allow them to kill people, or allow them to have another Holocaust.

Mr. PAUL. Madam Speaker, there has been talk in the media and elsewhere about the necessity of bombing Iran, and we are talking today about regime change, which is an act of force, yet some of us believe we are acting too hastily. Others deny that; that something imminently is going to happen. But I want to read a little quote here from John Negroponte, Director of National Intelligence. He says, "Our assessment at the moment is that even though we believe that Iran is determined to acquire a nuclear weapon, we believe that it is still a number of years before they are likely to have enough fissile material to assemble into or put into a nuclear weapon; perhaps into the next decade. So I think it is important that this issue be kept in perspective." This is John Negroponte. And I think those who are so eager to pass this legislation and move toward regime change are moving in the wrong direction too hastily, and there are a lot of analogies to this and to Iraq, so we caution you about that.

Madam Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I do think this is an important conversation for us to have on this floor. I am pleased that the debate time was extended, and I hope our colleagues will take the time to scroll through the information that is available and think of the consequences.

For instance, I would enter into the record, a letter from Under Secretary of State Nick Burns to Chairman HYDE. I will just quote a little and then insert the rest in the RECORD.

> We have enormous concerns about this proposed legislation, particularly title II. These provisions would impair our ability to continue working closely and successfully with our allies to deal with the threat that Iran poses.

Nobody here, nobody here, apologizes for this regime. And my good friend from Indiana is correct, there is a lot of shared interest and deep concern. The notion that this despotic regime would have control of nuclear weapons is terrifying, absolutely terrifying.

We long for the day that the Iranian people are free, in no small measure because the United States' history with the Iranian people over more than half a century is one where we have not always been on the side of democracy for the Iranian people, overthrowing their democratically elected regime in 1953. That was not a proud moment in our history when we helped install a dictator, but we called him the Shah.

We are united in our commitment to deal meaningfully with this problem. This legislation, as the administration has made clear, falls short of the mark. It is not tightening our sanctions against Iran.

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We have done that.

There have been administrations, both Republican and Democrat, who have maybe not been as zealous in implementing those sanctions; but that is on the books. We have done it.

What this talks about doing is extending sanctions against the very people whose cooperation we need to solve this problem. We are confusing our goals. Is it more important to threaten a regime change and thereby consolidate it? This Government of Iran by all indications is not monolithic. There are people who disagree with the sad and repulsive face of the current leader. There are a vast number of young people in Iran who are not at this point violently anti-American. They are pro-Western. There is interest in the United States. If we misplay this, we can end up turning another generation against us in Iran.

We have had empty threats against North Korea that did not stop them from going full speed ahead developing nuclear weapons, in fact, we are probably less safe today because we have not been focused and effective.

I do strongly identify with the words of my friend, the gentleman from Iowa (Mr. LEACH). I have been one who has been somewhat critical of this administration in its actions in the past. I would find it absolutely inappropriate to not reinforce when I think they are trying to reposition themselves vis-a-vis Iran. There are many people on our side of the aisle who were against the rush to war in Iraq and many more who have found that it was a mistake to do so. We have supported more diplomatic initiatives, and this is the opportunity we have now.

This legislation is not each-handed. It is not focused. The administration does not want it. It sanctions our allies. I strongly urge that we do things that are coming down the pike now that we in Congress can do that will make a difference in Iran. Think about how we deal with India and nuclear weapons. This is a decision that is looming ahead of us that will make a difference for China and other countries that have nuclear technology about how we treat them in that situation.

And for heaven's sake, when people have suddenly discovered $3-a-gallon gasoline and that we are addicted to foreign oil, which is part of Iran's strength right now, maybe we in Congress can forget the goofy energy bill we passed and get serious about conservation, alternative energy, increasing fuel standards and giving full value to the American public for our oil and gas resources. These are things that we can do now that will make a difference. Let the administration do its job diplomatically; provide oversight, but do not go over the edge with this legislation.

DEPARTMENT OF STATE,
Washington, DC.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: I am writing to comment on HR 282, the "Iran Freedom Support Act of 2005," that currently is pending before your Committee.

We have serious concerns about this proposed legislation, particularly Title II, which would amend the Iran and Libya Sanctions Act (ILSA). These provisions would impair our ability to continue working closely and successfully with our allies to deal with the threat that Iran poses.

The Iran issue is sensitive and critically important. The September 24 IAEA resolution, tabled by the EU-3 (Germany, the UK, and France), was an important step forward. We are going to have to continue working with our international partners to isolate Iran and to build and maintain an international coalition to ensure that Iran does not acquire a nuclear weapons capability. In doing so, the President needs the flexibility that HR 282 would impede.

I note that one portion of the bill, Title IV, regarding support for democracy in Iran, could, with relatively minor modifications, make a positive contribution to our Iran objectives, and we would welcome the opportunity to work with Congress in developing this approach.

Sincerely,

R. NICHOLAS BURNS,
Under Secretary of State for Political Affairs.

Mr. PENCE. Madam Speaker, I yield myself such time as I may consume.

There have been repeated assertions by several of my colleagues today about the administration's position on the bill we are considering today. In fact, it has been characterized repeatedly by several colleagues that the administration "strongly opposes" this legislation.

With great respect to my colleagues, they are referring specifically to an administration letter that expressed an opinion to the chairman of the Committee on International Relations before the bill provided further flexibility to the President, and it is not a response to the text of the bill we are considering today. The administration has not taken a position on the legislation, as amended, that we are considering today.

In specific reference to the concerns that were addressed, I would like to address title II of the legislation before I recognize the gentleman from Pennsylvania.

Title II of the bill was the focus of the administration's letter, and it had to do in particular with that section concerning the ability of the President of the United States to waive certain provisions of this act in the national interest. The legislation that we consider today states that the President may on a case-by-case basis waive for a period of not more than 6 months with respect to national security the certifications required in this bill if such a waiver is "vital to the national security interests of the country" and the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction.

What we in effect did here is we lowered the threshold significantly for the President's waiver in this case. It is significant that the administration has not expressed opposition to the legislation, as amended. For the sake of clarity of the record, I wanted to add that to our debate today.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the distinguished vice chairman of the Armed Services Committee.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank the gentleman for yielding me this time and the leaders for bringing this bill forward.

I just want to refresh the memories of my colleagues who say we should not take any action. It was in 1997 when we had evidence that Iran was getting cooperation on developing a missile system that we brought a bill before this body called the Iran Missile Sanctions Act. For my colleagues who were not here, 398 Members voted "yes," 98 Senators voted "yes," the White House opposed the bill, and President Clinton vetoed the bill that year because he said we did not need it.

Last summer, Iran paraded the Shabab III missile system down the streets of Tehran. It is completed. It is the most capable offensive system in the Middle East. We could have stopped it and we didn't.

Madam Speaker, for the past 3 years I have been feeding the CIA information about Iran's efforts to undermine Iraq, the Middle East, and to foment terrorism around the world. It got so uncomfortable that I had to write a book. Everything that I said that I gave to the CIA for the past 3 years is now true: the support for Bani Sadr, the efforts for taking two teams up into North Korea to acquire nuclear technology, the attempts to assassinate Mullah al-Sastani. All of those things are now verified, and all of them I told the CIA and they ignored.

We do need to be aggressive with Iran and we need an approach that does not call for war. I am not for war with Iran. The people of Iran are not our enemy. It is a young nation. The people there want to be back as friends with America and the West. We need to work with those Iranians in exile, and that is what this legislation calls for.

Madam Speaker, 2 months ago I was out in California where I spoke to the 13 largest Iranian radio and television stations that beamed by satellite into Iran. For 2 hours I spoke directly to the Iranian people by satellite, 12 million households. I came back 8 hours later and took calls from people inside of Iran.

Madam Speaker, 400 Iranians called through the satellite and through cell phones to issue their recommendations and their questions to me live.

Madam Speaker, only 1 of 400 supported the regime of Ahmadinejad and Ayatollah Khomeini, who really runs the government there. Every other caller said we need your help, we need to do what you did with Ukraine, you need to help us take back our government. You need to do what they did in Georgia, to have an internal revolution, to bring about change so we truly can be friends with the West. That is what this legislation calls for.

But there is one other point this legislation does not focus on that I feel strongly about, and this was mentioned by my friend and colleague, the gentleman from Ohio (Mr. KUCINICH). The closest nation to Iran is Russia, and what we have to do is renew our efforts diplomatically to have Russia play a significant role to peacefully convince the people of Iran to get their government to back off of this nasty rhetoric and of this effort to build up this offensive capability using WMD, including nuclear weapons. This is of vital urgency for us. This is the number-one threat we face in the world.

While this legislation may not be perfect, it certainly sends a signal that we are not going to do what we did back in 1997. We are not going to allow any administration to back us off from stopping the development of technology like the missile system that Iran currently possesses.

Mr. CROWLEY. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, let me thank my friend for yielding me this time.

Madam Speaker, I agree with many of the comments that have been made on this floor about the dilemma we have now in Iran as a result of our policies in Iraq. I opposed the U.S. involvement in Iraq. I thought it was wrong. And as one of the consequences, it has caused us to lose focus on our war against terror and to make it more difficult for us to deal with Iran.

Having said that, I think this is an important bill that we need to move forward. It is an important effort to make it clear that Iran cannot be permitted to become a nuclear weapons power.

Madam Speaker, let me point out some of the proudest moments in U.S. history have been the use of sanctions. I think back about U.S. leadership and imposing sanctions basically against the Soviet Union which allowed people to be able to leave that country.

I think back about the U.S. leadership in South Africa when it was an apartheid country and how we imposed sanctions against South Africa and were accused of causing problems in doing that. But what we did was bring down the apartheid Government of South Africa without the necessary use of force.

So I think it is critically important that we stand united in our efforts to impose sanctions against Iran to make it clear that we cannot allow Iran to become a nuclear weapons power. Make no mistake about it, Iran is trying to do that. We know Iran is trying to do that. We know about the vote of the IAEA of 27-3 that referred Iran to the Security Council, that they are enriching uranium clearly to develop a nuclear weapon, that they have supported terrorist organizations, the Hezbollah and the Islamic Jihad. The Iranian President has made it clear that he wants a world without the United States and he wants to wipe Israel off the face of the map. These are serious threats that we need to take seriously.

Therefore, we need effective sanctions against Iran so they change their way. This legislation is an effort to strengthen the sanctions against Iran by removing the sunset, by taking away some of the discretion and removing the sanctions unless Iran changes its way.

Madam Speaker, I look at this as a way to engage the international community to work with us. We did not do that in Iraq, and that was one of the fatal flaws of our policy in Iraq is that we did not engage the international community.

This legislation says, look, we have a chance with Iran to get them to change their ways through the imposition of sanctions and isolating the country, but we do need the help of our friends around the world. We do need them to work with us. It is in the interest of the civilized world to prevent Iran from becoming a nuclear weapons power. We need their help. Working with them, we can add another proud history to America in its international leadership of saying yes, we are going to use our international power, our diplomatic skills, to change the direction of a country that otherwise would become even a more dangerous risk to the United States and the civilized world. I urge my colleagues to support the legislation.

Mr. PAUL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, there has been a lot of talk here about what this bill is doing and that it does not authorize the use of force. As a matter of fact, the language in the bill says this does not authorize the use of force. But my contention is it is a contradiction to the bill itself because the bill itself does authorize the use of force. No, not tanks and airplanes and bombs yet, but we know that all these options are still on the table.

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But what it does authorize is something that is equivalent to force, and that is sanctions. Sanctions are used as an act of war.

Also, this bill has money in it, and it is open-ended, an authorization of appropriation. There is authorized to be appropriated to the Department of State such sums as may be necessary to carry out this section. And what is this section talking about? Subsidies and funding of dissident groups to go in there and undermine the Iranian government.

Yes, we quote Ahmadinejad about his vitriolic statements, and they are horrible, but how do you think they interpret other statements when we say we are going to wipe their regime off the face of the Earth? We are going to have regime change. So from their viewpoint we are saying the same thing, and we should not be blinded to that and pretend, because our language is not quite as violent. We are saying the same thing, because look at the result of the violence in Iraq as a result of our efforts of regime change.

Now, one of the major authors of the Iraqi war, a leader of the neoconservative movement, came before the committee when this resolution was debated and when we had hearings on it. I want to read a quote from him because it clarifies this issue. The quote comes from Michael Ledeen, and he wants regime change. This is what he had to say. "There is much that is praiseworthy in the Iran Freedom Support Act. I think it can be improved by more openly embracing a policy of regime change in Iran and allocating an adequate budget to demonstrate our seriousness in this endeavor. I know some Members would prefer to dance around the explicit declaration of regime change as the policy of this country, but anyone looking closely at the language, and that is what I have done, and content of the Iran Freedom Support Act and its close relative in the Senate can clearly see that it is, in fact, the essence of the matter. You can't have freedom in Iran, that is, we can't have our way, without bringing down the mullahs."

That is an outright threat. That is the testimony of a neoconservative who led us and promoted and pushed the war in Iraq, and nothing would please him and others who are behind this type of resolution to see regime change. There is no denial of that.

The question is how do we do it? Are we going to do it pussyfooting around? Or are we going to use force and violence? We did, we used bombs for a long time against Iraq. But we had a bill in 1998 that said explicitly we are going to get rid of the Iraqi government, and it took a few years to get the war going.

Both parties are involved in this. It is not just this administration that has promoted this type of foreign policy, which, quite frankly, I see is not in the best interest of our country. This is why I am a strong advocate of minding our own business. Don't get involved in nation building. Don't police the world. Don't get involved in the internal affairs of the other nations. Otherwise, we have a big job ahead of us.

What about the fact that Kim Jong Il is still in power? We are talking to him. We talked to Qadaffi. Mao was in power, and he had nuclear weapons. What did we do; did we attack him? No. What did we do with Stalin? Stalin and Khrushchev had 30,000 nuclear weapons. Were we ready to use force and intimidation and yelling and screaming? And Khrushchev was ready to wipe us off the face of the Earth also.

But I am asking you to reconsider the fact that moving in this direction is the same thing as we did against Iraq, and it won't do us any good. It is going to cost us a lot of money, and it is going to cost a lot of lives, and it is un-American. It is not constitutional. It is not moral. We should not pursue this type of foreign policy. We should take care of ourselves, and we should be more friendly with nations. We should be willing to trade. And if you are concerned about the world, why not set a good example? When our house is clean, when we have a good democracy and a worthy Republic, and we do well, believe me, they will want to emulate us.

But attacking and intimidating other nations, the way we go at it now, literally backfires on us. What is it doing to the dissidents, those who would love to overthrow the Islamic radicals in Iran right now? It unifies them. Did we become unified in this country when we were attacked on 9/11? Do you think Republicans and Democrats were divided on 9/11 and 9/12? No, it brings them together. So this policy does exactly the opposite of what you pretend that you want to do, and that is encourage those people who don't like their government. But by doing it this way, you literally are doing the very opposite.

So I just plead with you to be more cautious. Negroponte says there is no rush. Take some time. They are not about to have a nuclear weapon. And whether or not that is their plan or not probably at this moment is irrelevant. I mean, if we stood down all these nations and all these nuclear weapons in the past, why can't we practice more diplomacy to resolve our differences. I was talking to somebody the other day and they said, well, maybe in 10 years they might have a nuclear weapon, so we must act now. Get the bombs ready. They are talking about a nuclear attack on Iran in order to stop them from producing a nuclear bomb. It is time to step back and look at the policy. The policy of nonintervention and peaceful relations with the world and peaceful trade is the American way to go, and it will lead to peace and prosperity.

I yield the balance of my time to the gentleman from Ohio.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio is recognized for 5¾ minutes.

Mr. KUCINICH. I want to thank the gentleman from Texas for his very calm and patient approach to this. I don't think the American people want our Nation set on a path of war with Iran, and I believe the American people are very concerned about the steps which set us on a path to war against Iraq. There are questions that have to be answered by this administration before Congress should rightfully even vote on this.

You know, it has been reported recently that U.S. troops are conducting military operations in Iran. In Iran. Now, if that is true, then apparently the administration has made a decision to commit U.S. military forces to a unilateral conflict with Iran, even before direct or indirect negotiations with the Government of Iran have been attempted, without U.N. support and without authorization from this Congress.

First things first here. Where are we right now? Are we already inside Iran? According to Seymour Hersh, in the New Yorker, there is evidence that suggests that we are. The presence of U.S. troops in Iran would constitute a hostile act against that country.

Now, put that in the context of this particular bill. At a time when diplomacy is urgently needed, this bill would escalate an international crisis that is already percolating by the probability or at least the possibility that this administration has already committed troops to Iran. What we are seeing here is an undermining of any attempt to negotiate with the Government of Iran, and we are seeing the undermining of any diplomatic efforts at the U.N.

I said this before and I will say it again. Any kind of saber rattling against Iran puts our troops in Iraq at jeopardy. The achievement of stability in transition to Iraqi security control will be compromised, reversing any progress that has been cited by the administration.

I am sure that many Americans are saying, you know, it is hard to believe that the United States could have already taken such an imprudent decision as committing troops to Iran, but we have had a number and variety of sources confirming this. Over a week ago Air Force Colonel Sam Gardner related on CNN that the Iranian Ambassador to the IAEA, Aliasghar Soltaniyeh, reported to him that Iranians have captured dissident forces who have confessed to working with U.S. troops in Iran. Earlier that week, Seymour Hersh reported that a U.S. source told him that U.S. Marines were operating in the Baluchi, Azeri and Kurdish regions of Iran.

Now, any kind of military deployment in Iran would and should constitute an urgent matter of national significance. And I think that the administration has an obligation to this Congress, before Congress would vote on this kind of a bill, to tell us exactly what is going on with the activities of American forces with regard to Iran.

Also, there are reports that the U.S. is fomenting opposition and supporting military operations in Iran among insurgent groups and Iranian ethnic minority groups, some of whom are operating from Iraq. The Party for a Free Life in Kurdistan, PEJAK, is one such group, and the other group is called the MEK, the Mujahedin e-Khalq. It is an Iranian antigovernment group which was listed as a terrorist group by the State Department since 1997. An article by Jim Lobe, published in antiwar.com, on February 11, 2005, claims that the Pentagon civilians in Vice President CHENEY's office are among those in the U.S. Government who support MEK. We also know from the Hersh article in the New Yorker which confirms that U.S. troops are establishing contact with antigovernment ethnic minority groups in Iran.

Now, U.S. support for insurgent activity in Iran would not be tolerable. The administration has claimed numerous times that the object of the so-called war on terrorism is to target lawless insurgent groups. It would be a breach of trust if the administration is involved in this. Iran does not present an imminent threat. Any setting the stage for an attack on Iran is setting the stage for a unilateral act of war.

I think that this country needs to move very slowly anytime we are setting the stage for conflict with another nation. Don't we have enough problems in Iraq to clean up without setting the stage for another conflict in Iran? We must use diplomacy. We must use our relationships with Russia and China and other nations in order to avert a conflict with Iran.

Mr. CROWLEY. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I heard our colleague thank Mr. PAUL of Texas for being calm and patient. I don't know how much more patient we can be with a country that supports international terrorism as Iran does.

Let me point out, this bill does not authorize the use of force. It does not authorize the use of force. We can say it over and over again. That is clearly not getting through. But this country, we are talking about Iran, is bent on the destruction of our ally Israel, bent on the destruction of our ally Israel and the interests of the United States in that region.

This is a peaceful way to help resolve this issue. It will restrict access to reserves by the mullahs in Iran to pursue development of weapons of mass destruction and nuclear weapons. So, Madam Speaker, once again, I rise in strong support of this legislation. I hope my colleagues on both sides of the aisle see the wisdom of this legislation that is seen as well in the Senate, and the President understands the wisdom of this legislation and signs it into law.

I yield the balance of my time to my friend, Mr. PENCE.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 1 minute.

Mr. PENCE. I thank the gentleman from New York for yielding and for his strong leadership on the international stage today and at other times in his career.

To the gentlewoman from Florida who is in our thoughts and prayers today, ILEANA ROS-LEHTINEN, who authored the Iran Freedom Support Act, I express gratitude.

Mr. CROWLEY of New York just said it best. The bill we will consider today codifies U.S. sanctions on Iran and requires that they remain in place until Iran has verifiably dismantled its chemical, biological and nuclear weapons program. It does not, this legislation today does not authorize the use of force against Iran. It does a host of other things that represent economic sanctions. It supports independent human rights and peaceful prodemocracy forces within Iran.

But the Iran Freedom Support Act is the right bill at the right time. It is a strong diplomatic measure. The potential consequences of inaction could be catastrophic. Congress and this administration must act before it is too late, before our options are severely limited, and this diplomatic measure today, the Iran Freedom Support Act, is such a measure.

I ask my colleagues to render their overwhelming support of this legislation.

Ms. ROS-LEHTINEN. Madam Speaker, Iran is the full ticket—a defiant rogue state, defined by the State Department as the world's most active—state sponsor of terrorism. Its ambition to develop weapons of mass destruction capabilities has been deliberate, deceptive, and long in the making.

U.S. policy has to date pursued a patient course of diplomacy including working with our allies, heeding the findings of the International Atomic Energy Agency, and accepting ineffectual incentives.

However, diplomacy does not mean surrender and of the "constructive engagement", incentives, and inducements of the Iranian regime have been no more effective than Neville Chamberlain's famous failed policies of appeasement during World War II.

It is time for the U.S. and our allies to undertake the sacrifices required to deny Iran the political legitimacy, technology, materials, and financial resources to pursue its destructive policies—policies that threaten U.S and global security.

It is our hope that H.R. 282 will serve as leverage for cooperation from those allies who claim to be concerned about the growing Iranian threat but who continue to invest billions in Iran's energy sector and continue to assist Iran's nuclear and missile programs.

Ten years ago, the U.S. called on our European allies to take steps to deny Iran the financial resources to nuclear capabilities.

The U.S. also called on Russia and China to cease their support for Iran's nuclear and missile program.

These calls were ignored.

Then, four years ago, the Iran saga within the context of the IAEA begins.

According to multiple IAEA reports Iran's deceptions and breaches of its international obligations have dealt with the most sensitive aspects of the nuclear cycle.

By September of 2004, as Iran resumed large-scale uranium conversion, then Secretary of State Colin Powell called for the Iran case to be referred to the United Nations Security Council for sanctions to be imposed.

That was not to be. The response from the international community was to offer Iran yet more incentives and to increase its investments in Iran's energy sector.

Every step along the way, Iran has demonstrated contempt for the IAEA and has mocked the international community.

In fact, Iran's former nuclear negotiator recently boasted: "When we were negotiating with the Europeans in Tehran we were still installing some of the equipment at the Isfahan site . . . In reality, by creating a same situation, we could finish Isfahan."

That is but a microcosm of how concessions and inaction—inaction including the failure to implement U.S. laws such as the Iran-Libya Sanctions Act—have only served to embolden the Iranian regime and increase the threat Iran poses to U.S. national security interests and global stability.

Just in the last few months, Iran: Resumed its nuclear efforts, removing the IAEA seals on uranium conversion plants; announced it could successfully use biotechnology for its nuclear program, thereby improving its capacity to build nuclear weapons; called for Israel to be wiped off the map; Iran's Defense Minister said that it is "Iran's absolute right to have access to nuclear arms . . ."; Iran is identified by U.S. military commanders as the source of some of the IEDs being used in terrorist attacks in Iraq; Iran's leader announces that Iran would inflict "harm and pain" on the U.S.

Just over a week ago, Iran's so-called president announces that Iran has an indigenous capability to enrich uranium and that it continues to pursue a more sophisticated technology, P–2 centrifuges, that could speed Iran's path to nuclear weapons.

Just yesterday, Iran's Grand Ayatollah underscored that Iran would share nuclear technology with other Islamic nations.

This announcement was made during a meeting with Sudan's brutal leader where the Ayatollah praised the Sudanese regime's policies.

This clearly indicates that the Iranian threat is more than just about its nuclear pursuits. This is a repressive regime that denies the Iranian people the most fundamental freedoms.

It is a regime that, since the infamous day in November 1979 when the U.S. embassy was overrun by Iranian radicals and Americans were taken hostage and held for 444 days, has increasingly viewed terrorism as a legitimate means to further its ideological and strategic aims.

Iran provides Hezbollah with funding, safe haven, training, and weapons that have been estimated by some at more than $80 million per year.

Hezbollah has been linked to the 1983 attacks on the U.S. Marine barracks in Lebanon.

Hezbollah has also been linked to the bombing of the U.S. Embassy and the Embassy annex, in Beirut in 1984.

Iran is directly linked to the June 1996 truck bombing of the Khobar Towers U.S. military housing complex in Saudi Arabia.

Iran has used Hezbollah to assert a global reach that has extended into the Western Hemisphere. We witnessed the 1992 bombing of the Israeli embassy in Argentina and the July 1994 bombing of the AMIA Jewish Community Center, also in Buenos Aires.

In December 2001, Matthew Levitt, a former FBI counter-terrorism official, detailed the beginning of al-Qaeda's links with Iran.

Levitt noted: "According to U.S. intelligence reports, Osama bin Laden's operatives approached Iranian Ministry of Intelligence and Security, MOIS, agents in 1995 and again in 1996, offering to join forces against America."

He added: "In fact, phone records obtained by U.S. officials investigating the 1998 U.S. embassy bombings in Kenya and Tanzania revealed that 10 percent of the calls from the Compact-M satellite phone used by bin Laden and his key lieutenants were to Iran. "

Testimony from defendants in the Kenya and Tanzania U.S. embassy bombings, indicate that Al-Qaeda and Hezbollah, with Iranian assistance, have had strategic meetings throughout the years in Sudan and elsewhere.

This is just the tip of the iceberg.

There is still time to contain the threat posed by Iran and adopt short and long-term policies that will compel Iran to change its unacceptable behavior.

H.R. 282 provides such a response.

Briefly, this bill: Codifies U.S. sanctions on Iran and requires that they remain in place until Iran has verifiably dismantled its chemical, biological, and nuclear weapons programs; amends the Iran-Libya Sanctions Act, ILSA, including by enlarging the number of entities that would be subject to sanctions, limiting its application to Iran, and eliminating the expiration date of the law; requires that the names of all individuals, governments and companies that have invested a total of at least $20 million in Iran's energy sector be published in the Federal Register; denies U.S. assistance to countries that are invested in Iran's energy sector; authorizes the President to provide U.S. assistance to peaceful prodemocracy and human rights groups in Iran and for independent broadcasts into Iran.

We must use all available political and economic means to truly make Iran pay for its behavior, and to leverage for cooperation from our allies and convince them to deny Iran the resources to continue along this track.

We must act before it is too late and our options are severely limited.

I ask my colleagues to render their overwhelming support to this legislation.

Mr. McDERMOTT. Madam Speaker, the U.S. Chamber of Commerce, National Foreign Trade Council, Coalition for Employment Through Exports and USA*Engage yesterday distributed to members a very cogent description of some of the reasons to oppose H.R. 282. I recommend that members review it.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.
Re H.R. 282, Iran Sanctions Act.

DEAR CONGRESSMAN MCDERMOTT: Our organizations write in opposition to the Iran Sanctions Act, H.R. 282, which has been placed on the House suspension calendar for this week. While we recognize the serious concerns raised by the current regime in Iran, we are concerned that the changes which have been proposed to the U.S. sanctions program would hinder, not help, our efforts to address the situation. Specifically, these changes would remove the vital flexibility of U.S. sanctions policy, drive a wedge between U.S. and our allies in the on-going joint efforts to influence the Iranian regime, increase the involvement of courts in U.S. foreign policy, and discourage foreign investment in the United States. We urge you to oppose passage of H.R. 282 when it comes up under suspension of the rules this week to allow for fuller and more informed consideration over the negative consequences of these changes to U.S. law.

In particular, we note the following concerns with the current bill as it was ordered reported by the House International Relations Committee on March 15:

The bill would remove the extremely useful periodic review of the Iran sanctions regime by removing the sunset provision included in the earlier Iran Libya Sanctions Act. Sunset provisions are vital to creating an effective sanctions regime as they permit Congress to review sanctions to ensure that they are effective and useful over time. Congress engaged in a useful debate over reforms in Iran when sanctions up for renewal in 2001 and it is important that Members allow for such a debate in the future.

H.R. 282 would make the United States more vulnerable to international commercial complaints and damage U.S. global financial leadership by greatly expanding the entities subject to sanctions to include insurers, creditors and foreign subsidiaries. The United States would undoubtedly face complaints and lawsuits from our trading partners questioning their legality. It would also stoke "economic nationalism," which may seriously disrupt vital U.S. business overseas.

The capital market sanctions contained in H.R. 282 would discourage foreign investment in the United States and could potentially damage U.S. business interests abroad. By requiring publication of the names of entities that have investments in violation of the sanctions, ordering a report by an office of the Security and Exchange Commission, and encouraging divestment of stocks, H.R. 282 sends a negative signal to foreign companies interested in investing in the United States. This bill encourages global companies to avoid investments in the United States by leaving them exposed to potential capital market sanctions. Foreign governments may also seek to retaliate against U.S. firms abroad based on their own political motivations.

H.R. 282 would hinder the flexibility of the President to conduct foreign policy. The bill would require the President to direct the Treasury Department to initiate investigations into the potential for sanctioning firms investing in Iran and would require the President to determine to impose sanctions on such entities within 360 days. This provision would also apply retroactively, requiring sanctions determinations on pending investigations of prior investments within ninety days of enactment. If the President chose to waive the sanctions, which is possible under an inadequately narrow provision in this bill, he would be required to renew that waiver every six months. This policy of requiring investigations and sanctions determinations on each and every past and future investment in Iran by a person described in the Act would severely restrict the Administration's flexibility to conduct foreign policy in ways that can adapt to complex, changing circumstances.

Finally, we encourage Congress and the House International Relations Committee to rethink the sanctions regime in light of their serious unintended impact on the people of Iran and our own ability to forge vital international alliances. When we hear of reports like those raised in the March 15 hearing of the Committee on International Relations—about the difficulties that humanitarian organizations have had operating to relieve suffering by earthquake victims—it seems appropriate to take a closer look at whether there might be a better way for the United States to address the serious concerns raised by the policies of the Iranian government.

At the very least, we hope that there will be an opportunity to hold a fuller debate over the proposed radical changes to the Iran Libya Sanctions Act, and therefore respectfully request that you vote against H.R. 282.

Respectfully submitted,
USA*Engage.
Coalition for Employment Through Exports.
National Foreign Trade Council.
U.S. Chamber of Commerce.

Mr. BERMAN. Madam Speaker, several years ago we discovered that Iran was operating a secret program to enrich uranium and carry out other sensitive nuclear fuel cycle activities.

Iran's failure to report these activities to the International Atomic Energy Agency was a blatant violation of its obligations under the Nuclear Non-proliferation Treaty.

The more we have learned about Iran's nuclear program in the intervening months, the more obvious it's become that Tehran's true intention is not peaceful power generation, but the development of a nuclear arsenal that could threaten the United States, our allies in the Middle East, and any other part of the world within the range of Iran's increasingly sophisticated ballistic missiles.

Any seeds of doubt on the purpose of Iran's nuclear activities were dispelled once and for all by their outright rejection of a sensible proposal offered by our European allies and, more recently, Iran's resumption of uranium enrichment in defiance of the international community.

The election of Iranian President Ahmadinejad has made the urgency of preventing Iran from acquiring nuclear weapons that much greater.

His messianic world view, vocal support for "wiping Israel off the map," and close ties to Hezbollah, Hamas and other terrorist organizations make the prospect of a nuclear-armed Iran truly unimaginable.

Everyone hopes we can find a diplomatic solution to this crisis, and the IAEA's recent decision to refer Iran to the U.N. Security Council was a long-overdue step in the right direction.

But tough words must be backed by tough action, and we have got to keep the pressure on Russia and China to support meaningful measures that will cause the Iranian regime to reevaluate the wisdom of its current course.

And, through this legislation before us today, we must push our own Executive Branch to enforce the Iran-Libya Sanctions Act, legislation passed by Congress back in 1996 to deter investment in Iran's oil and gas sector.

By requiring the President to impose sanctions on foreign firms that continue to invest in Iran, we hoped to starve the Iranian regime of hard currency necessary to pursue nuclear weapons and support terrorism.

In the months after ILSA was signed into law, there were strong indications that it was having the intended deterrent effect.

But then, in an effort to avoid offending our allies, the Clinton Administration made a decision not to enforce the law—a shortsighted policy continued by President Bush.

H.R. 282 would close a legal loophole that has allowed the State Department to sit on investigations for years without making a determination, one way or the other, if a foreign firm has in fact made an investment in Iran.

Madam Speaker, this legislation won't make Iran's nuclear program go away, but it is an important step in the right direction, and—with 360 cosponsors—sends a clear signal that Congress is extremely concerned about this critical matter.

Mr. GENE GREEN of Texas. Madam Speaker, I urge my colleagues to join me today in supporting H.R. 282, the Iran Freedom Support Act.

I want to thank Ms. ROS-LEHTINEN and Mr. LANTOS for drafting this bill that has gathered great support from our colleagues to address the urgent and problematic situation in Iran.

This bill will extend and strengthen existing sanctions designed to cut off funds Iran could use for its illicit atomic programs.

Inspections by the International Atomic Energy Agency (IAEA) over the past three years have turned up evidence that Iran has been pursuing nuclear technology for nearly two decades. Despite recent rulings by the IAEA Board of Governors that found Iran to be in noncompliance with its Nuclear Nonproliferation Treaty safeguards agreement, and a presidential statement last month by the United Nations Security Council that called upon Iran to reinstitute its voluntary suspension of enrichment and reprocessing, Iran has stated that it will continue development of its nuclear program.

The U.S. and our allies cannot stand by and watch Iran develop nuclear capabilities, and this legislation is just a first step in what must be done to address this problem.

A state that has vowed to continue supporting terrorist activity against the West and the U.S., has openly stated that Israel must be wiped off the map, and has threatened to retaliate to international pressure and sanctions by giving nuclear technology to other states, must be dealt with before it has a robust nuclear program.

Iran's pursuit for weapons of mass destruction—and nuclear technology in particular—along with its outright support for international terrorism require a strong response from our government.

Passing H.R. 282 is a first step in addressing this urgent situation, and I ask my colleagues to join me in supporting this bill.

Ms. HARRIS. Madam Speaker, I rise in support of H.R. 282, the Iran Freedom Support Act. For more than two decades the Iranian regime has displayed its contempt for the rule of law by willingly and aggressively breaching its international obligations, in pursuit of nuclear weapons.

The incendiary remark made by Iranian President Ahmadinejad, that Israel is a "fake regime [that] can not logically continue to live," underscores the importance of this measure.

H.R. 282 denies technical assistance and financial resources to the regime of President Ahmadinejad, and strengthens sanctions against those who would facilitate the development of a covert nuclear program in Iran. This bill sends a clear and unambiguous message to Iran that their behavior is unacceptable.

The overwhelming 37–3 vote by which this measure passed the International Relations Committee exemplifies the bipartisan nature of the issue.

Madam Speaker, with the proliferation of nuclear weaponry at issue, there is neither room for error, nor for mixed signals. The price to be paid for inaction or indecision is beyond consideration. This legislation is a measured, responsible demonstration of our commitment to ensuring the freedom of Iranians and Americans alike.

Mr. SMITH of New Jersey. Madam Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairmen DAVIS, THOMAS, MCKEON and OXLEY concerning the bill H.R. 282 "The Iran Freedom Support Act" for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 13, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to consideration of H.R. 282, the Iran Freedom Support Act, which the Committee on International Relations ordered reported on April 13, 2006. In the bill as ordered reported by your Committee, section 206, specifically the provisions providing Senses of Congress urging U.S. government pension plan and thrift savings plan managers to take certain actions (section 206(c) and (d)) and the provision requiring certain disclosures by managers of U.S. government pension plans and thrift savings plans (section 206(e)) are within the jurisdiction of the Government Reform Committee.

I thank you for your agreement to support the removal of section 206(e) from the bill and to modify sections 206(c) and (d) with the addition of language recognizing the fiduciary duties of U. S. government pension plan managers, as you work to move this important legislation forward. Given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding pension issues, I will not request a sequential referral of this legislation to the Committee on Government Reform. However, I only do so with the understanding that this procedural route should not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect Members of the Committee on Government Reform be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, April 13, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur with your assessment that Section 206 of the bill, as ordered reported by the Committee on International Relations, which deals with United States Pension Plans, falls within the Rule X jurisdiction of the Committee on Government Reform—specifically Section 206(e), which requires certain disclosures by managers of U.S. government pension plans. In addition, the Senses of Congress contained in Sections 206 (c) and (d), urging U.S. government pension plan managers to take certain actions, are also within the jurisdiction of your Committee.

I thank you for your agreement to support moving this important legislation forward. Based on our discussions, this Committee will remove Section 206(e) from the bill, modify Sections 206 (c) and (d), and add language recognizing the fiduciary duties of pension plan managers. I appreciate your willingness to forego seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Should these or similar provisions be considered in a conference with the Senate, I will urge the Speaker to appoint members of the Committee on Government Reform to the conference committee.

As you requested, I will include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 6, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing regarding H.R. 282, the "Iran Freedom Support Act," which the Committee on International Relations marked up on March 15, 2006.

As per the agreement between our Committees, to be included in a manager's amendment to H.R. 282, the amended bill would modify the language in Section 101(a) so that the import sanctions contained in Executive Order 12959 may remain in effect under the terms of the Executive Order but would not be codified by this bill. In addition, Sections 202(a) and 202(b) of the reported bill will remain in the amended version. These sections would change current law by striking the statutory option the President currently has to ban imports against both Iran and Libya.

Because all of these provisions have the effect of modifying and altering the application of an import ban, they fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confinning this understanding with respect to H.R. 282, and would ask that a copy of our exchange of letters on this matter be included in your Committee report.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, April 7, 2006.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 282, the "Iran Freedom Support Act," which the Committee on International Relations marked up on March 15, 2006.

As per the agreement between our Committees, I will include in the manager's amendment to H.R. 282 language which would modify the text in Section 101(a) so that the import sanctions contained in Executive Order 12959 may remain in effect under the terms of the Executive Order but would not be codified by this bill. In addition, Sections 202(a) and 202(b) of the reported bill will remain in the amended version. These sections would change current law by striking the statutory option the President currently has to ban imports against both Iran and Libya.

I concur that these provisions have the effect of modifying and altering the application of an import ban and, therefore, they fall within the jurisdiction of the Committee on Ways and Means. I appreciate your willingness to assist in expediting this legislation by foregoing action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

As you requested, I will be pleased to include a copy of this exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 7, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 282, the Iran Freedom Support Act. This bill was ordered reported by the Committee on International Relations on March 15, 2006. Section 206, "United States pension plans", and section 207, "Report by Office of Global Security Risks", of the bill as ordered reported by your committee are within the jurisdiction of the Committee on Financial Services under clause 1(g) of rule X of the Rules of the House of Representatives.

Ordinarily, the Committee on Financial Services would be entitled to receive a sequential referral of the bill. However, I thank you for your agreement to support in moving this important legislation forward the removal of section 206(e) and section 207 from the bill and to modify section 206(b) by inserting the Secretary of State in lieu of the President. Given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding these issues, I will not seek a sequential referral of this legislation. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Financial Services be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, April 7, 2006.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur that the bill, as ordered reported by the Committee on International Relations on March 15, 2006, contains language which falls within the Rule X jurisdiction of the Committee on Financial Services. Specifically, Section 206, "United States Pension Plans," and Section 207, "Report by Office of Global Security Risks," of the bill are within your Committee's jurisdiction.

Our two committees have reached agreement that, in the interest of moving this important legislation forward, the text of the bill which we will place in the manager's amendment will remove Section 206(e) and Section 207 from the bill and will modify Section 206(b) by inserting the "Secretary of State" in lieu of "the President." Given the importance and timeliness of the Iran Freedom Support Act, I appreciate your willingness to work with us regarding these issues and to forego sequential referral of this legislation. I understand that by doing so, it should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I will request the Speaker to name members of the Committee on Financial Services to the conference committee.

As you requested, I will be pleased to include a copy of this exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, April 6, 2006.

Hon. HENRY J. HYDE,
Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to confirm our mutual understanding with respect to the consideration of H.R. 282, the Iran Freedom Support Act. Section 206, United States Pension Plans, of the bill as ordered reported by your committee is within the jurisdiction of the Committee on Education and Workforce—specifically, section 206 (e), which requires certain disclosures by managers of private pension plans. In addition, the Senses of Congress contained in sections 206 (c) and (d) urge private pension plan managers to take certain actions and are also within the jurisdiction of the Committee on Education and the Workforce.

I thank you for your agreement to support the removal of section 206 (e) from the bill and to modify sections 206 (c) and (d) with the addition of language recognizing the fiduciary duties of pension plan managers, as you work to move this important legislation forward. Given the importance and timeliness of the Iran Freedom Support Act, and your willingness to work with us regarding pension issues, I will not seek a sequential referral of this legislation. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

HOWARD P. "BUCK" MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, April 6, 2006.

Hon. HOWARD P. "BUCK" MCKEON,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 282, the Iran Freedom Support Act. I concur with your assessment that Section 206 of the bill, as ordered reported by the Committee on International Relations, which deals with United States Pension Plans, falls within the Rule X jurisdiction of the Committee on Education and Workforce—specifically Section 206(e), which requires certain disclosures by managers of private pension plans. In addition, the Senses of Congress contained in Sections 206 (c) and (d), urging private pension plan managers to take certain actions, are also within the jurisdiction of your Committee.

I thank you for your agreement to support moving this important legislation forward. Based on our discussions, this Committee will remove Section 206(e) from the bill, modify Sections 206 (c) and (d), and add language recognizing the fiduciary duties of pension plan managers. I appreciate your willingness to forgo seeking a sequential referral of this legislation. I understand your willingness to do so does not in any way prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future. Should these or similar provisions be considered in a conference with the Senate, I will urge the Speaker to appoint members of the Committee on Education and the Workforce to the conference committee.

As you requested, I will include a copy of our exchange of letters in the Committee Report on H.R. 282 and in the Congressional Record during the consideration of this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. CARDIN. Madam Speaker, I rise in strong support of H.R. 282, the Iran Freedom Support Act. This bill strengthens U.S. sanctions on Iran, and requires that they remain in place until Iran has dismantled its chemical, biological, and nuclear weapons programs.

Iran is actively seeking weapons of mass destruction, which poses a threat to the national security of the United States and to the world. Iran has repeatedly violated its obligations to the international community, specifically the 1973 Safeguards Agreement with the International Atomic Energy Agency (IAEA). In 2002 the world learned that Iran was illegally continuing to develop a secret nuclear program, which has led to years of negotiations with the international community. Last August, however, the Iranian government resumed its conversion of uranium. In February the IAEA voted 27 to 3 to report Iran to the United Nations Security Council for further action. In March the U.N. Security Council directed Iran to its nuclear activities. Iran defied the United Nations, and made an announcement that it had enriched uranium to reactor-grade levels, which is a precursor to the development of a nuclear bomb. This week the U.N. Security Council is meeting to evaluate Iran's behavior, and I urge the Security Council to use all the tools at its disposal to pressure Iran to meet its commitments to the IAEA.

I am pleased that the legislation today establishes mandatory sanctions for contributions to development of weapons, limits the President's flexibility to waive sanctions, authorizes funding to promote democracy activities in Iran, and supports efforts to strengthen the Nuclear Nonproliferation Treaty. Finally, this bill eliminates the sunset of sanctions against Iran, and requires them to remain in place until the President certifies that Iran has dismantled its WMD programs.

I am pleased that the United States has continued to work closely with the international community—including the European Union, Russia, and China—on this urgent matter. I urge the President to keep Congress fully and current informed on this matter, as called for in this resolution. I urge the international community to impose economic sanctions designed to deny Iran the ability to develop nuclear weapons.

We cannot allow a rogue nation such as Iran to obtain nuclear weapons. Iran has actively supported terrorist groups, such as Hezbollah in Lebanon and Palestinian Islamic Jihad. Iran has funded suicide bombers in Israel and militant organizations elsewhere. Many of these terrorist groups are seeking weapons of mass destruction (WMD) so that they can kill or injure thousands or even millions of people. The Iranian President has publicly expressed his hope for a world without America, his desire to wipe Israel off the map, and has denied the existence of the Holocaust.

Ms. LEE. Madam Speaker, although not a perfect bill, I plan to support H.R. 282 based on several important decisions I authored and that were included in the committee-passed bill. First, and most importantly, this bill includes my language explicitly stating that this bill in no way constitutes an authorization to use military force against Iran. Additionally, it includes my provision clarifying that none of the funds authorized for democracy promotion should be used to fund destabilizing activities against Iran. Moreover, in the report accompanying this legislation, I was able to include language aimed at ensuring that none of the funds authorized in this legislation are channeled to democracy promotion organizations that may in turn bankroll covert action against Iran.

My vote today in no way detracts from my vigilance regarding this administration and its reported interest in another preemptive strike—this time against Iran. I have and will continue to strongly oppose the so-called doctrine of preemption and believe we must engage Iran in smart and tough diplomacy regarding its nuclear programs.

Mr. FARR. Madam Speaker, I am very concerned about Iran's nuclear power program. I am extremely opposed to any attempts by the Administration to preemptively strike Iran. We must work multilaterally to bring Iran back to the negotiation table and into compliance with the Nonproliferation Treaty.

While the government of Iran continues to defy international pressure to conform to the NPT, unilateral military action against Iran is not the solution. The repercussions and unintended consequences of a U.S. military attack on Iran are terrifying to contemplate. I personally do not believe that a military strike on Iran would advance U.S. or regional security. I am afraid it could create a backlash against the U.S. that would be a more serious threat than a nuclear Iran. Congress has the constitutional responsibility to debate the commitment of troops or military action, and the obligation to the American people to have an up or down vote before the Administration takes any steps towards military engagement.

The solution to the Iranian problem lies in diplomacy. The Administration needs to work with other members of the U.N. Security Council and gain a strong coalition of support for a diplomatic solution. I urge my colleagues to join me in calling on the Administration to find peaceful means of ensuring Iran's compliance with the NPT.

Mr. HOLT. Madam Speaker, I rise today in strong support of Iran Freedom Support Act, H.R. 282. I am a cosponsor of this important legislation because I remain deeply troubled by the current regime and situation in Iran.

It is long past time for the House to address the security challenge posed to the world community and our allies in the Middle East by the current regime in Iran. The hateful and threatening comments made by the President of Iran against Israel cannot be tolerated. Further, the provocative actions taken by Iran to further their nuclear weapons program must be stopped. A nuclear Iran would destabilize the region and threaten the United States and our allies. We must use every tool at our disposal today to end Iran's nuclear ambitions. Iran must change its way.

This important legislation would codify bilateral U.S. sanctions against Iran and strengthens third-party sanctions through amendments to the Iran-Libya Sanctions Act. H.R. 282 would make the removal of these sanctions contingent upon a Presidential certification that Iran no longer poses a threat to the national security of the United States, its interests, or allies. It would also require the Administration to report to Congress on countries cooperating (or not) with U.S. efforts to forge a multilateral Iran sanctions regime. The bill would also provide U.S. assistance to pro-democracy groups in Iran and to independent broadcasts into Iran from abroad.

I was troubled when I read the recent reports about the Administration seriously considering a nuclear attack on Iran. While I strongly oppose Iran's efforts to create a nuclear weapons program, it would be unconscionable to use nuclear weapons in an attempt to eliminate their program. The President must reassure the world that America remains a responsible world power. He must state unambiguously that the United States will never use nuclear weapons in a first strike against Iran or any other sovereign nation.

H.R. 282 is in keeping with United States priorities to address the multiple threats posed by the Iranian regime, as well as with our goal to bring peace and stability the people of the Middle East. I support this important legislation.

Mr. BLUMENAUER. Madam Speaker, I would like to include the following article, which I referenced on the floor, in the RECORD of the debate on H.R. 282, the "Iran Freedom Support Act."

[From the Asia Times, March 30, 2006]

NEO-CON CABAL BLOCKED 2003 NUCLEAR TALKS

(By Gareth Porter)

WASHINGTON.—The George W. Bush administration failed to enter into negotiations with Iran on its nuclear program in May 2003 because neo-conservatives who advocated destabilization and regime change were able to block any serious diplomatic engagement with Tehran, according to former administration officials.

The same neo-conservative veto power also prevented the administration from adopting any official policy statement on Iran, those same officials said.

Lawrence Wilkerson, then chief of staff to secretary of state Colin Powell, said the failure to adopt a formal Iran policy in 2002–03 was the result of obstruction by a "secret cabal" of neo-conservatives in the administration, led by Vice President Dick Cheney.

"The secret cabal got what it wanted: no negotiations with Tehran," Wilkerson wrote in an e-mail to Inter Press Service (IPS). The Iranian negotiating offer, transmitted to the State Department in early May 2003 by the Swiss ambassador in Tehran, acknowledged that Iran would have to address U.S. concerns about its nuclear program, although it made no specific concession in advance of the talks, according to Flynt Leverett, then the National Security Council's senior director for Middle East Affairs.

Iran's offer also raised the possibility of cutting off Iran's support for Hamas and Islamic Jihad and converting Hezbollah into a purely socio-political organization, according to Leverett. That was an explicit response to Powell's demand in late March that Iran "end its support for terrorism".

In return, Leverett recalls, the Iranians wanted the U.S. to address security questions, the lifting of economic sanctions and normalization of relations, including support for Iran's integration into the global economic order.

Leverett also recalls that the Iranian offer was drafted with the blessing of all the major political players in the Iranian regime, including Supreme Leader Ayatollah Ali Khomeini.

Realists, led by Powell and his deputy, Richard Armitage, were inclined to respond positively to the Iranian offer. Nevertheless, within a few days of its receipt, the State Department had rebuked the Swiss ambassador for having passed on the offer.

Exactly how the decision was made is not known. "As with many of these issues of national security decision-making, there are no fingerprints," Wilkerson told IPS. "But I would guess Dick Cheney with the blessing of George W. Bush."

As Wilkerson observes, however, the mysterious death of what became known among Iran specialists as Iran's "grand bargain" initiative was a result of the administration's inability to agree on a policy toward Tehran.

A draft National Security Policy Directive (NSPD) on Iran calling for diplomatic engagement had been in the process of interagency coordination for more than a year, according to a source who asked to remain unidentified.

But it was impossible to get formal agreement on the NSPD, the source recalled, because officials in Cheney's office and in under secretary of defense for policy Douglas Feith's Office of Special Plans wanted a policy of regime change and kept trying to amend it.

Opponents of the neo-conservative policy line blame Condoleezza Rice, then the national security adviser, for the failure of the administration to override the extremists in the administration. The statutory policymaker process on Iran, Wilkerson told IPS in an e-mail, was "managed by a national security adviser incapable of standing up to the cabal . . ."

In the absence of an Iran policy, the two contending camps struggled in 2003 over a proposal by realists in the administration to reopen the Geneva channel with Iran that had been used successfully on Afghanistan in 2001-02. They believed Iran could be helpful in stabilizing postconflict Iraq, because the Iraqi Shi'ite militants whom they expected to return from Iran after Saddam Hussein's overthrow owed some degree of allegiance to Iran.

The neo-conservatives tried to block those meetings on tactical policy grounds, according to Leverett. "They were saying we didn't want to engage with Iran because we didn't want to owe them," he recalled.

Nevertheless, U.S. ambassador to Afghanistan Zalmay Khalilzad (now envoy in Iraq) was authorized to begin meeting secretly in Geneva with Iranian officials to discuss Iraq. The neo-conservatives then tried to sandbag the talks by introducing a demand for full information on any high-ranking al-Oaeda cadres who might be detained by the Iranians.

Iran regarded that information as a bargaining chip to be given up only for a quid pro quo from Washington. The Bush administration, however, had adopted a policy in early 2002 of refusing to share any information with Iran on al-Oaeda or other terrorist organizations.

On May 3,2003, as the Iranian "grand bargain" proposal was on its way to Washington, Tehran's representative in Geneva, Javad Zarif, offered a compromise on the issue, according to Leverett: if the U.S. gave Iran the names of the cadres of the Mujahideen-e Khalq (MEK) who were being held by U.S. forces in Iraq, Iran would give the U.S. the names of the al-Oaeda operatives they had detained.

The MEK had carried out armed attacks against Iran from Iraqi territory during the Hussein regime and had been named a terrorist organization by the U.S. But it had capitulated to U.S. forces after the invasion, and the neo-conservatives now saw the MEK as a potential asset in an effort to destabilize the Iranian regime.

The MEK had already become a key element in the alternative draft NSPD drawn up by neo-conservatives in the administration.

The indictment of Iran analyst Larry Franklin on Feith's staff last year revealed that, by February 2003, Franklin had begun sharing a draft NSPD that he knew would be to the liking of the Israeli Embassy.

(Franklin eventually pleaded guilty to passing classified information to two employees of an influential pro-Israel lobbying group and was sentenced to 12 and a half years in prison.)

Reflecting the substance of that draft policy, ABC News reported on May 30, 2003, that the Pentagon was calling for the destabilization of the Iranian government by "using all available points of pressure on the Iranian regime, including backing armed Iranian dissidents and employing the services of the Mujahideen-e Khalq . . ."

Nevertheless, Bush apparently initially saw nothing wrong with trading information on MEK, despite arguments that MEK should not be repatriated to Iran. "I have it on good authority," Leverett told IPS, "that Bush's initial reaction was, 'But we say there is no such thing as a good terrorist.'" Nevertheless, Bush finally rejected the Iranian proposal.

By the end of May, the neo-conservatives had succeeded in closing down the Geneva channel for good. They had hoped to push through their own NSPD on Iran, but according to the Franklin indictment, Franklin told an Israeli Embassy officer in October that work on the NSPD had been stopped.

But the damage had been done. With no direct diplomatic contact between Iran and the U.S., the neo-conservatives had a clear path to raising tensions and building political support for regarding Iran as the primary enemy of the United States.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise in strong support of the Iran Freedom Support Act.

Iran's continued pursuit of nuclear weapons, support for international terrorist organizations, and abhorrent human rights practices pose one of the greatest threats to global security.

Further the Iranian government has made clear its intentions toward the United States. Six months ago, Iranian President Mahmoud Ahmadinejad stated that a world without the United States is a "possible goal and slogan". This is not a veiled threat and we must take him seriously.

Our greatest responsibility is the safety and security of the American people. As such, we must employ every option at our disposal to ensure that Mr. Ahmadinejad's stated goals remain unattainable.

The Iran Freedom Support Act takes a responsible and sensible approach—tightening and codifying economic sanctions against the Iranian regime. It will hinder Iran's ability to acquire nuclear weapons and fund terrorist groups and it will send a clear signal to the Iranian regime that it will be held accountable for its threatening behavior.

The United States must also continue to push the United Nations Security Council for strong action to thwart Iran's nuclear ambitions. In the meantime, it is our job to take meaningful steps to eliminate the threats posed by Iran. And that is why I urge my colleagues to support this bill.

Miss MCMORRIS. Madam Speaker, I rise today in support of H.R. 282, the Iran Freedom Support Act. I applaud this bi-partisan effort by Congress to address the increasing threat posed to our country and world by Iran.

Many defense experts have predicted that we face no greater threat from a single country than from Iran. Iran's leaders, including Iranian President Mahmoud Ahmadinejad, have continuously called for the destruction of Israel, rejected overtures from the world community, including the United Nations, supported international terrorism, and continued to advance their nuclear program with the announcement on April 11 that Iran had successfully enriched fuel-grade uranium.

All of these actions are unacceptable. We would be remiss to ignore a country that perilously threatens our allies and the security of the world while simultaneously seeking to advance its unsupervised nuclear capabilities. We must not allow Iran to bully the world or our allies or fail to show Iran that we will take their irresponsible and careless behavior seriously.

H.R. 282 will help support democracy while taking a firm stance against the radical and reckless leaders of Iran and those that would support them. At this time, supporting democracy in Iran is an important ingredient to resolving this situation peacefully. One of my top priorities in Congress is to ensure our national security, and I support H.R. 282 as an important step in combating the rising risk of Iran.

Mr. DEFAZIO. Madam Speaker, I rise today in reluctant opposition to H.R. 282, the Iran sanction bill. If this bill was only about imposing targeted sanctions against the Iranian regime, or companies and countries who invest in Iran, I could support it. In fact, I voted in favor of the original Iran sanctions bill when it was approved in 1996, and I voted to extend the bill when it came up for renewal in 2001.

Unfortunately, the bill on the floor today does not just extend or expand sanctions against Iran and those doing business with that country; it also establishes a U.S. policy in favor of regime change in Iran. Therefore, I am extremely concerned that H.R. 282 is the first step in taking our country down the same misguided path that was taken with Iraq. The Iranian exile groups that would likely benefit from the provisions in this bill to support groups seeking regime change in Iran eerily echo Ahmad Chalabi's Iraqi National Congress. You may recall that Chalabi's INC worked with the Bush administration to mislead Congress and the American people about Iraq's supposed weapons of mass destruction in order to gain support for toppling Saddam Hussein using U.S. forces.

It is my hope that as this bill continues through the legislative process, it will be amended to focus on sanctions and diplomacy rather than U.S. sponsored regime change. I believe that sanctions should be targeted at foreign investment in Iran, which would force Iranian leaders to choose between a growing economy and their desire for nuclear weapons. Sanctions could also be targeted at Iran's leaders by freezing their assets and imposing travel bans. Targeted sanctions can ratchet up the pressure on Iran's leaders without harming or alienating the Iranian people.

Mr. SHAYS. Madam Speaker, when Iran will have a nuclear weapon is not the right question. Rather, we need to focus on when Iran will have the indigenous capability to produce nuclear fissile materials. This is the point of no return and should be our benchmark regarding the urgency of addressing Iran's behavior.

It is an undisputed fact Iran is pursuing nuclear capabilities. It is a fact Iran is the world's most egregious exporter of terrorism. And we all heard for ourselves when Iran's president threatened to "wipe Israel off the map" and when Ayatollah Khamenei, just yesterday, told another one of the world's worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology. When one considers these points together, it becomes clear how important it is we act today.

Some residents of Connecticut's Fourth Congressional district have already expressed concern to me about the United States' consideration of the use of force against Iran to eliminate its nuclear weapons program and end its state support of terrorism. Such action, while not off the table, must be an absolute last resort. That is why it is so critical our government utilize the tools at our disposal including economic and diplomatic sanctions and the appropriate distribution of foreign aid as suggested in this bill, to deter the threat Iran poses to global security. It is also appropriate for us impose pressure on the other nations of the world who prop up the Iranian government and the extremists at its helm by investing heavily in that nation.

While I understand the concern the Administration has expressed that by passing this bill we are tying its hands to conduct foreign policy, I would be more sympathetic if it were doing more to enforce the laws Congress has already passed.

The International Relations Committee states in the report accompanying this legislation that, "the laws which have been enacted, as enforced, and other steps taken by current and past Administrations, have proven inadequate . . . Specifically with respect to ILSA, the Committee is deeply dismayed that the current Administration, like the prior Administration, has not acted to sanction a single enterprise for investing in Iran, but has delayed its decisions on 'alleged' investments well past the point of failing the 'laugh test.'"

Given the extreme rhetoric of Iranian President Ahmadinejad, I do not expect this legislation will bring an immediate change to Iran's aggressive and ill-advised march to acquire nuclear capabilities. It does send an important message, however, that the United States will not stand by as Iran pursues its nuclear ambitions and threatens international security.

The bottom line is, in defiance of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions.

I urge support of this legislation and appreciate the leadership of Chairman HYDE and Ranking Member LANTOS to bring it to the floor today.

Mr. CARNAHAN. Madam Speaker, I rise In strong support today of the Iran Freedom Support Act because this bill shows our undisputed commitment to addressing the situation in Iran.

We have seen the potential effects of international inaction in this type of situation.

The regional security in the Middle East cannot be further compromised by an Iranian loose cannon.

There is little doubt that Iran is on a mission to rebuild its nuclear weapons and use that capability to wreak havoc and destruction on Israel and others throughout the world.

Without action, we are going to continue to allow Iran to be a safe harbor for terrorists, see its economy further deteriorate, and see the Middle East further destabilize.

This bill includes the necessary tools for the U.S. to help prevent Iran from pursuing nuclear and other weapons programs, deny them the resources they need to support terrorism, and stop them from oppressing the Iranian people.

Mr. HOYER. Madam Speaker, I strongly support this bipartisan legislation—the Iran Freedom Support Act—which is a measured, appropriate and necessary response by this body to the continued belligerence and threatening actions of the Iranian regime.

Let none of us be mistaken: Iran, today, poses a grave and growing danger to international security and stability. And, this danger must not be ignored.

Just yesterday, Iran's supreme religious leader, in a meeting with the president of Sudan, reportedly said that Iran was ready to share its nuclear technology with other countries.

This was the latest in a series of outrageous and dangerous comments and actions undertaken by the government in Tehran.

For example, the Iranian president recently has stated his hope for "a world without America" and his desire to "wipe Israel off the map."

Iran is a state sponsor of terrorism. It supports Hezbollah, Hamas, and Islamic Jihad. It harbors al-Qaida operatives. And, it has maintained a hostile stance toward the United States and our national interests ever since Iranian radicals seized the American embassy in 1979.

Furthermore, there is little question today that Iran has engaged in a deliberate campaign of lies and deceit to conceal its quest for nuclear weapons.

As the French foreign minister stated earlier this year: "No civilian nuclear program can explain the Iranian nuclear program. It is a clandestine nuclear program."

In 2002, it was revealed that Iran was continuing to develop a nuclear program at two secret nuclear facilities—in direct violation of its international obligations.

Last August, the Iranian government resumed its conversion of uranium, a development that led to a 27-to-3 vote in February by the International Atomic Energy Agency to report Iran to the U.N. Security Council.

And, on March 29, the Security Council gave Iran 30 days—or until this Friday—to stop its nuclear activities.

Unfortunately, the Iranian regime seems intent on following a path of confrontation rather than cooperation.

And that is why I urge the members of this body to support this legislation, which, among other measures, would require the President to impose any two of six specified sanctions against any foreign company or entity investing $20 million or more in the development of Iran's oil or gas industry—so long as Iran refuses to dismantle its chemical, biological or nuclear weapons program.

This bill also would authorize financial and political assistance to human rights dissidents and pro-democracy advocates in Iran.

And, it expresses the sense of Congress that the President should instruct our U.N. representative to work to secure a Security Council resolution calling for sanctions on Iran for its repeated and flagrant breaches of its nuclear nonproliferation obligations.

Madam Speaker, the members of this body are properly focused on our Nation's continuing efforts in Iraq and Afghanistan. However, we cannot afford to dismiss or ignore the grave danger looming in Iran.

Let me emphasize, I believe that the international community has a collective obligation to exert its will on lawbreakers, such as Iran. This is not the duty alone of the United States or any other single state.

The measure before us is warranted, appropriate and necessary. And I urge the members to support it.

Mr. WAXMAN. Madam Speaker. I rise in strong support of H.R. 282, the Iran Freedom Support Act.

This legislation will strengthen bilateral sanctions and require timely action to penalize companies that violate the law. For too long, loopholes in the Iran-Libya Sanctions Act have impaired its effectiveness in starving international investment in Iran's oil and gas sector. Instead, investigations of sanctions violations have languished while subsidiaries of big oil companies like Halliburton have been able to do business in Iran without penalty.

The bill will also increase support for groups that promote human rights and political reform in Iran. This despotic regime has stifled a once vibrant civil society with economic stagnation, media censorship, and oppressive religious extremism. By investing in the Iranian people we will help bolster those who are fighting for a better future.

I am especially pleased that independent radio and television stations that broadcast in Iran will be eligible for assistance under this Act. Los Angeles, which is home to the largest Iranian expatriate community in the world, has a number of successful satellite broadcasting programs that are highly popular in Iran. They are a valuable untapped resource for promoting democratic ideas, pluralism, and countering anti-Western rhetoric in Iran's state-run media.

In the few months since the rigged election that brought him to power, Iranian President Mahmoud Ahmadinejad has managed to heighten propaganda to a level unseen since the revolution. With overt support for Hamas and Hezbollah and threats to destroy Israel and unleash suicide bombers against the United States and Britain, he has vocally advertised his government's nuclear pursuits and its prominent role as a state sponsor of terrorism.

The U.N. Security Council's upcoming meeting to reexamine Iran's nuclear activities will be a crucial opportunity for resolute action. Iran's stonewalling of the IAEA has been egregious. The scope and clandestine nature of its nuclear operations belie its claims to be pursuing a peaceful civilian program. Its announcement that it has successfully enriched uranium makes clear that it fully intends to accelerate its enrichment efforts. The international community must develop a consensus to intervene and deter Iran from continuing on this destructive path.

If we are to succeed, it is important that the Administration be more responsible in building its case against Iran than it was in pursuing action against Iraq. Unlike Iraq's nuclear program, which never materialized, Iran's program is real and much more dangerous. It is disturbing that our credibility is already being shaken by revelations that the White House may once again be pursuing exaggerated intelligence and a drumbeat toward preemptive unilateral military strikes.

We cannot afford to alienate our allies or undermine the confidence and trust of the American people. As H.R. 282 shows, there are certain limited steps we can take on our own to have a positive impact. But there should be no illusion that it is in our interest or our ability to address this issue alone. Other nations have a stake in preventing Iran from obtaining nuclear weapons and we must act in consultation.

Ms. SCHAKOWSKY. Madam Speaker, I rise in support of H.R. 282, the Iran Freedom Support Act, which has 360 bipartisan cosponsors who represent approximately 216 million Americans.

Following continued Iranian threats to develop and deploy nuclear weapons, increasing evidence that Tehran is interfering with stabilization efforts in Iraq, President Mahmoud Ahmadinejad's denial of the Holocaust and comments that Israel should be wiped off the map, and ongoing Iranian support of international terrorist organizations such as Hezbollah, it is time for the United States to take concrete steps to hold Iran accountable for its actions.

I am a co-sponsor of H.R. 282 because I feel it is a priority to ensure that Iran is not abusing the basic rights of its people, endangering the well-being of its neighbors, or destabilizing the region. H.R. 282 strengthens existing United States sanctions against Iran, authorizes support to democratic reformers within Iran, and calls for American investors to divest their holdings of companies invested in Iran's energy sector. The legislation is designed to deny Iran the necessary funds to advance its quest for nuclear weapons.

Iran is a signatory to the Nuclear Non-Proliferation Treaty (NPT) and has foresworn acquiring nuclear weapons. Yet, it operated a clandestine nuclear program for nearly two decades before it was exposed in 2002.

Iran's continued behavior has led to the decision by the International Atomic Energy Agency to report Iran to the United Nations Security Council. Late last month, the Security Council issued a unanimous statement reiterating calls by the IAEA and members of the international community for Iran to suspend its uranium enrichment efforts and permit U.N. inspectors to reenter Iranian nuclear facilities. Now the United States Congress must use every diplomatic and economic tool at its disposal to address this situation.

While Iran must be held accountable for its actions, I will be demanding that the President of the United States seek the consent of Congress before any military plans are considered. There is no military solution to resolving this conflict. The only solution is to use diplomacy, work with the international community, and promote change in Iran from within.

Iran's acquisition of nuclear weapons threatens the stability of the entire Middle East and could spark a dangerous and unprecedented nuclear arms race. I urge all of my colleagues to act now and support H.R. 282.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and pass the bill, H.R. 282, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PENCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1245

PROVIDING FOR CONSIDERATION OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. PUTNAM. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 774

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 774 is a structured rule that provides for consideration of H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. Madam Speaker, I am pleased to bring this resolution to the floor for its consideration. This is the fifth intelligence authorization bill that this House has considered since the tragic events of September 11, which changed this institution's outlook on intelligence. It has certainly changed our intelligence community's approach to collection and analysis.

H.R. 5020 is the first intelligence authorization that is based on a budget request fully determined by our new Director of National Intelligence, again reflecting the changes, reflecting the evolution, the progress of our approach to keeping America secure, protecting our citizens, protecting our forces abroad through an ever-changing architecture.

The DNI, created in H.R. 10, the Intelligence Reform and Terrorism Prevention Act of 2004, created this new Office of the Director of National Intelligence, a responsible authority that would oversee and orchestrate a coordinated effort by the entire intelligence community composed of 15 different intelligence agencies. This legislation today continues the sustained effort and long-term strategy to achieve optimum performance in human intelligence, signals intelligence, imagery intelligence, open-source intelligence, analysis, counterintelligence, counternarcotics, and counterterrorism.

This bill authorizes appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. In addition to funding these agency activities, the legislation contains other noncontroversial intelligence community housekeeping matters that will help create a more efficient and effective intelligence community. The legislation reflects recent administrative action and formally includes the Drug Enforcement Administration in the intelligence community and authorizes its activities conducted within the National Intelligence Program. It also requires the DNI, the Director of National Intelligence, to conduct a regular strategic review of intelligence capabilities against threats, similar to the Quadrennial Defense Review, and limits the DNI's authority to hire civilian personnel in excess of the specifically authorized numbers to no more than 2 percent of the authorized amount of employees.

To more formally increase oversight, the bill specifically provides that reporting requirements contained in the classified annex will be considered as required by the underlying law. Additionally, it requires a comprehensive inventory of special access programs conducted within the National Intelligence Program to be provided to the committee in classified format. This provision was included in the House-passed bill for fiscal year 2006 as well.

The underlying bill also contains language offered by the ranking member, Ms. HARMAN, that expresses the sense of the Congress that the DNI should promptly examine the need for establishing and overseeing the implementation of a multilevel security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages that are deemed critical to our Nation's security.

I am pleased with the efforts of the House Permanent Select Committee on Intelligence. Chairman HOEKSTRA and his ranking member, Ms. HARMAN, have done yeoman's work, with the assistance of their committee, on a bipartisan basis to produce this bill. It is a perfect example of how Congress can achieve a bipartisan product that meets the needs of our Nation. I commend them for their hard work.

I urge the Members to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself 7 minutes.

Madam Speaker, H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007, deals with one of the most important aspects of our national security: our ability to gather and analyze intelligence effectively so that our policies are based on fact, not fantasy or obsessive desire, so that our Federal law enforcement agencies can defend us from the threat of attack, and so that our allies can rely on our resources for timely, coordinated operations in defense of freedom abroad.

I want to commend Chairman HOEKSTRA and Ranking Member HARMAN and members of the Intelligence Committee for authorizing 100 percent of the funding required for our counterterrorism operations. Regrettably, President Bush only included 78 percent of this funding in his budget request; so I thank the committee for correcting this dangerous shortfall.

The Intelligence Authorization Act traditionally receives strong bipartisan support and will likely receive that same support this year. But despite its many attributes, this bill could have and should have been better. This bill could have and should have required a dedicated funding line for the Privacy and Civil Liberties Oversight Board. When Congress passed the Intelligence Reform and Terrorism Prevention Act in December 2004 in response to the findings and recommendations of the 9/11 Commission report, it created this board to serve as a civil liberties watchdog on the potential erosion of the basic constitutional rights of the American people in a post-9/11 world.

Now, 15 months later, we find our concerns about basic civil rights to have been well founded, but the oversight board is barely up and running. The President did not nominate the members of the board for 9 months. The Senate took 5 months to confirm the chair and vice chair. And, once again, the President's budget failed to include a single penny for the board's operation in fiscal year 2007.

This could have and should have been fixed in committee. Congressmen HASTINGS, REYES, and HOLT offered an amendment to provide $3 million in dedicated funding for the oversight board, an amendment that should have had bipartisan support. But the majority chose to reject this funding and abandon their promise to the American people to safeguard their most basic freedoms and rights. And last night in the Rules Committee, the Republican leadership compounded this mistake by denying Congressman REYES the right to offer this same amendment for debate on the House floor.

And then we have the issue of the National Security Agency's spying on U.S. citizens. In committee, Representative ESHOO offered a carefully crafted amendment to withhold 20 percent of the NSA's budget until the executive branch provided the Intelligence Committee with the total cost of its surveillance program. That is all: just inform the committee of this one number. The Eshoo amendment was not looking for more operational details. It was not passing judgment on whether the NSA's domestic spying program is legal or not, even though that is a controversial matter in this House. All it was looking for is how many of our tax dollars are being spent on this surveillance program.

This is a question that should concern every single Member of this body on both sides of the aisle. But with just one exception, the Republican majority found it too much to ask and rejected the Eshoo amendment.

Yesterday in the Rules Committee, the Republican leadership went even further. The Republican Rules Committee denied Representatives SCHIFF, FLAKE, HARMAN, and INGLIS the right to offer their bipartisan amendment for debate. This amendment would have required a classified disclosure to the Intelligence and Judiciary Committees, the two committees with jurisdiction and oversight responsibilities over the NSA and the FISA process, on which U.S. citizens have been the subject of NSA electronic surveillance, and what criteria was used to target them. Such a classified report would allow Congress to understand the program and whether any current laws need to be amended to grant the President the authority he needs to carry out this program more effectively or make any changes to safeguard against abuse. In short, these two committees need this information in order to do their jobs, in order to carry out their oversight responsibilities.

This bipartisan amendment should have received bipartisan support from the Rules Committee, but it did not; not from the Republican majority on this Rules Committee and certainly not from the Republican leadership of this House.

It is outrageous, Madam Speaker. Many of us believe that when the President authorized the NSA surveillance of Americans, he broke the law, plain and simple. And when the Attorney General says that Congress somehow granted the authority for this program after September 11, he is just wrong.

We are talking about the most basic fundamental civil liberties that protect the American people, and the Republican leadership will not even let us debate it. What are they afraid of?

I would ask my Republican friends to re-read their Constitution. Congress was not designed to be a rubber stamp for the President. Congress was not designed to protect Members from difficult votes on controversial issues. Congress was not designed to protect the President's political rear end. But under this leadership that is exactly what Congress has become.

If my friends on the other side of the aisle believe that this President should have the ability to spy on Americans without a warrant and without going to the FISA court, then they should write that bill and bring it to the floor. They should at least show that level of respect for this House and for this Constitution.

I am willing to bet that the majority of my colleagues on both sides of the aisle believe that what the President is doing is wrong. But either way, the very least we could do is have a debate and a vote.

Madam Speaker, 25 amendments were brought to the Rules Committee last night. They dealt with issues ranging from how the NSA carries out surveillance of American citizens to how the Intelligence Committee and other relevant committees are briefed about weapons of mass destruction or the situations in Iran, North Korea, Iraq, and other hot spots. They dealt with how information is classified or reclassified, how national security whistle-blowers are protected or punished, and whether and how the amount of funds requested and appropriated for various intelligence-related activities are reported to Congress.

□ 1300

These are not trivial matters, Madam Speaker. Yet only five amendments, five amendments, Madam Speaker, plus the manager's amendment, were made in order under this highly restrictive rule.

Why is the Republican leadership so afraid to debate these issues? Why is it so afraid to debate, period? After nearly 4 months of a lackluster Congress, are we suddenly on some tight time clock so there is no time to debate matters affecting national security? Do we need to get out of town by Thursday afternoon? I am happy to stay in town on Friday if it means we can get a full debate on the Intelligence Authorization Act.

I am tired of restrictive rules. I am tired of stifling debate. I am tired of ignoring or running away from the big issues. I urge my colleagues to vote "no" on this restrictive rule and to support an open debate on important issues facing our national security and intelligence agencies.

Madam Speaker, I reserve the balance of my time.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am glad that the gentleman acknowledged in the beginning of his remarks that this is a bipartisan bill that enjoyed unanimous support coming out of committee. As we move forward on the other issues of contention, we certainly look forward to that debate.

Madam Speaker, I am pleased to yield 5 minutes to one of this institution's experts on national security, a member of the Intelligence Committee, the distinguished gentlewoman from New Mexico (Mrs. WILSON), a graduate of one of America's fine service academies.

Mrs. WILSON of New Mexico. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, we have had the good fortune in this country for the last 4½ years to have not had another terrorist attack on our soil, and it is not because they haven't tried. The reason for that success boils down to two things: the courage of our soldiers and the quality of our intelligence. Exceptional intelligence is the first line of defense for America in the long war on terrorism.

I intend to support this rule today, and I intend to support this bill. I think it is a good bill. It is one that moves us forward to restore our Nation's intelligence capabilities across the board, HUMINT intelligence, technical and tactical intelligence, and strengthens our global understanding and awareness and analysis of what is going on in the world. I intend to support it. I also think this rule is a pretty good rule, and I have to disagree on a couple of points with my colleague from Massachusetts.

My colleague from Massachusetts has said we should debate here an amendment that was debated in our committee offered by Ms. ESHOO, one that I was a Republican Member who supported. It asked for the cost of the program that the President has acknowledged exists, the terrorist surveillance program.

I believe that whenever a member of an oversight committee asks for the cost of a program, we should get that answer. That answer has now been provided to the committee in a classified letter that is available in the Intelligence Committee spaces.

The reason that we didn't need to debate Ms. ESHOO's amendment on the floor today is because we have already gotten the answer to her question, and it doesn't make sense to me to continue to have that debate here on the floor, even though I supported that amendment in committee. So I think we have gone beyond that, and I don't think we have to have that debate and discussion here today on the floor.

The second thing that he talks about is having a debate here on the floor on the Flake proposal with some of his colleagues from the Democratic side of the aisle on the Foreign Intelligence Surveillance Act. The question here for this body is how do we move forward with effective oversight of the National Security Agency program that the President has acknowledged exists.

Now, I believe that the President and the Congress share the same goal: we want to keep America safe and free. We have different responsibilities under our Constitution. The President has the responsibility for conducting our foreign affairs. He is the Commander in Chief. He makes sure that agencies follow the law and execute the programs which we have authorized.

The Congress appropriates funds. We establish agencies. We authorize programs, and we oversee implementation of those programs. We spy on our enemies. But we also oversee these programs to ensure that those very powerful tools are used within the constraints of our Constitution and the Bill of Rights. That is why I stood up and demanded that this Congress and our committees on intelligence conduct oversight of this program. That oversight is now under way.

I think as a responsible body we have to start out by getting the facts. That means hard work that is done largely in secret in the House Permanent Select Committee on Intelligence. That oversight is under way, and, for the most part, the National Security Agency has been very forthcoming.

We have to understand this program in its details before we make recommendations to this body about any changes in statute or continuing mechanisms for oversight. It would be premature to legislate today on changing the Foreign Intelligence Surveillance Act.

The reality is that technology is changing. The Foreign Intelligence Surveillance Act was put in place in 1978, the same year that I graduated from high school. I was one of the last classes at the Air Force Academy to get issued a slide rule. In 1978, the words "cell phone" and "Internet" were not even in the dictionary.

We may need to make some changes to the laws to continue to keep this country both safe and free, but we are not ready today to make those changes effectively. That debate on the floor today would be uninformed and premature.

I would ask this House to support this rule today and to also support the work, the continuing work, of the Permanent Select Committee on Intelligence as we do our duty under the Constitution to oversee these vital programs.

Mr. McGOVERN. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I want to respond to the gentlewoman from New Mexico, whom I have a lot of respect for.

First of all, the cost of the program that we were debating was only given to members of the committee that the President chose, not all members of the committee.

Secondly, I find it scandalous, quite frankly, that this Congress is abdicating its responsibility to put in place checks and balances on the President's domestic spying program. When you talk about enforcing and abiding by the Constitution of the United States, that is one of our responsibilities. I think what the President is doing is illegal. We should have a debate on this. The White House should be more forthcoming. Quite frankly, it is an outrage.

Madam Speaker, I yield 4 minutes to the ranking Democrat on the House Intelligence Committee, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, Americans awoke today to deadly terrorist bombings in Egypt and a threatening new tape from al-Zarqawi, and today is our chance to debate a bill that authorizes funds and sets new directions in the fight to protect America. But this rule stifles debate about critical issues and I strongly oppose it.

Members of our committee offered responsible amendments to strengthen this bill, and we were shut out by the Rules Committee. As a result, Madam Speaker, there will be no amendments today about the unlawful eavesdropping on American citizens, the overhyping of Iran intelligence without adequate basis, and the double standard this administration applies to leaks.

Two amendments were filed that dealt with the President's NSA program. Congresswoman ESHOO's amendment, which is different from her request in committee that the budget for the program be disclosed to our committee, would have expressed the sense of Congress that all electronic surveillance, all eavesdropping of U.S. persons inside the U.S., must comply with the Foreign Intelligence Surveillance Act and the fourth amendment.

A bipartisan amendment offered by Representatives FLAKE, SCHIFF, ENGLISH and me states that FISA is the exclusive way to conduct surveillance of Americans on U.S. soil. FISA has been our policy since 1978, until this NSA program was implemented by the White House.

The American people want our government to track the communications of al Qaeda. Surely I do. But they also want our President to follow the law and the Constitution.

I have been briefed on the President's NSA program several times, and no one has convinced me why FISA cannot cover the entire program. The two amendments, the Eshoo amendment and the Flake-Schiff amendment, should have been made in order.

I am particularly outraged that Congressman BOSWELL's amendment to require quarterly classified assessments of Iran's nuclear program was rejected. What do we want to do in Iran? Do we want to repeat the mistakes of Iraq? Do we want to have intelligence that is totally wrong and base our national policy on totally wrong intelligence? I don't think so.

Chairman HOEKSTRA, chairman of our committee, said just this weekend, "As decisions are being made on Iran, we don't have all the information that we would like to have." So why is it a bad idea to require our Intelligence community to update Congress every three months with accurate information so that at least Congress has information on which to base responsible decisions? The Rules Committee apparently thinks that is not a good idea.

Congressman REYES submitted an amendment to provide dedicated fund for the Privacy and Civil Liberties Board, which we will all recall was a key part of the intelligence reform bill that we passed almost two years ago.

Sure we want enhanced security, but we also want respect for American values and our Constitution. The whole idea was we would have this Board helping craft careful policy that enhanced security and also protected civil liberties. Well, that Board now has two confirmed members and no money, and in this bill we unfortunately do nothing about providing any money.

Finally, Congressman HOLT submitted an amendment to ensure that we don't have a double standard on leaks. None of us condones leaks of classified information. That is wrong. But why is it that people are prosecuted for leaks, unless you work in the White House, in which case the President or the Vice President can authorize you to leak classified information to favored reporters in order to discredit political enemies? A double standard is wrong.

This rule is inadequate. Sadly, this bill is inadequate. I ask for a no vote on the rule.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to address three of the points that the distinguished ranking member made, and I would point out that we appreciate her bipartisan efforts in crafting this bill, the underlying bill that the rule addresses, that came out of the committee on a voice vote.

First, the program that she categorized, that has been categorized, I apologize, Madam Speaker, the program that has been categorized as an "illegal eavesdropping program" had in a previous press release been characterized in this way: "As the ranking member on the House Intelligence Committee, I have been briefed since 2003 on a highly classified NSA foreign collection program that targeted al Qaeda. I believe the program is essential to U.S. national security and that its disclosure has damaged critical intelligence capabilities."

That was the statement of the ranking member of the House Intelligence Committee as it relates to what has now been characterized by saying it is illegal eavesdropping.

Secondly, this question of Iran reports, the Iran crisis scares the dickens out of me. It is a very serious issue for this entire Chamber, for this entire Nation. It is a country that is not only engaged in what could be a speculative threat against its neighbors and the United States and the world as a whole, but are bringing in cameras to show that they are breaking IAEA seals, along with their red-hot rhetoric coming out of their President calling for the destruction of our ally, bragging about the uranium enrichment capabilities, talking about the difference between P-1 and P-2 centrifuges.

It is a very serious issue, one that all Members of Congress should make themselves aware of. As chairman of the policy committee, I was joined by my Energy Subcommittee in going to New York on Monday to receive such a briefing, the kind of briefing that every Member of Congress is entitled to. As members of the House Intelligence Committee, they are entitled to even higher-level briefings on the Iranian situation at their request.

So, the requirement, the responsibility, for us to engage the administration, to engage the Intelligence Community, to engage the appropriate persons who are tracking this crisis is on us. And it is not a mere every-90-day exercise. It should be an ongoing exercise as developments come in through the media and through other open sources that call on us to further update our awareness of what is a very dangerous situation.

Thirdly, this idea of zero funding for the Civil Liberties Protection Board, that is an issue within the White House budget. It is not germane to the intelligence authorization bill, it is not an issue that we can fund, and it was ruled out of order for that reason. It is a matter for the appropriators who are dealing with the White House budget line, not for the Intelligence Community's overall budget.

□ 1315

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who is a member of the committee.

Mr. BOSWELL. Madam Speaker, today we will authorize the largest intelligence budget in our history. I am pleased to be part of this authorization, because I believe we have no higher purpose than to support the brave soldiers, sailors, airmen, marines, and the civilian intelligence officers of the front lines of our national security.

However, I am sad to say this. There is a lingering threat, spoken to by Ms. HARMAN, that we have not addressed, which we should have. Last night the Rules Committee dealt a blow to our ability to gather intelligence on Iran's nuclear and missile capability by denying an amendment that I had offered.

Now, if somebody else would like to offer that amendment, it is okay with me. We have got to do what is right. I would ask you, Mr. Chairman, if you are listening, that you might even think about doing that. But it would require the Director of National Intelligence to provide us quarterly written reports.

You know, people do best what we check. And if we were checking this, and they were coming to us in our committee, and it is a classified environment, it is safe, they could come there and we would have a chance to see if they are actually doing the job. We should have done that.

So it appears to me, and I am very disappointed to say this, that it appears to me that it was pure politics that my amendment was denied. And I am disappointed. When I joined this committee 5 years ago, I was under the impression that politics would not interfere with our intelligence work. But, apparently, not so.

If I might quote from the President's bipartisan, if you will, WMC Commission, cochaired by Judge Lawrence Silverman and former Senator Charles Robb: "Across the board, the Intelligence Community knows disturbingly little about the nuclear programs of many of the world's most dangerous actors. In some cases it knows less now than 5 or 10 years ago."

I just came across this thing from the Washington Times that our chairman was quoted as: We really do not know. We really do not know the status of Iran's nukes. We are getting lots of different messages from their leadership.

Well, maybe I should just rest my case there, but we may have lost the chance to offer this amendment. But I cannot overstate the seriousness of this threat to global security, which could come from a nuclear armed Iran. I wish we would have been able to address this issue in the bill, and I hope my colleagues will support my efforts to do so in the future.

Maybe somebody over there would like to offer the amendment. I do not care. It needs to be done. It should. We in Congress must be a better consumer of intelligence. It is a lesson we learned the hard way with regard to Iraq. It is a sham that this amendment was denied. It is a good bill, but it could have been better.

Madam Speaker, I urge my colleagues to vote "no" on the previous question.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the gentleman's comments on the concern about Iran. As I said earlier, it is a huge issue and a major international crisis for all of us to be tracking on a very routine basis, especially those members of the Intelligence Committee who have access to a higher level of information than the rest of us.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I want to thank all of those who served in gathering intelligence to protect the American people. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

This rule blocks several important amendments that the House should have had the opportunity to debate. I sponsored one of those amendments that would have resolved the concerns of media leaks by intelligence community agents.

Several high-profile classified leaks to the media have emerged in the last few years. These leaks have led to considerable release of information about secret programs related to our intelligence agencies. From these media leaks, we became aware of the efforts to manipulate intelligence, to falsify a cause for war against Iraq.

We became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA's extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies.

The House Intelligence Committee report for this bill states that leaks to the media damage our national security. In response, the CIA fired an agent who had unapproved contacts with reporters last week. I understand the concerns raised when intelligence leaks are reported in the media.

However, if this House had conducted effective oversight, we would not have been there in the first place. Our democracy was bolstered by these leaks, and the world is a safer place as a result. Absent these leaks, the current administration would see no limit to its dangerous policies and continue to inflict its failed war on terrorism without limitation.

To resolve this conflict I proposed an amendment that would remove barriers to intelligence agency employees communicating with certain committees of Congress. The purpose was to provide intelligence employees a more appropriate outlet than the media and give Congress better oversight capability.

This amendment provided an obstacle-free path for intelligence employees to report to key Members of Congress their concerns. By providing this outlet, the employees would not feel any need to leak information to the media. So we need to do everything we can to protect these who serve in intelligence who want to get information out to the American people.

They should do it through the Congress, but there is no provision for that in this bill. We need to protect this Nation, but we need to protect it with the truth, not with manipulated intelligence.

Mr. PUTNAM. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I want to address this issue of leaks briefly. Before presenting this rule to the House, I took it upon myself to read the bill. And because of the nature of the bill, it is only available in Intelligence Committee space. And all Members have the opportunity to review the material that we are going to be voting on later today.

In the context of this discussion about leaks, I was reminded that at the beginning of every Congress, upon our election, we, all Members of this House, have to sign something saying that we recognize that House rules prevent us from disclosing classified information.

In addition, when you go to read the bill that we are here today to consider, you sign another form reaffirming that you have taken this oath, this obligation to not disclose classified information. That is what Members of Congress have to do.

When you join the CIA, you sign a standard secrecy agreement that says that you are going to keep the things that you are working on secret to protect the interests of our Nation. You are not going to go writing books about it, you are not going to make a movie about it, you are not going to cash in on this Nation's security.

When you have access to sensitive compartmented information, you sign yet another nondisclosure agreement, again to drive home the point to the employees who are guarding the very secrets that keep us safe and free that you cannot capitalize on America's secrets.

This was very clear to the leaker. This was made very clear to Members of Congress. There is no double standard. What the individual did was against the law, was a complete breach of the secrecy agreement that that individual signed upon becoming an employee and then having progressively higher levels of access to more and more sensitive information. It is abundantly clear that what she did was wrong.

Mr. KUCINICH. Madam Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Ohio.

Mr. KUCINICH. Madam Speaker, I would ask my good friend from Florida a simple question, that is, what happens when Congress is given false information in these briefings, having signed something that then they cannot disclose what they are told?

See, this is the problem here. I just wanted to respectfully share that with you. Thank you.

Mr. PUTNAM. Madam Speaker, reclaiming my time, I respect the gentleman's perspective.

That is why this bill is so important, number one; and number two, it is why it is so vitally important that our representatives on that committee, that our House Members on both sides of the aisle on the House Permanent Select Subcommittee on Intelligence, ask the correct questions, are given the proper orientation, dig into these issues, make this committee a priority, because they are the rest of this House's eyes and ears on those very sensitive issues.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, that last discussion actually interested me. The question would be, what penalty would a Member of Congress face if, having left a classified briefing, that Member disclosed information that turned out to be false?

You know, in libel, truth is a defense. Perhaps when it comes to disclosing classified information that comes from this administration, falsity would be a defense on the grounds that if it was not true, who is going to be hurt?

The gentleman from Florida talked about oaths. I want to talk about one that I took, to uphold the Constitution of the United States, because the Rules Committee is interfering with my ability to do that. We have one of the most serious constitutional issues facing this country now that we have faced in a very long time: the assertion by the President of the United States that because of terrorism, he basically is freed from restraints.

He has announced by the way, remember, it is not directly relevant to this bill, but he has announced that as President he may order the imprisonment for an indefinite period of time of an American citizen, and that citizen has no recourse to any tribunal to disprove any charges against him, and there may not be any charges lodged.

That is one of the things he said. In that same breathtaking assertion of untrammeled power, he says he can order the wiretapping of any American citizen; and it has gone beyond, as was brought out in the questions by the Judiciary Committee of the Attorney General, even within America. I think that is a dangerous abuse of power.

I believe we are able to protect ourselves against terrorists, and we should protect ourselves against these murderous fanatics, but I believe we are able to do that while still observing the Constitution. And I want to be very clear. I want to give law enforcement power. I believe law enforcement, they are the good guys, but they are not the perfect guys.

You give the good guys power, but you give it to them in a series of balances and restraints. You do not give them untrammeled power. The President has announced that he has carried out a program of wiretapping invasion of the most private moments of any American, with nobody else given any involvement, no warrants.

Now the gentleman from California (Mr. SCHIFF) presented to the Rules Committee a very thoughtful amendment that would reaffirm that we want to go by the law of 1978, that would repudiate one of the most outrageous and, I am going to use the technical term here, "cockamamie" arguments I have ever heard; namely, that when all of us voted to justify, to authorize the force against the Taliban in Afghanistan, we were somehow authorizing warrantless wiretapping.

You know, I want to say to the people who say that, follow one of my rules. In a political debate, no matter how convenient it seems to you, please do not say anything that no one believes. It will not be helpful. No one believes that. But we now this have situation where the bill that includes some of the money that carries out the warrantless wiretapping is before us.

People may think warrantless wiretapping is fine. I think it is a violation of the Constitution. But they should not be controversial. Should not this House of Representative be able to vote on that subject?

The gentleman from California presented a bipartisan amendment dealing with wireless wiretapping, reaffirming what some of us think; that there should be restraint, repudiating the outrageous argument that the Afghan resolution okayed it. And you have, Madam Speaker, and your party, refused to allow the House to vote on it. That is the disgrace. That is the abuse of the Constitution.

We are not even going to be allowed to vote on an amendment that would deal with this central constitutional question. And I would just say in closing, we are now in the process of instructing the people of Iraq about how to ruin parliamentary democracy.

As they see you deny us the right to vote on this central constitutional question, I say again what I have said before: if anybody from the Iraqi Parliament is watching our procedures, please do not try this at home.

Mr. PUTNAM. Madam Speaker, the cultural differences in this House are intriguing. Hailing from the South, we would label "cockamamie" a theory where the President would conspire to break the law and invite Members of the other party in on the deal. We would call that a pretty cockamamie theory.

And so when the President, in an effort to keep America safe and to monitor members of al Qaeda who are communicating with people inside our borders, probably not checking the weather, probably not seeing how the Yankees or the Mets are doing, but plotting very dangerous, tragic, consequential events to destroy our way of life, to cause mayhem, to cause loss of life, we want to know what they are up to.

And the President, under this cockamamie theory, conspired to protect us, in the gentleman's words illegally protect us; but he did so in a way that brought in a team of lawyers, reviewed the program every 45 days, and invited members of leadership from both parties, from both Houses of the legislative branch, to be in on that discussion.

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That is a cockamamie theory that he was conspiring to break the law in that regard. He was fulfilling his oath to protect this Nation.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, I guess I didn't know we would get in great detail about what was cockamamier than what; but when I used that phrase, I was referring specifically only to one argument: the argument that the Afghanistan force resolution authorizes. That is all I said.

I repeat, anybody who makes that argument is, let's use a Southern expression, had too much moonshine. Beyond that, I understand the gentleman thinks it is okay for warrantless wiretapping. The question is not wiretapping, but warrantless.

But my question is this: Why can't the House of Representatives vote on it? By what right does the Rules Committee arrogate to itself the right to extinguish debate? I expect that there will be differences.

Mr. PUTNAM. Reclaiming my time, I recognize that the gentleman's use of "cockamamie" was directed at another aspect of this debate. But I stand by my comment that the President of the United States did not conspire to engage in any illegal, inappropriate activity by, first, calling a team of lawyers and, second, calling the leadership of the opposite party.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. THORNBERRY), another member of the House Intelligence Committee, another leader on national security issues for us.

Mr. THORNBERRY. Mr. Speaker, I appreciate the gentleman from Florida for yielding his time and his handling of this rule.

Actually, there were a number of statements made by my colleague from Massachusetts with which I fully agree. As a matter of fact, one of the challenges, I think, of bringing this bill to the floor is that we are all, in an age of terrorism, attempting to find the right place where we are effective against the terrorists who are trying to kill as many of us as possible, but also not lose sight of our Constitution and our freedoms and the fundamental nature of this society.

One of the key elements in trying to get that right is a whole area of government activity which we cannot talk about, and which the Intelligence Committee is charged with overseeing and helping shape. And so every year, our challenge is to bring a bill that oversees and helps shape those activities to this floor in a very public forum.

A number of the issues that we talk about have been reported extensively in various newspaper articles. And we know that some of it is right and some of it is wrong, and yet you can't come here and correct the factual misstatements and the improper impressions which people have.

I think it is important to affirm two things. Number one is that there is much in this bill which is largely agreed upon. Now, the nature of coming to the floor with this kind of bill is that we are going to spend most of our time talking about differences, or at least making up differences to talk about, when they didn't exist maybe a week or two ago. But the central direction, and most of the provisions of this bill, for the people who have taken the time to go read it, are largely agreed upon by both sides of the aisle.

The second thing that I think it is important to emphasize is that the members of the Intelligence Committee take their responsibilities very seriously. If you have any doubt about that, just listen again to the comments, for example, of the gentlewoman from New Mexico who was, one, standing up to insist upon a much greater role by this Congress in oversight of the terrorist surveillance program.

That oversight is under way. As she said, it is very important for us to understand the details and the procedures and the process and the specifics of this program before we come to the floor and decide about how various laws ought to be changed in different ways. But that is just one example.

There are many, many issues before the Intelligence Committee on which we attempt to exercise our oversight in a very serious and responsible way. We may not agree on all the details or where things ought to go, but this committee is not a rubber stamp for any administration, or any President, and at the same time we take very seriously the recommendations which were in the Commission on Weapons of Mass Destruction that our oversight needs to be strategic; not just following the headlines of the day hither and yon as reporters may write stories, but to follow strategic oversight in a way that makes this country safer. That is always going to be our goal.

Of course, any rule which brings an intelligence authorization bill to the floor has got to be somewhat restrictive, because there is so much that we simply cannot talk about on the floor without damaging the country's security.

I think this is a good rule. It frames debate on key issues. I think it should be supported as well as the bill.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT) who was also shut out of being able to offer an amendment in the Rules Committee last night.

Mr. HOLT. Mr. Speaker, I thank the gentleman. I rise in opposition to this rule. A number of amendments were denied to some very responsible Members of this body. One amendment would have required the President or the Vice President, if they intend to declassify intelligence documents, to inform the congressional Intelligence Committees and the originating agencies ahead of time.

As we have learned in the last month through court filings, the President, without informing, much less consulting our committee, elected to secretly and selectively declassify portions of the 2002 national intelligence assessment about Iraq's weapons of mass destruction. Now, by sworn statement, we know that this was done to rebut critics of the administration who questioned the rationale for the war.

The American people deserve to have the full facts. This amendment that I offered but we were denied the opportunity to debate on the floor would have ensured that any future classification efforts would have been disclosed. It would have exposed what the ranking member of our committee called the double standard of leaks.

Another amendment that I would have offered would have required any inquiries about intelligence employees or contractors made by nonintelligence community government officials, such as the President, the Vice President, the White House staff, would be reported to the congressional Intelligence Committees together, so that the propriety of such an inquiry could be considered. Had my amendment passed, it would have given Congress the opportunity to say clearly whether outing a career intelligence officer for gratuitous reasons would be tolerated.

Now, the gentleman from Florida said with regard to this bill before us, all Members will have the opportunity to review the material before us. No, not so. Even the cost of the unwarranted surveillance program will be provided only to a few Members.

The gentlewoman from New Mexico said that she has been informed, but I can tell you 425 other Members of this body have not been informed even about the cost of this program. And they cannot and they will not be informed, yet they are asked to vote on what is one of the most significant changes in intelligence collection in American history.

The checks and balances spelled out in this document, which I refer to my friend from Florida, known as the Constitution of these United States, this hallowed document, those checks and balances, are eroded. The debate here, allowed by the Rules Committee, or the lack of it, makes a mockery of this hallowed document.

Amendments by Representatives BOSWELL, REYES, ESHOO, HARMAN, FLAKE, FRANK, KUCINICH, MALONEY, SCHIFF, SHAYS and others have been denied. We have been denied the opportunity to debate significant issues on the floor.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New Jersey is a very capable member of the Intelligence Committee, and surely he is not suggesting that covert actions of the United States Government should be made available to every single Member of Congress. Surely the gentleman is not suggesting that every classified program that this United States is engaged in should be available to every single Member.

I would invite the gentleman to respond. Would the Manhattan Project have been available to every single Member who asked about its cost, the number of employees, where the activity was going on, how many people were involved? Would the gentleman have suggested that every Member of Congress would have been clued in on that, even when the Vice President wasn't?

Mr. HOLT. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Speaker, I think it certainly would not be asking too much that every member of the Intelligence Committee had access to this and far from it, if I may complete the answer, just as the President has decided he can pick and choose which laws apply to him.

These are significant issues that need to be debated here on the floor.

Mr. PUTNAM. Reclaiming my time, I think the gentleman, by his answer, has answered the question that clearly we have an Intelligence Committee specifically for the purpose of being our eyes and ears, because we do not empower every single Senator and every single House Member with every single detail of every activity going on in the intelligence community, and there are very strong reasons for that. So, clearly, that would not be the proper course of action.

Under longstanding committee tradition, the chair and the ranking member of both Houses were brought into a different level of awareness on certain activities that were going on. Under Democratic and Republican control, that was the case.

As a result of the terrorist surveillance program, the Senate created an entire new subcommittee to deal with the issue, and the House expanded access to that information to 11 Members, an unprecedented number of Members going beyond the historical, under the Democratic model, four Members who had been given access to those types of programs and activities.

Mr. HOLT. Mr. Speaker, if the gentleman will further yield, the gentleman says unprecedented number. Yes, an unprecedentedly small number.

We on the Intelligence Committee have a responsibility to review these issues on behalf of all 435 Members of the House of Representatives. I am not for a moment suggesting that all things need to be discussed here on the floor or in open. Of course, it is necessary so that we preserve national secrets.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, the gentleman had suggested that the other 420 Members of the House had not had access to the information, and that is precisely how it is set up, that they would not have access to that information. That is why we have talented Members like yourself on the committee, and that is why we have expanded access to information about that program to more members of the committee than ever before.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY), who also was shut off being able to offer an amendment.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership on the Rules Committee.

As we can tell by the debate, there were a number of critical issues, the warrantless wiretaps and many others, that were denied by this restrictive rule.

It has become clear to me that the Republican leadership of this House simply does not care about protecting the civil liberties of the American people.

Last night, in a bipartisan effort, Congressman SHAYS and I went before the Rules Committee for the fifth time, seeking the opportunity to debate an amendment that would create the Privacy and Civil Liberties Board as envisioned by the 9/11 Commission. This morning, we learned for the fifth time in a row that the Rules Committee has denied this House even the opportunity to debate this important amendment that is supported unanimously by the 9/11 Commission and by the 9/11 families.

This is just the latest in a series of actions by the Republican House leadership to deny us the opportunity to have a full debate on the protection of our civil liberties, and I want to make sure that people listening know the track record of this House.

When we were considering the intelligence reform bill that enacted many of the 9/11 Commission's recommendations, it was this House that refused to include a committee-approved, bipartisan amendment to create this board in any legislation passed by the House of Representatives. It was this House that stripped the Privacy and Civil Liberties Oversight Board's subpoena power, bipartisan makeup, and qualifications requirements during conference negotiations. All of these provisions had passed the Senate, a vote of 96–2, but the House of Representatives struck it out.

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It is this House that has refused amendments by members of the Intelligence Committee to require a budget line for this board and the authorization we are voting on today backing up the President's action to defund the board in his budget. And it is this House that denies our repeated attempt to even debate an amendment that would give the board the power and authority that it needs to do the job. I hope the American people are watching, because this House refuses to do anything to protect the civil liberties of the American people.

And I would like to quote from the 9/11 Commission report where they said, "If our liberties are curtailed, we lose the values that we are struggling so hard to defend."

Again, they have spoken out many times in support of this Civil Liberties and Privacy Board that would provide balance and restraint to the National Intelligence Reform Act, and I urge my colleagues to have a strong "no" vote on this restrictive rule.

Mr. PUTNAM. Mr. Speaker, setting aside the fact that the amendment the gentlewoman refers to is not germane to this bill, I point out to the gentlewoman that the amendment that she refers to creates a commission that, A, already exists; and, B, the chair and vice chair have already been confirmed by the Senate, and the members have been appointed.

Mr. Speaker, I am pleased to yield 2½ minutes to another member of the House Intelligence Committee, the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. I thank the gentleman.

I want to help clear up a couple of confusing issues here. First of all, when we talk about the resolution of force that was passed by the House of Representatives, both Republicans and Democrats, we were talking about our response to the attacks on this country after 9/11. We were talking about morphing the force; being able to have liquidity and being able to take the capability of this country and go after terrorists, who don't confine themselves to the border of one country.

You talk about the resolution of force, and you mention the country of Afghanistan as if it was only limited to the boundaries of Afghanistan. It is a falsehood to say so to the American people. It is not right. It is wrong. We took the resolution of force and said, you, the President, you have got to manage the intelligence, you have got to manage the Armed Forces, you have got to go after terrorists all around the world like a cancer that metastasizes itself. You have to go where they are. You have to be able to listen to them calling into the United States. You have to break up their terrorist cells. The American people expect you to do so.

There has been a lot of talk and a lot of rhetoric of people on this committee about a point that we debated ad nauseam in committee, which is that the President somehow didn't inform the committee. That is a falsehood. The President fully informed the committee to the letter of the law. The 1947 Intelligence Act established that the President shall inform the committee, but the establishment language of the act says that the President and the Congress shall establish the procedures.

So what were the procedures established under Truman? That it was okay for the President to inform the Gang of Eight, the House and the Senate, and limit it to four on each side. It is okay to do that. And Truman did it, and Carter did it, and Reagan, and Clinton, and this President did it, and he abided by the law. And to say so otherwise is to ill inform the American people. It is misguided, and it is false.

Mr. MCGOVERN. Mr. Speaker, let me, before I introduce our next speaker, let me just respond by saying what has the American people concerned is that we have a set of procedures in place, the so-called FISA procedures, which allow the President to put anybody under surveillance here in the United States providing that he gets a warrant. And he can even get a warrant after he puts somebody under surveillance. The question is why can't he follow the procedures in place? In my opinion, he is breaking the law.

And I would also say that the other question is, why in the world, given the controversy on this issue, can't this Congress have an up-or-down vote on this issue? If the majority thinks that the President should be able to put anybody under surveillance he wants without a warrant, fine. Then write the bill and bring it to the floor, let us debate it and pass it up or down.

I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank my friend on the Rules Committee, ranking member, for allowing me to interject in this discussion at this point, because I am stunned to hear now that there are people still defending the President's right to have illegal spying on Americans when actually we didn't know about it until the leaks occurred. He wasn't telling everybody regularly about it. What we are dealing with now is some spurious claims. And I am interested that the authorization for the use of military force was supposed to allow domestic wiretapping on Americans.

Ladies and gentlemen, we already have a couple of systems dealing with terrorism surveillance. One is called the Foreign Intelligence Surveillance Act. There is plenty of room here for us to survey spying. If we want to take care of spying, let us do that, but we are talking about spying on Americans where there is no connection with foreign intelligence. No question about it at all.

And so Sandra Day O'Connor declared to that kind of an argument that in the case of combatants captured in the battlefield, it is clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens. So what we debate on the rule here today is whether or not there should have been an allowance for the Schiff amendment, and all we are saying is that there should have been.

Mr. PUTNAM. Mr. Speaker, may I inquire as to the remaining time.

The SPEAKER pro tempore (Mr. REHBERG). Both sides have 2½ minutes.

Mr. PUTNAM. I have no further speakers, Mr. Speaker, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will amend the rule to allow the House to consider the Boswell amendment on Iran nuclear programs. This amendment was offered in the Rules Committee last night, but was defeated on a straight party-line vote. It is yet another example of what I believe is the abuse of power by the Republican-dominated Rules Committee.

Mr. Speaker, this amendment requires the Director of National Intelligence to submit reports to Congress on Iran's weapons of mass destruction every 90 days. It requires these reports to include an assessment of Iran's nuclear programs, an evaluation of intelligence sources, a summary of new intelligence for any information that would increase confidence in overall assessment.

Mr. Speaker, we are deeply concerned over the ominous situation in Iran with regard to the potential for nuclear weapons in that country, and I think most Members of this body would agree that it is absolutely critical that we continue to monitor the situation very closely and receive frequent updates on Iran. We need to have constant and accurate updates on this very serious situation. There is too much at stake here for us to do less.

Have we learned nothing from what we experienced with regard to the misleading intelligence and the false intelligence on Iraq? Have we learned nothing from the fact that this Congress did not do its job; did not take its oversight responsibility seriously; did not ask the questions; did not hold the administration accountable?

Mr. Speaker, this should not be a controversial issue. Chairman HOEKSTRA and Ranking Member HARMAN have worked in a bipartisan way. This should have been worked out in a bipartisan way. I cannot imagine why anybody would be opposed to this amendment.

Members should be aware that a "no" vote will not prevent consideration of the intelligence bill and will not affect any of the amendments that are in order under this rule, but a "no" vote will allow us to add this important amendment that seeks to fully understand the depth of the nuclear situation in Iran.

I would again urge my colleagues on both sides of the aisle to vote for this. This should be a bipartisan vote. There is no reason, there is no reason to vote this down unless somehow you do not want to hear the information; unless somehow you do not want to demand this administration be accountable and inform the Members of this Congress.

On the issue of nuclear weapons in Iran, it should be every Member of this Congress, quite frankly, who should have access to relevant material. We need to learn our lesson. We are in a mess right now in Iraq. We are involved in a quagmire that has cost over 2,500 lives, hundreds of billions of dollars, and we know the intelligence was wrong. Let us do it right this time. Let us not rush into a war unnecessarily. Let us demand from this administration some accountability and some truth.

Vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PUTNAM. Mr. Speaker, my friend from Massachusetts had me with Iran and lost me with Iraq. Everything that he said regarding the seriousness of the threat from Iran, a nuclear-capable Iran, is unacceptable to our interests. Everything he said is absolutely correct.

And I can save him the vote on the previous question by asking him to turn to page 22 of the public version of the intelligence authorization bill, where it says, under the subheading Reporting Regarding Iran and North Korea, "The committee has conducted regular and ongoing oversight of these efforts and expects the DNI to ensure that the Intelligence Community continues to provide timely, detailed, and frequent reporting on the current intentions and capabilities on Iran and North Korea's nuclear, chemical, biological, radiological, and missile programs, as well as the Intelligence Community's capabilities to understand and evaluate these programs. In particular, the committee is interested in receiving, on an ongoing basis current assessments of Iran and North Korea's nuclear, chemical, biological weapons, and missile programs; information on new intelligence developed, including intelligence collected from both open and clandestine sources; and full discussion of any gaps in knowledge, dissents, caveats, and other information that would tend to reduce confidence in the overall assessment. The committee believes these reports will provide timely information to help better inform Congress as it is asked to make decisions regarding U.S. policy towards Iran and North Korea."

The reporting requirement is in the bill. Mr. Speaker, this is a very important issue. I urge the gentleman, I urge the Congress to support the rule, support the underlying bill, and support the hardworking men and women.

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 774—RULE ON H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 6 in the report of the Committee on Rules if offered by Representative Boswell of Iowa or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 5020, AS REPORTED

Offered by Mr. Boswell of Iowa

At the end of title III (page 16, after line 10), insert the following new section:

SEC. 308. IRAN INTELLIGENCE OVERSIGHT.

(a) SHORT TITLE.—This section may be cited as the "Iran Intelligence Oversight Act".

(b) FINDINGS.—Congress finds the following:

(1) The development of nuclear weapons and the long-range missiles capable of delivering them by the Islamic Republic of Iran threatens the national security of the United States and its allies.

(2) Denying these capabilities to Iran is among the most important national security interests of the United States.

(3) Iran's avowed hostility towards the United States and Israel, Iran's stated commitment to develop all elements of the nuclear fuel cycle, Iran's continued defiance of international efforts to account for its nuclear program, Iran's development of long-range ballistic missile technology, and Iran's three decades of support for international terrorist organizations raise grave suspicions about the purpose of its nuclear and missile programs.

(4) The United States Government's current intelligence on Iran may not be sufficient to assess the capabilities and intentions of Iran with a high degree of certainty.

(5) The bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, cochaired by Judge Lawrence Silberman and former Senator Charles S. Robb, reported in 2005 that "across the board, the Intelligence Community knows disturbingly little about the nuclear programs of many of the world's most dangerous actors. In some cases, it knows less now than it did five or ten years ago". This statement aptly describes the challenge faced by policy-makers in the United States with regard to Iran's weapons ambitions.

(6) If the President and Congress are to develop an effective policy to counter the weapons programs of Iran, such a policy must be based on accurate and timely intelligence to the extent that it is possible to collect such intelligence.

(7) Under section 502(a)(2) of the National Security Act of 1947 (50 U.S.C. 413a(a)(2)), the intelligence community must "furnish the congressional intelligence committees any information or material concerning intelligence activities . . . which is within their custody or control".

(8) Regular reports to Congress on the intentions and capabilities of Iran with regard to Iran's nuclear program, in addition to the continuing requirement to ensure that the congressional intelligence committees are kept fully and currently informed of all intelligence activities, will assist Congress in the development of effective policy to counter the weapons programs of Iran.

(c) QUARTERLY INTELLIGENCE BRIEFINGS TO CONGRESS ON IRAN.—

(1) REPORT.—Not later than 30 days after the date of the enactment of this Act, and at least every 90 days thereafter, the Director of National Intelligence shall submit to the relevant committees a report, in classified form, on the current intentions and capabilities of the Islamic Republic of Iran with regard to the nuclear program of Iran, including—

(A) an assessment of nuclear weapons programs;

(B) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence is based, including the number of sources and the reliability of each source;

(C) a summary of any new intelligence gathered or developed since the previous report, including intelligence collected from both open and clandestine sources; and

(D) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the overall assessment.

(2) ACCESS TO REPORT.—Each report submitted under paragraph (1) shall be made available to all members of the relevant committees and to all staff of the relevant committees with appropriate security clearance. Other members of the Senate or the House of Representatives may review the reports by following security procedures established by each of the relevant committees.

(3) RELEVANT COMMITTEES.—In this section, the term "relevant committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

PARLIAMENTARY INQUIRY

Mr. McGOVERN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCGOVERN. My parliamentary inquiry, Mr. Speaker, is: Isn't it accurate that the language that the gentleman just referred to in the bill is discretionary, whereas what we are talking about is statutory language that would require reporting every 90 days so that we don't make the same mistake we did in Iraq?

The SPEAKER pro tempore. The Chair cannot respond to that inquiry. It is not the province of the Chair to interpret the substance of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 774 will be followed by 5-minute votes on adopting House Resolution 774, if ordered; suspending the rules and adopting House Concurrent Resolution 365; and suspending the rules and passing H.R. 282.

The vote was taken by electronic device, and there were—yeas 228, nays 194, not voting 10, as follows:

[Roll No. 102]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Eshoo
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Baca
Evans
Fattah
Hastings (FL)
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Scott (GA)
Shuster

☐ 1419

Mr. COOPER and Mr. RANGEL changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. ESHOO. Mr. Speaker, on rollcall No. 102, I inadvertently cast a "yea" vote when I intended to cast a "nay" vote.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 7, as follows:

[Roll No. 103]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)

Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Bono
Evans
Hastings (FL)
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen

☐ 1432

Ms. WATERS changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM AND REVISE LAW AND PRACTICE IN CHINA SO IT CONFORMS TO INTERNATIONAL STANDARDS

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 365.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 365, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, answered "present" 1, not voting 10, as follows:

[Roll No. 104]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Renberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)

Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—10

Evans
Gallegly
Hall
Hart
Hastings (FL)
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Sullivan

☐ 1440

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IRAN FREEDOM SUPPORT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 282, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 282, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 21, not voting 14, as follows:

[Roll No. 105]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Baldwin
Blumenauer
Boyd
DeFazio
Duncan
Flake
Hostettler
Jones (NC)
Kucinich
Leach
McDermott
McGovern
McKinney
Oberstar
Obey
Olver
Paul
Rahall
Snyder
Stark
Taylor (MS)

NOT VOTING—14

Beauprez
Boehner
Buyer
Evans
Gillmor
Hastings (FL)
Lewis (CA)
Mica
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Sweeney
Tiahrt

☐ 1449

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 778) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 778

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Berman (to rank immediately ahead of Mrs. Jones of Ohio).

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5020.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Michigan?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 774 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5020.

☐ 1453

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. REHBERG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first wish to announce that, subsequent to reporting the bill, the committee has modified the classified annex to the bill with respect to the authorized level of funding for certain programs with bipartisan agreement between myself and the ranking member.

The classified annex containing the modified schedule of authorizations is and was available for review by all Members of the House, subject to the rules of the House and the Permanent Select Committee on Intelligence under the procedures described in my announcement to the House on April 6, 2006.

Mr. Chairman, the House Permanent Select Committee on Intelligence has a reputation for conducting its business in a bipartisan manner. With the intelligence authorization legislation before us today, I can say that we have clearly hit that mark again. I look across the aisle to my colleague and friend, the committee's ranking Democrat member, Ms. HARMAN, and say thank you for once again helping to craft a very good bipartisan piece of legislation that will allow the talented, dedicated and patriotic men and women of our Nation's intelligence community, our first line of defense, to protect America, its people and our friends around the world.

Mr. Chairman, this bill is all about national security. It is about authorizing the intelligence resources, capabilities and operations necessary for us to know about foreign threats and to defend ourselves in an increasingly dangerous world. It is about rebuilding, reshaping and indeed fixing a community that was decimated by the budget cuts of the 1990s.

Because of these cuts, on September 11, 2001, we were without a robust human intelligence capability and without a robust analytic capability that may have helped prevent or minimize these attacks on the United States. This bill continues a many-year effort to transform, build up and recreate an intelligence community that can know and respond to threats.

There will be those here today who will not share our concerns about the many threats against which our intelligence community must operate. There will be those who do not agree with the necessary activities of our intelligence community. There will be even be those who actually accuse our dedicated intelligence professionals of violating, if not the law, then the spirit of American values. This as they go about a business to protect you and me.

To those who would and will take such positions, I say: you are wrong. The threats are real. The professional dedication, the discipline, the expertise and the extraordinary respect for the civil liberties of all Americans that the honorable men and women of our intelligence community exhibit is real. To them we owe a great debt. To them we must make our best collaborative efforts to provide the resources and authorities that H.R. 5020 authorizes.

Finally, because of them, we have the responsibility to rise above any partisan politics in order to come together and pass this national security bill.

This is the first intelligence budget request that was fully determined by the new Director of National Intelligence, or the DNI. Although the Office of the DNI is still in its formative stages, I am pleased that the promise of the Intelligence Reform and Terrorism Prevention Act of 2040, the legislation that created the DNI, is beginning to bear fruit, and that incremental but real improvements have been made since the standup.

It was our intent to better unify the disparate pieces of the intelligence community: to create a more cohesive whole that is greater than the sum of the parts. That goal is a work in progress, and we will continue to support the DNI's efforts to create a more effective intelligence community.

We will support that effort, but we also provide the necessary oversight, and this bill provides some mechanisms to make sure that we get the intelligence community that the ranking member and I envisioned when we worked so hard at passing that legislation.

Mr. Chairman, as you also know, much of this legislation is classified and can't be discussed here on the floor. We must be very careful to ensure that today's debate does not involve classified information. That said, I do want to discuss, at an unclassified level, some specific items contained in the authorization bill before us.

The first is our continuing support for an effective Director of National Intelligence that can, as I mentioned earlier, bring together all of the agencies of the intelligence community. We need an effective and efficient DNI that fully coordinates and sets the direction for the high-fidelity capabilities of the intelligence community.

In this legislation we are sending a strong signal that the vision of the 2004 intelligence reform legislation was about building a qualitatively better intelligence establishment and not building a bureaucracy.

This bill continues to pursue improvements to our core intelligence for human intelligence, intelligence analysis, infrastructure and counterintelligence capabilities. Improvements in these areas are absolutely critical to gaining the upper hand in the war against worldwide terrorism. We have, for example, made recommendations for improved HUMINT training and associated support. We have recommended additional funding for analytical tools. And we have put a great deal of emphasis on increasing counterintelligence programs and personnel, because, in case you have not been looking, there are many nations and nonstate actors actively trying to steal America's secrets.

This bill also puts a renewed and continued emphasis on overhead imagery architecture. As many know, last year there were some decisions that were made that included terminating a part of the Future Imagery Architecture program. This was a tough decision. It had its positive aspects. It also had its negative downside. We are now in a late-to-need race to ensure we do not have future capabilities gaps. I am concerned that the current approach has not adequately addressed this problem. So this legislation vigorously pursues one of a very limited number of options.

Finally, I would like to also address a provision that was mentioned in one of the amendments that was proposed by the minority for today. I want to reinforce to my colleagues on the intelligence committee that we remain very, very committed to active oversight and reporting by the intelligence community on the progress that they are making in Iran. We have provisions in the bill for Iraq. We have got some of that language for Iran and other hot spots around the world. But as the ranking member and I have discussed, as the rule was being debated, the spirit of the amendment is one that we embrace. We may have some technical or drafting differences, but the intent of that amendment is one that we will stay focused on. We believe it is inherently important for us to focus on those kinds of issues and to do this in a bipartisan basis.

□ 1500

The issues and the threats that we are facing, al Qaeda, radical Islam, Iran, North Korea, as well as future threats that are on the horizon that we are only beginning to think about, require us to continue to work in a bipartisan basis.

I recognize that we had some disagreements on the bill. We have got disagreements between Republicans and Democrats. We have got disagreements within each side of the aisle. But the important thing is that we continue to focus on working in a bipartisan basis to keep America safe. That is the request that our colleagues on both sides of the aisle have placed to us, and I hope that we will continue in working in that direction.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my 12 years in Congress, in my 8 on the Intelligence Committee, I have always supported intelligence authorization bills, but never in my 12 years and never in my nearly 4 decades involved in public policy have I been as concerned as I now am about our Nation's security.

Just this week bin Laden and Zarqawi issued new threats against the United States and our allies, yet we do not know what they are plotting. We do not even know where they are. Despite 4½ years of effort and the expenditure of tens of billions of taxpayer dollars, we still do not have a handle on al Qaeda, a threat that is metastasizing and growing ever more dangerous.

We are losing soldiers in Iraq, in part because we never had intelligence dominance. We still do not have it. The so-called war on terror outside Iraq is essentially an intelligence war, but we did not know that home-grown terrorists were going to blow themselves up on London's subways. We did not know about Madrid, Bali, Casablanca, Istanbul or Dahab, Egypt. We do not know if America will be hit tomorrow or where.

Iran is making noisy threats, but we do not know if Ahmadinejad poses a real danger or if he is bluffing, because our intelligence on Iran is weak. And again we are hearing the drumbeat for war, without a clear idea of where the targets are, whether we can hit them effectively, or what would happen the day after.

We have taken our eye off over-the-horizon threats, the networks of Muslim extremists growing in Europe, Africa and Latin America, the threat of loose nukes from the former Soviet Union and the rising power of China.

Here at home our intelligence reorganization is a slow start-up, and the CIA is in free fall. The Director of National Intelligence, a position Congress created to integrate the activities of the entire Intelligence Community after 9/11, has not taken command yet of that community. Meanwhile at CIA, our premier intelligence organization, 300 years of experience have either been pushed out or left in frustration, and morale is dangerously low.

The DNI is giving away authority to the Pentagon, which is happy to receive it, as it expands its own role in intelligence-gathering abroad and here at home. The efforts to integrate homeland intelligence between the FBI and DHS is still uneven.

And our borders, airports, seaports remain vulnerable. As we speak, the House Homeland Security Committee on which I serve is trying to report a strong port security bill. I hope that effort succeeds. We surely need it.

Given all this, what does this bill do, and as important, what does it not do? It funds an NSA program that in my view violates a clear statute passed by Congress. It fails to require that the program be fully briefed to Members of the Intelligence Committee.

I surely support, and I have said this over and over again, the capability to monitor al Quaeda. I want to know what their plans are so we can disrupt them before they harm us. But I do not support violating the law or the Constitution. Enhanced security without respect for law gives away the very values we are fighting to defend, and I believe that the program I am talking about can and must fully comply with the Foreign Intelligence Surveillance Act and with our Constitution.

The bill also fails to give clarity to the issue of leaks. Leaks of classified information are wrong, but it is also wrong to have a double standard. When career professionals blow the whistle on controversial activities, it is illegal, a firing offense, but when the President and Vice President authorize the selective leaking of classified information to discredit criticism, it is defended as a prerogative of the Presidency, part of the President's inherent authority.

This bill includes a provision that gives arrest powers to the protective officers at CIA and NSA in order to help them protect agency officials. This provision, in my view, has been somewhat misconstrued in the press as granting new warrantless surveillance powers to these agencies. It does not. It simply gives these protective details the same authority that the Capitol Police, the Secret Service and other Federal authorities have. But, like all new powers, they are susceptible to abuse without strong oversight, and so it would be my hope that we will include more safeguards before this provision becomes law.

I do want to say to the chairman of the committee that I appreciate the bipartisanship which the majority has shown in accepting some initiatives raised over many years by committee Democrats. For 2 years committee Democrats have registered strong opposition to the practice of funding counterterrorism through supplemental budgets. We fought this reckless practice in committee and on the floor.

This year, again, the President's budget provided 22 percent less than what is needed for counterterrorism operations. On a bipartisan basis we are now authorizing 100 percent of the Intelligence Committee's counterterrorism funding needs for 2007 in this base bill, and that is something the majority agreed to, and I applaud them for that.

Second, for years our Intelligence Community has been denied the service of many patriotic Americans from versus ethnic backgrounds, Iraqi Americans, Iranian Americans, who want to serve, but who cannot get security clearances. Committee Democrats offered an amendment to last year's bill to require a multitier system of clearances so that these Americans, despite the fact that they may have relatives in these countries, can get clearances up to a certain level to help us with language and cultural issues. That language is in this bill, and I commend the majority for including it.

On a personal level, Chairman HOEKSTRA and I have made a major effort to work together to put America first. I am grateful for that and for him. I appreciate your kind words, PETER, and I thank you. We will continue to try to do our best to get the best possible legislation enacted.

Mr. Chairman, this bill, in my view, misses an enormous opportunity to send a message to the White House, and that message is that surveillance of Americans must comply with our law and our Constitution; that intelligence on Iran is not good enough; that protection of privacy and civil liberties must be part of our effort to improve intelligence gathering, not an afterthought; and that we will not tolerate a double standard on leaks of classified information.

I hope this debate, Mr. Chairman, will assure me that this bill is adequate. The dedicated women and men of the Intelligence Community not only deserve our full support, but our best effort to enact funding legislation that truly upholds America's values and America's principles.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. THORNBERRY), who is the chairman of the oversight subcommittee assigned with the responsibility of making sure that the reshaping and the rebuilding of the intelligence community under the Office of the Director of National Intelligence is a successful launch and does rebuild the community into what we need after what we inherited in the 1990s.

Mr. THORNBERRY. Mr. Chairman, I thank Chairman HOEKSTRA for all of his work in this area.

Mr. Chairman, there is no perfect bill that comes across this floor. And particularly in the area of intelligence, there is no perfect amount of information that tells us everything that we want to know. But rather than use this bill to send a message to the White House, I think that the committee generally has come together to try to fashion a bill that makes our country safer.

It is not perfect, it does not do everything that I would like it to do, but the members of this committee on both sides of the aisle take their job very seriously, and realize how much is at stake, and have generally avoided the kinds of partisan rhetoric that we sometimes see.

The chairman and ranking member have assigned the oversight subcommittee with strategic oversight. That means we are not to follow the headlines of the day, but the distinguished gentlemen from Alabama (Mr. CRAMER) and I have worked very well together, I think, to try to find those strategic issues, focusing on them. That really make a difference in the long run.

As the chairman mentioned, one of our areas of focus is to make sure that this new DNI office gets started on the right foot; is not just another bureaucracy, but truly brings the intelligence community together so there is not the duplication, not the stovepipes, not the gaps that we have seen in the past.

And it is important for folks to know that we did not just pass a bill, the intelligence reform bill, and walk away from it. We are engaged day after day in trying to work with the administration and with the agencies to make sure that it is a success.

This bill includes a requirement for a strategic planning process that is a part of that effort to make it a success. In addition to that, the oversight subcommittee has focused on reducing unnecessary paperwork burdens, reports and studies that often require many manhours, many dollars to prepare, but then come to nothing, where no one up here reads them.

Rather, we are trying to focus on information exchanges that matter, and particularly in the area of metrics, so that, for example, when we talk about Iran, we can quantify the quality differences, the quantity differences that come from sustained efforts in human and technical intelligence.

I think this bill does help make the country safer, and I suggest that Members support it.

Ms. HARMAN. Mr. Chairman, I appreciate that sending messages to the White House is not all we should do here, but there are very few ways to send those messages.

I yield 2 minutes to a senior member of our committee, also a member of the Armed Services Committee, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the ranking member for yielding me time on this important issue.

I agree with my colleague from Texas that very few pieces of legislation are perfect. It is not that we are looking for perfection, we are looking for an effort that gives us the cooperation, an effort that gives us the ability to hold people accountable for doing their jobs.

Earlier today we heard that one of the amendments, the amendment that has been proposed by my colleague, the gentleman from Iowa (Mr. BOSWELL), had been ruled out of order, and that amendment required a quarterly report to Congress on the nuclear program of Iran. The report would be submitted every 90 days and would include an assessment of nuclear weapons programs; an evaluation on the sources upon which the intelligence is based; a summary of any new intelligence that had been gathered since the previous report; and a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce the confidence in the overall assessment.

People may wonder why would we want to include an amendment like that. Well, the reason goes back to why we are in Iraq today. The reason goes back to our lack of oversight and the issues of WMD, weapons of mass destruction.

The reason is because we have not done our job as a Congress in holding the administration accountable in WMD, in the issue of Abu Ghraib, and the issue of the leaking of the Valerie Plame outing, and many other different issues.

□ 1515

Our Founding Fathers had the idea that the best democracy, the best form of government, would be one that would be a balanced approach. We haven't done our job in balancing that by oversight.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my distinguished colleague from New York (Mr. MCHUGH) who in the past year has sat through seven briefings on Iran in the Intelligence Committee.

Mr. MCHUGH. Mr. Chairman, I thank the distinguished chairman of the Intelligence Committee for his work, his effort, and all Members', to bring this product to the floor here today.

I certainly associate myself with the comments of previous speakers about perfection. I am one of the newer members of the committee, I have to be very frank. As a long-term member of the Armed Services Committee, I was shocked at the condition, or lack of positive condition of our intelligence resources coming out of the 1990s. Let us be honest about it. Congress, particularly the administration, did a terrible job in maintaining the kind of infrastructure programs and resources necessary to do adequate intelligence.

The good news is I think this bill continues the recent efforts, particularly since post-9/11, to try to rebuild those communities. It has not been an easy job, and it has been a bipartisan one, and I can hope that will continue.

With respect to this bill, I would say that it does, indeed, help meet the President's goal of growing our analytic cadre by 50 percent. It continues efforts that were begun with the Intelligence Reform Act to rebuild the community.

As I said, after it was literally devastated by what I would categorize as irresponsible budget cuts in the 1980s, the passage of this bill would provide the DNI with the necessary resources to best identify practices for analysis, and will fund use of experts from across the spectrum, academia, the private sector, to supplement the intelligence community expertise.

More than that, it will support fundamental assessment of the community's analytic resources, and that can serve as the "yellow pages" for intelligence community analysts, and it will serve as well to illustrate what skills and expertise the community still needs as we continue that very, very important challenge. In addition, H.R. 5020 provides our intelligence community with resources and authorities necessary to win the war on terror.

It shakes off the last vestiges of the Deutsch doctrine, which tied our hands for all intelligence officers. It is a long road back. This bill takes us a long way down that path and I strongly support its passage.

Mr. CRAMER. Mr. Chairman, I now yield 3½ minutes to the gentlewoman from California (Ms. ESHOO), a member of the committee.

Ms. ESHOO. Mr. Chairman, I thank our distinguished colleague for yielding.

Mr. Chairman, this bill provides the brave men and women of our intelligence community with the tools they need to conduct their constant silent struggle to guarantee our national security. They deserve it. They place their lives on the line every day, and they should have these resources provided to them.

What I am deeply disappointed about in this bill is that we are not using this opportunity to crack down on the administration's reckless and unlawful abuses in the field of intelligence gathering.

For the first time in our Nation's history, we are living under an administration that asserts it has the right, without statutory or judicial review, to eavesdrop on the electronic communications of American citizens. The NSA wiretapping program, revealed last December and acknowledged by the President himself, represents for the first time ever the completely warrantless surveillance of U.S. citizens, an unheard of breach of our rights guaranteed under the Constitution.

We have learned from news reports that the Counter-Intelligence Field Activity, CIFA, part of the Department of Defense, has illegally collected and retained information on Americans, including several in my district in California. Worse, they did this on the basis of protected first amendment activity, notably the exercise of free speech about military recruiting at the University of California at Santa Cruz.

When I learned of this, I was able to investigate and learn that the reports had been improperly entered into and retained in a Department of Defense database. I objected, and the DOD has promised in writing to correct the situation and issue guidance to employees to prevent future abuses. I am pleased with their attention to the problem, and I hope that we have turned the corner with CIFA.

This has not been the case with the President's NSA wiretapping program. Not only does the program fall outside the statutory guidelines of the Foreign Intelligence Surveillance Act, but the President continues, in my view, to violate the law by failing to brief the full Intelligence Committee about the program.

Our Nation was founded on the premise of three coequal branches of government, providing checks and balances on the abuse of power by any one body. Yet this administration continues to act without regard for congressional or judicial guidelines. This is not only un-American, it is dangerous, and we have a responsibility to put an end to it.

I offered an amendment to this bill in committee which sought only to determine the cost of the President's program. It was a reasonable and measured attempt at meaningful oversight. It didn't seek operational details or names of targets, but just the most basic oversight questions, what is in the budget. It was defeated. When the vote is cast on this, Members are voting in the dark.

I offered another amendment last night which was rejected by the Rules Committee. That was even more benign. It simply expressed the sense of Congress that all electronic surveillance must comply with the Constitution and FISA.

This bill has shortcomings, Mr. Chairman, and I regret that it does because I think that it is not good for our country.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to our distinguished colleague from New Mexico (Mrs. WILSON) who has responsibility as chairwoman of the Tactical and Technical Subcommittee.

Mrs. WILSON of New Mexico. Mr. Chairman, I rise in support of the bill we hope to pass this afternoon, because it continues to rebuild America's global intelligence capability and implemented intelligence reform.

I think we have to be honest with ourselves and the American people that the intelligence challenge that we face today is much more difficult than the challenge that we faced during the Cold War. The Soviet Union was powerful but predictable. They were knowable, understandable. Al Qaeda is deadly but amorphous, adaptive, parasitic, and suicidal.

The intelligence challenge, the bar, is much higher than it used to be. This bill helps us move forward to meet that challenge.

In the area of technical and tactical intelligence, this bill raises the standards for program planning. In the area of broad missions like ballistic missile technical collection, we require agencies to work together to come up with a comprehensive plan to gather the information needed and not duplicate programs.

We require agencies to plan not only for a technical program, but for the life cycle of that program: the tasking, the processing, the exploitation and dissemination, the training of personnel, and those kinds of efforts that have to be put in place.

Thirdly, we know we have serious deficiencies in some technical programs in our technical architecture. There is one essential program that has not been successful, and the way forward is fraught with risk. We put the resources and authorize them in this bill to develop long-term comprehensive solutions to the technical architectures we need to keep this country safe.

I ask my colleagues to support this legislation.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of the 2007 Intelligence Authorization Act. I believe that good intelligence is the best defense against terrorism. As we continue to fight this war on terror, I believe we must give the intelligence community the resources it needs to keep our families and communities safe.

As a member of the House Permanent Select Committee on Intelligence, I support this legislation because I believe that it provides intelligence officials with key resources as they work to protect our country.

The bill improves the U.S. human intelligence activities, boosts U.S. counterintelligence programs and personnel, and increases funding for counterterrorism programs by 22 percent to achieve full funding, something the President's budget did not do.

But I do have some reservations about this bill as well. This legislation, supported by the Bush administration, moves a large number of intelligence agents and analysts from the FBI's new national security branch, currently under the authority of the Director of National Intelligence, to the Department of Justice. I do not believe this move is good for our country's security.

The agents in this new FBI branch specialize in collecting and analyzing domestic intelligence. They work to penetrate terrorist cells currently operating in the United States to thwart another attack on our soil.

After the horrific attacks of 9/11, Congress created the Director of National Intelligence, known as the DNI, to ensure better coordination and communication between the 15 intelligence agencies. The DNI was created to connect the dots, something that did not happen before 9/11.

It is the Department of Justice's job to investigate and indict criminals for breaking our laws.

I fear that shifting a large number of agents and analysts from the DNI to the Department of Justice will keep the status quo. If we want to change the culture, change the system that failed us before 9/11, and effectively break up terrorist cells in our country, the FBI's new security branch must stay under the DNI, the Director of National Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), our distinguished colleague who is the chair of our subcommittee responsible for rebuilding human intelligence capabilities.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in strong support of H.R. 5020, the Intelligence Authorization Act of 2007, and I applaud Chairman HOEKSTRA for presenting a bill that addresses the funding needs for the global war on terrorism and ongoing intelligence operations in Iraq.

Mr. Chairman, as chair of the Terrorism, Human Intelligence, Analysis and Counterintelligence Subcommittee, I have been directed to ensure that the intelligence community has the resources necessary to complete the thousands upon thousands of intelligence operations conducted each year in direct support of our Nation's diplomatic and military efforts worldwide, all during a time of war.

Although the risks involved in intelligence operations are inherently high, they are significantly greater when conducted against blood-thirsty insurgents and radical extremists, both of which accept that the mass murder of innocent men, women and children is justifiable.

When faced with an enemy that is so brutal and remorseless, we must ensure that the intelligence community has the personnel and the operational tools needed to collect, analyze, and disseminate the type of intelligence that allows us to disrupt the activities of such an enemy. H.R. 5020 does this as it provides the resources needed to increase human intelligence operations, enhance analytical capabilities, and sustain intelligence collection platforms.

Insightful, accurate and timely intelligence has always been the key to understanding the plans and intentions of our adversaries. It is not a secret that some of these adversaries have little respect for human rights or the internationally accepted rule of law. They are determined to destroy growing democracies and strip their citizens of the liberties we as Americans often take for granted.

They are committed to bringing the war back to the homeland, where our families and friends might be subjected to similar horrors as were experienced on 9/11. We cannot and we will not let this happen. We cannot appear irresolute in our goal to ensure our political and military leaders have the best intelligence possible while we are waging this war.

It is our duty to ensure that the Nation is protected, and H.R. 5020 strives to guarantee that the right type of intelligence is provided to our leaders so that they may protect our Nation. It is also our duty to provide resources to improve the ability of our servicemembers and intelligence officers as they confront terrorism worldwide and combat insurgents in Iraq and Afghanistan.

Authorizing any amount less than the full funding requested for the global war on terrorism or operations in Iraq would place members of our armed services and our intelligence community under greater peril than they are today. Not authorizing the full amount would be tantamount to compromising our national security.

I urge my colleagues to support this legislation, and, once again, I congratulate my chairman on his outstanding effort.

Ms. HARMAN. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) has 12½ minutes remaining. The gentlewoman from California (Ms. HARMAN) has 14 minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. CRAMER), who is ranking member on our new Oversight Subcommittee, on which Mr. THORNBERRY is doing, I think, a superb job attempting to oversee activities of our intelligence.

□ 1530

Mr. CRAMER. Mr. Chairman, I thank the gentlewoman from California, and I want to congratulate you on your leadership in this committee, along with the chairman as well. I have been on this committee for several terms now, and as the chairman stated and the ranking member stated, we bend over backwards to work in a bipartisan way. This hasn't been easy, and this hasn't been an easy year. And I say to both of you, congratulations for trying to help us work through this very difficult year.

This is not a perfect bill, and I am disappointed that several of the amendments were not allowed in order. I think the chairman is, too. I think there are some of the issues that were ruled out, particularly Mr. BOSWELL's issue, that we can work through together, and so I look forward to the chairman and ranking member's leadership.

I do stand in support of H.R. 5020. This bill does address many of the issues surrounding the way in which the intelligence community is being restructured. I say to my friend, the gentleman from Texas (Mr. THORNBERRY), thank you for the leadership you have enjoyed with me and with this full committee over the Oversight Subcommittee. We haven't always had an Oversight Subcommittee, and this makes sense that we now have the opportunity, particularly as we have stood up the DNI, to engage the new people at the DNI, the new leaders at the DNI that we are looking to to lead this country into a new era of intelligence management that we haven't had. This is our opportunity to hold their feet to the fire.

The stand-up of the DNI has been slow, and it has been frustrating, but we have been working together, Mr. THORNBERRY and I, to bring information back to the full committee from the DNI and the relevant agencies. We have taken on the tough issues, interrogation, detention operations, information sharing, overall management structure of the DNI, and we have done this in ways that the committee hasn't worked before. We have done it by having briefings; we have done it by going to their turf, their sites, sitting with their personnel, leaving the country, talking to our people in sensitive parts of the world that are doing brave and noble things for this country, and then we have brought that information back into the subcommittee and into the full committee as well. This is the way I enjoy working.

Also in this bill there is an investment in an analytical initiative that draws on the expertise resident at three centers, the Missile and Space Intelligence Center, which just happens to be in Huntsville, Alabama, my home district; the National Air and Space Intelligence Center in Dayton, Ohio; and at the National Ground Intelligence Center in Charlottesville, Virginia. These centers collaborate and they work to analyze weapons that we bring back that could be threats to this country and to our aircraft and to our personnel as well. So those people in those locations get a reinvestment in their work through this bill.

All in all, I think this is a good bill, and I urge my colleagues to support it.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to my colleague from the great State of Michigan (Mr. ROGERS), who chairs our policy committee on the Intelligence Committee, responsible for identifying and understanding the threats that we face as a Nation.

Mr. ROGERS of Michigan. Thank you, Mr. Chairman. I want to compliment you, your staff, and that of both the ranking member and the majority on a job well done on this bill.

The challenges that we face came from the 1990s, and many of the problems the ranking member even pointed out were a different direction set, a different policy set from where they wanted our intelligence services to go. They went so far as to say back then that we don't even want you to talk to somebody who is a bad character or may be an embarrassment to the United States. So they did the honorable thing; they shut down their human operations. They followed the law and the policies of the United States. If you would have asked an intelligence official back then, they would have told you it was a bad idea. We shouldn't have done it.

Today, through the leadership of this committee and this chairman, and the folks who are out in the field today trying to rebuild our human intelligence, it is nothing short of miraculous. These people are incredibly talented, and I think we miss that sometimes. We miss it in the halls here and in the debates in committee. And by the way, we have debated ad nauseam many of the issues brought up today on these things, as we should in that context. But these are great people who could do a myriad of other things: make more money. A lot of them came to the CIA, and they took pay cuts because they believe in what they are doing. And they are risking their lives today for this country and for our safety.

I had the great privilege to reenlist a young soldier in a very remote part of the world in a small, dinky little room with all the windows taped up and with a small American flag hanging behind us because that is all we could find, because he believed. He said, yeah, this is hardship, but I believe in my country more than I believe in anything.

So when we talk about the problems of intelligence and the policies of the past, let us not forget one thing: when you bump into somebody whose morale is low, it isn't because of the work that they are doing. They are off the charts excited about making a difference for their country. It is because policymakers back here use words like "illegal wiretap," even though they have never been briefed into the program at all and have no concept of what it is; because they say "Abu Ghraib" like it paints everybody who has ever been involved in an interrogation as doing something wrong and breaking the law.

Shame on us if we allow this to continue to happen and affect the morale of people who are risking their lives on work that is so precious to our safety, security and liberty. We ought to applaud them today, and this bill, I think, does that.

Mr. Chairman, again I want to applaud you and thank you for your work. And I want to caution all the Members of this Chamber: we shouldn't be more worried about winning in November than we should be about winning the war on terror. We should stand with these people, tell them we are proud of them, tell them we are proud of the work they are doing, and thank you for signing up to defend the greatest Nation on the face of the Earth.

Let this squabbling go by. We know that the folks who have come down on this floor, and it has shocked me today, Mr. Chairman, that some would even come out here after getting the full brief and describe a program in terms that they didn't describe it in the privacy and the security and with the confidence of previous briefings. This is the wrong time to do that.

Let us continue to work together. We have done it so well in those committees. I look forward to working with you, Mr. Chairman, and I look forward to standing up for the very people who risk their lives today defending this great country and going after probably the toughest enemy we have ever seen.

Ms. HARMAN. Mr. Chairman, I would just say to my friend Mr. ROGERS that all of us on this committee put America first, though we may disagree about precisely what this bill should include.

It is now my pleasure to yield to the gentleman from New Jersey (Mr. HOLT), the ranking member on our policy committee, 3½ minutes.

Mr. HOLT. Mr. Chairman, I thank my colleague, the ranking member, the gentlewoman from California, for affording me a few minutes to comment on this bill.

I agree with many of my colleagues that there are some very important and positive features of this bill. The dedicated and often brave members of the intelligence agencies have earned and deserve our support, but this bill weakens our freedoms.

There are a number of points, and I hardly know where to begin, but the basic point is that the bill fails to address what I believe are some of the core oversight challenges facing our committee and this body. There are under way some of the greatest changes in intelligence collection in American history, and it deserves our careful oversight.

This bill turns a blind eye, really, to misuses of executive power that threaten our liberties and the constitutional balance of powers which we are sworn to protect. And I say this advisedly. I don't mean to overstate the matter.

The bill does not provide funding for privacy and civil liberties oversight. There has been some mention of that. The bill also does not address this really important issue of domestic spying. Make no mistake, all of us in Congress support intercepting communications of terrorists set on doing us harm, doing Americans harm anywhere in the world, but there are multiple examples of how innocent people are ensnared.

The Muslim American lawyer Brandon Mayfield, we have spoken about him on the floor; Christian peace activists; others who have been falsely labeled as terrorist coconspirators and domestic security threats based on their political beliefs or simple mistaken erroneous information. This is what happens when there are no checks and balances.

To date, there has been no independent audit of the NSA program, the domestic spying surveillance program, to determine whether similar abuses have occurred. That is our role, but we have been stonewalled in our efforts. Eavesdropping on Americans must comply with FISA, that is what I maintain. If the other side disagrees, let us have it out here on the floor. At least let us have it out in committee.

The President says FISA, the Foreign Intelligence Surveillance Act, doesn't apply to him. However, the President doesn't get to pick and choose which laws he will follow and which ones he won't.

The administration still refuses to brief all members of the Intelligence Committee on this program. The National Security Act requires him to do that. The failure to brief the full committee compromises our oversight responsibility, violates the law, I think, and makes a mockery of the checks and balances that we are sworn to protect.

In another case, the Iraq NIE, the National Intelligence Estimate, the information that was leaked, we now know for purely political purposes to try to discredit a public servant. We are talking about the protection of intelligence for its proper use. Classified information should never be misused as a political weapon through selective declassification and leaking to attack opponents a particular point of view. No, I am not flogging a dead horse, I am talking about the principles that we are supposed to protect.

Mr. Chairman, the bill also provides no meaningful protections for national security whistleblowers. Members of the national intelligence community can sometimes be discouraged or even intimidated from raising concerns within their agencies.

Mr. Chairman, I recommend that we vote against this bill.

Mr. HOEKSTRA. I yield 2½ minutes to a great member of the committee, someone who understands that the Civil Liberties and Privacy Board is funded out of the budget of the Executive Office of the President and does not come out of the Intelligence Committee authorization bill, the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I thank the gentleman from Michigan, and I do rise in support of the intelligence authorization bill for fiscal year 2007. Chairman HOEKSTRA is to be congratulated and commended for his efforts in drafting this important legislation to meet the intelligence needs of the country.

There are many great things in this bill for the warfighter and for the intelligence community; however, I would like to focus on a very important reconnaissance and surveillance program, the U–2. Recently, a program budget decision was released by the Air Force to retire the U–2 by 2011. This transition flight plan would replace the U–2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review it appears that the Air Force now shares my concerns. The bill before us prevents the retirement of the U–2 unless the Secretary of Defense can certify that there will be no loss of intelligence collection capabilities.

Just to make a point, I am associated with the U–2 all the way back to the 1950s when it made its first flight. It has been upgraded continuously over the years with a large variety of mature intelligence collection sensors. The U–2 is, in fact, the force behind our long-range stand-off intelligence capabilities today.

The last U–2 left the production line in 1989. Its airframe is engineered for 75,000 hours. The U–2 provides critical multisensor intelligence through all phases of conflict, including peacetime, the war on terror, low-intensity conflict, and high-scale hostilities. The U–2 has even provided photographs to FEMA in support of the Hurricane Katrina and other national disasters. The U–2's modular payload design allows the aircraft to be reconfigured to perform various missions and can perform them until 2050 at the rate we are now using them.

Mr. Chairman, intelligence is the first line of defense and necessary for the security of the Nation. Our warfighters, to be successful on the battlefield, have to have this intelligence. I urge all my colleagues to support this bill, and again I congratulate the chairman and our ranking member for us being able to get this bill to the floor.

In particular, I'd like to focus on a very important Reconnaissance and Surveillance Program: the U–2.

Recently, a Program Budget Decision was released by the Air Force to retire the U–2 by 2011. This "transition flight plan" would replace the U–2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review, it appears the Air Force now shares some of my concerns. The bill before us prevents the retirement of the U–2 unless the Secretary of Defense can certify that there will be no loss of intelligence collection capabilities.

Just to make a point about the capability of the U–2, although the origins of the aircraft go back to the 1950s, it has been upgraded continuously over the years with a large variety of mature intelligence collection sensors. The U–2 is, in fact, the force behind our long-range, stand-off intelligence capabilities today.

The last U–2 left the production line only in 1989. Its airframe is engineered for 75,000 hours, yet our fleet of operational aircraft averages only 10,000 hours. The U–2 provides critical multi-sensor intelligence through all phases of conflict, including peacetime, the war on terror, low-intensity conflict and large-scale hostilities. The U–2 has even provided photographs to FEMA in support of Hurricane Katrina and other natural disasters. The U–2's modular payload design allows the aircraft to be reconfigured to perform various missions, and can perform them until 2050 at the rate we are using them today.

The Bill rightly directs that the Secretary of Defense must certify that there will be no loss of intelligence capabilities in transitioning from the U–2 to the Global Hawk, and that the collection capabilities reach parity, before a final decision is made. This will help ensure that the "persistent stare" goal in the Quadrennial Defense Review is met.

Mr. Chairman, intelligence "is" the first line of defense and necessary for the security of this Nation, and for our war fighters to be successful on the battlefield. I urge my colleagues to vote in favor of this legislation.

□ 1545

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, the intelligence authorization bill before us today is a bit of a mixed bag. It does, on the positive side, direct the Director of National Intelligence to better conform to the committee's intent that the Director of National Intelligence be a coordinator of intelligence, that it not create an additional layer of bureaucracy, and that it strengthen the community's capability to penetrate hard targets.

It does, at the Democrats' insistence, provide full funding for counterterrorism programs instead of going along with the President's 22 percent cut. It does contain report language requiring that the Department of Defense inspector general audit the controversial activities of the Department of Defense Counterintelligence Field Activities, or CIFA.

But there are concerns that remain unanswered, and among these concerns are the continued insistence of this administration to limit access to information about the President's domestic surveillance program. After weeks of debate, the program remains limited to only a select group of the already select Intelligence Committee. We should not expect members charged with the oversight to write a blank check to the President to conduct intelligence activities under a shroud of secrecy from the very group that was established on behalf of this Congress to do oversight. Members of this full House look to the members of the Select Committee on Intelligence for advice, and in this case the President has limited that committee in full from being able to get the information necessary to be able to advise and lead on these issues.

The Intelligence Reform and Terrorism Prevention Act of 2004 established the Director of National Intelligence with strong statutory budget authorities to enable that office to reach across the whole community and to reallocate resources and personnel to respond to emerging threats. The administration appears to be on a path to dismantle this critical budgetary authority, piece by piece.

The 2007 budget request of the President moves significant resources and personnel permanently out of the management and control of the Director of National Intelligence. Most of those transfers move intelligence assets to the control of the Secretary of Defense and the Attorney General.

We should keep in mind over the last 2 years the military intelligence program has grown by 25 percent while the national intelligence program has actually shrunk by almost 1 percent. Both press reports and the Quadrennial Defense Review evidence the Pentagon's intention to expand special operations activities worldwide to engage in operations traditionally reserved for the Central Intelligence Agency and the State Department.

In the committee I proposed an amendment that would protect the authorities of the Director of National Intelligence, at least pending a Federal review and some answers from the administration with respect to its intentions in this regard. That failed, but I understand that the Senate is believed to have this issue in its sights, under consideration, and I should hope it is for the purposes of being in line with my amendment.

Allowing the Department of Defense to creep into the intelligence areas, especially when the result would be to avoid oversight, is problematical in the least. I have strong reservations about this bill, and I ask Members to consider these before they vote on this measure.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a distinguished member of the committee.

Mr. RENZI. Mr. Chairman, I appreciate your work and the ranking member's work on this bill.

I want to also go back to some things that were said earlier concerning civil liberties and the Republican Party, in its effort to try to balance civil liberties post-September 11. It is unfair and unwise to enter into the CONGRESSIONAL RECORD the misleading information that this is the first time in history that terrorist surveillance was conducted outside of FISA. Every one of you over there knows that President Clinton conducted terrorist surveillance outside of FISA, and he was justified in doing so by Jamie Gorelich at the Justice Department based on an argument of Article II of the Constitution. It is not the first time in history outside of FISA it has been conducted.

This legislation also, as the gentlewoman from New Mexico talked about, goes to restore and rebuild our capabilities that were very much slashed during the 1990s. It was a time when our intelligence officers declined by 30 percent. It was a time when a number of CIA sources worldwide were cut by 40 percent. The number of intelligence reports that our intelligence community was able to produce was cut in half.

If you remember back during the Reagan administration when President Reagan had to rebuild our military, this is very much like how our history stands right now in trying to restore and rebuild our intelligence capability. There was a time when our intelligence officers were hamstrung by the Deutsch guidelines, when poor management and a lack of urgency at the top did not allow our intelligence agents to function properly in the field. That has changed.

This intelligence authorization bill allows us to gather more information globally at more locations than we had in the recent past. When famine strikes in Africa, when the saber-rattling in Venezuela is conducted, when the narcoterrorists along the Mexican border begin control, this intelligence bill acts.

I want to once again thank the chairman. As a Member from Arizona, we need the kind of increases that our agents are asking for, particularly on our Mexican border.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am the longest-serving member currently on this committee. I love this committee; I love the issues we consider. My district is the place where most of our intelligence satellites are made. It is the location of the Air Force Space and Missiles Command, which just opened a state-of-the-art complex and develops and fields our satellite and missile capabilities.

I was there in El Segundo 2 days ago, and I am immensely proud of the work of SMC and the people who do the work, both in uniform and civilians.

Mr. Chairman, I have traveled the corners of the earth with our committee members. They are my friends. I am very fond of them on a bipartisan basis and I have been very moved by some of the comments made about this bill. A lot of what they say I truly and sincerely agree with. I think this bill is a lot better than it would have been because there has been bipartisan cooperation. I appreciate that. And I appreciate the personal effort that Chairman HOEKSTRA made to work with me and work with the minority.

What has upset me today, and I do not think anyone has missed it, is what I view as callous, partisan behavior by the Committee on Rules at a level that I have not felt and experienced, at least with respect to the Intelligence Committee. Members on our side offered responsible amendments. All of them were shown to the majority; and in one case, the Boswell amendment, the majority collaborated with us on adjusting the language so it was mutually acceptable. Then at the last minute, for no good reason other than pure partisanship, the Boswell amendment was made out of order.

That experience has prompted me to revisit some of the things that still bother me. The NSA program bothers me. It is not that I do not support the capability; surely I do. I have made that clear. But I do not support any part of that program being outside of FISA, because I believe, based on information that I have, that it can fully comply with FISA. There is no reason to exempt that program.

Mr. RENZI was just talking about the actions of President Clinton that he claimed were outside of FISA. My understanding is that at the time, physical searches were not covered by FISA, and later FISA was amended to cover it. That is the right way to go, and that is what I would hope our committee would end up doing.

Mr. Chairman, it is a tough call whether to support the bill at this stage. I hope and expect that I will support the conference report. I think the conference report will be better than the bill we pass in this House, because I think that the other body and the conference will consider and make decisions about some of these issues we have not addressed adequately here.

In closing, it is always on my mind that dedicated men and women are serving overseas taking tough risks for our freedom. I love them and I have been there to tell them that. This bill has to honor them, which means this has to be the best bill we can field. I do not think it is the best bill we can pass. I will make a decision about my vote later in this debate. I know that some members on our committee will support it and some will oppose it and I respect their views, as I do the views of the majority.

Mr. Chairman, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent at this point to include for the RECORD an exchange of letters with other committees of jurisdiction and the executive branch with respect to this legislation. I appreciate the willingness of those committees to work with us on this legislation.

The CHAIRMAN. The gentleman's request to insert matter at this point is already covered by his request for general leave in the House.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 25, 2006.

HON. PETER HOEKSTRA,
Chairman, House Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: On April 6, 2006, the House Permanent Select Committee on Intelligence reported H.R. 5020, the "Intelligence Authorization Act for Fiscal Year 2007." As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,
TOM DAVIS.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 25, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Government Reform's jurisdictional interest in H.R. 5020, the "Intelligence Authorization Act for Fiscal Year 2007," and your willingness to forego consideration of H.R. 5020 by the Government Reform Committee.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 5020 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 5020. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,
PETER HOEKSTRA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 26, 2006.

Hon. PETER HOEKSTRA,
Chairman, House Committee on Intelligence, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN HOEKSTRA: I write to confirm our mutual understanding regarding H.R. 5020, the "Intelligence Authorization Act for Fiscal Year 2007." This legislation contains subject matter within the jurisdiction of the Committee on the Judiciary. However, in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered. I also wish to confirm our mutual agreement that the authorization of the Drug Enforcement Agency's (DEA) Office of National Security Intelligence within the National Intelligence Program in no way impairs or affects the Committee on the Judiciary's jurisdiction over law enforcement and information sharing activities of all components of the DEA, including those carried out by this Office.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5020 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, Jr.
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 26, 2006.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of April 26, 2006, regarding H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. As you noted, elements of the bill as reported fall within the jurisdiction of the Committee on the Judiciary. I will support the request of the Committee on the Judiciary for conferees on these provisions.

In addition, the bill reflects action on the part of the Administration to include specified elements of the Drug Enforcement Administration within the Intelligence Community. As you know, I intend to offer a manager's amendment to the bill to clarify that the DEA's membership in the Intelligence Community is specifically limited to the DEA's Office of National Security Intelligence, the authorization for which has been requested within the National Intelligence Program, the program for which we have jurisdiction. I will be glad to work with you on a continuing basis to ensure that this designation is not construed in any way to limit the conduct of oversight by the Committee on the Judiciary with respect to law enforcement and information sharing activities of all components of the DEA, which I fully recognize are within the jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forego consideration of the bill in the interest of expediting this legislation for floor consideration. I acknowledge that by agreeing to waive consideration of the bill, the Committee on the Judiciary does not waive any jurisdiction it may have over provisions of the bill or any matters under your jurisdiction.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance in this matter.

Sincerely,

PETER HOEKSTRA,
Chairman.

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, OFFICE OF CONGRESSIONAL AFFAIRS,
Washington, DC, April 25, 2006.

Hon. PETER HOEKSTRA,
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN HOEKSTRA: Thank you for supporting a portion of Drug Enforcement Administration (DEA) joining the Intelligence Community (IC). This is in response to your staff inquiry regarding the organizational relationship between the Office of National Security Intelligence and the Central Tasking Management System (CTMS).

As you know, DBA has created the Office of National Security Intelligence at DEA headquarters to oversee and coordinate the three major functions necessary for the Office of National Security Intelligence integration into the IC: all-source analysis, a Central Tasking Management System, and liaison with IC members. All-source analysis of drug trafficking investigative and other information will enhance the intelligence available to policy makers in the law enforcement and intelligence communities. The CTMS will allow DBA to notify IC partners of pertinent drug information related to national security.

We appreciate your interest in the organizational structure of the Office of National Security Intelligence. Please contact us again if you have additional questions, or need additional information.

Sincerely,

ERIC J. AKERS,
Chief, Office of Congressional Affairs.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

In closing, I appreciate again the work of the ranking member, my colleagues on both sides of the aisle, and the staff on both sides of the aisle, to pull together a bill which I think addresses the priorities that we established at this committee really beginning a year and a half ago: that we were going to stay focused on rebuilding an intelligence capability to match the threats that America faces today.

This legislation puts in the necessary fences that will ensure that this committee has the oversight over the standup of the Office of the Director of National Intelligence. We all want this process to work. We would all like it to go faster because of the significant threats that we face as a Nation. But standing up the Office of the DNI will be the responsibility of monitoring, and that will be the responsibility of our oversight subcommittee.

Our policy committee is going to continue to monitor and evaluate the threats that we face as a Nation. Whether it is al Qaeda, radical Islam, the affiliated groups to al Qaeda, Iran, Iraq, North Korea, China, we want to make sure that we as a committee have a good grasp of making sure that the intelligence community is structured to go after these threats and provide us as policymakers with the information that we need to be successful.

The third thing that we are going to do is to make sure that we thoroughly take a look at what we can accomplish to stop leaks, the devastating leaks from within the community and outside of the community that damage our capabilities and give those who want to attack us insight as to what our plans, intentions and capabilities are.

And then for my colleagues who have talked about the TSA program and other activities, it is the responsibility of this committee, it is the responsibility of the members of this committee to make sure that we do effective oversight, to make sure that the executive branch operates within the parameters that we have established, the legal parameters that we have established for it to operate within.

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas (Mr. TIAHRT) to close the general debate on our side.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA) for yielding me this time, and I apologize for being late.

Mr. Chairman, this legislation before us provides funding resources and authorization to support our intelligence community, and I think it is coming at a very important time so we can protect our Nation from attack.

Following September 11, 2001, our economy suffered a $2 trillion loss. That does not really address the nearly 3,000 lives lost as a by-product of the terrorist attacks. Certainly that carries greater weight.

We have held hearings, appointed commissions and watched documentaries about this tragedy. It is clear during the 1990s, our government reduced the human intelligence capabilities and let our infrastructure fall into disrepair. This bill, which is so important, continues to rebuild our intelligence community.

First, it provides full funding for the global war on terror instead of piecemealing in increments through supplementals and emergency bills.

Second, the legislation provides much-needed new buildings and rehabilitates other capital investments that deteriorated during the 1990s under the last administration.

And finally, it begins a long process of training agents, recruiting recourses, and hiring the support personnel needed to achieve the human intelligence capability that we need to protect ourselves, our families, and our economy.

Mr. Chairman, I strongly urge my fellow colleagues to support this bill. I would like to say this is an important step in the right direction to allow our new Director of National Intelligence to have the voice that he needs to coordinate our activities, to break down the stovepipes and to continue the process of doing an excellent job of protecting this Nation, as they have done since September 11, 2001.

Mr. MORAN of Virginia. Mr. Chairman, almost 2 years ago, the 9/11 Commission reported that our intelligence community failed our Nation because of its aversion to share information, lack of oversight and limited imagination in how to deal with emerging sources of information. Since that final report was issued, Congress has authorized an overhaul of intelligence agencies, but progress has not met with our expectations. We all experienced what can happen with inadequate intelligence on 9/11, so the path that is being taken should serve as a brilliant warning sign that much more needs to be done.

When the House of Representatives votes on this year's Intelligence Authorization, I will vote against the bill. In doing so, my opposition is not because Congress shouldn't fund intelligence activities, but rather I believe that it is disingenuous for this body to act as if the intelligence community is not the source of great concern. The resistance to change, the absence of leadership and partisan politics have tempered positive evolution and hurt our Nation. Indeed, in the place of real progress, the intelligence community has been a source of a number of controversial and classified programs that the public has since learned about. Last year, we were made aware that:

The President initiated an illegal program to secretly intercept international phone calls, including intercepting calls of American citizens, without fully briefing the House and Senate Intelligence Committees. This new spy program subverts the congressionally approved standard and no one comprehends the full scope of the program;

The United States government operated a secretive program known as "extraordinary rendition" that shipped accused terrorist suspect to other countries for imprisonment and interrogation, all to avoid U.S. laws prescribing due process and prohibiting torture;

The White House selectively declassified information and offered it to preferred reporters to discredit political adversaries;

Intelligence officials sat on a report contradicting the Administration's claim that mobile laboratories in Iraq were developing weapons, while the President announced to the Nation that "we have found the weapons of mass destruction"; and

Last week the CIA fired lifelong federal employee Mary McCarthy for disclosure, offering the misimpression she was fired for a leak she never knew anything about.

These instances are only the most grievous, but they highlight this administration's contempt for accountability and put the unassailable standing of our civil liberties in doubt. And when given the opportunity, the White House has dragged its feet to appoint the staff, fund and begin the work of the Privacy and Civil Liberties Oversight Board which is intended to safeguard our citizens from unnecessary government intrusion.

I understand the formidable challenge that is being undertaken and I applaud the many brave and good hearted people who work to secure our nation every day. Unfortunately, the White House and the leadership of these agencies are undercutting reform by failing to deliver greater communication, transparency and accountability. We are reminded repeatedly with reports that the CIA is losing key personnel because of the politicization of the agency, or when the 9/11 Commission gives "D" grades to government-wide information sharing and intelligence oversight reform.

The American public looks to Congress to safeguard our civil liberties, and to ensure that intelligence is good and intelligence reform is meaningful. I'm afraid that in the last year there has been increasing evidence that this institution has failed to do its job. Mr. Chairman, instead of passing a reauthorization bill today that does little to address the nation's concern we should reexamine what we can do to ensure our intelligence agencies can do their job and instill our constituent's faith in our intelligence community.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 5020, the Intelligence Authorization Act for fiscal year 2007.

In supporting this bill, I want to emphasize to Chairman HOEKSTRA that the Defense Appropriation Subcommittee will do what it can to work with the House Permanent Select Committee on Intelligence in the weeks and months ahead. We intend to follow through with a fiscal year 2007 Department of Defense Appropriations bill that supports the major areas of emphasis addressed in the authorization bill now before us.

I intend to work closely with Chairman HOEKSTRA and the HPSCI to provide the funds necessary to strengthen U.S. intelligence collection and analysis, improve the technical means that support the Intelligence Community, and strengthen the organization of the Intelligence Community. I also stand ready to work with his Committee as we carefully scrutinize the fiscal year 2007 budget request to ensure that funding is used as effectively and as efficiently as possible to obtain the best return for the American taxpayer.

While I support this measure, I must also advise that some areas of difference between the Authorization and Appropriations bills may arise. Of course, we intend to try to minimize any such issues. However, the committees have different institutional roles, responsibilities, and processes, and while I fully respect the role of the Chairman of the authorizing committee, I know he appreciates my role as well.

In an increasingly constrained spending environment, the Appropriations Committee may find it necessary to reduce the overall funding available for the Department of Defense Appropriations bill. We will have to make hard choices on how best to address those constraints.

I offer my congratulations to Chairman HOEKSTRA for his work on this legislation, and my support for final passage.

Mr. SHERMAN. Mr. Chairman, I joined with the distinguished Ranking Member of the Intelligence Committee, Congresswoman JANE HARMAN, in voting against H.R. 5020, the Intelligence Authorization bill, to protest the Bush Administration's insistence on wiretapping Americans without adhering to the requirements of the Foreign Intelligence Surveillance Act and other statutory provisions on wiretapping.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise for the purposes of explaining my vote on H.R. 5020, which this chamber considered today. I have a high regard for the intelligence officials that serve our country, and I strongly support efforts to make sure that they have the resources to complete their mission competently, professionally, thoroughly and legally. After listening to the debate on this bill, I reached the conclusion that this bill does nothing to rein in this Administration's domestic surveillance program conducted by the National Security Agency.

This bill contains some good provisions. It imposes restrictions on the growth of the National Director of intelligence to ensure resources are applied to strengthening the intelligence community's ability to penetrate hard targets, and not just add to the growth in bureaucracy. It fully funds the counter-terrorism program. However, the bill's provisions concerning oversight of domestic counterintelligence activity is tepid at best.

I believe we can conduct domestic intelligence activities in a manner that is consistent with the requirements of the Foreign Intelligence Surveillance Act (FISA) and the protections guaranteed under the U.S. Constitution. There exists a debate in this country if whether the NSA domestic surveillance program is being conducted within the limits of the FISA. During the debate on the bill, I learned several Members sought to offer a bipartisan amendment clarifying that all surveillance of American citizens must follow the law and be consonant with the 4th Amendment of the Constitution. The Rules Committee denied us an opportunity to consider that amendment. Any process that denies us the opportunity to protect our constitutional guarantees does not deserve my support, and for that reason, I voted against the passage of H.R. 5020.

☐ 1600

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence Activities.
Sec. 303. Clarification of definition of Intelligence Community under the National Security Act of 1947.
Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 305. Retention and use of amounts paid as debts to Elements of the Intelligence Community.
Sec. 306. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 307. Purchases by elements of the intelligence community of products of federal prison industries.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of delegation of transfer or reprogramming authority.
Sec. 402. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 403. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 404. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 405. Leadership and location of certain offices and officials.
Sec. 406. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 407. Repeal of certain authorities relating to the Office of the national counterintelligence Executive.
Sec. 408. Membership of the Director of National Intelligence on the transportation security oversight Board.
Sec. 409. Temporary inapplicability to the Office of the Director of National Intelligence of certain financial reporting requirements.
Sec. 410. Comprehensive inventory of special access programs.
Sec. 411. Sense of Congress on multi-level security clearances.
Sec. 412. Access to information by staff and members of the congressional intelligence committees.
Sec. 413. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.

Subtitle B—Central Intelligence Agency

Sec. 421. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 422. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 423. Additional functions and authorities for protective personnel of the central intelligence agency.

Sec. 424. Protective services for former officials of the intelligence community.

Sec. 425. Strategic review process.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training Program.

Sec. 432. Codification of authorities of national security agency protective personnel.

Subtitle D—Other Elements

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration elements in the Intelligence Community.

Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

TITLE V—OTHER MATTERS

Sec. 501. Aerial reconnaissance platforms.

Sec. 502. Elimination of certain reporting requirements.

Sec. 503. Technical amendments to the National Security Act of 1947.

Sec. 504. Technical clarification of certain references to joint military intelligence Program and tactical intelligence and related Activities.

Sec. 505. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 506. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 507. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 508. Technical amendments to the Executive Schedule.

Sec. 509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5020 of the One Hundred Ninth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $990,000,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,539 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2007.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year as the Director of National Intelligence considers necessary.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 5020 of the One Hundred Ninth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 305. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

"RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

"Sec. 1103. (a) Authority to Retain Amounts Paid.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) Crediting of Amounts Retained.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) Availability of Amounts.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) Debt Owed to an Element of the Intelligence Community Defined.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.".

(b) Clerical Amendment.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

"Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.".

SEC. 306. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) Funds of Office of Director of National Intelligence.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) Funds of Central Intelligence Agency.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) Travel and Transportation Expenses Defined.—In this section, the term "travel and transportation expenses" means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 307. PURCHASES BY ELEMENTS OF THE INTELLIGENCE COMMUNITY OF PRODUCTS OF FEDERAL PRISON INDUSTRIES.

Section 404 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2632) is amended—

(1) by striking "by the Central Intelligence Agency" and inserting "by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))"; and

(2) by striking "the Director of the Central Intelligence Agency determines that the product or service" and inserting "the head of that element determines that the product or service (including a surveying or mapping service)".

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.

Section 102A(d)(5)(B) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(5)(B)), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended in the second sentence by striking "or agency involved" and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)".

SEC. 402. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) in the heading, by striking "With" and inserting "of Headquarters With Headquarters Of";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Coordination and Prioritization of Research Conducted by Elements of Intelligence Community.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) Development of Technology Goals.—Such section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community; and"; and

(2) by adding at the end the following new subsection:

"(e) Goals for Technology Needs of Intelligence Community.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions; and

"(2) examine options to enhance the responsiveness of research and design programs of elements of the intelligence community to meet the requirements of the intelligence community for timely support.".

(c) Report.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 404. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) Appointment.—

(1) In General.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking "the President, by and with the advice and consent of the Senate" and inserting "the Director of National Intelligence".

(2) Applicability.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any nomination of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) Title.—Such section is further amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer".

SEC. 405. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) National Counter Proliferation Center.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o-1(a)) is amended—

(1) by striking "Establishment.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting "(1) Establishment.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) Director.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) Location.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) Officers.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the intelligence community.

"(10) The Inspector General of the intelligence community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 406. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) In General.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

"(a) Authority for Payment of Awards.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) Repeal of Obsolete Authority.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) Conforming Amendments.—Such section is further amended—

(1) in subsection (b), by striking "to the Central Intelligence Agency or to the Intelligence Community Staff" and inserting "to the Office of the Director of National Intelligence or to the Central Intelligence Agency"; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or Director of the Central Intelligence Agency".

(d) Technical and Stylistic Amendments.—That section is further amended—

(1) in subsection (b)—

(A) by inserting "Personnel Eligible for Awards.—" after "(b)";

(B) by striking "subsection (a) of this section" and inserting "subsection (a)"; and

(C) by striking "a date five years before the date of enactment of this section" and inserting "December 9, 1978"; and

(2) in subsection (c), as so redesignated, by inserting "Payment and Acceptance of Awards.—" after "(c)".

SEC. 407. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) Repeal of Certain Authorities.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) Conforming Amendments.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e)(2), as so redesignated, by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 408. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 409. TEMPORARY INAPPLICABILITY TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE OF CERTAIN FINANCIAL REPORTING REQUIREMENTS.

The Director of National Intelligence shall not be required to submit an audited financial statement under section 3515 of title 31, United States Code, for the Office of the Director of National Intelligence with respect to fiscal year 2005 or 2006.

SEC. 410. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).

SEC. 411. SENSE OF CONGRESS ON MULTI-LEVEL SECURITY CLEARANCES.

It is the sense of Congress that the Director of National Intelligence should promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.

SEC. 412. ACCESS TO INFORMATION BY STAFF AND MEMBERS OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members and staff of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate accounts for and access to the Intelink System (or any successor system) through the Joint Worldwide Intelligence Communications System (or any successor system). Such access shall include access up to and including the level of sensitive compartmented information and shall be provided in the sensitive compartmented information facilities of each Committee.

SEC. 413. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) Study.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle B—Central Intelligence Agency

SEC. 421. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) Responsibility of Director of Central Intelligence Agency Under National Security Act of 1947.—Subsection (d) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and".

(b) Protection Under Central Intelligence Agency Act of 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking "section 102A(i)" and all that follows through "unauthorized disclosure" and inserting "sections 102A(i) and 104A(d)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(d)(4))".

(c) Construction With Exemption From Requirement for Disclosure of Information to Public.—Section 104A(d)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) Technical Amendments to Central Intelligence Agency Retirement Act.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection heading, by striking "OF DCI";

(2) by striking "section 102A(i)" and inserting "sections 102A(i) and 104A(d)(4)";

(3) by striking "of National Intelligence"; and

(4) by inserting "of the Central Intelligence Agency" after "methods".

SEC. 422. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) Additional Exception.—Subsection (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2), by striking "position or category of positions" each place it appears and inserting "individual, individuals, position, or category of positions"; and

(3) by adding at the end the following new paragraph:

"(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.".

(b) Report on Waivers.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence, by inserting "individuals or" before "positions"; and

(2) in the second sentence, by striking "position or category of positions" and inserting "individual, individuals, position, or category of positions".

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Protection of Certain Persons.—Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking "and the protection" and inserting "the protection"; and

(2) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;".

(b) Authority to Arrest.—

(1) Chapter 203 of title 18, United States Code, is amended by adding at the end the following:

"§3065. Powers of authorized personnel in the Central Intelligence Agency

"(a) The Director of the Central Intelligence Agency may issue regulations to allow personnel designated to carry out protective functions for the Central Intelligence Agency under section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) to, while engaged in such protective functions, make arrests without a warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

"(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.".

(2) The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following:

"3065. Powers of authorized personnel in the Central Intelligence Agency.".

SEC. 424. PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Title III of the National Security Act of 1947 (50 U.S.C. 409a et seq.) is amended by inserting after section 303 the following new section:

"PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE INTELLIGENCE COMMUNITY

"Sec. 304. (a) In General.—Subject to subsection (b), the head of an element of the intelligence community may not provide personnel for the protection of a former official of an element of the intelligence community unless—

"(1) there is a specific and credible threat to such former official arising from the service of such former official to the United States; and

"(2) such head of an element of the intelligence community submits to the Director of National Intelligence notice of the intention to provide such personnel and an assessment of—

"(A) the threat to such former official; and

"(B) the level of protective services necessary to protect such former official based on such threat.

"(b) Exception for Recent Termination of Employment.—The head of an element of the intelligence community may provide personnel for the protection of a former official of an element of the intelligence community without a specific and credible threat to such former official for not more than one year after the termination of the employment of such former official if such former official requests such protection.

"(c) Threat Assessment Updates.—Not later than 180 days after the date on which the head of an element of the intelligence community begins providing personnel for the protection of a former official of an element of the intelligence community, and at least every 180 days thereafter until such head of an element of the intelligence community determines that there is no longer a threat to such former official, such head of an element of the intelligence community shall submit to the Director of National Intelligence an updated assessment of the threat to such former official and the level of protective services necessary to protect such former official based on such threat.

"(d) Termination of Protective Services.—If the head of an element of the intelligence community that is providing personnel for the protection of a former official of an element of the intelligence community pursuant to subsection (a) determines that there is no longer a threat to such former official, such head of an element of the intelligence community shall cease providing personnel for the protection of such former official not later than 30 days after determining such threat no longer exists.

"(e) Report.—Not later than 7 days after the date on which the head of an element of the intelligence community begins providing personnel for the protection of a former official of an element of the intelligence community, the Director of National Intelligence shall submit to the congressional intelligence committees notice of the provision of personnel for the protection of such former official.".

(b) Table of Contents.—The table of contents of such Act is amended by—

(1) striking the second item relating to section 301;

(2) striking the second item relating to section 302;

(3) striking the items relating to sections 304, 305, and 306; and

(4) inserting after the item relating to section 303 the following new item:

"Sec. 304. Protective services for former officials of the intelligence community.".

SEC. 425. STRATEGIC REVIEW PROCESS.

Section 102A(f) of the National Security Act of 1947 (50 U.S.C. 403–1(f)) is amended by adding at the end the following new paragraph:

"(9) Not later than September 30, 2007, and every four years thereafter, the Director of National Intelligence shall, in consultation with the heads of the elements of the intelligence community, manage and oversee the conduct of a strategic review of the intelligence community to develop intelligence capabilities required to address threats to national security. Such review shall analyze near-term, mid-term, and future threats to national security and shall include estimates of the allocation of resources and structural change that should be reflected in future budget requests.".

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) Termination of Employees.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) Authority to Withhold Disclosure of Affiliation With NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

(a) Protection of Certain Persons.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"Sec. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

(b) Authority to Arrest.—

(1) Chapter 203 of title 18, United States Code, as amended by section 423 of this Act, is amended by adding at the end the following:

"§3066. Powers of authorized personnel in the National Security Agency

"(a) The Director of the National Security Agency may issue regulations to allow personnel designated to carry out protective functions for the Agency to—

"(1) carry firearms; and

"(2) make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

"(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 203 of title 18, United States Code, as amended by section 423 of this Act, is amended by adding at the end the following:

"3066. Powers of authorized personnel in the National Security Agency.".

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION ELEMENTS IN THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE V—OTHER MATTERS

SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.

(a) Limitation on Termination of U–2 Aircraft Program.—The Secretary of Defense may not begin the process to terminate the U–2 aircraft program until the Secretary certifies in accordance with subsection (b) that there would be no loss of national or Department of Defense intelligence, surveillance, and reconnaissance (ISR) capabilities in transitioning from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(b) Report and Certification.—

(1) Study.—The Secretary of Defense shall conduct a study of aerial reconnaissance platforms to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(2) Report.—The Secretary shall submit to the congressional committees specified in subsection (c) a report containing the results of the study. The Secretary shall include in the report the Secretary's determination as to whether the Global Hawk RQ–4 unmanned aerial vehicle—

(A) has reached mission capability; and

(B) has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(3) Certification.—The Secretary shall include with the report the Secretary's certification, based on the results of the study, as to whether or not there would be a loss of national or Department of Defense intelligence, surveillance, and reconnaissance capabilities with a transition from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(c) Specified Committees.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) Intelligence Sharing With UN.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended by striking subsection (b).

(b) Improvement of Financial Statements for Auditing Purposes.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking section 114A; and

(2) in the table of contents in the first section, by striking the item relating to section 114A.

(c) Financial Intelligence on Terrorist Assets.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking section 118; and

(2) in the table of contents in the first section, by striking the item relating to section 118.

(d) Counterdrug Intelligence.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended—

(1) by striking section 826; and

(2) in the table of contents in section 1(b), by striking the item relating to section 826.

SEC. 503. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)"; and

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

SEC. 504. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 505. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) Amendments to National Security Intelligence Reform Act of 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "Agency" after "Intelligence".

(b) Other Amendments to Intelligence Reform and Terrorism Prevention Act of 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 506. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)" and inserting "authorized under subsections (c), (d), (e), and (f) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)".

SEC. 507. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) In General.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection heading, by striking "Foreign"; and

(2) by striking "foreign" each place it appears.

(b) Responsibility of DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) Conforming Amendment.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 508. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) Executive Schedule Level II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

§509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency

(a) Title 5, United States Code.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)(XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) Title 44, United States Code.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-438. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109-438 offered by Mr. HOEKSTRA:

In section 421, strike subsection (c) (page 29, lines 15 through 23).

Page 29, line 24, redesignate subsection (d) as subsection (c).

Amend paragraph (1) of section 441 (page 39, line 8) to read as follows:

(1) in subparagraph (H), by inserting "the Coast Guard" after "the Marine Corps";

Page 39, line 15, strike the final period and insert a semicolon.

Page 39, after line 15, insert the following new paragraphs:

(3) by redesignating subparagraph (L) as subparagraph (M); and

(4) by inserting after subparagraph (K) the following new subparagraph:

"(L) The Office of National Security Intelligence of the Drug Enforcement Administration.".

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is the manager's amendment to the bill. It contains two provisions. The first strikes the provision of the committee's amendment relating to the Freedom of Information Act at the request of the Committee on Government Reform. The second specifically clarifies that the new membership of the Drug Enforcement Administration in the intelligence community is limited to the DEA's Office of National Security Intelligence. This clarification was requested by the Department of Justice and the DEA. I do not believe that either of these changes are controversial. I urge Members to support the amendment.

I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I will support this amendment, but I rise to note that the chairman has agreed to modify a provision, and I appreciate the modification that he has made, and that relates to the CIA Director's responsibility under the Freedom of Information Act. The minority felt that the provisions were restricting FOIA requests, and the majority agreed to accommodate us and struck the language, and I would like our colleagues to know that that accommodation has been made. It makes the manager's amendment a better amendment, and I support the manager's amendment.

Mr. HOEKSTRA. If the gentlewoman has no additional speakers, I will yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109-438 offered by Mr. FOSSELLA:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE VI—COMMUNICATION OF INFORMATION CONCERNING TERRORIST THREATS

SEC. 601. IDENTIFICATION OF BEST PRATICES.

(a) STUDY.—The Secretary of Homeland Security and the Director of National Intelligence shall conduct jointly, or contract with an entity to conduct, a study of the operations of Federal, State, and local government entities to identify best practices for the communication of information concerning a terrorist threat.

(b) CONTENTS.—

(1) IDENTIFICATION OF BEST PRACTICES.—The study conducted under this section shall be focused on an analysis and identification of the best practices of the information-sharing processes of the following government entities:

(A) Joint Terrorism Task Forces, which are operated by the Federal Bureau of Investigations with the participation of local law enforcement agencies.

(B) State Homeland Security Fusion Centers, which are established by a State and share information with Federal departments.

(C) The Homeland Security Operations Center, which is operated by the Department of Homeland Security for the purposes of coordinating information.

(D) State and local law enforcement agencies that collect, utilize, and disseminate information on potential terrorist attacks.

(E) The appropriate elements of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a), involved in the sharing of counter-terrorism information.

(2) COORDINATION OF GOVERNMENT ENTITIES.—The study conducted under this section shall include an examination of methods for coordinating the activities of Federal, State, and local entities in responding to a terrorist threat, and specifically the communication to the general public of information concerning the threat. The study shall not include an examination of the sources and methods used in the collection of the information.

(c) OBTAINING OFFICIAL DATA.—In conducting the study, the Secretary, in conjunction with the Director, with due regard for the protection of classified information, may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. Classified information shall be handled through established methods for controlling such information.

(d) TEMPORARY DUTY OF FEDERAL PERSONNEL.—The Secretary, in conjunction with the Director, may request the head of any department or agency of the United States to detail to temporary duty personnel within the administrative jurisdiction of the head of the department or agency that the Secretary may need to carry out this section, each detail to be without loss of seniority, pay, or other employee status.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in conjunction with the Director, shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the study, including identification of the best practices for the processing, analysis, and dissemination of information between the government entities referred to in subsection (b)(1); and

(B) recommendations for a formalized process of consultation, communication, and confidentiality between Federal, State, and local governments, incorporating the best practices of the various entities studied, to facilitate communication and help prevent the unauthorized dissemination of information and criticism of decisions concerning terrorist threats.

(2) CLASSIFIED INFORMATION.—To the extent determined appropriate by the Secretary, in conjunction with the Director, the Secretary may submit a portion of the report in classified form.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007.

SEC. 602. CENTERS OF BEST PRACTICES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall make grants for the establishment and operation of 3 centers to implement the best practices, identified by the study conducted under section 601, for the processing, analysis, and dissemination of information concerning a terrorist threat (in this section, each referred to as a "Center").

(b) LOCATION OF CENTERS.—In carrying out subsection (a), the Secretary, in consultation with the Director, shall make grants to—

(1) the State of New York for the establishment of a Center to be located in New York City;

(2) the State of Michigan for the establishment of a Center to be located in Detroit; and

(3) the State of California for the establishment of a Center to be located in Los Angeles.

(c) PURPOSE OF CENTERS.—Each Center shall—

(1) implement the best practices, identified by the study conducted under section 601, for information sharing concerning a terrorist threat;

(2) coordinate the communication of these best practices with other metropolitan areas;

(3) coordinate with the Secretary and the Director to develop a training curriculum to implement these best practices;

(4) provide funding and technical assistance to other metropolitan areas to assist the metropolitan areas in the implementation of the curriculum developed under paragraph (3); and

(5) coordinate with the Secretary and the Director to establish a method to advertise and disseminate these best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section—

(1) $10,000,000 for fiscal year 2007 for the establishment of the Centers; and

(2) $3,000,000 for each of fiscal years 2008 through 2012 for the operation of the Centers.

(e) REPORT TO CONGRESS.—Not later than March 31, 2010, the Secretary, in consultation with the Director, shall submit to Congress a report evaluating the operations of the Centers and making recommendations for future funding.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

First, let me thank the chairman and the ranking member for allowing me to bring this amendment forward in the Rules Committee.

One of the essential elements of government responsibility is to communicate effectively to the American people, especially in time of a potential terrorist attack or a natural disaster.

On October 6 of 2005, New York City was made aware of several reports that terrorists were planning a large-scale attack on the subway systems. That evening, as New Yorkers watched the news, they had to struggle with two conflicting messages about the day's events. City officials, led by the mayor and the police commissioner, announced that a credible threat was aimed at New York City subway system, and stated that the threat was specific enough to warrant an immediate and overwhelming response.

However, the news also reported that officials in Washington were down playing the severity of the threat. A spokesman for the Department of Homeland Security described it as "specific, yet noncredible." Other antiterrorism officials stated that the information gathered about the plot was not verifiable.

New York officials first learned of the threat earlier in the week. The information gained from a reliable informant indicated that the people in Iraq were plotting with people in the United States to hide bombs in baby strollers, briefcases and packages and set them off in the city's subways.

But the Department of Homeland Security had a different take. They released to law enforcement agencies an unclassified bulletin on the threat to the subway system, indicating that the FBI and Department of Homeland Security had doubts about the credibility of that threat. Yet the document also stated that a team of operatives, "some of whom may travel to or who may be in the New York City area," might attempt an attack on or about October 9, 3 days after this warning. It also said that the terrorists might use remote-controlled or timed explosives hidden inside or underneath baby carriages and briefcases or suitcases.

Vetting and verifying information is one thing. Having our government sending out conflicting messages to the American people when conflict can be avoided is another.

I have always and will continue to be supportive of all efforts by antiterrorism forces at the Federal, State and local levels, but it pained me, and I am sure many others, to watch the confusion that unfolded that October.

The trend continued weeks later in Maryland. Officials responded to a bomb threat in the I-95 tunnel under Baltimore Harbor, which the closing of resulted in stopping of thousands of cars for hours along a major transportation corridor. However, Baltimore's mayor and police commissioner said they learned of the tunnel closure and the bomb threat from the news media. This is not the way the system should work.

Bear in mind, since 9/11, law enforcement at all levels has responded to a variety of threats every day such as a misplaced bag, a suspicious package or unknown substance. In general, these agencies and the men and women who work for these agencies are dedicated, responsible, diligent, and respond very well to these potentially dangerous situations.

But what clearly needs to be done and to be improved is how different levels of government interact with each other when these threats are elevated. We need to get everyone on the same page and, when a credible threat occurs, inform the public in a coordinated way. In short, what is needed is a 911 call center for first responders. To achieve that, my amendment works in the following ways:

It authorizes a study to be conducted by the Secretary of Homeland Security and the Director of National Intelligence to identify the problems and the success of terrorist threat information sharing between the Federal, State and local levels of government.

Number 2, in addition to identifying the best practices, it will recommend a formalized process between the Federal, State and local levels of government for communicating threats to the public in a coordinated way.

Once complete, the study will be made available to all Federal, State and local government entities involved in terrorist intelligence gathering.

Finally, based on the results of the study, three centers of best practices will be created; staffs of the centers tasked with developing techniques to teach State and local governments how to improve their information sharing and planning techniques in conjunction with the Federal Government.

The center's staff will ensure the results of the study are incorporated in the daily workings of homeland security preparedness and responsive activities through all levels of government.

And finally, let me just say it is a fact that not every city can dedicate resources to terrorism. On the one hand, we have New York City where more than 1,000, about 1 in every 40, police officers in New York City are dedicated to antiterrorism duties. The reality is New York City faces a threat every single day. New York can be Exhibit A. But for other municipalities developing advanced techniques on fighting the war on terrorism, it is not so important. They don't have the resources, the manpower to dedicate. This amendment is not limited to just New York. The other centers of best practices, a suggestion would be in Detroit and Los Angeles, and can disseminate and share their techniques with other cities, whether it be Topeka or Peoria.

The sad fact is that the same terrorist scenarios, if they occurred in five different States, there could be five different sets of responses to the American people. We need, at a minimum, a level of coordination on communicating threats to the public. This amendment, I believe, will achieve that goal. The American people deserve it.

I yield back the balance of my time.

Ms. HARMAN. Mr. Chairman, I move to strike the last word, and rise in support of the Fossella amendment. I think it is an excellent amendment, and I think the explanation by Mr. FOSSELLA was excellent.

We had meltdowns, as he well describes, both in New York and Baltimore recently. I think local officials acted responsibly. The information they had showed direct threats to their municipalities, so they had no choice.

We can improve this. We not only need to share information better horizontally, a point we have been making in this committee and one of the reasons we set up the Director of National Intelligence, but we need to share it better vertically. Some of the best ideas are in our hometowns, and some of the best people trying to keep us safe are in our hometowns. I think the Fossella amendment will help us, through the establishment of centers of excellence, develop best practices to share information horizontally and vertically and get best information to those in our hometowns who are trying to protect us.

This is a great idea. I am kind of embarrassed we didn't have it in the base bill. It shows that when this House works together, we bring good information to the floor, and we improve legislation. I only wish that we had been able to bring some other good amendments to the floor to improve this legislation. I say to Mr. FOSSELLA, I strongly support you.

Mr. FOSSELLA. Would the gentlewoman yield?

Ms. HARMAN. Yes, I would be happy to yield to the gentleman.

Mr. FOSSELLA. I would just like to thank the gentlewoman for her efforts and that of your staff, especially Chairman HOEKSTRA, that of Chairman PETER KING and his staff and Rob O'Connor. But I thank the gentlewoman for her comments and strong support.

Mr. HOEKSTRA. Will the gentlewoman yield?

Ms. HARMAN. I would be happy to yield to the gentleman.

Mr. HOEKSTRA. I would like to thank the gentlewoman for her comments. I don't have time on this amendment. I also would like to indicate our side's support of this amendment. And this is something that you and I have talked about before. And again, we have gone through this the way it should be gone through. Appreciate your help.

Ms. HARMAN. Well, I agree. And just reclaiming my time, this is how this House should be working. This is bipartisan collaboration at work. It is going to make our cities safer, and it is going to send a message to the American people of one team, one fight, which is the message they want to hear.

I yield back, Mr. Chairman.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-438 offered by Ms. LEE:

At the end of the bill, add the following new section:

SEC. 510. REPORT ON AUTHORIZATION TO OVERTHROW DEMOCRATICALLY ELECTED GOVERNMENTS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing any authorization granted during the 10-year period ending on the date of the enactment of this Act to engage in intelligence activities related to the overthrow of a democratically elected government.

The CHAIRMAN. Pursuant to House Resolution 774, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Let me first thank our ranking member of the committee, my colleague and friend from California, Congresswoman JANE HARMAN, for her support of this amendment and for her leadership.

Mr. Chairman, this amendment is very simple and noncontroversial. It merely requires the President to submit a report to the House and Senate Intelligence Committees describing any authorization granted over the last 10 years to engage in intelligence activities related to the overthrow of a democratically elected government.

Mr. Chairman, we all know that democracy promotion is at the top of this administration's agenda, and I believe that there is no question that supporting democracy should be a nonpartisan issue that we all agree on because it is at the core of our Nation's values. It is, quite simply, fundamental to who we are as a people and what we stand for as a Nation. That is why we must support democratic movements as they take place across the world. Nothing less than our values are on the line if we don't. That is why we must be vigilant and safeguard against any actions that would undermine or threaten our ability to support democratic efforts.

It is clear that actions that undermine democracies also undermine our credibility in the world and, therefore, our ability to be viewed as a serious and legitimate agent of democracy. So if promoting democracy is to remain a critical pillar of our foreign policy, we must ensure that our ability to be this voice for people's movements throughout the world is not damaged by contrary actions. Who will believe us if our actions are inconsistent with our words? How successful will we be in achieving our goals?

So today I offer this amendment to support and protect our efforts toward promoting democracy and to help ensure that our actions are consistent with our values. Toward that end this amendment will help Members of this body stay well informed about our Nation's actions related to these types of overt or covert intelligence activities which is especially critical at this moment. This amendment will help increase transparency in the process by requiring a report that is organized and comprehensive over the past 10 years. It will also help provide this information in an organized fashion so Members do not need to sort through voluminous records or seek information on a country-by-country basis.

It is also critical to point out that that amendment in no way compromises the confidential and sensitive nature of the information as it requires the report to be delivered to the House and Senate Intelligence Committees and for Members to review it in a confidential and secure setting.

So, Mr. Chairman, I want to conclude by thanking again our ranking member for her support, and want to strongly urge all my colleagues here to stand up for democracy and to stand up for transparency by supporting this amendment.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim the time in opposition to the amendment.

I will not oppose the amendment, but I do want to just have a couple of clarifying comments. We should not presume and we are not presuming by accepting the amendment that any such authorization to overthrow democratically elected governments has ever happened or been authorized.

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But we think it would be helpful to have this 10-year history to clarify that. The reporting requirements are very much appropriate. So with that clarification, we are inclined to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. LEE. Mr. Chairman, I want to thank the chairman for his support and want to make sure that it is on the record that we have talked and agreed with regard to the intent of this amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), ranking member of the committee.

Ms. HARMAN. Mr. Chairman, I thank the gentlewoman for yielding to me. I commend her for her courageous voice in Congress, she knows I do, on many important issues.

I also want to commend our chairman for saying that he will accept this amendment. He should know, and the gentlewoman surely does know, that we have worked together over the years to describe this issue in a manner acceptable to many in the committee. She and I have had conversations on the floor in past years about this issue. This year she is offering her concerns in the form of legislation, and I think this legislation is really very good. I think the goals of democratization and transparency are both good goals. Our President says he supports democratization. It surely is one of our major foreign policy goals.

I am for, and I mince no words about this, the robust use of intelligence to find out the plans and intentions of people who are plotting to do us harm. I do not think this amendment in any way compromises that, and I think the fact that the report is to be prepared and will be delivered to our committee in a classified form makes absolutely certain that we are not advertising to our enemies how we deploy our resources.

So, again, I want to commend the gentlewoman for offering this amendment and offer my strong support for it.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

I want to thank the gentlewoman for her leadership and for her support. And, yes, we have talked over the years about this and wanted to come to some bipartisan agreement and solution. So I think this is a very modest yet very important amendment, and I want to thank again our chairman and ranking member for their support.

Let me also thank our staffs on both sides of the aisle. Especially I want to thank my chief of staff, Julie Nixon, for her support and leadership, and both the minority and majority staff for, again, helping us to figure out the appropriate language to accomplish the goals that we want to accomplish. I thank them for their support.

Ms. WATERS. Mr. Chairman, I rise to support the Lee amendment, which would require the President to submit to Congress a report describing any authorization in the past 10 years to engage in intelligence activities related to the overthrow of a democratically-elected government.

In February of 2004, our government was a party to a coup d'etat that overthrew President Jean-Bertrand Aristide, the democratically-elected President of Haiti. Former soldiers and other heavily-armed thugs took over several Haitian cities and then marched into Haiti's capital, while opposition groups representing Haiti's wealthy elites staged confrontational demonstrations throughout the country. Early in the morning on February 29, U.S. Marines and Embassy officials entered President Aristide's home and told him to leave immediately or he and thousands of other Haitians would be killed. President Aristide was flown aboard a U.S. plane to the Central African Republic and left there.

The Bush administration had been working with the wealthy Haitian elites who hated President Aristide to force him to step down. The International Republican Institute, which is affiliated with the Republican Party, funneled U.S. taxpayer dollars to the Aristide-haters; and Roger Noriega, President Bush's former Assistant Secretary of State for Western Hemisphere Affairs, conspired with sweatshop-owner Andre Apaid to organize, train and finance the opposition.

Congress has a right to know why the Bush administration allowed a small minority of wealthy elites and a group of heavily armed thugs to overthrow a democratically-elected government. More importantly, Congress has a right to know whether U.S. intelligence agencies and operatives were directly involved in this coup d'etat.

I urge my colleagues to support the Lee amendment and demand that Congress uncover the truth about the coup d'etat in Haiti.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–438 offered by Mr. PRICE of North Carolina:

At the end of title III, add the following new section:

SEC. 308. ACCOUNTABILITY IN INTELLIGENCE CONTRACTING.

(a) REPORT ON REGULATIONS GOVERNING INTELLIGENCE COMMUNITY CONTRACTING.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on regulations governing covered contracts under the National Intelligence Program and, at the discretion of the Director of National Intelligence, the Military Intelligence Program.

(2) MATTERS COVERED.—

(A) The report required by paragraph (1) shall include a description of any relevant regulations prescribed by the Director of National Intelligence or by the heads of agencies in the intelligence community, including those relating to the following matters:

(i) Types of functions or activities that may be appropriately carried out by contractors.

(ii) Minimum standards regarding the hiring, training, security clearance, and assignment of contract personnel.

(iii) Procedures for conducting oversight of covered contracts to ensure identification and prosecution of criminal violations; financial waste, fraud, or abuse; or other abuses committed by contractors or contract personnel.

(B) The report also shall include a description of progress made by the Director of National Intelligence in standardizing the regulations described in subparagraph (A) across the different agencies of the National Intelligence Program to the extent practicable.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(b) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTS AWARDED BY INTELLIGENCE COMMUNITY AGENCIES.—

(1) INFORMATION ON INTELLIGENCE ACTIVITIES TO BE PERFORMED.—Each covered contract in an amount greater than $1,000,000 shall require the contractor to provide to the contracting officer for the contract, not later than 5 days after award of the contract, the following information regarding intelligence activities performed under the contract:

(A) Number of persons to be used to perform such functions.

(B) A description of how such persons are trained to carry out tasks specified under the contract relating to such functions.

(C) A description of each category of activity relating to such functions required by the contract.

(2) UPDATES.—The information provided under paragraph (1) shall be updated during contract performance as necessary.

(3) INFORMATION ON COSTS.—Each covered contract shall include the following requirements:

(A) Upon award of the contract, the contractor shall provide to the contracting officer cost estimates of salary, benefits, insurance, materials, logistics, administrative costs, and other costs of carrying out intelligence activities under the contract.

(B) Before contract closeout (other than closeout of a firm, fixed price contract), the contractor shall provide to the contracting officer a report on the actual costs of carrying out intelligence activities under the contract, in the same categories as provided under subparagraph (A).

(c) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTING AGENCIES OF THE INTELLIGENCE COMMUNITY.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the information described in paragraph (2) on contracting activities in the intelligence community.

(2) MATTERS COVERED.—The report required by paragraph (1) shall include the following information:

(A) A list of contracts awarded for intelligence activities by each agency in the intelligence community during the one-year period preceding the date of submission of the report.

(B) A description of the activities to be performed by contractors in fulfillment of each contract on the list under subparagraph (A), including whether such activities are classified or unclassified.

(C) The number of personnel carrying out work under each such contract.

(D) The estimated cost of performance of the work required by each such contract.

(d) RETENTION OF INTELLIGENCE COMMUNITY PROFESSIONALS.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National of Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on hiring, promotion, and retention of intelligence community professionals.

(2) MATTERS COVERED.— The report required by paragraph (1) shall include the following:

(A) Recommendations regarding any bonuses, benefits, or other inducements that would help the intelligence community to hire, promote, and retain its professional workforce in order to compete effectively against the attraction of private sector opportunities.

(B) Recommendations regarding any policy changes, including changes to policies governing the awarding of security clearances, that may promote hiring, promotion, and retention of the intelligence community professional workforce.

(C) A description of any additional authority needed from Congress to implement the recommendations under subparagraphs (A) and (B).

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) COVERED CONTRACT.—The term "covered contract" means—

(A) a prime contract with any agency or office that is part of the intelligence community;

(B) a subcontract at any tier under any prime contract with an office or agency referred to in subparagraph (A); or

(C) a task order issued under a task or delivery order contract entered into by an office or agency referred to in subparagraph (A, if the work to be performed under the contract, subcontract, or task order includes intelligence activities to be performed either within or outside the United States.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the 9/11 attacks, the budgets of U.S. intelligence agencies and the scope of their operations have increased, and they have increasingly turned to private sector contractors to help do their work. Experts both within and outside the intelligence community have warned that the expanded use of private contractors is posing some major challenges. According to the Washington Post, the Director of National Intelligence, Mr. Negroponte, has himself expressed concern about this issue.

It is an important matter. About half of the intelligence community's budget is reportedly now spent through contracts awarded to private sector firms. So we are talking about several billion dollars in contracts each year.

While the intelligence community has addressed some of the questions about how private contractors are being used and how they should be used, there needs to be a deeper examination and discussion of these issues both in the community and in Congress. My amendment would solicit information from the Director of National Intelligence and, I hope, would spur such dialogue.

It would also ask the director to provide suggestions on how to help him recruit and retain top-notch personnel, too many of whom we are now losing to private sector opportunities. Over and over again, we see the government invest thousands of dollars in training and obtaining top-level security clearances for intelligence personnel, only to lose them to lucrative jobs in the private sector. I know Representative JOHN TIERNEY and others have been interested in this issue, and I appreciate their support for my amendment.

I have worked with the Intelligence Committee majority and minority to draft this amendment in a way that will give Congress the information it needs to conduct proper oversight without posing an undue reporting burden on the intelligence community. I believe we have achieved a good balance with my amendment, and, as I have indicated to the chairman, I am happy to continue working with him and the ranking member to further improve the language as the legislation moves forward.

I urge my colleagues to support this amendment and help us shed some light on an important and largely unnoticed shift in the way we gather intelligence.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I would like to make a point for the benefit of the members of the committee. Mr. THORNBERRY and I have been aggressively involved in standing up to DNI and we have been concerned, the committee has been concerned, that we do not establish a new set of regulations and reporting requirements for our intelligence agencies.

Would your amendment have that kind of impact? Could you explain that to us?

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the question. My amendment, in fact, does not establish new regulations for the intelligence community nor does it prohibit contractors from carrying out any type of work. It simply requires contractors and the intelligence community to provide Congress with more information so we can do our job effectively. It is not about more regulations. It is about information, about what practices and policies are already in effect.

As for the reporting requirements, this amendment would require reports on private contracting. We have crafted the amendment to minimize the additional burden on the agency. The vast majority of what we are requesting is information that the agency either has or should have already, but it is a matter of assembling that information and making it available to the appropriate committees of the Congress.

Mr. CRAMER. If you would continue to yield, I think you clearly raise issues that we need to continue to address, and this is information that we should continue to have. I would support your amendment and would urge my colleagues in the committee to do the same thing.

Mr. PRICE of North Carolina. Mr. Chairman, I thank my colleague for his support, and I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, again, I believe that with some of the dialogue we have had before, we will not oppose the amendment, but I just want to add some clarification.

I am very appreciative of the efforts of the gentleman from North Carolina to work closely with the committee to perfect his original amendment. The intent of this amendment, as I understand it, is to improve contractor management, civilian retention, and to eliminate fraud, waste, and abuse across the intelligence community. These are the goals that the Intelligence Committee has embraced and we fully support.

The amendment as written requires numerous duplicative and onerous reports that will only increase costs in personnel overhead at the intelligence community agencies, and particularly within the Office of the Director of National Intelligence, an issue that the ranking member and I and other members of the committee have been very, very concerned about.

As Mr. CRAMER has also identified, the Oversight Subcommittee has been working in a way to try to reduce the number of reports. This amendment, we believe, as an example, within 90 days of enactment of the legislation, there would be a requirement for the delivery of a report on hiring, promotion, and retention of all intelligence community professionals. The text does not define intelligence professional; so the amendment basically would ask for this report on every career field within the intelligence community. This may simply not be necessary. It would potentially be overly burdensome. Since it also applies to parts of the Defense Department that are part of the military intelligence program, our friends at the House Armed Services Committee have expressed some concerns about this. But based on the discussions that we had before the amendment came up indicating Mr. PRICE's willingness to work with us on refining this amendment once we are in conference, we are inclined to accept the amendment and to move on.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I thank the chairman and once again assure him that we indeed do stand ready to work on refining this language so we get the information we need in the Congress but that we do not impose undue reporting requirements.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding.

And I agree that there is more to explore about this subject in conference. But outsourcing is a big deal, and it is probably a bigger deal than any of us on the committee knows.

Oversight of the intelligence community in today's world means oversight of contractors. We have outsourced more and more of the community, and I think that more serious thought needs to go into the impact of this.

The good thing about the Price amendment is that it does not mandate any particular solution. It just requires the DNI to examine the problem in a meaningful way. It essentially calls for an inventory of contracts and of rules regarding what duties may be outsourced. And I think giving us full information will allow better policy.

I applaud the gentleman for introducing this amendment and urge our colleagues to support it.

The CHAIRMAN. All time has expired on the proponent's side.

Mr. HOEKSTRA. Mr. Chairman, again I am looking forward to working in conference in a bipartisan way to work out any concerns or any additional issues that may arise with this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109-438 offered by Mr. ANDREWS:

At the end of the bill, add the following new section:

SEC. 510. REPORT ON INTELLIGENCE RELATING TO INSURGENT FORCES IN IRAQ.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to Congress a report, in classified form, on intelligence relating to the disposition of insurgent forces in Iraq fighting against Coalition forces and the forces of the Government of Iraq, including—

(1) an estimate of the number of insurgent forces;

(2) an estimate of the number of insurgent forces that are—

(A) former members of the Ba'ath Party; and

(B) members of al Qaeda or other terrorist organizations;

(3) a description of where in Iraq the insurgent forces are located;

(4) a description of the capability of the insurgent forces; and

(5) a description of how the insurgent forces are funded.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are many different views in the House as to how we should prosecute the war effort in Iraq. There are many different views as to what we should do next. But I believe there is only one view about the constitutional responsibility of this branch of government, and that is that we have the solemn and grave responsibility of oversight.

It is our job on behalf of our constituents to ask questions about the direction, the efficacy, and the future of American policy in Iraq. In order to appropriately answer those questions, it is important that certain facts be adduced and be available to the Members on a regular basis. Because of the sensitive nature of those facts, it is important that the facts be available on a classified basis so that those who are prosecuting the war and the related intelligence activities are not compromised in any way.

The purpose of my amendment is to serve the twin goals of promoting fact-based oversight while maintaining the confidentiality and security of sources and methods of intelligence gathering.

My amendment says this: on a quarterly basis, the relevant intelligence authorities would be responsible for producing for the House a classified report that would set forth the best intelligence estimates as to the number of resistance fighters in Iraq. These categories would be broken down according to the various sources of the disruption and violence that we are seeing: former regime elements, insurgents from outside of the country, groups associated with terrorist organizations around the world, and so forth.

I am not suggesting that the only metric of the success of our policy would be the diminution of such forces, but I am suggesting that a critical metric of the success or failure would be the metric of that reduction. Similarly, if we are having trouble pinpointing the number in each category, that alone is a relevant fact that would help us understand the nature of the problem that we face and the nature of remedies to those problems.

So this report would produce an important metric for review by the Members as to the progress or lack thereof with respect to defeating the resistance in Iraq.

I want to reemphasize that this report is quarterly and it is classified. This would be handled much in the same way that the intelligence budget is handled, where Members who have properly executed the proper oath would have access to the information on a quarterly basis, would have the opportunity to review it, would be bound by the appropriate rules of confidentiality in discussing what they have seen, but would be able to form a more factual basis for an evaluation of the success or lack thereof of our policies in Iraq.

□ 1630

Again, I believe that this amendment serves the many different views we have with the prosecution of this policy in Iraq. For those who would call for an expeditious withdrawal, for those who would call for staying the course, for all those in between, this would be fact-based information that I think would enrich our debate and further advance our constitutional responsibility of oversight.

Mr. Chairman, I would respectfully urge adoption of the amendment, and I thank you for this opportunity to explain it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I will not oppose the amendment. I think this information is very consistent with the type of information that the Intelligence Committee receives on a regular basis, but we need to make sure that we continue receiving it in the future.

Again, we will be inclined to accept this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I thank my friend from Michigan and my friend from California for their cooperation, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RENZI

Mr. RENZI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–438 offered by Mr. RENZI:

At the end of the bill, add the following new section:

SEC. 510. SENSE OF CONGRESS REGARDING UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) FINDINGS.—Congress finds the following:

(1) The Supreme Court has unequivocally recognized that the Constitution vests the President with the authority to protect national security information as head of the Executive Branch and as Commander-in-Chief.

(2) The Supreme Court has recognized a compelling government interest in withholding national security information from unauthorized persons.

(3) The Supreme Court has recognized that secrecy agreements for government employees are a reasonable means for protecting this vital interest.

(4) The Supreme Court has noted that "It should be obvious that no one has a 'right' to a security clearance".

(5) Unauthorized disclosures of classified information relating to national security are most damaging when they have the potential to compromise intelligence sources and methods and ongoing intelligence operations.

(6) Potential unauthorized disclosures of classified information have impeded relationships with foreign intelligence services and the effectiveness of the Global War on Terrorism.

(7) Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should utilize the constitutional authority of the President to the fullest practicable extent, where warranted, to classify and protect national security information relating to intelligence activities and information and to take effective action against persons who commit unauthorized disclosures of classified information relating to intelligence activities and information contrary to law and voluntary secrecy agreements.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Arizona (Mr. RENZI) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, within our Nation's media organizations there exists a great number of professionals who provide America with information of substance and great importance. The media's role is vital to this Nation. They provide checks and balances of power and oversight of our political activity, and I want my words today to be respectful, particularly of those true professional journalists who have a hard time choosing in the battle to get their story and the need to protect our Nation.

Yet amongst the journalistic profession there are a few, a small few, who disclose our most sensitive intelligence sources and methods to our enemies. They even boldly have justified their actions recently by claiming themselves to be whistleblowers.

Yet it is not the role of a reporter working with a disgraced or disgruntled politically motivated former government employee or those who are on the verge of retirement to determine when to reveal our national secrets.

Some reporters explain that the information that they are disclosing is illegal. If you suspect it to be illegal, then notify the FBI or the intelligence committees. If you feel that there will be inactivity or political coverup, then inform both Republicans and Democrats. But do not publish classified information for personal gain.

My amendment expresses the sense of Congress that the President ought to use his full authority, where warranted, not to overclassify information, but to protect national security information and take effective action against those persons who have betrayed this Nation during wartime by publishing current, ongoing operational disclosures of classified information.

We all want to protect our frontline agents. It is vital to the war on terror. It is also vital that those nations who we conduct joint operations with are able to trust us, not to ask our agents in the field whether or not we can even keep a secret.

I understand our publishers and their need to get the story, but I also understand that it is their right that by free speech they also safeguard this Nation and help contribute to our victory in this war on terror.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I rise in opposition to this amendment, though I may not oppose it. I really rise for the purpose of entering into a colloquy with the amendment's sponsor.

Mr. Chairman, there is much that is good in this amendment. All of us, certainly this Member, oppose the leaks, unauthorized leaks, of classified information. That is the wrong thing to do. All of us who serve on the Intelligence Committee not only took the general oath as Members of Congress, but I believe we signed a second oath as members of the committee, and I have no reason to believe that any one of us ever, not for a nanosecond, has compromised classified information, nor would we. I am sure the amendment's author agrees.

I think it is important to say that the Congress wants those who leak in an unauthorized fashion to be prosecuted. I think that is a fair thing to say. I am also in full agreement that the President should use the fullest extent of his power to properly classify information and to protect classified information.

But two things are on my mind, and one of them relates to the language here. One thing on my mind, as I stated earlier, is we should not have a double standard. If we are against leaks of classified information, we should be against leaks of classified information everywhere, and I don't believe, and I am not asking the sponsor, unless he would like to comment, that it is proper for the President or the Vice President to use inherent power to authorize their own aides to discuss what was classified information with selected reporters.

But the question I want to ask the sponsor is this: there is one section of this amendment that I think is overly broad, and it is clause (7) of the findings, where it says, "Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information." That may be conjecture. I don't personally think that is true.

I would like to ask the amendment's sponsor whether he will work with us as this bill goes to conference to modify this language so that it can be absolutely accurate and convey on a bipartisan basis the view that unauthorized leaks are wrong, but that our findings are completely factual on the point.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield, I appreciate the dialogue with the ranking member and have great respect, as she knows, for her command of this subject matter.

In recent weeks we have almost seen a glorification, a self-glorification, almost a self-indulgence with this issue. In my opinion, with the rewards that have gone with the Pulitzer Prize, the money that goes with it, the trophies, the whole idea of leaking information and making it part of the marketplace was the motive for why I had that language put in.

If you are asking if I am willing to work with you, absolutely. From day one I want to work with you on it, and I would ask the chairman to look at it as it relates to the conference. But I think we need to send a message to the publishers in America that they have got to help us in this war on terror, and the motivation cannot be an ambition that is out of the realm of asking our media outlets to be reasonable. I would just offer that to the ranking member.

Ms. HARMAN. Mr. Chairman, reclaiming my time, I appreciate the gentleman's sincerity. You know, I enjoy working with you, but I doubt, and that is why I said we need more facts here, I don't think we should allege this unless it is factually based. I doubt the motivation in many of these cases was financial. I doubt it.

I understand that books have been written and prizes have been garnered based on publishing classified information, but we have a strong tradition of freedom of the press and a strong constitutional amendment, the first amendment, that protects freedom of speech. So I think we should be very careful in making claims like this.

What I am seeking is just a commitment that we will review this language and make sure that we all feel it is factually based.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield further. I appreciate the gentlewoman from California and her comments. I only would point out that books on these are in the millions and millions of dollars. I don't mean to limit it to just awards. But taking and listening to your initiative, I would also ask that the chairman look at his leadership role on this and his ideas and be able to formulate the final opinion along with you. I appreciate that.

Ms. HARMAN. Mr. Chairman, I reserve the balance of my time.

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to our chairman, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague from Arizona. My commitment is to work with the ranking member and with the gentleman from Arizona on making sure that this language, we move it to somewhere that we are all agreeable. I think we can find that common ground.

I just want to say I rise to support the gentleman from Arizona's amendment today. We need to set the record straight about our national security. Specifically, Congress must speak with a single voice, clear and unwavering, about the value of our intelligence information and about who makes decisions regarding its use. We need to speak now.

This amendment says the right things. We are at war. Every day our Armed Forces and intelligence services do battle with an enemy whose sole purpose is to kill Americans. This point sounds fairly basic. It is. But the point bears repeating as long as some individuals here in Washington behave as if they have forgotten that we are at war.

Our government has a vital interest in protecting sensitive national security information during a time of war. The United States Supreme Court has recognized this vital interest in preserving secrecy. This interest is not merely some speculative opinion. It is the law of the land. This amendment makes that point.

The Constitution places the responsibility and authority to protect national security with the President of the United States. The President does so as the head of the executive branch and Commander in Chief. The U.S. Supreme Court has recognized this fact as law. The gentleman's amendment again makes that point.

Under our system of laws, the President must decide what sensitive national security information can be shared with the public and what must remain closely guarded. The President does not make these decisions lightly. He is elected by the American people to exercise his judgment in this regard and to make such decisions with the best interests of the American people in mind. Ultimately he is accountable to the people at the voting booth.

We have worked with the President and disagreed with his opinions and directions, most recently the decision to declassify over 48,000 boxes of documents that were obtained in Iraq. The position of the intelligence community and the executive branch for an extended period of time was to hold that information. After working with the executive branch, that information is now in the process of being declassified and released to the American people. That is a good decision.

But we went through a process. Individuals who disclose sensitive national security information without authority undermine the rule of law. These people substitute their judgment for that of the President, and they exercise that authority when legally it does not even belong to them. These individuals may act for self-determined reasons, not in the best interests of the American people, but in their own interests. I think that is what makes it different. Unless they are prosecuted, they remain unaccountable to the American people for their actions.

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, I support his amendment and share his concern about the destructive consequences of unauthorized disclosures or leaks. This was one of the strategic oversight areas which the chairman and ranking member assigned to the Oversight Subcommittee at the beginning of this Congress.

We have held several hearings, including an open hearing, to discuss this problem. One of the results is that we have found that there are a limited number of tools that the agencies have to deal with those inside the agencies who choose to violate the law and disclose classified materials.

One of the things that is in this bill is to request information from the Director of National Intelligence on other tools, administrative or contractual avenues perhaps, with which we can help encourage people to follow their oath and to obey the law.

□ 1645

I think what is in the bill, as well as what is in the gentleman from Arizona's amendment, work very well together to convey the seriousness with which we take this problem.

I applaud the gentleman's amendment and support it.

Mr. RENZI. Mr. Chairman, I continue to reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we have no further speakers and I do appreciate the comments of the amendment's sponsor on his amendment. I do intend to support the amendment and then to work with him and our chairman on some modifications of that amendment in the conference.

Mr. Chairman, I yield back the balance of my time.

Mr. RENZI. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I very much appreciate the ranking member and her kindness on the issue. I just want to wrap up by saying that the leaks are absolutely vital to our victory against the Islamofascists who very much want to establish a worldwide caliphate. It is that real.

The leaks have got to stop to protect our frontline agents. They have got to stop in order to rebuild the trust between our nations and our allies. I would urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RENZI).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RENZI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 366, noes 56, answered "present" 1, not voting 9, as follows:

[Roll No. 106]

AYES—366

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle

Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—56

Abercrombie
Ackerman
Baldwin
Blumenauer
Conyers
Costello
Delahunt
DeLauro
Dingell
Doggett
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Inslee
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lynch
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Rangel
Sánchez, Linda T.
Scott (VA)
Serrano
Slaughter
Solis
Stark
Tierney
Towns
Udall (NM)
Waters
Watson
Watt
Woolsey
Wu

ANSWERED "PRESENT"—1

Capuano

NOT VOTING—9

Case
Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Ros-Lehtinen
Schakowsky

☐ 1713

Messrs. STARK, MEEHAN, OWENS, Mrs. MALONEY, Ms. McCOLLUM of Minnesota, Mr. LYNCH, Ms. DELAURO, Messrs. LARSON of Connecticut, WATT, INSLEE, RANGEL, TIERNEY, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. TOWNS, Ms. SOLIS, Mr. PASTOR, Ms. JACKSON-LEE of Texas, and Mr. COSTELLO changed their vote from "aye" to "no."

Ms. BEAN, Mr. DAVIS of Illinois and Mr. WAXMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no other amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KUHL of New York) having assumed the chair, Mr. REHBERG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 774, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

☐ 1715

The SPEAKER pro tempore (Mr. KUHL of New York). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Speaker, I offer a motion to recommit

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHIFF. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Schiff moves to recommit the bill, H.R. 5020, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

At the end of title III (Page 16, after line 10), add the following new section:

SEC. 308. NSA OVERSIGHT ACT.

(a) SHORT TITLE.—This section may be cited as the "NSA Oversight Act".

(b) FINDINGS.—Congress finds the following:

(1) On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens.

(2) Such acts render it both necessary and appropriate that the United States exercise its right to self-defense by protecting United States citizens both at home and abroad.

(3) The Federal Government has a duty to pursue al Qaeda and other enemies of the United States with all available tools, including the use of electronic surveillance, to thwart future attacks on the United States and to destroy the enemy.

(4) The President of the United States possesses the inherent authority to engage in electronic surveillance of the enemy outside of the United States consistent with his authority as Commander-in-Chief under Article II of the Constitution.

(5) Congress possesses the authority to regulate electronic surveillance within the United States.

(6) The Fourth Amendment to the Constitution guarantees to the American people the right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures" and provides that courts shall issue "warrants" to authorize searches and seizures, based upon probable cause.

(7) The Supreme Court has consistently held for nearly 40 years that the monitoring and recording of private conversations constitutes a "search and seizure" within the meaning of the Fourth Amendment.

(8) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and chapters 119 and 121 of title 18, United States Code, were enacted to provide the legal authority for the Federal Government to engage in searches of Americans in connection with criminal investigations, intelligence gathering, and counterintelligence.

(9) The Foreign Intelligence Surveillance Act of 1978 and specified provisions of the Federal criminal code, were expressly enacted as the "exclusive means by which electronic surveillance . . . may be conducted" domestically pursuant to law (18 U.S.C. 2511(2)(f)).

(10) Warrantless electronic surveillance of Americans inside the United States conducted without congressional authorization may have a serious impact on the civil liberties of citizens of the United States.

(11) United States citizens, such as journalists, academics, and researchers studying global terrorism, who have made international phone calls subsequent to the terrorist attacks of September 11, 2001, and are law-abiding citizens, may have the reasonable fear of being the subject of such surveillance.

(12) Since the nature and criteria of the National Security Agency (NSA) program is highly classified and unknown to the public, many other Americans who make frequent international calls, such as Americans engaged in international business, Americans with family overseas, and others, have a legitimate concern they may be the inadvertent targets of eavesdropping.

(13) The President has sought and signed legislation including the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56), and the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458), that have expanded authorities under the Foreign Intelligence Surveillance Act of 1978.

(14) It may be necessary and desirable to amend the Foreign Intelligence Surveillance Act of 1978 to address new challenges in the Global War on Terrorism. The President should submit a request for legislation to Congress to amend the Foreign Intelligence Surveillance Act of 1978 if the President desires that the electronic surveillance authority provided by such Act be further modified.

(15) The Authorization for Use of Military Force (Public Law 107-40), passed by Congress on September 14, 2001, authorized military action against those responsible for the attacks on September 11, 2001, but did not contain legal authorization nor approve of domestic electronic surveillance not authorized by chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(c) REITERATION OF CHAPTERS 119 AND 121 OF TITLE 18, UNITED STATES CODE, AND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED.—

(1) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, chapters 119 and 121 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted.

(2) FUTURE CONGRESSIONAL ACTION.—Paragraph (1) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to paragraph (1).

(d) DISCLOSURE REQUIREMENTS.—Not later than 14 days after the date of the enactment of this Act, the President shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report in classified form identifying the United States persons who have been the subject of electronic surveillance not authorized to be conducted under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapters 119 or 121 of title 18, United States Code, and the basis for the selection of such persons for such electronic surveillance.

(e) ELECTRONIC SURVEILLANCE DEFINED.—In this section, the term "electronic surveillance" has the meaning given the term in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

Mr. SCHIFF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of the motion.

Mr. SCHIFF. Mr. Speaker, the motion to recommit is based on bipartisan legislation that I introduced, along with Representatives FLAKE, HARMAN and INGLIS, dealing with the NSA surveillance program. And the basic premise of this legislation is that the Government must have all the tools it needs, it must have all the authority it needs to pursue al Qaeda using every tool in the toolbox.

But the premise is also that we are a Nation of laws, and that whereas the Commander in Chief has the authority to eavesdrop and surveil off American shores, when it comes to the electronic surveillance of Americans on American soil, Congress has the authority to regulate that surveillance. And, in fact, Congress has regulated that surveillance through title III and through the Foreign Intelligence Surveillance Act; and, in fact, those two laws form the exclusive authority to surveil Americans on American soil.

Now, we have learned, both through a disclosure in The New York Times and through the disclosures of the present administration, that there is an NSA surveillance program that, among others things, surveils conversations between Americans or people on U.S. soil and people overseas who may be affiliated with al Qaeda. Other than a small number of us, we don't know much about the contours of this program.

Recently when the Attorney General testified in the Judiciary Committee, I asked about the limiting principle of this program: Was it restricted only to these international calls? What if the Attorney General decided tomorrow or the administration decided tomorrow that it had the inherent authority as Commander in Chief to tap purely domestic calls between two Americans; did it feel it would need to go to court for that authority? And the Attorney General said he would not rule it out. He would not rule out having the pure authority, without going to court, to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day without the input of Congress? The only limiting principle is the good faith of the executive, which when the executive shows it is infallible might be a sufficient limiting principle. But the executive is no more infallible than we are here in Congress, and so we have a role to play.

And this motion to recommit says that that role is the following: that, first, when we pass a law, like FISA and Title III, where we say the exclusive means of domestic eavesdropping is under these provisions with court approval, we mean what we say; that, second, the authorization to use military force that we voted on in the immediate aftermath of 9/11 did not create an exception to the authority to eavesdrop on Americans on American soil; that, third, if the President believes that FISA or existing law is insufficient to the task, he should come to Congress through his representatives and ask us to amend the law.

And this is what is most disturbing about what has happened so far. When the administration did come in the context of the PATRIOT bill and asked us to change FISA, we made changes to FISA. When one of the Republican Senators asked the administration, do you need us to change FISA more; is there a problem with FISA; is it not keeping pace with the terrorists or technology? The answer from the administration was, no, FISA is working just fine. The more truthful answer would have been, no, because we don't feel bound by FISA. We feel we can do what we choose to, what we feel we must, without consulting with Congress.

So this bill says, importantly, that if the administration feels that existing law is not enough, it should come to us and ask for amendment. And, finally, it asks the administration to report to Congress on the extent to which Americans have been surveilled on American soil so we can do our job as a coequal branch of government.

Mr. Speaker, I yield to my colleague, the ranking member from California.

Ms. HARMAN. I thank the gentleman for yielding and commend him and Messrs. FLAKE and INGLIS for their bipartisan leadership on this issue.

Mr. Speaker, every Member of this body supports tracking the communications of al Qaeda. That is not the issue. The issue is whether the electronic surveillance of Americans must comply with law and the fourth amendment. I believe it must. And as one of the few in this body who has been briefed on the highly classified program we are talking about, I believe it can. This program can and must comply with FISA. That is what the amendment says. The President believes his inherent authority trumps Article I of the Constitution, and I respectfully disagree.

Recommitting this bill and adding this provision will make a good bill stronger and will honor the sacrifice and dedication of those who serve us so courageously in the field.

Mr. HOEKSTRA. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues on the other side of the aisle for this motion to recommit so that we can talk about this issue.

The language that is being used to describe the President and the executive branch is absolutely outrageous. Today we have heard the charges "unlawful, reckless, abusive, infallible, without consulting with Congress." For 4½ years, Republicans and Democrats have been brought into this program.

Immediately when this program was started, to protect Americans both here and abroad, the leadership, on a bipartisan basis, was informed on the program. They consistently on a quarterly or a 4-month basis met with the executive branch, met with the Vice President and the people operating this program, and they came back united and said this program is legal, it is limited, the safeguards are in place to protect American civil liberties, it is effective, it is making a difference, and it is necessary.

And only when someone leaked it to the press all of a sudden did it become all of these other things that you have ascribed to the President. The President has reached out. The President has worked with Congress to make sure that we address these concerns.

America is at war. We were at war when this program started. We continue to be at war. Bin Laden was on tapes this weekend. Zarqawi is on a tape. We have bombings in Egypt, and troops in Iraq and Afghanistan. This continues to be the same thing that on a bipartisan basis people said needed to be done. It is legal, it is limited, it is necessary, and it is making a difference.

Mr. Speaker, I yield to my colleague from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

I have to say to my colleague from California that I really don't understand. For over 3 years, the ranking member of the Intelligence Committee and the minority leader of this House, Ms. PELOSI, have gone along with this and accepted limited briefings without insisting that the Intelligence Committee be informed and that oversight happen.

In January of this year, Ms. HARMAN said, "This program is essential to U.S. national security, and its disclosure has damaged critical national intelligence capabilities." But now that effective oversight is taking place, because I demanded it, and this committee, the Intelligence Committee, is conducting effective oversight, you want a report.

Mr. SCHIFF has proposed not a benign piece of amendment, but a specific report on by-name targets, not only to the Intelligence Committee, but to the Judiciary Committee, an unprecedented release of sources and methods of intelligence that you know would compromise ongoing operations critical and vital to the security of this country.

The oversight of this program is proceeding. This committee went to the NSA on the 8th of April. We are going again on Friday. The Director of National Intelligence and the Deputy Director have briefed this committee, and continuing information comes in as we speak.

We will do our job as the Intelligence Committee, and we will also protect the security of the United States in the process. I urge my colleagues to oppose this motion to recommit.

Mr. HOEKSTRA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHIFF. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 107]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri

Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Ros-Lehtinen

☐ 1746

Mr. SKELTON changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KUHL of New York.) The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. HARMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 327, noes 96, not voting 9, as follows:

[Roll No. 108]

AYES—327

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—96

Abercrombie
Ackerman
Andrews
Baldwin
Becerra
Blumenauer
Boyd
Brady (PA)
Capuano
Conyers
Costello
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Duncan
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kind
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lynch
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Tierney
Towns
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Davis, Tom
Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Radanovich
Ros-Lehtinen

☐ 1758

Messrs. GUTIERREZ, WYNN and DOGGETT changed their vote from "aye" to "no."

Mr. CUMMINGS changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Speaker, on rollcall vote No. 108, final passage of the Intelligence Authorization Act, I am recorded as not voting. Although I was present in the Chamber, my vote was not recorded.

I intended to vote "aye" and would like to be recorded as such.

PARLIAMENTARY INQUIRY

Mr. LaHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LaHOOD. Mr. Speaker, when a Member of the House offers the motion to recommit and is asked the question whether they oppose the bill and say that they do in order that they can offer the motion, is it a violation of the rules of the House that that Member then votes for the bill and contradicts his statement that he was against the bill when he offered the motion to recommit? Is that a violation of House rules?

The SPEAKER pro tempore. The Chair would state to the gentleman from Illinois that the Chair takes a Member who makes that statement on the floor at his word.

Mr. LaHOOD. Is it a violation of the House rules for a Member to have the prerogative to offer the motion to recommit and state at that time that they are opposed to the bill, and then vote for the bill, which is what occurred here on the House floor on the intelligence authorization bill?

The gentleman from California offered the motion to recommit. He was asked by the Chair if he opposed the bill. He said he opposed the bill. And he is recorded as voting for the bill. Is that a violation of the House rules?

□ 1800

The SPEAKER pro tempore (Mr. KUHL of New York). Again, for the gentleman from Illinois, at the time that a Member makes his statement that he opposes the bill, the Chair takes him at his word. But it is not necessarily a violation of the House rules for a Member to vote one way or another.

Mr. LAHOOD. Well, Mr. Speaker, I think in the future, the leadership on the other side should instruct their Members about what the rules of the House are, that if a Member wants to offer a motion to recommit, that is well within their right to do it, but they have to vote against the bill.

Let me ask another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. LAHOOD. Is it possible, then, for the Chair to instruct a Member that wants to vote against the bill that offered the motion to recommit, that they in fact, according to House rules, have to vote against the bill? Can the Chair instruct a Member that perhaps does not know the rules of the House that when they stand up to offer a motion to recommit and they are opposed to the bill, that in fact they have to vote against the bill?

They cannot have it both ways, can they, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. LAHOOD. My parliamentary inquiry is, Mr. Speaker, can they have it both ways?

The SPEAKER pro tempore. The gentleman from Illinois will suspend.

Mr. LAHOOD. Can they have it both ways?

The SPEAKER pro tempore. The gentleman will suspend.

As previously indicated to the gentleman from Illinois, the Chair takes a Member at his word when assessing his qualification to offer the motion. But it is not the province of the Chair to instruct a Member how to vote thereafter.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, the gentleman from Illinois, in my opinion, is casting aspersions on the character and motives of a Member. That is clearly against the rule. But what I want to stand and say is that clearly, as we know, DUNCAN HUNTER offered a resolution on the floor of this House in response to Mr. MURTHA's press conference, that mischaracterized Mr. MURTHA's position, but, more importantly, we had some hours of debate on that resolution, and Mr. HUNTER, of course, voted "no" on that resolution.

Furthermore, I would say to the gentleman from Illinois that a Member may well be opposed to a bill, I say to my friend, and want the opportunity to offer an amendment, but when that amendment fails, the situation has changed. The circumstances have changed. And the circumstances that have changed is then that Member is left with either supporting a bill that he may not think was perfected as he thought it should be but on which the majority of the House disagreed. At that point in time, I say to my friend, the situation has changed.

And so for any one of us 435 to judge our 435th Member who sees a different situation confront him is, in fact, as I respectfully tell my friend, against the rules of the House of Representatives.

AUTHORIZING THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5020, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RULES OF THE HOUSE

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized.

There was no objection.

Mr. LAHOOD. Mr. Speaker, my response to my friend from Maryland is that I cast no aspersions on any Member. You know better than that. But we have rules around here, and people need to know what the rules are. When the Rules Committee folks come down here and criticize the majority because they do not particularly like the way the Rules Committee operates, then I think it is perfectly proper for Members to realize that if they want to offer the motion to recommit because they have a grievance, because they did not get their amendment, that is well within their right to do it; but they ought to do it under the rules of the House. That is my only point.

I cast no aspersions on Mr. SCHIFF. I have great admiration and respect for him. But I just think all the Members ought to know what the rules are around here.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Because the irony is Members are put in a position where they have no alternative by the Rules Committee because their amendments are not made in order, which may well have been supported by the overwhelming majority of the House of Representatives, and that is the position that Members are put in on a regular basis. The situation, I suggest to the gentleman, does, in fact change when an amendment is defeated, and a Member then has a new judgment to make. That was my point.

Mr. LAHOOD. I take your point.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. MCDERMOTT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McDermott moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise on behalf of my Democratic colleagues to offer a motion to instruct the House conferees who are negotiating with Senators in a conference committee to work out differences on H.R. 4297, Tax Cut Reconciliation.

We have an opportunity to stand up for America's middle class, and I urge every Member to support the two key provisions in our Democratic motion: one, closing tax loopholes for oil companies; and, two, dropping the provision to extend tax holidays for the super rich beyond 2008.

The timing of this conference committee could not be more urgent. And the time has come for this House to prove to the American people that they, and not the oil companies, come first.

All across this country, Americans are looking for a pump that has gasoline in it for under $3 a gallon, and nothing has happened here. The time has come for the Republicans to stop being the party of the 1 percent and to govern on behalf of all the American people.

Today's gas prices are so high, you almost need a space shuttle to see the top. We are getting near $4 in some parts of this country, and by all indications, the oil companies fully intend to keep raising prices at the pump. Record-shattering quarterly profits, one after another, but underinvestigating in new refinery capacity quarter after quarter. This crisis is not about supply and demand. It is about a handful of oil companies refusing to supply the demand in order to drive up the prices.

This Nation needs more than energy independence from the Middle East. It needs energy independence from oil companies who are willing to crush the American middle class. Today, oil prices are forcing American families to choose between basic necessities or more debt to pay the oilman. And how we have paid, and paid, and paid.

Net income of oil companies has nearly tripled in the last 4 years. Earnings per share are up 50 percent, but the dividends are only up 10 percent. And oil companies on average have doubled their purchases of U.S. Treasury bonds. They are financing the Federal budget deficit even as it soars higher because of energy prices. That is the definition in my book of a double dip.

Now, the Senate wants oil companies to pay their fair share in corporate taxes, nothing more, nothing less. Republicans, however, in the House want the oil companies to continue to cook their books, using perfectly legal but completely immoral loopholes their lobbyists have fed the Republicans in the House. The Senate is right, and the House should stop defending oil companies and start protecting the American people. It is also a time to represent all the American people, not just the top 1 percent.

We have a war we cannot pay for. We have a deficit we cannot control. We have a growing number of Americans going into poverty, cuts in student loans and cuts for needy families. And the Republicans think the answer is to extend tax holidays for the wealthy in capital gains and dividend cuts.

Over half of this benefit goes to people earning over $1 million a year, most of whom drive into the gas station and they do not even look at the pump to see what it costs. They have extended their wealth while America has expanded its debt. This is not sound fiscal policy for the American people. It is reckless profiteering Republicans are providing the wealthy in this country.

The tax holiday continues for another 2 years, but the Republicans want to reward the rich by adding another 2 years: 2008 is not enough, they want to go out to 2010.

Now, the American middle class is struggling to make ends meet, and House Republicans are scrambling to reward their friends just months ahead of the election. In today's Washington Post, the majority leader of the House, Republican, says we will stop any attempt to deal with the oil companies and control their profits.

It is time to put the American people first, ahead of oil companies, ahead of special interests, ahead of the super rich. This motion to instruct is a call to restore the American middle class to its rightful place in the center of domestic policy. And I urge every Member to make America the only special interest we care about.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the motion under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Democratic motion to instruct conferees is, I believe, ill thought out in terms of energy policy, in terms of tax policy, and certainly in terms of the cost to the average American. In addition, Mr. Speaker, the motion to instruct conferees includes a number of provisions that many believe are critical to a meaningful tax reconciliation bill. In such a case when a Member tries to tie the hands of conferees on this many provisions, this Member believes that it is certainly ill advised in general.

As far as the specifics of the motion to instruct, Mr. Speaker, I said that I thought it was ill advised in terms of energy policy. Right now my constituents are concerned about the price of gasoline at the pump. Now, we all know there are lots of reasons for the price of gasoline going up. We all should know that among those reasons and probably the principal reason is the law of supply and demand.

☐ 1815

If supply stays the same and demand goes up, generally speaking the price goes up. If supply goes down and demand stays the same, price goes up. If supply goes down and demand goes up, the price goes up even further. Certainly, with the effects of Hurricanes Katrina and Rita, with increased demand from China, India and other developing nations around the world, we can see that there is indeed less supply and more demand.

Now, also I think a commonly held and commonly believed law of economics is if you tax something, you get less of it. well, that is what this motion to instruct would have our conferees do. We are going to tax oil more, and if you tax oil more, you are going to get less of it. That exacerbates the problems that we are experiencing right now with the price of gasoline. If you tax the supply more, you are going to get less supply, but you are not going to do anything on the demand side. So that would make things worse at the pump, not better.

Mr. Speaker, on the issue of the capital gains and dividend tax, we believe that those two provisions are principal reasons that our economy has continued to grow over the last several years, that several million jobs have been created in this country over the last several years. In fact, the stock market has reached its highest point in 6 years partly because we believe in these two very important provisions.

These provisions on capital gains and dividends allow corporations to make sound decisions, to plan their decisions on the allocation of their profits to shareholders, and we know that those decisions, having been made on that basis of cash, are transparent. We don't have to worry about accounting games. We don't have to worry about corporate fraud. It is cash. We know it. If they give a dividend, we know they have got the cash. This provision encourages corporations to do that. So not only is it good tax policy, it is good policy in terms of transparency of corporate activity.

It is good tax policy also because it lessens the double taxation of corporate profits. Right now when corporations make a profit, they pay the corporate income tax rate on those profits. Then when they send some of those profits back to shareholders in the form of dividends, the shareholders have to pay tax on the dividends. So that income, that corporate income, is taxed twice.

At least by lowering the rate of taxation on those dividends, we have lessened the double taxation of corporate income, and that, I would submit, is good tax policy and should be continued.

As far as my friend from Washington's characterization of capital gains and dividends being for the super rich, well, the data just does not bear out that characterization. The Joint Committee on Taxation data show nearly 60 percent of Americans receiving capital gain or dividend incomes have incomes of $100,000 or less. That is not super rich. One in five taxpayers, 20 percent of taxpayers with capital gains, and one in four, 25 percent of taxpayers with dividends, have incomes below $50,000 a year. That certainly is not the super rich.

So, Mr. Speaker, I would submit that the gentleman's motion to instruct conferees should be soundly defeated. Give our conferees the flexibility to deal with our Senate colleagues and produce a meaningful tax reconciliation bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will enter into the RECORD the Federal Reserve study article that is in the Wall Street Journal which says "Did the Dividend Tax Cut Work?" No. Absolutely not. It "didn't boost market's aggregate value," and it has been a dud.

[From the Wall Street Journal, Dec. 6, 2005]

DID THE DIVIDEND-TAX CUT WORK?

(By Karen Richardson)

When President Bush slashed the tax on dividends in 2003, supporters hailed the move as a way to stimulate the economy and boost the stock market.

At least for the stock-market part of that plan, the jury is still out. A group of Federal Reserve Board economists concludes that the tax cut, which slashed the dividend-income tax on stocks to 15% from about 30%–38%, was a dud when it came to boosting the stock market when it was announced and passed in 2003—a time period, they say, that the stock market should have reacted most strongly.

Nor did the tax cut lead to a significant increase in the amount of money companies paid out to investors as a proportion of their earnings, the study adds.

"We fail to find much, if any, imprint of the dividend tax cut news on the value of the aggregate stock market," the economists—Gene Amromin, Paul Harrison, Nellie Liang and Steve Sharpe—wrote in a paper they presented in October.

Administration supporters point to the 2003 tax cuts on dividend income and long-term capital gains (also reduced to about 15% from about 20%) as successful center pieces of President Bush's economic policy. White House officials already are lobbying for an extension of the tax cut, which expires in 2008. The White House budget office, in a memo to the Senate in November, said the extensions are "necessary to provide certainty for investors and business and are essential to sustaining long-term economic growth."

The Fed economists' paper compares U.S. stock-market returns with those of European stocks over various "key periods" in 2003. The economists tracked stock performance during a few days in early January, after the Bush administration officially announced the tax-cut proposal, and two weeks in the latter half of May, when the tax bill was being discussed in the Senate and was eventually signed into law by the president May 28.

While those "event windows" are small, they are sufficient to capture the stock market's reaction to news of the tax cuts, the economists say. "The markets should have absorbed the tax-cut news within a month, if not a week or a few days, afterward, since markets are somewhat efficient in responding to news," says co-author Mr. Sharpe.

Theoretically, U.S. stocks should have performed better than European stocks because U.S. investors, who hold far more U.S. stocks than European stocks, would benefit from the tax cut and presumably drive up stock prices with their new expected windfall. Instead, the economists found that the S&P Euro 350, which covers about 70% of Europe's market capitalization, performed similarly to or better than U.S. stocks tracked in the S&P 500.

The authors assumed that the anxiety of the impending war in Iraq was the main influence on all stock markets around the world over those periods. So by comparing European stocks with U.S. stocks, they aimed to control for major world events. Thus, "any effect of the dividend tax should have resulted in a differential in performance," according to Mr. Sharpe.

Still, the economists didn't address other factors that might have contributed to a rise in European stocks or a drop in the U.S. market during the review periods.

For example, in the U.S., a stock-market rally in early January that some observers at the time said might have been driven by the tax-cut news ended after a few days when aluminum giant and Dow Jones Industrial Average component Alcoa Inc. reported bearish fourth-quarter results. Also, a terrorist bombing in Saudi Arabia in mid-May rattled the U.S., along with concerns about the weak dollar. Meanwhile, some Europe firms were reporting strong earnings.

While more companies paid out dividends in 2003, they didn't increase their average total payouts to shareholders as much as they have in the past. The authors found that 66% of S&P 1500 firms increased their total payouts to shareholders that year—through some combination of dividend payouts and share-repurchase programs—compared with the average of 89% that did so in the period of 1993 to 2002.

"The dividend tax cut did prompt a substitution from repurchases to dividends, but the effect on total payouts was much more muted," the authors conclude.

Other market observers see it differently. The dividend tax-cut has "definitely" helped to stimulate the stock market, and has contributed to the slow but steady increase of dividend payouts this year, says Howard Silverblatt, equity market analyst at Standard & Poor's.

According to Mr. Silverblatt's research, the tax cuts on both dividends and long-term capital gains will result in individual investors saving a total of $114 billion from 2003 to 2008. "We believe a lot of that will filter back into the stock market," he says, pointing out that investors often reinvest their windfalls in other stocks.

Also, a Thomson Financial model shows that dividend tax cuts should theoretically result in higher stock-market returns each year, while, not surprisingly, higher tax rates should lower returns. However, Michael Thompson, director of research at Thomson Financial, cautions that attributing stock-market gains to one isolated factor risks being "intellectually dishonest."

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, this vote is going to be scored by the American people, and it is going to speak volumes about whether people just talk or whether they act. We know what is happening at the gas pump. The average price is $2.92. A gallon of gas today is 71 cents more than a year ago.

There were two announcements today on profits: Conoco, quarterly up 13 percent; Valero Energy Corporation, the Nation's biggest independent oil refiner, said Tuesday its first quarter profit jumped 60 percent as revenues surged from higher product margins and greater refining volume.

Exxon, as we know, decided to give a $60 million compensation package and a $98 million pension payout to its former CEO, but can't do anything about these sky-high prices.

Well, what is before us? Yesterday the President said, "Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks." That is exactly what these provisions are.

Don't obscure and talk about windfall profit taxes. We will talk about that some other day. These are three provisions that passed the Senate that clearly are a tax break, a loophole, and closing it would generate $5 billion.

Mr. MCDERMOTT has quoted the headline from The Washington Post. "GOP," that means the House GOP, "blocks measures boosting taxes on oil company profits. Provisions passed by the Senate would raise about $5 billion." So there is a clear choice today.

I did look at the report on contributions to candidates by the oil and gas industry in this cycle. The top 20 are all Republicans. People are going to have to decide what interests they are going to support.

Mr. MCCRERY, you said "tie the hands." There are 100 provisions. This is three plus one. Tie the hands? No. What we are trying to do is to speak up for the people of this country.

I close with this: you always talk about one aspect in terms of capital gains and dividends. What you don't say is that every analysis we have seen indicates that this extension that you are insisting on, about 40 to 50 percent, and some say a little more than 50 percent, would go to people making over $1 million a year.

So tomorrow when people vote, they are going to have a clear choice. It is going to be the vast majority of the American people who go to the gas pump and know how much they are paying and are hurting; or people for whom that increase to three bucks a gallon and more doesn't really matter.

So, as I said at the beginning, I don't know which interest group is going to score this. I know how the American people are going to score this.

Mr. MCCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I want to refer for a moment to how the seniors of our country feel about this. I stand firmly against today's motion to instruct.

I recently received an e-mail from a senior citizen in Chico, California, in my northern California district, underscoring the importance of tax relief for capital gains and dividend income. I quote: "Please do what you can to see that the 15 percent tax rate on dividends is extended, and, when the time is right, to see that it is made permanent. I am one of the retired who are not rich and not poor, but over time have saved enough and invested enough so that I am comfortable. I depend on the money from investments to put me in the 'comfortable' area. The President urges people to save for their retirements. It is only fair that the fruits of those efforts are given their due."

These comments highlight a part of the debate frequently ignored. A majority of seniors benefit from reduced capital gains taxes and dividend tax rates.

They also track with the study by the nonpartisan Tax Foundation which states, "As stock ownership becomes more universal in America, stock owners are becoming increasingly middle-class." It continues, "A sizable percentage of taxpayers who claim dividends or capital gains are over age 55, and the majority of taxpayers over age 55 claim some form of capital gains or dividend income."

Again, Mr. Speaker, I urge my colleagues to reject the motion to instruct conferees and in so doing support the extension of capital gains and dividend rates.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the gentleman from California was talking, Exxon's profits went up $160,000. They are making profit this quarter at $80,000 a minute, and the Republicans don't want to do anything.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Washington, and I join with the distinguished gentlemen from Washington and Michigan, and I associate myself with their remarks.

I thank Representative McDERMOTT for bringing forward a practical, pragmatic and effective solution that joins with the Senate in recognizing what we can do immediately to rectify this situation.

I say to my colleague from California who receives letters from the elderly, I would like to give him the scores of my e-mails and letters from the elderly who make daily choices between heating and cooling their homes; providing themselves with transportation money that they need to get back and forth to their doctors for their appointments, where they then, because of this administration and Republican control of Congress, have to become refugees of their own health care system and travel to Canada in order to get prescription drugs. If ever there was a need for relief and a focus on a matter that needs urgent attention, it is here in this pragmatic proposal that has been put forward.

You have to be aghast when you look at the policy. At least the President has come forward and recognized apparently what our colleagues on the other side of the aisle have not, that there is a need to roll back these excessive tax cuts. He stated so yesterday. We applaud him for that.

But we are confounded by an administration policy that Thomas Friedman best described in terms of its international perspective as "leave no mullah behind." We find ourselves in the confounding situation where we see profits going abroad to the very nations, including Saudi Arabia, Iran and the Sudan, who in turn fund the madrassas and fund the very people that are working against our men and women in the field and serving this country so valiantly.

Here at home the domestic policy becomes "leave no oil executive behind." In the reports that come out daily, CEOs are granted $400 million, while we cut LIHEAP provisions to the very needy in the Northeast and across this great Nation of ours, people who are struggling to make ends meet. "Leave no oil executive behind" becomes the hue and cry we hear from the other side of the aisle.

In my district, and as I am sure everyone did going home this past week, in talking to a number of people, most notably rock-rib Republicans like John Mitchell, the former mayor of South Windsor, who happens to be the past president of the Independent Connecticut Petroleum Dealers.

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He said to me, JOHN, you know I care deeply about the people that are being impacted daily by these costs. And he says, I got to tell you, I have been in business for more than 30 years, and I have never witnessed anything like this before.

He said, I have been a Republican all my life. He says, but I will be damned if I am going to stand by and watch what is happening to this country and watch what is happening at the gas pumps and what is happening to home heating oil.

He said, there is no reason. There are no corollary between supply and demand that is going on here. He says, what this amounts to is nothing more than fear and arbitrarily raising prices based on greed.

I was further joined by Gene Gilford, the executive director, who also had the same thing to say with respect to what is going on here.

Mr. McDERMOTT has proposed very logical amendments, amendments that the Senate has already embraced that make sense, that only go a small way in terms of the help that we need. Other measures that the Democrats have put forward wait for brave Republicans to come forward and sign discharge petitions so that we can even have an open and honest debate about the escalating prices at the gas pump, and what is happening to our senior citizens and all of our citizens across this country as they deal with the high cost of heating and cooling their homes this past winter and as we approach yet another summer season.

So I ask my colleagues on the other side to join us in supporting this measure. Embrace your President, and provided an opportunity to join the very practical and pragmatic provisions that Mr. McDERMOTT has put forward, and then join in signing with Mr. STUPAK and others in the vote for the Free Act and the Pump Act that Democrats have been proposing.

Mr. McCRERY. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I get a big kick out of my colleagues on the other side of the aisle, for whom I have great respect.

You know, I remember when Jimmy Carter was President of the United States, we had those gas lines that went all of the way around the block, and people carrying gas cans to get 3 gallons.

They said, we are going to become energy independent. We are not going to rely on the Saudis, or we are not going to rely on the Middle East or anybody else. That is what the Democrats in charge said they were going to do. That was back in the 1970s. In the 1970s.

And we drill for oil in California. And we drill for oil in Texas. And we drill for oil in Oklahoma. And we drill for oil in Kansas. All of those are very densely populated areas of the United States. We are all concerned about the environment and everything.

And yet I have been up to the ANWR in Alaska. There is nothing up there. Alaska is three and a half times the size of Texas, and we can get between 1 and 2 million barrels of oil a day, which would reduce the problem of supply and demand, and yet almost all of my Democratic colleagues who are down here hollering to high heaven tonight about the energy prices, they voted against it.

They sold out to the environmental people saying, oh, my gosh we cannot drill in the ANWR, which is 5,000 miles from nowhere. We cannot drill in the ANWR because we want to protect some animal that is not up there.

Then they came down here and have the unmitigated gall to tell the American people the reason the price of gasoline is so high is because of the Republicans, when they have, since the 1970s, not done a darn thing to deal with the energy problem, even when they were in the majority for 40 years.

It really bothers me. It bothers me a great deal. We have got a 500-year supply of natural gas in the ground in this country, in the continental States of the United States, and yet we have not drilled. Do you know why? Because the environmental nut cases have your party in their iron grip. You will not drill for it. You can do it in an environmentally safe way.

We can put natural gas in almost every car in America that is being produced today. It would be environmentally safe, would not hurt the environment in one way, would not hurt the atmosphere in one little bit, and yet you will not allow us to drill for it. Why not? Because you sold out to the environmentalists. And then you come down here and say, oh, my gosh, we are responsible for the high gas prices. The fact of the matter is before you start criticizing the Republicans, you ought to look in our own house. You ought to get with the program.

If we are going to be energy independent, what we are going to have to do is start drilling in the United States so we can do it in an environmentally safe way.

We ought to drill in the ANWR. We passed an energy bill in this House that would produce at least 1 million barrels of oil a day, and it went to the Senate, and your Democrat colleagues, the environmental nut cases took it out of the bill. And Senator STEVENS from Alaska was beside himself. He is the Senator from up there. And yet you guys who are complaining about high gas prices today killed it. You killed it.

And so if I were talking to the American people tonight, I would say, if you want lower gasoline prices, if you want lower natural gas prices, if you want to see the United States move towards energy independence, then elect people who will drill for those products here in the United States where we have quite a bit of them, a pretty good supply.

And yet they will come down here tonight and blame everybody because they want your vote in November. But they got to earn it. They have got to do what is necessary to make us energy independent and quit just talking about it.

Mr. MCDERMOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will enter into the RECORD at this point an article from the Wall Street Journal dated January 31 that talks about Exxon's excess profits, and also the one from The New York Times from April 13 about the Exxon chairman's retirement package of $398 million.

[From the Wall Street Journal, Jan. 31, 2006]

EXXON POSTS ANOTHER RECORD PROFIT

(By Jeffrey Ball)

Exxon Mobil Corp., the world's biggest publicly traded oil company by market value, racked up another record profit, saying its fourth-quarter earnings surpassed $10 billion, a result likely to intensify political heat on the energy industry.

Amid high oil, gasoline and natural-gas prices, Exxon said its net income surged to $10.71 billion, up 27% from $8.42 billion a year earlier and 8% above Exxon's third-quarter result of $9.92 billion, which itself was a company record. Exxon said fourth-quarter revenue was $99.66 billion, up 20% from $83.37 billion a year earlier.

The Exxon result amounted to a profit of about $80,842 per minute during the quarter. It was one of the biggest quarterly profits of any company in history. Though a handful of other companies have posted higher quarterly profits, those were largely accounting adjustments, while Exxon's result came mainly from operations.

Net income per share was $1.71, compared with $1.30 a share a year earlier. Exxon's results included a special gain of $390 million related to a lawsuit. The result surpassed the predictions of a Wall Street that expects boom times in the oil patch. At 4 p.m. in New York Stock Exchange composite trading, Exxon's shares rose $1.82, or 3%, to $63.11.

The biggest driver of Exxon's surging profit was high energy prices amid the world's increasing thirst for oil and natural gas. The company's "upstream" earnings—income from producing and selling crude oil and natural gas—rose 44% from a year earlier. Exxon's "downstream" earnings—what the company makes from refining crude oil into finished products like gasoline and heating oil and selling them—rose 2% from a year earlier. Higher prices for those products were partly offset by lower production volumes following the hurricanes that temporarily shut down a big chunk of the U.S. refining infrastructure.

Exxon, of Irving, Texas, was the latest major U.S. energy company to report roaring fourth-quarter results because of high energy prices. Exxon's profit soared even though the company produced less fossil fuel. Total oil-equivalent production in the fourth quarter fell 1% from a year earlier; the company said. Oil production rose 2.5% as increased output from West Africa, Azerbaijan and the North Sea offset declines from mature fields, continuing below-normal production in the Gulf of Mexico as a result of the hurricanes and other factors. Natural-gas production fell 5.8%.

Exxon's record take is likely to ratchet up calls in Washington for a crackdown on energy-industry profits. President Bush today is to deliver his State of the Union address to a nation pinched by high energy costs. Sunday, the average U.S. price of regular unleaded gasoline averaged $2.34 a gallon. While that price was down from the peak after last year's hurricanes, it was up about 24% from a year earlier and up 6.6% from a month ago, according to AAA, the motoring club.

The Senate has passed two provisions that would effectively raise the tax bills of major oil companies. One would reduce their ability to trim tax bills through an inventory-accounting method known as "last-in, first-out," which ties the cost of goods sold to the cost of the most-recent purchases. The other would bar them from claiming credits against U.S. tax bills for the taxes they pay in some oil-rich countries. Oil-company officials say they consider the two a threat. Some analysts doubt the measures will pass the House.

Exxon has been trying to pre-empt a backlash. Exxon said it is boosting spending on finding and producing stores of oil and natural gas. Capital and exploration spending in the quarter was $5.3 billion, up 26% from a year earlier, a sizable rise by industry standards.

[From the New York Times, Apr. 13, 2006]

EXXON CHAIRMAN GOT RETIREMENT PACKAGE WORTH AT LEAST $398 MILLION

(By Jad Mouawad)

Last year's high oil prices not only helped Exxon Mobil report $36 billion in profit—the most ever for any corporation—they also allowed Lee R. Raymond to retire in style as chairman of Exxon Mobil.

Mr. Raymond received a compensation package worth about $140 million last year, including cash, stock, options and a pension plan. He is also still entitled to stock, options and long-term compensation worth at least another $258 million, according to a proxy statement filed by Exxon with the Securities and Exchange Commission yesterday.

The total sum for Mr. Raymond's golden years comes to at least $398 million, among the richest compensation packages ever. The record was the payout of $550 million to Michael D. Eisner, the former head of Walt Disney, in 1997.

Exxon's board also agreed to pick up Mr. Raymond's country club fees, allow him to use the company aircraft and pay him another $1 million to stay on as a consultant for another year. Mr. Raymond agreed to reimburse Exxon partly when he uses the company jet for personal travel. "It begs the old question again, When is enough, enough?" said Brian Foley, an executive compensation consultant in White Plains. "This looks like a spigot that you can't turn off."

Mr. Raymond, 67, spent 43 years at Exxon, including 12 as chairman. He orchestrated the merger between Exxon and Mobil in 1999, making it the largest oil company in the world as well as the most profitable. He was widely recognized for his financial acumen and focus on cost-cutting, whether in good times or bad. Some of the company's recent success, of course, can also be attributed to the doubling of oil prices over the last two years, higher refining margins and record high demand.

While Exxon showed record earnings, the total return to shareholders over the last five years averaged just under 8 percent a year, about the same as the industry average.

"The numbers reflect the long-term nature of Mr. Raymond's leadership at the corporation, and a long and distinguished career," Mark Boudreaux, a spokesman for Exxon, said. "The compensation committee considered his performance and the fact he guided the company to industry-leading earnings for multiple years."

Exxon's proxy filing also showed that Rex W. Tillerson, the current chairman and chief executive, received $13.4 million in 2005, about a third more than what he got the previous year. That includes $1.67 million in salary; a $1.25 million bonus, restricted shares worth $8.75 million, and an incentive payout of $1.73 million. He also realized $2.3 million by exercising stock options he held.

Mr. Raymond owns 3.26 million restricted shares worth a total of $183 million as of December 31.

Those shares produced a separate windfall of $3.1 million in cash dividends. Mr. Raymond also owns 4.15 million options that hold a potential value of $69.6 million.

Upon retiring at the end of last year, Mr. Raymond opted to collect his pension benefits as a one-time lump sum instead of receiving annuities. That amounted to $98.4 million.

> The company also paid $210,800 for Mr. Raymond's country club fees, financial planning and tax assistance services. It also provided two years of protection for Mr. Raymond and his wife, including paying for a security system for his principal residence, security personnel, a car and a driver.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise in support of the motion to instruct conferees. I wish to thank my colleague from Washington for yielding, and, more importantly, for his leadership on this important issue.

Madam Speaker, President Bush reminded the American people last week that he is a decider. His decisions affecting our economy, gas prices in particular, decidedly favor the wealthiest of his base. Thanks to terribly misguided economic priorities, oil and gas CEOs get two tax breaks for the price of one.

Subsidies worth $16.5 billion in the energy bill make it possible for oil and gas companies to lavish obscene compensation on their CEOs, who then, in turn, get to claim another break on capital gains and dividends.

This belies both the need for permanent rate cuts and the industry's argument that market forces instead of price fixing are responsible for gas approaching $4 a gallon. Do not take my word for it. IRS data show that for the 90 percent of all taxpayers who made less than $100,000, dividend cuts benefited only 1 in 7, and capital gains reductions helped just 1 in 20. While congressional leaders seem prepared to allow a stealth middle-class tax increase, which will negatively impact 19 million families, they are insisting on extending the dividends and capital gains cuts which will shower benefits on only 234,000 families in the main.

We can thank our President and congressional majority for these terrible choices and for the disastrous results.

Therefore, Madam Speaker, I urge my colleagues to support the McDermott motion to restore sanity to our economic and energy policies, and so that they reflect the real values, needs and priorities of middle-class families and consumers.

Mr. McCRERY. Madam Speaker, I continue to reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 2 minutes to the gentlemen from New York (Mr. HIGGINS).

Mr. HIGGINS. Madam Speaker, I thank the gentleman from Washington for yielding me time, and support his motion to instruct.

Madam Speaker, the American people and the people from western New York are at the center of the energy policy disaster. The House majority told the American people that upon passage of the energy bill, that it would reduce our dependence on foreign oil, and it has not. They told us that it would reduce gas prices at the pump, and it certainly has not. They told us this bill, with its incentives to Big Oil, would promote the development of alternative energy sources, and it has not.

The President told the American people in January that they were addicted to oil and signed a bill 5 months previous to that that provided huge subsidies, some $15 billion in tax giveaways, to the very companies who are feeding that addiction.

Madam Speaker, I urge support of this motion to put real muscle in this Nation's energy policy to promote real alternatives to foreign oil that promotes alternative energy sources and provides real relief to real Americans who every day are paying way too much for gasoline at the pump.

Mr. McCRERY. Madam Speaker, I continue to reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 4 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Madam Speaker, I thank the gentleman for yielding me time.

Before I address some of the specific provisions of the motion to instruct, which I urge my colleagues to support, I do need to take a moment to respond to Mr. BURTON, the gentleman from Indiana, who spoke moments ago.

In my opinion, we need to elect people who will make a true commitment to developing renewable energy in this country. His statements toward all of us on this side of aisle, respectfully, were overinclusive. I am someone who has supported a balanced and diversified energy policy and an approach to meeting the needs of this country that includes domestic oil and gas exploration.

But even using the best estimates of our percentage of the world's reserves of our domestic oil supply, we simply cannot drill our way out of this problem. And step number one should be a true commitment to renewable energy, not step number one being where we can drill next.

In recent days we have heard a lot of rhetoric from our colleagues on the other side of the aisle regarding the need to provide relief for those facing severe hardships due to today's sky-high energy prices. Now, I agree with the need to act. We should have acted last fall when we confronted the same problem. This is probably the most pressing concern on the minds of my constituents in South Dakota right now, who, as rural citizens, drive further to work, drive further to get their kids to school, drive further to get to the doctor. We had farmers who had the most expensive harvest last fall because of fuel prices, who are now facing the prospect of the most expensive spring planting season for the same reason. So I am sincerely hoping that my colleagues ultimate actions on the other side of the aisle will reflect and match their words.

We have learned that House Republican conferees have been objecting to Senate-passed provisions in the tax reconciliation package that would strip unnecessary oil company tax breaks from the bill. This includes some changes to arcane inventory laws and other reasonable changes that Big Oil simply does not need in this time of record profits and record prices, as my colleagues have noted.

So adopting these Senate provisions would raise nearly $5 billion in Federal revenue over 5 years. That is very good in this tight budgetary environment, and it is an important reason to do it, but it is not the primary reason to do it.

The primary reason to do it is that Big Oil is making record profits, profits made on the backs of taxpayers who are truly struggling to fill their tanks. And those same taxpayers should not be subsidizing them with unnecessary tax breaks that the oil companies clearly do not need.

Madam Speaker, I oppose this whole reckless tax package, because at a time of record deficits in this country, we simply cannot afford to pass a budget bill that actually makes the deficit worse.

This motion to instruct by my colleague from Washington is an opportunity to inject a small amount of sanity and fiscal discipline into what has otherwise been a broken and misguided process. The Senate saw the wisdom of including these provisions and the folly of continuing to grant more than $5 billion in tax breaks to huge oil companies at a time of record profits and record prices. Even President Bush said yesterday that at least $2 billion of the subsidies to Big Oil through special tax breaks lavished by the Republican Congress on the oil companies is unnecessary.

I only hope that the conferees from this Chamber also see the correctness of the President's statement and the Senate approach to these provisions, agree to this motion, and to recede to the Senate provisions in the bill. It will benefit all Americans as both energy consumers and taxpayers.

Madam Speaker, I urge my colleagues to support the motion.

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Mr. McCRERY. Madam Speaker, the gentlewoman from South Dakota said step one should be something, and I would submit to the gentlewoman that the energy bill we passed was a much better approach than step one. It was step one, two, three, four and five. We don't need to do just one thing. We need to do a number of things to increase supply in this country, to reduce demand, and to wean ourselves from dependence on foreign oil. The energy bill that we passed just recently does that. It will take some time.

But we addressed in that bill her step one, our step one, as she characterized it, and several other steps. In our bill we did include some provisions that would encourage more exploration and production in this country of oil and gas, but we also included provisions that would increase our refining capacity for gasoline that is part of the supply problem.

Her party has chosen for their own reasons, over the last number of years, to consistently block measures, other measures designed to increase production in this country. The gentleman from Indiana earlier spoke of some of those. Our bill encouraged increased production, not as robustly as we would have liked to. We would have liked to have included exploration of ANWR, for example. We would have liked to have included greater exploration and production of offshore capacity in this country that we know we have. But we did address that step one, our step one, as she characterized it.

But we also included provisions encouraging conservation of fuels. That is an important element of getting this supply-and-demand situation under control. We did also include about $3 billion in that bill for renewable fuels. So we took a multifaceted approach in our energy bill that we did pass and got signed by the President, to address this very vexing problem of supply and demand of the primary energy source for this country.

Whether we like it or not, oil and gas is going to be the primary energy source for this country for a long time. Yes, we should pursue renewable fuels. Yes, we should pursue research into fuels that we can use other than oil and gas, but that is going to take time. We all know that. So in the meantime, we ought to be doing those things, but also encouraging an increase in the supply here in this country of oil and gas. We have tried to do that.

This bill, as I stated earlier, would exacerbate the problem of supply. It would exacerbate the pressure on prices at the pump. A $4.3 billion tax increase on oil is not going to lower the price at the pump. If anything, it is going to increase prices at the pump when you raise taxes on the supply. That is what this motion to instruct would have us do, $4.3 billion retroactive tax increase.

This accounting provision that is the subject of this provision of the opposing party is used by every corporation that has inventory, not just the oil and gas industry; every corporation that has inventory in any industry uses this accounting system. Last in, first out, LIFO accounting system.

This provision proposed today on the floor by the Democrats would say the oil and gas industry would be the exception. They would be the only industry that could not use this standard accounting system.

Is that fair? I don't think so. If you think that is a commonsense way to do the accounting of inventory, let us apply it to all industries in this country. We don't hear the Democrats proposing that. Why? Because they know it would not make much sense from an accounting standpoint.

If you apply this provision to the oil and gas industry, it amounts to a retroactive huge tax increase on that industry at the very time that we need to be lowering their costs, not raising their costs. The other provision that we haven't talked about too much this evening applies to foreign tax credit rules. They are calling it a loophole.

Well, what this so-called loophole does for the oil and gas industry, that also applies to other industries across America, reduces the level of double taxation of profits of our American companies gained overseas with their overseas operations.

Is it right for an American company who is doing business, say, in Europe, to pay the tax in Germany and then have to turn around and pay tax on the very same income here in the United States? Surely, surely we don't think that is fair. Surely, we don't think that puts our domestic corporations in an equitable position vis-a-vis their world competitors.

Surely, we must realize that if we double-tax American companies' income derived from overseas operations, we are putting them at a disadvantage in the world market. We are guaranteeing they are going to lose market share to foreign companies. Should that be the policy of this Congress? I certainly hope not, but that is what this one provision and the gentleman's motion to instruct would accomplish.

Now, getting back to dividends and capital gains, the IRS preliminary data from 2004, which is the first year we have since the passage of a lower dividend rate, shows us that dividends paid by corporations in 2004 over 2003 increased by 30 percent. That should be proof positive that the change in the law we made produced the desired result.

Corporations started paying more out in dividends. That has salutary effects not only for the senior citizens that Mr. HERGER talked about earlier who depend on dividend income in their retirement, it also has a salutary effect on corporate management, corporate accountability. These are very sound tax policy provisions that this Congress wisely enacted a couple of years ago, and we certainly should extend them 2 more years to give certainty to those corporate planners who are trying to plan their corporation's ability to raise money and to distribute or allocate their profits to their shareholders.

Madam Speaker, I would submit that this motion to instruct should be defeated for a number of reasons, and would hope that the House would soundly reject this tomorrow when we have a chance to vote on it.

Madam Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Madam Speaker, it is always interesting to listen to my good friend from Louisiana defend the Republican Party. It is the party of 1 percent that he is over there defending. As I listen to him, I was reminded of a remark that President Reagan was often fond of saying. He would say, well, there you go again. If he were here today, he would say exactly that, and he would be absolutely right.

The Republicans are running a do-nothing Congress. It is not even a do-nothing, it is they cannot do anything. They come out here and admit that with gas prices where they are, they can't do a thing about it. Can't do a thing about it. It is hopeless.

So the American people are stuck with the Republicans, and the people should remember that as the election comes, because the Republicans stood out here today and said they cannot do anything.

We went after the oil companies to get some of that money to do things with that this society needs, but the Republicans are only interested in the 1 percent. The other 99 percent are on their own luck. There has been a lot of energy here tonight telling us how big oil companies should continue to fleece the people at the pumps. But that is what big oil companies have a right to do, and we all should pay more. They want to be sure that we continue to have the American millionaires have 2 more years of a comfortable tax holiday.

Now, people can talk about numbers out here, but I want to talk about a couple of people, one of whom is the Exxon chairman who just retired. They gave him $398 million. This is a guy making $1.6 million every year, okay? I mean, that is just for starters.

Now, as he retired, they said we know you are going to play golf when you are retired; we will pick up your golf fees. They will pay his golf fees forever at $210,000 a year. I mean, they are going to let him use the corporate airplane for the rest of his life, and they are going to keep him on for a year at $1 million as a consultant.

Then there is Joe Public. He is at the pump tonight, or he is watching us talk about this, having just come from the pump, or Sally Public, either one of them has been to the pump today, and they have watched that thing go around at $3 a gallon and realized the average income in this country is $40,000. Forty thousand dollars.

Now, the Exxon president, or the executive that I just talked about, is going to get a $32,000 tax break from this bill that my friend says is going to somehow cripple the economy.

What is fair about that? The average person has to buy gasoline to get to work, take their kids to school, heat the house. If you live where I do, you do not need so much heat as you do in other parts of the country, and down where the gentleman from Louisiana lives, you do not need much heat. But other places they have to use a lot of heat in the wintertime. They are still paying 4 bucks a gallon for it, or are going to be paying 4 bucks a gallon.

The average person, you talk about these capital gains: oh, well, everybody gets capital gains, yes. The Exxon chief will take $32,000 in tax breaks away on average, and the average $40,000 person in this country is going to get 7 bucks. That is the average. That is 2 gallons of gas.

Now, is that fair? Is that what you think America is all about? Is that what the Republicans say? Well, you know, the gas prices are going up. I guess it is supply and demand. I don't know. I don't know how come the oil companies are making all this extra money. We shouldn't be able to cut down how much money they make. They should just be able to make more money. They are taking it out of the hides of the working people in this country.

Now, we don't want people on welfare, no, sir. We don't want people on welfare. You can't buy a house in many places or find a place to live in many cities because the prices are so high.

When I was in New Orleans just about 4 or 5 weeks ago, I asked the president of Tulane Medical School, if I could do one thing for you, what would it be? He said, do you know what it would be? Bring some housing downtown, because all my nurses have to live 70, 80 miles away and drive into work every day, and all the workers in the hospitality industry have to live out of town. They are all paying 4 bucks a gallon for gasoline, driving all the way from Baton Rouge all the way down.

That is not just in Louisiana. It is all over this country. You are sitting here telling us that we cannot do anything, that Big Oil has to be protected. Well, they will just go down in a pile.

Then the real interesting part is to come out here and blame the environmentalists. Here we have got global warming, absolutely clear, and everybody is tackling the environmentalists saying, oh, they are the ones who are creating the problem. We have got to get off oil.

The President, I got to say, occasionally the President is right. I don't say that very often on the floor, but I will say the President was right when he said we are addicted to oil. Boy, this Congress is addicted to oil. When we cannot close three loopholes and take back $5 billion that we could use for home heating oil or student loans or Medicare or Medicaid or all the things that this society needs, we can't take that and use it for the public good, there is something very wrong in this society.

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And if the people are going to have a choice in November, they are going to say, well, Republicans stood by and watched the deficit go up out of sight, and they watched the oil prices go up out of sight, and they said, well, we don't know what to do. Nothing we can do about that. We have to keep passing tax breaks to the 1 percent in this society who are doing very well.

The President gets out there and tries to tell everybody that things are going well in this country economically, but the people don't believe it. You know why? Because it isn't going well for most people. They are stuck with $3- and $4-a-gallon gas. They have no way to avoid that. It is hard to ride your bike 70 miles into town to get to work. Now, you can do it, but it really takes a lot of effort. Most people aren't able to change from a car with a gasoline engine to a bicycle, so they are stuck. They can't walk to work. They are stuck in this society. In our city they are talking about raising the rates on the mass transit because of the cost of gasoline. So even those riding the bus are going to get socked by this.

When we come out here and offer a modest motion to something that the Republican Senate went along with, you know how bad it is. And that is the irony of ironies, to have me up here arguing for three amendments that have been approved by the Republican Senate. If I will go along with that, I will take anything to make it better for the American people. But not the Republicans in the House. Oh, no, no, no, must not touch the oil companies. Huh-uh. We can't take a single dime away from them or the whole thing will come unraveled.

And they want to be sure that America's millionaires are comfortable for at least two more years of tax holidays.

Meanwhile, the rest of us get to pay for their fiscal recklessness.

They can't do anything about gasoline prices, and won't fight to make oil companies pay their fair share in taxes—fair share—like the rest of us do.

They can't do anything about the rise in poverty in America, where one in five children—1 in 5—lives in poverty today.

They can't do anything about helping Middle Class kids have access to student loans to pay for college.

They can't do anything about a prescription drug benefit that benefits the drug companies and confounds senior citizens.

They can't do anything about controlling special interests, because they are the Party of special interests. Republicans are the Party of One Percent.

If you're a fat cat, Republicans are inviting you to dinner, and they are serving the American Middle Class.

We have an opportunity to do something that benefits the American people, all of them. The oil companies ought to pay their taxes like everyone else. And millionaires will just have to manage with only two more years on tax holiday.

We have an opportunity to take a stand for the 99 percent of the American people who have been left out of a Republican nation.

The American people should be first in line, not first to pay.

It's time we do something about it.

Pass this Motion to Instruct. Make this the day we tell the oil companies to supply the demand, and stop demanding more tax subsidies to enrich only themselves.

I urge my colleagues to vote for this and do something for the American middle class.

The SPEAKER pro tempore (Mrs. DRAKE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. MCDERMOTT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCDERMOTT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–100)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005, that resulted in the assassination of former Lebanese Prime Minister Rafiq Hariri and the deaths of 22 others, and other bombings or assassination attempts in Lebanon since October 1, 2004, that are related to Hariri's assassination or that implicate the Government of Syria or its officers or agents. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and undermining United States and international efforts in Iraq constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the "Commission"), reiterated its call for the strict respect of the sovereignty of Lebanon, and reaffirmed its unequivocal condemnation of the February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafiq Hariri and 22 others. The Commission's charter included identifying the bombing perpetrators, sponsors, organizers, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide necessary assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as suspected of involvement in this terrorist act, upon notification of such designation to, and agreement of, the Committee of the Security Council established by UNSCR 1636. United Nations Security Council Resolution 1644 of December 15, 2005, condemned other terrorist attacks in Lebanon since October 2004 and reaffirmed that all those involved in these attacks must be held accountable for these crimes, and in doing so, authorized the Commission to extend its technical assistance to Lebanese authorities with regard to their investigations regarding the terrorist attacks perpetrated in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of the terrorist act on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, or any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri's assassination or that implicates the Government of Syria or its officers and agents, or to have obstructed or otherwise impeded the work of the Commission. The order further authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombings, or assassination attempts, or any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. The order was effective at 12:01 a.m. eastern daylight time on April 26, 2006.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 26, 2006.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ FORUM

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the carnage and the bloodshed continue in Iraq. Things are getting worse, not better. April is indeed the cruelest month for 63 American soldiers who won't be making it home. In fact, it is the deadliest month so far in the year 2006.

We are coming up on the 3-year anniversary of the President's infamous aircraft carrier flight suit stunt, and I am still looking for someone who can answer this question: How is it possible that we have lost more than 2,000 of our troops after this mission was supposedly accomplished?

Today's big headline? The President has a new spokesman. As if the same talking points, the same platitudes, the same wretched ideas coming out of a different mouth is going to make a lick of difference. The White House doesn't have a PR problem, it has a policy problem. Do they actually think two out of every three Americans are unhappy with the President's performance because of his Press Secretary? Are they that dismissive of the intelligence of the people they are sworn to serve?

It is as if the administration were our landlord in a house that was being condemned, with a foundation crumbling and every corner infested with vermin, and when we register our complaints, they go ahead and change the drapes. There will be a new talking head at the briefing room podium, but the administration's approach remains stubbornly resistant to change.

The other big news of the day is that Secretaries Rice and Rumsfeld dropped in on Iraq, and from this visit we learn that there may be a troop reduction by the end of the year. But that strikes me as a cosmetic, contrived move that is driven by the political calendar. It is clearly not enough.

Remember, this President, who says he doesn't believe in timetables, made it perfectly clear that he intends to keep our troops in Iraq for at least as long as he is in office. And there is every reason to believe that the construction of permanent military bases has begun. This is exactly the open-ended, long-term occupation that fuels the rage of the insurgency.

I, for one, am not willing to stay silent on the sidelines. I will do everything in my power to make the case that the troops should come home now. I will continue to explore alternatives to our current Iraq policy, and I will continue to shine a spotlight on conditions on the ground in Iraq.

To that end I invite my colleagues to join me tomorrow morning as I convene a forum that will help put a human face on the Iraq conflict. We will hear from an impressive panel of witnesses, including:

A Georgetown professor, who spent the bulk of his career with the CIA, where he was considered one of the Agency's preeminent counterterrorism experts.

We will hear from a Shia Iraqi woman, a civil engineer married to a Sunni, who has lived through the invasion and the occupation and then fled to Jordan after her son was briefly detained as a political prisoner.

A marine who served in the Iraq war and was discharged last year due to his post-traumatic stress disorder.

A young American doctor, half Iraqi, half Jewish, who recently returned to Iraq, where she lived as a young child. She has put her medical practice on hold to raise awareness about the devastating impact the war is having on the people in Iraq.

I will also be joined by several of my colleagues, the gentleman from New York (Mr. HINCHEY), the gentleman from Maine (Mr. ALLEN), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from North Carolina (Mr. JONES), and the gentlewomen from California, Ms. LEE and

Ms. WATERS, among other Members of the House of Representatives. We will engage in a dialogue with these panelists, and we will offer our own thoughts on Iraq.

I had a similar forum last fall, which was focused more on shifting policy direction and brainstorming about how we might carry out a military exit strategy. That will be a component of tomorrow's discussion, but my intent tomorrow is to present firsthand accounts from people who have lived through this war and can speak authoritatively about its human cost.

We hear virtually every day from the White House, the civilian leadership at the Pentagon, and the military commanders. I think it is important that we give a platform to those who have stared this war directly in the eye, outside of the Green Zone, without a security detail or an armored limousine. I hope you can join me tomorrow.

THE CITIZENS SPEAK OUT ON ILLEGAL ENTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, this House must have the will to secure our borders from unlawful, illegal entry into this sovereign Nation by other nations. Many of my fellow Texans have written me about this problem, and I am going to read a few of those tonight.

David in Splendora, Texas, writes: "I totally disagree with the guest worker program. If the government allows an amnesty program for the illegals, then every person crossing the border would qualify. Also, the borders need to be more secure. I work with immigrants here in Houston, and it amazes he how they can go back and forth to Mexico. The immigrants who have their family in other countries are sending their money there, and they do not even spend it here anyway."

Tim, in Groves, Texas, writes: "Vicente Fox and Mexico are not our friends. The Mexicans are laughing at their neighbors to the north while their illegal countrymen clog our streets and harass U.S. citizens with marches and demonstrations. Why aren't they demonstrating in Mexico for jobs and better pay? That is the source of their problems. Our legislators are afraid of enacting tough laws on these people while American citizens pick up the tab."

Donald, in Nederland, Texas, agrees and writes: "When did Vicente Fox become head of American immigration policy? Fox has no business telling the United States what to do with its citizens who illegally enter the United States. We can't control Mexico's immigration laws, and all attempts to handle the illegal entry of millions of Mexicans into the United States have fallen on deaf ears. They came to America to work in many fields hired by business interests, and when their visas expired, they didn't return home as required by law. Businesses then allow them to continue working at salaries below those needed by American workers who they replaced."

□ 1915

"Employers who hire illegal foreign workers should be required to make sure their employees leave the country when their visas expire or be fined and pay the government's expense for returning them to their home country when they are caught. Amnesty by any other name, guest worker, is still amnesty; get illegals out of America."

Michael in Crosby, Texas, writes, "Sir, I implore you to be as tough as necessary to halt this wave of illegal immigration, and to seal up our borders. It honestly worries me about the reports on C–SPAN of the border incursions by Mexican military personnel, and the possibility of smuggling a weapon of mass destruction into our country via the border with Mexico."

Randy in LaPorte, Texas, writes, "I am an American and my wife is a legal alien. We have worked for many years to get citizenship for her and it is hard and expensive and takes a long time. It makes me see sick to see the Mexican flag in our streets and demanding rights from the U.S. Some in our government talk of a path for citizenship for them, and this makes me just sick. I hope you can pass immigration laws that will protect Americans and not protect illegal aliens."

Ernest in Dayton, Texas, writes, "As I watch the demonstrations by the illegal immigrants, I am appalled by the fact that they are carrying a Mexican flag and not the American flag. This myth that no one will work the jobs that illegals work is exactly that, it's a myth. Congress can be blamed for taking the jobs away from qualified 16- and 17-year-olds. I went to work at a butcher shop at 12 years of age and I have worked ever since. Guest worker program, my hind leg. It is nothing more than an amnesty program. The politicians in this country created the situation. It is important they get off their high horse and do the work of the United States and not special interest groups."

He goes further to point out, Madam Speaker, "You need to come to the Exxon station on highway 90 in Liberty, Texas, and bring the INS with you and see how many illegals you can round up at that one location."

Finally, Madam Speaker, Jean in Kingwood, Texas, writes, "I felt compelled to write today after days of hearing about the Mexican protests and the Mexican flag waving going on in our country. First, let me say for a very long time I felt immigration has been out of control but that the politicians in America consider it a way to gain votes and will not touch the issue. I am outraged that we are in such a state as we are now.

"Recently, I had to take a job in order to supply health insurance for my family because my husband lost his job. Then it wasn't long after that that I had to go to the emergency room. I went to the emergency room at 4:45 p.m. and didn't leave until 5:01 a.m. the next day. I cannot tell you the number of immigrants with three or more children in that waiting room. I wondered if any of them actually had health care insurance, and how much free health insurance they received on their visit. Here I am working so I can supply health insurance to my family, yet the illegals and those that have no health insurance walk in and obtain free health care.

"Everyone in America knows the stats on this and the stress being placed on our system because of those that are able to obtain free health care just by walking into the emergency room."

Madam Speaker, this House had better listen to the American citizens, and we need to be more concerned about what they think than those who have illegally invaded and colonized our Nation think.

Madam Speaker, that's just the way it is.

REPUBLICAN ENERGY BILL

Mr. STUPAK. Madam Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, today the Speaker of the House, Mr. HASTERT, announced that he will be bringing an energy package to the floor as soon as next week. As a member of the Committee on Energy and Commerce, I must express my concerns that this legislation has not been reviewed, had a hearing, or even been seen by members of the committee with the proper jurisdiction. In fact, the contents of this legislation are not available to be reviewed by the American people, let alone my colleagues who will be required to vote on the bill.

All that anyone knows about this bill that is supposed to be on the floor next week is a one-page press release the Speaker put out. Yet we will be forced to vote on this bill as soon as we get back next week. This sounds like the Vice President's secret energy task force. And what have we seen since then? The price of gas has almost doubled and the profits of the oil companies have almost tripled since those secret meetings in the White House that no one seems to know anything about. But we know gas prices continue to go up and nobody knows why.

The American people deserve real answers and real solutions to these high gas prices. Consumers are currently paying an average of $2.91 per gallon for gasoline. Last summer it was $2.25. Why the almost 70-cent increase? This summer, as the real driving season begins, Americans are expected to pay even more at the pump than last summer.

But in the meantime, look at these profits. Look at ExxonMobil, one of the larger oil companies in this country. Look at their profits. You can take all of the net income of the oil companies, their profits in the last year was $113 billion in profits.

While the majority party has put out a one-page press release talking about things they would like to do, Democrats have real solutions that could be brought to the House floor today that would have an immediate effect and lower the price of gasoline for all Americans.

For example, there are currently no Federal laws against gas price-gouging. The only way the Federal Trade Commission can attempt to prosecute unfair pricing is by using the antitrust laws or the monopoly laws of this country. To date, in the entire history of the Federal Trade Commission, not one, not one case has ever been brought before the courts to prosecute for price gouging. Because the Federal Government does not have a clear definition or standard of what price gouging is, the FTC cannot do little more than make a study of the current gas price situation. Americans are tired of studies and want real answers.

Last September I introduced a bill to increase the Federal Government's ability to prosecute price gougers. My bill, the FREE Act, the Federal Response to Energy Emergencies, will provide the Federal Trade Commission and the Department of Justice with the authority to investigate and prosecute those who engage in predatory pricing from oil companies all of the way down to distributors, with an emphasis on those who profit the most.

The FREE Act, our legislation that could be on the floor tomorrow, will also allow each State attorney general to go into Federal district court to prosecute unfair pricing practices.

When we talk about unfair price practices, we talk about everything in the chain and distribution and supply of oil and gasoline. Take a look at this here, from the time it comes out of the ground, refineries to distributors and retailers, taxes, all of the way to the consumer. We should be able to investigate every aspect of it. If you look at what the Republicans have been proposing, you only get to do an investigation when the President declares a national emergency and it is only for the distributors and retailers, not the refinery who has a 255 percent increase in the cost of refining a gallon of gasoline in a year, nor even the crude oil producers who went up 46 percent in the last year.

When we introduced our bill to increase the Federal Government's ability to prosecute price gougers, we included everybody. We want to make sure that the American people are protected from the time it comes out of the ground until you put it in your vehicle. Our legislation expands the Federal Trade Commission's authority to more aggressively pursue market manipulations such as geographic price settings or territorial restrictions put forth by the refineries.

Why has gas gone up? In the last 12 months, from September 2004 to September 2005, it has gone up 255 percent. Is that price gouging? We happen to think it is, but we need a clear definition. Right now there are 28 States with different standards as to price gouging. That is why it is so important to have a Federal standard.

Our bill also imposes tough civil penalties up to triple the damages on excess profits.

Madam Speaker, we are trying to fight high gas prices. Democrats stand ready, willing and able to do our job.

THE GATHERING STORM OF VENEZUELA'S HUGO CHAVEZ

Mr. MACK. Madam Speaker, I ask permission to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

Mr. MACK. Madam Speaker, while freedom is on the march in many places around the world, a resurgence of Socialist, Communist and anti-freedom governments and movements in Latin America represent an emerging threat to freedom and the United States.

The instigator is Venezuela's Socialist President Hugo Chavez, who is using state-owned oil money to underwrite his iron-fisted control of the Venezuelan people, and to back his alliances with leftist leaders and causes throughout Latin America.

With Chavez sitting on top of 6.5 percent of the world's proven oil reserves, and buoyed by oil at roughly $75 a barrel, Chavez has assumed the identity of a modern-day Simon Bolivar, who attempted to unify Latin America in the 1800s. Oil is Chavez's ATM to finance a "Bolivarian revolution" that abuses Presidential power in Venezuela and fans the flames of Socialists, and regional instability.

In an interview last year, Chavez was clear in his motives. "I am a revolutionary. I have to support the left wing movements in Latin America. We have to change Latin America." That is exactly what he is doing at the expense of freedom, security and prosperity.

Democratic institutions are eroding rapidly in Venezuela. The legislative branch is controlled by Chavez, made up entirely of Chavez allies. The judicial branch is controlled by Chavez. The National Electoral Council is controlled by Chavez. It is no longer impartial. The Electoral Council addresses the interests of Chavez and the government, not civil society.

The council is no longer acting in conformity to the law, and many question the reliability of the electronic voting machines in Venezuela.

Chavez, a former paratrooper, sees the military as an instrument of social transformation. And now he is openly recruiting and arming civilians to join his newly created militia under the false suspicion that the United States is going to invade Venezuela.

The public prosecutor, the Office of the Comptroller, and the People's Advocate are all controlled by Chavez. President Chavez has packed the Supreme Court with his supporters, and justices are biased in his favor. Make no mistake, the independence of the judiciary has been compromised.

Human rights and fundamental freedoms are under threat. Discrimination on political grounds is growing and members of the human rights community are often charged with treason and as coup plotters. Acts of violence and prosecution of human rights defenders are growing.

Those active in the defense of democracy in Venezuela are being prosecuted and imprisoned without due process. Leaders of the political opposition group Sumate are being prosecuted for accepting a small grant from the National Endowment for Democracy under a judicial system where the nation's courts have been packed with Chavez cronies.

Freedom of expression is under siege. Chavez is snuffing out a free press and free speech with new laws that impose jail terms for journalists for gravely offending the President or the government. The media is now subject to surveillance, censorship, and intimidation.

And to ensure the unfettered ability to spread his anti-freedom messages throughout the region, Chavez last year launched his own television network, Telesur. Telesur announced a formal alliance with Al-Jazeera, bolstering Chavez's Socialist-Based propaganda with the resources and reach of pro-terrorist programming.

Chavez is taking control over private banks and confiscating large parcels of private property. And to make matters worse. Chavez is planning a new assault on the private sector in Venezuela by taking major steps towards nationalizing Venezuela's oil industry that could hurt American oil companies, reduce production, and put further pressure on already high global oil prices.

He has already seized private oil fields if companies do not convert operating contracts to joint ventures in which the Chavez government assumes a majority stakeholder share. In free countries, that is called extortion.

Elsewhere in Latin America, Nicaragua, Bolivia, and Argentina, Chavez is forging alliances with Socialist groups and narcoterrorists. In Nicaragua, former Sandinista leader Daniel Ortega announced that local governments in Nicaragua that are friendly to Sandinista's cause would receive low-cost oil from Chavez.

Venezuela has been flagged as a major transit country for illegal drug shipments to the United States and Europe. In fact, more than one-third of all cocaine that reaches the U.S. travels through Venezuela from Chavez's allies' countries.

What is worse, at the same time Chavez is cracking down on freedom within Venezuela and exporting his Socialist revolution throughout Latin America, he has embarked on an alarming military build-up.

Chavez is receiving military and intelligence assistance and training from Fidel Castro's government; and he has tried to acquire nuclear technologies from Iran, and reports suggest that Iran has actively sought uranium supplies inside Venezuela.

I have introduced a resolution that addresses these problems and expresses our support for the people of Venezuela to restore democratic institutions. I urge my colleagues to join me in fighting for freedom for the Venezuelan people.

Mr. Speaker, Hugo Chavez seeks nothing less than absolute authoritarian power. He despises freedom. He is determined to alter the balance of power in the Western Hemisphere, and he is leveraging his nation's oil supply to do all he can to achieve his dream of a unified, socialist Latin America.

After all, it was Chavez himself who, with Fidel Castro by his side said, "Fidel, 'I think you were always right: It's socialism or death.'"

□ 1930

WE NEED ACTION NOT JUST TALK

The SPEAKER pro tempore (Mrs. DRAKE). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, when you become President and Vice President of the United States, but you have spent your life in the oil industry, I suppose it isn't surprising that decisions that you might make when you are President and Vice President would result in your enriching yourself more from the industry in which you had spent your life.

It may not be surprising that gasoline now in this country is well over $3 a gallon, and imported oil over $70 a barrel, two-thirds of what we consume in making that gasoline coming from the most undemocratic places in the world, Saudi Arabia, Kuwait, Venezuela, Colombia, Nigeria.

It is interesting, if you look at the President and the Vice President, the President spent his life in Midland, Texas, really drilling that community dry, and then he and his family founded the Zapata Oil Company and made relationships with oil companies in Mexico.

The President that we have now had investments in Bahrain prior to his becoming President of the United States. And the Vice President, of course, was the CEO of Halliburton, which got all of those noncompetitively bid contracts in Iraq.

We watched the former President Bush become a major partner in the Carlisle Group, getting big money from all the oil-producing countries in the Middle East and huge investments and speaking fees from these very same places. Is that merely coincidence?

Yesterday, at long last then we see President Bush make a cameo appearance before the Renewable Fuels Association, and he gave a speech that many people had been waiting years to hear. He said in the speech we needed an investigation of why prices are going up the way they have over the last year. I would like to respectfully suggest to the President we need more than an investigation. We need new energy, new energy leadership by the President and Vice President. We don't need any more studies, and we don't need any more investigations.

The President said that every car can run on 10 percent ethanol. Well, where is his action plan to do it? That is what many of us have been arguing, not just this year, not just last year, going back to the beginning of his administration when we pushed for a renewable energy title as part of the farm bill, and his administration has barely funded it, and they fought it every step of the way inside this Chamber.

Now, the President said that with small changes some cars can run on E–85, a blend of 85 percent ethanol and 15 percent gasoline. Mr. President, there are more than 5 million cars, trucks, vans on the road that will run on 85 percent ethanol right now. Every major manufacturer has announced major efforts to produce more E–85 vehicles. DaimlerChrysler announced two more just this week. Guess what, Mr. President? The drivers can't get the fuel for the cars they have bought. What are you doing to help America develop the infrastructure for these new fuels?

The President talks about increased research for new forms of energy, but what are we doing with the research we already have? Where are the Federal standards requiring Federal buildings to use more solar energy? How about the White House itself? How many Federal facilities are putting wind generators on their own property to develop energy? How many of our military bases are converting to biodiesel and to ethanol? When will the Chevy Suburbans that escort the Presidential motorcades actually use E–85 as an example of what can be done? I encourage the President to put a gas pump right over there at the White House.

The President can talk about not buying oil to place in the Strategic Petroleum Reserve to help hold the price of gasoline down by a penny or two, but why is he letting America continue her addiction to imported oil? Wouldn't a good way to break with the past be to rename the Strategic Petroleum Reserve as the Strategic Fuels Reserve and start filling it with stocks of ethanol and biodiesel that can be rotated through the fuel supply system to help make these new fuels a bigger part of our energy mix? I introduced H.R. 3345 last year to do just that. I invite the President's endorsement of that effort.

We need real action for today and tomorrow, not more of these false promises. We really don't need to build any more oil refineries when we are trying to move to new sources of energy. That would be like building more horseshoe factories when the automotive age was dawning.

We need to mandate that oil companies use their exorbitant properties to put E–85 and biodiesel pumps in the ground right now across this country and to use some of their profits to do that.

We need to help our country, not just let these companies enrich themselves and their top executives more. Then the millions of vehicles that are already on the road could help lead America to a new energy future.

We need a President that gives us some action, not just talk.

We need legislation like the Biofuels Energy Independence Act, H.R. 388, my bill to provide additional financing for the marketing, production, and distribution of biofuels, as well as the establishment of a biofuels feed stock reserve held by our farmers.

We need legislation like H.R. 1398, my bill to require that by 2010 gasoline be blended with at least 10 percent ethanol, and that diesel be blended with at least 5 percent biodiesel. We need standards that give us quantifiable goals against which we can measure progress, and to which we can hold ourselves accountable.

In short, Mr. President, while we appreciate your kind words and good wishes, we are begging for your active support in the form of realistic budget requests, speedy implementation action by agencies, and a commitment to making a difference not 10 years from now when your administration has its place in history but in the remaining days that you have to make a difference that can be felt in every American home, every American business, and every American community.

COMMEMORATING MILITARY SERVICE OF FOUNDERS OF STATE OF GEORGIA AIR NATIONAL GUARD FIGHTER AIRCRAFT WING, 54TH FIGHTER WING

Ms. McKINNEY. Madam Speaker, I ask unanimous consent to address the House out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. McKINNEY) is recognized for 5 minutes.

Ms. McKINNEY. Madam Speaker, I rise today to commend, celebrate and commemorate the military service of Brigadier General "Big John" Collins, Lieutenant General Cuthbert A. "Bill" Patillo, Major General Charles C. "Buck" Patillo and Major General Joel B. "Bill" Paris.

These four generals were, in the year 1946, founders of the first State of Georgia Air National Guard Fighter Aircraft Wing, the 54th Fighter Wing.

Big John Collins is a friend of mine. This friendship began when my efforts resulted in him getting his long overdue war medals. Big John had tried for 20 years to get his medals. And he was a pilot. Bill and Buck Patillo are identical twin brothers who, along with Bill Paris, flew Republic Aircraft Corporation P-47 Thunderbolt fighter aircraft. These four pilots formed a tight "Diamond" attack formation.

These four pilots were ordered to fly at air shows around the State of Georgia to boost enlistments in the Georgia National Guard. The idea was a great success; so successful, in fact, that the increase in Georgia enlistments came to the attention of the National Guard Bureau at the U.S. Air Force headquarters at the Pentagon. This work of these four pilots was the foundation upon which the U.S. Air Force Thunderbirds Precision Flying Team was created to rank along with the Blue Angels Precision Flying Team of the U.S. Navy. Air Force Chief of Staff General Hoyt Vandenberg credited the Georgia Air National Guard with being the founders of the Air Force Thunderbirds Precision Flying Team.

All four of these pilots are alive today. They are healthy, and they are happy to have their service recognized in this way. Although the Patillo twins now live in Valrico, Florida, near McDill Air Force Base, I am proud to say that they were born in my district in Decatur, Georgia. Bill Paris was born in my home State and still lives in Georgia, in Alpharetta. Big John Collins, my friend, was born in Oklahoma, raised in Bradenton, Florida, but saw the light and found his way to Georgia where he has lived since 1939. I think he found our sweet Georgia peaches too irresistible to leave.

Bill Paris was a leading fighter pilot ace destroying nine Japanese aircraft. Bill Patillo destroyed a Japanese version of the German ME 262 rocket-powered fighter, one of only three of such fighters destroyed worldwide in World War II. Plus Bill destroyed five other Japanese aircraft. Buck Patillo destroyed five Japanese aircraft. And big John Collins, my constituent who has now become my friend, shot down three Japanese fighter aircraft. Sergeant James Campbell shot down two Japanese fighter aircraft. Sergeant Donald Schopp shot down one Japanese fighter, making a total of six enemy fighters downed on one mission. Plus one Japanese war ship exiting Simpson Harbor at full speed was destroyed. Big John Collins led an attack on Tobera Air Drome, destroying numerous Japanese aircraft on the ground.

Bill and Buck Patillo, Bill Paris and Big John Collins collectively received the following combat medals: 4 Silver Stars, 9 Distinguished Flying Crosses, 9 Legion of Merits, 36 Air Medals, 5 Distinguished Service Medals, 9 Presidential Unit Citations, 4 Government of the Philippines, 2 Croix de Guerre with Palm, US SWPA medal with 9 major campaign battle stars, 121 various noncombat service medals.

Sixty years after the conclusion of World War II, all Americans should renew and rededicate their honor for the noble sacrifices, valorous deeds and enduring accomplishments of military veterans of what has become known as the greatest generation.

I would also like to commend my sister colleague, Congresswoman MARCY KAPTUR, who just spoke, who fought hard to get a memorial on the Mall for them, the greatest generation, including for my four Georgia pilots.

Congratulations to them all for a job well done.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. WASSERMAN SCHULTZ. Madam Speaker, Members of the House, it is a pleasure to be here tonight as the 30-something Working Group takes the floor each night to talk about our concerns, both as it relates to our generation and our generation's perspective, and also as it relates to the issues that are important to America.

I can tell you that our thanks goes out to our minority leader, Ms. PELOSI and Mr. HOYER. We have been given the privilege to come to the floor and talk about the concerns of all Americans. And, boy, Mr. RYAN, who I am pleased that you have joined me once again tonight, we have been spending quite a bit of time together in the last 14 months since I joined you in the United States Congress, and it has truly been an honor and a pleasure.

There is sure a lot to talk about. We are facing so many different crises, so many different crises of the confidence of Americans, that it is hard to know where to begin sometimes when we take the floor each night. But I know that the thing that is most on the minds of at least the constituents that I represent, and I am certain the ones that you do, because no matter where we go now, particularly in the last 2 weeks when we were home, gas prices and the energy crisis, because there is no other term you can apply to it, that we are in right now is foremost on the minds of Americans. It is virtually impossible for many Americans to be able to afford to get themselves around their communities. Even when they have mass transit, we are literally stuck in the present. We are stuck in neutral, and it is time to shift into overdrive when it comes to looking towards the future and pursuing alternative energy sources.

I mean, when is there going to be some leadership on the Republican side of the aisle here? When is there going to be, instead of political scrambling at the last minute, which is what we have seen in the last several days when now we know they have reached the point of no return in terms of being forced to respond to what is going on with gas prices, when are we going to see some leadership step up? When are we going to see some backbone?

It is just astonishing to me that I guess our Republican colleagues are willing to ignore the concerns of their constituents, ignore the plight that they are facing. You can't turn on the news anywhere in this country and not see a reporter sticking a microphone in one of our constituents' faces and saying, you know, how are you able to afford to fill up your tank? It is mind-boggling.

I yield to the gentleman.

Mr. RYAN of Ohio. So many of our constituents rely on travel to make a living. And I was talking to a gentleman last night who worked for a lab, who was doing a lot of traveling between the labs. And he is charging 30, 40 bucks a day, and that is just the cost of doing business. And trucking, you know, people in the trucking industry are having a difficult time. But average people, as you said, just trying to make a living and get to work, are having a difficult time.

I think this comes down to a couple of different issues, Madam Speaker.

This comes down to leadership. And this comes down to, again, and I hate to say it, but the secretive way in which this administration and this Congress do business.

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And the leadership, the President, here we are talking about alternative energies. How long have we been talking about figuring out how we are going to find alternative energy sources and what we are going to do and everything else? But yet this Republican majority has not been able to come up with any kind of vision. And the really terrible part was when the President was here for the State of the Union and he said we are going to come up with an alternative energy program that will cut in half by 2025.

Ms. WASSERMAN SCHULTZ. To end the addiction to oil

Mr. RYAN of Ohio. To end our addiction to oil by 2025, if we get around to it, and it will only be in half. And there is not the urgency that I think our constituents are feeling right now. Let us do something. You have the ability as President, especially after 9/11. He could have marshaled our country and put us in another direction to say we want to reduce our dependency on foreign oil, we want to reduce the cost of gas, and we want to move in another direction. He could have done that because we were all ready to do whatever he wanted us to do. We would have walked to work. We would have rode bikes. We would have done whatever the President asked us to do. But he did not challenge us to do anything.

Ms. WASSERMAN SCHULTZ. And you sort of scratch your head and wonder who is it that he is listening to? Who is it that he is hearing? Because it is certainly not the average American.

I am a mini van mom, as you heard me say here on this floor. I drive a mini van and I am schlepping my kids all over the place, soccer and baseball and dance class and all that stuff, and let me tell you it is no less than $50 to fill up my minivan every single time I need to fill up. And fuel economy is one thing and one could argue, okay, DEBBIE, you should drive a smaller car, you should do what you can, take some ownership and some accountability and try to consume less gas. But when you have three kids, I have twin almost 7-year-olds and a 2½-year-old. There is only so small a vehicle that you can drive with all the stuff and getting your kids around and having to carpool and throw other kids in the car with you. I mean some of the external advice is just not doable. So when you need to drive a vehicle of a certain size, out of necessity, it is going to cost you $50.

Mr. RYAN of Ohio. I have a Pontiac Vibe. You could not handle your kids in the little Vibe because I barely fit in the thing myself. I have to sit in the back seat and drive from the back seat so my legs fit all right. But, yes, exactly. It is that kind of lack of compassion, lack of understanding of what average people go through, a total disconnect; kind of like when the Vice President said a few years ago, conservation, that is a good personal virtue to have, but as a Nation it is not really a good policy. Wait a minute. It is not maybe the be-all, end-all, but it is a piece of this puzzle that we need to put together to figure out how we are going to do this.

And I think it is important for us to share not only the costs that you have there, and I will let you show that, but then I want to talk a little bit about back to 2001 when this whole thing was concocted and all this was happening. So go ahead.

Ms. WASSERMAN SCHULTZ. Absolutely. Let us do that. Because the thing that astonished me was that only yesterday did the President make a statement about doing something. And believe me, that statement was only a token statement. He laid out some four-point plan where he is going to try to hold suddenly the oil companies accountable. Holding them accountable? I mean, give me a break. It is a little late in the game now that we are 6 months from an election. Is that not convenient? Is that not nice?

I will tell you I have only been here about 14 months and I am less senior than you. You have been here for at least a couple of years before me. During the time that you have been here, that I have been here, where has the outrage been? Where has the outrage been?

We are only going back to 2002, but in 2002 the summer gas prices, the average price of a gallon of gas was $1.39. You could hear a pin drop, it was so quiet, the reaction from the administration. Okay. No outrage from $1.39 a gallon. Then $1.57 a gallon, a third more, just a summer later. No end in sight. No proposal. No initiative to ease the burden and head this problem off at the pass. A summer later, 2004, $1.90. Now we are approaching almost $2, almost, but one-and-a-half times the cost from the summer before that. No end in sight. No proposal to stem the tide. No proposal to urge the oil companies to diversify or pursue alternative energy sources.

Go to 2005, last summer. Now, last summer was when you really knew that the pressure began to rise. I mean, the boiling point was reached last summer. Last summer was when I really thought okay, there is no way that they can ignore this anymore; yet ignore they did. They reached $2.37 a gallon as the average price of a gallon of gas. And simultaneously last year, in my first year in Congress, two energy bills, two energy bills passed that gave 16 billion, with a "b", dollars away to the oil companies.

What we talked about last night I will reiterate again: The United States Government owns the areas in which we allow the oil companies to drill. Whether it is the drilling rights that we grant them in the gulf, in bodies of water, or on land, we own them. And they are supposed to pay us royalties and make tax payments to us in exchange for their being able to drill there. Those two bills that we passed last year, Mr. RYAN, forgave those taxes, essentially gave the oil companies those rights for free. And we have a chart that we will put up. Hopefully we will be able to get access to it. It is stuck in an office, but we will get that chart up here in the hour after next. RECORD profits, both individual quarterly profits that the oil companies made and historical record profits. We are giving tax breaks to companies that are making record profits and providing no relief, no assistance, no urgency to the American people who are struggling to get themselves to their jobs, to get their kids to school? Where is the outrage? It is just of the oil companies, for the oil companies, by the oil companies. That is the kind of policy that is made here.

And before I yield to you, to add insult to injury, on top of that legislation, forgiving the taxes, if you recall, one of those energy bills was one of the bills that the Republican leadership held open the vote for 40 minutes, twisting the arms of our Republican colleagues who knew that bill was the wrong thing to do, who knew we should be doing something about an energy policy, who had their arms wrenched behind their backs. And we watched our vote board that hangs above us, that lights up above us, the Christmas lights, red to green, green to red, all over the map for 40 minutes until they got their way. Forty minutes. The rubber-stamp Republican Congress did the bidding of their leadership and the bidding of the President and the bidding of the oilmen in the White House. It is disgusting.

Mr. RYAN of Ohio. When the average person hears that their tax dollars that they work hard to make and they send the Republican Congress down here to spend on Medicare and defense and all the other things, when they hear that $16 billion of that went to subsidize the oil companies when they have the highest profits that they have ever had, that is the outrage. And I think the American people are outraged. The Republican bobble-head Congress here who will say yes to whatever President Bush wants, I do not feel the outrage yet from them. And I think this is what our friend, former Speaker Newt Gingrich, said about the Republican Congress, that they are seen by the country as being in charge of a government that cannot function. This is what is happening here. When you have the leader of the Republican revolution that has turned into a devolution saying the government just cannot function, they do not know how to run the government, you are facing it every day at the pumps, Madam Speaker, and the American people are facing this every single day at the pumps.

I want to talk just for a second, because I thought it was interesting that the President said with great enthusiasm that he wants to hold the oil companies accountable. So, Madam Speaker, I have a suggestion. Now, let me share some information with our colleagues here. We have heard a lot about this too. When they were trying to decide what they were going to do for the energy bills years ago in 2001, the Vice President was having meetings that no one knew about, and he was having them with the oil executives, which should not surprise anybody, figuring out that the President and the Vice President both came out of the oil industry. So what has recently happened is that a White House document came out that showed that executives, and this is a third-party validator, this is the Washingtonpost.com, a great newspaper here in town. The White House document shows that executives from big oil companies met with the Vice President's energy task force in 2001, something long suspected by environmentalists but denied as recently as last week by industry officials.

Now, here is what the document says, just so we can get into it. Because this sounds just like Katrina, this sounds just like the war, this sounds just like the Medicare bill, this sounds just like every piece of legislation that has come out of this Congress that the President has pushed. It has been done under a cloud of deceit, Madam Speaker, misleading statements to not only the United States Congress and Members of the United States Congress, but to the American people, Mr. DELAHUNT. But to the American people.

And let me share, as recently as just last week, this document that came from the White House, obtained by the Washington Post, shows that officials from ExxonMobil, Conoco before its merger with Phillips, Shell Oil Company, and BP America, Incorporated, met in the White House complex with CHENEY's aides who were developing a national energy policy, part of which became law. So you would think, well, the Vice President's staff is meeting with BP Oil executives.

Last week in a joint hearing of the Senate Energy and Commerce Committee, the CEO of ExxonMobil, Chevron, and ConcocoPhillips said their firms did not participate, Mr. DELAHUNT, in the 2001 task force. We have got somebody telling us a falsehood, someone misleading us.

So if the President wants to hold the oil companies accountable, let me recommend, Madam Speaker, that people can be fined or imprisoned for up to 5 years for making "any materially false, fictitious, or fraudulent statement or representation to Congress." So everyone denied they had anything to do with this meeting in front of a Senate panel of the Energy and Commerce Committee, and they were there, and we have got all these gas prices and we are wondering about price gouging and everything else, Madam Speaker, and the oil companies are saying, well, we are not price gouging. Well, you know what? Maybe we just do not believe you, because you have a track record here of misleading statements, secrecy. And it hurts me to say that people in Youngstown, Ohio are forced to foot the bill here.

Ms. WASSERMAN SCHULTZ. I yield to Mr. DELAHUNT.

Mr. DELAHUNT. Well, I can assure you, Mr. RYAN and Ms. WASSERMAN SCHULTZ, there will not be any oversight. There will be no investigation because this Congress simply will not do it.

If there is one theme that has characterized the 6 years of this administration and the 6 years of control of the House of Representatives and the United States Senate by the Republican Party, it is a lack of transparency, is secrecy, is a refusal to be held accountable. And much of the responsibility comes right here to this institution.

Now, let me just divert for one moment and cite the example of accountability and oversight in the case of the war in Iraq.

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Both the decisionmaking process that led us to intervene militarily in Iraq and what has happened since the so-called major combat phase was announced.

Mr. RYAN of Ohio. "Mission accomplished."

Mr. DELAHUNT. It was announced by President Bush as he flew in and landed on that aircraft carrier saying the mission was accomplished.

I happened to be the senior Democrat on a subcommittee of the International Relations Committee, that in that particular capacity I, along with other Members, Democratic Members, have requested again and again and again an opportunity to ask some questions about the whole array of issues, the fraud and the corruption that has absolutely gone wild. It is the Wild West. Everybody that has come back from Iraq that has been in a position to observe and witness the corruption by contractors, by Iraqis, by Americans, by other foreign nationals says it is unlike anything we have ever seen.

Well, you know how many hearings we have had? Let me rephrase that. Something unusual happened today, more than 3 years after the end of the so-called combat phase. The House International Relations Committee had a hearing on Iraq, and witnesses from the administration actually appeared and testified. I am not even going to comment on that hearing, but I would commend Members from both sides of the aisle to go and to read the transcript in the CONGRESSIONAL RECORD, because we had an opportunity to ask some questions. Clearly, clearly, at least on the Democratic side, no one was satisfied with the answers, but we had the opportunity.

Madam Speaker, this is 3 years after March and May of 2003; 3 years later.

Now, an effort was made by some of our colleagues saying, well, we have had hearings. Well, we have had hearings, but I don't know where we had them, because we certainly haven't had them in a room that the American people can observe what the answers were.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield for 1 second, there is a little bit of irony here. Today is April 26, 2006, and we are about 6 months from the election. Isn't it interesting that today, suddenly 6 months before the election, as the heat is intensifying, and elections get closer, and the concern increases on the part of our Republican colleagues about the likelihood of their losing quite a few seats as a result of their not doing what they should have been doing, it becomes more and more of a likelihood and a reality that hearings are beginning to be held, the President is rolling out plans to address the energy crisis and gas prices?

You know, the American people are a little bit smarter than that. They get it. They get when scrambling is going on, when people are trying to, hmmm, I guess the best way to put it is to save their tuchases. That is a Yiddish term, for those of you that don't know what it means.

Mr. DELAHUNT. I think we know what it means.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. DELAHUNT. But the reality of it is it isn't even the issues themselves, because they stonewalled on the 9/11 Commission until public pressure compelled them to agree to have an independent commission; they would not release the e-mails and other documents in terms of both before Katrina landed on the Gulf States and afterwards from the White House, and they refused to do an independent commission there; and in Iraq we have had no hearings until today.

I thought it was interesting that, like I said, some of the Republican Members said, well, we have had hearings. Well, the subcommittee that has jurisdiction, of course, is the Middle East Subcommittee, and the ranking member Mr. ACKERMAN went through his own records and looked all through the year 2003 to see how many hearings even peripherally might have been related to Iraq. None. None.

In 2004, in all of 2004, that particular subcommittee had one hearing related to Iraq, but it was about the United States and the Iraqi marshlands, an environmental response.

In June of 2005, the next year, there was a hearing on Iraq's transition to democracy. Nothing about all of the other obvious issues that were begging out to be addressed; the competence of the civilian leadership and the role of Secretary Rumsfeld and the disagreements with the military that have performed so well in terms of their service in Iraq.

Ms. WASSERMAN SCHULTZ. I was just going to suggest that you put some of the comments from the generals up on the easel.

Mr. DELAHUNT. Do you know what? We really do have some heroes in this country, people who will speak out and tell the truth and who are not afraid of laying it on the line. If I could indulge you, Mr. RYAN, and you, Ms. WASSERMAN SCHULTZ, I think we have got to recognize what these nonpoliticians, who were leaders in Iraq, the men and women who served this country, had to say about the competence of Secretary Rumsfeld and the civilian leadership in the Department of Defense. If you would indulge me.

Back in March of this year, Major General Paul Eaton, who was responsible, by the way, for the training of the Iraqi security forces, had this to say in reference to the Defense Secretary. Now, these are his words; not my words, but his words. "He has shown himself incompetent strategically, operationally and tactically, and is far more than anyone responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down."

That was a Marine general, highly decorated, well-respected and regarded by his colleagues and peers, Paul Eaton.

Ms. WASSERMAN SCHULTZ. While you are putting up the other very damning commentary from the myriad of generals that have called for either Secretary Rumsfeld's resignation or for the President to ask for that resignation. I think it is important to point out that in the face of that unprecedented pressure and unprecedented nonpolitical motivation, because certainly the motives of retired generals could not be questioned, the status quo is being preserved, a steadfast, benign status quo, and that is just yet another example of the bobblehead, rubber-stamp Republicans.

Mr. DELAHUNT. Not a single hearing. I would think, Madam Speaker, if there was a genuine desire on the part of this House to examine in depth the truth of what is happening in Iraq and in the real world, we would have those generals, Madam Speaker, come before the appropriate committees of this House and inquire of them why they make these statements, such as the statement last Thursday by retired Army General John Batiste, again Defense Secretary Don Rumsfeld. Again, I am quoting this American hero.

"We went to war with a flawed plan that didn't account for the hard work to build the peace after we took down the regime. We also served under a Secretary of Defense who didn't understand leadership, who was abusive, who was arrogant, who didn't build a strong team."

Now, you know, Ms. WASSERMAN SCHULTZ, that the Defense Secretary has come here on the floor of this House, Madam Speaker, in this well, and behind closed doors has briefed us, but we never hear from those generals. We never hear from the generals, Madam Speaker.

Why? Why can't we have a hearing and invite Paul Eaton, a former general in the United States Marine Corps, and Retired Army General John Batiste? Why can't we do that? Is that asking too much, Madam Speaker? Is that asking too much, to let the American people hear for themselves? If there is an answer to that, will someone please give it to me? We haven't had the exercise of any oversight on Iraq ever. Ever.

Ms. WASSERMAN SCHULTZ. You know what else I noticed in the last 14 months since I have been here in my experience is that we haven't had a single Republican come to the defense of these generals or agree, step forward and agree with them. My belief in terms of our role here as public servants is that sometimes you can't be afraid to stand alone. You have to be willing to stand up for the courage of your convictions, even when no one is behind you, because you are the one that has to wake up and look at yourself in the mirror in the morning and know you have done the right thing, and you are only with yourself at the end of the day when you put your head on that pillow.

What I have noticed is not a single colleague of ours on the Republican side of the aisle has stepped forward and said, yes, it is time for Secretary Rumsfeld to resign; it is time for some fresh blood, for some new ideas, for some acknowledgment that it is not going in the right direction.

Why? Because this is what we have on the other side of the aisle in this Chamber. We have bobblehead Republicans. We have people who just shake their head up and down and up and down and are willing to just rubber-stamp whatever it is that they are asked to support, or oppose, for that matter. It is astonishing.

Mr. DELAHUNT. But don't we owe it to the American people, Madam Speaker, to hear directly in the United States Congress at a full committee hearing from General Paul Eaton, from Army Major General John Batiste, and also from Marine Lieutenant General Gregory Newbold? Again speaking about the leadership of Donald Rumsfeld, these are his words. "My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who never had to execute these missions or bury the results."

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Those are very, very powerful words. This is a very tragic and special moment in American history, Madam Speaker. We are at war. We have lost thousands of men and women in this war. The American taxpayers have spent hundreds of billions of dollars in this war.

And, Madam Speaker, why can't we hear from those generals in a public forum? Why? Well, I am not going to reach a conclusion as to what the answer is.

Ms. WASSERMAN SCHULTZ. I know the answer. For the same reason that there has been no accountability, for nothing that Congress should have been exercising its role of oversight of this administration. Where were the independent hearings as far as Katrina? Where were the hearings for the culture of corruption? Where is the Ethics Committee and its total lack of operation in investigating case after case of Members on the other side of the aisle who have violated and been accused of violating the public trust? Where has the outrage been?

The answer is the same, Mr. DELAHUNT. They do not care, on the Republican side of the aisle, to exercise Congress' oversight role. They have ceded, willingly, the legislative branch's oversight role, ceded the authority to the executive branch.

And you know, I have been a legislator for 13 years, it is almost 14 years now. It is the thing that I believe we should most jealously guard, our oversight role, the system of checks and balances, our ability to hold the administration, the executive branch, accountable, even when it is our own administration.

I mean, there certainly was not any hesitation on the part of this Republican Congress to hold the administration accountable and have plenty of hearings from the most minute and unimportant to the significant when there was a Democratic President. But oh, no, as soon as there is a Republican President, we do not need to ask him any questions, we are just going to let them do whatever they want.

Why? Because they are perfectly happy to be a rubber-stamp Republican Congress. I think the American people are sick and tired of not having people here that serve in the Congress that they send here to stand up and do the right thing, express outrage, understand what they are going through.

I mean, I do not know how some of the constituents, the citizens in America, are tolerating their Member that they have elected staying silent on all of these important issues. I do not get it.

Mr. DELAHUNT. You know, I think it is important to understand that in a democracy, if we are going to enjoy the full measures of citizenship, that those in power, those elected representatives of the people have to act in a transparent way and have to exercise that responsibility to hold accountable all those representatives of government transparency.

I mean, we can have disagreements, and we can do it in a very respectful fashion. But if we do not have the information, if we do not have the facts, if we never hear the truth, then we are doing a disservice to the American people, because we are denying them the opportunity to enjoy the full measure of being an American citizen.

Ms. WASSERMAN SCHULTZ. Well, you know, it is getting ready to happen again tomorrow. We are going to watch them deliberately squander yet another opportunity.

Do you remember several months ago when the Jack Abramoff scandal broke, and he was exposed, and indicted and arrested, and decided to plead guilty and began implicating people who he worked with and who he collaborated with? There were calls from the Republican leadership that they were going to do something about this, make the process more transparent, restore ethics to undergird the American public's confidence in this system.

And that was all supposed to culminate in tomorrow's legislation that we will hear in this body, what the Republican version of lobbying and ethics reform is, Mr. DELAHUNT.

We are all about third-party validators in the 30-something Working Group. I have third-party validators just initially to compare Republican proposals on lobbying reform with the proposals that are coming out of the United States Senate, from the Republican leadership there versus the proposals coming out of the Republican House.

And this was on the front page of USA Today just a couple of days ago, on April 24, just on Monday, the two proposals coming out of the two Republican-led Chambers. Look at the differences, Mr. DELAHUNT, that we have here.

This is the difference between the lobbying legislation the Senate and the House of Representatives, the gift limits that are proposed in the legislation coming from the Senate.

And, again, this is right off the front page of USA Today. The Senate version of the bill would say that Members could receive no gifts from lobbyists to Members or their aides. None. A ban.

The House version of the bill tomorrow, we would have no change from the $50 limit that is current law. That is transparency? That is a restoration of America's confidence that Members are up here doing the job that they were elected to do? Status quo. That is the reform that we are going to consider tomorrow.

The lobbying ban. Right now, former Members have a 1-year ban before they can come and represent clients in front of Congress and contact their former colleagues and advocate on behalf of those clients. The Senate would double that time to 2 years, at least, so that there would be some distance between the time of service that a Member was here and the people that they served with.

And so the idea behind a 2-year ban, Mr. DELAHUNT, is that at least some of the issues that that Member was voting on, that the Members that they were working with, that there is some distance between that time, and that way hopefully you are not going to have undue influence occur. The Senate doubled that to 2 years.

In the House, again this is off the front page of USA Today, there would be no change. The current 1-year time limit would still remain in place.

Let us look at congressional travel. Travel sponsored by lobbyists, again off the front page, in that same graph on the front page of USA Today. The Senate legislation that deals with travel by Members sponsored by lobbyists would say that they have to have preapproval in order for a Senator to travel with lobbyists, on a lobbyist-sponsored trip. The Senate legislation said that that would have to be preapproved by their Ethics Committee.

You know, interesting proposal. There are several ways you can do it. We will go one step further in our proposal, which we will go through in a second. But the House version, this is funny; it is so sad that it is funny. The House proposal tomorrow that we are considering on travel says suspend travel until December 15.

What are they hoping, that we get past the election and people will forget? Or maybe we get past the election and it will not matter anymore and they can just go back to taking trips to Scotland and playing golf when they are supposed to be doing the people's business?

I am not sure who they are trying to kid. It is just truly unbelievable, Mr. DELAHUNT. Their nerve is amazing. So I just wanted to outline that is the difference between the Republican proposals.

Now, I want to just take a minute and go through what the Democrats would do. You know we hear so much that, you know, all the Democrats do is criticize and, you know, we do not have a plan for this, that, or the other thing, which of course we spend each night here trying to outline the plans that we do have, and debunk that oft-repeated myth, which is truly mythological, because we have numerous plans which we will continue to outline.

But let us look at the House Democrats' lobbying and ethics reform proposal, where we would truly crack down and get tough on the culture of corruption and cronyism that exists here. It is called the Honest Leadership and Open Government Act. If that is what we are considering tomorrow, which I truly wish we were, then the gift limits that Democrats proposed would be a ban on gifts including meals, tickets, entertainment, travel from lobbyists and nongovernmental organizations that retain or employ lobbyists. Because, you know, what we could debate, we could have a legitimate debate, I think, Mr. DELAHUNT, on whether or not particularly nongovernmental organizations should be able to sponsor Member travel, those educational trips that I have taken in the time I have been here, once or twice, that are truly helpful.

But, you know, unfortunately, you know that old expression where they talk about the one bad apple spoils it for the whole bunch. In order to restore Americans' confidence in their government, a change like we are proposing, just a total ban would do that. You got to go that far. But that is not what we are considering tomorrow. We are considering just holding off on travel until December 15, squeezing our eyes shut and hoping the problem goes away.

A lobbying ban. We House Democrats would propose, do propose, a 2-year ban for former lawmakers, executive branch officials and senior staff, that they could not represent clients and contact former colleagues for 2 years. It would eliminate floor and gym privileges for former Members who are now lobbyists.

It would require Members and senior staff to disclose outside job negotiations, because the K Street Project, the infamous K Street Project where you have the revolving door of negotiations going on, while staff, while Republican staff are still here working for the public, negotiating lucrative private deals to leave here and then, you know, within a year, representing clients and lobbying their former colleagues.

And the pressure that the K Street Project applies for those private firms to hire those Republican staffers, we would end that practice in the Honest Leadership and Open Government Act.

And finally, these are just highlights. Actually this proposal is far more comprehensive than what is outlined here. Travel sponsored by lobbyists. We would prohibit lobbyists from planning or participating in congressional travel.

It would require Members to pay the full charter cost when using corporate jets for official travel and to disclose relevant costs in the CONGRESSIONAL RECORD. Literally, the piece of the legislation we are going to consider tomorrow, the only change, is corporate travel; in other words, when a Member is using the private plane provided by a lobbyist. Sometimes, you know, a Member needs to get somewhere quicker than commercial travel allows them to. The proposal tomorrow only prohibits the lobbyists from traveling with the Member on the plane.

They can still do it exactly as they do it now, but they cannot go with the Member. That is the accountability that is provided for in this bill. It is a joke.

You know the American people are not going to buy it. You know, the finger in the dike for the next 6 months and hoping that that gets them through. I mean, I am hopeful that that does not work. It appears that the American people finally get it and that they will be behind us in moving this country in a new direction. Sorry I took so long. That has been growing inside me.

Mr. DELAHUNT. Thank you for that exposition. I just want to return to the original theme. We are connecting the dots, because I think really what is required is an openness that heretofore has been missing. And I honestly believe that the dreadfully low polling numbers for the institution would be changed dramatically.

□ 2030

In other words, rather than 23 percent of the American people approving the performance of Congress, 23 percent as opposed to two-thirds of the American people disapproving of the performance of Congress, can only change with transparency and aggressive oversight.

By aggressive oversight, we don't simply mean partisanship and partisan attacks. We mean putting it all out on the table, letting men like these three generals and many others. I think of the former AID director, the Agency for International Development, who is currently at Georgetown University doing a professorship, who recently made a statement saying that the reconstruction effort in Iraq is plagued by incompetence and turf battles within the administration. It would be healthy.

It would be healthy for us, for the institution, because you said something earlier about the confidence of the American people. If we are going to change those poll numbers, we have to come together, assume our responsibilities and become aggressive about holding the executive branch accountable, holding ourselves accountable, as you just pointed out, and reviewing the performance of the judiciary.

We could debate about it, but let the American people hear directly, without the filter of partisanship, whether it be Democratic or Republican. Let them hear directly as to the observations of those that are involved in whatever the issue is.

I mean, I would suggest that in the aftermath of the passage of the so-called prescription drug benefit program, that aggressive oversight would have entailed bringing before the appropriate committee of Congress those who are involved in hiding from the United States House of Representatives and the U.S. Senate what the estimates were in the administration of the cost of that particular plan.

We should have all been outraged. We should have demanded to hear from the participants, but we didn't. We failed, I would suggest. And know what we have today? We have the lowest rating, I believe, since I have been here, by the American people, according to a poll that I just saw before coming over here, of the performance of the United States Congress. We are a democracy. We have got to become institutionalist once more.

We have got to defend the prerogative of the Congress, whoever is in the White House.

I will tell you what I have learned, Ms. WASSERMAN SCHULTZ, is that when one party controls all of the levers of power in a democracy, accountability just disappears. I am not saying that is peculiar to Republicans. Maybe it is innate just in human nature. We don't want to embarrass our President, if he is of the same party, but we have got to restore a sense of pride in the institution. That is not happening here today.

One hearing, one legitimate hearing on Iraq in 3 years? Meanwhile, thousands of military personnel have died, and we are spending close to $1 trillion already, and more in the pipeline. It is not right. That is why the American people are losing confidence in the U.S. Congress.

Ms. WASSERMAN SCHULTZ. There are lots of reasons, Mr. DELAHUNT, some of the ones you outlined, but many more reasons why the American people are losing confidence in our ability to make sure that we respond to their concerns. Here are some key facts that I pulled together that just might explain why people are so frustrated, aside from the major issues that we have been outlining here tonight.

Just for example, median income, median family income has dropped every year of the Bush administration. Median wages have dropped 6 percent from 2000 to 2004 according to the Federal Reserve Board. A typical middle-class family, and this is the 30-something Working Group, and we just want to provide some highlights of the things that this generation is struggling to deal with, the typical middle-class family is working longer than in 2001 just to pay the bills.

Health care costs have skyrocketed, with a typical family paying $632 more for health insurance, compared with 2000. The number of Americans without health insurance has increased by 6 million, while the number living in poverty has increased by 4.5 million since 2000. Gas prices are 62 percent higher than in 2001. Housing is the least affordable it has been in 14 years.

In my community alone, and I know your community is expensive as well, the average price of a house in south Florida is more than $300,000. Now how is a young couple, just starting out, who wants to reach the ability to buy their first home, going to afford that?

Come on, I am not that far from having bought my first home with my husband. Trust me, if the prices were like that in south Florida when we first started out, there is no way. We would be living in a shack, which many people in America are continuing to struggle to even be able to afford.

College tuition. Let us continue down the path of what young people are struggling with. College tuition has gone up about 40 percent, even if you take inflation into account, according to the college board in 2005. The number of employees in an employer-sponsored retirement plan dropped by more than 2.7 million from 2000 to 2004. That is Congressional Research Service, our objective Congressional Research Service that cited that statistic.

About 3.7 million employees have lost employer-provided health insurance since 2000. The median household debt has climbed 34 percent, to $55,300, from 2000 to 2004. The typical student graduates from college with about $17,500 in debt. While wages and salaries are at a record low as a share of national income, corporate profits are at a 60-year high.

Finally, the last statistic that I was able to pull together, just to outline what the average working family is struggling through, Mr. DELAHUNT, is that the number of U.S. billionaires reached a record of 793, which is up 15 percent from last year. It is no wonder that the American people are fed up with us and fed up with the lack of outrage, with the lack of leadership, and that the polling numbers, when you rate the Congress, are just hitting rock bottom.

Mr. DELAHUNT, I have really enjoyed the opportunity to spend some time here with you tonight. The last couple of minutes we will pull up our 30-something Working Group Web site, which we encourage the Members and anybody who is interested in getting the charts that we have outlined here tonight. They can access that on www.housedemocrats.gov/30something.

Madam Speaker, with that, we want to thank the Democratic leader for the opportunity to speak to our Members tonight, and we yield back the balance of our time.

BEST CHEAP THRILL

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Madam Speaker, in a story published today, entitled "Best Cheap Thrill: Crystal Meth," the Minneapolis/St. Paul City Pages sunk to a nearly incomprehensible low. In that story the newspaper, and I use that word loosely, had the amoral audacity to advocate for meth use.

Its editor, Steve Perry, then dared to try to justify such lunacy by saying the point of the item was that it is impossible to make entirely too much of the drug hype of the hour.

Drug hype of the hour? Such a statement shows a shocking ignorance of the facts and an unparalleled insensitivity to the thousands of Minnesotans of every age and walk of life who are struggling to rebuild their lives. They were shattered by this alleged, quote, best cheap thrill of the year.

Comparing the harrowing experience of meth addiction to a cheap thrill is an unconscionable act, and it is a disgusting act. The City Pages should immediately retract this filth and issue an apology to every Minnesotan who has been harmed or knows someone who has been harmed by this drug.

Better yet, Madam Speaker, maybe the editors should do as I did and visit a drug treatment facility to see just what devastating harm this can cause to people and their families. I did yesterday visit Teen Challenge and talked to 300 Minnesotans that are struggling with an addiction. These brave souls are trying to piece their lives back together, and they would have plenty to tell Mr. Perry and his associates about just how much the pursuit of, quote, cheap thrills, unquote, like meth cost them in their lives and the lives of their families and friends.

Mr. Speaker, I cannot comprehend the shameful lack of responsibility exhibited by the City Pages and hope its pleas of recklessness fall only on deaf ears.

I remind the children of Minnesota that meth is not a drug hype of the hour. It is a drug whose dangerous addictiveness knows no bounds and must at all costs be avoided.

MEDICARE PART D

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Madam Speaker, thank you so much. It is great to be here again tonight talking to my colleagues as part of the Republican health care public affairs team, and I am pleased that a number of my colleagues will be joining me, hopefully, during the hour, and we will be hearing from them later.

Madam Speaker, I ask this question. If there was a way to save more than $1,000 a year on your heating bill or your food costs or car payments, you would want to know about it, right? I know that my colleagues, I think on both sides of the aisle, would definitely want to know. Well, seniors are saving an average of $1,100 a year on prescription drug costs with the Medicare Part D prescription drug program, $3,700 a year for those low-income seniors who qualify for supplemental help. For many seniors, Medicare Part D marks the first time that they have been able to afford the medications that they need to stay well. For many more, Medicare Part D means they will not have to choose between their medications and other necessities like food and housing costs.

Madam Speaker, I wanted to start out by going through a couple of these slides and pointing out some of the statistics that really just literally jump off the page at you. More than 30 million seniors now have coverage under Medicare Part D. These are our latest statistics. More than 30 million. There are about 43 million Medicare beneficiaries, mostly because of age 65, and maybe 6 million of those because of a disability at a young age.

□ 2045

But when you look at here, and we have not even reached at that magic date yet in this first year, that more than 30 million now have coverage, it is an amazing success story.

And continuing that success story, pharmacists in this country are filling 3 million Medicare part D prescriptions a day. That is 3 million times a day that seniors are saving with prescription drug coverage. And many of these seniors were paying sticker price until they finally had the opportunity to save under this great addition to the Medicare program.

Seniors, as I said, are saving an average of $1,100 a month. And $1,100 a month is a great number and a great benefit in itself, and this is on average, but low-income seniors, of course, are paying now, under this program, $1 for a generic drug and up to $5 for brand name as a copay, and that is it. That is it. Let's say you are on 5 prescription drugs, and they are filled on a monthly basis, usually a 30-day supply. That is $5 a month, or $60 a year.

And I don't want you to just take Congressman Dr. GINGREY's word for that, my colleagues. We have some stories, some anecdotes, to share with you, some actual patients that want to tell you more about that in these following charts. In fact, some of those very seniors are going to be up here on the Hill tomorrow for a press conference, and we will hear it directly from them. I look forward to that, and I hope many of my colleagues will have an opportunity to attend that press conference.

Well, the newspapers, sometimes we wonder if they give the facts as we know them. I want to share with you on this next slide some of the newspapers and what they are finally saying now that we are about 3 weeks away from May 15. And of course we all know that this bill was passed by this Congress, actually the 108th Congress, in November of 2003, and we have gone through the transition program with the Medicare prescription discount cards, where seniors were definitely saving money. Indeed, the low-income seniors got a $600 credit each of the 2 years. It wasn't quite 2 years, but for each of the 12-month increments they got a $600 credit, and then as we rolled into the actual insurance program January 1 of this year.

But listen to what the Washington Times is saying now. "Even with the myriad prescription drug plans open to beneficiaries, seniors are not overburdened by choice, two recent surveys demonstrate. The surveys, sponsored by America's health insurance plans, show that of seniors who signed up for the Medicare drug benefit, the vast majority, 84 percent, had no difficulty, no difficulty, enrolling. And finding the right plan is worth the effort of shopping around, two-thirds said. For those who were automatically enrolled, 90 percent had little difficulty receiving their prescription drugs."

The ones that were automatically enrolled, of course, were those seniors that we refer to as either dual-eligible, in other words, they are on Medicare and the State Medicaid because of their low-income situation, or their income is maybe not low enough to qualify for the Medicaid, but the State helps them pay their deductibles and copay under Medicare. All of those seniors, if they didn't sign up, they were automatically enrolled.

Now, listen to what The New York Times says, and this New York Times is not the bastion of conservatism, of course, as we know. "Many seniors are clearly saving money on drug purchases. Complaints and call waiting times are diminishing, and many previously uninsured patients are clearly saving money on drug purchases." That was in an editorial in The New York Times on April 3, so just a couple or 3 weeks ago.

Well, I said at the outset, Madam Speaker, that I would be joined by some of my colleagues on the Republican health care public affairs team. We have a great group of Members who have expertise not only on this issue, but a lot of issues that we are taking the leadership on in regard to health care in this country, whether we are talking about leveling the playing field in regard to civil justice, so-called medical tort system; or whether we are talking about passing, as we have done so many times under this Republican leadership in this body, something that is referred to as association health plans, which allow small companies who really cannot afford to purchase health insurance for their employees when their numbers are small, 5, 10, 15 employees, to come together in a group and enjoy that benefit of purchasing a policy that is affordable to their employees, health savings accounts; or our initiative on electronic medical recordkeeping and reduction of medical errors, Madam Speaker.

All of these things this Republican leadership is leading the way on, leading the charge on, and I am very proud to have some of my colleagues with me tonight. And especially am I proud to yield time to my colleague from the great State of Georgia, who just happens also to be a physician Member, and I am proud of that as well. And at this point I would like to turn over the mike to my good friend and colleague, Dr. Representative TOM PRICE.

Mr. PRICE of Georgia. Thank you so much, Congressman GINGREY. I appreciate the opportunity to join you today. I want to thank you for your leadership on this issue. You have been one of the stalwart champions of appropriate health care, health system reform, and come with such a wonderful background of information. You and I served in the State legislature in Georgia together, and now here, and it is just a privilege to join you tonight. I appreciate the opportunity to be with you.

I also want to thank the leadership for making certain that we bring this wonderful news, exciting news for America's seniors to the House of Representatives and to the Nation because it is a time of great opportunity for seniors all across our Nation. We are in a period of time right now, as you mentioned, that seniors are able to sign up voluntarily, voluntarily, and I think it is important that people remember that, it is a voluntary program, and participate in this new Medicare part D program.

As you mentioned, I am a physician as well. We used to practice together in the Atlanta metropolitan area. I am a third-generation physician. My father and grandfather were doctors as well. And the things that I was able to use to care for my patients were a whole lot different than those things that my father and grandfather were able to use, and that is because medicine is an evolving science. It is not set in stone. Things change, and things change virtually daily. But Medicare is a program that has not kept up with medicine. Medicare is a program that has not kept up with medicine.

When Medicare started 40 years ago, there were no drugs included in the program. In fact, drugs at that time, medications at that time really weren't used, well certainly weren't used as much as they are now, but weren't used to the percentage they were in terms of the numbers of patients who utilized medications, and things have changed a lot in those 40 years, as you well know, Madam Speaker.

Over the past 40 years, there have been wonderful opportunities for drug treatments to prevent and to cure diseases. Yet until now Medicare didn't include a single medication, not a single drug, in its plan. None. None. They would cover the expensive surgery it took to take care of a bleeding ulcer, but it wouldn't cover the drugs. It wouldn't cover the medications to prevent the ulcer in the first place. It would cover the surgery, the expensive surgery, and hospitalization to care for a patient that had a stroke, but it wouldn't cover the medications to control the blood pressure in the first place and prevent the stroke.

Now, that, Madam Speaker, certainly doesn't make any sense, and everybody appreciates that it didn't make any sense, and that is why this program was instituted. All that is changing now with the Medicare part D program, which, again, is voluntary, a voluntary program for seniors all across our Nation.

And I will tell you, Madam Speaker, that most seniors, most seniors, would be helped and assisted in their ability to purchase their medications by using this new program. Some say that it is confusing, that it is just too complicated. But when you talk to, as Congressman GINGREY mentioned, when you talk to those folks who have already signed up in these first few months of the program, they say that it really isn't that confusing. You just have to tackle it. And most of them, the vast majority, are remarkably satisfied.

I would encourage all of my colleagues, both sides of the aisle, Republicans and Democrats, to assist further in educating their constituents, educating their seniors about the program. I have held, as I know you have, Congressman GINGREY, a lot of seminars and meetings with seniors around our districts to help them understand about the program, what it means and what the specifics are, and assist them in being able to sign up for the program.

Those folks at CMS, the Center for Medicare and Medicaid Services, have been remarkably helpful as well in assisting seniors in my district, and I know yours and so many across this Nation, to be able to understand the nuances of the program. We need to remember, as we look at this program, that the Medicare program on December 31, 2005, had no medications available, and now it does, and now it does. And that is the important thing to remember for seniors.

Now, you mentioned the important date that is coming up: May 15. May 15 is the deadline to sign up for Medicare part D. It is a deadline that is necessitated because this is a new insurance. This is a new aspect of insurance. And unless individuals sign up by a particular time, then you can't reach the savings that you can get in this kind of program. So I want to commend all seniors to take a serious look at this.

Again, it is a voluntary program, but the vast majority of seniors will be aided by this. Unless seniors have had prescription medication covered through a previous employer, then it is likely that the seniors who could access this program would be benefited by it. I know that in my area all of the seniors that were on the Medigap plan to cover prescription medications, not a single one of those would be able to have access to a plan that is as helpful in terms of improving their health as this plan.

So this is a good program. It is a step in the right direction. It is not what all of us would have designed, I am certain, but it is a move in the right direction. And I want to commend my colleagues who will be here this evening to share information about this program with the House of Representatives and with our Nation and our Nation's seniors for their activity, and I want to thank you very much for the opportunity to join you tonight and commend you for your leadership on this, and I yield back to you.

Mr. GINGREY. Dr. Price, thank you so much for those comments. They are very accurate and very timely.

I know one thing that Representative PRICE mentioned about this deadline, and of course it is approaching. We are 3 weeks away. Of course, a 6-month window of opportunity that started November 15, and we have been doing town hall meetings, of course, since long before that and letting people know. I think there has been a tremendous amount of information both from the Committee on Medicare and Medicaid Services, CMS we call it, the Social Security department, and senior organizations in each community, in every county, in every State in this Nation have been making sure that this information gets out there.

But, still, as we get down to the wire, we have some seniors, unfortunately there may be as many as 8 million, that could still sign up for this benefit. And while some of them clearly will choose not to, because it is an optional plan, we don't want to miss the opportunity of those in that group who are a part of that low-income portion, Madam Speaker, because, as I have said many times from the well of this House floor, for them it is not only a no-brainer, it is a godsend.

So that is why we continue to have these Special Orders. That is why the leadership, our Speaker, our majority leader, our conference chairwoman Representative DEBORAH PRYCE, wants us to come down and spend this hour, and allows us to do this, and as Congressman PRICE was just saying, to talk to Members on both sides of the aisle, because this is not the time to politic over this. This is the time to get the policy right.

□ 2100

So that is really what we are about.

Again as I predicted at the outset, I would be joined by my colleagues on the health care public affairs team, not the least of which is my cochair. And I would like to call on him. I would like to say a word or two about Representative and Dr. TIM MURPHY from the great State of Pennsylvania. He is a clinical psychologist, a teacher and an author of several books. He has taken a leadership role not only in the overall committee that we cochair, but also especially on the issue of electronic medical recordkeeping and reduction of medical errors and saving lives and saving money. That is something that both DR. MURPHY and former Speaker Newt Gingrich have written a book on. We can talk about that later as we get beyond May 15, but at this time I yield to Mr. MURPHY.

Mr. MURPHY. I appreciate the gentleman yielding me this time and your continued leadership in helping this Nation understand the importance of the Medicare prescription drug plan.

I wanted to echo with you the issues involved with this, which are so important not only to our constituents but actually to people across the Nation as they look at this and reflect back a couple of years ago when many folks were traveling to Canada, looking at trying to import some medications from around the world in an attempt to save money.

The net result of that, the overall savings that came from importing medications from Canada as opposed to price shopping in America, was not that dramatic. And compared to our generic medications, generics still saved a lot more money. But nonetheless, many folks were searching for ways to find less expensive medications.

Secondly, when people were involved in importing drugs from around the world, from Web sites or mail order, what they found many times were counterfeit medications. In one case they were supposed to be a prescription medication, but they were white pills that said the word "aspirin." It is not hard to guess what those were.

In other situations they were completely counterfeited by using paint and other materials to try and make the pills mimic professionally manufactured medications. In other words, people were attempting to save money, and spent more after paying for counterfeit medications.

So along came the prescription drug plan, and people reported to me they did find savings. Some looked at their VA program and were happy with that. In Pennsylvania, we have what is called the PACE program, or the Prescription Assistance Contract for the Elderly. Many were happy with that, and that is fine.

Others said as they looked at their Medicare benefits, they found significant savings. One woman, as she was looking through that, told me she was saving hundreds of dollars. The point is it was voluntary. People compared different plans and found what saved money for them. The main thing is getting people on the medication that they need, rather than trying to seek some discount plan that really does not save them money.

Of course, there are other parts of this Medicare bill that we recognize. One is getting people their checkup with their doctor so someone can review their needs; and also having pharmacists review the medications people take to make sure that we are avoiding duplication and improper doses, which also add costs.

We have to remember one of the ways to reduce the cost of medicine is not just look at discounts and ways the government can help supplement payments, but also patients need to make sure that they are taking only the drugs they need. When people see multiple doctors and go to multiple pharmacists, that is one of the huge risks that occur for senior citizens where they end up with medical problems.

One study read, and I think the CDC sponsored this, it said in Medicare alone, taking the wrong doses for the wrong person has contributed to some $29 billion in costs that were avoidable. So it is important to have all medications coordinated under one plan rather than going to multiple doctors and multiple pharmacists.

But not only is it important for us to look at this program to provide medications that are affordable, but it is also important for us to note when people look at the cost of the prescription drug program for Medicare, what they consistently fail to take into account is what money it saves for health care overall.

I am going to read a couple of points about some medications, and I recognize, although I work in the field of psychology, some of these are areas of expertise for some of the other physicians here on the floor. Some comments I will make, and Dr. GINGREY has commented on this too, that taking the correct medication is a money-saving as well as a life-saving factor that unfortunately the Congressional Budget Office and others who have looked at the cost of the Medicare prescription drug never take into account.

Here is one point dealing with heart disease. Patients with heart failure who are treated with beta-blockers live longer, and treatment costs are about $4,000 lower than patients who do not take these medications. A January 2004 study by Duke researchers found that beta-blocker therapy improves clinical outcomes of heart failure patients and is cost saving to society and Medicare.

Looking more broadly, the researchers found that 5 years of treatment for heart failure without beta-blockers cost a total of $53,000. But with beta-blockers, treatment cost fell by $4,000, and patient survival increased by an average of 3½ months.

Here is a study on depression. New medicines have brought down the cost of treating depression in the 1990s by reducing the need for hospitalization. Medications like Prozac and Paxil are responsible for this. New studies show how newer, better medicines reduce the cost of treating patients with depression. The cost of treating a depressed person fell throughout the 1990s, largely because of a switch from hospitalization to medication and psychotherapy, one study said.

A study that was published in the Journal of Clinical Psychology in December 2003 found that per-patient spending on depression actually fell by nearly 20 percent over the course of the 1990s.

A study on diabetes indicated that medicines that control diabetes help prevent serious complications, reducing the cost of care by about $747 per patient every year. New diabetes medicines are helping patients avoid serious complications and death, and can reduce overall health care spending. One recent study found that effective treatment of diabetes with medicines and other therapy yields annual health care savings of $700 to $950 per patient within 1 to 2 years.

Another study corroborated these results, finding that the use of a disease management program to control diabetes, along with medication and patient education, generated savings of $747 per patient per year.

I might add that the University of Pittsburgh Medical Center found when they engage these disease management programs, they reduced hospitalizations by some 75 percent.

Let me mention Alzheimer's disease. One Alzheimer's medicine was found to reduce spending on skilled nursing facilities and hospital stays. A study of the effects on costs in a Medicare managed care plan showed that, although the prescription cost for the group receiving the drug were over $1,000 higher per patient, the overall medical costs fell to $8,000 compared with $11,947 for the group not receiving drug treatment. This one-third savings was as a result of reduced costs in other areas such as hospital and skilled nursing facilities.

So one of the things that is so important for citizens to take into account as they look at these programs is to please understand not only the cost savings the program has overall, but the more that patients get engaged in following the prescriptions, following the doctor's orders, not only for the medicines themselves but patient education, diet, other therapies that may be recommended, the overall cost of health care goes down. And that is one of the untold stories of how the prescription drug plan works. It saves lives and saves money.

Overall, if Congress continues to pay attention to the bigger picture of how using electronic medical records and electronic prescribing, patient management profiles, to use integrated care of looking at psychiatric care coordinated with medical care, to look at some of these many areas, we will continue to see, I believe, massive savings in health care, which is what we want to do. We want to coordinate all of these efforts in health care so it is not just a matter of saying health care is too expensive, so let us increase copays or deductibles or premiums or reduce coverage. None of those are viable alternatives. Nor is a method used to reduce payments to doctors or hospitals. That is shifting the cost of care, that is not improving care. And this Medicare prescription drug plan which coordinates those benefits so much better for patients is a very important aspect that we encourage people to take a look at.

I commend Dr. GINGREY for his work on maintaining this important issue and bringing it before the American public to review and understand. I am sure you agree that the issue of the medication, when we only look at the cost up front and not look at the cost of what it saves, we are missing the point. That involves a lot of foresight by those who drafted this legislation to make sure there was coordination of medical treatment and that it was put into this bill.

Mr. GINGREY. I thank Dr. MURPHY, and really among the many important points that you made, there is one that I would like to elaborate on before turning to our next speaker, and that was this issue that Dr. MURPHY mentioned in regard to seniors buying their drugs from Canada, and in some instances not knowing if they were actually coming from Canada.

But I think all of our colleagues understand why they found the need to do that: and our colleague, well, three on our side of the aisle in particular, the gentleman from Minnesota (Mr. GUTKNECHT), the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Indiana (Mr. BURTON), spent many hours in this Chamber during Special Orders, talking about the fact that seniors were having to pay so much more in this country for prescription drugs than they could get from north of our border. And in many instances, most instances, the exact same product safely packaged. And who could blame them because what has been happening, until we finally came forward and delivered on this promise after so many years of prior administrations and other leadership on the other side of the aisle and other Presidents, we finally delivered.

This is what has happened. Let me just give a quick summary of some of this before we turn to my good friend from Texas.

In Minnesota, while enrollment in the Medicare drug benefit rose by 9 percent last month, sales of low-cost Canadian drugs fell by 52 percent. Listen to what a State health official says in Minnesota. State officials say that it is impossible to say for sure why sales of Canadian mail order drugs fell to $39,000 this March, the least since that State's program's first month in February 2004. The State actually had a program to help seniors buy from Canada. There could be lots of reasons, they say, but the Medicare drug program probably is one of them. That was by a spokeswoman for the Department of Human Services in Minnesota which operates Rx Connects.

I just want to say to my colleagues that we are pushing so hard for what we refer to as reimportation, making that legal, and while certainly no one has ever been prosecuted for purchasing in that fashion, my feeling all along was when we passed this bill, as we did in November of 2003, Medicare modernization with a prescription drug benefit, the seniors are going to see those prices fall to the point that they will not have to literally take that chance on breaking the law, but, more importantly, risking the possibility that they will be getting some knock-off drug or something that is lower quality or not the right dosage. This is what has happened.

I think the gentleman from Minnesota (Mr. GUTKNECHT) and others may not completely agree with me and I understand that, but hopefully we will be able to take that argument off the table as this program matures, and I feel confident that is going to happen.

At this time, I call on the gentleman from Texas, who is not only my physician colleague and part of this health care team, but he is also an OB-GYN specialist, as I am. I do not think he has delivered quite as many babies as I have, but he constantly reminds me he is not as old as I am either.

At this time, I yield to Doctor and Congressman MIKE BURGESS from Dallas, Texas.

□ 2115

Mr. BURGESS. I thank the gentleman for yielding. And actually that is Ft. Worth, Texas. We are sensitive about that in Ft. Worth.

I wanted to spend just a minute this evening. We have heard a lot. The gentleman is quite right. His leadership on this, too, by the way, has just been exemplary. I am reminded tonight of how many nights we have spent here on the floor of this House talking about this very issue since 2003 when we both started.

But I wanted to take a moment. We have heard a lot about how complicated the program is, and that it is just too complicated, seniors just can't understand it, and make it simpler and then come back and try again. I need to address that.

Remember that if you picked up the Washington Post from a while ago, read the article where the new Medicare benefit is so complicated no one can understand it, no one's going to sign up for it, but I would remind the Speaker and the gentleman from Georgia that this was a Washington Post article from 1966 when Medicare first started. The program itself was complicated then. But guess what? We got a little bit better and a little bit better year over year, to the point where the Medicare system now is one of the more successful Federal programs.

But instead of talking about how complicated it is, let me take another tack. And I want to show you, Madam Speaker, just how easy, how easy it is to sign up for the Medicare program. You take your prescription drugs in one hand so you can read the labels and you can read the dosage and you can read the amount. I apologize, that is not a real Medicare card, but I don't own one yet. But this is a reproduction of a Medicare card. It is actually red, white and blue if you have a real one, and it will have your Medicare number on it.

Now, if you have got your prescriptions, and you have got your Medicare card with your name and your Medicare number on it, you have got all the information you need to sign up for this program. Then take the very simple step of calling 1-800-MEDICARE, talk to the nice people on the other end about your medicines, the dosage you take and the amount that you take, and they will help you work through this program.

Now, for those savvy enough to be on the Internet, there is an Internet plan finder tool that I have found is very, very user-friendly, very amenable to working through it. What I tell people to concentrate on when they look at this program is look at it from the standpoint of cost, coverage and convenience.

If you just print out the plans that are available in the State of Texas, there are 20 plans offering several different options, so there are 47 overall combinations of plans that are available. If you just looked at those in tabular form, it is pretty easy to pick out the cheapest, the next cheapest and the third cheapest. So very quickly you have done a survey that, based on cost, can tell you the least expensive plan.

Now, you also need to look at more than just the monthly premium. You need to look at the deductible. You do need to know about coverage, because that is critical. Make certain that the plan you select covers the medications that you are taking.

And then finally, convenience. Do you want to do mail order? Do you want to do one of the chain drug stores? Do you want to do the corner drug store, the mom-and-pop pharmacy down on the corner? Each of those is available to any senior signing up on this program, and all of that information on cost, coverage and convenience is readily available on the plan finder tool.

Finally, I want to tell the gentleman from Georgia, I am going to be fairly brief tonight, but the gentleman from Pennsylvania was talking a lot about the costs and the cost savings available with this program. He mentioned about the cost of treatment of heart disease and how that can be lowered with this program. I would submit that since the mid-1960s, according to figures from the National Institutes of Health, there has been a reduction in cardiac deaths in this country such that there were 800,000 less premature deaths from cardiac disease than would have been predicted back in 1965 or 1966 when Medicare was first stood up. The reason that that is important is those reductions in premature deaths are largely the result of pharmaceuticals, timely treatment of blood pressure problems, timely treatment of diabetes, the introduction of the statins 10 or 15 years ago that has made such a significant difference in the prevention of heart disease.

Yes, we are going to save money with this program, but more importantly, we are going to be saving lives. And I think most Americans would agree that is the most important commodity.

Madam Speaker, with that I will yield back to my friend from Georgia and remain close at hand if he has any questions that he needs for me to fill in on.

Once again I would remind the Speaker that 1-800-MEDICARE is where you can get easy access to the information on how to enroll for this program.

Mr. GINGREY. I thank the gentleman from Ft. Worth. I guess I have run my Dallas-Ft. Worth together. But the gentleman has done a great job in working with us on this time, and I appreciate his comments tonight as well.

Madam Speaker, there has been a lot of discussion about extending the deadline to say, well, you know, we don't need to be penalizing seniors if they don't sign up in time, and that is something that hopefully we will have an opportunity tonight to talk a little bit about.

At this point I am going to call on my good friend and teammate on the Republican baseball team, hopefully again this year, and I am talking about the gentlewoman from Pennsylvania, who is also a member of the Ways and Means Committee. And I will tell you, my colleagues, you know, that is so important because the Health Subcommittee on Ways and Means is where these issues relating to Medicare are ironed out before they come to the general membership, to the floor. And the expertise in that committee level is so strong, and so it is wonderful to have MELISSA HART with us tonight. And I would like to turn the mike over to her at this time.

Ms. HART. I would like to thank my colleague, Dr. GINGREY from Georgia, and a very, very good baseball player, I must say, for allowing me to join all the doctors on the floor tonight. I have had a lot of experience with this issue, significant senior population in western Pennsylvania where I live, and represent a lot of folks who have benefited from this program. And I think you and your fellow physicians and a lot of our Members have worked very hard to make sure that people are aware of the program, they are aware of the offering. And so many people who had no coverage whatsoever for prescription drugs are now saving a significant amount of money. And even more importantly, a lot of folks who believed they couldn't really afford their drugs, and so they maybe weren't taking care of themselves the way they should, or they were cutting their pills in half and really not taking the dosages that they really should have been for their health, are now able to do so. They are able to afford the drugs that they need. They are able to take the dosages that they need. And we are going to see a lot more people be a lot healthier a lot longer, and I think that is extremely important.

I would like to make a couple of points, one obviously being what is shown behind me, that seniors are saving on an average of $1,100 a month with the Medicare prescription drug coverage. Low-income seniors who are not having to pay some of the deductibles, some of the other up-front costs, are saving even more, $3,700 a month. That is per month. And we are talking about seniors, so most of them are going to be on a fixed income. And it is certainly a challenge to pay this kind of money out of your pocket if you are working full time.

So the concern that a lot of us had, and the reason that the Members of the House of Representatives and the Senate decided to support a plan within Medicare to provide prescription drugs, was that we want people to be able to access the kind of health care that is delivered today. And our physicians certainly know very, very well, and I am really honored, as a lawyer especially, to be part of the group tonight, explaining to a lot of folks who may not be aware of the program yet or who may, unfortunately, have heard some of the negative comments out there from those who maybe for political reasons don't want this plan to succeed. And really I would like to call for a stop to some of the misleading and dishonest rhetoric that has been used. It seems as though it is designed to purposely scare seniors away from this prescription drug program that is available through Medicare, which is just the worst thing to do for their health.

By every measure this program is succeeding in its core mission of helping Medicare recipients save money on their prescription drugs. Participation in the program has now exceeded its goal of enrolling 30 million by the conclusion of the first year, and it is only April.

In addition, since the beginning of last month, seniors have been enrolling in the prescription drug plan at the average rate of about 416,000 seniors per week. So obviously the message is getting out. But we need to make sure that it gets out that the truth is that this program is helping seniors from coast to coast.

In my district alone, in western Pennsylvania, more than 90,000 seniors now have prescription drug coverage, and the Centers for Medicare and Medicaid Services project that that number will only increase by the end of this year.

The overwhelming reason why Medicare recipients are enrolling is simple. They receive real savings on the cost of their prescription drugs. The average senior, as I said earlier, who signs up for this plan is saving more than 1,100 on prescription drugs. In fact, the robust competition among the Medicare drug plans actually has begun to drive down the cost that we expected seniors would pay when we were initially discussing the legislation. As Dr. GINGREY knows, we were talking about how much the monthly cost would be for the plans, and we were worried that some people might not be able to afford the plan. So we did everything we could to drive down the monthly cost for the prescription drug coverage so that people would buy the coverage and then obviously save a lot of money on their prescriptions. It was originally estimated that we would be nearly $40 a month, and now the average premium is only about $25 a month. And, in fact, some, one that we found in our district, is only about $10.14 a month. And so seniors who have very little means certainly have an opportunity to get into this program even if they don't qualify for the no-cost monthly benefit.

Back home in Pennsylvania, beneficiaries, as I mentioned, have a wide range of choices. It is not just the amount that each of these plans cost, but it is the level of service as well; the broader-based formulary, if you have a lot more needs for different prescriptions. I saw Dr. BURGESS was holding three prescription drug bottles when he was talking. Some seniors may have one or two. Some may have four or five. And so it is important that they make sure, as Dr. BURGESS suggested, that the formulary, that is the list of the drugs that are covered by the plan, actually cover the prescriptions that they need to take to stay healthy.

A Medicare beneficiary in Pennsylvania who doesn't currently have coverage and uses three different prescriptions per month commonly prescribed for diabetes, for high cholesterol and for hypertension is an example of a person who can save a significant amount. On average this beneficiary can save $920, or 33 percent, by enrolling in a Medicare prescription drug plan. This beneficiary can save even more, as much as $1,900, or 68 percent, by using a mail order.

And all of the plans that are offered give each senior options. They can choose to be able to go to their local pharmacist, which is very important because many people would love to talk to their pharmacist every time they have a chance to. Some are very comfortable with their prescriptions or medications, and they don't need to do that. They would rather save money and can get mail order, and so they have the opportunity to save even more that way.

But every State offers different plans that have different benefits, and it is nice to know that whatever your needs are, there is going to be a plan to cover them.

While some outside this Chamber today have sought to discount this plan and say it is too complex for seniors, the savings that people are realizing is having a very serious positive effect on people across the country.

Madam Speaker, these statistics speak for themselves, and the individuals who choose to demagogue the new program are not only trying to harm seniors, but they are also insulting the intelligence of seniors in the United States. With more than 30 million Americans who are now enrolled in the program, we should be doing everything we can to help seniors and increase the enrollment in the part D program, not scare them. And I really appreciate the fact that our health care professionals who are Members of Congress are here, because they have the credibility of being providers of health care and also now as legislators here in the Congress, who have helped us move forward with this legislation, helped us get through some of the bumps in the initial roll-out of the program to the point now where so many people are benefiting.

And I want to commend you, Dr. GINGREY, for being one of those steadfast individuals who not only represents your district in Georgia, but you are doing a world of good for seniors across the country to make sure that they know that this is a great plan for them, it is going to help them save money, and most importantly, more importantly than anything else, to help them stay healthy. And I want to thank you for allowing me to join you.

Mr. GINGREY. I thank the gentlewoman from Pennsylvania. And I want to comment, too, that I said at the outset that the work that she does on the Ways and Means Committee with Health Subcommittee Chairwoman NANCY JOHNSON from Connecticut and Chairman THOMAS and other members of that committee where all this great work is done.

One of the concerns, Madam Speaker, was that the pharmaceutical companies that had these prescription discount programs that they offered not only to needy seniors, but to people of low income at any age, low-income adults.

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And a lot of concern had been expressed. In fact, the Inspector General had some concerns initially and let the pharmaceutical companies know that maybe they needed to look very carefully at these discount programs because of some antitrust violation or whatever. But the members of the Committee on Ways and Means continued to work through this and to make sure that the pharmaceutical companies understood that they could continue these programs and there would be no violation, there would be no penalties or anything of that nature. And I think this is great because, as Representative HART was just talking about in regard to that gap in coverage, that does not exist, of course, for our lowest-income seniors who qualify, as she said, for the low-income supplement. No matter how much money they would incur before this program for prescription drugs, they are only going to pay $1 a month for each prescription as a copay for generic. Maybe a little bit more if it is a brand name.

But most people in the program do face that gap in coverage where, after the first $2,250, then all of the payment is out of their own pocket until, Madam Speaker, the point when they have actually spent in any one year $3,600, and then after that the benefit is outstanding. In fact, 95 percent of any cost above that amount is paid for by the insurance program and only a 5 percent burden on the patient. So that is a tremendous benefit.

But in that gap in coverage, where all of a sudden if somebody reaches that, $2,250 is not the average amount that an individual senior would spend each year on drugs. It is considerably lower than that. It may be closer to $1,400, and they would never get to that point. But some do, and now we know, because of the good work of the Ways and Means Committee, of which Representative HART is a member, we have worked this out so that the pharmaceutical companies can continue to offer those discount programs and to provide at a very low cost these prescription drugs for those seniors who are getting to that point where it is really going to be difficult for them to stay on their medications. And I commend her for that and I think that was something that was very important.

The pharmaceutical industry, the companies, have been attacked so much by the other side of the aisle, and we have heard that over and over and over again, that this is nothing but a giveaway to the pharmaceutical industry, and they wrote the bill and the Republicans passed it in the dark of night. We have all heard that to a fare-thee-well. Hopefully, our colleagues will now get on board with us and realize that this is a good bill that is saving money, as MELISSA HART indicated. It is not averaging $40 a month; it is averaging $25 a month, or, in some cases, even less. And there are options, of course, the first option being you do not have to sign up for it if you do not want to or if you have something better. But it has been a godsend for so many.

And I thank you so much for being with us tonight, Representative HART.

Ms. HART. It has been a pleasure. I thank you.

Mr. GINGREY. And as I said, premiums, Madam Speaker, a third lower than expected. Even the cost, the overall cost, we got some conflicting numbers back towards the end of 2003 when we were debating and finally passing this bill. The first number, of course, was it was going to cost $450 billion over 10 years extra Medicare spending. Then the number went up to $750 billion. We now know that the cost is going to be lower than those numbers, and probably a lot lower because as we crunch these numbers, the Congressional Budget Office or the Office of Management and Budget, they do what we call static scoring. And as my colleagues earlier were talking about, and I think Dr. BURGESS in particular, Madam Speaker, no credit is given for the fact that when our seniors, my mom and others, can afford to take these prescription drugs and lower that blood pressure, lower that cholesterol, lower that blood sugar, then they are not going to need the expensive benefits of Part A and Part B, whether it is a long stay in the hospital or in the intensive care unit, even more expensive; or on the operating table, having a leg amputated; coronaries; bypass; or maybe even in a worse situation of high blood pressure, having a stroke and spending the rest of their lives in a nursing home covered by Medicare or maybe Medicaid. Who wants that if they can avoid it by spending less money on Part D and preventing this from happening in the first place?

So we shift costs, and we do not get any credit for that in this so-called static scoring that goes on around here, but we should be getting a lot of credit for it.

And I know that my colleagues on both sides of the aisle understand this. But despite it, there are Democrats in this Congress and liberal groups like Families USA and MoveOn.org who are continuing to play politics with our seniors' health, holding town hall meetings to encourage seniors not to enroll. Not to enroll. I thought they would get over the fact that somebody licked the red off their candy or they lost their marbles in a playground game and all of a sudden wanted to pick up and go home.

I remember 1 year ago or 1½ years ago seeing Members, particularly on the other side of the aisle, coming down and literally making a big show out of tearing up their AARP card because this wonderful senior organization of 35 million, of which I am a proud member, had the audacity, audacity, to endorse something that the Republicans, Madam Speaker, had put forward for our seniors. And I guess the frustration of the other side when they had control of this place for 40 years and never could deliver on this promise, I guess it does grate at you a little bit. But I want them to get over it. I really do, and get on board, because we need to let seniors know, more than a few who have not yet signed up, that let us get this done in the next 3 weeks. And there is a deadline, and, yes, there is a penalty if you do not sign up by the deadline.

All we hear by the other side is to extend the deadline. You just need to give them 6 more months or 6 more years. I do not know what they want. But I know this: This Member has a bad habit of procrastinating, and if I did not have a deadline, if there was not a final deadline of getting your income tax return in every year, I would not do it. And that is just human nature. We have to realize that there is a time certain, and if you sign up late and expect to come into the program and pay the same premium, it is not fair, particularly if during that interim you went from being on no medications and would cost the program very little, and all of a sudden when you have that angina, as we call it, chest pain, and you realize you are now on five medications and you want to hurry up and sign up for the program, that is not fair to the others because, after all, this is an insurance program and it is pooled and that is the way we keep costs down. So I think it absolutely makes sense to get everybody signed up by the deadline, which is fast approaching.

Madam Speaker, it has, as always, been a pleasure to have the opportunity to be given by our leadership, by Speaker Hastert and Mr. Leader Boehner and our conference chairman, Deborah Pryce, to spend this hour with my colleagues talking about something that is so important. And if we can ever in this body, and I know we can, put policy ahead of politics and realize that we can work together in a bipartisan way when we have got something that clearly is a tremendous benefit to our seniors, let us all pull together.

When we go home tomorrow, if we have got some time on Friday, or Monday before we come back to Washington, let us all have town hall meetings and workshops and computers and pharmacists there and vendors and maybe some health screening kiosk as well, and help our seniors take advantage of this great benefit.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Ms. Foxx). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. Meek) is recognized for 60 minutes.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come to the floor once again. As you know, night after night, and even earlier tonight, Madam Speaker, during the first hour, we had members of the 30-something Working Group on the floor talking about plans that we have on the minority side here in the House of Representatives and assisting not only Americans, but also those that are in the industry of providing energy to this country, who are also Americans and some of them are foreign companies, to be able to provide cleaner burning fuel and also alternatives that Americans will be able to hopefully enjoy for years to come. Energy independence is something that we have embraced for a very long time.

And the debate this week has been about energy, the debate this week has been about ethics, the debate this week has been about a budget vote that we are all waiting to take. But it seems that on the majority side, Mr. Speaker, that the votes are just not there to pass the budget, the Republican-led budget, which I must say that a number of Members on both sides of the aisle have issues with, apparently.

In the 30-something Working Group, we want to thank Leader Pelosi for allowing us to have this hour once again, the second hour of tonight on the Democratic side, and also Mr. Steny Hoyer and Mr. James Clyburn, who is our chairman, and Mr. Larson, who is our vice chairman, and all of the members that go to committee meetings and fight on behalf of the American people.

Madam Speaker, I believe that we are all on one team until it comes down to what the special interests want and what the American people want. I think that is where the divide comes in. As we start looking at what is happening and the conference calls that I have had and the constituent meetings that I had when I was back in my district during our work break, of just outrage about what is happening in this country as it relates to gas prices, I think that it is very important that we pay more attention than what we have paid to energy and alternative fuels here in this Congress.

One may say, well, we have already passed an energy bill; where were you? Well, there was an energy bill, yes. It was an energy bill that was passed, but for whom? For the special interests, or for the American people?

I can tell you, Mr. Speaker, that the evidence is overwhelming, the fact that right after Hurricane Katrina, and even before, Democratic amendments were voted down here to do exactly what some Members on the majority side, the Republican side, have said that we need to do now, making sure that we put forth penalties to companies that price-gouge the American people. And I am talking about serious penalties, criminal penalties and fines up to $3 million.

We have ExxonMobil executives and oil executives making $150,000 a day in a pension; a day, not a year, not a week, not a month; in a pension with record profits and investors in these corporations that are making money hand over fist, and we have constituents in our districts and Americans throughout this country who cannot even afford to put a quarter of a tank in their car because it is outside of their budget. They cannot afford to take their kids to school. Even when they have a carpool, they cannot afford that.

In rural America there are stories throughout the papers today that are saying, yes, we carpool, but when you are in rural America and you have to drive to the nearest school, that is now a $30- or $40-a-day proposition.

So we look at alternative fuels and we look at penalties that will not allow these oil companies to be able to get away with what they are getting away with.

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Mr. Speaker, I think it is also important for us to understand that the President comes out and he says, well, things are going to be the way they are, and prices are going to be high, and it is what it is, but what we are going to do is relax environmental standards to bring the price of gasoline down.

It is almost like a firefighter saying, I know the house is on fire, and it is hard for me even to come up with a metaphor, Mr. Speaker, to describe what the President has done and what the Congress has allowed him to do. The house is on fire. We are going to put a little water here, but not totally put it out, even though we could have prevented that by putting smoke alarms in and other things in to bring attention to all of us as it relates to making sure we keep the house from burning.

I think it is also important for us to pay attention to the fact that the 30-something Working Group and also on the Democratic side, we have put forth proposals in the past that could have avoided this spike in prices right now. There was a press conference today, and a reporter asked me, well, Congressman, are you representing to us that the Democrats, that you all have a plan that will take gas prices down right now, right now, like tomorrow?

No. But if amendments were adopted that were offered here on this floor that Republicans voted down to provide criminal penalties for executives and price gouging, $3 million fines for individuals that knowingly price-gouged Americans to make sure they can have a return for those individuals that are investors, the Federal prosecutor would be in the middle of this.

The situation we are in now is that these oil companies are saying, well, what is the penalty, and who is going to enforce it? The Federal Trade Commission is saying, well, you know, we are not sure if we have jurisdiction.

Now we have the leaders on the Republican side in the House and Senate saying, well, Mr. President, writing him a letter, maybe you want to have these folks look into it, and maybe we need to take back the tax cuts we just gave the oil companies, over the objection of many of us here in this House.

Then you have some Members say that, well, we did it because they needed money more for more exploration. Well, some of that may be true, but when you have oil companies that are beating some countries in revenue and beating all companies on the face of the Earth in profits, and still saying, well, I know you have all this money, and it is heavy, and you can't carry it around, but can I give you some of the taxpayers' money? Maybe, just maybe, you will go out and find oil or go out and drill in some environmentally sensitive place to be able to push up profits.

What it is going to be very disappointing this time, Mr. Speaker and Members, is the fact that we know that when companies present their quarterly reports, it will be another record-breaking quarter for oil companies.

Now, don't get me wrong. Profits are good. It is not a bad word. But I do take issue with the fact that if individuals are making profits, and it is on the backs of everyday Americans, Democrats, Republicans, Independents, and even those that cannot vote yet, and individuals are making record profits on the backs of them with the help of their government, I think that is the reason why the latest polling indicates that individuals are ready for a change.

Just so Members don't feel this is a Kendrick Meek report or just something the 30-something Group came up with, September 28, 2005, a motion by Congressman STUPAK from Michigan giving the Federal Trade Commission and also the Justice Department authority to investigate and prosecute oil companies for price gouging. Republicans, 226 voted against it; 195 Democrats voted for it. That is roll call vote number 500, H.R. 3402. That actually happened here on this floor. That is not fiction, that is fact.

October 7, 2005, amendment by the same Member, Democratic Member, allowing the Federal Trade Commission to enforce and ban price gouging and set tough criminal and civil penalties, up to $100 million, on oil companies, and allow the President to declare an energy emergency when he needs to. Republicans killed the amendment; not Democrats, not Independents, but the Republican majority killed that amendment, 222 to 199, roll call vote number 517, H.R. 3893.

Time after time after time, Mr. Speaker, the majority has proven when it is time to go on this board and vote on behalf of the American people, that it is whatever the industry wants, they get.

I am so glad to say, Mr. Speaker and Members, that on this side of the aisle, Democrats have said on behalf of the American people, not just on behalf of the Democratic Party and not just on behalf of someone that served here long ago in the majority here long ago when the Democrats were in charge, but on behalf of the American people, that we have come to the floor and we are here to talk about the record. We are here to talk about what we would do if we were in the majority.

Those two votes that I just named a year ago would be law today if Democrats were in the majority of this House. If NANCY PELOSI was Speaker of the U.S. House of Representatives, without any hesitation this legislation would be in place, and we would challenge the President. When he makes decisions, and the Republican Congress rubber-stamps those decisions, rubber-stamps those decisions by saying, Mr. President, whatever you want, so shall it be written, so shall it be done, has gotten us in the situation where we are now.

The same amendments that I just pointed out would have provided relief also to consumers facing skyrocketing home heating costs by expanding the Low Income Home Energy Assistance Program that would have been paid for, Mr. Speaker, and I think this is very, very important for the Members to understand, would have been paid for not with dollars borrowed, and, Mr. Speaker, I am going to talk a little bit about that, too, not with dollars borrowed, but a pay-as-you-go philosophy.

Even when we are dealing with enforcement of energy companies, where there is evidence and also a very strong concern by the American people of how in the world individuals can be paying $3 and change a gallon, and saying it is an issue with production and flow and all of these different examples and explanations and excuses to the American people that no one can really put their hands around, their arms around, and look in the paper and find these companies are making money like countries, these oil companies are making record profits.

Now, pay-as-you-go. I am going to read that again. It dealt with providing consumers facing skyrocketing home heating costs to expand the Low Income Home Energy Assistance Program through the fines from price-gouging companies; not we are going to pass a piece of legislation and just borrow the money.

Mr. Speaker, just to talk about borrowing the money, I want to talk about responsible governance, and I also want to talk about what has happened.

You want to talk about borrowing the money? Some folks say the Democratic plan, they don't necessarily have ways to pay for things. Well, in every piece of legislation that we are putting forth, a supermajority of the legislation that we are putting forth, we are using the pay-as-you-go philosophy. Why do we do it? Because it is the right thing to do on behalf of this country.

I can't help, Mr. Speaker and Members, but think about the fact that there is someone right now, a he or she or someone's mother or father or son or uncle, grandchild, nephew or niece, that are not celebrating what we are celebrating right now. They have been asked on behalf of their country to go to war. They have sand in their teeth, and they probably haven't been able to take a shower like most Americans have been able to take a shower in the last couple of days or this morning or last night or whatever the case may be, so that I would have the opportunity, Mr. Speaker, to come to the floor in this great democracy of ours to talk about what we would do if given the opportunity to lead and to share with the Members and the American people what is happening here in this Capitol.

I will tell you, this chart alone is self-explanatory. Never before in the history of the Republic, I am going to say that again, never before in the history of the Republic, has this country been in the fiscal shape or disrepair that it is right now.

Some folks may say we have our challenges. Yes, we have our challenges, but guess what? There were Congresses before this, the 109th and the 108th and 107th, and Congresses going back 100 years, that have had challenges, too. It is something we called the Great Depression. Another challenge was World War I and World War II. Another challenge was Vietnam and Korea. You name it. Another challenge was times that we had fuel crises. Other challenges have been natural disasters. I know Americans and the membership are very familiar with that.

But when you look at history making, borrowing from foreign nations, $1.05 trillion, $1.05 trillion borrowed in 4 years by the Republican majority and the President, I guarantee you the President could not do it by himself, in 4 years he accumulated more than 42 Presidents and a number of Congresses before them that could only borrow $1.01 trillion. You want to talk about fiscal responsibility? You want to talk about who is spending or who is borrowing the money?

I just want to bring this chart up. Here in the 30-something Working Group we try to break this thing down to the lowest denominator. I want my 8-year-old son, I want my 11-year-old daughter to get it, because it is all about them, and it is all about right now.

We used to, Mr. RYAN, say the future generation, this, that and the other. This generation, we all owe $26,000 and change because of this ever-growing debt. But this is something that I think Members should pay very close attention to. We have divided the debt that this country and this Congress has put on the backs of the American people. We went from surpluses to this.

Japan. Japan. $682.8 billion of our debt. Let me just break that down for you. I am going to take this. This is actually my debit card, but we will say it is a credit card for right now. What the Congress has done, and what the Members on the majority side have done, and what the White House has done with the rubber-stamp Republican Congress, what they have done is said we can have tax breaks that we cannot afford. Swipe the card. We can have a war without a plan and without an exit strategy. Swipe the card. We can spend money, because we weren't prepared for a response to natural disaster in this country without any accountability, without any restraints and no-bid contracts. Swipe the card. We got it.

Oh, no problem. If we want to have government waste on all levels with very little enforcement, and want to give tax breaks to oil companies in the time they are making record profits, and we want to give the top 1 percent tax cuts that they are not even asking for, that is fine. Swipe the card.

By swiping that card, we have now given Japan the power. Japan said, fine, we will buy your debt. Guess what? They are buying a piece of the American pie, $682.8 billion.

China. Red China. Some folks had some concerns. We just had a state visit from the Chinese President. But guess what? He came here knowing that he owns a piece of the American apple pie at $249.8 billion of our debt.

Did Japan or China come over here and make us overspend? Did they put the credit card in our hand and say, let me force you, Congress and President? Okay, we will buy it. No, they didn't do it.

□ 2200

It is the irresponsible spending and borrowing that the Republican majority has that has put this country in this posture. The United Kingdom, $223.2 billion. This is the truth. This is not fiction.

The Caribbean. Many of you know I am from south Florida. Many of you come through our airport going through. The Caribbean, $115.3 billion of the American apple pie. Taiwan, $71.3 billion of the American apple pie, buying our debt.

OPEC nations. Well, Madam Speaker, let us just talk for a moment about OPEC nations. Who are they? Well, Iran. I think we are pretty familiar with Iran right now. Iraq. We are definitely familiar with Iraq. Saudi Arabia. Oh, definitely heard of that. The United Arab Emirates, UAE, owns a part of this OPEC debt. And I think it is important for people to understand that. And guess what? We are paying through the nose for gas. 67.8 billion.

Germany, $65.7 billion of our debt. Korea, $66.5 billion of our debt. Canada, just north of us, $53.8 billion of our debt.

Now, I am holding this map up empty, Mr. RYAN, and the reason I am holding this map up is because this is the way it looked before President Bush became President, because it was a surplus. This is the way the map looked, Madam Speaker, before the Republican majority became the rubber-stamp Congress.

Mr. RYAN of Ohio. And the Democrats time and time again have tried to put provisions in place that we call PAYGO to try to limit the spending of the Republican Congress. They run away. They spend. They charge on the credit card. Many, many instances over the past few years.

Mr. Stenholm from Texas tried to put provisions in as we were raising, as the Republicans were raising the debt limit. He tried to put these PAYGO provisions in saying if you spend any more money, saying you have either got to raise taxes for somebody to pay for it or cut a program so we can balance the budget. Representative MOORE from Kansas tried to put this provision in through an amendment to try to limit the spending. We have Members on the Democratic side who time and time again have tried to limit spending in the Congress so we do not keep borrowing from the Chinese, so we do not keep borrowing from the Japanese, the Arab countries who we are also buying our oil from, oil-producing countries.

We are trying to limit spending, but it is the Republican side who continue, Madam Speaker, time and time again to waste our money. The tax money that comes into this country time and time again goes out as corporate welfare for the oil companies, corporate welfare for the HMOs and the health care industry, time and time again.

And I want to share with the Members, Madam Speaker, a chart here that is based on the 2007 budget of how much interest, net interest, we are going to pay on the national debt. So all the money that Mr. MEEK was talking about, all the money we are borrowing, we have got to pay interest on this money, Madam Speaker.

This is not a free ride. This is like a bank. You go to the bank, you buy a house, you borrow money. Then you have got to pay interest on it. You buy a house for $200,000. Well, you end up paying $300,000 for the house over the course of the years. It is the same thing that we are doing.

If you look at this chart, the big red tower that we have here is the interest, the net interest that we are paying on the debt. Almost $240 billion of the 2007 budget will be spent on interest on the debt. We are not paying it down. This is just interest payments.

And when you compare that to what we are spending on education or what we are spending on homeland security or what we are spending on veterans benefits, it pales in comparison.

So, Madam Speaker, the folks at home, Members of Congress have to ask themselves, would you rather have your tax money going to pay interest, which makes its way back to the Communist Chinese Government, the Japanese Government, OPEC countries, or would you rather have your tax dollars that come down here? Nobody likes to pay them, but it is like, well, if you are going to pay them, where do you want them to go? Would you not rather have that money invested into the educational systems in the United States of America? Would you not rather have that money focused for Pell Grants? Would you not rather have that money for Head Start?

We are not saying that we do not need reforms in the education system. We do. We admit that. But if you are spending money, and you are asking an American taxpayer, Madam Speaker, you make the decision. Mr. MEEK, you make the decision. Would you rather have your tax dollars go to pay interest on the debt that will make its way back to the Communist Chinese Government, or would you rather have that money invested for educational opportunities for your kids, for you to pay less in tuition costs because we are able to fully fund the Pell Grants?

I remember going to school. I remember looking and seeing what my mom got back or got grant money that we got from the Ohio Instructional Grant, from the Pell Grant. That was a good deal of money to defer the costs of my college education. And because of that, Mr. MEEK, we, my brother and I, we were able to go to college.

Mr. MEEK of Florida. Mr. RYAN, you know I would be a little concerned, just a little, if the validation by the American people, Madam Speaker, was not so strong. I mean, the American people are saying, Congress, what are you doing? Let me just back up. The Republican Congress, what are you doing? It is almost like the Republican majority got elected, started a football game, and at halftime switched jerseys.

I mean, some of the folks who are running down here on the floor having press conferences, you know, fiscal conservatives, fiscal responsibility, we believe it is your money. Well, Mr. RYAN, what you are talking about, what we just talked about here is exactly what is happening here.

Mr. RYAN of Ohio. Mr. MEEK, it is their money. It is the American people's money. They do not want it sent to Communist China to pay down the interest on the debt. They want it invested in the United States of America. They want this money put into our country, not put off and sent to the Communist Chinese Government so that they can start state-owned companies and basically take work from the American people.

Mr. MEEK of Florida. Mr. RYAN, you could not say it better.

But, Madam Speaker, let me just back up, because I want to say this before I talk about why the Republican majority should be alarmed. It is almost unfair, and I said it last night on the floor.

Being in the minority, if someone would have told me at the beginning of the 109th Congress, at the beginning of the 108th Congress, that the cards would be laid out on the table the way they are laid out now, I would say that, wow, that is a lot of work to have the American people understand what is going on here in the Capitol. But guess what? They are getting it. And they got it.

Mr. RYAN of Ohio. The constitutional amendment in 1994 was a part of the Contract with America.

Mr. MEEK of Florida. Well, Contract on America, because that is what it turned out to be. And that we would have Republican and Democratic States suing. And I am talking about Republican and Democratic Governors suing the Federal Government because Leave No Child Left Behind is so underfunded, and that we would have individuals running around here saying, what do you mean we do not have a plan? What do you mean you do not want to talk about how we should take the training wheels off the Iraqi Government and share with them that we cannot be there forever?

Mr. RYAN of Ohio. I want to say that this government run by the Republican majority is in complete disarray.

Mr. MEEK of Florida. Can I give you a third-party validator right now?

Madam Speaker, this man has to look familiar to the Republican majority. He has to. Newt Gingrich was the man that came to the floor night after night and talked about what the Republicans would do if they were able to take control of the House. He talked about all of the things that, you know, he was talking about that just good government. All right.

Now what is Newt Gingrich saying? They, talking about the Republican majority, are seen by the country as being in charge of a government that cannot function.

Madam Speaker, they. Not, my Republican colleagues; not, my good friends in Congress. They. Here is a major Republican that served as Speaker, the first Speaker in a number of years to serve, Madam Speaker, as the Speaker of this House, calling his former colleagues and the people that he worked with, and his office is right down the hall, they.

Because if Newt Gingrich is saying that this Republican Congress cannot function, cannot run the country like it is supposed to be run, cannot oversee the finances, cannot make sure that Americans have health care and small businesses are able to provide health care, cannot give guidance and oversight to the Department of Defense and Secretary Rumsfeld, cannot make sure that we let oil companies know that we are here to represent the American people and not their special interests, not their profits, and not their CEOs that will retire to a pension making $150,000 a day, not because they are that great, it is because we have taken the taxpayers' money and we have given it to them.

And now we have Republican leaders saying, well, maybe we need to take the tax cuts back you just gave them. And then you read something else. No, we should not take that tax cuts back because, guess what, the oil companies have representation in the Republican majority, period.

As I said last night, a black man with a conspiracy theory. But, Mr. RYAN, I believe, and I know, and it is documented that the Vice President and others sat down with these oil companies and put this in motion long ago.

So Members walking around here were having press conferences talking down this. I do not know what happened. I do not. I did not see it coming. What do you mean you cannot enforce prices? It is just insane, Mr. RYAN, for us to be the country that we are, and for the Federal Trade Commission to say, well, you know, we think we have power, we do not have the teeth that we need to really find out what is going on with those oil companies.

But I will tell you this. I believe that these oil companies have been a part of writing this legislation in the way to where that is hard to prosecute them, and it is hard to get to the bottom line of who is doing what. And guess what? When there are no penalties, it is almost like having a house full of kids saying there is no time out, there is no discipline whatsoever, do as you may. And everything in the house will be broken, and every picture will be ripped off the wall. That is what these oil companies are doing.

Now, I do not fault them. I fault the Republican majority. And like I said last night, Mr. RYAN, I am not going to ask them to lead anymore. If they want to work in a bipartisan way, we are ready to go. We have been ready to go. And if the American people see fit for us to be the majority party in the 110th Congress, Madam Speaker, and they will see an opportunity, we will be able to work in a bipartisan way.

□ 2215

There will be a number of Republicans, that I do know. Some of my friends, Mr. RYAN, and we do know them, a very small number on the other side of the aisle see things the way we see it and the way the American people see it. I know the reason why the poll numbers are what they are right now.

The President is not running again, but the Congress and this House, every 2 years we go before the voters. Like I said last night, Mr. RYAN, Madam Speaker, I do not care if it is a local Republican committee chairman, he or she has to have a problem with the borrowing that has been going on in this Republican majority Congress.

He or she must have a problem with the fact that no one can answer the questions on intelligence and the outing of CIA agents. He or she must have a problem if there are Republican committee persons at the local level and on the State level, with the fact that the K street Project, Madam Speaker, was allowed to operate under this dome by individuals that wore congressional pins that say, yes, we do have a K Street Project; and, yes, if you are not on this list, you don't get access to this government.

Guess what? That was okay. We talked about it, Mr. RYAN. The good thing is, it is almost like showing up somewhere at the scene of an accident and saying, time and time again, we went to the police department, we went to the city hall and said we needed a stop light here. Now, look at this fatality.

I used to be a State trooper. I can see it all the time. Report after report. We didn't get the traffic light out there in time and people died because of it.

Well, guess what? The people were beat down by this Republican majority as it relates to good government, because, not what I am seeing and not what you are seeing, Mr. RYAN, here is what Members on the Republican side of this House have said: Yes, we have a K Street Project.

Then we have a gentleman who admitted you don't have to call the jury, you do not even have to assign a courtroom. I am guilty, I did it. That is what this Republican lobbyist said. Not only did I do it, but I am going to help you go after some Members of Congress that were part of it. I am going to help you identify other lobbyists that were a part of this great operation, the K Street Project.

Then the Republican majority, after he said what he said, and the Federal prosecutors, Madam Speaker, did what they did, said we denounce, no longer, K Street Project. We don't know what you are talking about. We will no longer condone it, the K Street Project.

Well, Mr. RYAN, it sounds like when the President says, well, I don't know quite what we can do about gas prices, but I do know that Americans are addicted to oil, come on. The President and the Vice President were part of putting this thing into motion. The Republican Congress rubber-stamped, Mr. RYAN, everything that this administration said they wanted.

Mr. President, you want tax cuts that you cannot afford so that we can put ourselves in debt and allow foreign countries to own more of America. Fine. Mr. President, the intelligence on Iraq is kind of shaky, but we have to do what you want, and anyone who goes against you or says anything against you is unpatriotic, and we will have Congressional hearings to humiliate those individuals.

Mr. President, pay-as-you-go. I know the Democrats are there talking about maybe we need to pay as we go right now, since we are in so much debt. You want to continue to borrow and spend? We got your back, Mr. President, because we are the Republican Congress, and we are going to allow you to continue to drive this country in the way that special interests want to drive it. Because you know something? When all the resources are gone, and when all the opportunities are gone, and when it is American taxpayers that are in debt, where will the special interests be? That is the question.

Will they help bail this country out of the debt that this Republican Congress has delivered to them? No. That is the reason why, Madam Speaker, that Members, if they are in their offices, or they are walking around this building, and if they are at home right now, they need to sit up in bed and say, you know something, I need to go to work tomorrow with a new attitude. I need to make sure that I fight on behalf of my constituents. I need to have the same kind of drive that I had the night that I was elected, doing all of those things I said I would do. All of those things, all of those plans, everything I talked about in the campaign, about representing whatever district they may be running from, in my case, the 17th Congressional District. They call that being born again, Mr. RYAN, and a Baptist term, being born again to public service.

I am excited by the fact that the American people, they are not getting it, they got it. They got it. Then we will continue to get it, because time after time, Mr. RYAN, this Republican Congress has proven that they are, their allegiance, and I do not want to generalize because there are a few that I know of and you know of, Madam Speaker, that walk up to Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, and say you all are doing a good job, keep doing what you are doing. Because if you all are not pointing out what this Republican majority is doing, these are Republicans, then they will continue to do it, Mr. RYAN, and that is the word that they use.

Mr. RYAN of Ohio. Inexcusable incompetence, my friend. Inexcusable. If you look, and I do not want to dwell on this, but if you look at Katrina, if you look at the lack of preparedness in FEMA, if you see a storm coming 5 days in advance, and you have the complete lack of competency to deal with the problem, that is an issue that this Congress needs to look at and needs to fix. If you look at all the promises before the war, day in and day out, we are going to use the money for reconstruction, we are going to be greeted as liberators, this is going to reduce the costs of oil.

All of these things that were promised never came to be. The Medicare prescription drug bill, the costs never came to be. It ended up being almost half a trillion dollars more than what the Republican Congress told us it was going to be. Time and time and time again, the tax cuts were going to create all these jobs.

None of this has happened. And now when you look at what is going on here with the gas prices, if you take what has happened since 2001, and you see that there has been no comprehensive energy policy in this country, and you see the end result 4, 5 or 6 years later, that is higher gas prices, reduced supply, which increases the cost for the average American consumer, when you add all this together, you see that the Republican Congress, as stated by former Speaker Newt Gingrich, is incapable of governing the United States of America.

They are too ideological, they are too tied to the special interests. They have the country going in the wrong direction, and it makes it more and more difficult for us to fix the problem.

Now, I think it comes down to one thing, my friend, and I appreciate your help. I think it comes down to one thing. It comes down to leadership. The Republican Party controls the House of Representatives. The Republican Party controls the United States Senate. The Republican Party controls the White House. They have been in charge of this government, this House, since 1994. Their leader, who led the revolution for them to come into power, is now saying they, calling them "they," as my colleagues stated, they don't know how to run the government. It is total incompetence.

But, and I agree with you, I am excited too, Madam Speaker. I am excited because the American people are beginning to understand. Like you said, they got it that this country needs to go in another direction. We are borrowing money from foreign interests left and right, selling off pieces of the American dream, piece by piece. And average people in Youngstown, Ohio; Warren, Ohio; Akron, Ohio; and in Miami, Florida, it is harder now for them to go to work. Their budgets are getting squeezed. Their health care costs are up. Their gas costs are up, their fuel costs are up. Natural gas, whatever it may be, up, up, up, up, up; tuition costs, up. Everything is making it more difficult for families to make ends meet.

So the Democratic Party, we have a bushel full of plans now. I have noticed that we have got so many plans in our caucus that we have a bushel now, full of them, on homeland security, on education, on technology, and energy. You can go to our Web site that we will show later and find all of those charts, Madam Speaker. Members can look at all of the plans that we have.

I want to make one final point before I kick it back to my friend. This comes down to leadership. After September 11, and I am sure we all remember those difficult days, after September 11th, this country was united and the world was united behind the United States of America.

Even in Europe, at that point, there were European op-eds saying that even in Europe, my friends, they were saying that today we are all Americans. Today we are all Americans. We are such a far cry from that. But the important part was that our President at that point, Madam Speaker, had an enormous amount of political power, and the world was looking at our President.

If he would have asked us to walk to work, if that President, if our President would have asked us to ride a bike to work because we have to reduce our dependence on foreign oil, we would have all done it. We were sending checks to every nonprofit organization because we wanted to give money. We were giving blood until the Red Cross said we do not need any more blood. The American people wanted to give, Madam Speaker. We needed at that point leadership. The best our President could come up with at that critical juncture, the most important moment in the history of the United

States of America, was go shopping, Madam Speaker, go shopping. That is leadership? Give me a break.

Mr. MEEK of Florida. And buy duct tape.

Mr. RYAN of Ohio. Buy duct tape, get your plastic. Go shopping. That moment, if there was leadership in this country, that moment, Mr. Meek, we could have converted our economy over into all kinds of different alternative energy sources, and we could have done it in the next decade. But we lacked the leadership at that critical moment in this country's history, and that is a shame. That is something that you look back on and you regret that we didn't have the proper leadership at that time, and this Republican Congress was a bobble-head. Yes, Mr. President, yes, yes, whatever you say, yes, yes, yes. No leadership.

I am saying, Kendrick, that 5 years later when we see these increased gas prices, and the President stood here just a few weeks ago and said to the American people, we are going to reduce our American dependency on foreign oil by 50 percent by 2025.

Now, let me just suggest that if we can go to the Moon in a decade that we can certainly convert our economy over and become energy independent in a decade. It is not going to take 20 years. We can do it in 10 years. We need the leadership of this Congress, Mr. President, to do it. And it is obvious that you are offended, and I call them our friends, because they are on the other side of the aisle, are so tied to the special interests in the oil industry, the most profitable industry, that they are even giving them billions of dollars of corporate welfare, that they refuse to put significant resources and a significant commitment into alternative energy.

Mr. MEEK of Florida. Mr. Ryan, it is not personal, it is just business. That is the bottom line.

Madam Speaker, I would kind of, when I walk through the halls of Congress, walk along the walls if I felt that we were coming to the floor, saying things that just were not true. But the sad part, Madam Speaker and Members, that everything that we are sharing with you is a fact, not fiction. It is sad. Like I was saying to Mr. Ryan, if I was a political consultant, I would say, wow, do you mean to tell me not only do we have to work with the fact that Americans do not have health care, small businesses cannot afford to buy health care, we owe foreign countries money that we have never owed them before in the history of the country?

We don't have a plan in Iraq as it relates to a leave-alone coalition in Iraq? We have troops dying every day. Do you mean States that are red States and blue States are suing us at the same time for the underfunding and the mandates that we put on them of Leave No Child Left Behind Act? You mean White House individuals are outing CIA agents that might, some of this outing might have gone as high as the highest office of the land maybe?

Do you mean to tell me that individuals, contractors, have no-bid contracts in war and in natural disasters, without accountability, and American taxpayer dollars are being spent without anyone having any real concern on the Republican side?

□ 2230

Mr. RYAN of Ohio. Where is the oversight?

Mr. MEEK of Florida. You mean to tell me that anything that the President of the United States says that he wants, that the Republican Congress would give it to him; even if it is bad policy, even if it put this country into a record-breaking deficit in a period of 4 years? You mean to tell me, and without naming at least eight other things, Mr. Ryan, that I have all of that to work with, to share with the American people? I will start with independence. I will start with the Republicans, and I will also share it with some Democrats that may have some concerns.

I tell you this, Mr. Ryan, Democrats will, not maybe, not if we get an opportunity to do so, not we will say it now but we won't do it later, we will, Madam Speaker, work from day 1 taking control of this House.

And someone may say, you know, why is this thing about being in the majority so important? Well, I can tell you the reason why, and I want to make sure everyone understands. It is important because Democratic Members that are putting forth amendments in committees that are being voted down on a partisan vote, like my committee today and homeland security, dealing with this port security, bipartisan bill we are working on of 100 percent container check, Mr. Ryan, versus whatever we can come up with in a year using a "steady" kind of philosophy to try to get to some sort of container scan phase-in thing. Now, I am going to tell you, a partisan vote down the line. A 100 percent container check lost, Madam Speaker and Members, by two votes.

If Democrats are in control of this House, for those individuals who are objecting to a 100 percent container check, and I want to be sure we are clear on this, some businesses may say, well, you know, it may slow down the process of trade. It will back up supplies. We are not ready for that.

You know something? We will never get there, because we have allowed the special interests to stand in front of the will of the 9/11 Commission. The Republican majority has allowed special interests to dictate how this Congress will legislate. That is stomach-turning that we would allow individuals, based on their salary, based on their suit, whether it is a Brooks Brothers or a Saint John's, to walk into the office of a Member of Congress and say, this is the amendment language we want.

And individuals go to committee ho-hum and read right off that piece of paper, Madam Speaker. I am talking about what I know. And the American people around here are counting on us to protect them.

Now, I am going to tell you something, Mr. Ryan, and I am going to say it just as clear as my name is Kendrick Meek. We get a container that ends up blowing up in one of these major ports or while it is in transit going to where it needs to go to. I guarantee you Republicans will be running: Where is that amendment for the 100 percent container check? We need to do that, Madam Speaker, file this. Madam Clerk, can we do it?

You know something? I bet they will be looking out in the hall looking for the special interests who were telling them they couldn't do it, and they will be nowhere to be found. I didn't see the special interests standing around on 9/11 at the end of those buildings saying, what can we do to dig these people out and give them their lives back? I am not blaming it on them, but I am just saying that kind of attitude gets us in the position that we can't do something. And we're the country that says we can. We are leading this country.

Mr. RYAN of Ohio. What you are saying is it is an issue of priorities, and why do we continue to focus down in Washington, D.C., Potomac fever, the Republican majority continues to focus on how do we get corporate welfare to the oil companies? How do we subsidize the health care industry, all our friends who donate us billions of dollars? How do we give tax cuts to the wealthiest people?

If you made $10 million in 2003, Mr. Meek, you got a million-dollar tax break. That is where the focus is. And what we are trying to say here is that we need to focus on port security. So instead of giving a man or a woman who made $10 million in 2003 a million-dollar tax break, we want to spend that money protecting our ports.

Mr. MEEK of Florida. Mr. Ryan, the million-dollar tax break came on behalf of, and I am just going to grab China here, this is the million-dollar tax break right here.

Mr. RYAN of Ohio. You have Japan.

Mr. MEEK of Florida. Oh, Japan. I'm sorry, I didn't even look. It was red, so I just assumed.

Let me just say this, Mr. Ryan. Japan. Little Japan. This is what gave that $10 million person their tax break.

Mr. RYAN of Ohio. That is right.

Mr. MEEK of Florida. Not money we had in surplus. Not money that was there and we had it to spend. This was based on a credit card.

Mr. RYAN of Ohio. And it was another example of lack of focus, lack of leadership, lack of priorities. And look what our friend says again, our guy, Mr. Gingrich, who I like.

Mr. MEEK of Florida. The former Speaker of the U.S. House of Representatives.

Mr. RYAN of Ohio. And the father of the Republican revolution. He said, on March 31, "He noted that a congressional watchdog agency recently smuggled a truck carrying nuclear material into the country to test security. Mr. Gingrich says, 'Why isn't the President pounding on the table? Why isn't he sending up 16 reform bills?' "

This is the father of the Republican revolution asking the President, why are you not a good leader? That is what he is saying. Why aren't you leading the country? Focused on oil subsidies? Focused on corporate welfare? Focused on subsidizing the energy companies? Not focused on Katrina. Not focused on the war. This administration has attention deficit disorder of immense proportions, Madam Speaker. They can't focus.

Get this country on the right track. Let's focus and let's get the country moving in the right direction.

Mr. MEEK of Florida. Mr. RYAN, talking about the right direction, I spoke to the fact that we are calling for energy independence from the Middle East in 10 years by developing emerging technologies that work to be able to provide energy for our country, energy alternatives; also to make sure that we make a substantial investment in research and development that is critical in creating cutting-edge technologies that will allow us to develop clean, sustainable energy alternatives that capitalize on America's vast renewable natural resources.

This is what we are talking about, Madam Speaker. We are willing to make the investment as relates to innovation.

Mr. RYAN, you have the Web site, sir.

Mr. RYAN of Ohio. Www.housedemocrats.gov/30something. All of the charts that you have seen here or have seen in the past will be available on the Web site.

But it is important, Mr. MEEK, and I appreciate your vigorous defense of what the Democrats have done and what we want to do because we do have an agenda. We have a bushelful of ideas over there that we want to implement, and we need to state this pretty clearly.

Article I, section 1 of the United States Constitution creates the House of Representatives. We are directly elected. You cannot be appointed to this body by anybody. So the American people speak here. When we get in, we will balance the budget. We will get rid of the deficits over time by restricting spending in certain areas, eliminating the corporate welfare, and asking someone who made $10 million in 2003 to actually pay their fair share.

We don't believe that profit is a dirty word, but we also don't believe that we should go borrow money from China to give the wealthiest people in our country a tax credit.

We will invest this money into reducing the cost of higher education. We will make sure that the least among us have health care and have a roof over their head and have food, which is a pretty basic necessity.

And let me just say, before I kick it to you for one last comment, if we are going to be able to compete with 1.3 billion people in Communist China and over a billion people in India and billions of people around the world, we have to have all 300 million of the citizens in our country on the field playing. Right now we are going on with about a quarter of the team, and they have got the referees and 1.3 billion and 1 billion.

We need to make investments in America. We need to put America first. And we need to make sure at the end of the day that we are guardians of the public tax dollar, and so we need to invest that money back into the United States of America that will yield us value for generations to come, just like the GI bill did. The greatest investment we ever made was the GI bill. Let us do it again and get the country on the right track.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, you are talking fact, not fiction. Anyone who wants to talk about balancing the U.S. budget, the Democrats are the only party in the House, Madam Speaker, that have a right to say that we have done it. We have actually done it.

You have a lot of folks saying, well, we are going to try to cut it in half, and maybe we will get it to a quarter or whatever on the Republican side, the Republican majority with all the power, control of the House, control of the Senate, and control of the Presidency. It should be a smooth-sailing process.

If someone wants to call Democrats names and point fingers, call the former Speaker of the U.S. House of Representatives a name. Call him a liberal. Call him someone who is irresponsible, if you want to name-call. And I challenge Members to come down here and talk about what is good about owing foreign countries money, not because they did something to us, but because this Congress gave the whole country a self-inflicting wound of debt. They have been saying we are going to spend your money irresponsibly, and then we are going to allow these other countries to own a piece of the American apple pie.

Mr. RYAN, you did an excellent closing. I want to thank you, sir, for coming down to the floor.

Madam Speaker, I want to thank the Democratic leadership for allowing us to have this second hour.

91ST COMMEMORATION OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening to commemorate the 91st anniversary of the Armenian genocide. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

April 24th marked the beginning of the systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. Over the following 8 years, 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile.

Last week I was joined by my cochair of the Armenia Caucus and many of my colleagues in Congress on a bipartisan basis in sending yet another bipartisan congressional letter to President Bush urging him to use the word "genocide" in his April 24th commemorative statement. With over 178 signatures, the message in that letter is loud and clear: 90 years is too long to wait for justice to be served and proper recognition to be made.

The President should have used the 91st anniversary of the Armenian genocide to promote the U.S. foreign policy that reflects appropriate understanding and sensitivity to human rights, ethnic cleansing, and genocide. But, instead, President Bush once again failed to honor his pledge to properly characterize the Armenian genocide in his annual remarks. Despite pleas by Members of Congress and the Armenian American community, and recognition by much of the international community, he continues to avoid any clear reference to the Armenian genocide while consistently opposing legislation marking this crime against humanity.

The Bush administration continues to be influenced by the Government of Turkey by placing parts of our foreign policy in their hands. When it comes to facing the judgment of history about the Armenian genocide, Turkey, rather than acknowledging truth, has instead chosen to trample on the rights of its citizens to maintain its lies. The U.S. cannot continue to submit to Turkey's shameless threats and intimidation.

Madam Speaker, the U.S. owes it to the Armenian American community, to the 1.5 million that were massacred in the genocide, and to its own history to reaffirm what is fact. As we have seen time and time again, the United States has a proud history of action and response to the Armenian genocide. During a time when hundreds of thousands were left orphaned and starving, a time when a nation was on the verge of complete extermination, the U.S. took the lead and proudly helped end these atrocities. In fact, Americans helped launch an unprecedented U.S. diplomatic, political, and humanitarian campaign to end the carnage and protect the survivors.

If America is going to live up to the standards we set for ourselves and continue to lead the world in affirming human rights everywhere, we need to stand up and recognize the tragic events that began in 1915 for what they were: The systematic elimination of a people. The fact of the Armenian genocide is not in dispute.

Madam Speaker, regardless of President Bush's inaction, I call on Speaker HASTERT to bring the resolution to officially recognize the Armenian genocide to the House floor. The resolution that passed in committee last September, again on a bipartisan basis by an overwhelming majority, has over 148 cosponsors. Now is the time to allow Members to reaffirm the United States' record on the Armenian genocide.

The U.S. Government needs to stop playing politics with this tragic time in history and take a firm stance for the truth. Genocide must not be tolerated.

□ 2245

HEALTH CARE AND WHERE WE ARE GOING

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Madam Speaker, I come to the floor tonight to talk about health care, but I have to spend just a minute or two addressing some of the things that we just heard in the previous hour.

There has been a lot of discussion about the Jobs and Growth Act that was passed in 2003, in fact in May of 2003, a reinvestment of $80 billion back into the American economy, back into the productive sector of the American economy. The American people rewarded the United States Treasury with an increase in collections to the Treasury the next year with $260 billion that were not anticipated. Investment in the productive sector of the American economy works every time it is tried, and I am grateful to be part of the Congress in 2003 that provided that reinvestment opportunity for the American people.

There has been a lot of discussion this past couple of weeks about gas prices. We passed an energy bill at the end of July last year. Part of the deal on that energy bill was that there was going to be no liability protection for a compound called MTBE, a federally mandated oxygenate in gasoline that is sold in this country in order to comply with clean air restrictions.

Without MTBE, we are left with only ethanol as the only oxygenate available for the mixture of gasoline that is required to be sold in States that have clean air issues. We removed the MTBE because it was placed in legal peril.

We had an opportunity in October after the hurricanes hit, after we knew there was going to be trouble, we had an opportunity to address the oxygenate requirements in the blended fuels that are going to be blended and sold for this summer's driving season, precisely the time we are up against right now.

This House passed that bill which would have allowed for that relaxation of oxygenation requirements. We passed it with no Democratic votes. It was only Republican votes that passed the bill, and it has never been taken up by the Senate. The consequences are quite predictable.

Now, we were told during the hearings on the energy bill the prior year by individuals from, and you talk about a special interest group, that is the ethanol lobby; we were told that the ethanol manufacturers in this country had unbelievable success and they were able to produce ethanol that exceeded their wildest expectations. Well, they were wrong and they have not been able to produce the quantity they said, and it is time for this country to look at the tariff that we place on foreign imported ethanol. If we are going to require foreign imported ethanol to be part of our gasoline oxygenate system, we are going to have to import ethanol at least temporarily until we can increase production in this country.

But I did not come to the floor to talk about gas prices and ethanol, although that is important. I came to the floor tonight to talk about health care. I want to talk about where we are and where I see us going. I would like to spend a considerable time on the affordability of health care because I believe that is the central issue. Whether you talk about a single payer, government-run system or a system that embraces the private sector, affordability of health care is going to be one of the main drivers that we need to keep in our uppermost consideration.

We need to talk about the uninsured and federally qualified health centers. We will have a bill in the next couple of weeks in the committee that will authorize the federally qualified health center statute. Those are an important aspect of our delivery of medical care in the 21st century in this country.

We have to talk about liability reform. We have talked about it a lot in the past 3 years. We have yet to produce a satisfactory result, and it is going to continue to be a part of a major discussion on health care until we get something done in that regard.

We have to talk about provider relief and paying our doctors and health care providers what they rightfully earn, and not continue to cut their reimbursement rates year after year in the Medicare system and ask them to shoulder a greater and increasing burden of the health care costs when, after all, we turn to them to take care of the uninsured at no compensation and then we continually cut their Medicare compensation. We are driving good doctors out of practice and that is wrong. We need to address that.

There has been an explosive growth in information technology in virtually every sector of the American economy. Health care is no exception. We need to make certain that we have the right kind of informational technology at the disposal of people who provide health care.

Of course, you cannot look at the last year with the problem with the large hurricanes, the problems that loom on the horizon as hurricane season is upon us again, and the problems that loom on the horizon from an infectious disease, the likes of which none of us have ever seen in our lifetimes, the specter of the avian flu. We have to talk about preparedness.

When ethicists talk about health care and health care in this country, they always seem to talk about affordability, access and quality. I remember an ethicist that spoke to one of our classes years ago said affordability, access and quality; we have only learned how to handle two of the three at any one time.

Since I do not want to pick the one that is going to be left out, let me concentrate on affordability. We will leave quality and access discussions to other days. And I might add that I trust the American medical system to provide us with the quality that we have come to expect.

We already have a system that is paid for by, to a large degree, by governmental agencies and by the Federal Government with a GDP of $10 trillion to $11 trillion and $1.4 trillion spent on health care. In fact, in the HHS appropriations bill that we passed last December, over $600 billion was spent on Medicare and Medicaid alone. So clearly, almost 50 cents of every health care dollar spent in this country arises right here in the halls of the United States Congress. The remainder, the other 50 percent, is largely carried by private insurance, commercial insurance. There is also some amount of that is carried by self-pay. Again, we cannot forget the charitable care that is delivered by hospitals and doctors and nurses all over the country every hour of every day of the year.

The problem that I see if we do not address affordability of health care, the default position on the horizon is going to be a single payer, government-run system. Would that necessarily be a bad thing, to vastly expand the public expenditure on health care? I look to our neighbors to the north that have an entirely government-run, single-payer system, and I think it was just in late 2004 or perhaps 2005 that the Canadian Supreme Court ruled that their system, with its long waiting lines, was no longer adequate. In fact, I think the Canadian Supreme Court, their statement was access to a waiting line is not the same as access to care.

In that system there are the problems with long waits for so-called elective surgeries. Now, an elective surgery may be something as serious as replacement of a diseased hip or fixing a problem that someone has with a ruptured disk in their back or neck. It may even include coronary artery bypass grafting. It may include some things that we may not think of as being entirely elective. I would submit that health care in Toronto would significantly suffer if they did not have the safety net of Henry Ford Hospital in Detroit, Michigan to take care of some of their excess.

On the other hand, in the United States, if we had a single-payer system with long lines for access to care, I do not think we could count on a hospital on our southern border to bail us out in a similar fashion.

So in short, I believe we need the private sector, and in fact I believe we need to encourage and expand the private sector as far as delivery of health care in this country. Congress can take action by promoting policies that keep the private sector involved in the health care marketplace. Indeed, we have done exactly some of those things in the short 3 years that I have been here.

One of the most significant things I think that has happened in the last 10 years, in 1996 with the passage of the Kennedy-Kassebaum Act, and the allowance for the first time for what is called medical savings account. These were those high-deductible insurance policies where you could put money away towards that deductible into a medical IRA, if you will; allow that money to grow tax free to be a medical nest egg for someone who may need it in future years, or to pay that high deductible out of the medical savings account.

Now, medical savings accounts had a lot of restrictions upon them. But even at that, when they were first offered back in 1996 and 1997, I very quickly went out and signed up myself for a medical savings account. I made one available in my medical practice to anyone who wanted it, because I saw this as the tool for the future. It put the decision-making for health care decisions back in the hands of the health care consumer. I thought that was such a powerful concept.

Even though at the time medical savings accounts were kind of an untried and untested premise, I thought that concept of putting the health care decision back into the hands of the health care consumer was so important, I was willing to take a chance on that. Mind you, 1996 and 1997 and 1998 was a time we saw explosive growth of HMOs in this country. And more and more medical care was being dictated by the chief executive officers of HMOs or medical review boards in a HMO, and I saw this as a wonderful chance to reclaim the health care decisions for myself and my family. I gratefully took that option. I am glad I did because that policy served me very well until I came to Congress.

Now, coming to Congress in 2003, medical savings accounts were not available in the Federal Employees Health Benefit Plan. Again, medical savings accounts had a number of restrictions on them and they were capped. Only 750,000 could be offered across the country, and they were not that heavily subscribed.

When we passed the Medicare Modernization Act in November of 2003, we expanded medical savings accounts in a way that I frankly did not think was possible. But kudos to the Ways and Means Committee and Chairman THOMAS; they got the job done and vastly expanded the access to health savings accounts not just for recipients of Medicare, but for anyone who wanted to participate in that kind of high-deductible policy, and having a savings account that is dedicated entirely to their medical expenses.

There are some other improvements that can be made, and indeed there are several pieces of legislation out there currently to allow for a hybridization, if you will, between flexible spending accounts, health reimbursement accounts and health savings accounts. I think those are important steps that yet need to be taken. But with the expansion of health savings accounts in 2003, making them more generally available to the population, we unleashed a very powerful tool for providing insurance to more people in this country.

Madam Speaker, in the year 1994, I had a family member who was no longer able to get insurance off my employer-based insurance. I set out to get an insurance policy for that family member and it was all but impossible to do at any price. I was a practicing physician at the time, willing to write a large check for that insurance coverage, but I could not find anyone who would write a single policy for a young, single, uninsured person.

Well, fast forward 10 years to 2004, the year after we passed the health savings account legislation and the Medicare Modernization Act. And that summer you could go on the Internet, you could go to your favorite search engine and type in "health savings account" in the window, click "go," and it would immediately return all kinds of options to that person for the potential purchase of a health care policy. I do this periodically to see what is available in my State for a 20- to 25-year-old single person for single coverage, and you can get a very reasonable, I do not want to say an insurance company's name, but a large insurance company that has a color as part of its first and second name; you can get a reputable insurance company's policy for around $50 a month. Again, a young person age 20 to 25, with a high deductible.

But think of that, a young person getting out of college who wants to, instead of going to work for a large corporation, wants to work for themselves. They want to do an Internet start-up company or any type of self-directed entrepreneurial-type activity. No longer do they have to turn their back on that as a career option because insurance is not available. They can purchase a policy on their own, a policy that is reasonably priced. Yes, it has a high deductible: but they also have the ability to put money away towards that deductible, do so tax free, and the money grows tax deferred.

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And if it is used for a medical expense, it is not going to be taxed under any circumstance. We have another tool at our disposal. And the House has passed what are called association health plans. We have passed this two times a year, every year that I have been in the House of Representatives.

The Senate very recently passed an association health plan bill out of their committee. And this, again, is a powerful tool that allows for small businesses, small businesses of a similar business model, to band together and accrue the purchasing powering of a large group. The association health plan is envisioned to be sold across State lines such that a group of realtors in Texas could band with a group of realtors in Oklahoma and combine and pool their resources in order to get a lower price on their insurance coverage. Again, a very powerful tool, one we have passed in the House on several occasions. It did finally pass out of the health committee over in the Senate side, and I do look forward to them taking that issue up to the floor of the Senate, passing that successfully, and let's get to conference and let's get the differences worked out, because this is something we need to provide to our small businesses, the engine that drives productivity in this country. We need to put this tool in the hands of small business in this country.

When you think of consumer-directed health care, like a health savings account, there has to be some method that the consumer, that the purchaser has of evaluating different hospitals, different doctors. There has got be a measure of transparency brought into the overall purchase of that insurance plan. Right now there is opacity in the system, and I understand there is opacity in the system because opacity has value. It is perhaps worthwhile for a health care facility, a hospital, surgery center, doctor's office, to have a little bit of opacity in their pricing structure so that it is a little bit hard to figure out what something costs. But we need to move and make an honest effort to provide the information that the health care consumer needs to make a well-founded, consumer-oriented decision. After all, we are asking for consumer-oriented health care. We can't very well deny the consumer the opportunity to be able to evaluate two health plans side by side, two hospitals side by side, two surgery centers or two doctors' practices side by side. They need the ability to do that.

Finally, a concept that has been around as long as I have been here, and, I suspect, longer, is the concept of tax credits for the uninsured or the underinsured, a voucher system, perhaps, if you will, just helping someone who didn't make enough money to be able to pay for insurance, helping them pay for insurance with an EITC-type tax credit that is prefundable, not refundable. That is at the beginning of the tax year that money would be made available to that person.

Some of the proposals that are out there would fund $1,000 for an individual, $3,000 for a family. A lot of people will say, well, you can't buy much in the way on the health insurance market for $3,000 for an individual. But if you go to the health savings accounts Web sites, you certainly can find products that are available that would allow someone to purchase insurance coverage, again, for well under $1,000 for an individual, perhaps for 6- or $700 a year, and to begin to put money away towards that high deductible. And I think that is a worthwhile product, a worthwhile activity.

And I do look forward at some point to this Congress or the next Congress taking up the concept of tax credits for the uninsured because I believe that will, over the long term, all three of those concepts taken together, health savings accounts, association health plans and tax credits for the uninsured. Mort Kondracke in an editorial in the Roll Call Magazine really 2 years ago estimated that you could cut the number of uninsured by perhaps 13 million by those three entities alone. I actually think the number on his estimate on health savings accounts is a little low, because we have seen, over the last 2 years, an increasing number of people select that type of health insurance, such that now there are over a million people enrolled in health savings accounts. The vast majority of these are individuals over the age of 40, and a great number of these are people who would not be regarded as high-income. Probably 40 percent of people earn under $50,000 a year. So it is not just for the healthy and the wealthy; it is a program that does have high utility for Americans across the spectrum of all age groups and all earning capabilities.

As far as the uninsured is concerned, the U.S. Census Bureau, and it seems like this number is higher every week when I read it, right now between 43- and 45 million people who are estimated to be uninsured. Now, this number is a little bit tricky because it does include people who are uninsured for any portion of the year. So someone who is uninsured for part of the year, but has insurance for the balance of the year is going to be counted uninsured for the entire calendar year.

Does it count people who are perhaps in this country without a valid Social Security number, people who are in this country without the benefit of a valid visa or immigration papers? And the fact is that it does, and it is going to be difficult to provide coverage to someone who breaks the law by entering this country illegally.

But that doesn't remove the fact that there are a lot of people in this country who lack health insurance. One of the things that causes it, of course, is the high cost of health insurance. And when I talk about the affordability of health insurance, I acknowledge that for every dollar that health insurance premiums go up, a certain number of people are going to be excluded from the rolls of the insured. And we have done things that cause the cost of insurance to inexorably go higher and higher, and as we do that, we are going to drive more and more people away from the ranks of the insured onto the rolls of the uninsured.

Now, one of the things that is not often talked about in context with uninsured individuals is the concept of federally qualified health centers. Now, the President talked about federally qualified health centers on at least the last two occasions when he delivered his State of the Union Address, and I believe the last time he was here he said he wanted to see a federally qualified health center in every poor county in the United States.

I submit that is a worthy goal, and I would also submit there are some counties such as in my district back home in Texas that you wouldn't necessarily record as poor, but they have areas of poverty within them that are as large as counties, and indeed as large as some States back East, and these populations would benefit from access to a federally qualified health center.

Now, we are going to be taking up the bill that will reauthorize federally qualified health centers within the next few weeks in the Energy and Commerce Committee. I suspect it will come to the floor perhaps the latter part of June during Health Care Week. This is a worthy exercise and one that the committee needs to take up, and indeed the whole House needs to take up. I hope there are some improvements that we can make upon the system.

One of the things I learned last year with the large number of evacuees that came to my district from Louisiana, to my district in Ft. Worth, Texas, it takes a long time to set up a federally qualified health center. And if you have a large number of displaced persons who, by virtue of the fact that they are low-income, by virtue of the fact that they had to leave their homes under the worst possible of conditions, and it is taking some time to get them set up in a new life, or perhaps they are just temporarily going to be displaced in my district, it takes too long to set up that federally qualified health center structure to be able to help individuals like this in the time frame where they need the help. So some streamlining of the federally qualified health center application process, I believe, would really go a long way towards helping these individuals. Backstop it. Make certain that within 2 years time all of the other regulations that surround federally qualified health centers have to be complied with, but ease up the rules just a little bit in an area that is desperately medically underserved to allow the setup and startup of one of these centers in a timely fashion.

We have to provide that degree of flexibility. Otherwise, we are only driving up the cost of health care in the hospital emergency rooms in the area, in the doctors' offices in the area, where they are going to see more and more uninsured patients and deliver more and more uncompensated care, which they, in turn, will have to pass that cost off to other patients and other health care consumers.

But the beauty of a federally qualified health center is it allows a patient to have a medical home even though the patient does not have insurance, and that is the least expensive way of delivering health care to that group of individuals. Again, it keeps them out of the emergency room. It keeps them from accessing health care at the most expensive entry point into the health care system. It allows them to enter in at the level of the medical office or medical clinic, as opposed to the emergency room. And they frequently see the same doctor for visit after visit, so that a problem such as high blood pressure, diabetes, congestive heart failure, chronic long-term problems again are going to be better managed if you see the same provider time and time and time and time again. That continuity of care really is worth something in that environment.

Now, there are a number of federally qualified health centers in this country. I don't know the precise number. I believe that the number of people who are actually served by federally qualified health centers is going to number in the 15 million range, so that 15 million individuals who are maybe uninsured but have access to health care through a federally qualified health centers, it may not be actually accurate or fair to carry them on the ranks of the uninsured. And that is why I say that number of 42 to 45 million that is always reported by the Census Bureau may be overreported because it doesn't take into account the millions of people that get their medical care through a federally qualified health center, which is a very reasonable, cost-effective way to get good medical care for someone who doesn't have access in some other form.

We have State governments that have, over the years, required that a lot of things be covered on insurance policy, the so-called mandates that are added to insurance policies. And tonight, not really the purpose to get into what mandates are good and what mandates are bad, but recognize that adding enforced coverage to insurance policies does increase the cost of insurance policies. And again, for every dollar that we drive up the cost of an insurance policy, we are excluding people from insurance.

If it were possible to come to some agreement on what mandates were absolutely necessary, people just can't live without, and which are more optional, and come to a conclusion about is it possible for us to designate a type of insurance, what would be covered under that type of insurance that could be sold from one State to the other, sold on the Internet, get the benefit of that type of competition across the country, if it were possible to come to that type of conclusion about what we have to have, what we can't live without in an insurance policy, and allow insurance companies to market lower-cost products to people who fall into the ranks of the uninsured, I believe that our American insurance companies would look at that 42 to 45 million uninsured as a market opportunity and would want to market an insurance policy to that segment of Americans if they only were allowed to do so.

The good news, Madam Speaker, is we have actually kind of already come to that agreement. And I go back again to the federally qualified health center template. We have already decided within the federally qualified health center structure what procedures have to be offered, what conditions have to be covered, what benefits have to be offered in the federally qualified health center structure. And if we could take that template as a starting point and come to agreement amongst ourselves, Republican and Democrat alike, stop the tennis match of my mandate is more important than your mandate; stop the arguing over this process, and simply come to an agreement, here is an insurance policy that is good enough to be sold to America's uninsured, it covers the things that should be covered, it doesn't add a lot of additional expense for things that might be considered as optional; and then allow American insurance companies to compete to sell to that segment of the market, I think we would find that that is a very powerful tool and one that, quite honestly, we do need to explore. And we need to explore it in this Congress. We don't need to wait. The guys an hour ago were talking about how different things are going to be a year from now.

□ 2315

Well, it does not need to wait for a year from now. This is work that we can do today, this month, this year. And I submit that it is good work and one that we must take up in this Congress.

Madam Speaker, when I was originally talking about this, the concept of liability reform is one that we visited on the floor of this House many, many times since I took office in the beginning of 2003, I believed before and I still believe now that we do need a national strategy for medical liability insurance reform.

And I am from Texas. Texas has done a great job with medical liability reform. Texas has done a great job with putting a cap on noneconomic damages and has, I think, built upon and strengthened some of the earlier programs such as the California program of the Medical Injury Compensation Reform Act of 1975. I think the Texas compromise of 2003 really built on that earlier experience and is a very valuable program. In fact, it is delivering cost savings on liability insurance for the doctors of Texas. One of the unintended consequences was that it really brought the cost of liability down for self-insured, not-for-profit hospitals. They have been able to make more investments in capital and equipment and nursing personnel than they thought possible because of the cost savings they have gotten off of the Texas medical liability reform that was passed in 2003.

Now, in this House we passed H.R. 5, which was a major medical liability reform bill, in 2003. And when we passed that bill, Madam Speaker, the Congressional Budget Office scored that as a savings of $15 billion over 5 years' time. Now, it is not just the lower cost of liability insurance that they are talking about and doctors passing that cost on to their patients. No. The real savings in that H.R. 5 was because of the perceived reduction in what is called defensive medicine: I do not think this person has this condition, but I need to do this test in case I am wrong and this case comes into court and I want to be certain that I have got this evidence to back up my decision-making process.

A study done back in 1996 at Stanford University estimated that out of the Medicare program alone, just the Medicare program, the cost of defensive medicine in 1996, that was 10 years ago, the cost of defensive medicine for Medicare in this country was nearly $30 billion a year. I submit that that 10-year-old study, if it were done again today, would find that dollar figure to be actually much higher. CBO did not score it as high, but still acknowledged that there was significant savings to the Federal budget every year if the Congress, House and Senate, would pass meaningful, meaningful medical liability reform.

The problems of the expense of defensive medicine and the high cost of the medical liability system as it exists today means that we are taking money out of the health care sector of our economy and pushing it off to somewhere else. And that somewhere else is too often paying a contingency fee for a trial lawyer. And as harsh as it is to say it, we can no longer afford that kind of luxury. We can no longer afford to divest that kind of money in order to continue the medical liability system that we have in this country. We need a fairer medical justice system than we possess today.

The bill that we passed, H.R. 5, back in 2003, again basically put a cap on noneconomic damages. It capped noneconomic damages at $250,000. I believe it was a good bill. I voted for it in 2003. I voted for it in 2004. I voted for it in 2005. In fact, I will vote for it again if we bring it to the floor of the House again this summer. But when you look at the Texas bill that was passed in 2003, it actually structured itself a little bit differently. Yes, there is a $250,000 cap for noneconomic damages, but that cap exists for the physician, for the hospital, and for a second hospital or nursing home if one is involved. So the total aggregate cap is $750,000. I would have been concerned back in 2003 if someone had said this is the way we are going to go about the cap, that that was too high, that that would not bring the cost of medical liability insurance down, that that would not reduce the cost of defensive medicine. But, in fact, the story in Texas is that it has brought costs down.

I will give you an example. In 2002 when I was running for office the first time, we went from 17 insurers in the State of Texas, medical liability insurers, 17 of them in the State of Texas at the start of the year, 2 in the State at the end of the year. And the problem was the high cost of medical liability and the draining of those insurance companies by lawsuits.

The effect of passing that bill in June of 2003 and then the subsequent constitutional amendment that was required to allow that bill to become law in September of 2003, by the middle of 2004, less than a year later, we had gone from 2 medical liability insurers in the State of Texas back up to 13 or 14, and they had come back into the State without an increase in rates. That is pretty powerful, because if you go from 17 insurance companies down to 2, you have not got much in the way of competition. You pretty much have to take what they say as the going rate. So getting those insurers back into the State of Texas was critical as far as keeping doctors involved.

I remember an event that I went to during the fall of 2002 when I was running for Congress, and a young woman who was a radiologist came up to me and said, "I really hope you get something done on medical liability. I have lost my insurance, not because of a bad case but simply my insurer left the State of Texas and now I cannot get liability insurance, and as a consequence I am a stay-at-home mom now. I am not practicing radiology." Because, obviously, she cannot without the protection of a medical liability insurance policy. So the State of Texas had paid for her medical education. The State of Texas had subsidized her during her radiology residency down at the University of Texas at San Antonio. And now just a few years later, she was out of medicine altogether and raising her children. I am sure she was very happy in that role, but at the same time, what a waste of that woman's talents. What a waste of that woman's training that she would not be able to practice radiology in Texas simply because her insurer left the State and she could not get someone else to cover her. That is the kind of very stark reality that we were up against in Texas in 2002. We were one of the top crisis States as designated by the American Medical Association of that year.

Fast forward to June of 2003, a major liability provision was passed. Again, it capped the pain and suffering damages at $250,000 for the doctor, $250,000 for the hospital, $250,000 for a second hospital or nursing home if one was involved, and very quickly there was a turnaround, the insurers coming back into the State, hospitals saving money. Doctors from Texas Medical Liability Insurance Trust, my old insurer of record, the savings now, the accumulative savings, from when that bill was passed to the present day is in excess of 20 percent savings on their medical liability policies. These are policies which, by the way, were going up by 10 and 20 percent every year for the 2 or 3 years that preceded that event.

So I think the Texas plan is a good one, and I like to sing its praises every time that I come to the floor of the House. I think any medical liability reform that we pass in this House, we could do worse than to base it off of the Texas plan and the Texas compromise, the so-called trifurcated cap. I would like to see us champion that concept over in the Senate and see if we could not get their attention with the trifurcated cap and perhaps get a bill that we could get to conference that way.

But one of the critical things about medical liability insurance issues, people say, you are from Texas and if you have solved the problem in Texas, why do you continue to worry yourself about it in the House of Representatives? And I will tell you why. Because that bill is under attack every legislative session in Texas. There are special interests. And, yes, addressing the Democrats, there are special interests that work on your side as well as our side. There are special interest groups that want to roll back that legislation. But there are other issues as well.

During my first term, my first year in Congress, we took a visit up to the ANWR up in Alaska. And coming back from ANWR we came through Nome, Alaska. Nome, Alaska is a pretty remote place out there. So you can just imagine that when a big plane with a bunch of Congressmen land, it is a big deal in Nome, Alaska. They wanted to have a chamber of commerce-type lunch for us, which they did. And when they learned that there was a Congressman who was also a doctor on the plane, all the medical staff got real excited and all 19 doctors on the medical staff of the Nome, Alaska hospital came out to that lunch that we had.

And one of the doctors who was there said, "Boy, I sure hope you get that medical liability law passed up in Congress, because we cannot afford the medical liability policy for an anesthesiologist here at the hospital; so we need your help and we need you to get that done so we can afford to have an anesthesiologist."

I said, "Well, gosh, what kind of medicine do you practice, sir?"

He said, "I am an OB–GYN, just like you."

"An OB–GYN. How in the world do you practice obstetrics and gynecology? How do you deliver a baby without the availability of anesthesia? Forget a labor epidural and pain relief during labor. What do you do if you have to have do a C-section?"

And he said, "Congressman we get that woman onto a plane and we get her down to Anchorage as fast as we can."

Anchorage, an hour and a half away from Nome, Alaska. And I am not entirely sure about this, but I believe there is a significant amount of bad weather in Nome, Alaska. I do not want to upset the people at the chamber there, but I believe there is a significant amount of bad weather in Nome, Alaska, particularly in the winter months. How do we further the cause of patient safety by requiring that that doctor put his patient on a plane and send her to Anchorage to get a C-section done with the care of an anesthesiologist? That system makes no sense.

Another opportunity I had was to visit with someone who was in charge of the residency program of a large New York hospital. I trained at Parkland Hospital, but I was aware of their training program, and certainly it is a good second to Parkland Hospital in Dallas. But this individual was in charge of the residency program. And I said, "How has the liability issue affected your ability to recruit medical students for your OB–GYN residency there in New York?"

And she said, "Well, it is a real problem, and currently we are accepting students that 5 years ago we would not have interviewed." In other words, they have lowered their standards in that OB–GYN residency, because medical students coming out of medical school with huge debt do not feel that they can take on the expense and the trauma of a large liability policy when they start their practice; so they just do not go into OB–GYN.

These are our children's doctors. These are our children's children's doctors that we are talking about. How are we furthering the cause of better medical care in this country when we are allowing that system to continue? It truly is unconscionable, and it is time for this Congress to correct that. Both the House and the Senate need to take action on this. We do have a President who has pledged to sign this bill if we will get it to his desk, and I believe that we must do that.

On the concept of physician payment, I will say that we spend a good amount of time in this body discussing health information technology and pay-for-performance scenerios. We talk about them frequently. But we do not address a serious problem that has been plaguing America's physicians for the past 10 years, and that is the issue of the continuing erosion of physician payments under the Medicare system.

Currently, physicians are paid under what is called the sustainable growth rate, or SGR, which provides for a payment cut of 4 percent for every year, year over year, to a cumulative total of some 26 percent. And that has a negative effect upon the number of doctors who continue to provide services for Medicare patients.

Now, I have done a lot of town halls around in my district, and I have heard a lot of discussion about prescription drugs. But I have also had a lot of people come up to me at the end of a town hall and say, "How come I turned 65 and I have got to change doctors?" The reason they have to change doctors is that their physician has evaluated the Medicare reimbursement schedule and has decided that it is not in their best interest to continue to provide care for Medicare patients because of this continued erosion of provider reimbursement rates that goes on year over year. Doctors look at that and they think, well, Congress is likely to reverse that at least temporarily this year. But it is very difficult to plan. It is very difficult to hire. It is very difficult to justify equipment purchases if you have got to factor in a pay cut of 4 to 5 percent every year for the forseeable future.

Now, we passed a bill called the Deficit Reduction Act right at the end of the year, but it turned out we really did not pass it until January. Within the Deficit Reduction Act was a provision to keep the doctors from having that negative 4.4 percent update; in other words, just hold payment rates at a level amount and not decrease it.

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The effect of not passing that bill in December and allowing January 1st to hit without addressing that problem meant that every physician in the country who does Medicare got a letter from CMS, the Center for Medicare and Medicaid Services, saying your rates just went down 4.4 percent, or our reimbursement to you just went down 4.4 percent. My fax machine lit up, because it was over the holidays and doctors wanted to get word to me, saying here is the letter I accept to my patients, Congressman. I will no longer be able to provide your care after the first of the year because Medicare has again cut my rates.

So doctors not just in my district, but across the State and some even across the country, called me and notified me that they were going to drop their coverage of Medicare patients.

The problem is that these are doctors who are in the peaks of their career. These are doctors who have established practices, the doctors who come to a diagnosis the quickest, the doctors who spend the least amount of time in the operating room, the doctors who are at the pinnacle of their medical expertise, and they are being driven out of the system. The problem is if you drive out your first tier of providers, it is only going to cost you more in the long run.

So when we talk about things like pay for performance, I cannot help but think if we run off our top tier of providers, we are going to have to pay a lot more to get less performance in the future, and it is incumbent upon us to take up that legislation, to take up that concept and pass legislation that will once and for all fix the problems with the sustainable growth rate and not make our provider community face that 4 to 5 percent pay cut every year, year over year.

A concept derived by the Medicare Payment Advisory Council, so-called MEDPAC, was for consideration of what is called the Medicare economic index, which calculates the true cost of providing Medicare health services, and the reimbursements would be based upon a formula which factored in the actual cost of delivering that care, a very powerful concept and an idea whose time I believe is long since overdue.

Another issue that we spend a lot of time talking about here on the House floor and over in committee is the concept of increasing health care technology. This is appropriate for Congress to be considering this. It is an appropriate expenditure. It is terribly difficult for small doctors' offices with one, two, three and four providers in an office, to justify the kind of expense that would be required to purchase that off-the-shelf health care information technology.

A lot of times a hospital would be willing to partner and help offset some of that, because the hospital benefits as well. Currently we have laws such as stark laws and anti-kickback statutes that prevent that from happening. We need to seriously look the a those pieces of legislation. They may have been of some value back in the 1980s, but they are not a great help in the 21st century. They are not really protecting anyone from any malfeasance, and they are preventing getting this technology into the hands of people who need it the most.

The other thing that we have to consider is we have to assure physicians, providers, hospitals, that they are not going to run afoul of some statute in the HIPAA legislation, the patient privacy legislation. Finally we need to concentrate on some coding uniformity so that people will have confidence in these systems and know that they can use them and that they are not only helping their patients, they are helping their practices, they are helping their bottom line, they are helping their hospital. It could be a win-win situation all the way around, but we are going to have to change some Federal regulations to allow that to happen.

One of the things that I talked about when I originally started this evening was that we needed to touch on preparedness. When you talk about preparedness, looking back over the last year, the twin hurricanes of Katrina and Rita that hit Louisiana, Mississippi and then Texas and Louisiana later in the year, it is impossible to talk about preparedness without thinking about some of the lessons that we learned.

When the hurricane was out there churning in the Gulf, the first hurricane, Hurricane Katrina, you just knew it was going to be bad news. It was a hurricane unlike anything that any one of us had seen before, and there is no way in this day and age that it could select a location for landfall along the Gulf Coast where it was not going to affect a significant number of people.

Well, we all know the story. It came ashore. It kind of took a little turn before it came ashore. We thought New Orleans had dodged a bullet, only to find out that it got hit with even a larger bullet than any of us thought possible.

I was back in Fort Worth and Denton, Texas, during the August work period, and it was at that time that almost 25,000 people that were displaced from that storm came to North Texas seeking shelter, seeking medical care. To say that we weren't expecting it would be an understatement. But the people of North Texas opened their homes and their hearts. Hospitals, hotels, church camps did yeoman's work taking in people who were affected by the storm.

Where my district office is in Fort Worth, at the Tarrant County Resource Center, they immediately made provisions to take in 80 individuals. We set up pallets and cots well into the night on Wednesday night and started receiving our first evacuees on Thursday.

A small Baptist camp in Denton, Texas, Camp Copus, opened its gates up and received some 130 people who had driven in buses all night, in two buses all night, from the Superdome in Louisiana when they finally got out of there.

Probably one of the most heartwarming stories in the North Texas area was the way that the Dallas County Medical Society really rallied around and got their members out to provide care for these individuals as they got off the buses. There are about 3,600 members of the Dallas County Medical Society. When they heard the buses were on the way up from the Superdome, we were right on top of Labor Day weekend, so most people were closing their offices early, making plans for a holiday weekend.

The Dallas County Medical Society sent out a blast fax to all its member physicians, and 800 doctors showed up to provide medical care, triage care, urgent care to these people that got off the buses who had been displaced from Hurricane Katrina; people who had chronic medical conditions, who had been off their medications for 3 or 4 days, who with their chronic medical condition were about to have an acute decompensation of hypertension, diabetes, congestive heart failure.

So as these people came off the bus, as the evacuees, they were interviewed. If they thought they were ill enough to have to go to the hospital, they were taken to the hospital, to Parkland Hospital there in Dallas. If they simply needed a shower and a meal and a refill on their medications, that was provided for them.

Of the 17,000 people who got off the bus in those first hours that evening, less than 500, I think the number is actually in the range of about 300, were actually hospitalized at Parkland Hospital, a phenomenally small number when you consider that these were people who had been in the worst of conditions for the past 3 or 4 days, again many of them ill with chronic medical conditions who had been off their medications for several days. Very few required hospitalization because the doctors of the Dallas County Medical Society were there to receive them.

One the great stories of that evening was some of the pharmacies in the area provided mobile communications and mobile computer hookups, and if those patients had received their medicines at one of the chain drugstores in Louisiana, in New Orleans, they were able to actually replicate their medications, duplicate their records for the medications, what they were taking and the dosage schedules, and make sure the right medicines were gotten to the right individuals. A phenomenal story that occurred there on Labor Day weekend.

Another story you will never read about in the newspapers but really was one of the phenomenal good news stories, the way you can save a lot of money with just a small investment, everyone was given a little tube or little canister of hand sanitizer, and every few minutes you would see people sanitize their hands with an antibacterial, anti-viral preparation.

In these kinds of conditions, where you have got a lot of people who have been wet from a storm and then housed in the Superdome and then got wet again when the Superdome flooded, on a bus for hours, you can just imagine the bacteria and viruses find that an environment they can thrive upon.

Diseases like the Norwalk virus, where gastrointestinal illnesses, epidemic diarrheas are very, very common in those types of conditions. They had very, very few people who became ill. Those that did have symptoms were identified early and sequestered off in another facility. But, again, the hand sanitizing that was done by providing low cost hand sanitizing solution to every person within the Reunion Arena shelter there really kept down trouble and spared a lot of human suffering, spared a lot of medical expense for having to treat people then of the subsequent gastrointestinal illnesses, the nausea, the vomiting, the diarrhea, the dehydration that could accompany that.

As a follow-up, I have been to the City of New Orleans twice since Hurricane Katrina hit. The first time was in October. I was there as a guest of one of the hospital administrators who wanted me to see, he had come before our testimony to testify in Washington and he wanted me to see firsthand myself the destruction that is there.

Even if October, two months after the date, it is unbelievable. There is work to be done that realistically will carry on for years. It is a phenomenal task that is ahead of the people of Louisiana, the people of New Orleans, the people of Mississippi and the people of the United States of America as we help that part of the world recover.

I do want to share one other good news story. We toured Charity Hospital and saw the degree of devastation there, and there is a lot of work to be done if Charity Hospital is ever going to recover. Across the street at Tulane Hospital, which is a private hospital, they had invested insurance money, they had invested new capital and were well on their way to having the HCA hospital up and running. In fact, I believe their emergency room was open in time for Mardi Gras. I am not sure if the hospital has opened up any of its wards yet, but it looked like they were well on their way to getting that done.

An entirely different story just across the street from Tulane. They both had the same degree of flooding, they both had the evacuation on the same day, late that week after the storm, but involvement of the private sector really did make a positive difference in the recovery of the Tulane Hospital.

It is my hope that Charity Hospital will be able to recover as well. I hope the individuals there involved in the State Medical System can work with Federal agencies and can work with the doctors and the very capable administrators on the ground, but they have got a long way to go to recover the Charity facility.

I guess one of the main things that was learned down there, one of the main lessons learned, an off-the-shelf preparedness plan that is purchased by a hospital or nursing home is not going to do a bit of good if it is not taken off-the-shelf and put into action. Unfortunately, that did happen in more than one occasion in that area after the hurricane.

I do need to add that just because a hospital was private does not necessarily mean that it fared better than a public hospital. There were other private hospitals that still lag far behind the HCA facility there at Tulane, and it is my hope that more of those will follow the Tulane model and make that private investment, invest those insurance dollars that they receive and bring their facilities up and on line quickly.

We did have hearings. The other side complained this evening about oversight. There were excellent oversight hearings by TOM DAVIS' Special Select Katrina Committee. All Members received or should have received their report. It is called Failure of Initiative. It is a very large book, but it is not a hard read. In fact, it is a very interesting read. For those Members who have received that and not read it, I would urge you to do so.

There is an excellent part in there about medical preparedness, but in fact it talks about preparedness all down the line, and it is a valuable instruction for all of us, especially when we talk about the specter of the avian flu which could be facing us here in this country as early as late August or early September.

When you look at the spread of that illness in bird populations across Southeast Asia and then the Middle East and then in Eastern Europe and now in Europe, clearly there is a continued spread of that disease. When it gets into the flyways of the migratory bird patterns, gets up in the polar regions perhaps by this summer, then down through the upper North American continent in Canada, arriving in the United States, pick the month, but one could easily assume it would be early or late fall of next year.

I must stress that this is still a disease in animals, a disease in birds, but there is a lot about it that is not known. Felines in Germany have contracted the disease. Whether that is because they have come in contact with animal waste or whether they have eaten animals that is diseased, no one really knows. It does appear to be a different disease in felines than you would expect the avian flu to be in humans if it were to mutate to a human form.

We have a lot of work to do as far as bolstering our vaccine manufacturing capability within our shores, within our borders. It needs to happen in this country. We need some liability relief to allow that to happen quickly, but we also need to protect and indemnify our first responders.

Those 800 people that came to the Reunion Arena parking lot from the Dallas County Medical Society for Katrina victims may have an entirely different view on the situation if they are being called to come attend a large number of casualties from a disease that might well be an infectious disease that they could catch. They will need to have the availability of anti-virals. We will need to have the availability of vaccines. But if those vaccines are relatively new and untested, we need to have the ability to indemnify those first responders or their families if the first responders are harmed by the vaccines.

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The disease knows no boundaries. It does not respect any Governmental jurisdiction. If it does arrive on the upper part of the North American Continent it will spread through the lower parts to the United States.

Can anyone guess how quickly? Suffice it to say that the conditions are a little bit different here than in Southeast Asia and the Middle East. Containment policies that have been somewhat sporadic would likely be much more effective over here on this continent.

But that is not to say that we could not face a very serious problem. It would be economically disruptive if nothing else if large numbers of the poultry population had to be taken off line. But a very serious potential human tragedy if the virus changes in its ability to infect not just bird populations but humans as well.

But in summary, Madam Speaker, we have got a lot of work ahead of us as far as health care is concerned over the balance of this year. I know that the leadership takes this responsibility very seriously. Certainly I want to make certain that the leadership and indeed every Member of Congress knows that those of us who have a background in health care stand ready and willing to help in this regard.

The concept of affordability of health care is one that I just cannot stress enough, because if we do not attend to the affordability of health care we may end up with a default position that none of us really cares for.

And with that, Madam Speaker, I yield back.

RECESS

The SPEAKER pro tempore (Ms. FOXX). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLE of Oklahoma) at midnight.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–441) on the resolution (H. Res. 783) providing for consideration of the bill (H.R. 4975) Lobbying Accountability and Transparency Act of 2006, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and Thursday, April 27, on account of attending to important personal and business matters.

Mr. GEORGE MILLER of California (at the request of Ms. PELOSI) for today after 5 p.m.

Ms. MOORE of Wisconsin (at the request of Ms. PELOSI) for today.

Ms. ROS-LEHTINEN (at the request of Mr. BOEHNER) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RYAN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today and April 27.

Mr. JONES of North Carolina, for 5 minutes, April 27 and May 2 and 3.

Mr. MACK, for 5 minutes, today.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, April 27.

Mr. BISHOP of Utah, for 5 minutes, April 27.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), under its previous order, the House adjourned until today, April 27, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6980. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Acreage Reports and Noninsured Crop Disaster Assistance Program (RIN: 0560-AG20) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6981. A letter from the Administrator, U.S. Agency for International Development, transmitting a report of a violation of the Antideficiency Act by the U.S. Agency for International Development, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6982. A communication from the President of the United States, transmitting a request for FY 2006 budget amendments for the Army Corp of Engineers; (H. Doc. No. 109–99); to the Committee on Appropriations and ordered to be printed.

6983. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-20, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Thailand for defense articles and services; to the Committee on Armed Services.

6984. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Glen W. Moorhead III, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6985. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Colby M. Broadwater III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6986. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William J. Lennox, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6987. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6988. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2005; to the Committee on Armed Services.

6989. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6990. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel James III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6991. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification of programs that have exceeded the newly defined significant cost growth threshold against their original baseline estimate, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

6992. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2005, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

6993. A letter from the Acting Assistant Deputy Secretary, Office of Innovation and Improvement, Department of Education, transmitting the Department's final rule — Notice of final priorities and eligibility requirements — received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6994. A letter from the Secretary, Department of Energy, transmitting a copy of draft legislation to authorize the Secretary of Energy to use expedited procedures to promulgate rules establishing energy conservation standards; to the Committee on Energy and Commerce.

6995. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Enforcement First" to Ensure Effective Institutional Controls at Superfund Sites; to the Committee on Energy and Commerce.

6996. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2007, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

6997. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-07; Introduction — received January 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6998. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Declassification of National Security Information (RIN: 3095-AB38) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6999. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Records Management; Electronic Mail; Electronic Records; Disposition of Records (RIN: 3095-AB39) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7000. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Internet Communications [Notice 2006-8] received March 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7001. A letter from the Inspector General, U.S. House of Representatives, transmitting the results of an audit of the U.S. House of Representatives' annual financial statements for the year ending December 31, 2004; to the Committee on House Administration.

7002. A letter from the Secretary, Department of the Interior, transmitting the 2005 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

7003. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas Lease Acreage Limitation Exemptions and Reinstatement of Oil and Gas Leases [WO-310-1310-PP-241A] (RIN: 1004-AD83) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7004. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Red-legged Frog, and Special Rule Exemption Associated with Final Listing for Existing Routine Ranching Activities (RIN: 1018-AJ16) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7005. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlfie and Plants; Designation of Critical Habitat for Astragalus lentiginosus var. coachellae (Coachella Valley milk-vetch) (RIN: 1018-AT74) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7006. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Designation for the Kootenai River Population of the White Sturgeon (RIN: 1018-AU47) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7007. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Navarretia fossalis (spreading navarretia) (RIN: 1018-AT86) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7008. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [Docket No. OK-030-FOR] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7009. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Abandoned Mine Land Reclamation Plan [WY-033-FOR] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7010. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Salt Creek Tiger Beetle (Cicindela nevadica lincoliana) (RIN: 1018-AJ13) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7011. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Atriplex coronata var. notarior (San Jacinto Valley crownscale) (RIN: 1018-AJ11) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7012. A letter from the Special Trustee for American Indians, Department of the Interior, transmitting the Department's final rule — American Indian Trust Fund Management Reform Act; Technical Amendments (RIN: 1035-AA05) received March 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7013. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AU05) received March 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7014. A letter from the Assistant Secretary — Land and Mineral Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS) — Minimum Blowout Prevention (BOP) System Requirements for Well-Workover Operations Performed Using Coiled Tubing with the Production Tree in Place (RIN: 1010-AC96) received March 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7015. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants (RIN: 1018-AU06) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7016. A letter from the Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to List the Tibetan Antelope as Endangered Throughout Its Range (RIN: 1018-AF49) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7017. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Brodiaea filifolia (thread-leaved brodiaea) (RIN: 1018-AT75) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7018. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the 2005 Annual Report Regarding Atlantic Highly Migratory Species, pursuant to 16 U.S.C. 971 et seq.; to the Committee on Resources.

7019. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the activities of the Community Relations Service for Fiscal Year 2005, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

7020. A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members [0790-AH73] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7021. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal relating to the statute of limitations for espionage offenses; to the Committee on the Judiciary.

7022. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements [Announcement 2006-22] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7023. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revised Regulations Concerning Disclosure of Relative Values of Optional Forms of Benefit [TD 9256] (RIN: 1545-BD97) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7024. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(l)(2); jointly to the Committees on Government Reform and Ways and Means.

7025. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations," pursuant to Public Law 106-554, section 522(a); jointly to the Committees on Ways and Means and Energy and Commerce.

7026. A letter from the Secretary, Department of Defense, transmitting the annual report on the National Security Education Program (NESP) for 2003 and 2004, pursuant to 50 U.S.C. 1906; jointly to the Committees on Intelligence (Permanent Select) and Education and the Workforce.

7027. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the results of a study of the known and potential environmental effects of gas and oil drilling activities in the Great Lakes; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and Resources.

7028. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2007; jointly to the Committees on Armed Services, Energy and Commerce, the Judiciary, Transportation and Infrastructure, Homeland Security, Ways and Means, Government Reform, Science, Intelligence (Permanent Select), the Budget, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3496. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; with an amendment (Rept. 109-440). Referred to the Committee of the Whole House on the State of the Union.

[Filed on April 27 (legislative day of April 26), 2006]

Mr. DREIER: Committee on Rules. House Resolution 783. Resolution providing for consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes (Rept. 109-441). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. MICA, and Mrs. KELLY):

H.R. 5196. A bill to amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 5197. A bill to amend title 49, United States Code, to extend the aviation war risk insurance program; to the Committee on Transportation and Infrastructure.

By Mr. MANZULLO (for himself and Mr. POMEROY):

H.R. 5198. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified equity investments in certain small businesses; to the Committee on Ways and Means.

By Mr. KIRK (for himself and Mr. LARSEN of Washington):

H.R. 5199. A bill to expand the diplomatic infrastructure and economic competitiveness of the United States in the People's Republic of China, and for the other purposes; to the Committee on International Relations, and in addition to the Committees on Education and the Workforce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Mr. TAYLOR of Mississippi, Mr. GIBBONS, Mr. HAYES, Mr. WILSON of South Carolina, and Mrs. MILLER of Michigan):

H.R. 5200. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself, Mr. GENE GREEN of Texas, Mr. ALLEN, Ms. BALDWIN, Mr. BASS, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BONILLA, Mrs. BONO, Mr. BROWN of Ohio, Mr. BURGESS, Mrs. CAPPS, Mr. CAPUANO, Mr. CASE, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. COSTELLO, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DEGETTE, Mrs. DRAKE, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. FOSSELLA, Mr. GORDON, Ms. GRANGER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. LAHOOD, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEACH, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. MATHESON, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. NADLER, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. OWENS, Mr. PALLONE, Mr. PICKERING, Mr. RANGEL, Mr. ROSS, Mr. REICHERT, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHWARZ of Michigan, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Mr. SIMPSON, Mr. STRICKLAND, Mr. SWEENEY, Mr. TERRY, Mr. TOWNS, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5201. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Energy and Commerce.

By Mr. BRADLEY of New Hampshire (for himself and Mr. FILNER):

H.R. 5202. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. CHABOT:

H.R. 5203. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least $500 to offset the cost of high 2006 gasoline and diesel fuel prices; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. LAHOOD):

H.R. 5204. A bill to designate certain functions as inherently governmental, and for other purposes; to the Committee on Government Reform.

By Mr. FLAKE (for himself and Mr. BARRETT of South Carolina):

H.R. 5205. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. MCNULTY, Mr. CAMP of Michigan, Mr. FITZPATRICK of Pennsylvania, Mr. BUTTERFIELD, Mr. BROWN of Ohio, Mr. SIMMONS, Mr. LIPINSKI, Mr. UDALL of Colorado, Mr. BACHUS, Mr. EHLERS, Mr. MCCOTTER, Mr. HINCHEY, Mr. SWEENEY, Mr. ROGERS of Michigan, Mr. DENT, Mr. DOOLITTLE, Mr. WOLF, Mr. BARTLETT of Maryland, Mr. CARDIN, Mrs. BONO, Mr. FERGUSON, and Mr. WAMP):

H.R. 5206. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 5207. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission (Kiddie Mac) to certify such facilities for such insurance, and for other purposes; to the Committee on Financial Services.

By Mr. NUSSLE (for himself, Mr. LATHAM, Mr. LEACH, Mr. KING of Iowa, Mr. BOSWELL, Mr. OSBORNE, Mr. HULSHOF, Mr. TERRY, and Mr. WELLER):

H.R. 5208. A bill to amend the Internal Revenue Code of 1986 to make permanent certain tax incentives for alternative energy, to amend the Clean Air Act to accelerate the use of renewable fuels, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. GENE GREEN of Texas):

H.R. 5209. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 5210. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in grades kindergarten through grade 12 and to amend title II of the Social Security Act to replace the 60-month period of employment requirement for application of the Government pension offset exemption with the rule that last applied before section 418 of the Social Security Protection Act of 2004 was enacted; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 5211. A bill to improve the quality of life for senior citizens; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Ms. GINNY BROWN-WAITE of Florida, Ms. ROYBAL-ALLARD, Ms. KILPATRICK of Michigan, Mr. DELAHUNT, Mr. CONYERS, Ms. DeLAURO, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. HONDA, Ms. LEE, Mr. MOORE of Kansas, Mr. KUCINICH, Mr. ROTHMAN, Mr. SANDERS, Mr. WEXLER, Mrs. JONES of Ohio, Mr. INSLEE, and Mrs. DAVIS of California):

H.R. 5212. A bill to reduce sexual assault and domestic violence involving members of the armed forces and their family members and partners through enhanced programs of prevention and deterrence, enhanced programs of victims services, and strengthened provisions for prosecution of assailants, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. DeFAZIO, Mr. WU, Ms. HOOLEY, Mr. BLUMENAUER, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. FARR, Mr. COSTA, Ms. WOOLSEY, Mrs. TAUSCHER, Mrs. CAPPS, Ms. ESHOO, Mr. LANTOS, Ms. MATSUI, Mr. CARDOZA, Mr. HONDA, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. STARK, Mr. SHERMAN, Mr. BERMAN, Mr. BACA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. SCHIFF, Mr. BECERRA, Ms. HARMAN, Mr. FILNER, Ms. WATERS, Ms. WATSON, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, and Ms. MILLENDER-McDONALD):

H.R. 5213. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by declining Klamath River salmon and to develop and implement a research and recovery plan for Klamath River salmon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 5214. A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Hugh L. Carey United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 5215. A bill to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East, Brooklyn, New York, as the "Conrad Duberstein United States Bankruptcy Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. MANZULLO (for himself and Mr. RYAN of Ohio):

H. Con. Res. 390. Concurrent resolution expressing the sense of the Congress that, as a matter of economic and national security, the United States Government should protect and support United States currency; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. HONDA, Ms. MILLENDER-McDONALD, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. GEORGE MILLER of California, Mr. SANDERS, Mr. BROWN of Ohio, Mr. DOGGETT, Mr. McGOVERN, Ms. McCOLLUM of Minnesota, Ms. BALDWIN, Mr. McDERMOTT, Mr. BLUMENAUER, Mr. SERRANO, Mr. INSLEE, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. KUCINICH, Mr. CONYERS, Ms. WATSON, Mr. HOLT, Mr. CAPUANO, Mr. HINCHEY, and Mr. OBERSTAR):

H. Con. Res. 391. Concurrent resolution expressing the sense of Congress that the President should not initiate military action against Iran with respect to its nuclear program without first obtaining authorization from Congress; to the Committee on International Relations.

By Mr. WILSON of South Carolina (for himself, Mr. PENCE, Mr. TANCREDO, Mr. CROWLEY, Ms. ROS-LEHTINEN, Ms. McCOLLUM of Minnesota, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. FOLEY, Mr. SOUDER, Mr. BROWN of South Carolina, Mr. DOOLITTLE, Mr. SHAW, Mr. RADANOVICH, Mr. BASS, Mr. McCOTTER, Mr. OWENS, Mr. WAXMAN, Ms. WATSON, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. LoBIONDO, Mr. HIGGINS, Mr. CANTOR, Mr. SCHIFF, Mr. FOSSELLA, Mr. HAYES, Mr. MEEKS of New York, Mr. DAVIS of Kentucky, Mr. GONZALEZ, Mr. HONDA, Mr. VISCLOSKY, Ms. HARRIS, Mrs. MALONEY, Mr. SAXTON, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. DOYLE, Mr. CARTER, Mr. ENGEL, Mr. ISSA, Mr. WEXLER, Mr. SESSIONS, Mr. RYUN of Kansas, Mr. PALLONE, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. CANNON, Mrs. DRAKE, Mr. KING of New York, Mr. SULLIVAN, Mr. BROWN of Ohio, Mr. HENSARLING, Mr. ROYCE, Mr. MILLER of Florida, Mr. CARNAHAN, Mr. FERGUSON, Mr. POMBO, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. McCAUL of Texas, Mrs. DAVIS of California, Mrs. NORTHUP, Miss McMORRIS, Mr. BACA, Mr. KIRK, Mr. GERLACH, Mr. ADERHOLT, Mr. FEENEY, Mr. ROTHMAN, Mr. GALLEGLY, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Ms. LINDA T. SÁNCHEZ of California, Mr. HERGER, Mr. McHENRY, Mr. BERMAN, Mr. MARIO DIAZ-BALART of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Mr. BEAUPREZ, Mr. BACHUS, Mr. SHAYS, Mr. POE, Mr. FRANK of Massachusetts, and Mr. DANIEL E. LUNGREN of California):

H. Con. Res. 392. Concurrent resolution recognizing the 58th anniversary of the independence of the State of Israel; to the Committee on International Relations.

By Mr. CONYERS:

H. Con. Res. 393. Concurrent resolution honoring the African Americans who have served in the Armed Forces; to the Committee on Armed Services.

By Mr. ENGEL (for himself, Mr. DOYLE, and Ms. BALDWIN):

H. Con. Res. 394. Concurrent resolution supporting the goals and ideals of the Day of Silence with respect to discrimination and harassment faced by lesbian, gay, bisexual, and transgender individuals in schools; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN:

H. Res. 778. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mrs. KELLY (for herself, Mr. McDERMOTT, Mr. SHIMKUS, Mr. MOORE of Kansas, Mr. JEFFERSON, and Mr. BRADY of Pennsylvania):

H. Res. 779. A resolution expressing the sense of the House of Representatives with respect to the designation of a National Shaken Baby Syndrome Awareness Week, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. SHAYS, Mr. HONDA, and Mr. UDALL of Colorado):

H. Res. 780. A resolution expressing the sense of the House of Representatives that King Gyanendra should immediately release all political detainees, restore constitutional liberties, and undertake good faith negotiations with all involved parties to restore democracy; to the Committee on International Relations.

By Mr. PORTER (for himself, Mr. HOEKSTRA, Mr. McKEON, Mr. GREEN of Wisconsin, Mr. KIND, and Mr. CASE):

H. Res. 781. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WAMP (for himself, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. AKIN, Mr. CULBERSON, Mr. KUHL of New York, Mr. WESTMORELAND, Ms. FOXX, Mr. WICKER, Mr. GOHMERT, Mr. ISTOOK, Mr. CHABOT, Mr. FRANKS of Arizona, Ms. HART, Mr. SHADEGG, Mr. DOOLITTLE, Mr. CANTOR, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. ADERHOLT, Mr. KING of Iowa, Mr.

MCHENRY, Mr. FEENEY, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. KINGSTON, and Mr. HAYWORTH):

H. Res. 782. A resolution expressing the sense of the House of Representatives that the United Nations Security Council should sanction Iran for its noncompliance with the Nuclear Non-Proliferation Treaty; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mrs. DAVIS of California and Mr. HASTINGS of Florida.

H.R. 202: Mr. TOWNS.

H.R. 414: Mr. HIGGINS, Mr. DOYLE, Mrs. MALONEY, Mr. WELDON of Pennsylvania, and Ms. WASSERMAN SCHULTZ.

H.R. 415: Mr. BISHOP of Georgia, Mr. BOEHLERT, and Mr. VAN HOLLEN.

H.R. 550: Mr. WELDON of Pennsylvania, Mr. MEEKS of New York, and Mr. MCINTYRE.

H.R. 615: Mrs. CUBIN.

H.R. 690: Mr. CLEAVER.

H.R. 752: Mr. TIERNEY, Mr. BACA, Mr. BISHOP of New York, Mr. CASE, and Ms. CORRINE BROWN of Florida.

H.R. 820: Ms. ZOE LOFGREN of California.

H.R. 857: Mr. ROTHMAN and Mrs. KELLY.

H.R. 881: Mr. GORDON and Mr. SWEENEY.

H.R. 884: Mrs. BONO.

H.R. 916: Mr. LIPINSKI and Mr. HOLT.

H.R. 963: Mr. EVANS.

H.R. 968: Mr. MEEHAN and Mr. DAVIS of Illinois.

H.R. 997: Mrs. DRAKE and Mr. BARTON of Texas.

H.R. 1005: Mr. PORTER.

H.R. 1106: Ms. ZOE LOFGREN of California.

H.R. 1186: Mr. BURGESS.

H.R. 1214: Mr. PASTOR.

H.R. 1217: Mr. CARDIN and Mr. PASTOR.

H.R. 1229: Mr. GOHMERT, Mr. MCCOTTER, Mr. BROWN of South Carolina, Mr. DEAL of Georgia, Mr. POE, Mr OXLEY, Mr. HERGER, and Mr. ENGLISH of Pennsylvania.

H.R. 1241: Mr. CLAY.

H.R. 1306: Mr. BARRETT of South Carolina.

H.R. 1370: Mr. CALVERT.

H.R. 1384: Mr. BARROW.

H.R. 1402: Mr. FITZPATRICK of Pennsylvania.

H.R. 1416: Mr. MCNULTY and Mr. JEFFERSON.

H.R. 1429: Mr. RUPPERSBERGER and Mr. RAHALL.

H.R. 1498: Mr. PRICE of North Carolina.

H.R. 1517: Mr. REYNOLDS.

H.R. 1545: Mr. BISHOP of Utah, Mr. WYNN, and Mr. MCDERMOTT.

H.R. 1548: Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Ms. WOOLSEY, Mrs. BONO, and Mr. BILIRAKIS.

H.R. 1554: Mr. VISCLOSKY.

H.R. 1603: Mr. BARROW.

H.R. 1632: Mr. JINDAL.

H.R. 1634: Mr. MANZULLO, Mrs. MYRICK, Mr. RAMSTAD, Mr. CUMMINGS, Mr. PAUL, Miss MCMORRIS, and Mr. MCINTYRE.

H.R. 1687: Mr. HINOJOSA, Ms. MATSUI, and Mr. HOLDEN.

H.R. 1704: Mr. STARK.

H.R. 1792: Mr. CUELLAR.

H.R. 1796: Mr. KIND.

H.R. 1849: Mr. RANGEL, Mr. ACKERMAN, and Mr. MCCOTTER.

H.R. 1994: Mr. FATTAH, Ms. NORTON, and Mr. CLYBURN.

H.R. 2048: Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, Mr. HINCHEY, and Mr. WELDON of Pennsylvania.

H.R. 2193: Mr. BOEHLERT.

H.R. 2231: Mr. GERLACH and Mr. MURTHA.

H.R. 2328: Mr. CAMP of Michigan.

H.R. 2340: Mr. MEEHAN.

H.R. 2389: Mr. GALLEGLY.

H.R. 2421: Mr. RAHALL, Mr. BRADLEY of New Hampshire, Mr. MARSHALL, and Mr. BILIRAKIS.

H.R. 2554: Mr. ABERCROMBIE, Mr. PRICE of North Carolina, Mr. HONDA, Mr. MORAN of Virginia, Mr. COSTELLO, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2642: Mr. ROTHMAN.

H.R. 2671: Mr. CUMMINGS and Mr. LEWIS of Georgia.

H.R. 2683: Mr. BOUCHER.

H.R. 2828: Mr. DEFAZIO.

H.R. 2989: Mr. GILCHREST.

H.R. 3049: Mr. LIPINSKI.

H.R. 3082: Mr. CAMPBELL of California and Mr. PLATTS.

H.R. 3151: Mr. SALAZAR.

H.R. 3159: Mr. SNYDER.

H.R. 3352: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3437: Mrs. KELLY.

H.R. 3476: Mr. CLEAVER and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3616: Mr. LAHOOD.

H.R. 3685: Mrs. EMERSON, Mr. JEFFERSON, Mr. MCGOVERN, Ms. BORDALLO, and Mr. TERRY.

H.R. 3769: Mr. HASTINGS of Florida.

H.R. 3787: Mr. CONYERS.

H.R. 3850: Ms. ROYBAL-ALLARD, Mr. TOM DAVIS of Virginia, and Ms. HERSETH.

H.R. 3858: Ms. LORETTA SANCHEZ of California and Mr. RAHALL.

H.R. 4005: Mrs. MALONEY.

H.R. 4042: Mr. SHAW.

H.R. 4045: Ms. HARRIS.

H.R. 4156: Ms. MOORE of Wisconsin.

H.R. 4166: Mr. BISHOP of Georgia.

H.R. 4178: Mr. STRICKLAND.

H.R. 4190: Mr. DEFAZIO and Mr. BLUMENAUER.

H.R. 4212: Mr. JEFFERSON.

H.R. 4239: Mr. COBLE.

H.R. 4331: Mr. LARSEN of Washington.

H.R. 4341: Mr. KLINE, Mr. BOEHLERT, and Mr. WESTMORELAND.

H.R. 4347: Ms. KILPATRICK of Michigan.

H.R. 4357: Mr. BROWN of Ohio.

H.R. 4371: Mr. MOORE of Kansas.

H.R. 4384: Ms. BERKLEY.

H.R. 4409: Mr. HAYWORTH, Mr. BRADLEY of New Hampshire, Mr. GINGREY, and Mrs. DRAKE.

H.R. 4435: Ms. BERKLEY, Mr. BROWN of Ohio, Mr. LEVIN, and Mr. KIND.

H.R. 4479: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Ms. BERKLEY, and Mrs. CAPPS.

H.R. 4597: Mr. CONAWAY and Mr. SIMMONS.

H.R. 4624: Mr. WU.

H.R. 4641: Mr. PORTER.

H.R. 4672: Mr. MANZULLO.

H.R. 4712: Mr. KUCINICH, Mr. EVANS, Mr. DEFAZIO, and Mr. MOLLOHAN.

H.R. 4716: Mr. BOREN and Mr. HAYWORTH.

H.R. 4739: Mr. KUCINICH.

H.R. 4740: Mr. LARSEN of Washington and Mr. SALAZAR.

H.R. 4749: Mr. RAHALL.

H.R. 4751: Mrs. EMERSON.

H.R. 4755: Mr. GUTIERREZ, Ms. WOOLSEY, Ms. BALDWIN, Ms. NORTON, Mr. SHERWOOD, Mrs. JO ANN DAVIS of Virginia, Ms. KILPATRICK of Michigan, Mr. EDWARDS, Mr. ISRAEL, and Mr. TIAHRT.

H.R. 4759: Mr. CULBERSON, Mr. MCHENRY, Mr. BISHOP of Utah, Mr. POMBO, Mr. BURTON of Indiana, Mr. CARTER, Mr. AKIN, Mrs. CUBIN, Mr. CANNON, Ms. HART, Mr. BONILLA, Mr. CANTOR, and Ms. PRYCE of Ohio.

H.R. 4761: Mr. PAUL, Ms. HART, Mr. SMITH of Texas, and Mr. MELANCON.

H.R. 4790: Ms. HART.

H.R. 4791: Ms. BERKLEY and Mr. MCDERMOTT.

H.R. 4816: Mr. FRANKS of Arizona.

H.R. 4834: Mr. HAYWORTH.

H.R. 4846: Mr. MORAN of Virginia.

H.R. 4857: Mr. PEARCE, Mr. RADANOVICH, and Mr. GOHMERT.

H.R. 4867: Mr. BILIRAKIS.

H.R. 4890: Mr. GOODLATTE.

H.R. 4894: Mr. COLE of Oklahoma and Mr. WELDON of Pennsylvania.

H.R. 4902: Mr. KIND.

H.R. 4903: Ms. HOOLEY, Mr. ALLEN, and Mr. MCDERMOTT.

H.R. 4904: Mr. BROWN of South Carolina, Mr. DEFAZIO, Mr. SMITH of Washington, and Mr. SHERMAN.

H.R. 4922: Mr. MCCOTTER.

H.R. 4953: Mr. GREEN of Wisconsin, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, and Mr. SCHWARZ of Michigan.

H.R. 4954: Mr. GEORGE MILLER of California, Mr. INSLEE, Mrs. CHRISTENSEN, Mr. BISHOP of New York, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. SMITH of New Jersey, Ms. WATSON, Mr. REICHERT, Mr. FOSSELLA, Mrs. DAVIS of California, Mr. ROTHMAN, Mr. TOM DAVIS of Virginia, Mr. KING of New York, Mr. SMITH of Texas, and Mr. MOORE of Kansas.

H.R. 4981: Mr. MARKEY, Mr. HINCHEY, Mr. FORD, and Mr. WALSH.

H.R. 4991: Mr. EVANS.

H.R. 5005: Mr. SHERWOOD.

H.R. 5013: Mr. HERGER and Mr. SHERWOOD.

H.R. 5015: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON, and Mr. BLUMENAUER.

H.R. 5018: Mr. MCGOVERN.

H.R. 5032: Mrs. JO ANN DAVIS of Virginia and Mr. MILLER of Florida.

H.R. 5035: Mr. TOWNS.

H.R. 5051: Mr. LEWIS of Kentucky and Mr. WELDON of Pennsylvania.

H.R. 5052: Ms. SOLIS, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Mr. DOGGETT, and Ms. LEE.

H.R. 5060: Mr. SOUDER, Mr. ENGLISH of Pennsylvania, Mr. GOODE, Mr. HENSARLING, and Mr. MCHUGH.

H.R. 5102: Ms. WOOLSEY.

H.R. 5109: Mr. SIMPSON.

H.R. 5129: Mr. INGLIS of South Carolina, Mr. BARTLETT of Maryland, Mr. MCHENRY, Mr. FEENEY, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. AKIN, Mr. ROHRABACHER, Mr. CULBERSON, Mr. CAMPBELL of California, Mr. KUHL of New York, Mr. WESTMORELAND, Ms. FOXX, Mr. WICKER, Mr. GUTKNECHT, Mr. BRADY of Texas, Mr. CHABOT, Mr. FRANKS of Arizona, Ms. HART, Mr. NEUGEBAUER, Mr. DOOLITTLE, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. KING of Iowa, Mr. FLAKE, Mr. HENSARLING, Mr. PENCE, Mrs. BONO, and Mr. RYAN of Wisconsin.

H.R. 5152: Ms. BERKLEY.

H.R. 5156: Mr. NORWOOD.

H.R. 5159: Mr. SHERWOOD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOLEY and Mr. ROTHMAN.

H.R. 5166: Mr. WAMP, Mr. HEFLEY, Mr. JOHNSON of Illinois, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. KUHL of New York, Mr. ROHRABACHER, Mr. BARRETT of South Carolina, Mr. GOODE, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr.

KING of Iowa, Mr. HERGER, Mr. HOSTETTLER, Mr. TANCREDO, Mr. KINGSTON, Mr. WALSH, Mr. CULBERSON, Mr. TOM DAVIS of Virginia, Mr. JENKINS, Mr. FATTAH, Mr. FORBES, Mr. CRENSHAW, Mrs. KELLY, Mr. MANZULLO, Mr. CAMP of Michigan, Mr. HUNTER, Mr. SULLIVAN, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Ms. GRANGER, and Mr. BONILLA.

H.R. 5180: Ms. BERKLEY.

H. Con. Res. 224: Mr. BROWN of South Carolina.

H. Con. Res. 274: Ms. WOOLSEY.

H. Con. Res. 328: Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. FORTUÑO, Mr. WELLER, Ms. HARRIS, Mr. KENNEDY of Minnesota, Mr. GOHMERT, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 383: Mr. TERRY, Mr. BROWN of South Carolina, Mr. ADERHOLT, Mr. GRIJALVA, Mr. WESTMORELAND, Mr. TOM DAVIS of Virginia, Mr. WELDON of Florida, Mr. HOEKSTRA, Mr. MANZULLO, Mr. SMITH of Texas, Mr. SULLIVAN, Mr. POE, Mr. KINGSTON, Mr. PUTNAM, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. WAMP, Ms. PRYCE of Ohio, Miss MCMORRIS, Mr. KOLBE, Ms. FOXX, Mr. SESSIONS, Mr. BARTLETT of Maryland, Mr. GARRETT of New Jersey, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. BOREN, Mr. HIGGINS, Mr. LIPINSKI, Mr. WAXMAN, Ms. LORETTA SANCHEZ of California, Mrs. BLACKBURN, Mr. KING of Iowa, Mrs. KELLY, Mr. MCHENRY, Mr. SODREL, Mr. REYNOLDS, Mr. ROGERS of Alabama, Mrs. WILSON of New Mexico, Mr. GINGREY, Mr. KELLER, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mr. SHIMKUS, Mr. WICKER, Mr. CHABOT, Mr. FITZPATRICK of Pennsylvania, Mr. WILSON of South Carolina, Mrs. DRAKE, Mr. OSBORNE, Mr. LARSON of Connecticut, Mr. NEUGEBAUER, Mr. WOLF, Mr. FOLEY, AND MR. GOODLATTE.

H. Res. 158: Mr. HOLT, Mr. BROWN of Ohio, Ms. DELAURO, Mr. FITZPATRICK of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. HART, Mr. DOGGETT, Ms. MATSUI, and Mr. ALLEN.

H. Res. 295: Mr. HASTINGS of Florida.

H. Res. 323: Mr. ALEXANDER, Mr. FRANK of Massachusetts, and Mr. MARSHALL.

H. Res. 449: Mr. DICKS.

H. Res. 521: Mr. GEORGE MILLER of California.

H. Res. 638: Mr. BACHUS and Mr. BLUMENAUER.

H. Res. 688: Mr. MELANCON, Mr. PALLONE, Ms. BEAN, Mr. GORDON, Mr. UDALL of Colorado, Mr. POMEROY, Mr. FORD, Mr. HONDA, Mr. SMITH of Washington, and Mr. SALAZAR.

H. Res. 729: Mr. GORDON and Ms. ZOE LOFGREN of California.

H. Res. 753: Mr. BASS, Mr. SCHWARZ of Michigan, Mr. FORTENBERRY, Mr. SNYDER, Mr. BRADLEY of New Hampshire, Mr. THOMPSON of California, Mr. DAVIS of Tennessee, Mr. MELANCON, Mr. BOSWELL, Mr. SALAZAR, Mr. CHANDLER, Mr. BURTON of Indiana, Mr. BLUMENAUER, Mr. INSLEE, Mr. FARR, Ms. BEAN, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MARKEY, Mr. GORDON, Mr. HONDA, Mr. HINCHEY, Ms. SLAUGHTER, Ms. SOLIS, Mr. HASTINGS of Florida, Mr. OBEY, Mr. WU, Mr. DICKS, Mr. TIAHRT, Mr. HOYER, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Ms. BALDWIN, Ms. HOOLEY, Ms. DEGETTE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. BROWN of Ohio, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. WEINER, Mr. BISHOP of New York, Mr. CRAMER, Mr. ENGEL, Mrs. TAUSCHER, Ms. HARMAN, Mr. CARNAHAN, Mr. KIND, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. CARDIN, Mr. KILDEE, Mr. FILNER, Mr. PALLONE, and Mr. GILCHREST.

H. Res. 759: Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. MCGOVERN, Ms. BORDALLO, Mrs. MCCARTHY, Mr. HONDA, Mr. CROWLEY, Mr. FARR, Mr. FATTAH, Mr. ROYCE, Mr. GEORGE MILLER of California, Ms. KILPATRICK of Michigan, Mr. ENGLISH of Pennsylvania, Ms. WATSON, Ms. LEE, Mr. MEEKS of New York, Mr. LEWIS of Georgia, Mr. MILLER of Florida, and Mr. PITTS.

H. Res. 769: Mr. WOLF, Mr. MORAN of Virginia, and Mr. FORBES.

EXTENSIONS OF REMARKS

IN HONOR AND RECOGNITION OF THE COUNCIL ON AMERICAN-ISLAMIC RELATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise in recognition of the Council on American-Islamic Relations (CAIR) whose Cleveland office is hosting its 4th Annual Banquet and Fundraiser on Sunday, April 30, 2006. CAIR is a non-profit, grassroots civil rights and advocacy group and the nation's largest Islamic civil liberties organization, with regional offices nationwide and in Canada. Since its establishment in 1994, CAIR has worked to promote a positive image of Islam and Muslims in America. Through media relations, lobbying, education and advocacy, CAIR puts forth an Islamic perspective to ensure the Muslim voice is represented.

Through its promotion of civil rights, research, education, conferences, seminars, internships, and public events such as the Cleveland chapter's 4th annual banquet, CAIR seeks to empower the American Muslim community and encourage its participation in political and social activism.

Mr. Speaker, I am pleased that CAIR is working nationwide and locally in the Greater Cleveland community to promote civil rights, civil liberties, and free speech and is able to educate the public about these issues by bringing such an outstanding program to the people of Northeast Ohio for their 4th annual banquet.

VICTIMS' RIGHTS WEEK

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to recognize and honor the goals and ideals set forth by the 2006 National Crime Victims' Rights Week taking place April 23 through April 29. The efforts to raise public awareness for—and participation in—the rights and concerns of crime victims in the United States is the noteworthy message advocated by Victims' Rights Week, whose theme this year is "Victims' Rights: Strength in Unity."

Crime is an indiscriminant crisis that impacts all constituencies. This week is one in which all people are encouraged to strengthen the voice of those victims and survivors of crime through involvement in crime prevention, victim assistance, and community safety.

It is not only through my tenure as a former law enforcement officer that I know firsthand the tragedies of crime, but it is also through the knowledge and experiences that people have shared with me.

A member of my staff has been affected by the consequences of crime very recently. Her nieces were victims of a domestic dispute that escalated into an appalling scenario. The criminal shot both his wife and six-year-old daughter in the head before failing in his suicide attempt. He was found guilty of attempted capital murder, injury to a child, and aggravated assault.

The long-term repercussions from this horrifying episode will be felt by all family members for the rest of their lives. The mother and child will live their entire lives with the physical disabilities they incurred, as well as the psychological trauma. The daughter suffers from seizures, and the mother has lost vision in one eye, which remains permanently closed.

To help families and victims through such difficult moments, I am proud to support the observance of Victims' Rights Week, which acknowledges crime victims and upholds their rights. The encouragement of public participation promoted by the Victims' Rights movement will support crime victims and address the impact of crime on communities with a single voice.

I ask the House of Representatives to join me and my fellow Victims' Rights Caucus colleagues today in honoring the observance of this noble cause—which through its advocacy for victims' justice, increased public awareness, and community collaboration has revolutionized American criminal jurisprudence.

TRIBUTE TO COLONEL MICHAEL J. CONRAD, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of Colonel Michael J. Conrad, Jr., who is retiring after serving our Nation's military with distinction for 27 years.

Colonel Conrad received a Bachelor of Science degree from West Point, a Masters of Engineering degree in construction management from the University of Florida, and a Masters of Strategic Studies from the U.S. Army War College. He is a graduate of the Engineer Officer Basic and Advanced Courses, Airborne School, Ranger School, the Combined Arms Services Staff School, the Army Command and General Staff College, the Joint and Combined Staff Officer School, and the U.S. Army War College.

Colonel Conrad has served in many critical positions as an Army Engineer. His Corps of Engineer assignments included serving as a research coordinator at the Corps' Information Technology Laboratory, Waterways Experiment Station, Vicksburg, Mississippi, and as Deputy Area Engineer and Deputy District Engineer with the New Orleans District. He then served as a joint staff officer with the United States Forces Japan at Yokata Air Base, Japan. He served 2 years at the U.S. Army Engineer School, Fort Leonard Wood, Missouri, as the Director of Instruction and the Director of Training. Colonel Conrad deployed to Iraq in 2003 for 6 months and led a multi-functional Corps of Engineers team supporting the United States Agency for International Development. His outstanding service culminated as the Chief of the Programs Division, Office of the Chief, Legislative Liaison.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Michael J. Conrad, Jr., for his service to the United States and will wish him and his family all the best in the days ahead.

TRIBUTE TO MR. LEWIS GOLUB

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take a moment to honor a distinguished constituent of the 20th District of New York; Mr. Lewis Golub. Mr. Golub's tireless contributions to his business, employees, and community are outstanding and have resulted in the formation of a successful company that has benefited many.

Over the past 50 years, Lewis Golub has worked vigorously to develop and support the Golub Corporation/Price Chopper Supermarkets, a large and extremely successful supermarket chain in Northern New York. Yet, Mr. Golub does not limit his efforts to his business. As the Regional Vice Chair of the New York State Business Council, an active member of the Board of Directors of the Saratoga Performing Arts Center, the Empire State College, and the Food Marketing Institute, Mr. Golub plays a pivotal role in many other facets of the community, extending himself to the services of his fellow neighbors. In addition, Mr. Golub has received the Humanitarian of the Year Award from the New York Chiefs of Police, the Arthritis Foundation's Accolade for Community Service, and the Community Service Award from the Interfaith Community of Schenectady, New York. These many awards reflect Mr. Golub's strong commitment to his community. He has distinguished himself through his financial support for his community; there are few who possess the same passion.

Mr. Golub has received numerous awards including, the United Way's CEO of the Year Award and the John J. O'Connor Excellence in Leadership Award, as well as the American Marketing Association's Marketer of the Year

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Award, the New York Capital District Business Review's Executive of the Year Award, and the Capital Region Business Hall of Fame Award, among others. The Golub Corporation/Price Chopper Supermarkets remain a sturdy pillar of business in the Upstate Region of New York.

Mr. Golub's charitable spirit is evident in every aspect of his life. It is through his tenacious character and generous qualities that the community enjoys the services of Mr. Golub. Mr. Speaker, please join me as I recognize the significant life accomplishments of Mr. Lewis Golub and wish him all the best in his bright future. We can all take a chapter from his life and benefit from his example. My Congressional District is better served through the commitment to excellence Mr. Golub demonstrates and our communities are fortunate to call him a neighbor and friend.

THE VOLUME THAT'S MAKING A LOUD NOISE: PEOPLE FLOCK TO HEAR ABOUT 'COVENANT'

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend Tavis Smiley for his publication of a remarkable analysis of the status of Black America, "The Covenant With Black America". Smiley, an instrumental American author, political commentator, and radio talk show host has contributed a great deal to the discussion on the goals of African Americans from fair minimum wage increases to equal and accessible healthcare. Smiley is determined to bring the plight of Blacks to the forefront of the national agenda by convincing African American leaders to embrace it. He introduced the covenant at a leadership conference in Atlanta and it appears to be succeeding in taking the covenant to other cities.

His Covenant with Black America is now number one on the Washington Post best seller list and number two on the New York Times best seller list, an indication of a significant audience for its proposals which is being augmented by the taking of the proposals to audiences in the Black community such as the Shiloh Baptist Church in downtown Washington.

The covenant includes pieces from an array of notable contemporary African Americans including former U.S. Surgeon General David Satcher; Marian Wright Edelman, Angela Glover Blackwell, and Cornel West. The book has African Americans all across the country gathering and discussing Black America as was done with Smiley's presentation at Shiloh Baptist Church in downtown Washington on Thursday, April 7, 2006. Smiley has made many think about their status as he has asked the very pertinent question, "Can we go from moment to momentum to movement?"

Also notable about "The Covenant" is that it is No. 1 on the Washington Post's paperback nonfiction bestseller list. This alone indicates that there are many who are interested in engaging in the discussion of the future of Black America. More than 200,000 copies have been sold since it was published less than two months ago.

I enter into the RECORD an article from the Washington Post entitled "The Volume That's Making a Loud Noise" for the acknowledgment and support of a book with such a profound and straightforward method for tackling the vital issues within the Black community. Now is the time for revitalization in those communities across this nation and the Black community must rise to the occasion.

[From The Washington Post, Apr. 7, 2006]

THE VOLUME THAT'S MAKING A LOUD NOISE: PEOPLE FLOCK TO HEAR ABOUT 'COVENANT'

(By Linton Weeks)

When a book becomes a collection of people, not just pages, we sit up and pay attention.

"The Covenant With Black America," a volume of essays pulled together by omnimedia personality Tavis Smiley, may be doing just that. At No. 1 on The Washington Post's paperback nonfiction bestseller list, "Covenant" is the book of the moment. It's been on the list for four weeks. And it is No. 2 on the upcoming New York Times paperback nonfiction list.

All across the country, many black Americans are gathering, mostly in churches, to hear Smiley spread his gospel of response and responsibility and to buy a bunch of books. The publisher, Third World Press, reports that more than 200,000 copies have sold—at $12 apiece—since "Covenant" was published less than two months ago.

In downtown Washington last night, Smiley's rousing presentation from the lectern of Shiloh Baptist Church is greeted with scores of amens and several standing ovations. Brandishing a copy, he says, "Make black America better, you make all America better."

Funny and self-effacing, Smiley asks the thousand or so people in the pews, "Can we go from moment to momentum to movement?"

The volume could also be titled "The Purpose Driven Community."

"Covenant" is a collection of pieces by notable contemporary African Americans, including former U.S. surgeon general David Satcher; Marian Wright Edelman, founder of the Children's Defense Fund; Angela Glover Blackwell, founder of the think tank PolicyLink; and Cornel West, who teaches religion at Princeton University.

The 250-plus-page book is divided into 10 core chapters, each plumbing a single subject, such as the right to health care, the unequal justice system or the racial digital divide. Arguments are buttressed with statistics and calls to personal and political action. For example, in the chapter on accessing economic prosperity, the book encourages elected officials to "increase the minimum wage to a living wage" and urges individuals to "open and maintain a savings account, no matter what your family's income is."

Smiley, who has written a handful of books and is a regular on public television, is proud that "Covenant" has sold mostly through the traditional African American grapevines of church meetings, talk radio and word of mouth. And that he has bypassed the Great American Buzzmaking Machine.

"We haven't been on 'Oprah'!" he shouts to the crowd. "We haven't been on the 'Today' show! And we haven't been on NPR! That's all black folks," he says about the book's phenomenal rise on the bestseller lists. "Black folks did this."

He uses the success of his book to illustrate the economic and political might of the African American community. He also points out that he chose Third World Press in Chicago, an influential African American publishing house founded in 1967, to publish his book.

"It's selling so fast we can't keep up with demand," says Bennett J. Johnson, vice president of Third World.

Johnson says one of his friends describes the book as "an oasis in the desert" because it is the rare volume that "allows black Americans to view their own interests in an organized fashion, and it provides white America with an articulated version of what black America wants."

This will be "a wedge book," Johnson predicts, that will make book buyers and the publishing industry look at black publishers and writers in a different light.

"'Covenant,' " he adds, "is not a bible. It's not 100 percent right on each issue. But it starts a dialogue."

The book does touch a certain chord with some people. Pamela Johnson, 38, of Upper Marlboro, for instance, who is sitting near an aisle in the church. She heard Smiley talking about his ideas on the Tom Joyner morning radio show. African Americans have to "understand what we have to do to improve our situations," Johnson says. An industrial engineer and a mathematics professor at Strayer University, she is especially interested in the book's emphasis on establishing an equitable system of public education.

Edelman, who is onstage with Smiley, wrote the book's statement of purpose. "Covenant," she writes, "calls on parents, educators, preachers, social service providers, community leaders, and policy-makers to act now and create a brighter future for our children."

The book grew out of several annual State of the Black Union symposiums that Smiley conducted. Contributor Blackwell explains from her home in California that Smiley wanted to take the conversations from those confabs "and harness the intellectual power and the energy."

IN HONOR AND RECOGNITION OF WOMEN'S RIGHTS ACTIVIST BETTY FRIEDAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Betty Friedan, devoted social activist and writer, whose bestseller served to greatly benefit the women's movement. Ms. Friedan was a beloved sister, mother, grandmother, friend and mentor to many, whose activism, talent, and dedication changed the lives of women and sparked one of America's greatest social movements.

After graduating summa cum laude from Smith College in 1942, Ms. Friedan studied psychology for a year at the University of California at Berkeley. Frustrated with inequality in the workplace and women's accepted role as wife and mother, Ms. Friedan directed her passion and energy into her 1963 bestseller "The Feminine Mystique." Her commanding voice and passionate words opened the minds of women and led to substantial positive changes to define their status.

In 1966, Ms. Friedan co-founded the U.S. National Organization for Women, and became its first president. Her strong influence, beliefs, and wisdom laid the foundation for the organization that has grown exponentially to the size it is today. In addition to her vital work with NOW, she was essential in advancing women's rights to privacy, choice, and political participation. In 1979 she led an effort which resulted in women gaining half the delegate strength at the Democratic Party's nominating convention.

Mr. Speaker and colleagues please join me in honor and remembrance of Betty Friedan, whose enthusiasm, devotion, and ability to affect the world with her writing, has served to improve the status and lives of women everywhere. I extend my deepest condolences to her family members and many friends. Betty Friedan's unwavering commitment to change and equality has served to make a difference within the lives of countless individuals, and on history itself. Betty Friedan's legacy of service and revolution will be honored and remembered for all time.

RETIREMENT OF SERGEANT MAJOR MICHAEL DUDLEY, USA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I hope the House will join me today to pay tribute to an exceptional patriot and Non-Commissioned Officer in the United States Army, Sergeant Major Michael Roy Dudley, upon his retirement from active military service.

Sergeant Major Dudley's remarkable career spans over 31 years in the United States Army culminating with his appointment to Principal Announcer of The United States Army Band, "Pershing's Own" and Non-commissioned Officer-in-Charge of the United States Army Chorale.

He was also a producer, performer and announcer for numerous inaugural events for Presidents Carter, Reagan, G.H.W. Bush and Clinton. He was the announcer for the nationally televised September 11 Pentagon Memorial Services on September 11, 2002; internment of the Unknown Soldier from Viet Nam at Arlington National Cemetery; narrative soloist with the Boston Pops Orchestra and the Penn Woods Festival Orchestra at Penn State University for the 2000 National Governors' Conference performing Aaron Copland's "A Lincoln Portrait."

He has been the featured announcer and soloist numerous times for The United States Army Band's concerts at Lincoln Center and Carnegie Hall in New York City from 1993 to the present. Sergeant Major Dudley's talent and professionalism has been instrumental in the flawless performance of these international events.

Other significant performances by Sergeant Major Dudley include: The White House performance for the signing of the peace treaty between Egypt and Israel; featured vocal soloist for Gerald Ford and Friends Gala in Vail, Colorado; White House State Dinners and Christmas receptions (1975-present); numerous performances for the Kennedy Center Honors Program and the July 4, 1976 Bicentennial Concert of the United States with Johnny Cash on the grounds of the Washington Monument.

Sergeant Major Dudley has truly represented The United States Army and The United States of America in an exemplary manner which was quintessential to the overwhelming success of these very important events in the history of our nation. This soldier is the recipient of the United States Armed Forces Legion of Merit award for exceptionally meritorious conduct in his performance of outstanding service to this country.

He has established a renowned reputation both nationally and globally as a musical ambassador of goodwill. I ask my colleagues to join me today to thank Sergeant Major Dudley, his wife, Mary Lou, and his entire family for the commitment, sacrifice, and contribution that they have made throughout his honorable military career.

IN MEMORY OF THE HONORABLE JOHN J. POLLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of Representatives of the passing of my friend, the Honorable John J. Pollard of Lexington, Missouri. He was 96.

Judge Pollard was born on November 14, 1909, in Lexington, Missouri. After he graduated from Lexington High School in 1928, Judge Pollard worked various odd jobs. Judge Pollard was offered a special commission as deputy constable in 1931 and began, like his father before him, a lifelong career in law enforcement. In 1934, he was appointed deputy sheriff, designated the court bailiff, and moonlighted as a city fireman.

Judge Pollard married Genevieve Bray on January 11, 1936. That same year, Judge Pollard first campaigned for public office and was elected Constable. Judge Pollard was elected Constable twice more; in 1938 and again in 1940. He also continued as deputy sheriff until 1940.

In the fall of 1940, a conversation with Senator Harry S. Truman from Independence, Missouri, led to a position as one of the very first members of a security force being established at the new Lake City Ordinance Plant. Shortly after Judge Pollard was hired as a dispatcher and firearms inspector, war was declared. During World War II, the ammunition plant would reach a high of 23,000 employees, 600 of whom were on the security force. After World War II officially ended on September 2, 1945, Judge Pollard received a special "Certificate of Meritorious Conduct" from the United States Army, recognizing his service to the war effort.

Judge Pollard was the only security man kept on staff after the Lake City Ordinance Plant closed a month after the war. When the plant reopened in 1949, Judge Pollard was made Chief of Security. When the Korean Conflict began in 1950, the plant once again aided in the war effort and Judge Pollard, as head of security, held the military rank equivalent of Colonel. Before retiring in 1974, Judge Pollard attended a 40-hour course in shooting at the FBI Academy; completed the MP School of the Army at Fort Gordon, Georgia; and graduated from the U.S. Army Intelligence School. He also took courses in industrial security management, effective speaking, human relations, communications, and job relations.

In 1978, Judge Pollard was elected to the office of Municipal Judge of Lexington. When the legal qualifications to hold the office changed a year later, he was in the first group of judges to take the Supreme Court's mandatory test for Municipal Judges. His background in law enforcement served him well and he easily passed the test. He was held in high esteem by the local lawyers and was invited to become an ex-officio member of the Lafayette County Bar, a high honor for a non-lawyer. Judge Pollard resigned from office on May 30, 1989, having served for eleven years and one month.

Mr. Speaker, Judge John J. Pollard was more than a civil servant, he was a true friend. He is survived by his son Jack Pollard; Jack's wife Beth; one brother, Dale Pollard; and two grandchildren. He will be missed and I know the members of the House will join me in extending heartfelt condolences to his loved ones.

TRIBUTE TO JOHN J. SANVIDGE

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to honor and pay tribute to the late John J. Sanvidge, a dedicated and loyal public servant, and one of my outstanding constituents from the 20th District of New York. His professional and personal achievements are numerous and varied, and have positively shaped the lives of many in my District.

Throughout his life John worked to protect the people of his community and nation. He courageously defended our country in the European Theatre of World War II, while serving in the U.S. Navy. Locally, he was an advocate for the citizens of the 20th District through his service as Commissioner of Public Safety for the city of Troy, and while serving as Director of Civil Defense for Rensselaer County. John also worked to help those less fortunate. For over 50 years, the John J. Sanvidge Funeral Home, Inc., founded by John, has helped countless citizens of Renssealear, Albany, and Saratoga counties cope with some of the most difficult times in their life. He served as chairman of the Rensselaer County Muscular Dystrophy Association Drive and was influential in the first Jerry Lewis Telethon in New York City. John was an active member of his community as a member of the CSEA, Veteran of Foreign Affairs Post 8764, the Tibbits Cadets of Troy and the American Legion.

It is my privilege to honor such a dedicated member of my district. The selfless work of individuals like John Sanvidge constitutes the foundation of good citizenship and embodies true American values. The residents of my district have benefited from the efforts and achievements of John J. Sanvidge. I thank him for his contribution to our community and our Nation.

REVEREND AL'S NEW FLOCK—SHARPTON NURTURES UP-AND-COMING ACTIVISTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge the Reverend Al Sharpton for his continued encouragement of black youths in America to rise up and join the struggle against poverty, low performing schools, corruption and other ills that plague many of our inner cities across this nation. The Reverend believes that the time is now for new blood with new and exciting ideas to speak up and become participants in the issues that directly influence their livelihood.

Sharpton is trying to train today's inner city youth on how to become leaders just as he was trained so many years ago. Reverend Al Sharpton was best known as the "Wonder Boy" in his youth. He was also known as the one who began delivering sermons at the Washington Temple Church in Brooklyn as a first-grader. Later at age 10, Sharpton preached a sermon before 10,000 people at the World's Fair. During this time, Sharpton was a teenager and had attracted the attention of the late Representative Adam Clayton Powell becoming part of the Harlem congressman's entourage.

Sharpton held his annual National Action Network meeting in New York this past week and in attendance were many of his up-and-comers who will likely be running cities and other municipalities along with Congress before long. The list includes Yaphet El-Amin who became the first female Muslim to hold state office in Missouri when she was elected in 2002. There is also Alicia Reece, a member in Sharpton's organization who is considered a rising star, and then there is the Reverend Jarrett Maupin, a 17 year-old from Phoenix, Arizona who is now Sharpton's youth director. Maupin made an unsuccessful bid for the Phoenix City Council, yet he retains the spirit and desire to run for his school board this year.

I enter into the Record an article published in the New York Daily News on Friday April 7, 2006 entitled, "Reverend Al's new flock", for highlighting the importance of implementing forms of community mentoring. As members of the old guard grow older, the time is now for the youth in our nation to stand up as we hand them their futures. More people need to take the time to do the same and encourage the leaders of tomorrow to rightfully take their place in society.

Reverend Al's New Flock

(By Errol Louis)

Here in New York, the Rev. Al Sharpton tends to be seen as a perennial political outsider and gadfly—his detractors inevitably dismiss him as a publicity-seeking hustler—but that cynical, out-of-date view ignores the impressive political network Sharpton has diligently been building from coast to coast.

In a dozen or so black communities where elders tend to monopolize leadership of the churches, schools, civic groups, political clubs and other key institutions, Sharpton has been busy grooming young, ambitious candidates for office.

By playing the role of mentor, promoter and fund-raiser, Sharpton does what many shortsighted black politicians refuse to do: actively encourage youngsters to join the struggle against poverty, broken schools, corruption and other inner-city ills.

Sharpton's approach should be copied by pols in communities where new blood and new ideas are desperately needed.

A batch of hopefuls from Generation Al—many of whom were in New York City this week for the annual meeting of Sharpton's National Action Network—has been particularly active lately. The list includes Yaphet El-Amin, a 35-year-old from St. Louis who became the first female Muslim to hold state office in Missouri when voters elected her to the legislature in 2002. She is running for state Senate this year.

Alicia Reece, an officer in Sharpton's organization who served as vice mayor of Cincinnati and lost a race for mayor last year, is considered a rising star. Brooklyn's own Kirsten Foy, one of Sharpton's staff members, is running for a district leadership in Crown Heights this fall.

And then there's the Rev. Jarrett Maupin, Sharpton's national youth director.

The 17-year-old from Phoenix, a college freshman who has been preaching since he was 10, is so much a Sharpton clone that he wears his hair in the same trademark conked-out style.

"I had my hair like this before I met Rev. Sharpton, but after I met him I decided to keep it," says Maupin. "It's a power look."

Maupin made an unsuccessful bid for the Phoenix City Council last year and plans to mount a run for school board this year.

Sharpton not only holds fund-raisers and stumps for his proteges, he freely connects them to political heavy-hitters. This morning, for instance, they will be meeting with Sen. John Kerry (D-Mass.), who is set to give a breakfast talk to Sharpton's group.

The reverend's interest in grooming young leaders dates to his own background as the Wonder Boy, a prodigy who began delivering sermons in Brooklyn's Washington Temple Church as a first-grader.

At age 10, Sharpton preached a sermon before 10,000 at the World's Fair. By the time he was a teenager, Sharpton had attracted the attention of the late Rep. Adam Clayton Powell, becoming part of the Harlem congressman's entourage. Whenever Powell came to town, he'd ask for "the kid."

Sharpton's decision to pass along the sort of mentoring he received stands in stark contrast to the way black politicians in New York and elsewhere cling to office for decades on end, passing their seats to relatives like heirlooms and doing everything in their power to drive newcomers away. But while the old guard gets older, Sharpton—who's mulling another run for President in 2008—is smartly playing the odds, collecting friends, fans and favors among a network of up-and-comers who will likely be running cities, states and Congress before long.

The reverend won't just have powerful friends. To the consternation of his enemies, he'll also get the last laugh.

IN HONOR OF THE THIRTY-FIRST ANNIVERSARY OF THE OLD BROOKLYN COMMUNITY DEVELOPMENT CORPORATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Old Brooklyn Community Development Corporation (OBCDC), whose leaders, staff and members have uplifted, restored and energized all aspects of Cleveland's Old Brooklyn and Brooklyn Centre neighborhoods for thirty-one years.

The OBCDC, a non-profit community organization, was formed in 1975 by a small group of concerned citizens and business owners who set out to protect their neighborhood from falling into decline. The initial vision and effort, one that spans 31 years, was a united one, bringing together civic, religious, government and neighborhood and private business leaders to the table to begin the work of uplifting a neighborhood.

Beyond historic preservation, neighborhood revitalization and housing and commercial redevelopment programs and projects, the OBCDC has initiated numerous programs and services for residents and business owners, including the Old Brooklyn News. This award-winning monthly newspaper was established by the OBCDC in 1978 and still exists as a vital instrument of communication throughout the neighborhood. Another significant agency that sprung from the early work of the OBCDC includes Senior Citizen Resources, Inc. (SCR), a senior support organization that evolved from senior services provided by the OBCDC. The treasure of the neighborhood, the Benjamin Franklin Community Gardens, managed by the OBCDC, has attracted gardeners from all over the county for the past 26 growing seasons.

Mr. Speaker and Colleagues, please join me in honor and recognition of the members, staff and leaders, past and present, of the Old Brooklyn Community Development Corporation. Their collective dedication, vision, volunteerism and work on behalf of all residents has served to preserve the historic integrity of the neighborhood, promote new commercial growth and maintain a healthy living environment for residents, young and old, throughout Old Brooklyn and Brooklyn Centre, thereby strengthening the foundation of our entire Cleveland community.

THE FLOUR BLUFF NJROTC CHAMPIONSHIP

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to commend and congratulate South Texas' Flour Bluff High School's Navy Junior ROTC on winning their 10th consecutive Navy National Championship. These cadets have earned the state championship for the past 12 years and this year's victory marks their extraordinary 10th straight win in the national competition.

This year they placed first in armed drill exhibition, academics, unit inspection, and overall drill. This is a group that sincerely enjoys the challenging intricacies of competition.

Flour Bluff's NJROTC's unparalleled record comes from their ability to inspire future participants with their pride and dedication to excellence. They function like a family—always helping and learning from one another. Through the team's support and collaboration, they carry away memorable victories and lifelong friendships.

These cadets' discipline and enthusiastic dedication enhance their natural talent. Such sacrifice and practice are indicative of our nation's military future, an opportunity many of these young people seek. They are indeed our best and brightest, and I am so proud of all of them.

In high school competitions, as in life, the path to success requires hard work and an eager spirit. Competitions teach today's youth about teamwork and common effort, the fundamental components of life and work.

Year after year, the Flour Bluff cadets continue to bring distinction to their school and bring hope for the future of America. Their skill, perseverance, and commitment to quality are an exemplary representation of what South Texas has to offer.

These are the cadets who earned Flour Bluff's 10th consecutive Navy National Championship: Adrian Altamirano, Sade Auzenne, Arielle Carchidi, Sara Carmony, Leslie Cox, Dirk de Haan, Valerie Dimalanta, Miranda Edson, Julisa Ellerbe, Tomas Falkenberg, Deon Farmer, Devin Galindo, Melinda Garibay, Pancho Gonzales, Tyler Grant, David Guillen, Caz Haas, Jonathan Hada, Gustavo Hernandez, Josef Horn, Matthew Horn, William Joyce, Cassandra Leal, Gilbert Lozano, Ellysa Luehrs, Conor Morrison, Steven Murawski, Ruby Neisser, Amielyn Nillo, Danielle Pletcher, Rudy Ponce, Roxanne Reeder, Daniel Samuelson, Rafaelle Sheehan, Jaclyn Stewart, Tanis Thompson, Tempestt Thompson, Tyler Warren, Eric Webb, and Jeremiah Widder.

The coaches who led them to victory are CDR Armando R. Solis and assistants HMCS Lee Holloway and SKI David Pitts.

I ask the House of Representatives to join me today in recognizing these young champions who know first hand how to compete and win graciously. Mr. Speaker, these young students have inspired us to continually strive for success.

IN HONOR OF THE RELATIONSHIP BETWEEN MONTEREY BAY AND MINAMIBOSO OF THE BOSO PENINSULA OF JAPAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. FARR. Mr. Speaker, Ms. ESHOO and I rise today to honor the 109th Anniversary of the Abalone Connection, a treasured connection between two Pacific regions, the Monterey Bay and Minamiboso of the Boso Peninsula of Japan. Both regions are centrally located on the Pacific Coasts of their respective regions and share not only the beautiful scenery of the Pacific Rim, but also the abalone fishing culture and the business that developed because of the abundant marine life found in the sea along their coastlines.

In 1897, Gennosuke and Nakajiro Kodani of Minamiboso, and Alexander M. Allan of Monterey partnered to create the first successful deep-water abalone diving business in the East Pacific. Mr. Allan firmly defended his Japanese partners and employees through the tense period of anti-Japanese sentiment in California during the early part of the 20th century.

Their partnership brought a steady stream of highly skilled Minamiboso abalone divers back and forth across the Pacific, bringing Japanese technology and culture to the Monterey Bay Region and taking back American culture to Japan.

Furthering the connection between Monterey Bay and Japan, in the 1990s, historians on both sides of the Pacific began reconnecting the ties between the Monterey Bay Region and Minamiboso that were interrupted by World War II.

In recognition of these connections, on September 3, 2005, the citizens of the Boso Peninsula held a Symposium, titled "A Bridge Across the Pacific: The Spirit Connecting the Southern Boso Peninsula and Monterey Bay, California," which was dedicated to "giving a peaceful world to our children". It exemplified the ongoing historic relationship of cooperation begun by the Gennosuke and Nakajiro Kodani and Alexander M. Allan.

Inspired by the Boso Peninsula Symposium, a group of Monterey Bay Region residents decided to hold a similar celebration in Monterey, California to celebrate the 109th anniversary of the connections between the Boso Peninsula and the Monterey Bay Region, as well as the contributions made by the citizens of each region to the history of the other.

Mr. Speaker, we're proud to honor the Abalone Connection as it celebrates its 109th anniversary. After more than a century, the Abalone Connection remains a source of pride for the Monterey Bay Region.

TRIBUTE TO STEVE LUKENS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor Steve Lukens, Assistant Principal at R.O. Hawkins Junior High School in Jackson, Missouri. Recently, Mr. Lukens announced his retirement after 31 years of distinguished service in Missouri's Public Schools.

Mr. Lukens was born on June 23, 1947, to Harry and Ella Lukens in St. Louis, Missouri. Upon graduation from high school he joined the U.S. Navy and served as an air traffic controller from 1967 until 1972. After his honorable discharge, Mr. Lukens pursued a degree in education from Southeast Missouri State University, which is also where he met his future wife, Ellen. Upon graduation from the Southeast Missouri State, he commenced what would be a long and laudable career in education.

Mr. Lukens has dedicated his life to public education over the past 31 years. He embarked on his teaching career in the Cape Girardeau, Missouri, public school system, where he served as a language arts teacher for 21 years. Throughout his time in the Cape Girardeau Public Schools, he served in several capacities for many extracurricular activities, including sponsor of the Red Dagger Club and set director for theatric productions. In order to play an active role in the lives of even more students, Mr. Lukens pursued a position in school administration.

In 1996, Mr. Lukens accepted a position as Assistant Principal at R.O. Hawkins Junior High School and has served the school in this capacity for the past ten years. During his tenure, Mr. Lukens has overseen several massive construction projects to the school, a growing student population, and the everyday challenges associated with the instruction of adolescents. As the faces change every year in the halls of R.O. Hawkins Junior High, Mr. Lukens' dedication to education and cultivating the leaders of tomorrow remains a constant. To the students of R.O. Hawkins Junior High, Mr. Lukens is more than just a school administrator, he is a friend and mentor.

Although Mr. Lukens has led an exemplary career in education, it would not have been possible without the love and support of his family. Mr. Lukens' wonderful wife, Ellen, and two loving children, Jennie and Laura, undoubtedly enhanced his ability to change the lives of area youth. As I commend Mr. Lukens, I also recognize the efforts of his family to further his career. I once again congratulate Mr. Lukens on a successful career in education and wish him well in all his future endeavors.

IN HONOR OF THE VIETNAMESE COMMUNITY OF CLEVELAND AND THE 31ST ANNIVERSARY OF THE FALL OF SAIGON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance and recognition of the 31st Anniversary of the Fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America.

On April 30, 1975, the ancient city of Saigon fell to the conquest of communist troops. This action solidified the communist takeover of South Vietnam. Thirty-one years later, I rise to honor the memory and sacrifice of the hundreds of thousands of American soldiers, South Vietnamese soldiers and civilians who made the ultimate sacrifice in the name of liberty.

Despite the takeover and the Communist rule that followed, the culture, spirit and hope reflected by the Vietnamese people remained steadfast. After the fall of Saigon, thousands of Vietnamese, determined to rebuild their lives, began a treacherous exodus out of Vietnam. Their daring escape was on foot, through thick jungles and over jagged mountains. They escaped by boat, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Mr. Speaker and Colleagues, please join me to honor and remember the hundreds of thousands of men and women who struggle for peace and freedom, then and now. We also honor agencies and churches such as The Vietnamese Community of Greater Cleveland and St. Helena Catholic Church, which offer a haven of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland and across America, yet remains forever connected to its ancient cultural and historical traditions that spiral back throughout the centuries, connecting the old world to the new, spanning oceans and borders in the ageless quest for peace—from Vietnam to America.

THE PORTER COWBOYS' 5A SOCCER TITLE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Porter Cowboys, winners of the University Interscholastic League Class 5A boys' soccer state championship. These young players came painstakingly close to defeat, but rose to victory in a 2–1 double-overtime win, earning Brownsville's first 5A state championship, and the pride of South Texas.

The Cowboys came back from a 1–0 deficit against the highly regarded team of Coppell in a match that went to two 10-minute overtime periods. The agility and perseverance of this team gained the recognition of even the rival coach who could not deny the heart the Cowboys put forth.

Less than a minute later, Porter tied up the game 1–1, after Coppell's only goal. The winning shot scored with 3:42 left on the stadium scoreboard, leaving the Cowboys' solid defense squad to protect the lead. The team left it all on the field to earn the Rio Grande Valley's first 5A title in soccer.

With such dedicated players and skilled coaching, it seems only right that their remarkable qualities led them to this year's championship. Their triumph is significant to both the team and their fans because it tells the story of how the road to victory is paved by those who never give up.

The Cowboys' success comes from sheer persistence and true teamwork. These young men have learned the supreme principles of both sports and life. They have experienced that winning is great but success is sweeter when teamwork and faith defy expectations and confront challenge.

These are the young champions: Eric Chapa, Edgar Sanchez, Aldo Sierra, Juan Razo, Jose Alvarado, Peter Ruiz, Victor Vela, Cristian Sierra, Wilfredo Fernandez, Edgar Acuna, Jorge Briones, Jovanny Briones, Alex Lara, Humberto Lopez, Gerardo Herrera, Mario Perez, Gerardo Martinez, Diego Rodriguez, Michael Cedillo, Angel Cardenas, Jesus Sanchez, Miguel Vasquez, Jose Mojica, Jorge Gandara, Abpsa Cardenas, Jose Sosa, and Abel Perez.

The coaches who led them to victory are Luis Zarate, Arturo A. Puig Jr., Pedro Valdez, and Miguel Marroquin.

I congratulate the Porter Cowboys who through their unwavering endurance and determination have brought great pride and joy to all of South Texas. I ask the House of Representatives to join me today in commending this outstanding band of champions who have learned the most important lessons of competition, faith, and commitment. Mr. Speaker, these young men have inspired us and made us exceptionally proud.

COMMENDING APSEA ON THEIR SUCCESS AND ANNUAL DINNER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Ms. MATSUI. Mr. Speaker, I rise in tribute to California's Asian Pacific State Employees Association as they celebrate their 31st anniversary and honor two of Sacramento's most outstanding citizens. Genevieve Shiroma will receive the President's Award for her distinguished career and advocacy in support the Asian Pacific Islander community and Raynor Tsuneyoshi will be honored with the Members Award for his dedication to APSEA and State employees. I ask all my colleagues to join me in saluting the Asian Pacific State Employees Association, as well as Ms. Shiroma and Mr. Tsuneyoshi for their accomplishments.

The Asian Pacific State Employees Association, formerly known as the Asian State Employees Association, was founded in 1975 for the purpose of working toward achieving equal opportunity within the State work force through professional development and community empowerment. The Association's vision is one of Asian Pacific State employee serving, enhancing, and leading State government agencies and their community.

Objectives adopted by the Association include advocating for Asian Pacific Islander State employee interests; providing an Asian Pacific network for its members and employers; advancing personal and professional development of its membership; consulting with members facing adverse action or other employment problems; working with the community to promote career opportunities, professionalism, cultural pride, self-esteem, and citizenship; and providing services and interchange with community, academic, and business groups.

Benefits and services offered by the Association include employee development, networking, scholarship opportunities, communications, and celebration of Asian Pacific contributions. At present time, the Asian Pacific State Employees Association has over 1,000 members statewide and includes chapters in the Southern, Central Valley, and Bay Area. Officers frequently serve on legislative fact-finding committees, and provide testimony before the legislative committees regarding advocacy and affirmative action policies.

I also would like to acknowledge and congratulate APSEA's special honorees. Through her work at the Agricultural Labor Relations Board and California Air Resources Board, Genevieve has constantly advocated for policies that benefit all Californians. In Sacramento, she continues to make her mark as a civic leader by working with numerous non-profits and currently serves as president of the Sacramento Metropolitan Utility District's Board of Directors. Ray Tsuneyoshi is the director of the California Department of Boating and Waterways and serves on the National Boating Safety Advisory Council. He is known by many as one who all State employees can turn to for assistance.

Mr. Speaker, the Asian Pacific State Employees Association has evolved into a leading organization within the State, a dynamic force striving to improve the quality of life of its members and the general community. I am confident that Asian Pacific State Employees Association will continue to do great work and yield tremendous benefits to the Asian Pacific Islander State workers of California. I ask all my colleagues to join me in wishing the Asian Pacific State Employees Association continued success in the future.

HONORING THE LIFE OF PHILIP THORNTON HAIRE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of Philip Thornton Haire, a very good friend and a beloved figure in Clewiston, Florida and the surrounding Glades area.

Phil led a remarkable life. As a marine in World War II, he fought in the Pacific Theater, winning a Bronze Star and a Purple Heart. Following his military service, Phil began a career as a radio sales executive working throughout the West and Midwest. In 1950, he moved to the Glades area, where he began his long association with radio station WSWN, known as "Sugar 900." In addition to his duties in sales, he became a sports announcer, copywriter, and eventually, Vice President and General Manager.

Phil Haire was an honest, decent man who always had a smile and a kind word for people he met. He was loved and respected throughout the Glades area. Phil truly left his mark on his community and on everyone who knew him. We will all miss him greatly.

On behalf of the Members of the House of Representatives, I would like to pass along our deepest condolences to Phil's family, friends, and loved ones.

IN HONOR OF OFFICER CARTER JONES, RESERVE OFFICER SCOTT CHRISTIE, AND DEPUTY STEFAN FISH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the exceptional courage demonstrated by Officer Carter Jones, Reserve Officer Scott Christie, and Deputy Stefan Fish on February 2, 2006. The circumstance in which this heroic act was carried out is indeed incredible and it is my privilege to honor the selfless actions these officers performed.

On February 2, 2006, these three individuals assisted in a pursuit of a wanted parolee trying to evade arrest. The wanted parolee was driving a stolen vehicle and had an extensive criminal history, including weapon and narcotic violations.

Officer Jones and Reserve Officer Christie pursued the suspect as he dangerously attempted to evade arrest. Eventually the suspect crashed head-on into another vehicle, engulfing it in flames and pinning his own vehicle against the victim's car.

The suspect had managed to escape from his vehicle and attempted to flee on foot. The initial officers on the scene physically apprehended the suspect, despite his continued efforts to resist their arrest. They removed the suspect from the area due to the intense heat of the burning vehicle, only to return moments later to rescue the victims. Deputy Fish attempted to open the victim's cars doors but could not due to its precarious position. As smoke quickly filled the car, Deputy Fish used his baton to smash the rear window. Immediately, Deputy Fish, Officer Jones, and Reserve Officer Christie rushed in and successfully evacuated two children; a 7-year-old girl and her 5-year-old sister; and two adults.

Mr. Speaker, Officer Jones, Reserve Officer Christie, and Deputy Fish risked their lives to rescue four innocent people. Without their quick response under extreme emergency conditions, this incident could have turned deadly. Their exceptional efforts are admirable and I applaud them for their courage and dedication under pressure.

THE MILITARY DOMESTIC AND SEXUAL VIOLENCE RESPONSE ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Ms. SLAUGHTER. Mr. Speaker, today, I am proud to introduce the Military Domestic and Sexual Violence Response Act. This important piece of legislation will ensure greater protections for service members and their families if they become victims of violence. It also will strengthen programs to prevent violence against fellow soldiers and military families.

Unfortunately, sexual assault and domestic violence are pervasive and serious problems throughout all branches of the military. In March 2006, the Department of Defense (DoD) released their second annual sexual assault report, which stated that there were 2,374 allegations of sexual assaults reported in 2005; this is up from 1,700 the previous year. In 2004, the DoD reported 9,000 incidents of spousal abuse. A 2005 Sexual Harassment and Assault Survey of the Service Academies found 6 percent of females and 1 percent of males said they were sexually assaulted in 2004–2005, and less than half the females who experienced sexual assault reported it. In this same survey, 60 percent of female cadets indicated sexual harassment was about the same as when they first enrolled at their academy.

While the DoD has been making efforts to improve its prevention and response to domestic and sexual violence, victim services remain incomplete and inconsistent among the various branches. There have been reports that victims advocates, charged with protecting the victim's rights, have been denied resources to do their job, and in some instances been forced off the base all together. Furthermore, DoD policies are not codified in the Uniform Code of Military Justice (UCMJ) and do not offer the same level of rights and protections afforded to civilian victims. Perhaps most importantly, victims are unable to seek confidential counseling and treatment without fear that their records might become public if they press charges against their assailant.

My bill, the Military Domestic and Sexual Violence Response Act, seeks to bring military law up to par with civilian laws by establishing a comprehensive approach for the military to address domestic violence and sexual assault among our soldiers. Specifically, this bill will:

Establish an Office of Victims Advocate (OVA) within DoD, bring the Family Advocacy Program under OVA, and create a Director of OVA to oversee and coordinate efforts to prevent and respond to cases of family violence, domestic violence, sexual assault, and stalking with the military and among military families;

Codify rights, restitution policies, treatment and other services for victims within the UCMJ, including creating comprehensive confidentiality protocols to protect the rights of victims within military law;

Strengthen policies for reporting, prosecuting and treating perpetrators of violence; and

Create counseling and treatment programs through the Department of Veterans Affairs.

The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of servicemen and women, or military family members, victimized by sexual assault and domestic violence. Our Armed Forces must be able to guarantee the most basic protedtions to ensure these victims can receive necessary counseling, treatment, and justice.

If a victim cannot access essential care for fear of stigma, public embarrassment, threats to their career, or because they just do not know what resources are available, the military will continue to lose valuable female and male soldiers. These service members put themselves in harms way to protect us and our Nation from threats at home and abroad. They should not be given lesser rights and protections than the civilians whose freedoms they protect. My bill ensures they are adequately protected when dealing with the horrible tragedy of sexual assault or domestic violence.

Do not allow our brave service members to be victimized twice, once by their perpetrator and then again by the military's lack of appropriate, compassionate, and confidential treatment and response.

Mr. Speaker, I encourage all Members to join me in cosponsoring the Military Domestic and Sexual Violence Response Act.

RECOGNIZING REVEREND JOHN H. ROUSE, ON THE OCCASION OF HIS 51ST ANNIVERSARY OF SERVICE IN THE MINISTRY AND 31ST ANNIVERSARY AS PASTOR OF THE MOUNT ZION MISSIONARY BAPTIST CHURCH IN EAST ST. LOUIS, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Reverend John H. Rouse, of the Mount Zion Missionary Baptist Church, in East St. Louis, Illinois, on the occasion of his 51st anniversary of service in the ministry and 31st anniversary as Pastor of Mt. Zion.

John Rouse is the son of Dr. W.B. and Evelyn Rouse. A native of Nashville, Tennessee, Rev. Rouse graduated with honors from Lincoln High School in East St. Louis, Illinois. Even though he was the president of his graduating class, Rev. Rouse was once counseled at Lincoln High School to compromise his ambition and settle for employment that did not require public speaking. How fortunate for all those who have benefited from his years of ministry that Rev. Rouse did not follow that advice.

Rev. Rouse began his formal ministry at the First Ward Baptist Church, in Clarksville, Tennessee, where he was pastor until 1970. During his time in Tennessee, Rev. Rouse continued his extensive education at American Baptist Seminary and College of the Bible, Tennessee State University, Austin Peay State University and George Peabody College.

Also during his years in Tennessee, Rev. Rouse became very involved in the civil rights struggle. His work to end segregation in Tennessee and later in Henderson, Kentucky has continued throughout his years of ministry as he has been a constant champion of civil rights and social justice.

It was through activities as a member of the NAACP that Rev. Rouse met Mary G. Avent, who would become his wife and mother of their four children.

In 1975, Rev. Rouse returned to East St. Louis to begin his pastorate at Mount Zion Missionary Baptist Church where he still serves as pastor today. While at Mt. Zion, Rev. Rouse has expanded his ministry to include Mt. Zion Baptist Mission East, as well as a community-based prison ministry. In addition to their own four children, Rev. and Mrs. Rouse have taken in a number of foster children and opened their hearts and helping hands to many within their congregation.

While Rev. Rouse has built an impressive congregation in East St. Louis, he has extended his ministry through speaking engagements, workshops and revivals across the country and as far away as Seoul, South Korea. Rev. Rouse has officiated at over 2,000 weddings and over 5,000 funerals. He has served on governing boards and commissions serving the church, education, government and community.

Rev. Rouse has traveled far and wide in his service to the Lord. He has also been a teacher, coach and funeral director. He has built congregations and mentored others in their quest to become ministers. The good work that he has done has extended far beyond the boundaries of his present congregation and will be felt for years to come.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Reverend Rouse for his 51 years of dedicated ministry and to wish him and his family the very best in the future.

HONORING NEIL ARMSTRONG AS HE RECEIVES THE NASA AMBASSADOR OF EXPLORATION AWARD

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mrs. SCHMIDT. Mr. Speaker, I rise today to honor Neil Armstrong, a war hero, teacher, businessman, and one of the world's greatest explorers, who received the prestigious National Aeronautics and Space Administration (NASA) Ambassador of Exploration Award on April 18, 2006 at the Cincinnati Museum Center in Cincinnati, Ohio.

An Ohio native son, Neil Armstrong rewrote history in July of 1969 when he was the first man to set foot on the moon. Mr. Armstrong served as commander of Apollo 11, the first manned lunar landing mission. He was accompanied on this historical journey to the moon by Command Module Pilot Michael Collins and Lunar Module Pilot Edwin (Buzz) Aldrin.

Born in 1930, Mr. Armstrong always had a fascination for airplanes and space travel. He started taking flying lessons at the age of fifteen and received his pilot's license at the age of sixteen.

After graduating from high school in 1947, Mr. Armstrong entered Purdue University with a U.S. Navy Scholarship. He started working toward an aeronautical engineering degree, but in 1949, he was called to active duty with the U.S. Navy. He was awarded his jet wings at Pensacola Naval Air Station in Florida at the age of 20, making him the youngest pilot in his squadron. During his service in Korea, he flew 78 combat missions in Navy panther jets earning three Air Medals. After his service, he returned to Purdue to complete his bachelor's degree in aeronautical engineering in 1955. He went on to earn his master's in aerospace engineering from the University of Southern California in 1970.

Mr. Armstrong joined NACA (National Advisory Committee for Aeronautics), NASA's predecessor, where as a research test pilot he piloted the X-l5, an experimental rocket plane. In 1962, he attained astronaut status and in 1966 served as command pilot for the Gemini 8 mission. Following his 1969 mission to the moon, Mr. Armstrong held the position of Deputy Associate Administrator for Aeronautics at NASA for several years.

Aside from his sizeable contributions to aeronautics, Mr. Armstrong has also made an impact in the college classroom. From 1971–1979, he was a professor of Aerospace Engineering at the University of Cincinnati.

He previously served as chairman of Computing Technologies for Aviation in Charlottesville, Virginia, and chairman of the board of AIL Systems, an electronics systems company located in New York. He currently serves as chairman of CTA Inc. in Lebanon, Ohio.

In addition to worldwide recognition for his role on the Apollo 11, Mr. Armstrong has earned countless awards and distinctions for his many accomplishments, including the Presidential Medal of Freedom, the highest award bestowed upon a U.S. citizen; the NASA Distinguished Service Medal; the NASA Exceptional Service Medal; and the Congressional Space Medal of Honor. He is a former Chairman of the Cincinnati Museum of Natural History.

Mr. Armstrong and his wife Carol currently reside in Indian Hill and own a farm in Warren County. He has two grown sons.

All of us in the Cincinnati area congratulate Neil Armstrong on receiving the National Aeronautics and Space Administration Ambassador of Exploration Award.

HUMAN RIGHTS IN CHINA: IMPROVING OR DETERIORATING CONDITIONS?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SMITH of New Jersey. Mr. Speaker, on April 19, the day before Chinese President Hu Jintao's official visit to President George Bush, I held a hearing of the Subcommittee on Africa, Global Human Rights and International Operations to examine China's human rights record. The hearing focused on such areas as China's censorship of the internet, implementation of the right of Chinese citizens to worship freely, protection of minority rights, compliance with international labor standards, China's barbaric practice of organ harvesting, and the destructive effects on Chinese society—especially on women—of its government's coercive one-child policy.

Over the years, I have held more than 25 hearings on human rights abuses in China. While China's economy has improved somewhat, the human rights situation remains abysmal. So-called economic reform has utterly failed to result in the protection of freedom of speech, expression, or assembly.

President Hu Jintao' visit to the United States provided the U.S. Congress and people an opportunity to bring to the attention of U.S. policy makers and the world community the terrible human rights situation as it exists in China today. It also helped provide the vital context for any relationship we should have with China. And it conveyed our unshakeable regard and commitment to press Beijing for serious, measurable and durable reform. The people of China deserve no less. It is our moral duty to stand with the oppressed, not with the oppressor.

State Department human rights reports and the consistent reporting from very reputable NGOs indicate that Chinese government repression of its citizens continues. In fact, the current Chinese regime is one of the very worst violators of human rights in the world, and continues to commit every single day egregious crimes against its own citizens. China was first named a Country of Particular Concern (CPC) by the State Department in 1999 for ongoing, egregious and systemic violations of religious freedom, and has been a CPC every year since. Few if any nations can even begin to match China's unseemly record, from the systematic denial of political freedom and use of torture to interference in the most private matters of family and conscience. At a rough count, the most recent State Department Human Rights Report for China ran to about 45,000 words. Before it even gets down to details, the report lists 22 major human rights problems:

> Denial of the right to change the government;
>
> Physical abuse resulting in deaths in custody;
>
> Torture and coerced confessions of prisoners;
>
> Harassment, detention, and imprisonment of those perceived as threatening to party and government authority;
>
> Arbitrary arrest and detention, including nonjudicial administrative detention, reeducation-through-labor, psychiatric detention, and extended or incommunicado pretrial detention;
>
> A politically controlled judiciary and a lack of due process in certain cases, especially those involving dissidents;
>
> Detention of political prisoners, including those convicted of disclosing state secrets and subversion, those convicted under the now-abolished crime of counterrevolution, and those jailed in connection with the 1989 Tiananmen demonstrations;
>
> House arrest and other non-judicially approved surveillance and detention of dissidents;
>
> Monitoring of citizens' mail, telephone and electronic communications;
>
> Use of a coercive birth limitation policy, in some cases resulting in forced abortion and sterilization;
>
> Increased restrictions on freedom of speech and the press; closure of newspapers and journals; banning of politically sensitive books, periodicals, and films; and jamming of some broadcast signals;
>
> Restrictions on the freedom of assembly, including detention and abuse of demonstrators and petitioners;
>
> Restrictions on religious freedom, control of religious groups, and harassment and detention of unregistered religious groups;
>
> Restrictions on the freedom of travel, especially for politically sensitive and underground religious figures;
>
> Forcible repatriation of North Koreans and inadequate protection of many refugees;
>
> Severe government corruption;
>
> Increased scrutiny, harassment and restrictions on independent domestic and foreign nongovernmental organization (NGO) operations;

Trafficking in women and children;

Societal discrimination against women, minorities, and persons with disabilities;

Cultural and religious repression of minorities in Tibetan areas and Muslim areas of Xinjiang;

Restriction of labor rights, including freedom of association, the right to organize and bargain collectively, and worker health and safety; and

Forced labor, including prison labor).

Beijing has increasingly viewed the information available on the internet as a potential threat to the Party's ability to control the population and monopolize political power. It has turned China into one of the most internet restrictive countries in the world. It is important to note that the freedoms that we enjoy in America allow individuals to publish information and news on the Web unfiltered. Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned and even tortured. At the very least, U.S. corporations should not be aiding and abetting that process. Yet at a February hearing I chaired on the Internet in China, we learned in greater—and disturbing—detail, how some of the biggest corporations in America have partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers and pro-democracy advocates.

Yahoo told us at the hearing how profoundly they regret sending Shi Tao to prison for 10 years but they couldn't tell us—and didn't seem to know—how many others were condemned to jail and torture because of Yahoo's complicity with the secret police. When I asked under what terms and conditions—court order, police demand, a fishing trip—Yahoo surrenders emails and address files, Yahoo told us that they couldn't reveal this information to us because it would break Chinese law.

Google, for its part, created an exclusively Chinese search engine that only a Joseph Goebbels could love. Type in any number of vile words like human rights, or Tian An Men Square massacre, or Falun Gong, and you will get rerouted to government propaganda—much of it heavily anti-American and anti-President George Bush, and filled with hate, especially for the Falun Gong. How did Google respond to our deep concern about their enabling a dictatorship to expand its hate message? According to the New York Times report of late March, they hired big-time Washington lobbying firms like Podesta-Mattoon and the DCI group to put a good face on it all—and presumably kill my pending legislation, the Global Online Freedom Act of 2006.

Amazingly, Cisco showed no seller's remorse whatsoever that its technology—especially "Policenet"—a tool for good in the hands of honest cops and legitimate law enforcement, but a tool of repression in the hands of Chinese police has now effectively linked and exponentially expanded the capabilities of the Chinese police.

Microsoft also censors and shuts down blogs that "Big Brother objects to. You can be sure that no serious discussion on human rights was on the agenda at President Hu visit with Bill Gates at Microsoft.

China's continued repression of religion is among the most despotic in the world. In February, the BBC reported that China had warned Hong Kong's newly-appointed Cardinal, Joseph Zen, a well-known critic of China's suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subjected to torture, imprisonment, and death, at which time prisoner organs are frequently harvested to meet demand. Christians, Tibetan Buddhists, and Muslim Uyghurs are all being persecuted for their faith. Today, numerous underground Roman Catholic priests and bishops and Protestant pastors languish in the Lao Gai, China's infamous concentration camps, simply proclaiming the Gospel of Jesus Christ.

In the early 90's I meet with Bishop Su Zhimin of Baoding Province—a gentle and kind man who celebrated Mass for our small delegation. I was deeply inspired by his faith (he had recently been let out of jail) and by his compassion for those who had jailed and mistreated him. He had no animosity for them—only compassion and forgiveness. What kind of regime incarcerates a truly noble man like this? Soon after our visit, he was re-arrested on false charges, released, and re-arrested and jailed again. He has now spent at least 27 years of his life in jail—for loving God. What kind of barbaric regime hurts a man like this?

And then there is the special hate Beijing pours out on the Falun Gong. Nearly seven years ago the Chinese government began its brutal campaign to completely eradicate Falun Gong through whatever means necessary. Many Party Members and Army officials had begun to practice Falun Gong. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control. So it decided to destroy and intimidate those who practice Falun Gong. We see before us a Stalinist nightmare revived for the 21st century—hundreds, perhaps thousands, dead as a result of torture; tens of thousands jailed without trial, held in labor camps, prisons, and mental hospitals, where they are forced to endure torture brainwashing sessions.

Just over a year ago Beijing finally released the renowned human rights activist, Rebiya Kadeer, from prison, where she had been held for years on trumped up charges for defending the rights of her fellow Uyghur Muslims in China. We had hoped this signaled some sort of genuine improvement in Beijing's treatment of human rights, but now we know better: since Rebiya, who is now living in America, has continued to campaign for the recognition of the legitimate rights of her fellow Uyghurs, her relatives and business associates still in China are being subjected to renewed harassment by the authorities. Rebiya is with us here today to testify about China's continuing campaign against her peoples.

Coercive family-planning policy in China has slaughtered more innocent children than any war in human history. Coercive family planning has wounded Chinese women by the millions and the physical consequence is that 500 women commit suicide every day. China's one-child per couple policy, decreed in 1979, has killed hundreds of millions of babies by imposing Draconian fines—up to ten times annual salaries—on their parents to force them to abort. In China today brothers and sisters are illegal. Sex selection abortions—a direct consequence of allowing only one baby per couple, has led to gendercide—approximately 100 million girls are missing—in China. One Chinese demographer has admitted that by 2020, forty million Chinese men won't be able to find wives because Beijing's weapon of mass destruction—population control—destroyed the girls.

There is no recourse for millions of Chinese laborers trapped in poor working conditions. Those who protest unjust wage and labor practices outside of the government-controlled labor union are arrested and imprisoned. Chinese citizens are often persecuted just for going to court to secure rights which even current Chinese law, as restrictive as it is, guarantees them. And the lawyers who seek to help them are threatened, harassed, beaten, disbarred and jailed for doing their simple duty. They join countless prisoners of conscience in China's modern day concentration camps. These are found everywhere in China—more than 1,100 by one count.

Finally, we heard testimony about China's barbaric policy of harvesting human organs for sale and transplant. China admits it does this. According to China's Ministry of Health, since 1993, there have been over 65,000 transplant procedures performed in China. China's Deputy Health Minister recently stated that 95 percent of the organs for organ transplants performed in China are from executed Chinese prisoners. Of course it claims it only harvests the organs of executed prisoners, and only if they or their families consent. But what value can such a statement have in a country where the death penalty is virtually an assembly line process? Where according to the Department of State's Human Rights Report for 2005, foreign experts estimate between five and twelve thousand people are executed every year? Chinese courts hand down the death sentence for an ever-expanding range of crimes, including nonviolent and political crimes. Appeals are conducted hastily, if at all. In an effort to boost profits, it is reported that some provincial or local officials in China have begun to allow mobile medical vans at execution sites to facilitate the ease and efficiency with which prisoners' organs may be harvested. We have all heard the recent horrific stories that China is now targeting the thousands of innocent Falun Gong prisoners it holds for organ harvesting, and perhaps not even waiting until they are dead. The State Department and the UN Special Rapporteur for Torture, Manfred Nowak, have been investigating. They must get to the truth of these blood-curdling stories, and do everything to stop this shameful practice.

Human rights are everyone's rights. Governments are instituted to secure, protect and safeguard those rights. Human rights aren't privileges. Human rights are worth fighting for, even when they are costly, and even when it is inconvenient. Our witnesses, Mr. Ethan Gutmann, author of Losing the New China: a Story of American Commerce, Desire and Betrayal; Ms. Rebiya Kadeer, Human Rights Activist, Former Political Prisoner, and President of the International Uyghur Human Rights and Democracy Foundation; Mr. Joseph Kung, Director, Cardinal Kung Foundation; Ms. Thea Lee, Director of Public Policy, AFL–CIO; Mr. Steven Mosher, President Population Research Institute; Mr. Harry Wu; Executive Director, Laogai Research Foundation; and Mr.

Lu Decheng, 1989 Tiananmen Square Protestor, who spent 9 years in jail, all provided vitally useful testimony today.

HONORING THE JUNIOR ACHIEVEMENT OF THE INLAND NORTHWEST HALL OF FAME LAUREATES FOR 2006

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Miss McMORRIS. Mr. Speaker, I rise today to recognize Wendell J. Satre, Ron and Julie Wells, and Fidelity and Associates for being named Junior Achievement of the Inland Northwest Hall of Fame Laureates for 2006. These individuals embody the mission of Junior Achievement, which is to inspire young people to be successful in life through free enterprise education and help them envision and pursue their future roles in our society. These honorees serve as examples of good mentorship and civic responsibility.

Wendell J. Satre is the former chairman, president, and CEO of Washington Water Power, which has since become A vista Utilities. He has been actively involved in community service and philanthropic organizations, and was instrumental in securing a Washington State University campus in Spokane. His dedication has helped make Eastern Washington a place of charity, education, and mutual responsibility.

Ron and Julie Wells have been active and successful historical preservationists in the Spokane area. They see our historical structures as vehicles for remembering our past and understanding the present. The rich heritage available to the citizens of Spokane is in large part due to the work these individuals have done.

Hall of Fame Laureate Fidelity and Associates has served the Spokane area for 100 years and is 1 of the Inland Northwest's largest locally owned independent insurance agencies. Fidelity's dedication to the people of Eastern Washington is exemplified in its College Student Property Insurance Program which has helped alleviate one of the stresses of college life associated with living in dorms and houses.

Mr. Speaker, I rise today to acknowledge and thank these honorees for their service to the communities and citizens of Eastern Washington. I invite my colleagues to join me in congratulating these Junior Achievement Hall of Fame Laureates.

INTRODUCTION OF FAA WAR RISK INSURANCE EXTENSION LEGISLATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. MICA. Mr. Speaker, I am introducing legislation today that would extend the Federal Aviation Administration's war risk insurance program for U.S. commercial air carriers. Ever since 9/11, the commercial insurance market has been unwilling to provide the war-risk insurance that our nation's airlines need. That continues today and there is no foreseeable end to this situation. If airlines don't have that insurance coverage, as a practical matter they won't be able to fly. Because of this situation, Congress must extend the program to provide U.S. airlines the war-risk insurance that they need. The accompanying legislation would do that for five years.

As many of us remember, immediately after 9/11 commercial insurers in lockstep cancelled the airlines' war-risk policies. That withdrawal of essential insurance coverage caused a crisis that Congress on September 21, 2001 resolved by granting the Federal Aviation Administration the authority to issue war-risk insurance policies to U.S. airlines. The FAA today provides war-risk insurance to some 70 U.S. airlines. The FAA program has been generating roughly $150 million annually in premium payments to the treasury and we can expect about the same amount of payments in 2006. That is 6 or 7 times what the U.S. airline industry paid for that coverage before 9/11.

Congress has repeatedly extended the FAA's program since 2002 because we have recognized that war-risk insurance for the airlines is indispensable. Airlines won't fly without that coverage because they cannot bear the financial risk of a catastrophic act of terrorism against them. Expressed another way, no one wants large aircraft operating in the United States that do not have adequate insurance coverage.

I wish that I could report that the commercial market for aviation war-risk insurance has returned to its pre-9/11 condition. Unfortunately, it has not; the marketplace is failing to cover the terrorism risks to which airlines are exposed. Indeed, the situation has worsened. Premium costs and coverage terms in the commercial market have not been and are not today reasonable.

Of immediate concern is how the marketplace is treating coverage of aviation losses attributable to weapons of mass destruction. The FAA's insurance policy quite properly covers this risk. But if U.S. airlines were required to rely on the commercial market for war-risk insurance, today they effectively could not get WMD coverage for their aircraft (in insurance terms, their "hulls".) More ominously, it appears that this year the commercial market will stop providing most third-party WMD coverage. This means that if a WMD incident were to occur on an aircraft in flight, commercial insurance would not cover the death and injury of persons on the ground, or damage to property on the ground.

Neither airlines nor their employees, who have borne so much of the financial adversity that the U.S. airline industry has suffered since 9/11, can afford such an increase in premiums. Between 2001 and 2005, U.S. airlines had net losses of more than $40 billion. A staggering 135,000 jobs have been lost in the airline industry since 2001. The compensation of those who remain in the industry in many instances has been slashed. Current projections are that the airlines will lose another $2 billion in 2006. With stubbornly high oil prices, now $67 per barrel, that projection may turn out to be optimistic.

If Congress does not act, the already ailing U.S. airlines will be forced into a commercial market that provides war-risk insurance that is extraordinarily expensive; does not provide anywhere near the coverage that is necessary; and continues to write war-risk insurance policies with seven-day cancellation clauses, the same clauses that caused so much turmoil right after 9/11.

We must therefore renew the FAA's war-risk insurance program. And, realistically, we must do so for an extended period. We have had one-year renewals of the program since 2002. We would all be better served if the extension were lengthier, which is why the accompanying legislation would extend the program for 5 years. I am pleased to introduce this needed legislation today.

STATEMENT ON THE LOSS OF CORPORAL BRIAN R. ST. GERMAIN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave Marine in Iraq, Corporal Brian R. St. Germain, a Rhode Island citizen who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

Cpt. St. Germain grew up in West Warwick, RI. He was an honor student and a 2001 graduate of West Warwick High School, where determination and hard work led him to become an all-state hurdler on the track and field team. These traits were signs of the first-rate Marine that he would soon become.

Cpt. St. Germain was an active duty Marine on his second tour of duty in Iraq assigned to the 1st Marine Logistics Group, 1st Expeditionary Force. Cpl. St. Germain unselfishly volunteered to ride on dangerous convoys so that his fellow Marines with wives and children would be spared the additional risk. On April 2nd, Cpl. St. Germain was killed in a vehicle accident along with five other marines in the Al Anbar Province when their Medium Tactical Vehicle Replacement was caught in a flash flood and rolled over.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When Cpl. St. Germain's nation called him to duty to preserve freedom, liberty and security, he answered without hesitation. We will remember him as a patriot who made the ultimate sacrifice for his country.

Cpl. St. Germain is survived by his parents, Lynn and Robert; his brother Nicholas; his grandmother Louise; and his uncle and godfather, Terence Adamo. May we keep his loved ones in our thoughts and prayers as they endure this difficult period.

We will also continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN MEMORY OF DAN SCHAEFER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. UDALL of Colorado. Mr. Speaker, I was saddened to learn of the death of former U.S. Representative Dan Schaefer, who represented Colorado's 6th Congressional District for 15 years before he retired at the end of the 105th Congress.

While I did not serve with Dan, we occasionally found each other on the familiar flights between Washington and Denver after his retirement from Congress, and like all Coloradans I am aware of his contributions to our state and the nation.

He took a leadership role in establishing the House's renewable-energy caucus and in support of the important work of the National Renewable Energy Laboratory (NREL)—a role that was appropriately recognized when NREL's visitors' center was named for him.

He also worked closely with my predecessor, Representative David Skaggs, in pressing for timely cleanup of the closed Rocky Flats nuclear-weapons facility—a goal that was finally achieved just last year.

And as our state experienced rapid population growth, he also worked to provide federal assistance to help fund essential transportation infrastructure, including funds for highway and light-rail construction and improvements.

In the words of The Denver Post, "Schaefer had a fine ability to disagree with people without being disagreeable. Besides leaving cleaner lands and water as his legacy, he left a record of civility and decency in public affairs that will be greatly missed in today's often strident politics."

He will be missed, in Colorado and in Congress. For the information of our colleagues, I am attaching a recent editorial about his career and contributions.

[From the Denver Post, Apr. 24, 2006]

SCHAEFER SERVED COLORADO WELL

Dan Schaefer's legacy can be seen in the native grasses that replaced the former Rocky Flats nuclear bomb factory and in the pavement of C–470. Schaefer, who last week died of cancer at age 70, represented Colorado's 6th Congressional District for 15 years until retiring in 1998. Called a conservative in his political career, today he would be a moderate Republican.

While in office, Schaefer focused on service to his district and state, and fiscal restraint in government. His national initiatives, to end the income tax and deregulate electrical utilities, failed on their merits.

Close to home, though, he successfully worked with David Skaggs, the Boulder Democrat who then represented the 2nd Congressional District, to fast-track Rocky Flats' cleanup. He pushed the U.S. government to meet the same environmental standards imposed on industry. He got crucial federal support for C–470 but supported mass transit, too. Schaefer was such a champion of renewable energy that the main building at the National Renewable Energy Laboratory in Golden is named after him.

Schaefer had a fine ability to disagree with people without being disagreeable. Besides leaving cleaner lands and water as his legacy, he left a record of civility and decency in public affairs that will be greatly missed in today's often strident politics.

HONORING THE LADIES OF THE RED HAT SOCIETY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. DINGELL. Mr. Speaker, I rise today to commemorate a very remarkable group of women. As I'm sure many of us here can attest, the aging process can be a daunting experience. This special group has refused to accept that life after a certain age means confinement to a rocking chair. Now, it is hard for me personally to imagine that someone who is merely 50—the minimum age for membership—could approach this spry age with reservation; however, these women tell me that this birthday can be somewhat traumatic.

As the story goes, several years ago Sue Ellen Cooper of Fullerton, California read the poem, "Warning" by British poet Jenny Joseph. The poem begins,

> "When I am an old woman I shall wear purple
> With a red hat that doesn't go . . ."

So inspired was Ms. Cooper by this poem, that she decided to pass along a copy of it to a friend, accompanied by a vintage red fedora. Her friend loved the gift, and did the same for a friend of hers. On April 25, 1998, under the direction of Exalted Queen Mother Sue Ellen, The Red Hat Society first convened in a tearoom of ladies wearing purple dresses and—of course—red hats.

Although it took some convincing, these ladies had to explain to me that red and purple do not actually match. Nevertheless, this fashion faux pas stuck and is quite a sight to see indeed.

These wonderful women refer to themselves as a "dis-organization" determined to take on aging with a sense of humor, camaraderie and a fun-loving spirit. They organize social events, hold conferences and communicate with "hat-quarters" via their own webpage. This inclusive group even allows women of lesser maturity to join their ranks. To differentiate these "ladies in waiting" from full-fledged members, this sub-sect is confined to wearing lavender dresses with pink hats, reserving the truly outrageous garb for those who have hit "the big one." My wife Deborah tells me that lavender and pink do not go very well together either, but they are generally preferable to red and purple.

Sue Ellen Cooper realized that behind every woman, no matter how responsible and upstanding of a citizen she was in her youth, is a crazy old spirit waiting to get out and cause some trouble. Ms. Cooper and her friends found a way to connect these women, and since that day in 1998, they have seen nothing but success. Any woman who is of a certain age and willing to go out in public dressed in particular flare can start her own chapter of Red Hats. California, Florida, and Michigan lead the nation in Red Hat chapters, with the 15th Congressional District alone boasting 91. There are thousands more active chapters across the United States, and even some international chapters as far away as Egypt and Japan.

Mr. Speaker, I ask that all of my colleagues join me today in commemoration of the official first meeting of the Red Hat Society and honor these thousands of inspiring women who endeavor to remain young at heart and in soul.

RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 609

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TIERNEY. Mr. Speaker, I rise in opposition to this restrictive rule and in opposition to H.R. 609.

First, I would like to state my support for specific provisions in the Manager's Amendment to H.R. 609 that eliminated the funding formula change to campus-based aid.

As introduced, H.R. 609 changed the formula for campus-based aid programs, including Work Study, Supplemental Educational Opportunity Grants and low-interest Perkins Loans. This would have resulted in substantial losses of this aid to schools across the country with a history of participation in the program. Students at schools in my state of Massachusetts would have lost $9.4 million in work study and other programs.

During Subcommittee and full Committee mark-ups, Mr. KIND and I offered amendments to ensure that students were not unfairly punished by the changes to the campus-based aid funding formula in H.R. 609. Our amendments gained support from both sides of the aisle and the votes were tied in both mark-ups. We were also joined by more than 80 of our colleagues in sending a letter to the Chairman of the Education and the Workforce Committee asking for these funding formula changes to be taken out of the bill before floor consideration. I would like to express my thanks to the outgoing and incoming Chairmen for heeding our call. They realized that changing the distribution formula would harm thousands of students because it would have simply taken funds from one group of needy students and shifted those funds to another group of needy students. Unless we increased the appropriations for campus-based aid, Mr. KIND and I felt strongly that we could not in good faith change the funding distribution formula.

While I am extremely pleased that the Manager's Amendment eliminates the campus-based aid cuts, I must turn now to the Rule before us today.

I am disappointed, but not surprised, that this restrictive rule does not make in order the amendments I brought before the Rules Committee on Tuesday afternoon.

My amendments would have helped make college more affordable for low- and middle-income students and families across the country. After all, what is the point of reauthorizing the Higher Education Act if we aren't going to make college more affordable?

Ms. MCCOLLUM and I attempted to offer several amendments, including an amendment based on our bill, the College Affordability and Accountability Act. Quite simply, the amendments would make college more affordable by:

Renewing states' commitment to affordable college education by ensuring that they maintain their own level of college financing, so states will no longer be able to push higher tuition taxes onto students and families;

Providing incentives to make tuition affordable;

Engaging schools in cost containment strategies; and

Putting students and families in control by giving them access to accurate information about the cost of college and steps individual schools are taking to offer affordable rates of tuition.

We also offered an amendment to commission a Government Accountability Office (GAO) study on college costs and the impact of state support for higher education on college costs. In my home state of Massachusetts and in other states around the country, state support for higher education has plummeted, pushing more of the burden of college on students and families.

I also sought to offer an amendment to commission a study by the Advisory Committee on Student Financial Assistance to review current student aid programs and recommend the steps that Congress must take in order to ensure that every qualified eligible student receives a sufficient comprehensive financial aid package. This financial aid package should come from a variety of sources, including the federal government, state governments, institutions of higher education and private sources, and it should cover at least the equivalent of a four-year public higher education.

All qualified high school graduates should be able to afford at least the equivalent of a four-year public higher education. Today, that is not the case. Many students are foregoing college, dropping out or incurring unmanageable levels of student loan debt.

Young people in their 20s and 30s are not only leaving college with much more personal debt—students graduate with an average of almost $20,000 of student loan debt—but also are burdened by rapidly increasing health care, energy and housing costs. To make matters worse, according to recent studies, young people are working longer hours and still earning less money. We must do more for young people in America today. We must restore the American dream so that young people can achieve financial prosperity through hard work and determination.

The amendments I offered to the Rules Committee would have helped us make college affordable and accessible for students and their families.

Mr. Speaker, we had a real opportunity to help make college affordable today, but instead students and families will be left to struggle with sky-rocketing tuition costs and mounting debt on their own. H.R. 609 will not make college more affordable. I urge Members to oppose the restrictive rule and oppose final passage of H.R. 609.

WELCOMING THE PRESIDENT OF AZERBAIJAN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mrs. BLACKBURN. Mr. Speaker, I would like to recognize Azerbaijan as a key ally in a region of significant importance and a valued partner to the United States. Azerbaijan has made important contributions in Iraq, Afghanistan, and Kosovo and supports efforts to combat terrorism. The country has also taken effective steps to foster pro-democratic principles leading to fair and free elections.

I also would like to welcome President Ilham Aliyev to Washington this week for meetings with President Bush, senior Administration officials, and key Congressional leaders to discuss the need for continued democratic reforms, regional cooperation, energy security and diversification, and our nations' commitment to working closely together to advance freedom, security, and economic independence.

It is clear now more than ever that we must develop new sources of energy and partners not controlled by Middle East and South American dictatorships.

Azerbaijan has been identified as key to the East-West transit corridor from the Caspian Sea to international markets. Sharing a 379 mile border with Iran, we should recognize that Azerbaijan is important to the United States relations in the region. I encourage my colleagues in the House to support the opening of the one million barrel per day Baku-Ceyhan (BTC) oil pipeline and Baku-Erzerum (SCP) natural gas pipeline, set to increase energy exports and availability for the West.

I welcome President Ilham Aliyev upon his first official visit to Washington.

VICTIMS' RIGHTS AWARENESS WEEK

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Ms. HARRIS. Mr. Speaker, as a Co-Chair of the Congressional Victims' Rights Caucus, I rise to urge my colleagues to support H. Con. Res. 378, in recognition of the goals of National Crime Victims' Rights Week.

In 2004, according to the Department of Justice's National Crime Victimization Survey, approximately 24 million Americans became victims of a criminal action, including 5.2 million acts of violence.

While I celebrate the fact that this marks the lowest level ever recorded, I remain committed to providing a voice and a helping hand to those whose freedoms have been infringed.

In tribute to the more than 10,000 system- and community-based assistance programs that serve as a vital role in the recovery process, the theme of the 2006 National Crime Victims' Rights Week is "Strength in Unity."

Since the passage of the Victims of Crimes Act in 1984, more than $7 billion in fines and other assessments have been collected from those who prey on some of the weakest and most vulnerable members of our society.

Each year thousands of volunteers selflessly contribute their time and energy that enables an individual to make the important transformation from "crime victim" to "crime survivor." Through various means of advocacy, we continue our work to ensure that no victim, nor family member, is forced to face a legal or medical appointment on their own; or, more importantly, left to face an anniversary alone.

Mr. Speaker, when the salacious interest of check-out stand voyeurs wanes, and the cable news programs turn their cameras to another sensational story, we must remain the crime victims' advocate and ally.

HONORING JUDY TRAMMELL AND THE MESQUITE WOMEN IN SERVICE AND ENTERPRISE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. HENSARLING. Mr. Speaker, for the past five years, the greater Mesquite area has embraced the opportunity to honor many exceptional women in the community through the Women In Service and Enterprise (WISE) Award Luncheon and Style Show, Today I would like to honor this year's award recipient, Judy Trammell, who is a shining example of strong, capable and dedicated leadership. I would also like to recognize honorees Sammie Motley Coats, Officer Cheryl Gregg and JaLinda Grimland for their valuable service and commitment to their community.

Judy Trammell is a personal friend and is actually one of the first people I met in Mesquite. She has always been extremely helpful to me and I have had the chance to work first-hand with her on several occasions. Recently the Mesquite Service League was the recipient of a very kind charitable donation, and I was able to be there, with Judy, to witness the generosity and appreciation of the Mesquite community.

Judy is the Business Development/Marketing Director for Jefferson Bank in Mesquite. Since moving to Mesquite in 1985, she has held positions with Mesquite Savings and Loan, Mesquite National Bank and Colonial Bank.

Judy has served on numerous boards in the greater Mesquite community including: American Heart Association Mesquite, Exchange Club of Mesquite, Mesquite Chamber of Commerce, Mustanger Chamber of Commerce, Mesquite Service League, Advisory Board of Boys and Girls Club of Dallas—Mesquite Division, member of Main Street Mesquite and Mesquite Social Services.

In addition to being active in the community and holding leadership roles, Judy has also been recognized for her service. She has received the American Heart Association Regional Volunteer of the Year award in 1998, the Distinguished Service Award in 1999, and was awarded a research grant in her honor. She received the Mesquite Chamber of Commerce 2002 Volunteer of the Year award and the 2005 Committee Chair of the Year award.

Judy is not only constantly on the go at work and with community service activities, but she is also an energetic mother of two daughters and the proud grandmother of grandsons, Mason and Cameron. Judy truly embodies the ideals of a great volunteer; she knows how to lead, encourage others to follow and "get her hands dirty." Judy's impact on our community is great and far-reaching and exemplifies an outstanding woman in service and enterprise.

Past WISE Award winners have served in a variety of ways, but they are united by the long-lasting impact they have made on their community. Their service, community involvement and dedication to enterprise also inspire younger generations. This year, Mesquite Social Services and the Mesquite Service League are, once again, partnering to honor six Junior WISE scholarship recipients: Phylecia Burk, Christine Nguyen, Renu Matthews, Cari Wheat, Bianca Rodriguez and Makiala Fivecoat. These six young ladies, who are graduating from local high schools in Mesquite, have all indicated their desire to attend college and enter a service-oriented field of study.

Today, I would like to recognize Judy Trammell and all of the WISE honorees for their outstanding service and congratulate them on their awards. Thank you, ladies, for helping make our community and country a better place.

TRIBUTE TO JANE JACOBS

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. WEINER. Mr. Speaker, yesterday we lost one of New York City's greatest champions and a pioneer in the world of urban planning when Jane Jacobs died at the age of 89.

Millions of people visit New York every year, and many are overwhelmed by its sheer size. The hulking skyscrapers. The bustling crowds. The bright lights.

But the dynamism of Manhattan during rush hour is just a piece of the story.

A more complete picture of the Big Apple is colored by the scores of local communities that are defined not by big business of the world's economic capital, but rather by the rhythm of parents walking kids to a local elementary school, families attending religious services at a local church or synagogue, and mothers and fathers shopping along the neighborhood shopping strip.

While the Manhattan skyline may spring to mind when someone mentions New York, the DNA of the City's everyday life is defined much more by each local neighborhood. Forest Hills in Queens. Sheepshead Bay in Brooklyn. Throgs Neck in the Bronx. Stapleton on Staten Island. Jacobs' beloved West Village in Manhattan. There are so many others.

It was Jacobs' masterpiece—"The Death and Life of Great American Cities"—that argued that the health of the City as a whole depended on the vibrancy of its urban neighborhoods. At a time when grand visions of urban renewal were spurring planners to pave over entire communities, Jacobs stood at the forefront of a movement to preserve the City's most fundamental building blocks.

And today, as a result in part of Jacobs' efforts to preserve New York's neighborhoods, New York City is as vibrant as ever. We are a magnet for what Richard Florida has termed the "Creative Class"—the highly-educated, highly-motivated young people who are key to economic growth.

And while scholars like Robert Putnam worry about the deterioration of social capital—afraid that Americans are interacting less and more likely to "bowl alone"—the neighborhoods of New York City continue to have dynamic communities that interact on the street with a swirl of new and old faces.

In fact, today, Jacobs' successes have left New Yorkers with a new set of challenges. Because so many people want to live in New York, property values have skyrocketed, and tax bills along with them. Because so many people are using our public transportation systems to get to work, we're forced to invest in building new infrastructure. Because so many young people want to raise families in the five boroughs, we are forced to foot the bill for building more schools.

Our new burden in New York is to manage the success of Jane Jacobs' vision of a vibrant, dense, growing, exciting city.

And for that, we owe Jane Jacobs a debt of gratitude.

IN HONOR OF THE GRAND OPENING OF LONOKE COUNTY SAFE HAVEN, INC.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. BERRY. Mr. Speaker, I rise here today to celebrate the grand opening of Lonoke County Safe Haven, Inc., an organization that provides critical resources to victims of domestic violence. This center will give women and their children a place to turn during difficult times and is a valuable addition to our community.

Lonoke County Safe Haven, Inc. was founded in March 2005 after J.M. Park read an article about a domestic violence victim. The article inspired Park and others to create a program where domestic violence victims can access vital recovery services. The organization began to help victims in September 2005, providing services such as a helpline, court advocacy, information on county, state, and federal resources, and recommendations for local shelters.

Today's grand opening is a significant step for Lonoke County Safe Haven, Inc. and a great milestone for our community. The new center, directed by Teresa Sims, will give battered women and their children throughout Lonoke County a place to seek assistance from dangerous living conditions. The center will provide services from 9 a.m. to 5 p.m., with hopes of one day expanding into a shelter of its own. The organization is already recognized by the Arkansas Coalition Against Domestic Violence for its work to strengthen the support system for battered women and their children.

On April 17, 2006, our community will gather to celebrate the grand opening of the Lonoke County Safe Haven, Inc. I ask my colleagues to join me in expressing our appreciation for this center and for all of the individuals committed to making Lonoke County a safer place for women and children.

INTRODUCTION OF THE NATIONAL DEFENSE ENHANCEMENT AND NATIONAL GUARD EMPOWERMENT ACT OF 2006

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce the National Defense Enhancement and National Guard Empowerment Act of 2006.

In support of this proposal, consider the following:

The U.S. continues to face a wide spectrum of threats at home and abroad, including terrorism, natural disasters, proliferation of weapons of mass destruction and other emerging perils. In meeting these threats, the U.S. relies heavily on the men and women of the National Guard. The National Guard is a force essential to the Nation's security and safety.

At no time in America's history has the National Guard played so critical a role in the security of our homeland and in our Nation's military objectives abroad.

The National Guard is a critical component of Department of Defense's contribution to the security of our Nation and has been key to the Department's accomplishments at home and abroad. Much of the success DOD has had would not have been possible without the participation of National Guard forces.

The National Guard's response to our Nation's emergencies in the post 9/11 world has been unparalleled.

The National Guard is a vital part of this Nation's security, and this country relies on the exemplary service provided this Nation by the members of the Guard, their families, their employers and their communities.

The men and women of the National Guard have earned the right to be represented at the highest levels of the Department of Defense.

To ensure the appropriate representation, manpower, training and equipment are provided to the National Guard for their future missions at home and abroad, the National Defense and National Guard Empowerment Act of 2006:

Establishes the National Guard Bureau NGB as a joint activity of the Department of Defense rather than strictly of the Departments of the Army and Air Force as it is now.

Increases the Chief of the National Guard Bureau billet from the grade of Lieutenant General to General.

Tasks the Chief of the National Guard Bureau to serve as an advisor to the Chairman of the Joint Chiefs of Staff and eliminates the current National Guard major general position established for that function.

Provides a seat on Joint Chiefs of Staff for the Chief of the National Guard Bureau.

Elevates responsibility for development of the NGB charter from the Secretaries of the Army and Air Force to the Secretary of Defense.

Specifies in law one of the functions of NGB to facilitate the use of National Guard forces for contingencies, military operations other than war, natural disasters and support to civil authorities—all in coordination with the States. This function exists in policy as part of the current NGB charter from the Departments of the Army and Air Force.

Requires NGB to, in coordination with the State Adjutant Generals identify gaps between Federal and State emergency response capabilities which might best be filled through military assistance to civil authorities and to make recommendations for National Guard programs and capabilities to fill those gaps, in coordination with the States.

Charges the Chief of the National Guard Bureau, in coordination with the State Adjutant Generals, to validate state requirements for military assistance to civil authorities, develop doctrine and training requirements, and acquire materiel, etc. for this purpose, in coordination with the States.

Requires a report on requirements for military assistance to civilian authorities that are validated but not funded—which in essence will become an unfunded requirements list.

Changes the titles of the Directors of the Army and Air National Guard to Vice Chiefs of the National Guard Bureau for Army and Air respectively to reflect the unity of purpose inside the organization.

Prohibits growth in the size of the NGB staff in order to answer concerns about the possibility of the NGB bureaucracy growing as a result of the changes sought herein.

Strengthens the Total Force talent pool by encouraging the Department of Defense to include Reserve Component major generals of the line for promotion to fill Lieutenant General positions.

Requires that the Deputy Commander of NORTHCOM be a National Guard officer.

The Committee on Government Reform and the Select Bipartisan Committee to Investigate the Preparation and Response to Hurricane Katrina, have conducted oversight investigations and have held many hearings that have focused on the contributions of the men and women of the National Guard. The following are findings that I submit for the RECORD. These 50 findings represent the States in the Union we seek to defend.

1. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Within 24 hours of the attacks, over 8,000 New York National Guard Soldiers and Air men and women were on active duty supporting New York State's security needs. These troops provided not just a calming presence on the streets of New York during unsettling times; they provided New York's first responders with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering assets and other logistical support.

2. At the request of the President, State Governors supplemented the security of the Nation's airports with National Guard personnel. Their missions encompassed over 400 airports in 52 States and territories. National Guard troops along the northern and southern borders were used to support the U.S. Customs Service, the Immigration and Naturalization Service, and the Border Patrol in the heightened post 9/11 security posture.

3. In contrast to Hurricane Andrew, 1992, in which National Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force for Hurricane Katrina.

4. The response to Hurricane Katrina proved that the National Guard is the Nation's first military responder and that the overwhelming majority of forces that respond to disasters in the United States will be National Guard who will be on the scene before the Department of Defense is requested to respond.

5. More than 9,700 National Guard soldiers and airmen were in New Orleans by August 30. National Guard deployed over 30,000 additional troops within 96 hours of the storms passing. In wake of the Hurricane Katrina devastation, the National Guard mobilized over 50,000 personnel in support of hurricane relief in the largest and fastest domestic deployment since World War II, saving over 17,000 lives. The Air National Guard flew nearly 3,500 flights and over 12,000 tons of cargo in support of all Hurricane relief in the last year.

6. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau is a significant joint force provider for homeland security missions.

7. The National Guard is continuously on active duty supporting State security missions, Federal security missions under Operation Noble Eagle and overseas military operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements around the Nation and the world. Under Title 32, counter-drug activities are a daily operational mission of the National Guard, fortifying a longstanding successful relationship with civil authorities.

8. The Department of the Army and the Department of the Air Force could not fulfill current title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of the combat forces in Iraq.

9. The National Guard has mobilized over 340,000 soldiers and 46,000 airmen supporting the Global War on Terror since September 11, 2001.

10. Since September 11, 2001, more than 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 226,000 sorties accumulating over 680,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

11. National Guard forces have provided: 55 percent of the Army's combat capability; 55 percent of the Air Force's airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 100 percent of Operation Enduring Freedom A–10 missions; 66 percent of Operation Iraqi Freedom A–10 missions; 45 percent of all F–16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

12. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

13. National Guardsmen and women are their State's primary emergency response force, providing support in their communities and to civil authorities and other first responders throughout their States.

14. The National Guard is invaluable to civil support mission, homeland defense and emergency preparedness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of this Nation, responding heroically and meeting every mission asked of them, particularly in times of crisis—terrorism, natural disasters, plane crashes, blizzards, wildfires, floods.

15. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies. State concerns about maintaining sovereignty must be respected. Governors, who are most intimately familiar with and better understand the National Guard's unique capabilities, must retain the ability and authority to deploy their National Guard forces in times of crisis.

16. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

17. The National Guard and State Adjutants General provide an invaluable nexus of coordination between Federal and State planning, exercising and response to emergencies and disasters. Over 50 percent of State Adjutants General are also in charge of their State's Emergency Management operations, thereby offering unparalleled integration of planning, preparation and response capabilities in emergencies.

18. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersal and relationships to State and local governments.

19. The National Guard is familiar with the local area and local culture. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

20. WMD Civil Support Teams are a specialized homeland security capability based entirely in the National Guard.

21. As America prepares for an influenza pandemic, the National Guard has more domestic response training and decentralized capabilities than any other military organization and is ready to respond on a moment's notice.

22. The National Guard Bureau has proved its ability to plan for and respond to natural and man-made events with the development of essential concepts including: Joint Force Headquarters-State, Joint Task Force State, CBRNE Enhanced Response Force Packages, CERFP, National Guard Reaction Force, NGRF, and the Joint CONUS Communications Support Environment, JCCSE.

23. The Department of Defense has not adapted to the significant role of the National Guard in this Nation's security.

24. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or decision-making processes.

25. The Department of Defense, the Department of the Army and the Department of the Air Force do not have a long-term strategy to equip the National Guard at a high level of readiness for overseas or domestic missions.

26. The Department of Defense does not adequately resource or equip the National Guard for its current operational missions. Currently the National Guard receives only 4.5 percent of the Department of Defense's budget.

27. The Army National Guard has long been equipped at less than war-time readiness levels and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also been directed by the Department of the Army to leave behind hundreds and in many cases, thousands of equipment items for use by follow on units. Army officials do not track accurately or develop plans to replace this Guard equipment.

28. Army and Air National Guard forces are generally expected to perform homeland defense and civil support missions only with equipment supplied for their warfighting mission or equipment supplied by the States.

29. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert, ASA, mission of the Air National Guard at full capacity.

30. During the BRAC process, the Air Force failed to adequately solicit input of National Guard Bureau leadership and systemically failed to confer with State Adjutants General.

31. When developing Future Total Force Strategy, the Air Force has failed to adequately consult Air National Guard leaders and State Adjutants General.

32. The Department of Defense does not have adequate knowledge of the role of the National Guard at home nor has it incorporated the National Guard's significant capabilities into plans for homeland defense or security. Left unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

33. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and military support to civilian authority planning.

34. The Department of Defense has not recognized that Governors will rely on National Guard manpower and equipment before relying on Federal forces.

35. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard's critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard's role or requirements will be in implementing the strategy.

36. The Department of Defense and Northern Command have not articulated specific requirements or capabilities that National Guard forces need during major homeland disasters. Without formal requirements, equipment deemed necessary for the National Guard to assist civilian authorities in Katrina had not been purchased by the Department of the Army or the Department of the Air Force.

37. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard's roles in these missions has not been defined; requirements for manpower, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not provide for the purchase of equipment for the National Guard specifically for military assistance to civilian authorities.

38. WMD Civil Support Teams' face challenges and shortfalls in personnel, equipment acquisition and facilities under current Department of Defense and service budgets.

39. Lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning between active-duty personnel and the Guard is vital during emergencies. The Department of Defense and the National Guard must plan and exercise together to prepare for events in the homeland.

40. National Guard Bureau leadership and State Adjutants General are not adequately involved in Department of Defense planning guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

41. There was a lack of coordination of Joint Task Force Katrina and the National Guard Joint Forces headquarters in supporting states.

42. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military assistance to civil authorities, which would have allowed for a more effective response to Hurricane Katrina and other homeland emergencies.

43. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

44. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if along with the Department of Homeland Security, the Department of Defense adopted and made the National Incident Management System a priority for emergency management.

45. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not assign homeland defense and military assistance to civilian authorities a sufficiently high priority.

46. The Department of the Army decided to reduce Army National Guard force structure and end-strength without substantive consultation with National Guard Bureau leaders or State Adjutants General, and the Air Force has decided to reduce Air National Guard force structure and end-strength without substantive consultation with National Guard Bureau leaders or State Adjutants General.

47. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluxation of current Department of Defense transformation policies affecting the Army and Air National Guard, creates an unacceptable risk to the security of this Nation.

48. States and Governors are not adequately represented at the Department of Defense when planning and exercising for homeland events.

49. The role of the National Guard Bureau as the channel of communications between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

50. USNORTHCOM and its subordinate headquarters lack knowledge of their domestic theater of operations, specifically State emergency plans and resources, and knowledge of National Guard resources. USNORTHCOM and its subordinate headquarters need to be reformed to include substantially increased National Guard general officer command presence and participation by other senior National Guard personnel in all levels of their operations.

Mr. Speaker, the front line in the global war against terrorism is right here at home. Cold War structures and distinctions separating projected active duty forces and stateside reserve components no longer meet the strategic imperatives of this century. This proposal updates those structures to reflect the integral role of the National Guard in the modern battle plan and ensures the Guard will have the clout and resources necessary to meet that vital mission.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, April 25, 2006.

Hon. THOMAS M. DAVIS III,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: The National Guard Association of the United States (NGAUS) applauds your introduction of a House version of the National Defense Enhancement and National Guard Empowerment Act of 2006.

This legislation is a powerful first step in providing the appropriate presence for the leadership of the National Guard in the decision making processes of the Department of Defense. The security of American citizens was forever altered on September 11, 2001. Since that date, the National Guard has grown in stature and importance as a full partner in ensuring their well-being.

It is completely logical that the policies and procedures that heretofore have guided the effective use of the National Guard should be considered for revision in light of the sweeping changes to the missions and employment of our armed forces. NGAUS looks forward to working with you and with members of the United States Senate in passage of similarly innovative legislation.

Thank you for your efforts on behalf of the National Guard.

Sincerely,

STEPHEN M. KOPER,
Brigadier General (ret), President.

ADJUTANTS GENERAL ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 26, 2006.

Hon. THOMAS M. DAVIS III,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DAVIS: The Adjutants General Association of the United States heralds the introduction of the National Defense Enhancement and National Guard Empowerment Act of 2006. This legislation which you have created along with members of the U.S. Senate bravely seeks to ensure the National Guard will have a strong voice in matters of national security, homeland defense, and homeland security.

Events associated with Hurricane Katrina, BRAC, and QDR highlighted important instances where National Guard leadership was not consulted on key matters of national interest and citizen safety. As the National Guard faces major issues in re-equipping and transformation, a strong voice in defense circles is more vital than ever.

Thank you for your efforts on behalf of appreciative Adjutants General.

Sincerely,

ROGER P. LEMPKE,
Major General, Adjutant General.

INTRODUCTION OF THE CHILDREN'S DEVELOPMENT COMMISSION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mrs. MALONEY. Mr. Speaker, today I am again re-introducing legislation that is intended to help solve the shortage of available, affordable child care facilities. In my congressional district in New York City, more than half of all women with pre-school children are in the workforce and the need for child care is enormous. This is not a local problem but one that is national in nature.

The Children's Development Commission Act or Kiddie Mac, will address this problem by authorizing HUD to issue guarantees to lenders who are willing to lend money to build or rehabilitate child care facilities. It also creates the Children's Development Commission which will certify the loans and create federal child care standards. Kiddie Mac will also give micro-loans to facilities which need to make the necessary changes to come up to licensing standards, as well as provide them with lower cost fire and liability insurance. Through some of the premiums paid by the lenders, a non-profit foundation will be formed which would focus on research on child care and development, as well as create educational materials to guide potential providers through the certification process.

I have introduced this legislation in several past Congresses but the need for it has only grown more acute. I urge my colleagues to consider the proposal and join me in enacting it this year.

RECOGNIZING THE CENTENNIAL ANNIVERSARY OF THE AMERICAN COMMUNITY SCHOOL AT BEIRUT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ISSA. Mr. Speaker, I rise today to honor the Centennial Anniversary of the American Community School at Beirut.

The American Community School was founded in 1905 as the Faculty School by a group of American missionary families living in Lebanon. The school was supported by the American University of Beirut, the American Presbyterian Mission and Aramco. It was the first American K–12 school in Lebanon and is an independent, non-profit, co-educational school chartered in the state of New York. Today, the school's enrollment exceeds 1,000 and the school is an ambassador of American education to the Middle East.

The American Community School's student population has changed over the years and is now composed of a diverse community made up of students from American, Lebanese and international families. The school offers numerous activities to supplement the education of its students. Alumni of the school have gone on to do great things, with many of them excelling in careers serving the United States government and Lebanese-American relations.

I would like to commend the American Community School's leadership for their innovative vision in implementing and carrying out the school's mission of providing quality American-style education. The school's teachers should be recognized for their consistent dedication and for inspiring their students to pursue a well-rounded, life-long education. Finally, past and present students of the school should be applauded for their success in such an independent, challenging environment.

The school is appreciative of the support of the United States Congress. America's direct support of this and other educational institutions in the Middle East plays an important role in our public diplomacy efforts.

Mr. Speaker, it is an honor to pay tribute to the American Community School at Beirut in this year of its Centennial Anniversary. I congratulate the school on its distinguished history and look forward to its promising future.

HONORING DON DEHART

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Don DeHart, a compassionate and caring man who dedicated his life to helping those in need.

Don DeHart grew up in Indiana and quickly became an indispensable part of his father's construction business. He earned three engineering degrees and became the general manager of a successful road construction firm. Don also volunteered as a pastor in remote rural areas, but became restless because, as his wife Eva said, "he felt there was more to God's work than thicker cushions on pew seats."

Don and Eva began making mission trips to help impoverished Haitians in the late 1960s. They eventually co-founded "For Haiti With Love," a charity dedicated to providing much needed medical and other services to poor Haitians. The DeHarts eventually moved to Florida to be closer to their mission work.

The DeHarts built a small medical clinic which helped provide basic medical services to some of Haiti's neediest people. Though he was not trained as a medical doctor, Don quickly became an expert on treating burns, which are quite common in Haiti, saving many lives in the process. The DeHarts also helped nourish some of the country's poorest residents in Cap Haitien, Haiti's second-largest city.

Don befriended one of his patients, a young girl named Roseline, who had a crippling spinal condition. Don and Eva brought her to America for surgery, and when her mother died, adopted her. Roseline, now 22, graduated from one of the fine high schools in my congressional district and has taken over her adoptive father's mission.

Mr. Speaker, Don DeHart left this earthly life on April 15 after a long battle against cancer, a disease he had beaten several decades ago. Don lived a life of service and compassion, leaving no doubt that the world is a much better place for having had him in it. I hope his friends and family can take comfort knowing that his legacy will live on long after our warm words of remembrance are forgotten. May he rest in peace and may God watch over his family and those he dedicated his life to helping.

TRIBUTE TO EDNA EDWARDS PRITCHETT

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Mrs. Edna Edwards Pritchett on the occasion of her 90th birthday which will be celebrated on April 28, 2006.

Edna Pritchett has been a pillar in our community. She has lived her entire life in the First Congressional District of the Great State of Missouri. She is a 1934 graduate of the historic Sumner High School and was the second of three generations of her family to attend that landmark institution. During her outstanding career spanning 42 years, Mrs. Pritchett has served with distinction with the American Cancer Society and the Homer G. Phillips Hospital—another landmark institution in my congressional district. She also worked in several capacities with the St. Louis Board of Education.

In 1969, Mrs. Pritchett joined the Monsanto Company and retired from its International Division in 1979. But, her service to our community did not end at that point. She continued to be a conscientious citizen and a neighborhood beacon—serving in a number of capacities including Neighborhood Watch and First Night Programs which she continues to this very day.

Through the years, Mrs. Pritchett has given the full measure of her abilities, dedicated services and wise counsel to the St. Louis community. She gave tirelessly of her time as a Girl Scout Troup Leader at the All Saints Episcopal Church and later as a poll worker with the St. Louis County Board of Elections. She also volunteered with the University City Public Schools as a reading advocate for children and with other educational programs throughout the school district.

Edna Pritchett was the devoted wife for 43 years to Raymond W. Pritchett until his passing in 1985. She has been a dedicated homemaker, a loving, nurturing and caring mother to her four children, Mattelyn, Edna Jean, Harriet and Raymond, as well as a trusted confidant and friend to her late sister, Regina Edwards. Her shining personality and indomitable spirit has brought warmth and cheer to her family and into the lives of all who have had the opportunity to know her.

Mr. Speaker, I am proud to represent such a respected and beloved constituent. I urge my colleagues to join me in recognizing the great humanity and lifetime achievements of Mrs. Edna Edwards Pritchett and extend my very best wishes to her as she celebrates this great milestone with her family and friends.

A TRIBUTE TO VINCENT HoSANG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Vincent HoSang, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Speaker, Vincent HoSang was born in Springfield St. James, Jamaica WI to Mr. and Mrs. Henry HoSang who migrated from China in the early 1900s. He is the eighth child of ten, six boys and four girls. Mr. HoSang's parents operated a store, similar to a department store today, selling everything from groceries, hardware, and raw materials for making clothes, to liquor. They also operated a bakery, which consisted of a brick-oven and a machine called a "doughbreak", everything else was done by hand; bear in mind that there was no electricity and no running water.

At the age of about 12 years, Mr. HoSang's parents sold the business and moved to Montego Bay where he went to live with an uncle. Mr. HoSang attended Cornwall College High School for three years and had the ambition of studying medicine; however, he had to leave school in fourth form to help his uncle in his grocery store. At age 19, Mr. HoSang rejoined his parents who had just started a grocery store in Kingston, at the same time; he also helped his cousin who operated a bakery nearby.

In February of 1968, Mr. HoSang migrated to the Bronx, New York. He got a job in a briefcase factory assembling attaché cases, where he received the minimum wage of $1.60 an hour, taking home $49 per week after taxes. Mr. HoSang stayed at that job for only a short time until he got a better job with Imperial Dairies on East 233rd Street in the Bronx, delivering milk to homes at night. In 1974, Mr. HoSang met his wife, Jeanette, who is from Spanish Town, Jamaica, and got married in August 1976 and started a family in April of 1977.

Mr. HoSang always wanted to have his own business ever since he came to the United States, but lack of capital, inexperience, and he admits, a bit of cowardice held him back just a bit. However, with the burning desire ever-present, Mr. HoSang waited until he saved some money and built up his courage to jump right in. In February 1978, Mr. HoSang and his wife bought a fast food store known as "Kingsbridge Delight" in the West Bronx, selling fried chicken, shrimp, ribs, and French fries. He knew the business was not making a profit but their goal was to introduce the Jamaican cuisine and patties. Jeanette was very instrumental in the development of the Jamaican dishes and after about six months, some long hours per day for seven days a week, and a lot of sacrifices, the business started to show a small profit. In 1980, Sunrise Bakery on Dyre Avenue, which was owned by another West Indian, became available. Mr. and Mrs. HoSang bought it in December 1980 with the intention of making it a full-fledged Jamaican bakery and changed its name to Royal Caribbean Bakery and operated as a retail bakery. In 1984, they expanded into a 15,000 sq. ft. facility on East 233rd street in the Bronx where Caribbean Food Delights was incorporated and became the frozen food division of Royal Caribbean Bakery. The company at this stage expanded into the wholesale trade. Three years later in 1987, both companies expanded into a 20,000 sq. ft. facility in Mount Vernon, New York.

The HoSangs took a big risk when they bought a 73,000 sq. ft. building on 10 acres of property in Tappan, New York in 1993 and named it Caribbean Food Delights. It produces a variety of Jamaican cuisine, including Jamaican style patties: beef, chicken, vegetable, soy and shrimp, which are oven-baked, unbaked, and microwaveable. New to their product line are jerk chicken and jerk fish patties. Today, the HoSangs own the largest Jamaican frozen food plant in the U.S. and the Mount Vernon plant continues to manufacture the bread, buns, cakes, and pastries.

The patties, which are in great demand, are available nationwide through retailers such as Costco Wholesale, BJ's Wholesale Club, Sam's Wholesale Club, Wal-Mart, PathMark, Key Food, Stop & Shop, Met Food, and many other neighborhood supermarkets. The patties are also available through Caribbean Food Delights by contacting them directly at 845–398–3000. The company can also be found on the worldwide web at www.caribbeanfooddelights.com where one can learn more about product information and their upcoming JerkQ'zine Caribbean Grille Franchise Opportunities.

The kindness shown by Mr. HoSang and his wife in giving back to communities, organizations, churches, fundraisers and scholastic events such as the Penn Relays keeps multiplying their efforts.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Vincent HoSang, CEO, Royal Caribbean Bakery and Caribbean Food Delights, Inc., as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Vincent HoSang's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

RECOGNIZING THE 84TH BIRTHDAY OF COACH GUY EDWARD PHIPPS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a man whom I consider to be one of the greatest influences of my early years—a man whose guidance helped change the lives of several generations of young people. I rise today to honor my high school basketball coach, a talented, caring educator and my dear friend, Coach Guy Edward Phipps, who earlier this month celebrated his 84th birthday.

Coach Phipps was born in Hickman, Kentucky, and, after graduating from Hickman High School, served 3 years in the United States Army. Following his honorable discharge, he attended nearby Murray State University while also raising a family; his daughter, now Janice Phipps Jones, was only three years old when Coach Phipps began his college education.

After earning both a Bachelors Degree and a Masters Degree at Murray State University, he began his career as a teacher and basketball coach in Fulton, Kentucky. Four years later, he moved just across the state line to South Fulton, Tennessee, for a new coaching job. Three seasons later, Coach Phipps and his team set school history with an unprecedented 28–0 record in the regular season.

That same year, however, Coach Phipps and the Red Devils were beat in the district tournament by Union City High School in my hometown of Union City, Tennessee. Shortly thereafter, in 1956, Coach Phipps made the professional move 14 miles away to Union City High School to take over the coaching duties with the Union City Golden Tornadoes. Coach Phipps helped lead the team to five consecutive district and regional tournament wins and brought the school to its first-ever state tournament appearance.

In 1959, I joined the Union City High School basketball team as a sophomore and was honored to train under Coach Phipps for three years. His leadership helped teach my teammates and me sportsmanship, teamwork and maturity that have been important to me throughout my life, and I feel confident that my former teammates are as grateful as I am to have had the opportunity in our formative years to work with such an exceptionally talented leader.

Coach Phipps also taught courses in industrial arts and engineering drawing while at Union City High School. He was known in our school district for a special goal he set—to choose a different student every day or every week whom he felt needed a friend and someone to believe in him or her. This approach touched the lives of many students over Coach Phipps' career and is still a tradition among many of the educators in northwest Tennessee.

After a brief time working at a local doctor's clinic, Coach Phipps chose to return to Union City High School, but this time as principal, where he continued to serve for 4 years. Later he served as head basketball coach at David Lipscomb College in Nashville and as dean of students at Nashville Tech.

Mr. Speaker, I hope you and our colleagues will join me in honoring the 84th birthday of a man who has been a hero in Tennessee and Kentucky for generations. The true measure of a successful educator is how many young people's lives he has touched. As one of Coach Phipps' former players and a good friend of his today, I know he meets that test of being a truly successful teacher and coach.

TRIBUTE TO RUTH NAGLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to one of the most extraordinary women in the Bay Area, Ruth Nagler. Mrs. Nagler has lived in the 12th District of California for the past 50 plus years and her contributions to the community deserve recognition.

Ruth Nagler was born and raised in New York. Nagler received an undergraduate degree from College of the City of New York in 1943, and subsequently received a Master of Arts in education from New York University in 1945. She and her husband, Edmund, are parents to three children.

Mr. Speaker, after moving to San Mateo Ruth Nagler immediately immersed herself in our community, joining the League of Women Voters of the Mid-Peninsula in 1951, eventually serving as the president of this valuable organization for three years. In addition, Ruth Nagler served for 10 years as a trustee of the San Mateo City Elementary School District Board, where she was a leader and integral component of one of the earliest state school desegregation programs in California, and in our nation. With this background, Ruth Nagler was the perfect choice to become Director of Community Education for Canada College, one of the three colleges of the San Mateo County Community College District. Ruth Nagler left her mark both at Canada College and at the San Mateo County Community College District during the 20 years she worked for the institution. During that time, she initiated, designed, developed and administered non-credit short courses, workshops, conferences and special events for more than 48,000 people.

Mr. Speaker, since retirement Ruth Nagler has remained active in community activities, and in fact her involvement in the community is too long to list here but allow me to highlight a few of the things she has done. She was coordinator of the "San Mateo County 2000" drive for the public school system, she was chair of the Friends of the Advisory Council on Women, a member of the Mills-Peninsula Hospital Board of Trustees, chair of the San Mateo Performing Arts Center Board of Directors, and directed a successful effort to refurbish the High School District's theater.

In addition to these organizations and her continued work with San Mateo League of Women Voters, Ruth Nagler has also selflessly devoted herself to a myriad of community service organizations including; Planned Parenthood, American Association of University Women, United Nations Association, San Mateo County American Cancer Society, San Mateo Parents Cooperative Nursery School, and the San Mateo City Citizens Task Force to Study Needs of Seniors. Mr. Speaker, the wide range of associations with which Ruth Nagler been has involved clearly highlight her commitment to our community.

For her diligent work, she has been duly recognized over the years. Notably, in 2003, she was named "Woman of the Year" by California Assemblyman Gene Mullin. In 1990, Ruth Nagler was the recipient of the Beyond War Foundation award for "helping to build a global community and thereby create a secure and sustainable future for all."

Mr. Speaker, Ruth Nagler is an inspirational leader and we can learn much from her actions, her leadership and her ability to create change. I urge all of my colleagues to join me in tribute to Ruth Nagler for her tireless efforts to better the San Mateo County community and our nation.

CONGRATULATING JUDGE ROBERT C. BROOMFIELD FOR RECEIVING THE UNIVERSITY OF ARIZONA'S DISTINGUISHED CITIZEN AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PASTOR. Mr. Speaker, I rise today to recognize the Honorable Robert C. Broomfield, Senior United States District Judge and a 1961 graduate of the University of Arizona James E. Rogers College of Law. It was my pleasure to work with Judge Broomfield when I was a County Supervisor, and I always found him to be reasonable, understanding, and well respected by all, whether they be private citizens, elected officials, or his judicial peers. Therefore I was pleased to learn that he was being honored by his alma mater on April 22nd with its Distinguished Citizen Award, and I would like to take this opportunity to acknowledge and thank him for many years of service to the nation and the State of Arizona.

Judge Broomfield has served with distinction in the courts for more than 34 years, first as a judge and presiding judge on the Maricopa County Superior Court and, since 1985, as a judge in the federal system. In 2002, the late Chief Justice William Rehnquist appointed him to the Foreign Intelligence Security Act Court where he was one of 11 judges rotating assignments. In each of these endeavors, he has earned respect as a keen jurist, a superb administrator, and as a person who exemplifies the best traditions of integrity and professionalism.

As a judge of the United States District Court for the District of Arizona, and its Chief Judge from 1994 to 1999, he has served on numerous circuit court committees and in national positions by appointment of the Chief Justice of the United States Supreme Court. He has served on, or chaired, at least 15 committees designed to improve court operations and the administration of justice. In addition, he was a member of the Arizona Town Hall for over a decade, a Director of the community leadership association Phoenix Together, a trusted advisor for youth groups, and a pleasure to work with through the appropriations process as we labored to secure funding for the Sandra Day O'Connor Courthouse.

His colleagues characterize Judge Broomfield in laudatory terms, noting his self-effacing manner, quiet integrity, and single-minded commitment to the continued vitality of democratic governance through an independent, fair, and impartial judicial system.

Mr. Speaker, I join my friends at the University of Arizona James E. Rogers College of Law and its Law College Association in commending a man whose life's work so well defines American citizenship, leadership, and service.

100TH ANNIVERSARY OF THE GREAT SAN FRANCISCO EARTHQUAKE OF 1906

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. LANTOS. Mr. Speaker, 100 years ago on April 18, 1906 at 5:12 a.m. the Bay Area was struck by one of the most catastrophic natural disasters in modern history as San Francisco, a great city of 400,000, was shaken to rubble and burned.

The quake, estimated at a magnitude of 7.8, killed some 3,000 people and rendered homeless as many as three-quarters of the entire city's population. Other disastrous consequences soon followed as a massive firestorm created by ruptured natural gas mains swept across the city. The quake's destruction of water mains and cisterns left the fire department able to do little but dynamite buildings in a futile effort to stop the relentless advance of the flames. Separate fires converging in the downtown area created an inferno that destroyed nearly 500 city blocks and took four days to quell.

Officials of local, state and federal agencies attempted to deal with the massive chaos, but disruption of communications and the scale of destruction made it difficult to maintain order.

The aftermath of the quake, Mr. Speaker, was even more catastrophic than its initial effects. As many as 300,000 San Franciscans were homeless and there was great risk of disease, water contamination, and crime. The total scale of damage was immense with over 80% of the city destroyed and over $400 million in damage in 1906 dollars. Adjusted for today's dollars, the cost would be over $8 billion in damage. I know some of you have read or are reading Simon Winchester's A Crack in the Edge of the World: America and the Great California Earthquake of 1906. Winchester recounts this extraordinary story of disaster, response and recovery, and I recommend his excellent book.

Mr. Speaker, the recovery from the quake changed San Francisco forever. The response to the disaster was truly remarkable—and much more impressive than the United States government's response to the Katrina disaster last fall.

Following the devastation, the call for help went out. The first relief train with wagonloads of packaged food and medicine arrived in Oakland from Los Angeles at midnight on the day of the disaster—less than 20 hours after the first rumbling of the earthquake. The War Department and Congress acted. Trains were sent from every corner of the nation. Every military tent in the country was sent to house the refugees. Within weeks ten percent of the United States Army was in the Bay Area.

A U.S. military officer, second in command at the Presidio, Brigadier General Fred Funston, did not wait for orders, did not wait for his boss to return from out of town, and did not wait or hesitate to take the initiative. He immediately ordered troops from the Presidio and Fort Mason to come to the aid of the city, and he sent dispatches demanding help.

Mr. Speaker, the House Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina recently released its final report entitled, "A Failure of Initiative." This 379-page report details 90 findings of failure at all levels of government and lays primary fault with the passive reaction and misjudgments of top Administration officials, including the Homeland Security Secretary, the Homeland Security Operations Center and the White House Homeland Security Council. It concludes that "earlier presidential involvement could have speeded the response" because the President could have cut through all bureaucratic resistance.

The White House has issued its own report, "The Federal Response To Hurricane Katrina: Lessons Learned," which identified 17 lessons the executive branch learned after reviewing and analyzing the response to Katrina, made 125 specific recommendations to the President, and listed 11 critical actions to be completed before June 1, 2006, when hurricane season begins again.

It is not like the events of Katrina were unique or original. The disaster in San Francisco a century earlier gave us clear indications of what to do and what not to do. On February 16, 2006 the San Francisco Chronicle editorialized that there is "a bigger message than the rearview-mirror blame-game that goes with government bungling. California and the Bay Area remain at nature's mercy from weather, earthquakes or fire. It's time to check and recheck local plans to make sure everyone's on the same page, and emergency planners can take on the dicey game of managing disasters on the fly."

And furthermore, "Emergency workers have tried to anticipate such disasters, working hard to prepare the response of public-safety agencies and the public. Still, as Katrina showed, the results can hinge on official judgment and initiative. Let's make sure we're ready."

In early 2001, FEMA warned against three major disasters that could face the nation: a terrorist attack on New York City, a major hurricane in New Orleans, and an earthquake in San Francisco. Yet according to a recent letter from Department of Homeland Security Secretary Chertoff to California Senator BARBARA BOXER, the Department of Homeland Security has no specific federal strategy for responding to a catastrophic earthquake in California and will depend primarily on local and state efforts. As Benjamin Franklin warned, by failing to prepare we prepare to fail.

Mr. Speaker, as we remember the 100th Anniversary of the great San Francisco Earthquake and Fire I commend the people of San Francisco who demonstrated the determination of recovery and renewal that rebuilt the great city by the Bay. To me that San Francisco spirit is a key part of the American spirit. It is the dream that brought the 49ers of the Gold Rush era to California, and it was the dream that rebuilt San Francisco after the disaster of 1906. It was the dream that built Silicon Valley, that brought to California the miracle of biotechnology and stem cell research.

Mr. Speaker, I invite my colleagues to join me in commending the people of San Francisco and the Bay Area as they celebrate this historic anniversary, and in calling on federal, state and local government officials to learn from the tragic events of the Earthquake of 1906 and the equally tragic events of the Katrina disaster of 2005 to prepare for the catastrophic events that will surely come in the future.

PAYING TRIBUTE TO CHUCK WORLEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Chuck Worley for service to the State of Nevada.

Chuck has dedicated his time for the last three years to help the Bureau of Land Management, BLM, with public land stewardship and to help protect recreation access to public lands. He established the Friends of Wilson Canyon in 2003, and has been an active member since. Prior to the creation of this organization, the BLM was unable to provide a consistently strong level of recreation management to Wilson Canyon due to its distance and location from personnel. Chuck, along with the Friends of Wilson Canyon, have contributed more than 800 hours of volunteer labor, and $12,000 worth of materials, tools and heavy equipment to install Off Highway Vehicle, OHV, management barriers and informational signage in Wilson Canyon.

Through his volunteer service and working with the Friends of Wilson Canyon, Chuck initiated on-site awareness meetings with the U.S. Forest Service, BLM, Lyon County and local residents to avoid protective land closures. He then initiated volunteer action to work towards preserving and protecting the natural resources and public land recreation opportunities by organizing clean-ups, applying for and being awarded Recreation Trails Grants and participating in the development of long-term management of the area. Worley also created and maintains the Friends of Wilson Canyon Web site which helps keep the public informed and teaches proper land use ethics and OHV responsibility.

Because of his dedicated service, Chuck has been chosen as one of the Bureau of Land Management's, BLM, national volunteer award winners. The national Making a Difference volunteer awards will be presented May 11, 2006, at a special ceremony at the Department of the Interior in Washington, DC. Chuck is one of 8 winners around the U.S. chosen for his outstanding volunteer service to BLM. The BLM's Making a Difference national awards program supports the President's call for increased service to America and is part of the Take Pride in America initiative.

Mr. Speaker, I am honored to recognize Chuck Worley on the floor of the House today. I commend him for his service to southern Nevada.

REMARKS OF DEMOCRATIC LEADER OF THE HOUSE, CONGRESSWOMAN NANCY PELOSI, ON THE 100TH ANNIVERSARY OF THE 1906 SAN FRANCISCO EARTHQUAKE

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. LANTOS. Mr. Speaker, very, very early on the morning of April 18, 2006, I joined thousands of San Franciscans and Bay Area residents on the corner of Kearny and Market Streets at Lotta's Fountain—one of San Francisco's most beloved landmarks. The Fountain was donated to the citizens of San Francisco in 1875 by Lotta Crabtree, a performer who began her show business career at age 6 dancing for miners in the gold country and eventually becoming one of America's most popular performers. During the 1906 Earthquake the fountain became a famous meeting place and bulletin board for families and survivors. It is the oldest surviving landmark in the city of San Francisco, and survivors of the 1906 Earthquake still gather for reunions around the fountain at each anniversary of the '06 quake.

This year's commemoration was a celebration of the centennial anniversary of the Earthquake. My dear friend and our most distinguished colleague Democratic Leader Nancy Pelosi and San Francisco Mayor Gavin Newsom spoke at this historic occasion remembering this great tragedy. They spoke of the courage and the pioneering spirit of the people of San Francisco following this devastating event.

Mr. Speaker, I ask my colleagues to join me in remembering the 100th anniversary of the great San Francisco Earthquake, and I ask unanimous consent that the full text of the excellent statement by Congresswoman PELOSI be placed in the RECORD.

THE PEOPLE OF SAN FRANCISCO DID THE IMPOSSIBLE—REBUILT OUR CITY BETTER THAN BEFORE

ADDRESS OF CONGRESSWOMAN NANCY PELOSI

Good Morning, San Francisco. Thank you all for coming this morning, and thank you Mayor Newsom. It is appropriate that the Mayor would be presiding over San Francisco rising. He comes from good pioneer stock. His family was here at the time of the earthquake, and they have contributed to rebuilding this city ever since. Let's hear it again for Mayor Newsom.

I am pleased to be here with my colleague Tom Lantos of California and other members of the official family of San Francisco.

To some, it may have seemed impossible that San Francisco could be rebuilt when they saw this headline in the Call Chronicle Examiner on April 19th: "Earthquake and Fire: San Francisco in Ruins." But they had faith and they had the San Francisco Fire Department.

The City of San Francisco lived by the words of our patron saint, St. Francis of Assisi: "Start by doing what is necessary; then do what is possible; and suddenly you are doing the impossible." That is what the people of San Francisco did. The Mayor said 250,000 were left homeless. They lived in our parks, built temporary shelters, thousands lost loved ones, and they gathered here at this fountain to find news of the missing. Separated by class and race and neighborhood, they came together in common cause.

Frances Mae Duffy, who was 11 months old at the time of the quake and is here this morning, said it best: "No matter how rich or poor you were, you got shook up just the same."

One week after the quake, Governor Pardee declared, "I expect to see the great metropolis replaced on a much grander scale than ever before." And indeed that happened.

A year later, just a year later, a newspaper reported that "a miracle was wrought. Discipline was restored in a day; orderly government was established in a week; relief was organized almost before there was hunger to assuage; reorganization was planned before the destruction was complete, and begun before the ashes had cooled; courage was never lost." That is our San Francisco.

Courage was never lost because the San Franciscans of a century ago were pioneers or they were children of pioneers. Winston Churchill could have been speaking of them and our great survivors here whom we honor when he said: "We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies because we are made of sugar candy." We are made of sterner stuff. For many of them, just getting here was a dangerous journey—over the Rockies, through the swamps of Panama, across the Pacific, or around Cape Horn. They were pioneers and risk-takers. Once they arrived, they began building a city and a future limited only by their imagination. And when the earthquake and the fire leveled the city, their imagination was sparked even further, and they began rebuilding San Francisco better than before.

Today as we commemorate a tragedy, we also celebrate the survivors here today. You represent the heart and soul of San Francisco.

And when we have the moment of silence here at Lotta's Fountain we must remember that this is hallowed ground. This is where people came 100 years ago in the hopes of finding news of their loved ones, and sometimes they found their loved ones.

Over the years, these survivors and their fellow citizens did what was necessary, they did what was possible, and then did the impossible—they made San Francisco what it is today.

And so to the survivors I say, there's an Italian expression: Cent'anni—may you live 100 years. Well, they did. We are very fortunate indeed that they did and we are very honored by their great contribution to our city. Cent'anni all over again.

COMMEMORATING THE ARMENIAN GENOCIDE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. WAXMAN. Mr. Speaker, this week marks the 91st anniversary of the start of the Armenian Genocide. We remember and mourn the mass killing of more than 1.5 million Armenians and the forced relocation of over one million others.

The painful memory of this brutal campaign is only compounded by the Turkish government's refusal to acknowledge the events of history. Instead of recognizing the crimes perpetrated by the Ottoman Empire, Turkish leaders have prosecuted journalists who write about the massacres. Turkey also continues to blockade Armenia and stifle its economic growth by locking Armenia out of the regional economy.

Despite these challenges, Armenia has worked diligently to overcome its difficult past and make progress on democratic reform, promote development and expand public services. The United States has been a strong partner in this effort. In March, the U.S. and Armenia signed a Millennium Challenge Corporation compact to provide $235 million for programs to reduce rural poverty in Armenia over the next five years. Our close ties are further reinforced with the robust investment in the Armenian economy by Armenian businesses and communities across the United States.

Today, as we remember the victims of the Armenian Genocide, we endeavor to ensure that the atrocities are not forgotten. As we pay tribute to the survivors who preserved the history, culture and tradition that paved the way for the emergence of an independent Armenian state, let us pledge to continue building an even brighter future of prosperity and opportunity for the Armenian people.

PAYING TRIBUTE TO ANGELA BERG

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Angela Berg, whose passion for nursing has greatly improved the lives of children.

Angela Berg began working as a licensed practical nurse in 1991 and subsequently got her nursing degree in 1992. She later earned her Bachelor of Science degree in nursing in 1999. Angela has worked with children throughout her career, and has looked for ways to assist parents to care for critically ill children. She has campaigning for their safety and creates plans to keep children with their families. Since 2001, Angela has been playing an advocacy role in the fight to immunize children from the threat of childhood disease. She has served as co-chair of the Southern Nevada Immunization Coalition and has created a number of campaigns to educate the medical community about the importance of immunization. Angela has also worked with the state of Nevada to create an electronic immunization database.

Mr. Speaker, I am proud to honor Angela Berg for her efforts to educate the public regarding the importance of childhood immunization. Her work as greatly contributed to the overall welfare of the children in the state of Nevada. I wish her the best in her future endeavors.

CONGRATULATING NORM SIELING

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mr. Norm Sieling of Lake Crystal, Minnesota, on his induction into the Minnesota Future Farmers of America Hall of Fame.

The Minnesota Future Farmers of America strives to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education. By maintaining the ideals of the past and incorporating the ideas of the future, the Minnesota Future Farmers of America continually seeks new, innovative ways to join agriculture and education with today's world of technology. The Hall of Fame is an honor reserved for those alumni who are a living example of this mission.

For his commitment to these ideals, Mr. Norm Sieling was inducted into Minnesota FFA Hall of Fame. As an agriculture teacher for 39 years in Lake Crystal, Minnesota, and a mentor for new agriculture teachers at the University of Minnesota, Mr. Sieling has demonstrated his dedication to the future of agriculture. He has helped students to achieve their goals, while encouraging the expansion of the agricultural industry.

I extend my sincere congratulations to Mr. Sieling on receiving this achievement. His dedicated service to the young farmers of Minnesota and the agricultural community is greatly appreciated.

PAYING TRIBUTE TO FRANCES WRIGHT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the memory of Frances Wright, a resident of Henderson Nevada, who died at the age of 101.

Born Fanny Schneider on Feb. 14, 1905, in Poland, she was the third of four children of Louis and Molly Schneider. Her family came to the United States when she was 6 months old. Her father was a tailor for an upscale men's clothier on Temple Street in Los Angeles. By the time she was 10, Frances was an aspiring child actress who took the stage name of Fanny Snyder. She claimed to have had a big part in the classic and controversial 1915 silent film "The Birth of a Nation" and often told friends that she enjoyed working on the film, which paid 50 cents a day and included a box lunch.

Fanny attended Los Angeles Polytechnic High School where she lettered in volleyball, swimming and softball and was captain of those teams. She also was senior class president. Her yearbook listed her as most likely to become the "first woman president of the United States." After graduating in 1921, Fanny became a part of the flapper scene while attending business school. In 1927 she married car salesman David Wright. They were married for 71 years. He died in 1998.

Adept at poker, mah-jongg, canasta and pan, Fanny was a longtime regular in Southern California card rooms. From the early 1950s until the late 1990s, she would alternate residences between Los Angeles and Las Vegas. She worked at Bains and Sloats, a women's clothing store on the Las Vegas strip, but Fanny's real love was hanging around Strip resorts, getting a deep tan at the poolside and hobnobbing with celebrities. She was a frequent patron at the Sahara's Casbah Lounge when Louis Prima and the Mary Kaye Trio performed there.

Unconventional to the end, Fanny took her doctors' advice last month to start using medical marijuana so she would get "the munchies" and eat to bulk up her thin frame. Fanny credited her longevity to being a good athlete in her youth, maintaining a good diet and taking a shot of bourbon at 4 p.m. every day.

In addition to her daughter, Wright is survived by a son, Ronald Wright of Los Angeles; six grandchildren; six great-grandchildren; and one great-great-granddaughter.

Mr. Speaker, I am honored to recognize the life of Frances Wright on the floor of the House.

SIKH ACTIVIST ARRESTED FOR MAKING SPEECH—BETRAYAL OF DEMOCRATIC PRINCIPLE OF FREEDOM OF SPEECH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I was distressed to note that on April 20, Sikh activist Daljit Singh Bittu was arrested after making a speech. He was charged with sedition and "making inflammatory speeches." Mr. Bittu spoke out against the acquisition of the land of poor farmers by Punjab on behalf of private business firms. We have had cases in this country where the government has taken land by eminent domain for private usage, Mr. Speaker, and no one ever gets arrested for speaking out against it. Radio and television commentators across the spectrum have opposed this and they are still on the air. Yet in India, speaking out against this can now get you arrested.

Mr. Bittu is a proponent of freedom for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. Recently, Dr. Jagjit Singh Chohan, another Sikh activist, was arrested for predicting on television that Khalistan will be free by 2007. All he did was make a prediction. Is that a crime? If that is a crime, then the jails will overflow with sportscasters, weather reporters, psychics, and others who predict things routinely.

In addition, leaders of Dal Khalsa have been arrested for holding marches, making speeches, and raising a flag. A former member of Parliament was also arrested. It looks like the late General Narinder Singh was right when he said that "Punjab is a police state."

This is unacceptable, Mr. Speaker, especially as the United States and India move towards greater cooperation in numerous endeavors. We must insist on the full expression of democracy and basic human rights there if we are going to do business with India as a normal member of the family of free nations. And the essence of democracy is the right to self-determination.

The time has come to stop our aid and trade with India until it stops arresting people for making speeches, raising flags, and holding marches. The time has come for the U.S. Congress to put itself on record in support of freedom and self-determination for all the nations of South Asia. In 1948, India promised a free and fair plebiscite on the status of Kashmir. No such vote has ever been held in "the world's largest democracy." Why don't we insist on a simple democratic vote, with monitors, in Kashmir, in Punjab, Khalistan, in predominantly Christian Nagalim, and wherever people seek their freedom from India? As long as we turn a blind eye to the repression, the repression will continue. We must be the ones to strike a blow for freedom. Only when all people in the subcontinent enjoy freedom fully will there be stability and peace there.

Mr. Speaker, the Council of Khalistan recently published a press release on the arrest of Daljit Singh Bittu. I would like to place it in the RECORD at this time.

DALJIT SINGH BITTU ARRESTED FOR MAKING SPEECH—WHERE IS FREEDOM OF SPEECH IN INDIA?

WASHINGTON, DC., April 26, 2006.—Indian police arrested Daljit Singh Bittu. leader of the Shiromani Khalsa Dal, on charges of sedition and "delivering inflammatory speeches" at Fatehgarh Channa. Sardar Bittu was arrested on April 21 from his home in Ludhiana. He was held by the police, who sought "foreign currency" and a CD of his speeches.

"Where is the freedom of speech in India?" asked Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "How can a democratic state arrest people for making speeches? This shows us again that there is no place for Sikhs in India."

India proudly bills itself as "the world's largest democracy" and its constitution guarantees freedom of speech. But the arrest of Sardar Bittu is the latest incident in which people have been arrested for making speeches, holding marches, or raising a flag. "The drive for freedom is alive and strong in Punjab," he said. "What kind of democracy arrests people for demanding freedom?" asked Dr. Aulakh.

Leaders of Dal Khalsa have been arrested for sponsoring marches in Punjab in support of a free Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. In addition, Dr. Jagjit Singh Chohan was arrested for making a statement in which he made the prediction that Khalistan will be free by 2007. "Since when is making a prediction a crime in India?" Dr. Aulakh asked. "Will the weathermen in Delhi now be arrested for predicting rain?"

"The time is now to begin a Shantmai Morcha to liberate Khalistan," said Dr. Aulakh. "India is showing its weakness with these arrests," he said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht Sahib, said, 'If a Sikh is not for Khalistan, he is not a Sikh.'" Every day in prayer Sikhs recite "Raj Kare Ga Khalsa," which means "The khalsa shall rule."

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948 as well as tens of thousands of Christians throughout the country, over 90,000 Muslims in Kashmir since 1988, 2,000 to 5,000 Muslims in Gujarat, tens of thousands of Muslims elsewhere in India, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian newspaper reported that the police in Gujarat were ordered to stand aside in that massacre and not to get involved, a frightening parallel to the Delhi massacre of Sikhs in 1984. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht S. Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder or for the murder of Jathedar Kaunke. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984!

Recently, a new wave of violence has erupted against Christian churches. States are enacting laws prohibiting Hindus from converting to any other religion. Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial.

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "India's illegal occupation of our homeland, Khalistan, must end," he said: "India should act like a democracy and allow a free and fair plebiscite on independence for all the nations of South Asia," Dr. Aulakh said. "We must free Khalistan now."

SIKHS CELEBRATING 307TH ANNIVERSARY OF REVELATION OF KHALSA NATION BY GURU GOBIND SINGH SAHIB

WASHINGTON, D.C., April 26, 2006.—Sikhs all over the world have been celebrating Vaisakhi Day, the anniversary of the revelation of the Khalsa Panth by Guru Gobind Singh in 1699. There have been parades in Washington, D.C., Vancouver, Stockton, Seattle, London, and may other cities. There will be an annual Sikh Day parade in New York on April 29. Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, will be speaking at the New York parade. In previous years, Dr. Aulakh's speeches have been punctuated by chants of "Khalistan Zindabad."

Vaisakhi Day is one of the most joyous days in the Sikh calendar, celebrating the emergence of the Khalsa Panth as a distinct people. Sikhs have been celebrating with devotion and reverence. Guru Gobind Singh proclaimed the sovereignty of the Sikh Nation: "In grieb Sikhin ko deon patshahi." Every morning and evening Sikhs recite "Raj Kare Ga Khalsa," meaning "the Khalsa shall rule," and "Khalsa Bagi Yan Badshah," meaning "either the Khalsa is in rebellion or the ruler." Sovereignty is the birthright of all people, and it is the heritage of the Sikh nation. As former Akal Takht Jathedar Professor Darshan Singh has said, "If a Sikh is not a Khalistani, he is not a Sikh."

"We must remind ourselves of our heritage by raising slogans of 'Khalistan Zindabad' and beginning a Shantmai Morcha to liberate our homeland, Khalistan," said Dr. Aulakh. "Whoever is honest and dedicated in leading that Shantmal Morcha deserves our support."

India is stepping up its efforts to repress the Sikh Nation's demand for freedom. Recently, Sardar Daljit Singh Bittu, leader of the Shiromani Khalsa Dal, was arrested for making a speech. Sikh activist Dr. Jagjit Singh Chohan was arrested after he said on India's Zee TV that Khalistan will be free by 2007. Leaders of Dal Khalsa have been arrested for leading marches, making speeches, and raising the Khalistani flag. In January, Sikh farmers were expelled from Ultaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands.

"It is evident that the Indian government is scared of the increasing amount of peaceful activism in Punjab in support of Khalistan," said Dr. Aulakh. "The Ume of Khalistan's liberation is near. India will fall apart soon," he said. "This office has worked unwaveringly for a sovereign Khalistan for over 20 years," he noted.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. "We only hope that the breakup will be peaceful like that of Czechoslovakia and not violent like that of Yugoslavia," said Dr. Aulakh.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. The police never released the body of former Jathedar of the Akal Takht S. Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. No one has been brought to justice for the Khalra kidnapping and murder. Yet according to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial, some since 1984!

"Only in a free Khalistan will the Sikh Nation prosper and get justice," said Dr. Aulakh. "India's illegal occupation of our homeland, Khalistan, must end," he said. "India should act like a democracy and allow a free and fair plebiscite on independence for all the nations of South Asia," Dr. Aulakh said. "We must free Khalistan now."

A TRIBUTE TO MAYOR ROBERTA COOPER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mayor Roberta Cooper for her 26 years of dedicated service to the City of Hayward, California. On June 15, 2006, the City of Hayward will host a farewell dinner to honor her as she retires from office at the end of her term on June 6, 2006.

The Mayor has been instrumental in the initiation and development of many projects in Hayward including a new City Hall, B Street Marketplace and Parking Structure, Albertson's Shopping Center, Atherton Place Condominiums, City Walk Condominiums, Fire Station 1 at C and Main, and the Theater Complex at Foothill & B coming in 2007. All of the mentioned projects were related to Hayward's downtown redevelopment.

Other areas of Hayward have also benefited from her exemplary leadership including the development of Fire Station 9, Oliver Sports Park of Hayward, Eden Shores Development, Harder Road Railroad Under-crossing, the Twin Bridges neighborhood and the accompanying Mission Foothills of Hayward Golf Course and the Route 238 Corridor Improvement Project.

Mayor Cooper is a longtime resident of Hayward. Prior to assuming the helm of the city's leadership as Mayor, she was an educator. She taught in the Hayward Unified School District from 1968 until her retirement in 1994.

She was elected to the Hayward City Council in 1988 and re-elected to the Council in 1992. She was elected Mayor in April 1994, re-elected in 1998 and reelected again in March 2002.

Mayor Cooper serves on many public agencies focused on economic development, capital improvement, transportation, the environment and city governance. She involves herself in community service with equal interest and dedication. A host of non-profit organizations have benefited from her leadership, such as The Kids Breakfast Club, Literacy Plus Project, Hayward's Human Services Commission and the Eden Youth Center.

She lists among her personal pet projects the Hayward New Start, a Tattoo Removal Program, the Hayward Honor Band, and cHime-In.

I join Mayor Cooper's constituents, friends and admirers in congratulating her on a job well done. She plans to use her time to garden, read, learn to use her home computer and travel. I hope she accomplishes all this and much more as she embarks on a well-deserved retirement.

Thank you to my friend, Bertie Cooper, for all you have done to make a difference in our community.

PAYING TRIBUTE TO SERGEANT MARK A. PLEASANTS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Sergeant Mark A. Pleasants, currently the Non-Commissioned Officer of Broadcast Production, assigned to the 99th Communications Squadron at Nellis Air Force Base, Nevada.

Since joining the United States Air Force in 1990, Sergeant Pleasants has reached impressive degrees of achievement and has a distinguished record of service. Having served in such foreign locales as Portugal, Germany and San Vito, Sergeant Pleasants has earned a number of accolades. In 1994 and 1995, while serving at Kaiserlautern in Germany, Sergeant Pleasants earned two Air Force level awards for his reporting and won the regional and worldwide Air Force talent competitions as a singer and announcer. In 1996, while assigned to the Air Force News Agency's Regional News Center at Ramstein Air Base, he was a key member pioneering the two most award winning shows in Air Force history; Air Force Prime Time and AFNEWS: On Assignment. Sergeant Pleasants was reassigned to the 99th Communications Squadron at Nellis Air Force Base in Nevada in 2003 where he immediately applied his expertise in Television and Production to revamp an inactive television program called Eye on Nellis. Through his efforts, the program developed into a monthly 30–minute news show reaching 14 million homes around the world and has won recognition as Best Commander's Access Channel in the Air Force.

Sergeant Pleasants' career is celebrated by a number of awards and commendations, having won the Air Force Commendation Medal three times, the Air Force Achievement Medal four times, Air Force Level Recognition thirteen times, and the National Defense Medal twice.

Mr. Speaker, I am proud to honor Sergeant Mark A. Pleasants for his distinguished record of service and his commitment to providing quality news service to the Air Force community. I wish him the best in his future endeavors.

CONGRATULATING DR. ANN VOGEL

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Dr. Ann Vogel of New Ulm, Minnesota, on receiving the Sertoma Club's Service to Mankind Award.

The Sertoma Club is an organization that strives to better people's lives through philanthropic activities. Since 1960, the Sertoma Foundation has positively influenced the lives of its members and hundreds of communities internationally. Sertoma primarily focuses on service projects assisting the more than 50 million people with speech, hearing and language disorders. Sertoma also sponsors community projects to promote freedom and democracy, to assist youth, and to benefit a variety of other local community needs. Every year Sertoma clubs raise more than $20 million for these local community service projects.

The Sertoma Club also recognizes the efforts of citizens who volunteer their time and service to the local community. The Service to Mankind Award, the highest honor a non-Sertoma member can receive, is awarded to an individual who has gone above and beyond the call of duty.

This year, The Service to Mankind Award was given to Dr. Ann Vogel by the New Ulm Sertoma Club. Dr. Vogel devotes her time to working at the Open Door Health Center in Mankato, a non-profit organization that seeks to provide care to uninsured and underinsured people in southern Minnesota. Additionally, Dr. Vogel led the funding drive for the Friends of German Park, a group dedicated to the redevelopment of the community area; while also dedicating her time as a storyteller with Bavarian Blast. Her community involvement also includes volunteering at Heritagefest and the Oak Hills Assisted Living Center.

I extend my sincere congratulations to Dr. Ann Vogel for receiving this commendable award. Her commitment to public service is greatly appreciated and an inspiration to all.

SIKHS CELEBRATE VAISAKHI, REVELATION OF SIKH NATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I would like to congratulate the Sikhs on celebrating their important holiday, Vaisakhi Day, around the world. There were marches in Washington, Vancouver, London, and many other cities around the world. There will be a parade April 29 in New York, the annual Sikh Day event.

Vaisakhi Day marks the revelation of the Sikh Nation as a distinct entity by guru Gobind Singh in 1699. At that time, he proclaimed the Sihks sovereign. Today, Sikhs struggle to reclaim this lost birthright as Indian troops occupy their country, Khalistan. As you know, Mr. Speaker, the Sikhs declared themselves independent in 1987, but Indian troops to the tune of half a million continue to occupy Khalistan.

Recently, several Sikh activists have been anested for simply making speeches, raising flags, or holding peaceful marches in support of Khalistan. Is this democracy, Mr. Speaker? Is this how a free country conducts itself?

Mr. Speaker, without the most basic freedoms, such as freedom of speech and self determination, how can the Sikhs hope to survive as a people? In India, it is now illegal in many parts of the country to join another religion besides Hinduism. The intent to establish a Hindu state is clear.

We can help put an end to these practices as we congratulate the Sikhs on Vaisakhi Day. We must cut off our aid and our trade with India. Although there is a burgeoning middle class, half the country lives under the international poverty line. Losing our dollars would have a significant effect on India. And we must stand up for the principles on which America was founded.

About the same time in the calendar as Vaisakhi Day is the birthday of Thomas Jefferson, who wrote that government is legitimately founded on "the consent of the governed" and that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Clearly, that time has come for too many of the minorities of South Asia—the Sikhs of Khalistan, the Muslims in Kashmir, the predominantly Christian Naga community, and so many others. Let us help them to achieve the basic right of self-determination by putting our Congress on record in support of a free and fair plebiscite in these places on the question of independence. By doing so, we will be helping to achieve freedom, stability, peace, dignity, and prosperity for all the peoples and nations of South Asia.

Mr. Speaker, I request the permission of the House to add the Council of Khalistan's press release and open letter on Vaisakhi to the RECORD at this time.

SIKHS WILL CELEBRATE VAISAKHI DAY

APRIL 14

Happy Vaisakhi Day to you and your family and the Khalsa Panth. On April 14, the Sikh Nation will be observing the 307th anniversary of the day Guru Gobind Singh established the Khalsa Panth. The Guru granted sovereignty to the Sikh Nation, saying "In Grieb Sikhin Ko Deon Patshahi." We must remind ourselves of our heritage by raising slogans of "Khalistan Zindabad" and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Whoever is honest and dedicated in leading that Shantmai Morcha deserves our support. Every morning and evening we recite, "Raj Kare Ga Khalsa." Now is the time to act on it. Do we mean what we say every morning and evening?

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. Within the past few days, Dal Khalsa and the Shiromani Khalsa Dal announced that they are uniting for sovereignty for Khalistan. This was met with chants of "Khalistan Zindabad." Chief Minister Amarinder Singh, whose own Legislative Assembly proclaimed the sovereignty of Punjab when he cancelled the water agreements, has ordered the leaders of Dal Khalsa and the Shiromani Khalsa Dal placed under police watch for their speeches. Kanwarpal Singh Dhami of the Guru Asra Trust, and Dr. Jagjit Singh Chohan were arrested this month for making speeches in support of Khalistan. Dr. Chohan said, "Khalistan will be free." In January of last year and again in June of last year Sikh activists, mostly from Dal Khalsa, were arrested merely for raising the Khalistani flag and making pro-Khalistan speeches. During his recent visit to India, President George W. Bush walked over to Sukhbir Singh Badal and said, "Give my best wishes and regards to your people from the people of America." Even the President of the United States is aware of our situation. "I wish you could visit Punjab," said Sukhbir Singh. When Khalistan is free, that will happen. President Bush has said, "Freedom is the birthright of every man, woman, and child." These events show that the movement to free our homeland is on the rise. It has gotten the attention of the world. The movement to liberate our homeland is stronger than it has ever been and it has frightened the Indian regime. Now is the time to rededicate ourselves to the liberation of Khalistan.

The Indian government is reacting to the rising tide of freedom for the Sikh Nation. Earlier this year, Prime Minister Manmohan Singh apologized to the Sikh Nation for the Delhi massacres of November 1984 that killed over 20,000 Sikhs. It is good that he apologized and it clearly shows India's responsibility, but what good does it do the Sikh Nation? Where are the apologies for the Golden Temple attack and the other atrocities? Where is the compensation for the victims' families?

In January, Sikh farmers were expelled from Uttaranchal Pradesh and their land was seized. They were beaten up by the police. Their homes were bulldozed by paratroopers. Their homes in many cases were built using their life savings and by their own hands. We condemn this act of state terrorism by the government of Uttaranchal Pradesh. As you know, Sikhs are prohibited from buying land in Rajasthan and Himachal Pradesh. Now Uttaranchal Pradesh joins that list. Yet there are no restrictions on land ownership in Punjab by non-Sikhs. People from anywhere can buy land in Punjab, including people from Rajasthan and Himachal Pradesh. India is trying to subvert Khalistan's independence by overunning Punjab with non-Sikhs while keeping Sikhs from escaping the brutal repression in Punjab. It is incumbent on the Sikh diaspora to free Khalistan. We must redouble our efforts. That is the only way to keep these atrocities from continuing and to protect the Sikh Nation and the Sikh religion.

Any organization that sincerely supports Kalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. But we should only support sincere, dedicated, honest leaders. Dal Khalsa deserves the praise of the Sikh nation and I call on every Sikh to support them and every other organization that is working to liberate Khalistan.

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 18 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Yet Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 22 years. The Indian government has murdered over 250,000 Sikhs since 1984. Inderjit Singh Jaijee and Bibi Baljit Kaur of the Movement Against State Repression (MASR) told me that if the Sikhs outside India had not exposed the atrocities of the Indian regime, they could have killed ten times as many Sikhs. Another 52,268 of our brothers and sisters are being held as political prisoners, according to MASR. Some have been in illegal custody since 1984! Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! How can Sikhs have any freedom living under a government that would do these things? India should be ashamed of the genocide it has committed against Sikhs, Christians, Muslims, and other minorities.

Sikhs can never forgive or forget the Indian government's military attack on the Golden Temple and 39 other historic Gurdwaras throughout Punjab. Over 20,000 Sikhs were murdered in those attacks, known as Operation Bluestar, including Sant Jarnail Singh Bhindranwale, General Shabeg Singh, Bhai Amrik Singh, and over 100 Sikh religious students ages 8–13 who were taken out into the courtyard and shot. These attacks accelerated the Sikh independence movement and deepened the desire for independence in the hearts of Sikhs, a fire that burns brightly in the hearts of the Sikh Nation to this day.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. Among those who conspired with the government, according to Chakravyuh: Web of Indian Secularism, were Dr. Chohan, Ganga Singh Dhillon, and Didar Singh Bains. It appears the Indian regime is even willing to arrest its own agents to suppress the movement for Khalistan! Now Badal and Chief Minister Amarinder Singh have been accusing each other of being tied in with "terrorists." These leaders view support for Khalistan as terrorism, as the Indian government does. They have shown where their loyalties lie. How will these so-called Sikh leaders account for themselves? Remember the words of former Jathedar of tile Akal Takht Professor Darshan Singh: "If a Sikh is not a Khalistani, he is not a Sikh." It seems that Badal and Amarinder are not Sikhs.

Never forget that the Akal Takht Sahib and Darbar Sahib and the present Akali and Congress leadership are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

Sikhs will never get any justice from Delhi. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo calling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

There is no place for Sikhs in supposedly secular, supposedly democratic India. Our moment of freedom is closer than ever. Let us work to make certain that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
President, Council of Khalistan.

OPPOSING PRESIDENT BUSH'S MARCH TO WAR IN IRAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. STARK. Mr. Speaker, I rise in opposition to the Iran Freedom Support Act. I certainly share my colleagues' concerns about Iran's apparent push to develop nuclear weapons, but I oppose H.R. 282 because I fear President Bush will use this legislation to lead America into an unnecessary war with Iran. This President used this same pattern in his last march to war in Iraq.

The resolution calls upon the United States to request that the United Nations Security Council impose sanctions against Iran. President Bush used Iraq's violation of similar sanctions to justify his initiation of the ill-fated Iraq War.

The legislation also authorizes President Bush to fund the Iranian opposition to radical Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad despite the fact that American support for pro-Western leaders has often backfired. In fact it's backfired in Iran before! America's historic support for the Shah propelled former radical leader Ayatollah Ruhollah Khomeini to power. Is it any wonder then that the Washington Post recently reported that pro-democracy forces in Iran do not want U.S. funding since their association with America taints their credibility within their country?

The United States spent millions of dollars in Iraq to fund the opposition to Saddam Hussein. In return, the Bush Administration received bogus information from informants that claimed that Iraq had weapons of mass destruction. The Administration then used this information to scare America into war against Iraq.

Finally, H.R. 282 advocates regime change and I find it difficult to believe Iran will cooperate with our diplomatic proposals if they understand our ultimate goal to be the overthrow of their government.

America can prevent Iran from acquiring nuclear weapons through peaceful and thoughtful diplomacy. But this legislation sets us on the road to war rather than diplomacy. I therefore urge my colleagues to join me in voting against it.

PAYING TRIBUTE TO COLBY RUPERT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Colby Rupert for his heroic actions following an accident on Interstate 15 on March 18, 2006.

Colby and an ambulance crew had initially responded to a pickup truck that had run off the road. While responding to the emergency, a bus heading southbound on I–15 struck their rescue unit, virtually destroying the vehicle. Colby and his partner were still in their vehicle at the time of the collision and received painful injuries as a result. Nonetheless, Paramedic Rupert administered aid to a number of passengers on the bus. He carried a generator and the Jaws of Life from the crashed rescue truck to the Greyhound bus while dragging his injured leg. Despite his serious injuries, he ignored his wounds and aided injured persons in a desperate and critical accident scene. Only after assistance arrived sometime later did Colby receive medical treatment. He had to be literally forced to stop assisting others so he could receive medical attention.

Mr. Speaker, I am proud to honor Colby Rupert for his heroic actions. Colby's unwavering courage speaks volumes about his character. His dismissal of his own injuries serves as an example of the dedication our First Responders show in their service to their fellow citizens.

CONGRATULATING JULIE STEVENSON

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mrs. Julie Stevenson of Worthington, Minnesota, on receiving the 2006 Athena Award from the Worthington Travelodge.

The Athena Award is presented each year to a woman who has demonstrated excellence, initiative and creativity in her profession. This award recognizes one woman's time and energy put in to improving the lives of her peers. This woman also acts as a mentor for other women in the community.

Mrs. Julie Stevenson received this award for her many contributions to the community of

Worthington. She has served as the executive director of the Southwest Minnesota Chapter of the American Red Cross and she has volunteered with Big Brothers/Big Sisters, United Way, YMCA, Youth Area Baseball Association, Junior Achievement, Nobles County Integration Collaborative and the Worthington Area Chamber of Commerce. Currently, at the Minnesota West Campus, Mrs. Stevenson has helped bring the college and the community together through a variety of programs. These include the Winter Wonderland and Golf the Links at Minnesota West and Kids College. She has been a co-host for a United Way telethon as well as a trainer in a teen asset building workshop at Thrivent Financial for Lutherans.

I extend my sincere congratulations to Mrs. Stevenson for receiving this commendable award. Her commitment to service has helped to grow many individuals and to strengthen the community.

HONORING THE ACHIEVEMENTS OF WILLIAM A. KOCH TO PRESERVE THE ABRAHAM LINCOLN BOYHOOD HOME IN LINCOLN CITY, INDIANA

HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SODREL. Mr. Speaker, I rise today to call attention to an upcoming meeting of the Abraham Lincoln Bicentennial Commission (ALBC) at the Lincoln Boyhood National Memorial in my district and to honor the achievements of the deceased William A. Koch and Congressman Winfield K. Denton, for their contributions to preserving the memory of Abraham Lincoln's early life in Indiana by establishing this national park.

On May 1, 2006, the Abraham Lincoln Bicentennial Commission will meet in Lincoln City, Indiana, at the Lincoln Boyhood National Memorial, established through legislation signed into law by President John F. Kennedy on February 19, 1962. This national park is the site of the farm on which Abraham Lincoln spent 14 years of his early life, a time when Lincoln grew physically and intellectually into a man. This was a place where he laughed with his father, cried over the death of his mother, read books, and faced the adversities of life at that time. It is only fitting that the ALBC meet at this site while planning events for the celebration in 2009 of Lincoln's birth and, while there, to honor the family of the man who contributed so much to preserve the legacy of President Lincoln's early life, William A. Koch.

A local, influential businessman, Mr. Koch conceived the idea of a national park to preserve Lincoln's legacy in the late 1950s. With the cooperation and leadership of Congressman Winfield K. Denton, he worked tirelessly and patiently through studies, hearings, and debates. And, in 1962, the idea that Bill Koch developed and nurtured was accomplished. The transfer of the Nancy Hanks part of the Lincoln Memorial to the Department of the Interior was completed.

To William Koch, whose widow and children carry on his mission, we owe a debt of gratitude, for without his vision and perseverance, the memory of Lincoln's Indiana years would be greatly diminished and lost on future generations. Today, visitors from around the world can visit his boyhood home to learn what life was like for Lincoln and other early pioneers in the Midwest.

INTRODUCTION OF U.S.-CHINA ENGAGEMENT ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. KIRK. Mr. Speaker, today I am introducing the U.S. China Engagement Act of 2006 with Congressman Rick Larsen. The goal of our bill is to ensure American students and businesses are equipped to compete with China throughout the 21st century.

The U.S. China Engagement Act of 2006 provides grants for Chinese language instruction programs for American students, expands the U.S. diplomatic presence in China, and establishes new trade offices which support our U.S. exports to China, ensuring our small and medium size businesses are able to compete in Asia.

This legislation will help give our American students the tools to compete in a global marketplace. By one measure, China is now the world's second largest economy. According to the Asian Conference, 50,000 American students are studying Chinese versus 110 million Chinese students studying English. The U.S. China Engagement Act of 2006 will provide resources to primary, secondary and post-secondary schools so that all levels of our educational system can provide the proper exposure to the Chinese language and economy.

The U.S. China Engagement Act of 2006 triples funding to the State Department for public diplomacy in China and authorizes the creation of a new consulate and ten "diplomatic presence posts" in larger Chinese cities. It also increases the U.S. contribution to the Asia Pacific Economic Cooperation, a 21 Member Organization whose goal is to promote free trade throughout the Asia-Pacific region. America must embrace a strong diplomatic partnership to increase the chance our children will enjoy a stable, economically prosperous and peaceful future with China.

Today, China produces more steel than the U.S.; it has more cell phone users and is building its own space station. Hundreds of U.S. companies from McDonald's to Motorola are heavily invested in the Chinese market. China has bought several airplanes from Boeing and Chinese purchases of other U.S. exports are climbing at a rate of 15 percent a year. At her present rate of growth, China's economy has the potential to become larger than America's. The U.S. China Engagement Act takes steps to help small and medium size American businesses enter the China market by increasing resources to the Foreign Commercial Service Office of the Commerce Department and creating new export promotion programs.

The U.S. China Engagement Act is an important step in addressing the most critical relationship of the 21st century. It is vital that Americans be prepared for this relationship. We must be prepared diplomatically, educationally, and economically. Our students must have the ability to both culturally understand our competition while also having the ability to communicate with them in their language. This bill will give American students and American businesses the tools to compete in the new and expanding market of China.

I want to thank my co-chair of the U.S.-China Working Group, Congressman Rick Larsen, for being the lead co-sponsor on this legislation. And I want to thank Senators Lieberman and Alexander who have a companion bill. I look forward to working with them on these important issues surrounding China.

PAYING TRIBUTE TO ROBERT SEARS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Bob "Chief" Sears for his 40 years of service in the Fire Service.

Bob Sears has vigilantly served in a number of different capacities in the fire service in several different cities. Sears, a graduate of the National Fire Academy in Maryland, began his career in 1951 and was promoted to Fire Chief of the Richfield Township Fire Department in Ohio in 1960, at that time he was the youngest Fire Chief in the State of Ohio. He subsequently served for 5 years as the Fire Chief for Kerr-McGee Chemical Corporation in California. Bob has also served over 21 years as Boulder Cities Fire Chief, while in this role he designed innovative programs which increase the efficiency of the Department in terms of firefighting capabilities, community awareness, and staff management.

Chief Sears is very active in the community, donating his time to many organizations; Bob is currently on the Board of Directors, Past President, Life Member and has served as interim Executive Director of the Boulder City Chamber of Commerce. He has also served as President of the Nevada Fire Chiefs Association and Charter President of the Southern Nevada Fire Chiefs Association. He has served as chairman for the American Heart Association's Nevada Affiliate, the local Salvation Army, and is a charter member of the Boulder Sunrise Rotary Club. Chief Sears also serves on the Military Selection Committee for the United States Service Academies representing Nevada's Congressional Delegation.

Mr. Speaker, I am proud to honor Bob Sears for his long career in the Fire Service and for his dedication to many different community organizations. His record of professional service and devotion to the many organizations he was involved with serves as an inspiration to us all. I wish him the best in his retirement.

TRIBUTE TO PRESTONSBURG, KENTUCKY SOCIAL SECURITY OFFICE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to commend the staff of the Prestonsburg Social Security Office for their strong, effective, and compassionate service to the people of Kentucky.

Social Security plays an important role in the lives of more Americans than any other federal program. Whether providing a Social Security number for a newborn baby, mailing a check to a retired worker, or helping a disabled individual receive benefits, the Social Security Administration touches the lives of just about everyone.

The field office in Prestonsburg, Kentucky, is a shining example for this massive federal agency. The Prestonsburg staff consistently goes beyond the call of duty to provide valuable benefits to the people of Kentucky. Because of this unwavering commitment to helping others, the Social Security Administration recognized the Prestonsburg Office as the Best Level I Field Office in the Atlanta Region for fiscal year 2005.

Mr. Speaker, on behalf of my colleagues and myself, I want to thank the staff at the Prestonsburg Social Security Office for their hard work and dedication to serving the people of Kentucky. These fine Americans are an inspiration to us all, and I salute them for their commitment to helping others.

PAYING TRIBUTE TO CATHOLIC CHARITIES OF SOUTHERN NEVADA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the Catholic Charities of Southern Nevada recognize their 65 years of distinguished service to the community.

The Catholic Charities of Southern Nevada was formed to carry on charitable work in the fields of religion, education and social services. Catholic Charities is one of the largest nonprofit social service providers in the state of Nevada, offering the most comprehensive range of human services which include Adoption Services, Child Care Services, St. Vincent Lied Dining Facility, Immigration Services, Migration and Refugee Services, Residential Services, Senior Services and Thrift Stores. The agency now encompasses many diverse programs that are designed to aid individuals in gaining self-sufficiency, independence and dignity.

Mr. Speaker, I am proud to honor the Catholic Charities of Southern Nevada for their 65 years of admirable service. Their tireless work to provide a wide array of services to the people of southern Nevada is a noble mission and I wish them the best in their continued efforts.

U.S. FAMILY HEALTH PLAN MARKS 25 YEARS OF CARING FOR UNIFORMED SERVICES FAMILIES

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. EDWARDS. Mr. Speaker, on this, the 26th day of April 2006, the U.S. Family Health Plan celebrates its commitment and service to the nation's military health system with 25 years caring for our military families. Through the years, the U.S. Family Health Plan has been a valued partner with the U.S. Department of Defense by continuing to serve nearly 100,000 military beneficiaries today.

U.S. Family Health Plan's roots date back to 1981 when the OmnibU.S. Reconciliation Act designated 10 public health hospitals as U.S. Treatment Facilities to provide care for the uniformed services through and agreement with DoD. In 1993, that designation evolved into a fully at-risk managed healthcare plan named U.S. Family Health Plan. The Plan's popularity grew in the regions where it was offered. In 1996, the National Defense Authorization Act designated the U.S. Treatment Facilities as TRICARE Prime Designated Providers and made the U.S. Family Plan Health a permanent part of the military health system.

The U.S. Family Health Plan is a proud member of the TRICARE program. It has distinguished itself by consistently earning the highest beneficiary satisfaction ratings among all TRICARE providers. The plan is administered by some of this nation's finest health care institutions, including John Hopkins (Maryland), Brighton Marine Health Center (Massachusetts), Martin's Point Health Care (Maine), St. Vincent Catholic Medical Centers (New York), CHRISTUS Health (Texas), and Pacific Medical Centers (Washington State).

Please join me in congratulating the U.S. Family Health Plan on their 25 years of service to our nation's military families and for their outstanding contributions to military health care.

INTRODUCTION OF H. RES. 777

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. MEEK of Florida. Mr. Speaker, yesterday I introduced H. Res. 777, which would establish a month as Haitian-American Heritage Month.

I think it is important to recognize the many influences of the Haitian people to the history and culture of the United States.

Since our Revolutionary War, Haitians have allied themselves with the United States, sharing our common values of democratic governance and self-determination. While their country was still bound by servitude, Haitian freemen fought alongside U.S. troops at the Siege of Savannah in 1779, even as their own fate remained uncertain at home.

It was eight years after the end of our revolution that Haitians rose up to fight for their own independence from France—a struggle for freedom that was to play a key role in U.S. history.

In an effort to subjugate the Haitian people and suppress Haiti's revolution, France assembled in Haiti the largest expeditionary force it had ever sent to the Americas, composed of its very finest troops. However, by 1803, France had lost most of these troops and expended countless resources. As a result, instead of fortifying and exploiting its position in Louisiana, France was forced to sell it to the United States. In what became known as the Louisiana Purchase, this territory now comprises 22.3 percent of the United States.

Haiti's independence, which was officially declared in 1804, made it the first black republic in the world; the second democracy in our hemisphere; and the only country born of a successful slave revolt.

Haitians and their descendents have been instrumental in numerous American achievements in the sciences, in the arts, in our culture and in our commerce.

During the month of May, these contributions and accomplishments will be commemorated in Miami, Florida as part of community-wide, Haitian-American heritage celebrations. These events correspond with numerous Haitian holidays that are observed throughout the month of May.

In light of these events, Mr. Speaker, I strongly urge my colleagues to support the passage of H. Res. 777 as an appropriate way for our government to recognize and celebrate the contributions of Haiti to our nation.

H. RES. 777

Whereas freemen from the French colony of Saint Domingue, now the Republic of Haiti, fought alongside the United States Continental Army at the Siege of Savannah in 1779;

Whereas Jean Baptiste Point du Sable, a Haitian, built the first permanent settlement of what later became the city of Chicago, Illinois, in 1779;

Whereas the significant loss of life and financial burden of the failed efforts to quell Haiti's revolution prompted France to sell Louisiana to the United States in 1803, territory that now comprises 22.3 percent of the United States;

Whereas, on January 1, 1804, Haiti declared its independence from France to become the world's first Black republic and the second democracy after the United States;

Whereas Major Joseph Savary, a Haitian, was the first Black Major in the United States Army, and led the Second Battalion of Freemen of Color at the Battle of New Orleans, January 8, 1815, under then-General Andrew Jackson, who became the first Governor of the Territory of Florida in 1821;

Whereas, in 1889, Frederic Douglas, the period's foremost spokesman on human rights and prominent leader of the anti-slavery movement in the United States, became the first United States Minister and Consul-General to Haiti;

Whereas the longest occupancy of a foreign state by American troops was in Haiti, circa 1915–1934;

Whereas an estimated 1,200,000 persons of Haitian descent now live throughout the United States;

Whereas Haitians and their descendants have contributed greatly to the arts and sciences, including John James Audubon, the acclaimed naturalist and wildlife artist who inspired the American conservation society that bears his namesake, and W.E.B. DuBois, the Haitian-American author and political activist, who became one of the most prominent, intellectual leaders of African-American society during the twentieth century;

Whereas the close proximity of Haiti to American shores, in conjunction with our common bond of mutual values and commitment to democracy, ensures lasting comity of nations and continued trade and diplomatic relations;

Whereas Haiti—the only republic to rise from a successful slave rebellion—inspires pride, solidarity, and self-reliance;

Whereas the last Sunday of May is commemorated in Haiti as Mother's Day;

Whereas the 18th of May is Flag Day, the most celebrated holiday in Haiti, and is observed by people of Haitian descent throughout the world;

Whereas in Miami, Florida, home to the largest Haitian-American population in the United States, there are numerous cultural events and celebrations planned during the month of May to honor Haitian heritage; and

Whereas May is an appropriate month to establish a Haitian-American Heritage Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) "Haitian-American Heritage Month" be established; and

(2) the people of the United States should observe the month with appropriate ceremonies, celebrations, and activities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 27, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 1

2:30 p.m.
Energy and Natural Resources
To resume hearings to examine the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.
SD–366

MAY 2

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the peanut provisions of the Farm Security and Rural Investment Act of 2002.
SH–216

Budget
To hold hearings to examine S. 2381, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority.
SD–608

Judiciary
To hold hearings to examine Federal Bureau of Investigation oversight.
SD–226

2:30 p.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

3:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–232A

4 p.m.
Judiciary
To hold hearings to examine certain judicial and executive nominations.
SD–226

5:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

MAY 3

9 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

10 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–232A

Aging
To hold hearings to examine the future of social services for older Americans.
SD–106

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Government Printing Office, Congressional Budget Office, and Office of Compliance.
SD–138

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

MAY 4

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.
SD–366

MAY 5

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

MAY 10

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the sugar provisions of the Farm Security and Rural Investment Act of 2002.
SR–328A

MAY 17

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

HOUSE OF REPRESENTATIVES—*Thursday, April 27, 2006*

The House met at 9 a.m.

The Reverend Don Borling, Pastor, All Saints Lutheran Church, Orland Park, Illinois, offered the following prayer:

O God of goodness and grace, it's another day and maybe just an ordinary moment.

We are here in the very heart and soul of our Nation, a place committed always to the very goodness and power of the human spirit, a spirit binding us together in a world that is too often divided by things that really should bring us together: our diversity, our varied colors and religions, our cultures and backgrounds.

O Lord of all life, we call You by many names, we worship You in styles and ways that reflect the humanity with which You create us, we debate and we argue, we vote and we compromise, we come together in this sacred Chamber with so much at stake, with so many people counting on us and needing the very best of what we have to offer.

Please watch over us today. What we do here is sacred. Please give us the humility and grace to live up to our calling.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. NUSSLE) come forward and lead the House in the Pledge of Allegiance.

Mr. NUSSLE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DON BORLING

(Mr. NUSSLE asked and was given permission to address the House for 1 minute.)

Mr. NUSSLE. Mr. Speaker, first of all let me acknowledge and welcome so many of our former colleagues back to the House Chamber here today. We welcome you. We thank you for your many years of service, and we look forward to the opportunity to renew old friendships.

Mr. Speaker, I rise to welcome our guest chaplain here today, Don Borling, who is the pastor of All Saints Lutheran Church in Orland Park, Illinois. He has been the pastor there for over 30 years. You might wonder why a guy from Iowa is introducing a minister from Illinois. Well, when I went to high school there, this was my home church. It is still my parents' home church. Don has been a good friend for many years. It is a pleasure to be able to welcome him and his wife, Jude; his son, Quinton; and his extended family who are here today.

For many years Don has taught me and so many members of our church on the south side of the Chicagoland area about the living God that is with us here today, that is in our hearts, in our minds, is in the great moments of a Chamber like this where we come together with the spotlight of history and the television cameras, but also the kind of God that is there in the small moments, when no one is watching and when it really matters. He has taught us not only about the God that we worship on Sundays but the God that needs to be there every day, Monday through Saturday, in our lives. He has been a minister to me; but he has also been a mentor, he has been a brother, he has been a friend.

We welcome Pastor Don Borling and his family, and we thank him for opening our House today in prayer.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, April 25, 2006, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 12 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. On behalf of the House, I consider it a high honor and distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for the occasion. We all pause to welcome you.

I want to say personally, good morning. On behalf of the House of Representatives, I am pleased to welcome back all of you. It is always good to see so many familiar faces, and for me who has been here 20 years, even a few unfamiliar faces. I see my former leader. I see people who I have served with, so many people I have come into Congress with and have continued to serve this Nation well. I am especially glad to see my friend from the great State of Missouri and your president, Jake Buechner. Jack, I know of the loss of your dear wife, Nancy, this year after a courageous fight with cancer. I just want to let you know on behalf of all of us in the House of Representatives, our thoughts and prayers are with you and your family.

Matt McHugh is a worthy choice for the Distinguished Service Award, and I would like to extend my sincere congratulations to Matt. Matt served in the House while I was here, a great Member from New York. During his tenure, he was a valuable member of several committees, including the Appropriations Committee and what has been called the Arms Control and Foreign Policy Caucus. Since leaving the House, Matt has continued his efforts to improve our Nation and our world. He has served as vice president at Cornell University and currently serves as counsel to the president of the World Bank. He is also chairman of Bread for the World, a group that fights to end hunger in this world.

Meetings like this are more than just a chance to catch up with old friends. It is a time when you, our more seasoned Members, can offer some words of advice and maybe even tell us a few things that maybe we're doing right. Trust me, you're in a room full of lawmakers and we love to hear what we're doing right.

Seriously, though, I am also glad to see this group and hear about all the great things that you continue to do for our Nation. This organization serves a valuable purpose. You spread the good news about the importance of our democratic government. And I understand that you have a new project that you are undertaking in cooperation with some of our international partners, the International Election Monitors Institute.

Again, I want to thank you once again for the work that you continue to do on behalf of the American people. I want to thank you for coming. Personally, I want to say that as all of us who get up in years and have served 20 years or so in this place, we don't always look forward to becoming former Members, but we know that we will be.

I want to look forward to say I appreciate the welcome that you have given everybody that has left these Halls and look forward someday to joining your ranks myself.

Thank you, God bless you, and have a great day.

The Chair now recognizes the Honorable Jim Slattery, vice president of the association, to take the chair.

Mr. SLATTERY (presiding). Thank you, Mr. Speaker. It's great to see you. On behalf of the association, we certainly wish you good health and continued wonderful service to our country, also. It's great to see you, Mr. Speaker, and thank you.

The Clerk will now read the roll of the former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

FORMER MEMBERS OF CONGRESS PARTICIPATING IN 36TH ANNUAL SPRING MEETING THURSDAY, APRIL 27, 2006

William Alexander (Arkansas)
Glen Browder (Alabama)
James T. Broyhill (North Carolina)
Jack Buechner (Missouri)
Bill D. Burlison (Missouri)
Beverly B. Byron (Maryland)
James K. Coyne (Pennsylvania)
Ron DeLugo (Virgin Islands)
Joseph J. Dioguardi (New York)
Thomas W. Ewing (Illinois)
Harold Ford (Tennessee)
Louis Frey, Jr. (Florida)
Benjamin A. Gilman (New York)
William Grant (Florida)
William Goodling (Pennsylvania)
Margaret Heckler (Massachusetts)
Dennis M. Hertel (Michigan)
Peter Hoagland (Nebraska)
George J. Hochbrueckner (New York)
William J. Hughes (New Jersey)
Robert W. Kastenmeier (Wisconsin)
David S. King (Utah)
Ernest Konnyu (California)
Peter Kyros (Maine)
Romano L. Mazzoli (Kentucky)
Matthew F. McHugh (New York)
Richard Dale Nichols (Kansas)
Howard W. Pollock (Alaska)
Larry Pressler (South Dakota)
William R. Ratchford (Connecticut)
John J. Rhodes, III (Arizona)
Patricia Schroeder (Colorado)
Richard Schulz (Pennsylvania)
David E. Skaggs (Colorado)
Jim Slattery (Kansas)
Dennis A. Smith (Oregon)
Lawrence J. Smith (Florida)
Stephen J. Solarz (New York)
R. Lindsay Thomas (Georgia)

Mr. SLATTERY. The Chair is pleased to announce that there are 39 former Members of Congress that have responded to their names here today.

The Chair at this time would recognize the distinguished gentleman from the State of Missouri, the Honorable Jack Buechner, the president of our association.

Mr. BUECHNER. Thank you, Mr. Speaker pro tem, and all of you for being with us this morning. We are especially grateful to Speaker HASTERT for taking the time from his busy schedule to greet us and give us his warm welcome.

It is always an honor and a privilege to return to this magnificent institution. We revere it and we have shared so many memorable experiences here that I think it is indelibly inked into our psyches. Service in Congress is both a joy and a heavy responsibility. Whatever your party affiliation, we have great admiration for those who continue to serve here, serve their country, serve their constituency in this rather unique institution. We thank all of you who have served and all those who continue to serve, and we thank those who are here for giving us the opportunity to report on the activities of the U.S. Association of Former Members of Congress. This is our 36th annual report to Congress.

Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks.

Mr. SLATTERY. Without objection, so ordered.

Mr. BUECHNER. Our association is nonpartisan. It has been chartered by Congress, but receives absolutely no funding from Congress. We have a wide variety of domestic and international programs which several other Members and I will discuss briefly. Our membership numbers 550; and our purpose is to continue, in some small measure, the service to country which began during our terms in the House of Representatives and the Senate.

Our finances are sound. We support all our activities via three income sources: membership dues, program-specific grants and sponsorships, and our annual fund-raising dinner. In addition, we have had the good fortune to receive a bequest from Frieda James, the widow of the late Benjamin Franklin James, a five-term Republican from Pennsylvania.

During the presidency of my esteemed predecessor, Larry LaRocco of Idaho, the association established its first endowment fund. The goal of the fund is to ensure the financial viability of the Former Members Association, for not just this coming year but for many years to come. We envision a time when investment earnings of the endowment fund can be used to supplement the association's budget during lean years, a safety net to guarantee that tough economic times will not shut down this association. Many of our members have made contributions to this fund, and we thank them for their kind generosity.

Mr. Speaker, the U.S. Association of Former Members again has had a very successful, active, and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas. We have created partnerships with highly respected institutions in the area of democracy building. We have had many of our members involved in election monitoring missions worldwide. We again sent dozens of bipartisan teams of former Members of Congress to university campuses here in the United States and abroad as part of our Congress to Campus Program. I am therefore pleased to now report on the program work of the U.S. Association of Former Members of Congress.

When I stood at this podium 1 year ago to present our association's activities to the Congress, I announced that we were in the process of creating an election-monitoring organization to train former legislators in this important aspect of democracy building. I am very pleased to report today that in the past year we have cofounded the International Election Monitors Institute, an organization jointly administered by the U.S. Association of Former Members, the Canadian Association of Former Parliamentarians, and the Association of Former Members of the European Parliament. We have joined in the drafting of initial by-laws of the institute, and later this week we will select four members of our association to join four Canadians and four Europeans as the first board of directors of this exciting new venture.

I will now yield to our association's secretary, Dennis Hertel of Michigan, to give more details about this association program.

Mr. HERTEL. I want to thank the gentleman from Missouri for giving me the opportunity to report on the International Election Monitors Institute and the other advances our association has made in this field. The goal of the institute is to train former legislators from the three associations in proper standards of election monitoring. We have adopted the U.N. Code of Conduct For Election Observers and will train our members to be objective and impartial monitors of elections.

It is clear what a crucial role election monitors can play in furthering true democracy across this globe. In addition, former legislators offer such a unique and unparalleled experience in this field that really no other group of people can match. To then couple this with a truly international undertaking that involves former parliamentarians from the United States, Canada, and Europe is a very exciting and groundbreaking idea. I am pleased that our association has created this new entity and through it will send well-trained election observers around the world. We will not only monitor on election day, but even preceding the election will have teams in place to observe how the actual campaign is being conducted.

Earlier this year we had the chance to apply this model to the parliamentary elections in Ukraine where we had international observer teams in-country for both the campaign and the actual election. I proposed this commission after the Ukraine election in November a year and a half ago. We had over 90 former Members, Republicans and Democrats as always, who participated in the lead-up and in that election in November which was overturned because of what the election observers had seen and reported. So we made a difference in that country for democracy.

We also had after that November election for the December election, former Members come over the Christmas holidays to be away from their families, but to fight for democracy as election observers for that final election in the Ukraine also. Funding for this venture came from the U.S. Agency for International Development via a grant to the U.S. Ukraine Foundation. I personally had the chance to spend election day in Kiev and be an officially accredited observer of Ukraine's election this year.

I recommend our Web site for a detailed report of our missions. What we have seen is that there are issues; and as much as our people are well-trained and politically aware, we want to prepare them and those members from the EU and the Canadian Parliament for whatever surprises might come during the election period.

In addition to creating the International Election Monitors Institute, our association during this past year created partnerships with some of the key institutions in this field. For example, we teamed with IFES and successfully applied to the U.S. Agency for International Development to become one of their approved organizations to receive democracy-building grants. We also partnered with OSCE and have received an invitation from this international body to send former Members of Congress as U.S. delegates on their election monitoring missions.

One partnership of which we are especially proud is with the House of Representatives. DAVID DREIER and DAVID PRICE head up the House Democracy Assistance Commission, and former Members of Congress will serve with current Members of Congress on democracy-strengthening missions all over the world, not just for elections but after, to do democracy-building. In addition, we will lend some of our expertise and experience to panels for legislators from newly emerging democracies as they learn the nuts and bolts of a representative democracy.

These are all very exciting developments for this association, and I am extremely pleased to be a part of this undertaking, and I am so very proud of the former Members who give of their time with no compensation whatsoever to be away from their families, to travel to all ends of the globe for these activities, to be gone from home for 10 days, 2 weeks, to report back and to continue to monitor those activities.

During the past year, we also placed some of our association members on election monitoring missions organized by the International Republican Institute and the National Democratic Institute.

I now yield to my colleague Jay Rhodes of Arizona to report on his experience monitoring the election in Afghanistan.

Mr. RHODES. Thank you, Dennis. It is a pleasure to be with you this morning and to just share with you very briefly an experience that I had monitoring the parliamentary elections in Afghanistan in September of last year. I was invited to join a monitoring team by the International Republican Institute. Frankly, I was invited to join on fairly short notice and I hesitated, because we're all busy people, but my wife said to me, How can you possibly think about passing up an opportunity like this? And I said, Well, you know, that makes a lot of sense, so I said, Yes, I will go to Afghanistan.

One of the things I have to tell you is being in Afghanistan is a very interesting experience, but getting to Afghanistan is likewise a very interesting experience. It's a long way from anyplace. Also, speaking of places like Afghanistan, security is an interesting proposition, but I can tell you it is more difficult to get out of Dulles Airport than it is to get into Afghanistan.

The country is absolutely beautiful, but it is really a tough place. Kabul is one of the most poverty-stricken places I have ever seen in my experience. But to sum it all up, the Afghans, with very, very little history of democracy and very, very little history of conducting elections, conducted in what was the unanimous opinion of virtually all the international observers a very, very good, well-run, capable election. I personally went to 16 polling places. Our team went to 110-some polling places. This was the IRI team. There were others. I think probably over a thousand polling places were visited on election day. Everybody came away with the almost unanimous impression that the election itself was handled capably, professionally, and well.

That is the good news. The bad news is that as soon as the polls closed, the ballot boxes all disappeared and didn't reappear for another 4 weeks. We were pretty well assured about ballot box security, and I heard very little to indicate that in that 4-week period of time anything happened to the ballot boxes. But Afghanistan is such a far-flung place and it is so primitive that it took virtually 3 weeks to gather all the ballots in a central place where they could be counted.

The most impressive thing that I came away with aside from the fact that this country with no electoral history at all handled an election very capably was a meeting that our team had with 10 female candidates for the parliament. The new Afghan Constitution requires that 25 percent of the parliament be filled with ladies, females. We sat and listened to these candidates for 2 hours. Of the 10, five were professionals: four doctors and one registered nurse. The other five were people who had run a shop someplace or did rugs or stayed home. Their stories about living under the Taliban were chilling, scary. Their stories about their intense desire to take part in the new Afghanistan was thrilling. We watched the women vote on election day. They voted in great numbers. That was the most important, I think, experience that I came away with from having been there, was the dedication on the part of the new leadership in Afghanistan to include women, and to include them in a meaningful way.

I have a great deal of hope that democracy in Afghanistan is going to take hold. It is not going to be easy. The Taliban is not dead. But I think that the dedication of those people that we were able to interact with in the week that I was there indicate to me that this is a place where it can happen.

Dennis, thank you very much.

Mr. BUECHNER. Reclaiming my time, I want to thank Dennis and Jay for those reports.

Mr. Speaker, since its founding, the U.S. Association of Former Members of Congress has played an important role in fostering dialogue between the leaders of other nations and the United States. We have arranged more than 450 special events at the United States Capitol for delegations from over 80 countries and the European Parliament. We have hosted meetings for individual members of parliaments and parliamentary staff. We have organized approximately 50 foreign policy seminars in about a dozen countries involving more than 1,500 former and current parliamentarians, and we have conducted over 20 study tours abroad for Members of Congress.

The association serves as the secretariat for four legislative liaison programs which bring current Members of Congress together with their colleagues in the parliaments of Germany, Mexico, Japan and the most recent addition, Turkey. The Congressional Study Group on Germany, which is our largest and most active exchange program involving the U.S. Congress and the parliament of another country, is our flagship international program of the association. It is a bipartisan organization with approximately one-third of the Members of Congress, both House and Senate, participating. The Congressional Study Group on Germany serves as a model for all other study groups under the umbrella of the association.

For over 20 years, the Congressional Study Group on Germany has been a forum for lawmakers from Germany and the United States to communicate on issues of mutual concern. The study group was founded in 1983 as an informal group and was established as a formal organization in 1987. The primary goal of the study group is to establish a forum for communication between Members of Congress and their counterparts in the German Bundestag. Ongoing study group activities include conducting a Distinguished Visitors Program at the United States Capitol for guests from Germany, sponsoring annual seminars involving Members of Congress and the Bundestag, providing information about participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress, and organizing a senior congressional staff study tour to Germany each year.

The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding to assist with administrative expenses is received from a group of corporations whose representatives serve on a business advisory council to the study group. The business advisory council is chaired by former Member Tom Coleman of Missouri, who served as the chairman of the Congressional Study Group on Germany in the House in 1989. The study group has established itself as the most productive means of communication between the U.S. Congress and the German Bundestag. To date, 163 Members of Congress belong to the Congressional Study Group on Germany: 34 Senators and 129 House Members.

Let me just interject a little anecdote, and that is, when the Iraq war commenced and there were the attitudes in Europe, and particularly Germany and France chose not to participate as Germany had, for instance, in Afghanistan, Members of our Congress were contacted by or contacted their Bundestag counterparts. The French Ambassador, who had just come to the United States, inquired of the German Ambassador why was it that France was beaten about on the floor of the House and the French toast was taken off the menu and French fries, and Germany seemed to, although it had the same position, not receive the same amount of sort of verbal pummeling. The German Ambassador said, quite candidly, that the study group had developed a rapprochement between Members of the House and the Senate and their counterparts in the Bundestag so that there were phone communications and e-mail communications, and there was a lot of political understanding that went on, where a member who stands for election in Germany was talking to Members who stand for election over here, even though their politics were not necessarily the same. You could have a Social Democrat in Germany meeting with a Republican here, or vice versa. You could have a member of the Free Democrats in Germany talking to a very liberal Democrat over here.

And the idea was that there was communication and there was an understanding. I think that that is the greatest thing that we can do with these other parliaments is create an atmosphere of understanding. That understanding goes a long way toward creating better relationships; and, for that matter, it makes our Members better Members. The Federal Republic of Germany is one of our most important allies, and the study group has been instrumental in helping to cement trans-Atlantic ties over the years.

The most visible activity of the group is its Distinguished Visitors Program. That brings high-ranking German elected officials to Capitol Hill to meet with Members of Congress. In 2005, the Study Group on Germany organized briefings for Members of Congress with the then German Ambassador to the United States, Wolfgang Ischinger; member of the Bundestag, Minister President Gunther Oettinger; Minister President Roland Koch; and a group of newer Bundestag members.

The highlight of each programming year is the Congressional Study Group on Germany's annual seminar. Every year, the study group brings approximately eight Members of Congress together with German legislators for several days of focused discussion on a predetermined agenda. The parliamentarians usually are joined by several Members of the Congress and Bundestag officials of the two federal governments, think tank and foundation representatives, and members of the German American corporate community.

The 2005 annual Congress-Bundestag seminar took place in Berlin; Brussels, which was an acknowledgment of the part that the EU played especially in trade issues; and Frankfurt from March 18 to March 24, 2005. This program included high-level meetings with representatives of the German Government, the European Union and NATO. For the first time the Congressional Study Group on Germany spent part of the annual seminar in Brussels, as I said, because many policy areas are now being governed out of Brussels. One of those policy areas under the EU domain is agriculture, which was examined in detail with experts during a panel discussion in Brussels. In addition, seminar participants attended meetings with NATO officials in Brussels. A visit with American soldiers at the Landstuhl military hospital, which is usually the first destination for the wounded from Iraq, occurred at the end of the annual seminar.

A report about the activities of the Congressional Study Group on Germany would be incomplete without thanking its financial supporters. First and foremost one needs to thank Craig Kennedy and the German Marshall Fund of the United States because without him and his foundation, the study group could not function at its present level of activity. Also, one must not forget former Member Tom Coleman of Missouri who chairs, as I said, the business advisory council to the study group. His tremendous dedication in raising much-needed funds to support the administrative side of the study group has been essential. He has put together a group of companies that deserve our gratitude for giving their aid and support to the administrative aspects of this program. Current BAC members are Allianz, BASF, DaimlerChrysler, Deutsche Telekom, DHL Americas, EDS, Eli Lilly, Lufthansa, RGIT, SAP, Siemens, and Volkswagen.

Modeled after the Congressional Study Group on Germany, the association established a Congressional Study Group on Turkey at the beginning of 2005. Turkey, one of our strategic allies, is situated at the crossroads of many important challenges for the 21st century: peace in the greater Middle East, the expansion of the European Union, and the transformation of NATO. The Study Group on Turkey brings current Members of Congress together with their legislative counterparts in Turkey, government officials and business representatives in Turkey and serves as a platform for all participants to learn about U.S.-Turkish relations firsthand.

Thanks to funding from the Economic Policy Research Institute, a think tank established by the Turkish business association TOBB, the German Marshall Fund of the United States, and a group of corporate sponsors, the Study Group on Turkey has started a Distinguished Visitors Program in Washington. This program involves events for Members of Congress such as roundtable discussions or breakfast/luncheon panels featuring visiting dignitaries from Turkey. Recent guests include then-Turkish Ambassador to the United States Logoglu; the EU Ambassador to the United States, John Bruton; Turkish Prime Minister Erdogan; Speaker of the Grand National Assembly of Turkey Arinc; and current Turkish Ambassador to the United States Sensoy.

The Congressional Study Group on Turkey also conducts an annual U.S.-Turkey seminar. The seminar is a week-long conference for U.S. Members of Congress to discuss areas of mutual concern with their legislative counterparts from Turkey. The 2005 U.S.-Turkey seminar took place from May 28 to June 3 and included stops in Istanbul and Ankara. The members of the delegation met with high-level representatives, including Speaker of the Grand National Assembly of Turkey Arinc; Turkish Prime Minister Erdogan; the

Minister of State for the Economy, Ali Babacan; Turkish Foreign Minister Abdullah Gul; and the Chief of the Turkish General Staff, General Ozkok; and Minister of Defense Gonul. Topics that the participants discussed included the U.S.-Turkish military alliance; Turkey's relationship with its neighbors, including Armenia and Syria; economic issues; trade and human rights.

Because of the Congressional Study Group on Turkey, Members of Congress were able to interact with their Turkish counterparts and learn more about the vital relationship between the two countries. The U.S. Association of Former Members of Congress is pleased to add the study group to its portfolio of international programs. It is certain to attract great interest in Washington and in Ankara. The next U.S.-Turkey seminar is scheduled to take place in November of this year.

The association also serves as the secretariat for the Congressional Study Group on Japan and the Congressional Study Group on Mexico. Founded in 1993 in cooperation with the East-West Center in Hawaii, the Congressional Study Group on Japan is a bipartisan group of 71 Members of the House and Senate with an additional 36 Members having asked to be kept informed on study group activities. The Congressional Study Group on Japan arranges opportunities for Members of Congress to meet with their counterparts in the Japanese Diet in addition to organizing discussions for Members to hear from American and Japanese experts about various aspects of the U.S.-Japan relationship. In the past year, featured guests have included Japanese Ambassador to the United States Ryozo Kato; Under Secretary of State for Political Affairs R. Nicholas Burns; and former Senior Director for Asian Activities at the National Security Council, Michael Green.

The Congressional Study Group on Japan is funded by the Japan-U.S. Friendship Commission. I am also glad to say that our member, the former Speaker of this House, Thomas Foley, has made himself available at least on two occasions to discuss the issues of concern and his Japanese counterpart has joined him at some of these meetings for a rare insight of diplomat to diplomat.

Last but not least, the association administers a Congressional Study Group on Mexico. U.S.-Mexican relations are a priority and not merely set against the backdrop of immigration, though this is obviously a very important and timely issue of mutual concern. The Congressional Study Group on Mexico is a unique organization in that it serves as a bipartisan forum for U.S. legislators from both the House of Representatives and the U.S. Senate to engage in issue-specific dialogue with Mexican elected officials and government representatives so the two countries' political decision-makers receive a comprehensive picture of the issues revolving around U.S.-Mexico relations.

The study group also replicates this forum for senior congressional staff. Topics such as border security, trade and narcotics trafficking are just a sample of the subjects pertinent to the bilateral relationship with Mexico. The Congressional Study Groups on Germany, Turkey, Japan and Mexico are examples of how the Former Members Association can provide an educational service to current Members, their staffs and aid in the foreign relations of this country. Let me also add that the association has enjoyed a highly productive working relationship with the French embassy, in particular our relationship with the French Ambassador, his Excellency Jean-David Levitte. This has led to the creation of the Former Members Committee on France, which brings former Members of Congress together with current members of the French National Assembly and their friendship societies. We have had very interesting discussions on foreign policy and trade, and we thank Ambassador Levitte for the numerous times he has hosted our association for roundtable discussions and panel presentations.

Mr. Speaker, of course not all of our activities are international in nature. One of the most gratifying programs involving this association and its members is the Congress to Campus Program. This is a bipartisan effort to share with college students throughout the country our unique insight on the work of the Congress and the political process more generally. Our colleague from Colorado, David Skaggs, has been managing this program for the association for the last 4 years as a project of his Center for Democracy and Citizenship at the Council for Excellence in Government, in partnership with the Stennis Center for Public Service.

I now yield to David to report on the program.

Mr. SKAGGS. Thank you, Mr. President, I appreciate your yielding the time, and I am proud to be able to report to our colleagues about the Congress to Campus Program activities for this past academic year, 2005–2006. As the gentleman from Missouri indicated, this is a partnership between my organization and the Stennis Center for Public Service in Mississippi. I would ask unanimous consent that a full report on the activities of the program be submitted for the RECORD.

Mr. SLATTERY. Without objection, so ordered.

CONGRESS TO CAMPUS PROGRAM

REPORT TO THE ANNUAL MEETING OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS—APRIL 27, 2006

Introduction

The Congress to Campus Program addresses a significant shortfall in civic learning and engagement among the country's young people of college age. It combines traditional educational content about American government and politics (especially Congress) with a strong message about public service, all delivered by men and women who have "walked the walk." The Program sends bipartisan pairs of former Members of Congress—one Democrat and one Republican—to visit college, university and community college campuses around the country. During each visit, the Members conduct classes, hold community forums, meet informally with students and faculty, visit high schools and civic organizations, and do interviews and talk show appearances with local press and media.

In the summer of 2002, the Board of Directors of the U.S. Association of Former Members of Congress (Association) engaged the Center for Democracy & Citizenship (CDC) at the Council for Excellence in Government to help manage the Congress to Campus Program (Program) in partnership with the Stennis Center for Public Service (Stennis). CDC and Stennis, with the blessing of the Association, have worked together since to increase the number of campuses hosting Program visits each year, to expand the pool of former Members of Congress available for campus visits, to develop new sources of funding, to raise the profile of the Program and its message in the public and academic community, and to devise methods of measuring the impact of the program at host institutions.

Quantity and Quality of Program Visits

This is the fourth year under the current program management. In the 2005–2006 academic year, the Program sponsored twenty-six events involving twenty-nine colleges and universities around the country and the world. [See Attachment 1—Roster of '05–'06 Academic Year Visits & Participants.] These visits took former Members to universities, service academies, colleges and community colleges in seventeen states and three countries. Over the past four years, former Members have visited over 120 colleges and universities during campus visits in the U.S. and around the world speaking to nearly 40,000 students in the process.

We have found college and university participation in the Program to be cyclical in nature. While the numbers were down slightly this academic year, applications and expressed interest from host institutions indicate that the 2006–2007 academic year will likely be Congress to Campus' most productive year ever. The average number of visits for fall semesters has been 13 over the last three years; a number already surpassed by applications and requests for visits from schools for this coming fall.

We continue to fine-tune the content and substance of Program visits based on feedback from Members and host professors. The Program asks visiting Members and host professors to complete an evaluation of each visit. As the result of those evaluations, we encourage host schools to include nearby colleges and universities in Congress to Campus visits and to schedule a broad scope of classes and activities for the former Members. We will continue to make changes in response to the suggestions of participating former Members and host faculty.

The Program asks host schools to insure contact with at least 250 students over the course of a visit, and that number is often exceeded. During the past academic year, approximately 9,000 students heard Members' unique story about representative democracy and their special call to public service.

A draft schedule of events is prepared in advance of each campus visit and reviewed by staff to assure variety as well as substance. There is a conference call before each trip with Members and the responsible campus contact person to review the revised schedule and iron out any remaining problems. Members also receive CRS briefing materials on current issues and background information on government service opportunities prior to each visit.

Recruiting Member Volunteers for Campus Visits

The success of the Program obviously depends on Members' participation. With travel back and forth, Members end up devoting about three days to each campus visit. This is a priceless contribution of an extremely valuable resource.

Each year Members of the Association are surveyed again to solicit information regarding their availability for and interest in a Program campus visit. Using responses to these surveys and direct contact with a number of former Members, CDC developed a pool of just over one hundred available former Members, and some forty participated in visits this year. A "bench" of one hundred was deep enough to fill the openings during the current academic year, but more will be needed to meet the demands of future academic years. Association Members are encouraged to complete and return the survey they will receive this summer and then to be ready to accept assignments to one of the fine institutions of higher education the program will serve next year.

Funding Sources

In addition to the generous contribution of money and staff time made each year by the Stennis Center for Public Service, the Association continues its support of the Program. Other organizations have also provided funding to help with the expansion of the Congress to Campus Program for this academic year including the Cultural Affairs Office of the U.S. Embassy in Canada (visit specific) and the Eccles Centre for American Studies at The British Library and the Cultural Affairs Office of the U.S. Embassy in the United Kingdom (visit specific). While Stennis' commitment to the Program is ongoing, funding from the other organizations is being provided on a year by year basis. The effort to find new sources of funding for Congress to Campus is a continuing challenge.

Host schools are expected to cover the cost of Members' on-site accommodations and local travel and to make a contribution to cover a portion of the cost of administering the Program. A suggested amount of contribution is determined according to a sliding-scale based on an institution's expenditures per pupil [see Attachment 2—Application Form]; a waiver is available to schools that are not able to pay the scale amount. Several schools received a full or partial waiver in 2005-2006. Still, school contributions produced several thousand dollars in support of the program. Additional funding sources will be necessary if the Program is to continue at current levels.

International Initiative

Congress to Campus made its first international visit in October 2003 to the United Kingdom. An earlier Association study tour had laid the groundwork for the visit and had established a relationship with Philip John Davies, Director, Eccles Centre for American Studies at The British Library and the U.S. Embassy's Cultural Affairs Office. The success of that initial visit in 2003 has led to visits to the United Kingdom in 2004 and 2005 with another planned for fall of 2006.

This academic year the Program developed a relationship with the U.S. Embassy in Canada which resulted in support for a campus visit to Carleton University in Ottawa in February, 2006. We expect this relationship to continue and lead to support for future Congress to Campus visits to colleges and universities in Canada.

In past years, the program has sponsored campus visits to Germany and China, as well.

Program Outreach and Publicity

The continuing interest on the part of colleges and universities in hosting Congress to Campus visit is the result of a multi-faceted outreach effort. Association leadership and numerous former Members, as well as staff at CDC and Stennis, have made many personal contacts on behalf of the Program. In addition, CDC Executive Director and former Member David Skaggs has made a number of public presentations in behalf of Congress to Campus and informational material has been emailed directly to all members of the APSA's Legislative Studies and Political Organizations & Parties Sections, as well as to many other college and university organizational contacts.

Campus press and media at host institutions are offered access to visiting Members. Each host institution is also encouraged to make commercial print and broadcast media interviews a part of each Congress to Campus visit's schedule.

Conclusion

Interest in Congress to Campus remains strong in the academic community. Association Members participating in campus visits are enthusiastic about the value of the Program and the rewards it brings to all who are involved in those visits. The Program could be expanded further on domestic and international levels if funding uncertainties can be addressed.

ATTACHMENT 1

Congress to Campus Program

The U.S. Association of Former Members of Congress

Congress to Campus Program

ROSTER OF '05 –'06 ACADEMIC YEAR VISITS AND PARTICIPANTS

FALL

High Point University - September 18-20, 2005

Republican: Arlen Erdahl (R-MN)
Democrat: Ken Hechler (D-WV)

Denison University - October 2-4, 2005

Republican: Denny Smith (R-OR)
Democrat: Andy Jacobs (D-IN)

Frostburg State University (MD) - October 16-18, 2005

Republican: Bill Goodling (R-PA)
Democrat Dennis Hertel (D-PA)

Wilkes University – October 18-20, 2005

Republican: Nick Smith (R-MI)
Democrat: Jim Bilbray (D-NV)

University of Missouri – Kansas City – October 24 & 25, 2005
(in association with fall USAFMC meeting)

Democrat: Jerry Patterson (D-CA)
Cathy Long (D-LA)
Republican: Jan Meyers (R-KS)

Ursinus College – October 31- November 2, 2005

ATTACHMENT 1

Republican: Lou Frey (R-FL)
Democrat: Jim Lloyd (D-CA)

United Kingdom – November 5-13 , 2005
De Montfort University

Republican: Ron Sarasin
Democrat: Beverly Byron

Siena College – November 6-8, 2005

Democrat: Bill Roy (D-KS)
Republican Peter Torkildsen (R-MA)

University of Michigan – Ann Arbor – November 6-8, 2005

Democrat: David Skaggs (D-CO)
Republican: Orval Hansen (R-ID)

Rhode Island College - November 13-15, 2005

Republican: Jan Meyers (R-KS)
Democrat: George Hochbrueckner (D-NY)

Suffolk University, November 13-15, 2005

Republican: Mikey Edwards (R-OK)
Democrat: Barbara Kennelly (D-CT)

Indiana University – South Bend – November 13-15, 2005

Democrat: Harold Volkmer (D-MO)
Republican: Dan Miller (R-FL)

University of Kansas (Dole Institute) - November 15-17, 2005

Republican: Orval Hansen (R-ID)
Democrat: Cardiss Collins (D-IL)

ATTACHMENT 1

SPRING

Washington Center for Internships "Inside Washington" – Jan 3-6, 2006

David Skaggs (D-CO) Beverly Byron (D-MD)
Mickey Edwards (R-OK) Jack Buechner (R-MO)
Ron Sarasin (R-CT)

Dartmouth College – February 6-8, 2006

Republican: Robert Walker (R-PA)
Democrat: Vic Fazio (D-CA)

Carleton University (Ottawa, Canada) February 6-8, 2006

Democrat: Bob Carr (D-MI)
Republican: James Greenwood (R-PA)

University of California, Irvine – February 12-14, 2006

Democrat: Dennis Hertel (D-PA)
Republican: Peter Torkildsen (R-MA)

U.S. Naval Academy - February 26-28, 2006

Democrat: Charlie Stenholm (D-TX)
Republican: Bill Goodling (R-PA)

Mississippi State University - March 5-7, 2006

Republican: Ron Sarasin (R-CT)
Democrat: Earl Hutto (D-FL)

University of Utah - March 5-7, 2006

Republican: Orval Hansen (R-ID)
Democrat Jim Lloyd (D-CA)

Fitchburg State College April 2-4, 2006

Republican: Steve Kuykendall (R-CA)

ATTACHMENT 1

Democrat: David Minge (D-MN)

Amherst College – April 2-4, 2006

Democrat: Matt McHugh (D-NY)
Republican: Bill Goodling (R-PA)

West Virginia University - April 2-4, 2006

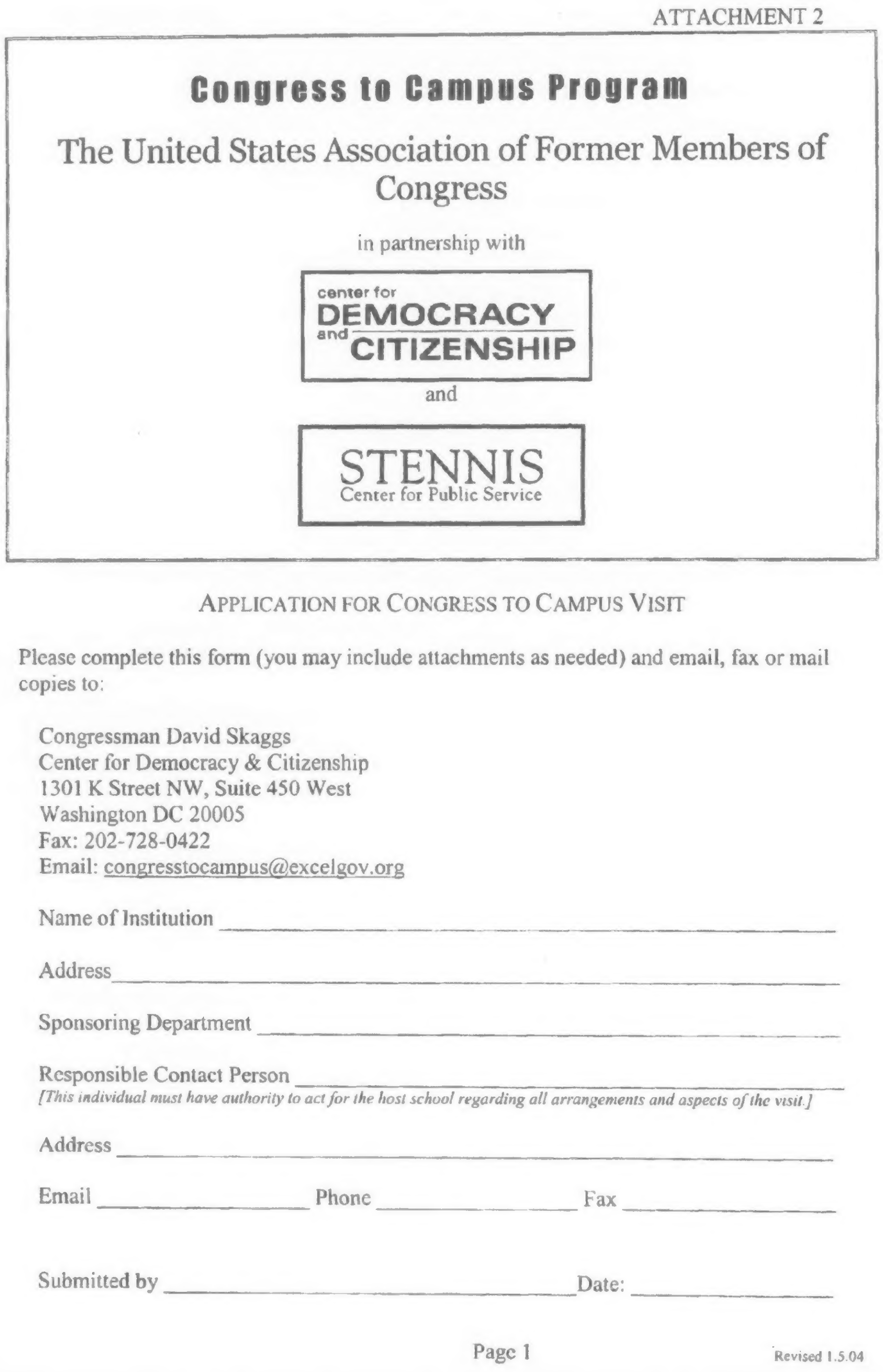
Republican: Dan Miller (R-FL)
Democrat: Ron Klink (D-PA)

University of Texas – Austin – April 10-12, 2006

Democrat: Mike Forbes (D-NY)
Republican: Robin Beard (R-TN)

People to People Ambassador Program – April 11 & 18, 2006
David Skaggs (D-CO)

Washington Center for Internships "Inside Washington" – May 19, 2006



ATTACHMENT 2

Congress to Campus Program

The United States Association of Former Members of Congress

in partnership with

center for DEMOCRACY and CITIZENSHIP

and

STENNIS
Center for Public Service

APPLICATION FOR CONGRESS TO CAMPUS VISIT

Please complete this form (you may include attachments as needed) and email, fax or mail copies to:

Congressman David Skaggs
Center for Democracy & Citizenship
1301 K Street NW, Suite 450 West
Washington DC 20005
Fax: 202-728-0422
Email: congresstocampus@excelgov.org

Name of Institution ______________________________

Address ______________________________

Sponsoring Department ______________________________

Responsible Contact Person ______________________________
[This individual must have authority to act for the host school regarding all arrangements and aspects of the visit.]

Address ______________________________

Email ______________ Phone ______________ Fax ______________

Submitted by ______________________ Date: ______________

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ATTACHMENT 2

Background on Institution [founding; governance; accreditations; degrees offered; student body size and characteristics; faculty size and characteristics; geographic area served; religious affiliation; endowment; if this information is readily available on your website, just provide the address for the website.] (Attach additional sheet, if needed.)

Please check those activities from the following list you expect tentatively to be able to include in the Members' schedules if your application for a visit is approved. Experience suggests that allocating most of the visit to a variety of classes works best.

- ☐ Introductory classes in political science or U. S. government [Please try to avoid multiple appearances in different sections of the same course.]
- ☐ Advanced classes in political science or U. S. government, including courses in the Congress, political theory or foreign affairs
- ☐ Classes in political philosophy or history*
- ☐ Classes in other disciplines [e.g., health, science, engineering, environment] for students who may be interested in public service careers or who simply need a better grounding in American government*
- ☐ ROTC classes
- ☐ One-on-one or "office hours" style meetings with individual students interested in public service or political careers [To work well, this option needs to be well publicized, preferably with advance sign-up.]
- ☐ Campus political clubs, e.g., Campus Democrats and Young Republicans
- ☐ Campus extracurricular activities or clubs with some public policy dimension, e.g., an environmental or international relations club
- ☐ Campus speaker series or open campus forum [Please be prepared to do some work to publicize such a session, or give class credit, or risk low attendance.]
- ☐ Meeting with student government organization or leadership
- ☐ Meetings with school president, chancellor, dean or other senior administrator [This option is offered if it meets a real need for your school; there is no need for a meeting just for protocol reasons; if included, should be *brief*.]
- ☐ Meeting with career counseling staff regarding public service
- ☐ Faculty departmental colloquium
- ☐ Interview with campus newspaper(s) and radio station
- ☐ Interview with local newspaper(s) and editorial board(s)
- ☐ Interview or talk show appearance with local radio station(s)
- ☐ Interview or talk show appearance with local TV station(s)
- ☐ Meeting with community service organization(s), e.g., Rotary, Lions, League of Women Voters
- ☐ Community talk or forum, e.g., "town hall" type meeting at a public library
- ☐ Class visits or assembly at local high school

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* At least one class should be in a discipline other than political science or government studies.

ATTACHMENT 2

- ☐ "In-service" teacher training on Congress, federal government for middle and high school social studies teachers arranged through local school district(s)
- ☐ Major federal government installation or major private sector employer near campus able to host a session with a significant number of employees
- ☐ Meeting with local government officials, e.g., appearance at City Council or County Board session or meet with state legislators
- ☐ Other (specify) ______________________________

While it is not possible to include all the activities suggested above, the schedule for each visit should include a good variety of activities and not be limited only to classes. Please include at least one class from outside the political science (or government studies) department. Visits typically cover 2 full days following Members' arrival, with no more than two nights on site. If Members arrive the evening before the schedule begins, they will expect to depart in time to get home the evening of the second day of scheduled events; if they arrive on a morning, they will expect to leave after noon on the third day. Activities may be scheduled from 8 or 9 AM until (as late as) 9 PM, including (some) meal times; for each 4 or 5 hours of scheduled time, an hour of "down" time should be set aside (this may be lunch hour), with facilities for Members to check emails and use a phone. Please attach a proposed schedule for your school visit, comprised of two full days, incorporating the elements tentatively checked above. Please indicate the number of students expected at each proposed activity. (The Program hopes for both quality and quantity, with substantive contact with at least 250 students during a visit as a goal.)

If your application is approved, you will need to submit a complete schedule for the visit at least one month prior to the visit; this is a critical deadline. For class presentations, the instructor for the course should provide brief written guidance to the Members in advance of the visit about what they should discuss during the class period and how it fits into the course (a copy of the course syllabus is helpful. Program staff may request revisions to the schedule if necessary to meet Program standards. Formal campus tours and other area touring are secondary to the Program's educational objectives and generally should be avoided.

Preferred dates for a visit that fit your academic calendar. ____________________

Transportation: nearest airport; distance from campus; means of transportation to

campus. ____

____

Other considerations that make your school a good site for the Program. __________

____

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ATTACHMENT 2

The host school is expected to cover the on-site expenses for Member accommodations, meals and local transportation. Please understand that the average Congress to Campus visit also entails about $5000 in administrative, overhead and transportation expenses. In order to make the Program as widely available as possible, we would also like to recover a portion of those costs, based on the host school's ability to pay. Please indicate the financial category applicable to your institution from the following schedule. _____

Host School Suggested Contribution

Category	Current expenditures per "full-time" student*	Suggested contribution
A	$30,000 or more	$3500
B	$20,000 to $29,999	$2500
C	$10,000 to $19,999	$1500
D	$9999 or less	$1000

We do not want this cost-sharing goal to prevent any school that wishes to host a visit from doing so. With that in mind, do you need a waiver of all or part of the applicable contribution, and, if so, do you also need assistance with on-site costs? ____ (If 'yes,' please attach an explanation and statement of need signed by an appropriate financial officer of the school.)

Where or how did you learn about the Congress to Campus Program? ______________

____

Note: The host school contact person will be responsible for identifying faculty members who will assist in administering a brief survey instrument to be completed after the Congress to Campus visit by a sample of students in classes visited by Members and by an otherwise comparable sample of students in classes *not* visited. The purpose of this survey is to determine any difference (change) in attitude about politics, government and public service in one group compared to the other, and so to indicate the impact of the visit on student attitudes. In addition, the host school contact person will be expected to complete an evaluation of the visit and to report on print and electronic media coverage of the visit, the expenses paid by the school in connection with the program visit, and the student attendance at each event on the schedule.

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* The expenditures figures used to calculate the contribution level should be for the most recent academic year and should be readily available from your school's business or finance office. They are standard data used by the Department of Education's Integrated Postsecondary Education Data System (IPEDS). For public institutions that follow the GASB 34/35 reporting model, use your school's total expenses – the sum of Operating Expenses and Non-Operating Expenses. Public institutions using the College and University Audit Guide should use the total of current funds expenditures and mandatory transfers. Independent institutions following the Not-for-Profit Audit Guide should use the expenses category. The enrollment figures should come from the IPEDS data for the current academic year, converted to a full-time equivalent enrollment based on one full-time student per three part-time students.

Mr. SKAGGS. Over the last 4 years, the Congress to Campus Program has visited over 120 campuses around the country and really around the world. As most of the people here in the Chamber know, this is a program that exists because of the volunteer time that our former Member colleagues are willing to donate to the program. A Republican and a Democrat spend a couple of days on campuses around the country and just as the association is dedicated to the promotion of democracy abroad, this program helps build democracy here at home. Its purposes are to educate this generation of college students and actually some of their faculty as well about how our government works and in particular how this Congress works, and, secondly, to encourage them to consider spending some of their careers in public service.

We hope that by having a Republican and a Democrat demonstrate that on most things there is more agreement than disagreement for members of the two major parties that we can also communicate some message about how we really solve problems in our political process. This program is only possible because of the generous donation of very precious time on the part of our colleagues, over 50 of whom participated in the program this year. I would like to call on two of them to give us a little bit of a snapshot of the experiences they have had both this year and in the recent past.

I first would like to yield to the gentleman from Pennsylvania, Mr. Goodling.

Mr. GOODLING. I thank the gentleman for yielding.

First of all I want to thank the Stennis Center, Former Members Association, and David's leadership in giving me the opportunity to lift my spirits when I'm depressed after reading headlines in the local newspapers and The Washington Post and the New York Times, you name it, because it is a lifting experience to go out there and exchange with thousands of students all across this country. I have had the opportunity to go to northern Idaho, to northern Florida, to Amherst, U.S. Naval Academy and Frostburg State University. I am sure in most instances I have gained more than they have gained from my presence, but we give them the opportunity to dig in deeply as to just how this Congress works. We don't tell them everything, of course, but we are very frank. It is a great experience. If you become depressed, as I said, as I do occasionally and wonder whether there is a future for this country, go out and meet with these young people.

The greatest experience, I guess, was to sit in the dining room with 5,000 of the brightest and best young men and women at the Naval Academy and then exchange with them in their classrooms. It sent bumps up and down my spine just being there. So I would encourage you, if you haven't participated and you want an uplifting experience, go out to the Congress to Campus Program and meet with these young people. As an educator for 22 years before I came here, of course, it just gives me a great opportunity to get up in front and wax eloquently about everything that I don't know anything about and then respond eloquently.

As I tell them every time they ask a question, I'll do the same as I always did in town meetings. No matter what the question is that you ask, whatever it was that I wanted to say this night, I'm going to say whether it has any relevance whatsoever to the question you asked. So if you want an uplifting experience, go and serve on the Congress to Campus Program.

Mr. SKAGGS. I thank the gentleman for his remarks and for his participation.

I would like to yield to another stalwart in the program, the gentleman from New York, Mr. Hochbrueckner.

Mr. HOCHBRUECKNER. I thank the gentleman for yielding the time, and I lend my words of support to what the gentleman has just mentioned. The Congress to Campus Program is a great program because it gets you out there with real kids, real people; and it is a tremendous outreach program that certainly should be encouraged. I was very fortunate to visit Rhode Island College with Jan Meyers and also Fitsburg, Massachusetts, their college with Greg Laughlin. As was pointed out, there are really two goals of the program. The first is to promote careers in government service and secondly to provide an insider view of how does government really work. You would be surprised at some of the questions that you do get from the kids in terms of various things we do, how it works, and what the inside view is.

Of course as you know as former Members, we will tell most because we're open. We don't have an ax to grind. We're willing to share. I think it's a very educational program for the students. By the way, at Rhode Island, I was pleased that they actually expanded the program, so not only did we speak to the usual political science and other classes but also they had a forum for high school students, and then they took us off to the local media.

So it is a real good opportunity to get the message out that people in government are real people who happen to have fallen into this very important position through various mechanisms. We are just ordinary people serving our fellow people and we get there in a variety of ways. That is the kind of thing I think that gets expressed to the students.

As was pointed out over the last 4 years, the program has visited 120 campuses, and we have addressed over 40,000 students, 9,000 alone just in this past year. So it is a great program. If you have participated already, thank you very much. I know you appreciate it, as Bill does. If you haven't, please consider it. It is well worth your time and the time of the people of our Nation. I am also very pleased that my former colleague from New York, Matt McHugh, is being honored today. Congratulations to you, Matt. Thank you for the time.

Mr. SKAGGS. Thank you.

Thank you, Mr. Speaker. I yield back the balance of my time.

Mr. BUECHNER. Thank you, David. And thank you, George and Bill, for your very astute observations.

Mr. Speaker, there are several other activities of the U.S. Association of Former Members which deserve to be highlighted today. One certainly is our annual Statesmanship Award Dinner. It has been chaired so exceptionally over the last few years by Lou Frey of Florida. I would like to now yield to the gentleman from Florida, Mr. Frey, to comment on the dinner that was held this past March.

If I may reclaim my time for just a second, we have a visitor here. We have the chairman of the, we always say, the powerful Rules Committee, the gentleman from California, DAVID DREIER.

Would the gentleman like to address the organization?

Mr. DREIER. What do you think?

Mr. BUECHNER. I think you should.

Mr. DREIER. Thank you very much, Jack. Let me begin by extending congratulations to our friend Matt, and you all are obviously absolutely brilliant in choosing to honor him. As I look around this Chamber, I can't tell you how much I wish many of you were back. I can't tell you which ones exactly, but there are more than a few of you that I wish were back for many, many, many different reasons.

I want to thank Jack and Jim and David. As I listened to George Hochbrueckner and Bill Goodling talk about the Congress to Campus Program, I couldn't help but think about the fact that you all have been so intimately involved and supportive of a program that is taking place today right here in the Capitol, and that is the development of our House Democracy Assistance Commission. A year ago this month, we unveiled this bipartisan commission that Speaker HASTERT and Minority Leader PELOSI came together to form, I think it may have been the last time they met, but the fact is they came together to form this commission which is designed to build on the fact that there are so many emerging democracies all over the world.

We right now are hosting delegations from Macedonia, the Republic of Georgia, Indonesia and the newest country on the face of the Earth that was established in 1999, East Timor. The idea behind this, of course, as so many of you know, was to create over and above the National Endowment for Democracy and the Democratic Institute and the Republican institute, it was to build direct parliament-to-parliament relationships with these new democracies.

Now, I often quip that after they see us in operation, they may want to go back to totalitarianism in their countries, but frankly many have been able to benefit greatly from having spent last week in the States, in congressional districts, in congressional offices, meeting with chambers of commerce, the media, a wide range of other groups and this week here in Washington. At noon today, we are having our farewell gathering for these parliamentarians and we are also going to be expanding this into a number of other countries. I am going to be going to Kenya and Liberia and Lebanon. Obviously, we are going to focus on Afghanistan and Iraq.

I simply wanted to come by to express my appreciation to the many of you who have gotten involved in this very important issue. Obviously, you have the opportunity to take a little more time in working on this. But it is critical for us to do it.

Congratulations. It is great to see you all. Thanks very much for including me. Thanks, Jim.

Mr. SLATTERY. Chairman DREIER, let me just say that we deeply appreciate your leadership in this commission work, and we commend the work of Speaker HASTERT and Minority Leader PELOSI, and we know that you have given invaluable leadership to this commission.

Mr. DREIER. DAVID PRICE is the ranking member. He has worked very hard.

Mr. SLATTERY. And Congressman PRICE of North Carolina, we are aware of his participation, also. We look forward to working with you. Use us. Thank you.

Lou?

Mr. FREY. Thank you, Mr. Speaker. I have been asked to talk about two or three things briefly. The first is our Statesmanship Award Dinner. As you are aware, when I was chairman, I had an idea about 9 years ago to do it. I'm trying to figure out how to get out of running the dinner. But this is the ninth one, and it is very successful now. We have institutionalized it thanks to the hard work of so many people. I think we had over 400 people there this year. As you know, we auction off some memorabilia. It's a fun dinner. It has become a Washington institution, really.

For your memory, our first award recipient was Dan Glickman. We had Lee Hamilton, Lynn Martin, Norm Mineta, Vice President CHENEY, Secretary Rumsfeld. Probably the greatest one, they are all great, but the World War II generation one was just incredible. Talk about chills going up and down you. Bob Dole, Sam Gibbons, John Glenn, George McGovern, and Bob Michel all talked. It was just an incredible experience. Then we had John Breaux and, of course, just recently Chris Cox was our honoree.

We have a lot of people helping. For instance, Dan Glickman still helps with an auction item from his association, which is good. And we have on our trip to France got to be friends with a French count whose family goes back to William the Conqueror. He has a chalet over there. He has donated it to the association. Maybe something we should have known in the Congress, or learned, we sold it twice for the same amount of money. Denis de Kergorlay is the gentleman's name. He has become one of our biggest supporters of the association. We get a nice amount of money for it, and everybody is happy. It has been a good dinner, and it has been really our biggest fund-raiser because our dues don't amount to all that much, and we need that money to help run these various programs we have talked about.

We talked about the Congress to Campus Program. One of the complaints that we got early on is, gee, this is great, we learn all these things, but why don't you write it down. Why don't you put something down about all this. It is not in a textbook. So I said, okay, we'll write it down. And we did. With the help of 38 of our members in the House and Senate we wrote a book called Inside the House. University Press published it. It is being used now in a number of schools. I was just told now it is being used in the Ukraine as one of the texts over there. Obviously, it has had an impact and thanks to so many of you who participated.

That's the good news. The bad news is that we're getting complaints that they want something more written. So we are attempting to write a second book on the political rules of the road and how they apply to life. I have sent, I don't know, a lot of letters and some of you so many times you're sick and tired of it, but we have had over 200 and some responses from people. My rules are pretty simple of life and politics. Number one, don't get in a fight with a guy who buys ink by the carload and the second is, and I have been married close to 50 years and this rules applies in politics and at home, if you've got to explain, you're in trouble. Those are my two rules of life.

We have got some very interesting ones, and we are trying to put that book together which hopefully will add to what we're doing. It will probably be another year before we get done. It is not an easy thing to do, the toughest being getting help from you all. I am asking you again, those of you who haven't, please send in your paragraph or page about what your particular rules are.

The third thing I was asked to talk about is a trip to Chile that 14 of us took within, I guess, the last month, month and a half. I had been down there during the Pinochet days when people were disappearing and it was really a dicey time and a dicey place. I hadn't been there in 25 years. I was shocked. It is the jewel of South America. It is free. It has a free press. It has democratic institutions that are in there. They have elected a new President who is described by some people as vegetarian leftist. I had never heard that before, but I think what they were trying to say is that she wasn't too far on either side. She appointed 10 women of the 20 to her Cabinet and she appointed 10 of the opposite party to it. I think she has got an incredible chance to continue to move Chile forward.

The only ominous part that we saw was China. China has signed an agreement to take 70 percent of their copper for the next 5 years. Of course that is their biggest export. The other interesting part is of the profits from copper, 10 percent by their statute goes directly to the military. As you move around Chile, you will see cultural centers that are there now. English is a second language, but now Chinese is a third language; and I would suggest to you that Chile, this is just the tip of the iceberg with what is going on throughout South America with Chile. We have written a report about it. If you want to get a hold of Pete on that, we can give you a more detailed report on Chile.

Just a couple of other things. Matt, congratulations to you. It is certainly well deserved. We are so pleased that your family is here to see you honored as you should be. The other thing I have to say is that, Jack, you have been through some terrible tough times. You have our respect and our admiration and our affection for what you have gone through and also for the fact that you have continued to give great leadership to this association even in the darkest days. Thank you very much, Mr. President, for what you have done.

I yield back the balance of my time.

Mr. BUECHNER. Thank you, Lou, and I thank you for your kind personal remarks.

Mr. Speaker, the association has some other wonderful things that we have done. I want to thank Lou for the work, obviously, that he has done, the invaluable leadership. But we would like to highlight a few of the other activities. Just so the people up in the gallery understand who we are, we are former Members of Congress. One day a year, the Speaker is good enough to allow this Chamber to be used for us for our annual report back to the Congress of the things that we have been allowed to do in our facility as former Members.

In October of last year, the association hosted a fall meeting in Kansas

City, Missouri. We brought together a number of former Members and their spouses and spent a long weekend in my beloved home State. Our main focus was to go to the Truman memorial library in Independence. We had the great opportunity to listen to former Member of Congress Ken Hechler of West Virginia who started his career as an adviser to President Truman. It was a great but an informal way of connecting with old friends and have the association represented in a place other than Washington. We have had a golf tournament, picnics, a Christmas party for the first time in 2005. I guess you have to call it a holiday party. The association benefits tremendously from the efforts and leadership of many people.

Mr. SLATTERY. Mr. President, might I interrupt you for just a moment?

Mr. BUECHNER. I yield back to the Speaker.

Mr. SLATTERY. I would like to just acknowledge the presence of the distinguished minority leader, the gentlewoman from California. If Congresswoman PELOSI would like to give greetings, we certainly will welcome that.

Congresswoman PELOSI.

Ms. PELOSI. Thank you very much. So what's this, a Democrat in the Speaker's chair? This is a very friendly group.

Good morning to all of you. Jack, thank you for your leadership and the good work of the Former Members Association. Jim, it is wonderful to see you there. It is wonderful to see all of you here.

Thank you for coming. Thank you for your ongoing interest. You know that we consider you on both sides of the aisle intellectual resources to us in the Congress. We also quote you. We build upon your good work. It is just really a source of great encouragement to us that you continue to have the interest to come back to this place.

All of us who have ever served here who have had the privilege of stepping onto this floor and represent the American people, what a great privilege. It is a banner of honor for life. I come here on behalf of the House Democrats to bring you greetings, to welcome you here, to thank you for being an ongoing source of inspiration to us, and also to say that, as I have said before, all of us who serve here consider ourselves colleagues of people that we never even served with before because we have all shared this great honor.

On their behalf, I am privileged to say what a privilege it is for us to call you colleague. I am glad that we are also joined by our distinguished minority whip, Democratic whip, I always use the name Democratic, Democratic whip STENY HOYER of Maryland. I see so many friends here again on both sides of the aisle. I look forward to chatting with you individually but also look forward to what comes from your meeting here. It will be very important to us.

Thank you again for being here.

Mr. SLATTERY. Thank you, Leader PELOSI. It is great to see you.

Mr. BUECHNER. I thank the gentlewoman for her kind remarks.

I want to thank my fellow officers of the association for their energy, dedication and invaluable counsel during my 2 years as president: Jim Slattery, who is in the chair as the Speaker pro tem; Jay Rhodes, who spoke earlier; Dennis Hertel and Larry LaRocco, who is the president emeritus. Let me also thank the members of our board of directors and our counselors for providing excellent guidance and support throughout the year. In addition, we benefit greatly from the wonderful work of our auxiliary, led so ably by Debi Alexander.

Mr. Speaker, to administer all these programs takes a staff of dedicated and enthusiastic professionals. We expanded our team from three to four full-time employees during 2005, another sign of how active and successful a year it has been for the association: Maya Yamazaki, our program officer; Rebecca Zylberman, who is the member relations manager; Sudha David-Wilp, the program director; and Peter Weichlein, executive director. Would you all stand and have the members give you a round of applause.

This has been a great 2 years. I have been honored to be in this position as the president. You have heard some comments about the loss of my wife who is going to be honored tomorrow and remembered at the auxiliary luncheon. I am sorry she is not here today to conclude my term.

In addition to all the programs and projects we reported on today, in addition to keeping all contact information about former Members of Congress as current and up to date as possible, in addition to identifying grant-giving institutions to fund programs such as the study groups, in addition to all that and more, our staff has organized and executed that office move I spoke to. We are now on K Street, but we are not lobbyists, so that works okay. We are in a bigger space.

I yield to the gentleman from Michigan.

Mr. HERTEL. I just want to thank on behalf of all the association members you, Jack, for all the work that you have done for making this organization so effective. There is so much that we can talk about that the members have volunteered their time internationally and around this Nation at college campuses. Every program has increased so much, the funding for these programs has increased, the volunteer support, the members' time, because of you, the dedication you have given this association, all the time that you have given it, even through these most, most difficult times. I just want to thank you on behalf of the association and give our heartfelt best to you and your son Charlie.

Mr. BUECHNER. I thank the gentleman.

Mr. Speaker, we are very pleased to have with us today several former legislators from our neighbor to the north, Canada. It gives me great pleasure to welcome Patrick Gagnon, Fred Mifflin, Barry Turner, and the Reverend Canon Derwyn Shea, all former members of the Canadian Parliament. Would you four please stand so we can give you a round of applause. We are honored that you have made the trip to join us today and by doing so reaffirm the great relationship that our organizations have.

Mr. Speaker, it is now my sad duty to inform the House of those people who served in Congress and who have passed away since our report last year. They are:

Robert Badham of California,
J. Glenn Beall, Jr. of Maryland,
Albert Henry Bosch of New York,
Clair Callan of Nebraska,
Ronald Cameron of California,
Caroll Campbell, Jr. of South Carolina,
Elford Cederberg of Michigan,
William Dorn of South Carolina,
John Erlenborn, past president of this association, of Illinois,
J. James Exon of Nebraska,
Joseph Karth of Minnesota,
Hastings Keith of Massachusetts,
Richard Kelly of Florida,
John Lesinski of Michigan,
Eugene McCarthy of Minnesota,
John McFall of California,
Donald McGinley of Nebraska,
Lloyd Meeds of Washington,
John Monagan of Connecticut,
Gaylord Nelson of Wisconsin,
James Jerrell Pickle of Texas, also known as Jake,
Bertram Podell of New York,
Charles Porter of Oregon,
William Proxmire of Wisconsin,
Edward Roybal of California,
Dan Schaefer of Colorado,
James Scheuer of New York,
Stanley Tupper of Maine,
Richard Vander Veen of Michigan.

I ask all of you, including the visitors in the gallery, to rise for a moment of silence as we pay our respect to the memory of these citizens.

Thank you.

Mr. Speaker, as you know each year the association presents a Distinguished Service Award to an outstanding public servant who is a former Member of Congress. The award rotates between parties, as do our officers. Last year we presented the award to an outstanding Republican, former Senator Dan Coats. This year, we are very pleased to be honoring a remarkable Democrat, a remarkable public servant, former Representative Matt McHugh of the State of New York.

Matt McHugh represented the 27th and 28th Congressional Districts of New York in the United States Congress from 1975 to 1992. He served on a wide range of congressional committees, including Appropriations, Intelligence, Standards of Official Conduct, Veterans' Affairs, Agriculture and Interior. He chaired the Arms Control and Foreign Policy Caucus and the Democratic Study Group.

His colleagues dubbed him "the conscience of the House." One of his last congressional duties was to preside over a bipartisan panel set up to investigate abuses of the House Bank that gripped the House in the early 1990s and brought discredit unfortunately upon this House. His post-congressional career includes serving as vice president at Cornell University and being counsel to the president of the World Bank. If you ask him his most challenging, yet gratifying, experience after leaving Congress, I am sure he will tell you it is the 2 years he was president of the Association of Former Members of Congress.

Matt McHugh personifies what a Member of Congress ought to be because of his integrity, his willingness to work with Members from both sides of the aisle for the good of the country, and because of his dedication to the ideals of deliberative representation. I would like Matt to come forward here.

This plaque that we are going to present to Matt is inscribed as follows: The 2006 Distinguished Service Award is presented by the U.S. Association of Former Members of Congress to the Honorable Matthew F. McHugh for his long and illustrious career in the House of Representatives, and for his laudable efforts as counsel to the president of the World Bank. During his entire career in public service, Matt McHugh exemplified the highest standard of integrity, dignity, and intellect. He inspired those serving with him and left a legacy for those serving after him. His beloved State of New York sent to Congress one of the best and brightest ever to walk these hallowed Halls of the Capitol and his former colleagues applaud and salute him for his distinguished and dignified service.

Mr. McHUGH. Thank you very much.

Thank you, Jack, for your very gracious remarks and for this recognition.

Thanks to all of you for being here this morning. We want to thank you, Jack, and the officers and staff for the great work that you do in leading the association and in making those programs that we heard about this morning work so well. On a personal note, I also want to say on behalf of my wife, Alanna, and myself how much we admire you and, as the Speaker said, our thoughts and prayers are with you and Charlie during these very tough times.

I also want to express appreciation to my wife and my family, some of whom are here in the gallery this morning. As we all know, politics is an exhilarating, serious profession with a lot of rewards and satisfactions along the way. But most of those rewards go to the candidate and the officeholder and precious few go to the spouse and the family. They make enormous contributions, but they are very seldom recognized. So today is a day to say thank you to Alanna and to my family for their patience and understanding and support at all times in my life, but especially during those very hectic political years that we are all so familiar with.

As I said, I am grateful for this recognition, but I am very much aware that the honor could as easily go to anybody sitting here. As I look around the Chamber, I see so many people who have contributed so much to our country and to the Congress. One of the great things about our association is that it gives us an opportunity to continue to serve an institution that we love. I see so many of you who have done that, during your years here and afterwards as well. The association brings us together for a variety of reasons. We get to see old friends. We reflect upon some of the experiences we shared together here. We learn something new about what is happening in the world today. But most importantly the programs of the association give us a chance to continue to serve in some small measure the institution that we do love and that is so important to the lifeblood of this country, the Congress.

We are able in some small measure to increase public awareness of how important Congress remains to the country. We have heard many of the programs described this morning, some of which serve that purpose very well but none more important, I think, than the Congress to Campus Program. I know many of you have participated in those campus visits that have been already described. Bill Goodling and I went together recently to Amherst College, and as always we were really touched by how impressive the young generation is, idealistic, bright.

But at the same time given the kind of coverage that government and politics gets today and the other distractions and pressures young people have in their lives, there is a real risk that many of them will not really take a real serious interest in public service. Of course, that would be a great tragedy for the country because clearly the future of the country rests with them. It rests with young people like my own granddaughter who is here today who is going off to college in the fall. And so the Congress to Campus Program gives us a chance to reach out to those young people to explain why public service is important and rewarding, to demonstrate among other things that Republicans and Democrats who serve together can actually talk and discuss issues thoughtfully and constructively, and to encourage them to really engage in public service and community service when their school days are over.

I think we can be grateful to our association for giving us that opportunity, not only in the Congress to Campus Program but in many other ways as well. I know that we are very limited on time. We are almost ready to abandon the Chamber, so I would like to close simply by thanking all of you for your work with the association, for your continuing service to the Congress and the country, for the recognition that you have given me today, and for being with us to share this very special moment.

Thank you so much.

Mr. BUECHNER. Matt, we also are presenting you with a scrapbook filled with letters of congratulations and little notes and memorabilia from your good friends from across the years that you have served with in this Congress, just another additional measure of our respect for you and the compassion that you have always held for the people of the great country and your district.

Mr. McHUGH. Thanks so much, Jack.

Mr. BUECHNER. At this time, Mr. Speaker, I would like to yield back to the Chair for some closing remarks.

Mr. SLATTERY. Thank you, Mr. President. First of all, let the Chair again congratulate Matt McHugh. It is great to see Alanna here today and the McHugh family. We welcome you. Matt, let me just say that I don't think anyone who I had the honor of serving with brought greater credit to this institution than you. I always viewed you as someone, and I am sure this view was shared by your colleagues on both sides of the political aisle, as someone who went to work every day here trying to not only make the decisions that you thought were best for the people of New York and the people of this country. That sense of duty and commitment to our country was deeply admired by all of us who had an opportunity to serve with you. To sum up, I would just say that you are a public servant in the finest sense of the word. We are honored to know you. We are honored to recognize you here today. Matt McHugh, good luck to you.

Before we wrap up today, I would also like to again associate myself with the remarks of others made here today about Jack Buechner and his dedicated service to this association. Jack, without your leadership over the last 2 years and your dedication to the objectives of this association, we would not have seen the progress that we have seen with the Congress to Campus Program. We would not have seen the progress that we have also seen with our efforts in the global democracy building work and the election-monitoring efforts around the world. We recognize you for your dedicated leadership through a most difficult and painful personal ordeal and time in your life. We have the deepest respect for you. We thank you from the bottom of our hearts for all you have done to advance the goals of the Association of Former Members of Congress. Jack, good luck to you, my friend. We look forward to your further participation in the work of the association. Jack Buechner, let's give him another round of applause.

The Chair again wishes to thank all of those former Members that are here today and give you all another opportunity to record your presence if you did not do that at the beginning of the events here today. The Chair also wishes to thank all the former Members of the House for their presence.

I am advised that the House will reconvene 15 minutes after the bells ring.

Accordingly (at 10 o'clock and 27 minutes a.m.), the House continued in recess.

☐ 1055

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 10 o'clock and 55 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches per side.

RAILROAD TO NOWHERE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President this week threatened to veto the emergency supplemental spending bill currently under consideration in the Senate, and rightfully so.

Members of the other body have been busy adding billions of dollars in nonemergency pork to this emergency spending bill, and the price tag is simply unjustifiable.

One particularly egregious earmark seeks $700 million in Federal funds to move a railroad track that has just been repaired at the cost of $250 million. Supporters of the project say the rail line needs to be moved because it is vulnerable to hurricane damage. Yet the proposed new location is just a short distance inland and was greatly damaged by Katrina last year.

The real reason supporters want this newly repaired rail line moved is to make room for a casino gambling development along the gulf coast.

Mr. Speaker, relocating a newly updated rail line to an equally vulnerable area simply to make room for casino gambling is not an emergency. The taxpayer should not have to pick up the tab for this railroad to nowhere.

I urge the President to stand by his veto threat unless pork like this is removed from the bill.

REPUBLICAN NOTE TO LOBBYISTS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, investigators have recently uncovered a letter from the Republican leadership to special interest lobbyists.

Dear Lobbyists,
How do I love thee?
Let me count the ways.

I love thee to the depth of thy oil wells, for thou shall have $14.5 billion to drill them.

I love thee to the heights of thy drug profits,

For the Medicare bill gives you $139 billion in profits.

I love thee for thy golf courses, private jets and retirement jobs.

I love thee for thy donations, libations and vacations.

For now we must part, and I call it reform.

But remember, in December, once we get past November,

The travel ban expires, and I'll meet you at the tees.

Yours forever, cause I can't quit you,
The Republican Congress.

SIMPLE QUESTION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, along with the rising gas prices over the last few weeks, we have also seen the rise of Democratic demagoguery. For the moment, though, I would like the Democrats to put aside this demagoguery and answer a simple question: What have you done to help lower gas prices?

I know that House Republicans have been working hard to lower the cost of gasoline over the mid- and long term. We have passed the Gasoline for America's Security Act which increases U.S. fuel supply by encouraging new refineries, bans price gouging, promotes conservation.

House Republicans have also passed the Energy Policy Act which allows new domestic oil and gas exploration and development, increases conservation, and embraces new fuel choices.

That is what the Republicans have done. The Democrats, on the other hand, have opposed building new refineries, have opposed drilling in ANWR and, in fact, voted against both of these bills.

Mr. Speaker, Republicans have worked hard to address America's energy needs. And the Democrats? Well, I think we have our answer. They have not done much.

ENERGY POLICY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, there is no small amount of irony that Republicans are now rushing to investigate high gas prices and professing themselves to be on the side of the consumer.

What is important is not what they have said in the last couple of days, but what they have done for the entire time they have been in power here in Washington, D.C. It is outrageous that the same people who are now decrying high gas prices were lavishing billions of dollars in subsidies on the same oil industry a few months ago, despite already bloated profits.

In the 1990s the Republicans even passed legislation that forbade the Department of Transportation to even study higher fuel efficiency, something that would significantly reduce demand today.

And they have expressed no outrage that the American taxpayer is being cheated out of fair payment for the oil and gas that is being taken from public lands by these same large companies.

There are real solutions. Invest in conservation, the only way to reduce immediate dependence on expensive foreign oil now. Shift the billions of dollars in oil and gas companies to renewable and alternative energy sources, and insist that the American taxpayer be given full value for the billions of dollars of oil and gas taken from public lands.

☐ 1100

LONE STAR VOICE: BILLY MINX

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, another Lone Star voice from my district. Billy Minx in Channelview, Texas, e-mailed me on Tuesday. This is what he had to say about those illegally in America:

"In the recent immigration protests; the first protests showed the true intent of the mass of these illegal immigrants. The overwhelming majority of the flags were Mexican flags. These people are loyal to Mexico. I have a neighbor down the street who is a naturalized U.S. citizen from Mexico, and he flat out told me if the U.S. and Mexico were at war with each other, he would fight for Mexico.

"We may be a Nation of immigrants, but the majority of Americans were born here and their parents were born here. My great, great, great, great, great Grandfather John C. Hale was killed at the Battle of San Jacinto in 1836 defeating Santa Anna and Mexico (and thus making Texas an independent country). He is one of nine Texans buried there on the battlefield.

"Now my elected officials want to simply hand Texas back to Mexico. It's a traitorous act what is about to happen in this Congress. I pray you will not be an accomplice."

Mr. Speaker, Congress has an obligation to prevent the illegal colonization of this Nation.

And that's just the way it is.

BUSH RX DRUG TAX: EIGHTEEN DAYS UNTIL TAX TAKES EFFECT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, if House Republicans really want to help America's seniors, they would join us in reversing a proposal in the Republican prescription drug plan that would penalize any senior who chooses a private drug plan after May 15.

As this calendar shows, we have 18 days left. If House Republicans do not support our efforts to extend the deadline until the end of the year, millions of seniors will face a prescription drug tax that they must pay every month for the rest of their lives.

Over 14 million seniors still have not chosen a plan. Some are frustrated, confused by dozens of plans they have to choose from. Others have heard the horror stories of seniors not having access to drugs they were promised or seniors being overcharged for some of their medication. Some of these seniors will eventually want to choose a plan, but they should not be forced into making that tough decision by May 15.

It is time House Republicans stand up and support America's seniors. Reject the President's prescription drug tax. And as we mark off another day on the calendar, Republicans only have 18 days to make the right decision.

ASK THE LIBERALS WHY WE ARE PAYING HIGHER PRICES AT THE PUMP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, our constituents are asking exactly the right question: Why are gas prices so high?

Well, I will tell you. There are liberal Members of this body for the past three decades that have voted to prevent domestic exploration for oil. They have also worked to make it virtually impossible to build new refineries, and they have succeeded. We have not built a new refinery in this country since 1976.

This week we have watched the Democrats stand around wringing their hands about high gas prices and blaming every Republican in sight. But this is not a partisan issue, it is an American issue, and people need to know the truth is in the voting.

Last year we passed the GAS Act with not a single Democratic vote in the House. Not one. That bill would have streamlined the overly burdensome permitting and regulatory work that goes into getting a refinery. It would have made price gouging a Federal crime. The bill got no liberal support here in the House. Now it is in the Senate.

Americans have only to ask the liberals why they are paying so much at the pump.

UNDERAGE DRINKING

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, April is Alcohol Awareness Month. Therefore, I want to highlight the crisis of underage drinking in this country.

Every month 11 million youth between the ages of 12 and 20 drink alcohol. Each day over 5,000 kids under the age of 16 take their first drink. Research has shown that these kids are significantly more likely than those who do not drink to become alcoholics, use marijuana, and try cocaine.

Alcohol is also known to impact adolescent brain development and increase risk-taking behavior that results in at least nine teenage deaths a day.

To address this crisis, I sponsored the STOP Act, which makes permanent the national antiunderage drinking media campaign, which is directed at those who have the greatest influence over children: their parents. The bill provides grants to combat underage drinking in our communities and establishes a report card to track States' efforts.

I encourage my colleagues to help stop underage drinking by sponsoring the STOP Act and passing it into law.

ENFORCE OUR IMMIGRATION LAWS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I rise today to urge our government to start enforcing our immigration laws dealing with alien smuggling.

It is a felony, punishable by a minimum of 3 years in prison, to bring an alien into the United States for financial gain. These alien smugglers, also called "coyotes," get approximately $1,500 per illegal immigrant smuggled into the U.S.

On my recent trip to the Mexico border, Border Patrol agents in California told me they have arrested the same coyotes 20 times, but they are not prosecuted. The pathetic failure of the U.S. attorney in San Diego to prosecute alien smugglers who have been arrested 20 times is a demoralizing slap in the face to Border Patrol agents who risk their lives every day. This U.S. attorney has, however, recently prosecuted someone for selling a Mark McGwire baseball card with a forged signature.

Here is a tip: Stop worrying about baseball cards and start worrying about our national security and enforcing our immigration laws.

PRICE GOUGING

(Mr. LYNCH asked and was given permission to address the House for 1 minute.)

Mr. LYNCH. Mr. Speaker, today around the country we see rising prices for American consumers at the pump and for heating costs at home. As the price of gas has doubled, profits for Big Oil and gas companies have tripled, and while at the same time American families' incomes have remained stagnant.

Instead of additional handouts to big oil companies, we need to take steps to keep gas prices down. Simply put, we need to crack down on price gouging.

The Democrats have a good idea on this one. Congressman STUPAK from Michigan has an anti-price-gouging bill that will not only address the issue of price gouging, but will also give Federal agencies the authority to prosecute oil companies engaged in such practices involving gasoline, home heating oil, and natural gas.

That is why I urge the Republican leadership to do the right thing. Bring this legislation to the floor. The American people cannot afford to wait any longer, and this Congress needs to act.

PROVIDING FOR CONSIDERATION OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 783

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on the Judiciary, Rules, and

Government Reform now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated April 21, 2006, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 4975, the Clerk shall—

(1) add the text of H.R. 513, as passed by the House, as new matter at the end of H.R. 4975;

(2) conform the title of H.R. 4975 to reflect the addition of the text of H.R. 513 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

SEC. 3. After passage of H.R. 4975, it shall be in order to take from the Speaker's table S. 2349 and to consider the Senate bill in the House. All points of order against consideration of the Senate bill are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4975 (as engrossed pursuant to section 2 of this resolution). All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to the Senate bill and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as we all know very well, a few recent disgraceful scandals involving members of both political parties have cast a pall over the American people's faith in their Congress. The actions of a few have undermined our effectiveness and shaken the trust of our constituents.

Bold, responsible, commonsense reform of our current lobbying and ethics laws is clearly needed. We owe it to our constituents. We owe it to ourselves. We owe it to this institution. This is not a partisan issue. Let me say once again, Mr. Speaker, this is not a partisan issue. It is an issue that goes to the integrity of the United States Congress, and every single Member has a stake in it.

When Speaker HASTERT and I kicked off the effort for lobbying and ethics reforms in January, we promised an exhaustive and bipartisan process. Mr. Speaker, that is exactly what has happened. Members were asked for their suggestions. All ideas were thrown on the table. And, Mr. Speaker, every idea was considered. In fact, we had hoped to have this bill on the floor earlier, but we were determined not to short-circuit debate and this process. We wanted every idea and every provision to be fully and carefully deliberated.

At the Rules Committee we conducted three original jurisdiction hearings. We heard from 12 outside expert witnesses, and we took testimony from many Members. The bill moved through regular order, and five different committees held markups.

Mr. Speaker, this entire process has been thorough, deliberate, and bipartisan. It has included a tremendous amount of input from Members on both sides of the aisle, from our constituents, and from experts on this institution and from a number of outside organizations. We have followed a legislative path that is fitting for our goal of enhancing the integrity of this great institution. And, Mr. Speaker, I want to express my appreciation to my Democratic colleagues and to my Republican colleagues for their involvement and their input that they have had in this process.

Today we will consider the result of this nearly 4-month-long, bipartisan reform effort, H.R. 4975, the Lobbying Accountability and Transparency Act of 2006. This legislation aims to uphold the highest standards of integrity when it comes to Congress's interaction with outside groups. This legislation focuses on transparency and accountability.

□ 1115

It makes it harder to abuse the rules and easier to enforce them. It focuses, Mr. Speaker, on bright lines of right and wrong and tough consequences for crossing those lines.

With every single provision, we are erring on the side of integrity. We are focusing on the need for the highest level of integrity. And with every single provision, we take an approach of the more information the better.

Specifically, lobbyists will be required to file their disclosure forms more often, with more detail and online.

This bill fulfills the public's right to know who is seeking to influence Congress. Putting lobbyist disclosure reports on the Internet will empower voters and improve oversight much more effectively than adding pages to the already thick book of rules. Unlike today, when lobbyist reports are hard to find and hard to follow, this bill will make the information easy to access, easy to search and easy to sort on the Web.

We have also added tough consequences for not playing by the rules. The penalties for lobbyists who fail to disclose have been doubled from $50,000 to $100,000, and a criminal penalty provision has been added. Knowingly and willfully failing to comply with the provisions of the act could result in up to 3 years in prison.

And because these reports are only meaningful if they contain accurate information, we have increased oversight. The House Inspector General will perform random audits of reports and is empowered to refer violations by lobbyists to the Department of Justice for prosecution.

H.R. 4975 also reforms the earmark process by building on the procedural reforms being implemented by the Appropriations Committee, reforms, Mr. Speaker, that under the leadership of Chairman JERRY LEWIS have seen a reduction of earmarks by 37 percent.

As it stands now, earmarks can be added to bills anonymously and without debate. This fuels public mistrust and encourages inflated spending in Congress. This bill requires sponsors of earmarks to be listed in appropriations bills. It also allows a point of order to be brought against appropriation bills and conference reports that do not include a list of earmarks and their sponsors. Mr. Speaker, if a Member feels strongly enough about a proposed earmark, they need to be willing to attach their name to it.

I have to say, Mr. Speaker, that I feel very strongly about this, and I will not be supportive of a conference report that comes back on this issue that does not include broad earmark reform, including not only appropriations, but the authorizing process as well.

H.R. 4975 enhances disclosure with regard to Members who seek jobs in the private sector. The bill requires more transparency during employment compensation negotiations to avoid the perception and possibility of unethical behavior.

This legislation takes a tough line on privately funded travel by banning it for the remainder of the 109th Congress. Many privately funded trips are serious, educational, and valuable. Some are not. We need to arrive at reform that allows Members to get out from under the Capitol dome, while at the same time draw the line on trivial junkets.

There are strong opinions on this provision. Many Democrats, including those with whom I serve on the Rules

Committee, do not want a travel ban. But there is widespread agreement that the current system is ripe for abuse and needs to be tightened. In fact, there is a strong bipartisan amendment to address this issue, and again we will have a very rigorous debate and a number of amendments that will be considered that will address concerns like the issue of travel.

Another important piece of this reform package concerns pensions of former Members convicted of specific crimes committed while serving in Congress.

Mr. Speaker, under this bill, if Members commit crimes, such as bribery or fraud, they lose the government's contributions to their congressional pension. Taxpayers should not be forced to subsidize the retirement of former Members who are convicted of crimes.

Finally, because one of the primary aims of this legislation is to increase accountability, we have greatly enhanced ethics training for staff and Members. Our aim is for everyone to know and understand the rules and the guidelines. Member and staff familiarity with ethics requirements will go a long way toward making sure rules are not broken in the first place.

Mr. Speaker, this legislation is the product of intensive study and deliberation. It is bold; it covers a lot of ground; and it restores balance to a system that has and was being abused.

We have done all of this while making sure that we protect the first amendment right of every American to petition their government. Input from constituents and advocates is essential for effective governing, and I am confident that as we seek to level the playing field and facilitate open government, we have not undermined the constitutionally protected right for the public to interact with their elected leaders.

Mr. Speaker, as with all legislation that reaches the floor, compromises have been made along the way that reflect the will of both Democrats and Republicans. Every attempt to address Members' concerns has been made over the past 4 months. I should also note that this rule will provide the opportunity for, as I said, further debate on amendments that deal with some of the larger issues that have been brought forward.

Now, despite this outreach and attempt to find consensus, I am fully aware that some misgivings about specific provisions remain. I would simply ask each Member to look at the bill as a whole and answer these questions: Does this bill increase transparency? Does it increase accountability? Does it put more information in the hands of the American people? Does it protect the first amendment right of citizens to petition their government? And does it strengthen the integrity of the United States Congress?

I am absolutely convinced that the answer to every single one of those questions is an overwhelming "yes." This bill is a vast improvement over the status quo.

Mr. Speaker, today, Members of the House can show that our desires for meaningful reform and for upholding the integrity of Congress are stronger than partisan divisions and political calculations. We have the opportunity and we have the duty to turn our voices for reform into votes for reform.

I urge my colleagues to vote for an ethical and effective Congress that is worthy of the public trust. I urge support for the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after an interminable era of scandal, this Congress was given the greatest opportunity in a generation to change the way business is done in Washington. We were given a chance to truly make a difference and to do something lasting. We were given the chance to help the citizens of this Nation believe in their government once again.

But that chance has been squandered, because this Congress has failed. And in so doing, the hypocrisy and cynicism displayed today by the majority of the House will be neither missed nor forgotten by the American people.

We have before us the Lobbying Accountability and Transparency Act of 2006. It is supposed to be a reform bill. But you can't be bold enough to reform if you don't muster the courage to address the problems.

The corruption of this Republican-led Congress is beyond debate. The American people don't trust it anymore. Fewer than 30 percent approve the job it is doing. The only remaining question was how the members of the leadership were going to respond, how committed were they going to be to reforming their bankrupt philosophy of government?

This rule and this bill give us the all-too predictable answer to this burning question: This leadership doesn't want reform, and they just aren't going to allow it.

As virtually every outside observer has noted in recent days, this legislation is a sham. It won't do anything to reduce influence peddling in Washington or to purge this body of the corruption that has infected it so deeply.

I know we are going to hear much more on this later, but what I really want my fellow Americans to focus on right now is something just as telling as the contents of this bill, and that is the process by which it was created.

As I and my Democratic colleagues have said again and again throughout the entire Congress, a corrupt legislative process produces corrupt legislation. If bills are written and changed behind closed doors, then there will be no way to know what is hidden in them. If amendments to bills are rejected, not because of their contents, but because of the party they come from, then democracy will have been denied.

If the Members of the body are committed to undermining the two-centuries-old rules of the House, they are also intent on undermining the will and the needs of the citizens of this country. And so it has been with this rule, and with this bill.

When the bill faced an original jurisdiction markup on April 5, Democrats presented numerous amendments to it in an attempt to actually give it some substance, and all of these amendments were defeated on a party-line vote.

During its markup, the Judiciary Committee was the only body that adopted any bipartisan amendments on this legislation. Democrats successfully introduced amendments in the Judiciary Committee requiring lobbyists to disclose more of their activities, such as fund-raisers for candidates and parties that they fund honoring Members of Congress.

But the bill we thought we had when we left for recess 2 weeks ago is not the one we saw when we came back. Most of the amendments accepted by the Judiciary Committee had mysteriously disappeared while we were away. The one that survived was done away with last night, a self-executing rule. The majority decided to do this on their own, without telling anyone and while nobody was looking. It was an indefensible abuse of power.

My Democrat colleagues and I also offered a substitute to this bill that addressed the many errors it is silent on. Among its many components, our legislation would establish a new Office of Public Integrity to audit and to investigate compliance with lobbying disclosure rules, because it doesn't matter if you have transparency if no one is enforcing the rules and making sure that they comply.

It would have prevented special interest provisions from being added into bills in the dead of night by requiring all legislation to be made public 24 hours before it is voted on.

Last night in the Rules Committee, my Republican friends had one last chance to open up the process and allow some real debate on the bill. But in typical fashion, they blocked a host of significant amendments, including 20 of the 21 amendments submitted by Democrats. They wouldn't allow our tougher substitute on the bill to even be considered, which means, frankly, that half of the country is disenfranchised in this debate today and we are only able to debate this hollow sham of a reform bill.

So I ask my friends in the majority, what kind of reform is that? What conclusions are you asking the American people to draw from this kind of behavior? When you don't even allow the body to consider and debate alternative approaches to reforming Congress, what are you hiding from? When you subvert our democratic process and at the same time pretend to be the party of reform, how can you possibly expect us to trust you any longer? When your leadership doesn't even have faith in the legislative process, how can the American people have faith in them?

Lobbyists are not the reason our Congress no longer works for working Americans. Congress is the problem. No lobbyist can get into the room unless a Member allows it.

We heard so much in January about reform that was coming. But here we are, 4 months later, doing exactly the same thing and producing exactly the same result: bad bills passed through a broken House; bills just like this one, that have a catchy name but don't deliver what they promise; bills that aren't written for the people of the Nation, but rather for special interests.

No wonder the American people are so angry. Their congressional leadership is so clearly out of touch. Every member of the majority should be ashamed of this bill today. At least then you will have something in common with the American people that you profess to serve.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my colleague, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule. This legislation, while not perfect, is a step in the right direction. What it does is begin to draw brighter lines for Members and for staff and for lobbyists and the public. It increases oversight, and it increases accountability.

The bill also addresses earmarks. Too often earmarks are placed in legislation at the behest of lobbyists, many times at the last minute to avoid scrutiny. This bill would require that lists of earmarks in legislation be made public before votes on bills or conference reports, and that any Member could bring a point of order against the list of earmarks and subject it to a 30-minute debate.

□ 1130

Reform would be meaningless without changes in the way earmarks are handled. We need fiscal restraint. We need common sense when it comes to the budget.

The future of all Americans depends on an economy free of crippling deficits, free of crippling tax hikes, and free of a skyrocketing national debt. The extent of which earmarks unnecessarily burden the American taxpayers is unprecedented. Last year's earmarks amounted to nearly $100 for every man, woman and child in America.

While lobbying reform is necessary to preserve the integrity of our government, earmark reform is vital to our long-term fiscal well-being. Bringing earmarks to the light of day will promote fiscal responsibility, and it is going to promote more effective government as well.

So, Mr. Speaker, I rise in support of the rule for lobbying reform.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, this is a sad day for the United States House of Representatives. This rule, quite frankly, is an insult to every single Member of this body. This rule should be open, and instead this rule is typically restrictive. This rule should be defeated.

The underlying bill, contrary to what you have heard here today, is not a reflection of bipartisan deliberation, because the truth is that deliberation is all but dead in this House. What everyone knows, and this leadership does not want to acknowledge, is that there is a direct connection between the corruption that has become so commonplace and the breakdown of the deliberative process.

The sweetheart deals for special interests, liability protection for big drug companies, tax breaks for big oil companies at a time when these companies are gouging Americans at the pump, they get slipped into bills without the knowledge of the majority in this House, Democrat and Republican. Why? Because the Rules Committee regularly waives the rules that requires that Members have at least 3 days to review the legislation.

They waive the rules that allow us to read the bill before it comes to the floor. Conference committees meet in secret. Big-ticket items are even put into bills after conference committees are closed. You can pass all the rules you want, but if you don't follow them, what good are they?

The Rules Committee did hold a series of hearings on this bill, and speaker after speaker expressed their concerns with the way this House is being run. And yet the underlying bill does nothing to open up the process. The underlying bill does nothing to shine some light on this corrupt process. Nothing will change as a result of this bill. Norm Ornstein, the congressional scholar, testified before the Rules Committee and he said, the problem goes beyond corrupt lobbyists or the relationship between lobbyists and lawmakers. It gets to a legislative process that has lost the transparency, accountability and deliberation that are at the core of the American system.

The failure to abide by basic rules and norms has contributed, I believe, to a loss of sensitivity among many Members and leaders about what is and what is not appropriate. Three-hour votes, 1,000-page-plus bills sprung on the floor with no notice, conference reports changed in the dead of night, self-executing rules that suppress debate along with an explosion of closed rules are just a few of the practices that have become common and are a distortion of regular order, and yet this bill does not even address any of those issues.

I would say to my colleagues on the other side of the aisle, if you want to show some bipartisanship, if you want to promote a process that has some integrity, this should be an open rule. All Members should have an opportunity to come here and offer amendments to this bill to improve the quality of deliberations on this House floor. They should be able to come and to offer amendments to clean this place up.

This rule is an outrage. Of all of the bills that we have considered here, if any one of them deserves an open rule, it is this. This is about the rules that govern this House. Vote "no" on this rule.

Mr. DREIER. Mr. Speaker, I withdraw the pending resolution.

The SPEAKER pro tempore (Mr. BONNER). The resolution is withdrawn.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1541

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 3 o'clock and 41 minutes p.m.

VACATING ORDERING OF YEAS AND NAYS ON H. CON. RES. 357 AND H. CON. RES. 349

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and adopt H. Con. Res. 357, and the motion to suspend the rules and adopt H. Con. Res. 349, to the end that the Chair put the question de novo on each.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 357.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 349.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 783

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on the Judiciary, Rules, and Government Reform now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated April 21, 2006, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 4975, the Clerk shall—

(1) add the text of H.R. 513, as passed by the House, as new matter at the end of H.R. 4975;

(2) conform the title of H.R. 4975 to reflect the addition of the text of H.R. 513 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

SEC. 3. After passage of H.R. 4975, it shall be in order to take from the Speaker's table S. 2349 and to consider the Senate bill in the House. All points of order against consideration of the Senate bill are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4975 (as engrossed pursuant to section 2 of this resolution). All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to the Senate bill and request a conference with the Senate thereon.

□ 1545

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, it was 11:00 this morning that I first called up the rule for consideration of this extraordinarily important lobbying and ethics reform measure. As I began my remarks, I talked about the fact that over the past 4 months, we have been meeting with outside organizations. We have been meeting with Democrats and Republicans in this House. We have been meeting with congressional experts to glean as much information as we possibly can from a wide range of sources.

The point I want to make is we began at about 11:00 this morning. I felt at that point we had a great deal of input over the past 4 months since we began dealing with this critically important issue which has to do with the credibility of this institution. As we began that debate, I thought why don't we get a little more input; and so for that reason, I moved to withdraw the resolution, and that is exactly what we did. We decided to proceed with more input from Members on this issue. And having gained more information, more input from our colleagues, we are now reconvening and further considering this important measure.

You know, the issue of reform is something of which I have been very, very proud over the years I have been privileged to serve here. The Republican Party is the party of reform. We have led reform initiatives for Congress after Congress, and what we are doing here today is another indication of our strong commitment to the issue of reform.

We know that there is a problem of corruption. We also know that it is not a one-party issue. It is a problem that has existed on both sides of the aisle. I remember a quote from our very distinguished former colleague who served as chairman of the Ways and Means Committee, Dan Rostenkowski, who one time said, You know, if everybody is unhappy with a piece of legislation, it is probably a pretty good bill.

And that is exactly what is the case right here. I do not know of anyone who is ecstatic with this piece of legislation. I have read the editorials out there from some of the people who have provided me with input on this issue.

I have listened to Democrats, and I will tell you, since January, I could not come to the House floor without a Democrat coming up to me and saying, You cannot ban privately funded travel. We must continue to maintain privately funded travel. It is critical. And yes, I have heard similar statements from our side of the aisle.

I mention the fact that there was input from outside organizations. Some have been very critical of this legislation, Mr. Speaker. But I am pleased that some of the harshest critics of this legislation have been able to have a great deal of input in this legislation.

I have been very proud to have had meetings with the leadership of Common Cause, Democracy 21 and other organizations.

One of the recommendations that came to us from Mr. Wertheimer was that we prevent registered lobbyists who are former Members of Congress from having access to the House floor and the gym. We, I am very happy to say, with a strong bipartisan vote, were able to make sure that we prevented former Members of Congress who are registered lobbyists from having access to the floor and to the gym.

One of the concerns out there has been the lack of transparency when it comes to the campaign contributions that lobbyists make and the lobbying activity that they engage in. That was another recommendation that was put forward by the leadership of Democracy 21 and Common Cause. I am very pleased that in this legislation we include that issue, and we address it to make sure that transparency and accountability is addressed, and we do bring this forward.

Could we do more? Of course we could do more. I hope in conference we will be able to address these issues when we move ahead with this. I also want to say that the issue of reporting from lobbyists, and it is done right now under current law on a semiannual basis, it was the recommendation of the leadership of Democracy 21 and of Common Cause that we go from semiannual reporting to quarterly reporting.

I know there were a wide range of other recommendations that those and other organizations made that have not been incorporated, but I get back to the argument that we have been able to take a number of very important issues that have been put forward by Democrats and Republicans and include them in this legislation.

Would I like to do more? Sure, I would like to do more. I hope very much that as we take this bill, passing it out of this House and go to a conference with our colleagues in the Senate, that we will be able to do more.

I see the distinguished former chairman of the ethics committee Mr. HEFLEY here, and I know he has a number of concerns. I have already told him that as we take this first step in addressing the issue of moving ahead to a conference, I want to address the concerns that Members have that have not heretofore been addressed in this first process in the legislation and do that.

Now, over the past 4 months we have seen five committees of jurisdiction hold hearings and markups on this issue. The Rules Committee, with which I am the most familiar, held three original jurisdiction hearings, and we held a markup on this legislation. We had 13 outside witnesses who came and provided their recommendations to us, and we had input from a wide range of Members as we went through this process.

I know that our colleagues on the Judiciary Committee, on the Government Reform Committee, Mr. HASTINGS, who is chairman of the ethics committee and also has been very involved working with the Rules Committee on this, and also Mr. EHLERS, chairman of the Administration Committee, have all worked diligently so we can put together a piece of legislation which will allow the American people to have a greater opportunity to see what it is that takes place here, to ensure that the tragic problems of corruption that we have witnessed will never happen again. That is our goal. I believe this legislation provides bold, strong, dynamic reforms which will move us in the direction towards doing just that.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would love to ask my good friend from California what great insight he did gain in these last 5 hours, and if it led him to want us to be able to be part of this input and that you would reconsider turning down a Democrat substitute?

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just say again, as we know very well in this institution, listening to Members talking about a wide range of issues is a very important thing. We have been talking about, over the past few hours, some of the concerns that were raised by a number of our Members.

The issue of increasing transparency and accountability is very important, and I will say that I believe this package with this excellent rule that we are coming forward with to allow us to debate a wide range of issues is the right thing to do and will provide the best structure for our first step as we prepare to move to a conference with our colleagues in the Senate.

Ms. SLAUGHTER. Mr. Speaker, I am sorry it did not lead to input from our side.

Mr. DREIER. Mr. Speaker, if the gentlewoman will continue to yield, I would say that input from her side has been very important. And, yes, I have over the past few hours been talking to a number of Democrats who have been providing recommendations to me as well, and I thank my friend.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee, who does have some input.

Mr. OBEY. Mr. Speaker, I want to congratulate the gentleman from California for being able to give that speech with a straight face. I really admire him for it.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. DREIER. I was smiling as I presented it.

Mr. OBEY. Well, I thought you were gritting your teeth; but, nonetheless, that is fine.

Mr. Speaker, let me simply say I really regret days like this in the House because I love this institution, and I love what this institution is supposed to represent to the American people.

The public wants us to pass significant House reform. Instead, this legislation before us, in my humble view, constitutes consumer fraud masquerading as lobbying reform, and there are two spectacular examples of that.

The most egregious example of the corruption of the process in this House is the way in which conference committees have been substantially corrupted by some of the most powerful people in this body. When you have a package that does not prevent powerful people in this body from adding 30 and 40 pages of new legislation to a conference report without ever having a vote on the conference report, as happened last year on the defense appropriation bill, when you have a reform bill that still allows that to occur, I do not think that is much of a reform bill.

This bill ought to require that any time any item is inserted in a conference report, that that cannot be considered by the House unless there is an open public vote of the conferees beforehand. That is the way you prevent the pharmaceutical industry from being shielded from suit, as happened on the defense bill last year at the behest of the majority leader of the other body.

Let me also say that with respect to earmarks, this bill purports to deal with the problem of earmarks by only going after appropriations earmarks; and yet last year on the authorization bill on highways, there were some 5,000 earmarks, seven times as many as were contained in the comparable appropriation bill. To not do something about authorizing committee earmarks in the process is a joke, in my view.

And then I would point out, to not lay a glove on the special goodies that are tucked into tax bills is even more outrageous. The 1986 tax bill, for instance, included 340 separate transition rules each benefiting a small set of individuals and small, "little" businesses like General Motors, Chrysler, Phillips Petroleum and Commonwealth Edison. It provided special deals for sports stadiums in Tampa, San Francisco, Denver, Cleveland, and Los Angeles. It provided a special rule for a millionaire stockbroker who had the largest private collection of Rodin sculpture in the Chicago area, and a family listed by Forbes Magazine as one of the 400 richest in America.

Any bill that allows those kinds of earmarks to continue is a bill that is not worthy of the name. It is a joke. It is an embarrassment, and I would urge that this House get serious and pass real reform.

□ 1600

Mr. DREIER. Mr. Speaker, let me just say that we are, with this package, going to implement real reform.

I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the very distinguished vice chairman of the Rules Committee who has long been a champion of institutional reform.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the chairman for the time and for his hard work in bringing forth this piece of legislation today.

The Speaker of the House announced last January that this difficult subject, difficult but important, and it is difficult, Mr. Speaker, because any time that you deal with institutional reform, you deal with reform of the practices of Congress, obviously there is much tension and controversy and difficulty. And we are seeing it in the debate today, and we are going to continue to see it in the debate today. So it is not an easy task.

But the Speaker in January announced that he was going to deal, and we were going to, pursuant to his instruction and his leadership, deal with this issue of further creating transparency in this process and in this House, this respectable, this House that needs to be respected because it merits it. And yet, obviously, it can be improved.

And Chairman DREIER, pursuant to the instruction of the Speaker, has done tremendous work in listening time and again to the concerns of Members on both sides of the aisle and formulating this piece of legislation that is before us today that seeks to be before us based on this rule with which we bring it to the floor today.

So I urge all colleagues, first, to realize that their vote on the rule is going to be a vote on whether they are serious about considering lobbying reform. This is the vote on the record of whether or not one is serious about considering, about dealing with the issue of lobbying reform, and we will have an opportunity to go on the record.

We can always talk about how we would prefer to do other things. But perfection is sometimes, Mr. Speaker, the enemy of progress. This is the real thing, the real vote. If you are for lobbying reform, you will vote for the rule. If you are not, even if you have all sorts of excuses, then you vote "no."

I am confident that the majority of this body will vote for this rule so we can further consider and further improve this important piece of legislation that we bring to the floor today.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in opposition to this oppressive, undemocratic rule, a rule inconsistent with the great traditions of the people's House. So many amendments that were proposed by good Members of this body were not allowed to be considered today. And let me give you three examples. Number 1, no amendment was allowed to deal with the issue of Members getting rides on corporate jets. Let me put this in perspective for you with real numbers. Today my wife is 35 weeks pregnant. A few weeks ago, I priced what does it cost if this happens in the middle of the night and I need to try to get home quickly to be with her when she goes into labor: $12,000 on a charter service for me to get home to Little Rock to be with my pregnant wife. Do you know what the first class ticket costs with Northwest Airlines? $680. So an alternative for me is to call up one of my good corporate friends and say, can I catch a ride on your plane? I will give you $680, and neither one of us will say, oh, by the way, that means you gave me an $11,300 gift. I think that people should be able to ride on planes. But they should pay the fair market value. That amendment should have been allowed to be discussed and brought on the floor.

Second, the chairman and I had a discussion at the beginning of this session about my feelings. I had an amendment proposed in the Rules Committee yesterday to greatly restrict the ability of former Members who are registered lobbyists to be on the floor and participate in some of these activities that we know as the Members dining room and the parking garage and the gym and all these kinds of things. Because here is the issue: when my constituents come from Arkansas, they have to go through the security. Members who are registered lobbyists do not. When my constituents come from Arkansas, they don't get to go to the Members' dining room. When my constituents come from Arkansas they don't get to roam through the halls and go in the back rooms of the committee rooms. Former Members who are registered lobbyists do.

My amendment was not allowed on the floor to be considered. If you don't like it, vote against it; but let me have this discussion.

Third, an amendment that deals with lobbyist-funded meals was not allowed. An amendment to deal with the ban on lobbyists-paid meals was not allowed. Are we so dependent on lobbyist-funded meals for our lunch money that we won't even let an amendment come on the floor of the House? Well, I have got a solution. I have got $5. I will leave it over here on this podium. If any Member is so dependent on not having lunch money, so dependent on lobbyist-funded meals, take the $5. But let us have a vote on these very important amendments.

Vote against this rule. It is a bad rule, undemocratic.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to first congratulate my friend. And I know that he is going to have a wonderful baby boy or girl before too terribly long.

And I will say in response to the issue of corporate aircraft, that is an issue that is addressed by the Federal Election Commission, and those are regulations which are promulgated by them. And that is the reason that we have not addressed this issue there in light of the fact that those regs come forward there.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Arkansas.

Mr. SNYDER. Obviously, Mr. Speaker, me going back to Little Rock, Arkansas, to be with my wife as she goes into labor is not a campaign event. That is not the issue. We are talking about people catching rides for all kinds of reasons.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, what I am talking about is the use of corporate aircraft for campaign events that is handled by the Federal Election Commission. The Federal Election Commission is the one that promulgates those regulations, because those corporate aircraft are used for campaign events for the political process.

Mr. Speaker, I yield 2 minutes to the very distinguished former chairman of the House Committee on Ethics, my good friend from Ft. Collins, Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I don't know who left me the $5 up here to buy my vote. I am not sure here.

Mr. DREIER. My recommendation is that you not touch it.

Mr. HEFLEY. I will keep my hands up here where you can see them.

Mr. Chairman, I have enormous respect for you and the committee, and you know that I do. But I am not happy with this rule. And I am not happy with this rule because I think it doesn't allow the House to consider real and meaningful ethics reform.

Now, you do lobbyist reform. But in terms of the ethics process reform, I don't think we really have much of that here. The rule does not allow the House to consider many of the provisions that would strengthen the integrity of the House and help restore public confidence. And I think actually we are missing an opportunity here.

I introduced a bill, along with Representative HULSHOF, who was my colleague on the Ethics Committee, to strengthen the Ethics Committee in ways not allowed under this rule. Our bill is cosponsored by many Democrats and Republicans, and not just Democrats and Republicans, but the left and right wing of both parties. So philosophically it crossed lines too. And yet our amendment will not be considered in this rule.

Our amendment had broad and sweeping disclosure across the board. All gifts over $20 disclosed, all privately funded travel disclosed, all lobbyist registrations, all passengers on corporate jets, all Members' financial disclosure statements, all disclosed on the Internet in real-time. Most of this is not in the bill. And yet it would allow Members to, our bill that we wanted as an amendment, would allow Members to continue privately funded travel, which I think is important.

Mr. DREIER. Would the gentleman yield on that point?

Mr. HEFLEY. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding, and I would simply say to my friend that he has brought forward a wide range of very, very important issues, many of which he addressed as chairman of the Ethics Committee himself. And I will, again, as I said in my opening remarks, I am very happy to make the commitment that we recognize that this process is the first step on our road towards dealing with this, and it is our goal that as we move beyond this rule to consider the legislation that we get into a House-Senate conference.

I am happy to yield my friend an additional 30 seconds.

Mr. HEFLEY. I won't belabor the point any more, except to just simply say there was a lot of good opportunity here, I think, to really strengthen the ethics process. And I know there are some who would like to do a commission to that again. The ethics process works. It did work and it worked very well for a long time. It needs to be tweaked a little bit, and that is what this bill would do.

I see the majority leader on the floor. I would be happy to yield.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the majority leader.

Mr. BOEHNER. I thank my colleague for yielding, and suggest to my colleague from California. I am as concerned as you and many other Members on both sides of the aisle that the Ethics Committee process is not running the way it should. For the benefit of this institution, for the responsibility of this institution, the Ethics Committee should be functioning and should be enforcing the rules of the House. Unfortunately, one side of the aisle has decided that they don't want the process to continue.

Now, the gentleman from Colorado and I, yesterday, had a conversation about the ethics process. I am interested in seeing it up and running. I am interested in working in a bipartisan way to fix the problems that are there so that it will run for the benefit of Members and the institution; and the gentleman has my commitment to work with him and Members on the other side of the aisle to make sure that the ethics process works, because it is important for the integrity of this institution.

I yield to the gentleman.

Mr. HEFLEY. You said one side of the aisle is not interested in the Ethics Committee proceeding and working. There is enough blame to go around, I have to say. Both sides of the aisles have fouled this process up now. And we need to work together to get it back together. The Ethics Committee needs to work, and anything we do in the Ethics Committee reform process has to be bipartisan, or nonpartisan. You can't have an Ethics Committee that is partisan, and it has to be nonpartisan. So I would like to work with the majority leader, and I would like to ask that if we are not going to have this as an amendment to this bill, that we have the opportunity to have a free-standing bill on the floor in the foreseeable future, in the near future, which would encompass much of what I have described here.

Mr. BOEHNER. In responding to my colleague from Colorado, I am interested in working in a bipartisan way to come to an agreement on those issues that are necessary for the Ethics Committee to do its job on behalf of Members and this institution. And whatever I can do to help foster those changes and to initiate real action at the Ethics Committee, I will do everything I can to work with you to do that.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, if Mr. HEFLEY would like more time, I can yield him another minute.

Mr. HEFLEY. Mr. Speaker, I just lost my $5 here.

I don't want to take any more time because I know this is going to, we need to go ahead and get on with this thing. But I think we do have a serious opportunity here to do some really good things. And there are some really good things in this bill. I just don't think it goes far enough if we are really to have the reform kind of package that many of us would like to see.

Mr. DREIER. If the gentleman would yield, if he has any time left. I will say that I agree with exactly what the gentleman said. I wish there could have been more in this bill too. But, again, getting input from so many on both sides of the aisle has been a challenge.

Ms. SLAUGHTER. Reclaiming my time. I would like to say, Mr. Speaker, that it is all well and good to talk about we are going to work very hard to fix the Ethics Committee, but we are in the 16th month of this term, and I don't see much action taking place over there.

I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I happen to believe we are losing our moral authority to lead this place. It has been over a decade since my party took over the majority, and I feel like we have forgotten how we got here. Republicans were united on three common issues, and one of them was reforming Congress.

It was amazing after the 2004 election we considered repealing the rule requiring a Republican leader to step down if indicted. Next we proceeded to remove the members of our Ethics Committee who had voted to hold our former majority leader accountable for his actions. Then we proceeded to make it more difficult to initiate an Ethics Committee investigation.

I think there is a tendency for power to corrupt, and absolute power to corrupt absolutely. We need bold action, and we need bold reform. Regretfully, this bill does not do it, and this rule does not allow us to make it better.

□ 1615

I asked the Rules Committee to consider 5 reforms that Congressman MEEHAN and I and others had proposed. Create an Office of Public Integrity. If you do not think it makes sense, debate it and then explain why.

Strengthen lobby disclosure requirements above what this legislation includes. If you do not think it makes sense, allow the amendment and then argue against it and vote it down.

Require disclosure of huge sums being spent by professional lobby firms and lobby organizations on grassroots campaigns to stimulate lobbying by Members of Congress. Allow that amendment. If you do not think it makes sense, argue against it and vote it down.

Require Members to pay for charter flights they take rather than pay a first-class fare. Allow this amendment, and if you do not think it makes sense, argue against it and vote it down.

Enact a true gift ban. If you do not think it makes sense, still allow a debate. Debate it, and if you do not think it makes sense, vote it down.

Particularly as it relates to charter flights, here we are going to ban Members from potentially flying to deliver a commencement address, but we are going to say to the leaders on both sides of the aisle, you can go on a corporate jet and only pay the first-class rate when it will cost that corporation literally tens of thousands of dollars. I do not understand how we, with a straight face, can say we are cracking down on the abuses of lobbying when we allow the corporations to fund where our leaders go.

The bottom line for me is why can we not have debate and vote on these issues and a number of others? I believe we need to defeat the rule and then do what my majority leader and the chairman have said: work on a bipartisan basis on a new bill, on new rules, that will allow some debate.

When I was re-elected 10 years ago and Republicans took over, I really believed, Mr. DREIER, that we would be allowed to have debates. Every year I see less and less of it.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Let me say once again that I am very proud of the reform agenda that we have implemented and continue to implement in a wide range of areas including institutionally right here on ensuring that we have a free-flowing debate on a wide range of issues, a guaranteed motion to recommit, which I know my colleagues will have on this legislation.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Columbus, Indiana (Mr. PENCE), the distinguished chairman of the Republican Study Committee.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding. And I commend the chairman of the Rules Committee for his outstanding leadership and no small amount of perseverance and courage in evidence today.

I also speak in commendation of Speaker HASTERT and our leadership for bringing the Lobbying Accountability and Transparency Act to the floor in this rule.

After months of scandal and years of deficit spending, we have come to a moment of truth. We will show today on this floor in less than an hour who in this body is committed to reform and who is not.

This legislation has significant lobbying reforms: enhanced disclosure reporting for lobbyists, civil and criminal penalties for noncompliance, and imposes a moratorium on privately funded travel. But as we change the way lobbyists spend their money, this Congress also understands that we must change the way we spend the money of the American people, understanding that you cannot complain about the sharks when you are holding a bucket of chum.

This bill contains historic and significant budget reforms. Under the reforms we will consider, Members will have unprecedented opportunities to challenge so-called earmark spending at every stage of the legislative process. And we can do more earmark reform, applying it to all committees, as has been suggested, but we dare not do less. Lobbying reform must be married with spending reforms that give greater transparency and accountability to the process and the American people.

This country longs for a Congress that will renew its commitment to fiscal and ethical reform, and this is such a moment. This is a moment of truth. I urge all of my colleagues to support the rule for the Lobbying Accountability and Transparency Act.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I had an amendment that was adopted in the Judiciary Committee, and the adoption of this rule would eliminate that amendment.

That amendment would have created just a study of a practice where some lobbyists appear to be charging percentage contingency fees for getting earmarks. Now, when you combine this idea with the K Street Project where you are supposed to be hiring Republican lobbyists who are supposed to be contributing back to the legislators, you can see how ugly a practice this can get. I just asked for a study.

And, Mr. Speaker, these kinds of contracts are illegal for agents of foreign governments. They are illegal in some executive branch lobbying. The Congressional Research Service in a memorandum cited these as bad because they furnish the strongest incentive to the exertion of corrupting and sinister influences to the end that the desired legislation may be secured, and there is a long line of cases in which it is utterly void against public policy. The CRS memo cites Oliver Wendell Holmes in 1906, saying that it is the tendency in such contracts to provide incentives towards corruption. An 1853 Supreme Court case said that it is an undoubted principle of the common law, that it will not lend its aid to enforce a contract such as this to do an act which is inconsistent with sound morals or public policy or which tends to corrupt or contaminate.

Mr. Speaker, these kinds of contracts are illegal in 39 States because of their corrupting influence. If we are going to have a bill that suggests it is going to do something about corruption, what is wrong with at least studying the prevalence of these contracts which do not appear to be illegal in the Federal Government but everybody knows have a corrupting influence?

I would hope that we would defeat the rule so that my amendment, which was adopted in the Judiciary Committee, can be reinserted back into the bill.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

As I listen to critics of this legislation, you would think that the package that we have is a huge step backward. Let me first say to my friend Mr. SCOTT that his amendment was not germane to the bill, and all of the amendments that we have made in order are germane to the bill. We, in fact, used that as a guide in proceeding here.

When one thinks about what has or has not happened, again, this criticism is leveled towards what is not in the bill, failing to recognize what is in the bill.

This bill doubles the fines for lobbyists who fail to disclose. It adds the possibility of jail time for failing to comply with the act. It adds oversight to make sure disclosure information is accurate, and it gives the public full on-line access to disclosure reports, all things that are needed and are improved with the passage of this legislation.

Mr. Speaker, at this point I am very pleased to yield 2½ minutes to the gentleman from Scottsdale, Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California, the chairman of the Rules Committee, for the time to speak on behalf of this rule.

And one of the challenges we confront in an institution that, yes, has a partisan composition and is made up of, admittedly, imperfect beings is that there are numerous examples of imperfection and, dare we say, partisanship brought to this debate.

But the question in the final analysis, despite the seeming inevitability of incrementalism, which in itself in this case is not fatal or does not flaw this positive action, is that the short-term temptation to attempt to gain partisan advantage is not completely negated on this floor. And, Mr. Speaker, my colleagues, we would be naive if we thought that it were.

I listened with great interest to my friend from Virginia, a member of the Judiciary Committee, offer some legal case history, although his amendment was not germane to this bill. I could point out, just as a citizen, we could look at other challenges faced by other Congresses and other majority in a landmark work entitled The Ambition and the Power that dealt with the challenges of a previous majority.

What is past is prologue. What we have an opportunity to do in this House today, despite admitted imperfections, despite the temptation of partisanship, is to take a meaningful step forward for reform.

I listened to constructive criticisms from those who say the bill does not go far enough. I listened to other criticisms that perhaps are partisan in nature. But the question before this House is will we stand up clearly and take a step in favor of reform?

This Member says yes. Let it begin with this rule. Vote "yes" on the rule and "yes" on the legislation and "yes" for real reform.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I will be blunt. Washington is mired in corruption. In this last year alone, the Vice President's Chief of Staff was indicted for obstructing justice. Two of the former majority leaders top aides have pled guilty to bribery and conspiracy. And a senior Republican Member of Congress was convicted of accepting over $1 million in bribes from military contractors. Yet this so-called reform legislation, this incrementalism that we should accept, is a complete and utter sham.

In my committee, the Committee on Government Reform, we worked hard to pass true reform legislation of the executive branch, and on a unanimous bipartisan vote of 32–0, we reported legislation that would have closed the revolving door between K Street and the Federal Government. Our bill would stop lobbyists like the former Deputy Interior Secretary from using a high-ranking government position to benefit energy industry clients. It would prohibit senior officials, like the former Medicare Director, from seeking jobs representing pharmaceutical companies while writing prescription drug legislation. Our legislation would have ended secret meetings between lobbyists and executive branch officials like those that produced the deeply flawed White House energy plan. And it would have promoted open government, banned covert propaganda, and given national security whistleblowers long overdue protection.

But what does the Republican leadership do when Committee Chairman TOM DAVIS and I jointly proposed these landmark bipartisan reforms and we asked that it be included in this legislation or give us a rule to report it out as separate legislation? They reject it. They would not give us an opportunity to bring bipartisan legislation to the floor. And then they stand here and say, we cannot do more because we do not have bipartisan support. But when we give them a bill on ethics and lobbying reform with bipartisan support, they ignore it and will not give us a chance on the House floor.

A corrupt mentality governs in Washington, and there is no better metaphor for the contempt for reform that has infected this body than the treatment that our proposal received.

Mr. DREIER. Mr. Speaker, will the gentleman yield? I would be happy to yield the gentleman time.

Mr. WAXMAN. If you yield me time, I would be happy to yield to you.

Mr. DREIER. Mr. Speaker, I would just like to engage in a colloquy with my friend.

□ 1630

I have the greatest respect for him as a fellow Californian. The fact is, Mr. Speaker, as we look at this issue, will the gentleman not acknowledge that the problem of corruption we face in this town is a bipartisan issue, that it crosses party lines and it is not just a Republican issue?

Mr. WAXMAN. Mr. Speaker, reclaiming my time, I certainly think what we have seen is a lot of corruption, and the resolution of how to deal with it ought to be bipartisan. We gave you a bipartisan proposal, which you would not bring to the House floor.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Minnesota (Mr. KENNEDY).

Mr. WAXMAN. Mr. Speaker, the gentleman from California will not yield further to me?

Mr. DREIER. I yielded twice as much, 100 percent more, than what the gentleman yielded to me.

Mr. WAXMAN. The gentleman will not yield further.

The SPEAKER pro tempore (Mr. HAYES). The House will be in order.

Mr. DREIER. Mr. Speaker, I am going to ask the gentleman from Minnesota to proceed, and then if my friend from California would like to ask me a question or something, as soon as we are done with the gentleman from Minnesota, I will be happy to yield to my friend from California.

Mr. KENNEDY of Minnesota. Mr. Speaker, this bill does include many important provisions, and I am thankful for that; but I feel that we have not gone quite far enough in terms of stopping the revolving door from public service to K Street. It does not extend the current 1-year ban on Members becoming registered lobbyists.

To fix the problems caused by competing public and personal interests, we must close the revolving door between Congress and lobbying. That is why I introduced H.R. 4658, to permanently ban Members from taking jobs as registered lobbyists. We must make sure there is not the temptation for Members of Congress.

Mr. Speaker, I applaud the things that are in the bill. I hope that we can continue to work on this further in the future.

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I would simply say in response to my friend, as he knows very well, we have really gone a long way toward making sure there is greater transparency on that issue, so the so-called ban on lobbying, the cooling-off period, is made clear with lines that we draw. I think it is really moving in the direction to which my friend has referred.

Mr. KENNEDY of Minnesota. Mr. Speaker, reclaiming my time, I appreciate the clarity that was put in the bill.

Mr. DREIER. Mr. Speaker, at this juncture I would like to yield 30 seconds to my good friend, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I would like to ask my good friend why, when the committee that has jurisdiction over executive branch lobbying has a unanimous vote on a bipartisan bill to try to stop some of these egregious problems of the revolving door, why we couldn't get it on the floor?

Mr. DREIER. Mr. Speaker, I would reclaim my time.

The SPEAKER pro tempore. Both gentlemen will suspend. Thirty seconds has been yielded. Please allow the 30 seconds to expire.

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I would simply say that this measure is designed to deal with lobbying and ethics reform for the first branch of government, the legislative branch; and it is for that reason that we have not gotten into the executive branch issue to which my friend referred.

Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) has 8½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 15½ minutes remaining.

The Chair would remind the House that when a Member who controls time yields a specific block of time to another, that time may not be reclaimed and should not be interrupted by interjection.

Mr. DREIER. Mr. Speaker, in light of the fact that I have 8½ minutes remaining and my colleague from Rochester has 15½ minutes remaining, I think it would be probably useful for us to proceed with hearing some of her arguments.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, the lobbying reform proposal drafted by the Republican leadership in the wake of the Jack Abramoff scandal and other recent instances of corruption by public officials is woefully lacking in many respects; but chief among them, however, is its failure to address the central weakness and the most corrosive aspect of the current lobbying rules, and that has proven to be this revolving door aspect we have heard so much about today, which involves public sector congressional folks, employees, going over to work for special interest groups. In the most recent instance with the Abramoff scandal, we had staffers for the former Republican leader going over to work for Abramoff.

However, the need to impose greater restrictions on the flow between key legislative and executive branch policymaking posts and business and lobbying firms was never more evident than during the days following the passage of the Medicare Prescription Drug Act. That was an absolute disgrace. We came to find out that the former chairman of the House Energy and Commerce Committee had taken the top job at the pharmaceutical industry's most powerful trade group only a couple of months after he had played an instrumental role in the bill's development and promotion.

We came to find out only days after passage of the Medicare act that the administration's chief congressional negotiator on the bill had landed a job at a top lobbying firm representing drug companies and health care providers with major stakes in the legislation.

As has been pointed out, that legislation has a provision that says the Secretary of Health and Human Services shall not negotiate lower drug prices with the pharmaceutical companies. Then one of the chief drafters of the bill goes to work for the pharmaceutical companies. It weakens our credibility as an institution here. Not only were seniors robbed, but also I think that the insurance companies were allowed to greatly benefit as a result of this revolving door situation, and we must correct it.

Ms. SLAUGHTER. Mr. Speaker. I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this lobby bill began with grand talk and broad promises, and today it is ending with a whimper. The announcement was the high watermark. Since then, the Republican strategy has been on each of these reforms, let the weak get weaker, and to reject most every Democratic proposal that has been advanced, even some like my own that had no visible opposition.

So much has been stripped from this bill that if it remains here another week, there won't be anything left but the name, and the name is certainly appropriate, The Transparency Act, because you can see right through this bill, that it does not reflect any meaningful bipartisan reform of a very corrupt system.

Tragically, the party of Abraham Lincoln is becoming the party of Abramoff. No wonder you have blocked every effort we have made to investigate this wretched scandal. With all the special interest wining and dining, what a "Grand Old Party" it is. But it is a grand party for everyone but the taxpayers, who have to pick up the tab, because corruption is not a victimless crime. Ask those who bear the higher price at the gas pump, who bear the costs as taxpayers of no-bid Halliburton contracts, or the suffering of our seniors from a pharmaceutical bill written for the manufacturers, not for the seniors.

This bill represents no right step in the right direction, no true incremental reform. It is, instead, a phony, contrived maneuver to obstruct genuine change, to stop the greed and end the culture of corruption that is weakening our country.

We have come forward as Democrats with one proposal after another to reach across the aisle and to try to address this corruption, but at every turn our hand has been slapped away by those who are content with the corrupt system that is ruining this country and damaging this Congress.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield the balance of my time to the gentlewoman from California (Ms. PELOSI), our minority leader.

Ms. PELOSI. Mr. Speaker, we are about to vote on a rule for a so-called lobbying reform bill that The Washington Post has said "is simply a joke." "Or more accurately," it goes on to say, "a ruse aimed at convincing what the leaders must believe is a doltish public that the House has done something to clean up Washington." A ruse. That is what this is.

And to the distinguished Chair of the Rules Committee, if you think that what is being proposed today maintains a high ethical standard for this House, either your standards are too low or you have no interest, no interest, in cleaning up the culture of corruption that the Republicans have in this House of Representatives.

This Republican leadership so-called Lobbying Accountability and Transparency Act holds no one accountable and provides little transparency to the activities of lobbyists or anyone else. It is an embarrassingly trivial response to the culture of corruption that has thrived under the Republican Congress.

And this corruption has a cost to the American people, as others of my colleagues have said. This corruption has come at great cost to the American people in terms of prices at the pump, a Medicare prescription drug bill that does little to lower the cost of spiraling health drug costs, and waste and fraud in the gulf coast and in Iraq.

This bill is a missed opportunity, a missed opportunity. As House Democratic Leader, I would have hoped that we could have worked together with the leadership of this House of Representatives to put forth something that truly threw up the windows and pulled back the shades to let in the fresh air. But that didn't happen because of this ruse.

Mr. DREIER. Mr. Speaker, would the gentlewoman yield?

Ms. PELOSI. I wouldn't even think of yielding to you. You have all the time in the world.

I come to this floor with great sadness. I come here as one who has served on the Ethics Committee for 7 years, at a time when we worked in a bipartisan fashion to maintain a high ethical standard. I take very seriously our responsibility to the American people to do their business here, not the business of the special interests of the lobbyists.

That is why it is such a pity that we really don't have transparency in this rule and in this bill, where we can come to the floor with an open rule, where all points of view can be considered and all positive initiatives can be considered and voted up or down. Let's leave that up to the debate.

We certainly can do better than this. That wouldn't be difficult.

Democrats are offering a motion to recommit that breaks the link between K Street lobbyists and the Congress of the United States. It says it "bans." It is unequivocal. It is unambiguous. It bans gifts and travel from lobbyists and from organizations who employ lobbyists. It prohibits use of corporate jets for official travel. It just prohibits it. You can't do it. It shuts down the K Street Project, in which lobbying firm jobs are traded for legislative favors. And it shuts down the revolving door. What a disgrace, this revolving door that is spinning so fast. It prohibits Members, senior staff and executive branch officials from lobbying their former colleagues for 2 years after leaving office. Two years. I think it should be longer, but that is a compromise.

Today, the Republican majority brings forth a rule that is itself an abuse of power. The Republican Rules Committee has refused to let this House debate bills that 165 Democrats cosponsored. The Republicans have refused to let this House debate even Republican serious proposals directed at cronyism and corruption in government contracting. The Republicans have refused to let this House debate any serious attempt to end the culture of corruption.

They call this bill the Lobbying Accountability and Transparency Act? The Washington Post calls it a joke. The sad thing is, it is not a very funny joke, because, once again, the American people are paying the price.

My colleagues have listed some of the abuses of power. Mr. WAXMAN in particular talked about what the impact is on the American consumer from some of those abuses of power.

Imagine that the person managing the bill on prescription drugs left this House and soon was representing the pharmaceutical industry for $2 million a year in salary. How much does it cost to sell the seniors down the river? Well, about $2 million a year, if you are the manager of the prescription drug bill. That is why Americans, middle-income seniors, will be paying more at the pharmacy because of the corruption that was involved in writing this bill, a bill where the pharmaceutical industry insisted that there be a prohibition in the bill against the Secretary of HHS for negotiating for lower prices. It was in the bill because the pharmaceutical industry insisted upon it. They had their representatives at the table. America's seniors did not. Who do you think came out on top in that bill writing?

We have talked about a time when the American taxpayer has the burden of that, plus paying a price at the pump because of the corruption in writing the energy policy for this country, behind closed doors, refusing to reveal what went into writing that legislation.

□ 1645

And that legislation, do not take it from me, the Republican Department of Energy stated at the time that the energy bill proposed and passed by the Republicans in this Congress would increase the price at the pump. They said it at the time.

So not only are the consumers paying the price at the pump and an increased cost in their home heating oil and cooling oil as we go into the summer months; they gave a gift, they, the American taxpayers, we gave a gift to the oil companies.

That same bill that increased the price at the pump that people are now paying nearly $3 a gallon for, they, those oil companies, those same oil companies got subsidies of $12 billion in the energy bill. They got royalty relief, royalty holidays of several more billion dollars.

And to make matters worse, in the most recent tax bill that is being prepared to come to this floor, they will get $5.5 billion more in tax breaks. What are they taking the American taxpayer for? What are they thinking of? It is such an insult to the intelligence of the consumer and the taxpayer.

Wait a minute, at a time of record, of record profits, historic and obscene profits, these companies are paying enormous fees. The CEO of Exxon is getting a retirement package of $400 million. Record profits. High subsidies from the taxpayer, and high prices at the pump, a very raw deal for the American consumer.

All of it born from the culture of corruption in this House of Representatives. We must break that link. We are here for the interests of the American people, for the public interest. The Republicans are here for the special interests. They are the handmaidens of the pharmaceutical industry. They are the handmaidens of the energy companies. They do not know any other way to do it.

And that is why we get not only bad policy, not only corruption in this House, not only a cost of that corruption to the taxpayer and to the consumer, but we have a ruse of a bill that tries to masquerade as reform on this House of Representatives.

I feel really sad about this. I feel sad for the American people. They expect and deserve better. And we can give that to them in our motion to recommit that I talked about earlier. It bans the gifts and travel. It breaks the link. It stops the revolving door. It also says that if you are convicted of a felony in the performance of your duties as a Member of this House, you do not get your pension. You do not get your pension.

And as I said, again, this whole thing about jet travel and the rest, our motion to recommit would prohibit corporate travel for official purposes. So I hope that our colleagues will understand that we certainly can do better and that the American people are watching; that we can present substantive reforms, some that we should be debating today. I can assure my colleagues that these reforms, that if we have these reforms, we will end this culture of corruption. I also assure you that if the Democrats win the Congress next year, they will be implemented on the first day, the first day of the first session of this next Congress.

So let us start fresh with this. The American people, as I say, expect and deserve better. We can clear the slate by rejecting, all-out rejecting this ruse, this pathetic, pathetic little tiny step that is a missed opportunity for a high ethical standard and is an excuse to keep the culture of corruption that is here.

Mr. Speaker, I urge my colleagues to vote "no" on this rule, and if the opportunity presents itself, to support the Democratic motion to recommit. I want to in closing commend the ranking Democrat on the Rules Committee, Congresswoman SLAUGHTER. She has been a relentless crusader for a high ethical standard in this House for not only lobby reform and all kinds of other reform, but for injecting a level of civility into how we should have debate on the floor of the House that respects the views of Democrats and Republicans, because we respect the people who sent all of us here, not just having Republicans heard and Democrats blocked out.

So Congresswoman SLAUGHTER, I commend you for your leadership. I thank you for your courage. I urge our colleagues to vote "no" on the rule.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my dear friend from California, the distinguished minority leader, to whom I am happy to yield at any time whatsoever, that on the issue of prescription drugs, we are very proud of the fact that more than 30 million Americans, many more than had been anticipated, are today saving millions and millions of dollars because of the Medicare prescription drug package that we put into place.

On the issue of energy issues, we are outraged at the increase in gasoline and fuel costs. But I will tell you, I am really perplexed, because as they decry the issue of global warming, you would think that they would be ecstatic at the fact that gasoline prices have gone through the roof.

But, unfortunately, it is their policies, their refusal to pursue ANWR in a responsible way to deal with the issue of boutique fuels and to deal with the issue of refinery capacity that has been a problem.

Mr. Speaker, I yield 2½ minutes to a very hardworking member of both the Rules Committee and the Committee on Ethics, my friend from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I thank the chairman for yielding.

I rise to support the rule and the underlying bill. And I want to first, Mr. Chairman, commend you. I have watched this process unfold in front of us as we have worked, as you and the Speaker committed we would, through regular order, through five different committees, over 4 months, entertaining dozens of amendments.

I have watched you struggle with the numerous amendments we had, and yet try to get them down to a manageable level, things that actually counted and made a difference in the legislation that let us debate things.

I have watched as you and the Speaker and others have tried to craft a bill that moved us forward, and indeed this bill does move us forward. After all of the smoke and all of the rhetoric and everything is said, the real basic question is simply this: Will we be better off with or without this bill? There is no question we will be better off with this bill. We will be more transparent, we will have more reporting by lobbyists, stricter supervision, higher penalties for those who transgress, whether they be those amongst us or others in the lobbying and the political community.

We have a measure of campaign finance reform that could be triggered by this legislation. And indeed as you pointed out, Mr. Speaker, this is simply the first step of a long journey. And it is very important. I appreciate the way that you have dealt with the dilemma of having some who want to go further than we are able to go, and actually enact legislation, and those who do not want to do anything at all.

And it is always easiest to take one of those two positions, because you are always right. You never have to answer for anything. But at the end of the day, the Speaker and the chairman have to craft a package that will pass and will put them in a position to negotiate with the Senate. I think they have done that.

I also wanted to highlight just briefly an amendment that may come up later in this debate, which is indeed bipartisan in nature, and which I think takes us in the right direction in appropriately regulating private travel, something that has been an abuse, and where I have had the good fortune of working with my friends across the aisle, Mr. MILLER, Mr. BERMAN. I had the opportunity to also work with Mr. HASTINGS and Mr. LUNGREN, and we think we have crafted an amendment that everybody in this House can be pleased with.

That would not have happened without your help, Mr. Chairman, and without your support. Let me conclude by saying, I am very proud to have worked with my friend, the chairman on the Rules Committee. I appreciate his support as we have worked through difficult issues.

I know we are at the beginning of a long debate. I am very confident at the end of the day we will have a legislative package that will be a marked improvement.

Mr. DREIER. Mr. Speaker, may I inquire of the Speaker how much time is remaining on each side.

The SPEAKER pro tempore (Mr. Hayes). The gentleman from California has 5½ minutes. The gentlewoman from New York's time has expired.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to a hardworking member of the Rules Committee, the distinguished chairman of the Republican Policy Committee, my good friend, the gentleman from Florida (Mr. Putnam).

Mr. PUTNAM. Mr. Speaker, I thank the chairman for his hard work on this issue. This is another situation where the Democrats were for it before they were against it, before they were for it, before they were against it again.

It has been interesting to watch this debate unfold as fingers have been pointed now since the end of last year about a culture that they have described as being corrupt, and yet here they come today to oppose a bill that addresses many of the same issues that they have been screaming about for the past 4 months.

The Policy Committee did exhaustive work, Mr. Speaker, in bringing together groups of Members to talk about these issues. Reforming the institution is among the most important and also among the most difficult issues to do, because everyone involved has an innate understanding of the issues that we are dealing with and the needs of the House from the perspective of their particular district.

There was widespread agreement that disclosure, sunshine, accountability should be the three pillars upon which we build this reform effort. And we did that. When it comes to issues like travel, as Mr. Cole has described, who has been a leader in a bipartisan effort to reform those practices, it has been a very difficult path, but one which has yielded bipartisan results in the form of the amendment that we will be considering later.

When it comes to making sure that there is an opportunity for the public to know what goes on in this institution and what interest groups that are attempting to lobby the Congress are doing, we increased the reporting requirements. We increased the penalties for those people who would take advantage of the public trust that they are given by the voters and by the electorate.

When it comes to the issues of making sure that we have a functioning ethics committee, that is the most important piece of this process, increasing the leverage to make sure that that committee is one that is functioning appropriately.

So in sum, Mr. Speaker, it is appalling to me that people would say that in this case, after 4 months of decrying the status of things, that nothing is better than disclosure requirements, that nothing is better than transparency, that nothing is better than greater accountability.

The foundation upon which this bill is crafted is something that every Member can go home and talk to their constituents about. It is something that will improve the work of this institution and begin the process of restoring the public trust in the people's Chamber.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

As many of my colleagues have said, this has been obviously a challenging time for us. We are dealing with some very serious problems in this institution. They are bipartisan. They cross party lines. And that is why the Speaker and I and others felt very strongly about the need to do what we can to do what we possibly could to ensure that we reached out to both Democrats and Republicans and a wide range of individuals and outside groups and all for recommendations.

I am happy that many of those issues have been addressed, and I think it is very important for us to ask each Member to look at the bill as a whole and answer these very important questions: Does it increase transparency? Does it increase accountability? Does it put more information in the hands of the American people? Does it protect the first amendment right of citizens to petition their government? Does it strengthen the integrity of the United States Congress?

Mr. Speaker, I am absolutely convinced that the answer to every single one of those questions is a resounding "yes" on every single count. No matter what some have argued on the other side, if they want to maintain the absolute status quo, it creates the potential to continue many of the problems that we have faced.

□ 1700

Virtually everyone has acknowledged that while they may not believe that this bill goes as far as we would like, this is the first step in a process that will allow us to join with our colleagues in the other body to deal in a conference with the measure that I hope is even stronger than this very important first step that we are taking.

I think that the vice chairman of the Rules Committee Mr. Diaz-Balart put it very well when he said that anyone who casts a vote against this rule is saying no to the issue of reform. No, I don't want to proceed with bringing about the kinds of institutional changes that will play a role in enhancing the level of integrity to which the American people can hold this great deliberative body.

We hear everyone talking about reform. Voices for reform are out there, and they are very prevalent in the media, here on the House floor, day after day after day. But in just a few minutes we are going to have the opportunity to transform those voices for reform into votes for reform. This is our opportunity.

Mr. Speaker, with that I urge an "aye" vote on this rule so that we can move ahead with this very, very important reform effort.

Mr. PRICE of North Carolina. Mr. Speaker, I'd like to join my colleagues in making a point that seems to be lost on the leadership of this House: this is not simply a "lobbyist problem" we are facing. Ensuring that lawmakers comply with existing ethics rules and enhancing lobbyist disclosure requirements are important goals . . . and even on this measure, . . . the so-called "Lobbying Accountability and Transparency Act" falls embarrassingly short.

What started as a limited but seemingly earnest attempt at reform has been progressively hollowed out over the past several weeks in—you guessed it—closed-door meetings with lobbyists. The result is not surprising. Reporting requirements for lobbyist-hosted fundraisers? Gone. No more bargain rates on corporate jets? Gone. A study to examine lobbyist employment contracts? Gone.

But again, this is not simply a lobbyist problem. House Democrats have tried in earnest to offer a plan for reform that takes a hard look in the mirror and examines what Congress must do to clean up its own house.

My colleagues Dave Obey, Barney Frank, Tom Allen and I have introduced a fourteen-point plan that would address not only individual abuses, but also the abuses of the legislative process. Our proposal would end the practice of keeping votes held open long enough to twist recalcitrant arms into compliance. It would prevent legislation from being slipped into conference reports without conference approval. It would require House-Senate conferences to actually meet and vote. And it would give Members of Congress at least a full day to examine the contents of any legislation we are voting on.

We have testified before the Rules Committee in favor of this comprehensive approach. During Rules Committee markup of this bill and again during the hearing on the rule last night, numerous amendments were offered and defeated—mostly on party-line votes—that would have implemented these reforms. The Democratic Substitute, which was also denied a fair hearing last night, recognized the need to take a comprehensive approach to lobbying and ethics reform. At each step in the process, our attempts at genuine, bipartisan reform were turned away.

So what did we get instead? It's no surprise: a bill that could serve as a case study in everything that is broken in our legislative process—of everything we should be "reforming." We get a so-called "Lobbying Accountability and Transparency Act" that offers neither accountability nor real transparency. We get a minority party—and many Members of the majority—completely shut out of the process once again, their amendments denied, their advice and concerns unheeded. We get a restrictive rule that makes in order just nine out of the 74 amendments offered—and only one sponsored by a Democrat without a Republican cosponsor—and allows for only one hour of debate on what should be one of the most significant bills we consider all year.

This leadership had a real chance to enact real reform, not for the sake of an aggrieved minority . . . not for the sake of election-year politics . . . but for the sake of our institution, for its integrity and its capacity to govern. Instead, they seem to think they can convince the American people that they're cleaning up our House, when all they're doing is sweeping our problems under the rug.

Well Mr. Speaker, the American people will not be so easily fooled. And I assure you that those of us in this body who want real, comprehensive reform will not rest until we have successfully enacted such a measure. But this is not such a measure. I urge my colleagues to oppose this legislation.

Mr. HULSHOF. Mr. Speaker, it is with regret that I rise today in opposition to the rule before us.

The ethics process in this body is broken. In all candor, there is plenty of blame to go around as to why we find ourselves in this situation. We undermine the public's faith in this great institution when we let petty politics erode the very processes meant to preserve the public's trust in Congress.

I have met with the Majority Leader on this issue, and I sincerely believe that he has a genuine desire to have an effective, functioning Ethics process in the House. I thank him for his willingness to listen, and I hope we can perhaps address this issue in the future.

Having previously served on the Ethics Committee, I firmly believe that the ethics process can work. For the sake of this institution—it must work. And as we begin consideration of the Leadership's ethics and lobby reform package, I will say there are some provisions in the base bill before us that should ultimately be adopted—earmark reform, denying Congressional pensions to convicted felons, enhanced disclosure and improved ethics education are common-sense proposals that I would hope that we can all support.

That being said, I cannot support this rule. Ethics reform is incomplete absent changes to improve the enforcement of House rules. My colleague JOEL HEFLEY and I have put forward legislation to strengthen the ability of the Ethics Committee to dispense with ethics matters by expediting the review of these issues and insulating committee members and non-partisan staff from the political pressures that can pollute the ethics process. We do this by giving the Chair and Ranking Member on the committee subpoena power earlier in the investigative process and prohibiting the arbitrary dismissal of Members and technical staff. We also require ethics education for Members and staff, and we dramatically improve disclosure associated with gifts and travel. All of these common-sense reforms would greatly improve the ethics process in the House.

We sought to offer our legislation as an amendment to the bill we are to consider today. This proposal was not made in order under the rule. Thus, we are faced with the prospect of passing an incomplete ethics reform package that lacks enhanced enforcement.

I think this is a mistake, and for this reason, I must reluctantly oppose this rule.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HAYES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on two questions previously postponed.

Votes will be taken in the following order:

Motion to instruct on H.R. 4297;

Adoption of House Resolution 783.

The first electronic vote will be conducted as a 15-minute vote. The second will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The SPEAKER pro tempore (Mr. KUHL of New York). The unfinished business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Washington (Mr. MCDERMOTT) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 190, nays 232, not voting 10, as follows:

[Roll No. 109]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—232

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline

Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Blumenauer
Evans
Fattah
Gilchrest
Hastings (FL)
Jefferson
Millender-McDonald
Ortiz
Paul
Ros-Lehtinen

☐ 1727

Messrs. MARIO DIAZ-BALART of Florida, ROGERS of Alabama, OXLEY, INGLIS of South Carolina, LINDER, Ms. HART, Messrs. SIMMONS, CANNON, SOUDER, LAHOOD, and FOLEY changed their vote from "yea" to "nay."

Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Messrs. SPRATT, GUTIERREZ, and SERRANO changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore (Mr. KUHL of New York). The pending business is the vote on adoption of House Resolution 783 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 207, not voting 10, as follows:

[Roll No. 110]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Blumenauer
Evans
Fattah
Gilchrest
Hastings (FL)
Jefferson
Millender-McDonald
Ortiz
Paul
Ros-Lehtinen

☐ 1746

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JEFFERSON. Mr. Speaker, on the day of April 27, 2006, I was unable to vote due to an important prescheduled engagement with the President of the United States for which I was granted a leave of absence. I would like the RECORD to reflect that, had I been present, I would have voted "yea" on rollcall No. 109, and "nay" on rollcall No. 110.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to a family emergency, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 109: "Yes."
Rollcall No. 110: "No."

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the majority leader for the purposes of inquiring about the schedule for the balance of the week and the week to come.

Mr. BOEHNER. I thank my colleague for yielding. Given the hour and the commitments that Members have tomorrow, it is the intention of the majority leader to finish the bill under which the rule we just passed on ethics and lobbying reform on Tuesday. And so the House will convene at 12:30 for morning hour and 2 o'clock for legislative business. There will be some suspensions. Votes will be rolled until 6:30.

On Wednesday and the balance of the week, the House will consider H.R. 4943, the Prevention of Fraudulent Access to Phone Records Act. In addition to H.R. 4943, we will do H.R. 4954, the SAFE Port Act, which the Committee on Homeland Security completed yesterday, and we are continuing to work with other committees to assure that this bill will be ready. I would expect this bill to be considered on Thursday.

The committees of jurisdiction have also begun to hold hearings on energy, and Members should expect votes in the coming weeks addressing America's energy needs. That completes my report on what next week looks like.

Mr. HOYER. Mr. Leader, could you comment perhaps on the Communications Opportunity Promotion and Enhancement Act, the Telecom Act.

I yield to my friend.

Mr. BOEHNER. There is a possiblity that the telco bill could get out next week. The committee acted. There are other committees of interest, and we are working with them. It is too early to give a hard commitment that it will be up next week.

Mr. HOYER. Reclaiming my time, I thank the gentleman for that information. Of course, there was expectation that we were going to pass the lobbying reform act that was offered. We are obviously not doing that. You mentioned that it would be up on Tuesday. My question is, is that accurate? I am sure that you would tell the truth, but, I mean, I want to make that clear.

Mr. BOEHNER. If the gentleman would yield.

Mr. HOYER. I yield to the majority leader.

Mr. BOEHNER. Let me work with you on whether that is actually Tuesday or whether we do it first thing Wednesday morning.

Mr. HOYER. I think that is very important, Mr. Leader, for us to know and maybe we can work on that because obviously Members want to speak on amendments and they would have to know whether they have to be back before the 6:30 voting if you were going to take it up prior to that.

I yield to my friend.

Mr. BOEHNER. Does the gentleman want to agree right now that the first thing, the first order of business on Wednesday morning will be to take up the lobby and ethics reform package?

Mr. HOYER. Yes. We have not discussed that, but I am sure that would be fine.

Mr. BOEHNER. If it meets with your approval, I would be happy to do it.

Mr. HOYER. That is acceptable to us. We think the bill needs a lot of work, and that will give you some more time to work on it.

I am sorry. I couldn't help myself.

Now, Mr. Leader, the budget. We have not voted on a budget yet. And you did not mention it in your schedule. Is there any expectation that you might have, Mr. Leader, that the budget might be on the floor either next week or some week after that?

I yield to my friend.

Mr. BOEHNER. I am hopeful.

Mr. HOYER. Still?

Mr. BOEHNER. Still.

Mr. HOYER. I presume the Appropriations Committee, at some point in time, will proceed without the budget. Would that be your expectation if we don't pass a budget in the near term?

Mr. BOEHNER. I would hope that we would have a budget.

Mr. HOYER. Mr. Leader, let me turn the page here. The other bills that you and I have talked about, one in particular we think is extraordinarily important. I know you feel it is important, and that is the pension bill. There are literally millions of Americans and thousands of companies very concerned about the status of the pension conference. Can you bring us up to date on whether or not you have any expectation that the pension conference would be completed in the near term and come to the floor?

I yield to my friend.

Mr. BOEHNER. I appreciate my colleague for yielding. It is important that we protect America's pensions and that we protect the pension system that we have. And having spent some 6 years working on this proposal, trust me, there is no one wants this finished more than me.

There was some progress last night amongst the principals, and I remain optimistic that we will have this finished before the Memorial Day District Work Period. I am hopeful that it will be finished before then. But there has been some movement. There is some cooperation with the Senate. And I have talked to Members on both sides of the aisle, both the House and Senate, that are working together to get this issue passed. And I am very optimistic.

Mr. HOYER. Reclaiming my time. Mr. Leader, again, I say this with all due respect and seriousness. I read in the paper today that the conferees met last night. With all due respect, Mr. Leader, the conferees did not meet last night. Apparently, the Republican conferees met last night. You indicated both sides of the aisle. It is my understanding, from our conferees, that they are not being included in the discussions of the conference. Again, it is our perspective that cuts out about 125 million Americans that we represent on this side of the aisle from discussions about an issue that you have worked very hard on, Members on our side have worked very hard on, and that we all agree is critical to our country and to millions of Americans individually. I would hope, Mr. Leader, that you would prevail on the chairman of the conference to include our side of the aisle in the discussions.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. We can't be helpful or, frankly, we can't know what is going on if we are not in the room.

I would be glad to yield to my friend.

Mr. BOEHNER. I appreciate my friend yielding. The gentleman has been involved in a number of conferences himself over his long and distinguished career here in the House. And you realize that at some point, getting the basic framework or at least some beginning framework together amongst the principals, the committee Chairs, is essential before bringing other Members into this.

The chairman of the conference, Senator ENZI, and I have talked about this on several occasions, and I am very confident that you, all Members will have an opportunity to participate because it has been clear, as it is in all conferences that I am in, that nothing is agreed to until everything is agreed to. And so the gentleman should have no fears.

Mr. HOYER. Mr. Leader, I hope that is accurate. I understand that in any conference, the chairman of the conference ought to take the position that unless all things are agreed to the conference is not closed on other issues that might have been tentatively agreed to. But if, frankly, our side of the aisle is not included, does not have the opportunity to put our input into the issues, very frankly, too often, I have been here a long time. You are right, and I have been in a lot of conferences. And those have been real conferences. They have not been conferences that one side has agreed on, comes to the conference and says it's done.

The leader looks at me somewhat disparagingly or at least incredulously that there haven't been such conferences that occurred prior to the leadership of the Republican Party. I understand what he is saying, but this is a pattern, Mr. Leader. We have talked about it on a regular basis. And it is not good for this institution.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the leader.

Mr. BOEHNER. I appreciate the concerns raised by my friend from Maryland, but I need to remind my colleagues that the Pension Protection Act passed right before Christmas with almost 300 votes. There was broad bipartisan support for this bill, and it is my intention to maintain that broad bipartisan support for an eventual conference report. And the gentleman has my word that all Members will have their opportunity to be engaged in this conference report.

Mr. HOYER. Reclaiming my time, I appreciate the representation of the leader, and I take him at his word. I have found his word to be good in the past. I certainly take him at his word, and I thank him for that.

Mr. BOEHNER. It still is.

Mr. HOYER. No doubt in my mind. I am not going to quote Ronald Reagan.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4943, PREVENTION OF FRAUDULENT ACCESS TO PHONE RECORDS ACT

Mr. BISHOP of Utah. The Committee on Rules may meet the week of May 1 to grant a rule which could limit the amendment process for floor consideration of H.R. 4943, the Prevention of Fraudulent Access to Phone Records Act. The Committee on Energy and Commerce ordered the bill reported and filed its report with the House on March 16.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by 2 p.m. on Tuesday, May 2, 2006. Members should draft their amendments to the text of the bill as reported by the Committee on Energy and Commerce.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ADJOURNMENT TO MONDAY, MAY 1, 2006, AND HOUR OF MEETING ON TUESDAY, MAY 2, 2006

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 2, 2006, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF THE NATIONAL ARBOR DAY FOUNDATION AND NATIONAL ARBOR DAY

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 383) supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. FORTENBERRY. Mr. Speaker, I reserve the right to object.

Mr. Speaker, in 1872 an outstanding Nebraskan, J. Sterling Morton, began the tradition of Arbor Day to encourage tree planting. One hundred years later, another outstanding Nebraskan, John Rosenow, founded the National Arbor Day Foundation to promote Morton's original goals. Today, I have the pleasure of honoring the fruits of their labor. There are over 1 million members of this organization nationwide.

These two visionary leaders recognized that the simple action of planting a tree can protect the environment and provide resources and beauty for generations to come. Thanks to their efforts and inspiration, today America is a much greener, healthier, and more beautiful place. Because of their foresight, people from around the world enjoy a better quality of life. The planting of trees is a great reminder of our duty to take responsible actions now that will benefit our children and our grandchildren later.

□ 1800

As J. Sterling Morton noted, "Each generation of humanity takes the Earth as trustees."

The resolution I introduced, House Concurrent Resolution 383, supports the goals and ideals of National Arbor Day and the National Arbor Day Foundation. I would like to begin expressing my sincere appreciation to the distinguished gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform; and the distinguished gentleman from California (Mr. WAXMAN), the ranking member of the committee, for their help in bringing this resolution to the floor.

This resolution honors National Arbor Day, which our country will celebrate tomorrow. I encourage my colleagues and others to join in the celebration by planting a tree or by taking part in Arbor Day activities nationwide. By doing so, we can carry on the spirit and the tradition of J. Sterling Morton, who once observed, "Other holidays repose on the past. Arbor Day proposes for the future."

I urge support for this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 383

Whereas the National Arbor Day Foundation was founded in 1972 and now has nearly 1,000,000 members;

Whereas John Rosenow, President of the National Arbor Day Foundation, has provided outstanding leadership of the organization since its founding;

Whereas the mission of the National Arbor Day Foundation is to "inspire people to plant, nurture, and celebrate trees";

Whereas the National Arbor Day Foundation works to protect and enhance the global environment by promoting rainforest preservation, urban and community forestry, and the planting of trees throughout the world;

Whereas the National Arbor Day Foundation manages the 260-acre Arbor Day Farm to serve as a model of environmental stewardship;

Whereas National Arbor Day Foundation distributes more than 8,000,000 trees annually through its Trees for America program;

Whereas the National Arbor Day Foundation has worked with the United States Department of Agriculture's Forest Service since 1990, helping to plant nearly 4,000,000 trees in National Forests damaged by fire, insects, or other natural causes;

Whereas J. Sterling Morton recognized the need for trees in Nebraska and proposed a tree-planting holiday called "Arbor Day" in 1872;

Whereas it was estimated that more than 1,000,000 trees were planted in Nebraska on the first Arbor Day in 1872;

Whereas the observation of Arbor Day soon spread to other States and is now observed nationally and in many other countries;

Whereas J. Sterling Morton once observed that "The cultivation of trees is the culmination of the good, the beautiful, and the ennobling in man"; and

Whereas National Arbor Day, the last Friday in April, will be celebrated on April 28, 2006: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of the National Arbor Day Foundation; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Arbor Day with appropriate ceremonies and activities.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BLOCKING PROPERTY OF PERSONS IN CONNECTION WITH THE CONFLICT IN SUDAN'S DARFUR REGION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–101)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (IEEPA), I hereby report that I have issued an Executive Order (the "order") blocking the property of persons in connection with the conflict in Sudan's Darfur region. In that order, I have expanded the scope of the national emergency declared in Executive Order 13067 of November 3, 1997, with respect to the policies and actions of the Government of Sudan, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Darfur, as described below.

The United Nations Security Council, in Resolution 1591 of March 29, 2005, condemned the continued violations of the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Humanitarian and Security Protocols of November 9, 2004, by all sides in Darfur, as well as the deterioration of the security situation and the negative impact this has had on humanitarian assistance efforts. I also note that the United Nations Security Council has strongly condemned the continued violations of human rights and international humanitarian law in Sudan's Darfur region and, in particular, the continuation of violence against civilians and sexual violence against women and girls.

United Nations Security Council Resolution (UNSCR) 1591 determined that the situation in Darfur constitutes a threat to international peace and security in the region and called on Member States to take certain measures against persons responsible for the continuing conflict. The United Nations Security Council has encouraged all parties to negotiate in good faith at the Abuja talks and to take immediate steps to support a peaceful settlement to the conflict in Darfur, but has continued to express serious concern at the persistence of the crisis in Darfur in UNSCR 1651 of December 21, 2005.

Pursuant to IEEPA, the National Emergencies Act, and the United Nations Participation Act (UNPA), I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and have issued an Executive Order expanding the scope of the national emergency declared in Executive Order 13067 to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State,

—to have constituted a threat to the peace process in Darfur;

—to have constituted a threat to stability in Darfur and the region;

—to be responsible for conduct related to the conflict in Darfur that violates international law;

—to be responsible for heinous conduct with respect to human life or limb related to the conflict in Darfur;

—to have directly or indirectly supplied, sold, or transferred arms or any related materiel, or any assistance, advice, or training related to military activities to the Government of Sudan, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the Janjaweed, or any person operating in the states of North Darfur, South Darfur, and West Darfur, that is a belligerent, a nongovernmental entity, or an individual; or

—to be responsible for offensive military overflights in and over the Darfur region.

The designation criteria will be applied in accordance with applicable domestic law, including where appropriate, the First Amendment of the United States Constitution.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of the order. All Federal agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on April 27, 2006.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 27, 2006.*

BROWNWOOD CHAMBER OF COMMERCE

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Mr. Speaker, I rise today to recognize the centennial anniversary of the Brownwood Texas Chamber of Commerce.

Brownwood began as a pioneer town in the 19th century. As the town's population flourished, the cotton industry dominated. With the building of the West Texas District Alliance Cotton Yard and the establishment of the Freeman's Journal, Brownwood became the center of the Farmer's Alliance. In 1906, local farmers chartered the Brownwood Commercial Club, later renamed the Brownwood Area Chamber of Commerce.

The Brownwood Chamber is instrumental in helping the community flourish. In 1940, they negotiated the home of Camp Bowie, a World War II training camp for the Army, housing 57,000 soldiers and civilians. After the camp closed, the Chamber created an industrial park that today houses 3M, Kohler, and other corporations which employ hundreds of people at their Brownwood facilities, greatly contributing to the prosperity of the community.

The Brownwood Chamber continues to serve as a vital organization within the community. I congratulate them on their centennial anniversary, and I am proud to represent Brownwood in Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, just a few hours ago, I heard moving testimonials about the impact of the Iraq war on real people, real families and real communities, both American and Iraqi. I organized a forum precisely to get beyond the statistics, the strategy, and the abstractions, to understand the devastating human cost of this war.

We heard from Charlie Anderson, a former marine who suffers from post-traumatic stress disorder and now is a regional coordinator for Iraq Veterans Against the War. He spoke of the Government of the United States having failed the men and women it sent to war.

He said, "I was completely untrained and unprepared for what I experienced in Iraq."

He told us, "In the 7 years preceding my deployment to the Middle East . . . I had not set foot in the desert or had any training on how to fight or survive there. I had fired my 9-millimeter service pistol exactly once."

And this is the part that blew my mind, Mr. Speaker: Mr. Anderson added that after firing his weapon during one ambush, he said, "I was told I would not be issued replacement ammunition because there was none to be had. My platoon sergeant told me 'do not shoot unless your death is imminent . . .'"

Can you imagine that? The mighty United States military, the greatest fighting force in the world, essentially rationing bullets?

Dahlia Wasfi, a doctor who is half Jewish and half Iraqi, offered a powerful historical analogy. She spoke of her mother's relatives being driven from their native Austria to avoid Nazi concentration camps. "Never again" is the refrain we use when talking about the Holocaust. She then spoke of her father's relatives who are "not living, but dying, under the occupation of this administration's deadly foray in Iraq."

She went on: "From the lack of security to the lack of basic supplies to the lack of electricity to the lack of potable water to the lack of jobs to the lack of reconstruction to the lack of life, liberty, and pursuit of happiness, they are worse off now than before we invaded. 'Never again' should apply to them, too."

An Iraqi civil engineer named Faiza also spoke to us. She fled occupied Iraq last summer after her son, a student, was detained for several days by the Ministry of the Interior without any charges being filed.

"He has a beard; so he was a suspect terrorist," she said.

Although they said he had committed no crimes, his family had to pay thousands of dollars to secure his release. How is that for the transformation of power to freedom?

Now she and her family are living as exiles in Jordan, driven away from everything that was once familiar to them. But the only other choice was to live in a country whose infrastructure has been completely torn down and never rebuilt.

Mr. Speaker, in the name of these three brave souls, for the sake of human decency if nothing else, it is time to end this war, bring our troops home, and give Iraq back to the Iraqi people.

THE CONGRESSIONAL CONSTITUTION CAUCUS

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Pennsylvania (Mr. ENGLISH).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I am a member of several caucuses here in the House. I am very proud to be so. But none of those caucuses, I think, are more important than the Congressional Constitution Caucus.

All of us when we came here took an oath to uphold the Constitution of the United States. It is one of the greatest documents ever written, and one that has guided this country and stood us in good stead over the time that we have been a country.

The Congressional Constitution Caucus has a statement of its belief: We "will be an effective forum to ensure that the Federal Government is operating under the intent of the 10th amendment of our Bill of Rights."

Those of us on the Congressional Constitution Caucus are very much concerned about the overreaching of the Federal Government. I have spoken on this issue before, but I think it is important that we continue to highlight it for the American people. And I want to read the 10th amendment:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

These historic words penned by our Founding Fathers, some of the most ingenious political minds this world has ever known, set forth an important principle. The Federal Government may exercise its specific powers listed in the Constitution, and the States and the people may exercise all remaining powers.

Unfortunately, as the authors of the Constitution have long since passed, so, too, have many of their foundations for our system of government. Between an ever-expanding Federal bureaucracy that for decades has crept into many facets of traditionally locally controlled government to a Federal judiciary that time and time again completely ignores the intent of the 10th amendment, the Federal Government has become wildly inefficient and is hemorrhaging tax dollars.

Our caucus will point out that not only is State and local control over programs in line with the Constitution, it is a much more cost-effective and efficient way to provide many domestic services to American citizens. It is imperative that we highlight the need to return to a system intended under the reserve clause of the Constitution.

And I want to point out several bills that have been introduced in this session that are initiatives we hope that will move us forward in this regard. The first one is the Sunset Commission legislation. Congressman KEVIN BRADY has introduced two bills, both of which would establish a Sunset Commission to review the continued need for executive branch agencies and programs on a regular basis and make recommendations to the President to rein in the inevitable mission creep.

☐ 1815

Federal consent decree legislation, H.R. 1229. Congressman ROY BLUNT has introduced this legislation, the Federal Consent Decree Fairness Act, that would level the playing field for State and local governments faced with activist Federal judges that are legislating from the bench. Federal consent decrees can be an effective judicial tool, but too often activist judges use them to lock in policy changes long after the State or local official that agreed to the decree has left office. H.R. 1229 would make it easier for State and local governments to amend such decrees.

Local control of education. Congressman JOHN CULBERSON has introduced legislation that would restore State sovereignty over public elementary and secondary education in H.R. 3449. The bill would require that a State specifically authorize operation of any Federal education program for which it accepts Federal funds, waiving the State's rights to act inconsistently with any strings attached to that Federal funding.

I am proud to be a cosponsor on all three pieces of this legislation, and in the next few weeks the Congressional Constitution Caucus is going to call attention not only to these bills, but others that we are bringing to the attention of the leadership and the American people to get us back into compliance with the Constitution.

STOP OIL COMPANY PROFITEERING AND PRICE GOUGING

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, gas is bumping 3 bucks a gallon in Oregon, I know it is well over $3 a gallon in other parts of the country; and people are saying, oh, it is just market forces, supply and demand.

Well, you know, there is no free market in oil: from the production by the OPEC countries, with the cooperation of Mexico and Russia, where they conspire to restrict supply, to the oil companies themselves, who have created a black market, that is, a market where 75 percent of the oil is traded and retraded and retraded, driving up the price for no good reason just to facilitate profits, and then it is delivered to the refineries. We see now that we have a refinery shortage.

Well, why do we have a refinery shortage? Actually, that is pretty interesting. Ten years ago, the American Petroleum Institute sent a memo to its members saying, hey, you are not making much money with refineries. If you would facilitate the closing of refineries and squeeze down the availability of refinery capacity, you could increase profits. And then they did. In fact, in the last decade, through mergers and by action of individual corporations, they have closed 55 refineries in America.

Now they want to blame the environmentalists and say there isn't enough refinery capacity. Those darn environmentalists. Guess what? Not one of the 55 refineries was closed because of environmental issues. They were closed to increase profits.

The industry has become wildly profitable. Back in 2004, the refiners got 27 cents on each gallon of gas we bought. Last year, they got 99 cents on each gallon of gas we bought, four times higher. That has nothing to do with supply and demand. That is extortion of the American consumer.

The Valero Company, now the biggest refiner in America, their chief operating officer was asked about building more refineries, and said, why would we want to do that? We are doing very well the way things are.

The President claimed it was environmental restrictions, still does, and then he offered to allow any oil company to build a refinery on a closed military base with no environmental restrictions. He had no takers. It is working exactly the way the American Petroleum Institute predicted when they recommended the closing of refineries a decade ago.

Now this administration says they are not going to go with the windfall profits tax, despite the fact that Exxon-Mobil last year had the largest profit of any corporation in history, $36 billion in one year, $10 million a day. They were so awash in cash, giving it back, buying stock back, giving out dividends, and $400 million to their CEO, who wasn't there very long. It averaged out to a $135,000 pension a day for the time he worked at that company.

But there is no price gouging or profiteering going on here. So the administration says no windfall profits tax. They are going to look at gouging. But they are not going to look into the corporate boardrooms. They are going to go out and look at the corner gas stations, that are getting record low margins as they are squeezed by this noncompetitive industry.

It is past time for Congress to take definitive action. First, Congress should subject the trading of oil to the same regulations as any other commodity. Wipe out the black market in oil where they are jacking up the price. Experts say that one simple step, saying oil will be traded like every other commodity, it will be regulated and overseen by the Commodity Futures Trading Commission, something the Bush administration doesn't want to do, would drive down the price immediately by 25 cents by squeezing out the speculation.

Impose a windfall profits tax on Exxon-Mobil and others unless and except they use some of their obscene profits to build new refining capacity. That could be exempt from the windfall profits tax. Give them a strong incentive to undo this little game they are playing on the American consumers.

Make price gouging a Federal crime. Right now you have to prove two companies colluded, not just one set out to price gouge. Change the law.

And then OPEC. Remember the President told us he was going to take on OPEC? He was going to jump on OPEC. He was going to do something about their restriction of the supply of oil. We have done nothing. Six of the OPEC countries are in the World Trade Organization. This President is big on free trade and rules-based trade. They are breaking the rules. They are violating all the rules of the WTO. File a complaint.

To be fair, I asked the last President, Mr. Clinton, to file a complaint against OPEC. He was as scared as George Bush to file a complaint against OPEC.

It is time to take on the international cartel and the price gouging. We need relief for American consumers now. Stop the price gouging, stop the profiteering, and take on this big industry.

IN SUPPORT OF FUNDING FOR THE FLIGHT 93 MEMORIAL

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to the fallen American heroes on United Flight 93, heroes like Tom Burnett, Jr., from Minnesota, who put country ahead of self on September 11, 2001, as he made the ultimate sacrifice.

Mr. Speaker, as we all know, Tom Burnett and the other brave American heroes that day overpowered the terrorist hijackers who sought to crash Flight 93 into the United States Capitol. America owes all the brave passengers on Flight 93 a deep debt of gratitude for the remarkable bravery.

And, Mr. Speaker, those of us who work here in this building, in this Capitol, literally owe our lives to the heroes of United Flight 93.

This week, as family members of the 33 passengers and seven crew of Flight 93 have been here on Capitol Hill, it is time to say "yes" to funding the Flight 93 National Memorial plan for the site in Pennsylvania where the plane ultimately crashed. Tom Burnett and the other brave passengers deserve this fitting memorial, and we should move ahead with the project immediately so the land can be secured.

Mr. Speaker, I have been in frequent contact with Tom Burnett's parents, Tom, Sr., and Beverly Burnett, about the site and about the memorial. They have long expressed concern that this sacred ground was still in jeopardy of purchase by other parties and not properly protected.

On that fateful day, on his last phone call to his wife, Deena, Tom Burnett said, and I am quoting, "We have got to do something. I know we are all going to die. There's three of us who are going to do something about it."

Mr. Speaker, that is exactly what Tom Burnett and the other passengers of Flight 93 did. They stepped forward in an amazing show of patriotism and self-sacrifice. Now it is time for Congress to step forward and do something about it.

Mr. Speaker, it is absolutely outrageous to continue to block this memorial to honor the heroic actions of the passengers of Flight 93. Let me repeat that: it is absolutely outrageous to continue to block this memorial to honor the heroic actions of the passengers on Flight 93. It is time for Congress to come together and do what is right, just as the passengers of Flight 93 did what was right at the cost of their own lives.

Mr. Speaker, we should live up to our commitment now. Flight 93 family members have passionately explained to us again this week why the 1,200 acres are needed to properly tell the story of Flight 93. Now it is our turn to do our part.

Tom Burnett, Jr., and the other heroes of Flight 93 showed us what bravery is all about. Now we need to step forward to honor their courageous legacy. We must never forget the ultimate sacrifice made by the passengers and crew of United Flight 93 on September 11, 2001. Let's do the right thing. Let's do the honorable thing. Let's support full funding for the Flight 93 memorial.

MAXIMIZING OUR MEDICAL RESEARCH DOLLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, for over a century the Federal Government has had a strong commitment to biomedical, behavioral, and population-based research conducted at National Institutes of Health centers around the Nation.

The research conducted at these facilities, which include several in my congressional district in New Jersey, is responsible for the continued development of an ever-expanding research base and has contributed to medical advances that have profoundly improved the length and quality of life for millions of Americans.

Over the years, I have vigorously supported efforts to increase funding for NIH, including efforts to double NIH funding in recent years. However, I am now concerned the President and House Republicans are abandoning their commitment to NIH. Last year, they cut overall funding for medical research, and this year the House Republican budget proposal would only provide the same funding for NIH as last year. This would result in an even larger cut than last year in which all but three NIH institutes and centers would see their budgets fall for the second year in a row.

Mr. Speaker, at a time when Republicans are retreating on their commitment to health research, we must remain vigilant in demanding the necessary funding to continue groundbreaking research. We must also work to ensure that those entities receiving NIH funding grants are utilizing them to the best of their ability. And I think we must explore ways to consolidate research efforts around the Nation so that we can eliminate any duplication and maximize every research dollar.

In my congressional district, we are fortunate to host some of the finest research and health care institutions in the country that receive NIH grant funding. The city of New Brunswick, nicknamed the Health Care City, is home to Rutgers, the State University of New Jersey, Johnson & Johnson, the Robert Wood Johnson University Hospital, and the Cancer Institute of New Jersey, among many other world-class facilities. Our State government also has committed to moving forward with the Stem Cell Institute of New Jersey New Brunswick.

Crucial to this continued success, however, is ensuring that we have a coherent structure in place to fully maximize our ability to secure Federal research dollars, corporate investment, and human talent.

I strongly believe that merging the Robert Wood Johnson Medical School and the School of Public Health with Rutgers University in New Brunswick is critical to achieving this goal. Although the medical school is now part of the University of Medicine and Dentistry of New Jersey, it shares many facilities, faculty, and research responsibilities with Rutgers. In fact, it was once called the Rutgers University Medical School.

In addition, the Cancer Institute of New Jersey, a national leader in cancer care and research, is comprised of faculty from the medical school and Rutgers in nearly equal numbers.

Strengthening these relationships and eliminating the duplication and disorganization that results from administrative separation of health sciences at Rutgers and UMDNJ will go a long way toward increasing the scarce flow of Federal research dollars to New Jersey.

By unifying our medical education institutions under one umbrella, we will not only have a better chance of competing for large medical grants and contracts, but also attract the best faculty and students from around the Nation.

Furthermore, we will create a stronger platform from which new intellectual property can be generated in close proximity to the largest concentration of health care companies in the Nation. We can reinvigorate the cooperation between the medical experts at these companies and the academic leaders at our new unified medical school. With these companies already in place right in our backyard, just imagine the economic growth that we could foster by simply bridging all of our health care academic minds into one institution.

Mr. Speaker, I also believe that we should explore similar consolidation plans at other research institutions in New Jersey and around the Nation to maintain our momentum in the field of medical discovery and invention. Our State government in New Jersey has to explore the possibility of integrating the other medical schools and research facilities in New Jersey with nearby institutions.

Mr. Speaker, by combining the best of Rutgers and the Robert Wood Johnson Medical School, I am confident New Jersey will remain a national leader in medical care, education and research so that we can build a stronger State economy, and even more importantly, improve the health care of all New Jerseyans.

□ 1830

PROTESTS IN BELARUS

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from North Carolina (Mr. MCHENRY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to draw attention to the disturbing reports that I have been hearing out of Belarus over the past 24 hours.

Yesterday was the 20th anniversary of the Chernobyl disaster, and also the day of the first major demonstration against President Lukashenko since the fraudulent elections on March 19. Early on Wednesday, opposition candidate Aleksander Milinkevich was brought to police headquarters before the rally and warned by the KGB the consequences of holding the rally and asked to sign a document stating that he knew what would happen should the rally continue.

Mr. Milinkevich boldly refused. And then today around 12 p.m. in Minsk, Mr. Milinkevich was giving an interview to reporters when the police showed up and took him to the police station. He was charged with organizing an unsanctioned rally with regards to yesterday's rally in Minsk and received a 15-day sentence.

Also this morning, two other UDF leaders, Sergiy Kalyakin, the Chairman of the Communist Party, and Alexander Bukhostov, leader of the Belarusian Labor Party, were summoned to the City Executive Committee of the Minsk Interior Affairs regarding their application to hold another prodemocratic rally in Minsk on May 1. They were then taken by police to the police department and charged with organizing yesterday's unsanctioned rally in Minsk. Mr. Bukhostov received 15 days in jail, and Mr. Kalyakin received 14 days.

And perhaps the most terrible and intimidating incident I have heard of occurred yesterday prior to the rally in Minsk. Prior to a speech at the rally, opposition activist Anatoly Lebedko was kidnapped, beaten and interrogated for several hours by members of the KGB, which we can only assume was ordered by the office of President Lukashenko. Mr. Lebedko was given a message by these thugs when he was shoved out of the car outside of Minsk. All they had to say was, we hope you have drawn the appropriate conclusions from this.

However, the conclusions that I and the Belarusian people have drawn is that despite these continued threats from Lukashenko, the spirit of freedom has not died in Belarus. All these people wanted to do was hold a peaceful rally to honor those Belarusians who died in the Chernobyl accident, and to come together as a country.

President Lukashenko may have tried to stop the rally through these intimidation tactics, but even if only one person had shown up despite this ongoing threat of violence, it means that freedom lived within the hearts and minds of these people, and someday it will come to them again.

I am proud to say, Mr. Speaker, that yesterday in Minsk, thousands of Belarusians rallied in support of freedom.

THE WAR IN IRAQ

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, 1 month ago the American people stopped to remember the third anniversary of the beginning of the Iraq war. We thought first and foremost of the selflessness, patriotism and heroism by our troops, our National Guard and Reserves.

We also remembered those who have been wounded in battle, and who need our support more than ever. And we never forget those whose service meant giving their lives for their country.

Americans are united in this remembrance, but so, too, Mr. Speaker, do Americans understand that we need a new direction in Iraq, that Congress must take up its responsibility and demand that our policy be based on honest assessments from our own military.

For too long the U.S. military's leadership has been ignored and stifled by a White House motivated by its own political and ideological agenda. Indeed, when General Eric Shinseki told Congress in 2002 that we would need almost 400,000 troops to ensure a short and peaceful occupation, administration officials said he was wildly off the mark and quickly forced him into retirement.

Earlier this year, when General Casey conceded that U.S. forces were stretched, the Pentagon rushed to issue a clarifying statement. And when six former generals who worked closely with Secretary Rumsfeld called for his resignation, the President wasted no time reiterating his unyielding support for Mr. Rumsfeld.

Mr. Speaker, I wish I had confidence that this White House and Secretary of Defense could look beyond their ideological agenda to do what is right for our national security and our troops, but I do not, which is why I believe the responsibility to take the lead on Iraq now falls to the Congress.

Yes, Congress was delinquent for too long in its oversight responsibilities in the prosecution of the war, writing blank checks to the administration with no requirements for progress or accountability to the taxpayers, but in declaring that 2006 should be a year of transition in this year's defense appropriation bill, and in finally requiring regular status reports from the administration, Congress at last showed that it might be serious about handing over the security of Iraq to the Iraqi people.

Unfortunately, 4 months into 2006, as insurgent violence occurs daily, that process has still not begun, with no regular hearings, calls for accountability or investigations. The result is that American troops find themselves increasingly in the crossfire of warring religious groups. Just last weekend eight more U.S. troops lost their lives. And the President now says our troops will be in the middle of this Iraqi civil war at least until 2009.

Mr. Speaker, as we go into the fourth year, it is well past time for a firm plan to redeploy our troops. This is consistent with the views of our troops, nearly three-quarters of whom say 2006 is the year to succeed or reassess. It is the view of the top U.S. commander in Iraq, General George Casey, who told Congress, our troops are "one of the elements that fuels the insurgency."

So the starting point for new policy is to be serious about making 2006 a year of transition, and signaling to all of the parties in Iraq and the region that they must take responsibility.

We must hear the advice of our own military about how to best reduce troop levels without fear of reprisal from the administration. We must have a timetable for a phased reduction of our troops, ensuring a minimal presence within 12 months, with most redeployed by the end of 2006. We must expand the training of Iraqi military and police units, and demand that they be linked to a reduction in American forces.

We must establish a contract, as we did in Bosnia, requiring the key powers in the region, including Saudi Arabia and Jordan, to be more actively involved in security and reconstruction. Iraq's neighbors must understand that they have a stake in its success.

We should redeploy our National Guard to help with homeland security efforts. In coping with disaster, bird flu or another terrorist attack, our National Guard must be prepared. But a third of Louisiana's Guard was in Iraq during Katrina, slowing relief efforts with deadly consequences. And over 500 of my State's National Guard troops are deployed in Afghanistan, because the regular Army remains in Iraq in such large numbers.

And with respect to Afghanistan, where the Taliban is resurgent since U.S. troops were diverted to Iraq, we should refocus our efforts there and resume our work to stabilize a country that has provided the base for global terrorism.

Taken together, this new policy will produce a minimal but flexible U.S. troop presence in Iraq within a year. That is how we best maintain a strong military, while making America more secure. Our troops deserve a Congress that takes its oversight responsibilities seriously, not one that acts as a rubber stamp for a White House who is clearly off track.

Our troops are bearing the burden of our indecision. We owe them a full and open debate and a new direction. It is not a matter of partisanship, but a matter of patriotism of our country's stewardship and security.

FEDERAL SUNSET COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, I rise today in support of the Constitutional Caucus headed by Mr. BISHOP and Mr. GARRETT, who are determined to make sure that government in Washington and in this country is limited to the constitutional role. I appreciate their leadership, because that is too often forgotten in this Chamber. One of the pieces of legislation that helps underscore that need is legislation to create a Federal Sunset Commission, legislation I authored 10 years ago.

I have watched and worked in the State legislature in Texas to promote, and here is the benefits of it. What this does is this Commission seeks to abolish obsolete agencies and eliminate duplication by putting an expiration date on every agency and program where they must justify their existence to taxpayers or face elimination.

What it does, in practice, is eliminate agencies that duplicate each other. And the last study showed that Federal programs, on average, duplicate five others. So we are wasting money terribly.

As President Ronald Reagan said, the closest thing to immortality on this Earth is a Federal program. Our goal is to end immortality, make sure that Federal agencies are responsive to taxpayers and they need our precious tax dollars today; not what they were created for 100 years ago or 80 years ago, but do they deserve our tax dollars today?

The fact of the matter is there is so much duplication, there is so much waste in this government, and we have 500-and-some different urban aid programs, 350 different economic development programs, more than 100 different job training programs, the war on drugs, multiple programs over about 17 different agencies.

It is a terrible waste of tax dollars, and in this day and age when we are fighting a war against terrorism, when we have major deficits, we cannot afford this type of wasteful government.

Our Constitution requires us to trim the Federal Government. In fact, Thomas Jefferson, our third President, wrote a letter to a friend at that time in his Presidency lamenting the fact that he was having trouble cutting back agencies that had outlived their usefulness.

So the fight that we have is an historical fight. We have actually brought this bill up to a vote before in the House. It passed with 272 votes. It did not move further than that. But I am convinced that by assigning agencies, there will be no sacred cows, every agency has to justify their existence.

In Texas we have eliminated 44 State agencies, saved over $1 billion. I am convinced here at the Federal level, done right in a bipartisan way with real commitment, we can save tax dollars. We can make Federal programs accountable to taxpayers and save dollars.

With that, Mr. Speaker, I yield back, again with thanks to Mr. BISHOP and Mr. GARRETT for leading this caucus at such a key time in our Nation's history.

REMEMBERING THE HOLOCAUST

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to address the House and speak out of order.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in order to pay my respects, and ask my colleagues to join me, in observing Holocaust Remembrance Week.

This morning the Congress, in a bipartisan manner, gathered in the Capitol Rotunda, to remember a period of history that will resonate forever, and which we must never again see occur. We grieve for the loss of life, and the dismissal of humanity.

Around 280,000 Holocaust survivors live in Israel, constituting 40 percent of the population over age 60. It may seem like time progresses, but the Holocaust remains present and an ongoing warning. After over 60 years, the Holocaust is still a presence, and there are living memorials all over the world dedicated to the memory of those who so cruelly lost their freedom and their lives and to the continuing education to conquer prejudice, hatred and injustice.

I am reminded of the time I spent with the Holocaust Museum and a Holocaust Museum family in Houston, Texas. Just recently we commemorated the bringing over of one of those heinous and horrific rail cars that took the Jews in Germany to their death. It is there in Houston for remembrance and an understanding that we should never, never allow that horrific act to occur again.

□ 1845

On April 25, the bustling society of Israel observed 2 minutes of silence while sirens sounded to remember the Holocaust. Traffic paused, individuals stood still on sidewalks, the background then of a robust society waned, and the haunting echo of the sirens cried out for relief and justice and acknowledgment.

Hundreds of people participated in the March of the Living at the Auschwitz-Birkenau concentration camp in Poland. Triumphantly walking through the infamous gate that still has an ominous dominance over the camp: Arbeit Macht Frei, Work Will Make You Free.

Memorial services around the country at synagogues, schools, churches, community centers and workplaces read aloud the names of children who perished or reflected on the legacy of uprooted families or the meaning of a cultural identity after genocide. As we walked through the Holocaust Museum in Israel, we were again reminded of the millions of children that died.

The Holocaust's magnitude of destruction numbered more than 12 million deaths, including 6 million Jews and 1.5 million children, more than two-thirds of European Jewry, and the ramifications of racism, prejudice and stereotyping on a society.

We must never, never sit idly by while another country or people are suffering. We must never have patience or tolerance or apathy for others who will commit crimes against humanity. A haunting quote in the United States Holocaust Memorial Museum refers to the story of Cain and Abel. The Lord said, "What have you done? Listen. Your brother's blood cries out to me from the ground."

The Holocaust forces society and our prosperity to face uncomfortable questions such as the responsibilities of citizenship and the consequences of indifference and inaction and the importance of education and awareness. The victims of oppression and genocide, whether in Germany, whether dealing with the Armenian people or the people of Sudan, are heard when the world demands justice and accountability. We must speak for them, those who cannot speak for themselves.

The Holocaust is a testament to the fragility of democracy. We must reaffirm the fight against prejudice and intolerance in any form all over the world, no matter what your religious background or ethnic background. It is time for the world to link arms against intolerance and genocide and fight for justice and accountability.

It fills me with grief to know that the leaders of nations can destroy their own, and yet I hope that we can strengthen the means by which we continue to pursue justice. Hope springs eternal, and I hope for us it is of real meaning as we fight for justice and equality and the elimination of genocide.

Mr. Speaker, I rise today in order to pay my respects, and ask my colleagues to join me in observing Holocaust Remembrance Week.

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Memorial services around the country, at synagogues, schools, churches, community centers, and workplaces, read aloud the names of children who perished, or reflected on the legacy of uprooted families, or the meaning of a cultural identity after a genocide.

The Holocaust's magnitude of destruction numbered more than 12 million deaths, including 6 million Jews and 1.5 million children (more than 2/3 of European Jewry), and the ramifications of prejudice, racism and stereotyping on a society. We must never, NEVER, sit idly by while another country or people is suffering. We must never have patience, or tolerance, or apathy, for others who would commit crimes against humanity. A haunting quote in the United States Holocaust Memorial Museum refers to the story of Cain and Abel: "The Lord said, "What have you done? Listen! Your brother's blood cries out to me from the ground (Genesis 4:11).

The Holocaust forces society and our posterity to face uncomfortable questions such as the responsibilities of citizenship and the consequences of indifference and inaction, and the importance of education and awareness.

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The Holocaust is a testament to the fragility of democracy. We must reaffirm the fight against prejudice and intolerance in any form.

It fills me with grief to know that the leaders of nations can destroy their own—and yet I hope that we can continue to strengthen the means by which we can pursue justice.

MINIMIZE THE FEDERAL GOVERNMENT

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise tonight to, first of all, commend the work of a gentleman from whom we will be hearing shortly, the gentleman from Utah, for his efforts to come to the floor on a regular basis to lead the charge of the Constitutional Caucus to return the focus of this House and also the American public on what our Founding Fathers intended, and that is the basis of this country, the U.S. Constitution; and also to rise to commend the work of a Member from Texas who has just previously spoken on his efforts toward that goal and his aim on his legislation that he spoke to previously just a few moments ago on setting up a Sunset Commission in order to try to rein in this ever-growing government that we have today.

We know this government has been growing over recent years. If we can go back to 1925 when then-President Calvin Coolidge said then, when the government was as small as it was at that point in time, he said, quote, government is growing, quote, to encumber the national government beyond its wisdom to comprehend or its ability to reach alternatives and to advocate for the people, end quote. Even then in 1925, Calvin Coolidge realized the government had far exceeded the merits the Founding Fathers intended for this country.

Today we see it as well. Today, of course, we have official reports to confirm the same thing. GAO recently came out with a report and certified and stated that the GAO cannot certify the government's financial records for the last 8 years in a row. They say there are weak accounting practices, mismeasurements and mismanagement of assets and liability and costs. We see that today.

Why is this that we see this? Because of certain problems in different areas. The size of government has grown tremendously, we have cause to understand. There is a sense today that a larger government will meet the requirements of the citizens today because one size fits all. We know that in practical life that does not ring true, nor does it ring true when we have a country today of over 300 million people and a government that has tried to meet it with one-size-fits-all philosophy.

We see it also in a sense that a government is not like a business. You know, in the private sector, there are certain economies of scale. As a business grows bigger, there are economies of scale that makes it more efficient. That is not the case with the government. There are no such economies of scale.

Instead, there is a lacking of coordination. There is an overlapping of agencies, and, again, what we have to do is look to recent GAO reports that just recently came out. This case, in the case of FEMA, overlapping of the agencies, of other agencies, mismanagement in the agencies, we saw that this agency could not deal with the circumstances that came before it.

Our Founding Fathers understood this. Thomas Jefferson realized that as the government grows, he said, quote, the natural process of things in government is for liberty to yield and for government to gain ground. Government has gained ground in too many specific areas, and our liberty has been yielding. Again, I commend the gentleman from Texas for his efforts to try to rein in that size of the government.

I would just make some suggestions as we go forward with that piece of legislation. What we need to do, I believe, is make sure that legislation has some real teeth to it to be able to get the job done. We know that there is already outside organizations that are always looking at the Federal Government to see to it whether it is being efficient or not.

We need an agency within the Federal Government that will have teeth, be able to get the job done. It needs more than just to analyze it. One of the ways we can do that is to have that Sunset Commission have a BRAC-like formula to it so that way it will be easier for the proposals to come to Congress, just like we did with the BRAC Commission to have simply an up-or-down vote on those agencies that are no longer doing their job and those agencies are just simply not getting the job done.

But we have to go a little bit further than that, because we are not simply looking at duplication of services and efficiencies. We also have to add one additional criteria to that BRAC-like commission for the Sunset Commission. That is a very fundamental one, and that is the question, are the agencies that this Commission is going to be looking at, are the agencies doing something that they have the legal right to do? That is to say, do they have the constitutional right to do what they are doing right now?

You know, it is not enough to say that it is efficient. It is not enough to say that it is not duplicating services someplace else. It has to be legal in what it is doing. When Members of Congress come to vote each day on floor, we bring out these little cards, and we put them in the little slot here. I think every Member of Congress every time he votes should be asking that question: Is it legal, is it constitutional? And that is exactly what the Sunset Commission should be doing as well.

I will just conclude on this, Mr. Speaker. A former Member from years ago, Barry Goldwater, came to speak once, and he said that when he came to Washington, he did not come to Washington to make it more efficient or to streamline it. He came to Washington to eliminate it. The Founding Fathers had the exact same idea. They did not mean that our Federal Government should be simply an inefficient government of exceeding abilities of powers, but should be a limited one by our Constitution. That is what the Constitutional Caucus is all about. That is what the Sunset Commission can do as well. I applaud the Member for advocating that and moving along with that legislation.

PROPER BALANCE BETWEEN STATE AND FEDERAL POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, Justice Brandeis, as we have talked once before, has said States are the ideal laboratory for democracy, for indeed they have the better ability of being creative, and, if the creation goes wrong, can move back from that, from the Federal Government. For indeed when we try to be creative, and it goes wrong, the entire Nation has an impact with it.

The idea of a Sunset Commission is one which has been experimented on by various States, various times for a several or a few years now. As our good friend Mr. BRADY from Texas clearly said, it has proven effective in cutting away bureaucracy, eliminating inefficient agencies, letting go of outdated programs, and also saving the taxpayers money.

Another way of saying that is this Commission can make citizens of America more free, can keep government within its proper bounds and help us to keep more of our own money and rule our own lives, which is another reason why the Constitutional Caucus is supporting the creation of this Sunset Commission.

The administration actually started this ball rolling several years ago with the introduction of their Program Assessment Rating Tool, or PART, the results of which have been the basis of administrative decisions on budget proposals every year now. The key now is to give these recommendations some legislative teeth, which is something that the former Director, as well as the Budget Director of OMB, has urged us.

He wrote, one time, we need to involve Congress more directly in holding agencies and programs accountable for their performance through a Sunset Commission which provides regular formal scrutiny of Federal programs. This bipartisan Commission would review each Federal program on a schedule established by Congress to determine whether it is producing results and should continue to exist. Programs would automatically terminate according to the schedule, unless the Congress took action to continue them.

Mr. Speaker, I suggest also that one of the things we might want to do is expand it to one other role. Many States, including mine, have a regulatory oversight committee, which means a committee of the legislative body which meets on a regular basis to review all rules that are established and step in where rules established by the bureaucracy become egregious.

Let's face it. All legislative bodies are sometimes sloppy. Sometimes we have a grand idea, and then we will empower an agency to implement that idea. Oftentimes those implementations, those rules and regulations, they go awry. When there happens to be nobody directly accessible or accountable to citizens who can then go to that and attack and change that rule, well, that is when problems develop. That is why we need to have legislative bodies who could step in and set things right.

Much of the erosion of States rights in our country's history has come from unaccountable Federal agencies that grow and then wrap their arms around States and people and don't ever want to let go. Congress has certainly done its part to ignore 10th amendment issues. Courts have also siphoned off some power. But a slow and insidious encroachment of Federal agencies is perhaps the worst of these influences.

A Sunset Commission would put us on the road to solving this. It would force every Federal agency to its usefulness, review its own mission, justify its own existence, or face some kind of elimination. It would also allow a review of regulations and standards to make sure they are logical, legitimate, and within the scope of the legislative empowerment that created them in the first place.

I appreciate the opportunity being here on the same evening when Mr. BRADY, the gentleman from Texas, reintroduced his bill to the American people of having a Sunset Commission. I appreciate also being here when the gentleman from New Jersey Mr. GARRETT talks about the Constitutional Caucus and the effort it is to try to reestablish the right and proper balance between government; for indeed the purpose of that is to ensure that the power belongs to people to rule their own lives, to States to be in their sphere of government, and the Federal Government to maintain its balance and its purpose where it was constitutionally designed to be.

GENOCIDE IN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise once again to condemn the genocide that is taking place in Darfur, Sudan and to voice my support for the individuals and organizations throughout the United States who work tirelessly to stop this crime against humanity. I would like to recognize the "Teens Against Genocide" organization—also known as "TAG," in particular, for its efforts in Los Angeles, California.

Among many other events, TAG has joined with religious, advocacy, and charity groups in the area to organize "Camp Darfur." Camp Darfur is an "interactive awareness and education event that [brings] attention to the ongoing genocide in Darfur and [gives] individuals the opportunity to discover their own power to make a difference."

On April 7, 2006, Camp Darfur first opened in Lennox, California, on the sports field of Lennox Middle School adjacent to LAX. In addition, TAG organized a rally and brought Camp Darfur to Westwood, California last Sunday, April 23, 2006. Through candlelight vigils, interactive presentations, video, photography, speeches from experts, legislators, and educators, simulated refugee camp exercises, the groups joining TAG are expanding the awareness of the atrocities taking place in Sudan to bring about peace. It is even more significant that teens are undertaking such mature efforts of advocacy for issues in which they truly believe.

I applaud these young adults and organizations and would like to let the American people know that Camp Darfur will be brought from Los Angeles to Washington, DC in the near future. We must offer our continued support for these efforts and others in order to bring about action. In fact, this coming Sunday, April 30 at 2:00 p.m. in front of the Capitol, the "Save Darfur Coalition" will hold the "Rally to Stop Genocide." The murder, rape, and torture that have occurred—and still occur—in Sudan must stop.

In July of 2004, the House of Representatives and the Senate declared that the atrocities occurring in the Darfur region of Sudan constituted genocide. On September 9, 2004, Secretary of State Colin Powell declared that "genocide has been committed in Darfur, and that the government of Sudan and the Janjaweed bear responsibility." It is estimated that 200,000 people were killed by government forces and militias from 2003 through 2004, and an additional 200,000 people died as a result of the deliberate destruction of their homes and livelihoods.

Nevertheless, almost two years later, these atrocities continue unabated. The government of Sudan continues to carry out air strikes against civilians in Darfur, and the Janjaweed militias, with the support of the government, continue to terrorize the people of Darfur.

Earlier this year, I traveled to Sudan as part of a bipartisan congressional delegation led by my good friend from California, Minority Leader Nancy Pelosi. We visited the camps. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. It is unconscionable that this should continue.

Our delegation also met with Sudanese Vice President Taha. He was unapologetic, he was arrogant, and he was uncompromising on their position in Darfur. Sudanese government officials don't like the use of the word "genocide," but Vice President Taha admitted that they had funded the Janjaweed in order to retaliate against the rebels of the south who were resisting the Sudanese government.

There can be no doubt that what is taking place in Darfur is genocide, and the government of Sudan is responsible. There are two million displaced people in camps in Darfur and another 200,000 in camps in neighboring Chad. Each month, it is estimated that another 6,000 people die.

On April 5, 2006, the House of Representatives passed H.R. 3127, the Darfur Peace and Accountability Act. This bill imposes sanctions on the government of Sudan and blocks the assets and restricts travel for individuals who are responsible for acts of genocide, war crimes or crimes against humanity in Darfur. I urged my colleagues to support this bill, which passed the House by an overwhelming vote of 416 to 3. This legislation was long overdue.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Yet we cannot seem to get the international community to move fast enough to stop the genocide that is taking place in Darfur.

The world cannot continue to turn a blind eye to genocide when it is staring us in the face. We must put an end to these atrocities, or millions more will die.

Mr. Speaker, I urge my colleagues to encourage and support the work done by advocacy groups such as Teens Against Genocide and to continue legislative action to stop these crimes against humanity.

ENERGY PRICES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the privilege to address you. In addressing you, I recognize the American people's ears are tuned as well. It is a precious right we have, our freedom of speech we have in this country, and we exercise it on the floor of this Congress on a regular basis, and I appreciate it on both sides of the aisle.

I came to the floor this evening, Mr. Speaker, to address the energy situation that we have in the United States of America. We have watched our gas prices go up to $3 a gallon and more in the last few weeks. There was a time when it was headed in that direction, and it headed back down again, and now it is back up, and who knows where it is going to stop. We never know where it is going to stop.

The American people are concerned about this, Mr. Speaker, and they should be. We have debated energy on this floor many, many times, and we have kicked back and forth issue after issue that has to do with how we are going to provide an adequate energy supply to keep this economy churning.

This economy is churning, Mr. Speaker. It is churning consistently. It has got some really unprecedented growth. Ten of the last eleven succeeding quarters have had more than 3 percent growth in our gross domestic product. That is a growth rate that one has to go back to the early Reagan years to match.

Yet this growth rate that we have in this environment, this more than 3 percent growth of our gross domestic product for 10 of the last 11 succeeding quarters, or preceding quarters, is matched back to those Reagan years. But in those years, we were under high inflation, high unemployment and high interest rates.

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It was a lot harder to make a predictable profit back in those early years than it is in this environment. Today, this is 3 percent growth-plus. It is more than 3 percent growth, but we are doing this in an environment of relatively low interest rates and lower unemployment rates and lower inflation rates. So this economy has had perhaps the longest run and been the healthiest economic environment I have seen in my lifetime.

I am thankful President Bush stood up and took the lead after the bursting of the dot-com bubble, which sent the United States toward a recession. As the dot-com bubble burst, we had speculators that were investing in our new technological ability to store and transfer information faster than ever before without regard to what that value was worth in the marketplace. And so the economy, the dot-com bubble burst, and that sent us towards a recession, and some will say in a recession.

And then right in that recession we saw the September 11 attack on the United States, on our financial centers, on the Pentagon, and of course on the plane that crashed in the field in Pennsylvania. And that was an attack, again, on our financial centers with an attempt to cripple our economy. Well, not only did it hit a difficult hard blow to our economy but, at the same time, this Congress made the decision to spend hundreds of billions of dollars in homeland security, so we also had to spend hundreds of billions of dollars in our Department of Defense funding to carry out this global war on terror.

So we increased our spending in defense, we created a Department of Homeland Security, and we dramatically grew the spending in homeland security all at the time when our economy was being compressed and reduced because of the hit on our financial centers of September 11 and because of the bursting of the dot-com bubble. And the vision of President Bush was that we had to cut taxes to stimulate the economy, and so we did that.

We did that in two rounds here in this Congress, Mr. Speaker. And we said today that last year our revenue increase by 14½ percent greater than anticipated, and this year it is going to be double digits again, greater than anticipated. These tax cuts have worked. They have brought us out of this recession that was caused by the bursting of the dot-com bubble and the September 11 attacks.

But into the middle of all of this we have the energy issue, the energy issue that has gas prices up to $3 a gallon or more as it becomes closer and closer, potentially, to an energy crisis. Now, someone once asked, what is the solution to $3 gas? All of America is asking that question today. What is the solution to $3 gas? And some wag responded, well, $3 gas is the solution to $3 gas. Now, I am not sure that $3 gas brings us the answer to this, but I do believe $4 or $5 or $6 gas will bring solutions to a lot of our energy problems in this country and energy problems around the world.

We have been, really, beneficiaries of a fairly cheap fuel over the years. We have had good access to resources here in the United States; and our oil companies, especially American oil companies, have gone overseas, developed the oil supplies in the Middle East, for example, the Libyan oil fields and the Iraqi and Iranian oil fields, and the list goes on. Our American companies have been integral to the development of the oil supply that is coming to the United States today, and that oil is coming out of the ground cheap, and it came to the United States cheap.

Not very long ago we had gas at a $1.07. I don't remember anyone in America saying since we have such cheap gas prices, we ought to pay a little extra to these oil companies that have invested their capital to go out and drill and explore around the world so that we have an adequate supply of energy. No, American consumers did what consumers do: they pumped the $1.07 gas in their cars, they drove a little more, and maybe bought a car that burned a little more gas and got a little less mileage than they might have otherwise and looked at that as something that was going to go on, cheap gas into perpetuity.

But we know that those situations have a way of coming home to roost. We are the beneficiaries of an energy policy that was driven globally by capital investment of American oil companies and the people who invested in those American oil companies. And the import oil that was coming in was coming in to America cheap. But today it is a different environment. That environment has turned.

And as we saw our prices go up during Katrina and Rita, when our refineries were shut down, down in the gulf coast, a good number of our platforms were wiped out in the hurricanes in the gulf coast and a large percentage of America's energy supply was shut down during and in the aftermath of Katrina. It took us a while to get back on line, and it is going to take us a while longer to get our production back up to where it was prior to Katrina. Some of the refineries are not back up to speed yet; and some of the platforms, I understand, are not quite up to speed yet either.

So we don't have the American supply of either oil or natural gas coming that we had prior to Hurricane Katrina, and yet there is work to be done. We passed some energy bills here in the last couple of years. We passed two that I recall. One of them addressed the situation of not having enough refineries. But in the United States we have not built a new oil refinery since 1976. Now, that works out to be 30 years, Mr. Speaker, without building a refinery.

It is true we have expanded some of the ones we had, but we have also shut down a significant number of those that we had. Our ability to refine our oil for our consumption here in the United States has diminished to where we cannot meet that demand of refining all of our own today. And that is an important component. It is important we are able to refine all the oil that we consume in America, that we produce and consume in America. That gives us at least a modicum of independence from the price of foreign oil.

So we took some steps here in this Congress to site some new refinery locations and to provide so that we could build those refineries and get them up on line. It takes a little while to do that. We just initiated that, and along came Rita and Katrina, and it set us back again. So we find ourselves in this situation where our domestic supplies have been reduced at the very time that the threat of violence around the world has slowed down some of the oil supply that is coming through, and it has diminished the optimism of the investor market.

I look at what is going on in Iran, for example, and the nuclear threat that they have become. They have clearly stated to the world over and over again, we are going to enrich our uranium, and they claim that they have. They put on a play where they had dancers dancing around on the stage each with a vile of enriched uranium to demonstrate that their 164 centrifuges are now producing this enriched uranium. And they need dozens and perhaps hundreds more to be able to produce a large enough quantity to produce a bomb.

But if they are telling the truth about their ability to enrich the uranium, and I believe they are; and if they are telling the truth about their conviction to move forward to develop a bomb, and I believe they are, then it is just a matter of time. And the time question is whether it is months or years before they get to that point where they will be able to have a nuclear weapon.

It was just announced this morning that they have purchased the means to deliver it, a means that would give them as much as a 2,000 mile range if they could put a nuclear warhead on top of the missiles that they allege and announced today that they have acquired from North Korea. So this is a serious threat to the world, and not just the peace of the world. It is a threat to the survival of Israel. And that, Mr. Speaker, might be another subject; but it is a threat to the entire energy production and delivery system of the world.

So we have a rogue nation, an evil empire, if they are not quite an empire yet, Iran, which is sitting on those massive supplies of oil and developing nuclear capability because, they claim, at least they used to claim, that they need a nuclear capability to generate electricity in Iran. That an oil-rich nation would develop a nuclear capability to generate electricity never was a believable allegation, especially when you are considered a nation that doesn't have the ability to refine its own crude oil for the gas that goes into the cars they drive around in cities like Tehran.

One would think, if they wanted to move into the future world, they would do so by building refineries so they could refine the crude oil that they pump out of the ground in Iran, burn the gas and the diesel fuel in the nation of Iran, and export a refined product rather than a crude oil product. But, no, Mr. Speaker, their priorities went towards developing a nuclear capability.

It has put the world on notice that we are at great risk today, and that risk is missiles that will soon be aimed at, if not today, aimed at places like Tel Aviv, probably not Jerusalem right away. But the threats to annihilating Israel will force them, I think, to take action if there isn't some other solution.

Well, the energy world is looking at this volatile situation in Iran, and they understand that Israel cannot, if they are going to survive as a nation, sit back and wait and walk through this diplomatic jungle and allow Iran to have a nuclear capability. They cannot wait. And we here in the United States must also take a responsibility to eliminate a nation's ability to conduct a nuclear strike against their neighbors. This cannot be tolerated.

Yet as the world markets look at this, they understand also the risk that there will be some military action someday in Iran. If that action takes place, and some say when that action takes place, there is a high risk that the oil production out of that region between Iran and potentially Iraq could be shut down. If that is shut down, there will be a tremendous impact on the energy prices all over the world.

That tremendous impact will affect the global prices for oil that are now at all-time highs and have gone from, not very long ago, $15 a barrel to, the last I checked, $75 a barrel. And you think how can we have $3 gas? Well, think in terms of $75 a barrel and there is 42 gallons in a barrel. When it gets up to $84 a barrel, if you have 100 percent gas out of a barrel, then you would still be at $2 just to purchase the crude. Then you would have to go through the refinery process and peel out the oil and the diesel fuel and pay for the energy consumption that it takes to crack out a gallon of gas. But $3 gas is not a price gouge if you are buying the oil at $75 a barrel.

I will say, in defense of the oil companies, that they have invested their capital. They have done the research and development. They have done the field exploration. They have identified their reserves of oil. And when they have done so, that has been their capital that was invested. They had to invest on the prospects of being able to find new oil fields and then expand their wells into those and set up a distribution system that could come back to the market. And in this process of doing that, they need to make a profit if they are going to have the capital to do any more exploration.

So I am not one, Mr. Speaker, that would say that we should put a windfall profit tax on the very people that are producing the most oil for us, because they are the ones that are contributing to the overall supply of energy. And those that contribute to the overall supply of energy are the ones doing the most to keep the price down, Mr. Speaker.

So a windfall profits tax acts in the opposite direction. If I am Enron, for example, and I made $10-something billion in a quarter, and if we are making noises from the floor of this Congress like, way to go, Enron, you produced a lot of oil and we know you made some money; we hope you invest that back in oil exploration in places in the world so that there is a supply for us this year, next year, a decade from now, a generation from now, so that oil comes back to the United States and we can consume it. We need this energy supply. If we just go out there and starve the goose that lays the golden oil, or golden barrel of crude oil, eventually we will find the prices of crude going up higher and higher and higher because there will be less supply.

So we have done some things in this country that were not very smart, and it has been because our hands have been tied here and over in the Senate by environmentalists. It isn't so much that they are concerned something is going to happen to the environment. I have a difficult time looking around the oil fields and finding damage to the environment. It is more, I think, just a belief system, almost a religion, if you will, Mr. Speaker, that if you label it green, more than half the Members of this Congress will vote against oil exploration or oil development or energy development. If you label it something green is against, I should say. If you label it renewable, then they are for it, whether it is practical or whether it isn't.

We need to do a lot of things in this country; and when I look around at the oil exploration in America, it has diminished dramatically. The offshore drilling in America is almost shut down entirely, and that is for both oil and natural gas.

Now, we have developed our natural gas fields in the Gulf Coast, around New Orleans and the coast of Texas. But when you go east and start along the Mississippi and Florida and Alabama, I need to get those people in there, you find that the panhandle of Florida runs along the Gulf Coast quite a ways. But to drill for even natural gas offshore in Florida, even 199.9 miles out offshore has been blocked and banned by a coalition of Democrats and Republicans from Florida, a coalition of Democrats from America, and some people that have jumped on board there that are northeastern Republicans that don't seem to understand that their homes need to be heated, their cars need gas in them, and their factories need natural gas.

☐ 1915

If they are going to produce anything from a factory standpoint, they need natural gas to fire that. And the food that they eat is all grown with nitrogen, Mr. Speaker, and our nitrogen fertilizer that is the backbone of our corn-producing industry in America, 90 percent of the cost of our nitrogen fertilizer is the cost of the natural gas that it takes as a feedstock to produce the natural gas.

So as we shut down our exploration and drilling here in the United States under the misguided notion that somehow we are protecting an environment, an environment that, let me say, Mr. Speaker, in the history of the world, of all of the offshore wells that have been drilled or the onshore wells that have been drilled for natural gas, I cannot find a single incident where there has been a pollution caused by that gas that came from the drilling. Not offshore or onshore.

We saw natural gas escaping down off the gulf coast of New Orleans. As it bubbled out of the water, only two things can happen. One is it evaporates into the air and dissipates. And the other is if you strike a match to it, you will burn that gas off. But, Mr. Speaker, that is not a pollution to our environment.

Yet the environmentalists want to block all of the drilling that we can possibly provide here in the United States. They want to block it on land and on sea. And if we could find some natural gas in the air, they would try to block that, too.

There is enough natural gas beneath the nonnational park public lands in America to heat every home in this country for the next 150 years, and yet there is an environmentalist barrier into tapping into that natural gas. There are 38 trillion cubic feet of natural gas up on the North Slope of Alaska, in the oil fields that we have already developed, those oil fields that feed the Alaska pipeline. That is 38 trillion cubic feet already developed oil there. We need to build a pipeline to run that down to the lower 48 States, and there is more undiscovered gas up there without a doubt, and it is right next door to ANWR.

But I mentioned a little earlier the delegation from Florida, and with a coalition of Democrats and Northeastern Republicans, they have blocked all drilling offshore for natural gas and oil. But the Outer Continental Shelf, that area from the shoreline to 200 miles out, which is where we make claim to the mineral rights, out to 200 miles, the people who are the tourist trade in Florida are afraid that if someone goes out there to drill a well way beyond the line of sight of anyone sitting on a beach in Florida, the mere mention of that will, even though it is beyond the line of sight of people sitting on a beach in Florida, will keep people from going on vacation in Florida.

You know, they have to burn something in their homes to heat them. They have to do something to generate electricity in Florida. I am told, and I have not verified this to my satisfaction or I would tell you that I know it to be factually correct, but conceptually I believe it is, that there are 33 electric generating plants planned for the State of Florida for this year, and that 28 of them are natural-gas-fired; natural-gas-fired electrical generating plants sitting in a State that is surrounded by natural gas on the Outer Continental Shelf, but we cannot tap into that gas, Mr. Speaker, because someone might find out that we drilled a well offshore out of sight of the beaches and not go to Florida to sit on the beach. That is the rationale that is going on.

There is no threat to the environment, none whatsoever. Historically there has been no damage at all.

Mr. Speaker, 38 trillion cubic feet of natural gas on the North Slope of Alaska and 406 trillion cubic feet of natural gas on the Outer Continental Shelf of the United States. That is 406 trillion cubic feet, and a lot has still not been properly inventoried.

So we have this massive supply of natural gas. We have seen our natural gas prices go up as many as five times the retail price. I will say it has gone up five to six times in the last 5 to 6 years is the best way to describe that.

So we are all paying the price of high natural gas. We are paying a price for higher fertilizer in the Corn Belt. It is costing us more to heat our homes, and it is costing us a lot more to produce our plastics, which require natural gas in their production. The list of the burden on the economy goes on and on.

Every component of this economy, everything that we sell and buy in America, all has an energy component. It takes energy to produce everything that we do, and it takes energy also to deliver it; that is, the transportation component. So if you are going to produce a widget, it is going to take energy to produce the widget, and then you have to ship it to a warehouse and to a retail outlet. You have to send a salesperson, and that takes energy. If you just do this by telephone and over the Internet, assuming you can compete that way, that takes energy as well.

Here sits the United States of America, the number one consumer of energy and the number one producer by almost every broad measure that there is, and we have not provided to produce an adequate amount of energy in the United States of America when we are sitting right on top of it.

Listening to me talk, Mr. Speaker, one would think that I am for drilling in ANWR, drilling in the Outer Continental Shelf; and, Mr. Speaker, I am. I will go back to ANWR in a little bit, but I want to add that I am for another concept here entirely, and that is we need to grow the size of the energy pie.

But on the ANWR issue with the crude oil aspect of this, the environmentalists will say, no, there is not enough oil there to bother to poke a hole, so we are just going to block it here on this floor.

I remember we had a vote here on the floor on an energy bill a couple of years ago. The vote was on whether we would allow drilling in ANWR. The language read that they would disturb no more than 2,000 acres of ANWR. I read that language, and I think about 2,000 acres conceptually. I am from farm country, and I look at a square section of ground or a 40 or an 80, whatever it is, and I think in those terms.

In my mind's eye when I think 2,000 acres, I think three sections, a little more. But with only 2 minutes left on the vote, I had Members come to me and say, This is drilling in ANWR, and it is limited to 2,000 acres. You are from Iowa; how much is 2,000 acres? Excuse me. How much is an acre? That was the first question. How much is an acre? It is 208 by 208 feet, or the same size as a country school. This list went on. I tried to describe it some other ways. None of that seemed to register.

Well, what is 2,000 acres, they would ask me. I said, it is not even a big farm in Iowa anymore; a little more than average, but not big. They seemed to absorb that information, go down and put their card in and vote "no" on drilling in ANWR. That was the information and research that seemed to be a deciding factor.

They did not want to disturb 2,000 acres out of 19.6 million acres, and this is just going on the 2,000 acres of the coastal plain itself. You do the calculation, and it turns out to be the 2,000 acres just of ANWR. Not even doing the calculation of all of Alaska, but just of ANWR is 0.01 percent. That is 1/100th of 1 percent of the ANWR region. Of the 19.6 million acres that is the ANWR region, that is all that would be disturbed to pull out of it this massive supply of oil that I happen to have on this chart.

Now, this is the reserve that is ANWR. All of U.S. proven reserves total a little more than 21 billion barrels of oil. When we add ANWR to this, it adds another 10.4 billion barrels of oil. That adds another 50 percent to the supply, and this piece up here would go almost off the charts. If you can add half again to the U.S. oil supply, why wouldn't you do that?

If anyone went up to the North Slope of Alaska and would see where we developed the oil fields and see where we set up the Alaska pipeline and pump that oil down here for years now, and that began in 1972. Yes, 1972 is when the construction began. So we are 34 years into this. We have been delivering oil for 30-plus years down here to the United States, and we have had a spill of a tanker. We have had a couple of small spills on the ground, all cleaned up. I have not heard the news about it being anything else. It has been a good, sound environmental approach that came up there in Alaska, and they created a lot of the science and technology. The environmental compatibility has been developed up there.

If you look at the North Slope of Alaska, the identical topography of ANWR, it is right next door, what I see up there is you have to show somebody where the oil fields are. The oil fields on the North Slope of Alaska, people are thinking they are going to go there looking for pump jacks sitting there pumping, and maybe see an oil derrick, and maybe they are thinking of oil spilling out of the pipe. They do not see it as a neat, green, environmentally friendly region.

But on the trip up there to the North Slope when we flew over those North Slope oil fields, and I have worked in the oil fields, I looked down, and they said, we are over the oil fields now. I said, I do not see them; can you point them out to me? They had to point them out to me.

It turns out there are no roads that go to these wells. You cannot see the collector lines that are the smaller pipelines that have to be collecting this oil from the wells that go to the main terminal, or collection stations before they go to the main terminal. What you will see from the air if it is pointed out to you is a work-over pad that is perhaps white rock, limestone rock. I am not sure what kind of rock it is up there, but it is piled 2, 3, 4 feet above the Arctic tundra. It is perhaps 50 feet wide, 150 feet long. But it is a small pad. That is all that designates where the well is. There is not a derrick sitting there. There is not a pump jack sitting there. These are submersible pumps. There is zero clearance, and there is nothing that sticks up out of the ground. That pad is there so in the wintertime, if they need to work on a well, if a pump fails or they want to do some maintenance, they build an ice road in the wintertime.

It is easy to come by ice in the wintertime in that country. They send the trucks out, they pull the truck over on the pad, set up the work-over rig, pull the pump out, fix the pump or replace it and drop it back down in, trip the pipe in, hook it back up, and they are good to go. They have quite a few months of the year that they can work there, but they do not go into that region and work during the period of time when it is a thaw. So it is a very environmentally friendly oil field on the North Slope.

ANWR would be even more environmentally friendly because we have the ability to directionally drill. So we can set up on one of those pads, set the drill rig out, and we can drill out in directions in a radial pattern, however the geology directs it to be drilled, and pull a lot of oil into one location without having to go set up a pad here and a rig there and without having to disturb some tundra.

Mr. Speaker, while I am on the subject of disturbed tundra, I would add also that I saw some tundra that had been disturbed, and we are told by the environmentalists that it cannot be reestablished. Once you put a track in the tundra, with a bulldozer or a truck or a caribou, that that track is there in perpetuity; that it never comes back again; that it is such a fragile environment that any damage to any plant life, any depression that would be pushed into the thawed surface of the tundra is there almost forever.

Well, if that is the case, I do not know how they can tolerate allowing caribou to walk across that country because they definitely put tracks in there and leave those tracks behind them. Mother Nature has a way of recovering from these things.

The president of the corporation that represents the city of Kaktovik up in ANWR right on the shore of the Arctic Ocean told me that they have reestablished tundra. They will go out there and drag it smooth. They can seed it. Actually, the soil has seed that is already in it, and in 5 to 6 years that tundra is reestablished and grown back. I saw some of that. It had a little brighter green than the older tundra, just like new seeding in your lawn has a little brighter green than the more established seeding of a lawn that has been there for awhile. But we have not damaged any tundra. Any bit we have has been reestablished.

The risk to the wildlife is nonexistent. That has always been a farce. The caribou herd that is on the North Slope that everyone was so concerned about was 7,000 caribou back in 1972. Today it is over 28,000 caribou that are there.

One reporter told me of course there are all those caribou, the pipeliners shot all of the wolves. Well, I guess you can reach a long way to make an argument if that is what you want to make, Mr. Speaker; but, no, the pipeliners did not shoot all of the wolves.

I was signed up to go up there. It was a difficult contract that one had to agree to.

□ 1930

They sent only men up there into that region back in 1972. And there were some pretty tough rules that one had to live by. One of them was no alcohol. The other one was no guns. The other one was no gambling, and the other one was no women. So you know with those kinds of restraints on there, they had to pay a lot of money to get people to go up there and work, and they did. It was a good-paying job then. But no guns was part of it. They didn't want violence to erupt up there in the camps. So with no guns it is kind of hard to shoot all the wolves. In fact, it is kind of hard to shoot a wolf anyway if you are busy trying to make a living and working seven days a week as was scheduled there.

And so the caribou herd now has gone from 7,000 to 28,000 head and the environment, if it were damaged at all, if there was any proof of it all, you can bet we would have heard about it on the floor of this Chamber, Mr. Speaker. But we did not. And we didn't hear about it because there hasn't been significant damage.

And so here we have a north slope oil field that is winding down, and a pipeline coming down from Alaska that needs to have oil in it. If it doesn't continue to have oil in it, eventually, if it sits empty, it will degrade. And if sits empty very long, it will degrade to the point where it has to be replaced.

It is to our interest to keep oil flowing through that for a lot of reasons. One is just to keep the pipeline up so that it doesn't degrade and require us at some point to either replace it or simply demolish it or abandon it. But the other reason is we sit here with an ability to add another 50 percent to our overall American supply of crude oil, half again more; this 21 billion going to 31.4 billion, up to the top of the chart, Mr. Speaker. And we are watching this exploration of U.S. oil diminish, diminish, diminish because of regulations, because of environmentalist concern, because of limitations on the U.S. going out and leasing larger tracts of regions to be explored, particularly offshore. We lease them a small tract instead of a large tract. And so if a company goes out and leases a tract for oil exploration, and they are looking at their competition that has surrounded them with their leases, and they all speculate and get a little grid here and a little grid there, if you are sitting there and you have got a grid that is maybe, say, 5 miles by 5 miles, and I am just pulling a number out here, and your neighbors are all around you like a checkerboard, if you drill down and you find a massive supply of oil, the people that are your neighbors are going to capitalize on that without the risk that you have taken to do the wildcat exploration in that area. They will realize, well, there is an oil find in that section. And they will set down around you and drill the oil, and they will be able to take advantage of the things that you have learned by taking the risk as a single oil company.

So the incentive to put millions and billions of dollars into oil exploration is diminished significantly because the opportunity to capitalize a good find has been diminished because of us leasing smaller tracts of land. Not so in a lot of other parts of the world where there are large areas that are leased out to large oil companies, and they can go in there and drill and come up with a find, and that returns then for them because they can continue to develop an entire field of oil.

Australia, for example. I happen to know of some drilling that goes on down there in the Bass Straits between Tasmania and Australia and high currents there and thousand feet deep water, American companies down there drilling for oil, not drilling here in the United States, not drilling up in ANWR, not drilling offshore of the United States because regulations, environmental concerns, small leases, all those things have shut down the incentive for exploration in America. So our highly competent, highly technical, highly capitalized American oil companies are exploring everywhere else that they possibly can in the world, and they are contributing to our oil supply, and we should be grateful that that helps keep the price down.

Now, if there is actually price gouging, and if there is actually a level of ethical corruption, yes, we need to find that, and we need to use the law to enforce it. But if it is supply and demand and people are working above board, a windfall profits tax on our oil companies will work against the interests of the United States. It will ultimately diminish the supply of energy here in the United States and perhaps in the world, and it will ultimately raise the price of gas, not lower the price of gas.

We have got to have more energy in this country, not less energy in this country. This supply and demand reminds me of a story that Steve Simms of Idaho told years ago, I believe from this floor, perhaps, Mr. Speaker, and that is the story about, shortly after our Constitution was ratified in the post-1789 era, we didn't have crude oil at that time. We were using whale oil to light the lamps in our houses, and that is what we read by. And so Americans were sensitive to the price of whale oil. And the whalers went out from places like Nantucket and brought the whales in and extruded the oil, processed the oil off the whales, and then packaged that up and sold that around the country. You buy a little bit of whale oil, bring it in your house, fill your little container in your lamp, light the wick on your lamp and then you could read into the night. But that price of whale oil went up and up and up due to scarcity of whales.

So Congress met and they had a bill before them that suggested that they would cap the price of whale oil, Mr. Speaker. And so they had an intense debate here on the floor of Congress. And the question was, should we limit the price of whale oil so that people can continue to afford to be able to buy the whale oil to light their lamps?

What they did, Mr. Speaker, was they came to their senses. And the debate finally won out that, no, they would let the price of whale oil go up because if it went up, there would be people who would use some alternative fuels. Some of them would just simply blow out the light and go to bed and get up with the chickens in the morning. But those that had to pay more would find another alternative.

Well, so the price of whale oil continued then to go up. And not very many years after that, oil was discovered in Pennsylvania. And you can guess what happened then, Mr. Speaker, to the price of whale oil. Once oil was discovered in Pennsylvania, there was a ready supply, a tremendous amount of oil available, and far more oil than they really had a use for in those years. And so it became very cheap to light some of that Pennsylvania oil. And the price of whale oil then dropped clear out the bottom because the demand disappeared because an alternative source of energy was discovered underground in Pennsylvania.

That is how supply and demand works. And there will be other alternatives of energy that are developed if we provide for competition to help drive this and help us come up with solutions.

So I want to talk about a solution here, Mr. Speaker. And this I consider to be a picture that gets us started on the solution. I have said for a long time, Mr. Speaker, that we can talk about one component of energy or another component of energy. But there is an overall demand for energy in quadrillion BTUs, and we should measure our overall supply and consumption of energy in quadrillion BTUs. And this is kind of how it is broken up today in the U.S. domestic supply. This is the energy that we supply in America. It is not our consumption. That is a different chart. But the domestic supply. And it is broken out here, as you can see. Of all the energy that we supply, that we produce here, 10.8 percent of the BTUs are crude oil; 2.3 percent of the BTUs are natural gas. Nuclear is 8.1 percent. Our hydroelectricity is kind of frozen in place. We haven't been able to expand that in 30 or more years, but 2.7 percent. Biomass is a growing component of this, matches our hydroelectricity at 2.7 percent. The geothermal has a tremendous potential for us, and that technology is growing. I think, significantly and dramatically $3/10$ of 1 percent is all. Our solar is $6/100$ of a percent, a very small sliver, and that has good potential too, although it will take a while and a lot of capital.

And our wind, $1/10$ of 1 percent. That also is a very much growing supply of energy. Our coal, we have been burning more and more coal, 23 percent. And this natural gas, 18.7 percent. So we have a couple of different components here, the natural gas and our crude oil again at 10.8 percent

This is, Mr. Speaker, this illustration, this is the energy pie. The size of this circle demonstrates the overall supply of BTUs, or British thermal units, of energy that we produce here in this country. Now, our alternatives become this. Energy prices are high. And of these different kinds of energy that I have talked about, the price of crude oil has gone up dramatically. The price of natural gas has gone up dramatically, both of those being, of course, the hydrocarbons.

Then the rest of these supplies, coal has gone up too. The freight on that coal has gone up dramatically in some cases. But overall, if you put more crude oil into the market, someone will decide, well, I am going to generate electricity with diesel fuel, for example. So they will decide if crude oil is cheaper, they might generate more electricity with crude oil. And this size, this percentage of the overall pie gets a little bigger. If the price of natural gas goes up, there will be people that will decide, well, I am going to go over here to this coal alternative. And I happen to know of a case where natural gas has gone so high that they are building an ethanol production plant that is going to burn coal to generate the heat, rather than use the natural gas which we have done in the rest of those that I am aware of.

Now, as we look at this, we have also the subject matter that comes up of biodiesel and also ethanol, those two big pieces. And I will talk about those a little bit too. But our overall mission, we need to understand, is this: we need more energy in this country. We need to grow the size of the energy pie. We need to make this circle a lot bigger than it is today. When we have more BTUs that are available, the supply will lower the cost of our energy. Supply and demand, whether it is whale oil versus Pennsylvania crude oil, or whether it is this more complicated equation that we have today, the overall supply, if we can increase it, we will lower the overall cost of energy.

Now, some will be more competitive. Some will be less competitive. And as technology develops, it will change that as well. But growing the size of the energy pie is an essential thing for us here in America. We need to work on it every way we can. And that is why I say we need to drill in ANWR. We need to drill in the Outer Continental Shelf, both places, for gas and for oil.

We need to expand our ethanol and our biodiesel dramatically. And we have been doing that, especially in my district. And I am quite grateful and proud of the work that has been done there. The industry essentially has been developed, home grown. We looked at ADM and Cargill and would like to have had them taking the lead on ethanol production in America, and they have producing ethanol for quite some time. They are actually, at least one, and perhaps both, building a new plant or two around the country, perhaps more than that. But they didn't jump into this with the idea that they were going to create a market and then supply that market of ethanol or biodiesel.

And so, seeing the vision of this, and watching the brain child grow from within the region of the country that I come from, I happen to have shook the hand of the man who pumped the first gallon of ethanol in the United States of America the other day, State Senator Thurmond Gaskill from Corwith, Iowa. And I know they worked on that for years and years before they could get to the point where they could pump the first gallon of ethanol.

And now, in this congressional district that I represent, we are sitting there either in production for ethanol, under construction or on the planning stages and soon going into construction, we will be at, by the end of next year, 14 ethanol production facilities in the 5th Congressional District, the western third of Iowa. We will be at least five biodiesel production facilities in the same district in those 32 counties.

Now, those 14 plants will pretty much have the whole region, then I will say polka dotted with those locations where they can draw the maximum amount of corn to those plants. And we have an ability perhaps to go up to, I will say, a third or maybe even as much as a half, half of our corn crop going into ethanol. But the balance of that comes back in the form of feed. So you will see a truck come in to an ethanol plant with a load of corn on it, and he will go through and dump that load of corn in the pit; and while he is sitting there dumping that load of corn, as it is being augured out, right in the next bay you will see a truck pulling in to load a load of DDGs, dried distillers grain, high-protein feed stock that is a by-product that comes out of the ethanol production. And that goes off to the feed lots to be fed to livestock.

Then there is also CO_2, a by-product that also gets marketed for an industrial market. So we capture almost everything in there. And the corn comes in. And then out of that corn we take, make the ethanol out of the starch; and we send the protein to the feed lot in the form of dried distillers grain, and capture the CO_2 as a by-product and market that in the industry; and that process goes over around and around again.

Now, you have University of California Berkley and another institution joined together, or at least had concurrent reports that said that the production of ethanol takes several times more energy to produce than you actually get out of a gallon of ethanol.

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And I looked at that. I did not actually read the study. It was not worth my trouble to do that. And I wondered why anybody would go to UC Berkeley to get some answers on ethanol when you could come to the Iowa State University or the University of Iowa or University of Northern Iowa or some Minnesota institutions where we have experience with ethanol, where we actually understand what goes on there, and we can give you some empirical data on the cost of the energy to produce ethanol.

So I began to ask those questions, and one of them is how much energy does it take to produce a gallon of gasoline from crude oil? And it works out that if you are going to measure the BTUs, for the BTUs that would be in a gallon of gasoline, you only get eight-tenths that much out of it when you process and crack that out of crude oil. So does it take a gallon of gas to produce a gallon of gas? No. It takes a gallon of gas to produce 80 percent of a gallon of gas is the way they would calculate that.

And ethanol works out far better. Once the corn is at the plant, and you have that in storage, and you process that through, if you consume the quantity of BTUs that are in a gallon of ethanol, you will produce 3 gallons of ethanol with it. Just a skosh less than that, but the numbers are coming right at 3.

So the return on energy is far more efficient to produce ethanol than it is to produce gas even out of crude oil. And all the energy has a composition component like that. It costs something to put it into a commodity that one can transfer, put into a tank and efficiently get a burn.

So, Mr. Speaker, the goal here is let us lower our energy prices in America by growing the size of the energy pie. Let us expand the utilization of our clean-burning coal technology. We have an almost unlimited supply of that. Let us dramatically expand our ethanol. Let us take the entire Corn Belt and build out ethanol production all the way across the Midwest and as far south as they can compete in the corn production down there, and then, on top of that, continue to build our biodiesel production facilities out. The five that are in my district, that can go to 10 or 12 or 13 plants within the next 4 to 5 years. I actually expect it will go there. And the biodiesel production that we produce, every time we do that, it shuts off another shipment of crude oil into the United States from the Middle East.

But I would say grow the size of the energy pie. Change the size, the proportion of the pieces. Let us shrink this piece, 10.8 percent of crude oil. Let us shrink this piece of natural gas, but let us grow the supply of natural gas dramatically so we can afford to grow it if we need to and save our fertilizer industry, which is very close to have all been pushed out of the United States because we are unwilling to develop our natural gas supplies. So we put Hugo Chavez in a situation where he could potentially be controlling the food supply in the United States by controlling the fertilizer that is made down there out of the natural gas that they have. Now, thankfully, we have some U.S. companies that are set up in Trinidad, Tobago, and as long as that would remain stable, they will be able to supply us fertilizer there more reliably and more stably than they would have out of Venezuela.

But then, as I said, expand the coal, expand the biodiesel, expand the geothermal. Expand the solar to the extent that it is economically feasible to do that. We are continuing to expand the wind. That is a renewable resource. And as our technology goes forward, we get a lot better return out of our capital investment there. This biomass, of course, is ethanol and biodiesel.

The hydroelectricity, I would love to build a few more dams in America, but I just cannot see a way that we can crack that environmentalist nut at this point. But at least maintain this, expand it if we can, because that is a renewable resource. It is as clean as any energy that you get.

Our nuclear capability, Mr. Speaker, it is amazing to me that it has been over 30 years, that I know of, that we have at least begun the construction on a new nuclear production facility in the United States. Those facilities are coming off line, and some of them are starting to reach the end of their life. We need to develop more nuclear energy, generate more electricity with nuclear. It is safe technology. It is the safest technology from a statistical basis than anything that we produce in America. You cannot generate electricity out of diesel fuel or natural gas or coal with as low an accident rate as you have out of the nuclear, Mr. Speaker. So I would say expand this percentage of nuclear.

Reduce the natural gas for electrical energy, but expand it for fertilizer production so our food supply is up, and that fertilizer production feeds the biomass. And when the biomass goes from corn and soy diesel and the other parts of the biomass that produces diesel fuel to the cellulosic version, which we are 5 to 6 years away from becoming an effective means of producing ethanol, then our fertilizer supply out of natural gas becomes an essential component to our biomass up here. And one day not very far down the line, I want to see the size of this pie grow dramatically.

And I will be putting together a formula for this, Mr. Speaker, as time goes by and bringing it to the floor of this House and advocating to the Members of this Congress how important it is for us to grow the size of the energy pie and to change the proportions of the pieces of this pie so that there is a future for the economy in America. We can do a lot of it with renewable fuels. And the efficiencies that we have provided there, another one that is false information that seems to come from other parts of the country is that we cannot get very much ethanol out of a bushel of corn. Well, I do not know anybody who is producing ethanol at least in Iowa today that is not getting 2¾ gallons out of a bushel of corn, and that number is creeping up as our enzymes get better, our efficiency gets better. And we will be able to adapt to the cellulosic as well.

This region that I have the profound honor and privilege to represent in the Upper Midwest is a region that when the pioneers came, they settled, they turn the sod over, and they set up their farms, and they raised livestock and row crop and hay, and they were in the business of raising food and fiber for America. And that is the case from Canada down to the gulf coast, coast to coast. The agriculture communities in America were always in the business of raising food and fiber.

But today we are in the business of raising food, fiber, and energy, and I live in now an energy export center where 5 years ago there was not much sign of any of this energy production. When you drove along, if you saw some steam along the skyline, you would assume that it was smoke from a fire somewhere, and you would wonder why it had not been put out. Today you will see the vapors going up. Some people think it is smoke. It is the cleanest of water vapor coming out of the ethanol plants, and we recognize them on the horizon: Well, there is an ethanol plant there, there is one over there. And in between there are hundreds and hundreds of wind chargers sitting on the ridges.

An energy export center in western Iowa, a place where we have never been able to drill a successful oil well, but it will not be long before we will be producing far more energy out of that region than we are getting out of some of the oil fields across the United States. In fact, today I believe we are producing a lot more energy out of ethanol and the biodiesel.

Grow the size of the energy pie, Mr. Speaker. Do this for our economy and do this for America's security. And do so with the idea in mind that the places in the world where we are buying our oil are far too volatile for us to bet our economic future on.

Now, I have another chart here that helps illustrate that. It is really not all of the countries that we purchase oil from, Mr. Speaker, but it tells us a few things. What I see missing on this chart are countries like Iraq, Iran, Saudi Arabia, the large oil-producing countries. But it tells us what is going on in Libya, 36 billion barrels of oil. And then here we are with ANWR at 10.4-, a third of the reserves of Libya. And some of the other countries here: The Congo, a small amount; Nigeria, a large supply, not that stable a place to be, but there is a lot of oil there, and I think their reserves might have been discovered some more since this chart was made.

Here is the United States with a respectable reserve of oil, 21.9 billion barrels. But we can add that to 10.4- here out of ANWR. It takes us up here in this stratosphere in the area of Libya. It does not take us into the levels of countries that are not on this chart, three, four, five countries that have more oil than this, and they are not listed here, Mr. Speaker. But what this tells us is if we go buy our oil from Nigeria, it is unstable, and we work for their stability.

Australia's supplies are far lower than one might think, although there is more discovery going on there all along.

Any of these other countries, Indonesia, Egypt, think about the stability. Brazil, for example, they do not have all that much.

Kazakhstan is a pretty good friend to us. There is a pipeline now being put together from Kazakhstan and into China, and so a lot of that oil is going to go into China. There is the China reserves there, 18.3 billion. And China is increasing their consumption of oil at a rate seven times the increase that we are here in the United States. So at the rate they are going, they will be the world's largest consumer of energy down the line somewhere.

But I cannot find too many places along on this list where I think I would rather trust the future of the economy of America to them and the lack of stability there than I would trust the future of America to an energy-independent America.

We can get there, Mr. Speaker. We need to work to get there, and we have the formula to do that. And many of the countries that we are purchasing oil from today are countries also that are working against our national interests. And Venezuela, for example, is taking an ever-more-hostile position, teaming up with Fidel Castro. And the funding that is coming from that oil is helping to fund Castro and Cuba, and it is funding subversive activities all over South America. If we look at the activities that are going on there, the elections that have taken place, country after country has had an election or a power change that has shifted more towards Marxism, away from freedom. And China is involved in the Panama Canal. They are invested down there, and we also have Castro who is starting to drill for oil 45 miles offshore of Cuba. And if you remember, from the lowest part of Florida to Cuba, it is 90 miles. So not having looked at the map, at least by those statistics, he has cut the distance to the United States in half, tapping into oil that we ought to be tapping into, at least very close to that same kind of region that is there.

How come we cannot, Mr. Speaker, look at this overall picture and realize that if we only do a little bit at a time, if we only decide we are going to open up a little bit of the lease down there near the Panhandle of Florida and drill for a little natural gas down there because the pressure on the prices are so high that we have to act like we are doing something, so we let a bit of drilling come in. And that little bit of drilling is the equivalent of just taking the lid off the pressure cooker just for an instant. So the pressure goes down, but the heat is still on, and the pressure will increase again. If we take the lid off a little bit every time, it is not enough to affect the markets. It is not enough to affect the market to the point where we are going to see lower energy prices. So energy prices creep up. We only do this incrementally.

We must be bold, Mr. Speaker. We must dramatically expand our ethanol production. We must dramatically expand our biodiesel production. America's farmers have stepped up to the plate with this. They are increasing their overall production of their grain. They have invested capital so that they can produce ethanol and produce biodiesel.

Let me add one more thing to this misinformation that has been going on around America, that the reason that gas is high because we have ethanol requirements in some of the gas that have just come on recently, and that the high price of ethanol is the reason that gas has gone up by 50, 60, 70 cents a gallon or whatever that number might be.

Let me point out that ethanol is 10 percent of a gallon of gasoline, and the spot market for ethanol, the highest I have seen is $2.50 a gallon. But you are only putting in 10 percent; so in 1 gallon of gas, there is only going to be 1/10 of that in there. So 1/10 of $2.50, you have to spread that across the whole gallon of gasoline is my point, Mr. Speaker. And it is not possible to take 1/10 of a gallon, add it to 9/10 of a gallon, and raise the price anywhere near the extent that is being alleged.

So it is not the price of ethanol that is driving up the price of gas, it is the instability in the world. It is the lack of building refineries. It is the lack of vision in an overall energy pie, Mr. Speaker. And I urge strongly and powerfully for this Congress to step out boldly, grow the size of this energy pie, reduce the cost of energy, dramatically drive our economy, and take care of our security well into the future.

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MILITARY IN THE 21ST CENTURY

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, our most important duty as Members of Congress is to ensure our Nation's security. National security is the single-most essential purpose of government. All of the other blessings of our liberty flow from it, our strength and vitality as a people depend upon it and, our economy and our way of life are reinforced by it.

A strong, bipartisan tradition has been at the core of America's national security policymaking for much of our history. A succession of American Presidents, from Woodrow Wilson to Franklin Roosevelt to Harry Truman to John F. Kennedy, guided this Nation through two world wars and some of the tensest days of the Cold War. Their leadership was based on asserting America's power in a way that advanced the ideals of our Founders and which made America a beacon to millions of people who were suffering under fascism and communism.

Most importantly, these men knew the limits of any one nation's ability, and they saw the wisdom of marshalling our strengths with that of other freedom-loving people, and they listened to the counsel of these allies abroad and Members of both parties here at home.

Harry Stimson, who served as Franklin Roosevelt's Secretary of War throughout the Second World War, was a Republican. Harry Truman cooperated with a Republican Congress to pass the Marshall Plan and the Truman Doctrine, which were instrumental in rebuilding postwar Europe and halting Soviet expansion.

But unlike these giants of the 20th century, who put the Nation's security before chauvinism or partisanship, the current administration has too often believed that it had all the answers and did not need to pay attention to the ideas of others.

This refusal to listen to other voices and excessively partisan and ideological approach has resulted in an America that is more isolated than it should be and less safe than it needs to be. Around the world, among nations that should be our strong allies, we are often seen less as a force for good in the world, and this has jeopardized the cooperation that we need in the war on terror.

In Iraq, a stubborn refusal to commit enough troops to save the lives and pacify the country in the months after the invasion has led to a protracted fight against Baathists and Islamic insurgents and increasing sectarian violence that has claimed more than 2,300 American lives and wounded thousands more.

At home we have wasted valuable time in making real strides to safeguard the Nation from terrorist attack. Most significantly, we have failed to reckon with the Achilles heel of our national security, our reliance on foreign oil to supply our energy needs.

Clearly, Americans want and deserve change. Last month, Members of our party from both the House and the Senate unveiled a comprehensive blueprint to better protect America and to restore our Nation's position of international leadership. Our plan, the Democratic plan, is called Real Security. It was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

In a series of six Special Orders, my colleagues and I will share with the American people our vision for a more secure America. Two weeks ago, we discussed the plan as a whole and laid out the five pillars that make up that plan. I would like to go over some of these in summary before we turn to the pillar that we will discuss tonight.

These five pillars of security are the creation of a 21st century military, the successful prosecution of the war on terror, a more successful strategy to provide real homeland security, a way forward in Iraq, and the securing of energy independence for the United States of America.

One of the pillars of our Real Security plan focuses on the war on terror. It devises a strategy to destroy al Qaeda and finish the job in Afghanistan. It would have us double our special forces and improve our intelligence-gathering processes. It would eliminate terrorist breeding grounds. It would use preventive diplomacy and bring new international leadership, recognizing that we are strongest when we cause the world to join us in a cause.

Secure loose nuclear materials by 2010, this is one of the greatest vulnerabilities we have. You might recall in the debate between Senator KERRY and President Bush both acknowledged that the number one threat facing the country was that of nuclear terrorism. In fact, when we had testimony in the Nonproliferation Subcommittee, I asked Jim Woolsey, former director of the CIA, what was the most likely suspect if a nuclear weapon went off tomorrow in New York, Los Angeles or Washington? He thought about it for a moment and then he said, "al Qaeda."

I said, "I think that is exactly right. But if al Qaeda is the number one threat, then the most likely delivery vehicle is not a missile, it is a crate, and why are we not doing more to secure those materials that al Qaeda has said they want?"

Osama bin Laden, who has called it a religious duty of Muslims to obtain the bomb and use it against the United States, who wants an American Hiroshima, at the pace it is going it is going to take years, if not decades, to secure the nuclear material in the former Soviet Union, and this makes our Nation at risk of calamity.

If you think the debates we have now over civil liberties and national security are difficult, imagine the world after a nuclear detonation here in this country or against our troops in the theater. All of that debate would be moot. This Nation would be a very different Nation. It would be one we would not recognize. It would certainly not be one we would want to live in.

All efforts must be made to deal with this threat, and too little has been done. Precious little has been done, and time is not on our side.

We must redouble our efforts to stop nuclear weapons development in Iran and North Korea. Too often the administration's policy in this area has been on-again off-again, as if we can only focus on Iran right now and we can take our focus off North Korea, where 6 months ago we could focus on North Korea to the exclusion of Iran, or we couldn't focus on either while we were focusing on Iraq.

The reality is we must continually focus on all of the above, and we must marshal the international community to stop this weapons program in Iran and in North Korea. Only through sustained and vigorous and dedicated efforts to pressure Russia, to pressure China and to bring that world community together do we have a chance to stop that nuclear weapons development in Iran and North Korea.

Let me turn to one of the other pillars of our Real Security plan dealing with homeland security. In the weeks to come, we will be going through the details of this pillar, which involves implementation of the 9/11 Commission recommendations. We support the immediate implementation of those recommendations.

The 9/11 Commission, probably no other commission in the last half century has done a more valuable job, a more bipartisan job of analyzing the vulnerabilities of the United States and making good, strong and sound recommendations about what we can do to address them, many of which affect this body. In fact, it is an irony not lost to anyone here, or shouldn't be: those recommendations of the 9/11 Commission that affect how we organize our business in the Congress are the last to have been implemented. Most of them have not been implemented.

But a great many of their recommendations are being ignored at our peril, and, indeed, what I was talking about a moment earlier, in terms of dealing with the loose nuclear materials in the former Soviet Union, this was something that the 9/11 Commission paid great attention to and is one of the great deficiencies in our response to their recommendations. We should put those recommendations into effect now. Under the Real Security plan, that is exactly what we will do.

Another pillar: part of this pillar of homeland security is screening all containers and cargo. Again, if the threat to this country comes in the near term, in the near term, in a crate and not on a missile, then why aren't we investing more in that portal technology to keep nuclear material out of this country, to keep a nuclear weapon out of this country, to keep a radiological weapon out of this country?

Why is it in terms of cargo coming in through our airports that when you go to the airport to get on a flight and you have to take your shoes off and your belt off and you have to be wanded down, that at the same time in the cargo hold of that plane, where half of the cargo on most passenger jets is commercial, it is not your luggage, it is commercial cargo, 98 percent of that cargo or thereabouts is never screened for explosives? So you have to take off your shoes, yes; but you could ship a bomb the size of a small piano in a crate, and it may never be inspected for explosives.

That doesn't make sense. That is a real deficiency that has to be addressed. We cannot afford to wait until there is a calamity. Terrorists don't need to fly planes into our buildings to destroy the economy of this country. It would be enough to destroy that plane in mid-flight. We simply cannot afford to take these risks, and we must screen all containers and cargo.

The job at our ports is an even more difficult challenge, but it is one that can be met. It can be met through a homeland security plan that is tough, that is smart, and where the priorities match the nature of the risk. That is exactly what we have to do in homeland security. We have to prioritize, what are the greatest risks facing the country, and that is where we need to devote our greatest resources.

We need to safeguard our nuclear and chemical plants, which still have not been adequately safeguarded.

We can't outsource our security of our ports or airports or mass transit to other interests. We have to train and equip first responders. I had a group of first responders from my district in to visit with me today from the cities of Burbank and Glendale and other parts of Los Angeles to talk about their lack of interoperable communications equipment. They can't talk to each other across the cities. They are starting to be able to. They are patching this system together.

But here we are, years after 9/11. Can it be that our emergency responders still can't talk with each other, don't have that capability? That is simply inexcusable. We saw on 9/11 the communication problems we had. The fact that we have not dealt with that problem still years later is beyond comprehension.

Finally, we have to invest in public health to safeguard Americans. You might recall it was just a few weeks ago the burning issue in the Nation was the avian flu. It still ought to be a burning issue in the Nation. Yet we saw when this was at the top of the news how unprepared we are.

We are still unprepared. That hasn't changed. The issue may have fallen out of the top of national news. It hasn't fallen out of the tomorrow of the national dangers facing this country. Those are not even man-made disasters.

Terrorists purposely attempting to spread a biological pathogen, perhaps at multiple locations in the United States at the same time, imagine the havoc that would ensue. Are we prepared? We are not nearly as prepared as we must be.

Let me turn to another pillar of the Real Security plan, that dealing with Iraq. The Real Security plan proposes that 2006 be a year of transition to full Iraqi sovereignty, that we have a responsible redeployment of U.S. forces, that we work harder to promote Iraqi political compromise to unite the country.

We saw this week that we had a change in the position of prime minister, and that is hopeful and we all hope that leads to the formation of a unity government. But those hopes have too often been disappointed. We must ensure that within the next 30 days that government is stood up, and it is a government that is representative of Sunnis, Kurds and Shiites that the Iraqi people will defend.

Ultimately, if the Iraqis choose civil war, if they choose to murder each other in large numbers, there is not much that we can do to stop it. But if they decide to be one country, if they decide as one country to take on the foreign jihadists and the terrorists, that is a fight they can win and a fight we can help them win. But if they are determined to squander this opportunity, if they don't form this unity government, then they have to understand that the patience of the American people is running out.

We must encourage our allies and others to play a more constructive role in Iraq, and we must hold the Bush administration accountable. We had a hearing in the International Relations Committee on Iraq this week. It was one of the first hearings we have had in years on Iraq.

I asked the panel, which included top level DOD, Department of Defense, and top level Department of State officials, I asked them, given the history of I think fairly well-recognized mistakes in the prosecution of the war, of course, the failure to find WMD, the standing down of the Iraqi Army, the failure to bring enough troops in to maintain order that allowed the insurgency to get out of hand, who has been held accountable? Who has been held accountable for these errors?

And I ask my colleague, Mr. INSLEE from Washington State, do you know what the answer to me was?

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Mr. INSLEE. I do, actually. There is only one person that the Bush administration has fired involving Iraq policy. There is one single person. And that person was General Shinseki, who was right about Iraq.

He had the huge error in this administration of being truthful, forthright and accurate when he said we needed 400,000 to 500,000 troops to provide security in Iraq so it would not degrade into anarchy as it has done.

And as a result of that, the President, in the way they do this with the military, effectively fired him. He is the only person who the Bush administration has removed from office in Iraq, not the people really responsible for the problem at Abu Ghraib, not the Secretary of Defense, not Paul Wolfowitz who came to us and told us the incredible falsehood that this whole operation was going to be paid for, because Iraq was going to pump more oil, and it would not cost a penny to the American taxpayers. And you know how many billions of dollars now the taxpayers have suffered.

None of those people who have gotten almost every single thing wrong in Iraq that you can imagine. If you were going to design a train of errors, misjudgment, inefficiency, incompetence, acceptance of outright fraud in the contracting procedure, it would be hard to design a more inept train of abuses than this one, yet this President has sat there and done nothing.

Now, I have to admit he has not said they have done a heck of a job. He has not used that language. But he has failed to hold anybody accountable. And one of the things that I am very pleased that you have been a leader on, is holding the administration accountable for this, is accountable for U.S. tax dollars.

You know, there was a Democrat, Harry Truman, during World War II, who convened the Truman Commission in the U.S. Senate, and he insisted that during war time, even during war time, it is important to not allow the abuse of U.S. taxpayer dollars. And he ferreted out some of the fraud and abuse in military contracting that was going on in World War II even when our whole Nation was in jeopardy, in an existentialistic sense was in jeopardy, but he still said we need to be careful with these dollars.

We have had umpteen billions of dollars disappear into the sands of Iraq with nothing to show for it, no meaningful reconstruction, but tens of billions of dollars gone. We have seen multiple GAO reports, Inspector General reports.

We have seen multiple contractors, many of whom have been very closely aligned with this administration; there is no secret about that. What we are saying as Democrats is real simple. The U.S. Congress needs to do its job to ferret out these abuses, find the people responsible, relieve them from duty, and hold these contractors responsible to the American taxpayers. That is not too much to ask.

This Congress has been a lap dog. It has been a see-no-evil, hear-no-evil group, while one of the greatest abuses of the American taxpayer ever happened in the sands of Iraq, despite the tragic loss, which of course is a thousand times worse of our men and women in Iraq.

So the Democratic Real Plan for Security is that it is the job of Congress to hold the administration accountable to the American people, and the American taxpayer, and we will do that job at the right moment. So I am glad that you have brought this issue up.

Mr. SCHIFF. I thank the gentleman. This was precisely the nature of the testimony in the committee. When I asked that question of the witnesses, who has been held accountable, it was really quite remarkable what happened. There was an incredible silence as the witnesses looked at me and then looked at each other, and then looked at me, and then looked at each other. And it seemed like an eternity before anyone could respond.

And I said, your silence speaks volumes. To me, and I expressed this to the committee, the only one who has been held accountable was General Shinseki, and he was accountable for speaking the truth.

Now you mentioned the Truman Commission, and I was thinking about just the same thing when I was mentioning just a few moments ago that as part of our homeland security pillar we intend to implement the recommendations of the 9/11 Commission.

And probably not since that Truman Commission have we had a group of former Members and elected officials, experts on national security, come together and had such a credible work product that was so deserving of our respect, attention, and implementation as the 9/11 Commission, not since the Truman Commission. Would you agree?

Mr. INSLEE. I certainly will. I will point out that Democrats do not claim to be the sole source of genius and wisdom in America. Republicans have great ideas too, and they did in the 9/11 Commission, chaired by ex-Senator Kean of New Jersey, a Republican. He was one of the co-chairs of the commission.

A group of Republicans and a group of Democrats got together and did an evaluation on what this country really needs to do. And they have since then, they have made their recommendations, have issued this score card to evaluate the administration's performance to see whether those bipartisan recommendations have been implemented.

And if it was your son or daughter's score card, the kid would not be going to any movies or watching any television, because it was full of Ds and Fs. The most amazing part that is important, I represent the area in Seattle, we have a huge port. And when I tell people that despite this bipartisan Republican and Democrat recommendation to do screening of all of our containers coming in, of radiological materials, either a dirty bomb, the makings of a dirty bomb, or worst case scenario, a fission bomb coming in through our containers, and we know the proliferation that has gone on in the last few years, when you report to people that despite that foreknowledge, the administration can only tell us a tiny little percentage of those are screened for radiological material, that is a sorry state of affairs. And there is no excuse for that failure. We have had a bipartisan consensus, at least on the commission, to get that job done. And the job simply has not been done.

And the administration has had its eye off the ball of this major league threat. This is the big threat, by the way, at least in my estimation, and I think of the 9/11 Commission, of a dirty bomb or some day a fission product coming into this country. That is the real threat.

By the way, it is probably 1,000 times more likely to be delivered in a container coming through Los Angeles or Seattle or Boston or Gulfport, than coming in from 10 miles up in space in an ICBM that none of these countries have, at least at the moment. That is where the real threat is.

But, instead, the administration has been off spending billions of dollars on the Star Wars Project, and refuses to do more than 3 or 4 percent of the containers, which is a known threat, which is a known vector of radiological material; and they refuse to act.

That is unconscionable. We Democrats intend to implement a bipartisan approach to this, which is what was in this 9/11 Commission. And people can look it up. It is on the Internet. You can look at the report card. You know, I thought, I was hopeful after that report card came out that the President would get his Cabinet together and hold that report card and say, what is going on here? This is absurd. I am President of the United States, the most powerful Nation in the world, and we are getting Fs on securing our ports, when we have got the technology to do this.

I thought that he would do that. Instead, you know what he did? He walked around handing out Medals of Freedom to Paul Wolfowitz who got every decision you could possibly imagine wrong on Iraq. He told his homeland security people they are doing a great job, when 95 percent of the cargo is not screened coming into our ports. That is not a heck of a job. And he has failed to respond to that report from this again bipartisan commission in any way that I can fashion.

That is one of the reasons Congress needs to act. There is a reason the framers set up a couple branches of government, so that when one branch was not doing the job, which right now is the executive, Congress can act.

Mr. SCHIFF. If I can interrupt the gentleman, this has, I think, precisely been the problem. It has been a shared responsibility. There has been the failure of the executive to act promptly on the 9/11 Commission recommendations that have put us at risk, and most probably, I agree with you 100 percent, most prominently that risk is something coming in through our ports or on the back of a truck across the border that has nuclear material in it. That is, I think, the chief threat that we face.

But it is a shared responsibility, because we here in Congress have done nothing about that. Because there has not been oversight of the executive; the majority has been allergic to doing oversight. I am on the investigations and oversight subcommittee of the International Relations Committee.

We have had 6, 8, 10 hearings. The majority of them I believe have been on what, are they on overseeing problems within our own government? No. They have been on the United Nations. When you do not want to oversee what you are doing, what do you do, you oversee the United Nations.

Now, admittedly the U.N. has got plenty of problems and is in desperate need of reform, but that cannot be the sole area of our oversight. We have had hearings in the subcommittee on Iraq, as our chairman recently pointed out. You know what it was on? How bad a man Saddam Hussein was. As I said at the outset of the hearing, I think we can stipulate that Saddam Hussein was a horrible man, was a tyrant, was a dictator, was guilty of crimes against humanity. That is not in dispute.

But what we ought to be overseeing is whether we are implementing the 9/11 Commission recommendations that make us safe; we ought to be investigating the Inspector General's analysis that $9 billion in reconstruction funds in Iraq is unaccounted for. We ought to be looking into, this is something that has really troubled me, I raised it with the Secretary of Defense during our briefings, how is it that we continue to have problems with equipment and material to protect our troops.

How is that possible? I mentioned to the chairman of Armed Services that if this was a problem of production, my constituents would line up around the block to work on up-armoring vehicles, provide state-of-the-art body armor.

There was no lack of will. But none of the country, other than those people in uniform and their families, have been asked to sacrifice at all. And we are desperate I think around the country to make a sacrifice to be part of the greater good and the greater effort protecting the country. We have not been asked to do it. The Congress has not asked. The President has not asked. We have not done the oversight to even ask the hard questions.

And so we are a Nation at risk. A Nation that is not as well prepared as it should be, and as it really must be.

Mr. INSLEE. Well, I would agree with you. You have to ask, why has this happened? And I think it comes from an attitude of unbridled rose-colored glasses and feel-good politics. The administration wanted to have a war we could all just kind of feel good about, not have any personal sacrifice associated with it, not have any concern on our tax policy about that whatsoever.

It was feel-good politics, and the attitude is that we try to all feel good over here, and the only people who would be suffering are the men and women in Iraq. That is a wholly irresponsible way to fight a war, and that is what has gone on.

I wonder if I can address a little different issue of our Real Security plan, and that is what I like about the aggressiveness of the Democratic Real Security plan, because as you know, you have been a leader on this, we Democrats feel we need to be aggressive in disarming our enemy.

The most effective effort is offensive. And we want to be offensive, not meaning disliked, but offensive in being aggressive and assertive to disarm our enemies. And I want to mention two ways, one short and one not so short.

The short way we want to disarm our enemies, we want to make sure that they cannot get access to fissionable materials, which frankly are as loose and insecure tonight as we speak: it is roaming around places around middle Eastern Europe, the former Soviet Union, which is still secured with maybe a bicycle lock. I pay more attention to my Chinelli bicycle than some of these old failed States in the middle part of Europe to fissionable material.

And we need to secure that. And as numerous reports have indicated, the executive branch of this government has failed to secure the number one threat to this country, which is that fissionable material. And we will get that job done. We will make the investment it takes to do that, because that has got to be an extremely high priority for this country.

So one way you disarm your opponent is you take away their fissionable material that is laying around all over the world right now. And we will get that job done.

But the second thing is even bigger. We need to disarm our enemy from their financial resources to attack us, and that means that we have got to be energy independent and stop sending our dollars to the Middle East. We have got to start sending them to Middle Western farmers rather than Middle Eastern sheiks, in this regard.

Because of that $3-plus, one of my staffers paid $3.35 this morning, that $3.35 gallon, a good part of that goes to the CEO of Exxon, who just walked away with $400 million in a bonus package, and the rest, a lot, goes to the Middle East to arm our enemies.

And we know that many of those regimes have been playing footsie with al Qaeda and various other groups. We know that our money we are spending is going to arm our enemies, and so we believe what we need in this country is an energy independence program that is not just rhetorical, but is real. And I was pleased to have the President give us some rhetoric during his State of the Union speech.

□ 2030

He said, we have an addiction to oil. Well, welcome to the land of recognition, Mr. President. We have been waiting 6 years, but, nevertheless, it is good to hear the rhetoric. But the problem is we are not seeing the reality.

The week he talked about breaking our addiction to oil, he fired 100 scientists at our renewable lab in Boulder, Colorado. When the press suggested that seemed somewhat inconsistent, those pink slips were pulled back, and those scientists were back on the job.

But we think we need something as bold as John F. Kennedy about in the 1960s, we need an Apollo project, we are going to go the moon, we will invest in the capital and wisdom and technical brilliance in this country. We are going to take a big step forward, one big step for man, one giant leap for mankind.

We need now a giant leap in energy policy in this country to depend on the technical prowess of this country, because Kennedy knew, and he stood right behind you right there. We are in an historic place here. He stood there March 9, 1961, and he said, we are going to go to the Moon. That was an amazing point. Our rockets were blowing up on the launch pad. We had launched a little softball into orbit. We hadn't even invented Tang yet.

A lot of people thought that was an absurdly ambitious goal, but he understood a central tenet of the American character is that when challenged, we respond, number one. Number two, we are the greatest tinkers since, you know, whoever in Space 2001 invented the bone as a weapon. We are the people that can invent our way out of this.

We need to make the investments to do that. If you look at what the President has done in his budget, it is a pathetically insufficient commitment to this goal. We got so far two words from the President. We got energy independence.

We got two words, but we have no funds to do the job from him, no bold strategic challenge, no commitment to science, no commitment in our academic institutions. You look at the money, he came out, and I was listening carefully to the State of the Union address. He had this bold rhetoric and he said, therefore, I am committing a few million dollars to this project. He has committed to this budget for biofuels less than we spend in Iraq in about 18 hours. That is what we have committed to this project.

We have men over there fighting a war now for 3-plus years at about $80 billion a year, and he is committing less than 18 hours of what we are spending in Iraq to try to disarm our enemies. That is not a wise strategy. We need a significant energy plan to solve this problem.

We have it in the new Apollo energy project, H.R. 2828, that I have introduced and others. That is a bold step, leap for mankind that we will get this job done. So I am happy that the Democrats have embraced real policies and not just rhetoric.

Mr. SCHIFF. I have to take my hat off to my colleague from Washington, because no one has led more consistently and more strongly on this issue than you have.

Before our caucus had a strategy jointly that we have put forward before the President came forward, JAY INSLEE was there, and you have been just the most powerful advocate for years for an Apollo-like project to bring about energy independence.

Let me touch on the first point you made, and then I want to go a little bit more into energy independence and talk about some of the other pillars, and then get to the pillar we are going to focus on this evening.

You mentioned that the priority has to be placed on securing this nuclear material in the former Soviet Union. I agree with you exactly. When you look at what is preventing al Qaeda from detonating a nuclear weapon on our soil, you might look at the difficulty of getting the material in the country.

Well, that is not very difficult. Unfortunately, as we have discussed, we don't have the portal technology engaged to the degree that we need it, and how would you get a nuclear weapon in the country? Well, I like to quote the chancellor of UCLA, Chancellor Carnesale, who says, well, you could smuggle it in a bail of marijuana. That is one way you could get it in. That is sort of the magnitude of the problem of keeping it out. That is a tough strategy at the border.

Well, then, you might ask, what about the technology? Maybe it is tough to actually build the mechanics of the bomb. But that is not hard either. That is a 50-year-old technology. Cal Tech is in my district. I bet I could pick any two Cal Tech students and they could design a crude nuclear weapon for me using information on the Internet.

What is the obstacle? Is it the will of al Qaeda? It is not the will, as Osama bin Laden has talked very plainly about the imperative to bring about an American Hiroshima. I think those writings and those speeches he has given are basically his own Mein Kampf, and we ignore that at our own peril.

So if it is not lack of will or the lack of technological prowess or the lack of ability to get it into the country, the question is why hasn't al Qaeda brought this off? The answer is, it is hard to get the material. It is still hard to get the material. That is the only real prevention we have. You know something? It is just not hard enough. It is just not hard enough.

As you point out, some of this material is secured with a chain link fence and a night watchman and a bike lock.

Some of it is more secure. But much of it is in the form of highly enriched uranium at research reactors. Some are defunct or stockpiled. It is all too accessible. We cannot wait for a disaster.

Turning to your second point, one of the pillars of the real security plan is the energy independence by 2020, which would eliminate our reliance on Middle East oil and all of the distortions that accompany our foreign policy as a result of that dependence. It would increase production of alternative fuels in America, promote hybrid and flex-fuel vehicle technology and manufacturing. It would enhance energy efficiency and conservation incentives.

I believe exactly what you do. We are the American people. We are the best entrepreneurs and inventors anywhere in the world. This isn't like where we were in terms of putting a man on the Moon. It is not like we were when we had to embark on the Manhattan Project. We are so much farther along on this goal technologically. A lot of these technologies are already in existence.

It is a question of making sure that they are made better and that they are made much more use of, would be a large part of the solution. It is not that we can imagine these technologies; they are out there, many of them. It is just the lack of will and the lack of leadership, and it is having a crippling effect on our economy now with gas prices at the pump, on our foreign policy, and I just want to thank you again for your tremendous leadership on this issue.

Mr. INSLEE. Well, I appreciate your words, but in a sense it is easy in contrast to brand X. If you look at the energy bill that the Republican-controlled Congress that was promoted by this President, it is hardly a secret that this President had substantial history in the oil and gas industry, and it would not be surprising if that affected decisions, just like the secret meetings that the Vice President had when he designed the energy independence. In the secret meetings the President has always refused to tell us about, I doubt that they were hatching a plot to create biofuels and energy independence from the oil and gas industry. I suspect that was not a discussion, had we been a fly on the wall to listen to what they were talking about. Maybe they were talking about a way to increase the profits of the oil and gas industries that led to $3 a gallon of gas and the largest profits of any corporation in the solar system history in this quarter in the oil and gas industry. Maybe that is what happened. Can't be sure.

But in any event, the policy that this Republican-controlled Congress came out with that was promoted by the President of the United States, according to the Department of Energy, this is the Bush's own governmental agencies, will increase our imports of oil from the Middle East. I want to say that again because I think it is very, very important.

The President, in his State of the Union Address, said, I want to break our addiction to Middle Eastern oil. That is the White House, the President of the United States. The Department of Energy, which works for him presumably, their analysis of his policies have concluded that the imports from imported oil from the United States will increase after full implementation by a significant amount. I don't have the number off the top of my head, but I was shocked at how much they would increase when I looked at this report, under their policies.

Why is that? First off, to me it takes a little chutzpah to talk about it up there and out there in the real world have a policy that will increase your imports. But why is it such a grand failure? Well, it is because they refused to do the things that we know that works.

You know, we know it works. Brazil is now energy independent. Last week, actually, they achieved total domestic energy independence. The way they did it principally was to develop a biofuels industry. They didn't mess around. The President of Brazil didn't just give some nice speech and say, I believe we are going to break our addiction to oil. He actually did some policies.

What they did is they made sure that consumers in Brazil when they bought a car would have a car that would burn either gasoline or ethanol. They freed Brazilian consumers to make sure that you get to decide what you burn, not the oil companies and not the automobile manufacturers. They insisted that every consumer when you buy a car, you get a flex-fuel vehicle that can burn either gas or ethanol.

When they did that, that immediately created an enormous demand for an ethanol industry. Without subsidies for the Brazilian government, boom, 40 percent, 6 years later, 40 percent of all the transportation in Brazil is run on ethanol, which does not feed the Middle East and the sheiks, has zero emissions of global warming gases, because it is circular, it has no net increase of global warming gases.

Brazil achieved that not because they are smarter than we are, not because they have better natural resources than we do. We have got the Midwest, we have got Microsoft, we have got Intel, we have got Google. You know, they have got some smart people, too. But what they had was leadership that had actual policies rather than just rhetoric. That is what we need.

The second thing I just want to point out, we have had experience in achieving this in the United States. It was during the late 1970s. We improved the efficiency of our cars by over 60 percent in 5 years. We were on a path of doubling the efficiency of our cars while increasing safety, I might add, while increasing safety for 5 years in this country. Then those policies were stopped under a Republican President.

The fact of the matter is that had we continued on that path, if we had simply continued to improve the efficiency of our cars, as we did for those 5-year periods, today you and I would not be having this discussion because we would have been free of Middle Eastern oil today. That is the opportunity cost that we experience when we got off this bandwagon at doing smart things in energy.

I just point this out; you know, we have a history of success in this. We just need the policies to get it done.

Mr. SCHIFF. Well, you pose an interesting question. How can the administration's policy, which is dubbed a "reduce our dependence on foreign oil," be a policy which, if you actually play it out over the years, will increase our importation of foreign oil? I can only say, because this is Washington.

This is the same place where 3 weeks ago the majority announced its deficit reduction package, which was, I don't know, $30- or $40 billion in spending cuts, and about $70- or $80 billion in tax cuts, which more than offset the spending cuts. So the net effect was increasing the national debt, and that was a deficit reduction plan? I guess if that is a deficit reduction plan, then the administration's energy plan is subject to the same logic.

Mr. INSLEE. We have seen some pretty amazing rhetorical epiphanies here in this Chamber. For the last year Democrats on three separate occasions have attempted to pass a bill to make sure that the Federal Trade Commission has the explicit authority to investigate and punish price gouging by the oil and gas industry. We wanted to make it real clear that we wanted that investigation, and even when there is a lack of complicity, where there is price manipulation, that should be shut down. I think Americans are with us 100 percent on that. Three times we tried to pass that. The Republicans blocked us every single time.

Now, last week I heard the Speaker of the House say, we demanded an investigation of price gouging in the oil and gas industry. Welcome, I guess; better late than never. But we will see if we really get that law passed here. It will be interesting. We heard the press conference. If we had the vote, we could have done that today. It will be interesting to see.

Mr. SCHIFF. I think this is part and parcel of the broader problem, where there is a lack of accountability, there is a lack of responsibility. The reality is that our friends in the majority have been in the majority now for years. They control this body, they control the Senate, they control the White House, they have got a pretty favorable Supreme Court, and there has been not only inaction on energy independence, but actually we have lost ground and are moving in the wrong direction. There is really only one party to blame and one party responsible for that failure.

□ 2045

And for several years the blame was all placed on the Clinton administration. Everything that was going on years after the Clinton administration was the fault of the Clinton administration. But at some point you have to take responsibility when you are in the leadership. When you are in the majority, you have to take responsibility.

Let us take the pillar that we wanted to highlight tonight, and that is the 21st century military, the part of our Real Security plan that would strengthen our military and that would rebuild a state-of-the-art military; that would ensure that we have the world's best equipment and training; that will provide accurate intelligence and a strategy for success; that would bring about a new GI Bill of Rights for the 21st century, and that will strengthen the National Guard.

Let me talk briefly about a couple of those items, and then I would love to hear your thoughts as well. In poll after poll, the American people have demonstrated they have more faith in the military than in any other public institution in this country. I have been to Iraq three times, I have been to Afghanistan twice. I have met with our troops there and have spent a lot of time with military personnel here and around the world and other places, and that confidence in the troops is well placed. America does have the finest military in the world.

In Iraq and Afghanistan, our soldiers, our sailors, our airmen and marines have done everything we have asked of them and more. But since 9/11, our Nation's Armed Forces have become overextended. We have had recruiting goals that have not been met, forcing the armed services to enlist less qualified men and women.

Because of the poor planning by the administration, many units are on their second and third tours in Iraq and Afghanistan, and Army and Marine Corps personnel still don't have adequate body armor and sufficiently armored vehicles to the degree they should.

We are committed to ensuring that the United States military remains second to none and, more importantly, committed to building the Armed Forces to confront the threats of the 21st century. The Real Security plan, which I went over, has these elements that will rebuild the state-of-the-art military by making the needed investments in equipment and manpower so we can project power to protect America wherever and whenever necessary.

Second, we will guarantee our troops have the protective gear, equipment, and training they need and are never sent to war without accurate intelligence and a strategy for success.

Third, we will enact a GI Bill of Rights for the 21st century that guarantees our troops, active, reserve, retired, and our veterans and their families receive the pay and health care, the mental health services and other benefits they have earned and deserve.

Finally, we will strengthen the National Guard in partnership with the Nation's Governors to ensure it is fully manned, equipped and, available to meet missions at home and abroad.

Building this 21st-century military begins with the acknowledgment that we are in a new era with a new set of challenges and threats distinct from those we faced in the Cold War. Our colleagues on the other side of the aisle delight in accusing our party of having a pre- 9/11 mindset. But their stewardship of the Nation's defenses makes it clear that it is the majority that has been living in the past.

We need a military that is highly mobile, self-sustaining, and capable of operating in small units. On the one hand, our ability to use air power has extended our global reach and allows us to engage enemies without large numbers of ground troops being employed, as was the case in Kosovo and Afghanistan. On the other hand, the war on terror, ongoing operations in Iraq and the increasing need for American forces to play a stabilizing role as peacekeepers and peace enforcers demands the sustained commitment of American forces.

Our friends in the majority used to deride these types of operations as nation-building. But in a post-9/11 world, we cannot allow states to fail and become havens for Islamists and other radicals to plot attacks against us. Clearly, we need to increase the size of the active-duty Army and Marine Corps.

These are just some of the steps we will take. There are others I want to highlight, but I will be happy to yields to my colleague from Washington.

Mr. INSLEE. I just want to preface my comments about the strategies and tactics, about the people we have in Iraq and Afghanistan. I think any discussion needs to center on them, at the point of the spear, at our request.

When I think about these issues, I think about the soldiers I met in Landshtul, Germany, just before Thanksgiving, where most of our badly wounded go after they leave Iraq. We have an amazing medical system, which I am happy about, taking care of our men and women. By the time they get to Germany, a lot of them are conscious, and so I had a chance to meet these folks. I met a couple of young men from Bremerton, Washington, just south of my district, both of whom had very severe injuries. Their legs were up and pins were sticking out and tubes coming every which way. One guy had both arms shattered, up and attached to pieces of metal. They were very seriously injured guys. I just wanted to say thank you to them and asked if there was any way we could help them.

I asked both, What do you have in mind? And both of them said, in fact all of them I talked to, said one thing: I want to get back to my unit as soon as possible.

Mr. SCHIFF. Just to interrupt for a second. I visited our troops in that very same hospital, as well as here in Bethesda at Walter Reed. That is exactly what they told me also. They just want to get back to their unit. These young people, and they are so young, that is the most striking thing when you meet them in the field. They are so committed, it just can't help but take your breath away.

Mr. INSLEE. Whatever you think of the Iraq operation, whatever you think of the strategy, I think anybody who met these people would be incredibly proud and reach one bipartisan conclusion, that they deserve the best that America can provide.

And you have to ask the question: Have they gotten the best that America could provide? And the answer is a resounding no, they have not. They have not gotten the personal body armor, they have not gotten the armored Humvees, they have not gotten basic equipment, on occasion, that we have talked about. The National Guard in particular has been shorted some important equipment. They simply have not gotten the best that America can provide.

And when you ask the administration, Donald Rumsfeld, why we sent these people in, not in cardboard, but essentially thin-skinned Humvees with no protection, his answer was, and I am paraphrasing, well, we didn't know anybody was going to be shooting at us in the rear. We have the armor up in front. But, geez, the guys in the rear? Who could have imagined that an Iraqi would be unhappy that a Western occupation army of 150,000 people roaming through might be unhappy about that, and might be shooting at our people, and might be doing improvised explosive devices? That was beyond our comprehension.

Just like it was beyond their comprehension that the levees could be topped during Katrina. Those two failures of obvious common sense I think have to go down in the top 10 of ineffective, incompetent, uncaring, rank mistakes, and that is too easy a word to use, in American history. Levees won't be topped and people won't be shooting at us back in the streets of Baghdad for the years we were going to be there. That was the working assumption of Donald Rumsfeld and the President of the United States when they sent our troops into harm's way.

I can't think of a possible excuse for that bone-headed assumption. As a result, our people aren't coming home, a lot of them. And the anger I feel is matched by a lot of my constituents who feel this way, whether they are for or against the Iraq war. They deserve better than they are getting.

And the Democrats are going to insist that when our people go into action they are going to be fully equipped, and we will not go in there with sort of a hallucination that it is going to be like the film clip of the Champs Elysees in 1944. They should have anticipated that. So I wanted to get that off my chest.

But I want to say one thing about intelligence, if I can.

Mr. SCHIFF. If I can add one thing, before you do, and that is one of the things that really concerns me, and here again is the failure of us in this body to do the oversight we should, to have the majority support that oversight, and that is have we moved as quickly as we can, as quickly as this great Nation can to provide the technology to defend against these improvised explosive devices that have taken so many Americans lives? I think the answer is, no, we have not done all we can. We have not moved as fast as we could.

I know certainly in Congress, when these questions have come up, we haven't gotten the answers. I think, to go home to our constituents and say every rock is being turned over, every effort is being made, every resource is being expended to make sure we are protected against the IEDs. I think there is more we could be doing.

And the L.A. Times had an analysis recently of a promising new technology and the frustration of those that have been working on this program about how difficult it is to get that technology actually out into the field. That is inexcusable. If there is promising technology, it needs to be fast-tracked, and it needs to be put to immediate use.

The fact that we would lose a single life because of the failure of the richest Nation on Earth to provide the body armor, the up-armored vehicles, or the technology to defeat the IEDs is just inexcusable.

Mr. INSLEE. Well, I agree. And I want to, if I can, talk about intelligence for a moment because I think that in the nature of the warfare we are involved in with terrorism, intelligence, if not everything, is most of our ability to stop a terrorist attack.

What I want to point out is that we have an enormous shortfall of HUMINT, or human intelligence. We have an enormous shortfall of human agents around the world. And Democrats have committed to ramping up that capability in this country because we recognize that in the new threat environment we have, the new threat is much more likely to come from an al Qaeda ring personally delivered by a taxi cab and bus than it is by an ICBM from some particular other place on the planet.

You wonder why this administration is not ramping up the human intelligence around the globe. There are a couple of reasons. One, is they would rather put the money in the Star Wars projects by the tens of billions of dollars. That is number one. And number two, frankly, because this President worked so ineffectively with the rest of the world leading up to Iraq that we have had some difficulty in having as many alliances around the world as we need in this war on terrorism.

We are certainly experiencing that in Iran right now, when we are trying to rally the world on a sanction policy against Iran, and we are not getting as much cooperation as we should. And, frankly, one of the reasons is that the rest of the world is not particularly pleased that the President refused to work with the rest of the world in Iraq.

So what I would say about the Democratic approach to intelligence is there are two things we believe are the most effective in intelligence work, or at least two things we are vastly short in: electronic surveillance, very important, and we can talk more about that in a minute; but we have to boost the human intelligence, the number of effective agencies that have penetrated these cells around the world and can work with other governments in that regard.

Two, we have to rally the world to a global alliance that is against us. And when we have a chief executive officer that tells the rest of the world to go fish on Iraq and global warming and on the land mine treaty, and you name it, it doesn't make you a very effective rallier of troops. And that is a problem.

Mr. SCHIFF. And this is precisely the problem. When we discuss where we are in the rest of the world, what our standing is in the world, and some of our colleagues on the other side of the aisle will pejoratively say, well, we don't care about the court of public opinion, we are not in this to be popular. Well, it is true we are not in this to be popular. But when we alienate the rest of the world, it has a real cost to us in terms of our own security.

We are dependent, like it or not, on information about al Qaeda's operations from other nations. If we can't get their cooperation, that affects our security. If we communicate to the rest of the world that we don't care about their priorities, when we go to them about ours, when we go to them about North Korea or Iran or Iraq, how can we expect a warm and ready and welcoming response? We can't. And that puts us more at risk.

So this has had real consequences. When I consider where we were in the world's estimation and the kind of cooperation we could get pre-9/11, and I look now, when it should be that much greater given what took place on 9/11, but it is that much more problematic because these world leaders, even if they wanted to help us, and many of them do, because they recognize the threat to themselves from terrorism as well, but if our Nation is that unpopular, or our chief executive is that unpopular and politically they can't afford to do it, that is a real problem.

When people are running for office in foreign capitals of our allies on a platform of who will be most opposed to the United States policy, that is a problem for our security. It is not about popularity; it is about security. And this is why we need a change. We need a change that will, as you say, bring the world together in a great cause. Because in the end, this fight we have with terrorism unites us. It is an attack on civilization.

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And was it Ben Franklin who said, "We have to hang together or we shall all hang separately"?

Mr. INSLEE. I don't think it was Yogi Berra.

Mr. SCHIFF. I thank the gentleman from Washington for his great work.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

February 3, 2006:

H.R. 4659. An Act to amend the USA PATRIOT ACT to extend the sunset of certain provisions of such Act.

February 10, 2006:

H.R. 4519. An Act to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

February 15, 2006:

H.R. 4636. An Act to enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.

February 18, 2006:

H.R. 4745. An Act making supplemental appropriations for fiscal year 2006 for the Small Business Administration's disaster loans program, and for other purposes.

March 9, 2006:

H.R. 3199. An Act to extend and modify authorities needed to combat terrorism, and for other purposes.

March 14, 2006:

H.R. 4515. An Act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

March 16, 2006:

H.R. 32. An Act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

March 20, 2006:

H.R. 1287. An Act designating the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. An Act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. An Act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2413. An Act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. An Act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. An Act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3256. An Act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An Act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. An Act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548. An Act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703. An Act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building".

H.R. 3770. An Act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. An Act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. An Act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989. An Act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. An Act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

H.R. 4107. An Act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

H.R. 4152. An Act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

H.R. 4295. An Act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

H.J. Res. 47. A joint resolution increasing the statutory limit on the public debt.

March 23, 2006:

H.R. 1053. An Act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

H.R. 1691. An Act to designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the "John H. Bradley Department of Veterans Affairs Outpatient Clinic".

March 24, 2006:

H.R. 4826. An Act to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

April 1, 2006:

H.R. 4911. An Act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

April 11, 2006:

H.R. 1259. An Act to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

April 13, 2006:

H.J. Res. 81. A joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. A joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

April 20, 2006:

H.R. 4979. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the preference for local firms in the award of certain contracts for disaster relief activities.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

February 8, 2006:

S. 1932. An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

February 27, 2006:

S. 1989. An Act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

March 6, 2006:

S. 1777. An Act to provide relief for the victims of Hurricane Katrina.

March 9, 2006:

S. 2271. An Act to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

March 13, 2006:

S. 449. An Act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

March 20, 2006:

S. 1578. An Act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An Act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

S. 2320. An Act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

March 23, 2006:

S. 2064. An Act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office.

S. 2275. An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

March 24, 2006:

S. 1184. An Act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2363. An Act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

April 11, 2006:

S. 2116. An Act to transfer jurisdiction of certain real property to the Supreme Court.

S. 2120. An Act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 4:30 p.m. on account of a family emergency.

Ms. ROS-LEHTINEN (at the request of Mr. BOEHNER) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GARRETT of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 2.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), under its previous order, the House adjourned until Monday, May 1, 2006, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7029. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Emamectin; Pesticide Tolerance [EPA-HQ-OPP-2005-0212; FRL-7765-4] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7030. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2004-0292; FRL-7772-8] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7031. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Novaluron; Pesticide Tolerance [OPP-2005-0525; FRL-7756-8] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7032. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—FD&C Blue No. 1 PEG Derivatives; Exemptions from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0486; FRL-7765-1] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7033. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers [EPA-HQ-OAR-2004-0004; FRL-8054-1] (RIN: 2060-AK16) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7034. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Magnetic Tape Manufacturing Operations [EPA-HQ-OAR-2003-0161; FRL-8054-2] (RIN: 2060-AK23) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7035. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to Vehicle Inspection Maintenance Program Requirements to Address the 8-Hour National Ambient Air Quality Standard for Ozone [EPA-HQ-OAR-2004-0095; FRL-8054-3] (RIN: 2060-AM21) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7036. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) [EPA-HQ-OAR-2004-0019; FRL-8054-5] (RIN: 2060-AK10) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7037. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethylene Oxide Emissions Standards for Sterilization Facilities [EPA-HQ-OAR-2003-0197; FRL-8054-6] (RIN: 2060-AK09) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7038. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production [EPA-HQ-OAR-2002-0057; FRL-8055-6] (RIN: 2060-AM25) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7039. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-8055-7] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7040. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—PM2.5 De Minimis Emission Levels for General Conformity Applicability [EPA-HQ-OAR-2004-0491; FRL-8055-3] (RIN: 2060-AN60) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7041. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: General Provisions [EPA-HQ-OAR-2004-0094; FRL-8055-5] (RIN: 2060-AM89) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7042. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassifiable Area to Attainment and Approval of the Maintenance Plan; Correction [PA209-4302; FRL-8055-8] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7043. A communication from the President of the United States, transmitting notification that an executive order has been issued blocking additional persons in connection with the national emergency declared in Executive Order 13338 of May 11, 2004, concerning actions of the Government of Syria, pursuant to 50 U.S.C. 1701; (H. Doc. No. 109-100); to the Committee on International Relations and ordered to be printed.

7044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report to Congress on Arms Control, Nonproliferation and Disarmament Studies completed in 2004, pursuant to 31 U.S.C. 1113 note; to the Committee on International Relations.

7045. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-348, "Non-Health Related Occupations and Professions Licensure Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7046. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-354, "Oak Hill Construction Streamlining Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7047. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-353, "Triangle Community Garden Equitable Real Property Tax Exemption and Relief Temporary Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7048. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-347, "Low-Emissions Motor Vehicle Tax Exemption Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7049. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-352, "District Department of Transportation DC Circulator Temporary Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7050. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-346, "Closing of a Portion of a Public Alley in Square 5230, S.O. 04-9922, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7051. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-351, "Closing of Public Alleys in Square 743N, S.O. 04-12457, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-350, "Washington Metropolitan Area Transit Authority Fund Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7053. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-345, "Government Facility Security Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7054. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-349, "New Columbia Community Land Trust 20th and Channing

Streets, N.E. Tax Exemption Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7055. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-344, "Advisory Commission on Sentencing Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7056. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-342, "Closing of a Portion of a Public Alley in Square 1030, S.O. 02-2103, Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7057. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Year 2005 A-76 Inventory of Commercial Activities for FY 2004; to the Committee on Government Reform.

7058. A letter from the Chief Human Captial Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7059. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-343, "Financial Institutions Deposit and Investment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7060. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2005, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Government Reform.

7061. A letter from the Secretary, Department of Transportation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report entitled, "Report to Congress on the Fiscal Year (FY) 2005 Competitive Sourcing Efforts"; to the Committee on Government Reform.

7062. A letter from the Chairman, Federal Housing Finance Board, transmitting a copy of the Board's No Fear Act Report for FY 2005, pursuant to Public Law 107-174; to the Committee on Government Reform.

7063. A letter from the Director, Office of Management, Federal Housing Finance Board, transmitting the Board's 2005 Annual Report on the Use of Category Ratings to fill positions, pursuant to 5 U.S.C. 3319; to the Committee on Government Reform.

7064. A letter from the General Counsel, Government Accoutability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002" (NoFear), Pub. L. 107-174, for Fiscal Year 2005; to the Committee on Government Reform.

7065. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report covering fiscal year 2005; to the Committee on Government Reform.

7066. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Designing an Effective Pay for Performance Compensation System," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

7067. A letter from the Administrator, National Aeronautics and Space Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Administration's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

7068. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a report on a proposed archival depository for the Presidential records and other historical materials of the Nixon administration, pursuant to 44 U.S.C. 2112; to the Committee on Government Reform.

7069. A letter from the Director, Office of National Drug Control Policy, transmitting the Office's FY 2006 through FY 2012 Strategic Plan; to the Committee on Government Reform.

7070. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Advisory Neighborhood Commission 7D Unauthorized Check Activity"; to the Committee on Government Reform.

7071. A letter from the Chairman, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2005 to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Government Reform.

7072. A letter from the Administrator, Small Business Administration, transmitting a copy of the Administration's Fiscal Year 2005 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report, pursuant to Public Law 107-174, section 203; to the Committee on Government Reform.

7073. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report entitled, "Report on Acquisitions Made from Foreign Manufacturers for Fiscal Year 2005" in accordance with Section 641 of Division H of the Fiscal Year 2005 Consolidated Appropriations Act, Pub. L. 108-447; to the Committee on Government Reform.

7074. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2005, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

7075. A letter from the Director, Tennessee Valley Authority, transmitting the report in compliance with the Government in the Sunshine Act for Calendar Year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 179.2 to Mile Marker 180.0, St. Louis, MO [COTP St. Louis-05-019] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Illinois River Mile Marker 162.3 to Mile Marker 162.7, Peoria, IL [COTP St. Louis-05-017] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Missouri River Mile Marker 422.0 to Mile Marker 423.5, Atchison, KS [COTP St. Louis-05-020] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 840.0 to Mile Marker 840.4, ST. Paul, MN [COTP St. Louis-05-021] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7080. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the report on the results of a demonstration project involving the implementation of the Crew Endurance Management System (CEMS) on towing vessels, pursuant to Public Law 108-293, section 409; to the Committee on Transportation and Infrastructure.

7081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Missouri River, Mile 732.0 to Mile 732.6, Sioux City, IA [COTP St. Louis-05-022] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River, Mile 335.5 to Mile 336.5, La Grange, MO [COTP St. Louis-05-023] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 791.2 to Mile Marker 791.7, Red Wing, MN [COTP St. Louis-05-024] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 790.7 to Mile Marker 791.3, Red Wing, MN [COTP St. Louis-05-025] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tampa Bay, FL [COTP Tampa 05-099] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7086. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Tampa Bay, FL [COTP Tampa 05-100] (RIN: 1625-AA00) received March 16, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7087. A letter from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2005, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

7088. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting notification that the Department has created the Critical Infrastructure Partnership Advisory Council (CIPAC); to the Committee on Homeland Security.

7089. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress on a plan for the development of fusion energy, in compliance with Sections 972(a) and (b) of the Energy Policy Act of 2005; jointly to the Committees on Energy and Commerce and Science.

7090. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the threat from act of terrorism to U.S. ports and vessels operating from those ports, pursuant to 46 U.S.C. app. 1802; jointly to the Committees on Transportation and Infrastructure and Homeland Security.

7091. A letter from the Secretary, Department of Homeland Security, transmitting notification of the change in the title of the office and position of the Under Secretary of Emergency and Preparedness and Response with the title, "Under Secretary for Federal Emergency Management," pursuant to Public Law 107-296, section 872; jointly to the Committees on Transportation and Infrastructure and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3418. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; with an amendment (Rept. 109–442). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4013. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah (Rept. 109–443). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4686. A bill to reauthorize various fisheries management laws, and for other purposes; with an amendment (Rept. 109–444). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5112. A bill to provide for reform in the operations of the executive branch (Rept. 109–445). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 724. Resolution honoring Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts and Secretary of the Judicial Conference of the United States (Rept. 109–446). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. DOGGETT, Mr. GRIJALVA, Mr. OWENS, Mr. WEXLER, Mr. MORAN of Virginia, Mr. BRADY of Pennsylvania, Mr. JEFFERSON, Mr. KUCINICH, Mr. WOLF, Mr. UDALL of Colorado, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. SNYDER, Ms. BORDALLO, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. SCOTT of Virginia, Ms. MILLENDER-MCDONALD, Mr. CAPUANO, Mrs. CHRISTENSEN, Mrs. MCCARTHY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TAYLOR of Mississippi, Mr. SERRANO, Mr. FATTAH, Mr. BOYD, Mr. CARDIN, Mr. TOWNS, Ms. NORTON, Mr. FOLEY, Mrs. MALONEY, Mr. RUPPERSBERGER, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Ms. WATSON, Mr. GUTIERREZ, Mr. SCOTT of Georgia, Mr. CLAY, and Mr. BERMAN):

H.R. 5216. A bill to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and local entities to establish similar local databases; to the Committee on Government Reform.

By Mrs. MCCARTHY (for herself, Mr. SCHWARZ of Michigan, Mr. BISHOP of New York, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, and Ms. BORDALLO):

H.R. 5217. A bill to authorize the Secretary of Homeland Security to award competitive grants to units of local government for innovative programs that address expenses incurred in responding to the needs of undocumented immigrants; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Mr. LARSON of Connecticut):

H.R. 5218. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. SMITH of Texas):

H.R. 5219. A bill to amend title 28, United States Code, to provide for the detection and prevention of inappropriate conduct in the Federal judiciary; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5220. A bill to establish the Veterans Advisory Committee on Certification, Credentialing, and Licensure; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 5221. A bill to amend title 38, United States Code, to enhance services provided by Vet Centers operated by the Secretary of Veterans Affairs, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASE:

H.R. 5222. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. WEXLER, Mr. GRIJALVA, Mr. SANDERS, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. STARK, Mr. CAPUANO, Ms. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. HONDA, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. FARR, and Ms. LEE):

H.R. 5223. A bill to establish the National Commission on Surveillance Activities and the Rights of Americans; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 5224. A bill to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building"; to the Committee on Government Reform.

By Ms. DEGETTE (for herself, Mr. BECERRA, Mr. CASTLE, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. HAYWORTH, Mr. HINOJOSA, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Mrs. NAPOLITANO, Mr. OWENS, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Ms. WATERS, Mr. WELDON of Pennsylvania, and Mr. WU):

H.R. 5225. A bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself and Mr. MARKEY):

H.R. 5226. A bill to repeal certain tax provisions of the Energy Policy Act of 2005; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. MARKEY, and Mr. MCGOVERN):

H.R. 5227. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 5228. A bill to require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. DOYLE, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. DEFAZIO, Mr. DELAHUNT, Mr. EMANUEL, Mr. EVANS, Mr. FITZPATRICK of Pennsylvania, Mr. HINCHEY, Mrs. JOHNSON of Connecticut, Mrs. MCCARTHY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. MURTHA, Mr. OLVER, Mr. PALLONE, Mr. PLATTS, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHAYS, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WELDON of Pennsylvania, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. SABO, and Ms. HART):

H.R. 5229. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. FOSSELLA (for himself, Mr. FEENEY, Mr. PAUL, Mr. LIPINSKI, Mrs. JO ANN DAVIS of Virginia, and Mr. SHADEGG):

H.R. 5230. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition; to the Committee on Ways and Means.

By Mr. ISSA (for himself, Mr. TOM DAVIS of Virginia, Mr. HUNTER, Mr. SOUDER, Mr. CALVERT, Mrs. BONO, and Mr. KELLER):

H.R. 5231. A bill to limit Federal court jurisdiction over certain suits pertaining to the application of a price threshold in determining the volume for which suspension of royalties applies to certain offshore oil and gas leases; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 5232. A bill to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes; to the Committee on Resources.

By Ms. KILPATRICK of Michigan:

H.R. 5233. A bill to make funding for the housing choice voucher program of the Department of Housing and Urban Development more reliable and predictable at the local level, and for other purposes; to the Committee on Financial Services.

By Mr. LARSON of Connecticut (for himself, Mr. MCDERMOTT, Mr. HINCHEY, Mr. ALLEN, Ms. HOOLEY, Mr. GRIJALVA, Ms. DELAURO, Mr. HONDA, Mr. NADLER, and Ms. LEE):

H.R. 5234. A bill to amend the Internal Revenue Code of 1986 to repeal certain tax incentives for oil companies; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 5235. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. HULSHOF, Mr. CLEAVER, Mr. JEFFERSON, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. TOWNS, Mrs. MCCARTHY, Mr. SERRANO, Mr. MARSHALL, Mr. DELAHUNT, Mr. BROWN of Ohio, Mr. BERMAN, Mr. CLAY, Mr. MCDERMOTT, and Mr. SCHIFF):

H.R. 5236. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY:

H.R. 5237. A bill to seek the inclusion of certain requirements of the International Health Regulations of the World Health Organization as obligations under the World Trade Organization; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY:

H.R. 5238. A bill to amend title XVIII of the Social Security Act to eliminate adjustments in Medicare payments for imaging services made by section 5102 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 5239. A bill to amend the Internal Revenue Code of 1986 to increase the credit for certain alternative motor vehicles assembled in the United States; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 5240. A bill to amend the Internal Revenue Code of 1986 to suspend the excise tax on highway motor fuels when average United States retail gasoline prices exceed $2.75 per gallon; to the Committee on Ways and Means.

By Mr. MCINTYRE:

H.R. 5241. A bill to amend the Water Resources Development Act of 1976 to allow the Secretary of the Army to extend the period during which the Secretary may provide beach nourishment for a water resources development project; to the Committee on Transportation and Infrastructure.

By Mr. NEUGEBAUER:

H.R. 5242. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 5243. A bill to authorize the Secretary of Health and Human Services to establish a dental education loan repayment program to encourage dentists to serve at facilities with a critical shortage of dentists in areas with a high incidence of HIV/AIDS; to the Committee on Energy and Commerce.

By Ms. ROYBAL-ALLARD (for herself, Ms. WATSON, Mrs. NAPOLITANO, Mr. BECERRA, Ms. SOLIS, and Mr. WAXMAN):

H.R. 5244. A bill to revitalize the Los Angeles River, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. CONYERS, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. HINCHEY, and Mr. SHERMAN):

H.R. 5245. A bill to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the "Matthew Lyon Post Office Building"; to the Committee on Government Reform.

By Mr. SHAW (for himself and Mr. SESSIONS):

H.R. 5246. A bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. LANTOS):

H.R. 5247. A bill to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. NADLER, Mrs. MCCARTHY, Mr. HINCHEY, Mr. BAIRD, Mrs. NAPOLITANO, Mr. CHANDLER, Ms. SCHWARTZ of Pennsylvania, Mr. TIERNEY, Mr. INSLEE, Ms. MCKINNEY, Mr. ALLEN, Mr. AL GREEN of Texas, Mr. DEFAZIO, Mrs. CAPPS, Mr. PASCRELL, Mr. DOGGETT, Mr. RUPPERSBERGER, and Mr. BISHOP of New York):

H.R. 5248. A bill to regulate over-the-counter trading of energy derivatives; to the Committee on Agriculture.

By Mr. TERRY (for himself, Mr. CROWLEY, Ms. HARRIS, Mr. FEENEY, Mr. HOLT, Mr. OSBORNE, Mr. FORTENBERRY, Mr. ROGERS of Michigan, Mr. WALDEN of Oregon, Mr. GREEN of Wisconsin, Mr. DAVIS of Illinois, Mr. MANZULLO, Mr. MEEKS of New York, Mr. PENCE, Mr. MCCOTTER, and Mr. SOUDER):

H.R. 5249. A bill to amend the Foreign Assistance Act of 1961 to require recipients of United States foreign assistance to certify that the assistance will not be used to intentionally traffic in goods or services that contain counterfeit marks, and for other purposes; to the Committee on International Relations.

By Mr. WALSH (for himself, Mr. RYUN of Kansas, Mrs. CAPPS, Mrs. MCCARTHY, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. WAXMAN, Mr. PALLONE, Mr. EHLERS, Mr. MCHUGH, Mr. KING of New York, Mr. BOEHLERT, Mr. PASTOR, Mr. FOLEY, Mr. MCNULTY, Mr. FARR, Mr. BACHUS, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. SWEENEY, Mr. KUHL of New York, Ms. KAPTUR, Mr. WYNN, Mr. STRICKLAND, Mr. REYNOLDS, Mrs. KELLY, Ms. MCCOLLUM of Minnesota, and Mr. GENE GREEN of Texas):

H.R. 5250. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico:

H.R. 5251. A bill to amend the Internal Revenue Code of 1986 to encourage the use of alternative fuel vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. AKIN (for himself, Mr. HEFLEY, Mr. DUNCAN, and Mr. FEENEY):

H.J. Res. 84. A joint resolution proposing an amendment to the Constitution of the United States to limit the power of Federal courts to force a State or local government to levy or increase taxes; to the Committee on the Judiciary.

By Mrs. MCCARTHY (for herself, Mr. PLATTS, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. TOWNS, Mr. WEXLER, Ms. KILPATRICK of Michigan, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. SANDERS, Mrs. MALONEY, Mr. HINOJOSA, Ms. WOOLSEY, Mr. OWENS, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. FARR, Mr. MOORE of Kansas, Ms. ESHOO, Mr. GRIJALVA, and Ms. LEE):

H. Con. Res. 395. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and the Workforce.

By Mr. FRANKS of Arizona (for himself, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. WOLF, Mr. TANCREDO, and Mr. PASTOR):

H. Con. Res. 396. Concurrent resolution expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India; to the Committee on International Relations, and in addition to the Committees on Financial Services, Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY (for herself, Mr. OSBORNE, Mrs. TAUSCHER, Ms. GRANGER, Ms. SOLIS, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 784. A resolution commending and supporting Radio Al Mahaba, Iraq's first and only radio station for women; to the Committee on International Relations.

By Mr. LANGEVIN (for himself and Mr. BARTON of Texas):

H. Res. 785. A resolution honoring the lives and achievements of Christopher and Dana Reeve; to the Committee on Energy and Commerce.

By Mr. RYUN of Kansas (for himself, Mr. TANCREDO, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. SCHWARZ of Michigan, Mr. DOOLITTLE, and Mr. FOLEY):

H. Res. 786. A resolution condemning the recent election of the Iranian Ambassador to the United Nations to the position of Vice-chair of the United Nations Disarmament Commission; to the Committee on International Relations.

By Ms. SOLIS:

H. Res. 787. A resolution expressing the sense of the House of Representatives that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for farm worker families and the rights of women and children; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. OXLEY.

H.R. 65: Mr. OXLEY, Mr. GERLACH, Mr. WOLF, and Mr. TAYLOR of North Carolina.

H.R. 161: Mr. REYES and Mr. RANGEL.

H.R. 226: Mr. WALSH.

H.R. 503: Mr. INGLIS of South Carolina and Mr. BARRETT of South Carolina.

H.R. 550: Ms. HARMAN.

H.R. 691: Mr. LEWIS of Kentucky.

H.R. 699: Mr. MILLER of North Carolina, Ms. SLAUGHTER, Mr. BOUSTANY, and Ms. WATERS.

H.R. 709: Mr. HAYWORTH.

H.R. 759: Mr. PRICE of North Carolina.

H.R. 765: Mr. RAMSTAD.

H.R. 857: Mr. CLAY.

H.R. 865: Mr. JOHNSON of Illinois, and Ms. BERKLEY.

H.R. 892: Mr. GENE GREEN of Texas.

H.R. 944: Mr. MANZULLO.

H.R. 964: Mrs. KELLY.

H.R. 974: Mrs. TAUSCHER.

H.R. 1237: Mr. MURPHY and Mr. GERLACH.

H.R. 1498: Mr. BISHOP of Georgia.

H.R. 1522: Mrs. MALONEY.

H.R. 1561: Mr. WELDON of Pennsylvania.

H.R. 1697: Mr. BISHOP of Georgia, Mr. HOLDEN, and Mr. HINOJOSA.

H.R. 1709: Mrs. BIGGERT.

H.R. 1798: Mr. KUCINICH, Mr. NADLER, Mr. GRIJALVA, and Mr. DOGGETT.

H.R. 1861: Mr. FOSSELLA.

H.R. 1994: Ms. BERKLEY.

H.R. 2070: Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. HONDA, Mr. WYNN, Mr. MARKEY, Ms. WATSON, Mr. MCNULTY, Mr. CLAY, and Mr. DOYLE.

H.R. 2177: Mr. CALVERT.

H.R. 2178: Mr. MCNULTY.

H.R. 2350: Mr. WALDEN of Oregon.

H.R. 2410: Mr. BERMAN, Mr. LEVIN, Mr. MOORE of Kansas, Mrs. TAUSCHER, Mr. PAUL, and Ms. ZOE LOFGREN of California.

H.R. 2421: Mr. ROSS.

H.R. 2498: Mr. JOHNSON of Illinois.

H.R. 2683: Mr. DAVIS of Illinois and Mr. MEEKS of New York.

H.R. 2727: Mr. PRICE of North Carolina.

H.R. 2828: Mr. DOGGETT and Ms. SCHWARTZ of Pennsylvania.

H.R. 2943: Mr. AKIN.

H.R. 2962: Mr. PLATTS.

H.R. 3096: Mr. MCHUGH and Mr. FATTAH.

H.R. 3173: Mrs. MALONEY.

H.R. 3278: Mr. GEORGE MILLER of California.

H.R. 3326: Mr. CASE.

H.R. 3358: Mr. AKIN.

H.R. 3385: Mr. BURGESS.

H.R. 3401: Mr. JENKINS and Mrs. MYRICK.

H.R. 3478: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3544: Mr. CONYERS.

H.R. 3559: Mr. CARTER, Mr. BOUSTANY, Mr. KING of New York, Mr. ALEXANDER, Mr. COLE of Oklahoma, and Mr. LUCAS.

H.R. 3579: Ms. KAPTUR and Mr. SMITH of New Jersey.

H.R. 3628: Mr. PETRI.

H.R. 3762: Mr. CASTLE.

H.R. 3779: Mr. FATTAH.

H.R. 3791: Mr. STRICKLAND.

H.R. 3917: Mr. FATTAH.

H.R. 3936: Ms. SLAUGHTER, Mr. CARDIN, Ms. MATSUI, Mr. WYNN, Mr. BAIRD, Mr. NADLER, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. CHANDLER, Ms. ROYBAL-ALLARD, Mr. COSTA, Mrs. MALONEY, Mr. HOLT, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. DINGELL, Mr. FARR, Mr. HASTINGS of Florida, Mr. DOGGETT, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Ms. LEE, and Mr. MEEK of Florida.

H.R. 3949: Mr. KLINE and Mr. ABERCROMBIE.

H.R. 3964: Mr. FRANK of Massachusetts, Mr. CASE, and Mr. HONDA.

H.R. 4005: Mr. STRICKLAND and Mr. UDALL of Colorado.

H.R. 4033: Mr. CHABOT and Mr. BLUMENAUER.

H.R. 4082: Mr. HOLT.

H.R. 4121: Mr. CARTER.

H.R. 4156: Mr. BECERRA.

H.R. 4157: Miss MCMORRIS, Mr. CAMPBELL of California, Mr. LUCAS, and Mr. COLE of Oklahoma.

H.R. 4197: Mr. BERMAN.

H.R. 4217: Mr. STEARNS.

H.R. 4236: Mr. COSTA.

H.R. 4298: Ms. DELAURO and Mr. ENGEL.

H.R. 4315: Mr. BISHOP of Georgia, Mr. KUCINICH, Mr. GUTKNECHT, and Mr. NUSSLE.

H.R. 4341: Mr. BOYD, Mr. BARROW, and Mr. NUSSLE.

H.R. 4357: Mr. KUHL of New York.

H.R. 4366: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4371: Mr. PRICE of North Carolina.

H.R. 4465: Mr. PRICE of North Carolina and Mr. DAVIS of Illinois.

H.R. 4479: Mr. CAPUANO, Mr. SERRANO, Mr. OBEY, Mr. HONDA, and Mrs. LOWEY.

H.R. 4542: Mr. ROSS and Mr. SCHIFF.

H.R. 4547: Mrs. JO ANN DAVIS of Virginia.

H.R. 4562: Mr. SCHIFF, Ms. WATSON, Mr. BROWN of Ohio, Mr. GERLACH, Mr. HONDA, Ms. MATSUI, Mr. PAYNE, Mr. UDALL of New Mexico, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. CUELLAR, Mr. DOGGETT, Mr. FILNER, Mr. GRIJALVA, Ms. HERSETH, Ms. KILPATRICK of Michigan, Mr. LYNCH, Mrs. NAPOLITANO, Mr. OWENS, Mr. UDALL of Colorado, Mr. WYNN, and Mr. ETHERIDGE.

H.R. 4574: Mr. MCDERMOTT.

H.R. 4597: Mr. PASTOR, Mr. MORAN of Virginia, and Mr. SCHIFF.

H.R. 4622: Mr. BISHOP of Georgia and Ms. CORRINE BROWN of Florida.

H.R. 4623: Mr. RAMSTAD, Mr. UDALL of New Mexico, Ms. HARRIS, Ms. LEE, Mrs. MALONEY, Mr. GRIJALVA, Mr. DOYLE, Mr. GERLACH, Mr. VAN HOLLEN, Mr. BRADY of Pennsylvania, Ms. BERKLEY, and Mr. GUTKNECHT.

H.R. 4666: Ms. MCCOLLUM of Minnesota.

H.R. 4681: Mr. DAVIS of Illinois, Mr. TANNER, Mr. EHLERS, Ms. BORDALLO, Mr. BOUSTANY, Mr. MCCRERY, Mr. CLEAVER, Mr. JEFFERSON, Mr. LEWIS of Kentucky, Mrs. DAVIS of California, Mr. MCKEON, and Mr. GOODLATTE.

H.R. 4726: Mr. RAHALL.

H.R. 4727: Mr. MARSHALL.

H.R. 4737: Mr. FATTAH.

H.R. 4755: Mr. GRIJALVA, Mr. ETHERIDGE, Mrs. DAVIS of California, Ms. HARMAN, and Mr. PEARCE.

H.R. 4761: Mr. CALVERT, Mr. GOODE, and Mr. MCHUGH.

H.R. 4774: Mr. SHERWOOD.

H.R. 4775: Mrs. EMERSON and Mr. MELANCON.

H.R. 4794: Mr. DAVIS of Illinois.

H.R. 4859: Mr. COLE of Oklahoma.

H.R. 4894: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4922: Mr. YOUNG of Alaska.

H.R. 4923: Mr. KENNEDY of Rhode Island and Mr. FRANK of Massachusetts.

H.R. 4946: Mr. GINGREY and Mr. BROWN of South Carolina.

H.R. 4954: Mr. COSTA.

H.R. 4956: Mr. FATTAH and Mr. DAVIS of Illinois.

H.R. 4961: Mr. MURPHY and Mr. PLATTS.

H.R. 4962: Mr. KUHL of New York.

H.R. 4967: Mr. DAVIS of Kentucky.

H.R. 4976: Mr. OTTER and Ms. HARMAN.

H.R. 4980: Mr. PRICE of Georgia, Mr. PRICE of North Carolina, Mr. GOODE, and Mr. EMANUEL.

H.R. 5015: Mr. UDALL of Colorado and Mr. GRIJALVA.

H.R. 5022: Ms. DEGETTE, Mrs. CAPPS, Mr. EMANUEL, Mr. LARSEN of Washington, and Mr. AL GREEN of Texas.

H.R. 5037: Mr. CAMPBELL of California, Mr. PETERSON of Pennsylvania, Mr. GARY G. MILLER of California, Mr. TAYLOR of North Carolina, Mr. BACHUS, Mr. FOLEY, and Mr. OXLEY.

H.R. 5056: Mr. COLE of Oklahoma.

H.R. 5058: Ms. SCHAKOWSKY and Mr. CONYERS.

H.R. 5072: Mr. KING of Iowa, Mr. LATHAM, and Mr. LEWIS of Kentucky.

H.R. 5099: Mr. CARDOZA.

H.R. 5100: Mr. SENSENBRENNER, Mr. ISRAEL, and Mrs. JONES of Ohio.

H.R. 5104: Mr. BILIRAKIS, Mr. BOYD, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. FOLEY, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. KELLER, Mr. MACK, Mr. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. PUTNAM, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. STEARNS, Ms. WASSERMAN SCHULTZ, Mr. WELDON of Florida, Mr. WEXLER, and Mr. YOUNG of Florida.

H.R. 5106: Mr. EHLERS, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, and Ms. ZOE LOFGREN of California.

H.R. 5113: Ms. LINDA T. SÁNCHEZ of California, Ms. WOOLSEY, Mr. LEVIN, Mrs. MALONEY, and Mr. DAVIS of Illinois.

H.R. 5114: Mr. SMITH of Washington, Mr. BONILLA, Mr. GINGREY, Mr. FEENEY, Ms. FOXX, Mr. BARRETT of South Carolina, Mrs. CUBIN, and Mr. MORAN of Kansas.

H.R. 5115: Mr. RAMSTAD.

H.R. 5120: Mr. FRANK of Massachusetts.

H.R. 5129: Mr. SHADEGG, Mr. UPTON, and Mr. MILLER of Florida.

H.R. 5131: Mr. CASTLE and Mr. DOGGETT.

H.R. 5134: Mr. CASE.

H.R. 5136: Mr. EDWARDS and Mr. LUCAS.

H.R. 5139: Mr. DAVIS of Illinois.

H.R. 5140: Mr. DAVIS of Illinois.

H.R. 5141: Mr. EMANUEL and Mr. DAVIS of Illinois.

H.R. 5142: Mr. EMANUEL and Mr. DAVIS of Illinois.

H.R. 5150: Mr. PALLONE.

H.R. 5159: Mr. MACK, Mr. BARTON of Texas, Mr. GERLACH, Mr. KINGSTON, Mr. BEAUPREZ, Mr. SIMPSON, Mr. CONYERS, Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. GRAVES, Mr. DUNCAN, Mr. FOSSELLA, Mr. CALVERT, Mr. SANDERS, Mr. WAXMAN, and Mr. BURTON of Indiana.

H.R. 5166: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MICA, and Mr. THORNBERRY.

H.R. 5170: Mrs. JOHNSON of Connecticut, Mr. ISSA, Mr. CULBERSON, Mr. DOOLITTLE, Mrs. CAPITO, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. MARCHANT, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Ms. HART, and Mr. BARTON of Texas.

H.R. 5182: Mr. WALSH, Mr. ADERHOLT, Mrs. EMERSON, Mr. MCINTYRE, Mr. BOOZMAN, Mr. SKELTON, Mr. COBLE, and Mr. STARK.

H.R. 5201: Mr. GINGREY, Mr. MURPHY, Mr. BRADLEY of New Hampshire, and Mr. BARTLETT of Maryland.

H.R. 5206: Mr. ABERCROMBIE, Mr. WALSH, Mr. TERRY, and Mr. OLVER.

H.R. 5208: Mr. ENGLISH of Pennsylvania.

H.R. 5212: Mr. DOGGETT and Ms. SOLIS.

H. J. Res. 73: Mr. THOMPSON of California.

H. Con. Res. 55: Mr. MARCHANT.

H. Con. Res. 57: Mr. FATTAH.

H. Con. Res. 172: Mr. ISSA.

H. Con. Res. 318: Mr. SIMMONS.

H. Con. Res. 340: Mr. MARSHALL.

H. Con. Res. 346: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KING of New York.

H. Con. Res. 348: Mr. COBLE, Mr. DUNCAN, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Ms. SOLIS, Mr. BACA, and Mr. LEWIS of Georgia.

H. Con. Res. 363: Mr. DAVIS of Illinois.

H. Con. Res. 367: Ms. GRANGER.

H. Con. Res. 368: Mr. BRADY of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. BROWN of South Carolina, Mr. FOLEY, and Mr. BISHOP of Georgia.

H. Con. Res. 380: Mr. MILLER of Florida.

H. Con. Res. 383: Mr. GERLACH.

H. Con. Res. 392: Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. ANDREWS, Mr. LINDER, Mr. TERRY, Mr. MURPHY, Mr. PORTER, and Mr. SHIMKUS.

H. Res. 116: Mr. DICKS, Mr. CARDIN, and Ms. ZOE LOFGREN of California.

H. Res. 149: Mr. DAVIS of Illinois.

H. Res. 316: Ms. SOLIS, Mr. SENSENBRENNER, Mr. HOLDEN, and Mr. WAMP.

H. Res. 635: Mr. JACKSON of Illinois and Mr. FATTAH.

H. Res. 638: Mr. ISSA.

H. Res. 666: Mr. DAVIS of Kentucky.

H. Res. 729: Mr. ISSA and Ms. HARRIS.

H. Res. 730: Mr. HALL.

H. Res. 773: Mrs. SCHMIDT, Mr. BROWN of South Carolina, Mr. BISHOP of Georgia, Mrs. DAVIS of California, Mrs. MALONEY, Mr. OWENS, Mr. ROTHMAN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WYNN, Mr. WILSON of South Carolina, Mr. SHAYS, Mr. ACKERMAN, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. MCNULTY, Mr. MICHAUD, Mr. PALLONE, Mr. VAN HOLLEN, Mr. NORWOOD, Mr. HOLT, and Mr. KUHL of New York.

H. Res. 780: Mr. CARDIN, Mr. BROWN of Ohio, and Mr. CROWLEY.

H. Res. 781: Mr. HAYWORTH.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 12, April 26, 2006, by Mr. EDWARD J. MARKEY on the bill H.R. 4263 was signed by the following Members: Edward J. Markey, Peter A DeFazio, James L. Oberstar, Eddie Bernice Johnson, Robert A. Brady, James P. Moran, Grace F. Napolitano, and Jerrold Nadler.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Timothy H. Bishop, John F. Tierney, Jim McDermott, Louise McIntosh Slaughter, Joe Baca, James L. Oberstar, Gary L. Ackerman, Jane Harman, Elito L. Engel, and David R. Obey.

Petition 7 by Ms. HERSETH on House Resolution 568: Benjamin L. Cardin, Barney Frank, Bill Pascrell, Jr., Doris O. Matsui, John T. Salazar, Allyson Y. Schwartz, John W. Olver, Stephen F. Lynch, Rahm Emanuel, Gregory W. Meeks, Lloyd Doggett, Vic Snyder, Artur Davis, Jim Davis, Adam Smith, Jerry F. Costello, Melvin L. Watt, James L. Oberstar, Jim Costa, Chaka Fattah, David Scott, Howard Coble, Ed Case, and Doris O. Matsui.

Petition 10 by Ms. HERSETH on House Resolution 585: Adam Smith.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 109TH CONGRESS FIRST SESSION

BILLS APPROVED BY THE PRESIDENT AFTER SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 1st Session, 109th Congress, notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

January 5, 2006:

H.R. 3402. An Act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

January 6, 2006:

H.R. 1815. An Act to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year.

January 10, 2006:

H.R. 972. An Act to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

H.R. 2017. An Act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

H.R. 3179. An Act to reauthorize and amend the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 4501. An Act to amend the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

H.R. 4637. An Act to make certain technical corrections in amendments made by the Energy Policy Act of 2005.

January 11, 2006:

H.R. 4340. An Act to implement the United States-Bahrain Free Trade Agreement.

SENATE—*Thursday, April 27, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Reverend Francis H. Wade, of St. Alban's Parish in Washington, DC.

The guest Chaplain offered the following prayer:

Let us bow our heads before the Lord.

Our God and King, You have taught us that those to whom much is given much is required. Open our minds to an awareness of the riches of this good land—its material wealth, its moral heritage, its legacies of courage and generosity. Open our eyes to the treasure that is the people of this land, their hopes and fears, their homes and families, their histories and potential. Open our hearts to the intangibles of justice and peace, dignity and joy, trust and forbearance.

Bless this Senate and all who bear the responsibility of governance with the lively sense of stewardship and accountability so that what You have made precious in this Nation will flourish and be Your resource for the fullness of life for all people of every land. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will start with a 30-minute period of morning business. Therefore, shortly after 10 a.m., we will return to the consideration of the supplemental appropriations bill. We now have approximately 13 amendments pending. One of those has been divided into 18 divisions; therefore, that amendment could require up to 18 votes before we dispose of it.

Needless to say, we will have rollcall votes throughout the day as we work our way through these amendments. At this point, there appears to be an unending flow of amendments and we will gauge our progress at the end of business today. I want Members to have the opportunity to offer amendments, but at some point it may be necessary to file a cloture motion to ensure that we finish this emergency supplemental sometime next week.

In the meantime, I encourage Senators to work with the managers to schedule their amendments, and perhaps there will be an opportunity for some of the votes to be accepted without the need for floor debate or a vote.

I will have a brief statement on another issue, unless the Democratic leader wants to comment on the schedule. We are going to have a busy day. I ask our colleagues to be cooperative. This is a supplemental emergency bill and we need to proceed efficiently—with patience but efficiently.

I wish to comment on another very important issue. We have so many things going on today and over the course of the week, with a focus on energy, with a lot of work being done not on the floor but in committees and in working groups and task forces to address the skyrocketing prices of gasoline. We have a pensions conference report on the way, and a tax increase prevention act conference report is underway.

JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, there is another issue we have made slow progress on recently that we need to accelerate and that is the judicial nomination process. Throughout my time as leader, I have done my very best to stand on the principle of having fair up-or-down votes for each of the judicial nominees. I believe it is our responsibility, our constitutional duty, grounded in the advice and consent clause of section 2 of the Constitution, and it is reinforced by over 200 years of Senate history; it is a duty we have in the Senate. I compliment the body on the two Justices who were confirmed—a Chief Justice, an associate Justice, and all the district court judges who were confirmed. In the coming weeks, we need to continue building on this progress, as with all the rest of the issues coming before us. We will confirm new nominees to fill vacancies on the Federal bench.

As we all know, we need our courts to have judges who are well-qualified, mainstream judges, who demonstrate the highest integrity, and who will practice judicial restraint and will respect the rule of law and the Constitution.

After consulting with Chairman SPECTER, Senator MCCONNELL, and many of my colleagues, I am pleased to announce that in the coming weeks we will move forward on the nomination of Brett Kavanaugh to the DC Circuit Court of Appeals. I will make every effort to see that he gets a vote before the Memorial Day recess.

President Bush nominated Mr. Kavanaugh on July 25, 2003, 3 years ago. He has been waiting for that up-or-down vote on the floor of the Senate since that time. That is almost 3 years ago. That is a long enough time for us to bring that nomination forward to the floor and to act on that nomination. He is a graduate of Yale College and Yale Law School, and he is also a former Supreme Court clerk. He has sterling credentials. Most of us have studied his record.

Mr. Kavanaugh has a broad range of experience as a prosecutor, as a lawyer in private practice, and as a trusted counsel and adviser to President Bush.

Throughout his entire career, Brett Kavanaugh has demonstrated the fair-minded temperament and intellectual prowess that is needed to serve as a Federal appellate judge.

There will be a lot more to say about him in the coming weeks. We will talk about that nomination. For now, I urge my colleagues to refocus on the nomination process and make sure it will work fairly. I want to be able to approach the process and dignify it in a civil way, rejecting the obstruction and personal attacks that have arisen on the floor in times past. Let's embrace the principle of a fair up-or-down vote. It is right to do for the nominees—to treat them in a dignified way—and for the American people, who depend on fairminded judges to resolve disputes and interpret our laws.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

JUDICIAL NOMINATIONS

Mr. REID. The distinguished majority leader is right, we confirmed two Supreme Court Justices. I think they were dignified debates. I think the committee did a good job in preparing the Senate for those two Supreme Court nominations. We have also approved 29 lower court nominations. All nominees have been considered by the full Senate in this Congress and have been confirmed. The minority recognizes what rights we have. We will continue to recognize what those rights are, and certainly we have not abused any of those rights. We don't intend to. We will perform our constitutional role.

I say to the majority leader he is right. Mr. Kavanaugh had a hearing, but that was more than 2 years ago. I think one of the things that should be considered is whether the Judiciary Committee should update that. There have been a lot of things going on dealing with the situation in Iraq in which he was involved. That is a subject for discussion at a later time.

SUPPLEMENTAL APPROPRIATIONS

We look forward to the supplemental appropriations bill being finished. We have a lot of amendments. At this stage, we have had very few quorum calls. I am somewhat disappointed that we have this situation before us today. I believe the committee did some very good work—the Appropriations Committee—in bringing this matter to the floor. I wish we had a vote. I think when it is all over, that is what it will wind up being, anyway. I hope Senator COBURN, for whom I have the greatest respect, when he sees the first few votes, will get the idea how things are moving along and maybe we won't have to have all those votes.

As I understand it, at this time, there are about 30 votes in order at this stage. We have to dispose of those. There are people over here on this side waiting to offer amendments, none of which are dilatory in nature and all of which are dealing with the situation in Iraq, our military generally, with veterans. We have amendments that people wish to offer dealing with the energy situation we find in America.

So I hope today we can figure out a way to get through this situation. I appreciate very much the majority leader recognizing, as he has for the last few weeks, that we have an event over the weekend, a retreat in Philadelphia. We understand that.

The point I am making is that on this side we understand the importance of this bill. We wish it had not been part of an emergency appropriation in the original budget. We have to play the cards we are dealt. We will do everything we can to move this forward in what we believe is a dignified manner.

The PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask if I might have the privilege of introducing the visiting pastor who gave the morning prayer before the Senator from Oklahoma speaks.

Mr. INHOFE. Mr. President, I have no objection if the majority is going to have the first half of the 15 minutes immediately following the Senator's introduction.

REVEREND FRANCIS H. WADE

Mr. WARNER. Mr. President, it is a wonderful privilege for me to introduce to our colleagues Rev. Frank Wade, who most recently is the rector at St. Alban's Church. I want to say upfront that this great pastor married me and my wife Jeanne some 2 years ago. It was a real experience. It was so magnificent in that we counseled with him—even though both of us are well into adulthood—and received his guidance for some weeks prior to that beautiful ceremony, which was held in the Washington Cathedral. That is a site—St. Alban's and the Washington Cathedral—where I have spent so much of my life. Preceding Dr. Wade was my uncle, Charles Tinsley Warner, rector of St. Alban's Church for almost 40 years, from the late 1920s and 1930s all through World War II.

Our colleagues might recall that one of our dearest Members of the Senate, the former Senator from Missouri, Mr. Danforth, was an ordained Episcopal minister and he also preached occasionally at St. Alban's Church. Dr. Wade went to the Citadel, and from there he went to the Virginia Episcopal Seminary, where my uncle also graduated. For 17 years, he tended to the ministry of those in the great State of West Virginia. What a privilege for Dr. Wade and me this morning to have a few moments with our highly esteemed colleague, the senior Senator from West Virginia, Mr. BYRD.

I thank my colleagues and I thank Senator LAUTENBERG and Mr. Maxwell of his staff, who worked to make this memorable occasion for so many possible today.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

ENERGY POLICY

Mr. INHOFE. Mr. President, it is my understanding we have 15 minutes equally divided. I ask the Chair, after 6 minutes has elapsed, to advise me.

First, let me say there is nothing new to the problem we have had in this country by not having an energy policy. I can remember when Don Hodel was Secretary of Energy and later Secretary of the Interior. We had a dog-and-pony show where we went around the country during the Reagan administration and tried to talk about how serious this was—the fact that our dependence upon foreign countries, or our ability to fight a war, was not an energy problem, it was a national security problem.

We found the message didn't sell. I was critical of the Reagan administration. Later on, when the first Bush administration came along, I thought, surely, out of the oil patch he would want to have an energy policy, but he didn't either. And during the Clinton administration, he did not. When the second George Bush came into office, the first thing he did was say we are going to have an energy policy. Keep in mind that our dependency at that time, when I was active around the country with Don Hodel, was 36 to 37 percent. Now we are up to twice that. It is much worse now than it was before.

We are in the middle of our second gulf war and people should realize what a threat this is. I chair the Environment and Public Works Committee, which has most of the jurisdiction over many energy issues, and certainly the air issues. I remember making every effort to get drilling on ANWR. The distinguished President pro tempore has spent his life trying to get production in the northern part of his State. It is something that would resolve the problem.

Yesterday, on this floor, one of the Senators on the Democratic side said it would take 10 years before we would see any of that production. I don't believe that is true. But if it were true, I remind my colleagues that on November 20, 1995, we passed in both Chambers drilling in ANWR, and President Clinton vetoed the bill. We would have it today. We would not be having this problem.

I suggest also that there is one other facet that has not been talked about enough, and that is, we could have all the production, all the exploration in the world, but if we don't have the refining capacity, it doesn't do any good.

We were at 100 percent refining capacity even before Katrina. This is a serious problem. In our committee, we marked up a refinery bill, a very sophisticated bill, very moderate. It would allow those cities where they had closed military bases to use those closed military bases along with EDA grants to establish refineries. It is something that would enhance our refinery capacity and give us new refineries, and it was killed right down party lines. Every Democrat voted against it.

I will read what one of the papers, the Topeka Capital Journal, said:

> Politics played a crucial role in Democrat opposition. If gas prices are high next year—

This is next year now—
the GOP will be blamed. . . .

Even though it is the Democrats who are responsible for it. So we have those problems that are looming at the same time.

I will say this: Democrats did offer an alternative when they killed the refinery bill. All eight Democrats on the Environment and Public Works Committee, the committee I chair, voted in favor of an alternative that would put the Environmental Protection Agency in charge of siting, constructing, and operating oil facilities. In other words, socializing that particular sector of our economy, which is something they apparently believe Government can operate better than people.

It is not true. When we had the LIHEAP program, I had an amendment that would have improved the permitting process for ethanol plants, as well as oil refineries and coal liquid facilities. Again, killed right down party lines.

I guess what I am saying is, we go through this and we see what is happening, and it is always down party lines when we try to enhance our ability to have natural gas. Ask farmers anywhere in America what is causing the cost of fertilizer to go up. It is a shortage of natural gas.

At the same time, we had an opportunity to do something in Massachusetts. Two Congressmen from Massachusetts, FRANK and MCGOVERN, put a provision in the Transportation bill that blocks the construction of an already-approved liquefied natural gas facility.

What I am saying is—and I know I am down to 1 minute, Mr. President—it doesn't seem to matter to the Democrats whether we are trying to do something with fossil fuels, trying to do something with oil and gas, trying to do something with clean coal technology, or trying to do something with nuclear energy. It always is killed right down party lines. Now the crisis is here, and we are going to have to face it.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, as Americans go to the gas pump to fill up their gas tanks with gasoline, they are met with a very harsh economic reality. We have higher gas prices in this country. We don't have enough supply in this country. Of course, we have lots of demand, and demand continues to grow not only in the United States but around the world.

As the Senator from Oklahoma said, we have been trying to take steps now for a decade to address this issue of shortage of supply. As consumers look at the prices they are facing today and the fact that we, for the past decade, have really, for all intents and purposes, done nothing to lessen our dependence on foreign sources of energy or to add to energy resources we have in this country, that reality is starting to take root. I think people are realizing that now for the very first time, and they are taking the steps they can to curb demand. They are carpooling, buying more fuel-efficient vehicles, probably walking more than they used to. I think consumers are doing what they can on their side of the equation to try to address the demand issue.

We have a profound supply issue that has been complicated by a decade of obstruction in the U.S. Congress when it comes to increasing that supply. We have tried for the past decade—I was a Member of the House of Representatives for three terms and now as a Member of the Senate. We have had the opportunity to vote on numerous occasions to explore and produce oil on the North Slope of Alaska. There is somewhere between 6 and 16 billion barrels of oil on the North Slope of Alaska. There would be 1 million barrels a day in the pipeline if, when in 1995 the Congress acted, the President had acted and signed legislation into law that would have allowed us to take advantage of that rich resource right here in America.

We have tried on countless occasions to add to supply. We have offshore production. Why is it that Cuba can produce oil off the coast of Florida but we can't? We have to do something to help ourselves, and for the past decade we have been blocked at every turn by our colleagues on the other side of the aisle, by the Democrats in the Senate and in the House, from being able to get into the resources in the State of Alaska and other places.

As the Senator from Oklahoma mentioned, we had a vote in the Environment and Public Works Committee on legislation that would allow us to expand our refinery capacity. It was blocked by a party-line vote. One Republican voted with the Democrats, but the Democrats voted as a party en bloc against expanding refinery capacity.

That is something, too, that we need to get done. I believe there would be a majority of Senators in the Senate who would be in favor of that, just as there is a majority of Senators who are in favor of exploring on the North Slope of Alaska and in favor of offshore production. But the rules of the Senate have been used repeatedly—repeatedly, Mr. President—to block the clear will of the majority when it comes to adding to supply so we can lessen the crisis that we face in this country, putting more supply out there to bring that cost of gasoline, that cost of petroleum down. We have run into constant obstruction in the Senate from our colleagues on the Democratic side of the aisle.

So as consumers look at what they are facing today, it is important they begin to apply pressure to their leaders in the Senate and the House to take steps that should have been taken a long time ago and for which there is a clear majority of support in the Senate for exploration in Alaska, for building additional refinery capacity, for offshore production—for all these things that would add to the supply.

Having said that, I also believe it is not too late to do the right thing, and I have introduced bipartisan legislation with Senator OBAMA from Illinois that would help increase the use of renewable fuels to help meet the energy crisis, that would allow fuel retailers to defray the cost of installing E-85 pumps and other alternative fuel tanks at gas stations. Currently, only about 600 gas stations in the country have E-85 pumps. This would give many more Americans access to this alternative fuel and reduce our dependency on foreign energy.

There is more we can do. The President needs to push our oil-supplying countries to increase production to help ease this supply crisis.

Later today, I will introduce legislation that will provide immediate and short-term relief to American consumers. I will introduce legislation called the Gas Price Reduction Act of 2006 that will provide that relief. It will suspend the gas tax in its entirety for the remainder of this summer, until September 30, the period when Americans need the relief the most over the course of the summer months, when they are doing most of their traveling.

It calls for the elimination of the current 18.4-cents-per-gallon Federal gas tax on gasoline, relief that Americans will feel when they fill their gas tanks. The lost revenues will be reimbursed by temporary suspension of a number of tax credits and royalty waivers received by oil corporations. The increased revenue to the Federal Government from this suspension of tax breaks and incentives will be used to reimburse the Federal Treasury and the highway trust fund dollar for dollar for lost revenue from the suspension of the gasoline tax. The temporary suspension of the tax credits and waivers will remain in place until the resulting revenue stream has fully reimbursed the Treasury.

As we see skyrocketing gas prices around the country, it is time for this Congress to act. It is time for the American consumer to realize some relief. When crude oil is selling for $73 a barrel, it seems to me that many of these incentives and tax credits that are in place for research, development, exploration, and even drilling costs for the oil companies could be used to offset a reduction in the gasoline tax that will bring immediate relief to hard-working consumers who are facing higher and higher costs for the fuel they need to get to work, to do their jobs.

I look forward to engaging in the debate about what we can do here and now, but I have to say that in the long term, steps should have been taken a decade ago to add to supplies in this country. It is never too late to do the right thing. We need to be moving forward to make sure America is energy independent, that America's future is energy secure. So we have to rely less and less on foreign countries around the world from which we derive today about 60 percent of our energy supply. That is an untenable situation to be in. It is something that should have been addressed. We tried to address it for years. There is majority support for many of these proposals that would increase supply in this country today, but we continue to run into obstruction in the Senate. I hope that will end so we can address this incredibly important crisis and issue to the American people.

I yield back the remainder of my time.

The PRESIDENT pro tempore. There is 2 minutes remaining for the majority.

The Senator from Alabama.

CHANGE OF VOTE

Mr. SHELBY. Mr. President, on rollcall vote 99 yesterday, I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to proceed in morning business on the Democratic time.

The PRESIDENT pro tempore. Without objection, it is so ordered. There is 1½ minutes remaining for the majority.

The Senator is recognized on his time.

TRIBUTE TO LTG WILLIAM J. LENNOX

Mr. REED. Mr. President, I rise today to recognize the accomplishments of LTG William J. Lennox, United States Army, Superintendent of the United States Military Academy at West Point. General Lennox is retiring on the June 30, after 35 years of active military service. I have known General Lennox for many years. His military career exemplifies a soldier who always sought and achieved excellence.

After graduating from West Point in 1971, General Lennox served in a wide variety of assignments in the field artillery. He served as a Forward Observer, Executive Officer, and Fire Support Officer in the 1st Battalion, 29th Field Artillery, and as Commander, Battery B, 2d Battalion, 20th Field Artillery, in the 4th Infantry Division at Fort Carson, CO. He was the Operations Officer and Executive Officer for the 2d Battalion, 41st Field Artillery, in the 3d Infantry Division in Germany. He returned to Fort Carson to command the 5th Battalion, 29th Field Artillery, in the 4th Infantry Division and also commanded the Division Artillery in the 24th Infantry Division at Fort Stewart, GA.

General Lennox also served in a number of staff positions including a White House Fellowship, as the Special Assistant to the Secretary of the Army, and as the Executive Officer for the Deputy Chief of Staff for Operations and Plans.

Additionally, General Lennox served as the Deputy Commanding General and Assistant Commandant of the U.S. Army Field Artillery Center; the Chief of Staff for III Corps and Fort Hood; the Assistant Chief of Staff, CJ-3, at Combined Forces Command/United States Forces Korea; the Deputy Commanding General, Eighth United States Army and Chief of Legislative Liaison.

General Lennox is not only a soldier, however, he is also a scholar. After West Point, he continued his education at Princeton University, receiving a master's degree and a doctorate in literature. He was first in his class at Fort Leavenworth's Command and General Officer's School. He also completed the Senior Service College Fellowship at Harvard University.

In June 2001, General Lennox became the Superintendent of the U.S. Military Academy, and took the helm of one of the Nation's premier institutions of higher learning. Managing 7,000 people and $250 million budget per year on the 16,000-acre campus, he provided strategic direction for the academic, military, athletic and values programs.

During his tenure, his key accomplishments not only preserved but even enhanced the prestige of the Military Academy. General Lennox oversaw upgrades to the core liberal arts program while sustaining the fourth-ranked undergraduate engineering program in the country. Today, only Harvard, Princeton, and Yale produce more Rhodes scholars than West Point.

General Lennox has implemented and intensified opportunities for cultural exposure and expanded semesters abroad to countries such as China, Russia, Spain, and Chile.

In the summer of 2005, he himself traveled to the People's Republic of China to strengthen ties with educators and government officials and improve the opportunities for exchanges. His has increased the number of foreign students by 74 percent, an initiative that promises to build language and cultural skills, as well as lasting relationships with our allies across the globe.

General Lennox also realized the importance of the physical infrastructure of the Academy to the ultimate success of the cadets. His capital improvements have changed the face of the historic post for the better. He planned and began building a $120 million library learning center and science complex that is architecturally compatible with the granite buildings from previous centuries, and he completed construction of the $95 million physical development center.

To provide the margin of excellence necessary to maintain the U.S. Military Academy's status as a tier I university, LTG Lennox completed a $150 million fund raising campaign with over $220 million. The funds from private sources enabled further improvements in the academic, athletic and military programs.

General Lennox also recognized that the United States Military Academy was part of a larger community. From the outset of his tenure, he sought the comments and insights of graduates, the Academy, and the members of the surrounding neighborhood, whenever appropriate, to give them a closer identification with and support for the institution and ultimately its decisions.

LTG Lennox leaves a notably improved Academy in terms of leadership, facilities, and finances. The military, academic, physical and moral/ethical development programs at the Academy have never been stronger and more connected to the Army. General Lennox has set the course for officer education into the first half of the new century.

Bill Lennox is an extraordinary soldier. He combines great intellect, great character and great dedication. He is also an extraordinary man. Together with his wife, Anne, he has raised three sons, Andrew, Matthew, and Jonathan, who have continued the Lennox tradition of service. He and Anne have been a remarkable example of husband and wife in service to the Army and in service to the Nation. And anyone who has enjoyed the warm embrace of their friendship, treasures their company and their kindness.

The motto of West Point is "Duty, Honor, Country." Throughout its history, West Point has been guided by leaders who exemplify and live out that great credo. LTG William Lennox is such a leader. He leaves a proud and enduring legacy as the 56th Superintendant of the United States Military Academy.

Mr. President, I yield the floor.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, I rise to propound a unanimous consent request. Late last night, right before the Senate adjourned, I offered an amendment to roll back the oil royalty payments that the companies get unless prices come down or there is a supply disruption. We didn't have an opportunity to debate it at any length. This morning I ask unanimous consent that Senator KYL and Senator LIEBERMAN be added at this time as cosponsors of my amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the order of the Senate business?

The PRESIDENT pro tempore. The Democrats have 8 minutes 48 seconds; the majority has 1 minute 26 seconds.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent notwithstanding the previous order that has been entered into for this morning, that I be recognized for not to exceed 40 minutes at this time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

(The remarks of Mr. BYRD pertaining to the introduction of S.J. Res. 35 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

McCain/Ensign amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, live-stock and or dairy products, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing $6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Warner amendment No. 3621, to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan.

Coburn amendment No. 3641 (Divisions II through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu amendment No. 3626, to increase the limits on community disaster loans.

Vitter amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Vitter modified amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending amendment is the Wyden amendment numbered 3665.

Mr. WYDEN. Madam President, I ask unanimous consent to speak on my amendment, which is the pending business, after the Senator from Pennsylvania offers his amendment, which I am told is going to take around 5 minutes or thereabouts. I propound a unanimous consent request we go back to my pending amendment and I be recognized next to speak on it after the Senator from Pennsylvania has had a chance to offer his amendment and speak for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

AMENDMENT NO. 3640, AS MODIFIED

(Purpose: To increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.)

Mr. SANTORUM. I thank the Senator from Oregon for his indulgence. I call up amendment numbered 3640 and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3640, as modified.

The amendment is as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular

Front for the Liberation of Palestine-General Command]--with varying amounts of funding, safehaven, training and weapons".

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State $100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS" is hereby increased by $12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND" is hereby increased by $12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS", as increased by paragraph (1)(A), $12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND", as increased by paragraph (1)(B), $12,500,000 shall be made available for democracy programs and activities in Iran.

(3) Of the amount appropriated by chapter 2 of title 1 under the heading Department of State and Related Agency, excluding funds appropriated for Educational and Cultural Exchange Programs and Public Diplomacy Programs, $42,750,000 shall be available for the Broadcasting Board of Governors for Democracy Programs and Activities in Iran.

(4) Of the amount appropriated by chapter 4, title 1, $47,250,000 shall be made available for the Democracy Fund for democracy programs and activities in Iran.

Mr. SANTORUM. Madam President, this is an amendment to add $25 million to the money that the President requested for prodemocracy efforts for Iran within the Iraq-Afghanistan supplemental. It is vitally important to understand how important this effort is in the face of what we are dealing with in Iran today.

We have heard lots of talk in the press about military options, given the potential nuclear threat from Iran. This is not a military option; this is a diplomatic option. It is a vitally important option. It is an option that says we in the United States are going to step forward and provide funding, a robust level of funding, for efforts through telecommunications as well as by seeding prodemocracy movements within Iran to effect change within the country of Iran so they do not move forward with this technology, do not move forward and continue to support terrorism, do not move forward and continue to be a disruptive force in Iraq, do not move forward and continue to be a disruptive force in the world, by having a more prodemocratic regime in this country.

What this amendment does is add $12.5 million for the Broadcasting Board of Governors—again, for public diplomacy in Iran—as well as $12.5 million for the Iran Democracy Fund. It is a total of $25 million in addition to the 75 in the bill. We also authorize using the language from the Iran freedom and support bill. This is a bill that has strong bipartisan support, close to 60 cosponsors, I think 56 or 57 as of this date. It is very strongly bipartisan. It is supported by a lot of the groups with interests in the Middle East.

We put authorizing language in here to make sure this money is spent in conformity with how the Congress would wish it to be spent. This is Congress putting its imprimatur on this supplemental appropriation language the President has put forward.

Having spoken to Secretary Rice and the President about this language, one of the reasons they put forward this money in the supplemental is because of the strong support Congress has shown both in the House and the Senate for the Iran Freedom and Support Act. We are using this opportunity to provide more direction for the use of this fund from the Congress, which I think is vitally important.

In my opinion, today there is no more important foreign policy area than in dealing with the emerging and present threat of Iran. To be very honest, the Congress has done nothing to address this issue. We have not stepped forward and articulated what our policy is within Iran. We do this with this amendment. We say as a sense of the Senate that we express support for a transition to democracy within Iran. That is language included in this amendment. We make clear statements about what we intend and what our direction is, what this money is to be used for. We provide a broader outline than what is in the current legislation.

I hope this language would be supported. We fence this money within the money for the State Department in this legislation so we are not stealing money from anywhere else. We are just making sure that the $100 million is spent in this area and we provide more guidance for the administration to do so.

I am hopeful this language can be accepted by both sides. As I said before, this is a bill that has strong bipartisan support and this language also has very strong bipartisan support.

I thank again the Senator from Oregon for his indulgence.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Oregon.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, the pending amendment which I offered last night and discussed briefly with the distinguished chairman of the committee, Senator COCHRAN, is before the Senate at this time. It deals with the most expensive and the most needless giveaway that taxpayers ladle out to the oil industry. It is something called royalty relief. I will take a few minutes to explain to the Senate how this works.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. In order to stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make, certainly a logical argument for doing something such as that when we are not getting the production we need. When prices are cheap and we do not have incentives, then there is an argument for some kind of royalty relief. But now that the price of oil has soared to over $70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars.

Now, to his credit, the President has essentially said, look, we do not need this huge array of incentives for the oil industry when the price is over $50 a barrel. Now we are looking at $70 a barrel. So a program that one could argue on behalf of when the price of oil was cheap has lost all its rationale at this critical time when we, of course, are seeing record prices, record profits, and now record royalty subsidies to the companies, as well.

What we have before the Senate is truly a bizarre situation. The Senate is working on a supplemental spending program that is designated as emergency spending because our Government does not have the money to pay for it. Yet the Senate is still willing to distribute, needlessly, billions of dollars of taxpayer money.

This program, by the General Accounting Office, is designed to lose at a minimum $20 billion. There is litigation underway with the oil companies surrounding this program. If that litigation is successful, it is possible this program will cost our Government $80 billion; $80 billion then becomes twice the amount that the distinguished Senator from Mississippi has in the legislation that is considered emergency spending.

Experts in and out of Government have said recently this subsidy makes absolutely no sense. For example, from the other body of the Congress, Congressman RICHARD POMBO, the chairman of the natural resources committee, is not a person that anyone would call anti-oil in his views about Government. This is what Congressman POMBO, the chairman of the natural resources committee, had to say a little bit ago about royalty relief: There is no need for an incentive. They have a market incentive to produce at $70 a barrel.

Michael Coney, a lawyer for Shell Oil—again, not a place one would normally look to hear anti-oil rhetoric espoused, said that under the current environment, we don't need royalty relief.

Even the original author of this program, the very respected former colleague Senator Bennett Johnston of Louisiana, essentially the person who put this whole thing together, thinks this program is out of whack.

Senator Johnston said:

> The one thing I can tell you is this is not what we intended.

So I come to the Senate today with a simple proposition. My proposition is, royalty relief can only be obtained if it is needed to avert a supply disruption or prices drop and there is no incentive for people to produce in the United States.

The distinguished Senator in the chair, Senator COBURN, knows a great deal about the oil business. I want to make sure there are incentives for production. But the President of the United States, to his credit, has said you don't need incentives when oil is over $50 a barrel. It is at $70 today.

(Mr. MCCAIN assumed the Chair.)

Mr. WYDEN. Not long ago when the oil company executives came before the Energy and Natural Resources Committee, I went down the line and asked them if they needed the various tax breaks. To a person, they all said no. So now we are seeing a bit of discussion about whether all of these tax breaks are needed by people in the oil business.

It is one thing to talk about new initiatives—and we will be debating a variety of additional approaches, windfall profits taxes and the like—and it is quite another to be spending billions and billions of dollars out the door when those subsidy payments defy common sense, defy essentially what the President of the United States said, that we ought to get out of the subsidy business when oil is over $50 a barrel. That is what I am proposing in this particular amendment.

What it comes down to is the U.S. Government ought to stop adding sweetener to the Royalty Relief Program. At every opportunity over the last few years—and I see the distinguished Senator in the chair has zeroed in on wasteful programs, to his credit, for a long time—at every opportunity we have seen this program sweetened and sweetened and sweetened, all at the taxpayers' expense. To give the Senate an idea of how out of control this particular program is, as I understand it, the previous Secretary of the Interior, Secretary Norton, actually went out and sweetened up the old contracts to provide even more royalty relief at a time when prices, again, were way above the threshold that the President of the United States has indicated we should not be offering subsidies to.

This is an important debate in this whole question of tax breaks and windfall profits tax and the like. It is clearly going to spark a lot of debate and differences of opinion among colleagues.

This, in my view, is not even a close call. When Congressman POMBO from the other body, the chair of the natural resources committee, says we did not need this incentive, when we have people from Shell Oil saying we do not need the Royalty Relief Program, when we have the original author of the program, our former colleague Senator Bennett Johnston, saying this is not what he intended, I sure hope that is a wakeup call to the Senate. This is not a close call.

We are going to see, according to the General Accounting Office, a minimum of $20 billion head out the door as a result of this program.

By the way, it was sweetened up also in the energy conference last year. In fact, it was done almost in the dead of night because nobody could make a case for sweetening up this program anymore in broad daylight. So essentially, with virtually no debate, even last year, in the Energy bill, after the previous Secretary of the Interior, Secretary Norton, had kept adding to the program, the Congress continued to enrich this program and needlessly offered these subsidies.

Mr. President, I think a little bit of history is in order. Certainly, back in the middle 1990s—this program is, essentially, one that is a decade old—you could make an argument for the Government being involved in an incentives effort. Certainly, when the price of energy was low and we needed opportunities to incentivize production, so be it. That was a case where some targeted efforts on the part of Government to stimulate production could make some sense.

The Government is now out of the targeting business. For example, there are no limits on who gets royalty relief. The President of the United States did not say: Oh, we ought to draw distinctions between people who get these various subsidies. The President of the United States said: We don't need Government subsidies when the price of oil is over $50 a barrel.

So what happened, essentially, after the program got off the ground in the early 1990s is folks who were supposed to be watchdogging the program did not do their job. They did not pay attention to it. So there was an original threshold for this program of about $34. The price of oil today is $70-plus a barrel. They were talking, in the middle 1990s, about $34 being the threshold level for the subsidy.

But what happened is, during the Clinton administration, some folks in the Government agency, the minerals program, who were supposed to be watchdogging this program just missed it. Some have described it as a bureaucratic blunder. However you want to call it, the reality is, Government, in the middle 1990s, was not doing right by the taxpayers. The Government should have been watchdogging this program. They should have seen there would be an effort by some in the oil industry to enrich themselves and use the taxpayer to essentially create an incentive that was unjustifiable and inexplicable, if you looked at what we are seeing today. Yet the money just kept pouring out the doors.

So what we have is a brandnew subsidy—new because it was added during the energy legislation, at a time when the price of oil was already above $55 per barrel. Certainly, the industry cannot make a claim they need this kind of incentive, as they have said in the past.

They have been drilling, and drilling without this particular incentive. In fact, we have seen, fortunately, some increase in drilling and production over the past 2 years without this particular incentive. There is no doubt in my mind, if you look at the record prices and if you look at the record profits, the drilling is going to continue if and when the amendment I have before the Senate is adopted.

I wish to emphasize, this legislation does give the Bush administration a significant amount of discretion in terms of operating the Royalty Relief Program. If the President, if the Secretary of the Interior, for example, determines that an absence of royalty relief would cause a disruption in oil supply, they set it aside, go back to the Royalty Relief Program. If the price of oil were to drop precipitously again, once more, you can provide oil royalty relief. But when the companies make record profits, when they charge record prices, it seems to me they do not need these record amounts of subsidies.

So the supplemental we are on the floor debating now involves $35 billion. The amendment I hope to have adopted today would pick up a significant portion of the costs of the supplemental that have been designated as emergency spending.

If the litigation that is now taking place surrounding this program is successful—and I do not think anyone can divine the results of that litigation—it is possible the Government will be out $80 billion for this particular program. That is twice the amount—twice the amount—of the money this legislation involves.

Now, colleagues—and I see a number of Senators on the floor—this is the granddaddy of all the oil subsidies. This is the biggest and this is the most unjustifiable of all the breaks.

By the way, we have had good ideas coming from colleagues. And probably the best single idea—and the distinguished Senator from Arizona has had an interest in these issues for some time—the Senator from Wyoming has said, to his credit, he wants to target the tax incentives for oil drilling to get more out of existing wells. There is a lot of evidence that perhaps a third of the oil that is in these existing wells is being left behind because we have never retooled the tax laws to get more from existing wells.

So there are good ideas, Mr. President and colleagues, and Senator THOMAS from Wyoming deserves credit for one of the best. But I will tell you, there are some real turkeys out there. And one of them is this existing program which provides royalty relief where there is no case to do so. This is an out-of-control program. This is a program which has lost its historical moorings. It made sense in 1995, when the price of oil was cheap, but it sure does not make any sense today.

When I asked the executives who came before the Energy Committee recently—the CEOs of ExxonMobil, Chevron, Texaco, ConocoPhillips, BP, and Shell—I asked them specifically if they needed these new incentives. All of them said they did not.

So I am offering this amendment today that prohibits the Department of Energy from providing any additional royalty relief so long as the price of oil is above $55 per barrel. That is the price at which the President said oil companies do not need incentives to explore.

The amendment, as I have indicated, provides an exception in cases where royalty relief is needed to avoid supply disruptions because of hurricanes or other natural disasters or if the price of oil were to fall. But with oil selling for more than $70 a barrel—way above the price for which the President said incentives were not needed—Congress ought to stop giving away more taxpayer money for unnecessary subsidies. We ought to prohibit further royalty relief, use this money to pay down the deficit, as the distinguished Senator from Arizona has suggested on this floor on more than one occasion, and save our citizens' hard-earned tax dollars for more worthy uses.

Consumers of this country are already paying more at work. They are paying more at home and as they drive everywhere in between. It seems to me we certainly ought to give them a break in their personal energy bills before we continue the operation of a program that the General Accounting Office has said will cost taxpayers a minimum of $20 billion and could end up costing taxpayers $80 billion, if the litigation over this program is successful.

Mr. President, I see other colleagues on the floor. I have not had anybody come to the floor and say they are going to oppose my amendment. If no one does—and I am not going to yield quite at this point—I am anxious—and the chairman of the committee, Senator COCHRAN, has been very gracious in his discussions with me. I am anxious to go to a vote. I know the Senator from Mississippi treats all Members fairly, and I have told him I am ready to go to an up-or-down vote on my amendment and get the Senate on record as making sure we save this money which is being needlessly frittered away.

No one has come to the floor of the Senate to say they object to the amendment. The amendment is very straightforward. It says we are not going to have royalty relief unless the President says we have to have it to avoid a disruption or the price of oil falls. This is a program which does not make sense. We ought to save the money.

I, at this point, would like to propound a request to the distinguished chair of the committee. I would be prepared to allow the Senate to move on to other business if we could agree upon a time when there could be an up-or-down vote on my amendment. Would the distinguished chairman of the committee, the Senator from Mississippi, give me his thoughts? And can we enter into an agreement so you can move ahead with the important work you are doing and we can lock in a time for a vote on my amendment?

Mr. COCHRAN. Mr. President, if the Senator will yield, I will be happy to respond.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. WYDEN. Mr. President, I am willing to yield so that the chairman of the committee can respond to my question.

The PRESIDING OFFICER. It requires unanimous consent. The Senator from Oregon should request unanimous consent.

Mr. WYDEN. Mr. President, I ask unanimous consent that the distinguished chairman of the committee, Senator COCHRAN, be allowed to respond to my request, and that after he has completed his response I reclaim my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I will be happy to respond to the Senator's inquiry. Responding to the Senator's inquiry, I am not, as manager of the bill, deciding who offers an amendment or what the content of the amendment is or how long the amendment can be discussed, whether or not there will be a tabling motion offered to any amendment or reaching an agreement with each Senator as to when a vote would occur on the amendment. The Senate rules control all of those issues. As manager of the bill, I am not going to inject myself in trying to manage to the extreme minutiae of the procedures of the Senate the way this bill is considered. I think we have rules that are here for a purpose. We ought to follow the rules.

We have other Senators who have offered amendments already which are pending and were pending before the amendment of the Senator from Oregon. They have a right, and I am not going to do anything that would abridge or infringe upon that right, to call for the regular order at any time. And the Senate would go back to the consideration of those earlier amendments.

So I cannot give the Senator any assurance, except you should be treated like any other Senator; no different whatsoever. You have the right to talk about your amendment, and eventually it will be disposed of in some way. But I am not going to put it ahead, reach an agreement that it should go ahead of any other issue before the Senate.

This an emergency, urgent supplemental appropriations bill to fund the war in Iraq, the global war on terror, provide the Department of Defense and Department of State with funds that are needed now to protect the national security interests of our country, and to assist in the recovery from Hurricane Katrina and other such events.

That is the business of the Senate. I wish to see it handled in an expeditious way, under the rules of the Senate, and then we wind up the business of the Senate on this bill and any amendments thereto in a workmanlike way, with fairness to all, Republicans and Democrats.

The PRESIDING OFFICER (Mr. COBURN). Under the unanimous consent agreement, the Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I think it is going to be a long day because I intend to stay here and make the case for this outrageous rip-off being eliminated. This is an extraordinary waste of taxpayer money. Colleagues know I always try to work in a bipartisan way. I always want to expedite the business of the Senate.

The last time the Senate looked at energy, after midnight, in the middle of the night, there was an effort to sweeten this program and add more cost to taxpayers that cannot be justified. As I understand it, I may have misspoken on this point; the total amount of the supplemental bill is $100 billion. The cost of litigation over this program, if successful, could be $80 billion. The General Accounting Office estimates that at a minimum, the Government is going to be out $20 billion. My amendment alone could pay a significant portion of what is needed to cover this emergency spending legislation.

The Government is here talking about an emergency spending bill because there isn't the money in order to pay for these essential programs. Yet at a time when we have an emergency spending bill and we don't have the money in order to take care of needs, the Government keeps ladling out billions of dollars. All I want to do is prevent what we saw last year in the Energy bill. We are now going to do it differently. We are going to stay here, and we are going to stay at this discussion until the Senate votes up or down as to whether we want to keep sweetening a program with billions and billions of dollars at a time when there is no commonsense reason for this particular program.

I have come to admire the Senator from Arizona. We serve together on the Commerce Committee. I particularly appreciate his tenaciousness. He has taught me an awful lot about it. Frankly, that is what is needed. Somebody has to stay here and stay at this until we drain this swamp. To continually shovel out billions and billions of dollars, when the President of the United States has said we don't need these incentives when oil is over $50 a barrel, I don't see how anybody can argue for the continuation of this program in its current form.

I said I am not going to chuck the program in the trash can. All I am going to say is, you get royalty relief if the price of oil goes down or we need royalty relief to avoid disruptions. That is a straightforward proposition. It certainly ensures that we go back to what was originally contemplated. Even the authors of this program, people such as our former colleague Senator Bennett Johnston, are scratching their heads and saying: This program is completely out of control. It makes no sense in its current form.

I don't see how you can argue something that at its outset was designed to promote production when prices were cheap. By the way, a lot of the sponsors of this legislation always said this program was cost free. I was amazed to hear that.

Mr. McCAIN. Will the Senator yield for a question?

Mr. WYDEN. Through the Chair, I ask unanimous consent to have Senator McCAIN propound his question, and when I have responded, I would be able to reclaim the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, if the Senator yields for a question, then he maintains the right to the floor. I by no means want to deprive him of that.

Is the Senator from Oregon concerned that he is not going to get a vote on this amendment? Because it seems to me if the amendment is proposed and it is in order, at some point, after disposing of the pending amendments, unless there is something I don't understand, the amendment of the Senator from Oregon would then be subject to a vote. As the Senator from Oregon knows, there are several other pending amendments that we think are important as well, particularly having to do with earmarks.

I note this morning in a Wall Street Journal-NBC poll, the No. 1 concern of Americans is earmarks. I find it very interesting that they are sick and tired of the absolutely incredible stuff we have loaded into this bill. The Senator from Oklahoma and I have an amendment about seafood marketing. The Senator from Oregon, I am sure, probably remembers that last year they spent some half a million to paint a giant salmon on a 737. The same money would go to that same outfit in this bill that is supposed to be for the war in Iraq.

I am sorry for the long question. I apologize to my friend from Oregon. Is it his concern that he will not get a vote on this amendment or that he needs a vote now? Perhaps for the rest of us who are waiting to offer amendments, he could clarify. I thank the Senator from Oregon for his courtesy.

Mr. WYDEN. I thank my friend. Before we got into seafood marketing and the question of earmarks, it seemed to me that your point was a very logical one, sometimes too logical for the Senate. That is, how do you get a vote around here? What I was asking the distinguished chairman of the committee is if we could get agreement to have a vote at a time certain or conceivably to have my proposal included in the next group of amendments to be voted on. But, yes, I say to the distinguished Senator from Arizona, without that commitment, I am very much convinced that we won't get an up-or-down vote on this outrageous boondoggle, a huge expenditure of many billions of dollars that as recently as the energy conference, there were no votes. It was done in the middle of the night. It was snuck in after midnight.

The reason why: Because nobody was able to do what I am trying do right here on the floor of the Senate, which is to say, we are going to do this in broad daylight. If Senators want to vote in favor of a program that subsidizes, when we are over $70 a barrel and the President of the United States says we don't need those subsidies, then Senators can so vote.

Mr. McCAIN. If I may, if the Senator will yield for an additional question.

The PRESIDING OFFICER. The Senator does not require unanimous consent. He retains his time.

Mr. WYDEN. Very good.

Mr. McCAIN. My understanding from talking to the floor staff, I say to the Senator from Oregon—and the distinguished chairman can probably help out on this—is we have a number of amendments in order which are going to be voted on, I think by an agreement between the two leaders, which is the general procedure around here.

Nothing is more outrageous, as the Senator from Oregon pointed out, than these things that are stuffed into conference reports. But this isn't a conference report. This is an initial bite at an appropriations bill. I hope that perhaps we could work out something so we can continue with the amendment process and set a time for votes on all amendments, with the amendment of the Senator from Oregon in order following the others, as is the normal procedure. Maybe the Senator from Oregon could ask for that again, we could move forward. We all know that everybody's time is limited.

I thank the Senator for responding to my question.

Mr. WYDEN. To respond to my friend from Arizona, he is very good at working out arrangements to get votes on these matters that are so important to the public interest. Perhaps it is possible, through his good offices, to persuade Senator COCHRAN and others that we can make arrangements. I am not anxious to hold up the time of the Senate. By the way, I was here late last night, and I would have been prepared to vote last night. So this Member was prepared to vote last night. I am prepared to vote now. I am prepared to give up the floor as long as there is a commitment that we get a vote. But the handling of this program is a disgrace.

You cannot make an argument for having no accountability whatsoever at a time when billions and billions of taxpayer dollars are used. That is what happened during the energy legislation where in the dead of night, not only was the program preserved, the program was sweetened at a time when the President says you cannot make the case for these kinds of subsidies.

We will continue with this discussion. My door, as always, remains open to colleagues. I would like to think I was bipartisan before it became fashionable to be bipartisan. I note that Senator KYL is a cosponsor of the legislation. Senator LIEBERMAN has joined on as a cosponsor of the legislation. I remain anxious to work with Senators to get this worked out.

We have been talking a lot about lobbyists. We have had a lobbying reform bill and the Senate has acted. It was not all I wished it were, but at least it was a beginning. Talk about special interests and about the clout of lobbyists, this program is a textbook case of how a handful of savvy lobbyists can hotwire the political process and end up costing taxpayers billions and billions of dollars. The law itself, through the handiwork of all these lobbyists, is full of confusing language, language that has lent itself to a wide variety of interpretations. We are almost running a lawyers full employment program with this particular initiative. It will be in court endlessly, as far as I can tell. It was a program that was sweetened by the administration, even at a time when the President said you didn't need added incentives when oil was over $50 a barrel.

I have mentioned some of the problems we saw in the previous administration. I guess nobody was home watchdogging the particular program there in the minerals department because they were supposed to have a threshold in terms of when subsidies would be dispensed. But what you have seen with this particular program is how a handful of insiders, very clever lobbyists, have been able to get the Government to give away billions and billions of dollars. I don't understand how any Member of the Senate could go home, face a town meeting in their particular community, and make the case for having this program in its current form at this crucial time. Do Senators want to go home, meet with folks in grange halls and senior centers and the like—I just got clobbered on the way to a meeting about these prices—and say, gosh, we have to continue this royalty relief program? Essentially what you have is a multiyear fiasco.

It began in 1995. At that time, with the price of energy low, you could make a case for this particular program. But over the years, and particularly in the last few years with high prices, what you have is a situation where you have a program mushrooming in cost, mushrooming in terms of the toll it takes on taxpayers. The Bush administration has even confirmed that the Government will lose billions of dollars in royalties.

So this argument some have made that this program costs nothing—we heard that in the energy debate last year. It is an argument that the Royalty Relief Program costs nothing. Now that is contradicted by the Bush administration itself, which has indicated that it is going to have to waive billions and billions of dollars in royalties.

There is a lawsuit underway, as I have noted. The lawsuit challenges what amounts to one of the few restrictions on the cash drawer the oil companies look to, and I gather that the oil companies have a pretty good chance of prevailing there. So we would see even more money shoveled out the door in the days ahead. Some have called this program one that was noncontroversial. I will tell you that I don't think you can explain this to anybody in broad daylight. That is why the actions with respect to sweetening the program were taken in the middle of the night. After the CEOs of all of the major oil companies have come before a joint hearing of the Senate Energy and Commerce Committees, saying, in response to my question, that they agreed with the President's position that when the price of oil is more than $55 per barrel, they don't need incentives to explore for oil and gas, I wish one Senator would come to the floor today and say here is why we need the Royalty Relief Program.

I note that I have been trying to get a vote on this particular amendment since last night. Not one Senator has come to the floor and said that they oppose my amendment. I cannot get a commitment for a vote up or down. And given what has happened with these oil interests and this program, that is not acceptable to me, and I cannot imagine that it is acceptable to the American people.

We have a supplemental that is going to cost $100 billion. If the litigation is successful, we will see the Government out of up to $80 billion. The General Accounting Office estimates the minimum cost of this program will be $20 billion. So at some point, it seems to me, the Senate has to step in and say we are going to have some accountability here for taxpayer money; we are not going to sit on our hands when the money pours out the door.

In terms of the timeline, there are a couple of dates that I think are particularly important. In January of 2004, the Department of the Interior apparently expanded the royalty incentives—the incentives the companies would be getting under this particular program. About a year after that, the President of the United States made his statement with respect to what kind of incentives there should be for people in the oil business. He said, as I have noted today, with oil at $70 a barrel, the Government ought to get out of the business. That is the President of the United States. The President said we don't need these incentives. By the way, he made no distinction in terms of the kind of companies involved. He just said the Government doesn't need to be pouring out subsidies when the price of oil is $70 a barrel.

The next key date was in the summer of 2005——

Mr. SALAZAR. Mr. President, will the Senator yield for a question?

Mr. WYDEN. I am happy to yield to my colleague for a question and then continue discussing my amendment.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon for yielding for this question. I appreciate what my friend brings to this issue in trying to make sure we are dealing with the budgetary situation that faces our Nation in a straightforward manner. I appreciate his advocacy here this morning.

My question to my friend from Oregon is whether he would be willing to yield time for me to simply offer an amendment that I could do at this point in time.

Mr. WYDEN. Mr. President, I am under the impression that I cannot yield to my friend—I certainly would like to—without in essence losing my right to stay on the floor. As I said earlier when we had questions from the Senator from Arizona and others, I would very much like to get a time commitment, because I know the Senator has important legislation he would like to have considered, and I also see my friend from Texas, Senator CORNYN. This is not my favorite way of getting the business of the Senate done. But my understanding is I cannot give up the floor to another Senator for purposes of their having consideration of their amendments.

Reluctantly, I tell my good friend, a wonderful addition to the Senate, that I cannot do that at this time. I also see our friend from Arizona here. He may be working his magic with the leadership and the Chair so as to be able to at some point lock in a vote. I would be happy if I could get a commitment that the Senate would vote on this amendment. I would be happy to let colleagues proceed for several hours and have a chance to do their important work.

I note once again that not one Senator of either political party has come to the floor and said they want to defend this multibillion dollar program in its current form. That is an astounding thing. I was very pleased to get Senator KYL this morning as a cosponsor of the legislation, and Senator LIEBERMAN and others. But what is stunning is in this place you can hardly get everybody to agree to go out and get a soda pop. Yet in discussing this legislation, nobody has stood up and said they are going to defend the Royalty Relief Program in its current form.

Mr. SALAZAR. Mr. President, I ask my friend if he would yield for another question.

Mr. WYDEN. Once again, as part of the unanimous consent agreement, I do yield for a question.

Mr. SALAZAR. Mr. President, to my friend from Oregon, I ask if he would object to a unanimous consent request on my part to offer an amendment concerning a fire emergency disaster we are facing across our Nation in the West—something that also affects the State of Oregon—and to agree not to object to my unanimous consent request to offer this amendment and to speak to this amendment for a period of no more than 3 minutes.

Mr. WYDEN. Mr. President, let me propound this to the Chair. My understanding is if I yield to the distinguished Senator from Colorado for purposes of these unanimous consent requests, I would lose the opportunity to be considered, after he discussed this, automatically. My understanding is I cannot yield to the Senator from Colorado without losing my place. Is that correct?

The PRESIDING OFFICER. It requires unanimous consent to yield for anything but a question. So it could be propounded as a unanimous consent request that the Senator from Colorado would be recognized, followed by the recognition of the Senator from Oregon, as long as no other Senator objected.

Mr. WYDEN. Again, I tell my friend from Colorado that this is not my preferred choice of doing business in the Senate. I was ready to vote last night. I am ready to vote now. I am ready to vote as part of a package of amendments. My understanding is I cannot yield the floor at this time without losing my place. I reluctantly have to decline.

Mr. SALAZAR. Mr. President, I ask another question of my friend. All I am attempting to do, as many colleagues here are attempting to do, is put an amendment on file so we can make them part of the pending business. We can have a unanimous consent for you to yield to me for 2 minutes so I can offer my amendment. Part of that unanimous consent would be that we then go back to the Senator's amendment. I think we can get down to at least offering one more amendment.

I ask the Chair whether I am correct in my assumption that if there is no objection to my unanimous consent request, then I can offer my amendment and then return the floor to the Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry. Mr. President: However much I would like to do what the Senator from Colorado has suggested, I cannot do that without losing my place on the floor, is that correct?

The PRESIDING OFFICER. The Senator could do what the Senator from Colorado is talking about by unanimous consent, as long as no other Senator objected to what he was asking.

Mr. WYDEN. So if the Senator from Colorado propounds a unanimous consent request asking that he be allowed to speak for a couple of minutes so as to be able to offer his amendment, at the end of those 2 minutes, what he has offered is set aside and the business of the Senate would once again be my amendment, the Chair is advising that that could be done?

The PRESIDING OFFICER. It first takes unanimous consent for the Senator from Colorado to even ask for unanimous consent while the Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, let me say I am going to have staff work with the Parliamentarian for a bit—my staff and Senator SALAZAR's staff, and others—to see if we can address the concern of the Senator from Colorado. Maybe we can get a number of Senators involved in this so we can lock in some actual votes.

I would be very pleased to get a commitment from the distinguished chairman of the committee, Senator COCHRAN, to have my amendment included in the next group of votes. That is a pretty simple request—something that goes on here very often. It seems to me if we cannot do that, and I am not included, then I guess I have to stay at my post here and say that I think the taxpayers ought to get some protection and we ought to stop the ripping off, the persistent plundering of tax revenue, at a time when the President and everybody else says you cannot justify these kinds of incentives. If I can get a commitment from the distinguished chairman from Mississippi to have my amendment included in the next group of votes, and we will get an up-or-down vote, I would certainly like to save my larynx and let the Senate get about its business.

Mr. COCHRAN. Mr. President, if the Senator will yield for a question, without his losing the floor.

Mr. WYDEN. Yes.

Mr. COCHRAN. Mr. President, the Senator asked if I would agree that he could have an up-or-down vote at a specific time or in a certain order. That in itself treats the Senator in a way that is different from the way every other Senator would be treated under the rules of the Senate.

We have opportunities for making points of order against an amendment that every Senator has under the rules. Any Senator could move to table the Senator's amendment and get the yeas and nays. But he is insisting that his amendment be treated different from that required under the rules in that he wants an up-or-down vote and he wants it in a certain order.

His amendment was not in the first order of business when the Senate started its work today. There were other amendments pending. But the Senator, by unanimous consent, proceeded with his offering of an amendment.

All I am suggesting is, I cannot be the referee for the duration of the handling of this bill and decide whose amendments get up-or-down votes, whose amendment can be tabled or a motion to table can be made, whether parliamentary objections can be made to proceeding on an amendment. Any person can be recognized to debate the amendment and talk without interruption until 60 Senators vote to cut off debate of that Senator who is talking.

So I am not going to make, I can't make, it is not appropriate for me to make rules that, in effect, limit all of the other Senators in the rights they have under the rules of the Senate.

This is just plain and simple. He is asking for special treatment of his amendment, and I don't have the power to do that and be fair at the same time to every other Senator. So that is why I am not agreeing to the unanimous consent request. I don't think it is appropriate that I do that.

His amendment ought to be treated just like anybody else's amendment. But he comes out here after amendments are being set aside at his request and offers his amendment and asks that we agree to vote up or down at a particular time. I have heard from some Senators who have concerns about the amendment.

The Energy Committee has jurisdiction of this legislation. I am chairman of the Appropriations Committee, not the Energy Committee. The Energy Committee has the right to review any suggested change in current law on matters coming within the jurisdiction of their committee, and that is being denied by offering this amendment to an appropriations bill and then asking the chairman of the Appropriations Committee to guarantee that there be an up-or-down vote at a particular time. So I can't agree.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, by way of responding to the distinguished Chair, the Senator is not asking for special treatment. What we do in the Senate again and again—it is the common practice, something that goes on every week—is we have debates on amendments and then Senators have those amendments put into a group, and when there has been a group of amendments put together and all Senators on both sides of the aisle have been notified that there will be votes, then there are votes.

That is all that I have asked for. There is no request for a specific time. Do it at 1, 2, 3. Do it whenever we have a block of amendments so we can get on and hear from Senator CORNYN and Senator SALAZAR, and I now see the Senator from North Carolina and the Senator from Pennsylvania here as well.

I don't understand why we can't get a commitment that at some point—what goes on here regularly, that Senators get votes as a group of amendments is considered—that be done.

I come back to the point, having had now considerable amount of discussion, that not one Senator has said they want to defend the oil royalty relief in its current form. I think that is incredible. I certainly expected some opposition. I was pleased when Senator KYL and Senator LIEBERMAN said they wanted to be cosponsors. I expected people to come on over here and oppose it. And I think the reason there is no vocal opposition to this program is exactly what we saw in the energy conference committee last year. You can't defend this program in broad daylight. That is why it was sweetened in the middle of the night. A program that made no sense, was already a boondoggle, got even sweeter with additional sums now going out the door.

I have noted that if the litigation of this program is successful, it is possible that the Government will be out a sum close to the entire cost of the supplemental program.

So I repeat to the distinguished Senator from Mississippi, nothing would please me more than to enter into an agreement to allow others to go forward, and my amendment could be voted on in exactly the way the Senate customarily does business; that is, when we have a block of amendments, a group of amendments that Senators have had a chance to discuss and consider, we would then take a vote. But for some reason, we are not going to do that with respect to this multibillion-dollar subsidy program, a program that has the Government subsidizing these companies through royalties when oil is $70 a barrel, and the President of the United States says we ought to be out of the subsidy business when oil is over $50 a barrel.

I have a unanimous consent request ready to go so I can satisfy colleagues. I now see the distinguished Senator from New Jersey is here, the Senator from Florida is here, and the Senator from Pennsylvania is here. There are a lot of folks who would like to have a chance to speak, and nothing would please me more than to let them get about that business.

I have not been here as long as the distinguished Senator from Mississippi, but I have not had an instance such as this ever happen to me in the Senate when I ask: Can I get a chance, as part of a group of amendments, or at some point, an up-or-down vote, and no efforts are being made to work something like that out. I think it is unfortunate. I am going to have to remain at my post, and colleagues who want to ask questions—does the Senator from Florida seek to ask a question?—I will be able to respond and reclaim my time.

Mr. NELSON of Florida. Mr. President, I ask the Senator to yield for purposes of a question and that he retain the floor.

Mr. President, to the Senator from Oregon, I certainly commend him. Something is out of whack where we have a system of payments, royalty or otherwise, or tax credits, otherwise can be characterized in the vernacular of the street as giveaways, to an industry that at this point is reporting their first quarter profits. It is expected today or tomorrow that ExxonMobile will report a profit in excess of $9 billion for 3 months. That is profit for 3 months. That doesn't include the other major oil companies.

So I ask the Senator from Oregon, he has made a proposal—I don't know if it is the one that is on the floor right now—to eliminate the $1.5 billion giveaway. Will the Senator flesh out that particular proposal?

Mr. WYDEN. That is not the amendment that I offer. I will tell the Senator that I am trying to roll back the subsidy program that is the granddaddy of all of them. This is the one that is going to fleece taxpayers the worst. This is the one that the General Accounting Office says at a minimum will cost taxpayers $20 billion.

So the Senator from Florida, who has had a great interest in energy policy and serves on the committee, is talking about something else, but he has made the point again that there are a host of these subsidies. But the billion-dollar program that the Senator from Florida is talking about is peanuts compared to what we are talking about here.

What we are talking about here—I see the distinguished Senator from Alaska, Mr. STEVENS, is here. He was, I know, a close friend of Senator Johnston, who was the original author of this program. Senator Johnston has said that he didn't intend anything like what this program has turned out to be. Congressman POMBO, the chair in the other body of the natural resources committee, said: You don't need this incentive. Nobody has ever called Congressman POMBO anti-oil. Even the people at Shell Oil say you don't need this kind of incentive in this climate.

The Senator from Florida makes a good point that there are a variety of subsidies that go out to oil companies, but the one that the Senator from Florida is talking about is really small potatoes compared to what we are talking about here. I appreciate the question.

Mr. STEVENS. Will the Senator yield for a question?

Mr. WYDEN. Once again, under our unanimous consent agreement.

Mr. STEVENS. I wonder if the Senator from Oregon would agree, I have heard the comment that the normal process is for a Senator to offer an amendment and to have an opportunity to get a guarantee of a vote. I am sure, would the Senator agree, that the Senator's amendment is subject to an amendment?

Mr. WYDEN. Of course. I will tell my good friend from Alaska, I have been surprised that somebody hasn't come to the floor to speak against my amendment or to second-degree it, or anything of the sort. I have been here since last night, I will say—reclaiming my time—I have been here since last night discussing this, and no Senator, Democrat or Republican, has come and opposed the amendment that I am offering. No one has tried to second-degree it.

I think at this time what I would like to do——

Mr. STEVENS. Will the Senator yield for another question?

Mr. WYDEN. I will be happy to.

Mr. STEVENS. Mr. President, I have been trying for 25 years to get a vote on ANWR. I fully intend to offer ANWR as an amendment in the second degree to the Senator's amendment, and then I want to help him get a vote. I want to help him get a vote right now. That is exactly what I have been waiting to do for 25 years.

So I serve notice, I will offer an amendment in the second degree, the ANWR bill. I do hope we will vote on it today.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming my time, just so we can make sure all the dots are connected, I ask unanimous consent that my amendment be voted on during the next group of amendments.

Mr. STEVENS. Reserving the right to object, will that bar my offering of my amendment on ANWR? Is the amendment still subject to an amendment in the second degree?

The PRESIDING OFFICER. There is nothing in this agreement that would bar a second-degree amendment.

Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. COCHRAN. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think the Senator from Alaska has propounded a question that has not been fully answered—at least I didn't understand the answer—to permit him to offer the amendment he would seek to offer to this amendment. So before I yield for that purpose, I want to be assured that the Senator's rights are protected on this side of the aisle and that we are not guaranteeing an up-or-down vote in so doing on the underlying amendment.

I don't want to treat that amendment any differently from any other amendment that might be offered. That is my concern. Maybe I should frame that in the form of a parliamentary inquiry. I do so inquire of the Parliamentarian.

The PRESIDING OFFICER. As the Chair said before, there is not anything in the unanimous consent request that would stop somebody from offering a second-degree amendment to the amendment of the Senator from Oregon.

Is there objection?

Mr. STEVENS. Mr. President, again reserving the right to object, this does not bar an amendment in the second degree; is that correct?

Mr. WYDEN. Mr. President, I ask unanimous consent to modify my amendment.

Mr. STEVENS. I object.

Mr. WYDEN. I ask unanimous consent to modify my amendment.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I repeat my parliamentary inquiry. Does the Senator's request——

The PRESIDING OFFICER. The Chair's answer is there is nothing in the unanimous consent request that would stop the Senator from Alaska from offering the second-degree amendment.

Is there objection?

Mr. WYDEN. Reserving the right to object, Mr. President, I am going to withdraw——

Mr. COCHRAN. Mr. President, parliamentary inquiry: How does the Senator seek to clarify——

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has the right to withdraw his unanimous consent request.

Mr. WYDEN. Mr. President, I intend to withdraw my unanimous consent request at this time, and my staff is happy to work with Senator STEVENS, as we have done on so many issues, to see if we can work something out that is acceptable.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

Mr. WYDEN. Mr. President, having said that, I want to state once again that I am anxious to work with all of the Senators who are on the floor, and I am sure there are others hovering about the Chamber, to get on with the business of the Senate. All I want to be able to do is what I think is pretty customary in the Senate, and that is to get a vote at some point—at the time when we have the next set of amendments. But clearly, there are those here who don't want to allow that. So I think I will just have to persist.

One additional area I want to focus on, I say to my colleagues, is that I and others, particularly a bipartisan group on the Energy Committee, have been trying to get an explanation from the Interior Department for months and months about what is going on with this program. What we would like to do is see if we could get some accountability.

A number of Senators wrote back in January to express our concerns. We never got an answer. And what I would like to do is highlight a few points of the Senators' concerns because I think, once again, they go to this point about whether there is going to be some accountability in a multibillion-dollar program that has been costly to our taxpayers.

The Senators said, in a January 24, 2006, letter:

> There is a series of steps the Interior Department can take to remedy the flaws with this program. For example—

The letter notes—

> you could reinstate the full audits of the royalty relief program that have been scaled back during the Bush administration.

Now, as to auditing this program, auditing a multibillion-dollar program that you can't justify at a time of $70-a-barrel oil costs, you would think that having these audits would be pretty much a no-brainer. You would say that the Interior Department, particularly after they have been criticized by their Inspector General on this particular point, would be willing to step up the audits. They would be willing to take some steps, some concrete steps, to make sure that so many taxpayer dollars weren't being wasted. Unfortunately, that has not taken place. We haven't seen the audits that even the Inspector General has called for in the program.

Another step that has been noted by the Senators would require enforcement of existing rules for this program, such as those requiring companies to start paying royalties when market prices reach a threshold level. Again, we have seen no response—no response—to practical, concrete suggestions that Senators have made to make sure we get some accountability into this particular program.

I also note that Senators have indicated they would be supportive of legislation that would require greater accountability for this program so that, in effect, it would be possible for people to see how it actually works in broad daylight. That, too, is probably too logical, and I would only say that given the fact that this program was sweetened—and expensively so—behind, essentially, closed doors last year, it seems to me that at a minimum we ought to have greater openness for this program, additional funding for auditors, and that, too, has not been forthcoming.

So concrete suggestions made by Senators to better watchdog this program and to protect the billions and billions of taxpayer dollars that are needed are highlighted by our challenge right here, which is: As we debate an emergency spending bill, a bill that is an emergency because the Government really doesn't have the money to pay for it, we are still seeing billions of dollars go out the door needlessly.

In addition, the letter from the Senators states:

> We are troubled by the suggestion that companies involved in the program have made differing representations of the costs to the Securities and Exchange Commission and the Department of Interior.

These are both Federal agencies. In order for the Congress to carry out its own oversight responsibilities and probe the magnitude of these discrepancies, what the Senators asked is for information with respect to oil and gas prices over the last few years. Once again, it looks to me like a very reasonable kind of request, and I want to highlight again that when you have an out-of-control program, when you have Senators making practical suggestions like having better audits, like having better enforcement of existing laws, saying we ought to follow up on discrepancies in the information that is furnished to the Government, that strikes me as a no-brainer. Every Member of the Senate should say: Of course, we want to watchdog the way these monies are being spent.

I would like to read a little bit about these disparities in the costs of the program. Johnnie M. Burton, Director of the Interior Department's Minerals Management Service—I am just going to read from a report, a news report on it—said the disparities, the differences in the information that was furnished by the industry "were mostly the result of deductions that the regulations let companies take, reducing the sales price they report to the government."

Now let's just think about that. The companies take these deductions; that reduces the sales price that is reported to the government; and still the Department of Interior won't step in and say: We are going to try to straighten out these discrepancies in the information about this program.

To read further, the Director of this program said that she, "had not known and could not explain why companies were reporting higher sales prices to their shareholders and to the Securities and Exchange Commission than to her office."

Once again, that is an extraordinary statement, a statement that comes from the Director of the Minerals Management Program. And she wraps it up, when she is asked by the news media to respond—and I will quote here from the news reports:

> I can't answer because I don't know. We don't look at SEC filings. We don't have enough staff to do all of that. If we were to do that, then we would have to have more staff and more budget. You know, there is such a thing as budget constraint, and it has been real tough, let me tell you.

So what we have is the Government not even getting the straight story about the program. You have Senators saying that different representations of costs by the companies are being given to the SEC and the Department of Interior, and yet the person who runs the program says: I don't know, can't do it. Can't get to the bottom of how a multibillion-dollar program operates.

Mr. President, I say to my colleagues, this is the granddaddy of all of the oil subsidy programs. My friend, Senator NELSON from Florida, came to the floor to talk about a particular subsidy he was concerned about and said that the cost of the subsidy was about $1 billion. That is certainly a lot of money to the people of South Carolina and the people of Oregon. This program that I am saying we ought to rein in and get some accountability over involves, according to the General Accounting Office, a minimum—a minimum—of $20 billion. And, if the litigation that surrounds the Royalty Relief Program is successful, we would see the cost to the Government be $80 billion.

I have been at this for several hours. No Senator of either political party has come to the floor and made a case against my amendment. I have been pretty surprised about it. I was pleased to have Senator KYL and Senator LIEBERMAN sign on as cosponsors of my particular effort. But I would sure like to have a dialogue in the Senate with respect to the program. I think we have a good handle on how to reform it.

We would say: You can have royalty payments when you need them. It is not rocket science. It is very straightforward. If the price of oil goes down, if the President of the United States says we are going to have a disruption of our oil markets, then you can stay royalty relief. It is not a complicated proposition. But all I can conclude is that Senators—we have had a number of Senators come over and yet nobody has said anything against my amendment. That seems to say, well, just chew up our day letting this fellow from Oregon hold forth.

I have not had to do this in my time in the Senate. It is not a whole lot of fun when you have colleagues and friends who obviously put in a lot of work, a lot of time into amendments that they feel strongly about. I have asked on several occasions to see if I could just get an opportunity to have a vote, up or down, in some kind of fashion, at some point when we do the next block of amendments. But we haven't been able to get that agreement, so here we are, working through lunchtime on this particular program.

I will also tell the Senate with respect to where we are right now that the amount of the subsidy that is out there today could increase—this is in an article from U.S. News and World Report—fivefold. So we are talking about billions of dollars that go out the door today, and if the litigation is successful, then we will see vast additional sums going out.

In the speech that the President made earlier in the week, the President, to his credit, said that he really didn't see the case for subsidies with the price of oil well over $70 per barrel. I don't see anybody making that argument. I don't see anybody making it outside of the Senate. And as I have said over the course of the morning, I don't see anybody making it in the Senate today. I wish somebody would because maybe then we could begin a real discussion and we could get on with what the Senator from Mississippi desires, which is to complete his important legislation. But we have not been able to have that kind of debate, nor have we been able to get a commitment to have this amendment come up as part of a block.

About the only thing we know for certain is we have a program that is completely out of control, and even the original author of the legislation, our former colleague, Senator Johnston, has indicated that.

Under the Energy bill that was signed into law last summer, the companies were given new subsidies in the form of reduced royalty fees. The way that came about is we did not have any floor votes, we didn't have extended debate as we are having this morning; it was done after midnight in the conference committee. It was done after the claim was made that this would not cost anybody anything. That is pretty farfetched. The General Accounting Office says it will cost a minimum of $20 billion.

The Senate has indicated that we are concerned about the practices of lobbyists. I say to Senators, this is a classic case. This is one you would write in the textbooks, of how a small group of lobbyists can figure out a way—essentially behind closed doors and in the dead of night when people are not exactly following debate about energy policy, after midnight—to work their will. So I am doing something I have not done in the Senate and that is to say I am going to stand here and try to do my very best to protect taxpayers. I think it is critical right now, when we are dealing with emergency spending legislation. This program alone uses up a decent portion of the tab for this piece of legislation.

Colleagues have talked a bit about tax breaks and the like, but we have not had any real discussion before today about royalties under the Minerals Management Program. That is what we are talking about here. The House discussed it in its legislation. I think that is why we ought to discuss it.

I don't think this is going to harm in any way the incentives to produce oil in this country. We certainly need to do that. We are as dependent on foreign oil as we were 20 years ago. I personally think getting a new energy policy is about the most patriotic thing we can do in our country. Getting a new energy policy is about as red, white, and blue as it gets. But you sure don't get a new energy policy if you are going to keep sweetening, with billions of dollars, a program that doesn't work, a program that has lacked oversight, lacked accountability.

By the way, I have mentioned it has been bipartisan. I see the distinguished Senator from Alaska, Senator STEVENS. I have highlighted the fact that the previous administration, the Clinton administration, somewhere, someplace in the bureaucracy, was not watchdogging this program, was not watching the threshold that was needed to ensure that this money would be used wisely.

By the way, they were talking about $34 a barrel at that time. Now the price of oil is over $70 a barrel. The President of the United States says we don't need subsidies when it is over $50 a barrel.

My hope is we can get this Minerals Management Program under control. It needs to be under control. The bill that came over from the House addresses the royalties issue as well. I think it is time for the Senate to step up. This is a subsidy that is not needed at this time. I wish some Member of the Senate would come to the floor and say, Let me tell you why the subsidy is needed. We have three Senators on the floor and certainly a lot of others have been coming through at various times, but Senator Johnston, who made the case years ago that this program was needed in the 1990s—I think Senator STEVENS probably knows the most about the history of the program of any of us—I think Senator Johnston's argument in the 1990s was the gulf coast was hurting. The gulf coast had gotten clobbered. Senator Johnston and others were concerned about how things were going to go in the future. The price of energy had dropped very dramatically. The concern of Senator Johnston was that you were going to see very little investment unless you had changes in the Government's policy.

I know people at that time—I have seen the press reports—were comparing the Gulf of Mexico to the Dead Sea. We are not faced with anything like that. In fact, the program worked well in those middle 1990s.

Now we have a very different situation. Now we have a very different climate. In fact, those are virtually the words that were used by one of the lawyers from the Shell Oil Company. The lawyer from the Shell Oil Company said we don't need royalty relief in this kind of environment, in this kind of climate.

I hope we will get the Senate to dig into the merits of this. I have read the comments from news reports, from Senator Johnston. Senator Johnston told the press recently:

> The one thing I can tell you is this is not what we had intended.

Given all of the fuzzy and confusing language that was in this program, what we have seen is the companies, those that have tried to milk this program in every way possible, have been able to do it. I was particularly troubled by some of the changes the Secretary of Interior, Secretary Norton, made administratively. But I think the Senate, in going forward with this discussion, ought to reflect on some of the comments that have been made by people who I think have been about as supportive of the oil industry as they possibly could be. In the other body, the chair of the natural resources committee, Congressman POMBO, says:

> There is no need for an incentive. They've got a market incentive to produce at $70 a barrel.

Think about that comment of Congressman POMBO. Congressman POMBO is saying there is no need for incentives right now.

I wanted to be sensitive in my amendment to the fact that things can change. We always have to deal with that in any legislative proposal. What I said is, look, the President of the United States says we could have a supply disruption. If the President of the United States says, for example, that with prices going down we need to reinstitute the program, so be it. But that apparently is not acceptable to some here in the Senate so we cannot get an opportunity at some point to get a vote.

But this is high-stakes stuff, folks. This is not small sums of money. Senator NELSON raised a question that was important to him about a particular subsidy program he was concerned about. It involved $1 billion. But as a number have noted, if the legal battles that are taking place right now about the Royalty Relief Program are successful, we are talking about upwards of $30 billion in additional royalty relief over the next few years. How much more do we need to prod those who care about this to look at reforming this particular program? Certainly they don't need more incentives to go out and drill. Nobody needs to prod the oil industry in that regard. We have seen a great deal of effort on the part of the Senate to make it attractive to be in the energy business. But what I am seeking to do, with the support of Senators KYL and LIEBERMAN and I know other Senators, is to get this program under control, is to have some accountability. It seems to me what we are faced with is essentially a trifecta of subsidies.

First, you have the companies getting tax breaks. The Joint Tax Committee has estimated that the costs of those would be in the vicinity of $10 billion. I am beginning to think we are making some headway on that particular point because we are hearing Senators on both sides of the aisle say they want to review those tax breaks. When we had the executives come before the Energy Committee, I went right down the row and asked each one of them if they needed the tax breaks in the new Energy bill. When it got to broad daylight, they said they didn't need those particular tax breaks. So I think we are making some headway.

I then went to the Senate Finance Committee and was able to get a modest reduction in the tax breaks the companies would get. That is now in the reconciliation bill. I think it is the only actual cut in tax breaks the companies have gotten in quite some time. I am hopeful that will make its way into the reconciliation legislation. Senator GRASSLEY and Senator BAUCUS have been extremely helpful in that regard.

But the first part of the trifecta is essentially the tax breaks. I am hoping we can get Senators of both political parties at a minimum to review them, review them comprehensively—something that hasn't gone on. Yesterday, to their credit, Senator GRASSLEY and Senator BAUCUS indicated they would begin that particular review.

The second part of the trifecta is we have mandatory spending programs. That was one that Senator NELSON spoke about earlier, one that involves $1 billion.

Then we come to the Royalty Relief Program, which is the big daddy, the granddaddy of all the subsidy programs. That is the one I have said I am not going to let the Senate duck any longer.

It appears both the Chair and the ranking minority member have left the floor. I think that is unfortunate because I want to try to work out an effort to move ahead on this. But I will continue.

Mr. STEVENS. Will the Senator yield?

Mr. WYDEN. Again, under our unanimous consent.

Mr. STEVENS. I am the senior member of the Appropriations Committee and former chairman, and I will be happy to work with you to arrange consideration of ANWR at any time.

Mr. WYDEN. I thank the distinguished Senator. I know the Senator, having chaired the Appropriations Committee, is anxious to try to work this out. My door is open to try to do that. If the Senator can do what apparently we couldn't get worked out with Senators McCAIN, SALAZAR, NELSON, and others, no one will be happier than I.

I want to note exactly what the amendment does. It blocks the Federal Government from sweetening the already sweetheart royalty deals that are being dispensed under this legislation. This is needed because even as the prices have shot up, the previous Secretary of Interior was giving more royalty relief to the companies. It has been reported in the press that the Secretary of Interior made the incentives more generous by raising the threshold prices. Her action allowed drillers to escape royalties in 2005, when prices spiked to record levels. She also offered to sweeten the contracts that were not generous enough, in her opinion.

Think about that one. She went back and offered to sweeten the contracts that she felt were not generous enough, contracts the drillers signed before the new regulations were approved. What this amendment does is it prohibits the kind of sweetening of the deals for those who are drilling when prices are high.

When prices are high and we have no threat of disruption, then I am saying the Government has to step in and watchdog this program and do a better job for the taxpayers.

These are royalty deals which are already laden with sugar. They do not need any further sweetening. What is needed in the Senate is for the Senate to say now we are going to do what has not been done; we are going to step in and protect the taxpayers and the American people.

Under this amendment I am trying to get up in front of the Senate, the next Secretary of Interior would not be able to do what was done last year and give away more royalty relief when oil prices are above $55 per barrel. That is what we are all about today.

I hope we will have discussion of other aspects of the oil business. I know that colleagues have amendments of a variety of types they wish to offer.

But these are the sweetest deals in town. They are laden with sugar. They do not need any further sweetening. And at some point you have to ask, Is the Senate ever going to draw the line and have some real accountability in this program?

I have now been speaking about this for probably close to 3 hours. No Member of the Senate has spoken in favor of running the Royalty Relief Program the way it is. I want to repeat that. After 3 hours of debate and a chance for anybody here in the Senate to come and say, Look, I think it is important, I think we ought to keep the program the way it is, nobody in the Senate has come before this distinguished body and made the case for this program on the floor of the Senate.

I think that says it all. Nothing could better illuminate the history of this out-of-control program than the fact that nobody has opposed it here or has opposed my amendment on the floor of the Senate.

The way decisions are made with respect to this program is like what happened with the conference committee in 2005 on the Energy bill. After midnight, when nobody would have a chance to see what was going on, an argument was made that this doesn't cost any money. A couple of Senators were present. They said, You have to be kidding. There has been one Government report and audit after another of this program. Nobody can say with a straight face that this program costs nothing. Yet that was the argument made after midnight in the energy conference. So this legislation kept getting sweeter and sweeter and sweeter.

Billions of dollars are at stake. We already have record prices. We already have record profits. The question becomes, Are we going to have record royalty payments?

I think it is important now for the Senate to draw the line. I want to make sure the Senate is aware of how my amendment would work. Right now the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. To stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make. Now that the price of oil has shot up to over $70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars.

So the practical effect of all of this is the Senate works on a supplemental spending program. It is called an emergency because the Government doesn't have the money. That is why we are in this situation today. We have an emergency. The Government doesn't have the money, but yet the Senate is still willing to look the other way when billions and billions of dollars go out the door at a time when the President of the United States has said you don't need subsidies when the price of oil is over $50 a barrel.

Experts in and out of the Government share my view that this subsidy defies common sense. I have described the views of the chairman of the natural resources committee, Congressman POMBO, who talked about what the folks at Shell Oil have said. Former Senator Johnston wrote this particular program. There isn't anybody defending this program in its current form. That is the amazing part of this debate. Nobody has stood up and said, I want the Royalty Relief Program to operate just the way it is. I thought for sure we would have some discussion about this topic. I thought somebody would actually stand up and oppose what I am talking about. Somebody might say, Look, just because you say it is the granddaddy of all subsidies doesn't mean it doesn't do any good. But nobody has done that. In the course of speaking at some length about this particular program, nobody here in the Senate has said they want to come to the floor and defend it. I think that tells a whole lot about the situation we are in.

By the way, I think it says a lot about whether the Senate is willing to hold these companies accountable and is going to watchdog the program which costs billions and billions of dollars.

We have all had our phones flooded with folks concerned about the price of oil. I heard a discussion from the distinguished Senator from Arizona who said that earmarks were the top question he had heard about from citizens. Like the Senator from South Carolina, I have an enormous amount of respect for the Senator from Arizona. But I think while earmarks are certainly important—and I don't want to get into some kind of competition about what is the most important—I can tell you everything I am seeing right now is that gasoline prices is the issue the American people want to address.

I want a new energy policy. I am anxious to work with colleagues to do so. As I have spoken here on the floor of the Senate, I would say arguably the best idea we have seen in energy as it relates to production comes from our friend from Wyoming, Senator THOMAS, who has pointed out that we are probably not getting a big chunk of the oil production out of existing wells. It is an amazing thing; experts in the field say we may be losing as much as a third of what is out there in existing wells. If you go and get that oil, first, you begin to add to the production that all Senators want to encourage but also you do something that is sensible for the environment because you don't run the risk of additional environmental problems.

As we have looked at on the Commerce Committee under the distinguished chair, Senator STEVENS, there is a lot of new technology in the oil business. So it is possible to capture some of the gases that are emitted and better protect the environment. There are good ideas for getting a fresh energy policy and certainly increasing production.

As I have said publicly and privately, I think Senator THOMAS is one of the best. But there are also some programs that make no sense. This one doesn't. This one is the biggest of them all. If the Senate is serious about reining in these practices that drain our Treasury, which is a factor in our having to come to the floor and ask for emergency spending programs, then I think we have to tackle this kind of program.

Government subsidies—sure, you can make a case for them when the price is low, when you have to stimulate production, and when our economy needs a shot in the arm. But billions of dollars of royalty relief for the companies with these kinds of prices? I don't get it. I don't think it is even a close call. Perhaps that is why we have not seen anybody come to the floor and argue on behalf of doing business this way.

My amendment would ensure that you have royalty relief when it is needed. When you need royalty relief, under this particular amendment—when there is a supply disruption or when prices fall—you would be able to have that relief. But it ought to be targeted. It ought to be targeted as it was in the middle 1990s. That was a period when the price of energy was way down. Parts of our country that could produce oil were hurting. There was a judgment made before my good friend from South Carolina and I were in the Congress, there was a judgment made in the middle of the 1990s to say, all right, let us give these companies a break. If they go out and take some risk, if they will go out and drill and take those chances as you do as part of the free enterprise system because the Government wanted to encourage production at an important time, there was bipartisan consensus that it be done.

The author of the program, Senator Johnston, our former colleague from Louisiana, put together an impressive coalition to get it passed. As I have quoted Senator Johnston here on this floor recently, what we have isn't anything close to what was intended. He was kind of baffled about the whole thing. He said the whole thing is confusing.

It is time for the Senate to say that on the biggest subsidy program, the one that costs the most, which is going to be greater, as far as I can tell, than all of the subsidies combined, and if the litigation involving this program costs approximately what the whole supplemental costs, this is the program we have to deal with.

I don't think it passes the smell test to keep dispensing billions and billions of dollars of royalty relief at this time from the taxpayers' wallet. This is a program that was useful a decade ago. But nobody could say that we need these kinds of incentives at this time.

Back when they were talking about this program in the middle 1990s, the price of oil was in the vicinity of $34 or $35 a barrel. That was the threshold they were talking about at that time. Now the price of oil is twice the threshold that was used back in those days, in the 1990s.

This is a program that it seems to me the Senate has to step in and start watchdogging. One of the reasons I have come to the floor of the Senate today is because the Department of the Interior won't even answer questions from Senators. After there were news reports earlier this year, a number of Senators asked very practical questions. They wanted to know about additional audits; they wanted to make sure there was an effort to enforce the law; they pointed out discrepancies in reports on this program; that the Securities and Exchange Commission was given one set of facts and statistics and the Department of Interior was given another set of facts and statistics. Think about that. We now have companies not even using the same information the Government has so the Government can watchdog the program. Then they go over to the person who heads the Minerals Management Office, which runs this particular program, and what that person says is, Gosh, we don't know. We don't have the auditors. We can't keep track of this. We are not people with expertise. I guess I could see that point if it were involving a small program; in other words, you would be talking about something with a modest sum of money, and they said they did not have enough auditors. Senators could work on a bipartisan basis and beef up the program. But it was not an emergency because you were talking about a much smaller amount of money. We know the phrase a billion here, a billion there starts to add up to real money. Everett Dirksen talked about millions; now we are talking about billions.

The point is, this is not a small program. This is one of the biggest programs, $20 billion minimum. The General Accounting Office says $20 billion minimum is involved. If the litigation surrounding this program is successful, it could approach the amount that would pay for the entire emergency supplemental program. That is pretty amazing.

One program subsidizing the companies with royalty relief—and no Senator has come to the Senate over the last few hours to defend the operation of the program in its current form—one program can pick up the tab for most of the emergency supplemental. Yet we cannot get a vote up or down as part of any kind of practice that resembles what the Senator from South Carolina and this Senator have customarily seen in the Senate.

We have a discussion over a batch of amendments. Usually a big batch of amendments takes a reasonable period of time. I have done this. The Senator from South Carolina has done it scores and scores of times. Then the amendment you offer is put into a package of other amendments, and there is a vote at a time when Senators of both political parties have been notified and all Members are aware of what is coming up in the Senate. We cannot do that. Somehow, we cannot do that.

I see the distinguished chairman of the committee, Senator COCHRAN, has returned. I have propounded a variety of different questions to see if we could at some point do what is the customary practice in the Senate, which is at some point have a vote, at some point that is convenient for all who want to offer their amendments. As far as I can tell, we are not having any discussions about how to do that. I have not heard any discussions about others who want to amend this in some way. We have, essentially, a one-sided discussion. This side would very much like to see if we can move forward and get about the business of the Senate.

I have outlined the key questions about a program which is a classic example of what happens when you do not have the Government watchdogging the taxpayers' wallet. The money does not fly out of the sky and land in Washington and all of a sudden get used for one program or another. This is taxpayers' hard-earned money.

We have a situation in South Carolina, Oregon, and elsewhere where people are getting clobbered at the pump. They are all up in arms about the cost of gasoline. We have these record prices at the pump. We have record profits people constantly read about, and the CEOs get pensions. Some of the pensions the CEOs are getting come to sums that are greater than whole communities, as far as I can tell, in terms of their pension relief. So citizens hear about this sort of thing and want to know what the Congress is doing to straighten out the priorities.

What this is about, folks, is straightening out the priorities. I don't think the priorities ought to be to have a minimum of $20 billion used for a royalty relief program when the price of oil is over $70 a barrel. The priorities ought to be for the kinds of things the distinguished Senator from Mississippi and his counterpart on the Democratic side have been working to get done. We do have emergencies. We have emergencies we have to address. I want to see it done. I will tell the Senate when we are subsidizing an amount that could possibly come to the full cost of this supplemental, this cries out for the Senate to step in.

I am going to do everything I can do and will continue to try to engage colleagues on both sides of the aisle so we can do what is necessary to protect the public; that is, essentially reining in a program that has been driven by a small number of lobbyists. A small number of lobbyists for a small number of companies has figured out how to make off with the bank. That is essentially what has happened. We have a program that very few know much about.

When it hit the newspapers a few months ago, Senators and others were up in arms. It is fair to say very few knew a great deal about how the program operated. Those headlines—"General Accounting Office Says Minimum of $20 Billion Will Be Lost"—should have served as a wake-up call.

After we saw those news reports, Senators began writing letters, some of them bipartisan, saying to the Department of Interior: Give us the facts about the program. They said: We have read all these reports indicating what a waste of money, what a colossal waste of money this is. Give us the facts.

The Department of Interior has stonewalled Senators who are trying to get the facts about how the program works. The Senators pointed out the discrepancies in the information furnished. Senators pointed out there did not seem to be people watching this program and watchdogging it, but still no response from the Department of Interior.

So we get to the point, it seems to me, that somebody ought to come to the Senate and describe how an industry that is finding profit everywhere it looks ought to be given more relief from the Federal taxpayer. That is what it comes down to. This industry is doing exceptionally well. Everyone understands the importance of energy production. We understand the importance of seeing it produced in the United States. But the good ideas for getting production going in this country are not ones that drain the Treasury of billions and billions of dollars. The good ideas are the kinds of ideas offered by the distinguished Senator from Wyoming, Mr. THOMAS, who talks about getting more production out of existing wells. That is the kind of thing we ought to be doing to get a new energy policy, a red, white, and blue energy policy that is patriotic.

Frankly, our energy policy does a great disservice to those who honor us by wearing the uniform overseas. I know the Senator from South Carolina has been a great advocate for those people. When I meet with folks in the military, I say: You have honored us with your extraordinary service by wearing the uniform and putting your health and the well-being of your family on the line. I want to get a new energy policy so it is less likely that your kid and your grandkid will be off in the Middle East fighting another war where people are saying it is about oil.

We owe it to those courageous people who honor our Nation by wearing the uniform to get them a fresh energy policy from ideas such as those offered by Senator THOMAS. This program is not one of them.

I see one of my cosponsors of this legislation in the Chamber. I am ecstatic he has arrived in the Chamber, and I yield to him under the unanimous consent agreement.

Mr. KYL. May I ask my colleague a couple of questions with the understanding he retains the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I compliment the Senator from Oregon for bringing this matter to the attention of the Senate. It is my pleasure to cosponsor the amendment with the Senator. I also compliment the chairman of the Committee on Appropriations for his patience, his great patience, and his willingness to work with everyone and try to get this bill to a conclusion.

Let me first ask a couple of questions to make sure everyone knows exactly what we are talking about. It is my understanding that back in 1995, the Congress passed something called the Deepwater Royalty Relief Act designed to encourage the development of new sources of energy and that there were some mandatory provisions in that act that required the waiver of the payment of royalties from Federal land, from oil extracted from Federal land. The concept was we wanted to encourage the production of more oil and gas on these Federal lands and the best way to do that would be to enable the oil companies to keep the revenues and not pay the Government any royalties. Is that your understanding of the original concept of this legislation?

Mr. WYDEN. The Senator has summed it up very well. And at least reduce royalties.

Mr. KYL. And then what happened was in the Energy bill we adopted, we thought, well, if it was a good enough idea then, even though these mandatory provisions of the act expired in 2001, it would be a good idea to continue them, but the administration at that time, observing the fact that oil prices were going up now, came to the conclusion that the extension of this royalty relief was not necessary and, in fact, issued its statement of policy on the Energy bill on June 14, 2005, saying the President believes that additional taxpayer subsidies for oil and gas exploration are unwarranted in today's price environment and urges the Senate to eliminate the Federal oil and gas subsidy and other exploration incentives contained in the bill.

So when the President made his statement about whether we should extend this mandatory royalty relief, he was saying at that time—this was in June of 2005, not quite a year ago; the prices were up but not nearly where they are now—but even at that level he was saying this provision is not necessary to encourage more exploration. Is that the Senator's understanding?

Mr. WYDEN. The Senator is absolutely right. It is Congress that kept ladling out this money and the President, to his credit, has been making the point that these subsidies are not needed.

Mr. KYL. Might I ask further, the number that I have of the estimate of how much this is going to cost the American taxpayer over the next 5 years is $7 billion. Does that number comport with what the Senator from Oregon has?

Mr. WYDEN. The General Accounting Office has said this program will cost, at a minimum, $20 billion. I am looking at the headline of the newspaper that "GAO Sees Loss in Oil Royalties of At Least $20 Billion," but one of the calculations has been $7 billion.

Mr. KYL. Mr. President, $7 billion may be a very low estimate. Is $20 billion over a 5-year period?

Mr. WYDEN. That is over 25 years. And the cost, if the litigation that is underway is successful, the evidence indicates that could add up to $80 billion. The entire supplemental is $100 billion, so depending on how this litigation turns out before too long, the amount of money involved could be close to the cost of the entire supplemental.

Mr. KYL. Mr. President, I noted that the Senator said something earlier in his remarks that I thought was very important in the context of our consideration of this supplemental appropriation. We all agree we have to appropriate the funds not only for relief from the hurricane to States such as that of the Presiding Officer, but also to ensure that everything our troops need to conduct their activities in the war against terror is provided to them and that the bulk of the money in the supplemental appropriations bill is going for that purpose, but that this is emergency spending we have not offset in any other way.

What the Senator from Oregon has pointed out is that actually, in great measure, a great deal of this could be offset if we simply eliminate some of the costly taxpayer subsidies such as that which is the subject of this amendment, so that we are in total agreement that we have to provide this funding for our military, and that one way we can help to pay for it is for the taxpayers to not have to continue this subsidy, which by all accounts is totally unnecessary to produce additional oil and gas, at least at this time.

Let me ask the Senator further, I don't know what the crude oil price was in June of last year when the President made his statement that this royalty was simply not necessary, but it probably was somewhere in the neighborhood of half of what it is today. Maybe the Senator has an idea on that. But the estimates today, I think—when I last looked at the market—were about $72 a barrel. Therefore, if it is true the measure was not necessary a year ago, as lawyers say: a fortiori, it is not needed today.

Does the Senator from Oregon have any thoughts on that?

Mr. WYDEN. Again, I think the Senator has summed it up. The price of oil has doubled in the last 5 years. The Senator from Arizona asks about last year. I think, again, speaking off the top of my head, it was somewhere in the middle sixties somewhere, the price of oil per barrel. But I think the bottom line is, the Senator from Arizona is correct, it is now well over $70 a barrel. And that is vastly higher than the amount the President says would warrant an incentive.

Mr. KYL. Mr. President, let me ask another question of the Senator from Oregon.

Your amendment does not just wipe out this provision that waives royalties but, rather, allows for a situation, as I understand it, when the price drops to a point where maybe some incentive is necessary to provide for this production. It actually does not eliminate the possibility of that incentive. Is that correct? Could the Senator explain that?

Mr. WYDEN. I am very grateful for the Senator from Arizona getting into this discussion because what I have tried to do is ensure we will have royalty relief when it is needed. Essentially one of two conditions would be met, and then you could have the royalty relief resume. One is, as the Senator from Arizona has said, the price of oil falls and you do need incentive.

The other, which, in effect, gives the President of the United States the last word, is a stipulation that allows the President, through the Secretary of the Interior, to say—if we need to prevent a disruption of supply; if the President determines we would have a disruption of supply at this crucial time when our country is at war—then the President of the United States can say: We will resume the Royalty Relief Program because we need this incentive for production; it is my judgment that without this Royalty Relief Program we would have a disruption in supply.

Mr. KYL. So, Mr. President, if I could kind of summarize this point, it seems to me this amendment represents kind of a win-win situation in that we have the opportunity now to save the American taxpayers a lot of money—money that is not necessary to stimulate the production of oil and gas at this time because the price of oil is so high. But it is also a win in the sense that the Senator from Oregon has drafted the legislation in such a way that should we need that ability to stimulate production in the future—for example, should we be in a wartime situation and the President determines we have to do everything we can to produce more domestic oil—that the authority exists and would continue to exist. The Senator from Oregon is not eliminating that authority but noting that is one of the protections in his amendment.

So it seems to me that either way we have protected the American taxpayer, the American consumer, and, of course, the American citizen in a time of war. So it is a little hard to argue there could be a bad result from this since at the time you might need this kind of stimulus, it would be there or at least potentially would be there.

Let me make another point and ask a question. I happened to have been watching television the other night late, and I believe it was the Discovery Channel, watching the drilling off of our coast down to the depths of—I have forgotten how many miles. It was incredible. The people on the rigs were saying they never dreamed years ago they could do that, that they would be able to do that. Certainly the Presiding Officer, being from the State of Louisiana, knows a lot more about this than I do. I was impressed with the ability of these people to explore, to find the oil, and then to be able to drill at such great lengths, and to be able to pull that oil out of the ground in a way that, while very expensive, was still profitable and could, therefore, contribute to the domestic oil production in the United States.

At a time when it does not appear it is at all necessary to provide this kind of royalty relief, it seems to me we ought to be taking our hat off to those who produce this kind of critical product in our society during a time of war.

My understanding, at least from some folks I talked to, was that at least the companies that were asked about this at the time said they did not even need this royalty relief, that they could do this work, that the price of oil was such that they could pull it out of the ground.

So like the Senator from Oregon, I am a bit mystified about who the folks were who came in, whether it was in the dead of night or whenever, and extended this in the Energy bill. I would note this is one of the reasons I voted against the Energy bill, by the way. I saw the President's Statement of Policy saying we don't need this provision. It was a mystery to me why it remained. It was clear it was going to cost a lot of money.

The Senator from Oregon has now quantified how much that is. Again, the estimate I have, over 5 years, is at least a $7 billion cost to the taxpayers. At a time when we are looking for revenues to offset the cost of the war, it seems to me to be a perfect opportunity to achieve two good policy objectives: save some money for the American taxpayer, avoid the bad policy of subsidizing something that does not need to be subsidized, but retain the ability to continue stimulating our domestic production if and when we need to have such a policy to do so.

So I commend the Senator from Oregon for his work. I am very pleased to cosponsor it. I hope through the processes of the Senate at some point we can get this matter to a vote.

Again, the distinguished chairman of the committee has left the floor momentarily, but I want to commend him for his patience in trying to work out all of these things. I suspect somehow or other we are going to be able to sit down and work out a vote on this since it is pretty hard for me to see where any opposition to this amendment could come from based upon the fine arguments the Senator from Oregon has made.

So, again, I commend the Senator from Oregon. I am very pleased to cosponsor this and will work in every way I can to bring it to a vote so we can effect the policy.

Mr. WYDEN. Mr. President, before he leaves, I hope the Senator can stay a bit longer as well because I so appreciate his insight and input on this issue.

The Senator from Arizona has been making these points ever since—in the Finance Committee and in the Energy Committee we were talking about this legislation. And you and I and others said: Let's think through now how to use scarce taxpayer resources wisely. Let's take out a sharp pencil and say there are going to be some areas that you set aside, and there are going to be some areas you promote.

I have been talking about Senator THOMAS's efforts at some length here today because I think Senator THOMAS gets it in terms of what we ought to be looking at as far as our long-term needs in terms of production.

The Senator from Arizona said we should be taking our hat off to people who produce energy. I certainly second that. And I am glad the Senator has done that. I want to say I think what we are trying to do in our amendment—and you and I and Senator LIEBERMAN in particular—is we are saying not only do we want to be supportive verbally of what people are doing to produce energy in our country, but we want to say, as we have outlined in the royalty relief amendment we are talking about here, is they can get royalty relief when it is needed. In other words, this is not a bunch of verbiage where people come over to the floor of the Senate and say: Oh, maybe you will be able to do this; maybe you will be able to do that.

I think what we have spelled out, as a result of your thoughtful questioning, is that when relief is needed—either the prices are down or we have a threat of disruption—not only are we going to say we are for the producers, we are going to back it up, and they will be in a position of being able to secure that royalty relief support.

I am happy to yield to the Senator from Arizona for additional questioning.

Mr. KYL. I thank the Senator.

Mr. President, the Senator from Oregon has made a very important point I want to second; that is, at the time this was being debated, I recall the Senator for Oregon, in his comments, making the same points I made, which were that it is important for us to be supportive of American industry being able to do the things we want it to do, but that since we are talking about taxpayer dollars, we need to be very careful that if there is some kind of support for industry, that it is very well thought out, that it is not open ended, hopefully, it is not mandatory, that we retain enough flexibility, let's say, so when the conditions no longer warrant the support of a particular industry we will no longer do that.

Now, all of us in this body can have different ideas about when that is appropriate. I happen not to be a big fan of subsidies. Some others may like them a little bit more. But at least the Senator from Oregon and I have been consistent for a long time wanting to know the facts about whether support for a particular good cause was necessary with respect to the expenditure of taxpayer dollars. If it was necessary for the national good during a time of war, for example, then I think the consensus is there to always do it. But what we said is: Is it necessary at this time? We were talking about a situation where oil was at least $10 a barrel cheaper than it is today. Even the President was saying at that time: This particular subsidy is not necessary.

So it seems to me that colleagues who may have supported the bill at the time would have no reason not to support our amendment here because this is a very specific and differentiated item. It is not the entire Energy bill; it is one very specific little provision. It is a provision that will save us a lot of money if we can get it amended the way we are talking about doing. And its relevance to this supplemental appropriations bill—whatever the germaneness provision is—its relevance is very clear.

It would be nice if we could offset some of the spending we are going to have to engage in here to support our troops with real savings. This is an area where we can achieve real savings because the royalty is simply not needed at this time for the purpose that it was originally put in the legislation.

So this would be consistent with the policy we have talked about for a long time. And I think it makes very good policy sense for the country to begin to put it into place in the future. When you need something like this, fine. But when you do not need it, then don't saddle the taxpayers of the country with an expenditure that simply takes money out of their pocket and is not needed by the producers, who are going to be producing the oil, in this case, in any event.

Again, I thank the Senator from Oregon.

Mr. WYDEN. I thank my friend from Arizona.

I would also say with respect to this issue of relevance, not only would we be able to save a significant chunk of the tab for this overall emergency supplemental, but the House, the other body, at page 64 of their bill, talks specifically about the Minerals Management Service. So we are already seeing some concern, at least on the part of the other body, that the Congress ought to be looking at this program.

So it is my hope—and you were talking about making sure there is an effort to watchdog this program. Now is when you watchdog it because the spigot is on, and it is gushing taxpayer money. It is gushing taxpayer money at a time when the Government does not have it. And the Government's lack of funds has forced the distinguished Senator from Mississippi to come and work on an emergency spending measure because the Government does not have any money.

So I think that highlights why this is so important. And, once again, well into 3 hours of discussion on this, I want to review for colleagues that we have not been able to work out an arrangement to get a chance to vote on this as part of a batch of amendments. No Senator has come to the floor to speak against this amendment. No Senator, neither political party, has said this amendment is off base.

What we just heard from the distinguished Senator from Arizona, who sits on both the Finance Committee and the Energy Committee, is that we need this. We need this to make sure we watchdog the use of taxpayer dollars. This program worked in the 1990s.

It boosted oil production substantially. We were all glad to see it. But the fact is, the President says we can get the production now without these kinds of subsidies when the price of oil is over $70 a barrel. I am hopeful we can continue to work—I see the chairman of the full committee, Senator COCHRAN, here to get it worked out—so that we could do what is customary in the Senate, and that is make this amendment part of a batch of amendments.

I do want the Senate to know a little bit about the payment terms of this program and how this program works in terms of royalties and rentals. I will read a little bit from a Congressional Research Service report that describes it. The leases are conditioned upon payment to the Government of a royalty of at least 12.5 percent in amount or value of oil or gas production that is removed or sold from the leased land. Leases subject to rates in effect after December 22, 1987, generally pay a 12.5-percent royalty, but this percentage can increase if a lease is canceled because of late payments and then reinstated. The Secretary of Interior also has the power to reduce the oil royalty on a noncompetitive lease if it is deemed to be equitable to do so.

Once again, we are talking about very favorable terms for the companies. We are talking about noncompetitive leases. We are talking about something I don't think anybody sees in the private sector in Mississippi or Louisiana or Oregon, but yet that is the way we do business in this particular program.

The Congressional Research Service goes on to say: For oil and gas leases, the royalty must be paid in value unless the Department of the Interior specifies that a royalty payment in kind is required. Once the royalty has been paid, the Secretary is required to sell any royalty or gas except whenever, in their judgment, it is desirable to retain the same for the use of the United States.

That is the heart and soul of how this program works. The Secretary is given this extraordinary waiver authority to suspend or reduce rentals and royalties under certain conditions. Unfortunately, we have seen some problems in terms of the Secretary using that discretion. That is one of the reasons I have come to the floor and raised this concern.

Senators know who is getting the profits. I have tried to talk about the trifecta: The profits that are being made, the mandatory spending that goes out the door in terms of this program. Then we have the granddaddy of them all, the question of royalty relief. What it really comes down to is the Senate's saying, after years of decisions being made about this program behind closed doors, we are actually going to have a debate about this and at some point work out a way to take a vote on it. I don't think that is an unreasonable position.

This is a program that is out of control. This is a program that ensures that billions of subsidy dollars will fly out the door, even when the President says it is not necessary. The price of oil is $70 a barrel plus right now. The President said hold the line on the subsidies when it is over $50 a barrel. The Royalty Relief Program holds no lines.

Essentially, the Royalty Relief Program is a wish list for a handful of very powerful interests who have figured out how, behind closed doors, to have their way with the program. This is the sweetest of the sweetheart deals. It needs to change. I would like to see a Senator come to the floor and defend the Royalty Relief Program as it is presently constituted. This involves billions and billions of dollars.

For example, think about what we could do for the Low Income Home Energy Assistance Program. That is a program about which many Senators have been concerned. Think about what we could do for the Low Income Home Energy Assistance Program if we reconfigured the Royalty Relief Program to one essentially based on need, with prices going down, or supply disruption being the only factors in making a decision about whether to have the royalty relief.

We could have plenty of money left over for deficit reduction, even after helping the Low Income Home Energy Assistance Program.

The Senator from Mississippi has a bill that has a number of provisions in it I strongly support. But budgets are about choices. As a Senator, I cannot explain to the people of my State how a program like this is going to be run like business as usual. When billions of dollars are shoveled out the door, when independent audits continually site the lack of controls, when the companies that look to this program give one set of facts to one agency and another set of facts to another agency, that is unacceptable. That is what I want to change. I guess we will be here on the floor of the Senate a while in order to try and get it worked out.

I am reading again from news reports. The General Accounting Office has said that the best case for the amount of money that would be lost to the American taxpayer is $20 billion. The press has already reported that this would involve an instance where energy prices are over what is called the so-called threshold in the years ahead. The companies that have sought this have won a huge victory at taxpayers expense. They have won legal victories in the past. All the more reason for Congress to step in and establish some accountability and ground rules. There are prospects that if they win their next lawsuit, we could be spending another $50 or $60 billion over the years ahead on top of the most optimistic projection for the cost of the program, which would be $20 billion. We are talking about big sums of money.

I would like to read from a report that shows how conservative these numbers are. The New York Times said, in an analysis of this program, that the General Accounting Office based its estimate on the assumption that crude oil would sell for about $45 a barrel, a level well below what was then the $66 cost in the futures market. So these are very conservative projections. I am concerned that with the General Accounting Office lowballing the cost of the program, the tab to the taxpayers will be much greater than anyone has envisioned.

I hope Senators will want at some point to come to the floor and see if we can work out a way to vote, look at further suggestions and revisions. If they don't, we will have to stay at it and continue to talk about this issue.

I want to address one of the issues that came up in the discussion over the Energy bill, that somehow this program wasn't going to cost taxpayers any money. Folks said that with a straight face. They said: No, it is not going to cost people any money. We are going to have to figure out a way to deal with this issue.

They said: It is not going to cost people any money. That statement was made by some of the supporters of the program back in 1995. They said in 1995 this would produce revenue for taxpayers, and they were concerned that people were somehow saying otherwise.

The reality is, this has not been a no-cost program. This has been a pricing program. This is a program that is going to cost the taxpayers billions and billions of dollars. It is the biggest of the programs. I am still struck by the discussion that we had with Senator NELSON earlier. Senator NELSON was concerned about a program that cost a billion dollars. That is a lot of money to taxpayers, a billion-dollar subsidy. Here we are talking about a program that could go to $80 billion. Senator COCHRAN's supplemental comes in, I believe, in the vicinity of $100 billion. Depending on how the litigation plays out, the amount of money involved comes to an amount equal to what will be spent in this emergency supplemental.

This is a subsidy that is more than a dubious use of taxpayer resources. This is a subsidy for which there is no logical argument at all. We are not seeing low prices. We are not seeing an investment climate with ominous signs over it—quite the opposite. We are seeing an investment climate in energy that is certainly promising. If we look at stocks and profits and the like, energy prices have been very high. We are not talking about crude oil selling for $16 a barrel. Back in 1995, that is what they were talking about. They were talking about crude oil selling for $16 a barrel.

Let's think about that. In 1995, when this program was originated, when there was a discussion about how to proceed and move ahead, the price was $16. Now we have prices at over $70 a barrel. How can one argue that a program that was conceived at a time when we were talking about prices of under $20 a barrel is needed when the price of oil is over $70 a barrel? That is what we are dealing with here, and that is why I and others want to rein in this program.

To furnish all of this royalty relief on top of the record profits and on top of the record cost, I don't get. I don't get how, when you have the industry prospering as it is today, and taxpayers, particularly the middle class, feeling the crunch, how do you make the argument that you ought to use taxpayer dollars this way?

I have introduced tax reform legislation targeted to the middle class. The reason I have is that the middle class today is being squeezed as we have never before seen. Certainly, we have not seen it in the last 50 years. For the last 50 years, when corporate profits have gone up, when you have seen increases in productivity, the middle class has benefited. We have seen them enjoy the fruits of expanded profits and productivity. We are not seeing that today.

The middle-class folks from Mississippi, Louisiana, and Oregon are getting shellacked. This bill cannot do everything that is needed for the middle class, certainly, but it seems to me what we can say is the middle-class person should not see their tax dollars used for a program such as this that is totally out of control. I wish to see middle-class folks get a break. When I have my community meetings at home—and, like other Senators, I get to every part of the State—I have these open meetings and folks can come in. Almost always the second word is "bill." First, it is medical bill, and then gas bill, then home heating bill, then mortgage bill, then tax bill. The middle-class folks cannot keep up.

So if the Senate keeps this program going in its current form, as opposed to what I am trying to do, which is to reconfigure it, target it to where it is needed, what will happen when Senators go home and middle-class people ask them about what is being done? In effect, what is happening is that tax dollars from middle-class people, at a time when they need a break and some relief—they would have to say that essentially they go into the coffers of the Government and then out they go in terms of billions of dollars of royalty relief, when the President of the United States says it is not necessary. That doesn't make any sense.

This is essentially a debate about priorities. What I think we ought to be doing, especially on this middle-class issue, where people making $40,000, $50,000, $60,000, or $70,000 have been hit so hard and they are living payday to payday—that is how middle-class folks get by. They get their paycheck and they use it until the next one comes along. The Federal Reserve said not long ago that middle-class people have seen virtually no increase in their net worth over the last 5 years.

Whose side is the Senate on? Are we on the side of those who want to keep milking this Royalty Relief Program, at a time when it is not needed, at a time when we are seeing record profits and record costs or are we on the side of middle-class folks? I want to be on the side of middle-class folks. I want to better protect the use of their tax dollars. This is the most flagrant waste of tax dollars I have seen in a long time. That is why no Senator comes to the floor of this body to defend it.

This is such an exorbitant expenditure. This is such a waste of taxpayer dollars that no Member of the Senate wants to come to this floor and defend the way this program is now being run. That is what it comes down to. Nobody wants to defend it, but somehow we cannot work out a way to get a vote and to actually see where the Senate stands on whether this program ought to continue as it is, or whether the Senate is willing, as I am proposing, to try to change it and make sure that instead of special interests and lobbyists being able to hotwire this whole program behind closed doors and talk to people at the Department of Energy, that we stand up for the public. It is all about choices.

At a unique time in our country's history, when we are seeing an extraordinary economic transformation, when the people of Louisiana, Oregon, and Mississippi are not just competing against somebody down the road and we are competing against tough global markets—those in China and India—I want to see us change our priorities. I want to see us pay for this legislation responsibly.

Senator COCHRAN has a bill that in many respects, I believe, makes a lot of sense. I am anxious to go forward with his legislation and see, on a bipartisan basis, how we can deal with the emergency needs of our country. What I am not willing to do, however, is to look the other way on this program any longer. I am not willing to do it. We may have a vote at some point. Maybe I will prevail and maybe I will not. When I talked to Senator COCHRAN this morning, we were talking about the way the Senate works. The Senator from Mississippi has always been very fair in the past. He said: Look, the Senate debates and then the Senate has, through its customs and rules, a way to ensure that the Senate takes a position. That is all I am asking. I am asking that the Senate do what it customarily does. What we do, as far as I can tell, practically every single week we are in session—almost every week I have been here, we deal with a variety of issues that come up from Senators in the form of amendments. The amendments are debated and then the Senators have an opportunity to have the Senate go on record on their particular amendment as a part of a group of measures that are considered. That is not what is going on here. I am curious why.

I wish we would hear from some who possibly oppose the legislation why we cannot do what is done virtually every week in the Senate, which is to have a debate, have a discussion, and then the Senate makes a judgment on whether a particular amendment or effort is meritorious.

I see the distinguished Senator from Washington, who is such a wonderful advocate for the Pacific Northwest. She has done extraordinary work, particularly on infrastructure, on port security, on making sure we have good investments in transportation. You cannot have big league quality of life with a little league transportation system. So what we find is when the Senator from Washington wants to see scarce dollars go into infrastructure and into port security, and a number of the valuable areas she has been advocating, we cannot do that because a minimum of $20 billion is going to be lost to this particular program, and if the litigation is successful, it will be $80 billion.

So, again, this is going to come down to choices. I like the kinds of choices the distinguished Senator from Washington, Senator MURRAY, has been talking about. I think she said we ought to focus on middle-class folks, we ought to focus on infrastructure, we ought to focus on a handful of choices in a difficult budgetary climate. But it is not going to be possible to have the resources the distinguished Senator from Washington has been talking about if you continue to throw money out the door in a wasteful fashion. That is what it is all about.

This is not very complicated. It has been documented. How the Senate can essentially stiff the General Accounting Office on its recommendations to get some controls on this program is beyond me. I guess that is still what some wish to do. But I am going to do everything I can to prevent it. This program, as Senator Bennett Johnston said some time ago, is not what was intended. Those are not my words. Those are not the words of Senator KYL or Senator LIEBERMAN, my cosponsors of this particular effort. Those are the words of the author of the legislation, who hails from the same State as the distinguished Senator in the chair. So with the author of the program saying it wasn't intended, with people all across the political spectrum saying you don't need royalty relief in this particular climate, I wish to see the Senate take a position up or down as to whether this kind of royalty relief is needed.

If the Senate doesn't, it seems to me what the Senate is saying is we will do business as usual, in terms of all of these subsidies. In other words, we talk a lot about tax breaks and the like and what we might be doing on some of them. This is the biggest subsidy. This is No. 1. This is the one that counts if we are serious about all of the speeches that are given about cutting back needless subsidies to the oil sector. Senator NELSON summed it up very well. He was concerned about spending a billion dollars in terms of a subsidy program that was ill-advised. I think Senator NELSON is on track, and I am anxious to find out more about the program he is concerned about. But that is a tiny fraction of what is at issue.

So I think if the Senate is concerned about changing our energy policy, at a time of record profits, at a time of record prices, it cannot duck the big ticket items. You cannot say you are serious about using taxpayer money more prudently and then pass on the programs such as this one at the Minerals Management Office that count. In particular, you should not duck them when all of the evidence indicates that the historical rationale for starting this program in the 1990s, with low prices and a need to boost production, isn't present any longer.

I see colleagues on the floor. I see my friend from Colorado, Senator SALAZAR. He did extraordinary work in what was called, I think, the Gang of 14, I believe, in terms of getting the Senate to come together on some judicial nominations. Perhaps he can work his great talent into finding a way for us to move ahead now. Senator MURRAY is also one who is no weak soul in terms of parliamentary procedure. I see two good friends on the floor.

I am happy to yield to my friend under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon for yielding a few minutes to give him a break so he can take a drink of water and continue his dialog. He raises a very important point in the argument he has been advancing for the last several hours. I very much respect his passion on the issue.

I request of my friend from Oregon to enter into a consent to allow at least my amendment to move forward, and perhaps two or three others of colleagues who have been waiting in the wings, with the understanding that upon the offering of those amendments, then the floor would return to him.

Mr. WYDEN. Parliamentary inquiry. Mr. President: I am very anxious to accommodate the distinguished Senator from Colorado. I will tell colleagues I am vastly more interested in accommodating my colleague than anyone can imagine at this point. But my understanding, and I need to have this clarified by the Chair, is that if I were to do what the distinguished Senator from Colorado has asked, I would lose my opportunity to automatically come back to the floor; is that a correct interpretation?

Mr. President, I hope it is not because I would love to do exactly what the Senator from Colorado has asked.

The PRESIDING OFFICER. It is the Chair's understanding that would depend entirely upon the exact terms of the unanimous consent request and that a unanimous consent request could be so structured to avoid what the Senator is talking about.

Mr. WYDEN. That is probably one of the most encouraging things I have heard in hours.

Mrs. MURRAY. Will the Senator from Oregon yield?

Mr. WYDEN. If I can respond, just to ensure that we are absolutely correct on this point, what I would like to do—and, hopefully, we can work it out in a matter of minutes——

Mrs. MURRAY. If the Senator from Oregon will yield for a unanimous consent request, Mr. President.

The PRESIDING OFFICER. Does the Senator from Oregon so yield?

Mrs. MURRAY. I ask the Senator to yield without losing his right to the floor immediately after——

Mr. WYDEN. Without losing my right to the floor immediately after the question; of course, I yield.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Colorado be allowed to call up his amendment and offer it, and at the end of that time, to immediately return the floor to the Senator from Oregon.

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. I am only stating this reservation to be able to propound a parliamentary inquiry of the Chair. If the unanimous consent request is propounded exactly as the distinguished Senator from Washington has so stated, would it be possible for the Senator from Colorado to offer his amendment and then the Senate would automatically return to consideration of my amendment?

The PRESIDING OFFICER. As the Chair understands it, the pending unanimous consent request would return control of the floor to the Senator from Oregon but does not specifically address the issue of whether his amendment will be the pending amendment.

Mr. WYDEN. Mr. President, I ask the Senator from Washington to modify her unanimous consent request so that at the conclusion of Senator SALAZAR's offering his amendment, not only would I be recognized but that we would again be dealing with my specific amendment so I would not lose the opportunity to come back to my amendment which is before the Senate after Senator SALAZAR has completed. So it would require a unanimous consent modification.

Mrs. MURRAY. Mr. President, I so modify my unanimous consent request that the Senator from Colorado be allowed to offer his amendment, and then at the conclusion of his offering that amendment, he would set it aside, and we would return to the pending amendment, which is the Wyden amendment, with the floor being under the control of Senator WYDEN.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, reserving the right to object, it is my understanding of the unanimous consent request that this would give the distinguished Senator from Oregon the right to have his amendment the pending business after disposition of the amendment of the Senator from Colorado. If that is correct, my conclusion is that we are placing in the hands of one Senator by this action a decision as to what the order of business is of the Senate, the order in which amendments can be considered, specifically these two, and that they have priority over any other motion or action that could be taken by any other Senator under the rules of the Senate. Under that assumption, I am obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I say to my colleague that I think the attempt here is that the Senator from Colorado simply would like a few minutes on the floor this afternoon to offer his amendment. I don't think he is trying to supersede the order of any other amendments. The pending business of the Senate is the Wyden amendment, so the intent of the Senator from Colorado is simply to have a few minutes on the floor to offer his amendment. He has been here numerous times throughout the day simply asking for that time, and then we will return to the current order of the Senate.

Mr. COCHRAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. If that is a unanimous consent request, I reserve the right to object to it and make a further observation. By this procedure, if the unanimous consent requests—plural now—are approved, no other Senator has a right to offer an amendment even to the amendment offered by the Senator from Oregon. No one has the right to move to table the amendment of the Senator from Oregon which establishes his amendment by the request in a position that no other Senator has a right to expect.

Everybody is governed by the same rules, but in this instance, the Senator from Oregon is trying to construct a situation where he is not under the same rules. His rule is that he is entitled to an up-or-down vote without any further amendment, without there being an opportunity to move to table by any Senator in the Senate. That is inappropriate.

That is a modification of the rules without discussion of it and is a bad precedent to set. He is governed by the same rules as all Senators are. We should not make any exception in that. There has been no cause shown for that. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I very much regret the action of the distinguished Chair of the committee because I am extremely interested in having the Senator from Colorado be able to offer his amendment, and I thought that what the Senator from Washington did was very constructive.

I repeat, this Senator seeks no special treatment. I have been trying since last night, when Senators went home and I came to the floor to offer it, to do something that goes on in the Senate every single week. I know of no week since I have been in the Senate when the Senate has not done what it is that I hope to work out very quickly so that Senator SALAZAR can offer his amendment.

We have debates—mine, Senator SALAZAR, and others—and then the various amendments are clustered together so that at some point the Senate goes on record. I haven't asked for anything other than that.

The Senator from Mississippi has talked about various issues I have not addressed in any way. What I have said is, I would like to see the Senate do with my amendment what the Senate does every single week the Senate is in session, which is to bring together a group of amendments. That is all I am asking for and still hope to work out.

I yield to the Senator from Colorado for the purposes of his question.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon. I ask him the question as to whether a short period of discussion, perhaps between the Senator from Oregon and the distinguished chairman from Mississippi and the distinguished Senator from Washington may allow us to work out some kind of procedural framework where not only the amendment that I am proposing to offer is able to be offered, but in addition to that, Senator MENENDEZ, who has been here waiting several hours to offer an amendment, might offer his amendment, as well as several of my colleagues who are here, including Senator CONRAD and earlier Senator BYRD.

The suggestion I am making to my friend from Oregon is if we take a breath, we might be able to get perhaps three or four amendments offered on the Democratic side and three or four amendments offered on the Republican side, allowing the Senator from Oregon to return back to his amendment as the pending business of the Senate.

Mr. WYDEN. Mr. President, I say to my friend, I wouldn't just like to take a breath, I would like to take multiple breaths at this point. Unfortunately, what we have been told by the Chair is that it is not possible to work out some kind of format so that at some point, as part of a batch of amendments, mine could be considered.

As to the question the Senator asked about working with the distinguished Chair of the committee, I will tell you that half an hour before the Senate came in, I called the distinguished Chair of the committee, and I asked that we do exactly what the Senator from Colorado said. In other words, I was concerned about just this scenario. And so about 9:30 or so, I called the distinguished chair of the committee, Senator COCHRAN, and said: I am willing to do somersaults to work this out so as to be fair to all Senators because having watched this program grow and grow behind closed doors, and watch this sugar-ladened program get sweeter and sweeter over the years, I have seen all the big decisions made behind closed doors. So fearing exactly what the Senator from Colorado has talked about, I called the chair of the committee at 9:30 in an effort to try to work this out.

Ever since 9:30—and now I guess we are about at 2 o'clock—that has been my interest. It will continue to be my interest.

The Senator from Colorado says I ought to have an opportunity to take a breath. I will tell him, I wish it was more than one.

Mr. COCHRAN. Mr. President, will the Senator yield for a response since he referred to his conversation with this Senator this morning?

Mr. WYDEN. Without losing, again, my place, of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the Senator is correct. The Senator did call me, as he said, and asked if he could get a vote on his amendment, be recognized to debate his amendment. I said I am not in the business of picking out which Senator can speak first. This is the Senate. The first Senator who rises when we go in today and says "Mr. President" gets recognition and can talk about anything that Senator wants to talk about, for as long as he or she wants to talk about it, and can offer any amendment to any pending amendment, can have the attention of the Senate. But that is not my prerogative, it is the Presiding Officer's prerogative to recognize Senators.

I told him I wished him well with his amendment in terms of getting recognition, offering it, and talking about it and proceeding. Go ahead, you don't have to get my permission.

That was pretty well the extent of the conversation. The fact is that there are 21 pending amendments that come ahead of the Senator's amendment. There are 21 in all; 20 come ahead of the Senator. His is the last one that has been presented to the Senate.

I can read the list. We have had some that have been adopted, some that have failed, and some that are still pending without action by the Senate. Those Senators have a right to have their amendments considered. So he is asking that we put his amendment to the top of the list from 21 to 1 and that no amendment can be offered to his amendment and that it can't be tabled on a motion of another Senator. That is not fair to all the other Senators. That is not fair to the Senate. That is why I am unable to agree to give him those rights.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, if I can reclaim my time, the Senator from Mississippi is a person of enormous integrity. I agree with the vast majority of what the Senator has said with respect to our conversation. The only part I take exception to is I did not ask to be put to the head of the line. I have never asked to be put to the head of the line. I told my friend from Mississippi that I had offered the amendment last night, so it was the pending business, and I said, fearing exactly what we have seen, that I was open to just about any possible way to do what the Senate always does, and that is to have amendments considered, have them put in to a batch, and voted. So I simply want to say, because I do have the highest regard for the Senator from Mississippi, that I agree with the vast amount of what he has said, but I do take exception to the part where I asked to be put ahead of other Senators. I said I am open to working this out in any way. Frankly, I don't really care whether it is even in the first batch of votes that the Senate would take. If we can work it out so it is in the second batch of votes, fine by me as well.

I see now we have the Senator from New Mexico here who knows more about this program than anybody else, frankly, on the planet. I am glad he is here, and I hope we can have a discussion about this, because I have been troubled by the fact that we are not having debate about it, and maybe the presence of the Senator from New Mexico will get us to the point where we can get to a vote.

Senator KYL and I both serve on the committee. Like you, Senator COCHRAN, Senator DOMENICI is very fair. He and I have disagreed on loads of issues. When I think of Senator DOMENICI, I always think of fairness—always. That is what I am interested in, having become a part of all of this. To me, fairness—fairness—is when the Senate has a debate, and we have had that now for many hours, and amendments are pulled together in a cluster, and I am open to being part of the first cluster or the second cluster. And maybe there are other ways to work this out. I would have been very pleased to have done what Senator SALAZAR and Senator MURRAY are talking about.

Would the Senator from New Mexico like me to yield to him for a question? I yield to the Senator, again, under the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I thank the Senator for the kind words. I think we are wearing the patience of the chairman thin, so we ought to get on with doing what we can. I want to ask the Senator—I want him to take this fairly and squarely, and when I am finished, if you don't believe what I am saying, then I would like very much for you to have your staff go take a look to see if I am right or not.

First of all, Senator, I think you made a mistake with your amendment. I think the amendment is wrong in that under current law—and what the Secretary has done under current law—the oil companies will pay more royalties than they are going to pay under your amendment. You set a threshold, for instance, on oil of $55, if I read your amendment correctly. Your staff is there and they can confirm this: $55. The Secretary has already established the threshold for oil at $36. So the difference is that at $34, they start—that is the break point, and you have made a mistake in taking it all the way up to $55. It shouldn't be $55 when it is much lower. It means that the oil companies are going to pay much more at a much lower level of the price under existing law than under your amendment.

So your amendment should not be adopted. I want to be fair, but I just want to tell you it shouldn't.

Mr. WYDEN. Is the Senator asking a question?

Mr. DOMENICI. I will ask: Do you know that? I started off by asking if you know that.

Mr. WYDEN. I do. And in response specifically to the Senator, nothing in the amendment says that threshold couldn't be lower. Of course, the threshold should be addressed in a responsible way. All we are saying is that we are not going to shovel taxpayer money out when it is over $55 a barrel. But nothing in my amendment says the threshold couldn't be lower, and that is why it better targets the resources and would do something about it.

Again, the General Accounting Office is not some group with a political ax to grind; it is the Government Accountability Office, the people we hire as our auditors who have been talking about all the waste in this program.

As the distinguished chair of the committee knows because he has seen the letter from the Senators, this program is so riddled—so riddled—with questionable issues, the companies don't even give the same facts to the government. They say one thing to the Securities and Exchange Commission and say another thing to the Department of the Interior, and the Department of the Interior people say: Well, we don't know what to make of it.

So I am very glad the Senator is on the floor, and if the Senator would be willing to work with me, I am interested in trying to do what Senator KYL and I and Senator LIEBERMAN have been working on with this bipartisan amendment. But in response to the particular point made by the chairman of the committee, nothing in this amendment says that the threshold couldn't be lower, and obviously it needs to be.

I think now the Senator from Colorado is next, and I yield to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I thank the Chair, and I thank my colleague from Oregon. I would like to ask a question of my friend from Oregon and a question of the Senator from Mississippi, Mr. COCHRAN. If we can find an agreement that will allow three amendments from the Democratic side and three amendments from the Republican side, and then at the end of those six amendments being sent to the desk, returning back to your amendment as the pending business of the Senate, is that something that the chairman of the committee would object to? If we were to offer a unanimous consent agreement with respect to those six amendments and we would agree to what those six amendments would be, would then the chairman of the committee object to us moving forward with that kind of a unanimous consent agreement, understanding that we would be returning to the amendment of the Senator from Oregon at the end of that?

The PRESIDING OFFICER. Does the Senator propose that as a unanimous consent agreement?

Mr. SALAZAR. I do propose that as a unanimous consent agreement.

Mr. WYDEN. Reserving my right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, again, wanting very much to accommodate the Senator from Colorado, could the Chair clarify that if we did what the Senator from Colorado is talking about exactly as he has so stated, that after that group of amendments, I believe it was six that the Senator from Colorado talked about, we would return to the amendment that I am offering being the pending business of the Senate?

The PRESIDING OFFICER. Under the proposed unanimous consent agreement of the Senator from Colorado, after the six amendments are read from the desk and briefly discussed, the Wyden amendment would remain the pending amendment and the Senator from Oregon would have the floor.

The Senator from Mississippi.

Mr. COCHRAN. Reserving the right to object, Mr. President, as I understand the Senator's request, this would prevent the Senator from New Mexico from offering an amendment to the amendment offered by the Senator from Oregon. It would also prevent returning to the first amendments that were offered and that are the pending business of the Senate; specifically, amendments offered by the Senator from Oklahoma, Mr. COBURN.

I understand that he would like to have his amendments considered and voted on in the regular order in which they were filed by the Senate. An alternative to the proposal of the Senator from Colorado is to go to the regular order. But as long as the Senator from Oregon has the floor, if he doesn't ask for the regular order, no other Senator can, as I understand it, because we don't have the floor for that purpose. So, again, what the Senator from Oregon is trying to do is to design a situation that benefits him, puts him in priority over all the Senators who have amendments pending, and provides that he will get an up-or-down vote on his amendment; that it won't be subject to any amendment, that it can't be tabled. That is not fair. I can't agree to that. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard. To clarify, the Chair would note that the unanimous consent agreement proposed by the Senator from Colorado does not address in any way votes on any amendments.

The objection is heard. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to again highlight that this Senator very much wants to accommodate the Senator from Colorado and to do exactly what he is talking about—what I wanted to do hours and hours ago, but the chair of the committee is the one who has objected. I called the chair a half an hour before we went into session, knowing that we were really looking at the prospects of this kind of gridlock because I know the decisions about this multibillion-dollar boondoggle have always been made behind closed doors.

When I offered this amendment last night, and it was pending when he came in this morning, I knew there was the potential for this. I called the Senator from Mississippi a half an hour before we went into session this morning in an effort to try to work out what is done in the Senate all the time.

I see Senator DODD here who is our leader on the Rules Committee and knows vastly more about this than I. But what I tried to say is let's do what is done in the Senate every single week. You consider a big batch of amendments, and at some point after both sides have been noticed, then you go to a vote. You go to a vote so that both sides are aware of what is going on.

I have also offered here that I wouldn't even be in the first cluster of amendments that were considered. So that, again, even though my amendment was pending last night, when we came in, we could have colleagues get the first votes. Colleagues would get the first votes before my amendment. But what I am forced to conclude, and why I am going to stay here and try to stand up for taxpayers, is that virtually nothing is acceptable other than what we saw in the Energy Conference agreement where oil royalty relief got sweeter for a handful of companies, after midnight, in the middle of the night, with no accountability.

This is a program with a minimum cost of $20 billion. If the litigation involving this program is successful, the tab for this program will be $80 billion. That is virtually the amount we are talking about in terms of emergency spending.

So the Senate is looking at the bizarre situation of having an emergency supplemental because the Government doesn't have the money. Yet even though we have an emergency supplemental, we are sending out the door billions and billions of dollars that the General Accounting Office has deemed wasteful. I don't think that makes sense.

I am willing, again, to yield to my friend from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my colleague from Oregon for yielding, once again. I would like to ask a question of the Senator from Mississippi, if I may.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SALAZAR. To my friend from Mississippi, the unanimous consent request that I made earlier would essentially allow the work of the Senate to continue forward for a brief period of time while we would have three Republican amendments and three Democratic amendments to be offered.

As I understood your statement, you believe that would then allow my good friend from Oregon to essentially control the floor throughout his amendment to essentially supersede the other amendments that are pending—some 21 amendments, as I understand that to be the case. I do not think that was at all the nature of the unanimous consent request that I made.

What I suggested that we would do with my unanimous consent request is that we move forward with the filing and then move forward with the pending business of the Senate with six amendments in total. And at that point in time we would return to the amendment of the Senator from Oregon, without prejudging whether or not there is going to be a vote at all on the amendment of the Senator from Oregon. So I would like clarification from the chairman of the committee as to what will happen via the unanimous consent request that I previously made, which was objected to by the chairman of the committee, with respect to the pending business that is currently before the Senate.

Mr. COCHRAN. Mr. President, if the Senator will yield for a response?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Mississippi.

Mr. COCHRAN. I am happy to inform the Senator that this would disadvantage some 10 Senators who have already filed and argued and had their amendments pending for consideration. You would urge that we have six more amendments offered from three Republican and three Democratic Senators and add those to these and then have a vote, I guess, on the Wyden amendment? Instead of voting on those which we would take up in regular order, if we could ask for the regular order? It puts you in charge of managing the business of the Senate, setting priorities for the amendments that can be offered when that priority has already been established.

I think what we should do is follow the regular order. That is all I have said from the beginning. But Senator

WYDEN wanted to come in today, get recognized, offer his amendment, and have an up-or-down vote on it without any other intervening business—no amendments, no motion to table. I don't know of anybody who has ever gotten a deal like that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming the floor, what Senator SALAZAR and I are both saying is we do not want to be at the head of the line, but we want to have a place in the line, which is the custom of the Senate. The custom is that you have these debates, you have these discussions, and at some point the leadership on both sides gets together. I see the distinguished leader, Senator REID, and Senator DURBIN. What happens is they get together with Senator FRIST and Senator MCCONNELL after everybody has had a chance to discuss their amendments. Then at some point you get in the queue.

I have enormous respect for the distinguished Senator from Mississippi. That is why I called him a half hour before we even went in today, in an effort to try to work this out. He consistently says I want to be at the head of the line; I want special treatment.

I don't want to be at the head of the line, but I think at some point Senators ought to have a place in line. My amendment was offered late last night because I stayed here, again anticipating the possibility of this. So it was pending when we came in.

So Senators are very clear. I am interested in working out what Senator SALAZAR wants to do. I am interested in amendments being clustered as we traditionally have done in the Senate. What I am not willing to do is this: At a time of record profits, at a time of record costs, I am not willing to sit by while record amounts of royalty relief are handed out while all of the independent auditors say it ought to be stopped.

I have read to my colleagues, for example, that in the other body the chair of the natural resources committee, Congressman POMBO—hardly anti-oil, as our good friend, the chair of our Energy Committee, knows; Congressman POMBO has consistently been pro-production—Congressman POMBO says we don't need this incentive for production. Those are his words, you don't need an incentive for production at a time when oil is $70 a barrel.

Senator DODD and Senator DORGAN have a variety of approaches they want to explore with respect to the Tax Code, and Senators will weigh in, one way or another. There is a trifecta of programs now. There are tax breaks, there is mandatory spending, and there is royalty relief, which is the granddaddy of all of these breaks. I do not see how we can justify sweetening this sugar-laden giveaway again and again and do it behind closed doors.

I have been out here I guess upwards of 4 hours. I sure wish this were not necessary. I would certainly like to do what Senator SALAZAR has been talking about, which is get an order for these amendments and all of us find a reasonable place in line. But I am not going to sit by while taxpayers get fleeced again. I am just not. I may lose when it comes time, if we can get one, to vote, but until then I am just going to hold forth.

We have colleagues here. Senator DODD, for example, knew the author of the program very well. Senator Bennett Johnston was the author of the program. Senator Bennett Johnston has said nothing like what we have seen was what he intended.

There are no people arguing on behalf of doing business as usual, as I guess some in the Senate want to consider. But all of the independent experts—the lawyers for Shell oil company—again not the first place you look for anti-oil kinds of arguments—the lawyers for Shell oil company say you don't need this kind of break in this sort of climate. So you have Congressman POMBO, you have the folks from Shell oil company, you have the author of the program, Senator Bennett Johnston—all of them weighing in.

If the litigation that is now underway with respect to this program is successful, I would say to colleagues, the tab for this program could be $80 billion. The emergency supplemental is $100 billion. So over the life of this program, it could come to a very significant fraction of what we need to do in terms of the emergency spending. The distinguished chair of the committee is on his feet, and I am glad to recognize him for a question at this time, keeping my place here on the floor.

Mr. DOMENICI. Senator, first of all, I don't quite know how to ask the question, but I am going to try. Are you aware that the years of 1998 and 1999—for 2 full years, all the leases that were issued had no thresholds in them? Are you aware of that, Senator?

Mr. WYDEN. To respond to the chairman, I am very much aware. It is clear that some of those in the Clinton administration—and I have talked about this at some length. Frankly, those omissions by midlevel people in key level positions in the Clinton administration have contributed mightily to this problem. If they had been doing their job and been watching this threshold question, we would not be in this problem.

Mr. DOMENICI. Yes.

Mr. WYDEN. I think the chairman knows, I believe energy policy has to be bipartisan. We have the distinguished Senator from Tennessee in the chair. I have been talking to him for some weeks on an innovative approach we would like to explore. I want to do business in a bipartisan way. I think I was bipartisan, frankly, before it even became fashionable around here. But I am telling you this has to end. I am glad the Senator from New Mexico has brought up the point about how we got into the situation.

By the way, during the Clinton years when folks weren't watchdogging this program, as I say—the Senator from New Mexico knows a lot more about this than I do—the price of oil was $34 a barrel. We were talking about a price that was a fraction of the cost right now. So what you have is a program that was designed when the price of oil was $16 a barrel. The folks in the Clinton administration muffed the ball in the middle of 1990 when the price was $34 a barrel. Now the President of the United States comes along and says, to his credit, let's knock off the subsidies at a time when the price of oil is more than $50 a barrel. That is what I am trying to do in this particular amendment.

This program made sense in the middle 1990s, when folks in the oil patch were hurting. Probably Senator DODD remembers a bit of that history. Senator Johnston, whom we all respect so much, came to people in the Senate and talked about the need for the program. Folks in that part of the country were hurting, and the price of energy was very low. There was a good argument saying there was a role for Government.

I have sat in many hearings with the distinguished chairman of the Energy Committee where we talked about the notion that there is a role for the private sector, a role for Government. We want production. What I have done in my amendment is say—Senator KYL and I got a little bit into this—not only are we going to put a lot of verbiage behind the notion that we are going to support production, what I said is, if there is any evidence this incentive is needed—the President says we will have a disruption of supply—if the price of oil goes down, bingo, the Government can get back into the royalty business. That is what we are trying to do here.

I recall that energy conference committee. I say to my friend from New Mexico. The decisions were made on this particular provision after midnight. I am not even completely sure how it came about. I don't believe I was even in the room. But this time, the Senate is going to take a position, if I have anything to say about it. As colleagues know, I have had plenty to say in the last 4½ hours. I very much want this worked out so we can get to the point of a vote.

Did the distinguished chairman want the floor?

Mr. DOMENICI. Would the Senator yield in a different way, so I could speak for 5 minutes and return the floor to you and you lose none of your rights?

Mr. WYDEN. Let me propound a parliamentary inquiry. I would very much like to do what Senator DOMENICI, the chair of the Energy Committee, has asked for. If I yield to him to speak for any amount of time, will I lose my place to be able, on the pending amendment, to speak on it? Would the Chair so advise at this point?

The PRESIDING OFFICER. The answer is yes, unless you ask by unanimous consent that the floor be returned to you and it is approved without objection.

Mr. WYDEN. Mr. President, my understanding is that puts us in exactly the same position as we had with Senator SALAZAR. I would like to make the same offer to the distinguished chair of the committee, because I would very much like to respond positively to his request, if we can work with the staffs to propound a parliamentary request to deal with what the chairman, the Senator from New Mexico, has asked. I would very much like to do it. Perhaps we can get our staffs together and perhaps work it out.

Mr. DOMENICI. I just heard the Chair say what it would take for this to be appropriate. I ask unanimous consent that which he has just articulated be the unanimous consent request before the Senate, and I ask that the Senate grant it.

Mr. WYDEN. Reserving my right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Again I think we have to be very clear on this. If the Senator from New Mexico is granted his unanimous consent request and he speaks for whatever time he desires—frankly, probably more power to you if you go longer—if he speaks for whatever time the Senator from New Mexico desires, does it automatically come back to me to speak on my pending amendment? That is what I am asking the Chair.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from New Mexico desires 5 minutes to speak, and when he is concluded the floor will be returned to the Senator from Oregon and the pending business will be his amendment, if the unanimous consent of the Senator from New Mexico is approved without objection.

Is there objection? Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I say to fellow Senators and Senator WYDEN, if you would please lend me your ear because I would like to be helpful.

Mr. WYDEN. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. WYDEN. I wish to be clear that what the Senator from New Mexico asked for was a request to speak for 5 minutes and then we would return to consideration of my amendment specifically in its current form, and I would be recognized to speak on my amendment.

The PRESIDING OFFICER. That is correct. Nothing else will be in order during the 5 minutes except that.

Mr. DOMENICI. Mr. President, I have 5 minutes. I would like very much for anybody who is trying to fix this parliamentary problem to just listen for a minute.

First of all, most of the problem that has been discussed by the distinguished Senator in terms of royalties that are allegedly not being paid by oil companies which are indeed drilling successfully offshore—most of those have occurred during the years of 1999 and 1998. Let me repeat, there are oil companies which are drilling and would otherwise owe some kind of royalties, and those are companies that did business during the years 1998 and 1999. They got leases those years, and mistakes were made. I am not accusing the Clinton administration because it is Democratic. The truth is, they made the mistakes. They issued them without the right to collect royalties on behalf of the Federal Government.

Along comes an auditing company that finds them and says: Look at these companies. They are getting away with hundreds of millions of dollars. Yes, they are. But read their contracts. They are not obligated to pay any because the U.S. Government messed up. We didn't obligate them to pay any. I don't know what to do about that.

I can come to the floor and yell and cry that we are losing revenue, but these companies are going to have to gratuitously decide to pay or they do not owe it. So we can come down here and talk forever about that. Obviously, the amendment by my good friend from Oregon will do nothing about the leases of 1998–1999, for if you tried to do something about them you would be doing nothing. You cannot come to the floor of the Senate and say leases already issued upon, which the work has been done upon, which the Government sought not to charge anything, we have changed our mind, and we are going to make them pay. That is not the subject of his amendment. Read it. It doesn't purport to do that. That is point No. 1.

Point No. 2, the amendment doesn't do what the Senator says it does. This year, the Secretary—this Secretary—stopped royalty relief at $35.86 per barrel. The amendment by the distinguished Senator is talking about $55 a barrel. He is saying the same thing—that we will stop royalty relief at $55 instead of $35. Obviously, his amendment in today's market is a malady. It doesn't do anything. The Secretary has already one-upped his amendment. The Secretary has put the relief line at a lower price per barrel than his amendment.

I don't know, again, what he is trying to do with the amendment. First, he can't affect the so-called Clinton year lease which he has been talking about. And he deserves to tell the public that the companies have gotten away with a lot of money there. That is a nice speech. And it deserves to be given, but he isn't fixing that because you can't fix it. He isn't fixing the existing leases because he is setting a threshold that is higher than the price that the Secretary had set, and the price of oil is higher than both of them. So we are going to collect all the royalties we can get, and I do not know how we are losing anything.

I don't know what the speeches are about in terms of losing that much money, nor do I know what the amendment is doing. What I do know is that from this point forward the Energy bill that we passed has some language that could be fixed.

I have an amendment that fixes it. It makes it permissive. It says the Secretary may in the future set these limits. The Secretary may in the future set the dollar amount from which you base royalty relief. I have an amendment that I think sooner or later we should adopt that says it should not be made, but the Secretary shall set these limits. That is an amendment that I have that I think the good Senator from Oregon ought to take. I will give it to him. He ought to put it in instead of his, and he will have solved one of the problems by making it mandatory.

I thank you profusely for the 5 minutes which has turned into 7½. I talked too long, but I thank you for it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. REID. Mr. President, I ask permission to propound a unanimous consent request. May I propound a unanimous consent request?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 3665 by the Senator from Oregon be made the last amendment in order and that it be subject to no second-degree amendment; that is, when we dispose of approximately 31 amendments, there would be a vote on his with no second-degree amendments.

Mr. COCHRAN. Mr. President, I reserve the right to object.

First of all, the Wyden amendment No. 3665, I think, was offered just before the Santorum amendment last night. The Santorum amendment No. 3640 was offered on the subject of Iran. I am not able to agree to his amendment being voted on without any amendment. So I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from Nevada for propounding that unanimous consent request because I think now it is clear what has happened in the Senate; that is, it will not be possible to get an up-or-down vote at any point on rolling back this outrageous boondoggle that wastes taxpayer money.

My good friend from New Mexico made the point, and I want to kind of summarize it because I think we are getting close to being able to wind down.

Mr. REID. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. WYDEN. Of course, I yield to my friend.

Mr. REID. Is the Senator's understanding the same as mine, that no matter how he tried to do all the different proposals which he has made he is not being allowed a vote by the majority? Is that your understanding?

Mr. WYDEN. The distinguished Democratic leader is exactly right. We have done summersaults since last night. I called the chairman of the committee, Senator COCHRAN, half an hour before we went in in an effort to try to work it out. I have been supportive of Senator SALAZAR's request. But what we saw in the last few minutes is the ball game—you can't get a vote up or down in the Senate on a rip-off of taxpayer money. It is not me who concluded it; the General Accounting Office has done that. The Shell Oil Company says we don't need this particular incentive right now.

In the other body, the chairman of the natural resources committee says you don't need it. Even the author of the bill says it is not working as he intended.

But what we saw as a result of the request of the Senator from Nevada is that the Senate is not going to take a position on the granddaddy of all oil company subsidies. This is the biggest, folks. This is the one that really counts.

I want to respond briefly to the distinguished chairman of the Energy Committee, Senator DOMENICI. Senator DOMENICI essentially said a little bit ago that there were great problems in 1998 and 1999 with some in the Clinton administration who weren't watchdogging the program. I very much share the chairman's view. I talked about this probably two or three times over the course of the morning and early afternoon.

Where I take exception with my friend, however, is he essentially said the Clinton administration caused all of these problems, and along came Secretary Norton who cleaned it up. That was essentially the argument.

I would like to read verbatim and then enter into the RECORD a discussion in the New York Times of what happened under Secretary Norton. While I respect the chairman of the committee tremendously, I want the Senate to know what happened over the last few years.

Gale Norton, who stepped down this month as Interior Secretary, moved quickly to speed up approval of new drilling permits. Starting in 2001, she offered royalty incentives to shallow-water producers who drilled more than 15,000 feet below the sea bottom. In January 2004, Ms. Norton made the incentive far more generous by raising the threshold price. Her decisions meant that deep-gas drillers were able to escape royalties in 2005 when prices spiked to record levels and would probably escape them this year as well.

Continuing to quote:

She also offered to sweeten less generous contracts the drillers had signed before the regulation was approved.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 2006]

VAGUE LAW AND HARD LOBBYING ADD UP TO BILLIONS FOR BIG OIL

(By Edmund L. Andrews)

WASHINGTON, March 26.—It was after midnight and every lawmaker in the committee room wanted to go home, but there was still time to sweeten a deal encouraging oil and gas companies to drill in the Gulf of Mexico.

"There is no cost," declared Representative Joe L. Barton, a Texas Republican who was presiding over Congressional negotiations on the sprawling energy bill last July. An obscure provision on new drilling incentives was "so noncontroversial," he added, that senior House and Senate negotiators had not even discussed it.

Mr. Barton's claim had a long history. For more than a decade, lawmakers and administration officials, both Republicans and Democrats, have promised there would be no cost to taxpayers for a program allowing companies to avoid paying the government royalties on oil and gas produced in publicly owned waters in the Gulf.

But last month, the Bush administration confirmed that it expected the government to waive about $7 billion in royalties over the next five years, even though the industry incentive was expressly conceived of for times when energy prices were low. And that number could quadruple to more than $28 billion if a lawsuit filed last week challenging one of the program's remaining restrictions proves successful.

"The big lie about this whole program is that it doesn't cost anything," said Representative Edward J. Markey, a Massachusetts Democrat who tried to block its expansion last July. "Taxpayers are being asked to provide huge subsidies to oil companies to produce oil—it's like subsidizing a fish to swim."

How did a supposedly cost-free incentive become a multibillion-dollar break to an industry making record profits?

The answer is a familiar Washington story of special-interest politics at work: the people who pay the closest attention and make the fewest mistakes are those with the most profit at stake.

It is an account of legislators who passed a law riddled with ambiguities; of crucial errors by midlevel bureaucrats under President Bill Clinton; of $2 billion in inducements from the Bush administration, which was intent on promoting energy production; and of Republican lawmakers who wanted to do even more. At each turn, through shrewd lobbying and litigation, oil and gas companies ended up with bigger incentives than before.

Until last month, hardly anyone noticed—or even knew—the real costs. They were obscured in part by the long gap between the time incentives are offered and when new offshore wells start producing. But lawmakers shrouded the costs with rosy projections. And administration officials consistently declined to tally up the money they were forfeiting.

Most industry executives say that the royalty relief spurred drilling and exploration when prices were relatively low. But the industry is divided about whether it is appropriate to continue the incentives with prices at current levels. Michael Coney, a lawyer for Shell Oil, said, "Under the current environment, we don't need royalty relief."

The program's original architect said he was surprised by what had happened. "The one thing I can tell you is that this is not what we intended," said J. Bennett Johnston, a former Democratic senator from Louisiana who had pushed for the original incentives that Congress passed in 1995.

Mr. Johnston conceded that he was confused by his own law. "I got out the language a few days ago," he said in a recent interview. "I had it out just long enough to know that it's got a lot of very obscure language."

A SUBSIDY OF DISPUTED NEED

Things looked bleak for oil and gas companies in 1995, especially for those along the Gulf Coast.

Energy prices had been so low for so long that investment had dried up. With crude oil selling for about $16 a barrel, scores of wildcatters and small exploration companies had gone out of business. Few companies had any stomach for drilling in water thousands of feet deep, and industry leaders like Exxon and Royal Dutch Shell were increasingly focused on opportunities abroad.

"At the time, the Gulf of Mexico was like the Dead Sea," recalled John Northington, then an Energy Department policy adviser and now an industry lobbyist.

Senator Johnston, convinced that the Gulf's vast reservoirs and Louisiana's oil-based economy were being neglected, had argued for years that Congress should offer incentives for deep-water drilling and exploration.

"Failure to invest in the Gulf of Mexico is a lost opportunity for the U.S.," Mr. Johnston pleaded in a letter to other lawmakers. "Those dollars will not move into other domestic development, they will move to Asia, South America, the Middle East or the former Soviet Union."

Working closely with industry executives, he wrote legislation that would allow a company drilling in deep water to escape the standard 12 percent royalty on up to 87.5 million barrels of oil or its equivalent in natural gas. The coastal waters are mostly owned by the federal government, which leases tens of millions of acres in exchange for upfront fees and a share of sales, or royalties.

Mr. Johnston and other supporters argued that the incentives would actually generate money for the government by increasing production and prompting companies to bid higher prices for new leases.

"The provision will result in a minimum net benefit to the Treasury of $200 million by the year 2000," Mr. Johnston declared in November 1995, denouncing what he called "outrageous allegations" that the plan was a giveaway.

He won support from oil-state Democrats, Republicans and the Clinton administration. Hazel O'Leary, the energy secretary at the time, said the assistance would reduce American dependence on foreign oil and "enhance national security."

Representative Robert Livingston of Louisiana, then a rising Republican leader, declared that the inducements would "create thousands of jobs" and "reduce the deficit."

Many budget experts agree that the rosy estimates were misleading. The reason, they say, is that it often takes seven years before a new offshore field begins producing. As a result, almost all the costs of royalty relief would occur outside of Congress's five-year budget timeframe.

Opponents protested that the cost estimates were wrong, that the incentives amounted to corporate welfare and that companies did not need government incentives to invest.

"They are going to the Gulf of Mexico because that's where the oil is," said Representative George Miller, Democrat of California, during a House debate. "What we do here is not going to change that. We are just going to decide whether or not we are going to give away the taxpayers' dollars to a lot of oil companies that do not need it."

Industry executives and lobbyists fanned out across Capitol Hill to shore up support for the program, visiting 150 lawmakers in October 1995. The effort succeeded. A month later, Congress passed Mr. Johnston's bill.

A MISSING ESCAPE CLAUSE

To hear lawmakers today, they never intended to waive royalties when energy prices were high.

The 1995 law, according to Republicans and Democrats alike, was supposed to include an escape clause: in any year when average spot prices for oil or gas climbed above certain threshold levels, companies would pay full royalties instead.

"Royalty relief is an effective tool for two things: keeping investment in America during times of superlow prices, and spurring American energy production when massive capital and technological risks would otherwise preclude it," said Representative Richard W. Pombo, Republican of California and chairman of the House Resources Committee. "Absent those criteria, I do not believe any relief should be granted."

But in what administration officials said appeared to have been a mistake, Clinton administration managers omitted the crucial escape clause in all offshore leases signed in 1998 and 1999.

At the time, with oil prices still below $20 a barrel, the mistake seemed harmless. But energy prices have been above the cutoff points since 2002, and Interior Department officials estimate that about one-sixth of production in the Gulf of Mexico is still exempt from royalties.

Walter Cruickshank, a senior official in both the Clinton and Bush administrations, told lawmakers last month that officials writing the lease contracts thought the price thresholds were spelled out in the new regulations, which were completed in 1998. But officials writing the regulations left those details out, preferring to set the precise rules at each new lease sale.

"It seems to have been a massive screw-up," said Mr. Northington, who was then in the Energy Department. No one noticed the error for two years, and no one informed Congress about it until last month.

Five years later, the costs of that lapse were compounded. A group of oil companies, led by Shell, defeated the Bush administration in court. The decision more than doubled the amount of oil and gas that companies could produce without paying royalties.

The case began as a relatively obscure dispute. Shell paid $3.8 million in 1997 for a Gulf lease and soon drilled a successful well. But the Interior Department denied the company royalty relief, saying that Shell had drilled into an older field already producing oil and gas. The decision hinged on undersea geography and the court's interpretation of language in the 1995 law.

A typical field, or geological reservoir, often encompasses two or three separately leased tracts of ocean floor. Interior Department officials insisted that the maximum amount of royalty-free oil and gas was based on each field. Shell and its partners argued that limit applied only to each lease.

Perhaps shrewdly, the oil companies sued the Bush administration in Louisiana, where federal courts previously had sided with the industry in spats with the government.

The fight was not even close. In January 2003, a federal district judge declared that the Interior Department's rules violated the 1995 law. If the department "disagrees with Congress's policy choices," Judge James T. Trimble Jr. wrote, "then such arguments are best addressed to Congress."

What might have been a $2 billion mistake in the Clinton administration suddenly ballooned into a $5 billion headache under Mr. Bush.

But even as the Bush administration was losing in court, it was offering new incentives for the energy industry.

Mr. Bush placed a top priority on expanding oil and gas production as soon as he took office in 2001. Vice President Dick Cheney's task force on energy, warning of a deepening shortfall in domestic energy production, urged the government to "explore opportunities for royalty reduction" and to open areas like the Arctic National Wildlife Refuge to drilling.

Gale A. Norton, who stepped down this month as interior secretary, moved quickly to speed up approvals of new drilling permits. Starting in 2001, she offered royalty incentives to shallow-water producers who drilled more than 15,000 feet below the sea bottom.

In January 2004, Ms. Norton made the incentives far more generous by raising the threshold prices. Her decision meant that deep-gas drillers were able to escape royalties in 2005, when prices spiked to record levels, and would probably escape them this year as well.

"These incentives will help ensure we have a reliable supply of natural gas in the future," Ms. Norton proclaimed, predicting that American consumers would save "an estimated $570 million a year" in lower fuel prices.

Ms. Norton's decision was influenced by the industry. The Interior Department had originally proposed a cut-off price for royalty exemptions of $5 per million British thermal units, or B.T.U.'s, of gas. But the Independent Petroleum Association of America, which represents smaller producers, argued that the new incentive would have little value because natural gas prices were already above $5. Ms. Norton set the threshold at $9.34.

Based on administration assumptions about future production and prices, that change could cost the government about $1.9 billion in lost royalties.

"There is no cost rationale," said Shirley J. Neff, an economist at Columbia University and Senator Johnston's top legislative aide in drafting the 1995 royalty law. "It is astounding to me that the administration would so blatantly cave in to the industry's demands."

INCENTIVES KEEP GROWING

Last April, President Bush himself expressed skepticism about giving new incentives to oil and gas drillers. "With oil at $50 a barrel," Mr. Bush remarked, "I don't think energy companies need taxpayer-funded incentives to explore."

But on Aug. 8, Mr. Bush signed a sweeping energy bill that contained $2.6 billion in new tax breaks for oil and gas drillers and a modest expansion of the 10-year-old "royalty relief" program. For the most part, the law locked in incentives that the Interior Department was already offering for another five years. But it included some embellishments, like an extra break on royalties for companies drilling in the deepest waters.

And energy companies, whose executives had long contributed campaign funds to Republican candidates, pushed to block any amendments aimed at diluting the benefits.

The push to lock in the royalty inducements came primarily from House Republicans. The only real opposition came from a handful of House Democrats, in a showdown about 1 a.m. on July 25, according to a transcript of the session.

"It is indefensible to be keeping these companies on the government dole when oil and gas prices are so high," charged Representative Markey of Massachusetts, who proposed to strip the royalty provisions. "We might as well be giving tax breaks to Donald Trump and Warren Buffett."

Mr. Barton, the Texas Republican, brushed aside the objections. He reassured lawmakers that the new provisions would not cost taxpayers anything.

When Mr. Markey proposed a more modest change—having Congress prohibit incentives if crude oil prices rose above $40 a barrel—Republicans quickly voted him down again.

"The only reason they waited until after midnight to bring up these issues is that they couldn't stand up in the light of day," Mr. Markey said in a recent interview. "They all expected me to give up because it was so late and I didn't have the votes. But if nothing else, I wanted to get these things on the record."

A ROYALTY-FREE FUTURE?

It is still not clear how much impact the reduced royalties had in encouraging deep-water drilling. While activity in the Gulf has increased since 1995, prices for oil and gas have more than quadrupled over the same period, providing a powerful motivation, experts say.

"It's hard to make a case for royalty relief, especially at these high prices," said Jack Overstreet, owner of an independent oil exploration company in Texas. "But the oil industry is like the farm lobby and will have its hand out at every opportunity."

The size of the subsidies will soar far higher if oil companies win their newest court battle.

In a lawsuit filed March 17, Kerr-McGee Exploration and Production argued that Congress never authorized the government to set price cut-offs for incentives on leases awarded from 1996 through 2000. If the company wins, the Interior Department recently estimated, about three-quarters of oil and gas produced in the Gulf of Mexico will be royalty-free for the next five years.

Mr. Markey and other Democrats recently introduced legislation that would pressure companies to pay full royalties when energy prices are high, regardless of what their leases allow.

But Republican lawmakers and the Bush administration have signaled their opposition.

"These are binding contracts that the government signed with companies," Ms. Norton recently remarked. "I don't think we can change them just because we don't like them."

GIVING AWAY $7 BILLION IN ROYALTIES

November 1995—Deep Water Royalty Relief Act is passed, allowing companies to avoid paying some royalties on oil and gas produced in deep water in the Gulf of Mexico. Bill has bipartisan support.

1998-99—Interior Department makes big mistake on leases awarded in these two years. The department omits price thresholds that would cut royalty relief if oil and gas prices rose above about $34 a barrel for crude and about $4 per thousand cubic feet of natural gas.

2000—Interior realizes the error and quietly adds price thresholds into new leases—but the old leases remain valid.

2001—A vice presidential task force issues National Energy Policy recommendations, urging the government to open up more federal lands and waters to oil and gas development to "explore opportunities for royalty reductions."

March 2003—U.S. District Court in Louisiana knocks down a restriction on the volume of royalty-free oil and gas a company can produce. This effectively doubles or triples the incentives.

Jan. 23, 2004—Interior expands royalty incentives for deep gas producers, letting them avoid royalties if price is below $9.34 per million B.T.U.'s—higher than average price to date. Decision could cost $1.9 billion in royalties over next five years.

April 2005—President Bush says no need for more incentives. "With oil at $50 a barrel," he says, "I don't think energy companies need taxpayer-funded incentives to explore."

July 25, 2005—House and Senate conferees on energy bill vote to extend and slightly enhance royalty incentives for oil and gas. Bush signs energy bill Aug. 8.

February 2006—Interior Department budget shows that royalty breaks could cost government more than $7 billion over next five years, even though it expects oil prices to remain above $50 a barrel.

March 17, 2006—Kerr-McGee, a large Gulf of Mexico producer, sues the federal government in a test case to receive all deepwater royalty incentives, regardless of how high prices are, for all leases signed from 1996 through 2000. If suit is successful, government projections indicate taxpayers could lose more than $28 billion over five years.

Mr. WYDEN. There we have it, folks. In essentially the late 1990s—1998–1999—as the distinguished chairman of the committee has pointed out, the Clinton administration dropped the ball. No question about it. It was costly to taxpayers.

But I have just read a recitation of how the Secretary of the Interior compounded the problem and how on her watch the sweetener got even sweeter. The price of oil was still shooting up. The price of oil had doubled over the last few years, and she just kept ladling out the sugar. It just kept coming.

Then, on top of it, we had the energy conference agreement between the House and the Senate. So on top of the problem that we see stemming from the last administration and then Secretary Norton sweetening the pot even more, we then had in the energy conference agreement additions to the royalty program, additions at a time when clearly they were not in the public interest.

I think we are close to being able to move ahead in the Senate. I want to have some discussion with the floor manager, the distinguished Senator from Washington.

But what we have seen in the last few minutes as a result of the unanimous consent request propounded by the Senator from Nevada is that this Senate will not be allowed to vote at any time on the granddaddy of all of the subsidies. We have tried to work out arrangements to have a vote that would be fair to both sides. I have propounded a variety of requests through the Chair in an effort to do it. But somehow for some reason continuing this outrageous use of taxpayer money seems to be the big priority around here.

I am staggered. I can't understand. I cannot understand why the Senate would say at a time of record profits, at a time of record prices, it would want to continue to dispense record royalty relief.

The President of the United States said, to his credit, that we don't need all of these incentives when the price of oil is over $50 a barrel. This program started when the price of oil was $16 a barrel.

As the distinguished Senator from New Mexico has indicated, the last administration muffed it when the price of oil was $34 a barrel. But Secretary Norton has made it worse. The energy conference agreement adds more sugar on top of it. I wish to see the Senate step in and protect the public.

I see my good friend from Illinois.

Mr. DURBIN. Will the Senator yield?

Mr. WYDEN. I am happy to yield.

Mr. DURBIN. I ask the Senator from Oregon. I know he has been on the floor since this morning and I know this issue is of great importance to him and the Nation. I want to make sure for those who have been following the debate from the beginning that they understand exactly the issue.

As I understand it, we are talking about those private companies that drill for oil on lands owned by the people, by the Federal Government, and how much money they will receive for drilling oil. I ask the Senator from Oregon, if he could, in the simplest terms, to explain to me how much is at stake here? How much did the taxpayers pay in these royalty payments to those who are drilling for oil on land that the people, the Federal Government, owns?

Mr. WYDEN. I thank the Senator from Illinois for his question. We tried to get into this something like 5 hours ago. It is very helpful to have the Senator from Illinois asking exactly the question he has asked.

The way this program works is that the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. In order to stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make.

It is my view and the view of all of the independent experts, including our former colleague in the House, Congressman POMBO, who chairs the Committee on Resources, it is the view of all of these experts across the political spectrum that with the price of oil soaring to over $70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars. The General Accounting Office has estimated that at a minimum it would be $20 billion. There are projections because there is litigation underway.

For some oil companies, even this is not enough, so they keep litigating and trying to get more and more and more. There are estimates that if the litigation is successful, the Government would pay $80 billion just in royalty relief. And that $80 billion would pay a significant fraction of the entire cost of this emergency spending bill.

Mr. DURBIN. If the Senator will further yield for a question, so that I understand it, if I own an oil company and I want to drill on somebody else's land, in this case the land of the Federal Government, I was required to pay the Federal Government for drilling oil that belonged to somebody else that I was going to sell, and if the price of oil was so low that it did not justify drilling, they would appeal, the oil companies would appeal to the Federal Government, saying, we will pay less for what we are drilling because the price of oil is so low, thus this royalty payment for drilling oil on Federal Government land.

Now the tables have turned and the price of every barrel of oil brought out of Federal land is worth $70 to $75 and the Senator from Oregon is arguing why in the world would you give them relief from their royalty payments when they are making so much money on oil that comes out of Federal lands that we all own.

It would seem to me the Senator's argument is that the oil companies, which are doing quite well, thank you, are going to experience a windfall if the price of oil goes up and the amount they have to pay to the Federal Government continues to be discounted or lowered. So they want it both ways. They want the consumer to pay more at the pump and they want the taxpayers to receive less for the oil they are taking from land they do not even own.

Am I missing something in this analysis?

Mr. WYDEN. I think the Senator has said it very well. In a climate such as this, when prices are high, they get to privatize their gains and socialize their losses. This makes no sense at all. This is a program designed for a period when production was down and the price of oil was very low.

What I have tried to do—because I have spent a lot of hours sitting next to the distinguished chairman of our committee, the Energy Committee, who points out, and correctly so, that energy is a volatile part of our economy—I made an exception so that if the President of the United States says there is going to be a supply disruption or the price of oil falls back down again, bingo, we are back to looking at royalty relief.

The Senator from Illinois puts it very well.

To drive home the point, I say to the Senate, particularly the Senator from Illinois who did great work on the Low-Income Home Energy Assistance Program, we could have taken care of the needs of the Low-Income Home Energy Assistance Program plus have money left over for deficit reduction if we were to stop this wasteful expenditure of taxpayer funds.

Mr. DURBIN. If the Senator from Oregon will yield for a question, through the Chair, you were suggesting in your amendment we should no longer subsidize the extraction of oil by private companies from Federal lands when they are clearly in a very profitable position. We should no longer ask taxpayers to give up royalties which they were entitled to because the oil companies frankly are doing well and the discounted oil was designed for the times when they were doing poorly.

If I understand what the Senator is saying, the same oil companies have been going to court challenging the Federal Government when it comes to these royalty payments and royalty discounts, so with all the talk about too much litigation, it turns out some of these oil companies believe litigation is a healthy thing if it protects their profit margins and protects their Federal subsidy.

If the Senator from Oregon would be kind enough to explain to me exactly what the impact of his amendment would be on this bill and how much money it could bring back to the Treasury for purposes already outlined—whether it is the LIHEAP program or money for education or health care, whatever it might be, that currently is going to oil companies that are doing well and experiencing record profits.

Mr. WYDEN. The Senator asks a very good question. This is the granddaddy, this is the biggest subsidy the Government gives—to the oil sector.

The General Accounting Office, which did a review of this, indicates that a minimal projection is $20 billion for the cost of the program. If the litigation is successful, it is up to $80 billion.

What we have is, at a time when middle-class folks, the people who are living paycheck to paycheck and being squeezed as hard as they are, at a time when our Government ought to be looking at trying to give them a break, give them a bit of help, what we are seeing is the middle-class folks have their tax dollars flow into the Federal Government and go out in terms of royalty relief at a time when the price of oil is vastly above the amount the President has indicated. It is for that reason I felt so strongly about this.

I also point out this is a program that grew under Secretary Norton. After the initial mistakes with the previous administration, it was added to by the energy conference legislation between the House and the Senate which sweetened the sweetheart deal even more.

I am saying this is enough. We do not need record royalty payments on top of record profits and on top of record prices. I have said I will draw the line. I have not done anything like what I have done today in the Senate since I have been here. I have had the pleasure of serving with the distinguished Senator from Illinois for a long time, going back to the days when I had a full head of hair and rugged good looks. I have never done anything like this. I regret this tremendously. But we have to protect the taxpayers of this country.

I am happy to yield if the Senator from Illinois has anything further.

Mr. DURBIN. I will ask the Senator, you are asking for an opportunity to call your amendment to be voted on up or down, whether this subsidy to profitable oil companies will continue or whether the money will come back to the Federal Treasury. Is that your intention in taking the floor?

Mr. WYDEN. That is exactly what I have been seeking since last night when I called the distinguished chairman of the committee, and what I indicated, contrary to what has been said in the Senate, I am not seeking any special treatment. I have not been seeking to be put first in the line. What I have been seeking is what I have seen virtually every week since I have been in the Senate.

The distinguished Senator from Illinois is an expert in the rules, and it is my understanding that what we customarily do, we debate a variety of amendments, then we cluster them into a group, five, six, eight—sometimes the number will vary—and at some point the Senate goes on a vote.

I offered to the chairman of the committee to be put in the second or third cluster. I don't have to go first if colleagues feel strongly about this, but at some point it seems to me we ought to say the Senate is accountable, at a time with record profits and record prices, for a program that is the biggest of them all. That is the Royalty Relief Program.

I am happy to yield further.

Mr. DURBIN. I ask a procedural point for those following this debate.

I ask the Senator from Oregon, it is my understanding that what the Senator is doing is consistent with the Senate rules which allows a Senator to take the floor and offer an amendment. As long as he can stand and offer his amendment and speak to it, he controls the floor, which is what the Senator from Oregon is doing. Many people have seen this depicted in movies and otherwise, but this is the classic element of the Senate procedure, that a Senator can insist on his right to have an amendment voted on. Clearly there is a disagreement in the Senate. Until that disagreement is resolved, as long as the Senator from Oregon can stand, if I am not mistaken—he can correct me if I am wrong—he is asserting his right as a Senator to do so.

Mr. WYDEN. I thank my colleague from Illinois. That is essentially my desire.

What we have seen, particularly in the discussion between the distinguished Democratic leader and the chairman of the committee, is it is the intent of those who oppose this amendment that they will not allow a vote. Not now, not at any point. That is what we have learned as a result of the discussion between the distinguished Senator from Nevada and the distinguished chairman of the committee, for whom I have a great deal of respect but simply disagree with on this point.

We have heard people say, I am asking for special treatment, that I want to go first. That is not the case. I respect the rights of all Senators. I offered the last amendment before the Senate adjourned last night which made my amendment pending this morning. I have asked a variety of times now to work something out with Senator SALAZAR and the chairman of the committee, the chairman from Mississippi, and that is not possible, so the distinguished Senator from Nevada, Senator REID, called the question. He basically asked, are we ever going to get a chance to vote. It is clear we will not.

That is very unfortunate. In a few minutes—my friend from Colorado has been here and has been so patient—I will probably take one last crack at seeing if we can protect taxpayers' interests and see if we can work something out to do what the Senate normally does, which is to cluster these amendments. If that is not the case, I could talk until I fell over, frankly, but it is clear the folks who are opposed to this do not want to vote in any way, shape, or form. They are saying at a time of record profits, at a time of record prices, we ought to keep ladling out this money. As the Senator from Illinois said, this is on the people's land. We are talking about oil companies extracting oil not from land they own but from land that belongs to the people of this country.

So a judgment was made in the 1990s, give energy development a break from the price of oil, when the price of oil is low, when production is down. It made sense then. It boosted production in those critical times. However, it certainly does not make sense to argue for a program when the price of oil is over $70 a barrel and you compare that to what we saw when this program originated: the price of oil was $16 a barrel, a fraction of what people are paying, and production was also down at that time.

This comes down to a question of choices. Whose side are you on? Are you on the side of the taxpayer in an instance where the General Accounting Office has documented what a rip-off this program has become or are you on the side of a handful of special interests that have figured out a way to hotwire this special program that gives them such great advantages?

I wish the case were, as the distinguished chairman of the committee, Senator DOMENICI, has indicated, the problems were with the Clinton administration and then the next administration cleaned them up, but as I read into the record, the problem got worse. It got worse twice. First, as a result of the actions by the Secretary of the Interior; second, as a result of what was done in the energy conference agreement.

By the way, some of what we heard in the energy conference agreement was just preposterous, not from the Senator from New Mexico, but some in the energy conference agreement said: Oh, this oil royalty program has no cost. It doesn't cost anything at all.

Now, I do not know how in the world you argue that when the General Accounting Office and others have talked about billions and billions of taxpayer dollars flooding out the door. But I think it shows to what extraordinary lengths some will go to protect this program, which is such an inefficient use of taxpayer dollars.

My goodness, there are a lot of ways you could use $20 billion to $60 billion. How do you explain you are trying to pay for an emergency spending bill when the Government does not have the money to cover the emergency spending and yet you are still shoveling out billions and billions of taxpayer dollars, at a time when the President of the United States, to his credit, has said we do not need these incentives when the price of oil is over $50 a barrel?

So this has been, for this Member of the Senate, a very unique experience. I wish we could get a vote on this amendment. I think this does a disservice to the taxpayers of this country.

I wish to mention what it means in terms of the globe. I, like all Senators, see the men and women who honor us every single day by wearing the uniform for our country. They put themselves in harm's way. They risk their physical health, their mental health, their well-being, and put their families at risk because they honor us every day by wearing the uniform of the United States. It seems to me the people who wear that uniform and are fighting today on our behalf in Iraq deserve an energy policy that is going to make it less likely their kids and their grandkids are going to be off in the Middle East another time in the next few years in a war with implications for oil. To do that, to make our country's energy secure, we have to stop programs that rip off the taxpayers like this Royalty Relief Program.

Now that I see Senator DOMENICI here, I say to the chairman, I have tried to indicate in the course of the day that, frankly, one of the best things we have been talking about over the last few years comes from a Senator from your side of the aisle, Mr. THOMAS. Senator THOMAS makes the important point that we are probably losing something like a third of all the oil from existing wells, and we don't have incentives to go and do that drilling from existing wells.

I have been supporting Senator THOMAS because I think it is good for production, and I think it is good for the environment, especially right now, because what we have learned in terms of environmental protection is that you can get more out of existing wells, capturing the gases, what is called sequestration, in order to protect the environment.

So I want it understood by colleagues: One, I want to work in a bipartisan way; two, I think that arguably what Senator THOMAS has talked about is one of the best new ideas to get a fresh energy policy that is red, white, and blue. But I do not see how you are going to get incentives for the kind of constructive thing Senator THOMAS has been talking about if you are shoveling money out the door for wasteful programs like royalty relief.

So I see the Senator from New Mexico is on his feet. I say to the chairman, the distinguished Senator from Colorado had asked I recognize him first. But let us structure this so the Senator from Colorado can ask his question, and then we will structure this so we can hear from the chairman of the committee.

The Senator from Colorado.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank the Senator from Oregon for yielding a minute for a question. I would hope if we are getting to an end of this discussion, which has been on the floor now for the last 4 hours, we can move forward in some orderly fashion with respect to the consideration of other amendments here on this Thursday before I know people have to leave.

So it would be my request to the chairman of the committee that we try to come up with some arrangement that will allow those Senators who have been waiting in the wings to come forward and offer amendments, in an orderly process to come forward and offer those amendments in the next few hours.

I would ask a question of the chairman——

Mr. WYDEN. Madam President, reserving the right to object, I do not want to give up the floor quite yet. I think the distinguished Senator from Colorado, through the Chair, has to ask me the question.

Mr. SALAZAR. Through the Chair, I ask permission to ask a question of my colleague from Oregon.

Assuming that in a few minutes or a few hours you give up the floor, which you currently now claim to make the very passionate argument you have been making for the last 4 hours, would it be——

Mr. WYDEN. Five hours.

Mr. SALAZAR. For the last 5 hours, as you have tried to get a vote on this amendment you have offered, would it be in order, then, for us as a Senate to come to some kind of an agreement on how we move forward with the orderly processing of additional amendments that go beyond the amendment you are offering now?

Mr. WYDEN. The distinguished Senator from Colorado has not actually propounded a unanimous consent request, but it is very much my interest in accommodating the Senator from Colorado.

I think, frankly, colleagues, to repeat, for those who are just coming in, after the discussion between Senator REID and the Senator from Mississippi and the objection that was made by the distinguished chairman of the committee, it is evident that it will not be allowed that there be an up-or-down vote on the granddaddy of all of the subsidy programs for the oil industry.

This is the big one. This is the one that counts. And the Senate will not, as a result of the discussion between the Senator from Nevada and the Senator from Mississippi, be allowing a vote on it. I believe that is a bad deal. It is a bad deal for taxpayers. It is a bad deal for our country. I do not believe that is the way the Senate ought to be doing business. But that is the judgment of the Senate. I respect the judgment of the Senate.

And let us now——

Mr. SALAZAR. Madam President, may I ask my colleague from Oregon to yield a minute of time to me while maintaining his right to the floor?

Mr. WYDEN. I certainly want to do that as part of our consent agreement. I think we are winding down to a close. The Senator from New Mexico is no longer standing, but if he desires to ask a question, I want to give him the opportunity to do it.

Does the Senator from Colorado seek to ask a question?

Mr. SALAZAR. I seek to ask a question and to make a unanimous consent request that following the conclusion of your presentation here that we move forward to the consideration of an amendment I will send to the desk, and to establish also that Senator CONRAD from North Dakota be given the opportunity to send an amendment to the desk and to speak on it, as well as I believe there are Senators on the chairman's side who would also like to offer an amendment, including Senator COBURN. So hopefully we could come up with some kind of arrangement that allows us to move forward in an orderly fashion that can then assure that several other amendments can be considered yet this afternoon.

Mr. COCHRAN addressed the Chair.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon still has the floor.

Mr. WYDEN. Thank you, Madam President.

I am very interested in getting on with this. I do want to show deference to my good friend, the chair of the full committee, Senator DOMENICI. So what I would like to do next, before we try to finally work this out, is to, again, consistent with the unanimous consent agreement—if the chair of our full Energy Committee, on which I am proud to serve, would like to be recognized for a question, I would be happy to do that.

Mr. DOMENICI. Madam President, I say to the Senator, I have no question at this point. I thought the Senator was getting close to a point where he was going to withdraw his amendment, after which time I was going to speak. If that is not the case, then we will do something else.

Mr. WYDEN. Reclaiming my time, so the Senate is clear, I have absolutely no intention of withdrawing my amendment. But it is evident, as a result of the discussion between Senator REID and Senator COCHRAN, that there is no inclination or willingness on the part of some in the Senate for us to do what we customarily do, which is to take up these amendments. Senators talk about them, and after a number of them are talked about, we cluster the votes, we inform Senators of both political parties, and the Senate is held accountable.

I see the distinguished Senator from Virginia here, Mr. WARNER, who, again, has seen many more instances of the Senate trying to work its will than I. But I would only say, in the time I have been here, virtually every week the Senate does what I have been seeking, which is that Senators discuss their amendments, they are then clustered, and at some point the Senate has a vote.

I have made it clear I am not interested in being first in line. I am not interested or committed to being part of even the first cluster of votes. That is not asking for special treatment. That is asking that the Senate do what it has done again and again and again. It is the custom of the Senate but apparently will not be the practice that is followed with respect to this sweetheart deal that wastes billions of taxpayer dollars at a crucial time in our country's history.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield for a question.

Mr. DOMENICI. I say to the Senator, while you have been here many hours, I have been here a few this afternoon. This is a very unusual setting. You speak of your rights. We have rights, too. You have the floor. We cannot debate the issue the way things are. If you would like to debate this, I would like to debate it because you have had some free time here to talk about something that is not so.

I have already asked you once, and I will ask you again—I will ask you whether or not—I will ask it a different way: How much do you think the Congressional Budget Office says your amendment—this great amendment that is going to stop all of this thievery—can you tell us how much it is going to yield to the taxpayers of the United States? I will tell you the answer. The Congressional Budget Office says zero.

You understand, this great amendment that has been spoken of, this process that he has—I don't know what it is. It is an amendment that sets a threshold. It sets a threshold that is higher than the threshold that exists that was already established by the Secretary of the Interior.

I don't know how in the world, I ask the distinguished Senator, that is going to yield anything to the people of this country. Maybe you can explain it to us. I believe it is going to yield zero because the amendment is meaningless the way it is drawn. It is not a program. It is not a process. It is an amendment that sets a new threshold. I say to Senator SALAZAR, a threshold that is not even needed because the Secretary has already set a threshold that does more for the taxpayer than his amendment.

So I don't know what we are down here arguing about. I have been waiting my turn until I cannot wait any longer.

So I have just violated the rules. I didn't ask a question, I gave a speech. I hope you listened. The speech is: The Congressional Budget Office says this grandiose amendment that is going to stop the grandfather of all thievery is going to yield zero dollars to the Treasury of the United States. I assume that means that it is not effective, it does nothing. It does nothing because—I just told you why it does nothing. It sets a threshold that is higher than the existing threshold; therefore, it yields nothing. I don't know what else we can do. Why should we let you have a vote on that? I am going to offer an amendment to that, a second-degree amendment that is very simple. I ask unanimous consent that I be allowed to offer a second-degree amendment.

Mr. WYDEN. Reserving the right to object——

Mr. DOMENICI. I withdraw the request and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. WYDEN. Madam President, I would like to respond briefly to the Senator from New Mexico, who I thought was going to ask a question. I see he is leaving the floor, but I would first say that if the distinguished Senator from New Mexico thinks what I am proposing is meaningless, I can't figure out why so many people have spent so much time and so much effort trying to avoid a vote on it. I don't get that. If this is so meaningless and so useless, it would seem to me we could have disposed of it about 10:15 in the morning.

It is clear that the reason there has been all this opposition to the amendment is because it really does address a key kind of question, and that is saving taxpayers money. If it were meaningless, we could have gone to a vote hours and hours ago. The people who have pushed the hardest for this program have always tried to do it in the shadows. This program was expanded after midnight in the energy conference committee. The distinguished Senator from New Mexico has left the floor, which is unfortunate because I would like to engage him in a dialog.

All that I have sought, as demonstrated through Senator REID, is an opportunity to vote on this issue.

To once again deal with the key point the Senator from New Mexico has made, nothing in this amendment says the threshold couldn't be lower for dispensing this money. It simply says we should set an upper level that reflects what the President of the United States has said. If this amendment is as meaningless as the distinguished Senator from New Mexico has said, let's go to a vote. Let's vote on it and save taxpayers money.

The General Accounting Office says this program is going to cost a minimum of $20 billion. If the litigation is successful, it will be $80 billion. While I have great respect for the Senator from New Mexico, his argument that all of this never costs or saves anything is what we have been hearing for years. We were told in the energy conference agreement between the House and the Senate that this program costs taxpayers nothing. Backers of this program in the debate between the House and the Senate said with a straight face that royalty relief costs taxpayers nothing. Now we have heard an argument that an effort to rein in the cost of this program is meaningless as well. I guess because, once again, we are hearing that none of this costs money. It doesn't save any money. I guess this program just happens by osmosis.

That is not what the General Accounting Office says. If the litigation involving this Royalty Relief Program is successful and taxpayers are out $80 billion, the people of this country are going to remember this day. They are going to say that the Senate had a chance on a bipartisan basis to do something sensible, and that is to reconfigure this program to ensure that there is royalty relief when it is needed. The legislation says the President can run the Royalty Relief Program if there is any evidence that it would disrupt supply. The amendment says that if the price goes down, of course, the original rationale for this program, royalty relief could be paid.

This amendment puts in place the kinds of safeguards we need for a changing environment in the energy field. What it doesn't do is continue to write blank checks to a handful of special interests who even the author of the program has now described as getting something and being part of a program that was different than what he intended. This is not somebody who is hostile to the program; this is somebody who wrote the law and said this is not what was intended.

Mr. REID. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield. I thank the distinguished Senator from Nevada for coming to the floor earlier and trying to get the opportunity for a vote on my amendment.

Mr. REID. Madam President, the Senator from Oregon has clearly established that he will not get a vote on this most important amendment. I am disappointed. There are many disappointed Senators. I am sure there are millions of disappointed Americans. There are a number of Senators here who wish to offer amendments. For lack of a better way of describing this, I reflect back on a time when I was doing something similar to the Senator from Oregon, and Senator BYRD was the leader of the Democrats at the time.

He said to me: Would the Senator yield? And I said yes. He said: How much longer are you going to talk? So I reflect back on those days. I told him I had a goal that I wanted to make. He said: Fine. Shortly thereafter, we went on to other matters.

I am wondering, because we have other Senators on both sides of the aisle to either offer amendments or do some voting, does the Senator have an idea how much longer he has a right to maintain the floor?

Mr. WYDEN. I appreciate the Senator's question, particularly in deference to colleagues on both sides of the aisle and all the help the distinguished leader has given me throughout. I would say that I would stay here all night. I would stay here until they literally had to take me off the floor because I couldn't stay here any longer to save taxpayers billions and billions of dollars on what amounts to the biggest giveaway to the oil industry. This is the one which really counts. Various other programs are a small fraction of the cost of it. I would stay here for as long as it took, if I thought the other side was willing at any point in any kind of fashion to allow an up-or-down vote on whether we are going to be on the side of the taxpayers or whether we are going to continue to side with the oil companies and protect a program which all the independent auditors say is a great waste of money.

But what we have seen over the course of the last 5½ hours is that the Senate is not going to be able on this issue to operate the way it customarily does, where you have amendments debated and discussed and then they are clustered for a vote. As summed up by the distinguished Senator from New Mexico, they think something like this, once again, doesn't cost anything, when everybody who has looked at it independently says it is a huge drain of taxpayer money. I want to protect the middle-class folks and the folks who are hurting, whose taxpayer money flows in to Government and then flows out for this program at a time when the President of the United States has said the subsidy is not needed.

I would stay here all through the night if I thought the opponents were ever going to allow a vote. It is clear they are not.

We are going to come back to fight this another day, just as in the conference agreement, where those special interests sweetened the pot.

Mr. REID. Will the Senator yield for another question?

Mr. WYDEN. I am happy to yield.

Mr. REID. I say to my friend from Oregon—an athlete, went to college on a basketball scholarship, certainly he has the stamina to stand as long as necessary—that the point has been made. I, therefore, ask at the end of his speaking for another 3 minutes that we go into a quorum call and when the quorum call is called off, Senator COCHRAN then would be recognized.

Mr. WYDEN. Reserving the right to object, and it is not my desire to object, I think the point has been made. This is a sad day for the taxpayers of this country. When folks pull in to the gas station tonight and in the days ahead and they pay these record prices and they see these record profits, I hope they may have heard a little bit of the discussion here today, that while they are getting clobbered at the pump, the taxpayers are spending needlessly billions and billions of dollars, billions of dollars that are being wasted, not by my determination but by independent auditors. I wish that today we could have done right by all those middle-class folks and our citizens who pull up to the gas station. This is the big one, folks, in terms of energy subsidies. This is the one with the most money. This is the one there is no logical case for when oil is $70 a barrel. I am going to be back making this fight again and again, if the people of Oregon are willing.

Madam President, in deference to my colleagues who have been extraordinarily patient in the course of the day, while I do not withdraw my amendment, I yield the floor.

Mr. REID. Would the Chair rule on the unanimous consent request?

The PRESIDING OFFICER. Would the Senator restate the request?

Mr. REID. That we go into a 5-minute quorum call, after which Senator COCHRAN would be recognized.

The PRESIDING OFFICER. The Senator can seek consent for the Senator to be recognized after the quorum call has been called off. He cannot limit the length of the quorum call.

Mr. REID. I ask unanimous consent that after the quorum call is terminated, Senator COCHRAN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The order was to recognize the Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate the fact that we are now prepared, I assume, to proceed with consideration of other amendments on the emergency supplemental bill, H.R. 4939. For the information of Senators who would like to know what the status is, we have over 20 amendments that have been filed and are pending before the Senate. A number of those have been offered by the Senator from Oklahoma, Mr. COBURN, who divided amendment No. 3641 into 19 divisions. As I understand the parliamentary situation, each one of these divisions is considered under our procedures as a separate amendment and a separate vote could occur on each.

I am further advised that the Senator from Oklahoma would like to call up some of these amendments and have them debated and disposed of.

There are other amendments. For example, last night there were four filed by the Senator from Louisiana, Mr. VITTER, which remain pending. The Senator from Arizona, Mr. MCCAIN, likewise has four amendments pending. Senator WARNER of Virginia has two amendments pending. The Senator from Iowa, Mr. HARKIN, has an amendment that is pending. The Senator from Pennsylvania, Mr. SANTORUM, has an amendment. The Senator from Oregon, Mr. WYDEN, has debated and discussed his amendment at length today. These are amendments which are already pending. It is my hope that we can dispose of some of those amendments before proceeding to consider other amendments. That is my suggestion for an orderly procedure that the Senate should follow.

I know the Senator from Colorado has been on the floor from time to time today indicating that he has an amendment he would like to offer. I don't want to stand in the way of his offering that amendment, but I say this to the Senate just to give everyone equal information and knowledge of the status of the bill. We need to proceed to get these amendments disposed of—agreed to or defeated or amended and agreed to or whatever is the pleasure of the Senate. I don't intend to try to limit Senators in how long they can speak, but I hope we will not abuse the rules of the Senate to make arguments that prolong the debate on the supplemental appropriations bill. That is the subject before the Senate. I hope we can stick to the subject.

Having said that, I am happy to yield the floor, and we will be glad to work with other Senators to either work out agreements on amendments, have votes on amendments, vote to table amendments, or whatever the pleasure of the Senate may be.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Madam President, reserving the right to object, I have been on the floor for 4 hours today. I filed amendments, brought them up before anybody else brought an amendment up here, other than four prior ones that I brought up.

I don't want to stop anybody from offering amendments, but the way we clear them is to debate the ones already on line. Those of us who have amendments that have been out and offered, I suggest that the regular order ought to go forward, and as we finish those—nobody is planning on cutting that off or trying to limit anybody. With that, I believe the proper thing for us to do would be to go to the regular order.

The PRESIDING OFFICER. Does the Senator object?

Mr. SALAZAR. Madam President, reserving the right to object, I, likewise, have been in this Chamber for many hours just like the Senator, waiting to get back to the regular order and to allow amendments to come forward and to debate those amendments. I don't intend to speak long in offering my amendment.

I ask unanimous consent that I may offer my amendment, speak on it for no more than 5 minutes, and then following my presentation, the Senator from Oklahoma be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado is recognized.

AMENDMENT NO. 3645

Mr. SALAZAR. Madam President, I call up amendment No. 3645.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3645.

Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations)

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH PROJECTS

SEC.   . In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, $30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. SALAZAR. Madam President, I rise today to offer a very straightforward amendment to the emergency supplemental appropriations bill before us. I offer this amendment because we in the United States, especially in the western part of the country, are looking at a great fire disaster emergency that requires this Senate in a last chance to address the issue and do something about the fires that will rage across the West in the summer. The emergency is created by the extreme threat of wildfires as a result of the great droughts we have had as well as widespread insect infestations that make massive fires a reality across the West. I am pleased to be joined in this amendment by Senator MAX BAUCUS.

In the West, the seasonal wildfire potential outlook map shows above-normal fire danger in the Western United States. Arizona, New Mexico, Colorado, Utah, Nevada, and Idaho have increased fire dangers to contend with, as well as the State of Montana. The outlook also shows Texas, Louisiana, Alabama, Mississippi, Georgia, and Florida to have increased fire risks. While the Southeast United States may not have as much Forest Service land as the West, that region has its hands full cleaning up from the hurricanes. I support the supplemental bill for that purpose, as well as to support our troops in Iraq and Afghanistan and other places.

At the same time, many western forests are facing a force that is leaving thousands upon thousands of acres of our forests subject to fire in local community after local community. It is something I believe the Senate must act on now that we have the opportunity. Montana and northern Idaho, for example, are experiencing the largest mountain pine beetle infestation in 20 years, with nearly 1.1 million acres infested in 2005, compared to 675,000 in 2004. The State of Washington is reporting a mountain pine beetle epidemic, and 554,000 acres are now infected, which is a 28-percent increase from the previous year. Meanwhile, my State of Colorado has over 1.5 million acres that have been infested by bark beetles. After these infestations come through a forest, they leave behind entire stands of trees—sometimes thousands of acres—that are more susceptible to fire due to the dried-out conditions and increased fuel loads in those forests.

I believe we must consider this situation from the point of view of our rural communities throughout the West. Many of these communities are surrounded by already dry forests. These communities are now contending with insect infestations that are further increasing the fire danger. When you combine these factors, I believe the local communities are very right to be alarmed and concerned that the ingredients are here for catastrophic fires in the coming fire season.

Just this week, an article in USA Today noted that Federal forecasters predict the wildfire potential this spring and summer is "significantly higher than normal" and that the areas at risk, from Alaska to the east coast, "are so far-flung that the Federal Government's more than 20,000 firefighters and fleets of ground and air support could be spread thin if fire danger lingers long in any area."

The Forest Service annually conducts hazardous fuels and forest health projects. However, the funding available to the Forest Service is not living up to the commitments made by Congress in the Healthy Forests Restoration Act. Healthy Forests authorizes $760 million a year for hazardous fuels projects, and Congress has appropriated less than $500 million of those funds per year. The funding is simply not keeping up with the increasing needs that today have been estimated at over $1 billion per year.

My amendment will provide the U.S. Forest Service with an additional $30 million to conduct critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and to mitigate the effects of widespread insect infestations.

Private land owners and local governments are doing all they can to combat this problem. They are using chainsaws to protect their homes, they are spraying trees, and they are devising protection plans. They wonder, however, if they are not alone in this fight. They wonder if the Federal Government is asleep at the wheel in the face of this potential disaster.

This year, we know, could be worse than other years in the West. We must provide emergency funding so that the Forest Service can conduct hazardous fuels and forest health projects that are already approved and are sitting on the shelf.

I agree with many colleagues who have raised legitimate concerns about adding spending to this bill that is not really intended to address an emergency situation. But that is not the case with this amendment. This amendment addresses a real imminent threat, and the situation is urgent. We must take action now. I am reminded by the reports of spring fires in Colorado, where we have seen 13 firefighters killed in a fire at Storm King, 135,000 acres of land burned in what was called the Hayman Fire, which consumed a large part of four counties of the State of Colorado.

I urge my colleagues to support this amendment.

I ask unanimous consent that Senator McCAIN and Senator WARNER and Senator LEVIN be added as cosponsors to the fallen hero amendment, which I have offered. It is No. 3643.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to my amendment on improvised explosive device training. It is No. 3644.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, my colleague from Oklahoma is seeking recognition. I appreciate his courtesy, and I look forward to his debate on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3641, DIVISION II

Mr. COBURN. Madam President, I ask that division II of my amendment No. 3641 be in order at this time.

The PRESIDING OFFICER. The Senator has a right to ask for the regular order with respect to his amendment. Division II is pending.

Mr. COBURN. Madam President, I thank the chairman for protecting my right to be back on the floor in regular order. But I want to go through again with the American people what is supposed to be an emergency bill by our own rules: It is a bill that is necessary, essential, and vital; sudden, quickly coming into being, not building up over time; it is an urgent, pressing, and compelling need requiring immediate action; it is unforeseen, unpredictable, unanticipated, and not permanent but temporary only in nature.

This second division of my amendment is an amendment that removes $15 million. It is simple. In this bill is $15 million for the promotion of seafood. Seafood consumption in this country is at an all-time high. If you look around the country, look on television, look at magazines—the beef producers do this, but they get no Federal money. The pork producers do this, but they get no Federal money. The poultry producers do this, but they get no Federal money. The milk producers do this, but they get no Federal money in terms of their promotion. They pay individually to have a promotional sequence. As a matter of fact, there is a Louisiana Seafood already in existence.

So what we are going to do is take and give $15 million to a private entity of the seafood producers to spend to increase demand for seafood. That may be all right, but that is certainly not an emergency. It is certainly not something that should be in an emergency bill that isn't going to be paid for by us but by our children and grandchildren.

I am not objecting to the fact that we want to try to increase the demand for seafood, but if you look at the facts, the real problem our fisheries are having, especially with shrimp and those kinds of things, is with foreign competition. As you look at the problems associated with it, there are more in terms of competition than there are in terms of lack of supply.

This is real simple. Why should we be subsidizing for one industry what we don't subsidize for any other industry? The National Oceanic and Atmospheric Administration is where this money is going to go. There is nothing in the bill to tell them what to do with it. According to them, "We have no plans for how to spend this money." That is what NOAA said. They have no plans. It is not in the report language or in the bill. So what will happen is the committee will tell them how to spend the money. We won't know how it is; it is not published now. If we don't make a decision, we are not going to know.

Is there going to be oversight? Is somebody going to take a million-dollar salary out of this $15 million? We don't know. We don't have a mechanism in place to manage it. That is the problem. If this had come through an authorizing committee, studied by our peers, and they said this is something in the long-term best interests of our country, then I probably would not be raising this issue. But I don't think that is what has happened here.

Mr. INHOFE. Will the Senator yield?

Mr. COBURN. I will be happy to yield.

Mr. INHOFE. Madam President, I appreciate the Senator yielding. My fellow Senator from Oklahoma has done a yeoman's job of trying to remind people that this is supposed to be an emergency supplemental. In every case about which he has spoken, there is nothing emergency about them.

I appreciate the fact that he talks about going through the authorization process. We have a process that has been working for some time that has a lot of checks and balances. I happen to chair the Environment and Public Works Committee. We go through authorization and the appropriators come along.

I applaud him for reminding people what is an emergency and what is not. Let me remind my fellow Senators that we have a President of the United States who agrees with the Senator from Oklahoma. The President has said he is going to veto this bill on the items that are not emergencies and have nothing to do with national security, defense, or with the emergency Katrina. We already have enough signatures on a letter saying we will sustain that veto. So we are going to end up doing this.

I think a lot of this is an exercise in futility. People cannot resist the opportunity to come forward where they can be seen offering more and more of the taxpayers' money for something that is not an emergency. I only wanted to say I applaud him for doing this. I think he is being overworked. Hopefully, we will have this solution with the President's veto. We should not be in a position where we are having to do that.

I applaud the Senator for what he is doing. That is my question.

Mr. COBURN. Madam President, reclaiming my time, the other point I wish to make is the proponents say this is to create a new niche market to reestablish the shrimp sales of the gulf coast. I want to help the gulf coast. I want to help them recover, but I want to do it in a way that builds a long-term, satisfactory, strong fishing industry down there.

We are at an all-time high in the consumption of seafood. Where our shrimp industry has been hurt is through globalization. The fact is, the real damage done to that industry, besides what has happened as a result of the hurricane, is they are getting beat in the world market.

I ask the Members of this body to think: Do we want to start this, and should we be doing it when cattle prices are down and producing more beef? Should we do it for the beef producers? Should we do it for the chicken farmers? In other words, should they not participate in paying for this rather than everybody else in America paying for it?

I would portend this is something that is not what we should be doing and it is not just about not wanting to help those people. I want to help them, but I don't believe this is the way to do it. This is a small amount of money in this $104 billion-plus bill, but it is a principle as we walk down the line: how do we say no to all these other agricultural interests when we have said yes to one.

I am very worried with the wording in the report language that requires the committee to run this rather than requires the bureaucracy to run it when there is no instruction for the bureaucracy, which means it is not going to have sunshine and it is not going to have oversight. I think that is part of our problems with spending as well.

I see the distinguished Senator from Alabama is here. I will be happy to yield time to him for debate on this issue.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alabama.

Mr. SHELBY. Mr. President, today we continue to debate the provisions of H.R. 4939, the bill providing additional 2006 supplemental appropriations for the war in Iraq and recovery from Hurricane Katrina.

Other supplemental appropriations bills have been previously signed into law dealing with the war in Iraq and Hurricane Katrina, but none of those bills directly support the needs of the devastated fishing industry in the Gulf of Mexico.

The Senate's funding recommendations affecting the gulf coast fishing industry were developed by the States Fisheries Commission and the Gulf of Mexico Fishery Management Council to meet local needs in cooperation with Federal partners, including NOAA's National Marine Fisheries Service.

The Gulf of Mexico is home to a significant share of the U.S. fishing industry, representing almost 20 percent of commercial landings and roughly 30 percent of saltwater recreational fishing trips. The 2005 hurricane season had a major impact on both of these maritime sectors, but it also devastated their shore-based infrastructure, ports, and facilities that commercial harvesters and fishermen rely on, such as docks, wharves, processing plants, distribution centers, and marinas.

Offshore, the hurricanes annihilated entire oyster beds along the gulf coast which has an immediate and long-term impact to the oyster harvesting industry. Considering that it will take years for many of the oyster beds to rebound, the current economic impacts are only part of the assessment.

Throughout the gulf coast, over 2,300 vessels were federally permitted for shrimping. The Presiding Officer, coming from Alaska, knows a lot about fishing boats. The exact number of shrimp vessels damaged or destroyed by the 2005 hurricanes is still largely unknown. However, one only needs to visit coastal communities such as Bayou La Batre, Gulfport-Biloxi, and Empire-Venice to see the overwhelming effects these hurricanes had on the entire fishing-based communities along the gulf coast. With their boats gone and shoreside facilities destroyed, many businesses are having to rebuild literally from the ground up.

It is logical to presume that the damage from last year's hurricanes, coupled with the rise of diesel fuel costs, could result in the increase in the percentage of fishermen filing for bankruptcy. This bill will stabilize the number of vessels in the fishery and rebuild fishing facilities, allowing fishermen the opportunity to harvest a greater proportion of the annual fish crop and increase their economic returns.

Finally, I want to touch on the funding that has been included in this bill for seafood marketing efforts because it has been the target of much criticism on the floor. I believe this funding is extremely important to the overall effort to restore this industry. We cannot deny the fact that many consumers became increasingly wary of gulf coast seafood following Hurricane Katrina. That is natural. To that end, I believe it is imperative that we restore consumer confidence. All the work that has been done and all that we propose to do with the additional spending in this bill will be wasted if no one purchases the seafood that comes from the gulf. Therefore, marketing efforts to reassure consumers that the seafood is safe are not wasteful but, rather, essential to the efforts to restore this industry.

The 2006 supplemental appropriations bill, as reported by the Senate Appropriations Committee, contains significant funding to address many needs of the devastated fishing industry in the gulf coast. I encourage my colleagues to support the bill as reported and oppose any amendments that might propose to strike funding provided for fisheries assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I, too, rise in strong support of the fisheries and seafood provisions in this supplemental appropriations bill to help a very important industry simply begin to get back on its feet on the gulf coast. This is a vitally important industry, not just for the gulf coast but for all of America.

I am very proud of Louisiana and our coastline and our fisheries. We are the largest producer of fisheries in the lower 48 States, second only in the country to the home State, of course, of the Presiding Officer. So it is a true national priority in terms of the service and the food we yield to the country.

With two hurricanes, our nationally important fisheries sustained huge damage. Individual fishermen and their families sustained huge damage. Vessels, equipment, offloading and processing facilities, and oyster farms will take years to recover. Because of this damage of truly historic proportions, the administration, through the Department of Commerce, made a disaster declaration, which is appropriate under the law, for fisheries specifically. However, for the first time in history, they did not follow up that disaster declaration with a request for certain emergency funding to meet that disaster.

The work of the full committee in the Senate, led by Senator COCHRAN, fills that gap by producing an important section of this bill devoted for fisheries. I personally thank Senator COCHRAN for filling that gap because, again, it is a very real gap.

We had a disaster declaration, the highest ever in terms of fisheries losses and devastation in the United States, but we had no corresponding funding request from the administration in light of that disaster emergency declaration. This section of the bill, again, is enormously important to meet those needs.

I want to turn specifically to the seafood marketing section which has been a particular target of several Members, led by Senator COBURN, and they have brought up some very good points.

First, I begin by complimenting Senator COBURN on his work on many fiscal reform matters. I applaud it. I not only applaud it, because talk is cheap, I support it in the vast majority of cases. Earmark reform, for instance, is something we desperately need in Congress, and I strongly supported those efforts a few weeks ago when they were before us, and I continue to strongly support those efforts.

I have no problem with the light of day being shone on all of these issues and our having to justify all specific spending items. So I compliment him on his work in general.

But it is in that spirit that I stand to proudly defend this seafood marketing issue and to completely rebut some notion that it has nothing to do with the hurricanes and nothing to do with an emergency situation.

Really, what the argument comes down to is two words, two words that we heard on television over and over again for weeks after the storm. And the two words are "toxic soup."

I have to tell my colleagues that the media coverage after the storm really frustrated me. I grew up in New Orleans, LA. I was there in Louisiana. Obviously, I represent Louisiana now in the Senate. I was living through the devastation and the challenges, and we had a lot of devastation, we had a lot of challenges, we had a lot of screw-ups by all levels of government, certainly including State and local.

But the media coverage got a few things wrong, too. One of the things they got very wrong was the constant, unrelenting for weeks repetition of this term "toxic soup." To listen to the national media and the way they portrayed the situation, all of the city of New Orleans was covered with toxins that would leave it virtually uninhabitable for decades to come, and because of the toppling of rigs and other localized events which did occur in the gulf, there was a toxic soup spreading throughout many areas of the gulf and coastal Louisiana.

There were serious and real environmental issues. There were many environmental issues, dozens, hundreds of localized events, but they were addressed as quickly and completely as possible by the good national servants of the Coast Guard and many other agencies. Although these events were real and serious, they did not create, they did not amount to this toxic soup we heard about over and over through the national media.

Again, the impression that was clearly left over and over was that all of New Orleans and much of the gulf and much of the gulf coast where fisheries were harvested was a toxic soup with life-threatening toxins that would be in the area and seep into the water and seep into the ground and be factors for literally decades to come.

When we have that sort of national media coverage 24 hours a day, dwelling on this theme over and over for weeks, one can begin to imagine what it might do to the gulf coast seafood industry. It killed it. What Katrina and Rita hadn't devastated, that media coverage absolutely did. And that is why an informational campaign addressing, among other issues, that "toxic soup" claim and the fact that it is just pure fiction, has no basis in science, is very necessary for the immediate health of this industry, and is directly related to the emergency situation stemming from the hurricanes.

I want to compliment several agencies such as NOAA that have done important environmental testing and other work since the hurricanes and which certified that after thousands of tests and sampling of water and seafood from the Gulf of Mexico, that the seafood is absolutely safe to eat. The States of Alabama and Mississippi and Louisiana, along with the U.S. Food and Drug Administration, EPA, NOAA and others, have again analyzed hundreds of samples of fish and shellfish from the waters. All of this testing across the board also proves that there is no broad-based toxic soup; there is absolutely no danger in terms of that seafood from the gulf.

But as many thousands of these tests have been performed, guess what. Hardly a single U.S. consumer has heard about it. Hardly a single U.S. consumer knows about it. So in terms of the viability of the industry, it really doesn't matter, all of these tests being done, because it is not common knowledge, and the word has not gotten out. That is the biggest reason we absolutely need this informational campaign, this promotional campaign, again, that is directly related to the emergency situation produced by Hurricanes Katrina and Rita.

I would welcome Senator COBURN to put back up on his easel the definition of emergency, the definition that we are supposed to be following for true emergency measures. That definition applies here because of the phenomenon I am talking about. That definition is absolutely applicable here because we have an emergency situation for the immediate future of our gulf coast fisheries industry, again, that were devastated by the hurricanes, and much of the fisheries section of this bill goes to that, trying to get processing plants and boats and docks and essential equipment back and repaired, back up and running, and that is important. But just as important is the enormous harm that was caused after the storm by very flawed national media coverage and a lot of misinformation summarized by those two words, "toxic soup." That is why this informational campaign, this promotional campaign is an emergency situation and is directly related to the hurricanes and absolutely meets every one of the definitions Senator COBURN rightly says we must be guided by.

With that, Mr. President, I will close. But in doing so, I urge all of my colleagues to please support the very important fishery provisions in the bill. They are emergency measures. They are all directly related to the hurricanes, including the promotional campaign.

AMENDMENT NO. 3626, AS MODIFIED

Mr. President, I quickly would like to address a small bit of housekeeping, which is to ask unanimous consent to modify language to an amendment I already have at the desk, No. 3626, to take care of a technical matter, and the new language will be delivered to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 166, line 12, insert before the colon the following: ", and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues due to Hurricane Katrina or Hurricane Rita of 2005".

Mr. VITTER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr President, the Gulf States from Texas to Florida have all been dealt serious blows this past hurricane season by Hurricanes Katrina, Rita, Wilma, and Dennis. The needs are tremendous across the entire Gulf Coast in the fishing communities which were hit hardest and first. Before these hurricanes, the gulf produced about 15 percent of the Nation's domestic wild-caught seafood by weight and about 20 percent by value.

According to a National Oceanic and Atmospheric Administration report, these hurricanes shut down, damaged, or destroyed 90–100 percent of the commercial docking facilities, repair shops, ice houses, offloading facilities, net makers, recreational marinas, bait and tackle shops, and seafood restaurants and retail markets in eastern Louisiana, with similar, if somewhat reduced, impacts in Mississippi and Alabama. Most of these facilities remain closed today, 9 months later.

On September 9, 2005, Secretary of Commerce Gutierrez declared a fisheries disaster for the Gulf of Mexico under the Magnuson-Stevens Act, which authorizes fisheries disaster assistance in such situations. Of the almost $90 billion in disaster funding appropriated by the Congress since these hurricanes, none has been directed at these fishing communities.

On top of the difficulty that gulf fishermen are experiencing in rebuilding their ability to catch and process gulf seafood, they are also faced with the hurdle of getting that catch into the national marketplace.

One issue that continues to hurt Gulf of Mexico fisheries products is the labeling of the coastal Gulf of Mexico waters by the media as "toxic soup" during the first few months after Katrina. For example, Anderson Cooper of CNN led a Katrina follow-up story with the chairman of the Louisiana Seafood Promotion and Marketing Board by asking him about the "toxic soup" in which Gulf of Mexico fish are growing.

We need to put this issue to rest and rebuild seafood markets lost due to these storms. This is critical to the recovery process. The five Gulf States estimate that their fishing industries have suffered hundreds of millions of dollars in lost sales since these hurricanes. They will not be able to recover unless they get help in getting this industry back on its feet and getting back into the marketplace.

The key issue that the five Gulf State seafood promotion boards face is that once the continuity of product has been lost in any marketplace, sales often are lost permanently to substitute products and reclaiming those markets is a long term challenge. Add the "toxic soup" concerns to the mix and the need for marketing is greater than ever at a time when the state seafood board budgets are dwindling or expended.

I will be brief because I know my colleague from Mississippi, and Senator SHELBY from Alabama, who was the author of this portion of the supplemental, have already covered these issues, and Mr. VITTER did a very good job. Maybe I can contribute to the debate just by summing up how critical this is and why this particular amendment, even though it involves only $15 million, should be defeated. It is an important part of what is going on here.

First, let me emphasize, again, that from Texas to Florida, throughout the Gulf of Mexico, Hurricanes Katrina, Rita, Wilma, and Dennis have devastated the fishing communities. They are an important part of our communities, our economy, and our culture. It is not just because we like to see the shrimp boats sail off into the sunset or see the oystermen out there tonging for oysters; it is because it is an important part of the economy. Fifteen percent of the Nation's domestic wild-caught seafood by weight and 20 percent of the value comes from the gulf area. It is an area that makes an important economic contribution. It is an important part of the seafood industry nationally, and it has never been properly marketed or exploited in the terms that it should be. We have already had problems with imports being flooded into the country in a way that undermines the industry, and now we have been hit by these hurricanes.

I emphasize this, too: that while we have passed some $90 billion—in excess of that—for disaster funding as a result of these hurricanes, none of it, zero, has gone to these fishermen and to the fishing industry, for a variety of reasons.

First of all, it takes time to ascertain what the damages are. But when you lose it all, when you lose the processing plants, the boats, the whole industry, it takes time to assess what we have lost and how we are going to repair it, and how do we recover from the fact that we lost this business. Even NOAA has indicated that these hurricanes shut down, damaged, or destroyed 90 to 100 percent of the commercial docking facilities, repair shops, ice houses, offloading facilities, netmakers, the whole thing.

Once you lose that market, it is difficult to get it back—maybe impossible—but we have to make that effort. This is an important food, it is an important resource. It is an important value for the people. And the only way we are going to get it back is we are going to have to help them repair their vessels and to recover the losses they have had.

A lot of these, by the way, are minorities. In Biloxi, MS, a lot of these fishermen are Vietnamese or Slovonians or Frenchmen, but a lot of them are Vietnamese who lost their house, their truck, their boat, their livelihood. It would make you cry to see these people. This is clearly an area where we should provide this help.

So what this particular part would do would be to focus on us regaining the markets we lost. It is an important part of the recovery process. The five gulf States estimate that their fishing industries have suffered hundreds of millions of dollars in lost sales since the hurricanes. The key issue that the five gulf States' seafood promotion boards face is that once the continuity of the product is broken, getting it back takes effort and time. And then we add to that the bad publicity of the so-called "toxic soup," which was an exaggeration from the beginning, by the way, we have to overcome that.

As a matter of fact, we find that the catch that is possible out there could be very good. The problem is we don't have the boats to get them. We don't have the plants to deal with them when they come in.

So I urge my colleagues, if there is anyplace that we ought to be providing some help, it is the fisheries industry. It is absolutely a part of the critical recovery, just as much or more so than being able to have a way to rebuild your home or repair your home. You have to have a job. For these people, there are not many other options for jobs. So I urge the defeat of the amendment. I commend Senator SHELBY and Senator COCHRAN for including this language in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come in support of the amendment. I know that we don't have too much time since the distinguished managers would like to get this bill moving, but let me just say that this is $15 million to be used, and I quote from the bill: "Seafood promotion strategy," which is Congress's attempt to sell consumers pork masquerading as a fish.

Similar to other appropriations in this bill, this $15 million is not limited to marketing seafood from the gulf coast region or other areas that were affected by Hurricane Katrina.

For example, the Alaska Fisheries Marketing Board likely anticipates a payout from these appropriations. We have come a long way from an emergency supplemental. The board has received—this Alaska Fisheries Marketing Board—has received over $30 million from the Federal Government since 2003 from similar provisions in appropriations bills. Last year, this board used a half million dollars to pay Alaska Airlines to paint a giant salmon on a 737. We called it the "salmon-30-salmon," proving that fish do fly, thanks to the American taxpayer.

According to a recent survey by Harris Interactive, 73 percent of all Americans say they eat seafood at least once a month, and 47 percent of all Americans consume more seafood now than they did 5 years ago. These record consumption levels were achieved without a pricey marketing campaign financed by American taxpayers. It appears that Charlie the Tuna and the Chicken of the Sea mermaid are doing their jobs just fine, without any help from the Federal Government.

Additionally, a recent CRS report states:

> The marketability of catch from the gulf coast appears little affected by contamination from storm runoff or consumers' concerns.

Mr. President, let me save the American taxpayers $15 million right now by telling all Americans now to eat seafood. Eat seafood. It is good for you. There we go. C-SPAN has millions of viewers, and they have heard the message. So the marketing campaign is complete. With the Federal budget deficit forecasted to reach $477 billion this year, I doubt the American taxpayer would approve of Congress spending $15 million to promote the consumption of seafood when Americans are already consuming record amounts of seafood.

Lastly, the CRS report also found that prior to Hurricane Katrina, the gulf coast commercial shrimpers had been losing market share to "competition from less expensive foreign imports and domestic harvesters for several years." Therefore, this $15 million marketing campaign seems to be targeted more toward stemming the success of less expensive imports than assisting the gulf coast region's economy.

I ask my colleagues to join me in supporting this amendment to strike the fishiest smelling pork in this bill.

Let me just make one additional comment, if I could. It is clear—it is very clear—that what we have here is a broken process. Any defense money that we are taking out should have been part of the normal budgetary process. I want to tell my colleagues that I and others have embarked on an effort to bring the emergency supplemental that pays for the Iraq war into the normal budgetary process. We have been at war for 3 years. This is the fourth year. There is no reason to do business like this. It bypasses the authorization process, it bypasses any scrutiny by the proper committees, we then bring it to the floor, and it is filled with items such as this ridiculous $15 million for a seafood marketing campaign, and it grows and grows and grows.

Today, in the Wall Street Journal, there is a poll. It says: "Republicans sag in new poll." I found it very interesting that in describing the poll, in particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves tired of Republicans and Democrats fighting each other. Among all Americans, a 39-percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

I want to repeat that, Mr. President. A 39-percent plurality of Americans are sick and tired of the earmarking process that is going on. Now, when are we going to respond to the American people? Everyplace I go, every town hall meeting I attend, my constituents tell me they are sick and tired of this. And, now, according to a Wall Street Journal NBC poll, a 39-percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

This is a graphic example of what the American people are sick and tired of.

By the way, immigration reform ranks behind earmarks in congressional action that is desired by the American people. It concludes by saying:

> Americans take dim views of both parties, giving Democrats a positive rating of just 33 percent and Republicans 35 percent.

We are at an all-time low in the favorable opinion of the American people. This is an example. This $15 million is a very small but compelling example of our need to change the way we do business. If we vote again to keep this in this bill, we are sending the message to the American people that it is business as usual.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is the responsibility of the National Marine Fisheries Service to assure Americans of the safety and availability of the seafood from U.S. oceans. The service has done extensive environmental testing in the gulf, and it has shown no increase in toxicity. The gulf seafood is just as safe as the seafood from Washington State or New England.

This amendment strikes the funding that could be used for seafood marketing programs that get that information to the consuming public. The Senate should defeat the amendment.

Mr. President, I was going to move to table the amendment, but I understand it is OK to have the vote on a voice vote or show of hands. So I think we are ready to vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will agree with the chairman we are almost ready. I just wanted to make a couple of points.

Mr. COCHRAN. Wait a minute. I didn't yield the floor. I am standing here. I asked for a vote.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion to table division II of amendment 3641.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Pennsylvania (Mr. SANTORUM).

Mr DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—44

Akaka
Allard
Baucus
Bennett
Bond
Boxer
Byrd
Cantwell
Clinton
Cochran
Coleman
Collins
Dayton
Dodd
Dole
Domenici
Durbin
Gregg
Harkin
Hatch
Inouye
Kennedy
Landrieu
Lautenberg
Leahy
Levin
Lott
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Pryor
Reed
Reid
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stevens
Vitter
Wyden

NAYS—51

Alexander
Allen
Bayh
Biden
Bingaman
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dorgan
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Lieberman
Lugar
Martinez
McCain
Menendez
Nelson (NE)
Obama
Roberts
Salazar
Sessions
Stabenow
Sununu
Talent
Thomas
Thune
Voinovich
Warner

NOT VOTING—5

Isakson
Kerry
Lincoln
Rockefeller
Santorum

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The Senator from West Virginia.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I accede to the request of my chairman, but I ask unanimous consent upon the completion of that vote I be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to division II of the Coburn amendment.

Division II of amendment (No. 3641) was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Senator from West Virginia is recognized.

AMENDMENT NO. 3709

Mr. BYRD. Mr. President, just over 3 years ago the Armed Forces of the United States were sent to fight a new war in Iraq. I was against the entry of our country into that war. At that time, many representations were made that this war would be quick and that it would be easy.

On the eve of war, our Nation was already embroiled in a campaign that sought to portray the invasion of Iraq as a quick and cheap way to rid the world of Saddam's regime and his supposed chemical weapons. We were told that the intervention would be as quick as lightning.

We now know that the war plans called for a withdrawal of nearly all American troops from Iraq by September 2003. Yet here we are, 3 years, 1 month, and 2 weeks later and 135,000 American troops are still in Iraq; 2,383 American troops have been killed; more than 17,500 American troops have been wounded. And for what? For what, I ask?

We were told at the time that the reconstruction of Iraq would cost the American taxpayer almost nothing. Former Deputy Defense Secretary Paul Wolfowitz said that we are dealing with a country—that is, Iraq—that can really finance its own reconstruction and we can do that relatively soon.

Yet here we are, and the total bill for Iraqi reconstruction being footed by the American taxpayers is running into the billions of dollars. We were told at the time that the cost of military action would be small. Secretary Rumsfeld claimed on January 19, 2003, that the Office of Management and Budget had come up with a number that is something under $50 billion for the cost of that war. Yet here we are and the cost of military operations in Iraq is climbing beyond $290 billion.

Astoundingly, the cost of the war in Iraq keeps increasing. According to a Congressional Research Service report released this week, the Iraqi war costs $4.4 billion per month. How about that—$4.4 billion per month in fiscal year 2003; $5 billion per month in fiscal year 2004; $6.4 billion per month in fiscal year 2005; and could reach $8.1 billion per month during this fiscal year. That is an 84-percent increase in the cost of the war in just 3 years.

The growing cost of this abominable war in Iraq must come as a shock to Americans who were led to expect a war that could be done on the cheap. But we should pause to ask, at a time when our Government is drowning in red ink, how can it be that spending for the war in Iraq keeps increasing year after year?

Passage of this supplemental appropriations bill will mean that Congress will have appropriated $320 billion for the war in Iraq and the end is not yet in sight; there is no light at the end of the tunnel yet. That is not the end of the story.

The President has requested a $50 billion bridge fund for the next Defense appropriations bill which will inevitably be followed next year by another large emergency supplemental spending request. Mark my words, it won't be too long before spending on the war in Iraq will eclipse 10 times the figure Secretary Rumsfeld estimated in January of 2003. Talk about being off the mark, talk about being wildly off the mark. Some measure of sanity has to be brought to the spiralling cost of the war.

Four times I have offered amendments to defense spending bills to state the sense of the Senate that the President should include a full estimate of the cost of the war. I have talked until I am hoarse about the cost of this war. Four times I have offered amendments through defense spending bills to state the sense of the Senate that the President should include a full estimate of the cost of the war in his annual budget request. And four times the amendments have passed with strong bipartisan support—Republicans and Democrats on that side of the aisle and on this side of the aisle—and four times the amendments have been ignored by the White House.

The administration's failure to budget for the war means that neither the White House nor Congress is making the tough decisions about how to pay for the ongoing wars in Iraq and Afghanistan.

I support the war in Afghanistan. Yes. We were invaded. This country was invaded. This country was attacked, and the enemy was in Afghanistan. I was for going after those guys. But I did not vote for the war in Iraq. I said it was wrong.

There has been no earnest debate about how wartime spending is to fit into the overall budget picture. Instead, the administration has relied overwhelmingly on emergency supplemental appropriations requests to fund the costs of the ongoing wars. These requests are not part of the regular budget debate in Congress, and they are often foisted upon the legislative branch with little in the way of justification, which Congress is then pressed into passing with a minimum of scrutiny.

The reliance on supplemental appropriations bills is one symptom of a disease that has struck Washington, and that is the scourge of fiscal irresponsibility. According to data from the Congressional Budget Office, since 2001, the White House has requested a total of $515 billion in emergency supplemental appropriations. That is more than half a trillion dollars that simply does not appear in any of the budget plans passed by Congress.

This dependence—this dependence, I say—on supplemental appropriations dwarfs the requests of prior administrations. In fact, the $515 billion of supplemental funding requests in the last 5 years is more than 3½ times—more than 3½ times—greater than all the supplemental spending requests from the 10 years previous to the current administration.

At a time when our country is facing huge deficits as far as the human eye can see, it is simply irresponsible for the administration to continue to short-circuit the budget process with a never-ending series of huge supplemental appropriations bills. There ought to be some fiscal discipline here in Washington, DC, and that means that the President ought to budget for the cost of the wars. The President pretends that his budget reduces the deficit over 5 years, but he fails to include the full cost of the war in Iraq.

Therefore, Mr. President, I offer an amendment, once again, to state the sense of the Senate that the President should include in his next annual budget request a full estimate—a full estimate—of the cost of the ongoing wars in Iraq and Afghanistan. My amendment states that any funds requested by the President should be placed in regular appropriations accounts, and should be accompanied by a detailed justification for those funds.

The Senate must continue to call for responsible budgeting for the cost of the wars in Iraq and Afghanistan. I have appreciated the efforts of the chairman of the Defense Appropriations Subcommittee. I have appreciated that. And I thank Senator STEVENS for his work with me on the previous four times I have offered this amendment. He is an outstanding chairman of a very important subcommittee. I am grateful for his past support of this amendment on this issue.

Now, the Senate—I apologize for my voice. When I was a boy, there came a time when my voice changed. Well, it is changing again, apparently. I guess I cannot claim to be a boy again.

Mrs. BOXER. You are getting young again, I say to the Senator.

Mr. BYRD. I am getting young again, I am told.

The Senate ought to go on the record once again in favor of fiscal responsibility. With the cost of the war in Iraq escalating beyond $320 billion, it is time to bring some sanity to the budget process. So I urge my colleagues to support this amendment to tell the President to budget for the cost of the wars.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Is the Senator sending the amendment to the desk?

Mr. BYRD. I ask for a vote. I hope we can vote for this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, and Mr. CARPER, proposes an amendment numbered 3709.

The amendment is as follows:

(Purpose: To express the sense of the Senate on requests for funds for military operations in Iraq and Afghanistan for fiscal years after fiscal year 2007)

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON REQUESTS FOR FUNDS FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN FOR FISCAL YEARS AFTER FISCAL YEAR 2007

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109-148) appropriated $50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of $67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a $50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as $86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Let's vote. We have voted on this four times already.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Thank you, Mr. President.

First, a small bit of housekeeping.

AMENDMENT NO. 3628, AS MODIFIED

Mr. President, I ask unanimous consent that language revisions be made to my amendment No. 3628, which is already at the desk. And those revisions, which are largely technical in nature, will be sent up to the desk right now.

Mrs. MURRAY. Mr. President, I reserve the right to object. We want to have a chance to look at those before the Senator sends them to the desk.

Mr. VITTER. That would be fine. This is an amendment that has already been presented to the minority side. This is a language revision of that amendment.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3628), as modified, is as follows:

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term "covered funds" means any funds that—

(1) are made available to the Department of Justice, the Department of Interior, the Department of Labor, the Department of Education, the Department of Health and Human Services under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States that take into consideration critical need and physical damages to property, equipment, and financial losses; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

AMENDMENT NO. 3668

Mr. VITTER. Mr. President, I also call up and briefly wish to speak on a new amendment, which I will also send to the minority side, amendment No. 3668.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3668.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the treatment of a certain Corps of Engineers project)

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7 . For purposes of chapter 3 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

Mr. VITTER. Mr. President, this amendment does not cost any money. It does not increase the size or expense of the bill whatsoever. It does, however, add significant language regarding an issue that is very important to coastal Louisiana with regard to coastal flooding, and that has to do with the now infamous Mississippi River Gulf Outlet, also known as MRGO.

MRGO is considered by virtually everyone to be a real problem, a conduit of hurricane storm surge and a conduit of saltwater intrusion which has eaten away at our coastal marshland in southeast Louisiana and has produced increased vulnerability to coastal storm surge.

Many eyewitnesses and computer models confirm that MRGO contributed to enormous destruction caused by Hurricane Katrina. Hundreds of thousands of acres of coastal lands have also been lost because of the saltwater intrusion invited by MRGO.

My amendment, again, would not increase the funding in the bill. It would not increase the cost of the bill. It would simply allow for a portion of the funds already appropriated in the last emergency supplemental for hurricane recovery for the restoration of the banks of MRGO to also be used to begin implementation of a water control structure to block hurricane storm surge from rolling up through MRGO to populated areas. Again, there is broad consensus that this needs to be done to battle against this vulnerability.

In closing, I would simply underscore my amendment does not score, does not appropriate any new money.

With that, Mr. President, I yield back my time.

Mr. BYRD. Vote. Let's vote. Vote, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment by the Senator from Louisiana?

VOTE ON AMENDMENT NO. 3709

Mr. BYRD. Mr. President, I call for the regular order with respect to my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is now pending.

Mr. BYRD. Let's vote.

Mr. COCHRAN. The yeas and nays have been ordered.

Mr. BYRD. The yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—6

Bond
DeMint
Isakson
Kerry
Rockefeller
Santorum

The amendment (No. 3709) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. I call up my amendment which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. MENENDEZ. Reserving the right to object, if the Senator from North Carolina will agree, I ask unanimous consent that subsequent to his amendment, I be recognized next in order to offer my amendment, and I will have no objection to setting aside the pending amendment.

The PRESIDING OFFICER (Mr. CHAFEE). Is there objection?

Mr. COBURN. Reserving the right to object, I have 3 minutes' worth of housekeeping that I would like to get done on amendments that will make the process move faster and offer amendments without debate so they can get in the queue. I would like to do that after Senator BURR, if that is OK with the Senator from New Jersey.

Mr. BURR. Mr. President, if it helps my colleagues, it will take me 20 seconds to offer this amendment.

Mr. CHAMBLISS. Mr. President, reserving the right to object, I ask the Senator from New Jersey how long does he anticipate speaking on his amendment?

Mr. MENENDEZ. About 10 to 12 minutes.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that after Senator BURR, Senator COBURN be recognized, then Senator MENENDEZ, and then I be recognized for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment, and I call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3713.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allocate funds to the Smithsonian Institution for research on avian influenza)

On page 238, line 23, strike "Control and Prevention, and" and insert "Control and Prevention, $5,000,000 shall be for the Smithsonian Institution to carry out global and domestic disease surveillance, and".

Mr. BURR. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3641, DIVISION III, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, division III, and ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3693, 3694, 3695, AND 3697, EN BLOC

Mr. COBURN. Mr. President, I call up four amendments to place them in the queue. They are the Barak Obama-Coburn transparency amendments, four in order. I ask they be called up.

The PRESIDING OFFICER. Without objection, the amendments will be called up en bloc, and the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for Mr. OBAMA, for himself, proposes amendments numbered 3693, 3694, 3695, and 3697, en bloc.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3693

(Purpose: To reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts)

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

AMENDMENT NO. 3694

(Purpose: To improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures)

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

AMENDMENT NO. 3695

(Purpose: To improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available)

On page 253, between lines 19 and 20, insert the following:

FINANCIAL TRANSPARENCY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than $250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding $100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

AMENDMENT NO. 3697

(Purpose: To improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts)

On page 253, between lines 19 and 20, insert the following:

TITLE VII—EMERGENCY RECOVERY SPENDING OVERSIGHT

SEC. 8001. SHORT TITLE.

This title may be cited as the "Oversight of Vital Emergency Recovery Spending Enhancement and Enforcement Act of 2006".

SEC. 8002. DEFINITIONS.

(a) CHIEF FINANCIAL OFFICER.—The term "Chief Financial Officer" means the Hurricane Katrina Recovery Chief Financial Officer.

(b) OFFICE.—The term "Office" means the Office of the Hurricane Katrina Recovery Chief Financial Officer.

SEC. 8003. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President, the Office of the Hurricane Katrina Recovery Chief Financial Officer.

(b) CHIEF FINANCIAL OFFICER.—

(1) APPOINTMENT.—The Hurricane Katrina Recovery Chief Financial Officer shall be the

head of the Office. The Chief Financial Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Qualifications.—The Chief Financial Officer shall—

(A) have the qualifications required under section 901(a)(3) of title 31, United States Code; and

(B) have knowledge of Federal contracting and policymaking functions.

(c) Authorities and Functions.—

(1) In general.—The Chief Financial Officer shall—

(A) be responsible for the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina;

(B) strive to ensure that—

(i) priority in the distribution of Federal relief funds is given to individuals and organizations most in need of financial assistance; and

(ii) priority in the distribution of Federal reconstruction funds is given to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(C) perform risk assessments of all programs and operations related to recovery from Hurricane Katrina and implement internal controls and program oversight based on risk of waste, fraud, or abuse;

(D) oversee all financial management activities relating to the programs and operations of the Hurricane Katrina recovery effort;

(E) develop and maintain an integrated accounting and financial management system, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

(iii) complies with any other requirements applicable to such systems; and

(iv) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of the Office;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(F) monitor the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures;

(G) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which are the property of Federal agencies or which are available to the agencies, and which relate to programs and operations with respect to which the Chief Financial Officer has responsibilities;

(H) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental entity, including any Chief Financial Officer under section 902 of title 31, United States Code, and, upon receiving such request, insofar as is practicable and not in contravention of any existing law, any such Federal Governmental entity or Chief Financial Officer under section 902 shall cooperate and furnish such requested information or assistance;

(I) to the extent and in such amounts as may be provided in advance by appropriations Acts, be authorized to—

(i) enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

(ii) make such payments as may be necessary to carry out the provisions of this section;

(J) for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), perform, in consultation with the Office of Management and Budget, the functions of the head of an agency for any activity relating to the recovery from Hurricane Katrina that is not currently the responsibility of the head of an agency under that Act; and

(K) transmit a report, on a quarterly basis, regarding any program or activity identified by the Chief Financial Officer as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to the appropriate inspector general.

(2) Access.—Except as provided in paragraph (1)(H), this subsection does not provide to the Chief Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C. App.).

(3) Coordination of agencies.—In the performance of the authorities and functions under paragraph (1) by the Chief Financial Officer the President (or the President's designee) shall act as the head of the Office and the Chief Financial Officer shall have management and oversight of all agencies performing activities relating to the recovery from Hurricane Katrina.

(4) Regular reports.—

(A) In general.—Every month the Chief Financial Officer shall submit a financial report on the activities for which the Chief Financial Officer has management and oversight responsibilities to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and House of Representatives; and

(iv) the Committee on Government Reform of the House of Representatives.

(B) Contents.—Each report under this paragraph shall include—

(i) the extent to which Federal relief funds have been given to individuals and organizations most in need of financial assistance;

(ii) the extent to which Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(iii) the extent to which Federal agencies have made use of sole source, no-bid or cost-plus contracts; and

(iv) an assessment of the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures.

(C) First report.—The first report under this paragraph shall be submitted for the first full month for which a Chief Financial Officer has been appointed.

(d) Responsibilities of Chief Financial Officers.—Nothing in this Act shall be construed to relieve the responsibilities of any Chief Financial Officer under section 902 of title 31, United States Code.

(e) Availability of Records.—Upon request to the Chief Financial Officer, the Office shall make the records of the Office available to the Inspector General of any Federal agency performing recovery activities relating to Hurricane Katrina, or to any Special Inspector General designated to investigate such activities, for the purpose of performing the duties of that Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 8004. REPORTS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

The Government Accountability Office shall provide quarterly reports to the committees described under section 8003(c)(4)(A) relating to all activities and expenditures overseen by the Office, including—

(1) the accuracy of reports submitted by the Chief Financial Officer to Congress;

(2) the extent to which agencies performing activities relating to the recovery from Hurricane Katrina have made use of sole source, no-bid or cost-plus contracts;

(3) whether Federal funds expended by State and local government agencies were spent for their intended use;

(4) the extent to which Federal relief funds have been distributed to individuals and organizations most affected by Hurricane Katrina and Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005; and

(5) the extent to which internal controls to prevent waste, fraud, or abuse exist in the use of Federal funds relating to the recovery from Hurricane Katrina.

SEC. 8005. ADMINISTRATIVE AND SUPPORT SERVICES.

(a) In General.—The President shall provide administrative and support services (including office space) for the Office and the Chief Financial Officer.

(b) Personnel.—The President shall provide for personnel for the Office through the detail of Federal employees. Any Federal employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 8006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 8007. TERMINATION OF OFFICE.

(a) In General.—The Office and position of Chief Financial Officer shall terminate 1 year after the date of the enactment of this Act.

(b) Extension.—The President may extend the date of termination annually under subsection (a) to any date occurring before 5 years after the date of the enactment of this Act.

(c) Notification.—The President shall notify the committees described under section 8003(c)(4)(A) 60 days before any extension of the date of termination under this section.

Mr. COBURN. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 3675

Mr. MENENDEZ. Mr. President, I call up amendment No. 3675 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LAUTENBERG, Mr. INOUYE, Mrs. CLINTON, and Mr. LIEBERMAN, proposes an amendment numbered 3675.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies)

On page 237, between lines 6 and 7, insert the following:

For an additional amount for the training of employees of the Bureau of Customs and Border Protection, $10,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, between lines 10 and 11, insert the following:

For an additional amount for the purchase of new container inspection technology at ports in developing countries and the training of local authorities, pursuant to section 70109 of title 46, United States Code, on the use of such technology, $50,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for the implementation of section 70105 of title 46, United States Code, $12,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRANSPORTATION SECURITY ADMINISTRATION

TRANSPORTATION VETTING AND CREDENTIALING

For an additional amount for the implementation of section 70105 of title 46, United States Code, $13,000,000, to remain available until September 30, 2007, of which $250,000 shall be made available for the Secretary of Homeland Security's preparation and submission to Congress of a plan, not later than September 30, 2006, with specific annual benchmarks, to inspect 100 percent of the cargo containers destined for the United States: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, line 25, strike "$132,000,000" and insert "$232,000,000": *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. MENENDEZ. Mr. President, when Congress adjourned on its 2-week recess, I heard from many of my constituents back home in New Jersey that they were somewhat shocked to find out that one of the most critical elements of our security, the ports in the Nation, still were subject to such vulnerability.

Just this weekend, we received a vivid reminder of the threat that still exists when Osama bin Laden released yet another tape threatening to kill innocent Americans.

We often talk tough, but then sometimes we act weak. And nowhere is that concern more urgent than at our ports where 4½ years after September 11, we still don't know what is contained in 95 percent of all of the containers entering this country. That is a colossal failure, and we are here to make sure that Congress takes steps to reverse it.

In the collapse of the Dubai Ports World deal, the eyes of the Nation were riveted on this problem. Most Americans were shocked to discover that only 5 percent—5 percent—of the containers passing through our ports are inspected, and they demanded improvement.

In the wake of that deal, the Senate responded by approving our plan that added nearly $1 billion to the budget to fund port security, and that was a good first step. But as we said at the time, the proof will be if Congress actually steps forward to follow through with the funding.

The 9/11 Commission told us that to prevent a future terrorist attack, we had to think outside the box. But at our ports, we actually need to think inside the container because we need to know what is in the containers that enter the country through our ports every day.

The bottom line is that we need to get on the road to 100 percent scanning and inspections of the containers coming into this country, and we need to get there sooner rather than later. That is why this amendment requires the administration to provide Congress and the American people with a clear plan, with specific yearly benchmarks to achieve 100 percent inspections of containers.

The Appropriations Committee took a big step forward by approving Senator BYRD's amendment to spend $648 million to strengthen inspections, fund new radiation portals and cargo container systems, and add money for local port security grants. That is a dramatic improvement over the other body's bill which did nothing to add additional funding for port security.

But I believe we need to do more. To protect our ports at home, we have to inspect containers abroad, before they arrive in our ports, our towns, and our cities. We must also ensure that foreign ports, especially those ports in less prosperous countries, are safe and secure because this cargo comes to our ports as well.

The amendment, therefore, provides $50 million to help those countries that may not have the wherewithal to achieve the latest cargo scanning technologies because without that kind of support, those ports could remain the weakest link in our international port security chain. We have to make sure they do not become the easy targets for terrorists looking for lax security practices.

I listened a lot to those in the shipping industry, and officials have stated that the Container Security Initiative operated by Customs and the Border Patrol is highly dependent on the willingness of a foreign port to participate in the program and to effectively implement security measures. But even if a foreign port is prepared to participate and to implement security measures, they may lack the funding to procure the technologies and to hire and train adequate personnel to do so.

In compounding this potential security gap, the shipping industry has noted there is inconsistency among U.S. ports in the way they operate. So if there are already operational inconsistencies among U.S. ports, one can only imagine how security measures are implemented at foreign ports of origins shipping goods to the United States.

The additional funding I am calling for will help redress some of those inconsistencies by providing some of the state-of-the-art scanning technologies used at U.S. ports in countries abroad.

While we are on the subject of technologies, I have heard from a number of Federal, State, and local officials working at the port in my home State, Port Elizabeth in Newark, who have emphasized the critical need of deployment of the most current detection and scanning technologies at U.S. ports. They are currently using first-generation detection technologies, older technologies noted to be insufficient to combat newer and more complex security threats.

Cargo volume at that port alone is expected to double by 2020. Space at most ports is at a premium. Access to freight is extremely difficult. Cargo containers are often stacked end to end and door to door. We have to give Federal, State, and local law enforcement and Homeland Security officials near-term access to technologies that make their jobs feasible. We cannot send them out to fight a war with sticks and stones.

The complexity and vulnerability of the cargo container transport process only makes the need for robust technologies that much more important. My amendment, therefore, also provides $100 million for Domestic Nuclear

Detection Office research and development. We have not sufficiently focused on creating second-generation technologies for nonintrusive inspections which the private sector is unlikely to develop. It is time for that to change.

Our technologies are only as good as the people operating them. That is why we also have included $10 million for CBP training. That amendment would provide $10 million to train CBP officers so they can utilize new technologies and processes to improve port security.

It actually takes six such officers alone to safely operate one vehicle and cargo inspection unit. Right now at Port Elizabeth in Newark, they operate four of those mobile units and two stationary ones. That is 36 officers dedicated solely to operating one scanning technology. Those officers need to be trained before they can operate those units.

Cargo volume is forecast to increase. We want to see that in the context of our trade and economy, but terminal operators are extending commercial hours to accommodate that increased cargo volume. We have to make sure it moves quickly and safely. Doing so not only requires effective modern technologies but also a sufficient number of well-trained staff to operate the scanning and detection equipment. That is going to require additional officers to be on the job for extended hours and even on the weekends.

Once we have the right technologies and a sufficient number of well-trained CBP and Coast Guard officers with the tools to do their jobs, we need to make sure that port workers who come in and out of the ports, particularly into sensitive areas, are properly screened.

This is not about randomly excluding people we don't like from coming in. This is about ensuring that the men and women who are in essential parts of the cargo supply chain cannot be compromised by interests seeking to harm our Nation's port. That is where the Transport Worker Identification Program comes in.

The Maritime Transportation Security Act, MTSA, enacted in 2002 requires DHS to supply a worker identification card that uses biometrics, such as fingerprints, to control access to secure areas of ports or ships. The TSA was supposed to issue those credentials to more than 6 million maritime workers in August of 2004. It is April of 2006 and nearly 2 years down the line, and there is still no nationwide port worker credential program.

If this was such a priority, such a critical part of our security, why hasn't it happened? The GAO report back at the end of 2004 said that TSA didn't have a plan for managing this project. Guess what else they said would happen without that plan. Failure to develop such a plan places the program at higher risks of cost overruns, missed deadlines, underperformance. Missed deadlines—that obviously has happened. Cost overruns, I wouldn't doubt it. And I suppose the jury is still out on "underperformance." They concluded that each delay of the program to develop a credential card postpones enhancements to port security and complicates port stakeholders' efforts to make the appropriate investment decisions regarding security infrastructure.

Just this week, Homeland Security Secretary Chertoff announced that DHS will finally begin background checks on port workers as a precursor to a nationwide rollout of this long-awaited port worker credential program by the fall of 2006. I am glad they are finally getting around to doing this.

But there is one problem, and that is that they lack fiscal 2006 funding to implement the rollout. So we better hope that DHS has put some money away in its coffers to pay for this big event. It is probably not wise to bank on a timely passage of the 2007 spending bill in time to provide DHS with the funds they need for that rollout. We can certainly hope that is the case, but I wouldn't want to jeopardize a rollout of a critical program by banking on something that may or may not happen in time.

That is why this amendment also allows DHS to have the funds necessary on an urgent, near-term basis, so that we can finally, 2 years later, get to where we need to be.

Let me close by reminding us all that strengthening security at our ports is not going to be cheap. Given the budgetary challenges we face, we understand it is a difficult choice. But an attack on one of our ports would not only cause a tremendous toll in loss of life, but it would also shut down a port and all of the economic activity it generates.

Just in my home State of New Jersey alone, with the third largest port in the country, the mega port of the east coast, 200,000 jobs, $25 billion of economic activity, that is what is at stake, in addition to the lives.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we could have saved hundreds of lives, as well as the billions of dollars more that it would take to rebuild that city. I don't want our country to look back in hindsight a few years from now with the realization that had we spent the necessary dollars now to improve the security at our ports, we could have prevented a major terrorist attack.

Who among us would be satisfied in the aftermath of an attack that we did not take the steps that we could have in order to prevent such an attack because we were unwilling to make the commitment to do so? That is the choice the Congress faces for the security of our country. It is an essential one that we need to make right now, and this amendment offers that opportunity.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise in support of the Menendez amendment to adequately fund port and container security.

Our ports are vulnerable to a terrorist attack. We know this.

We only inspect about 5 percent of the shipping containers that enter our country.

Terrorists could smuggle themselves, traditional weapons, and nuclear or chemical weapons into a harbor.

From there, they could potentially launch an attack even more devastating than 9/11.

In my home State of New Jersey—where we lost some 700 victims on 9/11—Federal officials have identified the 2-mile stretch between Port Newark and Newark Liberty International Airport as the most dangerous target in the United States for terrorism.

But port security is not just a local concern. Our ports are essential to the flow of goods and commodities in our national economy, and vital to our military; 95 percent of all goods imported into this country arrive by ship.

Mr. President, this administration's mishandling of the Dubai Ports deal has highlighted the fact that our ports are still vulnerable.

We need a way to ensure that 100 percent of the containers coming into our country are WMD-free.

The Bush administration has said that we can't check all containers coming into the U.S. for WMD's.

But we check every airline passenger for weapons. We do not just look at an airline passenger's ticket and say "OK, on paper, this guy looks fine."

That is the Bush administration's current idea of port security—just a simple look at the paperwork.

Mr. President, we need to check containers for WMDs. The amendment of my friend, Senator MENENDEZ, will give us the tools we need to do this. It will adequately protect our ports, our economy and our lives.

I urge my colleagues to support the Menendez amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I yield to the Senator from Washington.

Mrs. MURRAY. I appreciate that. Mr. President, I rise to ask for a unanimous consent agreement so we can set in order the speakers that we have left on our side. I see you have several on your side as well, so perhaps we can work together to do this. But we have remaining Senator CONRAD, who would like 7 minutes; Senator LEVIN who would like 2 minutes; Senator SCHUMER would like 5 minutes, and I would like

1 minute to offer an amendment on behalf of Senator HARKIN. If we could set in order a time on those, we would be happy to go back and forth with the Members on your side who would like to speak.

Mr. ALLARD. Mr. President, if the Senator from Washington will yield, I would ask that on this side, following the Democratic speaker, whoever that is, that I be allowed to speak, and then following me would be Senator CORNYN, and that there be an intervening—since we are switching sides back and forth, I assume that you would have somebody to put in the queue. So I would ask that you modify your unanimous consent request.

Mrs. MURRAY. Mr. President, I would be happy to modify my unanimous consent request to say that following the Senator from Georgia, Senator CONRAD be recognized for 7 minutes, that Senator ALLARD then be recognized, Senator LEVIN for 2 minutes, Senator CORNYN for whatever time he asks for, Senator SCHUMER for 5 minutes, and then Senator BYRD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, if my colleagues would advise how much time they have so we can let our Senators know when to be on the floor so we can move things along more quickly. Can the Senators from Texas and Colorado tell us how much time they want?

Mr. ALLARD. I want 1 minute to offer an amendment and then another one I want to call up. I think I can get that accomplished within 7 minutes, so I request 7 minutes.

Mr. CORNYN. Mr. President, I need about 20 minutes, but I would be willing to work with the other side if there are short-time speakers, to try to make sure people would not have to wait. So I am sure we can work something out.

Mrs. MURRAY. Mr. President, I amend my unanimous consent request, and I would ask for 1 minute for myself in the intervening time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is the Menendez amendment.

AMENDMENT NO. 3702

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Menendez amendment be set aside and that I be allowed to call up amendment No. 3702.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, proposes an amendment numbered 3702.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs)

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by fully qualified Department personnel;

"(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

"(C) ensure that—

"(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

"(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

Mr. CHAMBLISS. Mr. President, this bill that we are debating today will appropriate somewhere in the neighborhood of $70 billion for ongoing operations in Iraq, Afghanistan, and the War on Terrorism. This money is important to ensure that our military has the resources necessary to win this war and continue to be the best equipped, best trained, and best led military in the world. However, there is another side to this war on terrorism that doesn't deal with money. It deals with something more important than money, and that is people.

We are sending our young men and women overseas to faraway places to fight and win this war. These men and women are the most important part of this war—more important than any tank, any humvee, any airplane, or any ship that we will buy with the money that we will appropriate through the bill that we are debating today.

I have been to visit our young men and women fighting in Iraq on four different occasions. I have gone on these trips with the intention of seeing firsthand what is happening in the theater and to say thank you to the men and women, with their boots on the ground, with the hope of encouraging our servicemembers who are on the front lines in this global war on terrorism. But as all of us who have gone to visit our soldiers overseas find, we are the ones who wind up being encouraged and inspired by them. We are encouraged by their professionalism, their maturity, their commitment, and their courage to do the job that our country has asked them to do.

However, we all know that some of these brave men and women do not return. Some of our soldiers, sailors, airmen, and marines have given their lives in this global war on terrorism. These men and women are, in the fullest sense of the words, fallen heroes who have given the greatest sacrifice possible so that we in this country, as well as the Iraqi people, the Afghan people, and people in less fortunate parts of the world than the United States, can live in a world that is safe and free from terror.

SGT Paul Saylor was one of these heroes. Sergeant Saylor was from Bremen, Georgia, and was a member of the Georgia National Guard's 48th Brigade, assigned to the 1st Battalion, 108th Armor Regiment, serving in Iraq last summer. Sergeant Saylor's humvee was part of a six-vehicle convoy and ran off the road into a canal early on the morning of August 15, 2005, near Mahmudiyah, Iraq, and Sergeant Saylor drowned along with two of his fellow soldiers.

Due to several factors, Sergeant Saylor's body reached an advanced state of decomposition before it was returned to the United States, and the Saylor family was unable to view Sergeant Saylor's remains at his funeral. I think we can all understand the extent to which this added to the grief of the Saylor family and can sympathize with them and any other family in this situation and commit ourselves to doing our absolute best to ensure that this does not happen again.

The process and policies related to how we treat the remains of our fallen heroes and how we communicate and interact with their survivors deserves the absolute highest priority that we can give. It is extremely unfortunate that survivors are ever unable to view the remains of their family members and, therefore, unable to say their final goodbye and obtain the sense of closure that we all know is so important in these situations. It is also the case that on occasion, survivors have been given incomplete or inaccurate information relative to what happened to their family members and how their remains were handled after they died. This is also extremely unfortunate and adds grief to an already grieving family.

The amendment that Senator ISAKSON and I have proposed calls on the Department of Defense to improve their current policy related to mortuary affairs, how the remains of servicemembers are handled, and how the military communicates with survivors relative to their deceased family members. This amendment will ensure that we are doing absolutely everything we can to ensure the remains of our fallen heroes receive the respect and care they deserve, and that their family receives the best treatment, as well as the most timely, accurate information possible.

Specifically, this amendment calls on the Department of Defense to improve policies related to refrigeration of remains in theater, the specific time standards for movement of remains, as well as examine the feasibility of forward locating autopsy and embalming operations from the continental United States to theater, and modify any other factors that could possibly shorten the time line for returning soldiers in a nondecomposed state.

This amendment also calls on the Department to improve their policies for communicating with family members to ensure family members are briefed by fully qualified Department of Defense personnel, that any partial or unverified information that families are provided is identified as such, and ensures that the Department provides updates to the family whenever new information becomes available.

Mr. President, the unimaginable grief and sorrow that a family experiences when their soldier makes the ultimate sacrifice should not be made even more distressing by not allowing the family an opportunity to say their final goodbye. I strongly commend the Saylor family for their courage and strength in sharing their family's experience and their comments relative to this process with us so that we in the U.S. Congress can work to ensure that other military families do not have to go through the same thing.

Mr. President, I urge my colleagues to support the amendment.

AMENDMENT NO. 3714

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment in order to call up HARKIN amendment No. 3714.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. HARKIN, proposes an amendment numbered 3714.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by $8.500.000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset)

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by $8.500.000.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109–13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

AMENDMENT NO. 3621

Mr. WARNER. Mr. President, I understand from the managers that amendment No. 3621 has been agreed to on both sides. First, let me describe this amendment.

Mr. President, today we are holding expectations that a new unity in government in Iraq will soon be completed. It has been long awaited. I have just completed, I think, my seventh trip there with Senator LEVIN and other Members of the Senate. We had a delegation of six.

During the course of our inspection visit, it was repeatedly brought to our attention that there was a desperate need for additional civilians from the Department of Energy to work on the power systems, the oil, and from the Department of Justice to work on the civil justice system; from the Department of Health, Education and Welfare to work on the health situations. And I have been working with members of the administration, and, indeed, the President himself on two occasions has stressed the importance of encouraging more civilians within our civil structure to go over and help this government fully establish itself, exercise the responsibilities of sovereignty, and to move forward.

There need to be modest corrections made to the existing law to enable the Secretaries and heads of the agencies to provide certain benefits, inducements, and other situations with their respective individual employees in the hopes that they can quickly give up the security of their neighborhoods and life today and join the brave men and women of the Armed Forces in, hopefully, completing in a shorter period of time this task to provide for full sovereignty in Iraq.

Many civilian agencies and departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly, what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and Al Qaeda.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004;

They tried to stop millions from voting in the January 2005 elections;

They tried to stop Sunnis from participating in the October 2005 constitutional referendum;

They tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and

In each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said to each of them that we need to get the entirety of our Federal Government engaged to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR which so aptly states that:

> Success requires unified statecraft: The ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

> We need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I along with 5 other Senators heard the same sentiments from our field commanders and diplomatic officials during at trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each cabinet secretary asking for a review of their current and future programs to support out Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

The aim of this bill is to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly-situated United States Government civilian personnel. It is essential that the heads of all agencies that have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill.

The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government stood up and operating. To do that, this emerging Iraqi Government, will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the coalition forces.

Now it is time for others in our Federal work force to step forward and add their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

I have sent a letter to the Chief of Staff at the White House in this regard on March 15, and I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 15, 2006.

Mr. ANDREW H. CARD, Jr.,
Chief of Staff, The White House,
Washington, DC.

DEAR MR. CARD: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past 3 years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman, Joint Chiefs of Staff, and General John Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizai stated in his 2006 posture statement to the Senate Armed Services Committee that "we need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law."

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad." In the years since passage of the Goldwater-Nichols Act of 1986, "jointness" has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive.

I have sent letters to nearly all cabinet-level officials asking for their personal review of the level of support being provided by their respective department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I requested that they submit a report to me no later than April 10, 2006, on their current and projected activities in both theaters of operations, as well as their efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am
Sincerely,

JOHN WARNER,
Chairman.

Mr. WARNER. My understanding is the amendment was introduced by myself, I think 2 days ago. There was some debate at that time. I know of no opposition to it.

Therefore, I ask the pending amendment be laid aside and that the Senate consider this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3620

Mr. WARNER. Mr. President, I wish to bring up a second amendment. It relates to the Carrier John F. Kennedy. I ask I be permitted here momentarily to have this amendment called up.

The department of defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces.

In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security, requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future: investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the national defense strategy. Carefully considering this conclusion, we must weight the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV–67.

The compelling reality is that today the 38 year old USS *John F. Kennedy*, CV–67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy $20 million in operations and manpower costs that are sorely needed to support greater priorities, and it levies and untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, Mr. President, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

I spoke to this amendment 2 days ago. Several colleagues, I know, have an interest in it. But here is the situation. *John F. Kennedy* bears one of the most famous names in naval history. That ship has sailed for 38 years in harm's way to defend the interests of this country. That ship has finally come to its resting place. It is now berthed in Jacksonville, FL. It has been the determination of the Chief of Naval Operations that its present condition—it is a conventionally powered ship—no longer enables that ship to perform its primary mission, namely launching and retrieving aircraft and other associated missions of a carrier. Its systems have finally worn out. Its powerplant has worn out.

At 38 years of age and the enormous investment necessary to bring it back—if in fact they could repair it, and there is some doubt as to whether even with the expenditure of huge sums they could repair it—then the ship would have a limited life.

We have known for about 3 or 4 months about the condition of this ship and the Navy's intention to retire it. A year or so ago, I and others put in a law by which we told the Department of Defense that they must maintain a fleet of 12 carriers. This amendment simply amends that law such that that number is now 11, and thereby allows this ship to be retired.

I would point out to my colleagues, quite apart from the fame of this ship, there are 2,000 sailors in the ship's company. If you added up all the family members of the total naval family of husbands and wives and children associated with that ship, it is probably as high as 5,000 individuals. They must be considered, as to their future. Right now there is no future. They have to remain aboard that ship until certain steps are taken to begin to fully deactivate it. But not all of them. Most will be transferred to other assignments and their families relocated.

It is costing the taxpayers $20 million a month to maintain that size of crew and this ship in Jacksonville, FL. I think it is the appropriate time the Senate recognize we must entrust to the Chief of Naval Operations, and to others, the decision to retire this ship. This amendment is for that purpose. I am the last one to ever want to retire naval ships, and I have had the experience as a former Secretary of the Navy, but I recognize that time comes. It has come with this famous ship.

I do not want this issue to be used in a way to detract from the extraordinary record of this ship and the proud name it bears. I hope my colleagues will agree to allow this amendment to be called up for consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mrs. MURRAY. Mr. President, I have to object at this time.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3715

Mr. CONRAD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3715 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. I also ask unanimous consent Senator CLINTON be included as original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mrs. CLINTON, proposes an amendment numbered 3715.

Mr. CONRAD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of amendments.")

Mr. CONRAD. Mr. President, this is an important amendment. This is an amendment to pay for the war costs that are in the underlying legislation. The alternative is to simply stack the war costs on the debt. I believe these war costs should have been budgeted for and paid for. Instead, we just keep putting it on the charge card.

I want to put in context our overall fiscal condition. This looks back to

2001, when we last had a surplus. Every year the deficits have been up, up, and away. This year they are projecting a deficit of $371 billion. But that is the tip of the iceberg because the fact is the deficit is much smaller than the amount that is being added to the debt. This year we now anticipate the debt will be increased by $654 billion. That is simply unacceptable, to be running up the debt in these record amounts, especially before the baby boomers retire. If the budget that is now stalled between the House and the Senate is adopted, the debt will go up each and every year, $500 billion or $600 billion a year, until we reach a debt of $11.8 trillion.

When this President came into office, the debt was $5.2 trillion. At the end of his first year—we don't hold him responsible for the first year because we were still operating under the policies of the previous administration—we were in surplus. At the end of his first year the debt was $5.8 trillion. At the end of this year it will be $8.6 trillion, headed for almost $12 trillion. It is time we get serious about dealing with the fiscal imbalances in this country.

Here is one of the results of this fiscal policy. It took all these Presidents, 42 of them, 224 years to run up $1 trillion of debt held by foreigners. This President in just 5 years has more than doubled that amount, more than doubled the amount that 42 Presidents ran up in terms of foreign debt.

The Comptroller General of the United States, Mr. Walker, has warned:

> Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security.

Let's pay for at least the war costs that are in this underlying amendment. We can do that much. The emergency provisions, those things that were unpredictable, maybe we can understand that those things aren't paid for in the underlying amendment. But the war costs? My goodness, we have been at war more than 3 years. These things should have been budgeted for. They should have been paid for. That is what I propose in this amendment. I do it in a way that I think is fiscally responsible.

We provide the same offsets as the Senate-passed tax bill, closing the tax gap by shutting down abusive tax shelters and providing for other reforms. That raises $19 billion. That includes revoking tax benefits for leasing foreign subway and sewer systems. What a scam that is. Companies are buying foreign sewer systems and depreciating it on their U.S. taxes, and then leasing them back to the foreign cities where those sewer systems exist. What a scam. Let's close it down.

We do it by ending loopholes for large oil companies, which raises $5 billion; requiring tax withholding on Government payments to contractors such as Halliburton, withholding that others are asked to do in our society. Why not them? We do it by renewing the Superfund tax so that polluting companies pay for cleaning up toxic waste sites, which raises $9 billion; ending a loophole that rewards U.S. companies that move manufacturing jobs overseas raises $6 billion; repealing the phaseout of limits on personal exemptions and itemized deductions for very high-wealth individuals raises $28 billion; and by closing other tax loopholes and miscellaneous offsets of $1 billion.

This is the legislation, this is the amendment. It pays for the war costs—$74 billion. We are going to see those who are serious about being fiscally responsible and those who just want to talk about it. This is an opportunity to pay for the war costs that should have been budgeted, that should have been paid for in the regular order.

I hope my colleagues will support this amendment. Let's get serious about addressing the explosion of debt and deficits in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator is recognized to offer an amendment.

AMENDMENT NO. 3701

Mr. ALLARD. Mr. President, I call up amendment No. 3701 on behalf of myself, Senator DURBIN, and Senator MIKULSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

> The Senator from Colorado [Mr. ALLARD] for himself, and Mr. DURBIN, and Ms. MIKULSKI, proposes an amendment numbered 3701.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide funding for critical emergency structural repairs to the Capitol Complex utility tunnels)
>
> At the appropriate place, insert the following:
>
> TITLE ___—OTHER MATTERS
> LEGISLATIVE BRANCH
> ARCHITECT OF THE CAPITOL
> CAPITOL POWER PLANT
>
> For an additional amount for "Capitol Power Plant", $27,600,000, to remain available until September 30, 2011: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. ALLARD. Mr. President, this amendment would provide $27.6 million to the Architect of the Capitol to make emergency repairs to utility tunnels that serve the Capitol complex, including asbestos abatement. Unfortunately, this problem has come to our attention recently, and it is a serious crisis that can't wait for the fiscal year 2007 appropriations bill.

About 2 months ago, the Office of Compliance filed a complaint with the Architect of the Capitol due to the conditions of these utility tunnels, including the possibility of tunnel cave-ins, the presence of unsafe levels of asbestos, inadequate means of emergency egress, and inadequate means of communications for those who work in the utility tunnels. This is the first time the compliance office has filed a complaint—a step up from a citation.

When this issue was brought to our attention, Senator DURBIN and I held oversight hearings with the Architect and demanded a plan to ensure employees who work in the tunnels are protected from unsafe levels of asbestos, fix falling concrete, provide adequate means of egress throughout the tunnels, improve communications for utility workers, secure the tunnels so only authorized employees are given access, and review whether tunnel workers are receiving an appropriate level of environmental or hazardous duty pay.

In response, the Architect sent a preliminary plan for fixing the tunnels with a price tag that could ultimately reach several hundred million dollars. Frankly, I was shocked by the magnitude of this problem and the cost estimate. I was appalled that this problem was identified by the Office of Compliance in a citation 6 years ago, and hasn't been put on a fast track for addressing the health and safety problems until Senator DURBIN and I asked for a plan. These are serious problems and high levels of asbestos have been found.

The amendment I am offering today includes funds to remediate asbestos, remove loose concrete, replace the roof of a section of one of the tunnels, add escape hatches, and improve the communications system.

We have reviewed the funding estimates with the Government Accountability Office. Notwithstanding the fact that some of the estimates are preliminary, they are warranted. I had hoped that we could reprogram funds from within the Architect's budget but the magnitude of the need is far beyond what could be found within the Architect's budget.

I urge the Senate to agree to the amendment. I ask that it be agreed to by a voice vote.

Mr. DURBIN. Mr. President, it was recently brought to our attention by the Office of Compliance that the utility tunnels which carry steam and chilled water throughout the Capitol complex are rapidly deteriorating and are putting the workers who must enter these tunnels in extremely hazardous and potentially life-threatening situations. Falling concrete, the presence of asbestos, inadequate egress routes and a faulty communications system threaten the lives of the utility tunnel employees on a daily basis. Several of these tunnels are on the verge of collapse—not only threatening the lives of the workers in the tunnels, but potentially cutting off steam and chilled water to the entire Capitol complex. The $27.6 million in emergency funding that Senator ALLARD and I are requesting is critical to allow the Architect of the Capitol to expeditiously address the deplorable conditions that exist in these utility tunnels and make the changes necessary to assure that the health and safety of the workers is not jeopardized. This funding will allow the Architect's office to immediately begin critical design work on replacing the "Y" tunnel, which is in the worst condition, including structural repair, egress improvements, asbestos abatement, and temperature improvements. The funding will also accelerate work on replacing the roof on the "R" tunnel and for other communications, structural repairs, and emergency escape routes. Without this funding, we continue to place these employees in life-threatening working conditions. I urge my colleagues to support this critically needed funding.

Ms. MIKULSKI. Mr. President, I rise tonight along with my colleagues Senator ALLARD and Senator DURBIN to speak in support of an amendment we introduced today to the Emergency Supplemental bill. This amendment provides $27.6 million in Federal funds to repair unsafe working conditions in the tunnels below the Capitol Building. This amendment is needed now because the Architect of the Capitol has failed to ameliorate hazardous conditions that exist in the tunnels beneath the Capitol. These conditions endanger the health of the tunnel workers and their families. Something needs to be done, and it needs to be done now. That is why I am co-sponsoring this amendment.

I first learned of these horrible conditions when I received a letter signed by 10 members of the tunnel shop that detailed the dangerous conditions that exist in the tunnels, and provided information that some of these conditions have existed for at least 6 years. There is no doubt, many of problems in the tunnels have only worsened during that period from neglect and further deterioration. Despite this, no action was taken to make sure the workers were safe on the job. The conditions are so poor that in 2000 the Congressional Office of Compliance issued citations to the Architect of the Capitol. Yet, it appears the Architect of the Capitol ignored the citations and did not make the necessary repairs or take immediate, effective steps to protect these workers. It was clear that these workers came to me only after all other recourse failed them.

In addition, the utility workers informed me that the U.S. Capitol Police as a matter of policy are not allowed to patrol the tunnels; if it is true that U.S. Capitol Police are forbidden from patrolling the tunnels because of the hazardous conditions, then the failure to address these conditions also has created a potentially serious security loophole that could endanger all of us who work in the Capitol and surrounding buildings. This is unacceptable.

I agree with the workers that something needs to be done, and it needs to be done now. I have already demanded that the Architect of the Capitol at a minimum take immediate steps to protect the employees who work in the tunnels, ameliorate all of the conditions for which citations were issued in 2000, obtain a comprehensive and credible safety assessment that specifically addresses all hazardous conditions, and particularly the issues raised by the tunnel employees, develop and implement a plan to remedy the hazardous conditions and maintain a safe working environment, and address the security concerns these tunnels present.

The response I received was that the Architect needs additional funds in order to make the necessary repairs. This amendment would provide the money needed to make sure that these brave men working in tunnels are safe. The tunnel workers should not have to wait another day to be assured of a safe and secure working environment. They already have waited too long.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3701) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLARD. Mr. President, I have one other unanimous consent. I ask unanimous consent that notwithstanding the Salazar amendment is now pending I be allowed to send up the second-degree amendment to his amendment No. 3645.

The PRESIDING OFFICER. Is there objection? Is there objection to sending up a second degree?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLARD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Presiding Officer and my dear friend from Washington for helping to organize the amendment sequence.

I ask unanimous consent that the pending amendments be set aside, and I call up No. 3710.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3710

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Ms. COLLINS, and Mr. REED, proposes an amendment numbered 3710.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reports on policy and political developments in Iraq)

On page 126, between lines 12 and 13, insert the following:

REPORTS ON POLICY AND POLITICAL DEVELOPMENTS IN IRAQ

SEC. 1406. (a) REPORTS REQUIRED.—The President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) ELEMENTS.—Each report under subsection (a) shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious, and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

(4) An assessment of the effect that the formation of, or failure to form, a unity government, and the amendment of, or failure to amend, the Iraq Constitution, will have on the "significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq" as expressed in the United States Policy in Iraq Act (section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note)).

(5) The specific conditions on the ground, including the capability and leadership of Iraqi security forces, that would lead to the phased redeployment of United States ground combat forces from Iraq.

Mr. LEVIN. Mr. President, this amendment is proposed on behalf of Senator COLLINS, Senator REED of Rhode Island, and myself, which relates to Iraq. It would require certain reports be filed by the President and the administration relative to political developments that exist in Iraq. We have a new prime minister who has been designated in Iraq. It is an important step. It is a useful step toward hopefully achieving a government of national unity. However, there are some very critical steps that lie ahead, including the completion of that government of national unity so that the Prime Minister-designate can then form a government and have that government approved by the assembly. It is an important step. It involves the Interior Minister, who is in control of the police, the Defense Minister, who is in control of the Army, the Oil Minister, who controls the nation's key resource—oil—as well as the other ministries that are involved in any government of national unity.

It is critically important that the political process succeed in Iraq and that the pressure be kept on the Iraqis to achieve a government of national unity, and as well to consider amendments to its constitution. Their constitution has some deadlines that are imposed by them. It is those deadlines which it is critically important be met. These are not our deadlines. These are not dates we set. These aren't dates which certain things must happen by that we are determining. These are dates that the Iraqi Constitution has set up for the completion of a national government and for consideration of amendments to the Iraqi Constitution.

Our amendment says that the President of the United States should report to the Congress every 30 days on the progress which is being made in terms of the political solution which has to be achieved there, both in terms of a government of national unity as well as consideration of amendments to the Constitution. It would ask the President to report to us as to whether he has informed the Iraqis that the continued presence of the United States military forces depends upon their meeting the deadlines which they have set for themselves.

It also requires an assessment of the effect which the formation of or the failure to form a unity government and the amendment or failure to amend the Iraqi constitution would have on the significant transition to full Iraqi sovereignty and to the Iraqi forces taking the lead in support of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq as expressed in our law.

That policy was adopted by this Senate last year. Also in the reports that are required, it would mandate that the conditions on the ground be set forth by the President and whether those conditions would lead to the phased redeployment of our ground combat force. It is a reporting requirement.

In conclusion, this is not the amendment which we referred to last week because there is no reference in this reporting amendment anymore to a sense-of-the-Senate resolution. The original form of this amendment had a reference to a sense-of-the-Senate resolution. That was ruled not to be in order by the Parliamentarian. We have, therefore, dropped the sense-of-the-Senate reference. This is now exclusively a reporting amendment. We hope the Senate will adopt this at the appropriate time.

Again, I thank the Chair and I thank our friends who are trying to keep this sequence and are managing this bill. We appreciate their courtesies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to lay aside the pending amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 3723 AND 3724, EN BLOC

Mr. SCHUMER. Mr. President, I send two amendments to the desk en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendments numbered 3723 and 3724.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3723

(Purpose: To appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers)

At the appropriate place, insert the following:

SEC. . MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.

(a) FEDERAL TRADE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "FEDERAL TRADE COMMISSION SALARIES AND EXPENSES" under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $10,000,000.

(2) USE.—Of the amount appropriated for "FEDERAL TRADE COMMISSION SALARIES AND EXPENSES", as increased by paragraph (1), $10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "COMMODITY FUTURES TRADING COMMISSION" under the heading "RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION" of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), $10,000,000.

(2) USE.—Of the amount appropriated for "COMMODITY FUTURES TRADING COMMISSION", as increased by paragraph (1), $10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) SECURITIES AND EXCHANGE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES " under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $5,000,000.

(2) USE.—Of the amount appropriated for "SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES", as increased by paragraph (1), $5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) ENERGY INFORMATION ADMINISTRATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "ENERGY INFORMATION ADMINISTRATION" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $10,000,000.

(2) USE.—Of the amount appropriated for "ENERGY INFORMATION ADMINISTRATION", as increased by paragraph (1), $10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) ENERGY SUPPLY AND CONSERVATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "ENERGY SUPPLY AND CONSERVATION" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $315,000,000.

(2) USE.—Of the amount appropriated for "ENERGY SUPPLY AND CONSERVATION", as increased by paragraph (1), $315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "SALARIES AND EXPENSES" under the heading "GOVERNMENT ACCOUNTABILITY OFFICE" of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109–55), $50,000.

(2) USE.—Of the amount appropriated for "SALARIES AND EXPENSES", as increased by paragraph (1), $50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A); and

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry.

(g) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 3724

(Purpose: To improve maritime container security)

At the appropriate place, insert the following:

SEC. ___. MARITIME CONTAINER SECURITY.

(a) MARITIME CONTAINER INSPECTIONS.—

(1) IN GENERAL.—Beginning on the date on which regulations are issued under subsection (d), a maritime cargo container may not be shipped to the United States from any port participating in the Container Security Initiative (CSI) unless—

(A) the container has passed through a radiation detection device;

(B) the container has been scanned using gamma-ray, x-ray, or another internal imaging system;

(C) the container has been tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device; and

(D) the images created by the scans required under subparagraph (B) have been reviewed and approved by the Office of Container Evaluation and Enforcement established under subsection (b).

(2) MODEL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall model the inspection system described in paragraph (1) after the Integrated Container Inspection System established at the Port of Hong Kong.

(B) NEW TECHNOLOGY.—The Secretary is not required to use the same companies or specific technologies installed at the Port of Hong Kong if a more advanced technology is available.

(b) CONTAINER EVALUATION AND ENFORCEMENT UNIT.—

(1) ESTABLISHMENT.—There is established, within Bureau of Customs and Border Protection of the Department of Homeland Security, the Office of Container Evaluation and Enforcement, which shall receive and process images of maritime cargo containers received from CSI ports.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, $5,000,000, to remain available until expended, to hire and train customs inspectors to carry out the responsibilities described in paragraph (1). The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(c) PORT SECURITY SUMMIT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall convene a port security summit with representatives from the major international shipping companies to address—

(1) gaps in port security; and

(2) the means to implement the provisions of this section.

(d) RULEMAKING.—

(1) DRAFT REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives, draft regulations to carry out subsection (a) and a detailed plan to implement such regulations.

(2) FINAL REGULATIONS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final regulations to carry out subsection (a).

Mr. SCHUMER. Mr. President, I will be brief and explain the amendments. I thank my friend from Texas and others for allowing me to go ahead.

AMENDMENT NO. 3723

The first amendment is a very simple one. It asks the GAO for a report that includes a review of the mergers between ExxonMobil, ChevronTexaco, ConocoPhillips, and other significant mergers in the oil industry that have occurred since 1990, to look at the impact that vitiating the mergers would have on market concentration, market power, wholesale and retail petroleum prices, and an assessment of the impact of prohibiting any one company from simultaneously owning assets in each of the oil industry sectors: exploration, refining, and distribution.

To me, very simply put, one of the problems—not the only one—we have is we have allowed the oil industry to become too concentrated, letting the No. 1 and No. 2 companies merge because there was a lull in the market at a given time, and then letting No. 3 and No. 4 merge. The second largest foreign company, which I think is the sixth largest American company, all created too much concentration. I think it is one of the reasons that these days we see the price as high as it is.

The prices are sticking. When the spot market goes up, the price immediately goes up; when the spot market goes down, the price takes a long time to go down. When Katrina affected Tennessee, Kentucky, Ohio, and Illinois, and they get most of their oil from the gulf, the price goes up the same amount in California.

I think it is high time that we reviewed these mergers. I don't know if they can be undone. I don't know what the effect would be, but to sit here and shrug our shoulders at this recent phenomenon of mergers doesn't make much sense. This amendment asks that a review be done.

The amendment would also provide more funding to the Energy Information Agency to assure accurate, real-time collection of price and data supply. I think we are not getting that kind of accurate information.

The big oil companies like to be shielded behind the wall of conflicting data and interesting jargon. It is too easy for them to pull the wool over consumers' eyes. The EIA is a nonpartisan governmental agency. This amendment would allow better information to come forward and make sure that we do the right thing.

AMENDMENT NO. 3724

The second amendment deals with port security. I know my colleague from New Jersey has offered one. I have been involved in this issue for a long time, as has he. When I went with my friend from South Carolina, Senator GRAHAM, to Hong Kong to visit the ports there, I was utterly amazed at the port security system they have. It showed that we could have speed both in commerce and security. Their checking of containers for nuclear and other types of devices, checking in a variety of different ways, and having computers crossmatch those ways is incredible.

My amendment would require that the system we saw—not the specific system but what the system does that we saw—be implemented at all container security initiative ports around the world within 3 years. There are 43 CSI ports. They account for 80 percent of worldwide container traffic. It would be a huge boon to preventing the worst that could befall our country, and that is a nuclear weapon be smuggled into our ports.

The amendment mandates that every container pass through the same type of layered screening system, as at the terminal port in Hong Kong. Every container must pass through an advanced radiation portal, internal imaging system, be tagged and cataloged with a label, an RRFI, or a GPS device. It would make us far more secure.

The second amendment also requires that Homeland Security send to Congress within 180 days a detailed plan on how to deploy this system.

Those are the two amendments. I look forward to debating them as we move forward.

I thank my colleagues from Mississippi, Washington, and Texas for their courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendments be set aside in order that I may call up the Kennedy amendments numbered 3716 and 3688.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENTS NOS. 3716 AND 3688 EN BLOC

Mrs. MURRAY. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KENNEDY, proposes amendments numbered 3716 and 3688 en bloc.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3716

(Purpose: To provide funds to promote democracy in Iraq)

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

AMENDMENT NO. 3688

(Purpose: To provide funding for the covered countermeasures process fund program)

At the appropriate place, insert the following:

SEC. . FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F-4 of the Public Health Service Act (42 U.S.C. 247d-6e), $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*, That amounts provided for under this section shall remain available until expended.

Mr. KENNEDY. Mr. President, this amendment No. 3716 provides $96 million for American non-governmental organizations helping Iraqis to create the essential building blocks of democracy. It also requires the Secretary of State to provide Congress with its short and long-term plans to strengthen democracy at the regional, provincial, and national levels in Iraq.

Last year, Iraq passed several important milestones on the long road to democracy. However, as important as the two elections and the referendum on the constitution were, they were not decisive, and it is far from clear that democracy is being firmly established in Iraq.

The process of building democratic institutions is different and requires patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. Constructive international engagement is essential as well in the case of Iraq. For a country as heavily repressed as long as Iraq, democracy will take even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the democratic gains that have been made so far.

American non-governmental organizations such as the National Democratic Institute, the International Republican Institute, the National Endowment for Democracy, IFES, formerly known as the International Foundation for Election Systems, the International Research and Exchanges Board and America's Development Foundation are well respected in Iraq and throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks their employees take by working in the war zone, the administration has made no long-term commitment to provide funding for their work in Iraq. Each organization operates on pins and needles, never knowing when their funding for Iraq operations will dry up.

The American non-governmental organization IFES has been in Iraq since October 2003. It has provided technical assistance in each of Iraq's elections so far, and it has been asked to provide such assistance for regional and provincial elections scheduled for April 2007.

It is also preparing for a possible second referendum on the constitution, and is assisting as well in the enactment and implementation of legislation governing the operations, of a new election council for local elections.

Inexplicably, funding will run out in June, and the administration has not yet committed any additional funds. None of the funds in this supplemental spending bill are set-aside for it, and none of the meager $63 million requested in the fiscal year 2007 budget for democracy-building is intended for IFES either. Our amendment would provide $20 million to sustain its democracy work in Iraq for the next 18 months, through the end of fiscal year 2007.

An independent media is also essential to a successful democracy. A U.S. non-governmental organization, the International Research and Exchanges Board, IREX, is working in Iraq to see that the Iraqi people have independent, professional, high quality news and public affairs information. To create an environment in which a free press can flourish, it is also seeking to establish a legal, regulatory, and policy environment that supports independent media.

IREX's funding for these important programs is also running out, and it will be forced to close its operations this summer, which would pull the rug out from under many struggling new press organizations in Iraq. Our amendment would provide $6 million to sustain IREX's democracy work in Iraq for the next 18 months.

In addition, the non-governmental organization America's Development Foundation provides essential aid to support and sustain civil society in Iraq. ADF and its partner civil society organizations in Iraq have provided training and assistance to thousands of Iraqi government officials at the national, regional, and local levels on issues such as anti-corruption, transparency, accountability, fiscal responsibility, whistleblower protection, and the development of non-government organizations.

ADF wants to continue its work, but its funding will end in June. USAID supports this work and has a contract pending, but it doesn't have the resources to do so. Our amendment provides $16 million to sustain its work over the next 18 months.

Similarly, the National Endowment for Democracy has no clear sense of what the future holds for them in Iraq.

Two of the endowment's core grantees—the Center for International Private Enterprise and the Labor Solidarity Center in Iraq—have important democracy promotion functions.

Since opening a regional office in Baghdad in October 2003, the Center for International Private Enterprise has worked to build capacity for market oriented democratic reform in Iraq. It has provided training and grant support to approximately 22 Iraqi business associations and chambers of commerce.

The Labor Solidarity Center works directly with Iraqi trade unions to develop skills in strengthening independent and democratic trade unions.

In addition, the endowment partners with 32 local organizations on the ground in Iraq to promote and sustain civil society projects on political development, raising awareness of women's rights, and encouraging the free flow of information to Iraqi citizens.

The endowment wants to continue working directly with the Iraqi people and be able to guarantee continuity in its democracy grants to Iraqi organizations. But no funding is set aside in this bill or in the fiscal year 2007 budget for its programs.

Our amendment provides $10 million to sustain the democracy programs of the Center for International Private Enterprise, the Labor Solidarity Center, and the Endowment for Democracy's local partners for 18 months.

Similarly, the International Republican Institute and the National Democratic institute are doing truly impressive work in Iraq under extraordinarily difficult circumstances.

The International Republican Institute programs in Iraq have focused on three principal goals: development of an issue-based political party system; establishment of the foundation for a more transparent and responsive government; and the emergence of an active and politically involved civil society.

The National Democratic Institute supports a number of democracy programs in Iraq as well, with emphasis on political parties, governance, civil society and women's rights. It has four offices in Iraq to promote these essential building blocks of strong democracy, and it works directly with Iraqi partners and hundreds of local civic organization.

Both IRI and NDI want to continue to build these essential links between the government and political parties, in order to enable the government to become more responsive and effective in addressing the needs of Iraq's people.

Despite the impressive contribution of these two Institutes to democracy in Iraq, neither is guaranteed future funding for its programs. The administration's budget provides only $7.5 million for each Institute—enough for just two months of operating expenses. Our amendment provides an additional $22 million for each institute's essential democracy programs in Iraq for the next 18 months.

Thousands of Iraqis are working hard, often at great risk to themselves, to develop civic groups, participate in political parties and election, and run for and serve in political office. The dramatic pictures of Iraqis waving their purple fingers after voting in past elections remind us of the enormous stakes.

Progress to avoid civil war and defeat the insurgency is directly related to progress on democracy-building, and ongoing work on this all-important issue must be a top priority.

We must be clear in our commitment to stand by these organizations that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

President Bush has called for patience in Iraq. He should heed his own advice. He can't speak about having patience for democracy in Iraq, and then cut funding for the groups who are assisting so capably in its development.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. By failure to guarantee continuity for their programs, we send a confusing signal that can only be harmful for this very important effort.

We are now spending more than $1 billion a week for military operations for the war in Iraq. At this rate, it would take the military less than 1 day to spend the $96 million provided in this amendment for democracy promotion. Surely, we can commit this level of funding for democracy programs over the next 18 months.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill, guaranteed continuity, and adequate resources.

It makes no sense to shortchange Iraq's political development. We need a long-term political strategy, and we must back up that strategy with the needed resources, if we truly hope to achieve a stable, peaceful and democratic Iraq.

Our amendment provides the resources necessary to ensure continuity in these democracy programs in Iraq, and I urge my colleagues to support it.

AMENDMENT NO. 3600

Mrs. MURRAY. Mr. President, I ask unanimous consent that those amendments be set aside and I ask for the regular order to consider Harkin amendment No. 3600.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mrs. MURRAY. There is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3600) was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3722, 3699, AND 3672 EN BLOC

Mr. CORNYN. Mr. President, I call up three amendments, 3722, 3699, 3672.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes amendments numbered 3722, 3699, and 3672 en bloc.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3722

(Purpose: To provide for immigration injunction reform)

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—IMMIGRATION INJUNCTION REFORM

SEC. 8001. SHORT TITLE.

This title may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 8002. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 8003. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 8002(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 8002(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 8002(b)(2)(D).

AMENDMENT NO. 3699

(Purpose: To establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program)

On page 200, line 21, insert "Provided further, That as long as $5,200,000,000 is provided under this heading no State shall be allocated less than 3.5 percent of the amount provided under this heading:" after "impacted areas:".

AMENDMENT NO. 3672

(Purpose: To require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricane Katrina or Rita)

At the end of chapter 7 of title II, insert the following:

NATIONAL EMERGENCY GRANTS

SEC. ___. In distributing unobligated funds described in section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) and appropriated for fiscal year 2006 for national emergency grants under section 173 of such Act (29 U.S.C. 2918) (not including funds available for Community-Based Job Training Grants under section 171(d) of such Act (29 U.S.C. 2916(d)), the Secretary shall give priority to States that—

(1) received national emergency grants under such section 173 to assist—

(A) individuals displaced by Hurricane Katrina; or

(B) individuals displaced by Hurricane Rita;

(2) continue to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1); and

(3) can demonstrate an ongoing need for funds to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1).

Mr. CORNYN. Mr. President, on amendment 3722, I ask unanimous consent that Senator KYL be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I know the hour is getting late, but I appreciate the opportunity to talk a little bit about the impact of Hurricanes Katrina and Rita on the State of Texas.

As a member of the Committee on the Budget, I am keenly aware of our fiscal challenges. During the consideration of the budget resolution, I had offered an amendment which would slow the growth of mandatory spending, hopefully to allow a little bit more flexibility so we can fund our Nation's priorities while we also manage our fiscal house.

The amendments I have offered that I wish to talk about at this time are No. 3699 and No. 3672. These amendments aim to make Texas whole from the 2005 hurricanes, and it won't cost the Federal Treasury a single dime more. They are specifically tailored to deal with the needs that are true emergencies in every sense of the word.

I need to set the record straight about some misperceptions with regard to the state of my State; in particular, the impact these two natural disasters, the worst storms in our Nation's history, Hurricanes Rita and Katrina, had on the State of Texas.

Although the State was not hit directly by Hurricane Katrina, it was significantly affected by that storm. It came in a flood of evacuees fleeing New Orleans after Hurricane Katrina. In a matter of days, the Texas population grew by roughly the size of an average U.S. city, some half a million people, many of whom you see pictured to my right in a picture of the Astrodome floor where the evacuees were housed temporarily. It is estimated that at one point, there were 17,500 people housed at the Astrodome. It was only one of four megasites in Houston to house evacuees. Another 4,000 were housed at Reliant Arena and 2,300 at Reliant Center. The George R. Brown Convention Center in downtown Houston took the remaining people, about 2,800 evacuees.

I have shown a picture of the city of Houston, but this is just one large concentration of the evacuees of Hurricane Katrina. We can show similar pictures of evacuation sites and housing sites all around the State. It was obviously no small feat to take care of the needs of these people who just had their homes and their lives taken away from them as they previously knew them.

I remember shortly after this occurred there were many people who would stop me here in the Senate, in the hallways of the Senate office buildings, around Washington, DC, and elsewhere and tell me how thankful and grateful they were that the people of Texas were so willing to take in their neighbors at a time of need.

The fact is, a large number of the people who have come to Texas in the wake of Hurricane Katrina are those with some of the greatest needs. That was true where they lived previously—many of them in Louisiana—and among the people were those with the greatest needs in our country in general. This shows thousands of people in Houston and elsewhere who were in wheelchairs. This man has a cane, and many of these individuals had special needs. They were not necessarily able-bodied when they came to the State. This obviously has put an incredible strain on Texas's local support systems in the midst of this flood, a flood of humanity.

This hurricane and the subsequent hurricane, Hurricane Rita, went straight up the Sabine River between Texas and Louisiana. I still remember talking to one of the computer scientists who had actually modeled the potential impact on the State if Hurricane Rita had not taken a right-hand turn and gone up right through southeast Texas. He said that if a category 4 hurricane hit Houston, there would be a minimum of $80 billion in additional property damage. Thank goodness that did not happen, and thank goodness there was no loss of life on a massive scale. But that was primarily because of the evacuation of the city of Houston and the fact that Mother Nature decided to spare Houston a direct hit while it took a right-hand turn straight up the Sabine River between Texas and Louisiana.

The coast, private property, critical infrastructure, and millions of lives were devastated by the storm. As this picture indicates—and I am sure the Senator from Mississippi and other Senators from other States directly affected can identify with the devastation we see here—this is just one example of the devastation in southeast Texas caused by Hurricane Rita.

In light of these two unprecedented events, Texas counties that were most seriously affected need help, like the other affected regions of our country that are more visible. I am sorry to say, notwithstanding all of the good work that has been done by the Federal Government, the reimbursements now range in the hundreds of thousands of dollars, but Texas has not been made completely whole as a result of these hurricanes.

I am deeply troubled by reports I have received from some that there is a widespread perception that Texas is doing just fine and that we somehow managed to absorb half a million people, including their needs for housing, food, security, health care, education, and employment, just to name a few, and that somehow some people still believe that Texas should have no special need for additional Federal assistance, no need to make the State whole or to have restored to us a reasonable portion of the resources we willingly gave and continue to give to our neighbors in need.

Consider that the parishes of western Louisiana that were most directly affected by Hurricane Rita—not Katrina—were granted a much more favorable Federal-State cost-sharing ratio of 90 percent Federal to 10 percent State versus the 75/25 that was granted to Texas. The counties in southeastern Texas were denied that same benefit, even though their damage was similar and they suffered a similar impact. The only difference we are talking about here is on which side of the Sabine River these counties were located.

I am in no way minimizing the devastation and destruction that affected places such as New Orleans and Mississippi, Alabama, and elsewhere. They have suffered tremendously. But the people of Texas have experienced their share of destruction, as well. So I take this opportunity for a few moments to provide my colleagues with a summary, a snapshot of the current situation in Texas nearly 9 months after half a million evacuees flooded our State.

Based on FEMA registrations, an estimated 450,000 to 490,000 Katrina evacuees currently remain in Texas. Approximately 5,900 are individuals with essential needs that I mentioned a moment ago, those who are mentally or physically disabled, frail, or otherwise require special care. Approximately 286,000 of the evacuees are still housed in Texas hotels. Approximately 130,000 of them are in rental housing. Only 27,000 housing units are now even available to the Texas Department of Housing and Community Affairs.

Many Texas communities were hit with a one-two punch: first, providing shelter to half a million Katrina evacuees and then suffering enormous devastation from Hurricane Rita themselves. Funds are needed to provide housing assistance to Texas residents whose homes were damaged by Hurricane Rita and to assist the nearly 400,000 residents of Louisiana, Mississippi, and Alabama who continue to reside in Texas, albeit on a temporary basis.

Unfortunately, Texas only received $74.5 million of the $11.5 billion made available in the community development block grants in last year's Defense appropriations bill. The Department of Housing and Urban Development has estimated that more than 27,000 homes in southeast Texas and 75,000 homes throughout the State were damaged or destroyed while thousands of businesses suffered heavy damage resulting in more than $1 billion in loss. I have offered an amendment that ensures Texas and all other States affected by hurricane devastation receive no less than 3.5 percent of the $5.2 billion included in the bill for CDBG.

I note that Senator LANDRIEU, from Louisiana, is one of the consponsors of that amendment.

Considering Texas has taken in almost half a million evacuees, it seems reasonable we would receive a modest 3.5 percent of the funds allocated for housing.

With regard to jobs and welfare, currently about 62,000 evacuees are receiving food stamps from the State of Texas allotment. Of these, 97 percent are from Louisiana. Sixty-one percent of the food stamp recipients stated in a poll that they expected to return to their State within 3 months. Yet notwithstanding their response to the poll, they remain in Texas, and we must provide for them. Texas Workforce Commission has worked diligently to process more than 60,000 unemployment claims from Louisiana. Yet there are thousands more who will need employment training skills as they remain in our State.

One of the amendments I have offered directs the Secretary of Labor to prioritize States that have taken in Hurricane Katrina and Rita evacuees when distributing the remainder of fiscal year 2006 national emergency grants.

I note that Senator HUTCHISON has joined me as cosponsor. I ask unanimous consent that she be added as a cosponsor to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. With regard to health care to help accommodate the large influx of people to Texas, my State was given a waiver by the Centers for Medicare and Medicaid Services that allows the State to reimburse providers who incurred costs for uncompensated health care. Evacuees at any income level who did not have insurance coverage were provided medically necessary health care through this waiver. Texas provided evacuees health care, long-term care, prescription medicines, and medical transportation through two programs, Medicaid and the Uncompensated Care Program. Those not eligible for the Medicaid Program but who had incomes below a certain cutoff were provided coverage under the Uncompensated Care Program.

I next will talk about education. This chart depicts an evacuee, a young lady who is showing up for elementary school. There were 45,099 Katrina evacuees enrolled in Texas on October 13. Today, there are still about 36,000 Katrina children in our public schools alone. The photo next to me depicts one of the many such centers that were quickly established at conference centers and temporary shelters to register children who had evacuated to our State. Each of these children represents a cost of about $7,500 a year for the State of Texas to educate.

Furthermore, approximately 5,000 Katrina evacuees are currently enrolled in Texas public universities and colleges. I give special credit to Texas institutions of higher education that took in students and faculty from other States with limited reimbursement.

This massive evacuation, this wave of humanity, also has had an impact on crime in our State. According to a recent news article, evacuees have been victims of or accused of committing 39 of the 235 murders in Houston since last September, according to Houston's police chief, Harold Hurtt. In the month of January, Houston saw a 34-

percent rise in felonies over the previous year. This city had 800 officers retire in the past 2 years; it recently moved 100 officers working in city jails to high-crime areas while also significantly increasing overtime. It is no small thing to reallocate those resources which are already stretched thin.

Texas has given generously of its resources to our neighbors during a time of need. That is something we will continue to do and that we are enormously proud of. I have made a commitment to the people of my State that I will do all I can to ensure that the affected communities are reimbursed for the cost of providing care to victims of Katrina and that those affected by Hurricane Rita will receive fair treatment as they also face the daunting task of rebuilding their lives.

This shown here is another picture. Here again, I am sure the Senator from Mississippi recognizes this kind of devastation, with cars turned on end as a result of the force of the storm in southeast Texas. I am talking now about Hurricane Rita again.

When the good people of my State signed up for helping their neighbors, they were in it for the long haul. We will continue to support the evacuees who come to our State, even as we work to recover ourselves from Hurricane Rita. But I am here to make sure we have the tools and the resources necessary to do the job right.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Washington.

AMENDMENT NO. 3599

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I call up amendment No. 3599 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will please report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LUGAR, for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN, proposes an amendment numbered 3599.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by $8,000,000 and deposit in the Former Soviet Union Threat Reduction Account the amount appropriated for Cooperative Threat Reduction)

On page 117, between lines 9 and 10, insert the following:

SEC. 1312. (a) The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for Cooperative Threat Reduction is increased by $8,000,000.

(b) Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for Cooperative Threat Reduction, as increased by subsection (a), $44,500,000 shall be deposited in the Former Soviet Union Threat Reduction Account and shall remain available until September 30, 2008.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mrs. MURRAY. Mr. President, this amendment, which is offered by Senator LUGAR and Senator OBAMA, restores full funding for the President's supplemental request for the Nunn-Lugar programs, at a total cost of $8 million. This amendment will allow upgrades to Russian nuclear warhead storage facilities to be completed on time.

The House-passed bill contained full funding for the Nunn-Lugar programs. This amendment would square us with the House level.

This amendment has 34 cosponsors—10 Republicans, 23 Democrats, and 1 Independent.

My understanding is that this amendment has been cleared on both sides of the aisle. I ask that it be considered by voice vote and adopted at this time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment has the support of this side of the aisle, and we join in the request of the Senator from Washington.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3599) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3708

Mrs. MURRAY. Mr. President, on behalf of Senator BYRD, I call up amendment No. 3708 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BYRD, proposes an amendment numbered 3708.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional amounts for emergency management performance grants, and for other purposes)

At the appropriate place, insert the following:

TITLE —— DISASTER MANAGEMENT AND MITIGATION

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for necessary expenses for "Emergency Management Performance Grants", as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $130,000,000, to remain available until expended: *Provided*, That the total costs in administering such grants shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

FLOOD MAP MODERNIZATION FUND

For an additional amount for "Flood Map Modernization Fund" for necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), $50,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

NATIONAL PREDISASTER MITIGATION FUND

For an additional amount for "National Predisaster Mitigation Fund" for the pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

SEC. —001. Notwithstanding any other provision of this Act, the amount provided for "Diplomatic and Consular Programs" shall be $1,172,600,000.

Mrs. MURRAY. Mr. President, I believe we have no other amendments Senators want to offer on our side tonight.

I ask our colleagues on the other side if they have any further amendments to offer tonight.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank all Senators for the cooperation we received during today's consideration of amendments to H.R. 4939, the emergency supplemental appropriations bill. We have taken up a lot of amendments to the bill, and we have heard a lot of debate. We know this will continue probably on into next week before we complete action on the bill. But we look forward to considering any suggestions that Senators have for improving the legislation. We would just as soon they did not spend a lot of time finding ways to improve the bill. But we think we made good progress today.

We thank all Senators and especially Senator MURRAY for her help in managing the bill today. Senator BYRD, the ranking Democrat, the senior Democrat, on the committee, has been a friend for a long time, and I have appreciated his help and counsel and advice and assistance as well.

I know of nothing further to come before the Senate, so we will await the advice of the leader before any further action is taken.

Mr. NELSON of Florida. Mr. President. Florida was hit by four hurricanes in 2005, a devastating year for killer storms. Starting with Delmis in July, followed by Katrina in August, Rita in September, and finishing with Wilma in October, when the hurricane season finally ended, 39 of Florida's 67 counties had been declared Federal disaster areas. In the aftermath, 40,000 roofs were repaired by the Army Corps; "Blue Roof" program and approximately 3,000 temporary trailers were used as housing for Floridians left homeless by the storms.

While I am emely appreciative of the assistance extended to Florida by this body, today I joined Senators CORNYN and HUTCHISON of Texas and Senator LANDRIEU of Louisiana on an amendment to H.R. 4939, the supplemental appropriations bill, which ensures no State will receive an allocation ofless than 3.5 percent of the $5.2 billion included in this bill for disaster Community Development Block Grant funds. This is extremely important to the panhandle of Florida because the last suppemental appropriation bill of fiscal year 2006 did not include Hurricane Dennis.

After Dennis made landfall, 27 percent or over 12,000 homes were damaged in Santa Rosa County the same region decimated by Hurricane Ivan in 2004. Escambia County suffered $73.8 million in damages from Dennis. Franklin County's oyster beds and processing plant were nearly destroyed. Parts of Wakulla County were left under water by storm surges of more than 10 feet. I have not forgotten Dennis' victims and want them to know I am fighting for them.

South Florida will also benefit greatly from additional CDBG dollars. With total insured losses of $8 billion, Wilma is ranked the second most expensive hurricane among the eight to strike Florida during 2004 and 2005.

I thank the committee for crafting language in the bill we are now considering which would make communities impacted by Dennis eligible for relief. Further, I note the House did not include similar language and urge my colleagues in the Florida delegation to fight to keep the Senate provision intact during conference.

Mr. BURNS. Mr. President, I wish to take a moment this afternoon and discuss this supplemental and the need to restore some fiscal responsibility to this body. America has had some big challenges thrown at it over the last 5 years 9/11, the war on terror, and Hurricane Katrina and those challenges have required some commitment from the Federal Treasury. I accept that. But Congress can not continue to spend without restraint, and this administration can not continue to rely on the use of emergency supplementals to circumvent the congressional budget process.

When the President sent his budget request for fiscal year 2007 up to Congress, the administration indicated that Congress should expect some emergency supplemental requests as well. On February 16, the administration asked for $92.2 billion in emergency funding for the war on terror and hurricane recovery. I think we need to ask some tough questions about budget processes and emergency funding requests. Do all of these dollars truly belong outside the normal budget and appropriations debate? I support the war on terror, and I am sympathetic to the devastation caused by the hurricanes, but neither of those events justifies a blank check from Congress.

The President has asked for $92.2 billion, and I think that—at a minimum—we need to work our way back to that number in conference. We need to take a careful look at all of the President's requests, as well as the priorities that other Senators have, and make a decision as to whether these provisions are truly emergency needs.

I realize that some of my colleagues might take exception to these comments, since I have pushed for agricultural disaster assistance. I believe the most important component of that package is the energy assistance payments, to help farmers manage unprecedented increases in the cost of fuel and fertilizer price increases that were caused in large part by the hurricanes. Congress has been generous in addressing gulf coast recovery, but we cannot address some of the impact while leaving others to absorb the full impact of an unforeseeable disaster. Producers have waited and waited, watching one supplemental after another go by without their legitimate concerns being addressed.

Budgets are about priorities—allocating the right amount of money to the right places at the right time for the right reasons. We have limited resources, and we need to allocate them wisely. I am confident that, working in good faith with our colleagues in the House and the administration, we can bring the overall dollar figure down, while still addressing the truly pressing needs that are out there.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I had hoped we could have made further progress on the emergency supplemental bill. Unfortunately, today we were only able to dispose of two amendments with rollcall votes—only two amendments. I am disappointed that the Senator from Oregon prevented us from voting on some of the amendments that had been in the queue, in line, and ready for votes.

Having said that, we know this is an emergency bill, supplemental emergency spending. Time is of the essence. Tomorrow there is a retreat on the other side of the aisle, and therefore we will not be able to make further progress. For that reason, I will send a cloture motion to the desk to ensure we can finish this emergency bill at a reasonable time next week.

CLOTURE MOTION

I now send that cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING CRAIG WILLIAMS

Mr. McCONNELL. Mr. President, I rise today to congratulate a distinguished Kentuckian who has been honored with a very distinguished award. I understand that philanthropist Richard Goldman got the inspiration for the Goldman Environmental Prize after reading about the winners of the Nobel Prize, and wondering why there was no equivalent for extraordinary efforts to conserve our natural environment.

Now, less than two decades since its inception, the Goldman Environmental Prize has risen to rival the Nobel as a marker of achievement. Every one of this year's winners fought to protect the environment in a way that affected the lives of thousands, if not millions, of others, often alone and at great personal cost. All of them have my admiration. And I am grateful the Goldman Environmental Prize will continue to recognize and reward conservationists who protect the land, and promote the well-being of the people who use it.

All of that said, I speak today for one reason. Craig Williams has been a friend for over 20 years, and an inspiration. Craig won this award because he dared to speak out against an immovable, hidebound bureaucracy—the Department of Defense—and he won. He is proof that, sometimes, David really can slay Goliath. This year, he has been honored as the North American recipient of the Goldman Environmental Prize.

For 20 years, Craig's vigilance has proven invaluable in ongoing efforts to ensure the Department of Defense destroys its hundreds of tons of chemical weapons as safely and efficiently as possible. These deadly materials are stored at Blue Grass Army Depot, which is near Craig's home in Berea, KY, and at several other locations across the United States. Thanks to his activism, we are closer than we ever have been to taking tangible steps towards removing these heinous weapons from the face of the Earth once and for all.

Craig's biggest fans are his neighbors, the people of Madison County, KY. To them, Craig is an absolute hero. Imagine if you lived just a short distance away from over 500 tons of the deadliest materials ever conceived by man, VX nerve agent. As little as 10 milligrams of VX will kill a human being. That is about the mass of 10 grains of sand. If inhaled, death is immediate.

Too many people have lived for too long with that mortal threat hanging over them. Thanks to Craig, they can see light at the end of the tunnel.

Obviously, Craig is very effective. But let me explain why he is so effective. First of all, he is tenacious. After 20 years of commitment to this cause—with little or no pay or recognition—he and the nationwide group of concerned citizens he founded, the Chemical Weapons Working Group, are more active than ever.

A lot of people come to Congress every day with dire warnings about this or that issue. And a lot of them turn out to be Chicken Littles, warning about a sky that never falls. Craig is no Chicken Little. He is credible, because he knows what he is talking about. I listen to Craig, as do my Senate colleagues, because he is so often right.

The work Craig and I have done together is a perfect model for how government can and ought to work with the people it serves. Too often, collaboration between lawmakers and informed citizens—also known as lobbyists, please excuse my language, I know that is a dirty word—is portrayed as unethical or sleazy.

The truth is that the vast majority of people who come to Congress for help are people like Craig Williams. They have a lot of passion, a lot of knowledge, and want to persuade the government to use its power for their cause.

Craig's cause is just, and his advocacy is persuasive. When Craig tells me something, I know it is worthy of consideration, and I will be inclined to move the levers of government to get the results he and I want. For 20 years I have been happy to do just that. Government works because of people like Craig Williams.

I ask my colleagues to join me in congratulating Craig Williams on this well-deserved honor.

A TRIBUTE TO THE NEPALI PEOPLE

Mr. LEAHY. Mr. President. I want to speak briefly about recent events in Nepal.

As Senators are aware, last February 1 King Gyanendra seized absolute power, dissolved the multiparty government, and imprisoned his political opponents. He justified his power grab as necessary to bring peace and democracy to that impoverished Himalayan nation that has been in the throes of a bloody conflict with Maoist insurgents for a decade.

Yet, as many predicted, in the past year the Maoists have gained strength while Nepal's fledgling democratic institutions have been badly weakened. Finally recognizing that the King's real purpose was to consolidate his own power and take the country back to the feudal days of his father, the people lost patience.

Over the past few weeks, hundreds of thousands of Nepali citizens took to the streets in a show of defiance and braved bullets, clubs, and tear gas to force the King to back down.

Tomorrow, Nepal's Parliament will reconvene and it is expected to begin discussion of a date for the election of a constituent assembly to draft a new constitution. Among the key issues to be addressed is what role, if any, the monarchy will have in Nepal's democratic future. Another necessary step will be to guarantee the army's subservience to civilian authority.

I wish to pay tribute to the people of Nepal. They have suffered for generations from poverty, discrimination, corruption, and repression. Yet through it all they have persevered, and they have shown that not even the most recalcitrant despot who uses the national army as his own palace guard can withstand the will of the people when they are prepared to risk their lives for freedom.

Today, Nepal begins a new chapter in its history. The future is far from certain and the road ahead is filled with potential pitfalls. But no one can doubt the opportunity that this moment offers, nor the importance of what is at stake for Nepal.

It is up to Nepal's political parties, whose leaders have too often put their own personal ambitions ahead of the good of the country, to show that they have a practical vision for the future and that they can govern. In a democracy that means dialogue, it means tolerance, it means compromise, it means acting in good faith as representatives of the people, it means keeping one's commitments, and it means being willing to step aside for the next generation when it is their turn.

The Maoists must also recognize that the Nepali people's foremost desire is peace. The Maoists have announced another cease-fire, which is welcome, but there is no justification for any return to violence. Too many innocent people have died and too many Nepali families have suffered needlessly. It is time for the Maoists to renounce violence and join in a national dialogue to restore democracy and develop a strategy to address the root causes of the conflict.

The international community, particularly India, the United States, Great Britain, China, and the United Nations, also have an important role to play in supporting Nepal at this critical time. Like Afghanistan, East Timor, and other unstable countries emerging from years of conflict, Nepal will need technical assistance for the election of a constituent assembly and the drafting of a new constitution. It will need international monitors of the cease-fire and of the observance of human rights by both Maoists and the army. It will need resources to help build the institutions of democracy and to hold accountable those on both sides of the conflict who are responsible for atrocities.

During the 5 years of his troubled rein, King Gyanendra took Nepal to the brink of disaster. He stubbornly ignored the pleas of Nepal's friends. He shamelessly used the army to trample on the people's cherished rights. He squandered his opportunity to continue on the path of his predecessor to nurture democracy and help guide Nepal into the 21st century.

The Nepali people, 15 of whom gave their lives in the protests, want nothing less than a democratic future. They want a government that respects the worth of every Nepali, regardless of the family they come from, their ethnicity, religion, gender or profession. It is time for Nepal's leaders to show that they are worthy of the Nepali people's confidence and support.

SEVEN YEARS AFTER COLUMBINE

Mr. LEVIN. Mr. President, last Thursday marked the seventh anniversary of the tragic Columbine High School shooting. None of us will forget the sight of hundreds of terrified students running out of their high school while police and S.W.A.T. team members frantically searched for 2 young gunmen who, before taking their own lives, had murdered 12 innocent children, a teacher, and wounded 2 dozen other students.

In the aftermath of the Columbine tragedy, I said I would try to make a statement each week on the issue of commonsense gun safety to help draw attention to an issue that, unfortunately, continues to go unaddressed. Heidi Yewman, who graduated from Columbine High School 13 years before the shooting, wrote about her frustrations and the lack of congressional attention to this issue in a recent newspaper editorial. As she put it, "This summer I will attend my 20-year high school reunion, and Topic A will be as it has been for the past seven years the massacre and what hasn't happened since." I will ask that the text of Ms. Yewman's editorial be printed in the RECORD.

One of the things mentioned by Ms. Yewman that hasn't happened since the Columbine High School shootings is a Federal requirement of a background check on the sale of all firearms, including those that are sold at gun shows. Under current law, when an individual buys a firearm from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a gun. However, this is not the case for all gun purchases. For example, when an individual wants to buy a firearm from another private citizen who is not a licensed gun dealer, there is no Federal requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show.

During the 108th Congress, I cosponsored an amendment that passed the Senate which would have required background checks on all firearms sold at gun shows. However, when the Senate passed the amendment, the National Rifle Association and its allies in the Senate then removed their support for the underlying bill and it was defeated. Unfortunately, the Senate has failed to address this important gun safety issue since.

In the years since the Columbine High School shootings, Congress has also failed to renew the 1994 assault weapons ban. On September 13, 2004, this legislation was allowed to expire, allowing 19 previously banned assault weapons, including the TEC–9 handgun used by the Columbine shooters, and other firearms with military style features to be legally sold again.

I have cosponsored legislation to reauthorize and strengthen the assault weapons ban. Last Congress, the Senate adopted an amendment to reauthorize the assault weapons ban for 10 years. However, like the amendment to close the gun show loophole, the bill to which the amendment was attached was later defeated, and despite the fact that a bipartisan majority of Senators voted to support reauthorizing the ban on assault weapons, the Republican leadership has refused to schedule another vote on the issue.

Mr. President, the threat of gun violence in our schools and communities has not diminished. Last week alone, as families and friends remembered those who were lost in the Columbine shootings, law enforcement officials apparently thwarted planned Columbine-style school shootings in Kansas, Alaska, Mississippi, and Washington. According to published reports, students in at least two of these small towns had already acquired the guns and ammunition necessary to carry out such an attack.

Were it not for the courage of the students who stepped forward to report violent threats from their fellow students and the investigative work by law enforcement officials that followed, another community might well have had to face the horror that the residents of Littleton, CO, faced 7 years ago. Congress must take up and pass common sense gun safety legislation to help prevent such tragedies from occurring in the future.

I ask unanimous consent that the before-mentioned editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbian, Apr. 16, 2006]

LOCAL VIEW: GUN ADVOCATES IGNORE LESSONS OF COLUMBINE

(By Heidi Yewman)

This summer I will attend my 20-year high school reunion, and Topic A will be as it has been for the past seven years—the massacre and what hasn't happened since.

Seven years ago, this Thursday (April 20), two teenage gunmen massacred 12 students and one teacher at my school, Columbine High in Colorado. That teacher, my high school basketball coach Dave Sanders, bled to death after being shot in the chest; 24 other people were injured.

It was a terrible, sad day that sparked massive debate regarding guns and gun laws in the United States. Much discussion also centered on the nature of high school cliques and bullying, violent movies and video games, but mostly on guns like the two shotguns, the assault rifle, and the TEC–9 assault pistol that the two troubled kids at Columbine used to shoot their victims before killing themselves.

So what exactly has changed as a result of all that despair, discussion and debate?

Virtually nothing.

Colorado and Oregon immediately passed initiatives requiring background checks at gun shows. Today 32 states still do not require background checks on gun purchases at gun shows including Washington.

The Federal Assault Weapons Ban expired in 1994 and was not renewed, putting guns like TEC–9s back on the streets.

In 2005 Congress passed and the president signed into law a measure that, astonishingly, provides immunity from prosecution for gun manufacturers and sellers.

The National Rifle Association is pushing hard to pass "take-your-guns-to-work" laws in all 50 states that would turn companies into criminals if they barred guns on their private property. So far the legislation has been introduced in 11 states.

Seven states have passed legislation that eliminates a citizen's duty to avoid a threat, and allow the use of deadly force before other options when a gun user simply feels threatened.

You've got to give the NRA credit. It is an effective lobbying organization that fights hard for its beliefs and has enjoyed remarkable success in the past seven years. But at what price? If only common sense had lobbyists.

A MASSACRE EVERY DAY

Since the Columbine tragedy, 210,000 people have died in America due to gun violence, and school shootings continue to occur without much notice. Can you even remember the names of the schools where kids were shot and killed in the past seven years? It's become routine news, sandwiched between the latest from Iraq and the weather.

Since 9/11, America has monitored library cards, listened in on cell phone calls, tracked fertilizer purchases, and made us take our shoes off before boarding an airplane, but it has done almost nothing to make it harder for either terrorists or criminals to buy guns. We continue to put the right to own a TEC–9 over common sense precautions to protect our nation and our kids. I find such inaction inexcusable.

Columbine did mobilize millions of moms across the nation, and a small, vocal minority is railing against this country's gun culture. In March, 32 states received grades of

D's or F's in the Brady Campaign's 2005 annual report card. Washington state earned a D-plus and Oregon got a C-minus because they haven't passed common sense gun laws that protect our children and families. Do we perhaps think that, because our memories have faded, the threat is any less real? Don't we know that 10 of the 19 school shootings since Columbine happened in the spring? Didn't Benjamin Franklin say that the definition of insanity is doing the same thing over and over and expecting different results?

On April 20, 1999 I saw my high school turned into a morgue for innocent teenagers. I truly thought the carnage would prompt some meaningful change.

I was wrong.

I guess we're all just hoping that our child, our school isn't next. But wishing won't make it so. What we can do is call on our legislators to pass a law requiring background checks at gun shows in 2007, legislation that we have been trying to pass in Washington since Columbine.

I wonder if at my 30-year reunion the massacre at Columbine High School will still be "the worst school shooting in U.S. history."

Sadly, I doubt it.

WELCOMING HIS EXCELLENCY ILHAM ALIYEV, THE PRESIDENT OF AZERBAIJAN

Mr. BROWNBACK. Mr. President, the Senate recognizes Azerbaijan as a key ally in a region of significant importance and a valued partner to the United States. Under President Ilham Aliyev's leadership, Azerbaijan has made important contributions in Iraq, Afghanistan, and Kosovo. He supports efforts to combat terrorism, speed integration of Azerbaijan into Western institutions, and is committed to working with the United States in developing democracy and civil institutions in Azerbaijan.

President Aliyev is in Washington this week to meet with President Bush, senior Administration officials, and key congressional leaders to discuss the promotion of democracy, regional cooperation, energy security and diversification, and our Nations' commitment to working closely together to advance freedom, security, and economic independence.

Specifically, the Senate welcomes the fact that Azerbaijan is rapidly developing its national economy, growing at a rate of about 26 percent annually since 2004, which contributes to the alleviation of poverty and reaching the millennium development goals; is completing the one mbpd Baku-Ceyhan, BTC, oil pipeline and Baku-Erzerum, SCP, natural gas pipeline, set to increase energy exports and availability for the United States and its allies; and welcomes encouragement by the United States to assist the people of Azerbaijan in establishing a fully free and open democratic system, a prosperous free market economy, and its rightful place in European and Euro-Atlantic institutions, including the North Atlantic Treaty Organization, NATO, and World Trade Organization, WTO.

The Senate welcomes President Ilham Aliyev upon his first official visit to Washington and thanks him for coming.

NORTH KOREA FREEDOM DAY

Mr. BROWNBACK. Mr. President, this week the North Korean Freedom Coalition, a bipartisan coalition of NGOs and individuals, will be organizing a rally on Capitol Hill at noon on Friday, April 28, 2006, in recognition of North Korea Freedom Day.

Largely through the persistent efforts of the coalition and many others across the country, there has been an upsurge of interest in North Korea with Americans and particularly the faith communities. Members of Congress, North Korean defectors, NGO leaders from the USA, South Korea, and Japan have been holding rallies, testifying before Congress, and personally sharing their stories with others and the press to help support the plight of North Koreans and, in particular, the refugees in China and elsewhere. Thousands will gather to stand up for the freedom, human rights, and dignity of the North Korean people.

Since the Stalinist country disclosed several years ago that it had renewed efforts to develop nuclear weapons, not a single day goes by without Pyongyang carrying out more reckless deeds to escalate the crisis or exchanging hostile threats with Washington, DC. With the six-party talks dissolving without any progress, the current nuclear standoff seems poised to continue, if not deteriorate. Many people point out, and correctly so, the need for more scholarship on the nuclear threat that North Korea poses not only to East Asia but also to the world.

The sad truth, however, is that amid the discussion of regional security and nuclear nonproliferation for South Korea, Japan, and China, as well as the war against terrorism for the United States, a central part of this issue has been neglected: the human rights of North Koreans.

It is hard to imagine a country whose citizens endure a worse or more pervasive abuse of every human right. The Government prohibits freedoms of speech, press, assembly, association, religion, movement, and more. The draconian penal code stipulates capital punishment and confiscation of assets for a wide variety of "crimes against revolution," including defection, attempted defection, slander of the policies of the state, listening to foreign broadcasts, and possessing "reactionary" printed matter.

Those who escaped political concentration camps tell stories of horror beyond imagination. Prison guards kill newborn babies in front of their mothers. A female prisoner dies after being beaten by prison guards like a soccer ball, with her wounds filled with maggots. Molten metal is poured on Christians who refuse to disavow their faith. The open goal of these camps, detaining political dissidents whose loyalty to the party is "beyond recovery," is to eradicate three generations of their inmates. An estimated 1.5 million prisoners have been killed in the camps. Approximately 200,000 are currently imprisoned.

Those who risk their lives and succeed in escaping to China to find food and freedom are not better off. The Chinese Government continues to violate refugees' rights and repatriates them to North Korea, where they will most likely face persecution; North Korean refugees are exploited by those around them who threaten to report them to the authorities. The sexual slavery of North Korean refugee women in China is an urgent human rights issue that has yet to attract the attention of the international community.

In 2004, Congress passed and the President signed into law the North Korean Human Rights Act. Since passage, much has been done and various provisions of the bill have been implemented. However, much more remains to be done, especially in fully funding the authorization contained in the bill. I ask that reports from State Department required by the Act be submitted to Congress. More importantly, it is absolutely critical that we allow North Korean refugees seeking refuge in the United States to be allowed to do so as per the provisions of the act and appropriate vetting processes. Nothing we do—not even funding—will produce more tangible results of improving the human rights of North Koreans than this gesture that is a long and hallowed part of our history and tradition. We are a nation that welcomes those facing persecution because we not only believe but practice the principal that "to whom much is given, much is required."

As the security concerns dominate headlines of all United States and international news media, the sufferings of 22 million North Koreans are missing from public awareness. It is in recognizing this desperate need for more awareness of the North Korean human rights that the coalition is organizing this timely and important event this week.

North Korean Human Rights Week will provide an opportunity for us to learn more about this tragedy that is occurring right this minute. I commend the organizers of the week, especially the members of the North Korean Freedom Coalition and its many volunteers who have given so much of their time in preparing for this important event.

It is time to shake ourselves off of shocked disbelief. And it is time to break out of apathy and ignorance and stand up for human rights in North Korea.

NATIONAL VOLUNTEER WEEK

Mr. HARKIN. Mr. President, as we celebrate National Volunteer Week, I would like to take a moment to recognize four individuals for their extraordinary service to the Everybody Wins! program in Iowa.

As many of my colleagues know, Everybody Wins! is a literacy and mentoring program for elementary school students. The program gives adults the opportunity to spend one lunch hour a week reading with a child in a public school. It is the ultimate power lunch.

Eight years ago, Senator JIM JEFFORDS recruited me to join him as a volunteer for the Everybody Wins! program in Washington, DC. The time I spend at Brent Elementary is the most important and rewarding hour of my workweek. My experience also convinced me of the need to expand this program to Iowa.

In 2002, Everybody Wins! Iowa was launched. The program began as a small pilot program in 3 public schools with 15 volunteers. From this modest beginning, the program has grown, and now serves more than 260 students in 11 central Iowa schools.

The success of the Iowa program is due to the dedicated services of many individuals. Today, I would like to recognize the service of four people who served as founding members of the board of directors and who have played a critical role in the development of Everybody Wins! Iowa.

Ray Walton was the initial spark to get the program started in Iowa. Ray recruited the organization's first executive director and served as one of the first volunteers in the program. He also served as vice president and later as president of the board of directors. His leadership and dedication guided Everybody Wins! Iowa in those important early days.

Wilma Gajdel served on the board of directors for 3 years. She is also the principal at Monroe Elementary, one of the three original Everybody Wins! schools. The input of educators is critical to the success of Everybody Wins!, and Wilma's guidance has been invaluable. The Everybody Wins! Iowa model was developed at Monroe under her careful eye and has been adapted successfully by other schools in central Iowa.

Drew Gentsch served as the organization's first treasurer. In addition, he is a volunteer reader at Monroe Elementary, the father of two young children, and a busy attorney. Drew has also served as the chair of the board's finance committee, and he contributed many hours as he led the hiring committee for the board's first executive director. His professionalism and attention to detail have helped the organization flourish and grow.

B. MacPaul Stanfield is another busy attorney and father of two. He has served as secretary of Everybody Wins! Iowa and is a volunteer reader at Monroe. He previously served as chair of the organization's personnel committee. Mac held one of the most important positions on the board as the person responsible for recording the minutes of the meetings and attending to the myriad of other details that go into the successful operation of a small nonprofit organization.

Service on a volunteer board of directors is not easy and requires hours of dedicated service. These four individuals gave generously of their time and talents to Everybody Wins! Iowa during its infancy. That service provided a strong foundation for the organization. As they leave the board, I wish to express my sincere gratitude for their dedicated and selfless service.

TRIBUTE TO JAMES MONROE

Mr. ALLEN. Mr. President, I am pleased today to recognize James Monroe, a Virginia patriot on the 248th anniversary of his birth and to honor his service to our Nation as a soldier, legislator and as the fifth President of the United States of America. I rise today to honor his undeniable legacy.

James Monroe, born April 28, 1758, Monroe attended the College of William and Mary, fought with distinction in the Continental Army, and practiced law in Fredericksburg, VA. As a youthful politician, he joined the anti-Federalists in the Virginia Convention which ratified the Constitution, and became an advocate of Jefferson principles.

A student of Thomas Jefferson's after serving in the Revolutionary War, James Monroe was an adherent of Mr. Jefferson's principles of individual freedom and restrained representative government, which would guide him through 50 years of public service. Elected to the Virginia General Assembly in 1782, Monroe served in the Continental Congress and in the first United Senate before his first two terms as Minister to France. He returned to his Virginia, and as many students of Mr. Jefferson have done since, served 4 years as a native Governor.

Elected President of the United States in 1816, Monroe's Presidency has long been referred to as the Era of Good Feeling. James Monroe helped resolve longstanding grievances with the British and acquired Florida from the Spanish in 1819. James Monroe signed the Missouri Compromise that called for the prohibition of slavery in western territories of the Louisiana Purchase, which James Monroe was instrumental in obtaining. He renounced European intervention or dominion in the Western Hemisphere with one of our Nation's greatest foreign policy documents, the Monroe Doctrine.

In 1820, Monroe achieved an impressive reelection, losing only one electoral vote, preserving the honor of a unanimous election for George Washington.

My own family has strong ties to the legacy of James Monroe. My wife Susan and I enjoyed our wedding on the grounds of his home: Ashlawn-Highland in Charlottesville. In fact, part of Monroe's property in Albemarle County is now on the grounds of his teacher's great institution of learning, the University of Virginia and is respectfully referred to as Monroe's Hill.

The life of James Monroe is one that embodied virtue, honor and commitment during his accomplished life of public service. It is fitting that he would pass from this Earth on Fourth of July, 1831. It is with sincere admiration that I respectfully ask my colleagues to recognize James Monroe's 248th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States.

POLITICAL PRISONERS IN AZERBAIJAN

Mr. PRYOR. Mr. President, as President Bush prepares for his meeting with President Ilham Aliyev of Azerbaijan, I rise to address important human rights concerns in that country.

Although hundreds of political prisoners have been freed due in part to pressure brought by the United States, it is believed that as many as 50 political prisoners remain in Azeri jails. Prior to the November elections in Azerbaijan, a group of businessmen and government officials were arrested on charges of planning a coup. Among this group, there were former Minister of Economic Development Farhad Aliyev, and his brother, Rafiq Aliyev. Because of his well-known opposition to Russia's increased influence in Azerbaijan and his pro-Western stance, in addition to the antimonopoly initiatives he led prior to his arrest, many fear that Mr. Aliyev's and his colleague's arrests were politically motivated. They are being held in the pretrial detention center at the National Security Ministry, which is notorious for its poor conditions and harsh treatment of prisoners. Human rights organizations in this country and in Europe have expressed concern about the violations of the due process rights of the detainees in connection with this case. Farhad Aliyev is a cardiac patient suffering from hypertension and hypertrophy. In a recent fact-finding mission, the International League for Human Rights has verified that Mr. Aliyev has been denied proper medical care and medicine for his heart condition. As recently as this week, the International League for Human Rights has indicated that Mr. Aliyev may have undergone another health crisis and his lawyers believe he may have suffered a heart attack.

I urge President Bush and this administration to remind President Aliyev of Azerbaijan's obligations before the international community and the importance of human rights in Azerbaijan and to request Mr. Aliyev's immediate release on bail in light of his need for adequate medical care. The case of Mr. Aliyev may be the litmus test of the Azeri government's good will and commitment to human rights. I ask unanimous consent that recent newspaper articles be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Financial Times, Apr. 21, 2006]

After Hu, Who?

Busy times at the White House. This week Hu Jintao has been George W. Bush's honoured guest. Next in line is Ilham Aliyev. After Hu, you might say, who? During the Chinese president's stay every word, smile and suppressed grimace has been scrutinised, examined and analysed. I am not sure how much we have learnt about the world's most important geostrategic relationship. For his part, the president of Azerbaijan will struggle just to be recognised in the U.S. capital. Yet, strange though it seems, his visit says more than does that of Mr. Hu about the direction of U.S. foreign policy.

Mr. Aliyev has been leader of the Caspian state for nearly three years. Nationally elected, in reality he inherited the post from his father, once a member of the Moscow politburo and still revered for rescuing the former Soviet republic from post-communist collapse. Even now, heroic images of the late Haydar Aliyev adorn the streets, offices and cafes of the capital Baku.

Ilham, though, presents himself as a thoroughly modern leader. He is fluent in English, takes holidays in the south of France and waxes lyrical about his country's Euro-Atlantic destiny. I met him last autumn in the presidential palace in Baku. Gracious and persuasive, he consciously defied the stereotypes of the Soviet-style tyrants who continue to rule in much of this part of the world.

Beneath the well-cut suits, charming manner and rhetorical commitment to western values, though, lies the same determination to hang on to power. His election after the death of his father in 2003 was rigged. So too, albeit marginally less blatantly, were polls for the country's national assembly last autumn. Politics and money are inextricably intertwined. Azerbaijan, a clan-based society, stands near the top of every international corruption index.

This is where Mr. Bush comes in. Small as it is, Mr. Aliyev's fiefdom has strategic significance. Its geography—the country borders Iran, Russia and Georgia as well as the Caspian—puts it in the cockpit of the unspoken struggle between Washington and Moscow for influence in the former Soviet republics of the Caucasus and central Asia.

Its more immediate military utility has not escaped the Pentagon. Donald Rumsfeld, the U.S. defence secretary, is a regular visitor to Baku. The air corridor over Azerbaijan is used for U.S. operations in Afghanistan and Iraq. Western diplomats say that the U.S. has also established listening posts in the south to eavesdrop on Iran. The Pentagon has been refurbishing at least one former Soviet air base. For his part, Mr. Aliyev, a secular Muslim, supported the toppling of Iraq's Saddam Hussein.

Then, of course, there is the oil. The deep waters of the Caspian hold large reserves of oil and gas. Azerbaijan has begun pumping its share through a new pipeline connecting the fields to the Turkish Mediterranean port of Ceyhan. The political message is clear—Mr. Aliyev is ready to snub Russia to serve the west's voracious appetite for hydrocarbons.

So why wouldn't Mr. Bush welcome such a stalwart ally at the White House? The answer is that Mr. Aliyev has consistently brushed aside calls from Washington to edge his country closer to freedom and democracy—and the U.S. president has put the spread of political pluralism front and centre of his foreign policy.

For Azerbaijan, last autumn's elections were set by Washington as something of a test. A few month's earlier, Condoleezza Rice, the U.S. secretary of state, had added substance to Mr. Bush's democratic impulses. The days of appeasing autocratic leaders in oil-rich Muslim states, Ms. Rice declared in a much-trumpeted speech in Cairo, were over. The stability this had brought was a cruel illusion. America's security lay in the promotion of freedom and democracy.

There would be incentives as well as penalties. In Mr. Aliyev's case, I was told by a senior U.S. official, this would include the prestige bestowed by the invitation to the White House he had sought from the outset of his presidency. The bargain seemed straightforward: the assembly elections would be relatively free and Mr. Aliyev would get his photo opportunity on the White House lawn. As it turned out the poll was anything but fair but Mr. Aliyev, described this week by the White House as a "valued partner", still gets his trip to Washington.

Wait, I hear those weary foreign policy practitioners sigh, the road to democracy in this part of the world was never going to travel in a straight line. The geometry was always going variable, as was the pace. There are far worse than Mr. Aliyev and, in any event, Mr. Bush intends to tell him straight that he expects more of him in future. Consistency, the argument continues, can rarely be more than an aspiration in foreign policy. It would be a mistake to make the pursuit of the perfect the enemy of the possible.

Half-true. The most ardent American neoconservatives or European liberal internationalists do not expect Saudi Arabia, for example, to abandon autocracy for democracy by the day after tomorrow. Egypt's Hosni Mubarak might be prodded harder and the democratic forces in Lebanon given greater support, but transformation will take time.

The argument, though, does not work in the same way for Azerbaijan. If Mr. Bush's words are to mean anything at all, they must be shown to have substance precisely in places like this. Of course, the country has strategic significance. It goes without saying that the west wants its oil. But America's failures in the Middle East during the second half of the last century were based on just such so-called realism.

Now, if it wants to preserve any credibility, Washington must be seen to act where it can. And, in truth, Azerbaijan is one of the easiest cases. Its relationship with the west is grounded in mutual dependency. For all that Mr. Aliyev might threaten to turn towards Moscow, he has no desire to embrace Russia. He wants the west's approval and investment in Caspian oil. He is susceptible, in other words, to pressure.

Instead he can expect the White House red carpet and a few gentle admonitions about trying to make the country's next elections a little bit fairer than the last. So who, to borrow a phrase, cares? The answer is all those people and groups in Azerbaijan and well beyond who had hoped that the U.S. president was serious in his commitment to the advance of freedom and democracy. The winners are autocrats everywhere. Oh, and, I suppose, the Teflon-like Mr. Rumsfeld.

[From the New York Times, Apr. 23, 2006]

Azerbaijan Leader, Under Fire, Hopes U.S. Visit Improves Image

(By C.J. Chivers)

Next week, after years of waiting for an unequivocal nod of Western approval, President Ilham H. Aliyev of Azerbaijan will fly to Washington to be received at the White House, a visit his administration hopes will lift his stature.

Being a guest of President Bush has been billed in Mr. Aliyev's circle as a chance for the 44-year-old president—dogged by allegations of corruption, election rigging and repression of opposition figures—to gain more international legitimacy.

"We have long waited for this visit," said Ali Gasanov, a senior presidential adviser. "Now it has been scheduled, and we hope that we will be able to discuss global issues."

For President Bush, who has made democracy promotion a prominent theme of his foreign policy, Mr. Aliyev's visit could prove tricky.

Mr. Aliyev's invitation arrived during a period of increasing diplomatic difficulties between the United States and both Russia and Iran, countries that border Azerbaijan.

But while Azerbaijan's strategic location could hardly be better and its relations with the United States have mostly been warm, no leader in the region more fully embodies the conflicting American objectives in the former Soviet Union than its president.

Mr. Aliyev is a secular Muslim politician who is steering oil and gas to Western markets and who has given political and military support to the Iraq war. But his administration has never held a clean election and has used riot police to crush antigovernment demonstrations.

The invitation, made last week, has raised eyebrows in the former Soviet world, where Mr. Bush's calls for democratization have increased tensions between opposition movements and the entrenched autocrats.

Opposition leaders have long said the United States' desires to diversify Western energy sources and to encourage democratic growth have collided in Azerbaijan. By inviting Mr. Aliyev to the White House, they say, Mr. Bush has made a choice: oil and location now trump other concerns.

Ali Kerimli, leader of the Popular Front of Azerbaijan, noted that when Mr. Aliyev was elected in 2003 in a vote deemed neither free nor fair, the White House withheld an invitation, awaiting improvement by Azerbaijan in promoting civil society and recognizing human rights.

"It is difficult for Azerbaijan's democratic forces to understand what changed," said Mr. Kerimli, who was beaten by the police as were several thousand demonstrators during a crackdown on a protest over fraudulent parliamentary elections last fall. The demonstration had been peaceful until the police rushed in with clubs.

"I think the White House must explain what has happened when three years ago Aliyev was not wanted for a reception in the White House, and now he falsifies another election and is received," Mr. Kerimli said.

American officials insist nothing has changed, and say Mr. Aliyev has been invited for what they call a "working visit," during which he will be urged to liberalize his government and its economy, which is tightly controlled by state officials and clans.

"If we are going to elevate our relationship with Azerbaijan to something that is qualitatively different, then there has to be progress on democratic and market reforms," a senior State Department official said. "I am sure we will talk in these clear and blunt terms."

The United States' relationship with Azerbaijan rests on three principal issues: access to energy resources, international security cooperation, and democratic and economic change.

On the first two issues, the United States has made clear it is satisfied. Mr. Aliyev has supported new pipelines to pump Caspian hydrocarbons away from Russia and Iran to Western customers, and provided troops to United States-led military operations in Afghanistan and Iraq.

Azerbaijan also grants overflight rights to the American military and is cooperating with a Pentagon-sponsored modernization of a former Soviet airfield that could be used by American military planes.

Mr. Aliyev often welcomes foreign delegations to Baku, the capital, describing in smooth English his efforts to push his nation toward Western models of democracy and free markets.

But Azerbaijan has remained undemocratic. No election under Mr. Aliyev or his late father, Heydar Aliyev, has been judged free or fair by the main international observers. Instead, fraud and abuse of state resources for chosen candidates have been widespread.

Ilham Aliyev's government maintains a distinctly Soviet-era state television network and has elevated Heydar Aliyev to the status of a minor personality cult figure.

Moreover, Azerbaijan's government is often described as one of the world's most corrupt. A criminal case now in federal court in New York against three international speculators describes enormous shakedowns and bribes in the late 1990's at Socar, Azerbaijan's state oil company. Mr. Aliyev was a Socar vice president at the time.

Last year the Azerbaijani government showed signs of paranoia, arresting several people shortly before the parliamentary election and accusing them of plotting an armed coup.

Public evidence for the charges has been scarce, and a lawyer for two of the men held in solitary confinement for months since—Farhad Aliyev, the former minister of economics, and his brother Rafiq—has urged Congress to raise issues of their treatment when Mr. Aliyev comes to Washington. (The president is not related to the accused men.)

American officials say that Azerbaijan has been liberalizing slowly, and evolving into a more responsible state. But given Mr. Aliyev's uneven record and the allegations against him, his visit has raised fresh questions about the degree to which American standards are malleable.

"Russian public opinion, when it looks at the United States policy in Azerbaijan, cannot ignore the fact that the United States has a desire not in favor of democracy but in favor of profits and geopolitical domination," said Sergei Markov, director of the Institute for Political Studies here and a Kremlin adviser.

Mr. Markov and others have noted that the West has penalized Belarus for police crackdowns after tainted elections last month.

"This is one of the reasons that Russian public opinion is very suspicious of United States policies in the former Soviet political sphere, and its propaganda about democracy," Mr. Markov said.

"Ilham Aliyev will be in the White House not because he promotes democracy," Mr. Markov said. "He will be in the White House because he controls oil."

In Armenia, Mr. Aliyev's invitation has also generated interest.

Armenia fought Azerbaijan over Nagorno-Karabakh, a wedge of territory within Azerbaijan's boundaries that each country claims. The conflict has been frozen for several years, but Mr. Aliyev's recent statements have often been bellicose.

"The visit at this time should not be viewed as appreciation of their democratic or other policies," Vartan Oskanian, Armenia's foreign minister, said via e-mail.

[From the Washington Post, Apr. 24, 2006]

RETREAT FROM THE FREEDOM AGENDA

(By Jackson Diehl)

President Bush's retreat from the ambitious goals of his second term will proceed one small but fateful step further this Friday. That's when, after more than two years of stalling, the president will deliver a warm White House welcome to Ilham Aliyev, the autocratic and corrupt but friendly ruler of one of the world's emerging energy powers, Azerbaijan.

Here's why this is a tipping point: At the heart of Bush's democracy doctrine was the principle that the United States would abandon its Cold War-era practice of propping up dictators—especially in the Muslim world—in exchange for easy access to their energy resources and military cooperation. That bargain, we now know, played a major role in the emergence of al-Qaeda and other extremist anti-Western movements.

To his credit, the reelected Bush made a genuine stab at a different strategy last year in Azerbaijan and another Muslim country, Kazakhstan. Both resemble Iran or Iraq half a century ago. They are rapidly modernizing, politically unsettled, and about to become very, very rich from oil and gas.

With both Aliyev and Kazakhstan's Nursultan Nazarbayev planning elections last fall, Bush dispatched letters and senior envoys with a message: Hold an honest vote and you can "elevate our countries' relations to a new strategic level." The implicit converse was that, should they fail to deliver, there would be no special partnership—no military deals, no aid, no presidential visits to Washington.

Both Aliyev and Nazarbayev made token efforts to please Bush. But both dismally failed to demonstrate that they were willing to liberalize their countries rather than using oil wealth to consolidate dictatorship. The State Department said of Aliyev's parliamentary elections, "there were major irregularities and fraud." Nazarbayev's election was worse. Since then, two of Nazarbayev's opponents have died or been murdered in suspicious circumstances. Three of Aliyev's foes are being tried this month on treason charges, and his biggest rival has been jailed.

Aliyev is nevertheless getting everything he might have hoped for from Bush. Aid is being boosted, the Pentagon is drawing up plans for extensive military cooperation—and there is the White House visit, which the 44-year-old Azeri president has craved ever since he took over from his dad three years ago. If Nazarbayev chooses, he will be next. He has been offered not just a Washington tour but a reciprocal visit by Bush to Kazakhstan.

Why the retreat on the democracy principle? Azeri observers speculate that Bush may want Aliyev's help with Iran, which is its neighbor and contains a large Azeri ethnic minority. But administration officials tell me a more pressing reason is a rapidly intensifying campaign by Russia to restore its dominion over former Soviet republics such as Azerbaijan and Kazakhstan—and to drive the United States out of the region.

Though nominally Bush's ally in the war on terrorism, Russian President Vladimir Putin has cynically exploited Bush's effort to promote democracy in Eurasia. His diplomats and media aggressively portray Washington's support for free media, civil society groups and elections as a cover for CIA-sponsored coups. Autocrats who stage crackdowns, such as Uzbekistan's Islam Karimov, are quickly embraced by Moscow, which counsels them to break off ties with the U.S. military. State-controlled Russian energy companies are meanwhile seeking to corner oil and gas supplies and gain control over pipelines, electricity grids and refineries throughout Eurasia. If they succeed, Russia can throttle the region's weak governments and ensure its long-term control over energy supplies to Central and Western Europe.

In late February Putin arrived in Azerbaijan at the head of a large delegation and proceeded to buy everything Aliyev would sell, including a commitment to export more oil through Russia. Earlier this month he welcomed Nazarbayev to Moscow, and scored an even bigger success. Not only did the Kazakh leader endorse Putin's plan for a Moscow-dominated "common economic space," but he also signed a deal that will double Kazakhstan's oil exports through Russia. Despite heavy U.S. lobbying, Nazarbayev has yet to firmly commit to sending oil through a rival Western pipeline, which begins in Azerbaijan and ends in the Turkish port of Ceyhan.

Putin's aggressive tactics forced the hand of the administration, which had been holding back its White House invitations in the hope of leveraging more steps toward liberalization. "We don't want to see Azerbaijan closed off by the Russians, because that will close off the energy alternative to Russia for Europe," one official said. He added: "If Azerbaijan falls under Russian influence there will be no democracy agenda there at all."

In short, the race for energy and an increasingly bare-knuckled contest with Moscow for influence over its producers have caused the downgrading of the democracy strategy. It might be argued that the sacrifice is necessary, given the large economic and security stakes. But, then, that was the logic that prevailed once before. According to Bush, history proved it wrong.

NORTH KOREA FREEDOM WEEK

Mr. SANTORUM. Mr. President, as we are in the midst of North Korea Freedom Week, I would like to speak to the human rights situation in North Korea. As we continually strive to protect the freedoms that this country holds dear, such as the freedoms of religion, press, speech and assembly that are recognized in our Constitution, we must also concentrate on spreading these freedoms to those who do not enjoy them. As these rights should be enjoyed by all people, not just Americans, freedom must extend beyond our borders to reach those who live in a world unknown to many of us, one that includes starvation and deprivation of all freedoms. North Korea Freedom Week gives us the opportunity to shed light on the situation inside this oppressive regime.

Several years ago in order to help promote freedom throughout the world, I began the Congressional Working Group on Religious Freedom. The purpose of this group is to focus attention on issues of domestic and international religious freedom. As a group, we seek to uphold and help enforce the meaning of article 18 of the Universal Declaration of Human Rights, which states: "Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

As has been noted by human rights groups and others, the human rights situation in North Korea is severe. Hundreds of thousands of North Koreans have fled their country in hopes of survival and in search of a free life. However, even if they manage to escape, they still live in constant fear of repatriation and imprisonment. President Bush has called North Korea's autocratic leader, Kim Jong Il, a "tyrant" who runs "concentration camps." Despite the country being embedded in secrecy, unfortunate stories of persecution, starvation, and public executions for crossing the border manage to be released to the rest of the world. Such actions under this regime are a terrible travesty.

While the North Korean constitution provides for "freedom of religion," such freedom does not exist. The U.S. Commission on International Religious Freedom said in their 2005 annual report: "By all accounts, there are virtually no personal freedoms in North Korea and no protection for universal human rights. In pursuit of absolute control of all facets of politics and society, the government under dictator Kim Jong Il has created an environment of fear in which dissent of any kind is not tolerated. Freedom of thought, conscience, and religion or belief remains essentially non-existent, as the government severely represses public and private religious activities and has a policy of actively discriminating against religious believers. There are a growing number of reports from North Korea refugees that any unauthorized religious activity inside North Korea is met with arrest, imprisonment, torture, and sometimes execution by North Korean officials."

Furthermore, the U.S. Department of State's 2005 Country Report on Human Rights Practices sums up North Korea's actions by listing documented or alleged human rights abuses over the years. Such instances include: abridgement of the right to change the government; extrajudicial killings, disappearances, and arbitrary detention, including many political prisoners; harsh and life-threatening prison conditions; torture; forced abortions and infanticide in prisons; lack of an independent judiciary and fair trials; denial of freedom of speech, press, assembly, and association; government attempts to control all information; denial of freedom of religion, freedom of movement, and worker rights; and severe punishment of some repatriated refugees.

I also want to note President Bush's appointment last August of Ambassador Jay Lefkowitz to the position of Special Envoy for Human Rights in North Korea. The Special Envoy post was established under the North Korea Human Rights Act, and with this appointment, signaled the administration's intensified attention to human rights in North Korea. I am confident that Ambassador Lefkowitz will continue to take steps toward ending North Korea's suppression of freedoms.

As we in the Senate continue to address the persecution and the fears that North Koreans face, it is my hope that we will do all we can in order to improve the conditions in this communist state and to spread the freedoms that we all enjoy.

DARFUR

Ms. CANTWELL. Mr. President, Elie Wiesel once told us that "a destruction, an annihilation that only man can provoke, only man can prevent." Our American heritage calls upon each of us to stand up, to speak out, and to act when we witness human rights abuses. As a global leader, the United States has a special and solemn obligation. We must live up to this responsibility.

This week marked both Armenian Remembrance Day and Holocaust Remembrance Day. In the final years of the Ottoman Empire between 1915 and 1923, the world witnessed the mass killing of as many as 1.5 million Armenian men, women, and children. Five-hundred thousand survivors were expelled from their homes. Our U.S. Ambassador to the Ottoman Empire Henry Morgenthau organized and led protests by foreign officials against one of the most horrible tragedies of the 20th century.

Sadly and almost unimaginably, more human devastation followed. Later years witnessed the Holocaust—the Nazis' systematic state-sponsored persecution and murder of 6 million Jews. In 1945, the U.S. Third Army's 6th Armored Division liberated the Buchenwald concentration camp and the U.S. Seventh Army's 45th Infantry Division liberated Dachau in Germany.

We reflect in order to remember—honoring the dead, pledging never to forget atrocities of the past, and fighting to stop them today. In 2004, then-U.S. Secretary of State Colin Powell told the U.S. Senate Foreign Relations Committee that genocide has been committed in the Sudanese region of Darfur. A consistent, widespread, and terrible pattern of atrocities and burning of villages continues as the situation in Darfur remains grim. I believe the U.S. must lead urgent international efforts to stop the killing in Darfur. We must act immediately, working with the United Nations, NATO, and the African Union to stop the ongoing violence. We must remain focused and never waver in our fight to bring an end to the genocide.

2006 NATIONAL PARK WEEK

Mr. THOMAS. Mr. President, I think each of us enjoy walking on a trail, learning a little more about our Nation's history, or perhaps paddling a canoe on a lake, river, or stream. Often we take part in these activities in our national parks. This week, April 22 to April 30, is National Park Week, a time when we can recognize all of the 390 units of the National Park System. There will be special events going on at parks throughout the system, and I encourage everyone to seek them out and take part in them.

As I have mentioned before, I have a special attachment to Yellowstone National Park, the world's first national park, located in Wyoming, my home State. But Yellowstone, Grand Teton National Park, the other National Park System units in Wyoming, and those across the Nation, extending from Puerto Rico and the Virgin Islands to Guam and American Samoa, all remind us of ourselves, where we have been, and perhaps where we will go in the future. They have been called by others the best idea we ever had.

America's national parks provide people of all ages with a wide range of opportunities to learn more about our country's natural environment and cultural heritage. The National Park Service provides a variety of programs and activities for children, teachers, and communities designed to foster an interest in the natural environment and history and to cultivate a future generation of park stewards.

The theme for National Park Week 2006 is "Connecting Our Children to America's National Parks." This theme was chosen because of the vital role children play in the future conservation and preservation of our national parks.

Through the creation of innovative education programs such as the Junior

Ranger Program, the National Park Service is fostering a new constituency of park stewards. Today the Junior Ranger Program exists in more than 286 parks, striving to help connect youth to national parks and the National Park System and helping them gain an understanding of the important role of the environment in our lives.

The Junior Ranger Program encourages whole families to get involved in learning about, exploring and protecting our Nation's most important scenic, historical, and cultural places. Children have great enthusiasm for the Junior Ranger Program because it helps connect them to something big our country and our shared heritage as Americans. Additionally, online through WebRangers, kids can "virtually" visit the parks at their own pace in their spare time and when they are not in the parks. In fact, one of the events that will take place this year during National Park Week is a virtual, shared visit to Carlsbad Caverns National Park, which could involve more than 28 million students.

Of course, our visits to parks are enhanced through the interaction we receive from the people who work in them. During this week, we should also thank the thousands of National Park Service personnel, concession and contract employees, volunteers of all ages, and others who help to make our system of national parks the envy of and example for the rest of the world.

As the chair of the National Parks Subcommittee, I will continue to see that our system of parks retains its high standards. I would encourage each of you to spend some time in a national park unit, this week and throughout the year.

SECURING AMERICA'S ENERGY INDEPENDENCE ACT

Mr. SMITH. Mr. President, I rise today to introduce the Securing America's Energy Independence Act of 2006. This bill is designed to extend the investment tax credits for fuel cells and solar energy systems in the 2005 Energy Policy Act through 2015.

Having reliable, clean energy is fundamental to economic prosperity, our national security, and protecting the environment. The Energy Policy Act of 2005 encourages homeowners and businesses to invest in solar energy and fuel cell technologies through investment tax credits. That law established a tax credit of 30 percent for investments in fuel cells, capped at $1,000, and a tax credit of 30 percent for investments in solar systems, capped at $2,000.

However, these credits will expire after 2 years, and therefore are too short lived to encourage significant market penetration or to stimulate expansion of manufacturing for solar energy or fuel cell technologies. Installations of solar energy or fuel cell systems require lead times of a year or more, and manufacturing expansion requires a development schedule of 3 to 4 years, similar to conventional powerplants. Financing of new projects is also more complex than for conventional powerplants because the lending industry is less familiar with these technologies.

Accordingly, I have proposed to extend the tax credits for an additional 8 years. My legislation also would alter the cap on residential solar credits to be based on system power, as opposed to cost, and would allow the credits to be taken against the alternative minimum tax.

As the market for fuel cell and solar technologies continues to grow overseas, long-term incentives are an essential tool to spur domestic investment and job creation. Extending these incentives for residential and business investments in fuel cell and solar energy technologies will generate quality American jobs in manufacturing, construction, and installation across the United States.

Our legislation addresses energy independence and environmental concerns, as well as job creation, with the power of American technology and ingenuity. I am pleased that Senators MENENDEZ, LIEBERMAN, SNOWE, JEFFORDS, KERRY, CANTWELL, SALAZAR, and CLINTON have joined me as original cosponsors of this legislation. In light of increasing concerns about the security and affordability of energy supplies, I urge favorable consideration of this bill.

ADDITIONAL STATEMENTS

TRIBUTE TO JOAN LESLIE

• Mr. DODD. Mr. President, I rise today to honor Joan Leslie, a talented actress who served as a source of comfort and inspiration to millions of Americans during World War II. On May 14, the U.S. Department of Veterans Affairs in Connecticut will pay tribute to Ms. Leslie for her tireless devotion to our Nation's servicemen with a gala in her honor.

Born Joan Agnes Theresa Sadie Bordel on January 26, 1925, in Detroit, MI, Ms. Leslie made her professional debut at age nine. As a child she worked as a model and performed a song and dance routine with her two sisters before she got her big break in 1940 when she signed with Warner Brothers.

Joan Leslie shared the screen with many of the leading actors of her time, starring with Humphrey Bogart in "High Sierra," Gary Cooper in "Sergeant York," and James Cagney in "Yankee Doodle Dandy." In 1943, she became Fred Astaire's youngest dance partner, celebrating her 18th birthday on the set of "The Sky's the Limit." Through these roles, Joan Leslie became known as America's quintessential "girl next door."

As Ms. Leslie's popularity escalated, so did America's involvement in World War II. Americans found themselves turning to entertainers like Joan Leslie for reassurance about the goodness and strength of our country amid the tremendous stresses and burdens of war. Tens of thousands of American servicemen clung to Joan Leslie's picture as a reminder of the values they were fighting for and the loved ones they left behind. Ms. Leslie willingly accepted the responsibility of her role, taking it upon herself to visit the troops at defense plants and Army bases. Joan Leslie and other entertainers like her played a pivotal role in the overall war effort, serving as a source of comfort and inspiration for American soldiers and the rest of the country. Ultimately, they served as a reassurance that our Nation would prevail.

It is only right that veterans of our Nation should honor entertainers like Joan Leslie, and I take particular pride in the fact that the veterans of Connecticut have taken a leadership role in her tribute. Ms. Leslie not only filled the role of the girl next door on the movie screen, but carried it into her personal life, as well. Her life lives up to her reputation, which is a rare achievement for a public figure. Perhaps her greatest accomplishments have occurred outside the public eye, as she has dedicated most of her life to raising her identical twin daughters, Patrice and Ellen, with her husband, Dr. William Caldwell.

Joan Leslie served as a pillar of strength when America needed her most. She deserves the thanks of a grateful Nation for a life of service. I commend her for her continued dedication to American servicemen, and congratulate her, her husband, her children, and her other family members on this wonderful occasion.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 282. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

H.R. 5020. An act to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 365. An act urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 282. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 365. Concurrent resolution urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5020. An act to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 27, 2006, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6481. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Closure of Tilefish Permit Category C to Directed Tilefish Fishing—Temporary Rule" (I.D. No. 032206A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6482. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Yellowtail Flounder Landing Limit" ((RIN0648–AN17)(I.D. No. 121405A)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6483. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Sharing Plan" (I.D. No. 010906A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6484. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Hawaii-based Shallow-set Longline Fishery" ((RIN0648–AU41)(I.D. No. 031606D)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6485. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light Truck Average Fuel Economy Standards, Model Year 2008 and Possibly Beyond" (RIN2127–AJ61) received on April 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–6486. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135–AA23) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6487. A communication from the Chief, Europe Division, Office of International Aviation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Navigation of Foreign Civil Aircraft within the United States" (RIN2105–AD39) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reservation System for Unscheduled Operations at Chicago's O'Hare International Airport" ((RIN2120–AI47)(Docket No. FAA 2005–19411)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Holy Cross, AK" ((RIN2120–AA66) (Docket No. 05–AAL–34)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E5 Airspace; Hill City, KS" ((RIN2120–AA66) (Docket No. 05–ACE–31)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc., T5309, T5311, T5313B, T35317A–1, and T5317B Series, and T53–L–9, T53–L–11, T53–L–13B, T53–L–13B S/SA, T53 L 13B, T53 L 13B/D, and T53 I 703 Series Turborshaft Engines" ((RIN2120–AA64) (Docket No. 2004–NE–01)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120–AA64) (Docket No. 2005–CE–28)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes" ((RIN2120–AA64) (Docket No. 2005–CE–54)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Falcon 2000 and Falcon 2000EX Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM-008)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives CORRECTION: The Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120–AA64) (Docket No. 2005–CE–28)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 650 Airplanes" ((RIN2120–AA64) (Docket No. 2002–NM–332)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model 290 Airplanes" ((RIN2120–AA64) (Docket No. 2005–CE–51)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AvCraft Dornier Model 328-100 Airplanes" ((RIN2120–AA64) (Docket No. 2002–NM–117)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines" ((RIN2120–AA64) (Docket No. 2005–NE–54)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, B4–600R, and F4–600R Series Airplanes, and Model C4-605R Variant F Airplanes and Model A310-300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM-095)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318–100 Series Airplanes, Model A319-100 Series Airplanes, Model A320-111 Airplanes, Model A320–200 Series Airplanes, and Model A321-100 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–177)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 Series; Model A300 B4 Series Airplanes; Model A300-B4-600 Series Airplanes; Model A300 B4–600R Series Airplanes; Model A300 F4–600R Series Airplanes; Model A300 C4–605R Variant F Airplanes; Model A310-200 Series Airplanes; and Model A310-300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM-074)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model 340-541 and -642 Airplanes" ((RIN2120–AA64) (Docket No. 2003–NM-211)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4-605 Variant F Airplanes; and Airbus Model A310 Series Airplanes" ((RIN2120–AA64) (Docket No. 2004–NM–74)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146-100A and –200A Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–083)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM-016)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model Avro 146-RJ Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–084)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-400F, 747SR, and 747SP Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–101)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Frakes Aviation Model G–73 Series Airplanes and Model G–73 Airplanes That Have Been Converted to Have Turbine Engines" ((RIN2120–AA64) (Docket No. 2005–NM–256)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes; and Model Astra SPX, and 1125 Westwind Astra Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–120)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 500, 700 and 800 Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 2005–NE–49)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model GIV-X and GV-SP Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM-024)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2C10, CL–600–2D15, and CL 600 2D24 Airplanes" ((RIN2120–AA64) (Docket No . 2005–NM–198)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10, CL-600-2D15, and CL–600–2D24" ((RIN2120–AA64) (Docket No. 2005–NM–158)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Meggitt Model 602 Smoke Detectors Approved Under Technical Standard Order (TSO) TSO–CIC and Installed on Various Transport Category Airplanes, Including But Not Limited to Aerospatiale Model ATR42 and ATR72 Airplanes; Boeing Model 727 and 737 Airplanes; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F, DC-10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD-11, and MD-11F Airplanes" ((RIN2120–AA64) (Docket No. 2004–NM–259)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 500, 550, S550, 560, 560XL, and 750 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM-107)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120–AA64) (Docket

No. 2002–NM–172)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A321–100 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–060)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6519. A communication from the Chairman, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act Procedures" (RIN3141–AA21) received on April 25, 2006; to the Committee on Indian Affairs.

EC–6520. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benzaldehyde, Captafol, Hexaconazole, Paraformaldehyde, Sodium dimethyldithiocarbamate, and Tetradifon; Tolerance Actions" (FRL No. 8065–1) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6521. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pantoea Agglomerans Strain C9–1; Exemption from the Requirement of a Tolerance" (FRL No. 7772–6) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING PROPERTY OF PERSONS IN CONNECTION WITH THE CONFLICT IN SUDAN'S DARFUR REGION—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (IEEPA), I hereby report that I have issued an Executive Order (the "order") blocking the property of persons in connection with the conflict in Sudan's Darfur region. In that order, I have expanded the scope of the national emergency declared in Executive Order 13067 of November 3, 1997, with respect to the policies and actions of the Government of Sudan, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Darfur, as described below.

The United Nations Security Council, in Resolution 1591 of March 29, 2005, condemned the continued violations of the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Humanitarian and Security Protocols of November 9, 2004, by all sides in Darfur, as well as the deterioration of the security situation and the negative impact this has had on humanitarian assistance efforts. I also note that the United Nations Security Council has strongly condemned the continued violations of human rights and international humanitarian law in Sudan's Darfur region and, in particular, the continuation of violence against civilians and sexual violence against women and girls.

United Nations Security Council Resolution (UNSCR) 1591 determined that the situation in Darfur constitutes a threat to international peace and security in the region and called on Member States to take certain measures against persons responsible for the continuing conflict. The United Nations Security Council has encouraged all parties to negotiate in good faith at the Abuja talks and to take immediate steps to support a peaceful settlement to the conflict in Darfur, but has continued to express serious concern at the persistence of the crisis in Darfur in UNSCR 1651 of December 21, 2005.

Pursuant to IEEPA, the National Emergencies Act, and the United Nations Participation Act (UNPA), I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and have issued an Executive Order expanding the scope of the national emergency declared in Executive Order 13067 to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State,

—to have constituted a threat to the peace process in Darfur;

—to have constituted a threat to stability in Darfur and the region;

—to be responsible for conduct related to the conflict in Darfur that violates international law;

—to be responsible for heinous conduct with respect to human life or limb related to the conflict in Darfur;

—to have directly or indirectly supplied, sold, or transferred arms or any related materiel, or any assistance, advice, or training related to military activities to the Government of Sudan, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the Janjaweed, or any person operating in the states of North Darfur, South Darfur, and West Darfur, that is a belligerent, a nongovernmental entity, or an individual; or

—to be responsible for offensive military overflights in and over the Darfur region.

The designation criteria will be applied in accordance with applicable domestic law, including where appropriate, the First Amendment of the United States Constitution.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of the order. All Federal agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on April 27, 2006.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 27, 2006.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocations to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006" (Rept. No. 109–251).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1955. A bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2292. A bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted on April 26, 2006:

By Mr. INHOFE for the Committee on Environment and Public Works.

*James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

*William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.

*Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio.

Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York.

Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Timothy Anthony Junker, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina for the term of four years.

By Mr. CRAIG for the Committee on Veterans' Affairs.

*Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself and Mr. DEWINE):

S. 2663. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated follow up care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mr. CONRAD):

S. 2664. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. WYDEN, Mrs. LINCOLN, Mr. CONRAD, and Mr. JEFFORDS):

S. 2665. A bill to amend title XVIII of the Social Security Act to simplify and improve the Medicare prescription drug program; to the Committee on Finance.

By Mr. BURNS:

S. 2666. A bill to temporarily suspend the revised tax treatment of kerosene for use in aviation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Finance.

By Mrs. BOXER:

S. 2667. A bill to revitalize the Los Angeles River, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 2668. A bill to direct the Secretary of Health and Human Services to require the incorporation of counterfeit-resistant technologies into the packaging of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KERRY (for himself and Mr. KENNEDY)):

S. 2669. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KERRY (for himself, Mr. KOHL, and Mr. LIEBERMAN)):

S. 2670. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2671. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

By Mr. REID (for Mr. KERRY):

S. 2672. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

By Mr. THUNE (for himself and Mr. GRAHAM):

S. 2673. A bill to temporarily reduce the Federal fuel tax through the suspension of royalty relief for oil production and certain energy production tax incentives; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. JOHNSON):

S. 2674. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER:

S. 2675. A bill to amend title 49, United States Code, to set minimum fuel economy requirements for federal vehicles, to authorize grants to States to purchase fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 2676. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on the near National Forest System land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH (for himself, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. KERRY, Ms. CANTWELL, Mr. SALAZAR, and Mrs. CLINTON):

S. 2677. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2678. A bill to amend title 28, United States Code, to provide for the detection and prevention of inappropriate conduct in the Federal judiciary; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, and Mr. COCHRAN):

S. 2679. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. TALENT, and Mrs. LINCOLN):

S. 2680. A bill to facilitate the increased use of alternative fuels for motor vehicles, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY):

S. 2681. A bill to amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 2682. A bill to exclude from admission to the United States aliens who have made investments directly and significantly contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, and Mr. CRAIG):

S. Res. 448. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 449. A resolution commending the extraordinary contributions of Max

Falkenstien to The University of Kansas and the State of Kansas; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mrs. DOLE, Ms. LANDRIEU, Mr. ALLEN, and Mr. DURBIN):

S. Res. 450. A resolution designating June 2006 as National Safety Month; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. LEAHY, Mr. HAGEL, Mr. CHAFEE, Mr. KERRY, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. SUNUNU):

S. Res. 451. A resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy; considered and agreed to.

By Mr. SCHUMER (for himself and Mrs. DOLE):

S. Res. 452. A resolution recognizing the cultural and educational contributions of the American Ballet Theatre throughout its 65 years of service as "America's National Ballet Company"; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. LIEBERMAN, Mr. GREGG, Mr. FRIST, Mr. CARPER, Mr. VITTER, Ms. LANDRIEU, Mr. BURR, Mr. COLEMAN, Mr. ALLARD, Mr. DEMINT, and Mr. MARTINEZ):

S. Res. 453. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. INOUYE, and Mrs. DOLE):

S. Res. 454. A resolution honoring Malcolm P. McLean as the father of containerization; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 455. A resolution honoring and thanking Terrance W. Gainer, former Chief of the United States Capitol Police; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 350

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 503

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1147

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1147, a bill to amend the Internal Revenue Code of 1986 to provide for the expensing of broadband Internet access expenditures, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1648

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1648, a bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

S. 1722

At the request of Ms. MURKOWSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1722, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1848, a bill to promote remediation of inactive and abandoned mines, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2041

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2041, a bill to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Arkansas

(Mrs. LINCOLN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2290

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2290, a bill to provide for affordable natural gas by rebalancing domestic supply and demand and to promote the production of natural gas from domestic resources.

S. 2296

At the request of Mr. INOUYE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2296, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 2302

At the request of Mr. LOTT, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2311

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2311, a bill to establish a demonstration project to develop a national network of economically sustainable transportation providers and qualified transportation providers, to provide transportation services to older individuals, and individuals who are blind, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2339

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2339, a bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act.

S. 2475

At the request of Mr. SALAZAR, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2571

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2571, a bill to promote energy production and conservation, and for other purposes.

S. 2643

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 412

At the request of Mr. AKAKA, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 412, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2006.

S. RES. 442

At the request of Mr. COLEMAN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 442, a resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. DEWINE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3606

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3606 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3626

At the request of Mr. VITTER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3626 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3627

At the request of Mr. VITTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3627 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3643

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3643 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3644

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3644 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3646

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 3646 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3648

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3648 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VITTER, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3648 proposed to H.R. 4939, supra.

AMENDMENT NO. 3650

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3650 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3662

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3662 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3665

At the request of Mr. WYDEN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3665 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Mr. SMITH, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Mr. GRAHAM, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

AMENDMENT NO. 3670

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3670 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. DEWINE):

S. 2663. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased today to join with my colleague Senator DEWINE to introduce legislation to protect the most vulnerable members of our society: newborn infants. Many people know the joy of parenthood. They also know the sense of worry about whether their kids are doing well, are feeling well, and are safe. Nothing is of greater importance than the health and well-being of our children.

Thanks to incredible advances in medical technology, it is now possible to test newborns for more than 50 genetic and metabolic disorders. Many of these disorders, if undetected, would lead to severe disability or death. However, babies that are properly diagnosed and treated can, in many cases, go on to live healthy lives. So newborn screening can literally save lives.

Frighteningly, the disorders that newborn screening tests for can come without warning. For most of these disorders, there is no medical history of the condition in the family, no way to predict the health of a baby based on the health of the parents. Although the disorders that are tested for are quite rare, there is a chance that any one newborn will be effected a sort of morbid lottery. In that sense, this is an issue that has a direct impact on the lives of every family.

Fortunately, some screening has become common practice in every State. Each year, over four million infants have blood taken from their heel to detect these disorders that could threaten their life and long-term health. As a result, about one in 4,000 babies is diagnosed with one of these disorders. That means that newborn screening could protect the health or save the life of approximately 1,000 newborns each year. That is 1,000 tragedies that can be averted families that can know the joy of a new infant rather than absolute heartbreak.

That is the good news. However, there is so much more to be done. For every baby saved, another two are estimated to be born with potentially detectable disorders that go undetected because they are not screened. These infants and their families face the prospect of disability or death from a preventable disorder. The survival of a newborn may very well come down to the State in which it is born, because not all States test for every detectable disorder.

The Government Accountability Office (GAO) released a report in 2003 highlighting the need for this legislation. According to the report, most States do not educate parents and health care providers about the availability of tests beyond what is mandated by a state. States also reported that they do not have the resources to purchase the technology and train the staff needed to expand newborn screening programs. Finally, even when States do detect an abnormal screening result, the majority do not inform parents directly.

Two weeks ago, I visited Stamford Hospital in my home State of Connecticut to talk to physicians and parents about newborn screening. I was joined there by Pamela Sweeney. Pamela is the mother of 7-year-old Jonathan Sweeney. At the time of his birth, Connecticut only tested for eight disorders. He was considered a healthy baby, although he was a poor sleeper and needed to be fed quite frequently. One morning in December of 2000, Pamela found Jonathan with his eyes wide open but completely unresponsive. He was not breathing and appeared to be having a seizure. Jonathan was rushed to the hospital where, fortunately, his life was saved. He was later diagnosed with L–CHAD, a disorder that prevents Jonathan's body from turning fat into energy.

Despite this harrowing tale, Jonathan and his family are extremely fortunate. Jonathan is alive, and his disorder can be treated with a special diet. He has experienced developmental delays that most likely could have been avoided had he been tested for L–CHAD at birth. This raises a question. Why was he not tested? Why do many States still not test for L–CHAD?

The primary reason for this unfortunate reality is the lack of a consensus on the federal level about what should be screened for, and how a screening program should be developed. Fortunately, that is changing. In the Children's Health Act of 2000, Senator DEWINE and I authored language to create an Advisory Committee on newborn screening within the Department of Health and Human Services. Last year, that Advisory Committee released a report recommending that all States test for a standard set of 29 disorders. Several States, including Connecticut, are already well on their way to meeting this recommendation.

The legislation that we are introducing today will give states an additional helping hand towards meeting the Advisory's Committee's recommendation by providing $25 million for States to expand and improve their newborn screening programs. In order to access these resources, States will be required to commit to screening for all 29 disorders.

Our legislation will also provide $15 million for two types of grants. The first seeks to address the lack of information available to health care professionals and parents about newborn screening. Every parent should have the knowledge necessary to protect their child. The tragedy of a newborn's death is only compounded by the frustration of learning that the death was preventable. This bill authorizes grants to provide education and training to health care professionals, state laboratory personnel, families and consumer advocates.

The second type of grant will support States in providing follow-up care for those children diagnosed by a disorder detected through newborn screening. While these families are the fortunate ones, in many cases they are still faced with the prospect of extended and complex treatment or major lifestyle changes. We need to remember that care does not stop at diagnosis.

Finally, the bill directs the Centers for Disease Control and Prevention (CDC) to establish a national surveillance program for newborn screening, and provides $15 million for that purpose. Such a program will help us conduct research to better understand these rare disorders, and will hopefully lead us towards more effective treatments and cures.

I urge my colleagues to support this important initiative so that every newborn child will have the best possible opportunity that America can offer to live a long, healthy and happy life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. DEWINE. Mr. President, I rise today to join my colleague Senator DODD in introducing the Newborn Screening Saves Lives Act of 2006.

This important legislation would help States expand and improve their newborn screening programs, educate parents and health care providers about newborn screening, and improve follow-up care for infants with an illness detected through screening.

Newborn screening is a public health activity used for early identification of infants affected by certain genetic, metabolic, hormonal and functional conditions for which there may be an effective treatment or intervention. If left untreated, these conditions can cause death, disability, mental retardation, and other serious health problems. Every year, over 4 million infants are born and screened to detect such conditions, with an estimated 3,000 babies identified in time for treatment. However, the number and quality of newborn screening tests performed varies dramatically from State to State. The Newborn Screening Saves Lives Act of 2006 aims to remedy these problems and improve newborn screening for all of America's newborns.

This legislation is important because it provides resources to States to expand and improve their newborn screening programs and encourage States to test for the full roster of disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children. It is imperative that we test for the full roster of disorders. That is why we are introducing this legislation to provide adequate funds to get this program started. It authorizes $65 million in fiscal year 07 and such sums as may be necessary for fiscal year 08 through fiscal year 11 for grants to educate health care professionals, laboratory personnel, and parents about newborn screening and relevant new technologies.

I encourage my colleagues to join Senator DODD and me in co-sponsoring this important bill.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newborn Screening Saves Lives Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Currently, it is possible to test for more than 30 disorders through newborn screening.

(2) There is a lack of uniform newborn screening throughout the United States. While a newborn with a debilitating condition may receive screening, early detection, and treatment in 1 location, in another location the condition may go undetected and result in catastrophic consequences.

(3) Each year more than 4,000,000 babies are screened by State and private laboratories to detect conditions that may threaten their long-term health.

(4) There are more than 2,000 babies born every year in the United States with detectable and treatable disorders that go unscreened through newborn screening.

SEC. 3. AMENDMENT TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

"SEC. 399AA. NEWBORN SCREENING.

"(a) AUTHORIZATION OF GRANT PROGRAMS.—

"(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration (referred to in this section as the 'Associate Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities to assist in providing health care professionals and newborn screening laboratory personnel with—

"(A) education in newborn screening; and

"(B) training in—

"(i) relevant and new technologies in newborn screening; and

"(ii) congenital, genetic, and metabolic disorders.

"(2) GRANTS TO ASSIST FAMILIES.—

"(A) IN GENERAL.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to develop and deliver educational programs about newborn screening to parents, families, and patient advocacy and support groups. The educational materials accompanying such educational programs shall be provided at appropriate literacy levels.

"(B) AWARENESS OF THE AVAILABILITY OF PROGRAMS.—To the extent practicable, the Secretary shall make relevant health care providers aware of the availability of the educational programs supported pursuant to subparagraph (A).

"(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

"(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(c) SELECTION OF GRANT RECIPIENTS.—

"(1) IN GENERAL.—Not later than 120 days after receiving an application under subsection (b), the Secretary, after considering the approval factors under paragraph (2), shall determine whether to award the eligible entity a grant under this section.

"(2) APPROVAL FACTORS.—

"(A) REQUIREMENTS FOR APPROVAL.—An application submitted under subsection (b) may not be approved by the Secretary unless the application contains assurances that the eligible entity—

"(i) will use grant funds only for the purposes specified in the approved application and in accordance with the requirements of this section; and

"(ii) will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the eligible entity under the grant.

"(B) EXISTING PROGRAMS.—Prior to awarding a grant under this section, the Secretary shall—

"(i) conduct an assessment of existing educational resources and training programs and coordinated systems of followup care with respect to newborn screening; and

"(ii) take all necessary steps to minimize the duplication of the resources and programs described in clause (i).

"(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section.

"(e) USE OF GRANT FUNDS.—

"(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—An eligible entity that receives a grant under subsection (a)(1) may use the grant funds to work with appropriate medical schools, nursing schools, schools of public health, schools of genetic counseling, internal education programs in State agencies, nongovernmental organizations, and professional organizations and societies to develop and deliver education and training programs that include—

"(A) continuing medical education programs for health care professionals and newborn screening laboratory personnel in newborn screening;

"(B) education, technical assistance, and training on new discoveries in newborn screening and the use of any related technology;

"(C) models to evaluate the prevalence of, and assess and communicate the risks of, congenital conditions, including the prevalence and risk of some of these conditions based on family history;

"(D) models to communicate effectively with parents and families about—

"(i) the process and benefits of newborn screening;

"(ii) how to use information gathered from newborn screening;

"(iii) the meaning of screening results, including the possibility of false positive findings;

"(iv) the right of refusal of newborn screening, if applicable; and

"(v) the potential need for followup care after newborns are screened;

"(E) information and resources on coordinated systems of followup care after newborns are screened;

"(F) information on the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

"(G) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

"(H) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

"(2) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to develop and deliver to parents, families, and patient advocacy and support groups, educational programs about newborn screening that include information on—

"(A) what newborn screening is;

"(B) how newborn screening is performed;

"(C) who performs newborn screening;

"(D) where newborn screening is performed;

"(E) the disorders for which the State requires newborns to be screened;

"(F) different options for newborn screening for disorders other than those included by the State in the mandated newborn screening program;

"(G) the meaning of various screening results, including the possibility of false positive and false negative findings;

"(H) the prevalence and risk of newborn disorders, including the increased risk of disorders that may stem from family history;

"(I) coordinated systems of followup care after newborns are screened; and

"(J) other items to carry out the purpose described in subsection (a)(2) as determined appropriate by the Secretary.

"(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—An eligible entity that receives a grant under subsection (a)(3) shall use the grant funds to—

"(A) expand on existing procedures and systems, where appropriate and available, for the timely reporting of newborn screening results to individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders;

"(B) coordinate ongoing followup treatment with individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders after a newborn receives an indication of the presence or increased risk of a disorder on a screening test;

"(C) ensure the seamless integration of confirmatory testing, tertiary care medical services, comprehensive genetic services including genetic counseling, and information about access to developing therapies by participation in approved clinical trials involving the primary health care of the infant;

"(D) analyze data, if appropriate and available, collected from newborn screenings to identify populations at risk for disorders affecting newborns, examine and respond to health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other relevant risk factors; and

"(E) carry out such other activities as the Secretary may determine necessary.

"(f) REPORTS TO CONGRESS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to the appropriate committees of Congress reports—

"(A) evaluating the effectiveness and the impact of the grants awarded under this section—

"(i) in promoting newborn screening—

"(I) education and resources for families; and

"(II) education, resources, and training for health care professionals;

"(ii) on the successful diagnosis and treatment of congenital, genetic, and metabolic disorders; and

"(iii) on the continued development of coordinated systems of followup care after newborns are screened;

"(B) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

"(C) that include recommendations for Federal actions to support—

"(i) education and training in newborn screening; and

"(ii) followup care after newborns are screened.

"(2) TIMING OF REPORTS.—The Secretary shall submit—

"(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

"(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

"(g) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a State or a political subdivision of a State;

"(2) a consortium of 2 or more States or political subdivisions of States;

"(3) a territory;

"(4) an Indian tribe or a hospital or outpatient health care facility of the Indian Health Service; or

"(5) a nongovernmental organization with appropriate expertise in newborn screening, as determined by the Secretary.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $15,000,000 for fiscal year 2007; and

"(2) such sums as may be necessary for each of fiscal years 2008 through 2011.".

SEC. 4. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b-8) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (E), by striking "and" after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) an assurance that the entity has adopted and implemented, is in the process of adopting and implementing, or will use grant amounts received under this section to adopt and implement the guidelines and recommendations of the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111 (referred to in this section as the 'Advisory Committee') that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary and the reporting of results; and"; and

(2) in subsection (i), by striking "such sums" and all that follows through the period at the end and inserting "$25,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.".

SEC. 5. EVALUATING THE EFFECTIVENESS OF NEWBORN- AND CHILD-SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b-9) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.".

SEC. 6. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (5);

(B) in paragraph (2), by striking "and" after the semicolon;

(C) by inserting after paragraph (2) the following:

"(3) recommend a uniform screening panel for newborn screening programs that includes the heritable disorders for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

"(4) develop a model decision-matrix for newborn screening program expansion, and periodically update the recommended uniform screening panel described in paragraph (3) based on such decision-matrix; and"; and

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking the period at the end and inserting ", including recommendations, advice, or information dealing with—

"(A) followup activities, including those necessary to achieve rapid diagnosis in the short term, and those that ascertain long-term case management outcomes and appropriate access to related services;

"(B) diagnostic and other technology used in screening;

"(C) the availability and reporting of testing for conditions for which there is no existing treatment;

"(D) minimum standards and related policies and procedures for State newborn screening programs;

"(E) quality assurance, oversight, and evaluation of State newborn screening programs;

"(F) data collection for assessment of newborn screening programs;

"(G) public and provider awareness and education;

"(H) language and terminology used by State newborn screening programs;

"(I) confirmatory testing and verification of positive results; and

"(J) harmonization of laboratory definitions for results that are within the expected range and results that are outside of the expected range."; and

(2) by adding at the end the following:

"(d) DECISION ON RECOMMENDATIONS.—

"(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

"(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2006 by not later than 180 days after the date of enactment of such Act.

"(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

"(e) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2006.".

SEC. 7. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) is amended by adding at the end the following:

"SEC. 1112. LABORATORY QUALITY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

"(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

"(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.

"SEC. 1113. SURVEILLANCE PROGRAMS FOR HERITABLE DISORDERS SCREENING.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, including data on the causes of such disorders and on the incidence and prevalence of such disorders;

"(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such disorders;

"(3) to provide information and education to the public on the prevention of such disorders; and

"(4) to conduct research on and to promote the prevention of such disorders, and secondary health conditions among individuals with such disorders.

"(b) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) IN GENERAL.—Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) REDUCTION.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(c) BIENNIAL REPORT.—Not later than February 1 of fiscal year 2007 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of heritable disorders and the health status of individuals with such disorders and the extent to which such disorders have contributed to the incidence and prevalence of infant mortality and affected quality of life;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

"(3) contains an assessment of the extent to which various approaches of preventing heritable disorders and secondary health conditions among individuals with such disorders have been effective;

"(4) describes the activities carried out under this section;

"(5) contains information on the incidence and prevalence of individuals living with heritable disorders, information on the health status of individuals with such disorders, information on any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

"(6) contains a summary of recommendations from all heritable disorders research conferences sponsored by the Centers for Disease Control and Prevention; and

"(7) contains any recommendations of the Secretary regarding this section.

"(d) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(e) COORDINATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall coordinate, to the extent practicable, programs under this section with programs on birth defects and developmental disabilities authorized under section 317C.

"(2) PRIORITY IN GRANTS AND CONTRACTS.—In making grants and contracts under this section, the Secretary shall give priority to entities that demonstrate the ability to coordinate activities under a grant or contract made under this section with existing birth defects surveillance activities.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.".

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mr. CONRAD):

S. 2664. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2006.

The Medicare prescription drug benefit got off to a bumpy start. As the new benefit was rolled out, the program experienced problems related to its computer system and databases. A lot of those problems have been fixed. But a new computer program or new software could not fix a number of the problems that pharmacists faced.

The Medicare drug benefit made big changes to the pharmacy business. Transitioning dual eligible beneficiaries from Medicaid to Medicare drug coverage affected the pharmacists who provide drugs. And pharmacists have experienced problems dealing with the private drug plans that offer the new benefit.

I have been hearing from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit ultimately depends on the pharmacists who deliver the drugs. So we have to help them. And we must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

This bill would provide the help that pharmacists need to continue delivering the Medicare drug benefit. It would resolve problems that they face every day as they provide Medicare beneficiaries with their drugs. It would help ensure that pharmacies remain open and operable so the drug benefit can be a meaningful part of beneficiaries' health care.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies have served the most vulnerable patients for years. They should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delay that pharmacies have experienced in receiving payment from drug plans has sent pharmacies all over the country into financial frenzy. These delays have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks, making it easier for pharmacies to operate. And the bill would impose a monetary penalty on plans if they paid late.

One of the most common complaints from beneficiaries has been how confused they are. One source of their confusion comes from the practice of co-branding. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. And that is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that pharmacists be paid reasonable dispensing fees for each prescription that they fill. Currently, some plans pay no dispensing fees. Other plans pay only nominal dispensing fees. Pharmacists are not able to cover their costs of dispensing drugs. And that puts them at a severe disadvantage. It eats up their margins from non-Medicare business. And it is unsustainable in the long-run.

Some would say that it is too soon to consider legislation that affects the Medicare drug benefit. I disagree. The problems that pharmacists are facing are real. And they are not going away. If we wait a year to consider the Pharmacy Access Improvement Act, it may be too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. I urge my colleagues to support it.

By Mr. BAUCUS (for himself, Mr. WYDEN, Mrs. LINCOLN, Mr. CONRAD, and Mr. JEFFORDS):

S. 2665. A bill to amend title XVIII of the Social Security Act to simplify and improve the Medicare prescription drug program; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Medicare Prescription Drug Simplification Act of 2006. This bill would improve the Medicare drug benefit by creating simple, understandable benefit packages. It would provide extra funds for State counselors who educate Medicare beneficiaries about the drug benefit. And it would strengthen consumer protections for beneficiaries who enroll.

Medicare drug benefits are critical to the health of our Nation's elderly and disabled. In 2003, after years of debate, Congress added drug coverage to Medicare through passage of the Medicare Modernization Act, the MMA. I was proud to help pass that bill. The law was not perfect. But, as I said then, we should not let perfection be the enemy of the good. The MMA can go a long way toward helping those who need it most.

But implementation of the law has been flawed. The Centers for Medicare and Medicaid Services, or CMS, was put in charge of ensuring that the prescription drug benefit was fully operational by January 1, 2006. The task was big. And CMS worked hard to get it done. Unfortunately, CMS's efforts have come up short in a few major areas.

First, CMS made the new program needlessly confusing. The law charged CMS with approving prescription drug plans. Last April, I urged CMS to approve only the plans meeting the highest standards, so that seniors could choose among a manageable number of solid offerings. But CMS ignored that advice.

Instead, CMS approved 47 plans in my State alone, and more than 1,500 nationwide. Furthermore, the differences between the plans are mind-boggling and difficult to sort out, even for the most-savvy consumer. Beneficiaries deserve better. They must be able to make apples-to-apples comparisons in order to choose what is best for them.

There are other problems in the way that CMS chose to implement the new program. Consumer protections are weak and inconsistent. The list of drugs covered by plans should not change in the middle of the year. Plan formularies should be transparent. And patients should be able to request exceptions to them using the same process and forms, no matter which plans the patients enrolled in.

Also, CMS terribly underfunded State Health Insurance Programs, known as SHIPs. These agencies are mainly staffed by volunteers who help educate and advise people about Medicare and the new drug benefit. They have held thousands of community events and assisted millions of people across the country. But they struggled to meet demand for help with the new drug program. Last week, Montana AARP donated $40,000 of its own funds to help the Montana SHIP keep enough staff and volunteers through the May 15 deadline. CMS provided only $7,500 for a five-county region in Montana with an area bigger than Delaware. In contrast, CMS spent $300 million for an ad campaign, a bus tour, and a blimp.

Yet despite these ads, many seniors are still confused about the drug benefit. When I asked Montanans how they feel about the new program, they tell me that it is too complex and confusing.

Recent focus groups conducted by MedPAC, the group that advises Congress on Medicare policy, found the same the problem. According to MedPAC, beneficiaries are "confused by the number of plans, variation in benefit structure."

And a study released by the Kaiser Family Foundation says: "the absence of any standardization for many features of drug plan benefit design, and even some of the basic terminology used to describe these plans, adds to the challenges for beneficiaries" and "is likely to make apples-to-apples comparisons across plans more difficult for consumers." The report "confirm[ed] the importance of federal safeguards . . . to minimize unnecessary complexity in [the] Medicare prescription drug plan marketplace."

The message is coming through loud and clear from constituents, researchers, advocacy groups, and government advisers. We need to make the Medicare drug benefit more understandable, straightforward, and transparent. And that's what this bill would do.

First, the bill would make choices among prescription drug plans more simple and straightforward. It would require the Federal Department of Health and Human Services to define six types of drug benefit packages that insurers could offer. In addition, Medicare and insurers would both have to use uniform language, names, and terminology to describe drug benefit packages. Seniors can reach informed decisions, but they deserve clear options.

This approach is similar to the one Congress took with the Medicare supplemental market. In 1980, Congress enacted the Baucus amendments to fix marketing abuses and consumer confusion with supplemental or Medigap plans.

Those reforms required private issuers to meet minimum standards and have minimum loss ratios. Ten years later, Congress again took up

Medigap reform, passing legislation that led to the standardization of Medigap policies. This resulted in a limited number of Medigap options, each with a fixed set of benefits. These changes were successful in helping consumers to make comparisons and in strengthening consumer protections.

My colleague and co-sponsor, Senator RON WYDEN, was instrumental in bringing about these reforms. And I thank him for his involvement then and today.

The bill that we are introducing today would build on these lessons and apply them to the Medicare drug benefit. By establishing six standardized types of benefit packages that insurers can offer, the bill would help people to make apples-to-apples comparisons. It would make choices more understandable. It would reduce confusion and help beneficiaries make the decisions that are best for each individual. And it would do this while preserving the ability of insurers to compete in the marketplace.

Second, the bill would provide extra funds to State Health Insurance Programs through 2010. Putting information on the Internet, television, and a toll-free hotline is not enough.

Third, the bill would stop drug plans from removing medications or increasing drug costs during the benefit year.

Fourth, the bill would prohibit insurance agents from engaging in unfair marketing practices that prey on vulnerable people—practices like cold-calling seniors.

I believe strongly that Medicare beneficiaries need prescription drug coverage. And, if CMS implements it correctly, the market-based approach envisioned in the MMA can deliver those benefits effectively. But a market can work only if the product is well defined and consumers have sufficient knowledge of it. As Adam Smith said: "[Value] is adjusted . . . not by any accurate measure, but by the haggling and bargaining of the market." It's not fair to expect seniors and people with disabilities to haggle and bargain if the choices are incomprehensible.

Some may say that lots of choice is good. This is true when people buy cars or toasters. But, as many economists have shown, the health care market is different. People want to choose their providers and pharmacies. But they do not necessarily want to wade through a confusing array of plans.

Some may say that we should hold off making changes until the market consolidates. But that is both unfair and unrealistic. With more than 1,500 plans in the market now, how much consolidation could really fix the problem of confusion and complexity? Furthermore, the next enrollment period is fast approaching, and consumers are insisting on relief now.

Some may say that enrollment is high, so why tinker with the benefit? But look at the numbers. In 2003, CMS said that they expected 19 million Americans to sign up for the drug program. But so far, only 8 million have voluntarily enrolled. In Montana, only 42 percent of people who have a choice about whether to sign up have done so. We can do better than that. And with passage of the Medicare Prescription Drug Simplification Act, we will.

The MMA tried to balance the needs of private plans and beneficiaries. But implementation has tilted that balance toward the private firms, rather than seniors and the disabled. The Medicare Prescription Drug Simplification Act of 2006 would restore the proper balance needed to make the drug program work fairly for people with Medicare.

By Mr. BURNS:

S. 2666. A bill to temporarily suspend the revised tax treatment of kerosene for use in aviation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Finance.

Mr. BURNS. Mr. President, I come to the floor today to introduce the Aviation Fuel Tax Simplification Act. This bill would suspend the new tax system on aviation grade kerosene until we have time to adequately address and study the impacts of such a proposal on aviation small businesses and the Airport and Airway Trust Fund.

This bill addresses a problem created in the Highway Bill this body passed last year. That bill contained a change in the collection of fuel taxes for business and general aviation operators.

Prior to the Highway bill passing, jet fuel intended for noncommercial use was taxed at 21.9 cents per gallon. Under the new provision, all taxes on aviation jet fuel are collected at the diesel fuel rate, which is 24.4 cents per gallon. After collection at the higher rate, the operator or ultimate vendor then has to file a claim with the Internal Revenue Service, IRS, to be reimbursed for the 2.5 cent per gallon difference. Once, and only if, the vendor files the claim do the tax revenues then get transferred to the Airport and Airway Trust Fund.

For general aviation, most of the entities that would be the ultimate vendors are the Fixed Based Operators, FBOs, located at the 19,200 airports, heliports and seaplane bases throughout the U.S. Most of these FBOs are very small mom and pop businesses, and they do not have the resources to comply with the IRS's ultimate vendor rules.

The Highway bill provision took effect last October, with little guidance from the IRS on how aviation fuel operators should apply the new policy. This lack of guidance has created an onerous and convoluted process for taxing aviation jet fuel. It also presents an enormous administrative challenge for aviation businesses, the overwhelming majority of which have never been engaged in any sort of wrongdoing.

This provision was put in the Highway bill with the best of intentions in an effort to fight fuel fraud. However, I believe that provision has fallen into the category covered by the rule of unintended consequences. Unfortunately, the reality is the impact on small aviation businesses far outweighs the intent.

In theory, the provision was put into place to address fuel fraud allegations directed at truck drivers filling up with jet fuel to avoid the 24.4 highway/diesel fuel tax. In reality, jet fuel is considerably more expensive than diesel fuel. It makes no sense to me that a truck driver would pay at least $1 per gallon more to save 25 cents per gallon in taxes.

I have heard from many Montana providers on this issue and I think I can safely say, while the intent was noble, the impact is far too burdensome. Because of the burden and the possible impact on the Airport and Airway Trust Fund I feel it necessary to immediately suspend the new tax system. I look forward to working with my colleagues to find a more appropriate way of curbing fuel fraud.

By Mr. REID. (for Mr. KERRY (for himself, Mr. KOHL, and Mr. LIEBERMAN)):

S. 2670. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. KERRY):

S. 2672. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

Mr. REID (for Mr. KERRY). Mr. President, the Energy Policy Act of 2005 contained $2.6 billion over 10 years in tax breaks for oil and gas companies. The bill also contained a $1.5 billion fund for an oil consortium that brings the total handouts for oil companies to more than $4 billion over ten years. These giveaways are on top of at least $6 billion in tax breaks already available to the oil industry through 2009. And these new tax breaks come at a time when the world's largest energy companies are reaping record-setting profits.

Just this week, President Bush said: "Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures, or the use of taxpayers' money to subsidize energy companies' research into deep water drilling. I'm looking forward to Congress to take about $2 billion of these tax breaks out of the budget over a 10-

year period of time. Cash flows are up. Taxpayers don't need to be paying for certain of these expenses on behalf of the energy companies."

Not long ago, we heard the top oil executives testify before Congress that they don't need the tax breaks either.

Today I am introducing the Energy Fairness for America Act and the Restore a Rational Tax Rate on Petroleum Production Act of 2006. These bills repeal tax breaks for oil companies, close corporate tax loopholes that benefit oil companies, and repeal the new domestic manufacturing deduction for oil and gas companies.

The Energy Fairness for America Act will repeal provisions approved in the recent Energy Policy Act, as well as pre-existing handouts. Instead of providing tax breaks to oil companies, the Energy Fairness for America Act will save at least $28 billion for tax payers. This money can then go to provide relief to consumers suffering from higher energy costs as well as investments in efficiency and renewable technologies that can benefit all Americans.

The Restore a Rational Tax Rate on Petroleum Production Act of 2006 would repeal the new manufacturing deduction for oil and gas companies that was enacted by Congress in 2004. Congressman MCDERMOTT is introducing companion legislation in the House. This domestic manufacturing deduction was designed to replace export-related tax benefits that were successfully challenged by the European Union.

Producers of oil and gas did not benefit from this tax break. Initial legislation proposed to address the repeal of the export-related tax benefits and to replace with a new domestic manufacturing deduction only provided the deduction to industries that benefited from the export-related tax benefits. However, the final product extended the deduction to include the oil and gas industry.

This legislation repeals the 2004 manufacturing deduction for oil and gas companies because these industries suffered no detriment from the repeal of export-related tax benefits. At a time when oil companies are reporting record profits, there is no valid reason to reward them with a tax deduction.

Many Members of Congress including myself support a windfall profits tax and providing this deduction to oil and gas companies operates as a reverse windfall profits tax. This deduction lowers the tax rate on the windfall profits they are currently enjoying. Without Congressional action, this benefit will increase. The domestic manufacturing deduction is currently three percent and is schedule to increase to six percent in 2007 and nine percent in 2010. This means that next year oil companies that are benefiting from this deduction will see their benefits double and triple in 2010.

I urge my colleagues to support both the Energy Fairness for America Act and the Restore a Rational Tax Rate on Petroleum Production Act of 2006. We owe it to the American people to eliminate tax benefits to the oil industry at a time of record profits, record gas prices, and a projected record deficit.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Energy Fairness for America Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Termination of deduction for intangible drilling and development costs.
Sec. 3. Termination of percentage depletion allowance for oil and gas wells.
Sec. 4. Termination of enhanced oil recovery credit.
Sec. 5. Termination of certain provisions of the Energy Policy Act of 2005.
Sec. 6. Termination of certain tax provisions of the Energy Policy Act of 2005.
Sec. 7. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 8. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
Sec. 9. Rules relating to foreign oil and gas income.
Sec. 10. Elimination of deferral for foreign oil and gas extraction income.

SEC. 2. TERMINATION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) is amended by adding at the end the following new sentence: "This subsection shall not apply to any taxable year beginning after the date of the enactment of this sentence.".

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) are each amended by striking "section 263(c), 616(a)," and inserting "section 616(a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. TERMINATION OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A is amended by adding at the end the following new subsection:

"(f) TERMINATION.—For purposes of any taxable year beginning after the date of the enactment of this subsection, the allowance for percentage depletion shall be zero.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. TERMINATION OF ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 is amended by adding at the end the following new subsection:

"(f) TERMINATION.—This section shall not apply to any taxable year beginning after the date of the enactment of this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. TERMINATION OF CERTAIN PROVISIONS OF THE ENERGY POLICY ACT OF 2005.

(a) IN GENERAL.—The following provisions of the Energy Policy Act of 2005 are repealed on and after the date of the enactment of this Act:

(1) Section 342 (relating to program on oil and gas royalties in-kind).

(2) Section 343 (relating to marginal property production incentives).

(3) Section 344 (relating to incentives for natural gas production from deep wells in the shallow waters of the Gulf of Mexico).

(4) Section 345 (relating to royalty relief for deep water production).

(5) Section 357 (relating to comprehensive inventory of OCS oil and natural gas resources).

(6) Subtitle J of title IX (relating to ultra-deepwater and unconventional natural gas and other petroleum resources).

(b) TERMINATION OF ALASKA OFFSHORE ROYALTY SUSPENSION.—

(1) IN GENERAL.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking "and in the Planning Areas offshore Alaska".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on and after the date of the enactment of this Act.

SEC. 6. TERMINATION OF CERTAIN TAX PROVISIONS OF THE ENERGY POLICY ACT OF 2005.

(a) ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.—Section 168(e)(3)(E)(vii) is amended by inserting ", and before the date of the enactment of the Energy Fairness for America Act" after "April 11, 2005".

(b) TEMPORARY EXPENSING OF EQUIPMENT USED IN REFINING LIQUID FUELS.—Section 179C(c)(1) is amended—

(1) by striking "January 1, 2012" and inserting "the date of the enactment of the Energy Fairness for America Act", and

(2) by striking "January 1, 2008" and inserting "the date of the enactment of the Energy Fairness for America Act".

(c) NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.—Section 168(e)(3)(E)(viii) is amended by striking "January 1, 2011" and inserting "the date of the enactment of the Energy Fairness for America Act".

(d) NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.—Section 168(e)(3)(C)(iv) is amended by inserting ", and before the date of the enactment of the Energy Fairness for America Act" after "April 11, 2005".

(e) DETERMINATION OF SMALL REFINER EXCEPTION TO OIL DEPLETION DEDUCTION.—Section 1328(b) of the Energy Policy Act of 2005 is amended by inserting "and beginning before the date of the enactment of the Energy Fairness for America Act" after "this Act".

(f) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—Section 167(h) is amended by adding at the end the following new paragraph:

"(5) Termination.—This subsection shall not apply to any taxable year beginning after the date of the enactment of the Energy Fairness for America Act.".

(g) Effective Date.—The amendments made by this section shall take effect on and after the date of the enactment of this Act.

SEC. 7. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(1) In general.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-oil equivalent.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of Requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) Applicable Integrated Oil Company.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating To Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 9. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) Separate Basket for Foreign Tax Credit.—

(1) Years before 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(2) 2007 and after.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) foreign oil and gas income."

(b) Definition.—

(1) Years before 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) Foreign oil and gas income.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(2) 2007 and after.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

"(J) Foreign oil and gas income.—For purposes of this section—

"(i) In general.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

"(ii) Coordination.—Passive category income and general category income shall not include foreign oil and gas income (as so defined)."

(c) Conforming Amendments.—

(1) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(2) Section 907(a) is hereby repealed.

(3) Section 907(c)(4) is hereby repealed.

(4) Section 907(f) is hereby repealed.

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) Years after 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(3) Transitional rules.—

(A) Separate basket treatment.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(B) Carryovers.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(C) Losses.—The amendment made by subsection (c)(3) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

SEC. 10. ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) General Rule.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

"(A) foreign oil and gas extraction income (as defined in section 907(c)), or

"(B) foreign oil related income (as defined in section 907(c))."

(b) CONFORMING AMENDMENTS.—

(1) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking "base company oil related income" each place it appears (including in the heading of subsection (b)(8)) and inserting "oil and gas income".

(2) Subsection (b)(4) of section 954 is amended by striking "base company oil-related income" and inserting "oil and gas income".

(3) The subsection heading for subsection (g) of section 954 is amended by striking "FOREIGN BASE COMPANY OIL RELATED INCOME" and inserting "FOREIGN OIL AND GAS INCOME".

(4) Subparagraph (A) of section 954(g)(2) is amended by striking "foreign base company oil related income" and inserting "foreign oil and gas income".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

S. 2672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restore a Rational Tax Rate on Petroleum Production Act of 2006".

SEC. 2. FINDINGS.

The Congress finds that—

(1) like many other countries, the United States has long provided export-related benefits under its tax law,

(2) producers and refiners of oil and natural gas were specifically denied the benefits of those export-related tax provisions,

(3) those export-related tax provisions were successfully challenged by the European Union as being inconsistent with our trade agreements,

(4) the Congress responded by repealing the export-related benefits and enacting a substitute benefit that was an effective rate reduction for United States manufacturers,

(5) producers and refiners of oil and natural gas were made eligible for the rate reduction even though they suffered no detriment from repeal of the export-related benefits, and

(6) the decision to provide the effective rate reduction to producers and refiners of oil and natural gas has operated as a reverse windfall profits tax, lowering the tax rate on the windfall profits they are currently enjoying.

SEC. 3. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.".

(b) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking "electricity, natural gas," and inserting "electricity", and

(2) in subparagraph (B)(ii) by striking "electricity, natural gas," and inserting "electricity".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2671. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President I rise today with my colleague Senator FEINSTEIN to introduce a bill to combat gang violence and honor a young girl from California, Mynesha Crenshaw, who was killed last year in a tragic shooting.

On November 13, 2005, a gang-related dispute broke out in San Bernardino, CA and gunfire sprayed an apartment building, killing 11-year old Mynesha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family.

Imagine the fear and anguish the family and the community still feel over this tragedy a young girl, full of hope and promise, dead. Her big sister, wounded from the same gunfire, though thankfully she subsequently recovered. Imagine the fear that this could happen again. Our hearts and our prayers go out to Mynesha's family and to the entire community, which like so many others across the United States, has struggled with gang violence.

Last year, there were 58 homicides in San Bernardino, a city of 200,000 east of Los Angeles, and 13 more homicides so far this year. And just last month, two men were caught in a gang-related crossfire and died in Downtown San Bernardino. This has to stop. It is a waste of life; it is unacceptable.

San Bernardino's diverse population of young people and their families face many challenges, but San Bernardino also has a vibrant and united community, strong leadership, and a desire to come together to improve their city.

Mynesha Crenshaw's death galvanized over 1,000 residents to take to the streets, demanding change. And some 40 community and religious leaders, public officials, and concerned citizens from San Bernardino have joined together to form "Mynesha's Circle" to find solutions to the plague of gang violence and to help San Bernardino's young people grow up safe, finish school, and succeed in life.

I applaud Mayor Patrick Morris, Police Chief Michael Billdt, community leaders Kent Paxton and Rev. Reggie Beamon and Robert Balzer, the publisher of the San Bernardino Sun, for taking up this cause.

I want to also thank all the other members of "Mynesha's Circle" Sheryl Alexander, Betty Dean Anderson, Donald Baker, Fred Board, Ruddy Bravo, Hardy Brown, Cheryl Brown, Mark and Katrina Cato, Larry Ciecalone, Stephani Congdon, San Bernardino City Schools Superintendent Arturo Delgado, Tim Evans, San Bernardino County Schools Superintendent Herb Fischer, Rialto Schools Superintendent Edna Herring, Sheriff Rod Hoops, Syeda Jafri, Walter Jarman, Rev. David Kalke, CSU President Al Karnig, William Leonard, Sheriff Gary Penrod, DA Michael Ramos, Sandy Robbins, Doug Rowand, Larry Sharp, Ron Stark, Tori Stordahl, Heck Thomas, David Torres, Mark Uffer, San Bernardino Police Chief Gary Underwood, Councilmember Rikke Van Johnson, Bobby Vega, and the Sun Reader Advisory Board members: Daniel Blakely, Barbara Lee Harn Covey, Mark Henry, Julie Hernandez, Lynette Kaplan, Brenda Mackey, James Magnuson, Julian Melendez, Ernest Ott, Jeffrey Pryor, John Ragsdale, Glenda Randolph, Nora Taylor, and David Torres.

I have pledged to do what I can at the Federal level to help San Bernardino. And that is why today I am introducing "Mynesha's Law," with my colleague, Senator FEINSTEIN.

"Mynesha's Law" will create an interagency Task Force at the Federal level, including the Departments of Justice, Education, Labor, Health and Human Services, and Housing and Urban Development, to take a comprehensive approach to reducing gang violence and targeting resources at the communities in our nation most at risk. The resources will come from proven existing Federal programs, including Child Care Block Grants, Head Start, Even Start, Job Corps, COPS, Byrne Grants and other programs the Task Forces chooses.

Communities will be able to apply to the Department of Justices for designation as a "High-Intensity Gang Activity Area" and then be eligible to receive targeted assistance from the Task Force.

The Task Force will be required to report annually to Congress on the best practices and outcomes among the High-Intensity Gang Activity Areas and on the adequacy of Federal funding to meet the needs of these areas. If the Task Force identifies any programmatic shortfalls in addressing gang prevention, the report will also include a request for new funding or reprogramming of existing funds to meet the shortfalls and the bill authorizes such sums to be appropriated.

In addition to "Mynesha's Law," I am seeking a $1 million appropriation that the city of San Bernardino has requested to implement a comprehensive gang intervention and prevention strategy called "San Bernardino Gang Free Schools." The program would fund 10 probation officers to provide gang resistance and education training to 57,000 students, as well as case management and oversight for at-risk youth.

I am also requesting a $3 million appropriation to renovate and equip what may be the most important organization for at-risk young people in the area the Boys and Girls Club of San Bernardino.

The Boys and Girls Club is one of the few safe and supportive places in San Bernardino where young people can go after school to get help with homework or play sports with their friends. Many community leaders believe the Boys and Girls Club is one of the best gang prevention programs in San Bernardino and has helped many young people stay in school and out of trouble.

This tragic shooting of Mynesha Crenshaw symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence and serves as a reminder of the nationwide problem we face in protecting our children from senseless violence. I believe "Mynesha's Law" will help the children of San Bernardino, and across our nation, grow up safely so they can reach their dreams.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Mynesha's Law".

SEC. 2. FINDINGS.

Congress finds—

(1) with an estimated 24,500 gangs operating within the United States, gang violence and drug trafficking remain serious problems throughout the country, causing injury and death to innocent victims, often children;

(2) on November 13, 2005, a gang-related dispute broke out in San Bernardino, California, and gunfire sprayed an apartment building, killing 11-year old Mynesha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family;

(3) this tragic shooting symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence, and serves as a reminder of the nationwide problem of protecting children from senseless violence;

(4) according to the National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs throughout the United States;

(5) the Federal Government has made an increased commitment to the suppression of gang violence through enhanced law enforcement and criminal penalties; and

(6) more Federal resources and coordination are needed to reduce gang violence through proven and proactive prevention and intervention programs that focus on keeping at-risk youth in school and out of the criminal justice system.

SEC. 3. DESIGNATION AS A HIGH-INTENSITY GANG ACTIVITY AREA.

(a) IN GENERAL.—A unit of local government, city, county, tribal government, or a group of counties (whether located in 1 or more States) may submit an application to the Attorney General for designation as a High-Intensity Gang Activity Area.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria for reviewing applications submitted under subsection (a).

(2) CONSIDERATIONS.—In establishing criteria under subsection (a) and evaluating an application for designation as a High-Intensity Gang Activity Area, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal gang activity;

(C) the extent to which the area is already engaged in local or regional collaboration regarding, and coordination of, gang prevention activities; and

(D) such other criteria as the Attorney General determines to be appropriate.

SEC. 4. PURPOSE OF THE TASK FORCE.

(a) IN GENERAL.—In order to coordinate Federal assistance to High-Intensity Gang Activity Areas, the Attorney General shall establish an Interagency Gang Prevention Task Force (in this Act referred to as the "Task Force"), consisting of a representative from—

(1) the Department of Justice;

(2) the Department of Education;

(3) the Department of Labor;

(4) the Department of Health and Human Services; and

(5) the Department of Housing and Urban Development.

(b) COORDINATION.—For each High-Intensity Gang Activity Area designated by the Attorney General under section 3, the Task Force shall—

(1) coordinate the activities of the Federal Government to create a comprehensive gang prevention response, focusing on early childhood intervention, at-risk youth intervention, literacy, employment, and community policing; and

(2) coordinate its efforts with local and regional gang prevention efforts.

(c) PROGRAMS.—The Task Force shall prioritize the needs of High-Intensity Gang Activity Areas for funding under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.);

(3) the Healthy Start Initiative under section 330H of the Public Health Services Act (42 U.S.C. 254c-8);

(4) the Head Start Act (42 U.S.C. 9831 et seq.);

(5) the 21st Century Community Learning Centers program under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.);

(6) the Job Corps program under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(7) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(8) the Gang Resistance Education and Training projects under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921);

(9) any program administered by the Office of Community Oriented Policing Services;

(10) the Juvenile Accountability Block Grant program under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

(11) the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(12) any other program that the Task Force determines to be appropriate.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Task Force shall submit to Congress and the Attorney General a report on the funding needs and programmatic outcomes for each area designated as a High-Intensity Gang Activity Area.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an evidence-based analysis of the best practices and outcomes among the areas designated as High-Intensity Gang Activity Areas; and

(B) an analysis of the adequacy of Federal funding to meet the needs of each area designated as a High-Intensity Gang Activity Area and, if the Task Force identifies any programmatic shortfalls in addressing gang prevention, a request for new funding or reprogramming of existing funds to meet such shortfalls.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to meet any needs identified in any report submitted under section 4(d)(1).

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. JOHNSON):

S. 2674. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill that would amend the Native American Languages Act, NALA, that was enacted into law on October 30, 1990, to promote the rights and freedom of Native Americans to use, practice, and develop Native American languages. Since 1990, awareness and appreciation of Native languages has grown. Continued action and investment in the preservation of Native languages is needed. I am pleased to be joined by my colleagues, Senators DANIEL K. INOUYE and MAX BAUCUS, as we seek to improve the cultural and educational opportunities available to Native Americans throughout our Nation.

Historians and linguists estimate that there were more than 300 distinct Native languages at the time of first European contact with North America. Today, there are approximately 155 Native languages that remain and 87 percent of those languages have been classified as deteriorating or nearing extinction. Native communities across the country are being significantly impacted as individuals fluent in a Native language are passing away. These speakers are not only important in perpetuating the language itself, but also serve as repositories of invaluable knowledge pertaining to customs and traditions, as well as resource use and management.

The Native American Languages Act Amendments Act of 2006 would amend NALA to authorize the Secretary of Education to provide funds to establish Native American language nest and survival school programs. Nest and survival school programs are site-based education programs conducted through a Native American language. These programs have played an integral role in bringing together elders and youth to cultivate and perpetuate Native American languages. My bill would establish at least four demonstration programs in geographically diverse locations to provide assistance to nest and survival schools and participate in a national study on the linguistic, cultural, and academic effects of Native American language nest and survival schools. Demonstration programs would be authorized to establish endowments for furthering activities related to the study and preservation of Native American languages and to use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

As Americans, it is our responsibility to perpetuate our Native languages that have shaped our collective identity and contributed to our history. For example, during World War II, the United States employed Native American code talkers who developed secret means of communication based on Native languages. The actions of the code talkers were critical to our winning the war and to saving numerous lives. My legislation would serve as another opportunity for our country to acknowledge and ensure that our future will be enhanced by the contributions of Native language and culture.

I urge my colleagues to join me in supporting this legislation to enhance the cultural and educational opportunities for Native Americans and Native American language speaking individuals.

By Mrs. BOXER:

S. 2675. A bill to amend title 49, United States Code, to set minimum fuel economy requirements for federal vehicles, to authorize grants to States to purchase fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise today to introduce a bill that will increase the fuel economy for our Nation's Federal fleet.

Americans are facing record high gasoline prices at over $3 per gallon. In some places in my State of California, people are paying over $4 per gallon. Oil is selling for over $75 per barrel.

We need to say "enough is enough." We need to reduce our dependence on oil and gasoline. We can do this without changing our quality of life by investing in fuel-efficient cars.

The Federal Government must set an example to the American public by improving the Nation's fleet. Each year, the Federal Government purchases 58,000 passenger vehicles. According to the Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was an abysmal 21.4 miles per gallon.

In an era, where hybrid cars on the market that can achieve over 50 miles per gallon (mpg), that level of fuel economy is unacceptable.

Instead, our government needs to purchase fuel-efficient cars, SUVs, and other light trucks.

This can be done today. I drive a Toyota Prius that gets over 50 mpg. The Ford Escape SUV can get 36 mpg.

To have the Federal Government set an example for the American public and to create a larger market for fuel-efficient vehicles, I am introducing the "Fuel-Efficient Fleets Act of 2006."

This legislation would require all new Federal fleet vehicles to obtain a minimum miles per gallon based on vehicle type. The new fuel efficiency standards would be as follows: 45 mpg for cars, 36 mpg for SUVs, 24 mpg for pickup trucks, 20 mpg for minivans, and 15 mpg for vans.

The bill establishes a phase-in schedule over 4 years to allow for flexibility in purchasing new cars.

Additionally, the bill has a provision to allow the standards to be increased if technological advances allow fuel economy to improve.

Finally, the bill authorizes $100 million in incentive grants for the States' fleets to match or exceed the Federal standards.

I urge my colleagues to support the bill. This will be a good step to use less gasoline in this country.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 2676. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on the near National Forest System land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, last August I participated in the White House Conference on Cooperative Conservation. The conference reinforced that conservation success can be achieved by collaboration. Many of the advancements in conservation result from the commitment of individuals to work together and with local and Federal agencies. Cooperative conservation requires cooperative legislation.

That is why I rise to introduce the Forest Service Partnership Act, which will enhance the ability of the Forest Service to work cooperatively with local communities. Unfortunately, the authorities for the Forest Service to work jointly with others are a complex patchwork of temporary authorities, which have resulted in differing interpretations and lengthy procedures. Additionally, the existing authorities need enhancements to accommodate today's resources conservation needs and allow for the delivery of a range of visitor services and interpretive and educational materials.

The Forest Service Partnership Enhancement Act will better enable cooperative work with the Forest Service by consolidating and providing permanent authority for mutually-beneficial agreements with the Forest Service. The legislation would also enable visitors to purchase health and safety items in remote Forest Service locations and permit joint facilities and publications, which benefit the public.

In fiscal year 2005 alone, the Forest Service entered into more than 3,000 cooperative agreements that would be permanently authorized through this legislation. These agreements leveraged $37.3 million in Federal funds with $32.8 million in private contributions for a total of more than $70 million worth of mutually-beneficial collaborative successes. In my home State of Idaho, the Forest Service entered into a public-private partnership for the construction of 1900 feet of new channel and associated flood plain on Granite Creek. This project restores habitat connectivity to approximately 6 miles of stream. The cooperative work of the Forest Service, Avista Utilities, the Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service, and 15 volunteers from Trout Unlimited enabled the leveraging of $60,000 of Forest Service funds with $120,000 from the participating partners.

Collaboration is necessary to bring lasting conservation success. The Forest Service Partnership Act would enhance the ability of the Forest Service to partner with other Federal agencies, local communities, tribal governments, and other interested parties, and I encourage the commitment to collaborative conservation by supporting this legislation.

By Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY):

S. 2681. A bill to amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes; to the Committee on Armed Services.

Ms. CANTWELL. Mr. President, I rise today to introduce the National Guard Equipment Accountability Act. I want to thank my colleagues, the

Senator from Delaware, Senator BIDEN, and the co-chair of the Senate National Guard Caucus the Senator from Vermont, Senator LEAHY, who have cosponsored this important piece of legislation.

As a Nation, we have a solemn duty to honor, prepare, and properly equip all of our men and women in uniform. That includes our Reserves and National Guard.

The National Guard and Reserves represent an essential element of our national defense, confronting our enemies in distant lands and responding to threats of terror right here within our own borders. In Washington State, we face threats from volcanoes, tsunamis, and other natural disasters. The National Guard played a critical role in the emergency response following the eruption of Mount St. Helens. We have relied on the civil response capabilities of the Guard to protect our communities from wildfires, floods, and to secure our skies in the uncertain hours after 9/11. More recently, in the aftermath of Hurricane Katrina, the National Guard responded with urgency and compassion.

There are approximately 30,000 members of the National Guard currently deployed to places like Iraq and Afghanistan. About 500 members of the Washington National Guard are among them.

The men and women who serve in the National Guard are making a great sacrifice, fulfilling a distinct and important responsibility. And we owe them all of the resources necessary to safely and effectively achieve their mission.

Right now, there is simply too much uncertainty and when it comes to maintaining adequate equipment levels for our National Guard.

When our Reserves and National Guard are deployed on operations overseas, they are deployed with equipment from their unit.

While serving abroad, their equipment becomes integrated with the greater mission. As a result, when our men and women return home their equipment does not often return with them.

And too often there is no established plan or process to replace or even track that equipment once it's been left behind. As a result, too many of our National Guard units are left under-equipped—lacking the necessary equipment for training or to respond to domestic civil emergencies.

The numbers are clear: According to the Department of Defense, the Army National Guard has left more than 75,000 items valued at $1.7 Billion overseas in support of ongoing military operations.

Last October, the Government Accountability Office found that at the time the Army could not account for more than half of all items left behind and has not committed to an equipment replacement plan, as Department of Defense (DoD) policy requires.

Given the amount of equipment left behind in total, National Guard Units in other States are surely facing a similar situation.

The provisions of my legislation would simply codify provisions of Department of Defense policy that are critical to providing our men and women in uniform with the protection and resources they deserve.

The National Guard Equipment Accountability Act would require a comprehensive report about all transferred equipment. Within 90 days of diverting equipment from any reserve unit to another reserve unit or to active duty forces, the Secretary of the Army or Air Force would be required to report it to the Secretary of Defense.

The report must also include a plan to replace equipment to the original unit. Further, if a reserve unit returns from abroad but leaves equipment in the theater of operations, the Department of Defense would be required to provide a replacement plan for equipment to facilitate continued training.

Finally, my amendment would require a signed Memorandum of Understanding specifying exactly how withdrawn equipment will be tracked and when that equipment will be returned.

Given the current equipment situation, my legislation's provisions are crucial. Our soldiers have chosen to follow a noble and selfless path. We have a responsibility to give our active duty, reserve units, and the men and women of the National Guard, the very best resources so they may fulfill their mission as safely and effectively as possible.

We must do so today and everyday for their sacrifice is immense and our gratitude is profound.

Mr. BIDEN. Mr. President, first, I want to thank Senator CANTWELL for her leadership on this issue. This bill is a direct result of what we have seen traveling through our States and overseas.

Every time I travel to Iraq and Afghanistan, I am struck by the commitment and professionalism of the men and women of our military. They honor America with their service and dedication.

What is also noticeable to those of us who have been around for awhile is that it is impossible to tell who is in the Guard, the Reserves, or the Active Duty.

Unfortunately, when those same brave men and women return home, it is often to units lacking the most basic equipment—radios, trucks, and engineering equipment.

This is not "nice to have" equipment. It is the essential stuff, the most basic equipment, needed to respond to natural disasters or perform homeland defense missions.

When a governor calls the State Adjutant-General because there has been a major winter storm, severe flooding, or any natural disaster, that governor expects the National Guard to have the ability to get to the disaster area, assist those in need, and communicate with State and Federal leaders and others responding.

Today, many State Guard units may not be able to do those basic tasks because they do not have the equipment they need.

Why not? Three reasons.

First, for years the Guard was not given all of the equipment it needed. Most units had 65 to 79 percent of what they needed. So they started the war short.

Second, in 2003 the Army began a policy of leaving equipment in Iraq to reduce transportation costs and to make sure that those in Iraq would have what they needed. The Defense Department estimates that the Army Guard has left over $1.7 billion worth of equipment in Iraq and Afghanistan.

Unfortunately, the Government Accountability Office has found that the Army cannot account for over half of these items and, even worse, the Army has no plan for replacing the equipment.

Third, the Army has a huge equipment bill because the equipment in Iraq is being worn out at two to nine times the rate planned for and the Army is trying to transform itself into a modular force with entirely new and different equipment.

So, I understand why we have equipment shortages. What I don't understand is why the Secretary of Defense doesn't have a plan to fix the shortages.

In April of 2005, the Department of Defense issued a policy directive that said every time equipment is taken from a Reserve unit, a plan had to be developed within 90 days to replace that equipment.

It's been a full year since the policy was made official and yet States across the country are desperately short of needed equipment and have not seen any plans.

Our legislation would simply make 000 live up to its rhetoric and provide the plans it has promised.

There is more that we need to do to address equipment shortages throughout all of our ground forces, but at a minimum we should all be able to agree to start by following the current policy of the Defense Department and make a plan to replace equipment that is not being returned to State units.

By Mr. NELSON of Florida:

S. 2682. A bill to exclude from admission to the United States aliens who have made investments directly and significantly contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes: to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to respond to the comments of several of our Senate colleagues. Many of my friends across the aisle have recently spoken about Fidel Castro's announcement that he plans to begin drilling for oil off the coast of Cuba. This means that oil rigs will be operating just 50 miles from the Coast of Florida and near the Florida Keys National Marine Sanctuary. My colleagues argue that if Castro can drill 50 miles from Florida, American companies must have the right to meet them on the same playing field and beat them at their own game. This line of reasoning, however, has several flaws. Since when have we made any law or set any business or environmental standard using Cuba as a model? I am astounded that we would attempt to justify our actions by holding up Castro's actions as an example to follow.

The answer to Castro's outrageous proposal to drill 50 miles from Florida is not to kick off a race to see who can set up the most rigs in our precious coastal waters—the answer is to hit back hard and fast to stop Castro from drilling so close to our shores.

At the same time, it is important to keep in mind that this debate, at its heart, is not about Castro. Preventing drilling off the coast of Florida is about preserving one of America's most important coastlines: a stretch of precious land and sea where critical environmental, economic and military assets overlap. What is truly important to understand in this debate is how inextricably linked these three elements of our national interest are: environmental protection is critical to the tourism industry that is the economic backbone of the southeastern United States, and above it all, our military uses this protected area for essential land-, air- and sea exercises and testing.

Florida, as a community and an economic entity, has worked hard, tremendously hard, to build a $62 billion tourism industry employing nearly 1 million citizens. This industry would not exist on such a large, vital scale without the unique and precious environment that is the beauty and essence of our state. Florida is windswept beaches, clear blue water, and the great "River of Grass" itself—the Everglades. And all of these wonders of nature are inhabited by some of America's most beautiful and exotic wildlife: manatees, crocodiles, panthers and ospreys. We have learned the hard way that failing to protect our environment has deadly consequences, consequences that will have a stark impact on the very tourism industry that support so many families in our state. In fact, Congress has invested some $8 billion in restoring this remarkable ecosystem. Now that investment is put at risk.

In January 1969, an explosion at a California offshore drilling site caused a 200,000-gallon crude oil spill off the coast. While small in comparison to other spills, that incident dealt a devastating blow to neighboring beaches and aquatic life. As tides brought an 800-square-mile slick ashore, oil coated 35 miles of the coastline, blackening beaches and killing thousands of birds, dolphins, seals, fish and other wildlife. A national outcry followed, and sparked a movement that led to legal bans on drilling on the Outer Continental Shelf, including the eastern Gulf of Mexico off of Florida.

This wise ban is now at risk—nearly 40 years after that deadly spill in California, must we be doomed to repeat the past? After so many years and so much additional economic and environmental research, we know better than ever that the real value lies in protecting the tourism industry and its environmental foundation. I refuse to see the long-standing consensus against drilling off of Florida scrapped for the sake of "keeping up with the Castros."

And, finally, I would like to draw my colleagues' attention to the grave consequences that oil drilling poses not only to America's beaches and environment, but also to our national interests and foreign policy. We must do all we can to prevent Castro from drilling for oil so close to the shores of Florida. Foreign oil companies must not provide the props to support Castro's regime without facing stiff penalties.

For all of these reasons, I am introducing legislation today that will nullify the agreement that defines the maritime borders between the United States and Cuba. This agreement was negotiated in 1977—a different era—when oil drilling so close to our shores was not contemplated. The agreement draws a line through the middle of the 90 miles of ocean that separate our two countries. Without this line, foreign oil companies have no legal basis for exploring in waters that are claimed by both the U.S. and Cuba. We cannot allow this agreement—never ratified by the Senate—to enable Castro's foolhardy exploration for oil in areas so near to some of the most pristine waters in our country.

The legislation also takes a second step to further dissuade foreign oil companies from exploring for oil so close to our coastline. It will bar the Secretary of State from granting visas to executives of foreign oil companies who invest in petroleum development off the North coast of Cuba. This legislation, an expansion of the landmark Helms-Burton law, is a step in the right direction. It is only a first step, but I call on my colleagues to join me in preventing a tyrannical dictator from drilling for oil so close to our shores.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NULLIFICATION OF MARITIME BOUNDARY AGREEMENT.

Notwithstanding any other provision of law, the Maritime Boundary Agreement Between the United States of America and the Republic of Cuba signed at Washington D.C., December 16, 1977, shall have no force and effect after the date of the enactment of this Act.

SEC. 2. EXCLUSION OF CERTAIN ALIENS.

(a) IN GENERAL.—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note) is amended by inserting after section 401 the following:

"SEC. 402. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO DIRECTLY AND SIGNIFICANTLY CONTRIBUTE TO THE ABILITY OF CUBA TO DEVELOP PETROLEUM RESOURCES OFF OF CUBA'S NORTH COAST.

"(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Attorney General and the Secretary of Homeland Security shall exclude from the United States, any alien who the Secretary of State determines is a person who—

"(1) is an officer or principal of an entity, or a shareholder who owns a controlling interest in an entity, that, after the date of the enactment of this section, makes an investment of $1,000,000 or more (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period), that directly and significantly contributes to the enhancement of Cuba's ability to develop petroleum resources off of Cuba's north coast; or

"(2) is a spouse, minor child, or agent of a person described in paragraph (1).

"(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons or for purposes of litigation of an action under title III.

"(c) DEFINITIONS.—In this section:

"(1) DEVELOP.—The term 'develop', with respect to petroleum resources, means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

"(2) INVESTMENT.—

"(A) IN GENERAL.—The term 'investment' means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Cuba or a nongovenmental entity in Cuba, on or after the date of the enactment of this section:

"(i) The entry into a contract that includes responsibility for the development of petroleum resources located in Cuba, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

"(ii) The purchase of a share of ownership, including an equity interest, in that development.

"(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

"(B) EXCEPTION.—The term 'investment' does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology.

"(3) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum and natural gas resources.".

(b) EFFECTIVE DATE.—The amendment made by this section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

By Mr. BYRD:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, I rise today to introduce an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in the public schools of this country.

On September 25, 1885, an entrancing poem was published in the Glenville Crescent, the local paper in Gilmer County, West Virginia. The poem was attributed to Mrs. Ellen Rudell King, the wife of the Reverend David King, a man of the cloth who ministered to the citizens of Glenville, WV. Over time, people learned that the poem may have been written by the reverend as a gift to his wife Ellen, his soulmate. Just as my beloved Erma was my soulmate the West Virginia Reverend David King also had a soulmate, his wife Ellen.

Today we recognize that his poem was a gift not just to his wife Ellen but also to the State of West Virginia and to the Nation. In fact, when the poem was published at the end of the 19th century, its tone was so melodious, its message so inspiring, it drew the attention of a composer named Howard Engle. West Virginians know the story of what happened next. Howard Engle liked the poem so much that he decided to compose a tune to accompany its lyrical verse. In 1961, his musical composition became the West Virginia State song, known by its title today as "The West Virginia Hills." Let me read for the Senators just a few of the stanzas of this beautiful song:

> Oh, West Virginia hills! How majestic and how grand, with their summits bathed in glory, like our Prince Immanuel's land! Is it any wonder then, that my heart with rapture thrills, as I stand once more with loved ones on those West Virginia hills?
>
> Oh, the West Virginia hills! Where my childhood hours were passed, where I often wandered lonely, and the future tried to cast; many are our visions bright, which the future ne'er fulfills; but how sunny were my daydreams on those West Virginia hills!
>
> Oh, the West Virginia hills, how unchanged they seem to stand, with their summits pointed skyward to the great Almighty's land! Many changes I can see, which my heart with sadness fills; but no changes can be noticed in those West Virginia hills.

Ah, ah, those West Virginia hills. For West Virginians, this song, with its prayerful verse, has always been an uplifting reminder of the memories of our childhoods, our fervent hopes for a bright future, a testament to the beauty of our resplendent natural landscape, and a source of solace in time of trouble.

Regrettably, since January, West Virginians have had good reason to seek such solace. As witnessed by all of America since this year began, West Virginia has been beset by unspeakable tragedy. We have lost 18 coal miners—favorite sons of the West Virginia hills—in Boone County, in Logan County, in Mingo County, and in Upshur County. In the words of our ancient sweet song, these tragic events "our heart with sadness fills."

But we West Virginians stand strong despite our grief, steadfast in our devotion to one another and to Almighty God, from whom all good things come, from whom all blessings flow.

In our Easter season we celebrate the belief in both the resurrection of the dead and the life of the world to come. We know that while our way may not always be God's way, His way is the only way. Therefore, our way must be His way. We know that life's most bitter travails can, at times, sear the human soul, painfully driving good people to their knees—sometimes through no fault of their own. But we also know that as long as there is life, there is hope, and we know that hardship can be endured and in fact diminished through the power—the ever working power—of prayer. We know this. We know it. We know it based on experience.

Over these past 5 years, as I watched my childhood sweetheart, my darling Erma—my darling Erma, who is in heaven now—I watched her fall ill and become increasingly frail. But she and I prayed for each other. We prayed every day. There were many good times—many good times—but there were also times that were difficult. Through it all, it was our abiding faith, Erma's and mine which we celebrated in prayer together, which I believe kept us devoted to one another and to God for nearly 69 years, through thick and thin, through good times and hard times. Our marriage was literally made in heaven, and I believe its duration was God's answer to our shared prayer.

So when I say that I know prayer can work miracles and move mountains, I speak from experience. I am a witness to the power of prayer.

But I am not unique. West Virginians have been and always will be a deeply spiritual and reverent people. In that sense, it remains as true today as it was in 1885 that no changes can be noticed in those West Virginia hills.

The Apostle Paul has told us that in the face of affliction—in the face of affliction—it is our job not to give in to discouragement but to proclaim the truth openly and to commend ourselves to every man's conscience before God.

So for people of faith, the question remains how best to do this. How do we lift our heads from the darkness to the light—from the darkness to the light? How do we help ourselves and others to keep the faith? The answer lies in three simple words: Let us pray. The Gospel, St. John 14, verse 13, tells us that we can have this confidence in God: that he hears us—yes, that he hears us whenever we ask for anything according to His will. Not always according to our will but according to His will.

The importance of prayer throughout all of the millennia is recognized by people of faith in nearly every denomination. Now get this: Yet, in America, prayer is increasingly estranged from public life. Some are hesitant to pray for fear they might offend someone else. How ridiculous, to think that prayer can be offensive. Offensive to whom? Nonbelievers? Well, they need only close their ears. How sad, really, that we cannot share our faith, particularly in an effort to comfort others, without being accused of offending someone or, worse, violating the first amendment to the Constitution.

Regrettably, that is the unfortunate situation that confronts the faithful in America today. How can this be possible? Does anyone really believe this state of affairs is consistent with the intent of the Framers of the Constitution?

I have referenced the religious beliefs of our Founders many times on the Senate floor, but I think it bears repeating. I think we should not forget the mindset of those who established our representative democracy, this Republic. They were not afraid of prayer. They believed in a Supreme Being, and they did not hesitate to say so. They were proud of their faith. They proclaimed it from the rooftops; yes, from the steeple tops. They did not hang their heads in shame.

Listen. Listen. Listen to what John Adams said. He served as Vice President for 8 years under George Washington. He was a member of the Continental Congress. He signed the Declaration of Independence. In an entry in his diary on February 22, 1756, John Adams wrote:

> Suppose a nation in some distant region should take the Bible for their only lawbook and every member should regulate his conduct by the precepts there exhibited. Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity toward his fellow men; and to piety, love and reverence toward almighty God. . . . What a Utopia, what a paradise would this region be.

John Adams believed that the Bible could be our only lawbook—think of that. What a small but mighty tome.

What about Benjamin Franklin? Was he afraid to discuss religion for fear of offending sensibilities? No, heavens no. When the Congress established a three-man committee, of John Adams, Thomas Jefferson, and Ben Franklin, to design a great seal of the United States, it was Franklin who suggested that the seal be one of Moses lifting his wand, dividing the Red Sea, with pharaoh in his chariot, overwhelmed by water. His suggested motto was, "Rebellion to tyrants is obedience to God."

Thomas Jefferson similarly suggested a Biblical theme, highlighting the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night. These are vivid religious images that our Founding Fathers proposed be adopted as enduring symbols of our representative form of government.

The Founders did not view these proposals as repugnant religiosity, something to be kept under wraps for fear of offending the popular culture. They were creating the culture.

I have long been opposed to what I call the censorship of religion in America. I have said it before. I say it again. I don't agree with many of the decisions that have come down from the courts concerning prayer in the public schools or prohibiting the display of religious items in public places. I believe in ruling after ruling some of our courts, led by the Supreme Court, have been moving closer and closer to prohibiting the free exercise of religion in America, and it chills my soul. Americans don't want religious censorship—no. Ours is a religious nation. It may not seem so but it is. We are a religious people. We may not seem so at times, not all of us, but we embrace religion as a people. We draw it close, close to us. We drape it over us, we draw it around us, we envelope our families in its protective shield. We will not shun it. We will not deny it. We will not run from it. We must be free to exercise our religious faith, if we have a religious faith, whatever it may be.

The religion clauses of the first amendment state:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

In my humble opinion, too many have not given equal weight to both of these clauses. Instead, they seem to have focused only on the first clause which says "Congress shall make no law respecting an establishment of religion," at the expense of the second clause, which says, "or prohibiting the free exercise thereof."

Yes, that protects the right of Americans to worship as they please. I have always believed that this country was founded by men and women of strong faith whose intent was not to suppress religion but to ensure that the government favors no single religion over another. This principle makes a lot of sense to me; namely, that government itself should seek neither to discourage nor to promote religion. We can understand the outrage of many fine people of faith who today decry the nature of our public discourse, with its overt emphasis on sex, violence, profanity, and materialism.

In addition, we live today with the omnipresent fear of another terrorist attack, global warming, avian flu, rising fuel and health care costs, and a whole panoply of other potential calamities over which we seem to have little or no control. Our Nation has every reason to seek comfort through prayer.

Nearly 44 years ago, on June 27, 1962—I was here. I was sitting over on that side of the Chamber, to my left, in the back row. Forty-four years ago, on June 27, 1962, 2 days after the U.S. Supreme Court first struck down prayer in schools, I made the following statement on the Senate floor. I said it then. I say it today.

> Thomas Jefferson expressed the will of the American majority in 1776 when he included in the Declaration of Independence the statement, "All men"—

Meaning, of course, women, too—

> "All men are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

Little could Mr. Jefferson suspect when he penned that line that the time would come that the Nation's highest Court might rule that a nondenominational prayer to the Creator of us all, if offered by schoolchildren in the public schools of America during class periods, would be unconstitutional. I believe this ingrained predisposition against expressions of religious or spiritual beliefs is wrongheaded, destructive, and completely contrary to the intent of the illustrious Founders of this great Nation. Instead of ensuring freedom of religion in a nation founded in part to guarantee that basic liberty, a suffocation or strangulation, if you might, of that freedom has been the result. The rights of those who do not believe, and they are few in number who do not believe—the rights of those who do not believe in a Supreme Being have been zealously guarded to the denigration—and I repeat, denigration—of the rights of those people who do so believe.

The Supreme Court has bent over backward to prevent the government from establishing religion—which is all right—but it has not gone far enough and, in fact, our government has fallen far short of protecting the right of all Americans to exercise their religion.

The free exercise clause of the first amendment states:

> Congress cannot make laws that prohibit the free exercise of religion.

Well, it seems to me that any prohibition of voluntary prayer in the public schools violates the right of our schoolchildren to practice their free religion, and that is not right. Any child should be free to pray to God of his or her own volition, whether at home, whether at church, whether at school, period.

I am not a proponent of repeatedly amending the U.S. Constitution. I believe such amendments should be done only rarely and with great care. However, because I feel as strongly about this today as I have for more than 40 years, I take this opportunity, once again, as I have at least 7 times over the past 44 years, to introduce today a joint resolution to amend the Constitution to clarify the intent of the Framers with respect to voluntary prayer in schools.

Our revered Constitution—this sacred document—was conceived by the Framers neither to prohibit nor to require the recitation of voluntary prayer in public schools. Consequently, the exact language of the resolution that I am introducing to amend the Constitution simply makes that clear.

It states—get this:

> Nothing in this Constitution, including any amendments to this Constitution, shall be construed to prohibit voluntary prayer or require prayer at a public school extracurricular activity.

This resolution is similar to legislation that I introduced or cosponsored starting in 1962 but more recently in 1973, 1979, 1982, 1993, 1995, and 1997.

I believe Members of the Supreme Court have placed exaggerated emphasis on the Framers' alleged intent to erect an absolute "wall of separation" between church and state. I do not share that view.

I believe the right of every schoolchild to pray or not to pray voluntarily, if he or she chooses to do so, is protected by both the free speech and the free exercise clauses of the U.S. Constitution.

Even the Supreme Court in the case of Lynch v. Donnelly, in 1984, agreed that the Constitution does not require the complete separation of church and state. Instead, it mandates an accommodation of all religions and forbids hostility toward any.

Let me be clear that what we are talking about is not a radical departure. It is simply a reiteration of what should already be permissible under a correct interpretation of the first amendment.

My resolution does not change the language of the first amendment, and it would not permit any school to advocate a particular religious message endorsed by the government. My resolution would simply reiterate the Framers' intent that a child should be able to utter a voluntary prayer. There is absolutely nothing unconstitutional about that.

This resolution seeks neither to advance nor to inhibit religion. It does not signify government approval of any particular religious sect or creed. It does not compel a "nonbeliever" to pray. In fact, it does not require an atheist to embrace or to adopt any religious action, belief, or expression. It does not coerce or compel anyone to do anything. And it does not foster any excessive government entanglement with religion.

This constitutional amendment is neutral. It is nondiscriminatory. It does not endorse state-sponsored school prayer. It simply allows children to pray voluntarily, if they wish to do so. It permits children to express themselves on the subject of prayer just as anyone is free to express themselves on any other topic.

As Justice Scalia recently held: "A priest has as much liberty to proselytize as a patriot."

The Supreme Court has held that the establishment clause is not violated so long as the government treats religious speech and other speech equally.

This resolution has a valid secular purpose, which is to ensure that religious and nonreligious speech are treated equally, and this secular purpose is preeminent. This purpose is not secondary to any religious objective.

In one of the more recent cases on the subject, the Supreme Court, in Santa Fe v. Jane Doe, reiterated that the religious clauses of the first amendment prevent the government from "making any law respecting the establishment of religion or prohibiting the free exercise thereof." But by "no means," the Court held, "do these commands impose a prohibition on all religious activity in our public schools."

"Indeed," the Court ruled, "the common purpose of the Religious Clauses is to secure religious liberty."

Thus, Justice Stevens wrote:

> Nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during or after the school day.

He went on to declare, though, that "the religious liberty protected by this Constitution is abridged when the state affirmatively sponsors a particular religious practice or prayer."

So let me reiterate that the resolution I am introducing today addresses only voluntary student prayer—not state-sponsored speech.

In one of her final rulings on this subject, Justice O'Connor held that the first amendment expresses our Nation's fundamental commitment to religious liberty by means of two provisions—one protecting the free exercise of religion, the other barring the establishment of religion.

"They were written," she said, "by the descendants of people who had come to this land precisely so that they could practice their religion freely." And, "by enforcing these two clauses," she said, "we have kept religion a matter for the individual conscience, not for the prosecutor or the bureaucrat."

We should keep it that way. We should keep it that way. We should keep religion a matter for the individual conscience. But does keeping religion a matter for the individual conscience mean that a schoolchild must stand silent, unable to turn to God for comfort or guidance in times of trial or heartache? No. No. No. Not even our Supreme Court has recognized that. Not every reference to God constitutes the impermissible establishment of religion.

Where would we be without recourse to prayer?

As we know, even the mighty King David sought guidance from above. In Psalm, 17, he implores:

> Hear, O Lord, a just suit; attend to my outcry; harken to my prayer from lips without deceit . . . I call upon You for You will answer me, O God; incline Your ear to me; hear my word . . . keep me as the apple of your eye; hide me in the shadows of Your wings.

In our Nation's Capitol, just off the Rotunda, there is a small room called the Prayer Room. I was there when it was first dedicated. A small room called the Prayer Room was set aside in 1954 by the 83rd Congress to be used for private prayer and contemplation by Members of Congress. The room is open.

Have you ever been there? If you haven't, you ought to go to see that Prayer Room. I go to it still from time to time.

The room is open when Congress is in session though not open to the public. The room's focal point is a stained glass window that shows George Washington kneeling in prayer. Behind him are etched these words from Psalm 16:1: "Preserve me, o God, for in thee do I put my trust."

What right do we have to take from schoolchildren their right to pray a voluntary prayer when we preserve, protect, and defend and even create a separate room to enshrine that same right to ourselves here in the Senate?

St. Luke, the apostle, tells us that such efforts are as much in our own interest as they are in the best interests of a child. Here is what St. Luke tells us:

> Ask and you shall receive; seek and you shall find; knock and it shall be opened to you. For whoever asks, receives; whoever seeks, finds; whoever knocks is admitted. What father among you will give his son a snake if he asks for a fish, or hand him a scorpion if he asks for an egg? If you, with all your sins, know how to give your children good things, how much more will the Heavenly Father give the Holy Spirit to those who ask him?

We must work to be certain that the free exercise clause remains as applicable and respected today as it was at the time it was conceived by the Framers.

We must guard its protection so that all Americans, including, yes, children, little children—suffer little children—retain their right freely to practice their religion. Let us make certain that every individual, including any child nestled in the West Virginia hills or anywhere else in America, can pray to God as they please.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE —

"Nothing in this Constitution, including any amendment to this Constitution, shall be construed to prohibit voluntary prayer or require prayer in a public school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 448—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 448

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2006 as "National Life Insurance Awareness Month" as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 449—COMMENDING THE EXTRAORDINARY CONTRIBUTIONS OF MAX FALKENSTIEN TO THE UNIVERSITY OF KANSAS AND THE STATE OF KANSAS

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 449

Whereas Max Falkenstien has served as a broadcaster for the basketball and football programs at The University of Kansas for 60 consecutive years, and will retire after the 2005-2006 men's basketball season;

Whereas Mr. Falkenstien broadcasted his first men's basketball and football games for the Kansas Jayhawks in 1946, after serving 35 months in the Army Air Corps;

Whereas Mr. Falkenstien has received honors from—

(1) the College Football Hall of Fame, which awarded him the Chris Schenkel Award for Broadcasting Excellence;

(2) the Naismith Memorial Basketball Hall of Fame, which named him the winner of the 15th Annual Curt Gowdy Electronic Media Award;

(3) the Kansas Association of Broadcasters, which awarded him the Distinguished Service Award;

(4) Baker University, which presented him with the Lifetime Achievement Award; and

(5) The University of Kansas Alumni Association, which awarded him the Ellsworth Medallion;

Whereas Mr. Falkenstien is a member of—

(1) the Kansas Broadcasters Hall of Fame; and

(2) the Kansas Sports Hall of Fame;

Whereas Mr. Falkenstien was the first—

(1) inductee into the Lawrence High School Hall of Honor; and

(2) media member of The University of Kansas Athletic Hall of Fame; and

Whereas the State of Kansas has been privileged to have the benefit of 60 years of dedicated service provided by Max Falkenstien to The University of Kansas: Now, therefore, be it

Resolved, That the Senate—

(1) commends the extraordinary contributions of Max Falkenstien to The University of Kansas and the State of Kansas;

(2) congratulates him for 60 years of outstanding service;

(3) offers the best wishes of the Senate for his future endeavors; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Max Falkenstien.

SENATE RESOLUTION 450—DESIGNATING JUNE 2006 AS NATIONAL SAFETY MONTH

Mr. DEWINE (for himself, Mrs. DOLE, Ms. LANDRIEU, Mr. ALLEN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 450

Whereas the mission of the National Safety Council is to educate and influence citizens of the United States to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 93rd anniversary in 2006 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was chartered by Congress in 1953, and is celebrating its 53rd anniversary in 2006 as a congressionally-chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas the National Safety Council has demonstrated leadership in educating citizens of the United States on how to prevent injuries and deaths to senior citizens as a result of falls;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution to such safety and health threats; and

Whereas the theme of "National Safety Month" for 2006 is "Making Our World A Safer Place": Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as "National Safety Month"; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the citizens of the United States to observe the month with appropriate ceremonies and respect.

Mr. DEWINE. Mr. President, today I join with Senator DOLE, Senator LANDRIEU, Senator ALLEN, and Senator DURBIN to submit a resolution to designate June 2006 as National Safety Month. This year, the National Safety Council has selected "making our world a safer place" as its theme for National Safety Month. And that is certainly a goal we want and need to achieve.

Public safety in the workplace, in our homes, and in communities, and on our roads and highways is a vital challenge that we all face. According to the National Safety Council, more than 20 million Americans suffer disabling injuries and 100,000 people die from their injuries each year. In the United States, nearly 43,000 people die each year from motor vehicle crashes, making auto fatalities the number one killer of those between the ages of 4 and 34. Many of these deaths and injuries could be prevented with increased education and information on proper precautionary measures.

The goal of National Safety Month is to raise public awareness about safety and injury prevention in hopes of reducing these needless deaths and injuries. June also is an appropriate month to focus our efforts on public safety since the summer season is traditionally a time of increased accidental injuries and fatalities.

Throughout the month, the National Safety Council and other safety organizations will urge businesses to increase their safety standards in the workplace and provide information to individuals on injury prevention in all aspects of their lives.

I look forward to working with other Members of Congress and the many safety organizations to help educate the public on the importance of injury prevention and make our world a safer place.

I thank my fellow Colleagues for their support of this resolution and for their continued dedication to public safety. I also would like to thank the National Safety Council, which celebrates its 93rd anniversary in 2006, as a leading source of safety and health information, education, and training in the United States. Their work is vital and makes a difference each and every day.

SENATE RESOLUTION 451—EXPRESSING THE SUPPORT OF THE SENATE FOR THE RECONVENING OF THE PARLIAMENT OF NEPAL AND FOR AN IMMEDIATE, PEACEFUL TRANSITION TO DEMOCRACY

Mr. LUGAR (for himself, Mr. BIDEN, Mr. LEAHY, Mr. HAGEL, Mr. CHAFEE, Mr. KERRY, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 451

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association, including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as "a hollow attempt by the King to legitimize his power";

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra's February 2005 decision "to impose direct palace rule in Nepal has failed in every regard" and called on the King to restore democracy immediately and to begin a dialogue with Nepal's political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision;

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to redraft the Constitution of Nepal.

Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy;

(2) commends the desire of the people of Nepal for a democratic system of government and expresses its support for their right to protest peacefully in pursuit of this goal;

(3) acknowledges the April 24, 2006 statement by King Gyanendra regarding his intent to reinstate the Parliament of Nepal;

(4) urges the Palace, the political parties, and the Maoists to immediately support a process that returns the country to multiparty democracy and creates the conditions for peace and stability in Nepal;

(5) declares that the transition to democracy in Nepal must be peaceful and that violence conducted by any party is unacceptable and risks sending Nepal into a state of anarchy;

(6) calls on security forces of Nepal to exercise maximum restraint and to uphold the highest standards of conduct in their response to the protests;

(7) urges the immediate release of all political detainees and the restoration of full civilian and political rights, including freedom of association, expression, and assembly;

(8) urges the Maoists to lay down their arms and to pursue their goals through participation in a peaceful political process; and

(9) calls on the Government of the United States to work closely with other governments, including the governments of India, China, the United Kingdom, and the European Union, and with the United Nations to ensure a common and coherent international approach that helps to bring about an immediate peaceful transition to democracy and to end the violent insurgency in Nepal.

SENATE RESOLUTION 452—RECOGNIZING THE CULTURAL AND EDUCATIONAL CONTRIBUTIONS OF THE AMERICAN BALLET THEATRE THROUGHOUT ITS 65 YEARS OF SERVICE AS "AMERICA'S NATIONAL BALLET COMPANY"

Mr. SCHUMER (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 452

Whereas American Ballet Theatre (known as "ABT") is recognized as one of the world's great dance companies;

Whereas ABT is dedicated to bringing dance to the United States and dance of the United States to the world;

Whereas, over its 65-year history, ABT has appeared in all 50 States of the United States, in a total of 126 cities, and has performed for more than 600,000 people annually;

Whereas ABT has performed in 42 countries as perhaps the most representative ballet company of the United States, with many of those engagements sponsored by the Department of State;

Whereas ABT has been home to the world's most accomplished dancers and has commissioned works by all of the great choreographic geniuses of the 20th century;

Whereas President Dwight D. Eisenhower recognized ABT's ability to convey through the medium of ballet "some measure of understanding of America's cultural environment and inspiration";

Whereas over the years ABT has performed repeatedly at the White House, most recently in December 2005;

Whereas ABT is committed to bringing dance to a broad audience and provides exposure to dance to more than 20,000 underprivileged children and their families each year;

Whereas ABT's award-winning Make a Ballet program and its other outreach initiatives help to meet the need for arts education in underserved schools and communities;

Whereas ABT's Studio Company brings world class ballet to smaller communities like—

(1) Rochester, New York;
(2) Stamford, Connecticut;
(3) Sanibel, Florida;
(4) South Hadley, Massachusetts; and
(5) Winston-Salem, North Carolina; and

Whereas the Jacqueline Kennedy Onassis School at ABT and the ABT's other artistic development initiatives provide the highest quality training consistent with the professional standards of ABT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the American Ballet Theatre for over 65 years of service as "America's National Ballet Company", during which it has provided world class art to audiences in all 50 States;

(2) recognizes that the American Ballet Theatre also serves as a true cultural ambassador for the United States, by having performed in 42 countries and fulfilling its reputation as one of the world's most revered and innovative dance companies; and

(3) recognizes that the American Ballet Theatre's extensive and innovative education, outreach, and artistic development programs both train future generations of great dancers and expose students to the arts.

SENATE RESOLUTION 453—CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION, AND FOR OTHER PURPOSES

Mr. ALEXANDER (for himself, Mr. LIEBERMAN, Mr. GREGG, Mr. FRIST, Mr. CARPER, Mr. VITTER, Ms. LANDRIEU, Mr. BURR, Mr. COLEMAN, Mr. ALLARD, Mr. DEMINT, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 453

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 3,600 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,000,000 students;

Whereas over the last 12 years, Congress has provided nearly $1,775,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the seventh annual National Charter Schools Week, to be held May 1 through 6, 2006, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the seventh annual National Charter Schools Week; and

(3) it is the sense of the Senate that the people of the United States should conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

SENATE RESOLUTION 454—HONORING MALCOLM P. McLEAN AS THE FATHER OF CONTAINERIZATION

Mr. LAUTENBERG (for himself, Mr. Menendez, Mr. Inouye, and Mrs. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 454

Whereas Malcom P. McLean is widely recognized as the father of containerization;

Whereas the innovative idea of using intermodal containers suitable for rail, truck, and maritime transportation revolutionized and streamlined the process of shipping goods, allowed products to be moved to the market more quickly, and reduced prices for consumers;

Whereas the use of containerization in shipping practices enabled the United States to increase international trade by modernizing and globalizing the economy of the United States;

Whereas Mr. McLean launched numerous successful transportation businesses that were located in the Port of Newark, New Jersey, including—

(1) the Pan-Atlantic Steamship Company; and

(2) Sea-Land Service Incorporated;

Whereas those businesses were crucial to the growth of shipping and industry in New Jersey;

Whereas the innovations of Mr. McLean have enabled businesses to create thousands of jobs that provide liveable wages for the citizens of New Jersey and other citizens of the United States;

Whereas, on April 26, 1956, the first ship loaded with goods to be transported from the United States in intermodal containers, the Ideal X, set sail from Port Newark under the direction of Mr. McLean;

Whereas 2006 marks the 50th anniversary of that historic event;

Whereas the Containerization and Intermodal Institute in Holmdel, New Jersey, has planned activities to commemorate that occasion; and

Whereas Mr. McLean was a transportation pioneer whose remarkable achievements are worthy of recognition and commemoration: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the remarkable contributions of Malcom P. McLean to the development of a new era of trade and commerce in the United States through the containerization of cargo;

(2) honors the 50th anniversary of containerization, and recognizes the crucial role that containerization has played in the modernization of—

(A) shipping practices; and

(B) the economy of the United States; and

(3) encourages all citizens to promote and participate in celebratory activities that commemorate that landmark anniversary.

SENATE RESOLUTION 455—HONORING AND THANKING TERRANCE W. GAINER, FORMER CHIEF OF THE UNITED STATES CAPITOL POLICE

Mr. FRIST (for himself and Mr. Reid) submitted the following resolution; which was considered and agreed to:

S Res. 455

Whereas former Chief of Police Terrance W. Gainer, a native of the State of Illinois, had served the United States Capitol Police with distinction since his appointment on June 3, 2002;

Whereas Chief Gainer had served in various city, state and federal law enforcement positions throughout his thirty-eight year career; and

Whereas Chief Gainer holds Juris Doctor and Master's degrees from DePaul University and a Bachelor's degree from St. Benedict's College, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

Resolved, That the Senate hereby honors and thanks Terrance W. Gainer and his wife, Irene, and his entire family, for a professional commitment of service to the United States Capitol Police and the United States Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3671. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3672. Mr. CORNYN (for himself and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3673. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3674. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3675. Mr. MENENDEZ (for himself, Mr. Lautenberg, Mr. Inouye, Mrs. Clinton, and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3676. Mr. BENNETT (for himself and Mr. Kohl) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3677. Mr. VOINOVICH (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3678. Mr. MENENDEZ (for himself, Mr. Leahy, Mr. Durbin, Mr. Sarbanes, and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3679. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3680. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3681. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3682. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3683. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3684. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3685. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3686. Mr. KENNEDY (for himself, Mr. Biden, and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3687. Mr. KENNEDY (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3689. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3690. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3691. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3692. Mr. FRIST (for himself, Mr. SANTORUM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3693. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3694. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3695. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3696. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3697. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3698. Mr. BURNS (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3699. Mr. CORNYN (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3700. Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3701. Mr. ALLARD (for himself, Mr. DURBIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3702. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3703. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3704. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3705. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3706. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3707. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3708. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3709. Mr. BYRD (for himself, Mr. CARPER, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4939, supra.

SA 3710. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3711. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3712. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3645 proposed by Mr. SALAZAR (for himself and Mr. BAUCUS) to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3713. Mr. BURR proposed an amendment to the bill H.R. 4939, supra.

SA 3714. Mrs. MURRAY (for Mr. HARKIN) proposed an amendment to the bill H.R. 4939, supra.

SA 3715. Mr. CONRAD (for himself, Mrs. CLINTON, and Mr. DODD) proposed an amendment to the bill H.R. 4939, supra.

SA 3716. Mrs. MURRAY (for Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 4939, supra.

SA 3717. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3718. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3719. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3720. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3721. Mr. NELSON, of Florida (for himself, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. KERRY, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3722. Mr. CORNYN (for himself and Mr. KYL) proposed an amendment to the bill H.R. 4939, supra.

SA 3723. Mr. SCHUMER (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, supra.

SA 3724. Mr. SCHUMER proposed an amendment to the bill H.R. 4939, supra.

SA 3725. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3726. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3727. Mr. DODD (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3671. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, between lines 17 and 18, insert the following:

FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS

SEC. 2901. The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a "medium" cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

SA 3672. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of chapter 7 of title II, insert the following:

NATIONAL EMERGENCY GRANTS

SEC. ____. In distributing unobligated funds described in section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) and appropriated for fiscal year 2006 for national emergency grants under section 173 of such Act (29 U.S.C. 2918) (not including funds available for Community-Based Job Training Grants under section 171(d) of such Act (29 U.S.C. 2916(d)), the Secretary shall give priority to States that—

(1) received national emergency grants under such section 173 to assist—

(A) individuals displaced by Hurricane Katrina; or

(B) individuals displaced by Hurricane Rita;

(2) continue to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1); and

(3) can demonstrate an ongoing need for funds to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1).

SA 3673. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, line 1, strike "$500,000" and all that follows through line 8 and insert "$1,400,000, to remain available until expended, for assistance with assessments of critical reservoirs and dams in the State of Hawaii, including the monitoring of dam structures: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

SA 3674. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 3 and 4, insert the following:

RECONSTITUTION AND REPAIR OF SANTA ROSA ISLAND RANGE COMPLEX AND REPLACEMENT OF RANGE BUILDING, EGLIN AIR FORCE BASE, FLORIDA

SEC. 2806. (a) The amount appropriated by this chapter under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $162,000,000.

(b) Of the amount appropriated by this chapter under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by subsection (a), $162,000,000 shall be made available for the reconstitution and repair of the

Santa Rosa Island Range Complex and the replacement of a range building at Eglin Air Force Base, Florida.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3675. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. INOUYE, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 237, between lines 6 and 7, insert the following:

For an additional amount for the training of employees of the Bureau of Customs and Border Protection, $10,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, between lines 10 and 11, insert the following:

For an additional amount for the purchase of new container inspection technology at ports in developing countries and the training of local authorities, pursuant to section 70109 of title 46, United States Code, on the use of such technology, $50,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for the implementation of section 70105 of title 46, United States Code, $12,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRANSPORTATION SECURITY ADMINISTRATION

TRANSPORTATION VETTING AND CREDENTIALING

For an additional amount for the implementation of section 70105 of title 46, United States Code, $13,000,000, to remain available until September 30, 2007, of which $250,000 shall be made available for the Secretary of Homeland Security's preparation and submission to Congress of a plan, not later than September 30, 2006, with specific annual benchmarks, to inspect 100 percent of the cargo containers destined for the United States: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, line 25, strike "$132,000,000" and insert "$232,000,000": *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3676. Mr. BENNETT (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, after line 26, insert the following:

WILDLIFE HABITAT INCENTIVE PROGRAM

SEC. 2 . Funds made available for the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) under section 211(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) and section 820 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–59) shall remain available until expended to carry out obligations made for fiscal year 2001 and are not available for new obligations.

SA 3677. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. . The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH".

SA 3678. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 9, strike "$69,800,000" and insert in lieu thereof "$129,800,000".

SA 3679. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR DOMESTIC ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES UNLESS CONGRESS IS KEPT FULLY AND CURRENTLY INFORMED

SEC. 7032. (a) PROHIBITION.—No funds appropriated by this or any other Act may be obligated or expended to carry out the NSA program, or any other program of electronic surveillance within the United States for foreign intelligence purposes, unless each of the following is met:

(1) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, and each member of such committee, are kept fully and currently informed of such program in accordance with section 502 of the National Security Act of 1947 (50 U.S.C. 413a).

(2) The Committees on the Judiciary of the Senate and the House of Representatives are kept fully and currently informed of such program in accordance with section 503 of the National Security Act of 1947 (50 U.S.C. 413b).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Executive Branch should inform the members of the Committees on the Judiciary of the Senate and the House of Representatives on the NSA program and any other program described in subsection (a) in sufficient detail so as to facilitate and ensure the discharge by such Committees of their oversight responsibilities to determine the constitutionality of Executive Branch actions.

(c) NSA PROGRAM DEFINED.—In this section, the term "NSA program" means the program of the National Security Agency on electronic surveillance within the United States for foreign intelligence purposes the existence of which has been acknowledged by President George W. Bush and other Executive Branch officials on and after December 17, 2005, any unacknowledged part of the program, and any associated National Security Agency programs or activities.

SA 3680. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.____. (A) The United States shall redeploy U.S. forces from Iraq by December 31st, 2006, maintaining only a minimal force sufficient for engaging directly in targeted counter-terrorism activities, training Iraqi security forces, and protecting U.S. infrastructure and personnel.

(B) Not later than 30 days after the enactment of this Act, the President shall direct the Secretary of Defense, in consultation with the Secretary of State, to provide to Congress a report that includes the strategy for the redeployment of U.S. forces Iraq by December 31st, 2006. The strategy shall include the following:

(1) A flexible timeline for redeployment U.S. forces from Iraq by December 31st, 2006;

(2) The number, size, and character of U.S. military units needed in Iraq beyond December 31st, 2006, for purposes of counter-terrorism activities, training Iraqi security forces, and protecting U.S. infrastructure and personnel;

(3) A strategy for addressing the regional implications of redeploying U.S. troops on a diplomatic, political, and development level;

(4) A strategy for ensuring the safety and security of U.S. forces in Iraq during and after the redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of U.S. forces to remain in Iraq after December 31st, 2006; and

(5) A strategy for redeploying U.S. forces to effectively engage and defeat global terrorist networks that threaten the United States.

SA 3681. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 161, strike line 17 and all that follows through page 162, line 4, and insert the following:

at the Inner Harbor Navigation Canal; and $80,000,000 shall be used for incorporation of certain non-Federal levees in Plaquemines Parish, and in Jefferson Parish in the vicinity of Jean Lafitte, into the existing Federal levee system: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That $621,500,000 of the amount shall be available only

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SA 3682. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. _. SENSE OF THE SENATE ON LEGISLATION REPEALING FOSSIL FUEL ENERGY TAX BREAKS.

(a) FINDINGS.—The Senate finds the following:

(1) President Bush stated the following on April 20, 2005: "With oil at more than $50 a barrel . . . energy companies do not need taxpayer-funded incentives to explore for oil and gas.".

(2) President Bush stated the following on April 25, 2006: "Record oil prices and large cash flows . . . mean that Congress has to understand that these energy companies don't need unnecessary tax breaks. ".

(3) The price of a barrel of crude oil recently exceeded $75, and remains above $72.

(4) The average price of a gallon of regular gasoline is currently over $2.90, and exceeds $3 in many parts of the country.

(5) Since 2001, the median family income has not kept pace with the cost of living, and the price of a gallon of regular gas has increased over 100 percent.

(6) There have been 2,600 mergers in the oil and gas industry in the past decade.

(7) The profits of the oil and gas industry reached historic highs last year, including over $36 billion in profits for Exxon Mobil, the most ever for a single corporation.

(8) On March 14 of this year, the Senate Committee on the Judiciary conducted an antitrust oversight hearing on the effect of oil and gas industry consolidation on consumer prices, and at that hearing the chief executives of six major oil and gas companies stated under oath that they do not need additional incentives to conduct their businesses.

(9) The aggregate budget deficit of the United States for the period of fiscal years 2002 to 2011 is projected to total $2.7 trillion.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance shall, within 90 days of the date of the enactment of this Act, report legislation that repeals the provisions of, and the amendments made by, subtitle B of title XIII of the Energy Policy Act of 2005.

SA 3683. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF PHASEOUT OF PERSONAL EXEMPTIONS AND OVERALL LIMITATION ON ITEMIZED DEDUCTIONS IN ORDER TO FUND ONGOING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) PERSONAL EXEMPTIONS.—Paragraph (3) of section 151(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by striking subparagraphs (E) and (F).

(b) LIMITATIONS ON ITEMIZED DEDUCTIONS.—Section 68 of the Internal Revenue Code of 1986 is amended by striking subsections (f) and (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 3684. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1 of the amendment, insert "as long as $5,200,000,000 is provided under this heading" after "That".

SA 3685. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

STRATEGIC LANGUAGE SECURITY

SEC. 7032. (a) ANNUAL REPORTS.—Not later than six months after the date of the enactment of this Act, and annually thereafter, the head of each covered agency shall submit to Congress a report setting forth the following:

(1) The number of employees of such agency who speak, read, or both speak and read a foreign language, set forth by—

(A) language in which speaking, reading, or both speaking and reading proficiency exists;

(B) for each employee who speaks, reads, or both speaks and reads such language proficiently, the level of speaking or reading proficiency, as applicable, and the date such proficiency was obtained; and

(C) for each such language—

(i) the rank and category of each employee who speaks such language at any level of proficiency; and

(ii) the rank and category of each employee who reads such language at any level of proficiency.

(2) The pedagogical capability of such agency with respect to speaking or reading proficiency in various languages, including—

(A) the number of full time and part-time instructors in each language;

(B) the extent and nature of distance learning facilities;

(C) the extent and nature of field and overseas learning facilities; and

(D) the availability and use of textbooks, dictionaries, audio and video instructional materials, and online instructional sites and materials.

(3) An estimate of the needs of such agency over the next three to five years for personnel with speaking, reading, or both speaking and reading proficiency in various foreign languages, including—

(A) the number of personnel needed with speaking, reading, or both speaking and reading proficiency in each such language; and

(B) the percentage of each rank and category of personnel of such agency of which personnel referred to in subparagraph (A) would consist.

(4) An identification of the languages for which such agency currently has a limited current need for personnel with speaking, reading, or both speaking and reading proficiency, but for which such agency could have an expanded future need for such personnel, and an identification of the minimum number of personnel with speaking, reading, or both speaking and reading proficiency in such languages that is required by such agency to maintain sufficient national security readiness with respect to such languages.

(5) A description of any plans of such agency to employee, or secure by contract, personnel with speaking, reading, or both speaking and reading proficiency in each language identified under paragraph (4) in order to meet the future need of such agency for such personnel as described in that paragraph.

(b) COVERED AGENCY DEFINED.—In section, the term "covered agency" means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The Office of the Director of National Intelligence with respect to—

(A) the Office of the Director of National Intelligence; and

(B) each agency under the direction of the Office of the Director of National Intelligence.

SA 3686. Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

(b) The President shall include in each report submitted to Congress under the United States Policy in Iraq Act (section 1227 of Public Law 109–163; 50 U.S.C. 1541 note; 119 Stat. 3465) a report on the extent to which funds appropriated in this Act support a short-term and long-term strategy to promote and develop democracy in Iraq. The report shall include the following:

(1) A description of the objectives of the Secretary of State to promote and develop democracy at the national, regional, and provincial levels in Iraq, including development of civil society, political parties, and government institutions.

(2) The strategy to achieve such objectives.

(3) The schedule to achieve such objectives.

(4) The progress made toward achieving such objectives.

(5) The principal official within the United States Government responsible for coordinating and implementing democracy funding for Iraq.

SA 3687. Mr. KENNEDY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORTS TO CONGRESS ON PREPAREDNESS FOR CIVIL WAR IN IRAQ

SEC. 1406. (a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report setting for the determination of the President as to whether there is a civil war in Iraq.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) The criteria underlying the determination contained in such report, including an assessment of—

(A) levels of sectarian violence;

(B) the numbers of civilians displaced;

(C) the degree to which government security forces exercise effective control over major urban areas;

(D) the extent to which units of the security forces (including army, police, and special forces) respond to militia and party leaders rather than to their national commands;

(E) the extent to which militias have organized or conducted hostile actions against United States military forces;

(F) the extent to which militias are providing security; and

(G) the number of civilian casualties as a result of sectarian violence.

(2) If in such report the President determines that there is not a civil war in Iraq, a description (in unclassified form) of—

(A) the efforts of the United States Government to help avoid civil war in Iraq;

(B) the strategy to protect the Armed Forces of the United States in the event of civil war in Iraq; and

(C) the strategy to ensure that the Armed Forces of the United States will not take sides in the event of civil war in Iraq.

(3) If in such report the President determines that there is a civil war in Iraq, a description (in unclassified form) of—

(A) the mission and duration of the Armed Forces of the United States in Iraq;

(B) the strategy to protect the Armed Forces of the United States while they remain in Iraq; and

(C) the strategy to ensure that the Armed Forces of the United States will not take sides in the civil war in Iraq.

SA 3688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e), $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*, That amounts provided for under this section shall remain available until expended.

SA 3689. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e), $289,000,000: *Provided*, That no funds appropriated under this Act or any other provision of law shall be used to issue a declaration under section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)) that specifies any countermeasure other than a vaccine for pandemic influenza: *Provided further*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*, That amounts provided for under this section shall remain available until expended.

SA 3690. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PUBLIC READINESS AND EMERGENCY PREPAREDNESS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Responsible Public Readiness and Emergency Preparedness Act".

SEC. 02. REPEAL.

The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

SEC. ___03. NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.

(a) ESTABLISHMENT.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

"(q) BIODEFENSE INJURY COMPENSATION PROGRAM.—

"(1) ESTABLISHMENT.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the 'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(2) ADMINISTRATION AND INTERPRETATION.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

"(3) PROCEDURES AND STANDARDS.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

"(A) a civil action for relief under subsection (p); or

"(B) a petition for compensation under this subsection.

"(4) INJURY TABLE.—

"(A) INCLUSION.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

"(B) INJURIES, DISABILITIES, ILLNESSES, AND CONDITIONS.—

"(i) INSTITUTE OF MEDICINE.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

"(ii) SPECIFICATION BY SECRETARY.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

"(iii) PROGRAM GOALS.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided taking into account the following goals of such program:

"(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

"(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

"(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

"(iv) USE OF BEST AVAILABLE EVIDENCE.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

"(v) APPLICATION OF SECTION 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

"(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

"(II) if the deceased was 18 years of age or older, the greater of—

"(aa) the amount described in subclause (I); or

"(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400 percent of the amount that applies under item (aa).

"(vi) APPLICATION OF SECTION 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

"(C) RULE OF CONSTRUCTION.—Section 13632(a)(3) of Public Law 103-66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

"(5) APPLICATION.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(6) SPECIAL MASTERS.—

"(A) HIRING.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

"(B) BUDGET AUTHORITY.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

"(7) COVERED COUNTERMEASURE.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

"(8) FUNDING.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).".

(b) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107-296; 116 Stat. 2135)).

SEC. ___04. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking "SMALLPOX";

(2) in paragraph (1), by striking "against smallpox";

(3) in paragraph (2)—

(A) in the paragraph heading, by striking "AGAINST SMALLPOX"; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

"(3) EXCLUSIVITY; OFFSET.—

"(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

"(i) this subsection;

"(ii) subsection (q); or

"(iii) part C.

"(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may not subsequently pursue the remedy provided for under subsection (q) or part C.

"(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

"(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.";

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting "or under subsection (q) or part C" after "under this subsection"; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

"(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category."; and

(D) by adding at the end the following:

"(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

"(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

"(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.)."

"(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

"(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

"(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

"(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

"(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States."; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

"(A) COVERED COUNTERMEASURE.—The term 'covered countermeasure', means—

"(i) a substance that is—

"(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

"(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

"(II) specified in a declaration under paragraph (2); or

"(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

"(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F-2(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

"(II) is—

"(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

"(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

"(BB) cooperated fully with the requirements of the Secretary under such section 564; or

"(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

"(III) is specified in a declaration under paragraph (2)."; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

"(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;" and

(vi) in clause (viii), by inserting before the period "if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person".

SA 3691. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PUBLIC READINESS AND EMERGENCY PREPAREDNESS

SEC. 01. SHORT TITLE,

This title may be cited as the "Responsible Public Readiness and Emergency Preparedness Act".

SEC. 02. REPEAL.

The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

SEC. ___03. NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.

(a) Establishment.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

"(q) Biodefense Injury Compensation Program.—

"(1) Establishment.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the 'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(2) Administration and interpretation.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

"(3) Procedures and standards.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

"(A) a civil action for relief under subsection (p); or

"(B) a petition for compensation under this subsection.

"(4) Injury table.—

"(A) Inclusion.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

"(B) Injuries, disabilities, illnesses, and conditions.—

"(i) Institute of medicine.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

"(ii) Specification by secretary.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

"(iii) Program goals.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided taking into account the following goals of such program:

"(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

"(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

"(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

"(iv) Use of best available evidence.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

"(v) Application of section 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

"(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

"(II) if the deceased was 18 years of age or older, the greater of—

"(aa) the amount described in subclause (I); or

"(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400 percent of the amount that applies under item (aa).

"(vi) Application of section 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

"(C) Rule of construction.—Section 13632 (a)(3) of Public Law 103-66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

"(5) Application.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

"(6) Special masters.—

"(A) Hiring.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

"(B) Budget authority.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

"(7) Covered countermeasure.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

"(8) Funding.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).".

(b) Effective Date.—This section shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107-296; 116 Stat. 2135)).

SEC. ___04. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking “SMALLPOX”;

(2) in paragraph (1), by striking “against smallpox”;

(3) in paragraph (2)—

(A) in the paragraph heading, by striking “AGAINST SMALLPOX”; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

“(3) EXCLUSIVITY; OFFSET.—

“(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

“(i) this subsection;

“(ii) subsection (q); or

“(iii) part C.

“(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may not subsequently pursue the remedy provided for under subsection (q) or part C.

“(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

“(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.”;

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting “or under subsection (q) or part C” after “under this subsection”; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

“(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category.”; and

(D) by adding at the end the following:

“(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

“(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

“(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.).”

“(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

“(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

“(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

“(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

“(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States.”; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

“(A) COVERED COUNTERMEASURE.—The term ‘covered countermeasure’, means—

“(i) a substance that is—

“(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

“(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

“(II) specified in a declaration under paragraph (2); or

“(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

“(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–2(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

“(II) is—

“(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

“(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

“(BB) cooperated fully with the requirements of the Secretary under such section 564; or

“(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

“(III) is specified in a declaration under paragraph (2).”; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

“(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;” and

(vi) in clause (viii), by inserting before the period “if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person”.

SEC. ___05. PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Health and Human Services shall develop and issue workplace standards, recommendations and plans to protect health care workers and first responders, including police, firefighters, and emergency medical personnel from workplace exposure to pandemic influenza. Such standards, recommendations and plans shall set forth appropriate measures to protect workers both in preparation for a potential pandemic influenza occurrence and in response to an actual occurrence of pandemic influenza.

(b) WORKPLACE SAFETY AND HEALTH STANDARDS.—

(1) IN GENERAL.—Within 6 months after the date of the enactment of this Act, pursuant to section 6(c) of the Occupational Safety and Health Act, the Secretary of Labor, in consultation with the Director of the National Institute for Occupational Safety and Health, shall develop and issue an emergency temporary standard for the protection of health care workers and first responders against occupational exposure to pandemic influenza, including avian influenza caused by the H5N1 virus. Within 6 months after the issuance of an emergency standard, the Secretary of Labor shall issue a final permanent standard for occupational exposure to pandemic influenza under section 6(b) of the Occupational Safety and Health Act. The emergency temporary standard and final permanent standard shall provide, at a minimum, for the following:

(A) The development and implementation of an exposure control plan to protect workers from airborne and contact hazards in conformance with the Guideline for Protecting Workers Against Avian Flu issued by the Occupational Safety and Health Administration March 2004, the Centers for Disease Control and Prevention Interim Recommendations for Infection Control in Health-Care Facilities Caring for Patients with Known or Suspected Avian Influenza issued May 21, 2004, and the World Health Organization (WHO) Global Influenza Preparedness Plan issued April 2005.

(B) Personal protective equipment, in conformance with the requirements of 29 CFR 1910.134 and 29 CFR 1910.132.

(C) Training and information in conformance with the OSHA Bloodborne Pathogens standard under 29 CFR 1910.1030(g).

(D) Appropriate medical surveillance for workers exposed to the pandemic influenza virus, including the H5N1 virus.

(E) Immunization against the pandemic influenza virus, if such a vaccine has been approved by the Food and Drug Administration and is available.

(2) EFFECTIVE DATE.—The emergency standard issued under paragraph (1) shall take effect not later than 90 days after the promulgation of such standard, except that the effective date for any requirements for engineering controls shall go into effect not later than 90 days after the promulgation of the final permanent standard. The provisions of the emergency temporary standard shall remain in effect until the final permanent standard is in effect.

(c) PANDEMIC INFLUENZA PREPAREDNESS PLAN REVISIONS.—

(1) MINIMAL REQUIREMENTS.—Within 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall revise the provisions of the pandemic influenza plan of the Department of Health and Human Services to conform with the minimal worker protection requirements set forth in subsection (b).

(2) FINAL STANDARD.—Within 30 days of the promulgation of a final standard under subsection (b), the Secretary of Health and Human Services shall modify the pandemic influenza plan of the Department of Health and Human Services to conform with the provisions of the occupational safety and health standard issued by the Secretary of Labor.

SEC. ____06. RELATION TO STATES AND POLITICAL SUBDIVISIONS RECEIVING FUNDS UNDER SECTION 319 of PHSA.

An award of a grant, cooperative agreement, or contract may not be made to any State or political subdivision of a State under any program receiving funds under section 319 of the Public Health Service Act (42 U.S.C. 247d) unless the State or political subdivision agrees to comply with the standards issued under section ____05 for protecting health care workers and first responders from pandemic influenza.

SEC. ____07. PROTECTION OF POULTRY WORKERS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Secretary of Agriculture, the Secretary of Interior, and the Secretary of Labor, shall convene a meeting of experts, representatives of the poultry industry, representatives of poultry workers and other appropriate parties to evaluate the risks to poultry workers posed by exposure to the H5N1 virus, the likelihood of transmission of the virus from birds to poultry workers and the necessary measures to protect poultry workers from exposure.

(b) REVISION OF PREPAREDNESS PLAN.—Not later than 30 days after the meeting under subsection (a), the Secretary shall revise the HHS Pandemic Influenza Plan to include the findings and recommendations of the participants in the meeting.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Interior, and the Secretary of Labor shall take the recommended steps to implement the recommendations of the participants in the meeting under subsection (a).

SA 3692. Mr. FRIST (for himself, Mr. SANTORUM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ____. None of the funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Human Rights Council.

SEC. ____. (a) Of the amounts appropriated or otherwise made available for the Secretary of State for each of fiscal years 2006 and 2007 to pay the United States share of assessed contributions for the regular budget of the United Nations, $4,300,000 shall be withheld from such payment, and shall be available instead for the purposes described in subsection (b).

(b) The purposes referred to in subsection (a) are the establishment and operation of a state-of-the-art advanced training skills facility to rehabilitate injured veterans at Brooke Army Medical Center in San Antonio, Texas.

(c) Amounts withheld under subsection (a) shall remain available until expended for the purposes described in subsection (b).

SA 3693. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

SA 3694. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

SA 3695. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

FINANCIAL TRANSPARENCY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than $250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding $100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

SA 3696. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. (a) None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of

1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

(b) None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

(c) None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than $250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding $100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

SA 3697. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VII—EMERGENCY RECOVERY SPENDING OVERSIGHT

SEC. 8001. SHORT TITLE.

This title may be cited as the "Oversight of Vital Emergency Recovery Spending Enhancement and Enforcement Act of 2006".

SEC. 8002. DEFINITIONS.

(a) CHIEF FINANCIAL OFFICER.—The term "Chief Financial Officer" means the Hurricane Katrina Recovery Chief Financial Officer.

(b) OFFICE.—The term "Office" means the Office of the Hurricane Katrina Recovery Chief Financial Officer.

SEC. 8003. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President, the Office of the Hurricane Katrina Recovery Chief Financial Officer.

(b) CHIEF FINANCIAL OFFICER.—

(1) APPOINTMENT.—The Hurricane Katrina Recovery Chief Financial Officer shall be the head of the Office. The Chief Financial Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Chief Financial Officer shall—

(A) have the qualifications required under section 901(a)(3) of title 31, United States Code; and

(B) have knowledge of Federal contracting and policymaking functions.

(c) AUTHORITIES AND FUNCTIONS.—

(1) IN GENERAL.—The Chief Financial Officer shall—

(A) be responsible for the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina;

(B) strive to ensure that—

(i) priority in the distribution of Federal relief funds is given to individuals and organizations most in need of financial assistance; and

(ii) priority in the distribution of Federal reconstruction funds is given to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(C) perform risk assessments of all programs and operations related to recovery from Hurricane Katrina and implement internal controls and program oversight based on risk of waste, fraud, or abuse;

(D) oversee all financial management activities relating to the programs and operations of the Hurricane Katrina recovery effort;

(E) develop and maintain an integrated accounting and financial management system, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

(iii) complies with any other requirements applicable to such systems; and

(iv) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of the Office;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(F) monitor the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures;

(G) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which are the property of Federal agencies or which are available to the agencies, and which relate to programs and operations with respect to which the Chief Financial Officer has responsibilities;

(H) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental entity, including any Chief Financial Officer under section 902 of title 31, United States Code, and, upon receiving such request, insofar as is practicable and not in contravention of any existing law, any such Federal Governmental entity or Chief Financial Officer under section 902 shall cooperate and furnish such requested information or assistance;

(I) to the extent and in such amounts as may be provided in advance by appropriations Acts, be authorized to—

(i) enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

(ii) make such payments as may be necessary to carry out the provisions of this section;

(J) for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), perform, in consultation with the Office of Management and Budget, the functions of the head of an agency for any activity relating to the recovery from Hurricane Katrina that is not currently the responsibility of the head of an agency under that Act; and

(K) transmit a report, on a quarterly basis, regarding any program or activity identified by the Chief Financial Officer as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to the appropriate inspector general.

(2) ACCESS.—Except as provided in paragraph (1)(H), this subsection does not provide to the Chief Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C. App.).

(3) COORDINATION OF AGENCIES.—In the performance of the authorities and functions under paragraph (1) by the Chief Financial Officer the President (or the President's designee) shall act as the head of the Office and the Chief Financial Officer shall have management and oversight of all agencies performing activities relating to the recovery from Hurricane Katrina.

(4) REGULAR REPORTS.—

(A) IN GENERAL.—Every month the Chief Financial Officer shall submit a financial report on the activities for which the Chief Financial Officer has management and oversight responsibilities to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and House of Representatives; and

(iv) the Committee on Government Reform of the House of Representatives.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) the extent to which Federal relief funds have been given to individuals and organizations most in need of financial assistance;

(ii) the extent to which Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(iii) the extent to which Federal agencies have made use of sole source, no-bid or cost-plus contracts; and

(iv) an assessment of the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures.

(C) FIRST REPORT.—The first report under this paragraph shall be submitted for the first full month for which a Chief Financial Officer has been appointed.

(d) RESPONSIBILITIES OF CHIEF FINANCIAL OFFICERS.—Nothing in this Act shall be construed to relieve the responsibilities of any Chief Financial Officer under section 902 of title 31, United States Code.

(e) AVAILABILITY OF RECORDS.—Upon request to the Chief Financial Officer, the Office shall make the records of the Office available to the Inspector General of any Federal agency performing recovery activities relating to Hurricane Katrina, or to any Special Inspector General designated to investigate such activities, for the purpose of performing the duties of that Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 8004. REPORTS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

The Government Accountability Office shall provide quarterly reports to the committees described under section 8003(c)(4)(A) relating to all activities and expenditures overseen by the Office, including—

(1) the accuracy of reports submitted by the Chief Financial Officer to Congress;

(2) the extent to which agencies performing activities relating to the recovery from Hurricane Katrina have made use of sole source, no-bid or cost-plus contracts;

(3) whether Federal funds expended by State and local government agencies were spent for their intended use;

(4) the extent to which Federal relief funds have been distributed to individuals and organizations most affected by Hurricane Katrina and Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005; and

(5) the extent to which internal controls to prevent waste, fraud, or abuse exist in the use of Federal funds relating to the recovery from Hurricane Katrina.

SEC. 8005. ADMINISTRATIVE AND SUPPORT SERVICES.

(a) IN GENERAL.—The President shall provide administrative and support services (including office space) for the Office and the Chief Financial Officer.

(b) PERSONNEL.—The President shall provide for personnel for the Office through the detail of Federal employees. Any Federal employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 8006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 8007. TERMINATION OF OFFICE.

(a) IN GENERAL.—The Office and position of Chief Financial Officer shall terminate 1 year after the date of the enactment of this Act.

(b) EXTENSION.—The President may extend the date of termination annually under subsection (a) to any date occurring before 5 years after the date of the enactment of this Act.

(c) NOTIFICATION.—The President shall notify the committees described under section 8003(c)(4)(A) 60 days before any extension of the date of termination under this section.

SA 3698. Mr. BURNS (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2007.".

SA 3699. Mr. CORNYN (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 200, line 21, insert "Provided further, That as long as $5,200,000,000 is provided under this heading no State shall be allocated less than 3.5 percent of the amount provided under this heading:" after "impacted areas:".

SA 3700. Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—GAS TAX RELIEF AND REBATE

Subtitle A—Fuel Tax Holiday Rebate

SEC. 8101. FUEL TAX HOLIDAY REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. FUEL TAX HOLIDAY REBATE.

"(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $100.

"(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than August 30, 2006.

"(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

"(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded the threshold amount (as determined under section 151(d)(3)(C) for such preceding taxable year),

"(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

"(3) any estate or trust, or

"(4) any nonresident alien individual.".

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period ", or from section 6430 of such Code".

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6430. Fuel tax holiday rebate.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Price Gouging

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the "Gasoline Consumer Anti-Price-Gouging Protection Act".

SEC. 8202. PROTECTION OF CONSUMERS AGAINST PRICE GOUGING.

It is unlawful for any person to increase the price at which that person sells, or offers to sell, gasoline or petroleum distillates to the public (for purposes other than resale) in, or for use in, an area covered by an emergency proclamation by an unconscionable amount while the proclamation is in effect.

SEC. 8203. JUSTIFIABLE PRICE INCREASES.

(a) IN GENERAL.—The prohibition in section 8202 does not apply to the extent that the increase in the retail price of the gasoline or petroleum distillate is attributable to—

(1) an increase in the wholesale cost of gasoline and petroleum distillates for the region in which the area to which a proclamation under section 8202 applies is located;

(2) an increase in the replacement costs for gasoline or petroleum distillate sold;

(3) an increase in operational costs; or

(4) regional, national, or international market conditions.

(b) OTHER MITIGATING FACTORS.—In determining whether a violation of section 8202 has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the gasoline or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

SEC. 8204. FEDERAL AND STATE PROCLAMATIONS.

(a) IN GENERAL.—For purposes of this subtitle—

(1) the President may issue an emergency proclamation for any area within the United States in which an abnormal market disruption has occurred or is reasonably expected to occur; and

(2) the chief executive officer of any State may issue an emergency proclamation for any such area within that State.

(b) SCOPE AND DURATION.—

(1) IN GENERAL.—An emergency proclamation issued under subsection (a) shall specify with particularity—

(A) the geographic area to which it applies;

(B) the period for which the proclamation applies; and

(C) the event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

(2) LIMITATIONS.—An emergency proclamation issued under subsection (a)—

(A) may not apply for a period of more than 30 consecutive days (renewable for a consecutive period of not more than 30 days); and

(B) may apply to a period of not more than 7 days preceding the occurrence of an event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

SEC. 8205. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—This subtitle shall be enforced by the Federal Trade Commission as if the violation of section 8202 were an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle. Any entity that violates any provision of this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subtitle.

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe such regulations as may be necessary or appropriate to implement this subtitle.

SEC. 8206. ENFORCEMENT BY STATES.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of this subtitle, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subtitle or a regulation under this subtitle.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the violation occurred;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this subtitle, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this subtitle alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 8207. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle is punishable by a civil penalty of—

(A) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c)); and

(B) not more than $5,000,000 in the case of any other person.

(2) METHOD OF ASSESSMENT.—The penalty provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, the violation of this subtitle is punishable by a fine of not more than $1,000,000, imprisonment for not more than 2 years, or both.

(2) ENFORCEMENT.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General of the United States, in accordance with section 515 of title 28, United States Code.

SEC. 8208. DEFINITIONS.

In this subtitle:

(1) ABNORMAL MARKET DISRUPTION.—The term "abnormal market disruption" means there is a reasonable likelihood that, in the absence of a proclamation under section 8204(a), there will be an increase in the average retail price of gasoline or petroleum distillates in the area to which the proclamation applies as a result of a change in the market, whether actual or imminently threatened, resulting from weather, a natural disaster, strike, civil disorder, war, military action, a national or local emergency, or other similar cause, that adversely affects the availability or delivery gasoline or petroleum distillates.

(2) STATE.—The term "State" means the several States of the United States and the District of Columbia.

(3) UNCONSCIONABLE AMOUNT.—The term "unconscionable amount" means, with respect to any person to whom section 8202 applies, a significant increase in the price at which gasoline or petroleum distillates are sold or offered for sale by that person that increases the price, for the same grade of gasoline or petroleum distillate, to an amount that—

(A) substantially exceeds the average price at which gasoline or petroleum distillates were sold or offered for sale by that person during the 30-day period immediately preceding the sale or offer; and

(B) cannot be justified by taking into account the factors described in section —03(b).

SEC. 8209. EFFECTIVE DATE.

This subtitle shall take effect on the date on which a final rule issued by the Federal Trade Commission under section 8205(c) is published in the Federal Register.

Subtitle C—Tax Provisions

SEC. 8301. REPEAL OF THE LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN -BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Subsection (f) of section 30B of the Internal Revenue Code of 1986 is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1341(a) of the Energy Policy Act of 2005.

SEC. 8302. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) IN GENERAL.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.".

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 8303. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking "and before January 1, 2012" in subparagraph (B) and inserting "and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012", and

(2) by inserting "if described in subsection (d)(1)" after "of which" in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

"(d) QUALIFIED REFINERY.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

"(1) crude oil, or

"(2) qualified fuels (as defined in section 45K(c)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8304. 5-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) In General.—Section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

"(5) Special rule for major integrated oil companies.—

"(A) In general.—In the case of an integrated oil company described in subparagraph (B), paragraphs (1) and (4) shall be applied by substituting '5-year' for '24 month'.

"(B) Integrated oil company described.—An integrated oil company is described in this subparagraph if such company is an integrated oil company (as defined in section 291(b)(4)) which—

"(i) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year,

"(ii) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

"(iii) has an ownership interest (within the meaning of section 613A(d)(3)) in crude oil refiner of 15 percent or more.

For purposes of the preceding sentence, all persons treated as a single employer under subsections (a) and (b) of section shall be treated as 1 person and, in case of a short taxable year, the rule under section 448(c)(3)(B) shall apply".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendment made by section 1329 of the Energy Policy Act of 2005.

SEC. 8305. REPEAL OF LIFO METHOD OF INVENTORY ACCOUNTING.

(a) In General.—Sections 472, 473, and 474 of the Internal Revenue Code of 1986 are repealed.

(b) Conforming Amendments.—

(1) Section 56(g)(4)(D)(iii) of such Code is repealed.

(2) Section 312(n)(4) of such Code is repealed.

(3) Section 1363(d) of such Code is repealed.

(c) Effective Date.—The repeals made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) Change in Method of Accounting.—In the case of any taxpayer required by the repeals made by subsection (a) to change its method accounting for its first taxable year beginning after the date of the enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(3) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 20-taxable year period beginning with the first taxable year beginning after such date of enactment.

Subtitle D—CAFE Standards

SEC. 8401. CLARIFICATION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO AMEND FUEL ECONOMY STANDARDS FOR PASSENGER VEHICLES.

Section 32902(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(2) by striking paragraph (2).

Subtitle E—Alternative Fuels

SEC. 8501. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking "$250,000,000" and inserting "$150,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $250,000,000 for each of fiscal years 2009 through 2011".

SEC. 8502. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) Purposes.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) Definitions.—In this section:

(1) Battery.—The term "battery" means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) Electric drive transportation technology.—The term "electric drive transportation technology" means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) Engine dominant hybrid electric vehicle.—The term "engine dominant hybrid electric vehicle" means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) Fuel cell vehicle.—The term "fuel cell vehicle" means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) Initiative.—The term "Initiative" means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) Nonroad vehicle.—The term "nonroad vehicle" has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) Plug-in hybrid electric vehicle.—The term "plug-in hybrid electric vehicle" means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) Plug-in hybrid fuel cell vehicle.—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(9) Industry alliance.—The term "Industry Alliance" means the entity selected by the Secretary under subsection (f)(2).

(10) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) Secretary.—The term "Secretary" means the Secretary of Energy.

(c) Goals.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(d) Assessment.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) ADVANCED BATTERY INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, the primary business of which is the manufacturing of batteries.

(3) RESEARCH.—

(A) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this subsection shall be available to the public.

(5) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

Subtitle F—Strategic Petroleum Reserve

SEC. 8601. STRATEGIC PETROLEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) the Strategic Petroleum Reserve, as established by the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), provides the United States with an emergency crude oil supply reserve that ensures that a disruption in commercial oil supplies will not threaten the United States economy;

(2) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) strengthened the Strategic Petroleum Reserve by authorizing a capacity of 1,000,000,000 barrels of crude oil;

(3) as of the date of enactment of this Act, the inventory in the Strategic Petroleum Reserve is sufficiently large enough to guard against supply disruptions during the time period for the temporary cessation of deposits described in subsection (b)(1); and

(4) the cessation of deposits to the Strategic Petroleum Reserve will add approximately 2,000,000 barrels of crude oil supply into the market.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) consistent with the authority granted under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), the Secretary of Energy should cease deposits to the Strategic Petroleum Reserve for a period of not less than 6 months;

(2) the Secretary of Energy should continue to work toward establishing the infrastructure necessary to achieve the 1,000,0000,0000 barrels of crude oil capacity authorized under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(3) after the temporary cessation of deposits to the Strategic Petroleum Reserve, the Secretary of Energy should continue to increase the inventory of crude oil in the Strategic Petroleum Reserve to work toward meeting the authorized capacity level to enhance the energy security of the United States.

Subtitle G—Arctic Coastal Plain Domestic Energy

SEC. 8701. SHORT TITLE.

This subtitle may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2006".

SEC. 8702. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area identified as such in the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 8703. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this Act a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of

action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on such map as shall be identified by the Secretary.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 8704. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 8705. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 8704 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 8706. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 8703(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 8707. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 8703, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) Compliance With Federal and State Environmental Laws and Other Requirements.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) Considerations.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) Facility Consolidation Planning.—

(1) In general.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) Objectives.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) Access to Public Lands.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 8708. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaint.—

(1) Deadline.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) Venue.—Any complaint seeking judicial review of an action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) Limitation on scope of certain review.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) Limitation on Other Review.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8709. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) In General.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 712(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) Payments to Alaska.—Payments to the State of Alaska under this section shall be made semiannually.

(c) Use of Bonus Payments for Low-Income Home Energy Assistance.—Amounts that are received by the United States as bonuses for leases under this subtitle and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 8710. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) Exemption.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) Terms and Conditions.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) Regulations.—The Secretary shall include in regulations under section 8703(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 8711. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 8712. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) Financial Assistance Authorized.—

(1) In general.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) Eligible entities.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) Use of Assistance.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) Application.—

(1) In general.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) North slope borough communities.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) Application assistance.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) Establishment of Fund.—

(1) In general.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) Use.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) Deposits.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this subtitle.

(4) Limitation on deposits.—The total amount in the fund may not exceed $11,000,000.

(5) Investment of balances.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) Authorization of Appropriations.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SA 3701. Mr. ALLARD (for himself, Mr. Durbin, and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ___—OTHER MATTERS

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

Capitol Power Plant

For an additional amount for "Capitol Power Plant", $27,600,000, to remain available until September 30, 2011: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3702. Mr. CHAMBLISS (for himself and Mr. Isakson) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

Sec. 7032. (a) Report.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) Additional Elements.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) Additional Element of Policy on Casualty Assistance to Survivors of Military Decedents.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by fully qualified Department personnel;

"(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

"(C) ensure that—

"(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

"(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

SA 3703. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE

GENERIC DRUG APPLICATIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

SALARIES AND EXPENSES

For an additional amount for the Food and Drug Administration, Office of Generic Drugs and related activities, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading shall be applied to the Office of Generic Drugs and related activities to reduce the number of generic drug applications awaiting action by the Food and Drug Administration: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3704. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

MEDICAL FACILITIES, DEPARTMENT OF VETERANS AFFAIRS

SEC. 7032. (a) AVAILABILITY OF AMOUNT.—There is appropriated for the Department of Veterans Affairs for the Veterans Health Administration for Medical Facilities, $20,000,000, with the entire amount designated as an emergency requirement pursuant to section 402 of H. Con. Res 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) OFFSET.—The amount appropriated by chapter 7 of title II of this Act under the heading "NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES" is hereby reduced by $20,000,000.

SA 3705. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

REVIEW OF RECONSTRUCTION DESIGN, LAKE MICHIGAN SHORELINE, ILLINOIS

SEC. 7___. The District Engineers of the Buffalo and Seattle Districts of the Corps of Engineers shall use $150,000 of amounts made available for investigations of the Corps of Engineers pursuant to title I of Public Law 109–103 (119 Stat. 2247), to conduct an immediate review of a reconstruction design with the review based on the standards under section 68 of title 36, Code of Federal Regulations (or a successor regulation), for the portion between 54th and 57th Street of Reach 4 of the storm damage reduction project authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664; 113 Stat. 302).

SA 3706. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 14 and 15, insert the following:

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", $12,000,000, for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3707. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . None of the funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Human Rights Council.

SEC.   . (a) Of the amounts appropriated or otherwise made available for the Secretary of State for each of fiscal years 2006 and 2007 to pay the United States share of assessed contributions for the regular budget of the United Nations, $4,300,000 shall be withheld from such payment, and shall be transferred to the Department of the Army and available instead for the purposes described in subsection (b).

(b) The purposes referred to in subsection (a) are the establishment and operation of a state-of-the-art advanced training skills facility to rehabilitate injured service persons at Brooke Army Medical Center in San Antonio, Texas.

(c) Amounts withheld under subsection (a) shall remain available until expended for the purposes described in subsection (b).

SA 3708. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —

DISASTER MANAGEMENT AND MITIGATION

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for necessary expenses for "Emergency Management Performance Grants", as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $130,000,000, to remain available until expended: *Provided*, That the total costs in administering such grants shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

FLOOD MAP MODERNIZATION FUND

For an additional amount for "Flood Map Modernization Fund" for necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), $50,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

NATIONAL PREDISASTER MITIGATION FUND

For an additional amount for "National Predisaster Mitigation Fund" for the pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

SEC. —001. Notwithstanding any other provision of this Act, the amount provided for "Diplomatic and Consular Programs" shall be $1,172,600,000.

SA 3709. Mr. BYRD (for himself, Mr. CARPER, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON REQUESTS FOR FUNDS FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN FOR FISCAL YEARS AFTER FISCAL YEAR 2007

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148) appropriated $50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of $67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a $50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as $86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to

Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

SA 3710. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORTS ON POLICY AND POLITICAL DEVELOPMENTS IN IRAQ

SEC. 1406. (a) REPORTS REQUIRED.—The President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) ELEMENTS.—Each report under subsection (a) shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious, and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

(4) An assessment of the effect that the formation of, or failure to form, a unity government, and the amendment of, or failure to amend, the Iraq Constitution, will have on the "significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq" as expressed in the United States Policy in Iraq Act (section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note)).

(5) The specific conditions on the ground, including the capability and leadership of Iraqi security forces, that would lead to the phased redeployment of United States ground combat forces from Iraq.

SA 3711. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

SATELLITE ALERT FACILITY, CAPE CANAVERAL AIR STATION, FLORIDA

SEC. 7032. The amount appropriated by the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) for the Air Force for military construction that remains available for the Satellite Processing Operations Support Facility at Cape Canaveral Air Station, Florida, shall be made available instead solely for the Satellite Alert Facility at Cape Canaveral Air Station, Florida.

SA 3712. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3645 proposed by Mr. SALAZAR (for himself and Mr. BAUCUS) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after line 2 and insert the following:

REPORT ON FIRE SEASON

SEC. _____. Not later than June 1, 2006, the Secretary of the Interior shall submit to Congress a report that—

(1) assesses the projected severity of the pending fire season;

(2) taking into consideration drought, hazardous fuel buildup, and insect infestation, identifies the areas in which the threat of the pending fire season is the most serious;

(3) describes any actions recommended by the Secretary of the Interior to mitigate the threat of the pending fire season; and

(4) specifies the amount of funds that would be necessary to carry out the actions recommended by the Secretary under paragraph (3).

SA 3713. Mr. BURR proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 238, line 23, strike "Control and Prevention, and" and insert "Control and Prevention, $5,000,000 shall be for the Smithsonian Institution to carry out global and domestic disease surveillance, and".

SA 3714. Mrs. MURRAY (for Mr. HARKIN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by $8,500,000.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109-13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

SA 3715. Mr. CONRAD (for himself, Mrs. CLINTON, and Mr. DODD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—REVENUE PROVISIONS

SEC. 8000. AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VIII—REVENUE PROVISIONS

Sec. 8000. Amendment of Code; table of contents.

Subtitle A—Provisions Relating to Tax Shelters

Sec. 8101. Clarification of economic substance doctrine.

Sec. 8102. Penalty for understatements attributable to transactions lacking economic substance, etc.

Sec. 8103. Denial of deduction for interest on underpayments attributable to noneconomic substance transactions.

Sec. 8104. Modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004.

Sec. 8105. Revaluation of LIFO inventories of large integrated oil companies.

Sec. 8106. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.

Sec. 8107. Doubling of certain penalties, fines, and interest on underpayments related to certain offshore financial arrangements.

Sec. 8108. Penalty for aiding and abetting the understatement of tax liability.

Subtitle B—Provisions to Close Corporate and Individual Loopholes

Sec. 8111. Tax treatment of inverted entities.

Sec. 8112. Grant of Treasury regulatory authority to address foreign tax credit transactions involving inappropriate separation of foreign taxes from related foreign income.

Sec. 8113. Treatment of contingent payment convertible debt instruments.

Sec. 8114. Application of earnings stripping rules to partners which are corporations.

Sec. 8115. Denial of deduction for certain fines, penalties, and other amounts.

Sec. 8116. Disallowance of deduction for punitive damages.
Sec. 8117. Limitation of employer deduction for certain entertainment expenses.
Sec. 8118. Imposition of mark-to-market tax on individuals who expatriate.
Sec. 8119. Tax treatment of controlled foreign corporations established in tax havens.
Sec. 8120. Modification of exclusion for citizens living abroad.
Sec. 8121. Limitation on annual amounts which may be deferred under nonqualified deferred compensation arrangements.
Sec. 8122. Increase in age of minor children whose unearned income is taxed as if parent's income.
Sec. 8123. Taxation of income of controlled foreign corporations attributable to imported property.

Subtitle C—Oil and Gas Provisions

Sec. 8131. Extension of superfund taxes.
Sec. 8132. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
Sec. 8133. Rules relating to foreign oil and gas income.
Sec. 8134. Modification of credit for producing fuel from a nonconventional source.
Sec. 8135. Elimination of amortization of geological and geophysical expenditures for major integrated oil companies.

Subtitle D—Tax Administration Provisions

Sec. 8141. Imposition of withholding on certain payments made by government entities.
Sec. 8142. Increase in certain criminal penalties.
Sec. 8143. Repeal of suspension of interest and certain penalties where Secretary fails to contact taxpayer.
Sec. 8144. Increase in penalty for bad checks and money orders.
Sec. 8145. Frivolous tax submissions.
Sec. 8146. Partial payments required with submission of offers-in-compromise.
Sec. 8147. Waiver of user fee for installment agreements using automated withdrawals.
Sec. 8148. Termination of installment agreements.

Subtitle E—Additional Provisions

Sec. 8151. Loan and redemption requirements on pooled financing requirements.
Sec. 8152. Repeal of the scheduled phaseout of the limitations on personal exemptions and itemized deductions.

Subtitle A—Provisions Relating to Tax Shelters

SEC. 8101. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE: ETC.—

"(1) GENERAL RULES.—

"(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

"(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 8102. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e)

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)".

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting "and without regard to items with respect to which a penalty is imposed by section 6662B" before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting "and noneconomic substance transaction understatements" after "reportable transaction understatements" both places it appears,

(B) in paragraph (2)(A), by inserting "and a noneconomic substance transaction understatement" after "reportable transaction understatement",

(C) in paragraph (2)(B), by inserting "6662B or" before "6663",

(D) in paragraph (2)(C)(i), by inserting "or section 6662B" before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting "and section 6662B" after "This section",

(F) in paragraph (3), by inserting "or noneconomic substance transaction understatement" after "reportable transaction understatement", and

(G) by adding at the end the following new paragraph:

"(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).".

(3) Subsection (e) of section 6707A is amended—

(A) by striking "or" at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

"(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B.".

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 8103. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking "attributable" and all that follows and inserting the following: "attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).", and

(2) by inserting "AND NONECONOMIC SUBSTANCE TRANSACTIONS" in the heading thereof after "TRANSACTIONS".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 8104. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2), by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively, and by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 8105. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which—

(1) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

(2) uses the last-in, first-out (LIFO) method of accounting with respect to its crude oil inventories for such taxable year.

For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8106. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

"(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005-80 with respect to such transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative.

"(iii) TERMINATION OF EXCEPTION.—Clause (ii)(I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 8107. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) Determination of Penalty.—

(1) In general.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) Applicable taxpayer.—For purposes of this subsection—

(A) In general.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) Authority to waive.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) Issues raised.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) Definitions and Rules.—For purposes of this section—

(1) Applicable penalty.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) Fees and expenses.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) Report by Secretary.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) Effective Date.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 8108. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) In General.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting "the tax liability or" after "respect to," in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) Amount of Penalty.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) Amount of Penalty; Calculation of Penalty; Liability for Penalty.—

"(1) Amount of penalty.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

"(2) Calculation of penalty.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) Liability for penalty.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) Penalty Not Deductible.—Section 6701 is amended by adding at the end the following new subsection:

"(g) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) Effective Date.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

Subtitle B—Provisions to Close Corporate and Individual Loopholes

SEC. 8111. TAX TREATMENT OF INVERTED ENTITIES.

(a) In General.—Section 7874 is amended—

(1) by striking "March 4, 2003" in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting "March 20, 2002",

(2) by striking "at least 60 percent" in subsection (a)(2)(B)(ii) and inserting "more than 50 percent",

(3) by striking "80 percent" in subsection (b) and inserting "at least 80 percent",

(4) by striking "60 percent" in subsection (b) and inserting "more than 50 percent",

(5) by adding at the end of subsection (a)(2) the following new sentence: "Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.", and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Special Rules Applicable to Expatriated Entities.—

"(1) Increases in accuracy-related penalties.—In the case of any underpayment of tax of an expatriated entity—

"(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

"(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

"(2) Modifications of limitation on interest deduction.—In the case of an expatriated entity, section 163(j) shall be applied—

"(A) without regard to paragraph (2)(A)(ii) thereof, and

"(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 8112. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) In General.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Regulations.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 8113. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) In General.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) Treatment of contingent payment convertible debt.—

"(A) In general.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 8114. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE CORPORATIONS.

(a) IN GENERAL.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) TREATMENT OF CORPORATE PARTNERS.—Except to the extent provided by regulations, in applying this subsection to a corporation which owns (directly or indirectly) an interest in a partnership—

"(A) such corporation's distributive share of interest income paid or accrued to such partnership shall be treated as interest income paid or accrued to such corporation,

"(B) such corporation's distributive share of interest paid or accrued by such partnership shall be treated as interest paid or accrued by such corporation, and

"(C) such corporation's share of the liabilities of such partnership shall be treated as liabilities of such corporation.".

(b) ADDITIONAL REGULATORY AUTHORITY.—Section 163(j)(9) (relating to regulations), as redesignated by subsection (a), is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) regulations providing for the reallocation of shares of partnership indebtedness, or distributive shares of the partnership's interest income or interest expense, as may be appropriate to carry out the purposes of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 8115. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050T the following new section:

"SEC. 6050U. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050T the following new item:

> "Sec. 6050U. Information with respect to certain fines, penalties, and other amounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 8116. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(f) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 8117. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

"(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).".

(b) PERSONS NOT EMPLOYEES.—Paragraph (9) of section 274(e) is amended by striking "to the extent that the expenses are includible in the gross income" and inserting "to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 8118. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 8119. TAX TREATMENT OF CONTROLLED FOREIGN CORPORATIONS ESTABLISHED IN TAX HAVENS.

(a) IN GENERAL.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7875. CONTROLLED FOREIGN CORPORATIONS IN TAX HAVENS TREATED AS DOMESTIC CORPORATIONS.

"(a) GENERAL RULE.—If a controlled foreign corporation is a tax-haven CFC, then, notwithstanding section 7701(a)(4), such corporation shall be treated for purposes of this title as a domestic corporation.

"(b) TAX-HAVEN CFC.—For purposes of this section—

"(1) IN GENERAL.—The term 'tax-haven CFC' means, with respect to any taxable year, a foreign corporation which—

"(A) was created or organized under the laws of a tax-haven country, and

"(B) is a controlled foreign corporation (determined without regard to this section) for an uninterrupted period of 30 days or more during the taxable year.

"(2) EXCEPTION.—The term 'tax-haven CFC' does not include a foreign corporation for any taxable year if substantially all of its income for the taxable year is derived from the active conduct of trades or businesses within the country under the laws of which the corporation was created or organized.

"(c) TAX-HAVEN COUNTRY.—For purposes of this section—

"(1) IN GENERAL.—The term 'tax-haven country' means any of the following:

"Andorra
Anguilla
Antigua and Barbuda
Aruba
Commonwealth of the Bahamas
Bahrain
Barbados
Belize
Bermuda
British Virgin Islands
Cayman Islands
Cook Islands
Cyprus
Commonwealth of the Dominica
Gibraltar
Grenada
Guernsey
Isle of Man
Jersey
Liberia
Principality of Liechtenstein
Republic of the Maldives
Malta
Republic of the Marshall Islands
Mauritius
Principality of Monaco
Montserrat
Republic of Nauru
Netherlands Antilles
Niue
Panama
Samoa
San Marino
Federation of Saint Christopher and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Republic of the Seychelles
Tonga
Turks and Caicos
Republic of Vanuatu

"(2) SECRETARIAL AUTHORITY.—The Secretary may remove or add a foreign jurisdiction from the list of tax-haven countries under paragraph (1) if the Secretary determines such removal or addition is consistent with the purposes of this section.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

"Sec. 7875. Controlled foreign corporations in tax havens treated as domestic corporations.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 8120. MODIFICATION OF EXCLUSION FOR CITIZENS LIVING ABROAD.

(a) INFLATION ADJUSTMENT OF FOREIGN EARNED INCOME LIMITATION.—Clause (ii) of section 911(b)(2)(D) (relating to inflation adjustment) is amended—

(1) by striking "2007" and inserting "2005", and

(2) by striking "2006" in subclause (II) and inserting "2004".

(b) MODIFICATION OF HOUSING COST AMOUNT.—

(1) MINIMUM AMOUNT.—Clause (i) of section 911(c)(1)(B) is amended to read as follows:

"(i) 16 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which such taxable year begins, multiplied by".

(2) MAXIMUM AMOUNT OF EXCLUSION.—

(A) IN GENERAL.—Subparagraph (A) of section 911(c)(1) is amended by inserting "to the extent such expenses do not exceed the amount determined under paragraph (2)" after "the taxable year".

(B) LIMITATION.—Subsection (c) of section 911 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) LIMITATION.—The amount determined under this paragraph is an amount equal to the product of—

"(A) 30 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which the taxable year of the individual begins, multiplied by

"(B) the number of days of such taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1).".

(C) CONFORMING AMENDMENTS.—

(i) Section 911(d)(4) is amended by striking "and (c)(1)(B)(ii)" and inserting ", (c)(1)(B)(ii), and (c)(2)(B)"

(ii) Section 911(d)(7) is amended by striking "subsection (c)(3)" and inserting "subsection (c)(4)".

(c) RATES OF TAX APPLICABLE TO NONEXCLUDED INCOME.—Section 911 (relating to exclusion of certain income of citizens and residents of the United States living abroad) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DETERMINATION OF TAX LIABILITY ON NONEXCLUDED AMOUNTS.—If any amount is excluded from the gross income of a taxpayer under subsection (a) for any taxable year, then, notwithstanding section 1 or 55—

"(1) the tax imposed by section 1 on the taxpayer for such taxable year shall be equal to the excess (if any) of—

"(A) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the sum of—

"(i) the taxpayer's taxable income for the taxable year (determined without regard to this subsection), plus

"(ii) the amount excluded under subsection (a) for the taxable year, over

"(B) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for the taxable year, and

"(2) the tax imposed by section 55 for such taxable year shall be equal to the excess (if any) of—

"(A) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the sum of—

"(i) the taxpayer's alternative minimum taxable income for the taxable year (determined without regard to this subsection), plus

"(ii) the amount excluded under subsection (a) for the taxable year, over

"(B) the sum of—

"(i) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the amount excluded under subsection (a) for the taxable year, plus

"(ii) the amount which would be the regular tax for the taxable year if the tax imposed by section 1 were the tax computed under paragraph (1).

For purposes of this subsection, the amount excluded under subsection (a) shall be reduced by the aggregate amount of any deductions or exclusions disallowed under subsection (d)(6) with respect to such excluded amount.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 8121. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(1) LIMITATION.—If the aggregate amount of compensation which—

"(A) is deferred for any taxable year with respect to a participant under 1 or more nonqualified deferred compensation plans maintained by the same employer, and

"(B) is not otherwise includible in gross income of the participant for the taxable year,

exceeds the applicable dollar amount for the taxable year, then such excess shall be included in the participant's gross income for the taxable year.

"(2) INCLUSION OF EARNINGS.—If—

"(A) an amount is includible under paragraph (1) in the gross income of a participant for any taxable year, and

"(B) any portion of any assets set aside in a trust or other arrangement under a nonqualified deferred compensation plan are properly allocable to such amount,

then any increase in value in, or earnings with respect to, such portion for the taxable year or any succeeding taxable year shall be included in gross income of the participant for such taxable year or succeeding taxable year.

"(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(i) the average annual compensation which—

"(I) was payable during the base period to the participant by the employer described in paragraph (1)(A), and

"(II) was includible in the participant's gross income for taxable years in the base period, or

"(ii) $1,000,000.

"(B) BASE PERIOD.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the taxable year in which the election described in subsection (a)(4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, except that if the election is made after the beginning of the computation year, such period shall be the 5-taxable year period ending with the taxable year preceding the computation year. For purposes of this subparagraph, the term 'computation year' means any taxable year of the participant for which the limitation under paragraph (1) is being determined.".

(b) CONFORMING AMENDMENTS.—Sections 6041(g)(1) and 6051(a)(13) are each amended by striking "409A(d)" and inserting "409A(e)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005, except that taxable years beginning on or before such date shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(c)(2) of the Internal Revenue Code of 1986 (as added by such amendments).

SEC. 8122. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Section 1(g)(2)(A) (relating to child to whom subsection applies) is amended by striking "age 14" and inserting "age 18".

(b) TREATMENT OF DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—Section 1(g)(4) (relating to net unearned income) is amended by adding at the end the following new subparagraph:

"(C) TREATMENT OF DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—For purposes of this subsection, in the case of any child who is a beneficiary of a qualified disability trust (as defined in section 642(b)(2)(C)(ii)), any amount included in the income of such child under sections 652 and 662 during a taxable year shall be considered earned income of such child for such taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 8123. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).".

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end the following new subsection:

"(j) IMPORTED PROPERTY INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property;

"(B) the sale, exchange, or other disposition of imported property; or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) IMPORTED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States; or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

"(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.".

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) BEFORE 2007.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for taxable years beginning before January 1, 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(B) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d), as so in effect, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).".

(C) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) of such Code, as so in effect, is amended by striking "or (D)" and inserting "(D), or (I)".

(2) AFTER 2006.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for taxable years beginning after December 31, 2006, is amended by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) imported property income, and".

(B) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d), as so in effect, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively, and by inserting after subparagraph (I) the following new subparagraph:

"(J) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).".

(C) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A), as so in effect, is amended by inserting "or imported property income" after "passive category income".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

"(II) imported property income,".

(2) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (c).—The amendments made by subsection (c)(1) shall apply to taxable years beginning after the date of the enactment of this Act and before January 1, 2007,

and the amendments made by subsection (c)(2) shall apply to taxable years beginning after December 31, 2006.

Subtitle C—Oil and Gas Provisions

SEC. 8131. EXTENSION OF SUPERFUND TAXES.

(a) EXCISE TAXES.—Section 4611(e) is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after December 31, 2005, and before January 1, 2015."

(b) CORPORATE ENVIRONMENTAL INCOME TAX.—Section 59A(e) is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 2005, and before January 1, 2015."

(c) EFFECTIVE DATES.—

(1) EXCISE TAXES.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) INCOME TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2005.

SEC. 8132. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8133. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(1) SEPARATE BASKET.—

(A) YEARS BEFORE 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007and as amended by this Act, is amended by striking "and" at the end of subparagraph (I), by redesignating subparagraph (J) as subparagraph (K), and by inserting after subparagraph (I) the following new subparagraph:

"(J) foreign oil and gas income, and".

(B) 2007 AND AFTER.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006 and as amended by this Act, is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following:

"(D) foreign oil and gas income."

(2) DEFINITION.—

(A) YEARS BEFORE 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007 and as amended by this Act, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(B) 2007 AND AFTER.—Section 904(d)(2), as in effect for years after 2006 and as amended by this Act, is amended by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M) and by inserting after subparagraph (J) the following:

"(K) FOREIGN OIL AND GAS INCOME.—For purposes of this section—

"(i) IN GENERAL.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

"(ii) COORDINATION.—Passive category income and general category income shall not include foreign oil and gas income (as so defined)."

(3) CONFORMING AMENDMENTS.—

(A) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (J)".

(B) Section 907(a) is hereby repealed.

(C) Section 907(c)(4) is hereby repealed.

(D) Section 907(f) is hereby repealed.

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(B) YEARS AFTER 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(C) TRANSITIONAL RULES.—

(i) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(ii) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(iii) LOSSES.—The amendment made by paragraph (3)(C) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

(b) ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.—

(1) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

"(A) foreign oil and gas extraction income (as defined in section 907(c)), or

"(B) foreign oil related income (as defined in section 907(c))."

(2) CONFORMING AMENDMENTS.—

(A) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking "base company oil related income" each place it appears (including in the heading of subsection (b)(8)) and inserting "oil and gas income".

(B) Subsection (b)(4) of section 954 is amended by striking "base company oil-related income" and inserting "oil and gas income".

(C) The subsection heading for subsection (g) of section 954 is amended by striking "FOREIGN BASE COMPANY OIL RELATED INCOME" and inserting "FOREIGN OIL AND GAS INCOME".

(D) Subparagraph (A) of section 954(g)(2) is amended by striking "foreign base company oil related income" and inserting "foreign oil and gas income".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

SEC. 8134. MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) TAXABLE YEARS ENDING BEFORE 2006.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 29(b)(1)(A) is amended by inserting "the calendar year preceding" before "the calendar year".

(B) CONFORMING AMENDMENTS.—Section 29(b)((2) is amended—

(i) by striking "The" and inserting "With respect to any calendar year, the", and

(ii) by striking "for the calendar year in which the sale occurs" and inserting "for such calendar year".

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005.—Section 29(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: "This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar year 2005 and the amount in effect under subsection (a) for sales in such calendar year shall be the amount which was in effect for sales in calendar year 2004.".

(b) TAXABLE YEARS ENDING AFTER 2005.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 45K(b)(1)(A) is amended by inserting "the calendar year preceding" before "the calendar year".

(B) CONFORMING AMENDMENTS.—Section 45K(b)((2) is amended—

(i) by striking "The" and inserting "With respect to any calendar year, the", and

(ii) by striking "for the calendar year in which the sale occurs" and inserting "for such calendar year".

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005, 2006, AND 2007.—Section 45K(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: "This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar years 2005, 2006, and 2007 and the amount in effect under subsection (a) for sales in each such calendar year shall be the amount which was in effect for sales in calendar year 2004.".

(3) TREATMENT OF COKE AND COKE GAS.—

(A) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

"(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.".

(B) APPLICATION OF INFLATION ADJUSTMENT.—Section 45K(g)(2)(B) is amended by inserting "and the last sentence of subsection (b)(2) shall not apply.".

(C) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting "(other than from petroleum based products)" after "coke or coke gas".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold after December 31, 2004.

SEC. 8135. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

Subtitle D—Tax Administration Provisions

SEC. 8141. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

"(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

"(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 3 percent of such payment.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

"(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

"(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

"(C) of interest,

"(D) for real property,

"(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

"(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

"(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

"(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2005.

SEC. 8142. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 8143. REPEAL OF SUSPENSION OF INTEREST AND CERTAIN PENALTIES WHERE SECRETARY FAILS TO CONTACT TAXPAYER.

(a) IN GENERAL.—Section 6404 (relating to abatements) is amended by striking subsection (g) and by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns of tax filed after December 31, 2005.

SEC. 8144. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 8145. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 8146. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) Rules for Submission of Offers-in-Compromise.—

"(1) Partial payment required with submission.—

"(A) Lump-sum offers.—

"(i) In general.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) Lump-sum offer-in-compromise.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) Periodic payment offers.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) Rules of application.—

"(A) Use of payment.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) No user fee imposed.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.

"(C) Waiver authority.—The Secretary may issue regulations waiving any payment required under paragraph (1) in a manner consistent with the practices established in accordance with the requirements under subsection (d)(3).".

(b) Additional Rules Relating to Treatment of Offers.—

(1) Unprocessable offer if payment requirements are not met.—Paragraph (3) of section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) Deemed acceptance of offer not rejected within certain period.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(g) Deemed Acceptance of Offer Not Rejected Within Certain Period.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 8147. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) In General.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Waiver of User Fees for Installment Agreements Using Automated Withdrawals.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 8148. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for section 6159(b)(4) is amended by striking "Failure to pay an installment or any other tax liability when due or to provide requested financial information" and inserting "Failure to make payments or deposits or file returns when due or to provide requested financial information".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

Subtitle E—Additional Provisions

SEC. 8151. LOAN AND REDEMPTION REQUIREMENTS ON POOLED FINANCING REQUIREMENTS.

(a) STRENGTHENED REASONABLE EXPECTATION REQUIREMENT.—Subparagraph (A) of section 149(f)(2) (relating to reasonable expectation requirement) is amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to an issue if the issuer reasonably expects that—

"(i) as of the close of the 1-year period beginning on the date of issuance of the issue, at least 50 percent of the net proceeds of the issue (as of the close of such period) will have been used directly or indirectly to make or finance loans to ultimate borrowers, and

"(ii) as of the close of the 3-year period beginning on such date of issuance, at least 95 percent of the net proceeds of the issue (as of the close of such period) will have been so used.".

(b) WRITTEN LOAN COMMITMENT AND REDEMPTION REQUIREMENTS.—Section 149(f) (relating to treatment of certain pooled financing bonds) is amended by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively, and by inserting after paragraph (3) the following new paragraphs:

"(4) WRITTEN LOAN COMMITMENT REQUIREMENT.—

"(A) IN GENERAL.—The requirement of this paragraph is met with respect to an issue if the issuer receives prior to issuance written loan commitments identifying the ultimate potential borrowers of at least 50 percent of the net proceeds of such issue.

"(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to any issuer which is a State (or an integral part of a State) issuing pooled financing bonds to make or finance loans to subordinate governmental units of such State or to State-created entities providing financing for water-infrastructure projects through the federally-sponsored State revolving fund program.

"(5) REDEMPTION REQUIREMENT.—The requirement of this paragraph is met if to the extent that less than the percentage of the proceeds of an issue required to be used under clause (i) or (ii) of paragraph (2)(A) is used by the close of the period identified in such clause, the issuer uses an amount of proceeds equal to the excess of—

"(A) the amount required to be used under such clause, over

"(B) the amount actually used by the close of such period,

to redeem outstanding bonds within 90 days after the end of such period.".

(c) ELIMINATION OF DISREGARD OF POOLED BONDS IN DETERMINING ELIGIBILITY FOR SMALL ISSUER EXCEPTION TO ARBITRAGE REBATE.—Section 148(f)(4)(D)(ii) (relating to aggregation of issuers) is amended by striking subclause (II) and by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Section 149(f)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), (4), and (5)".

(2) Section 149(f)(7)(B), as redesignated by subsection (b), is amended by striking "paragraph (4)(A)" and inserting "paragraph (6)(A)".

(3) Section 54(l)(2) is amended by striking "section 149(f)(4)(A)" and inserting "section 149(f)(6)(A)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 8152. REPEAL OF THE SCHEDULED PHASE-OUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 3716. Mrs. MURRAY (for Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

SA 3717. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent military bases in Iraq or to exercise control over the oil infrastructure or oil resources of Iraq.

SA 3718. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

ASSISTANCE FOR NATO ACTIVITIES IN SUPPORT OF AFRICAN UNION AND UNITED NATIONS OPERATIONS TO STOP GENOCIDE IN DARFUR, SUDAN

SEC. 1312. (a) Amounts appropriated by this chapter for the Department of Defense for operation and maintenance may be used to provide assistance, including supplies, services, transportation, including airlifts, and logistical support, to the North Atlantic Treaty Organization (NATO), and allies working in support of NATO, for activities undertaken to support African Union and United Nations peacekeeping operations to stop genocide in Darfur, Sudan.

(b) The Secretary of Defense shall provide quarterly reports on support provided under subsection (a) to the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

SA 3719. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert after "*Provided,*" the following: "That of the funds available under this heading, not less than $250,000 shall be made available for the establishment and support of an office of a special envoy for Sudan with a mandate of pursuing, in conjunction with the African Union, a sustainable peace settlement to end the conflict in Darfur, Sudan, assisting the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, pursuing efforts at conflict resolution in eastern Sudan, northern Uganda, and Chad, facilitating, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and developing a common policy approach among international partners to address such issues: *Provided further*,".

SA 3720. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SECURITY AND INDEPENDENCE.

(a) DEPARTMENT OF DEFENSE MATTERS.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount appropriated by chapter 3 of title I of this Act under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by $25,000,000.

(2) PROCUREMENT OF HYBRID VEHICLES.—Of the amount appropriated by chapter 3 of title I of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", as increased by paragraph (1), $25,000,000 shall be available for the procurement of—

(A) alternative fuel vehicles;

(B) hybrid vehicles;

(C) flex-fuel vehicles; and

(D) alternative fuel supply and related vehicle fleet infrastructure.

(b) Department of Energy Matters.—

(1) Procurement of alternative fuel, hybrid, and flex-fuel vehicles.—

(A) Additional amount.—For an additional amount for "Departmental Administration" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), $25,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for "Departmental Administration", as increased by subparagraph (A), $25,000,000 shall be available for procurement of alternative fuel, hybrid, and flex-fuel vehicles and for related alternative fuel supply and related fleet infrastructure.

(2) Advanced vehicle research and deployment programs.—

(A) Additional amount.—For an additional amount for "Energy Supply and Conservation" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), $150,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for "Energy Supply and Conservation", as increased by subparagraph (A), $150,000,000 shall be available for advanced vehicle research and deployment programs, including research and deployment related to acceleration of hybrid vehicle technologies, fuel cell school and transit buses, biodiesel engines, procurement of fuel cells, and vehicle efficiency.

(3) Clean cities program.—

(A) Additional amount.—For an additional amount for "Energy Supply and Conservation" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), $350,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for "Energy Supply and Conservation", as increased by subparagraph (A), $350,000,000 shall be available for the Clean Cities Program established under sections 405, 409, and 505 of the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235, 13256), including development of common and voluntary standards that will accelerate—

(i) the market penetration of flex-fuel, alternative fuel, hybrid and plug-in hybrid vehicles, and related fueling infrastructure; and

(ii) installation of E-85, biodiesel, and other alternative fuel stations and infrastructure.

(4) Biomass research and development.—

(A) Additional amount.—For an additional amount for "Energy Supply and Conservation" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), $100,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for "Energy Supply and Conservation", as increased by subparagraph (A), $100,000,000 shall be available for implementation of the Biomass Research and Development Act of 2000 (Public Law 106-224; 7 U.S.C. 7624 note).

(c) Department of Agriculture Matters.—

(1) Production incentives for cellulosic biofuels.—

(A) Additional amount for Farm Service Agency—Bioenergy Program.—The amount appropriated by chapter 1 of title II under the heading "Farm Service Agency—Bioenergy Program" is hereby increased by $250,000,000.

(B) Implementation of the biomass research and development initiative.—Of the amount appropriated by chapter 1 of title II under the heading "Farm Service Agency—Bioenergy Program", as increased by subparagraph (A), $250,000,000 shall be available for production incentives for cellulosic biofuels.

(d) Environmental Protection Agency.—

(1) Additional amount.—For an additional amount for "Science and Technology" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 499), $25,000,000, to remain available until expended.

(2) Use.—Of the amount appropriated for "Science and Technology", as increased by paragraph (1), $25,000,000 shall be available for sugar cane ethanol research and development.

(e) Emergency Designation.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3721. Mr. NELSON of Florida (for himself, Mr. Menendez, Mr. Lieberman, Mr. Lautenberg, Mr. Kerry, and Mr. Reid) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY AND INDEPENDENCE.

(a) Department of Defense Matters.—

(1) Procurement of hybrid vehicles.—

(A) Additional amount for procurement, defense-wide.—The amount appropriated by chapter 3 of title I of this Act under the heading "Procurement, Defense-Wide" is hereby increased by $25,000,000.

(B) Procurement of hybrid vehicles.—Of the amount appropriated by chapter 3 of title I of this Act under the heading "Procurement, Defense-Wide", as increased by subparagraph (A), $25,000,000 shall be available for the procurement of—

(i) alternative fuel vehicles;

(ii) hybrid vehicles;

(iii) flex-fuel vehicles; and

(iv) alternative fuel supply and related vehicle fleet infrastructure.

(2) Alternative energy generation and vehicle technologies.—

(A) Additional amount for research, development, test, and evaluation, army.—The amount appropriated by chapter 3 of title I of this Act under the heading "Research, Development, Test, and Evaluation, Army" is hereby increased by $200,000,000.

(B) Alternative energy generation and vehicle technologies.—Of the amount appropriated by chapter 3 of title I of this Act under the heading "Research, Development, Test, and Evaluation, Army", as increased by subparagraph (A), $200,000,000 shall be available for activities to achieve the following:

(i) The development and deployment of energy efficient, renewable, and clean alternative energy generation sources and vehicle technologies suitable for the missions and activities of the Department of Defense.

(ii) The establishment of workforce training and education programs relating to the development and deployment of such sources and technologies.

(iii) The development of enhanced domestic production of such sources and technologies, including activities in concert with the private sector.

(3) Non-petroleum aviation and bunker fuels and systems.—

(A) Additional amount for research, development, test, and evaluation, air force.—The amount appropriated by chapter 3 of title I of this Act under the heading "Research, Development, Test, and Evaluation, Air Force" is hereby increased by $50,000,000.

(B) Non-petroleum aviation and bunker fuels and systems.—Of the amount appropriated by chapter 3 of title I of this Act under the heading "Research, Development, Test, and Evaluation, Air Force", as increased by subparagraph (A), $50,000,000 shall be available for the development of non-petroleum aviation fuels and bunker fuels and systems that utilize renewable energy supplies and sources or reduce net greenhouse gas emissions.

(4) Improvement of fuel and energy supply systems.—

(A) Additional amount for research, development, test, and evaluation, defense-wide.—The amount appropriated by chapter 3 of title I of this Act under the heading "Research, Development, Test, and Evaluation, Defense-Wide" is hereby increased by $10,000,000.

(B) Improvement of fuel and energy supply systems.—Of the amount appropriated by chapter 3 of title I of this Act under the heading "Research, Development, Test, and Evaluation, Defense-Wide", as increased by subparagraph (A), $10,000,000 shall be available for activities to improve the petroleum, fossil fuel, and energy supply systems of the Department of Defense to achieve one or more of the following:

(i) Increased security of such systems.

(ii) Reduction in greenhouse gas emissions attributable to such systems.

(iii) Reduction in the costs of energy for the Department of Defense.

(5) Energy efficiency.—

(A) Additional amount for operation and maintenance, defense-wide.—The amount appropriated by chapter 3 of title I of this Act under the heading "Operation and Maintenance, Defense-Wide" is hereby increased by $215,000,000.

(B) Energy efficiency.—Of the amount appropriated by chapter 3 of title I of this Act under the heading "Operation and Maintenance, Defense-Wide", as increased by paragraph (A), $215,000,000 shall be available for activities relating to energy efficiency, of which—

(i) $200,000,000 shall be available for the procurement and installation of renewable and low-emission, clean energy distributed electricity generation systems at military installations and other facilities of the Department of Defense; and

(ii) $15,000,000 shall be available for energy efficiency and renewable energy projects at the Pentagon Reservation, and at other military installations and facilities of the Department of Defense.

(b) Department of Energy Matters.—

(1) Procurement of alternative fuel, hybrid, and flex-fuel vehicles.—

(A) Additional amount.—For an additional amount for "Departmental Administration" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), $25,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Departmental Administration”, as increased by subparagraph (A), $25,000,000 shall be available for procurement of alternative fuel, hybrid, and flex-fuel vehicles and for related alternative fuel supply and related fleet infrastructure.

(2) Advanced vehicle research and deployment programs.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $150,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $150,000,000 shall be available for advanced vehicle research and deployment programs, including research and deployment related to acceleration of hybrid vehicle technologies, fuel cell school and transit buses, biodiesel engines, procurement of fuel cells, and vehicle efficiency.

(3) Clean cities program.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $350,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $350,000,000 shall be available for the Clean Cities Program established under sections 405, 409, and 505 of the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235, 13256), including development of common and voluntary standards that will accelerate—

(i) the market penetration of flex-fuel, alternative fuel, hybrid and plug-in hybrid vehicles, and related fueling infrastructure; and

(ii) installation of E-85, biodiesel, and other alternative fuel stations and infrastructure.

(4) Clean coal power initiative.—

(A) Additional amount.—For an additional amount for “Clean Coal Technology” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $175,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Clean Coal Technology”, as increased by subparagraph (A), $175,000,000 shall be available for the Clean Coal Power Initiative of the Department of Energy for large-scale—

(i) geologic carbon dioxide sequestration demonstrations;

(ii) sequestration-ready gasification demonstrations;

(iii) liquid fuels, substitute natural gas, and hydrogen projects related to sequestration-ready plants; and

(iv) carbon dioxide combustion control demonstrations.

(5) Biomass research and development.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $100,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $100,000,000 shall be available for implementation of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 7624 note).

(6) Cellulosic biomass ethanol and municipal solid waste loan guarantees.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $25,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $25,000,000 shall be available to make loan guarantees to promote cellulosic biomass ethanol and improved treatment of municipal solid waste.

(7) Electricity grid reliability improvements.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $50,000,000 shall be available for electricity grid reliability improvements.

(8) Grants to state energy offices through the office of electricity delivery and energy reliability.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $250,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $250,000,000 shall be available for grants to State energy offices through the Office of Electricity Delivery and Energy Reliability, in coordination with the Directorate for Preparedness of the Department of Homeland Security, for nonpetroleum-dependent or very low-emission distributed energy projects at critical facilities to harden infrastructure, strengthen first responders capabilities, and enhance emergency preparedness, including $30,000,000 for State energy programs.

(9) Energy efficiency programs.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $300,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $300,000,000 shall be available for energy efficiency programs, including research and development, energy conservation standards, State building code development incentives, appliance rebates, the public information initiative on energy efficiency, utility efficiency pilot projects, Energy Star, industrial programs, State energy programs, and low-income community pilot projects.

(10) Ultra-efficient aircraft engine technology research and development.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $50,000,000 shall be available for research and development on ultra-efficient aircraft engine technology.

(11) Renewable energy resource research and development.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), $150,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $150,000,000 shall be available for research and development on renewable energy resources, including wind, biomass, solar, hydroelectric, and geothermal resources and renewable energy resource assessments, including development of potential integrated renewable energy projects.

(12) Weatherization assistance grants.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $225,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $250,000,000 shall be available for grants under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(13) Renewable energy rebates for residential and small business applications.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $125,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $125,000,000 shall be available for renewable energy rebates for residential and small business applications.

(14) Renewable energy production incentives.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $50,000,000 shall be available for renewable energy production incentives.

(15) Rural and remote communities electrification grants.—

(A) Additional amount.—For an additional amount for “Energy Supply and Conservation” under the heading “DEPARTMENT OF ENERGY” of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for “Energy Supply and Conservation”, as increased by subparagraph (A), $50,000,000 shall be available to make rural and remote communities electrification grants.

(16) Federal energy management programs.—

(A) Additional amount.—For an additional amount for "Energy Supply and Conservation" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $25,000,000, to remain available until expended.

(B) Use.—Of the amount appropriated for "Energy Supply and Conservation", as increased by subparagraph (A), $25,000,000 shall be available for Federal energy management measures carried out under part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.).

(c) Department of Agriculture Matters.—

(1) Biomass research and development initiative.—

(A) Additional amount for agricultural research service.—The amount appropriated by chapter 1 of title II under the heading "Agricultural Research Service" is hereby increased by $100,000,000.

(B) Implementation of the biomass research and development initiative.—Of the amount appropriated by chapter 1 of title II under the heading "Agricultural Research Service", as increased by subparagraph (A), $100,000,000 shall be available for implementation of the biomass research and development initiative.

(2) Production incentives for cellulosic biofuels.—

(A) Additional amount for farm service agency—bioenergy program.—The amount appropriated by chapter 1 of title II under the heading "Farm Service Agency—Bioenergy Program" is hereby increased by $250,000,000.

(B) Implementation of the biomass research and development initiative.—Of the amount appropriated by chapter 1 of title II under the heading "Farm Service Agency—Bioenergy Program", as increased by subparagraph (A), $250,000,000 shall be available for production incentives for cellulosic biofuels.

(d) Environmental Protection Agency.—

(1) Additional amount.—For an additional amount for "Science and Technology" of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 499), $25,000,000, to remain available until expended.

(2) Use.—Of the amount appropriated for "Science and Technology", as increased by paragraph (1), $25,000,000 shall be available for sugar cane ethanol research and development.

(e) General Services Administration.—

(1) Additional amount.—For an additional amount for "Operating Expenses" under the heading "GENERAL SERVICES ADMINISTRATION" under title VI of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2482), $25,000,000, to remain available until expended.

(2) Use.—Of the amount appropriated for "Operating Expenses" under paragraph (1), $25,000,000 shall be available for the procurement of alternative fuel, hybrid, and flex-fuel vehicles, and for related alternative fuel supply and related fleet infrastructure.

(f) Emergency Designation.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3722. Mr. CORNYN (for himself and Mr. Kyl) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—IMMIGRATION INJUNCTION REFORM

SEC. 8001. SHORT TITLE.

This title may be cited as the "Fairness in Immigration Litigation Act of 2006".

SEC. 8002. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) Requirements for an Order Granting Prospective Relief Against the Government.—

(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) Written explanation.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) Expiration of preliminary injunctive relief.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) Requirements for order denying motion.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) Procedure for Motion Affecting Order Granting Prospective Relief Against the Government.—

(1) In general.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) Automatic stays.—

(A) In general.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) Duration of automatic stay.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) Postponement.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) Orders blocking automatic stays.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) Settlements.—

(1) Consent decrees.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) Private settlement agreements.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) Expedited Proceedings.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) Definitions.—In this section:

(1) Consent decree.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) Good cause.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) Government.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) Permanent relief.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) Private settlement agreement.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) Prospective relief.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 8003. EFFECTIVE DATE.

(a) In General.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) Pending Motions.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) Automatic Stay for Pending Motions.—

(1) In general.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) Duration of automatic stay.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 8002(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 8002(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 8002(b)(2)(D).

SA 3723. Mr. SCHUMER (for himself and Mr. Reid) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.

(a) Federal Trade Commission.—

(1) Additional amount.—For an additional amount for "Federal Trade Commission Salaries and Expenses" under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $10,000,000.

(2) Use.—Of the amount appropriated for "Federal Trade Commission Salaries and Expenses", as increased by paragraph (1), $10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) Commodity Futures Trading Commission.—

(1) Additional amount.—For an additional amount for "Commodity Futures Trading Commission" under the heading "RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION" of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), $10,000,000.

(2) Use.—Of the amount appropriated for "Commodity Futures Trading Commission", as increased by paragraph (1), $10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) Securities and Exchange Commission.—

(1) Additional amount.—For an additional amount for "Securities and Exchange Commission Salaries and Expenses " under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $5,000,000.

(2) Use.—Of the amount appropriated for "Securities and Exchange Commission Salaries and Expenses", as increased by paragraph (1), $5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) Energy Information Administration.—

(1) Additional amount.—For an additional amount for "Energy Information Administration" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $10,000,000.

(2) Use.—Of the amount appropriated for "Energy Information Administration", as increased by paragraph (1), $10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) Energy Supply and Conservation.—

(1) Additional amount.—For an additional amount for "Energy Supply and Conservation" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $315,000,000.

(2) Use.—Of the amount appropriated for "Energy Supply and Conservation", as increased by paragraph (1), $315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) Government Accountability Office.—

(1) Additional amount.—For an additional amount for "Salaries and Expenses" under the heading "GOVERNMENT ACCOUNTABILITY OFFICE" of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109–55), $50,000.

(2) Use.—Of the amount appropriated for "Salaries and Expenses", as increased by paragraph (1), $50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A); and

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry.

(g) Emergency Designation.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3724. Mr. SCHUMER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . MARITIME CONTAINER SECURITY.

(a) Maritime Container Inspections.—

(1) In general.—Beginning on the date on which regulations are issued under subsection (d), a maritime cargo container may not be shipped to the United States from any port participating in the Container Security Initiative (CSI) unless—

(A) the container has passed through a radiation detection device;

(B) the container has been scanned using gamma-ray, x-ray, or another internal imaging system;

(C) the container has been tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device; and

(D) the images created by the scans required under subparagraph (B) have been reviewed and approved by the Office of Container Evaluation and Enforcement established under subsection (b).

(2) Model.—

(A) In general.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall model the inspection system described in paragraph (1) after the Integrated Container Inspection System established at the Port of Hong Kong.

(B) New technology.—The Secretary is not required to use the same companies or specific technologies installed at the Port of Hong Kong if a more advanced technology is available.

(b) Container Evaluation and Enforcement Unit.—

(1) Establishment.—There is established, within Bureau of Customs and Border Protection of the Department of Homeland Security, the Office of Container Evaluation and Enforcement, which shall receive and process images of maritime cargo containers received from CSI ports.

(2) Authorization of appropriations.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, $5,000,000, to remain available until expended, to hire and train customs inspectors to carry out the responsibilities described in paragraph (1). The amount provided under

this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(c) PORT SECURITY SUMMIT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall convene a port security summit with representatives from the major international shipping companies to address—

(1) gaps in port security; and

(2) the means to implement the provisions of this section.

(d) RULEMAKING.—

(1) DRAFT REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives, draft regulations to carry out subsection (a) and a detailed plan to implement such regulations.

(2) FINAL REGULATIONS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final regulations to carry out subsection (a).

SA 3725. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 5 and 6, insert the following:

EMERGENCY DISASTER ASSISTANCE

(a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission for distribution to mitigate the economic losses caused by Federal fisheries restrictions put in place to meet the needs of Klamath River Fall Chinook Salmon. The money provided to the Pacific States Marine Fisheries Commission shall be distributed to—

(1) persons or entities, including federally recognized Indian tribes, which have experienced significant economic hardship as a result of Federal fisheries closures or fishing restrictions;

(2) small businesses including fishermen, fish processors, and related businesses serving the fishing industry including, but not limited to, cold storage facilities, ice houses, docks, and other related shore-side fishery support facilities and infrastructure; and

(3) State and local governments adversely affected by reductions in fish landing fees and other fishing-related revenue.

(b) Payments authorized by this section may be used only in areas declared by the Governor of a State to be in a state of emergency due to Klamath River basin conditions and limitations on ocean commercial and sport salmon fishing.

(c) Such payments may be made for the purposes described in section 312(a)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)(2)).

(d) Not more than 4 percent of such payments provided to the Pacific States Marine Fisheries Commission for disaster relief distributions may be used for administrative expenses, and none of such payments may be used for lobbying activities or representational expenses. Any funds not distributed by the end of fiscal year 2008 shall be returned to the Treasury.

(e) The Secretary of Commerce shall require the Pacific States Marine Fisheries Commission to, not later than 6 months after receiving a payment authorized by this section, and every 6 months thereafter, submit to the Secretary of Commerce and the Committee on Appropriations of the House of Representatives and the Senate a report listing the persons and entities to whom the payment was distributed and the rationale for such distributions.

SA 3726. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 5 and 6, insert the following:

EMERGENCY DISASTER ASSISTANCE

(a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission for distribution to mitigate the economic losses caused by Federal fisheries restrictions put in place to meet the needs of Klamath River Fall Chinook Salmon. The money provided to the Pacific States Marine Fisheries Commission shall be distributed to—

(1) persons or entities, including federally recognized Indian tribes, which have experienced significant economic hardship as a result of Federal fisheries closures or fishing restrictions;

(2) small businesses including fishermen, fish processors, and related businesses serving the fishing industry including, but not limited to, cold storage facilities, ice houses, docks, and other related shoreside fishery support facilities and infrastructure; and

(3) State and local governments adversely affected by reductions in fish landing fees and other fishing-related revenue.

(b) Payments authorized by this section may be used only in areas declared by the Governor of a State to be in a state of emergency due to Klamath River basin conditions and limitations on ocean commercial and sport salmon fishing.

(c) Such payments may be made for the purposes described in section 312(a)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)(2)).

(d) Not more than 4 percent of such payments provided to the Pacific States Marine Fisheries Commission for disaster relief distributions may be used for administrative expenses, and none of such payments may be used for lobbying activities or representational expenses. Any funds not distributed by the end of fiscal year 2008 shall be returned to the Treasury.

(e) The Secretary of Commerce shall require the Pacific States Marine Fisheries Commission to, not later than 6 months after receiving a payment authorized by this section, and every 6 months thereafter, submit to the Secretary of Commerce and the Committee on Appropriations of the House of Representatives and the Senate a report listing the persons and entities to whom the payment was distributed and the rationale for such distributions.

(f) For the purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount received as a payment or distribution under subsection (a); and

(2) rules similar to the rules of subsections (g)(3) and (h) of section 139 of such Code shall apply with respect to any amount excluded under subparagraph (1).

(g) There is appropriated to the Secretary of Commerce $81,000,000 to make payments under this section for fisheries disaster assistance. The amount provided under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3727. Mr. DODD (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, $30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act of 2002: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 27, 2006, at 10 a.m., in closed session, to receive an operations and intelligence briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 27, 2006 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Brett Kavanaugh, to be U.S. Circuit Judge for the DC Circuit; Michael Ryan Barrett, to be United States District Judge for the Southern District of Ohio; Brian M. Cogan, to be United States District Judge for the Eastern District of New York; Thomas M. Golden, to be United States District Judge for the Eastern District of Pennsylvania; Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa; Patrick Smith, to be United States Marshal for the Western District of North Carolina.

II. Bills: S. 2257, Oil and Gas Industry Antitrust Act of 2006, Specter, Kohl, DeWine. Leahy. Feinstein. Durbin; S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges, Specter. Leahy. Cornyn, Feinstein. Biden; S. 489, Federal Consent Decree Fairness Act, Alexander, Kyl, Cornyn, Graham. Hatch.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions. Kyl. Hatch, Cornyn, Coburn. Brownback, DeWine.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President. I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Renewing the Temporary Provisions of the Voting Rights Act: An Introduction to the Evidence" on Thursday, April 27, 2006, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: The Honorable F. James Sensenbrenner, Jr., United States House of Representatives, R–5th District-WI, Chairman, House Committee on the Judiciary; The Honorable John Conyers, Jr., United States House of Representatives, D–14th District-MI, Ranking Member, House Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday. April 27, 2006, to markup the nomination of Daniel L. Cooper to be Under Secretary for Benefits of the Department of Veterans Affairs; and to hold a hearing titled "VA Research: Investing Today to Guide Tomorrow's Treatment." The meeting will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on Thursday, April 27, 2006, at 10 a.m., on Drought.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE WESTERN HEMISPHERE, PEACE CORPS, AND NARCOTICS AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Thursday, April 27, 2006, at 2:30 p.m. to hold a hearing on Implementing the Western Hemisphere Travel Initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. THUNE. Mr. President, I ask unanimous consent that Kevin Howard, a defense fellow in my office, be granted the privilege of the floor for the remainder of the year.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Jason Schneider, be granted the privilege of the floor for the duration of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. I ask that a member of my staff, Mr. Justin Golshir, be granted the privileges of the floor during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 605 through 612, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Thomas J. Loftus, 1717

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Chris T. Anzalone, 9968
Brigadier General Kurt A. Cichowski, 2191
Brigadier General Thomas F. Deppe, 3181
Brigadier General Paul A. Dettmer, 6272
Brigadier General William L. Holland, 4785
Brigadier General Ronald R. Ladnier, 6699
Brigadier General Erwin F. Lessel, III, 5416
Brigadier General John W. Maluda, 2572
Brigadier General Mark T. Matthews, 6697
Brigadier General Gary T. McCoy, 2911
Brigadier General Stephen J. Miller, 1561
Brigadier General Thomas J. Owen, 4009
Brigadier General Richard E. Perraut, Jr., 4091
Brigadier General Polly A. Peyer, 0565
Brigadier General Douglas L. Raaberg, 5158
Brigadier General Jeffrey A. Remington, 2881
Brigadier General Robertus C.N. Remkes, 8917
Brigadier General Frederick F. Roggero, 8985
Brigadier General Marshall K. Sabol, 5866
Brigadier General Paul J. Selva, 5397
Brigadier General Richard E. Webber, 3908
Brigadier General Thomas B. Wright, 4649
Brigadier General Mark R. Zamzow, 0418

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Steven Westgate, 4417

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Franklin L. Hagenbeck, 3956

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Rochelle, 4381

The following named officer for appointment as Assistant Surgeon General/Chief of the Dental Corps, United States Army and for appointment to the grade indicated under title 10, U.S.C., sections 3036 and 3039:

To be major general

Col. Russell J. Czerw, 7676

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frances C. Wilson, 7788

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Nancy E. Brown, 4870

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1393 Air Force nominations beginning KRISTINE M. UTORINO, and ending TIWANA L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2006.

PN1410 Air Force nomination of Rex R. Kiziah, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1411 Air Force nomination of Maureen McCarthy, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1412 Air Force nomination of Joseph A. Weber Jr., which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1413 Air Force nomination of Daniel J. McGraw, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1414 Air Force nominations (2) beginning CONSTANCE C. McNABB, and ending AMY L. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1415 Air Force nominations (2) beginning KENNETH R. FRANKLIN, and ending MICHAEL S. PETERS, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1416 Air Force nominations (9) beginning PETER L. BARRENECHEA, and ending RALPH M. SUTHERLIN, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1417 Air Force nominations (78) beginning DAVID G. ALLEN, and ending DAVID D. ZWART, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1437 Air Force nominations (1830) beginning THOMAS E. BALDWIN, and ending MICHELLE K. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 5, 2006.

IN THE ARMY

PN1418 ARMY nomination of David M. Lind, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1419 ARMY nominations (2) beginning MARY M. SUNSHINE, and ending DEBRA CHAPPEL, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1420 ARMY nomination of Jacqueline P. Allen, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1421 ARMY nominations (7) beginning VALERIE McDAVID, and ending CATHLEEN STERLING, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1422 ARMY nomination of Charles C. Dodd, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1423 ARMY nominations (2) beginning ALVIS DUNSON, and ending FRANCIS WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1432 ARMY nominations (13) beginning SOONJA CHOI, and ending MEHDY ZARANDY, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2006.

PN1438 ARMY nomination of E. N. Steely III, which was received by the Senate and appeared in the Congressional Record of April 5, 2006.

IN THE MARINE CORPS

PN1244 MARINE CORPS nomination of Sanford P. Pike, which was received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1266 MARINE CORPS nomination of Jayson A. Brayall, which was received by the Senate and appeared in the Congressional Record of February 1, 2006.

IN THE NAVY

PN1226 NAVY nomination of Paul W. Marquis, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 5020

Mr. FRIST. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

FILING OF FIRST-DEGREE AMENDMENTS H.R. 4939

Mr. FRIST. Mr. President, I ask unanimous consent that first-degree amendments to the supplemental be filed at the desk in accordance with rule XXII no later than 2:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING PUBLIC SERVANTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration and that the Senate now proceed to S. Res. 412

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 412) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week May 1 through 7, 2006.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 412) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 412

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) improve and secure our transportation systems;

(12) keep the Nation's economy stable; and

(13) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2006, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 22nd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

RECONVENING THE PARLIAMENT OF NEPAL

AMERICAN BALLET THEATRE

CONGRATULATING CHARTER SCHOOLS

HONORING MALCOLM P. McLEAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of S. Res. 451, S. Res. 452, S. Res. 453, and S. Res. 454, which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. Res. 451

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association, including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as "a hollow attempt by the King to legitimize his power";

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra's February 2005 decision "to impose direct palace rule in Nepal has failed in every regard" and called on the King to restore democracy immediately and to begin a dialogue with Nepal's political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision;

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to redraft the Constitution of Nepal.

Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy;

(2) commends the desire of the people of Nepal for a democratic system of government and expresses its support for their right to protest peacefully in pursuit of this goal;

(3) acknowledges the April 24, 2006 statement by King Gyanendra regarding his intent to reinstate the Parliament of Nepal;

(4) urges the Palace, the political parties, and the Maoists to immediately support a process that returns the country to multiparty democracy and creates the conditions for peace and stability in Nepal;

(5) declares that the transition to democracy in Nepal must be peaceful and that violence conducted by any party is unacceptable and risks sending Nepal into a state of anarchy;

(6) calls on security forces of Nepal to exercise maximum restraint and to uphold the highest standards of conduct in their response to the protests;

(7) urges the immediate release of all political detainees and the restoration of full civilian and political rights, including freedom of association, expression, and assembly;

(8) urges the Maoists to lay down their arms and to pursue their goals through participation in a peaceful political process; and

(9) calls on the Government of the United States to work closely with other governments, including the governments of India, China, the United Kingdom, and the European Union, and with the United Nations to ensure a common and coherent international approach that helps to bring about an immediate peaceful transition to democracy and to end the violent insurgency in Nepal.

S. Res. 452

Whereas American Ballet Theatre (known as "ABT") is recognized as one of the world's great dance companies;

Whereas ABT is dedicated to bringing dance to the United States and dance of the United States to the world;

Whereas, over its 65-year history, ABT has appeared in all 50 States of the United States, in a total of 126 cities, and has performed for more than 600,000 people annually;

Whereas ABT has performed in 42 countries as perhaps the most representative ballet company of the United States, with many of those engagements sponsored by the Department of State;

Whereas ABT has been home to the world's most accomplished dancers and has commissioned works by all of the great choreographic geniuses of the 20th century;

Whereas President Dwight D. Eisenhower recognized ABT's ability to convey through the medium of ballet "some measure of understanding of America's cultural environment and inspiration";

Whereas over the years ABT has performed repeatedly at the White House, most recently in December 2005;

Whereas ABT is committed to bringing dance to a broad audience and provides exposure to dance to more than 20,000 underprivileged children and their families each year;

Whereas ABT's award-winning Make a Ballet program and its other outreach initiatives help to meet the need for arts education in underserved schools and communities;

Whereas ABT's Studio Company brings world class ballet to smaller communities like—

(1) Rochester, New York;

(2) Stamford, Connecticut;

(3) Sanibel, Florida;

(4) South Hadley, Massachusetts; and

(5) Winston-Salem, North Carolina; and

Whereas the Jacqueline Kennedy Onassis School at ABT and the ABT's other artistic development initiatives provide the highest quality training consistent with the professional standards of ABT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the American Ballet Theatre for over 65 years of service as "America's National Ballet Company", during which it has provided world class art to audiences in all 50 States;

(2) recognizes that the American Ballet Theatre also serves as a true cultural ambassador for the United States, by having performed in 42 countries and fulfilling its reputation as one of the world's most revered and innovative dance companies; and

(3) recognizes that the American Ballet Theatre's extensive and innovative education, outreach, and artistic development programs both train future generations of great dancers and expose students to the arts.

S. Res. 453

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 3,600 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,000,000 students;

Whereas over the last 12 years, Congress has provided nearly $1,775,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the seventh annual National Charter Schools Week, to be held May 1 through 6, 2006, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the seventh annual National Charter Schools Week; and

(3) it is the sense of the Senate that the people of the United States should conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

S. Res. 454

Whereas Malcom P. McLean is widely recognized as the father of containerization;

Whereas the innovative idea of using intermodal containers suitable for rail, truck, and maritime transportation revolutionized and streamlined the process of shipping goods, allowed products to be moved to the market more quickly, and reduced prices for consumers;

Whereas the use of containerization in shipping practices enabled the United States to increase international trade by modernizing and globalizing the economy of the United States;

Whereas Mr. McLean launched numerous successful transportation businesses that were located in the Port of Newark, New Jersey, including—

(1) the Pan-Atlantic Steamship Company; and

(2) Sea-Land Service Incorporated;

Whereas those businesses were crucial to the growth of shipping and industry in New Jersey;

Whereas the innovations of Mr. McLean have enabled businesses to create thousands of jobs that provide liveable wages for the citizens of New Jersey and other citizens of the United States;

Whereas, on April 26, 1956, the first ship loaded with goods to be transported from the United States in intermodal containers, the Ideal X, set sail from Port Newark under the direction of Mr. McLean;

Whereas 2006 marks the 50th anniversary of that historic event;

Whereas the Containerization and Intermodal Institute in Holmdel, New Jersey, has planned activities to commemorate that occasion; and

Whereas Mr. McLean was a transportation pioneer whose remarkable achievements are worthy of recognition and commemoration: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the remarkable contributions of Malcom P. McLean to the development of a new era of trade and commerce in the United States through the containerization of cargo;

(2) honors the 50th anniversary of containerization, and recognizes the crucial role that containerization has played in the modernization of—

(A) shipping practices; and

(B) the economy of the United States; and

(3) encourages all citizens to promote and participate in celebratory activities that commemorate that landmark anniversary.

Mr. ALEXANDER. Mr. President, I am pleased that today the Senate passed a resolution to designate the week of May 1 through May 6, 2006 as National Charter Schools Week. I was joined in offering this resolution by Senators LIEBERMAN, GREGG, FRIST, CARPER, VITTER, LANDRIEU, BURR, COLEMAN, ALLARD, DEMINT, and MARTINEZ.

One of my last official acts as U.S. Secretary of Education in 1992 was to write a letter to every school superintendent in America urging them to create charter schools. That year, the Nation's first charter school had opened its doors in St. Paul, Minnesota. I saw charter schools as ways to remove burdensome rules, regulations, and overhead so that teachers could have more opportunities to use their good judgment to help children and so parents could have more choices of schools. This was the time when General Motors' newest automobile plant was a start-from-scratch facility making Saturn cars. Al Shanker, the late president of the American Federation of Teachers, said then, "If we can have a Saturn plant, why not a Saturn school?" A lot of educators agreed.

Today, there are over 3,600 charter schools serving more than 1 million students in 40 states and the District of Columbia. Over half of these schools report having waiting lists, and there are enough students on these waiting lists to fill another 1,100 average-sized charter schools.

Charter schools play a unique role in public education by offering students a variety of options to meet their different learning needs and styles. They vary in specific mission and focus, but not in their commitment to excellence and preparing students to succeed. In return for autonomy and freedom from burdensome regulations and policies, they accept strict accountability for academic and fiscal success. If charter schools fail to educate their students well and meet the goals of their charters, they are closed.

Charter schools are raising student achievement. Research shows that charter school students are more likely to be proficient in reading and math than students in neighboring traditional schools, and that the greatest achievement gains can be seen among African American, Hispanic, and low-income students. Research also shows that the longer charter schools have been in operation, the more they outdistance traditional schools in student performance.

It is worth noting that not all charter schools are high-quality, and not all are outperforming traditional public schools. But charter schools whose students don't perform academically will close—as they should. It is also worth noting the impact charter schools are having on their neighboring traditional public schools. Districts with a large number of charter schools have reported that they are increasing interaction with parents and creating new education programs, many of which are similar to those offered by charter schools. These improvements benefit all our students, not just those who choose charter schools.

I am pleased that twelve charter schools have opened in Tennessee since passage of the State's charter school law in 2002. Ten of these charter schools are located in Memphis, where they enjoy critical support from local school officials, dedicated private partners, and philanthropic organizations.

Options for Memphis students range from programs for elementary students that stress mastery of reading, math, and foreign language skills to middle schools focused on health sciences and business. High school options include charter schools that emphasize science, liberal arts, or visual and performing arts.

I had an opportunity to visit one of these outstanding charter schools, the Memphis Academy of Science and Engineering (MASE), which was the first charter school established in Tennessee. MASE provides an academically challenging program to prepare at-risk students for college through an intensive math, science, engineering, and technology curriculum in grades 7–9, including the first ninth grade AP Biology class in the state. The school was established as an innovative public/private initiative aimed not only at training a well-educated workforce for the city's rapidly growing bioscience industry, but also helping students excel in a technology-based environment, regardless of the career path they choose.

I am impressed by the school's clear record of achievement results. By the end of eighth grade, MASE students—who were failing or at risk of failing in their previous schools—more than doubled their pass rates on State reading, math and science tests compared to their achievement in sixth grade prior to entering MASE. Last year, MASE was the second highest performing school—public or charter—in Memphis, and a University of Memphis study found that MASE seventh graders scored better on the state math assessment than similar students in public schools.

Unfortunately, Tennessee's highly restrictive charter school law does not create the conditions that would enable more students to benefit from attending schools like MASE. The law received a grade of C in a recent Center for Education Reform study, which found that higher student achievement and higher-quality, more viable charter schools are found in States with stronger charter school laws.

Strong laws grant the power to approve charter schools to more than one entity, including local school boards, State education agencies, colleges and universities, and non-profit organizations. Strong laws also grant greater freedom and independence to charter schools, guarantee full per-pupil funding, and do not restrict the number of schools that may open or students who may enroll.

States should take the opportunity during National Charter Schools Week to examine their statutes and ensure that they create the conditions necessary to allow high-quality charter schools, and thereby options for students, to flourish.

Charter schools are also a key element of the education revival taking place in New Orleans, where Hurricane Katrina dealt a devastating blow to a school system already plagued by low achievement and corruption. The city has a truly historic opportunity to transform its education system into a network of high-performing charter schools that could serve as a model for urban education in the rest of the Nation.

So far, 25 of 117 public schools have reopened in New Orleans. 70 percent of these schools are charter schools managed by the Recovery School District, the Orleans Parish School Board, or the State Board of Education.

New Orleans officials are working diligently to open more schools to serve students as they return to the city. They have been assisted by a $21 million Federal Charter Schools Program grant, which helped reopen charter schools damaged by the hurricanes, create new charter schools, and expand existing charter schools to accommodate displaced students. I am encouraged that Louisiana continues to receive applications to open charter schools in New Orleans, but more work needs to be done to ready facilities for approved schools to accommodate the substantial student enrollment projected for this fall.

Charter schools in other parts of the country also leapt into action to serve students impacted by Katrina. After the hurricane, the high-performing Knowledge is Power Program (KIPP), in partnership with the Houston Independent School District and Teach For America, exhibited extraordinary leadership by quickly opening a new charter school in Houston—New Orleans West College Prep—to serve over 300 students in grades K–8 displaced by Hurricane Katrina.

According to KIPP co-founder Mike Feinberg, "When there's a problem, we at KIPP roll up our sleeves and look for a solution. Together with the [Houston Independent] District and Teach For America, we hope to provide students not only with a safe haven, but also with a rigorous academic environment. Even if they are not at home, these students will receive a top-notch education with caring, committed teachers." Mr. Feinberg's comments exemplify the attitude that motivates so many in the charter school community—that of doing whatever it takes to get the job done.

I expect that we will see charter schools continue to expand across the Nation as word of their success spreads. Four years ago, the President signed into law the No Child Left Behind Act, which contains several programs that support charter school development, and provides school districts with the option of converting low-performing schools into charter schools. As we prepare to reauthorize No Child Left Behind, we'll take a close look at how these programs are performing to ensure that the Federal Government is doing everything it can to help create and sustain viable, high-achieving charter schools.

I commend the charter school students, parents, teachers, community leaders and others who, working together, are helping transform our system of public education. I encourage my colleagues to visit a charter school during National Charter Schools Week to witness firsthand the ways in which these innovative schools are making a difference in students' lives and in their communities.

Mr. LAUTENBERG. Mr. President, I rise in support of S. Res 454 honoring a true transportation pioneer, Malcom McLean. His use of the intermodal shipping container—first used successfully in the United States 50 years ago yesterday—streamlined the shipping process and set the stage for our modem globalized economy through containerization.

Before the age of containerization, shipping raw materials and consumer goods was an extremely arduous process: to transfer goods from a ship to a train, or from a train to a truck, the merchandise first needed to be unloaded, sorted, and reloaded. As a truck driver in 1937, Malcom McLean realized that the goods could be shipped more cheaply, efficiently, and quickly if they didn't need to be unloaded and reloaded into different shipping containers on each leg of a trip. He invented a type of container that was durable and versatile enough to be attached to a train, loaded onto a tractor-trailer, and secured to the deck of a ship; the revolutionary idea created efficiencies in the process by making loading and un-loading at each step of the intermodal shipping process obsolete.

Mr. President, yesterday marked the 50th anniversary of the Ideal X setting sail from Port Newark, in my home State of New Jersey, and bound for Houston, TX. This historic trip marked the first successful implementation of Malcom McLean's grand idea: it was the first time a ship left U.S. loaded with intermodal containers, 58 in total. Putting these containers on ships allowed for great cost savings in shipping—as much as 25 percent or more—and the triumphant voyage of the Ideal X signaled that the exciting new method was indeed practical and worthwhile.

It is nearly impossible to overstate the importance of his innovation. If you enjoy consumer products imported from overseas, or from distant areas of our own country, you can credit Malcom McLean's revolutionary idea for making them more affordable. If you enjoy fresh produce or baked goods from your local grocery store, thank McLean's innovation for bringing them to market more quickly. Containerization surely has made the world a smaller place by allowing goods from all over the world arrive at their destinations more cheaply and more quickly, and our standard of living in America has improved markedly in the process.

Before I was elected to the Senate, I served as commissioner of the Port Authority of New York and New Jersey from 1978 until 1982. I had the opportunity to get to know Malcom McLean, a singularly focused man, who was successful in nearly all of his pursuits because of his strong work ethic and unmatched talent for innovation. While Mr. McLean passed away in 2001, his legacy lives on through his widow Irena McLean and his family, and through his lasting contributions to industry in New Jersey, the United States, and the entire world.

I encourage he Senate to adopt this resolution and honor a great American.

HONORING AND THANKING TERRANCE W. GAINER, FORMER CHIEF OF U.S. CAPITOL POLICE

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 455, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 455) honoring and thanking Terrance W. Gainer, former Chief of United States Capitol Police.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 455

Whereas former Chief of Police Terrance W. Gainer, a native of the State of Illinois, had served the United States Capitol Police with distinction since his appointment on June 3, 2002;

Whereas Chief Gainer had served in various city, state and federal law enforcement positions throughout his thirty-eight year career; and

Whereas Chief Gainer holds Juris Doctor and Master's degrees from DePaul University and a Bachelor's degree from St. Benedict's College, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

Resolved, That the Senate hereby honors and thanks Terrance W. Gainer and his wife, Irene, and his entire family, for a professional commitment of service to the United States Capitol Police and the United States Congress.

Mr. FRIST. Mr. President, this Senate resolution we just agreed to thanks Terrance Gainer, former Chief of the U.S. Capitol Police. Although I don't have a formal statement, I have had an opportunity to work with Chief Gainer very closely over the last several years. Although many of those interactions were in routine business, what we regard as routine business, at every moment he stood ready with the Capitol Police for any unexpected event. And those unexpected, tragic events that I was able to work with him on, led me—seeing the way he addressed these issues, with dignity, with discipline, with a real understanding of what was at stake—to have a great deal of respect for him, his approach, his character, his integrity and his professionalism.

It wasn't too long ago that many people were stranded inside of the Russell Building parking garage for an alarm that went off. I was able to go and talk to Chief Gainer about that, as they were determining what the etiology of that alarm was, and I got to see the full force of that integrity and that discipline and that level of sophistication.

I wish him the best of luck and good fortune as he leaves behind his tremendous service here at the Capitol.

ORDERS FOR MONDAY, MAY 1, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, May 1. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 4939, the Supplemental Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, we have made some progress on the Iraq supplemental bill this week. I thank Chairman COCHRAN for his leadership, for his patience, and for his hard work.

The Senate will not be in session tomorrow, as I indicated earlier.

We have a lot to do before we complete action on this crucial funding bill. In order to make sure that we can get the bill finished in a timely manner, I filed cloture a few moments ago. That cloture vote will occur on Tuesday morning.

Senators should expect full days with multiple votes next week.

I expect cloture will be invoked.

As we all know, there will be a number of other amendments that will be dealt with.

We will also be voting on Monday at approximately 5:30. Several district judges have been reported by the Judiciary Committee, and we anticipate voting on at least one of those on Monday.

ADJOURNMENT UNTIL MONDAY, MAY 1, 2006, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Monday, May 1, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT J. PORTMAN, OF OHIO, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE JOSHUA B. BOLTEN.

DEPARTMENT OF STATE

ROBERT ANTHONY BRADTKE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JAMES B. LOCKHART III, OF CONNECTICUT, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND

URBAN DEVELOPMENT FOR A TERM OF FIVE YEARS, VICE ARMANDO FALCON, JR., RESIGNED.

NUCLEAR REGULATORY COMMISSION

DALE KLEIN, OF TEXAS, TO BE MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2011, VICE NILS J. DIAZ, TERM EXPIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEVIN P. CHILTON, 6603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NORMAN R. SEIP, 6765

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. JAMES G. ROUDEBUSH, 9187

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. DANA T. ATKINS, 1173

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LAWRENCE A. STUTZRIEM, 7077

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. STEPHEN V. REEVES, 2272

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SHARON H. REDPATH, 7170

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) NORTON C. JOERG, 2309

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be judge advocate general of the United States Navy

REAR ADM. BRUCE E. MACDONALD, 9816

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH A. KRAFT, 4611

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK A. BURDT, 6444
WILLIAM R. COATS, 4550
MARK S. LOVEJOY, 4399
ROBERT L. PORTER, 1825

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

BETTY J. WILLIAMS, 2170

To be lieutenant colonel

MICHAEL S. KOOK, 1939

To be major

JON CAMPI, 6715
JAMES M. FEELEY, 8320
WILLIAM H. KLOSS, 5187
HENRY R. LEMLEY, 7175

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS F. NUGENT, 0254

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHAEL F. LORICH, 8295

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN O. SARGENT, 4670

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN K. HILL, 9996
ROBERT T. KINCAID, 9565
ERIC S. SPRINGS, 6078
CHARLES W. WALLACE, 6978

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LANA D. HAMPTON, 2033

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KEITH E. SIMPSON, 9185

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NORMAN W. PORTER, 1494

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK M. LEARD, 5070
KIRBY D. MILLER, 3192

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ALBERTO S. DELMAR, 4866
RAFAEL F. NIEVES, 8564
SHELDON D. STUCHELL, 4739

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WAYNE A. ESTABROOKS, 3479
SUSAN T. KOROL, 3883
DAVID A. VOSS, 6707
MILTON W. WALSER, JR., 4462

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN M. BRIESE, 0077
JOHN P. CAHILLANE, 8175
LOUANNE DEMATTEI, 3065
MICHAEL P. LIPSCOMB, 0966
JEFFREY H. ROBINSON, 8014

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHRISTIAN A. BUHLMANN, 1747
RICHARD E. CHAMBERS, 0882
HAROLD S. DUNBRACK, 3379
KEITH W. HEFLIN, 0319
DANIEL V. MACINNIS, 7737
MICHAEL E. SADLOWSKI, 0078
CHRISTOPHER E. ZECH, 4603

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BILLY R. ARNOLD, 6714
MICHAEL S. BRADY, 1499
CHARLES R. FIDLER, 9234
GARY A. GLASS, 7541
JAMES D. HENDRICKS, 7781
ALAN S. ICENHOUR, 0575
MICHAEL T. MCCORD, 0771
MARK A. MCDOWELL, 3236
BRADLEY C. MEISTER, 0512
PETER D. YARGER, 5219

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KIM A. ARRIVEE, 4789
THEODORE E. BERNHARD, 1143
ARTHUR J. CLARK, 8943
TIMOTHY C. COGAN, 7024
GARY J. EDBERG, 8639
JOHN R. GREGOV, 8365
JOHN J. JERANSKY, 3819
JOEL N. KOUYOUMJIAN, 0330
ALLEN E. MOELLER, 3485
THOMAS ROTHROFFY, 2734
JOHN B. SABURN, 7676
JOHN L. SHEA, 8269
ROGER J. SING, 7237

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KAREN S. EMMEL, 0151
MARK J. ENGLEBERT, 1145
DAVID E. FLAHERTY, 2737
TIMOTHY R. FOX, 7131
JOHN G. GRAY, JR., 2465
SHAWN R. GRENIER, 5932
CARL J. GRIM, 8192
GARY J. HABEN, 5137
JEROME F. HAMEL, 3157
STEVEN W. HOLLAND, 4296
WILLIAM H. JACOB, 6539
ERIC M. KREBS, 4072
PAUL L. MCELROY III, 9273
CHARLES L. MINGONET, JR., 7281
RICHARD W. NEELY, 2381
JOHN B. PERKINS, 1601
GREGORY A. SMITH, 4190
TRACY D. SMYERS, 7985
WILLAM J. SNYDER, 7805
LAURA L. VENABLE, 2086
PATRICK L. WARD, 2650
ERIC C. YOUNG, 2662

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN C. ABBOTT, 0754
FRANK T. AKERS, JR., 0434
PATRICIA R. ANDERSON, 2607
RONALD J. ATHMANN, 4467
KEVIN D. BRANHAM, 5393
DENNY E. BRISLEY, 5983
LINDA R. BUCHANAN, 0247
JEFFREY R. CAMERON, 3016
JAMES T. CANNON, 6810
PETER J. CASO, 4747
WILLIAM S. CUNNINGHAM, 8403
CHARLES C. HULL, 8898
JODY L. JENNINGS, 0256
THOMAS D. JONES, 7460
KEITH T. KIRK, 9481
FRANCIS P. LOSI, 6343
MARK T. MAGEE, 4385
SANDRA L. MAGILL, 8085
MARY L. NOWACZYK, 4411
PAUL G. OLKHOVSKY, 9036
GLEN OTIS, 4714
FRANCIS E. PENNISI, 8750
BARBARA J. PROTACIO, 4916
DIANE M. SEWARD, 7027
GEORGE H. SMITH, 2762
JOANNE SMITH, 7541
DEBORAH P. TRADERMILLER, 7561
TERESA S. WHITING, 9788

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS L. ADAMS III, 5575
ALFREDO AFONT, 0737
JANA S. ALLEN, 1393

KEITH L. ARCHBOLD, 8607
DAVID E. BAKER, 3857
ROBERT L. BALDOCCHI, 3241
MICHAEL B. BARTLETT, 7682
STEVEN C. BAUMWALD, 4642
RICHARD C. BAYARD, 9100
CHARLES A. BECKUM, 0221
CLAIRE M. BEDFORD, 2651
KARL A. BJORK, 6183
MARK S. BOEHLE, 8404
CRAIG R. BOMBEN, 9101
PHILLIP J. BOOS, 7734
ERNEST E. BOOTH, JR., 9243
MICHAEL D. BRANCO, 7898
GREGORY R. BROWN, 3862
MICHAEL G. BROWN, 7213
SCOTT R. BRYAN, 1949
PETER A. BURKHOUSE, 2733
JOSEPH P. BURNS, 3020
GAIUS L. CADAING, 9596
KENNETH W. CAREL, 3847
JEFFREY R. CARES, 6716
ROBERT H. CAREY, JR., 1612
SHAWN P. CASSIDY, 5804
CHRISTOPHER S. CHAMBERS, 5983
WILLIAM W. CLARK, 4586
CHRISTOPHER C. COLLINS, 9686
ROBERT R. COLLINS, JR., 4746
JOHN P. CONNELLY, 0337
STEPHEN J. CONWAY, 7531
MARK S. CORDEIRO, 4444
DANIEL E. CRISP, 4689
DANIEL B. CURRAN, 7934
THOMAS P. DALY, 5696
JEANJACQUES A. DARIUS, 9789
CONRAD D. DAVID, 1680
RICHARD D. DELPIZZO, 0893
RICHARD W. DENDY, 3997
PAUL F. DESMET, 7731
DAVID A. DEWALD, 8034
KEVIN M. DOYLE, 6520
SHAWN V. DUFFY, 2590
JOHN K. EINHORN, 9426
RICHARD H. FAHY, JR., 9691
TERESA L. FAIRBANKS, 8827
MARK C. FAVA, 1273
MARION FEDORSHAK, 2601
GEORGE M. FERRIS, 7700
TIMOTHY B. FEWSTER, 7816
DANIEL L. FINK, 0792
KENT M. FITZGERALD, 3632
ROBERT P. FLYNN, 9539
JAMES F. FOSSA, 5005
KYLE D. FREITAS, 6974
JEFFREY L. GAFFNEY, 7984
DENNIS M. GALLAGHER, 0125
PETER M. GAMERDINGER, 0637
TERRENCE J. GARBUZINSKI, 8346
THOMAS P. GEORGE, 9398
LUCINDA A. GIERTZ, 7264
LOUIS A. GOMEZ, 5499
KARL J. GREENE, 2927
MARK R. GREENWOOD, 7176
KRISTEN G. GUARNIERI, 5395
PETER L. GURNEY, JR., 5568
PATRICIA A. GUTIERREZ, 8096
DANIEL T. HABLE, 1942
STEPHEN R. HALES, 2692
WILLIAM C. HALL, 1019
MICHAEL D. HANSON, 7813
GINA L. HARDEN, 5266
TERESA M. HARRISON, 2147
THOMAS K. HARTMANN, 6308
MICHAEL J. HASSIEN, 2456
MICHAEL S. HASTINGS, 7665
RICHARD A. HENDERSON, 5498
JAMES L. HERBERG, 5763
ROBERT M. HERRINGTON, 9595
WILLIAM B. HIGGINS, 3613
JOHN A. HINCK, 9431
JOSEPH C. HOCHWALT, 3172
ELAINE M. HOGG, 9336
DAVID J. HOLMGREN, 2652
ERWIN T. HOO, 8132
BARRY W. INGOLD, 2043
PAUL R. INNIS, 5438
TERRELL D. ISLEY, 7308
LUCINDA L. IVERSON, 0443
ALAN L. JACOBS, 7068
MICHAEL W. JENNINGS, 1099
CHRISTOPHER S. JOHANNSEN, 9713
JEFFREY A. JOHNSON, 9661
JOSEPH L. JOHNSON, JR., 0518
STEPHEN J. KAROLY, JR., 7518
PETER W. KEHRIG, 2803
KYLE S. KELLEY, 6012
JAMES P. KENNEDY, 3994
GLEN D. KRUEGER, 6922
MICHAEL J. KRUEGER, 4755
MICHAEL T. KUBINIEC, 6733
RANDALL B. KULDELL, 3017
MARK T. LAGIER, 2074
RAYMOND C. LAHM, 0240
MARK D. LANE, 5487
ARTHUR D. LARSON, 9307
ANTHONY Y. LAU, 9969
DAVID L. LAUSCH, 3318
ROBERT LEE III, 9526
JAMES LENNON, 8455
JOHN L. LOCKWOOD, 9625
THOMAS A. LOGUE, JR., 8360
BENJAMIN D. LOLLAR, 0567
LEONARD C. LUDWIG, 2052
GEORGE A. MAHON III, 7839
THOMAS W. MAROTTA, 3459
BRADLEY S. MARTIN, 9437
KISMINE M. MARTIN, 5050
EDUARDO V. MARTINEZ, 6192
CHRISTOPHER J. MAXIN, 9005
HOWARD E. MAYFIELD, JR., 2563
ROBERT A. MCBRIDE, 1354
JULIUS C. MCCALL, 6251
GEORGE E. MCCARTHY III, 4608
LEE C. MCCLISH, 0177
ALAN J. MCCOY, 9430
JAMES M. MCDONOUGH, JR., 6584
WILLIAM E. MCHUGH, JR., 4355
DOUGLAS J. MCILRAITH, 7326
DONALD C. MCMAHON, JR., 9179
ERIC C. MEYER, 2077
GERALD P. MEYER, 3615
MICHAEL S. MIDGLEY, 1433
JOSEPH E. MILLIGAN III, 0762
JEFFREY N. MOBED, 2479
PAUL L. MOFFETT, 0580
JAMES M. MOORE, 3066
MICHAEL K. MOORE, 4848
CHERI C. MORRILL, 4642
TAMARA E. MORRISON, 4908
MICHAEL H. MOSLEY, 0060
CATHERINE M. MULE, 0987
JAMES P. MURRAY, 7991
STEVEN J. MUSSER, 4659
GERALD A. NUNEZ, 5896
CARL R. OCONNELL, 3247
GREGORY G. OGILVIE, 8322
JON P. PAPEZ, 1773
CINDY L. T. PAYNE, 0674
RICHARD G. PEDERSON, 8868
CURTIS E. PENDERGRASS, 4475
MICHAEL W. PHELPS, 3241
CHARLES R. PHILBRICK, 1304
SEAN C. PHINNEY, 1307
JAMES A. PIERCE, 3167
SCOTT F. PIERCE, 1863
EDWARD F. PIERSON, 0359
ROBERT H. POWERS, 0666
DAVID L. PRICE, 4057
ROBERT E. PRICE, 1585
HUMILDE S. PRUDENCIO, JR., 0720
KIERAN J. PURCELL, 0498
GERARD L. QUEALLY, 6524
CARLOS R. QUINTANILLA, 4326
MARC E. RASMUSSEN, 1481
LINDA O. RATSEP, 3877
JOHN D. REESER, 2146
LARRY D. REID, JR., 9253
DAVID M. REVELLE, 5156
RAYMOND R. ROBERTS, 2294
DEREK A. ROBINS, 9433
ROBERT A. ROCHFORD, 8080
ANDREW K. ROSA, 4022
ROBERT D. ROTE, JR., 3484
RAFIK A. ROUSHDY, 6762
KEVIN W. RUDD, 9038
SHANNON J. RUZISKA, 4385
CHRISTOPHER A. RYAN, 8786
THOMAS D. RYAN, JR., 6157
GLEN A. SALLER, 8605
TODD S. SCHAPLER, 5413
BRYAN M. SCURRY, 2775
DONALD S. SELVY, 7387
CHARLES W. SHARKEY IV, 0165
THOMAS K. SHEIL, 5735
WILLIAM R. SHIVELL, 7024
FRANKLIN C. SMILEK, 1847
DUNCAN A. SMITH, 7915
LEON W. SMITH, JR., 2869
RICHARD A. SMITH, 6511
SHANNON R. SOUPISET, 6933
STEPHEN R. SPEED, 8501
RICHARD B. STACK, JR., 2789
PETER D. STAMPS, 5388
WILLARD B. STUBBS, 6509
DAMIAN D. SUTTON, 6101
RORY N. SUZUKI, 4677
BARBARA W. SWEREDOSKI, 7920
PAUL M. TANAKA, 4825
MICHAEL T. TAYLOR, 0022
PAIGE K. TERRY, 0554
JAMES R. THOMAS, 8271
ROSS B. THOMAS, 6659
RAYMOND J. TORP, 8522
ALBERT TSAI, 0614
NELSON C. TUBBS II, 9617
MICHAEL G. TWITE, 9168
DAVID G. TYLER IV, 9394
JEAN H. VITE, 2636
GEORGE M. WAIDELICH, JR., 9308
WILLIAM F. WARNOCK, JR., 6056
MARK R. WATERMAN, 3533
CONNIE W. WELLS, 3643
PETER C. WERP, 8984
STEPHEN C. WHITAKER, 1888
DARLENE V. WHITEAKER, 2342
GARY D. WHITMAN, 6100
DAVID E. WIGLE, 3843
FRANK W. WINGET, 8882
JAMES P. WINKLER, 0731
JOHN K. WINKLER, 0784
JOHN R. WOMER, 4261
MONTY M. WONG, 5322
JEFFREY P. WOOD, 6822
DAVID K. WOODHOUSE, 3508
CRAIG M. WOODSIDE, 3366
JOHN R. YANCIGAY, 9120
MICHAEL C. YANKOVICH, 6280
KRISTIN L. YOUNG, 4728
MATTHEW A. ZIRKLE, 7597

QA LIST OF NOMINATIONS RECEIVED

EXECUTIVE OFFICE OF THE PRESIDENT

PN1484 ROBERT J. PORTMAN

DEPARTMENT OF STATE

PN1485 ROBERT ANTHONY BRADTKE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PN1486 JAMES B. LOCKHART III

NUCLEAR REGULATORY COMMISSION

PN1487 DALE KLEIN

IN THE AIR FORCE

PN1488 LT. GEN. KEVIN P. CHILTON, 6603
PN1489 MAJ. GEN. NORMAN R. SEIP, 6765
PN1490 MAJ. GEN. JAMES G. ROUDEBUSH, 9187
PN1491 BRIG. GEN. DANA T. ATKINS, 1173
PN1492 COL. LAWRENCE A. STUTZRIEM, 7077

IN THE ARMY

PN1493 BRIG. GEN. STEPHEN V. REEVES, 2272

IN THE NAVY

PN1494 REAR ADM. (LH) SHARON H. REDPATH, 7170
PN1495 REAR ADM. (LH) NORTON C. JOERG, 2309
PN1496 REAR ADM. BRUCE E. MACDONALD, 9816

IN THE ARMY

PN1497 KENNETH A. KRAFT, 4611
PN1498 MARK A. BURDT, 6444 THROUGH ROBERT L. PORTER, 1825
PN1499 BETTY J. WILLIAMS, 2170 THROUGH HENRY R. LEMLEY, 7175
PN1500 THOMAS F. NUGENT, 0254
PN1501 MICHAEL F. LORICH, 8295
PN1502 BRIAN O. SARGENT, 4670

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 2006:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS J. LOFTUS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CHRIS T. ANZALONE
BRIG. GEN. KURT A. CICHOWSKI
BRIG. GEN. THOMAS F. DEPPE
BRIG. GEN. PAUL A. DETTMER
BRIG. GEN. WILLIAM L. HOLLAND
BRIG. GEN. RONALD R. LADNIER
BRIG. GEN. ERWIN F. LESSEL III
BRIG. GEN. JOHN W. MALUDA
BRIG. GEN. MARK T. MATTHEWS
BRIG. GEN. GARY T. MCCOY
BRIG. GEN. STEPHEN J. MILLER
BRIG. GEN. THOMAS J. OWEN
BRIG. GEN. RICHARD E. PERRAUT, JR.
BRIG. GEN. POLLY A. PEYER
BRIG. GEN. DOUGLAS L. RAABERG
BRIG. GEN. JEFFREY A. REMINGTON
BRIG. GEN. ROBERTUS C.N. REMKES
BRIG. GEN. FREDERICK F. ROGGERO
BRIG. GEN. MARSHALL K. SABOL
BRIG. GEN. PAUL J. SELVA
BRIG. GEN. RICHARD E. WEBBER
BRIG. GEN. THOMAS B. WRIGHT
BRIG. GEN. MARK R. ZAMZOW

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN WESTGATE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANKLIN L. HAGENBECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. ROCHELLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3036 AND 3039:

To be major general

COL. RUSSELL J. CZERW

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCES C. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. NANCY E. BROWN

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH KRISTINE M. AUTORINO AND ENDING WITH TIWANA L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2006.

AIR FORCE NOMINATION OF REX R. KIZIAH TO BE COLONEL.

AIR FORCE NOMINATION OF MAUREEN MCCARTHY TO BE COLONEL.

AIR FORCE NOMINATION OF JOSEPH A. WEBER, JR. TO BE COLONEL.

AIR FORCE NOMINATION OF DANIEL J. MCGRAW TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH CONSTANCE C. MCNABB AND ENDING WITH AMY L. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH KENNETH R. FRANKLIN AND ENDING WITH MICHAEL S. PETERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH PETER L. BARRENECHEA AND ENDING WITH RALPH M. SUTHERLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID G. ALLEN AND ENDING WITH DAVID D. ZWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS E. BALDWIN AND ENDING WITH MICHELLE K. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 5, 2006.

IN THE ARMY

ARMY NOMINATION OF DAVID M. LIND TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARY M. SUNSHINE AND ENDING WITH DEBRA CHAPPEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

ARMY NOMINATION OF JACQUELINE P. ALLEN TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH VALERIE MCDAVID AND ENDING WITH CATHLEEN STERLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

ARMY NOMINATION OF CHARLES C. DODD TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ALVIS DUNSON AND ENDING WITH FRANCIS WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

ARMY NOMINATIONS BEGINNING WITH SOONJA CHOI AND ENDING WITH MEHDY ZARANDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2006.

ARMY NOMINATION OF E. N. STEELY III TO BE COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF SANFORD P. PIKE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF JAYSON A. BRAYALL TO BE MAJOR.

IN THE NAVY

NAVY NOMINATION OF PAUL W. MARQUIS TO BE COMMANDER.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO CAM USHER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Cam Usher, who is retiring after a long and distinguished career of promoting tourism in Las Vegas.

Cam Usher has been working for the Las Vegas Convention and Visitors Authority in a multitude of capacities for the past 25 years. Since 2004, Cam has directed sales and marketing for the authority's international offices in Austria, England, France, Germany, Japan, Mexico, and South Korea. Since her career began with the authority in 1980, she has run everything from convention and special event sales to the authority's research department and the Las Vegas News Bureau. Most recently, Cam has actively recruited new international air service in conjunction with McCarren International Airport; her efforts have made it easier for travelers to come here to visit from diverse locations. During her tenure, she received a number of accolades, such as being named to the Travel Agent Magazine's "Most Powerful Women in Travel" list 3 years in a row. Cam's professional successes should not over shadow her philanthropic endeavors; her generosity is profoundly evident in everything she does, whether it is introducing friends to potential clients or creating job opportunities of local youth.

Mr. Speaker, I am proud to honor Cam Usher for her illustrious career and contributions to the development of the international tourism industry in Las Vegas. I wish her the best in her retirement.

HEALTH CENTERS RENEWAL AMENDMENTS OF 2006

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to join my colleague from Florida, Mr. BILIRAKIS, in introducing the Health Centers Renewal Amendments of 2006. This important legislation will re-authorize the Health Center program through fiscal year 2011 and enable us to build on the tremendous successes that the health centers have already achieved.

With 46 million Americans currently living without health insurance, health centers have become a critical feature of our country's safety net. Of the more than 14 million Americans served by health centers, 75 percent are either uninsured or Medicaid beneficiaries. In fact, more than 90 percent of health center clients have incomes below 200 percent of the federal poverty level. Without health centers to provide quality primary and preventive care, these folks would most likely forgo health care and end up in our hospital emergency rooms.

Health centers are not free clinics. While health centers do not turn away patients due to an inability to pay, every patient pays something based on a sliding scale. This policy improves both financial and health outcomes, ensuring that patients are invested in their health care and follow the doctor's orders.

Another critical feature of the health center program is the community board. For approval and funding as a federally-qualified health center, a center must have put in place a board of directors whose membership is at least 51 percent comprised of health center patients. While communities may initially view this aspect of the health center program as a significant hurdle, this requirement ensures that community health centers are just that—grounded in the community. With a community board governing the health center, patients are assured that all health center policies have been developed with the needs of patients in mind. It is the complementary nature of these requirements that has helped the health center program become so effective and enjoy unprecedented bi-partisan support, from both the Congress and the Bush Administration.

Despite the accomplishments to date of the health center program, much more work needs to be done. While the number of health centers has increased by 58 percent since 1997, the number of health center patients has increased by 90 percent over the same period. There is still tremendous need and, unfortunately, the ranks of the uninsured are only growing.

In the Houston area, we now have nine federally-qualified health centers, an increase from the four centers we had in our area just one year ago. While we have celebrated that achievement, our state of Texas still has the largest percentage of uninsured individuals in the country, and many more health centers are needed in our state to meet our growing need for quality health care that is affordable. This legislation will help us address that need by ensuring the continued authorization of this important program that has improved the health of millions of our constituents.

On a personal note, I would like to thank my friend, Mr. BILIRAKIS, for all of his work over the years on behalf of our health centers. He is a tireless champion of this program, and I look forward to working with him to make sure that the reauthorization of this program is just one of the many health care accomplishments that will be part of his legacy in Congress.

TRIBUTE TO THE BARON DE KALB COUNCIL NO. 1073 OF THE KNIGHTS OF COLUMBUS

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. WEINER. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the Baron De Kalb Council No. 1073 of the Knights of Columbus and to offer my thanks for the continual dedication it has shown to the southern Brooklyn communities it serves. The Baron De Kalb Council No. 1073 was founded in 1906 by Ambrose P. Rikeman, who became their first Grand Knight. It was founded on the principals of charity, unity, fraternity and patriotism, principals that have been ingrained in the hearts and minds of its members ever since. The Council is named for Baron Johann De Kalb, a courageous and loyal military leader whose spirit continues to live on in the leaders of this great Council.

The Baron De Kalb Council No. 1073 has risen from it's humble beginnings, when a small band of men met in Grand Knight Rikeman's house, to its present day thousands strong membership that meets at the "Baron-By-The-Sea", a property purchased by the Council in scenic Sheepshead Bay in 1949. In 1969 members were devastated to learn that a fire had destroyed their "Baron-By-The-Sea", but no fire could destroy the members commitment, dedication and desire to reach ever greater achievements for their beloved Council. In 1973 Grand Knight Gus Rogers proudly led his members into the newly built "Baron-By-the-Sea", the structure on Nostrand and Emmons Avenues that continues to provide invaluable services to its members and our southern Brooklyn community to this day.

Therefore, on Behalf of the United States House of Representatives, I congratulate the Baron De Kalb Council No. 1073 of the Knights of Columbus and all of its past and present members for 100 years of dedication and service to our community.

HONORING PETER LoJACONO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. HIGGINS. Mr. Speaker, this Sunday, April 30, the Federation of Italian-American Societies of Western New York will hold its annual celebration. Following Sunday Mass at historic St. Anthony of Padua Church in the shadow of Buffalo City Hall, celebrants will gather at Buffalo's Adam's Mark Hotel to mark this celebration.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

At this event, a truly unique person will be honored with the Association's God, Family and Country award. That person is Peter LoJacono, and I am proud, Mr. Speaker, to rise to honor Peter today.

Peter LoJacono is a lifelong resident of Western New York, having been graduated from St. Joseph's Collegiate Institute and, later, from my own alma mater, Buffalo State College. Peter has taught Italian and Spanish at Hutchison Technical High School in the Buffalo Public School system for 18 years, where he has demonstrated a commitment to his students that is second to none.

As many people know, Mr. Speaker, Buffalo is an area rich in cultural diversity, and Buffalo's Italian American community is a critical component of that diverse tapestry. Peter's leadership within our community is strong, serving on the Board of Directors of the Italian Heritage Festival of Buffalo, where literally tens of thousands of Western New Yorkers enjoy all things Italian along Hertel Avenue in Buffalo each summer. A longtime member of the Romulus Club and the Knights of Columbus, Peter also serves as president of the Buffalo- Torremaggiore Sister Cities Association, encouraging the continuation of shared cultural exchange between Buffalo and its sister Italian city. Peter is a faithful communicant of St. Anthony of Padua Church in Buffalo, where he performs in the choir and is a leader within the parish.

While Peter's commitment to his community and to his faith is clear; most notable, however, and almost certainly his most significant point of pride, is his family. Peter's wife Francine and children Sarina and Marco are his clear pride and joy, and their life remains full of the richness and wonder that any couple with a young family could hope to enjoy.

Mr. Speaker, America is a wonderful country where immigrant people who came before us populated communities like Buffalo and Western New York, hoping for a better life than the one they left behind. My people, coming from Ireland, did it, and Peter LoJacono's people did it when they came from Italy. People like Peter realize the sacrifice that his forebears made so that he could live the vaunted American Dream, and his contribution to the community he lives is can never be overstated. On behalf of the entire membership of the House of Representatives, I want to thank Peter LoJacono for his ongoing contributions to our community, and I want to thank you, Mr. Speaker, for this opportunity to honor Peter here.

PAYING TRIBUTE TO DR. WILLIAM H. BAILEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Dr. William H. Bailey for his outstanding career in music and business, but more importantly for his contributions to the Civil Rights movement. On May 2nd of this year Dr. Bailey will be recognized at the formal dedication of William H. Bailey Middle School, which is named in his honor.

Dr. Bailey was born Feb. 14, 1927, in Detroit, where his father worked in an auto factory. When his father lost his job during the Depression, the family moved to Cleveland, where Dr. Bailey grew up and learned to sing in church choirs. He finished high school at 16, and his musical talent combined with his high grades won him a voice scholarship to Morehouse University in Atlanta. While working his way through college by performing in local night clubs, Benny Goodman and John Hammond recruited him to sing with Count Basie. He then toured the "Chitlin' Circuit," performing in black communities of big cities. He had three hit records: "Danny Boy," "The Worst Blues I Ever Had," and "Blue and Sentimental."

In 1950, Basie broke up his big band and Dr. Bailey became a student at the School of Radio and Television in New York City, receiving a scholarship from American Broadcasting Company. After he wasn't hired as on-air talent he tried for technical jobs, also without luck. Then, he heard about the Moulin Rouge in Las Vegas. Although Las Vegas was highly segregated, the Moulin Rouge Casino and Hotel was open to all. Dr. Bailey co-produced a show with black entertainers that became a hit, drawing a hip, interracial crowd. But when he started this job, he had to use the service entrance to reach the TV studio. He complained and the management decided to change their racist policy. Following his news casting career, Dr. Bailey developed a reputation for starting new ventures.

In 1957, he joined KTNV—Channel 13, where he hosted a variety show, and developed Las Vegas' first dance program for teens. In 1961 he also hosted current events talk shows. From 1965 to 1971 Dr. Bailey began working as a newscaster. In 1958, Dr. Bailey began working for gubernatorial candidate Grant Sawyer. The Legislature of 1961 established a commission to find out whether discrimination existed. Gov. Sawyer realized a great asset that he had and appointed Dr. Bailey as Chairman of the new commission. In this position he set up a dealers' school using loaned gambling tables and space from Al Benedict, a Stardust executive. At Dr. Bailey's suggestion, Benedict recruited managers from other casinos as teachers. Bailey also set up training programs in radio and television jobs, and other fields. More than 1,000 jobs were opened to minorities in 2 years because of his efforts.

In 1964 Dr. Bailey opened a club at Miller and Lexington avenues in West Las Vegas, named "Sugar Hill." In 1965, Bailey bought the riot-damaged West Owens Shopping Center and converted it to the Pan-Afro Auditorium, which featured great bands, including Sonny Charles and Ray Charles. Bailey also established the Nevada Economic Development Co., which helped minority businesses get $300 million in government grants over 19 years. This success led to a job in Washington as Associate Director of the Minority Business Development Agency. Later, President Bush made him Deputy Director, overseeing MBDA's $66 million budget.

Proud as he is of the civil rights laws he helped pass, Dr. Bailey believes that today, learning the ropes of business, professions, and technology will do the most to improve the lives of minorities. He believes that "education is the light that blinds ignorance" and is a strong advocate for parent participation in schools, a curriculum that includes fine arts, and preparing all students for college.

Mr. Speaker, I am honored to recognize Dr. William H. Bailey on the floor of the House. I commend him for his contributions to this country and thank him for his continued service to young students in southern Nevada.

A TRIBUTE TO RUSNAK AUTOMOTIVE GROUP

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Rusnak Automotive Group in celebrating 40 years as a premiere automotive dealer in Southern California. Paul Rusnak opened his first location in 1959 because he saw the beginning of a fascination with European sports cars.

Over the years, his business grew to include more than 25 different automotive brands, both domestic and European. From Culver City to Pasadena, Rusnak Automotive Group has centered its market in convenient locations for our community members.

A short distance from Art Center College of Design, where many automotive designers are inspired, is the intersection of Orange Grove and Colorado Boulevard in Pasadena, California. This location is where Rusnak showcases cars such as Jaguar, Porsche, Audi, Rolls-Royce, and Bentley in historic buildings that have served as automotive dealerships since the turn of the century. The famous Walter M. Murphy Motors and Murphy Co. Coachworks of Duisenberg fame was housed where Rusnak now displays Porsches. Also, the American Institute of Aeronautics and Astronautics has designated the Rolls-Royce dealership as one of the nation's historic aerospace sites—it was the first plant for Aerojet Engineering Corporation, which was the site of the invention of rocket fuel.

The largest automotive mall in the world houses Rusnak/Westlake and BMW, Porsche, and Audi dealerships. Rusnak Automotive Group has received many awards over the years including the first J.D. Powers "Customer Approved Retailer." But—the best awards have come from the many repeat customers who have made Rusnak the number one volume Audi dealer in the Western United States and the fastest growing Mercedes-Benz dealer in Southern California. Looking to the future, Rusnak now has a new BMW dealership on the 101 Freeway in Thousand Oaks, California.

Mr. Paul Rusnak, his daughter, Liz Rusnak Arizmendi, Vice President Public Relations, and Rusnak Automotive Group are generous supporters of many local charitable organizations, including Childrens Hospital Los Angeles, Make a Wish of Greater Los Angeles, the Pasadena POPS Orchestra, the AIDS Service Center of Los Angeles, Hillsides, Methodist Hospital Foundation, the American Red Cross and the Ronald McDonald House of Pasadena.

It is my distinct honor to recognize the contributions of Rusnak Automotive Group. I ask all members to join me in congratulating Paul Rusnak and his staff for celebrating 40 years of contributions to the community and automotive industry.

IN TRIBUTE TO KIRBY GODSEY

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. MARSHALL. Mr. Speaker, I rise today in honor of Dr. R. Kirby Godsey, of Macon, Georgia, who is retiring after a long, successful tenure as President of Mercer University. I rise to thank Dr. Godsey for his extraordinary wisdom, leadership and grace that blessed not only Mercer University and Middle Georgia, but me as well.

Mr. Speaker, on July 1, 1979, Kirby Godsey became the 17th president of Mercer University. For almost 27 years, Kirby guided Mercer as it grew in prestige and national recognition. U.S. News & World Report has ranked Mercer as one of the leading institutions in the South for 14 consecutive years. The Princeton Review named Mercer among "The Best in North America," and USA Today ranked Mercer among the Top 10 in three categories for its National Academic Achievement Awards for student-athletes.

Mr. Speaker, Kirby Godsey's strong, perceptive, caring, steady and engaging leadership has been critical to Mercer's success. Without him and his commitment to Mercer, I believe Mercer would not be the University it is today. But Mr. Speaker, Kirby Godsey's beneficial influence did not end at Mercer's borders. He has been a remarkable force for progress in Macon and Middle Georgia. The lives and projects he touched for the better would be too numerous to mention even if I were capable of cataloging them all. Let just a few examples suffice. Under Kirby's leadership, Mercer partnered with the City of Macon and others to successfully revitalize and transform the neighborhoods surrounding Mercer's campus. Indeed, Kirby Godsey's Mercer became a major force for rejuvenating Macon's central business district. And Mercer's School of Medicine and its School of Engineering were no more than dreams before Kirby Godsey's tenure. Now Mercer-trained physicians provide care in underserved rural areas while Mercer engineers serve our nation at Warner Robins Air Logistics Center.

Mr. Speaker, it is fitting that the CONGRESSIONAL RECORD forever include this brief acknowledgement of the accomplishments of Kirby Godsey as President of Mercer University. He will continue to bless those around him with his uncanny wisdom and grace. Few leave such enduringly positive legacies.

PAYING TRIBUTE TO DONALD ROBB

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Donald L. Robb, Jr. retired United States Air Force Major, who passed away on January 11, 2006 in Boulder City, Nevada.

Donald was born in Ohio and grew up in Ohio and Florida. After a few years of college, He enlisted in the Air Force after he felt the call of duty for his country. During his time in the military, Donald was stationed at bases in South Carolina, Japan, California, South Korea and Nevada. As Director of Administration for Nellis Air Force Base, Nevada, he supervised over 100 personnel. He was the first such director to receive a "1" rating from the Inspector General team. For a total of twenty years Donald served his country as a navigator and an administration officer. He received many awards for his dedicated and outstanding military service, including; the Air Medal with Oak Leaf Cluster, the Armed Forces Expeditionary Medal with three Oak Leaf Clusters, the Air Force Outstanding Unit Award, the Combat Ready Medal, the National Defense Service Medal, the Air Force Longevity Service Ribbon with four Oak Leaf Clusters, the Vietnam Service Medal with six Oak Leaf Clusters, the Republic Vietnam Campaign Medal and Republic Vietnam Gallant Cross.

Donald is survived by his children, Donald L. Robb, III, David A. Robb, Daniel L. Robb and Diana L. Robb, and his wife, Marcia Robb.

CELEBRATING THE LIFE OF MR. WILLIAM B. WELLING

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SERRANO. Mr. Speaker, I rise today to honor the memory of an extraordinary individual who spent his life serving his country and fellow man. On April 15, 2006, Mr. William B. Welling passed away at the age of 82. A man of great sincerity, integrity, humility, courtesy, wisdom and charity, Mr. Welling was a trusted friend and mentor to many and will be sorely missed by all who had the pleasure of knowing him.

A man of many hats, Bill was a historian, photographer, editor, writer, author and WWII Veteran. His love of knowledge coupled with his strong work ethic helped him to find success in all of his endeavors.

After honorably serving his country in WWII, Bill returned to the U.S. and earned a degree from Yale University. Upon graduating, he put his many talents to work. His extensive career included serving as a reporter/aviation editor for the Baltimore Evening Sun, account executive for a New York advertising agency, and chief of technical publicity for the Baltimore Division of the Martin Company. He also edited a quarterly for the North American employees of the Danish owned Maersk line and regularly contributed articles to trade and professional media.

Aside from his business career, Bill was recognized as a photo historian both in the U.S. and overseas. For five years he edited Photographica for the American Photographic Historical Society. This followed the publication of his Collector's Guide to Nineteenth Century Photographs, which was the first book for the photography collecting market published in the U.S. He is also the author of Photography in America, The Formative Years 1839–1900 and East Side Story which was privately published on behalf of the Boys Brotherhood Republic of New York.

His strong belief that he had an obligation to help the youth of his community drove Bill to spend many years working with the Boys Brotherhood Republic, a youth recreation center on the Lower East Side. The organization teaches inner city youth the principles of self government and the value of education as a means to transcend the perils of negative youth activity. The 6 to 18 year old citizens of the Boys Brotherhood Republic (BBR) elect their own mayor and city council, and administer their own police and court systems. Under Bill's guidance these young men became adults, learning how to solve everyday problems as responsible committed citizens.

Mr. Speaker, Bill's greatest assets in life were his intellect and sense of humor. His exceptional ability to pass on knowledge with constant wit and charm always made him the "life of the party", leaving all whom he encountered feeling not only joyful but more intelligent as well.

There is an old saying: "If you have knowledge, let others light their candles in it." The book on the life William B. Welling was completed on April 15, 2006. He can no longer offer advice, make us laugh, or personally pass on his vast wisdom to younger generations; however, his indomitable spirit lives on through the countless candles he helped others to light. Surely that is the mark of a meaningful life.

For unyielding service to his country, family, friends and community and for being an inspiration to us all, I ask my colleagues to join me in bidding a final farewell to a great American, Mr. William B. Welling.

STATEMENT ON H.R. 5020

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. BLUMENAUER. Mr. Speaker, I opposed the Renzi amendment because, while we all oppose leaks in our intelligence community, we have learned more about the illegal wiretapping program, the use of torture and extraordinary rendition, and the situation in Iraq from leaks to media outlets than we have from the administration. While we should do our best to prevent intelligence leaks, we must also ensure that we aren't being complicit in the cover-up of illegal activities or the manipulation of intelligence.

I also voted against final passage of the Intelligence Authorization bill because, while it is a fine bill, it represents a missed opportunity. Democrats have tried to address the series of intelligence scandals, yet were prevented from doing so by continued abuses of the legislative process by the Republican majority.

HOLOCAUST REMEMBRANCE DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. TOWNS. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Remembrance Day. I join the Jewish people in the State of Israel, the United States, and across the globe in remembering and honoring the 6 million Jews who were brutally murdered by the Nazi regime during the Holocaust.

April 25, 2006 is a day for all people to reflect upon that most horrific period of history. The Holocaust demonstrated that even a supposedly cultured society could tolerate the most senseless atrocities. We must keep in mind that the Nazi genocide against the Jews was not perpetrated solely by a lone crazed individual. It was the carefully considered plan, years in the works, of a group of genocidal fanatics, which won the support of an entire nation. The Holocaust reflected the worst potential inherent in human nature for hatred of an entire religion simply for existing.

I am privileged to represent diverse cultures in Brooklyn. In my district lives a large but dwindling population of Holocaust survivors. Many of these survivors rebuilt their lives with nothing more than the shirt on their back. Today, based on the strong foundations of those Holocaust survivors, sits the beautiful Jewish communities in my district, including Williamsburg, Midwood and Canarsie. These communities represent the best of Jewish life and have successfully resurrected the Jewish community's wonderful religious heritage from the ashes of the Holocaust. Their synagogues, yeshivas, kollels, and social service organizations, which serve all people of all backgrounds, would make their ancestors proud.

On this day, we celebrate their remarkable achievements in bringing up a generation of Jews who have learned from their parents' resoluteness the importance of preserving as much of their tradition as they possibly can. We acknowledge their commitment in the face of unspeakable adversity and their sacrifices so that another generation might carry on their values.

Mr. Speaker, I would like to take this opportunity to recognize the efforts of organizations in my district that have taken extraordinary steps in servicing and caring for the Holocaust survivor population: The Metropolitan Council on Jewish Poverty; The United Jewish Organizations of Williamsburg; The Council of Jewish Organizations of Flatbush; The Jewish Community Council of Canarsie; The Conference of Jewish Material Claims Against Germany; Peasch Tikvah and all the Bikkur Cholim organizations. Their selfless work for Holocaust survivors continues to serve as an inspiration to me and it is a great honor to recognize their hard work.

Mr. Speaker, I join my colleagues here today in remembering the Holocaust. Regrettably, there are still Holocaust deniers today and it is imperative that we never forget and continue to learn from this unforgettable chapter of history.

YOM HASHOAH

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs and Heroes Remembrance Day.

On this day of remembrance, we mourn—as a community, as a nation, and as a world—the 6 million Jews who lost their lives during one of the darkest periods of our history. We pray that those still pained and anguished by the unimaginable suffering may find peace and comfort. And we reflect on what can happen when the world fails to confront evil, hatred, and bigotry.

Yom Hashoah is also a time to remember the individual acts of martyrdom and heroism committed during the Holocaust. We recall those brave Jewish martyrs in the Warsaw ghetto armed only with pistols and Molotov cocktails who repulsed the sophisticated weaponry of the Nazis for one month. We recall those righteous gentiles who risked their lives to shelter and protect Jews. And, we recall those who were forced to leave their homeland in search of new lives in unfamiliar lands.

My mother, Renee Perl, was one of the many who had to flee their homeland. Forced to start anew at the mere age of 14, she left Austria—alone—spending time in Holland and England before arriving in Philadelphia at 16.

Once arriving at the shores of America, my mother—like so many Jews—was hesitant to tell her story—hoping that by trying to forget about the war she could move on. But, little by little, we came to know her story and the enduring pain it caused for her and so many others.

As we move further and further away from this period of history, those who witnessed such acts and those of us—who have heard first-hand accounts become fewer. It is our duty to pass their stories along so that future generations can reflect on their courage, valor, and heroism. And, it is our obligation to tell their stories so all of us Jews and non-Jews—can heed the lessons of the Holocaust.

Mr. Speaker, I am tremendously grateful for being able to share my family's experience. I know my mother would be proud to know that we are not only paying tribute to those who suffered tremendous pain and hardship, but recalling the Jewish people's great spirit to survive, our continued faith in God, and our unwavering belief in freedom and democracy.

HOLOCAUST MARTYRS AND HEROES REMEMBRANCE DAY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. BACA. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Martyrs and Heroes Remembrance Day. We pause as a Nation on this day to remember the 6 million Jews who perished under Nazi oppression.

Between 1938 and 1945, the Nazi government systematically attempted to annihilate the entire Jewish population simply because of its religion, culture, and history. Countless families were torn apart, entire communities decimated.

On Yom Hashoah, we not only mourn for those who lost their lives, we mourn for one of humanity's darkest times. And we reflect on what hatred, ignorance, indifference and prejudice can do to mankind when allowed to breed unchecked.

Yom Hashoah also marks the anniversary of the Warsaw Ghetto uprising of 1943. It is a time to reflect on the bravery of those who fought for justice, freedom and for survival in the face of torture and oppression.

It is fitting then, that this year's Yom Hashoah theme is "Legacies of Justice," honoring the Holocaust survivors who stood as witnesses during the Nuremberg Trials.

Their legacy calls on us to never forget the atrocities that occurred and to never again turn our backs on human suffering, regardless of where it occurs in the world. They call on us to stand for freedom—not only for ourselves but also for all humanity—to fight for those too weak to defend themselves, and to stand vigilant against apathy and hatred.

Today as we commemorate our Jewish martyrs and heroes at the National Rotunda, let us remember our duty to speak out against suffering and injustice.

We best honor the 6 million who perished at the hands of hatred by fighting against anti-Semitism, racism, sexism, and other forms of discrimination that seek to divide us.

And we must vow to never allow such tragedies to happen again. For our sake, for our children's sake, and for the sake of humanity.

TRIBUTE TO MR. REGINALD FOOTMAN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a young man who continues to have a positive impact on the young people of my community through his heart-filled and uplifting music about his home borough. Mr. Reginald Footman, also known as Barshem, is a recording artist from the Bronx who hopes to steer hip hop back to its roots, providing inspiring messages over hard-hitting beats.

Barshem's love of languages has helped him to develop as a lyricist and become the skillful emcee he is today. He began by writing poetry and small rhymes, but it was not until his cousin made his first rap record, that Barshem saw an opportunity for a career. At the young age of 11, he started his own group: "Energy Posse" which evolved into another group named "Alpha Omega." In the mid 1990's, the group became widely known and performed with other notable artists such as Jay Z, Lil Kim, Big Pun, and Fat Joe.

In the late 90's, Barshem made his acting debut in the movie Above the Rim, working as a stand in for the late Tupac Shakur. He would later accept roles on the television show Third Watch and a short appearance with Academy Award winner Denzel Washington in The Manchurian Candidate, but his love for hip hop kept him focused on his music. He has written title tracks for movies such as: Rock the Paint, Marci X, Bull's Night Out and Full Clip.

After many years of acting and rapping, Barshem met Allen Boxer, an investment banker with whom he partnered to create B&B Records, LLC. And now, one year after his first song was recorded, Barshem & B&B Records, LLC are set to release Barshem's debut album: Ghettonometry which includes a hit single dedicated to the borough of the Bronx.

Throughout his career, record executives have pushed Barshem to produce violent and misogynistic music; however, he has consistently stood his ground and refused to compromise his belief that music should empower, not destroy. Fortunately, his hard work has finally paid off and he is set to release an album that he can say he did his way.

Mr. Speaker, I am proud to represent the district that gave birth to hip hop and it is my hope that today's hip hop artists will remember the spirit of self-empowerment that once characterized this music genre and realize the tremendous positive influence they can have throughout the world.

I applaud Barshem for staying true to these principles and never forgetting his roots in the Bronx.

COMMEMORATION OF HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mrs. MALONEY. Mr. Speaker, I rise in honor of Holocaust Remembrance Day, Yom HaShoah, to pay respect to the millions of Jews who perished as a result of the Holocaust. Today more than ever, it is important to recall the insanity that swept through Europe and allowed ordinary men and women to become mass murderers or to permit others to turn a blind eye to the killing. We need to remember the six million Jews whose lives were cut short because of a concerted effort to annihilate an entire people. Their deaths were not the natural result of war and deprivation. They were killed intentionally and for no other reason than that they were Jews. We should also celebrate the brave individuals who sheltered, cared for and protected Jews despite the danger to themselves.

It is shocking to find that a mere 61 years later, Iran's President Mahmoud Ahmadinejad is openly denying the very existence of the Holocaust. President Ahmadinejad stunned the world last December when he made a speech declaring that the Nazi's mass murder of Jews during World War II was a myth. Foreign minister Manouchehr Mottaki affirmed that Holocaust denial is now the official Iranian government position. "The words of [President] Mahmoud Ahmadinejad on the Holocaust and on Israel are not personal opinions, nor isolated statements but they express the view of the [Iranian] government," Mottaki said.

In March 2006, at the initiative of Iran's Supreme Leader Ayatollah Ali Khamenei, state-run Isfahan University sponsored a conference to 're-examine the scientific evidence for the Holocaust.' More conferences are expected, as Iran tries to wrap its insupportable views in scholarship. Unfortunately, these Iranian leaders are giving voice to a view that is becoming all too common.

After President Ahmadinejad spoke, the vast majority of world leaders immediately condemned his irrational claims. UN Secretary-General Kofi Annan urged all UN members to "combat such denial and to educate their populations about the well established historical facts of the Holocaust, in which one third of the Jewish people were murdered along with countless members of other minorities." I believe we need to take affirmative steps in the United States to make sure that our young people understand the horrors of that evil time. That's why I introduced the Simon Wiesenthal Holocaust Education Assistance Act of 2005, to ensure that programs are developed throughout the country to teach young people about the millions who died and the terrible repercussions of unfettered hatred. I am pleased that Senator MENENDEZ introduced a companion bill in the Senate today.

As the generations who survived the Holocaust pass away, we need to make sure that new generations know the horrors of that terrible time. We need to make sure that those who would deny the existence of the Holocaust do not have the ability to rewrite history. The pain of those who perished at the hands of the Nazis is all too real. We have an obligation to remember a time when pure evil swept the globe, millions were swallowed up in the gas chambers and the Jewish people were nearly wiped out of existence. As Simon Wiesenthal said, "For your benefit, learn from our tragedy. It is not a written law that the next victims must be Jews. It can also be other people. We saw it begin in Germany with Jews, but people from more than twenty other nations were also murdered."

ON THE ARMENIAN GENOCIDE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. SMITH of New Jersey. Mr. Speaker, I rise to join my voice with those of my colleagues who once again are commemorating the Armenian Genocide. On this somber day, we take time to recall the horrors of long ago, as Armenians are doing all over the world. Beginning in 1914, over 1.5 million people were systematically killed in what historians call the first genocide of the twentieth century, and over half a million Armenians had to leave their homeland.

Knowledge about the Armenian Genocide is spreading. Just recently, PBS broadcast an extremely detailed and heart-rending examination of the subject. Even in Turkey, where the government refuses to acknowledge what happened or consider accepting any responsibility for it, a growing number of historians and prominent individuals have openly defied Ankara to speak truth to power. They include Orhan Pamuk, the country's leading writer. Turkish officials sought to bring criminal charges against him for "defaming Turkishness" but in the end, thankfully, thought better of it.

Unfortunately, President Bush, in his annual message about the Genocide, did not use the word. Once again, terms like "mass killings" and "forced exile" mask the depth of the horror that took place, carefully avoiding the plain truth. In fact, as has been described in numerous newspaper articles, Ambassador John Evans, who was posted in Yerevan, is being recalled for having the courage to say publicly that what happened to the Armenians of the Ottoman Empire was Genocide. It saddens me that the U.S. Government would go to such lengths to deny the undeniable. I would like to commend Ambassador Evans for his bravery—as a career Foreign Service Officer, he must have known what the consequences might be.

I express solidarity with my colleagues in this Congress who called upon President Bush to call the Genocide a Genocide. I hope this is the last year when the United States Government will shrink from using the word in its description of what the Armenians of the Ottoman Empire endured.

Finally, in my annual statements on the Armenian Genocide, I often refer to the Nagorno-Karabakh conflict and comment on the status of the talks underway to resolve it. In the last year, official sources in Yerevan and Baku, as well as Washington, have occasionally indicated that a deal was close. Hopes were high for the meeting last month between Presidents Kocharian and Aliev in Rambouillet, France. Unfortunately, we did not see the desired outcome.

I hope that the negotiations will soon succeed in resolving this painful conflict. An Armenia at peace with Azerbaijan would not dampen the painful memories of events in the early twentieth century, but it would offer reassurance over the prospects of Armenia in the twenty-first.

91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. MCGOVERN. Mr. Speaker, 91 years ago, a systematic and deliberate campaign of genocide was initiated by the Turkish Ottoman Empire against its Armenian population. Beginning in 1915, and continuing over the next eight years, over one and a half million Armenians were tortured and murdered, and another half million were forced from their homeland into exile.

In his annual April 24th commemoration statement, President Bush once again failed to acknowledge this annihilation of a people as genocide. In a time when the denial of the Armenian genocide is again on the rise in Turkey—and through its agents, even here in the United States as witnessed by a federal lawsuit in Massachusetts opposed to our public school history curriculum on genocide—President Bush once again squandered an opportunity to demonstrate American courage and leadership and speak out with moral clarity on the issue of genocide. By failing to affirm the Armenian Genocide, President Bush insults the suffering endured by the Armenian people and especially the remaining survivors of the genocide, most of whom are now in their 90s.

Luckily, such leadership and courage is not lacking among the Armenian-American community. Not only do they continue their historic work on the recognition and documentation of the Armenian Genocide, but they are genuine leaders and partners in efforts to educate Americans about the other genocides of the 20th and 21st Centuries—the Holocaust of World War II, Cambodia, Rwanda and Bosnia, to note some of the most prominent.

Most recently, the Armenian-American community has been actively engaged in bringing to the attention of U.S. and world leaders the genocide going on right now in Darfur, Sudan. I would like to honor, in particular, the work of Mr. George Aghjayan, Chairman of the Armenian National Committee of Central Massachusetts, who has been especially active in education and organizing activities about Darfur. Mr. Aghjayan, who lives in Worcester, Massachusetts, has helped rally interest and support on Darfur not only from his own community, but from college students, religious leaders, and genocide survivors.

I'm proud to be a member of the House Caucus on Armenian Issues, and to support the activities taking place today in the U.S. Congress in memory of the Armenian Genocide. I am more proud, however, to have had the opportunity to meet and learn from the extensive Armenian-American community in central Massachusetts and from their exemplary community leaders, like George Aghjayan and his wife, Joyce. Through them I have found my own voice and determination to denounce genocide wherever it is taking place, and to confront the culture of denial that would erase the historical record of the Armenian Genocide.

PAYING TRIBUTE TO LAMAR MARCHESE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lamar Marchese for his long and distinguished career at Nevada Public Radio.

When Lamar Marchese moved to Las Vegas in 1972 he noted the absence of a public radio station. Marchese, his wife Patricia and a small group of founding board members incorporated Nevada Public Radio in December 1975 as an independent non-profit corporation. Lamar served as Chairman of the Board while the station was in formation in the late 1970s. In late 1978, he resigned from the Board and became a candidate for General Manager. Lamar was hired in this capacity in January 1979. KNPR, the first NPR affiliated radio station in Nevada, signed on the air in March 1980 while housed in a janitors' closet at the former Silverbowl Stadium on Boulder Highway. Under Lamar Marchese's leadership KNPR has evolved from its humble beginnings at Silverbowl Stadium to a public radio network that now operates a system of two Las Vegas stations, four associate stations in Tonopah, Panaca, Lund/Ely and St. George, Utah, nine rural translators and a statewide radio reading service for the blind and hearing impaired.

Mr. Speaker, I am proud to honor Lamar Marchese for his distinguished career and keen leadership that has allowed public radio in Nevada to thrive. His dedication to providing a public voice over the airwaves has allowed untold numbers of people to access a variety of radio programs. I wish him the best in his retirement.

IN RECOGNITION OF JACK WOOLF'S LIFETIME ACHIEVEMENTS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. COSTA. Mr. Speaker, I rise today to recognize and honor the lifetime achievements of Jack Woolf from Fresno, CA.

For more than 30 years, Jack Woolf and his family have been an integral part of the development of diversified agriculture on the west side of Fresno County. He has been an active community member who has tirelessly worked to promote Fresno and the agricultural industry. Mr. Woolf embarked upon his entrepreneurial career in 1974, with the creation of Woolf Enterprises. The business began as a simple row crop operation but under Jack's watchful eye it grew into a large agricultural business that ultimately branched out into many agricultural industries.

Presently, Woolf Enterprises products include tomatoes, garlic, cotton, wheat, alfalfa, wine grapes, almonds and pistachios. In addition, Jack Woolf is a partner in several processing plants, an irrigation business and an agricultural nursery. Mr. Woolf is an individual who, through hard work and his commitment to a vision of a better future, has established Woolf Enterprises as a cornerstone in California's agriculture industry. By serving in leadership positions with various agriculture and water agencies, Mr. Woolf has been able to promote his dynamic vision and direction for a strong San Joaquin Valley agricultural industry.

In addition to his entrepreneurial spirit—Jack has also diversified his community interests by serving on various boards throughout the Valley. These boards include the Westlands Water District, the Fresno Metropolitan Museum, Channel 18 KVPT—public programming, the Clark Museum in Hanford, and the Fresno County Grand Jury. Mr. Woolf has also been generous in giving back to the community. The following institutions have all benefited from his philanthropic efforts: CSU Fresno, University of Santa Clara, Fresno Metropolitan Museum, Santa Catalina School in Monterey, Channel 18 KVPT, the Clark Museum and Saint Agnes Hospital. Furthermore, the agricultural community in Fresno has decided to establish a Jack Woolf Scholarship Endowment fund which will be awarded to students pursuing a degree in the College of Agricultural Sciences and Technology.

On behalf of the residents in the San Joaquin Valley, it is with great pleasure that I stand today to laud the efforts of Jack Woolf and extend my utmost appreciation for his contributions and continued loyalty to the community.

TRIBUTE TO U.S. FAMILY HEALTH PLAN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SESSIONS. Mr. Speaker, on this, day 25 years ago the U.S. Family Health Plan was approved by the U.S. Congress. For the past 25 years the U.S. Family Health Plan has provided a commitment and service to the Nation's military health system by caring for our military families. Through the years, the U.S. Family Health Plan has been a valued partner with the U.S. Department of Defense by continuing to serve nearly 100,000 military beneficiaries today.

The U.S. Family Health Plan is a proud member ofthe TRICARE program. It has distinguished itself by consistently earning the highest beneficiary satisfaction ratings among all TRICARE providers. The plan is administered by some of this Nation's finest health care institutions, including Johns Hopkins—Maryland, Brighton Marine Health Center—Massachusetts, Martin's Point Health Care—Maine, St. Vincent Catholic Medical Centers—New York, CHRISTUS Health—Texas, and Pacific Medical Centers—Washington State.

U.S. Family Health Plan's roots date back to 1981 when the Omnibus Reconciliation Act designated 10 public health hospitals as U.S. Treatment Facilities to provide care for the uniformed services through an agreement with DoD. In 1993, that designation evolved into a fully at-risk managed healthcare plan named U.S. Family Health Plan. The plan's popularity grew in the regions where it was offered. In 1996, the National Defense Authorization Act designated the U.S. Treatment Facilities as TRICARE Prime Designated Providers and made the U.S. Family Health Plan a permanent part of the military health system.

Please join me in congratulating the U.S. Family Health Plan on their 25 years of service to our Nation's military families and for their outstanding contributions to military health care.

PAYING TRIBUTE TO BRUCE JAMES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Bruce James, who is retiring after 3½ years as the Public Printer of the United States.

Bruce James was appointed by President Bush to be the Public Printer of the United States in 2002 and made a commitment to serve three to five years. Bruce is able to claim many successes during his tenure as the Public Printer of the United States, most notably that he took a government office operating at a $35 million-a-year deficit and made it profitable, using those profits to reorganize the agency to increase the use of digital technology and the Internet in carrying out its business.

Mr. Speaker, I am proud to honor Bruce James for his distinguished record as head of the Government Printing Office. In this role as a public servant he served with honor and dignity. I wish him the best in his retirement and with any future endeavors.

TRIBUTE TO BEAVER COUNTY CHILDREN AND YOUTH SERVICES

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Beaver County Children & Youth Services.

The Beaver County Children & Youth Services organization helps place children who are victims of child abuse in safe foster homes. The program has three different areas of service, which include general protective services, teen protective services and substitute care.

On April 27, 2006, the Commissioners of Beaver County will announce that May 2006 will be designated as "Beaver County Foster Parent Month." As part of the event, the Beaver County Children & Youth Services will tie a blue ribbon to a large tree for each child in placement throughout Beaver County. In addition, there will be a large blue ribbon displayed in the courthouse for the duration of Foster Parent Month. Protecting children is an important issue and I commend the efforts of the staff at the Beaver County Children & Youth Services.

I ask my colleagues in the United States House of Representatives to join me in recognizing the Beaver County Children & Youth Services and Beaver County Foster Parent Month.

A TRIBUTE TO EVA MURILLO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. COSTA. Mr. Speaker, I rise today to honor and remember the life of Eva Murillo. Ms. Murillo was a prominent advocate for victims and survivors of violent crime in the State of California. She passed away on April 4, 2005.

Eva Murillo was born on July 29, 1946 in Delicias, Chihuahua, Mexico. She came to the United States at the age of 11 and lived in Sacramento, California where she became a United States citizen. Ms. Murillo earned her B.A. in Liberal Studies from California State University Northridge and upon graduation she worked as a Project Coordinator for El Proyecto, where she helped at-risk youth. In 1991 a business trip led her to Hanford, California, where she fell in love with the community and its small town charm. She immediately decided to move her family there.

Shortly after her arrival in Hanford, Ms. Murillo worked with Kingsview Community Services. It was there that she discovered her passion to help victims of crime and embarked on a life-filling career. Mrs. Murillo's advocacy efforts include her twelve years of distinguished service to the Kings County Victim Witness Assistance Program, in which she compassionately pioneered efforts to help women in abusive relationships. Ms. Murillo's work ethic proved that working for victims and survivors of violent crime was more than just a job, but a way to give back to her community. Her uncanny ability to bring people together and her sincere demeanor truly represented the 2006 National Crime Victims' Rights Week theme of "Strength in Unity."

On March 26, 2006, Ms. Murillo accepted an award from the Soroptimists International of Hanford for making a difference in her community. An excerpt from the award given to Ms. Murillo described her as a person with "true compassion for those she came into contact with."

To honor the tremendous contribution of Mrs. Murillo, the Congressional Victim's Rights Caucus has decided to name one of our annual victim's rights awards after her. It will be called "The Eva Murillo Unsung Hero Award." This award will be given to a crime victim/survivor who has taken a personal tragedy to triumph over adversity. The honoree is a person who has utilized his or her experiences as a crime victim to promote public education and awareness, public policy development, or greater awareness about crime victim's rights and needs. Their efforts result in increased help and hope for other victims and survivors of crime.

Eva Murillo is survived by her husband Tomas and three children: Gerald, Jo Ann and Lory. She is also survived by her daughter-in-law Irma and three grandchildren: Jade, Julian and Justine.

Eva Murillo cared deeply about advocating for victims and witnesses of violent crime. Her warm and compassionate personality which inspired those around her will be missed deeply by the people of Kings County. I would like to extend my deepest condolences to her friends and family.

HONORING AL TROUT, MANAGER OF THE BEAR RIVER MIGRATORY BIRD REFUGE, BOX ELDER COUNTY, UTAH

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. BISHOP of Utah. Mr. Speaker, the Nation's premier refuge, the Bear River Migratory Bird Refuge, is located just west of my home in Brigham City. I rise today in tribute to Mr. Al Trout, who has served as the refuge manager for the last seventeen years and is now retiring after an illustrious career with the United States Fish and Wildlife Service.

Al came to Utah and the refuge in 1989, inheriting a rented office with no staff and little budget. Al rallied hundreds of volunteers who donated nearly seventeen thousand hours of labor and raised fifty thousand dollars in cash to reopen the refuge which had been decimated by floods six years earlier. The refuge now covers over seventy four thousand acres of wetlands, marshes, mudflats and open water. Over one hundred varieties of common and exotic bird species frequent the refuge. Bird counts during the peek migration months are up into the millions, from as far away as Russia, Central America and the Pacific Islands. In 2001, the refuge was designated as the Western Hemisphere Shorebird Reserve. For his efforts, Al was named Refuge Manager of the Year in 2001, the Service's most prestigious award.

Al played a key role in the revival of one of the Nation's oldest refuges, created by an act of Congress in 1928. Al was instrumental in the creation of the Friends of Bear River Refuge, which raised 1.5 million dollars for the construction of the recently dedicated James V. Hansen Wildlife Education Center, which is a destination point for birders throughout the world and stands as a testament of Al's vision, determination, and efforts in restoring the Bear River Migratory Bird Refuge.

Thank you, Al, for the air boat tours of the refuge and your excellent management of the refuge—you will be missed! Congratulations on your well-deserved retirement. I extend to you, your lovely wife, and your three children my best wishes for success in the years that lie ahead.

PAYING TRIBUTE TO FRIENDS IN THE DESERT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the volunteers of Friends in the Desert for their tireless effort to provide food to the needy.

Six days a week, volunteers with Friends in the Desert feed the homeless of Henderson, Nevada out of the dinning hall at St. Timothy's Episcopal Church. Their efforts not only fill the daily nutritional needs for some of the communities less fortunate members, but also provide them with a taste of home cooking, rather than institutional food. The more than 3,000 volunteers associated with Friends in the Desert served more than 20,000 dinners during the year. The system used by this non-profit group harnesses the good intentions of a wide swath of the Henderson community. Friends in the Desert provides a place for the privileged members of society to reach out to those less fortunate.

Mr. Speaker, I am proud to honor the volunteers of Friends in the Desert for their commitment to helping provide food for the homeless. The sheer size and scope of their operation is a testament to their dedication and their efforts should be applauded.

TRIBUTE TO RICHARD R. RUBANO, JR.

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Superintendent of Farrell School District Richard R. Rubano, Jr.

Mr. Rubano not only serves as the Superintendent of the schools in Farrell, but also teaches a leadership class to juniors and seniors in the school district one day a week. The subjects taught in the class vary from speech preparation to key decisionmaking to job and college outlook. This leadership class has become very popular among students in the Farrell School District.

Mr. Rubano has been the superintendent of the Farrell School District since 1997. Before becoming the superintendent, Mr. Rubano spent many years as a teacher, then principal. Mr. Rubano has served as a team facilitator for a group of ten who designed new math curriculum for grades K–6. He also assisted in writing the district's Act 178 Professional Development Plan. Mr. Rubano has dedicated his career to bettering the education of young minds.

I ask my colleagues in the United States House of Representatives to join me in recognizing all of the hard work and time Richard R. Rubano Jr. has put in to make the school district better. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual like Richard R. Rubano, Jr.

IN HONOR OF LINDA ROSENTHAL ON THE OCCASION OF HER ELECTION TO THE NEW YORK STATE ASSEMBLY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. NADLER. Mr. Speaker, I rise today to congratulate Linda Rosenthal on the occasion of her election to the New York State Assembly. After a lifetime on the Upper West Side, more than 2 decades of community activism, and 13 years as my Manhattan District Director and Director of Special Projects, on February 28th, 2006, Linda was elected to represent the 67th Assembly District. Assemblywoman Rosenthal's dedication to her constituents continues the West Side's legacy of progressive politics and independent representation in Albany.

Linda first got involved in politics after a dispute with her landlord more than 20 years ago. This experience led her to become a staunch advocate of tenants' rights. Throughout her career, Linda has worked with both individuals and with community groups to secure funding and legislation to help low- and middle-income residents.

As Manhattan Director and Director of Special Projects for the 8th Congressional District, Linda was instrumental in enacting several initiatives to enhance the quality of life for the residents of my District. Linda has been a relentless advocate of such community improvement projects as the Hudson River Park, the 72nd Street subway renovation, various senior and community centers, local parks, playgrounds, and green spaces.

Perhaps Linda's most significant contribution followed the notorious attacks on the World Trade Center in my district on September 11, 2001. Following the attacks, Linda passionately fought the Environmental Protection Agency to provide adequate clean-up efforts to improve the air quality for those who live and work in lower Manhattan. The fight is ongoing, but her dedication to the cause may well save countless lives. Linda also worked strenuously to compel the Lower Manhattan Development Corporation to free up more Federal grant money to aid in the economic recovery of small businesses in the area.

In Albany, Assemblywoman Rosenthal has hit the ground running. Since taking office, she has already introduced significant legislation, sponsored over 40 bills, testified before State agencies, and met with community leaders and constituents about the issues facing our neighborhood. She has also been named to the Committees on Housing; Corporations, Authorities and Commissions; Agriculture; Alcoholism and Drug Abuse; and Energy.

Linda Rosenthal is the kind of public servant every Member of Congress wants to work with. Her selfless dedication to her job, her fierce protection of my office and my reputation, and her genuine interest in helping the greater good, are all a testament to her character. I am saddened to see her leave my office after 13 years, but I am also deeply proud of her. I can't think of anyone who deserves to hold public office more than Linda.

For her commitment to her neighborhood, her city, her State, and her Nation, it is my privilege to congratulate Assemblywoman Linda Rosenthal on her record of distinguished service, and on her recent election, and to join the rest of her constituents in high expectations of her future public service.

IN HONOR OF ELSA GREENBERG ON THE OCCASION OF HER 70TH BIRTHDAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Elsa Greenberg on the occasion of her 70th birthday. Elsa was born April 25th 1936, in Providence, Rhode Island, six minutes after her twin sister Saralee. Elsa grew up in Brookline, Massachusetts and Portland, Maine, and when she was 13, she moved to Miami, Florida.

Elsa studied at the Universities of Alabama and Miami, where she learned to dance and studied education and social psychology. She was married in 1956 to Mel Greenberg, who would later found the Miami-based Greenberg Traurig law firm in 1967.

A devoted wife and mother of three children—Dianne, Carol, and Michael—Elsa was widely-known in South Florida as a thoughtful and gracious hostess, and, with Mel, a generous philanthropist and engaged citizen. She was for many years an avid classical music and tennis fan, a political devotee, and a gourmet cook, even picking up the art of macrobiotic cooking after Mel was diagnosed with cancer. Elsa and Mel were married for 38 years.

Elsa now devotes herself primarily to her family. Invariably, she can be found with her children and their spouses Steve, Mark, and Maria and her grandchildren Arik, Ditty, Daniel, Josh, Brian, Melanie, and Carolina. Elsa continues to be a refined hostess, now passing on her secrets to her family. She has also taken up knitting, amazing her family and friends with her impressive mastery of the craft. Elsa Greenberg continues to be a strong political enthusiast and is, in short, a patriotic citizen—the kind of constituent we all want in our districts.

For her commitment to her family, to her community, and to her nation, it is my privilege to wish Elsa Greenberg a very happy 70th birthday.

PAYING TRIBUTE TO SIGRID SOMMER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Sigrid Sommer for her wonderful service to Las Vegas and her commitment to public international education.

Sigrid Sommer has served with great distinction as Germany's Honorary Consul in the Las Vegas area and beyond. She has enjoyed the highest possible respect for her professional accomplishments, as well as affection for her warmth and friendliness, by all those who have had the privilege of working with her, both in Germany and the United States. She has resided in the Las Vegas area for some 30 years and comes from a distinguished family of diplomats and journalists in

Germany. She is a fixture in local business, cultural and political affairs and is married to another well-respected member of the Las Vegas community, attorney George Golson. She has received many accolades for her personal and professional accomplishments, most notably receiving the "Cross of Merit" from the German government in 1996.

Mr. Speaker, I am proud to honor Sigrid Sommer for her personal and professional success. I wish her the best in her retirement.

TRIBUTE TO CHARLES MOHAN

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize and congratulate Charles Mohan for all of his hard work with the United Mitochondrial Disease Foundation, UMDF.

This year the UMDF celebrates its 10th anniversary and the retirement of founder and Board Chair, Charles Mohan. Mr. Mohan started the foundation after his daughter, Gina, lost her courageous struggle with mitochondrial disease. The UMDF is headquartered in Pittsburgh and has funded more than $3,000,000 for research to find a cure for this devastating disease.

I ask my colleagues in the House of Representatives to join me in congratulating Charles Mohan for his work with the UMDF. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual.

COMMEMORATING EARTH DAY 2006

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SCHIFF. Mr. Speaker, Saturday marked the 36th annual Earth Day, a day set aside for reflection, education, and action on the impact of human beings on our planet. Although it is certainly important to celebrate the rich diversity of nature with our families and communities, my greatest hope for the Earth is that my children's children will not have to observe an Earth Day. Instead, I look forward to a future when concern for the environment is part of each decision our country makes, rather than only a matter we address one day each year on a date set aside to make us consider the impact we are having on our surroundings.

While the front pages of our newspapers routinely carry stories on the degradation of our natural resources, environmental issues have yet to rise to a top priority in Congress. Nonetheless, the decisions we make today will profoundly impact the way we live for years and generations to come. Indeed, our stewardship of the environment is inextricably tied to our economic security and growth.

This is not news to the American people. Over the last 20 years, more Americans have said that environmental protection is a high priority for the Nation. Nearly three in five Americans are active in or sympathetic to the environmental movement, but most believe the government has a negative, or at best negligible, impact on these efforts.

One area in which the Federal Government has failed to lead is global warming. A recent Gallup poll found that nearly two-thirds of Americans worry about the greenhouse effect, up from just over half in 2004. Eighty-three percent believe that global warming will become a problem for the U.S. and 57 percent feel it poses a very serious threat to the world. And, Mr. Speaker, 68 percent of our fellow citizens believe the Federal Government should be doing more to combat it.

The science of climate change has become clear and alarming. NASA recently confirmed that 9 of the last 10 years have been the warmest since modern records began in 1861, with 2005 topping the list. Much of this rise can be explained by a 35 percent increase over preindustrial levels of carbon dioxide in the atmosphere, caused by the burning of fossil fuels, deforestation, and industrial production.

Even if we stopped emitting greenhouse gases today, the current levels of carbon dioxide in our atmosphere will cause the Earth's temperature to reach its highest point since the end of the Ice Age some 9,000 years ago. Average global temperatures could rise by 3 to 10 degrees Fahrenheit by the end of the century. This would melt the polar ice caps, causing sea level to rise twenty or more feet, causing severe worldwide flooding that would put large parts of Florida and California underwater. Warmer weather will also lead to severe weather patterns that will contribute to food shortages, increase the spread and severity of disease, increase the damage and displacement from a range of natural disasters, and jeopardize billions of people around the world.

In 2005, the economic costs of weather-related catastrophes have been estimated at more than $200 billion. As temperatures rise, so will this economic toll. The extinction of millions of plant and animal species presents another priceless and irreversible toll of global warming.

While some temperature rise is inevitable, most scientists still believe that concerted action can prevent the most apocalyptic consequences of climate change. The global nature of this challenge creates not only an obligation for the U.S., but also an opportunity. By conserving the resources we have and developing new, cleaner sources of energy, we will reduce our dependence on foreign oil, protect our wilderness, and purify our air, water, and soil. Taking the lead in improving energy efficiency and reducing greenhouse gas emissions will improve our economic security and prosperity today and for generations to come.

New scientific findings highlight the urgency of addressing global warming and related environmental challenges. Fortunately, the innovative and enterprising spirit of the American people puts us in an ideal position to seize this opportunity. Together, we can change the headlines to reflect a more optimistic outlook for our planet while improving our own quality of life. The American people have made it clear that the environment should be on our agenda every day, not just Earth Day, and I hope that Congress will heed this appeal.

TRIBUTE TO BERNARD L. SCHWARTZ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor Bernard L. Schwartz, a distinguished American who retired in March 2006 as Chairman of the Board and Chief Executive Officer of Loral Space and Communications, Inc., posts he has held since the company was founded in 1996. He served in the same posts at the predecessor company, Loral Corporation, since 1972.

Loral Space and Communications designs and manufactures large, geostationary telecommunications satellites, and through its Skynet subsidiary provides a wide range of satellite services. Under Mr. Schwartz's wise leadership, Loral Space and Communications has played a central role in the development of the satellite industry and a central role in satellite services for our nation.

Bernard Schwartz is a legend on Wall Street and in the defense industry. He is highly regarded for his work in the fields of economic growth, industrial policy, technology and national security. He gives generously of his time, his talents and resources to many organizations to further examine these topics. Among his extraordinary contributions are the endowment of academic chairs for the study of economic policy and international affairs at New School University and Johns Hopkins University, as well as establishing a fellowship program in public policy at the New America Foundation. He is a Trustee of New York University Hospitals Center where he established the Neurointerventional Radiology Center, and he funded a distinguished chair in urologic oncology at the Johns Hopkins School of Medicine. He established chairs at the Brookings Institution and at Tel Aviv University and founded a Communication Institute at Baruch College where he serves as a Trustee. Mr. Schwartz serves on the Board of the New York Historical Society, and as Vice-Chair of the New York Film Society. He is also a Trustee of Third Way and the Democratic Leadership Council.

Mr. Schwartz, a graduate of City College of New York, was awarded an honorary Doctorate of Science by his alma mater. He and his wife live in New York City and have two daughters, three granddaughters and one grandson.

Mr. Speaker, I ask my colleagues to join me in honoring Bernard Schwartz for his extraordinary leadership and countless contributions to our nation's economy and its well-being. He has taken his citizenship seriously and given back to the country he loves so much. We salute him for his leadership of Loral Space and Communications, which serves the interests of our country and for his continuing patriotism which makes him a national treasure.

PAYING TRIBUTE TO SIDNEY CHAPLIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Sidney Chaplin a Las Vegas business and civic leader who died this past March.

Sidney Chaplin was a longtime executive vice-president and general manager of Southern Wine and Spirits of Nevada drew great personal satisfaction from helping those less fortunate. He was a true philanthropist who never sought recognition for his good deeds and generosity. During World War II, Mr. Chaplin served in the United States Air Force. After his military service for our country, he started his working career as an insurance salesman in New York City. After that, he began his first job in the wine and spirits industry; which became his life long career. This career in liquor distribution enabled him to be exceedingly generous to others. Over the years he supported a number of religious and charitable groups. Sidney donated his time and resources to Temple Beth Sholom and eventually became a sponsor of the Shirley and Sidney Chaplin Lecture Series at the Temple. He was also a longtime supporter of the Lou Ruvo Alzheimer's Institute and UNL Vino.

Mr. Speaker, I am proud to honor the life and memory of Sidney Chaplin. His professional success and philanthropic dedication should serve as an example to us all.

TRIBUTE TO GOEHRING FARM OF MARION TOWNSHIP

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Goehring Farm of Marion Township as it celebrates its 100th anniversary.

The Goehring family began their family farm 100 years ago on 88 acres of land in Marion Township. The original owner of the farm, John Goehring, was just 27 years old when he started the farm. Brothers, Jim and Ron, now manage over 100 head of cattle and expanded acreage on the farm. With a number of children to follow in the family foot steps, the farm will surely continue to prosper in the years to come.

The family marked the farm's 100th anniversary on Saturday, April 8, 2006 with a dinner at Concord United Methodist Church in North Sewickley Township.

I ask my colleagues in the United States House of Representatives to join me in congratulating the 100th anniversary of the Goehring farm. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a great family business.

BULGARIA'S BASES WELCOME U.S. MILITARY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. WILSON of South Carolina. Mr. Speaker, The Washington Times reported this week that "Bulgaria has agreed to open three military bases for permanent use by 2,500 U.S. troops who will be available for combat in the Middle East and other nearby regions."

While this may be the "first time Bulgaria has authorized the stationing of foreign forces on its soil in its 1,325-year history," this is not the first time Bulgaria has demonstrated its willingness to help our country in the Global War on Terrorism. Over 400 Bulgarian troops have bravely served alongside our troops in Iraq. Defense Secretary Donald Rumsfeld has been successful in recruiting allies. By welcoming U.S. troops to their bases, Bulgaria has once again helped our military forces fight terrorists in Iraq and Afghanistan so that we do not have to face them on the streets of America.

As the Co-Chair of the Congressional Bulgaria Caucus, along with Congresswoman ELLEN TAUSCHER, I sincerely appreciate our strong partnership with Bulgaria as a valued member of NATO which hosts today the NATO foreign ministers in Sofia including Secretary of State Condoleezza Rice.

In conclusion, God bless our troops and we will never forget September 11th.

COMMEMORATING THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. BERMAN. Mr. Speaker, I'm honored to join my colleagues in commemorating the 91st anniversary of the start of the Armenian Genocide.

Genocide is a very powerful word, and should be reserved for only the most horrific examples of mass killing motivated by a desire to destroy an entire people.

Without a doubt, this term is appropriate to describe the unimaginable atrocities suffered by the Armenian people from 1915 to 1918.

During this period, more than one million Armenians died from starvation or disease on long marches, or were simply massacred by the Ottoman Turks.

Some still deny these events, or try to justify them as an extension of war.

But the debate on this historical issue has been settled. The distinguished International Association of Genocide Scholars, among others, has concluded that it is undeniable.

Others, including some who accept the historical facts, say Congress should not pass a resolution recognizing the Armenian Genocide because it will irreparably damage our relationship with Turkey.

This is a phony argument.

The European Parliament, the Council of Europe, and many European countries, including France, Germany and Italy have formally recognized the Armenian Genocide.

Yet this has not dissuaded Turkey from actively seeking to join the European Union.

At some point, every nation must come to terms with the wrongs committed by previous generations.

For Germany, the Holocaust. For South Africa, Apartheid. And for our country, slavery and the treatment of Native Americans.

In the same spirit, Turkey should allow—and indeed, encourage—an open and honest discussion of the Armenian Genocide.

Adolf Hitler once remarked, "Who remembers the Armenians?" The answer is, we do.

And we will continue to remember the victims of the Armenian Genocide, and other genocides, because, in the immortal words of Spanish philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

PAYING TRIBUTE TO NANCY AND JOHN KELL "IKE" HOUSSELS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Nancy and John Kell "Ike" Houssels and their exemplary record of professional achievement and community service.

Nancy Houssels has always been at the forefront of cultural and social philanthropy. She served, at one time or another, on several boards including: Nevada Ballet Theatre, UNLV Foundation, the National Conference of Christians & Jews, and Law Vegas Performing Arts. Mrs. Houssels was also the co-founder of the Nevada Dance Theatre in 1972 and has served the company as Chair and Co-Chair for 35 years.

John Kell "Ike" Houssel is widely recognized as one of the respected and honored principles in the gaming industry. After graduating from West Point and, subsequently, Stanford Law School, Mr. Houssel embarked on a career in casino resort hotel ownership and management in the 1950s when he became the managing partner of the Showboat, followed by his legendary leadership as president of the Hotel Tropicana and later of the Union Plaza Hotel.

Mr. Speaker, I am proud to honor both Nancy and John Kell "Ike" Houssels for their exemplary professional careers and their commitment to enriching their community. I wish them the best in their future endeavors.

TRIBUTE TO THE 103RD UNIT OF THE SLOVAK GYMNASTIC UNION SOKOL

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the 103rd unit of the Slovak Gymnastic Union Sokol, USA, located in Farrell, Pennsylvania on its 100th anniversary.

The Sokol USA was created as a fraternal benefit society dedicated to providing insurance and physical fitness programs to men and women. The roots of Sokol USA can be traced back to Czechoslovakia in 1862. The program was started in New York in 1898. Eight years later, 22 Slovak immigrants founded the 103rd unit in Farrell, Pennsylvania. They take great pride in the fact that all of their programs are still conducted by volunteer members, and that they continue to offer weekly gymnastic classes for all age groups.

On May 20, 2006 Sokol members from the Farrell area, western Pennsylvania and surrounding states, as well as from their sister club in the Slovak Republic are expected to attend the Anniversary Banquet of the Sokol USA which will be held at the Radisson Hotel in West Middlesex, PA. They will be celebrating the 103rd units 100 years of service to the community.

I ask my colleagues in the United States House of Representatives to join me in congratulating The Slovak Gymnastic Union Sokol USA of Farrell for its 100 years of service. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated organization like Sokol USA.

STATEMENT ON HOLOCAUST REMEMBRANCE DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to observe Yom Hashoah, the Holocaust Martyrs and Heroes Remembrance Day.

The Holocaust was an unprecedented crime that took the lives of 6 million Jews, broke apart families, and wrongfully imprisoned individuals subjecting them to tortures, rape and other horrendous actions.

In 1933, the Jewish population of Europe stood at over 9 million. Most European Jews lived in countries that the Third Reich would occupy or influence during World War II. By 1945, close to two out of every three European Jews had been killed as part of the Nazi policy to systematically murder the Jews of Europe.

Yom Hashoah serves as a reminder that we must never forget the appalling tragedy of the Holocaust, and the 6 million Jews who lost their lives.

It was racism, bigotry, anti-Semitism and general religious intolerance that drove Hitler to pursue the destruction of the Jewish people. To honor the victims who lost their lives in the Holocaust, and to ensure that such acts never happen again, there must be a concerted effort to fight intolerance and discrimination.

Before I was elected to Congress in 1990, my family and I and our two children visited Dachau in southern Germany. It was important not only for my wife and I, but also for our children to see what inhumanity mankind could do to itself; not only for our generation but for our children and the next generation to make sure that it never happens again.

Mr. Speaker, I join with my colleagues on this Yom Hashoah in commemorating those who lost their lives in the Holocaust.

TRIBUTE TO MR. HAROLD SOENS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. HUNTER. Mr. Speaker, I rise today to recognize the life and community service of Mr. Harold Soens, who recently passed away at the age of 66 at his home in Santee, California. As President of the San Diego Off-Road Coalition and the California League of Off-Road Voters, Mr. Soens was passionate about off-road recreation, devoting his life toward working with the community; especially children. He educated others about the sport, teaching the value of off-road safety and etiquette and working to protect the rights of all off-road enthusiasts while, at the same time, appreciating the environment with which we have been blessed.

Mr. Soens learned the value of service at a very young age, losing his father aboard the USS *Arizona* during the Japanese attack on Pearl Harbor in 1941. It was this example that Mr. Soens would follow throughout his life as he devoted his time toward the goal of creating a positive environment and future for outdoor recreation in California.

An off-road enthusiast since 1958, Mr. Soens rode everything from midgets to sprint cars and spent some time racing as a competitive motorcycle rider. Known for his sense of humor, friendliness, frankness and energy, Mr. Soens served in several capacities with the California Off-Road Vehicle Association, the American Motorcyclist Association, the National Off-Highway Vehicle Conservation Council, the Imperial Sand Dunes Recreational Area Technical Review Team and the Stakeholders Roundtable for OHV Recreation in California. Even with these responsibilities, Mr. Soens found the time to volunteer hundreds of hours at the Ocotillo Wells State Vehicular Recreational Area and as an ATV Safety Instructor for the State of California

Mr. Soens was also heavily involved with the Survivors of Pearl Harbor and the California Police Activities League (CalPal) program where he served as a mentor to inner-city and under-privileged children by providing the opportunity for them to appreciate the beauty of our desert and the enjoyment of off-road activities. At all times, with all students, Mr. Soens stressed the responsibility of being safe and treating the land in which they lived and played with respect.

I wish to express to his wife, Jean, his four children, eight grandchildren and one great grandchild, my sincerest condolences for their loss. In a time where the idea of volunteerism is often seen as a burden, Mr. Soens' dedication and service is a reminder to us all that effort rendered toward the benefit of our community is the greatest use of our time.

PAYING TRIBUTE TO HERB TOBMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Herb Tobman, who passed away this past March. Herb was known as a successful businessman and a community leader and his quiet generosity that impacted the lives of countless Nevadans.

Herb was born in the Bronx in 1924. In the 1950s, Herb moved to Las Vegas, where he opened City Furniture Exchange, the first used furniture store in Las Vegas. The business thrived, and it was a Las Vegas landmark for more than 25 years. His success as a businessman led Herb to start Western Cab Company in 1965. Herb started with one cab, and ended with more than 134 taxicabs and 355 employees.

In addition to his business accomplishments, Herb was also an active participant in Nevada politics. In 1986, he ran in the Democratic gubernatorial primary against incumbent Richard Bryan. Instead of using his wealth to fuel his political aspirations, Herb limited contributions to $10 per individual. Needless to say, those limits put him at a competitive disadvantage, but Herb still managed to receive more than 15 percent of the primary vote.

Herb also knew the importance of giving back to his community and made many charitable contributions throughout his life. However, Herb never sought recognition for his efforts, but he impacted almost every life in southern Nevada. Every year, during the holidays, Herb anonymously fed hundreds of homeless individuals in Las Vegas. He helped local children with their college expenses, and he helped people who were down on their luck. No challenge was too great. If Herb knew you needed help, he was there to provide it oftentimes unknown to his beneficiaries. I needed help on several occasions, and Herb was always available. Herb was my friend and I will miss him very much.

Mr. Speaker, I am proud to honor the memory of Herb Tobman for his professional successes and distinguished philanthropic record. His death is a great loss to the community and he will be greatly missed. Nevada is a better place because of Herb.

TRIBUTE TO DAVE BIANCO

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Dave Bianco, the Project Coordinator, Automated External Defibrillator (AED) program, at St. Margaret Foundation.

Mr. Bianco, a resident of Hampton Township and an Iraq veteran, has designed the AED program to support a "heart safe" community. The AED program trains, and places AEDs in places where people tend to congregate like schools, churches, community centers and police and fire departments. AEDs are designed to reverse Sudden Cardiac Arrest (SCA) which kills 300,000 people annually. The AED program through St. Margaret Foundation began 1998 and has saved 17 lives, including eight since June 2005. The Foundation has donated 162 AEDs since 1998 and continues to be the only foundation in the country that provides complimentary AEDs and full-service, diagnostics and repairs. Two AEDs will be donated to Al Zarenko, Director of Community Services, to be placed in the new community center in Hampton Township.

I ask my colleagues in the United States House of Representatives to join me in recognizing Dave Bianco for all of his work for St. Margaret Foundation. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual.

TRIBUTE TO AN AMERICAN HERO—MICHAEL J. NOVOSEL

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to one of America's greatest military heroes, Michael J. "Mike" Novosel, who passed away on April 2 at the age of 83 at Walter Reed Army Hospital in Washington, DC.

Mike Novosel was a remarkable man who ranked among the best who ever donned a military uniform. I'm proud to point out that he spent much of his life in southeast Alabama where he had a monumental impact on the mission of the U.S. Army Aviation Center at Fort Rucker.

Born in Pennsylvania in 1922, Novosel joined the U.S. Army Air Corps when he was 19. His training eventually took him to Maxwell Air Force Base where he qualified to fly the B–29 Superfortress. In 1945, he flew four Pacific combat missions with the 58th Bombardment Wing during the final days of World War II. But he did not stop there. Novosel commanded a B–29 as part of a fly-over during the Japanese surrender ceremony. His military career then led him to command the 99th Bombardment Squadron in the Pacific where he served until 1947 when he returned to the United States as a B–29 test pilot and then joined the Air Force Reserve. Soon after, he was called back to active duty at the Air Command and Staff School during the Korean war. But this was all just the beginning for Novosel.

During the Vietnam war, then Lieutenant Colonel Novosel volunteered for duty in the Air Force Reserve. However, he was turned down because of his age. So, he traded his blue suit for the uniform of a U.S. Army warrant officer, and instead of piloting B–29's, took the stick of a Bell UH–1 Huey. As a "dust-off' helicopter pilot, Novosel served two tours in Vietnam, totaling 2,543 missions airlifting 5,600 medical evacuees. Amazingly, one of the men he rescued was his own son, who, ironically, later rescued him. In one rescue mission, Novosel braved tremendous enemy fire to rescue no less than 29 men.

His bravery resulted in his receiving the Congressional Medal of Honor. He returned stateside to instruct the Army's Golden Knights parachute team at Fort Bragg and later he taught at the Warrant Officer Career College at Fort Rucker. In 1985, Novosel was the last World War II pilot still flying. Fort Rucker named its main street "Novosel Avenue" for him, and after retirement Novosel remained in Enterprise, AL, where he was an active member of the community until his death.

Mr. Speaker, CWO4 Mike Novosel will rightfully be buried in Arlington National Cemetery alongside America's other great heroes. We can all be proud of his exemplary record, and I extend my condolences to his family.

PAYING TRIBUTE TO LTC PHIL WAGNER, USMC

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of LTC Phil Wagner, U.S. Marine Corps. Phil died at the age of 87 this past February.

Phil Wagner, one of the "Greatest Generation" served in World War II and retired from the Reserves having attained the rank of lieutenant colonel. Lieutenant Colonel Wagner was a member of the American Legion for 52 years and served as Post 31's commander in 1970–71. He then took over the demanding job of adjutant, a post he held from 1972–1997, 25 years, with only one hiatus in 1977. He was not only active as a member and administrator of Post 31, but also of Grace Community Church, Boulder City Hospital Board and the BPOE Elks Club. Phil's dedication to his fellow veterans and to the community as a whole is admirable.

Mr. Speaker, I am proud to honor the life of LTC Phil Wagner. His death is a profound loss for the community.

HUGH O'BRIAN YOUTH LEADERSHIP SEMINAR

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HART. Mr. Speaker, as a alumna of Washington and Jefferson College, I am especially pleased to recognize that this year's Hugh O'Brian Youth, HOBY, Leadership Seminar will be held at Washington and Jefferson College from June 15 to June 18, 2006.

The HOBY Leadership Seminars are designed to prepare our country's high school sophomores to become effective, ethical leaders in their home, schools, workplaces and communities. Selected high school students from each of the 50 States, the District of Columbia, Canada, Mexico, Korea, Taiwan and Israel attend annually and interact with recognized leaders from business, education, the arts, government and other professions. These discussions are intended to generate opportunities for young people to demonstrate and develop their leadership abilities when they return home for the betterment of community and country through community service.

This year marks the 48th year of outstanding dedication to recognition and development of leadership potential in high school students and the 28th year that the seminars are being conducted in Pennsylvania. Moreover, the Western PA Seminar is a 3-day workshop modeled after the World Leadership Congress and hosts over 70 students from high schools in the western one-third of Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in honoring the Hugh O'Brian Youth Leadership Seminars and their distinguished service in Pennsylvania. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute this premier leadership development program.

IN MEMORY OF ED DAVIS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GALLEGLY. Mr. Speaker, I rise in memory of my friend, former Los Angeles police chief and former California State Senator Ed Davis.

In the days since Ed died Saturday at age 89 in San Luis Obispo, California, many adjectives have been thrown around, including his moniker of "Crazy Ed." But Ed Davis was crazy like a fox. He was tough, intelligent, and perhaps most importantly, innovative.

Born and raised in Los Angeles, Ed Davis started his police career as a beat cop and never forgot that. One of his many accomplishments as police chief was the creation of the Los Angeles Police Memorial Foundation to help families of officers killed in the line of duty.

He also is credited with creating community policing programs that were at first ridiculed, then copied across the country. His twenty principals of policing are still studied. He used to tell his officers that good policing means saving a life rather than taking one. But he was tough when he needed to be. Perhaps the statement most widely quoted is Ed's suggestion to hang airliner hijackers at the airport. He also stood up to city officials over law enforcement funding by telling the citizens to "bar your doors, buy a police dog, call us when we're available and pray."

As we all know, innovation is fun, but it's also worthless if it's ineffective. Ed Davis' policies were very effective. While crime increased 55 percent across the country during Ed's tenure, it fell 1 percent in Los Angeles.

Ed retired from the LAPD in 1978 and ran successfully for the State Senate 2 years later. A year later I ran for the City of Simi Valley City Council. Ed represented Simi Valley for the 7 years I served as mayor of the city. He never tried to impose his will on the city, but was always ready, willing, and able to help the city grow and prosper during those years.

After he retired from the Senate in 1992, Ed Davis became an elder statesmen to police departments and State officials. His innovations live on.

Mr. Speaker, I know my colleagues will join me in honoring Ed Davis' life and accomplishments and in expressing our condolences to his wife, Bobbie, his children and grandchildren, and his many, many friends. Godspeed, Ed.

RECOGNIZING WORKERS' MEMORIAL DAY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HOOLEY of Oregon. Mr. Speaker, today, on Workers' Memorial Day, we honor the 54 Oregonians and the millions around the world who have died on the job since last year. These men and women were more than just workers. They were fathers and mothers, sons and daughters, friends and co-workers.

On this 18th anniversary of the first Workers' Memorial Day in 1989, it is important not only to remember these people who gave the ultimate sacrifice, but to recognize the challenges and dangers facing employees in the workplace. We have made great strides as a Nation to address the issue of workplace safety. The Occupational Safety and Health Act, passed on April 28, 1971, has made a huge impact on workplace conditions. But we can, and we must, do better.

There is always hope for the future and our communities, our legislators and our businesses must work together to keep workplace safety a highest priority. I acknowledge these brave Oregonians, and look forward to this list growing ever shorter.

Justo Aguirre, Kurt Bell Heavy, Steven Brandt, Michael Breaux, Daniel Buckley, Brook Campbell, Gordon Cecil, Curtis Claflin, Howard Culver, David DeLacy, Loren Duncan, Thomas Ellsberg, Marty Erickson, Blake Foster, Robert Friedman, Dale Funk, Angel Gonzalez Cacho, Jason Gorman, Matthew Gregg, Rory Hanebrink, Mark Hauser, Harold Hawkins, David Henning, Lawrence Hoffman, Mark Howard, William Jobin, David Johnston, Christopher Jones, Brett Kulkarni, William Lanus, Paul Linck, Terry Little, Donald McCready, William McFarlane, Candace Mein, Bryant Myers, Kristine Okins, Ernest Oleman, Howard Pearsall, Mark Richardson, Gary Richey, Juan Rios, Vernon Robbins, Kevin Roberts, David Rossiter, Robert Smith, Gen Stewart, Joseph Sutton, Terry Sutton, Ronald Theus, Bobbi Thompson, Brian Tiller, Leobardo Velazquez, and Eric Yung.

PAYING TRIBUTE TO LT. COL. JOHN MEIERDIERCK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor retired United States Air Force Lieutenant Colonel John Henry "Hank" Meierdierck, who passed away, in Las Vegas on March 21, 2006, at the age of 84.

Hank was born April 13, 1921, in Newark, New Jersey, the son of John Henry Meierdierck and Ida Getto Meierdierck. Hank married Mildred Marie Giles in 1943. He served in the U.S. Army Air Corps in World War II and remained in the U.S. Air Force after the war, amassing over 7,000 flying hours in more than 50 different aircraft. Hank retired from the USAF as a Lieutenant Colonel in 1964. He then went to work for the CIA at headquarters, Langley, VA. He did a significant number of the original experimental flight tests on the U–2 airplane and the SR–71 airplane at the Nevada Test Site. Because of this work he was awarded the Distinguished Flying Cross. Then later, in 2005, Hank was awarded the Agency Seal Medallion from the Central Intelligence Agency for his leadership in developing the U–2. He was also authorized to wear the Air Medal, the European Area Medal with three Battle Stars, the World War II Victory Medal; the American Medal; the Air Force Reserve Medal; the AFOUA Medal; the Korean War Medal; and the AFLSA Medal with four Brass Oak Leaf Clusters.

Hank and his wife moved to Las Vegas, in 1970. They traveled extensively to wherever the fish are biting or the sun is shining. Hank considered himself a very good fisherman, and would want to be remembered as much for that as his military career. In retirement, Hank was a member of the Society of Experimental Test Pilots and was very active and served as president of the Roadrunners Internationale, an affiliation of employees who were previously associated with the U–2 and SR–71 programs at Area 51. He was also honorary chairman of the Heroes of the Cold War Memorial and organized many military unit reunions. Hank is survived by his wife, Millie; two daughters, Gail and Victoria; one son, Jay; and 5 grandchildren.

RECOGNIZING YOM HASHOAH, HOLOCAUST REMEMBRANCE DAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today to join with my colleagues and with my constituents in solemn recognition of Yom Hashoah, a special day on which we mourn the millions of Jews who perished at the hands of Nazi Germany and remember the horrific tragedy of the Holocaust.

This day commemorates the uprising in the Warsaw Ghetto, in April of 1943, and the selfless bravery of hundreds of everyday men and women who fought courageously against a troop of thousands of Nazi soldiers. This day fomented the resistance movement in ghettos throughout Europe, and it is the inspiration for the National Commemoration of the Days of Remembrance each year in the United States.

This day has special significance for Jews, the main target of Nazi atrocities. I have many constituents who are Holocaust survivors, and many more who lost friends, relatives and loved ones. We mourn their loss, and honor their memory and the memory of the 6 million Jews whose lives were so cruelly, wantonly and prematurely ended. We will never forget them, and what happened to them.

At the same time, we must recognize that the same forces that brought about the Holocaust continue to exist in the world today. We have seen it in Kosovo and Rwanda, we continue to see it in Darfur. Let us therefore honor the innocent victims by recommitting ourselves to fighting ignorance, bigotry, hatred and, perhaps most important, "inaction by people of good will."

HOLOCAUST REMEMBRANCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CARDIN. Mr. Speaker, I rise today to commemorate Yom Hashoah, Holocaust Matrys' and Heroes' Remembrance Day, which memorializes the 6 million Jews murdered by the Nazis during their campaign of genocide in World War II. We mourn the innocent lives lost and vibrant communities destroyed while the world shamefully stood silent, and honor those heroes of the Warsaw Ghetto who faced certain death when they refused to submit to the Nazi's planned extermination of their community.

To this day, Mr. Speaker, many European countries have failed to right the past wrongs of the Holocaust by failing to adequately redress the wrongful confiscation of property by the Nazi and communist regimes. These seizures took place over decades; they were part of the modus operandi of repressive, totalitarian regimes; and they affected millions of people. The passage of time, border changes, and population shifts are only a few of the things that make the wrongful property seizures of the past such difficult problems to address today.

While I recognize that many obstacles stand in the way of righting these past wrongs, I do not believe that these challenges make property restitution or compensation impossible. On the contrary, I believe much more should have been done—and can still be done now—while our elderly Holocaust survivors are still living.

Today I also want to sound the alarm about a disturbing trend that Jews face today: a rising tide of anti-Semitism throughout the world.

I serve as the Ranking Member of the Commission on Security and Cooperation in Europe, CSCE, commonly known as the Helsinki Commission. In 2004 I traveled as part of the U.S. Delegation, with former Secretary of State Colin Powell, to attend a special conference in Berlin addressing anti-Semitism, held under the auspices of the Organization for Security and Cooperation in Europe, OSCE. The OSCE is a 55-nation regional security organization which promotes democracy and human rights in Europe, Central Asia, and North America.

Before traveling to Berlin, I made a point to visit Auschwitz for the first time. I was shocked and stunned to see how efficient the Nazi operation was: they wanted to maximize the number of individuals that could be killed.

Seeing the remains of that factory of intolerance, hate and death, it reaffirmed how we must continually stress the importance of advancing understanding throughout the OSCE region and the entire world. We must tirelessly work to build understanding and respect between different communities to prevent future acts of prejudice and injustice.

At the Berlin Conference, I had the privilege of participating as a member of the U.S. delegation, and I gave the official U.S. statement in the session on tolerance. The meeting ended with the issuance of the Berlin Declaration of Action.

The Berlin Declaration laid out a number of specific steps for states to take to combat the rising tide of anti-Semitism, including: striving to ensure that their legal systems foster a safe environment free from anti-Semitic harassment, violence or discrimination; promoting educational programs; promoting remembrance of the Holocaust, and the importance of respecting all ethnic and religious groups; combating hate crimes, which can be fueled by racist and anti-Semitic propaganda on the Internet; encouraging and supporting international organizations and NGO's; and encouraging the development of best practices between law enforcement and educational institutions.

As we commemorate Yom Hashoah, let us honor the memory of those who perished in the Holocaust by pledging to fight intolerance, hate crimes, and violence in our community and around the world. We shall never be silent again.

RECOGNIZING DR. CAROL A. CARTWRIGHT, PRESIDENT OF KENT STATE UNIVERSITY

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of Dr. Carol A. Cartwright, President of Kent State University. President Cartwright will be leaving from her position after serving the Kent State University for 15 notable years.

President Cartwright's commitment to community outreach and economic development extends throughout northeastern Ohio. President Cartwright has a vision to work cooperatively with the surrounding communities to unite academic, public health, business, and community groups for common goals and betterment.

One of the most impressive and lasting achievements of President Cartwright is Kent State's leadership in pulling together The North East Ohio Consortium for Biopreparedness, focusing on public health preparedness. The facility addresses health and safety issues through education, research and workforce development. Part of the center's overall mission is to educate the community on issues regarding public health hazards, infection control and bioterrorism preparedness. The Northeast Ohio Consortium for Biopreparedness is one of only two bio-safety laboratory training facilities in the United States recognized by the Center for Disease Control and Prevention. President Cartwright's perseverance to advance biotechnology research has enabled the facility to address public health and protection concerns on a local, State and National scale. I would also like to commend President Cartwright for including the 910th Airlift Wing Command, University of Akron, Youngstown State University, Case Western Reserve, Summa Health Care System, North Eastern Ohio Universities College of Medicine, and various other organizations in the Consortium.

President Cartwright has also strongly supported the Washington Program in National Issues, WPNI, which gives Kent State students a real-world appreciation for life and work in the Nation's capital. Each spring semester, Kent State sends 20 of its top students to intern on Capitol Hill, Federal agencies, associations and other organizations. In its 33rd year, the WPNI program is one to be envied by any other university in the country.

Kent State University and all of northeastern Ohio has benefited enormously from President Cartwright's vision, commitment and leadership—and she will be greatly missed.

In closing, I would like to congratulate President Cartwright on all of her astounding achievements during her 15 year tenure as President of Kent State University. I wish her the very best in all of her future endeavors.

IN REMEMBERANCE OF DOUGLAS HAROLD RITCHIE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the memory of Douglas Harold Ritchie, of the Las Vegas Sun, who passed away April 1, 2006, at the age of 86.

Born February 20, 1920, in Portsmouth, England, Doug was the second eldest child of film distributor Joseph M. Ritchie and his wife, Jessica. Educated in Dublin, Ireland, Ritchie joined the British Army out of high school in the late 1930s.

During World War II, Ritchie served as a British officer and saw action on D-Day at Normandy. He later served with troops that marched into Germany and liberated prisoner of war camps. After the war he was transferred to India where he served as a Major in the British Army through the late 1940s. There he was witness to the turmoil that resulted in the separation of India and Pakistan. While shocked by the violence he witnessed between Hindus from India and Pakistani Muslims, Doug calmly maintained control. That was a trait that not only helped him in the 1st Punjab Regiment, but throughout his life.

Leaving the military in 1950 after 11 years, Doug came to Las Vegas. His brother-in-law Hank Greenspun, had purchased the Las Vegas Free Press from a group of International Typographical Union members who started the newspaper after being locked out by the Review-Journal over a wage dispute. Hank published his first issue of the Free Press on June 21, 1950, and 10 days later renamed the paper the Las Vegas Sun. In addition to serving as classified ad manager, Doug became head of Sun promotions in the 1970s and head of public relations in the 1980s.

In 1969 Doug met Brenda Ritchie and they were married in 1971. The couple would have celebrated their 35th wedding anniversary on April 10.

Doug served full-time with the Sun until 1990, the year the paper entered into a joint operating agreement with the Review-Journal, which then took over the selling of classified ads for both papers. That year, Ritchie and his family moved to California, and he maintained the title of assistant to the publisher until his death.

Mr. Speaker, it is a privilege to honor Douglas Ritchie on the floor of the House today. He will be remembered as a mild-mannered man, dedicated to his family and the community.

COMMEMORATING THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian Genocide.

Today we declare to people living in every corner of our globe that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide.

The tragic events that began on April 24, 1915, which are well known to all of us, should be part of the history curriculum in every Turkish and American school. On that dark April day, more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 91st anniversary of the beginning of the genocide, I join with the chorus of voices that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian Genocide must be acknowledged, studied and never, ever allowed to happen again.

I recently joined with my colleagues in the Caucus in urging PBS not to give a platform to the deniers of the genocide by canceling a planned broadcast of a panel which included two scholars who deny the Armenian Genocide. This panel was to follow a documentary about the Armenian Genocide which aired just last week. Representative Anthony Weiner and I led a successful effort to convince Channel Thirteen in New York City to pull the plug on these genocide deniers.

The parliaments of Canada, France and Switzerland have all passed resolutions affirming that the Armenian people were indeed subjected to genocide. The United States must do the same. I will not stop fighting until long overdue legislation acknowledging the Armenian Genocide finally passes.

Of course, an acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. Government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people. I have joined with my colleagues in requesting military parity between Armenia and Azerbaijan in the FY07 Foreign Operations Appropriations bill. We also have requested an adequate level of economic assistance for Armenia and assistance to Nagorno-Karabakh.

On this solemn day, our message is clear: the world remembers the Armenian Genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. FOLEY. Mr. Speaker, Reuters news recently reported that Turkish Prime Minister Recep Tayyip Erdogan is ready for a "political settling of accounts with history" provided that historians would prepare an unbiased study of claims that millions of Armenians were the victims of genocide under Ottoman rule during the First World War.

That accounting has already been done. A March 7, 2000 public declaration by 126 Holocaust Scholars affirmed the incontestable fact of the Armenian Genocide and urged Western democracies to officially recognize it.

This declaration by foremost scholars from around the world was adopted at the Thirtieth Anniversary of the Scholar's Conference on the Holocaust convening at St. Joseph University, Philadelphia, Pennsylvania, March 3–7, 2000. The petitioners, among whom was Nobel Laureate for Peace Elie Wiesel, also called upon Western democracies to urge the government and parliament of Turkey to finally come to terms with this dark chapter of Ottoman-Turkish history and to recognize the Armenian Genocide. According to this renowned gathering, Turkish acknowledgment would provide an invaluable impetus to that nation's democratization.

Monday, April 24th marked the 91st anniversary of the 1.5 million Armenian deaths and countless exiles in 1915 caused by the Ottoman Empire. President Bush commented that "it was a tragedy and should always be remembered."

In December 2005, French Foreign Minister Michel Barnier announced that Turkey would be expected to recognize the event during EU accession negotiations. "This is an issue that we will raise during the negotiation process," he said. "We will have about 10 years to do so and the Turks will have about 10 years to ponder their answer."

If Turkey is prepared to acknowledge the Armenian Genocide, then its leaders can proceed immediately to direct dialogue with its counterparts in Armenia to define a common vision for the future. By so doing, Turkey will begin the vital process of preparing its citizens for a more complete and honest assessment of the final acts of the Ottoman Turkish state and embracing the new opportunities available to them by gaining possible admittance into the European Union. Facing history squarely will liberate Turkey.

THE NEED FOR REAL REFORM OF LOBBYING AND CONGRESSIONAL PRACTICES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. MATSUI. Mr. Speaker, the American people have lost faith in Congress—as seen in the dismal 30 percent approval ratings. It demonstrates that our fellow citizens believe Congress no longer keeps their interests at the forefront of its mind. Instead, they've learned that special interests get the first, and sometimes the only say, in this House.

They read in the paper about how some Members pay coach fares, but fly in luxurious corporate jets.

They've read reports about a Member who opened up defense contracts to the highest briber. And were only caught because a few, intrepid local reporters were better policemen than the gridlocked House Ethics Committee.

Because they know their elected representatives are often forced to vote on legislation that hasn't been available long enough to read.

What if, after someone signed papers on a new home, the bank inserted an extra page of regulations into the agreement? And the bank then claimed that the new homeowner's signature was proof they agreed to it? That person would be outraged, and justifiably so.

But last December, during consideration of the fiscal year 2006 defense appropriations conference report, 40 pages of text were inserted into the agreement after conferees had signed it. This text gave inappropriate immunity to makers of avian flu vaccines. It was done, quite literally, in the middle of the night. Sadly, there was no outrage from my colleagues on the other side of the aisle. It was business as usual under this House leadership.

Yet I must report with deep regret that the bill before us does nothing to address these issues. At best, the Majority's proposal only papers over the deep divide between Republicans and most Americans on how Congress should conduct itself.

In the Rules Committee, I offered an amendment to allow Members 24 hours to read legislation before a floor vote on it. It would seem like exactly the kind of approach that our constituents want. But, the Majority rejected in Committee mark-up in addition to blocking it from coming to the floor for debate.

I also offered an amendment that would require a public vote by conferees on all conference agreements, Again, my amendment goes to the real abuses that our constituents are concerned about. But again, the Majority rejected it.

It is perhaps the ultimate irony—and the highest level of hypocrisy—that the House is debating a bill intended to increase transparency under a restrictive rule. Democrats have consistently identified abuses of power in how this Congress conducts business. And now we see those same abuses being used to prevent true reform from even being debated in public.

Mr. Speaker, the American people have reached their limit with the conduct of this House. Soon, they may take their ball and bat and go home. They'll tune us out forever. Click off C–SPAN. Walk away, disgusted by the very process that is supposed to represent them. We must enact real reform before its too late—reform that raises the bar on both lobbyists and Members. That is not this bill, and it cannot be this bill under the straightjacket laid down in this rule. I urge my colleagues to reject this rule, reject this bill and start over.

A TRIBUTE ALPHA PHI ALPHA FRATERNITY ETA NU CHAPTER

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to commemorate the anniversary of the founding of the Eta Nu Chapter of the Alpha Phi Alpha Fraternity, Incorporated, on the campus of East Carolina University that took place on April 3, 1971. This Fraternity is the first Black Greek organization to be chartered on a campus where the percentage of African American enrollment is less than 13 percent. Under the direction of eight men, A.A. Best, J.J. Wise, W.G. Keys, O.T. Faison, C.H.G. White, J.C. Bryant, J.P. Harrison, and A.D. Moseley Eta Nu was established on the campus of East Carolina University. Those persons first initiated into the Eta Nu Chapter were known as the Undisputed Truth. The members of this Chapter are as follows: David Franklin, Gregory Clark, Jerry Congelton, John Clark, Tony Sedgewick, Jimmy Louis, Tommy Patterson, James Mitchell, Kenneth Hammond, James Johnson, and Kenneth Wright.

Over the years the Eta Nu Chapter has excelled and raised the bar for others to follow and has maintained high standards of scholastic achievement and service to the community. Following a brief period of suspension, the Eta Nu Chapter was resurrected in fall 1999 with the initiation of four young men known as the Four Knights of Resurrection. Since returning, members of the Eta Nu Chapter have worked diligently to increase the number of opportunities available to our youth; they have engaged in relentless efforts toward the improvement of the campus and the community as a whole.

The chapter currently participates in several community service initiatives; one such measure is the Jarvis Memorial After School Program where our youth are nurtured and directed on a positive and productive path.

This Chapter of Eta Nu holds several distinguished honors. The current SGA President is a member of this chapter as well as the second African American SGA Vice-President. Further, the first, second, and third African American Homecoming Kings of ECU were members of this Chapter. The highest Fraternal GPA at ECU for the past 4 out of 5 semesters were represented by a member of the Chapter, and lastly, the founders of the Black Student Union at ECU were members of this Eta Nu Chapter.

Mr. Speaker, it is my understanding that the members of the Eta Nu Chapter at East Carolina University are committed to distinguishing themselves as the most exemplary Chapter. I ask my Colleagues to join me in wishing the members of this Chapter the very best with their future endeavors.

TRIBUTE TO JUDGE DAVID BIBB

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Judge David Bibb, of Morgan County, Alabama. Judge Bibb recently retired as Morgan County District Judge on April 21, 2006.

After a successful law career with A.J. Coleman and David Cauthen, Judge Bibb was appointed to the Morgan County District Court in 1981. He subsequently won election to the bench in 1982 and he continued to serve in that capacity until his retirement.

Mr. Speaker, throughout Judge Bibb's judicial career, he was well respected in the local community and the entire State of Alabama. He was known for being a fair judge who worked diligently to uphold the law, making our community an even better place.

He has remained active in the Morgan County community, serving on numerous advisory boards and task forces. Most notably, he is a member of the Morgan County and Alabama State Bar Associations, the District Judge Association, and a member of the Alabama Council of Juvenile and Family Court Judges. He has also been a lecturer at the Alabama Judicial College and for the Alabama Child Support Association.

Mr. Speaker, on Friday, April 21, Judge Bibb's family and friends gathered to celebrate his long and distinguished judicial career. I rise, on behalf of everyone in North Alabama to thank him for his service and join his colleagues, family, and friends in congratulating him on a job well done.

HONORING RUBEN M. GARCIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Ruben M. Garcia on his 75th birthday and for his remarkable dedication to the City of Laredo, Texas.

Ruben M. Garcia was born on April 27th, 1931, to Manuel B. Garcia and Elena Montemayor, in Laredo, Texas. He graduated from Martin High School in 1950 and served his country in the Korean War. After his wartime service, he returned back to Laredo and married Helen Ramirez.

Mr. Garcia has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as the Federal Reserve Bank of San Antonio, Central Power and Light Board, Laredo Junior College, Laredo Development Foundation, Laredo Chamber of Commerce, South Texas Private Industry Council, Laredo International Fair & Expedition.

In addition to his community service, Mr. Garcia was honored as the Laredo Morning Times Man of the Year in 1974. Since his retirement from his family business in the construction industry, he has dedicated himself to raising cattle. For his dedication and hard work in the ranching industry, he was honored as Rancher of the Year by the Laredo International Fair and Expedition in 2006.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Ruben M. Garcia.

HONORING COAST GUARD CAPTAIN PETER V. NEFFENGER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. HARMAN. Mr. Speaker, U.S. Coast Guard officers are measured by the depth of their dedication to protecting our country and its citizens, and by the respect they earn from the men and women who serve under them. By every measure, CPT Peter V. Neffenger is an outstanding commander.

On April 28th, Captain Neffenger concluded his accomplished tenure as Commanding Officer, Captain of the Port, and Federal Maritime Security Coordinator for the U.S. Coast Guard Sector Los Angeles-Long Beach.

During his three-year command, he skillfully guided over 2,400 active duty, reserve, civilian, and auxiliary men and women through times of dramatic change and increasing responsibility. He leaves the nation's largest port complex better prepared for the daunting security challenges of the 21st century.

Captain Neffenger has overseen unprecedented security improvements at the Port of Los Angeles-Long Beach. Under his leadership, the Coast Guard's Los Angeles-Long Beach Sector conducted over 150 vessel boardings and over 500 commercial vessel escorts. The Captain led the Sector in several major exercises, including the largest one in Coast Guard history.

In his role as Federal Maritime Security Coordinator, Captain Neffenger spearheaded the coordination of federal, state and local agencies. He worked with the Federal Bureau of Investigation, Customs and Border Protection, county and local law enforcement, and others to develop a communications network for law enforcement personnel.

His leadership produced the first Area Maritime Security Committee, an interagency body that serves as a model for ports around the nation. Captain Neffenger was a key member of the expert panel that developed the first National Strategy for Maritime Security, and he established a joint-operations partnership with the Coast Guard and CBP for daily intelligence and information-sharing within the port complex.

Captain Neffenger leaves the Port of Los Angeles-Long Beach safe and secure. His foresight, expertise and courage will be sorely missed, but his work in Washington as the Chief of Programs and Budget for the United States Coast Guard will undoubtedly serve our homeland security interests and make our country safer.

On behalf of my constituents and the communities surrounding the port complex, I extend our congratulations to a friend and neighbor, Pete Neffenger, and best wishes for his next assignment.

IN MEMORY OF AVIATION PIONEER A. SCOTT CROSSFIELD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GORDON. Mr. Speaker, I rise today to honor the life of a most distinguished individual—Scott Crossfield. Scott was an authentic American hero—though he would decline the applause—who served the Nation with distinction as a premier test pilot. With characteristic courage and enthusiasm, he carried out numerous pioneering test flights during his career—flights that significantly advanced the field of aeronautics.

It is rare for someone as famous and expert in his field to come to Congress as a professional staff member, but Scott proved to be an invaluable resource as well as a tireless advocate for aeronautics research and development during his years of service to the House Science Committee in the 1980s and early 1990s.

Scott came to the Committee after a wide-ranging career as a Navy pilot during World War II; an aerodynamicist, project engineer, and research test pilot at NACA, the National Advisory Committee for Aeronautics (NASA's predecessor agency); as chief engineering test pilot and director of testing and quality assurance for North American Aviation, one of the main contractors on the Apollo program; as a vice president for research and development of Eastern Airlines; and as senior vice president of Hawker Siddley Aviation.

Author Tom Wolfe sought to capture the spirit of a test pilot in The Right Stuff, his compelling look at the men who flew at Edwards Air Force Base and the Mercury Seven astronauts. It was a difficult task, because among men like Crossfield "[t]his quality, this it, was never named, however, nor was it talked about in any way." In 1960, Scott's peers in the Society of Experimental Test Pilots recognized his incomparability with their highest honor—the Ivan C. Kincheloe Award—for "Outstanding Development and Flight Testing of the X–15". The X–15 is one of three aircraft in the National Air and Space Museum that embody Scott's influence. The Museum honored him with a Lifetime Achievement Award in 2000.

Scott is known to the public for flying his Douglas D–558–II Skyrocket at Mach 2—twice as fast as sound—on November 20, 1953. Equally vital was his knowledge of aeronautics and his practical experience in the design, development, manufacture and operation of aircraft, allowing him to describe the events during flight in the language of his fellow engineers. Interviewed by Aviation Week & Space Technology for a 1988 documentary, Scott identified himself as an "aeronautical engineer, an aerodynamicist, and a designer. My flying was only primarily because I felt that it was essential to designing and building better airplanes for pilots to fly. . . . The opportunity to be a test pilot . . . is there for all—and probably within the grasp of most. In my mind, we should divest ourselves of this idea of special people (being) heroes, if you please, because really they do not exist."

Wolfe wrote of the Brotherhood of the Right Stuff, ". . . [T]he idea here (in the all-enclosing fraternity) seemed to be a man should have the ability to go up in a hurtling piece of machinery and put his hide on the line and then have the moxie, the reflexes, the experience, the coolness, to pull it back in the last yawning moment—and then to go up again the next day, and the next day, and every next day, even if the series should prove infinite." During his career Scott confronted numerous emergencies: engine flameouts, aircraft control failures, an X–15 landing which broke the plane in two—and the day in June 1960 when a ground test of the X–15's rocket engine ended in an explosion that threw the cockpit twenty feet at a speed that exposed Scott to 50 times the force of gravity.

Scott wrote in his book, Always Another Dawn, "all I could think of was the possibility of a second explosion that might hurl my part of the airplane halfway across Edwards and through the main hangar and workshop. In the cockpit I moved swiftly to do what I could to prevent this. . . . Immediately afterwards, . . . we recalled in detail all that we could remember while it was still fresh in our minds. These eye-witness accounts, added to the miles of telemetry data and the film strips from the three movie cameras, would enable us to establish the cause of the explosion very quickly." Such dedication was critical to correcting failures, improving performance and accomplishing the major goal of NACA, which was to infuse the leading edge of aeronautical technology into American industry and aircraft.

The Committee on Science and Technology was fortunate, when it came time to recruit Scott, to have Jack Swigert, the pilot of *Apollo 13*, as its chief of staff. Scott and Jack had known each other for years and it was Scott who talked Jack into leaving graduate school at the University of Colorado for the astronaut corps.

Scott answered the call to public service and brought his unique abilities and contacts to a decade and a half of distinguished service on the Committee. When he joined the staff he had already been a pilot for over 40 years. During his years of service, Scott was the Committee's lead staffer both for the Federal Aviation Administration and for the aeronautics portion of NASA. The universally high level of respect he garnered opened doors no one else could open. His unique experience and level of knowledge meant that he was on top of both the technology and the politics of the agencies he oversaw.

In the wake of the *Challenger* disaster, Scott applied himself to an analysis of the Shuttle orbiter's braking system as his part of the Committee's investigation. He wrote that, " . . . Orbiter landings appear high risk even under ideal conditions, which seldom occur. Exceptional procedural and skill demands are placed upon the pilots to nurse the brakes and tires through every landing. Landing rules have had increasing constraints imposed that hamper operational flexibility and usefulness of the Orbiter . . . [I]t is a tribute to the pilots that they were able to carry such a tender system so far." When the Shuttle returned to flight in 1988, it did so with a stronger braking system. The astronauts can thank Scott Crossfield every time their drag chute deploys as the Shuttle rolls down the runway. The Committee, upon his departure in 1993, expressed "[a]ppreciation for [his] knowledge and experience in aviation and engineering, contributions to sound aviation policies, and foresight to set in motion plans for 21st Century aerospace transportation." NASA awarded him the Distinguished Public Service Medal and the Federal Aviation Administration a Certificate of Appreciation.

In 2003, Scott applied his experience at teaching pilots to a singular purpose. The team chosen to attempt a recreation of Wilbur and Orville Wright's first flight at Kitty Hawk asked Scott to train the pilots attempting to get the replica Flyer into the air. The Wrights didn't leave an instruction manual for the Flyer, and as Scott told the Experimental Aircraft Association's Sport Aviation magazine, "[t]hings you would do intuitively as a pilot in any other airplane just don't work with this one." Aviation Week magazine recognized his contribution by including Scott as Laureate for Aeronautics/Propulsion in 2003.

Scott always had time to fly his plane around the country to share his experiences and love of aviation. He loved speaking to young people—especially in the Fairfax County elementary school near his home that is named after him. That honor probably meant as much to him as receiving the National Aeronautics Association Collier Trophy from President Kennedy, the National Space Club's Wernher von Braun Trophy or his enshrinement in the Virginia Aviation Hall of Fame, the National Aviation Hall of Fame and the International Space Hall of Fame.

Scott was one of a kind and all who worked with him were blessed to have the opportunity to do so. I want to express my condolences to his family on the sad loss of this amazing man.

EDWARD AND MERLE FORD ON THEIR 50TH WEDDING ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Edward and Merle Ford on their 50th wedding anniversary.

Edward and Merle celebrated this wonderful milestone on February 28, 2006 after having spent half a century in love and with the shared experiences of family life. Edward Lee Ford was born on July 31, 1929 in Hemingway, South Carolina. He relocated to Pennsylvania to attend Pine Forge Academy. Prior to graduating from Pine Forge, Edward and his twin brother, Jesse, were drafted into the Army where they served as medics. During his time at Pine Forge and while in Germany, Edward diligently wrote to Merle Elizabeth Cheatham. Merle was born on January 1, 1934 in Baltimore, Maryland, and like Edward, attended Pine Forge Academy. During the early days of their romance, letter-writing kept their love alive.

On October 23, 1955, Merle Elizabeth Cheatham and Edward Lee Ford were wed at the chapel on the grounds of Pine Forge Academy. The Fords have four children; Rhonda, Terry, Dwayne, and Lisa; three grandchildren; and three great-grandchildren. Merle and Edward have likewise kept their connection to Pine Forge Academy strong. Merle worked as the Registrar, Secretary to the Principal, and Typing Teacher at the Academy, while Edward designed and built Kimbrough Hall, several of the log cabins, and renovated North Hall into the Music Conservatory. Edward even served as the first president of the Pine Forge National Alumni Association. In 1995, Edward, along with his brother Jesse, received the honor of being alumni of the year. In addition to their dedication to each other and the Academy, the Fords are pillars in their church where they serve as Head Deacon/Deaconess at the Walnut Street Community Seventh-day Adventist Church in Pottstown, Pennsylvania.

Mr. Speaker, I ask that my colleagues join me today in honoring Edward and Merle Ford on their fifty golden years of love and dedication to each other. I hope they will continue to live in the house Edward built for Merle and that they are blessed with continued joy, health, and love.

IN RECOGNITION OF THE 2005 ST. CHARLES CRIME STOPPERS

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. HULSHOF. Mr. Speaker, I rise today in recognition of the 2005 St. Charles Crime Stoppers award winners. For those of you not familiar with the program, Crime Stoppers began 30 years ago in the state of New Mexico as a community partnership to help combat crime. This community partnership consists of the local authorities, the press and area residents. Since its inception, Crime Stoppers has expanded to all 50 states, including the District of Columbia, as well as worldwide with programs in Canada, Europe, Australia, parts of Southeast Asia and other locales. In total, there are 1,200 programs worldwide.

Oftentimes, when a crime is committed, there is generally a witness who has either seen firsthand the act take place or has knowledge that could lead to the arrest of the perpetrator. Whether it is a mugging, a drug deal or an auto theft, someone in the local community has information. The obstacle local law enforcement face is that many of these tipsters are reluctant to come forward for fear of retaliation by these criminals or for other personal reasons.

The solution is Crime Stoppers, which provides witnesses with a safe and anonymous way to relay tips, and therefore avoid having to go on the record and fear reprisals. While Crime Stoppers tips generally do not provide police with the evidence needed to make an arrest, the information does provide police with leads that have ultimately led to a countless number of arrests and prosecutions. Rewards also help reluctant tipsters to come forward with information.

I would like to take a moment to highlight the 13 2005 St. Charles award winners. Michael Shipley was honored as the Law Enforcement Officer of the Year. For 14 years, Mike has dutifully served the local community both as an officer with the St. Charles Police Department but also as a mentor and coach to the local youth. He may be best known for his role as head trainer at St. Charles Boxing where he helps kids learn the "sweet science" but most importantly stay out of trouble.

Kimberly Huffman was honored as the Crime Stoppers Civilian Employee of the Year. After completing the police academy and beginning her work as a police officer, Kim was devastated to learn that she had been diagnosed with a medical condition that would preclude her from fulfilling her day-to-day duties. As a result, Kim resigned as an officer and began to work as a communications specialist with the department, where she excelled. Recently, Kim was ecstatic to learn that her condition had been misdiagnosed and will be able to again pursue her dream of becoming a police officer.

The Neighborhood Block Captains Award was presented to Randy and Jan Joeckel for their work in their neighborhood, Hanover Manor. The Joeckel's have diligently worked to maintain a safe and crime free neighborhood by organizing neighborhood watches and community meetings to help keep tabs of developing problems.

Jim Trenary Chevrolet was the recipient of the 2005 Crime Stoppers Business of the Year Award. Jim Trenary employees have been extremely active in the local community with various fundraising efforts to help out good causes. Jim Trenary Chevrolet has also been an invaluable tool to the St. Charles Police Department by providing cars to be used for surveillance and sting operations.

The 2005 Crime Stoppers Special Recognition Award was presented to Thomas Benton. After retiring from 20 years of service to the St. Charles Police Department, Thomas became the director of security for a local casino. Never one to forget his law enforcement skills, Thomas was able to help local authorities identify two suspects from two different bank robberies using casino surveillance tapes and testimony from casino employees.

St. Charles Suburban Journal reporter Jason Lee received the Crime Stoppers Media Relations Award. Jason's reporting on area crime was detailed and thorough and he helped create awareness for the program by including Crime Stoppers information in his articles. Jason also proved to be an asset to the St. Charles Police Department, as he helped out with leads on certain cases.

The 2005 Citizen Award was presented to Renee & Derrick Rivers, Colleen Clifford, John Hanley, Susan & Andy Quinones, Ann Walton, Ann Grice and Stacey Nelson. All of the Citizen Award recipients were actively involved in helping apprehending suspects and thwarting future crimes. And in one particular case, an infant's life was saved by arresting a mother for child abuse and endangerment.

I commend all these recipients and hope my colleagues share in my admiration for the Crime Stoppers. I encourage all Americans to learn more about this wonderful partnership.

THE ENDANGERED CHILDREN OF NORTHERN UGANDA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SMITH of New Jersey. Mr. Speaker, when current Ugandan President Yaweri Museveni overthrew the murderous regime of the late Milton Obote in Uganda in 1986, many had hoped that their nation would finally emerge from the nightmares of the Obote and Idi Amin regimes. Unfortunately, yet another horror lay ahead for the people of northern Uganda.

Many in the Acholi community were alarmed at the sudden loss of power when Obote was overthrown, and Alice Lakwena formed the Holy Spirit Movement to fight for the Acholi people. Despite her promises that her followers would have immunity from the bullets of the Ugandan army, they were defeated two years later, and she fled to Kenya.

Meanwhile, Joseph Kony, believed to be Lakwena's cousin, took up the battle, forming a group known as the Lord's Resistance Army or LRA. The LRA is often said to be determined to rule Uganda according to the Bible's 10 Commandments. In reality, this group has a philosophy that blends elements of Christianity, Islam and traditional Acholi beliefs into a murderous world view that has terrorized Kony's own Acholi people and set back development in the North by years if not decades.

Over the last 20 years, as many as two million persons—an estimated 90 percent of the population of the Acholi area in northern Uganda—have been forced into internally displaced persons camps. More than 20,000 children have been forced to serve as either soldiers or sexual slaves for the LRA. Those children who have escaped kidnapping by the LRA are forced into the phenomenon known as night commuting, in which an estimated 50,000 children walk miles from the rural areas to towns in order to find relative safety in bus shelters, churches or even on the streets.

The impact of this war on Ugandans in the North, as reported by the Civil Society Organisations for Peace in Northern Uganda, is almost unbelievable:

—The rates of violent death in northern Uganda are three times higher than those reported in Iraq following the Allied invasion in 2003.

—Each month, nearly 3,500 Ugandans die from easily preventable diseases, extreme violence and torture;

—Each day, 58 children under the age of five die as a result of violence and preventable diseases.

—Three times more children under the age of five die in northern Uganda than in the rest of the country.

—One quarter of the children in northern Uganda over ten years of age have lost one or both parents.

—Half of the nearly two million internally displaced persons in northern Uganda are children under the age of 15.

—About a quarter of a million children in northern Uganda receive no education at all because of displacement and the fact that 60% of schools in northern Uganda no longer function due to the war.

Because of the war in the North, Uganda has developed a lost generation that has grown up in dire circumstances with fear and deprivation as their constant companions. Nearly half of all children in the northern town of Kitgum are stunted from malnutrition. They likely will never be able to recover what this war has cost them.

There is great concern that the Government of Uganda is insufficiently committed to improving the situation in northern Uganda. On at least two occasions when there appeared to be a chance for peace talks with the LRA—once in 1993 and again in late 2004–2005—the Government of Uganda launched offensives that ended any chance of peace and yet failed to end the terrorism of the LRA. More recently, the indictment of top LRA leaders by the International Criminal Court has effectively ended further peace efforts.

Because of its inability to end the LRA threat, the Ugandan government in 2003 began encouraging local leaders in northern and eastern Uganda to raise civilian militias to help protect civilians. Unfortunately, according to a study done by the Alan Shawn Feinstein International Famine Center at Tufts University, these militias were hurriedly recruited, poorly screened and incompletely trained. Furthermore, known criminals are part of these militias, which also contain boys and girls less than 18 years of age.

The Feinstein Center study also reports that there is a widespread perception among individuals and organizations in northern Uganda that the government has malevolent reasons for not ending the war with the LRA. They include revenge against northerners for human rights abuses under previous governments and neutralization of political challenge from the North. In the Uganda elections held earlier this year, President Museveni's main opponent

Kizza Bessigye, won 80 percent of the vote in northern Uganda—a testimony to the government's unpopularity in the North.

Whatever the truth about the Government of Uganda's war effort, it is certainly a fact that not enough is being done to safeguard the endangered children of northern Uganda. With all the attention given to the genocide in Darfur, a similar crisis in northern Uganda has been eclipsed in both attention and resources.

Just as we have a moral obligation to rescue the suffering people of Darfur, we have a similar obligation not to ignore the terrorized population of northern Uganda. If the eyes and ears of the world are focused elsewhere, we must redirect them to Uganda's distressed northern population—especially the children. Uganda's future may depend on our efforts.

Regrettably, the phenomenon of child soldiers is not one confined to Uganda or Africa. It is a global tragedy in which as many as 300,000 children are involved in as many as 30 conflicts around the world. As in Uganda, children are used by governments or government-supported militias and rebel forces such as the LRA. Utilized in everything from combat to spying to clearing minefields, these children are often killed or maimed, and even those who can escape often find it difficult to reintegrate back into society. They desperately need our help.

To that end, I and some of my colleagues in the House and Senate are planning to introduce legislation shortly to address the issue of child soldiers. This legislation condemns the conscription, forced recruitment or use of children by governments or paramilitaries in hostilities and urges the U.S. Government to lead efforts to enforce existing international standards to end this horrendous human rights abuse.

This legislation would deny U.S. military assistance to 7 of the 26 nations believed to use children in their military forces: Burundi, Columbia, the Democratic Republic of the Congo, Cote d'Ivoire, Paraguay, Sudan and Uganda.

RUSSELL KOLB

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Russell Kolb for his 50 years of outstanding service to the Ridge Fire Company of East Vincent Township, Chester County Pennsylvania and the communities it serves.

In addition to his active membership in the Company for 50 years, Mr. Kolb is also a Trustee and President of the Company. During his time of service, Mr. Kolb has earned the love and respect of his fellow citizens for his dedication and commitment to the local community.

Throughout his tenure, he has been the lead fundraiser for the Company's chicken barbeques, fairs, and annual Thanksgiving turkey raffle. He also serves on the Building and Truck Committees, which oversee the purchase of new equipment, building repairs, and major renovations. The countless hours of service he has provided to the Company and community are testament to his passion for volunteerism and exemplary citizenship.

Mr. Speaker, I ask that my colleagues join me today in honoring Mr. Russell Kolb, one of Chester County's and Pennsylvania's great citizen volunteers, for his ceaseless and unselfish commitment to the safety and betterment of his local community and fellow citizens.

THE DEDICATION OF RIVERBEND PARK

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. DOOLITTLE. Mr. Speaker, today I wish to acknowledge and celebrate a momentous day in the history of the City of Oroville (City), California, a community I have the honor of representing in the House of Representatives. On May 5, 2006, local residents will join representatives from the City, the Feather River Park and Recreation District (District), the California State Water Contractors, the California Department of Water Resources (DWR), and several other entities to dedicate Riverbend Park. This dedication is the culmination of a collaborative effort involving numerous stakeholders and is a very positive development for the residents of Oroville and the surrounding areas.

Enhancements to Riverbend Park have been ongoing for the better part of 25 years. But only now, during the final stages of DWR's relicensing of hydroelectric facilities at nearby Lake Oroville, are the sparkling visions of local officials and residents for this property being realized. During the last five years of negotiations with state authorities, local officials made it clear that this project was a priority for the community. DWR responded by making Riverbend Park a Special Project as part of the relicensing process and pledged financial assistance and personnel to make the improvements sought by the City and District. While more projects are scheduled, District officials have already significantly improved the area by upgrading and restoring public access to the Oroville Wildlife Area Ponds, placing Americans with Disability Act compliant restrooms on site, installing a water well pump for irrigation and fire suppression, and constructing better barriers to deter illegal trespassing and dumping. Presently, the 210 acres that make up Riverbend Park provide outstanding opportunities for hikers, fishermen, bird watchers, wildlife viewers, disc golfers, and other recreation enthusiasts.

The Feather River, which runs adjacent to Riverbend Park, has long been a focal point of the Oroville community. Before the construction of the Oroville Dam many years ago, area residents and visitors enjoyed numerous forms of recreation in and on the Feather River. Now, the construction of Riverbend Park has helped to usher in a new and positive era in the City, punctuated by a renewed focus on quality development along the Feather River. I am pleased to commemorate this phase of the development and look forward to future improvements along this important natural feature.

Mr. Speaker, today I join with the people of Oroville, their elected officials, and District staff as they celebrate the exciting occasion of dedicating Riverbend Park. As a showcase for the entire region and a safe place for people of all ages, I am sure Riverbend Park and the amenities it offers will make a lasting impression on residents and visitors to the area for decades to come. I congratulate area leaders and citizens as they commemorate this momentous occasion.

METROPOLITAN COLLEGE OF NEW YORK CELEBRATES WOMEN'S HISTORY MONTH WITH EMPOWERMENT AWARDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. RANGEL. Mr. Speaker, I rise today to recognize three outstanding New York City women: Inez Dickens, Yvette Clarke and Rosemonde Pierre-Louis, as the recent recipients of the first Annual Metropolitan College of New York Women's Empowerment Awards and to enter into the RECORD an article from the New York CaribNews entitled "Women's History Month With Empowerment Awards," that salutes their achievements in their fields. These three ladies were truly deserving of the accolades bestowed upon them during National Women's History Month, at a gala recognition ceremony held at Metropolitan College on March 20, 2006.

March of each year symbolizes Women's History Month. This time is set aside to honor all women with particular emphasis on the extraordinary contributions of women who actively make a difference in the daily lives of others. The three honorees for the Metropolitan College of New York's Women's Empowerment Awards have made notable contributions to furthering the causes of Diversity, Education and Public Service. New York City Council members Inez Dickens and Yvette Clarke, along with the Deputy Manhattan Borough President Rosemonde Pierre-Louis, were the honorees whose stellar careers and accomplishments merited this special recognition.

To quote and agree with the MCNY President Stephen R. Greenwald, ". . . Each of our honorees represents a model of success for our students and for all New Yorkers." While giving eloquent and sincere award acceptance speeches each honoree spoke of their values and the motivating forces that guided their careers. They also stressed the importance of community activism as they encouraged the audience to step up and make a difference.

Mr. Speaker, I commend the first Annual Metropolitan College of New York for their decision to select and recognize Inez Dickens, Yvette Clarke and Rosemonde Pierre-Louis for their contributions to humanity. These trailblazers are very much deserving of the Women's Empowerment Awards.

[From the New York CaribNews, Apr. 4, 2006]

METROPOLITAN COLLEGE OF NEW YORK CELEBRATES WOMEN'S HISTORY MONTH WITH EMPOWERMENT AWARDS

Metropolitan College of New York (MCNY) celebrated Women's History Month with the

First Annual MCNY Women's Empowerment Awards for Contributions to Diversity, Education and Public Service on Monday, March 20 in the College's Student Lounge. The inaugural Women's Empowerment Awards were bestowed upon New York City Council members Yvette Clarke and Inez Dickens and Deputy Manhattan Borough President Rosemonde Pierre-Louis. MCNY President Stephen R. Greenwald welcomed the honorees, MCNY students, faculty and guests to the event and MCNY Alumna Lori N. Jones-Dessalines, Founder, President, and Center Director for Achievers of New York, Inc. Math Center in West Hempstead, Long Island, served as Mistress of Ceremonies.

"We are delighted to honor the achievements of these three outstanding New York City officials. In some ways, their accomplishments echo the pioneering work that Audrey Cohen began when she founded the Women's Talent Corps in 1964—the precursor to Metropolitan College of New York. Each of our honorees represents a model of success for our students and for all New Yorkers," said Mr. Greenwald.

Councilmember Yvette Clarke credited her parents' community activism with motivating her to become a public servant. She also encouraged the students in the audience, the majority of who were women, to become active in their respective communities.

"I stand on the shoulders of many women who serve our City daily on community boards, in block associations, PTAs, tenant associations—women who are the unsung heroines of our City. It is on their behalf that I accept this award," Ms. Clarke noted.

Council member Inez Dickens departed from her prepared remarks to tell the students a bit about her family history. Her family left Tulsa, Oklahoma in the 1920's to escape the racially motivated violence against African Americans. In the course of one day, more than 10,000 whites gathered and setting fire to every building standing, leveled 35 square blocks, murdered, raped and robbed, and committed other atrocities against African Americans. They used machine guns and airplanes that dropped nitroglycerin and dynamite in an all out attack on the African American section of town. The Dickens family moved first to Canada and then settled in Harlem where Councilmember Dickens' uncle, then her father, were among the first African-American elected officials in the New York State legislature.

Deputy Manhattan Borough President Rosemonde Pierre-Louis encouraged the students to seek creative ways to be involved in public service. Stressing the importance of activism, she outlined many of the initiatives she spearheaded in her role as an attorney and an advocate for battered and other women's issues. She added, with the pride of achievement, that in 2006 she is the first Haitian American woman to hold a significant public appointment in New York.

STATEMENT ON H.R. 4681

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, would like to enter into the record my views on a bill that was marked-up in the International Relations Committee on April 6, 2006, H.R. 4681, The Palestinian Anti-Terrorism Act of 2006. I wish to extend my sincere appreciation to Chairman HENRY HYDE for his wisdom and determined effort to temper H.R. 4681 to reflect the shared commitment of members of the U.S. House to ensure Israel's security, combat terrorism and work towards a peaceful two-state solution for Israel and the Palestinian people. Despite Chairman HYDE's noblest efforts, I unfortunately believe the substance of the legislation as put before the committee will not help the U.S. advance our vital interests in the Middle East and therefore I cannot support the bill in its current form.

Among our colleagues in the U.S. House, there is unanimous intolerance and condemnation for the Hamas-led government of the Palestinian Authority. The refusal of the political leadership of Hamas to recognize the State of Israel, renounce violence and terrorism, and agree to previous agreements and obligations of the Palestinian Authority is unacceptable and therefore they must be isolated by the international community. Congress should be extending our support for the Bush administration's current position of leading the international community to keep firm pressure on Hamas until they agree to an internationally recognized civilized standard of conduct. At the same time, Congress must work with the administration and the international community to avoid a serious humanitarian crisis among the Palestinian people.

Unfortunately, instead of advancing the U.S. interests, H.R. 4681 does not recognize the three criteria set forth by President Bush for engagement with the U.S. H.R. 4681 sets an elevated threshold which will make engagement nearly impossible even if Hamas does agree to recognize Israel, renounce terrorism and agree to abide by all previous agreements. The policy outcome of H.R. 4681 would not only isolate Palestinian leaders who have been committed to advancing the peace process, have denounced terrorism and are working with Israel for a permanent two-state solution, it will result in the isolation of the U.S. among members of the international community that are working for a peaceful and just solution between Israel and the Palestinians.

This bill also places extreme constraints on the delivery of humanitarian assistance to the Palestinian people which has the potential for very negative human consequences. Palestinian families and children must not be targeted for deprivation of their basic human needs, but instead treated in a fashion that reflects our values and the belief that their lives are valued. Non-governmental organizations (representing many of our faith communities) with significant experience delivering humanitarian assistance have expressed serious concerns regarding the lack of flexibility in H.R. 4681. An April 6, 2006 letter from the United States Conference on Catholic Bishops to Chairman HYDE expressing concerns regarding the substitute amendment to H.R. 4681 states, "the legislation should provide for the urgent needs of the Palestinian people. A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long term interests neither of Palestinians nor of Israelis who long for a just peace."

Mr. Speaker, I am submitting the text of the letter from the Catholic Bishops Conference for the record as well.

In it present form, this bill will not allow NGOs to properly carry out the very assistance determined to be necessary by the Secretary of State. It would be my hope that this is not an attempt to intentionally make it prohibitively difficult for NGOs to fulfill their contracts, thus ensuring suffering and misery among the Palestinian people, but rather a failure in drafting the bill that can be remedied as the legislative process proceeds.

The inclusion of the section of the bill targeting the United Nations agencies and programs, section 4, is very disappointing and clearly not intended to advance the peace process or the well-being of Israelis or Palestinians. The United Nations, as a member of the Quartet, has a vital role to play in ensuring humanitarian needs are met. To target a member of the Quartet in such a fashion is a clear sign that this bill is intended to undermine the Bush administration's multilateral leadership. This section has no positive effect on the policy goal stated in section 2 of the bill and will likely isolate the U.S. in the future. This entire section of the bill must be removed.

There are other aspects of this bill which I disagree with because I believe they harm U.S. interests. Fortunately, some of my remaining concerns regarding the bill are appropriately addressed in S. 2370, as introduced in the U.S. Senate, which I feel provides the President appropriate flexibility to positively advance U.S. interests with regard to the Palestinian Authority and the peace process.

Finally, my opposition to H.R. 4681 is based on policy grounds that reflect my support for a Middle East peace process which will ultimately yield security and freedom from terrorism for the people of Israel and a democratic, secure and peaceful Palestinian state. H.R. 4681, in its current form, will result in no greater security or opportunities for peace than exist today with current law and the administration's present policy course, but may in fact have the result of destabilizing the current situation while fueling a humanitarian crisis. It would be my hope that this legislation will be amended and improved as the process moves forward. Advancing this bill in its current form undermines U.S. interests, exacerbates a potential humanitarian crisis and has potential long-term negative consequences for the Israeli people and the Palestinians. In its current form, I must oppose H.R. 4681.

DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, DC, April 6, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, 2110 Rayburn House Office Building, Room 2170, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the United States Conference of Catholic Bishops, I write to express the bishops' concerns regarding the Amendment in the Nature of a Substitute to H.R. 4681, the Palestinian Anti-Terrorism Act of 2006.

The bishops' perspective on this legislation is shaped by two overriding concerns. First, H.R. 4681 should be measured in light of the ultimate goal of promoting a two-state solution that provides security for Israel and a viable state for the Palestinians, two states living alongside one another in peace. Second, the legislation should provide for the urgent needs of the Palestinian people. A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long term interests neither of Palestinians nor of Israelis who long for a just peace.

Mr. Chairman, the bishops are grateful that the language of the substitute now acknowledges the goal of a two-state solution, but we remain profoundly concerned that some of the provisions of the bill would directly undermine this goal. For example, the legislation rightly calls upon Hamas to renounce terrorism, recognize Israel and accept prior agreements, including the Road Map, but then forbids contact with the Palestinian Authority, "including the Palestinian Legislative Council" (page 9, lines 15–16) despite the fact that many members of the Council are not members of Hamas or a Foreign Terrorist Organization and have, in fact, renounced terrorism, recognized Israel and supported past agreements. Similarly, in section 7 and 8 the travel and representation of officials of the Palestine Liberation Organization (PLO) in the United States is restricted despite the fact that the PLO has renounced terrorism, recognized Israel and negotiated the prior agreements. These actions curtail contact with moderate Palestinian leaders whose support and cooperation are crucial for pursuing a two state solution.

The bishops appreciate the steps you have taken to improve section 3 of the legislation, (e.g., the shortening of notification provisions). However, we remain profoundly concerned with the narrow definition of the exception to limitations on aid to Gaza and the West Bank in subsection (d). Especially given the deepening poverty and unemployment in the Palestinian territories, the exception ought to include more than the provision of services to meet "basic human health needs." The basic human needs of the Palestinian people as they fall into deeper poverty include: "education, job training, psycho-social counseling and other humanitarian needs." The bishops' relief and development agency, Catholic Relief Services, reports that their assistance programs in the Palestinian Territories could be severely curtailed or ended under the proposed legislation. Other reputable, Non-Governmental Organizations (NGOs) report similar concerns.

Another issue related to NGOs is the prohibition on all contact with the Palestinian Authority (PA). Any organization delivering assistance in the West Bank and Gaza will need to have incidental contact with the PA in order to secure permits and conform to legal requirements. This routine, non-substantial contact should not be prohibited.

Attached to this letter you will find some specific language recommendations that the Bishops' Conference believes would help the legislation to meet two important goals supporting a two-state solution to the conflict and alleviating the urgent human needs of the Palestinian people through aid. These goals are in the best interests of both Palestinians and Israelis who long for a just peace.

Sincerely yours in Christ,
THOMAS G. WENSKI.
Bishop of Orlando, Chairman, Committee on International Policy.

SIR KNIGHT PASQUALE COLLETTI

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Sir Knight Pasquale Colletti for his outstanding service to the Chester County community as the Knights of Columbus' Past Faithful Navigator. The Chester County, Pennsylvania Fourth Degree Assembly #1873 has faithfully served the community and parishes for many generations. Mr. Colletti has received numerous accolades and awards from the Assembly and fellow Knights hold him in high esteem for the compassion he shows to families with loved ones in military service. Mr. Colletti extends help, support, and prayers for servicemen and women either before or during deployment or after their return. His leadership in patriotic causes and community service is inspirational. He is a true patriot, an exemplary citizen, and a pillar of the Chester County community.

Mr. Speaker, I ask that my colleagues join me today in honoring Sir Knight Pasquale Colletti for his leadership, dedication, and love of country. I hope that Mr. Colletti will continue to undertake his great works on behalf of the community and County and help Pennsylvania Fourth Degree Assembly #1873 continue its long history of distinguished community service.

TRIBUTE TO HOPE WILLIAMS, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Mr. Hope Williams, Jr., the grandson of slaves, the son of a man wrongfully imprisoned, and a civil rights pioneer. This native of rural Fort Motte, South Carolina, was a fixture during the civil rights era in his home state, and his passing on November 21, 2005 left a void that will never be filled.

On June 14, 1910, Mr. Williams was born the youngest of 12 children to Hope, Sr., and Adline Gold Williams during the era of Jim Crow laws. He received only a sixth grade education at Julia Peterkin's Lang Syne School because a public school education was not available to him and others similarly situated. Yet he continued to educate himself beyond his formal school years.

While Mr. Williams was still at home, his father was snatched and put on a chain gang for defending himself against the assault of a local white man. With his mother left to care for her large family alone, Mr. Williams stepped up and helped build a new cabin for his family. The house still stands, although battered by time. It remains a testament to Hope Williams' legacy of determination and endurance.

During World War II the boundaries of skin color temporarily diminished as all young men were called to serve. Hope Williams served his country by cultivating cotton on a Calhoun County farm he secured through one of the government's "Resettlement Administration" programs. However, racial tensions rose again, and Mr. Williams found himself drawn into the civil rights movement joining the Southern Christian Leadership Conference, SCLC. He was involved in organizational meetings with Dr. Martin Luther King, Jr., at Penn Center in Frogmore, South Carolina, and helped mobilize voter registration and participation in Calhoun and Orangeburg counties.

His leadership in the African American community, led Mr. Williams to form the Calhoun County Branch of the NAACP, and he served as its president for 12 years. He focused his efforts on working with South Carolina's first Black Senator since Reconstruction, I. DeQuincey Newman, to improve voter registration and economic development in African American communities.

Mr. Williams defied threats by the Ku Klux Klan and even took on the powerful State Senator Marion Gressette, and continued his voter registration drives. Ultimately Senator Gressette deputized him as a registrar with the power to register people where he met them rather than at the voter registration office. He was then appointed to the Calhoun County Board of Education and Voter Participation. He served in that capacity for many years, and was active in many other community organizations.

His dedication to his faith was equally profound. Mr. Williams joined New Bethany Baptist Church at the age of 14, and remained an active member until his passing. He served as Church Clerk, Sunday School Teacher and Superintendent. He became an Ordained Deacon, and finally served as Chairman of the Deacon Board until he fell ill before departing this life.

Mr. Williams was the patriarch of a wonderful family. His married June Miler in August 1932, and the two had 18 children. Mr. Williams was also the proud grandfather of 56 grandchildren and great-grandfather to another 45. At the time of his passing, he had eight great-great grandchildren.

Mr. Speaker, Hope Williams was a stalwart of the civil rights movement. He was instrumental in helping African-American communities in Calhoun County secure their right to vote, and he was among the unsung heroes in South Carolina that pave the way for me to be elected the first African American to Congress from South Carolina since Reconstruction. In fact, he was very active in all my political efforts until his illness. It was a long road, but one made easier by the tremendous work and sacrifice of men and women like Hope Williams. I encourage you to join me in expressing deep gratitude, posthumously, to Mr. Williams, and to issue that this triumph story is enshrined in the hollowed halls of Congress.

MEDICARE PART D DEADLINE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to urge Congress and the Bush

Administration to extend the May 15th deadline for enrollment in Medicare Part D.

The Bush Administration has spent millions of taxpayer dollars to promote this complicated plan. However, 6 months after enrollment began, only slightly over half of Medicare recipients, who did not previously have coverage, have enrolled in Part D. These low numbers are due in large part to the complexity of the system, the number of unfamiliar plans entering the market and the misinformation initially presented by CMS.

This was made very clear to me after many meetings with seniors and persons with disabilities in my district that this is unnecessarily complicated and that CMS was unprepared to deal with its implementation from the outset. As Members of Congress, we have all heard from constituents—both Medicare recipients and providers—about the difficulties in enrollment and in the accuracy of the payment system. I even heard from one constituent who was so frustrated by the system that, against our advice, he has disenrolled completely and plans to rely on emergency room care for his health coverage. That is unacceptable.

Coverage decisions are made more difficult by the fact that a beneficiary may only change plans once a year, whereas a plan may change its coverage options on a whim. Regardless of these complexities, those who do not enroll by May 15th will be charged a 7 percent minimum penalty for the rest of their lives. Medicare beneficiaries should not be charged for this Administration's problems. We need to extend the deadline for enrollment and in the meantime, go back to the drawing board and write a Medicare prescription drug plan that makes sense.

The Medicare Part D plan does not provide the comprehensive coverage that is needed for our seniors and persons with disabilities. This plan appears to be focused on providing profits for HMOs and pharmaceutical companies, not on improving health care and quality of life for Medicare recipients. Those priorities are made clear with the provision banning the Secretary of Health and Human Services from negotiating for best price on prescription drugs.

Recent studies show that by negotiating for best price we could save enough money to provide coverage for all recipients without a premium. A comprehensive Medicare drug benefit focused on seniors would come directly from Medicare, would allow negotiation, and would allow for re-importation of prescription drugs when safety standards are met.

We can do better, and we must do better. I urge my colleagues to support a deadline extension and comprehensive prescription drug coverage under Medicare.

IRAN FREEDOM SUPPORT ACT

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 2006

Mr. KOLBE. Madam Speaker, I rise in support of the Iran Freedom Support Act. We are at a crucial point in U.S. relations with Iran. The U.S. must insist that they stop the nuclear programs, respect international regulations, and end harboring of any terrorist or terrorist funding organizations.

I support my colleagues in taking up this piece of legislation. I urge a yes vote. However, I believe a few changes and improvements to the legislation need to be made before it is sent to the President.

One concern is that section 202 of this bill sanctions companies in the countries who are working with us to oppose Iran's nuclear program. These sanctions have a potential to split our allies, aiding Iran, something I'm sure supporters of this bill would not want to do. Congress and the President should have a united front against Iran and enacting legislation that threatens that unity is not in our best interests.

Additionally, Title II urges managers of U.S. pension plans to divest stocks of companies that report investments in Iran's energy sector. These provisions could negatively affect the smooth functioning of U.S. capital markets and the savings and investment flows that are essential to economic growth.

We must send Iran a strong signal with a united front. I urge passage of this bill because we must address the very real threat of the nuclear arms race in the Middle East stemming from Iran's irresponsible actions. The current regime in Iran must be held accountable for its threatening behavior even as we support a transition to democracy and tolerance in Iran.

BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Bethel African Methodist Episcopal Church on the occasion of its 135 years of continuing service.

On April 23, 2006, Bethel African Methodist Church, the oldest African-American church in Pottstown, Pennsylvania, will celebrate its 135th anniversary. Bethel had a very humble beginning. While the Church was initiated in 1869, original members of the Church began holding worship services for many years in local homes. It was not until 1871 that the Church marked its formal founding as an African Methodist Episcopal Church. During 1871, the Church also moved into its present and only sanctuary. Many renovations, upgrades, and membership additions have helped the Church grow, but members still turn to their original roots for strength and stability.

Over twenty pastors have served the congregation of Bethel and their current pastor, the Reverend Dr. Vernon Ross, Jr., has helped provide both spiritual and community growth. Through his leadership, Bible studies and Sunday school have grown tremendously and over 100 new members have found a new church home. Bethel has taken the initiative to create an after-school program, a women's and men's ministry, and a program to facilitate Christian education. They have also added a youth/young adult choice program and expanded the voice mass choir. In addition to this growth, the congregation remains focused on its missionary and lay organizations and has added to its outreach ministry by using church vans to stay involved in the community.

Mr. Speaker, I ask that my colleagues join me today in honoring Bethel African Methodist Episcopal Church on the wonderful occasion of its 135th anniversary. Bethel African Methodist Episcopal Church is committed to serving its community and is carrying out its mission to minister to the spiritual needs of the people of the greater Pottstown community in a most extemporary fashion.

RECOGNIZING THE 40TH ANNIVERSARY OF THE INDEPENDENCE OF GUYANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. RANGEL. Mr. Speaker, I rise today to recognize the 40th anniversary of the independence of the nation of Guyana from Great Britain and to enter a tribute to the relationship between Guyana and the United States into the CONGRESSIONAL RECORD.

On May 26, 1966 the people of Guyana rejoiced in their newfound freedom status and embarked on their journey of establishing independent statehood. Guyana officially became a republic on February 23, 1970. The transition to independence was not an easy one but the people of Guyana persevered and sustained as their nation evolved into a country of peace and prosperity.

The Caribbean is a diverse region that includes some of the hemisphere's richest and poorest nations. Among the 16 independent nations of the Caribbean, Guyana sits poised on the north central coast of South America. United States interest in Guyana and other Caribbean nations include economic, political and security concerns. Guyana has long been recognized as a vital partner to the U.S. on security, trade, health, the environment, education, and regional democracy.

Mr. Speaker: In the spirit of friendship and cooperation I congratulate Guyana on the occasion of their 40th anniversary of independence and I enter into the CONGRESSIONAL RECORD a statement submitted by the Ambassador of Guyana, the Honorable Bayney Karran.

THE TRIBUTE

As a former British colony Guyana shares a similar historical, linguistic, religious and socio-political heritage with the United States. Moreover, as a member state of the Organization of American States (OAS), Guyana is a solid partner and ally of the United States at the hemispheric and the wider international levels in advancing mutual interests and addressing common challenges. In remarking upon the status of the bilateral relationship in 2003, President George W. Bush stated, "The United States and Guyana enjoy a strong and productive partnership. . . . (The interests of the Guyanese people) and those of the United States are closely aligned. . . . Working together to further our shared goals, we will build ever stronger bonds between our two countries".

Those bonds were evident when Guyana, aided by the combined efforts of former Presidents George H.W. Bush and Jimmy Carter to bring about free and fair elections, emerged from the clutches of authoritarianism and returned to the fold of democratic nations in 1992. Guyana has always collaborated unstintingly with the United States to combat the scourges which pose challenges to democracy, development, human rights, peace and security.

The following are some useful indicators of Guyana's level of friendship and cooperation with the United States:

The Fight Against Drugs: Guyana recently extended an invitation to the DEA to open an office in Guyana after the DEA was made to depart neighboring Venezuela. The United States has responded positively to the invitation. Guyana has also concluded a Shiprider Agreement with the United States.

Free Trade: Guyana and the United States were in mutual agreement at the Fourth Summit of the Americas that the Free Trade Area of the Americas should proceed to be implemented.

Good Governance and Governability: Guyana's classification as a Threshold Country by the Millennium Challenge Corporation underlines its determination to improve its performance in ruling justly, investing in people and encouraging economic freedom.

Terrorism: Guyana suffered proportionately the heaviest losses in human casualties of any country including the United States from the 9/11 airplane attacks. Of a population of 750,000, 25 Guyanese nationals perished at the World Trade Center and one at the Pentagon.

HIV/AIDS: Guyana is a beneficiary country under the PEPFAR (President's Emergency Plans for AIDS Relief) Program.

Trafficking in Persons: The 2005 TIP Report which elevated Guyana from a Tier 3 to a Tier 2 country referred to appreciable progress by Guyana in complying with standards for the elimination of trafficking in persons.

International Criminal Court: Guyana has signed an Article 98 agreement with the Unites States.

Inter-American Agenda: As a member of the Inter-American System, Guyana shares policies and programs with the United States and other states in the hemisphere as set out, for example, in the OAS Charter, the Inter-American Democratic Charter, the Declaration on Hemispheric Security and other Conventions of the Inter-American System.

Above all, however, lasting bonds of friendship and cooperation between Guyana and the United States have been nurtured and strengthened by our respective people. The United States is home to a large Guyanese Diaspora which makes significant contributions to both Guyanese and American societies.

BAYNEY KARRAN,
Ambassador of Guyana.

RECOGNIZING AFRICA MALARIA DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize Africa Malaria Day and express my support and admiration for the determined public health officials, NGOs, clinicians and communities that are working to defeat this preventable disease that takes its greatest toll on the pregnant women and children of Africa.

Each year, 300–500 million people in Africa contract malaria. One to three million Africans will unnecessarily die, Every thirty seconds an African child under the age of five dies. Nearly four percent of all maternal deaths annually are the result of malaria. The battle against malaria is ranked as the second highest global disease burden in Africa.

Despite these tragic statistics, there is great hope for beating the disease and reducing the human cost it inflicts. Through contributions and collaborations of the public and private sectors, great strides have been made in the fight against malaria. Insecticide treated nets have been distributed to the vulnerable populations in pilot projects. Another project sprayed residual insecticides inside houses to repel mosquitoes from places where people sleep. Successful trials of a pediatric vaccine are being carried out, with the hope of a widely accessible vaccine available in 2010. Without the dedication of both governments and independent organizations, these amazing advances would not have been possible.

Mr. Speaker, please join me in calling attention to the plight of millions of families across the African continent, on this 2006 Africa Malaria Day, who needlessly get sick and become incapacitated missing school and work and in the worst cases die. The U.S. has rightly taken on a global leadership role in providing the financial resources and the scientific research to minimize malaria's heavy burden. We must continue to support those working to fight this disease and those millions whose lives can be immeasurably improved by ending malaria's costly human toll.

TRIBUTE TO ELIZABETH O'NEILL VERNER AWARD RECIPIENTS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to congratulate one of my constituents and a South Carolina government agency for winning the prestigious 2006 Elizabeth O'Neill Verner Governor's Award for their contributions to the arts.

Mr. David Sennema of Columbia, South Carolina has been selected to receive a Lifetime Achievement Award. It is hard to have lived in South Carolina in recent years and not have been touched by Mr. Sennema's talent and leadership. In his capacity as the first general manager of the Columbia Music Festival Association, he developed and directed the South Carolina Philharmonic. As the Executive Director of the South Carolina Museum Commission, he was instrumental in planning and developing the South Carolina State Museum. Mr. Sennema also served as the first Executive Director of the South Carolina Arts Commission. His career has taken him around the country to universities and to arts organizations, including the National Endowment for the Arts. In his retirement, Mr. Sennema continues to impact the arts in South Carolina by serving on boards and commissions and writing and performing.

The South Carolina Department of Mental Health has been chosen for the Elizabeth O'Neill Verner Governor's Award in the Government category for its Art of Recovery program. This innovative program enables South Carolinians living with mental illness to exhibit and sell their artwork. More than 350 artists, who receive care from the South Carolina Department of Mental Health, have benefited from Art of Recovery during the five years since its inception. This program has helped erase the stigma of having a mental illness, and provided participants with a sense of pride and accomplishment.

Mr. Speaker, I ask you and my colleagues to join me in thanking Mr. Sennema and the South Carolina Department of Mental Health for their commitment to the arts. As an individual or an agency, we learn through these Elizabeth O'Neill Verner Governor Award recipients that art has the power to inspire, to teach and to heal.

"WOMEN TIME NOW" IN THE U.S., CARIBBEAN, LATIN AMERICA, AFRICA AND ELSEWHERE AS FEMALES TAKE OVER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD an interesting and spellbinding editorial entitled "Women Time Now" that clearly recognizes the growing number of outstanding women who are emerging as leaders throughout the world. I sincerely commend the newly elected leaders and admire the female leaders from the past who paved the way for this newer group of women elected officials. It is evident that they are poised to demonstrate their ability to lead their countries into the future.

Portia Simpson-Miller, Jamaica's first woman Prime Minister and Ellen Johnson-Sirleaf, Liberia's new President and the first elected female leader in Africa's history are surfacing to prominence with much support from their countrymen. The term referenced in the article to give a sense of the political climate in their countries is "national euphoria". This term clearly signifies the exuberance that is felt as these ladies take on the task of running their countries.

While I am overjoyed for the newly elected female officials, a disturbing part of the editorial addresses the declining number of males in the U.S. and in the Caribbean who are failing to take advantage of the educational opportunities that could lead to a more active role from men in politics of the future. The Vice Chancellor of the University of the West Indies ventured to say that in another decade women will be leading the Caribbean in most spheres of influence. Hopefully, opportunities will continue to exist for all and more young men and women will embrace and seize the opportunity to contribute to the political processes in their countries.

Mr. Speaker, I have deep respect for the fortitude and commitment of the many women leaders who are rising to the forefront as they embark on the mission to bring about positive changes in their countries. I enter this editorial into the RECORD to reiterate the point that women are emerging as leaders throughout the world and this emergence signifies that it is truly "Women's Time Now."

[From the NY Caribnews, April 4, 2006]

"WOMEN TIME NOW"

"It's woman time now, give her a chance."

Across Jamaica, indeed throughout the Caribbean and in the West Indian Diaspora in North America and Europe, both men and women are chanting that sentiment.

Although the words are meant for Portia Simpson-Miller, who in a few days time will make history in her country by becoming Jamaica's first woman Prime Minister, they are also being directed at Liberia's new President, Ellen Johnson-Sirleaf, the first elected female leader in Africa's history, and the newly installed President of Chile, Latin America's first woman head of state and government.

Like others in different parts of world, Simpson Miller and Johnson Sirleaf, for instance, have come to office with national euphoria serving as the wind beneath their wings. It's up to them to lead their respective countries into a new and prosperous direction.

Simpson-Miller, perhaps the most popular politician in Jamaica is not the first woman to head a Caribbean government. Eugenia Charles, the Prime Minister of Dominica in the 1980s and Janet Jagan, Guyana's President in the 1990s, are but two who come quickly to mind. In addition, Haiti, the Netherlands Antilles and St. Marteen have all had women at the helm.

Across the Caribbean, indeed, around the world women are taking charge, enacting new laws, changing old bad habits, reshaping broken countries and companies and bringing a new sense of order and inspiration that augurs well for the future.

In the U.S., which by the way lags Rwanda in giving women a larger share of political and parliamentary power outstanding women now hold key positions in government, the judiciary, on college campuses, civil society, the trade unions, corporate America and elsewhere. But as outstanding as it sounds, the pace may have been a bit too slow and needs to be quickened.

Such outstanding women as Dame Billie Miller, Barbados' Senior Minister who has been her country's Minister of Foreign Affairs and Foreign Trade for a dozen years, Claris Charles, Grenada's Minister of Education, Dame Pearlette Louisy, St. Lucia's Governor General, and Pat Bishop of Trinidad and Tobago who is one of the Caribbean's most accomplished composers, arrangers and ethno musicologists are but a few of those who come to mind for having changed the course of government, the trade union movement or cultural expression in our part of the world.

Just the other day, Dr. Nigel Harris, Vice Chancellor of the University of the West Indies, served notice that in another decade women would be leading the Caribbean in most spheres of influence. He based that on the fact that females account for more than 70 per cent of the students on UWI campuses in Jamaica, Trinidad and Tobago and Barbados. While that's a source of joy, it's also a reason to express regret as far as young men are concerned. The male of the species in both the U.S. and the Caribbean are failing to take advantage of educational opportunities, thus leaving us all to ask what does that tell us about the future?

Women, especially Black women around the world are seizing every chance they get to make a difference for themselves and society. The barriers they have broken down are mind-boggling and are a lesson to all about rising to the occasion.

That's not to suggest that the path has been easy or that the future is entirely rosy. They must expect challenges at every step but there is little doubt that they would be able to complete the task successful.

GENERAL DEBATE OF H.R. 609

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, with great disappointment, I rise to voice my opposition to H.R. 609, a bill to reauthorize the Higher Education Act.

College affordability is the major issue for this generation of students and their families. A higher education is increasingly out of reach for too many in America and for those who do attend, the average student debt amount continues to grow. Many of us know how difficult it can be to finance a college education and we also know that this education is a key to a successful economic future.

The Higher Education Act is one of the most important laws governing our Nation's education system because its intent is to create and improve access to college for millions of students each year. Discussion of this law should be focused on changes that will make college more affordable for all families and that will increase our global competitiveness. Instead the Republican leadership has put forward legislation that does nothing to increase the affordability of college and at the same time allows for-profit education companies access to limited education dollars.

Mr. Speaker, this legislation is moving America in the wrong direction. While other nations around the world are investing in higher education, this Congress has passed a $12 billion cut to student aid—the largest cut to students ever. That devastating cut, combined with the effort in this bill to eliminate fraud and abuse protections currently governing financial aid dollars, clearly show that the Majority has prioritized for-profit education companies over our students and our future.

In addition, Republicans have included language to broaden federal influence over colleges and universities. This bill gives Congress a role in overseeing daily campus activities, including monitoring classroom discussions, reviewing student grades, and setting curriculum. This sets a dangerous precedent for what has historically been an issue of academic freedom for our higher education system.

It is the American dream to have the opportunity to learn, to work in the career of your choice, and to succeed. If should not be the policy of the United States Government to limit the dreams of students. Mr. Speaker, I urge colleagues to reject H.R. 609 and to work for legislation that improves access to college and increase our ability to compete in the new global market. This is a priority for families and our communities and should be a priority for our leaders in Washington.

INTRODUCTION OF THE DEDICATED DENTAL SERVICE FOR HIV/AIDS ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. NORTON. Mr. Speaker, I am pleased today to introduce the Dedicated Dental Service for HIV/AIDS (DDS for HIV/AIDS) Act of 2006 to establish a loan repayment program for dental school graduates in exchange for their agreement to remedy a critical shortage of dentists for the poor, particularly in areas with a high incidence of HIV and AIDS, by agreeing to serve such patients. This bill is similar to legislation Congress has enacted in the past to encourage other health professionals, such as physicians, nurses, optometrists and pharmacists to provide vital services in underserved areas.

Howard University professors of dentistry inform us that the first indicators of HIV/AIDS infection are often oral health problems. Oral health problems often not only constitute an important early signal of HIV/AIDS symptoms; they also serve as benchmarks for disease progression. One of the most serious problems with the spread of HIV/AIDS is the reluctance of people to be tested for such a disease, especially in the African American community and other big city and rural areas. Access to dental care, I therefore, is critically important from the earliest onset, especially in high impact areas. Access, of course, minimizes long term oral health complications for patients, but it also provides important linkages to good overall medical care to combat the disease in the community.

A recent RAND health study on HIV costs and services found that the vast majority of patients received care at their local AIDS clinic, not a primary dentist. Moreover, these disfavored patients must look for service within the context of a nationwide drop in dental school applicants and graduates, and a projected 60 percent loss of active dentists due to retirement. As a result, the average American, especially those with HIV/AIDS, will or already are having difficulty in obtaining dental care.

For HIV/AIDS patients the crisis is palpable. They have even more difficulty than other Americans finding dentists who will accept Medicaid or treat patients at reduced cost. Some dentists are reluctant to provide care. Although only one case of transmission between dentist and patient has been documented, problems of access are acute. Many patients must travel long distances to find care. Many states do not include dental care as part of their Medicaid coverage. Patients often must search for providers such as schools of dentistry or local community clinics which receive some funds from the Dental Reimbursement Program (DRP), administered through the Ryan White CARE Act.

My bill would create a loan forgiveness program for dental school graduates who agree to serve HIV/AIDS populations in areas where there is a high incidence of such cases, as defined by the Department of Health and Human Services. This program is drawn from the nurse loan forgiveness program passed by Congress in 1998. The crisis for the dental profession, especially in the distribution of dentists in underserved areas, is even greater than for physicians. Dental school graduates incur an average loan debt of $100,000. Under the guidelines of the program, the secretary of the Department of Health and Human Services is authorized to pay 60 percent of the principal and interest on the loans in exchange for service for a period of no less than two years. If a dentist agrees to participate in a third year of service, another 25 percent of the principal and interest on his loans will be paid. Loan forgiveness programs bring important added value because many recipients remain in practice in the area to which they are assigned. The secretary of HHS is to submit to the Congress a report on the program, with information including the number of dentists enrolled, the number and amount of loan repayments, the placement location of loan repayment recipients, and the evaluation of the overall costs and benefits of the program.

With more than one million Americans with HIV/AIDS, and over 16,000 in the District of Columbia, and its impact among people of color, these health providers need greater attention. We are proud of the overworked and underfunded services that are available in the District of Columbia. The Howard School of Dentistry has a long history of providing dental services to the poor here, and the HU CARES program, provides care for nearly 1,200 patients a year. The vital Whitman Walker Clinic, the largest provider of comprehensive HIV/AIDS services in the District and the region serves over 1,500 dental patients a year.

I urge my colleagues to join with me in establishing this dental loan repayment program that will meet an immediate and pressing need in communities across the country, as we have for other professions.

INTRODUCTION OF H.R. 5216, THE PRESERVATION OF RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. LANTOS. Mr. Speaker, I am delighted to introduce H.R. 5216, the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act. This important legislation will build upon the success of the Freedmen's Bureau Records Preservation Act of 2000 (P.L. Number: 106–444), which passed both the House and the Senate unanimously in 2000 and was signed into law in November 2000. The law required the Archivist of the United States to create a searchable indexing system to catalogue the geological records from the post-Civil War Reconstruction period.

Based on the immense success of the Freedmen's Bureau Records Preservation Act, I have joined with my colleagues to introduce follow-up legislation to ensure that those Americans who want to trace their family's history in our country are not prevented from doing so because access to records is difficult. Mr. Speaker, as you are aware, for most Americans, researching their genealogical history involves searching through municipal birth, death, and marriage records—almost all of which have been properly archived as public historical documents. However, African Americans in the United States face a unique challenge when conducting genealogical research due to our Nation's history of slavery and discrimination. Instead of looking up wills, land deeds, birth and death certificates, and other traditional genealogical research documents, African-Americans must often try to identify the name of former slave owners, hoping that the owners kept records of pertinent information, such as births and deaths.

To compound this difficulty, African-American genealogists find that most current records of servitude, emancipation, and post-Civil War reconstruction are frequently inaccessible, poorly catalogued, and inadequately preserved from decay. While some States and localities have undertaken efforts to collect these documents with varying degrees of success, there has not been any national effort to preserve these pieces of public and personal history to make them readily and easily accessible to all Americans.

Mr. Speaker, the Freedmen's Bureau Records Preservation Act was an important first step towards ensuring that many of these valuable and important records are appropriately maintained. Without this Act, we run the risk today of losing other critically important historic documents.

The Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act, tackles this problem in two ways. First, it would ensure that existing records of servitude, emancipation, and post-Civil War reconstruction housed within the federal government that include the Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, and Slave Manifests would be properly preserved by authorizing $5 million for the Archivist of the United States to preserve, maintain and electronically catalog. Second, this legislation would also authorize $5 million in grants to be distributed to States, academic institutions, and genealogical associations to preserve and establish databases of the important local records of servitude, emancipation, and post-Civil War reconstruction currently housed throughout the country. These grants will ensure that families doing research in my home State of California or anywhere in the country will have access to these treasure troves of genealogical information.

Mr. Speaker, I am delighted to be joined by over forty of our colleagues from both sides of the aisle who are original cosponsors of my legislation and particularly appreciate the support of my good friends and colleagues, TOM DAVIS, and ELIJAH CUMMINGS, whose assistance in drafting this bill has been monumental. I would urge the rest of our colleagues to support this legislation and hope that we will be voting on this bill soon.

I would also like to call attention to the following websites, which will provide genealogical researchers, as well as people interested in the history of African-Americans, a true bounty of useful and meaningful information.

National Archives Genealogy Website (http://www.archives.gov/genealogy/)

NATIONAL PARK SERVICE AFRICAN AMERICAN DOCUMENTARY RESOURCES*

African American Civil War Memorial, DC (http://www.nps.gov/afam/index.htm)

Booker T Washington National Monument, VA (http://www.nps.gov/bowa/index.htm)

Boston African American National Historic Site, MA (http://www.nps.gov/boaf/index.htm)

Brown v Board of Education National Historic Site, KS (http://www.nps.gov/brvb/index.htm)

Cane River Creole National Historical Park, LA (http://www.nps.gov/cari/index.htm)

Central High School National Historic Site, AR (http://www.nps.gov/chsc/index.htm)

Dayton Aviation Heritage National Historical Park (Paul Laurence Dunbar State Memorial), OH (http://www.nps.gov/daav/index.htm)

Frederick Douglass National Historic Site, DC (http://www.nps.gov/frdo/index.htm)

George Washington Carver National Monument, MO (http://www.nps.gov/gwca/index.htm)

Maggie L Walker National Historic Site, VA (http://www.nps.gov/malw//index.htm)

Martin Luther King Jr National Historic Site, GA (http://www.nps.gov/malu/index.htm)

Mary McLeod Bethune Council House National Historic Site, DC (http://www.nps.gov/mamc/index.htm)

Natchez National Historical Park, MS (http://www.nps.gov/natc/index.htm)

New Orleans Jazz National Historical Park, LA (http://www.nps.gov/jazz/index.htm)

Nicodemus National Historic Site, KS (http://www.nps.gov/nico/index.htm)

Selma to Montgomery National Historic Trail, AL (http://www.nps.gov/semo/index.htm)

Tuskegee Airmen National Historic Site, AL (http://www.nps.gov/tuai/index.htm)

Tuskegee Institute National Historic Site, AL (http://www.nps.gov/tuin/index.htm)

*Parks have primary source documents, museum artifacts, historic structures, landscapes and related resources. Both primary and secondary sources at these sites contain lists of persons, families, institutions and organizations significant in African American history. They are a gold mine of research for African American families.

DATABASES IN AFRICAN AMERICAN HISTORY

1. Civil War Soldiers & Sailors System* (http://www.civilwar.nps.gov/cwss/) United States Colored Troops, African American Sailors in the Union Navy

*This database has the names of the nearly 180,000 African American soldiers in the Union Army, USCT. It also has the names and places of origin (throughout the world) of African American sailors in the Union Navy.

2. National Register Information System (National Register of Historic Places) (http://www.cr.nps.gov/nr/*)

*The National Register of Historic Places has a listing of over 1000 places that are significant in African American history, in communities all over the United States. An outdated publication describes some 800 of these, but the database itself, with some enhancements, would provide significant information on local communities and families.

STUDIES IN AFRICAN AMERICAN HISTORY

African-American History of War of 1812 Sites (pdf) (http://crm.cr.nps.gov/archive/20-2/20-2-12.pdf)

A History Remembered: Why Were Buffalo Soldiers in Yosemite? (http://www.nps.gov/yose/nature/articles/buffs.htm)

African American Archeology & History (http://www.cr.nps.gov/seac/af-am/index4.htm)

African American Heritage in the Golden Crescent (http://www.cr.nps.gov/goldcres/cultural/africahome.html)

African American History and Culture (http://crm.cr.nps.gov/issue.cfm?volume=20&number=02)

African American Sailors in the Civil War Union Navy (http://www.civilwar.nps.gov/cwss/sailors_index.html)

Africans and African Americans on Jamestown Island 1619–1803 (pdf) (http://www.cr.nps.gov/history/online_books/african/african.pdf)

Chattel Slavery at Hampton/Northampton, Baltimore County (http://www.nps.gov/hamp/lancaster2.htm)

Clues to African American Life at Manassas National Battlefield Park (http://www.nps.gov/mrc/exhibit/arch00.htm)

Connections: African-American History and CRM (http://crm.cr.nps.gov/issue.cfm?volume=19 & number=02)

Encountering the Cultural Diversity of the Lower Mississippi Delta Region (http://www.cr.nps.gov/delta/concept05.htm)

Frankly, Scarlett, We Do Give a Damn: The Making of a New National Park (pdf) (http://www.cr.nps.gov/history/categrs/gates.pdf)

Fugitive Slave Traffic and the Maritime World of New Bedford (pdf) (http://www.nps.gov/nebe/research/grover.pdf)

In Those Days: African American Life Near the Savannah River (http://www.cr.nps.gov/seac/ITD/longversion/itd-lg1.htm)

Racial Desegregation in Public Education in the U.S. (http://www.cr.nps.gov/nhl/themes/Scanned%20Nominations/Desegregation/deseg-education.htm)

Slavery and Resistance (http://crm.cr.nps.gov/issue.cfm?volume=21 & number=04)

Speeches of Dr. Martin Luther King (http://www.nps.gov/malu/documents/resources.htm)

The Black Experience in Natchez 1720–1880: Special History Study (1993) (http://www.cr.nps.gov/history/online_books/natc/davis.pdf)

ORAL HISTORIES IN THE AFRICAN AMERICAN COMMUNITY

Oral Histories Capturing Forgotten Moments in Civil Rights History (http://crm.cr.nps.gov/archive/19-2/19-2-5.pdf)

Faces of Whaling Oral History Project (http://www.nps.gov/nebe/research/faces.pdf)

LESSON PLANS IN AFRICAN AMERICAN HISTORY *

Teaching with historic places

An American Success Story: The Pope House of Raleigh, NC (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/124popehouse/) Meet Dr. Manassa T. Pope, an African-American doctor and entrepreneur in the early 20th century, and learn about his efforts to gain civil rights well before the modern Civil Rights Movement.

Brown v. Board: Five Communities that Changed America (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/121brown/index.htm) Learn about the landmark U.S. Supreme Court case that declared segregation in public schools unconstitutional.

Chicago's Black Metropolis: Understanding History through a Historic Place (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/53black/53black.htm) Examine the history of this "city-within-a-city," a self-supporting African-American community that prospered from the late 19th century until the 1930s.

From Canterbury to Little Rock: The Struggle for Educational Equality for African Americans (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/crandall/crandall.htm) Understand the magnitude of the struggle involved in securing equal educational opportunities for African Americans and examine how Prudence Crandall challenged the prevailing attitude toward educating African Americans in New England prior to the Civil War.

Glen Echo Park: Center for Education and Recreation (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/24glenecho/24glenecho.htm) Trace the evolution of this Maryland site from a chapter of the Chautauqua movement, to a racially segregated amusement park, to a national park.

Iron Hill School: An African-American One Room School (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/58iron/58iron.htm) Discover how an early 20th-century philanthropist reformed Delaware's education system for African-American children.

The Liberty Bell: From Obscurity to Icon (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/36liberty/36liberty.htm) Analyze the influences that shaped the symbolic meaning of the bell, including why some civil rights protestors chose the Liberty Bell as their symbol for African American equality.

Memories of Montpelier: Home of James and Dolley Madison (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/46montpelier/46montpelier.htm) Visit the Madisons' plantation home and their world of social prominence, and explore some contemporary views of slavery.

New Kent School and the George W. Watkins School: From Freedom of Choice to Integration (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/104newkent/104newkent.htm) Learn about the U.S. Supreme Court case that forced the integration of public schools and meet the individuals who experienced segregation, fought to dismantle the institution, and integrated the public school system of New Kent County, Virginia.

The Old Courthouse in St. Louis: Yesterday and Today (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/9stlouis/9stlouis.htm) Compare two images of St. Louis's handsome Courthouse—as a gathering place for pioneers heading west and as a dramatic focus for Dred Scott's heroic efforts to free his family from slavery.

The Siege of Port Hudson: "Forty Days and Nights in the Wilderness of Death" (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/71hudson/71hudson.htm) Understand the importance of the Mississippi River to both the North and South during the Civil War, as well as the critical role African American soldiers played in the Civil War and how their fighting changed general public perception of their abilities.

Two American Entrepreneurs: Madam C.J. Walker and J.C. Penney (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/walker/walker.htm) Examine the historic places associated with two of America's most famous 20th century businesspeople.

The Vieux Carré: A Creole Neighborhood in New Orleans (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/20vieux/20vieux.htm) Examine New Orleans's distinctive French Quarter, a vibrant reflection of its Creole heritage, and recall the city's role in American westward expansion.

When Rice Was King (http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/3rice/3rice.htm) Investigate early rice plantations in Georgetown, South Carolina, to learn how rice cultivation transformed the native environment and promoted the South's dependence on a plantation economy. Recent revision to this lesson includes the examination of the origins of rice production and the cultural genesis of students' communities.

*Teaching with Historic Places is a program of the National Register of Historic Places. Individual Parks also have lesson plans in African American history.

TRAVEL ITINERARIES TO AFRICAN AMERICAN PLACES

We Shall Overcome: Historic Places of the Civil Rights Movement (http://www.cr.nps.gov/nr/travel/civilrights/)

Aboard the Underground Railroad (http://www.cr.nps.gov/nr/travel/underground/)

Amistad: Seeking Freedom in Connecticut (http://www.cr.nps.gov/nr/travel/amistad/)

Asheville, North Carolina (http://www.cr.nps.gov/nr/travel/asheville/)

Atlanta, Georgia (http://www.cr.nps.gov/nr/travel/atlanta/)

Aviation: From Sand Dunes to Sonic Booms (http://www.cr.nps.gov/nr/travel/aviation/)

Baltimore, MD (http://www.cr.nps.gov/nr/travel/baltimore/)

Historic Charleston's Religious and Community Buildings (http://www.cr.nps.gov/nr/travel/charleston/)

James River Plantations (http://www.cr.nps.gov/nr/travel/jamesriver/)

Lexington, Kentucky (http://www.cr.nps.gov/nr/travel/lexington/)

Southeastern Louisiana (http://www.cr.nps.gov/nr/travel/louisiana/)

Puerto Rico and the U.S. Virgin Islands (http://www.cr.nps.gov/nr/travel/prvi/)

Raleigh, North Carolina (http://www.cr.nps.gov/nr/travel/raleigh/)

Virginia Main Street Communities (http://www.cr.nps.gov/nr/travel/VAmainstreet/)

World War II in the San Francisco Bay Area (http://www.cr.nps.gov/nr/travel/wwIIbayarea/)

Washington, DC (http://www.cr.nps.gov/nr/travel/wash/)

HONORING SAM MIRABELLA

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Sam Mirabella, who embodied the boundless spirit of his native Tampa, Florida and was devoted to serving his community.

During his 12 years as a Tampa City Councilman, Sam played an important role in improving our city and helped usher Tampa's government operations into modern times. And as a charter member of The Tampa Sports Authority, Sam was instrumental in bringing Tampa's first stadium to life and putting Tampa on the map for America's sports fans and teams.

However, the people Sam served didn't have to go to City Council meetings to bend Sam's ear. Sam, with his trademark cigar and colorful sense of humor, was always available at Mirabella's Seafood Co., which he co-owned. Even in his retirement, Sam was a fixture in South Tampa, riding his bike through the neighborhoods on a daily basis and stopping to talk to just about anyone who crossed his path.

Sam served his country in World War II and was always giving back to his hometown through a host of community and charitable organizations. A die-hard Gator fan, Sam was also eager to support his alma maters, the University of Florida and H.B. Plant High School.

Sam's passing is a tremendous loss for the Tampa community. I would like to extend my deepest sympathies to his family and many friends.

JOE LOUIS . . . REMEMBERING THE LEGEND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. RANGEL. Mr. Speaker, as the 25th anniversary of the death of boxer Joe Louis approaches on April 12, 2006, I feel it quite appropriate to reminisce about the outstanding career accomplishments and contributions he made to society during his lifetime.

Joe Louis Barrow, son of an Alabama Sharecropper was 10 years old when he moved to Detroit, Michigan with his mother and stepfather in 1924. He developed his physique by delivering 50-pound blocks of ice as a teenager. At 18, he learned that a boxing club paid fighters in food, so he fought to win $7 worth of food in a match where he was knocked down seven times in two rounds. He vowed never to fight again.

A short time later a professional fighter, Holman Williams, gave him some lessons and persuaded him to enter the Golden Gloves competition. In 1933, his then manager, John Roxborough, shortened his name to simply Joe Louis. He went on to win 50 of 54 amateur fights, 41 by knockout, and was AAU national light heavyweight champion in 1934 when he was 19 years old.

Known as the "Brown Bomber" Louis turned professional in 1935. He won his first eight fights, but finally lost to Max Schmelling, a German who was a key part of Hitler's "Aryan Superiority". Joe Louis was granted a much sought after rematch with Schmelling on June 27, 1938. The fight resulted in a first round knock-out of Schmelling, two minutes and four seconds into the round. This feat dealt a devastating blow to Hitler's Nazi Germany.

Louis was very popular among whites as well as blacks. This fondness was attributed to his very quiet and modest demeanor. His popularity peaked after he knocked out Max Schmelling, as Schmelling was viewed by many as a tool of Hitler's Nazism.

Louis defended his title 25 times in 5 years, knocking out 25 of his opponents. He entered the Army in 1942 and was used basically as a good-will ambassador. He appeared in a movie, The Negro Soldier, in an attempt to boost morale among black fighting men.

After World War II ended, he defended his championship five more times. Louis announced his retirement in 1949 but his obligation to pay more than $1 million in back taxes forced him back into the ring. His last fight resulted in a knock-out by champion Rocky Marciano in the 8th round on October 26, 1951.

Louis won 67 professional bouts, 53 of them by knock-out, and lost 3 bouts, 2 by knockout.

In 1969 ill health overtook him and after collapsing on the street in New York City he was hospitalized in a psychiatric hospital. Upon his release, he became a greeter at a Las Vegas casino. After attending a Larry Holmes/Trevor Berbick boxing match, Louis went into cardiac arrest and died at age 67 on April 12, 1981.

Joe Louis had an exceptional and fascinating boxing career filled with many wonderful moments. He was a ground breaking world renowned athlete who broke racial barriers at a time when that was difficult to do. He reigned as the U.S. Heavyweight champion for a record 12 years and most of all he opened doors for such future legends as Muhammad Ali, Jackie Robinson and Sugar Ray Robinson.

Even though 25 years have gone by since Joe Louis passed away, History will always continue to portray him as one of the best prize fighters of all time.

IN RECOGNITION OF CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. BACA. Mr. Speaker, I rise today to congratulate California State University, San Bernardino on its 40th anniversary and recognize the extraordinary contributions the university has made to California's 43rd district and to the United States of America.

As a result of President Karnig's excellent leadership, CSUSB ranks among the fastest growing universities in the California State University system, and educates over 16,400 students per year. Since 1967, over 55,000 students have graduated from the university.

Comprised of five academic colleges staffed with exceptional faculty, CSUSB offers over seventy degrees and certificates to students. Several graduate and undergraduate programs have been nationally accredited, including the M.B.A. program, computer science, geographic information and decision sciences, psychology, business, health, public administration, and accounting and finance, among numerous others.

I am proud to recognize Cal State San Bernardino as one of California's most diverse universities. Diversity is so prevalent at CSUSB that on campus, there is no majority ethnic group. The university offers strong educational opportunities for minority students and has been nationally recognized for its contributions to the higher education of minorities.

Recently, the Princeton Review honored CSUSB in its "Best in the West" rankings and U.S. News & World Report named the university among the best places to earn a master's degree in the West. Such acknowledgement and respect is well-deserved and speaks volumes about the university's national presence. CSUSB is an asset to California and contributes significantly to the quality education system in our state.

Cal State San Bernardino represents the best of America's higher education system. I congratulate the university on its 40th anniversary and look forward to recognizing its wonderful contributions to California in the future.

IN HONOR OF HOLOCAUST REMEMBRANCE DAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the 63rd anniversary the Warsaw Ghetto uprising. Today is Holocaust Remembrance Day, or in Hebrew, Yom HaShoah—Day of the Destruction. The "destruction" is an apt description of the horrific crime that resulted in the deaths of six million Jews and destroyed families and communities across Europe.

In remembering the unspeakable horror of the Holocaust, we must recommit ourselves to ensuring that this tragedy never happens again and to fighting the precursors that led to this mass genocide—the bigotry of anti-Semitism, the discriminatory Nurenberg Laws, and the blind eye that the world turned for far too long. We honor the memory of those that suffered, and we pray for a world free from such hatred and despair.

The Jewish people have a long history of persecution and redemption. This month, the Jewish people celebrated Passover—a commemoration of the Exodus when the Jews received their freedom and were redeemed after 400 years of enslavement. This cycle of persecution and redemption has continued over the thousands of years since then, and in the years following the Holocaust, the Jewish people were redeemed through the founding of the State of Israel.

The nation was founded on principles of democracy and freedom, and has maintained these ideals in the face of the ongoing terrorism that continues to plague its people. However, despite these attacks on its people, this Jewish State continues to serve as haven for persecuted Jews and since World War II, has taken in entire communities from the former Soviet Union, South Africa, Ethiopia, Argentina, and throughout the world.

Immediately following the liberation of the concentration camps, we pledged to ourselves, never again. Never again will the world stand idly by while individuals are being slaughtered solely for their race, religion or ethnicity. But in the years since then, we have seen atrocities committed in Bosnia, Rwanda and Kosovo and a genocide is still ongoing in Darfur. Today, I rise on this solemn day to remember these brutal acts of genocide and recommit myself to this pledge, never again.

SLEEP APNEA TEST ADVISED

HON. EDOLPHUS TOWNS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. TOWNS. Mr. Speaker, based on my concern regarding the severe impact of obstructive sleep apnea on young children and the need for baseline testing between ages three and four, I want to call my colleagues attention to an April 18, 2006 article in MedPage Today "Sleep Apnea Test Advised for Down's Children" and ask that it be printed in the CONGRESSIONAL RECORD.

(By Judith Groch)

SLEEP APNEA TESTS ADVISED FOR DOWN'S CHILDREN

CINCINNATI, April 18—Because of high rates of obstructive sleep apnea in young children with Down's syndrome, researchers here have recommend baseline testing between ages three and four.

Overnight polysomnograms performed on 56 children, ages 3.5 to four, found that 57% of the children had abnormal results and evidence of obstructive sleep apnea syndrome, according to a study in the April issue of the Archives of Otolaryngology-Head and Neck Surgery.

When the researchers included an elevated arousal index, which is associated with increased difficulty breathing, the abnormal percentage rose to 80%, said Sally Shott, M.D., of the University of Cincinnati here, and colleagues.

Because of a lack of expertise in evaluating sleep disturbances, the parents are often oblivious to the problem. Sixty-nine percent of parents who filled out a questionnaire about their child's sleep patterns reported no problems, whereas 54% of the children had abnormal polysomnograms, Dr. Shott said. Parents and children came from a tertiary-care pediatric referral center.

The polysomnograms were classified as abnormal if the obstructive apnea index was greater than 1, if the carbon dioxide level was greater than 45 mm Hg for more than two-thirds of the study or greater than 50 mm Hg for more than 10% of the study. Also included was unexpected hypoxemia (oxygen saturation less than 92% during sleep or repeated intermittent desaturations less than 90%), the researchers said.

For purpose of analysis, the results were categorized in three groups, the researchers said. Group 1 (n=21) consisted of abnormal results because of an elevated obstructive sleep apnea index. These children also had hypercarbia, hypoxemia, or any combination, with or without hypoventilation and an elevated arousal index, according to the researchers.

In this category, they said, hypercarbia and hypoxemia, in addition to an abnormal obstructive apnea index, led to a statistically high obstructive apnea index compared with the index for children who did not have these add-on's (17.15, ±4.63 vs. 2.9±1.86, respectively; P=.02).

In group 2 (n=11), results were reported as abnormal because of hypoventilation with hypercarbia and/or hypoxemia, with or without an elevated arousal index. The apnea obstructive index was in the normal range. However, results from other studies show an increased risk of hypertension and abnormal cardiac rates as well as sleep fragmentation with prolonged hypercarbia, the researchers commented.

The third group (n= 24) included children with normal polysomnograms, but further inspection found that 13 of these children had an arousal index greater than 10 (mean index 15.6).

Commenting on the significance of the arousal response, Dr. Shott said that ordinarily an arousal is a protective reflex that helps curtail the upper airway obstruction and reestablish a patent airway.

However, there is concern that an excessive number of arousals may lead to fragmented sleep and sleep deprivation. The increased arousal rate in Down's children may affect daytime function, ability to learn, and resultant behavior, often misattributed to a child's limited intellectual abilities, she said.

The parental questionnaire cast doubt on the parents' ability to assess their child's sleep problems. In general, these parents underestimate the severity of their child's sleep disturbances, Dr. Shott said. Thirty-five parents completed a questionnaire at the study's outset asking whether their child snored, stopped breathing while sleeping, and if there were snorts and gasps for air during sleep.

Overall, 11 (31%) parents reported that their child had sleep problems, but these parents were correct about a sleep abnormality in only four cases. The other seven children, believed by parents to have abnormalities, had normal polysomnograms. Of the 24 parents who reported no sleep problems, 13 children (54%) had abnormal tests, the researchers reported.

In a further analysis, for children in Groups 1 and 2 with major sleep disorders, 13 parents (77%) said their child had no sleep problems, and in group 3, in which the children were normal, seven (39%) said their child had sleep problems.

"Our results point to the need for objective testing for obstructive sleep disorders in children as young as three or four years," Dr. Shott said. Because there is a high incidence of sleep disorders in Down's syndrome children, "baseline studies, using full overnight polysomnograms, are recommended even if parents report no sleep problems in their child," she said.

TRIBUTE TO PETER LUTHER

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. HONDA. Mr. Speaker, I rise today to recognize and pay tribute to Peter Luther, one of the 15th district's most distinguished community and business leaders. Peter has dedicated the last six years of his life to creating a world without limits for people with diabetes both in California and all over the world.

Peter joined LifeScan Inc., a Johnson & Johnson company headquartered in Milpitas, CA, in 2000 to oversee U.S. sales and marketing. Peter's responsibilities soon expanded to global sales and marketing, eventually leading to his current position as president of LifeScan. Peter's commitment to people with diabetes and their families has positioned LifeScan as the leading global diabetes management company that partners with patients and healthcare professionals around the world to offer innovation that improves the quality of life. Over 21 million people in the U.S. alone have diabetes, and tens of millions more are at risk to develop this chronic condition in the near future. Peter has worked tirelessly to provide the most advanced, accurate, and clinically-based quality diabetes management products and services available today.

Peter's professional accomplishments have consistently reflected the Johnson & Johnson credo that guides all company employees to put patients first. Peter recently developed an industry-patient advocacy partnership called the Diabetes Care Coalition that created the "Know Your A1C" campaign. The media campaign carries the message of awareness about sound diabetes management and tight glycemic control to people with diabetes through public media outlets. The American Diabetes Association named Peter "Father of the Year 2004" and inducted him into their honorary Pinnacle Society.

However, of all the professional accolades Peter has received during his impressive career, I believe he is most proud of his devotion to his family as a committed husband and father. While Peter's wife Dina and their three children remain his nonnegotiable priority, he has been able to surpass business goals and at the same time strike a workfamily balance with humility, grace, and strength.

Mr. Speaker, I wish Peter well in his personal and professional endeavors as he departs LifeScan and California for a major corporate promotion that will relocate him and his family to New Jersey, and I thank him for his exceptional service to our community.

TRIBUTE TO THE ELIZABETH RIVER/ARTHUR KILL WATERSHED ASSOCIATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PAYNE. Mr. Speaker, I am proud today to recognize a valued institution within my Congressional district. For the past 8 years, the Elizabeth River/Arthur Kill (ER/AK) Watershed Association has been dedicated to the education and empowerment of its diverse, multilingual residents by proactively addressing clean water issues. Through services such as water-quality testing, research and advocacy, the ER/AK Watershed Association, which is certified through the New Jersey Department of Environmental Protection, stands apart from many environmental organizations because of its emphasis on educating underserved communities about the environmental issues that affect their daily lives.

Responding to resident requests for community-generated graphics and maps of the watershed, the ER/AK Watershed Association worked closely with New Jersey's Rutgers University Center of Remote Sensing and Spatial Analysis and the prestigious international Green Map organization to create a dynamic Green Map that will document the natural and cultural resources of our Watershed community. It is important to share with you that two other watershed universities, New Jersey Institute of Technology and Kean University, have generously provided formative and foundational resources to the ongoing development of the ER/AK Watershed Association.

I salute the ER/AK Watershed Association and its partners as they utilize their Green Map to enhance the quality of life in and around the watershed for its natural and human residents. I am proud to have this organization in my district and I wish them continued success in their future endeavors.

ON THE INTRODUCTION OF THE GLOBAL TRADE REQUIRES UNMITIGATED TRUTH IN HEALTH (TRUTH) ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. MARKEY. Mr. Speaker, in November 2005, President Bush announced a "National Strategy for Pandemic Influenza", which contained plans "to prepare our nation, and our world to fight this potentially devastating outbreak of infectious disease." Clearly, our government must develop and implement thorough plans to detect, respond to and recover from an avian flu pandemic in the event that an outbreak occurs in the United States. However, our country cannot effectively combat avian flu unilaterally. That is why today I am introducing the Global Trade Requires Unmitigated Truth in Health, TRUTH, Act, a bill that seeks to address global health risks in an era of unprecedented international commerce that has created enormous opportunities while also speeding the spread of communicable diseases.

As global trade increases the number of products crossing international borders at faster rates, we also see an increase in harmful and dangerous diseases flying across our borders. With mounting concerns surrounding avian flu and recent experience with Severe Acute Respiratory Syndrome, SARS, governments have not only the right but the responsibility to protect their countries from the threat of disease.

Because avian flu cases have been confirmed in Asia, Europe and the Middle East and the ease of international travel increases the chances that avian flu could emerge in our country, our health officials need the latest epidemiological data as soon as cases are confirmed abroad. The Global TRUTH Act will ensure that all countries that participate in global trade are also good citizens when it comes to protecting the global public health.

The SARS outbreak in Asia in 2002 and 2003 highlighted the inherent dangers in delayed reporting of public health risks for the supposed benefit of international trade. When a country is reluctant to publicize early cases of disease for fear of such an announcement's economic effects, that disease is allowed to spread. In order to maintain a system of global public health preparedness, we should enshrine fundamental public health preparedness principles in the international trading system, including the World Trade Organization, WTO.

Unfortunately, press reports have indicated that Indonesian officials covered up and then neglected the spreading bird flu in Indonesia for 2 years until it began to infect humans. According to an Indonesian microbiologist, the Indonesian government could have eradicated its emerging avian flu outbreak if it had acted sooner. Moreover, Indonesia's national director of animal health admitted that Indonesian government officials did not set aside money to vaccinate poultry against the disease this year, despite assurances that such vaccination would be a principal component of the government's avian flu containment plan. Vietnam and China also reportedly failed to take steps that could have contained the virus in Asia.

As noted by the Indonesian microbiologist who first identified the flu virus in the country's bird population, failure of the Indonesian government to take prompt action to stamp out avian flu inside the country's borders has deadly consequences far beyond them. Two years ago when it was revealed that Chinese officials had covered up the existence of SARS inside their country, I urged President Bush to link international trade benefits to international cooperation on public health issues that transcend national boundaries. China eventually responded to international pressure by permitting World Health Organization, WHO, officials to investigate in the affected provinces, but, according to then-Health land Human Services Secretary Tommy Thompson, "If Chinese authorities had reported cases in the beginning of the epidemic, the impact of SARS on the international health and economy would likely have been substantially more limited."

The avian flu outbreak spreading through Asia and Europe presents serious public health challenges for our government and nations around the world. Prevention and containment of infectious diseases are only possible if governments report outbreaks immediately, permit medical researchers to investigate cases, and take protective measures such as vaccinations and quarantines, where appropriate.

In order to both achieve vital public health goals and continue the spread of international trade, the Global TRUTH Act directs the U.S. Trade Representative to submit a proposal to the World Trade Organization, WTO, that states that the WTO take into account whether countries are undermining the international trading system through a failure to comply with the WHO's International Health Regulations. The Global TRUTH Act directs the U.S. Trade Representative to propose that the WTO should enforce strong public health considerations by imposing sanctions or other punitive measures on members who are found to violate the International Health Regulations as well as requiring all member countries to abide by rules of other international organizations with regard to public health. By requiring countries to follow the regulations of the WHO in order to be a member of the WTO, we will link the related goals of improved global public health and increased global trade.

The Global TRUTH Act also requires the Department of Health and Human Services to prepare an animal "Global Public Health Assessment", modeled on the State Department's country-by-country human rights reports. The purpose of the assessment is to report to Congress on the status of compliance with and observance of the International Health Regulations in each country that is a member of the World Health Organization.

The Global TRUTH Act is an important tool in the improvement of global public health standards and the ever- growing international marketplace. Louis Pasteur famously said, "Chance favors the prepared mind." Early detection is critical to the success of our Nation's avian flu preparedness plans. By working simultaneously to decrease global public health risks and remove a potential roadblock from international trade, the Act will ensure that international trade decisions are not made at the expense of public health, thus allowing for safer trade and a safer, healthier global community.

INTRODUCTION OF INDEPENDENT COMMISSION TO INVESTIGATE NSA EAVESDROPPING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CONYERS. Mr. Speaker, it has been 4 months since this Congress became aware of the NSA's secret surveillance activities, yet no Committee has held thorough and independent investigations into the program.

Before we legislate on this issue and give the Executive unprecedented and sweeping new authorities to conduct surveillance on Americans not suspected of terrorist activity, we must understand the true nature of the program, how effective it is, and whether it is even constitutional.

To that end, I am introducing the attached bill that will create an independent commission, evenly divided between Democrats and Republicans in the House and the Senate, to answer such questions.

I hope that my colleagues will put politics aside and do what we did in the 1970s when we found out that the Nixon administration was wiretapping Americans without warrants: conduct a thorough and independent investigation of all the relevant facts.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. UDALL of Colorado. Mr. Speaker, earlier this month because of official business in Colorado I was not able to be present for three votes.

Had I been present, I would have voted as follows:

Rollcall No. 82, H.J. Res. 81—Providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution—I would have voted "yes."

Rollcall No. 83, H. Res. 703—Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant—I would have voted "yes."

Rollcall No. 84, H. Res. 744—Expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process—I would have voted "yes."

INTRODUCTION OF MATTHEW LYON POST OFFICE NAMING BILL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SANDERS. Mr. Speaker, I am introducing a bill that would name the United States Post Office in Fair Haven, Vermont, in honor of Matthew Lyon, one of our nation's early defenders of the First Amendment, a former member of the Vermont House of Representatives, and Vermont's fourth Representative to the United States Congress. Matthew Lyon is also recognized as the founder of Fair Haven, Vermont.

Matthew Lyon plays an important role in the history of our country. He was the first person to be tried and convicted under the repressive 1798 Sedition Act. The Sedition Act was sweeping legislation passed during a period when America was engaged in hostilities with France. The purpose of the legislation was to punish Americans who opposed President John Adams' foreign policy toward France. This legislation was unquestionably a direct attack on rights explicitly protected by the First Amendment of the U.S Constitution.

Matthew Lyon's only crime was writing a letter to the editor critical of President Adams' foreign policy towards France and submitting another person's similar writings to a local newspaper that published them. Solely for expressing his views and exercising his First Amendment rights, Matthew Lyon was sentenced to four months in jail, required to pay the cost of his prosecution, and fined $1,000. He was, however, subsequently pardoned by President Thomas Jefferson.

At a time when we find ourselves struggling to balance the security of our nation with the liberties we cherish, I can think of no better time to honor one of our nation's champions of the First Amendment's right of free speech. Naming the Fair Haven Post Office in honor of Matthew Lyon would be a fitting tribute to him and his fight for liberty, and would serve as a reminder of Fair Haven's connection to this great American patriot. I look forward to working with my colleagues on the House Government Reform Committee to move this bill through committee and onto the House Floor.

RECOGNIZING HOLOCAUST REMEMBRANCE DAY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of the Holocaust and to honor Holocaust Remembrance Day.

Earlier this week, concerned citizens throughout the world solemnly remembered the history of the Holocaust and recognized the victims and those who survived this tragedy. Upon this one day, we remember those that suffered, those that fought, and those that died. Six million Jews were murdered. Many families were completely decimated.

Between September 1, 1939, when Nazi troops invaded Poland, and Germany's surrender on May 8, 1945, Hitler waged two wars. One was against Allied forces on three continents. The other was against the Jews in the form of the Holocaust.

In the years since, descendants of Jewish immigrants have clung to their identity and have prospered across this Nation and throughout the world. In my district, there is a significant population of Jewish survivors and their families that showed heroic bravery and a will to live.

Mr. Speaker, it is impossible to imagine an evil more powerful than the massacre and willful destruction of a people. By honoring the Holocaust Remembrance Day, we renew our commitment to prevent future atrocities, and therefore we ensure the lessons of the Holocaust are properly understood and acknowledged. As it has been over 60 years since the Holocaust, it is imperative that we pay tribute to the memory of others who have suffered and to never forget the past.

IN HONOR OF DR. WALTER CARL GORDON, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a great doctor who has devoted his life to serving his countrymen—Dr. Walter Carl Gordon, Jr.

At the age of 78, Dr. Gordon is retiring after nearly 40 years practicing medicine. He has served his community and his country throughout his entire life, all the while blazing new trails for those who would follow him.

Born on October 25, 1927 in Albany, Georgia, Dr. Gordon earned his Bachelor of Science degree from Hampton Institute and then his Master of Science in chemistry from Tuskegee Institute. Before attending medical school, he spent several years teaching chemistry at Lincoln University and Albany State University. In 1955, he graduated from Meharry Medical College and began to serve his country on another level.

The young Dr. Gordon joined the United States Army and was stationed at Letterman Army Hospital in San Francisco for his first internship. He later completed his surgical residency at Walter Reed Army Hospital in Washington, D.C. He became the first African-American surgeon at Walter Reed, the Army's most distinguished medical center.

Dr. Gordon was sent to Vietnam where he was given command of an evacuation hospital. There he helped to develop a new, revolutionary approach to surgery which contributed to saving the lives of countless American servicemen. He was awarded three Army Commendation Medals and one Legion of Merit award for his service, and retired in 1968 as a Lieutenant Colonel. But Dr. Gordon's service was not over.

In 1981 he rejoined the military to serve in the U.S. Army Reserves. He served beyond the call for another decade before retiring with the rank of Colonel.

While still serving in the Reserves, Dr. Gordon practiced medicine in Albany, Georgia at the Phoebe Putney Memorial Hospital. He worked for one year as the Chief of Staff and for two terms as the chairman of the Hospital's board. In 2005, the Board awarded him the title of "Board Member Emeritus."

In 2003, Dr. Gordon joined the Hospital staff as a primary care physician at the VA Clinic. Since then he has diligently served the veteran population of Southwest Georgia. He has never forgotten the men and women who have, like him, worn the uniform of this great nation.

Whether serving in Washington, D.C., Vietnam or Albany, Dr. Gordon has performed his service with honor, courage and integrity. His lifetime of altruistic care-giving has made him a legend in our community and an inspirational figure for us all.

Today, we thank and honor Dr. Walter Carl Gordon, Jr. for his dedication and lifelong commitment to the welfare of others. On the occasion of his retirement from the field of medicine, we wish for him the joyous, healthy and tranquil life that he so richly deserves. Dr. Gordon is a healer and a patriot and we applaud his lifetime of service.

HONORING COURAGE OF FIRST MARINES TO SCALE SUMMIT OF MT. SURIBACHI

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CASE. Mr. Speaker, I rise today to honor the courage of the first United States Marines to scale the summit of Mt. Suribachi on Iwo Jima.

Iwo Jima is a small rocky island only two miles wide and four miles long located approximately 650 miles south of Tokyo, Japan. It is a volcanic island, much like the islands of my home state of Hawaii. A place where cool Pacific breezes rush over soft beaches and birds sing songs learned during lonely flights across the wide ocean.

For a brief moment in time, the Island of Iwo Jima became the central battleground between the Empire of Japan and the Allied Forces during those terrible and dark days of World War II. The Allied Forces were determined to take the island in preparation for a final attack on Japan, and the Japanese were unbendable in their desire to defend Iwo Jima and to prevent the Allies from moving any closer to the main islands of Japan.

On February 19, 1945, approximately 70,000 American and other Allied Forces and 22,000 Japanese soldiers locked themselves in a horrific battle that would begin the final phase of the War in the Pacific. Entrenched in a series of interlocking caves, blockhouses, and pillboxes, the Japanese fought with determination to defend their island. Debarking off a naval armada of more than 450 ships, the Allies, led by the United States, brought the full weight of their highly trained and battle-tested troops to bear with the determined goal of taking the rocky island no matter what the cost. The battle for Iwo Jima would be one of the fiercest conflicts of the Second World War. 6,821 Marines were killed in action, and 19,217 Marines were wounded. Of the 22,000 Japanese defenders, only 1,083 survived.

On February 23, 1945, the fifth day of the battle, Marines from the 5th Division were ordered to ascend the slopes of Mt. Suribachi, the main peak controlling the island. Four Marine squads worked their way up the mountain and, at 10:30 a.m., the officer in charge, 1st Lieutenant Harold G. Schrier, along with the platoon leader, Sergeant Ernest Thomas, and Sergeant Henry Hansen, Corporal Charles W. Lindberg, Radioman, Private First Class Raymond E. Jacobs, Private James R. Michels, Private Philip L. Ward, and Corpsman, PhMac John H. Bradley, raised the American flag over Mt. Suribachi.

Today, when our National remembers the brave U.S. Marines of Iwo Jima, we often visualize the commanding bronze statue resting on the banks of the Potomac River. Most Americans do not realize that this memorial actually depicts the second, much larger flag that was raised on Mt. Suribachi, signaling the courage and determination of the United States to all on Iwo Jima and at sea.

In my home state of Hawaii, the Iwo Jima USMC Memorial Association, Inc. is working to raise the funds necessary to build a memorial to recognize the American Marines who raised the first American flag on Mt. Suribachi. I applaud their efforts, and hope that every citizen across the Nation will support those groups dedicated to recognizing the courage of American Marines everywhere.

DOLA MINERS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mrs. CAPITO. Mr. Speaker, Tuesday was the 43th anniversary of the Dola, WV mine disaster that took the lives of 22 miners. On Thursday, April 25, 1963, Adam Aldridge, Gunther Bardorrek, William Bullough, Kenneth Burnside, Ralph Cado, Delbert Chapman, Carsie Crayton, Dorsey Fincham, William Fowler, George Grogg, Roy Hanna, Glen Haught, Harold Haught, Denzil Hawkinberry, Roy Kerns, James Lester, William Maxwell, Ralph McCloy, John Reed, Ralph Smith, Raymond Swiger, and Robert Welch lost their lives in a methane gas explosion at Clinchfield Coal Company's Compass No. 2 Mine.

Today, flags and flower arrangements line headstones of the fallen miners in family cemeteries up and down Ten Mile Creek. A memorial is currently being organized by the families of the miners to recognize and honor them. The memorial will be dedicated later this summer to ensure they are never forgotten.

Those family members gathered know first hand the pain of losing a loved one—the same pain suffered by families across West Virginia this year. Our state will stand with these families, share in their suffering, and continue to push for improved safety in our mines.

IN RECOGNITION OF HOLOCAUST REMEMBRANCE DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SHAW. Mr. Speaker, I rise today in recognition of Holocaust Remembrance Day. Holocaust Remembrance Day has been set aside as a tribute to the victims of the Holocaust and for reminding our nation that we must vigorously pursue justice for the victims of all acts of hatred and inhumanity, not only for their sake but for the sake of future generations.

In addition, I have been concerned about the International Tracing Service (ITS) of the International Committee of the Red Cross (ICRC) in Bad Arolsen, Germany. Driven by frustration with the long delays and poor responsiveness of ITS, family members of victims of the Holocaust are calling for access to ITS to search for their missing family members. The American Gathering of Jewish Holocaust Survivors, which is the largest survivor organization in the world, has repeatedly called for the archives to be opened. In most instances they have received no response to their requests for information regarding the actual holdings of the ITS archives or on the issue of access. I sent a letter to Secretary of State Condoleezza Rice requesting her to contact ITS and insist on making these archives available to the U.S. government and other related government organizations.

ITS was established by the Allied High Command after World War II to assist in reuniting families that were separated by concentration camps and confirm the fate of family members during the war. The initial document collections were deposited by the United States, United Kingdom and France, and included captured documents and Displaced Persons' (DP) camp records. The 30 million pages of archival material related about the approximately 17 million victims of Nazism, both Jews and non-Jews, includes records of concentration camps, forced and slave labor, deportations, and DP camps. The documents have an important memorial function to shed new light on our intellectual understanding of the Holocaust and its aftermath.

As context for all of this human tragedy, the operation of the concentration camps, transport and deportation systems, and perpetration of the Holocaust at the human, not just the statistical, level. All of that, and more for us to learn and seek to understand, lies in the ITS archives. It is so imperative for the ITS archives to be opened to the public. To collect all this vital information and put a wall up around it so no one could get in, makes a horrific crime worse.

I have received a response from Secretary Rice who stated, "[t]he United States supports as open access system in Bad Arolsen for visiting researchers. Furthermore, the United States has proposed that the eleven countries making up the International Commission of the ITS receive a digitized copy of the archives so that individual member States can make those documents available for research purposes under their respective national privacy laws." I am encouraged that the German Ambassador to the U.S. Klaus Scharioth announced on April 24, 2006, that the German government is now our partner in getting the ITS archive opened and copies made as quickly as possible.

I also rise today in recognition of the 58th anniversary of the independence of the State of Israel. On May 14, 1948, the State of Israel was established as a sovereign and independent state. I am an original cosponsor of a resolution to recognize this important anniversary. Since 1948, the United States and Israel have developed a close friendship based on common democratic values, religious affinities, and security interests. U.S.-Israeli bilateral relations are multidimensional. Both countries have long recognized that their mutual interests of deterring war, promoting stability and achieving peace are not far off. I am committed to maintaining the close relationship that the U.S. government enjoys with Israel to secure democracy in the Middle East.

IN RECOGNITION OF LESLEY C. DINWIDDIE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor Lesley C. Dinwiddie, past-president of the American Nephrology Nurses' Association (ANNA), for her compassion, dedication, and pioneering contributions to nephrology nursing and kidney patients across the country.

As ANNA's 2004–05 president and a member of the organization for 24 years, Ms. Dinwiddie has inspired nephrology nurses to reach the highest levels of practice and patient care. A visionary leader, she has implemented a broad range of initiatives that will continue to improve care for patients whose lives depend on dialysis and other kidney replacement treatments.

The rising rates of kidney disease underscore the urgency of Ms. Dinwiddie's work: about 20 million Americans suffer from the disease today. The number of people diagnosed has doubled each decade for the last two decades and will likely continue to do so as Baby Boomers age.

For those who have lost over 85 percent of their kidney function, a condition known as end stage renal disease (ESRD), the only way to stay alive is to receive dialysis or a kidney transplant. There are now over 400,000 people in this country who are being treated for ESRD. Caring for these patients calls for highly-trained experts with sophisticated knowledge, making nephrology nursing one of the most challenging and rewarding nursing specialties practiced today. It is also one of the largest; ANNA's membership—now over 12,000—continues to grow each year.

As an ANNA president, Ms. Dinwiddie has led the association to many accomplishments. She spearheaded ANNA's advocacy efforts as the organizition worked with the Centers for Medicare and Medicaid Services (CMS) on such crucial issues as the nursing shortage, the role of the advanced practice nurse, and reimbursement for kidney care. She helped fuel grassroots advocacy efforts for the Kidney Care Quality and Improvement Act, H.R. 1298, of which I am pleased to be a cosponsor. This bill would modernize Medicare, advance quality care, and increase awareness of kidney disease in local communities.

Ms. Dinwiddie has also recognized the importance of recruiting and retaining nephrology nurses to help ensure the future of the specialty. She currently leads ANNA's annual "Nephrology Nurses Week," a national campaign that recognizes and celebrates the critical role of nephrology nurses in patient care. During another annual event, "ESRD Education Week," Ms. Dinwiddie and other nephrology nurses across the country invite state and federal legislators to visit dialysis units in their districts to learn more about kidney disease and treatments. I was pleased to visit the Cary Kidney Center in the congressional district I represent in August 2004. Ms. Dinwiddie has also expanded ANNA's collaborations with other nursing and kidney-related organizations, helping to ensure that the voices of nephrology nurses continue to be heard.

Professionally, Ms. Dinwiddie runs an independent nephrology nursing consulting practice in Cary, NC, specializing in vascular access for hemodialysis, education, and research. She is a member of the National Kidney Foundation's Kidney Disease Outcomes Quality Initiative's (K/DOQI) Vascular Access Subcommittee and CMS's Fistula First Breakthrough Initiative. Ms. Dinwiddie is also a reviewer for ANNA's official journal, Nephrology Nursing, as well the Dialysis & Transplantation journal, and has numerous publications and presentations to her credit. She received a Diploma in General Nursing in Australia, a B.A. in psychology at the University of Arkansas, and her Masters in Nursing Science at the University of North Carolina at Chapel Hill.

I ask my colleagues to join me in commending Lesley Dinwiddie for her years of vision, leadership, and commitment.

CELEBRATING THE BIRTH OF NILAYA KUNTAMUKKALA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Ajay Kuntamukkala and Lavanya Reddy of Rockville, Maryland on the birth of their new baby girl. Nilaya Kuntamukkala was born on April 12, 2006 at 1:59 p.m., weighing 5 pounds and 13 ounces. She has been born into a loving home, where she will be raised by parents who are devoted to her wellbeing and bright future. Her birth is a blessing.

TRIBUTE TO TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. WESTMORELAND. Mr. Speaker, today I rise to pay tribute to Taiwan President Chen Shui-bian. In early May, he will be making stops in the United States en route to Central and South America.

I commend President Chen for his leadership and wisdom in having maintained peace and stability in the Taiwan Strait during the past six years. Despite the People's Republic of China's military buildup along the Taiwanese coast, despite China's passage of the anti-secession legislation last spring and despite China's continuous harsh rhetoric threatening Taiwan's future, President Chen continues to hope for a dialogue with his Chinese counterparts. President Chen wants permanent peace in the Taiwan Strait.

President Chen firmly believes in his people's right to maintain a free and democratic way of life. Any solution of the Taiwan question must have the consent and approval of the 23 million people of Taiwan.

We must help the 23 million people of Taiwan to determine their own future. First, we must reaffirm our commitment to the Taiwan Relations Act, which stipulates a peaceful solution to the Taiwan issue. In the meantime, let's give our support to Taiwan in its application to be an observer at the World Health Assembly meetings this May.

It is my hope that President Chen will be warmly welcomed in the United States. Too often he has been misunderstood. I salute him as a leader who's always put his country and his people first. He is our "peacekeeper" in the Taiwan Strait.

CONGRATULATIONS TO STUDENTS OF AMADOR VALLEY HIGH SCHOOL'S "WE THE PEOPLE" TEAM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. POMBO. Mr. Speaker, I rise today to both congratulate and wish the students of Amador Valley High School's "We the People" team the best of luck for their national competition in the District of Columbia this weekend. I also congratulate their parents and teachers for this remarkable achievement.

The U.S. Department of Education's Center for Civic Education sponsors "We the People" as an opportunity for students to compete in their knowledge of American civics. Students are quizzed on everything from the U.S. Constitution, the founding of our country, and the revolution of American government. This makes for a great experience for the students, because the testing occurs during simulated congressional hearings. These are creative students who excel in critical thinking and their mastery of history and government.

I am proud to say that on February 3, 2006, the "We the People" team from Amador Valley High School finished first in the State of California. They are the seventh in the school's history in a line of successful teams to qualify for the national competition in Washington, DC.

These students have been victorious at the congressional, regional, and State levels this year. The team consists of 30 seniors who prepared in 15,000 combined hours of study and preparation. During this time, this diverse group of students have come together as one team; supporting each other in the most difficult and rigorous academic experience of their lives.

Mr. Speaker, I warmly congratulate the Amador Valley High School team and I want to add the names of these bright students in the CONGRESSIONAL RECORD: Angela Aronoff, Kiel Barry, Sean Basalyga, Nihat Bayramoglu, Sanam Bhatia, Audra Bloom, David Crisostomo, Jennifer Doxey, Jasmine Guo, Scott Hanford, Jennifer Hank, Glenalyn Hunt, Lauren Johnson, Jack LaFrancesca, Jessica Ma, Amy Qin, Shokoofeh Rajabzadeh, Paula Reever, David Rowse, Lakshmi Santhosh, Eugene Shenkar, Tiffany Shih, Suzanna Sund, Will Tagg, Sonia Talati, Susan Tang, Brookanne Thompson, Ronald Tran, Elise Viebeck, and Jenny Zhan.

H.R. 3277—FEDERAL AGENCY PERFORMANCE REVIEW AND SUNSET ACT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. PORTER. Mr. Speaker, I am happy to speak in favor of H.R. 3277, the "Federal Agency Performance Review and Sunset Act." The Federal Government is fraught with chronic program overlap and duplication. As Congress has created multiple agencies and programs to meet the needs of our Nation over the years, it has become increasingly clear that many of these programs are now outdated because they serve similar purposes.

Did you know that: 19 federal programs throughout the government focus on substance abuse prevention; 90 early childhood programs exist in 11 federal agencies within 20 different offices; 86 teacher training programs exist in 9 different agencies; and 27 different programs and services to prevent teen pregnancy exist in HHS alone.

The costs of the hurricane recovery efforts in Texas and Louisiana have reached record proportions and will place an increasing amount of strain on our Nation's resources. The President has stated that federal spending cuts are inevitable in the near future if the government is to achieve a balanced budget. Congress must take accountability by making sure the most effective spending cuts do not hinder the necessary operations of the Federal Government.

The members of Congress have a unique opportunity in front of them. Together, we can help eliminate program overlap and duplication and at the same time help offset the costs of the hurricane recovery efforts with the passage of the Sunset Act. Under the "Federal Agency Performance Review and Sunset Act," or the Sunset Act the need and efficiency of each Federal Agency will be investigated by a Sunset Commission.

Once a Federal Agency has been reviewed by the Commission, Congress will have 2 years to positively reaffirm the need for that agency. No reauthorization by Congress in that 2-year span would result in the termination of the agency or program. The Sunset Commissions will empower the President to make the most effective spending cuts by trimming Federal programs whose functions exist elsewhere in the government.

Last year, Chairman Alan Greenspan testified before the Senate Budget Committee with regard to reforming the budget process. What was missing in government, he stated, was a systematic review of all Federal programs. He said, "[Congress] might want to require that existing programs be assessed regularly to verify that they continue to meet their stated purposes and cost projections." The Sunset Act is expressly consistent with this analysis, and would bring light of review and accountability to Federal programs, and result in considerable cost savings to the taxpayer.

A similar important piece of legislation that I introduced is H.R. 3276, the "Government Reorganization and Improvement of Performance Act". Under the "Government Reorganization and Improvement of Performance Act," bipartisan commissions would be created to study specific areas where there might be overlap and duplication in federal operations. The commissions would issue recommendations to the President on how to reorganize, at which time the President would decide whether to submit the proposal to Congress. This legislation would require both the creation of a Results Commission and any reorganization proposal endorsed by it to come before Congress under expedited procedures to ensure that the proposal receives a clean, up-or-down vote in both houses.

It is clear that the world works at much faster speeds than it did 40, 30, and even 20 years ago. It is clear that it should not require an act of Congress to reorganize the Executive Branch so that real solutions for crises can be found in the most efficient manner. H.R. 3276 will allow a "fast-track" reorganization authority to exist that will increase the overall operability and efficiency of the government and allow it to keep pace with the speed of the world today.

Something has to be done to eliminate the government waste caused by chronic program overlap and duplication throughout the Federal Government and get the biggest bang for the taxpayers' dollars. The two commissions proposed in H.R. 3276 and H.R. 3277 are critical to achieving a sensible and responsible analysis of government programs and operations and ultimately in eliminating unneeded programs and reorganizing government operations.

HONORING ROBERT B. WEGMAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Robert B. Wegman, Chairman of Wegmans Food Markets, Inc, and a well known business leader and philanthropist who passed away Thursday, April 20, 2006 at the age of 87.

After 3 years of service in the United States Marine Corps, Wegman became a store manager at his family business in 1947. He took over the business after his uncle's death in 1950. Born at a time when people bought fruits and vegetables from pushcart peddlers, Robert Wegman was a pioneer in the supermarket industry. He not only spearheaded the concept of one-stop-shopping by adding in-store cafes, federal credit unions, pharmacies, photo labs, dry cleaning services, video departments and childcare centers to Wegmans Markets, he built a successful business based on the simple idea that it was essential to treat customers and employees right.

Anyone who has shopped at Wegmans knows that these stores are not your average supermarket chain. This is in large part due to fact that Robert Wegman valued quality more than a quick profit. In explaining his goals, he said "I have never pursued growth for growth's sake—all we really want from our efforts are the finest food stores anywhere, operated profitably." Combined with a desire to expand the choices and quality of goods available to consumers, Wegman revolutionized the industry and turned shopping into an experience rather than a chore. When a shopper enters a Wegmans they not only find high quality products at low prices, but they enter an environment with all of the charm of a European market and all of the convenience that one expects of a local supermarket. Under his leadership, Wegmans received the Golden Shopping Cart Award for Best Supermarket, was named the "Most Family-Friendly Supermarket in America" by Child magazine and has been awarded the prestigious Black Pearl Award for advancing food safety and quality.

In addition to his business savvy, Robert Wegman knew the importance of taking care of his employees. The 70 Wegmans Markets that stretch from New York to Virginia employ more than 35,000 people and offer programs like the Wegmans Scholarship Program, which has awarded $56 million to 18,000 employees since 1983. As a result of Robert Wegmans efforts, Wegmans has been named one of the "100 Best Companies to Work For" by Fortune Magazine for nine consecutive years starting in 1998. In 2005, Wegmans achieved the honor of being ranked number 1 on the list.

Outside of his life as a businessman, Robert Wegman was also a philanthropist. He has donated millions of dollars to charity, including $25 million to the Rochester Roman Catholic Diocese to educate inner-city students, $10 million to the Aquinas Institute, $5 million to St. John Fisher College for the Wegmans School of Pharmacy and $8 million to the University's School of Nursing.

Robert Wegman is survived by his wife, Peggy; sister, Cecilia Wright; brother, Jim Wegman; children, Danny Wegman, Gail Tobin, Joan Goldberg, and Marie Kenton; several grandchildren and great-grandchildren.

IN HONOR OF THE BARON DE KALB COUNCIL NO. 1073 OF THE KNIGHTS OF COLUMBUS

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. WEINER. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the Baron De Kalb Council No. 1073 of the Knights of Columbus and to offer my thanks for the continual dedication it has shown to the southern Brooklyn communities it serves. The Baron De Kalb Council No. 1073 was founded in 1906 by Ambrose P. Rikeman, who became their first Grand Knight. It was founded on the principals of charity, unity, fraternity and patriotism, principals that have been ingrained in the hearts and minds of its members ever since. The Council is named for Baron Johann De Kalb, a courageous and loyal military leader whose spirit continues to live on in the leaders of this great Council.

The Baron De Kalb Council No. 1073 has risen from its humble beginnings, when a small band of men met in Grand Knight Rikeman's house, to its present day thousands strong membership that meets at the "Baron-By-The-Sea", a property purchased by the Council in scenic Sheepshead Bay in 1949. In 1969 members were devastated to learn that a fire had destroyed their "Baron-By-The-Sea", but no fire could destroy the members commitment, dedication and desire to reach ever greater achievements for their beloved Council. In 1973 Grand Knight Gus Rogers proudly led his members into the newly built "Baron-By-the-Sea", the structure on Nostrand and Emmons Avenues that continues to provide invaluable services to its members and our southern Brooklyn community to this day.

Therefore, on Behalf of the United States House of Representatives, I congratulate the Baron De Kalb Council No. 1073 of the Knights of Columbus and all of its past and present members for 100 years of dedication and service to our community.

HONORING SCOTT MILLER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor Scott Miller for his outstanding leadership and dedicated service to his community and his country.

As an active member of the American Israel Public Affairs Committee (AIPAC), Scott appreciates the important relationship between the United States and Israel. Scott knows that the nation of Israel is not only a shining example of democracy in the Middle East, it is one of our nation's most important allies. And Scott understands the enormous benefits of strengthening ties between our two great Nations.

Scott Miller and AIPAC are virtually synonymous. Scott is former chair of the Dallas AIPAC council, and a member of AIPAC's National Executive Committee. As the founder of AIPAC's young leader movement, Scott has helped expand the organization and its membership in Dallas. This Sunday, he will also be receiving the Sam Wolfson Distinguished Leadership Award.

But AIPAC is just one of Scott's many interests. He is a past President of Jewish Family Service of Dallas, the CFA Society of Dallas/Fort Worth and the Wharton Club of Dallas/Ft. Worth. He has served as the Secretary of the Board of Directors of the Jewish Federation of Greater Dallas and currently serves on the boards of the American Jewish Committee and the Jewish Community Center.

Scott is also a leader in business, specializing in global investments as both the principal of Miller Global Investments, L.L.C. and founding member and partner of FCM Investments. Last but not least, Scott is also a dedicated family man. He and his wonderful wife Julie have three lovely children.

I am proud to call Scott my friend and it is my pleasure to recognize his distinguished service today in the U.S. House of Representatives.

LENEXA, KANSAS, POLICE CHIEF ELLEN HANSON WINS POLICE EXECUTIVE RESEARCH FORUM LEADERSHIP AWARD

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to Lenexa, Kansas, Police Chief Ellen Hanson, who last week was given the Police Executive Research Forum [PERF] Leadership Award. Presented annually since 1984, the Leadership Award has been given to individuals who have made outstanding contributions to the field of law enforcement over the course of their careers, who exemplify the highest principles and standards of a true leader in policing on a national level, and whose efforts serve as a model to the law enforcement community. PERF is a DC-based nonprofit membership association committed to promoting innovative law enforcement practices through research and experimentation, management and technical assistance, training, publications, and advancing the national debate on public safety issues.

Chief Ellen Hanson has been the Chief of Police of Lenexa since 1991, and her strong leadership and innovative programs have enhanced the entire region in several fields of police work. She initiated the Safe School Program that became a model throughout the Kansas City Metropolitan Area in the mid 90s. After the September 11, 2001, terrorist attacks she helped organize the Kansas City Metro Disaster Tactical Response Team, a multi-jurisdictional response to chemical, biological, radiological, nuclear, or explosive threats or attacks.

Following several officer-involved shootings in Johnson County, Chief Hanson developed a program called "Officer Involved Shooting Team" (OIST), made up of the most experienced commanders, investigators, and crime scene technicians in the county cooperating with the District Attorney's Office. She has also initiated a program to prevent underage drinking known as "Party Patrol," which received national attention on the CBS program "60 Minutes."

As PERF Board of Directors" President and Los Angeles Chief of Police William Bratton noted at her awards ceremony, "Both PERF and the police profession have benefited from Ellen's intense commitment to the continued advancement of the quality of law enforcement in this country. She has made outstanding contributions to PERF."

"Ellen Hanson is not only well known and respected by her peers in Kansas, but revered by colleagues around the country as an outstanding police chief and role model," added PERF Executive Director Chuck Wexler. "Her work with the Kansas City Metro Disaster Response Team is considered a model strategy for regional cooperation among law enforcement agencies."

Chief Hanson is also a board member of the Kansas City Metro Squad, another successful model of cooperation among regional law enforcement officials in major criminal investigations. She is an active member of the Metropolitan Police Chiefs and Sheriffs Association, has been involved in regional initiatives regarding racial profile training, and has led efforts to establish child abuse prevention centers in her jurisdiction.

Chief Hanson graduated from the FBI National Academy in 1980 as one of the first female students, and was one of the founders of the National Association of Women Law Enforcement Executives (NAWLEE), which has provided support, training and mentoring to female law enforcement executives since 1995.

We are lucky to have Chief Ellen Hanson in Lenexa. Indeed, her career has been marked by her willingness to lead, not only her city, but our region, in cooperative efforts on a wide variety of law enforcement initiatives. I know I have certainly appreciated her work with me in instituting and maintaining an effective Amber Alert program in our two-state, multi-county area. I commend her for receiving this much-deserved national recognition of the essential role she plays in maintaining public safety within the Third Congressional District of Kansas.

IN SUPPORT OF H.R. 5216

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CUMMINGS. Mr. Speaker, I rise to offer my full support of legislation that Congressman TOM LANTOS, Congressman TOM DAVIS, and I have crafted entitled the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act (H.R. 5216). This legislation would preserve and make more accessible important pieces of personal and American history.

By and large, Americans of non-African descent who research their genealogical history search through municipal birth, death, and marriage records. To the benefit of all Americans many of these records have been properly archived as public historical documents. However, African-Americans in the United States confront a unique challenge when conducting genealogical research due to the vestiges of slavery and discrimination.

Accordingly, African-Americans were denied many of the benefits of citizenship that generate traceable documentation such as voter registration, property ownership, business ownership, and school attendance. As a result, traditional genealogical research documents can at times be of limited value to African-Americans. Fortunately, slavery, emancipation, and post-Civil War reconstruction records have proven themselves to offer a wealth of useful genealogical information that African-Americans can utilize to better understand their history. Unfortunately, there is no comprehensive national effort to preserve these important pieces of history or to make them easily accessible to all Americans. In the absence of congressional action, these records will remain inaccessible, poorly catalogued, and subject to the deteriorating affects of decay.

The Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act would address this troubling situation. Specifically, our bill would require the establishment of an electronically searchable national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction. It would also provide grants to State and local entities to establish similar local databases. The records that would be preserved and made more accessible include the Southern Claims Commission Records, Records of the Freedmen's Bureau, Slave Impressments Records, Slave Payroll Records, and Slave Manifests. This legislation would also authorize a total of $10 million to establish this national database and provide grants to states, academic institutions, and genealogical associations.

Recognizing that we can ill afford to allow these irreplaceable stories to be lost to the withering decay of time, our bill takes meaningful steps to resurrect the rich history of African-Americans. Not only will it allow a means by which African-Americans can trace their lineage, but also as a means by which we can preserve historically comprehensive and accurate information about our collective history as a nation.

As Author Maya Angelou once said, "No man can know where he is going unless he knows exactly where he has been and exactly how he arrived at his present place." On behalf of all Americans, join us in forging that essential nexus between the past and the present by cosponsoring this bi-partisan legislation.

TRIBUTE TO RAYMOND C. CHURCH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is with pleasure that I rise today to honor Raymond C. Church, a life-long resident of the great state of Rhode Island, in recognition of his 16 years of service to the accounting profession and the Rhode Island Society of CPAs (RISCPA).

Ray has very ably led the RISCPA and its nearly 1,500 CPAs and affiliated professionals throughout Rhode Island, and he is considered a leader among his peers. It is on this day that we thank him for his service to the accounting profession, to the community and to his country, and wish him well in his retirement.

Ray has also worked diligently for the citizens of Rhode Island and particularly the residents of Rhode Island House District 48. Ray was elected to the State of Rhode Island's House of Representatives in 2004 and has been serving on the House Committee on Corporations and the Permanent Joint Committee on Economic Development. He also served as the North Smithfield Town Administrator from 1987–1989 and is the former Chairman of the North Smithfield Town Budget Committee.

Ray served his country honorably in the U.S. Army, and is a Vietnam War veteran. He attended Bryant College and graduated with a major in Accounting in 1982. Ray is not only dedicated to his profession but to his family as well. He and his wife Carol have been married for 33 years and have one daughter, Jennifer.

It is with great pleasure that we honor Raymond C. Church today, and congratulate him and thank him for all he has done for his hometown, the state of Rhode Island, the association community, and the accounting profession.

RECOGNITION OF LANCE CORPORAL NICHOLAS KLEIBOEKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Lance Corporal Nicholas Kleiboeker who was killed in action fighting for freedom in Al Hillah, Iraq on May 13, 2003.

Lance Cpl Kleiboeker was a 19 year-old from Irvington, Illinois and was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, based at Camp Lejeune, North Carolina. He was a 2001 graduate from Odin High School in Odin, IL.

Kleiboeker made the ultimate sacrifice for his country. He is survived by Gary and Sheryl Kleiboeker of Iuka, Sam Clark of Sumner and many other family, friends and loved ones. I am proud of the service this young man gave to his country and the service his fellow troops perform everyday. It is soldiers like Kleiboeker that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. God bless them and may God continue to bless America.

CURT GOWDY POST OFFICE

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mrs. CUBIN. Mr. Speaker, I rise today to pay tribute to a great American broadcaster who sadly passed away earlier this year but left an indelible mark on America as "a cowboy at the microphone." You may have known him from his coverage of some of America's most famous sporting events, including Joe Namath's famous "guaranteed" Super Bowl victory and Hank Aaron's 715th career Home Run to surpass Babe Ruth; or you may have learned about his love for fly fishing and the outdoors as host of The American Sportsman for 20 years.

A pioneer of TV sportscasting, Curtis Edward Gowdy was born July 31, 1919 in Green River, Wyoming to Edward and Ruth Gowdy. Schooled at the University of Wyoming, Curt got his start in broadcasting in Cheyenne, Wyoming. From there he went on to a career that spanned 7 decades, 16 World Series, 12 Rose Bowls, 9 Super Bowls, and 8 Olympiads resulting in admission to 20 different Halls of Fame. While his career took him all across our great country, we in Wyoming have always felt a special bond with him as one of our own. That's why I'm pleased to introduce legislation today to honor him by naming the post office in his birthplace after this cowboy, broadcaster, sportsman, husband and father. I would encourage my colleagues in the House to join me as a sponsor of this bill saluting Curt Gowdy, a man whose name is boldly etched in the pantheon of American broadcasters.

COMMEMORATING NATIONAL MINORITY HEALTH MONTH

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to commemorate National Minority Health Month. Celebrated during the month of April, the month highlights the importance of improving minority health through focusing on initiatives to eradicate health disparities.

The month was created by the National Minority Health Foundation in response to the U.S. Department of Health and Human Services Healthy People 2010 Initiative. Through the Foundation's efforts, and those of Representative DONNA CHRISTENSEN, Congress passed the resolution in 2001 during the 107th Congress.

Recognizing the disproportionate impact communities of color are burdened with pertaining to equitable access to health care resources, quality and outcomes, the month aims to eliminate health disparities through several mechanisms. These mechanisms focus on cultivating public and private partnerships among health care providers through enhancing social marketing, research, and legislative concerns as well as strengthening career training of professional health care providers to promote cultural competency.

Mr. Speaker, this is not a new issue for our Nation. In fact, in 1914, the state of African-American health was so dire that Booker T. Washington established National Negro Health Week (NNHW) in 1915. Additionally, in 1921, when the NNHW committee wanted to expand to reach a wider audience, the U.S. Surgeon General assisted them and together they published the Negro Health Week Bulletin.

In the same vein as these events, National Minority Health Month also serves as a reminder of how much work needs to be done to eliminate health and healthcare inequities. Although public health data dismisses overt prejudice within the health care profession, in reality what many minorities face is a less offensive, but equally deadly force. Borrowing a term often used by President Bush (in another context): We are confronting "the soft bigotry of low expectations."

Mr. Speaker, there is much research that supports the need for focusing on eliminating health disparities. In 2004, Dr. David Satcher, now Director of the National Center for Primary Care at Morehouse College, and Professor Stephen Woolfe, Director of Research at Virginia Commonwealth University's Department of Family Medicine, released mortality data that their research team had gleaned from the National Center for Health Statistics. During the 1990s, they concluded, more than 886,000 deaths could have been prevented if African Americans had received the same health care as White Americans.

Equally shocking are the findings released in the 2002 Institute of Medicine report—"Unequal Treatment: Confronting Racial and Ethnic Health Disparities", which concluded with great authority that Americans of color receive lower-quality health care than Caucasians. It further explains that African-Americans receive inferior medical care—compared to the majority population—even when the patients' incomes and insurance plans are the same. Most shocking is that these disparities contribute to our higher death rates from heart disease, cancer, diabetes, HIV/AIDS and other life-endangering conditions.

Mr. Speaker, the disparities are real and frightening. In fact, of the 46 million uninsured Americans, at least 60 percent of Hispanic Americans and more than 43 percent of African Americans are uninsured. Further, while African-Americans comprise only 12.3 percent of the population, we account for half of all of the newly diagnosed HIV/AIDS infections. Statistics also indicate that non-Hispanic whites have a higher 5–year cancer survival rate than minority populations.

For this reason, I also would like to recognize National Minority Cancer Awareness Week which is an important effort held during the week of April 16–22. During the week, education is used as the weapon to empower the nation about the shocking disparities that are found within the population of individuals suffering from cancer.

Mr. Speaker, through these statistics, coupled with both the Satcher-Woolfe and the Institute of Medicine's 2002 indictments of our nation's health care system, it is safe to say that health and healthcare disparities are not only factual, but they also have an overwhelming negative impact on minority populations.

That is why dedication to keeping the harsh reality of health care disparities in the public spotlight is essential. For it is should be mission of this Congress to raise the expectations of this society—it should also be our mission to assure that all Americans receive the health care they deserve.

If we are to bring about this change—if we are to substantially improve the health and life expectancy of all Americans, we must first fully appreciate the enormity of the challenge that we are confronting. We must also fundamentally change the way that this nation addresses our public health challenges. In fact, too many Americans of every race are dying before their time.

Mr. Speaker, we still have a difficult road to travel before universal health care is recognized as a basic civil right in this country. I have been working on these health care problems for quite a while now, and I am convinced that the acceptance of universal health care as a fundamental civil right will aid us in ending the debilitating health care system that is crumbling before us. In my mind, both sides of the aisle can provide part of the answer to this very big issue hampering our nation.

IN HONOR OF THE CIVIC CONTRIBUTIONS OF THE HONORABLE ELEANORE NISSLEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to pay tribute to a true leader and visionary, the Honorable Eleanore Nissley of Ridgewood, New Jersey. Eleanore is being honored for her outstanding civic contributions by the Center for Civic Responsibility next week. It is an honor richly deserved and long overdue.

Eleanore Nissley has been a shining star in New Jersey politics and community life for 40 years. She served as Bergen County's Republican Committeewoman and has offered her talents and political acumen to candidates and campaigns at every level. In fact, given the integral role Mrs. Nissley has played in New Jersey politics, the New Jersey Federation of Republican Women named her Woman of the Year. Her longtime friend and President of the NJFRW, Dot Romaine calls Eleanore "the epitome of the Republican woman."

A native of Rutherford and an avid sports fan, Eleanore has served on the Hackensack Meadowlands Development Commission and the New Jersey Sports and Exposition Authority. Eleanore also gives her time and energy to the Boy Scouts, and she serves on the Board of Directors for the Interchange Bank.

One would think, Mr. Speaker, with all that Eleanore Nissley gives to her community that she hasn't a spare moment to herself. But, in fact, Mrs. Nissley's business abilities are equally renowned. And, Eleanore is committed first and foremost to her family. The mother of four and grandmother of many, Eleanore always finds time to devote to her loving lineage.

I am pleased beyond words, Mr. Speaker, to take this opportunity to add my thanks and praise to this chorus as well. Eleanore Nissley has time and time again given me advice and counsel that is priceless. I value Eleanore's friendship. And, I look forward to years of working with her to make North Jersey an even better place to live and work and raise a family.

HONORING THE EFFORTS OF THE GOVERNMENT OF SANTA CLARA COUNTY, CALIFORNIA FOR ITS OUTSTANDING SERVICE TO ITS CITIZENS SERVING IN AND RETURNING FROM OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I wish every employer in America was able to follow the lead of the County of Santa Clara, California. County employees who are on active military duty in direct connection with an armed conflict receive a salary augmentation which, in combination with their military pay, provides 100% of their base salary. Their employee benefits are also continued while they are deployed. Employees receive this salary augmentation and benefits for an indefinite period as long as they are involved in military service. The effort to support those in military service, guard and Reserves, doesn't end there.

The Veterans Service Office is a county funded agency established in 1946, assisting veterans and their families to obtain the benefits and services they have earned through their military services. The Veterans Service Office works closely with the Santa Clara County Employment Committee (VEC). The mission of the VEC is to promote the employment of veterans within the county by assisting local employers in recruiting veterans for job openings as well as providing employment-related assistance services for job-seeking veterans.

Each month, the California Department of Veterans Affairs forwards a list of returning veterans to the County VSO. This list includes on average the names of 50 to 100 veterans who have indicated an interest in receiving information on the services available for them from the county. Upon their return each veteran receives a letter from the VSO and a copy of the county's "Welcome Home" pamphlet, which includes information on veterans' services, health care, employment assistance and other benefits.

The Veterans Service Office, working in collaboration with the Peninsula Veterans Center, explores every opportunity to speak to returning veterans of Operation Iraqi Freedom and Operation Enduring Freedom. These talks occur as frequently as weekly, or whenever the officials are invited to address groups, such as new Transportation Security Administration (TSA) employees—veterans who have recently returned home.

I have heard from families that, even though there is understandable worry about a loved one in a combat zone, at least that worry is not joined by worry about financial disaster. For those deployed, the strain and stress of separation from family is not compounded by financial worries.

Mr. Speaker, I am honored to draw attention to the efforts of the Government of Santa Clara County and its employees as they serve the needs of our returning veterans and those currently serving in Operation Iraqi Freedom and Operation Enduring Freedom.

Many in our country disagreed with the decision to invade Iraq, but no American should disagree with the need to support our troops and their families while they serve and to assist veterans after their active service is complete.

Santa Clara County, like other local governments in California, faces a fiscal bind. State and Federal governments have shifted costs to local government but in California, local governments have no ability to raise taxes in response. That means fiscal crunch time.

Despite that, the people of Santa Clara County, led by its Board of Supervisors and professional staff know this: the time of deployment should not be fiscal crunch time for the service member and family.

Let all employers, both public and private, look to Santa Clara County as a model of employer behavior.

Mr. Speaker, I am proud of efforts of the Government of Santa Clara County and its employees as they serve the needs of our returning veterans and those currently serving in Operation Iraqi Freedom and Operation Enduring Freedom. I am proud of the citizens and taxpayers of Santa Clara County who stand behind these fine efforts.

NATIVE AMERICAN LANGUAGES ACT AMENDMENTS OF 2006

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mr. CASE. Mr. Speaker, I am most pleased to introduce the Native American Languages Amendments Act of 2006. This is a reintroduction in revised form of my bill, H.R. 2362, from the 108th Congress.

This vital legislation will authorize the Secretary of Education to provide grants to or enter into contracts with Native American language educational organizations, Native American language colleges, Indian tribal governments, organizations that demonstrate the potential to become Native American language educational organizations, or consortia of such entities, to establish Native American language nests for students under the age of 7 and their families. It will also authorize grants to operate, expand, and increase the number of Native American language survival schools throughout the country for Native American children and Native American language-speaking children.

The bill also authorizes the establishment of four demonstration projects that will provide assistance to Native American language survival schools and Native American language nests. The programs selected are well known nationally: all have over ten years of highly successful operation, and are all Native American controlled.

The demonstration sites range from a statewide system to a small localized program for under fifty students, and from programs restricted to elementary students to programs that go through high school and beyond. They include programs on reservations, programs in highly remote areas, and programs in urban areas. Students enrolled in them include children who are first language speakers and students from families where the language has not been spoken for three generations. They include programs with special strengths in teacher training and in resource materials development.

The four sites selected are the four research sites in an ongoing national study of academic effectiveness by prominent Native American and non-Native American educational researchers and major research entities with extensive experience in the field. The demonstration programs are authorized to use technology in cooperating and coordinating their work with each other and with other participating Native American language programs. They will provide direction to the Secretary of Education in developing site visit evaluations of programs and may conduct follow-up data collection that will be valuable in providing direction to schools.

Lastly, the bill provides direction relative to addressing barriers that have prevented Native Americans from accessing education in Native American languages. It also directs the Secretary of Education to provide for the inclusion of Native American language nests and Native American language survival schools in federal support for private schools and charter schools.

The Native American Languages Amendments Act of 2006 is consistent with longstanding federal self-determination policies toward native peoples, which support the promotion of economic and social self-sufficiency, as well as the preservation and revitalization of native culture, languages, art, history, religion, and values. Since language is a significant factor in the perpetuation of native cultures, the federal government enacted the Native American Languages Act of 1990 urging federal support for Native American languages, and the Native American Languages Act Amendments of 1992 establishing a grant program at the Administration for Native Americans to fund the preservation of Native American languages. My bill continues this commitment by our federal government to ensure the survival of these unique cultures and languages.

In my home state, I am proud that the people of Hawaii and the State of Hawaii have strongly supported the revitalization of Hawaiian culture, art, and language. In 1978, for example, the State of Hawaii wrote into its constitution a specific declaration that Hawaiian is one of our two official languages, along with English. This was a remarkable reversal from decades in which the very survival of the Native Hawaiian language was at risk due to benign neglect and to conscious efforts to discourage its use.

There is also support for Hawaiian language programs in both our public and private schools. At the forefront of these efforts have been supporters of Aha Punana Leo, a Hawaiian language immersion program which has endeavored to include both students and parents in an exciting and innovative way to revitalize Hawaiian language and culture. Ms. Namaka Rawlins, Director of Aha Punana Leo, and her husband, Dr. William (Pila) Wilson, have been pivotal in these efforts. The lessons of family and community involvement in the preservation of the Hawaiian language that they and others have proven are and can be used by other native communities and cultures across the country.

While the Aha Punana Leo program initially started with pre-school students, Hawaiian language survival schools were also established to allow for students to graduate from high school. Over 2,000 students are currently enrolled in Hawaiian language nests and survival schools. A Hawaiian language center—Hale Kuamoo—was eventually established at the University of Hawaii at Hilo with the collaboration of Aha Punana Leo as well as a Native College—Ka Haka Ula O Keelikolani College. Both programs have been crucial in providing training to teachers in Hawaiian language, college courses in Hawaiian, and graduate education in Hawaiian language and culture.

The revitalization of the Hawaiian language in my state has been instrumental in the preservation of Hawaiian culture, which is important to all of us who call Hawaii home. Today's legislation will take this lesson nationwide in continuing the commitment made by the federal government in 1990 and the progress that has been made since that time to preserve Native American languages, including the Hawaiian language. Mahalo, and aloha.

NATIONAL SCIENCE BOWL

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Mrs. BIGGERT. Mr. Speaker, it is with great pleasure that I rise today to congratulate the winners of the Illinois Regional Science Bowl—Sarah Carden, Alex Lapides, Jeremy Lee, Tyler Mitchell, and Benjamin Xie. With the support of their coach, Mr. Kevin Farrell, these talented young students from Naperville North High School bested a field of Illinois brightest for a chance to compete in the 16th annual Department of Energy National Science Bowl.

As the only federally sponsored science competition, the National Science Bowl hosts over 12,000 participants, making it the largest such competition in the United States. Each year, this event adds energy and excitement to the study of math and science for students across the country. Mr. Speaker, it is by inspiring and supporting the next generation of America's scientific leaders today that we can ensure America's competitiveness in the global marketplace tomorrow.

So once again, to the five promising young scholars from Naperville North representing the Land of Lincoln in this weekend's National Science Bowl, congratulations and good luck.

CONGRATULATIONS TO AVERY JOHNSON; NBA'S COACH OF THE YEAR FOR 2005–2006

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 27, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to join the chorus of Dallas citizens and Mavericks fans across the globe in saluting Dallas Mavericks head coach Avery Johnson on his selection as the National Basketball Association's Coach of the Year for the 2005–06 season. In only his first full season as head coach of the Mavericks, Avery Johnson is the first coach in the storied history of the organization to receive the National Basketball Association's most distinguished honor for coaches. This season Coach Johnson led the club to an outstanding 60-win season, one of the best in franchise history.

In March of last year Avery Johnson assumed the duties of head coach of the Dallas Mavericks after former head coach Don Nelson decided to step down. Prior to the season, Johnson announced his retirement as a player in October of 2004 to assume full-time duties as an assistant coach. Prior to his coaching debut, Avery compiled a stellar basketball resume at both the collegiate and professional levels.

Avery was a college standout at Southern University where he led the NCAA in assists as a junior and senior. He was named the Southwestern Athletic Conference Player of the Year and the MVP of the conference tournament both seasons as well. He still holds several NCAA Division I records including the most assists in a single game, the highest single season assists average and the highest career assists average.

At 5–11 and 180 pounds Avery went undrafted out of college, yet he did not let this deter him from his ultimate goal of playing in the NBA. He first played for the United States Basketball League with the Palm Beach Stingrays in 1988. His tenacious play and rock solid leadership led to his signing as a free agent with the Seattle Supersonics later that year.

In his 16-year career with the NBA, Johnson played 1,054 games and averaged 8.4 points, 5.5 assists and 1.7 rebounds in 25.3 minutes per game. Avery also played in 90 playoff games and started 73 of those contests. He has playoff averages of 10.5 points, 6.2 assists and 1.13 steals in 31.2 minutes per game. In 1999, he was a member of the NBA's Championship team.

Johnson became the 75th player in NBA history to play 1,000 career games in March of 2003 and joined Calvin Murphy as the only other player under 6-feet in height to reach that milestone. He also reached the 5,000 career assists plateau in February of 2000 against the Minnesota Timberwolves.

From 1990–92, he played with San Antonio, Denver, Houston and back to San Antonio. In eight of the next nine seasons (1992–2001), he was a member of the San Antonio Spurs. He spent one year during that time in Golden State (1993–94). He spent his last few seasons with the Denver Nuggets, Golden State, and signed with Dallas as a player/coach prior to the 2004–05 season prior to entering coaching.

Mr. Speaker, I am delighted to congratulate Head Coach Avery Johnson on his selection as the National Basketball Association's Coach of the Year. He is a proven leader and I am certain he will continue to lead the Mavericks organization to new heights. GO MAVERICKS!

HOUSE OF REPRESENTATIVES—*Monday, May 1, 2006*

The House met at noon and was called to order by the Speaker pro tempore (Mr. CAMPBELL of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 2006.

I hereby appoint the Honorable JOHN CAMPBELL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who alone creates from nothingness, You gave to Adam and all his descendants a mandate to cultivate the garden of this Earth and care for it. At the same time, by labor and human ability, we are commanded by You to strive to improve the quality of life. Today, particularly by means of science and technology, this mastery over nature is extended to such a degree that the human family is coming to see itself as a single worldwide community of labor and collaboration.

Help Congress and the people of this industrious and prosperous Nation to face this vast enterprise by integrating the principles of a religious and moral order with the skilled knowledge of today's social order.

Be with Your people, Lord, as they both individually and collectively struggle to improve the condition of human living. Created in Your own image, Lord God, we have been commissioned to master the Earth and all it contains, and so rule the world in justice and holiness all the days of God-given life. You alone are the source of all good and peace now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 12 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 2, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7092. A letter from the Legislative Affairs Branch Chief, Department of Agriculture, transmitting the Department's "Major" final rule—Healthy Forest Reserve Program—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7093. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Importation of Peppers From Certain Central American Countries [Docket No. 05–003–3] received March 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7094. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Addition and Removal of Regulated Areas in Arizona [Docket No. 05–078–2] received March 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7095. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Tuberculosis; Reduction in Timeframe for Movement of Cattle and Bison From Modified Accredited and Accreditation Preparatory States or Zones Without an Individual Tuberculin Test [Docket No. 04–065–2] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7096. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Interstate Movement of Pine Bark Products From Quarantined Areas [Docket No. 04–031–2] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7097. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 05–027–2] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7098. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Criteria for Releasing Fields From Regulation [Docket No. 04–134–2] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7099. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Relaxation of Handling Regulation for Area No. 2 [Docket No. FV05–948–1 FRA] received March 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7100. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Milk in the Pacific Northwest and Arizona-Las Vegas Marketing Areas; Order Amending the Orders [Docket No. AO–368–A32, AO–271–A37; DA–03–04B] received March 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7101. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Decreased Assessment Rate [Docket No. FV06–989–1 IFR] received March 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7102. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Pears Grown in Oregon and Washington; Establishment of Continuing Assessment Rates and Modification of the Rules and Regulations [Docket No. FV05–927–01 FR] received March 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7103. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Consolidation of Contract Requirements [DFARS Case 2003–D109] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7104. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Approval of Service Contracts and Task and Delivery Orders [DFARS Case 2002–D024] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7105. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Performance of Acquisition Functions Closely Associated with Inherently Governmental Functions [DFARS Case 2004–

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

D021] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7106. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Component Breakout [DFARS Case 2003–D071] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7107. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Acquisition of Ball and Roller Bearings [DFARS Case 2003–D021] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7108. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Incentive Program for Purchase of Capital Assets Manufactured in the United States [DFARS Case 2005–D003] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7109. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups (RIN: 1870–AA12) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7110. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7111. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's "Major" final rule—Final Rule: Standard for the Flammability (Open Flame) of Mattress Sets—received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7112. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Make-or-Buy Plans (RIN: 1991–AB64) received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7113. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 10–06 which informs of an intent to sign the Ballistic Defense Technology (BMD) Memorandum of Agreement (MOA) between the United States and Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7114. A letter from the Secretary, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete out mission in Iraq successfully, pursuant to Public Law 109–163, section 1227; to the Committee on International Relations.

7115. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report describing conditions in Hong Kong that are of interest to the United States, covering the period from April 1, 2005 to March 31, 2006, pursuant to Public Law 104–107 section 576; to the Committee on International Relations.

7116. A letter from the Associate Director, OFAC, Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations—received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7117. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 003-2006] received April 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7118. A letter from the Director, National Science Foundation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Foundation's report on competitive sourcing efforts for FY 2005; to the Committee on Government Reform.

7119. A letter from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting the Office's final rule—Excepted Service—Student Program (RIN: 3206–AK59) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7120. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2005 annual report on statistical data relating to Federal sector equal employment opportunity complaints filed with the Office, pursuant to Public Law 107–174 section 203; to the Committee on Government Reform.

7121. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy-owl (Glaucidium brasilianum cactorum) From the Federal List of Endangered and Threatened Wildlife; Withdrawal of the Proposed Rule to Designate Critical Habitat; Removal of Federally Designated Critical Habitat (RIN: 1018–AU22; RIN: 1018–AI48) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7122. A letter from the Regional Forester, USDA Forest Service, Department of the Interior, transmitting the Department's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart A (RIN: 1018–AT81) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7123. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Adjustment of Pacific Cod Total Allowable Catch Amounts in the Bering Sea and Aleutian Islands [Docket No. 060216045–6045–01; I.D. 031406B] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7124. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332–5039–02; I.D. 021706A] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7125. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action—#1—Adjustment of the Commercial and Recreational Fisheries from Cape Falcon, Oregon, to Point Sur, California [Docket No. 050426117–5117–01; I.D. 031406F] received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7126. A letter from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea [Docket No. 050630175–6039–02; I.D. 010305B] (RIN: 0648–AS98) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7127. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Carquinez Strait, Benicia and Martinez, CA [CGD11–06–003] (RIN: 1625–AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7128. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Chincoteague Channel, Chincoteague, VA [CGD05–06–002] (RIN: 1625–AA09) April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7129. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Raritan River, Arthur Kill and their tributaries, NJ [CGD01–06–026] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7130. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Hackensack River, Secaucus, NJ [CGD01–06–021] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Chelsea River, Chealsea, MA [CGD01–06–024] (RIN: 1625–AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (Alternative Route), Dismal Swamp Canal, NC [CGD05–06–017] (RIN: 1625–AA09) received April 21, 2006, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Stickney Point (SR 72), Gulf Intracoastal Waterway, mile 68.6, Sarasota County, FL [CGD07-06-048] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Venetian Causeway (West) drawbridge, Atlantic Intracoastal Waterway, mile 1088.6, and Venetian Causeway (East) drawbridge, Biscayne Bay, Miami, Miami-Dade County, FL [CGD07-06-050] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7135. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Hutchinson River (Eastchester Creek), New York City, NY [CGD01-06-025] received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7136. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Elizabeth River—Eastern Branch, Norfolk, Virginia [CGD05-06-028] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7137. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 2006 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 109-103); to the Committee on Ways and Means and ordered to be printed.

7138. A letter from the Board Members, Federal Hospital Insurance Trust Fund, transmitting the 2006 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund And Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 109-102); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

DISCHARGE OF COMMITTEE

Under clause 2 of rule XII, the following action was taken by the Speaker:

Committee on Transportation and Infrastructure discharged from further consideration. H.R. 4954 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Filed on April 28, 2006]

Mr. KING of New York: Committee on Homeland Security. H.R. 4954. A bill to improve maritime and cargo security through enhanced layered defenses, and for other purposes, with an amendment; referred to the Committee on Transportation and Infrastructure for a period ending not later than May 1, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r), rule X. (Rept. 109-447, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. BARTON of Texas (for Mr. RUSH, Mr. UPTON, Mr. PICKERING, Mr. STEARNS, Mr. BUYER, Mrs. BLACKBURN, Mr. GILLMOR, Mr. SHADEGG, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. FERGUSON, Mr. NORWOOD, Mr. WHITFIELD, Mr. SHIMKUS, Mrs. MYRICK, and Mr. BURGESS) introduced a bill (H.R. 5252) to promote the deployment of broadband networks and services; which was referred to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

294. The SPEAKER presented a memorial of the Legislature of the State of West Virginia, relative to Senate Concurrent Resolution No. 60 expressing support of the United States armed forces in Iraq; to the Committee on Armed Services.

295. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 67 memorializing the Congress of the United States to encourage expansion of existing, or the construction of new petroleum refineries in the United States and to urge the leaders of the Petroleum industry to construct new refineries to meet our increasing energy needs; to the Committee on Energy and Commerce.

296. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 232 memorializing the Congress of the United States to provide funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Park and urging the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; to the Committee on Resources.

297. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 14 memorializing the Congress of the United States to amend the Stafford Act to permit funds to be used for permanent housing in the hurricane impacted areas of Louisiana; to the Committee on Transportation and Infrastructure.

298. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial 8019 memorializing the United States Trade Representative create a Federal-State International Trade Policy Commission with membership to be drawn from federal and state trade policy officials; to the Committee on Ways and Means.

299. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 628 memorializing the Congress of the United States to increase the penalties imposed upon a person who vandalizes a national war memorial; jointly to the Committees on the Judiciary and Resources.

300. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 382 memorializing the Congress of the United States to reauthorize the Abandoned Mine Reclamation Fund; jointly to the Committees on the Judiciary and Resources.

301. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 7 urging the Congress of the United States to consider using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing for those affected by the hurricanes Katrina and Rita; jointly to the Committees on Transportation and Infrastructure and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1955: Mr. ROSS.

H.R. 2134: Mr. MEEHAN.

H.R. 4282: Mrs. MUSGRAVE and Mr. GARRETT of New Jersey.

H.R. 4797: Mr. SWEENEY.

H.R. 4892: Mr. DUNCAN and Mr. GOODE.

H.R. 4974: Mr. FALEOMAVAEGA.

H.R. 5005: Mr. MOLLOHAN and Mr. REHBERG.

H.R. 5216: Mr. DAVIS of Alabama and Mr. WAXMAN.

H. Con. Res. 395: Mr. CUMMINGS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

113. The SPEAKER presented a petition of Roger Liverman, Jr. a citizen of Denison, Texas, relative to a redress of grievances and petition for private claim; to the Committee on the Judiciary.

114. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 90 urging the Congress of the United States to honor the contributions of Filipino War World II veterans by passing the Filipino Veterans Equity Act; to the Committee on Veterans' Affairs.

SENATE—*Monday, May 1, 2006*

The Senate met at 2 p.m. and was called to order by the President Pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, majestic Father of all creation, speak Your truth to us. Today may our Senators stop in the midst of busyness and listen for Your voice. Give them the discernment to hear You correctly. Grant them the courage to live out Your calling in their lives. Make these leaders work as one body to accomplish Your will. Give them wisdom in their tasks, confidence in the hearing of Your voice, and a love for You as well as each other.

Remind us all of the truth that neither death nor life, nor height nor depth, nor any created thing can separate us from Your love.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon, the order provides for resuming debate on the supplemental appropriations bill. I believe after the remarks of the two leaders, there are a couple of Senators, including our distinguished President pro tempore, who desire to speak on other subjects. The chairman will then be ready to resume debate on the pending emergency supplemental bill. I remind all Senators that I filed a cloture motion on the bill last week and that vote will occur tomorrow morning. In accordance with that cloture motion, all first-degree amendments should be filed at the desk by 2:30 this afternoon. We already have a large number of pending amendments that will need to be disposed of. If we are able to invoke cloture on the bill tomorrow morning, then it is my expectation to finish the bill no later than Wednesday of this week. Therefore, we will have rollcall votes each day of this week as we complete work on this appropriations bill.

Our first rollcall vote this week will occur this afternoon at 5:30. We will have a vote on a district judge who was reported by the Judiciary Committee last week. This week we may also consider the tax relief extension conference report, if that conference report becomes available. There is a 10-hour statutory limit on that measure, and we will begin debate under that time limit as soon as that conference report arrives from the House.

ENERGY

Mr. FRIST. Mr. President, over the weekend, we got more bad news on the rising price of gas. Energy Secretary Samuel Bodman told us to expect high gas prices to continue for 2 to 3 more years. In his words, suppliers have lost control of the market.

Every day drivers are getting socked with higher and higher prices at the pump and in some places gas prices are well over $3 per gallon. Worse yet, the situation only threatens to intensify as those summer driving months come into view.

Consumers are understandably frustrated. They are worried. For most families, gas is a basic necessity, and rising gas prices simply put them over a barrel. They need a break. The Republican leadership is delivering a plan.

Last Thursday, we unveiled our proposal to offer immediate short-term relief for American consumers, as well as a broader strategy to increase America's energy supply and to reduce our demand for oil.

We propose giving taxpayers a $100 gas tax holiday rebate check so their hard-earned money goes back into their pockets instead of into their gas tanks.

We also want to make sure consumers are protected against any price gouging or anticompetitive behavior by oil companies or other suppliers of energy. Our proposal includes strong Federal antiprice-gouging protection.

These are two steps we can take right now to offer the consumer immediate relief. But for the midterm and for the long term, we need to get to the root of what is driving oil prices through the roof: basic supply and demand. We don't have enough domestic oil to meet our energy needs, and that global demand is growing day by day.

In order to get control of the problem, we need to increase domestic supplies, supplies at home, and we need to diversify our energy sources.

The package we have introduced promotes the development of alternative fuels in the use of hybrids and other advanced technology vehicles. It also gives Secretary Mineta the authority to issue a rule looking at fuel economy standards for passenger cars.

These two measures address the demand side of the equation, but we also must address the supply side. If President Clinton had not vetoed ANWR a decade ago, ANWR today would be producing a million barrels of oil each and every day right now. A million barrels of supply each day would be coming to the continent. That is about three-fourths of what we currently import from all of Saudi Arabia.

We need to open a portion of the Reserve to environmentally sensitive exploration and get that oil to the market. There is no question that tapping into this domestic resource will bring down oil prices.

We also need to expand our refinery capacity. It is amazing, we have not built a new refinery in the United States in over 30 years. It is next to impossible to expand an existing one today.

One reason why gas prices are so high right now is that several refineries are still offline in the wake of Katrina. Several others deferred maintenance to help after the hurricane are performing maintenance now, still at lower than pre-Katrina levels.

Adding refinery capacity will help to increase gasoline supplies and lower prices at the pump. Our plan takes important steps in this direction.

We all know America is dangerously dependent on foreign sources of oil. This dependence compromises our economic and national security. Last summer, after a decade of partisan obstruction, Congress passed a comprehensive Energy bill that goes a long way toward addressing this grave problem. We double the amount of ethanol and biodiesel in our gasoline. By 2012, this should reduce oil consumption by 80,000 barrels a day.

We passed a hybrid car tax credit of up to $3,400 per vehicle.

The Energy bill also allocated significant funding for research and development of hydrogen fuel cells. If just 20 percent of our cars used fuel cell technology, we could cut oil imports by 1.5 million barrels a day.

We need to build on these initiatives and encourage American consumers, producers, and entrepreneurs to think beyond oil. I believe, as does the President, that America's future lies with technology that will allow Americans to use environmentally safe and diverse energy sources. America will be safer, America will be more secure with American energy coming from American sources.

We presented a strong package that will give consumers relief at the pump and will bring down the high cost of gas. I am hopeful we will vote on this package in the coming days. Filling up the tank shouldn't break the bank.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 616

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to executive session and to a vote on the confirmation of the following judicial nomination on the Executive Calendar: No. 616, Michael Barrett to be U.S. District Judge for the Southern District of Ohio. I further ask unanimous consent that the 20 minutes prior to the vote be divided between the chairman and the ranking member of the Judiciary Committee and that the two Senators from Ohio each be allocated up to 5 minutes; provided further, following the 5:30 p.m. vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I see my two colleagues in the Chamber, the distinguished Senators from Tennessee and Louisiana, and I see my friend from New Mexico here. I have a statement to give. It will take a few minutes to complete. I apologize, but that is what I have to do. I guess I should make an inquiry. How long are the Senators going to speak?

Mr. ALEXANDER. Five minutes.

Mr. REID. The Senator from New Mexico, it looks like he is loaded for bear there.

Mr. DOMENICI. Mr. President, I have an amendment I am going to introduce on the pending bill. I will not speak longer than 5 minutes on the amendment.

Mr. REID. Mr. President, I can wait and do my speech after that, if that would be OK with my colleagues. It is just a matter of trying to be nice to people. So I ask unanimous consent that the Senator from New Mexico be recognized—or the Senator from Tennessee be recognized first, the Senator from Louisiana second, and the Senator from New Mexico, the chairman of the Energy Committee, my dear friend, be recognized for 5 minutes and following that, I would have the floor and be able to start my speech and finish it.

Mr. VITTER. Mr. President, reserving the right to object, I would like to just make the suggestion through the Chair that the Senator from New Mexico go second and I proceed third.

Mr. REID. No objection.

The PRESIDENT pro tempore. Is there objection?

Mrs. MURRAY. Mr. President, I know we put together a time line. Senator KENNEDY would also like to be recognized. He can follow Senator REID, but I think he would like to be recognized for 30 minutes following the four Senators we have in the queue.

Mr. REID. Mr. President, is morning business allocated this morning?

The PRESIDENT pro tempore. No.

Mr. REID. So what the Senator from Washington has asked is that following my statement, the Senator from Massachusetts be recognized for 30 minutes. My statement is going to take a little bit of time, and if there is a Republican speaker who wants to come after me, that would be what should happen, and then Senator KENNEDY can be recognized after that. Is that appropriate? So I ask that following my statement, the Senator from Alaska be recognized.

The PRESIDENT pro tempore. Myself and Senator INOUYE for 20 minutes.

Mr. REID. And following that, Senator KENNEDY be recognized for 30 minutes. So Senator INOUYE and Senator STEVENS for 10 minutes each. So after 15 minutes, I will speak, and then it will be Senator INOUYE and Senator STEVENS, and then following that it will be Senator KENNEDY.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Chair recognizes the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Democratic leader for his courtesy. This will permit me to chair a hearing at 2:30 on time. I thank the chairman of the Energy Committee and the Senator from Louisiana.

May I ask the Chair to inform me when there is 30 seconds remaining of my 5 minutes.

The PRESIDENT pro tempore. The Senator will be notified.

SINGING OF THE NATIONAL ANTHEM

Mr. ALEXANDER. Mr. President, across the country today, thousands of immigrants, legal and illegal, are marching in a nationwide rally. Many are saying that they, too, want to become Americans.

But I am afraid the message is quite literally getting lost in translation. As part of these demonstrations, a new version of our national anthem, "The Star-Spangled Banner," has been produced—in Spanish.

According to an article in the Washington Post on last Friday, at least 389 different versions of our anthem have been produced over the years in many musical styles, including rock and roll and country, but the Post also noted that never before has it been rendered in another language. This may be a first, but it is a big first step in the wrong direction. It is a mistake precisely because our Nation is a nation of immigrants.

Almost all of us are descended from immigrants from Britain or Germany or Italy or France or China or Mexico or some other country around the world. Our forefathers who came from these many different countries spoke many different languages, but in coming here they agreed to speak one common language, one language to unify us as a nation, one language so we can all speak with one another. And that language is English. In fact, in order for a legal immigrant to become a citizen of the United States, one requirement is that he or she demonstrate at least an eighth grade level understanding of the English language.

A century and a half ago, we created common schools—the public schools—so that mostly immigrant children could learn English, learn how to write and read in English as well as to do math, and learn what it meant to be an American with the hope they would go home and teach their parents. Only 2 weeks ago, this Senate encouraged the speaking of English by saying that it would knock a year off the waiting time to become a citizen if an applicant became proficient in English and authorizing $500 grants for people who are legally here who are seeking to become citizens. So for a long time, we have recognized that English is a part of who we are as Americans. It is a part of what unites us, just as we are united by our history and our shared values, such as liberty, equal opportunity, and the rule of law.

I worry that translating our national anthem will actually have the effect of dividing us. It adds to the celebration of multiculturalism in our society which has eroded our understanding of our American culture. Ours is a diverse nation, proudly diverse, but diversity is not our greatest accomplishment. Jerusalem is diverse. The Balkans are diverse. Iraq is diverse. What makes America unique is that we have taken all that magnificent diversity and turned it into one nation. Translating our anthem into multiple languages also erodes our sense of having a common language that allows us to speak with one another as one nation. Our national anthem is a symbol of all of those things which unite us. It is a product of our history.

"The Star-Spangled Banner" was written by Francis Scott Key in 1814. Our Nation was then in the midst of the War of 1812. On September, 13, 1814, just a few weeks after the invasion of Washington, British forces began a 25-hour bombardment of Fort McHenry in Baltimore. Through the day and all through the night, the rockets and bombs flew. And the next day, on September 14, standing aboard an American ship 8 miles out from Baltimore, Francis Scott Key looked and saw the stars and stripes were still waving over the fort, and the British were forced to withdraw. Our flag was still there.

I went to see that very same flag a few months ago at the Smithsonian's National Museum of American History. The museum is in the process of carefully preserving it so that our grandchildren's grandchildren will be able to see the original flag that inspired our national anthem. That flag and song are part of our history and our national identity.

The PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. ALEXANDER. It declares some of our national ideals, in being "the land of the free and the home of the brave."

That is why we should always sing it in our common language: English. And that is why today I will introduce, along with Senator FRIST, Senator McCONNELL, and Senators STEVENS and ISAKSON and ROBERTS, and I hope others, a resolution that affirms that statements of national unity, especially the Pledge of Allegiance and the national anthem, ought to be recited in English. We wouldn't recite the pledge in French or German or Russian or Hindi or even Chinese, which, after Spanish, is the second most spoken foreign language in the United States, and we shouldn't sing the national anthem in Spanish or any other foreign language.

So in conclusion, in this land of immigrants, let's sing it together as one American Nation in our common language: English.

Mr. DOMENICI. Madam President.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Mexico is recognized.

Mr. DOMENICI. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. DOMENICI. Is my understanding correct that we are now on the supplemental appropriations bill?

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, livestock, and/or dairy products, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing $6 million to sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (Divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Vitter modified amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies.

Chambliss/Isakson amendment No. 3702, relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs.

Murray (for Harkin) amendment No. 3714, to increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) amendment No. 3688, to provide funding for the covered countermeasures process fund program.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG Program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Mr. DOMENICI. Madam President, I note the presence now of the chairman of the Appropriations Committee.

I will take as little time as possible, and I know of no reason for this amendment to take a lot of time, but I want to make sure everybody knows it is pending, and that is why I put it here, and I plan to offer it now. It is a very important amendment with reference to the reconstruction of the levee system.

I will quickly show three photographs.

One, the photo that is up here right now shows the floodwall breach at the 17th Street Canal. As you can see, the storm surge pushed the floodwall out of alignment. The corresponding photograph shows repairs to the 17th Street Canal floodwall as of February 2006.

This one shows the repairs and, believe it or not, that is what has been done already, Mr. Chairman, in the short time since the disastrous break, and it looks like that now.

Third, this photo shows the failure of an I-wall section of the levee. The President has requested that we replace I-walls with stronger and more substantial T-walls. These I-walls fell down all over parts of the area, letting water come through as they fell down, and became more like waterways rather than water containers.

That is what we are replacing, and we are replacing them with what is shown in a fourth photograph I have here, which shows work taking place elsewhere in the area. The amendment I am submitting in behalf of the President is going to authorize this kind of construction occur in an area described in the amendment.

This is the construction of T-walls along the inner harbor navigation canal. The foreground shows the reinforcing steel that goes into these T-wall sections driven into the ground at an angle. The T-wall is then cast in place on top of the pilings. With this, we will have as strong a containment as can be expected and can be done, according to the experts.

We will take this photograph down because we don't need to have this up while speeches are given.

AMENDMENT NO. 3769

Mr. DOMENICI. Madam President, I call up amendment No. 3769 and ask that it be considered immediately.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 3769.

Mr. DOMENICI. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Provides additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration and other purposes)

For an additional amount for "Investigations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $45,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That using $20,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed, at full Federal expense, to inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein: Provided further, That $25,000,000 of the funds provided herein shall be used for Louisiana Coastal Area Restoration studies.

For an additional amount for "Investigations" for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, $2,500,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $1,000,000 is for Flood Plain Management Services for flood hazard and hydrologic investigations in flood prone areas of Hawaii; up to $1,250,000 is for the Delta Islands and Levee study in California; and $250,000 is for completion of the CALFED 180-day levee study: Provided further, That the amount shall be available for the studies identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $595,300,000, to remain available until expended, of which up to $100,000,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least $495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That Congress designates this amount as an emergency requirement for these specific purposes: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Construction" for necessary expenses related to other disasters, $39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $7,100,000 is for South Sacramento Streams, California; up to $23,300,000 is for the Sacramento River Bank Protection, California; up to $5,100,000 is for American River (Common Features), California; up to $1,500,000 is for North Padre Island, Texas; and up to $2,000,000 shall be provided at full Federal expense for the Hawaii water systems technical assistance program: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,200,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for dredging needs along the Texas gulf coast, of which up to $2,000,000 is for Freeport Harbor, Texas; and up to $1,200,000 is for Texas City, Texas: Provided further, That the amount shall be available only for the projects identified above and to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies," as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,099,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds provided herein, $530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate them into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing floodwalls, where necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the systems' performance: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Flood Control and Coastal Emergencies," as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to this and other disasters, $17,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for restoration of funds for hurricane damaged projects in Pennsylvania: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

Mr. DOMENICI. Madam President, the amendment has been made available to the other side.

The President of the United States, after consultation with the man he placed in charge of this program, the project of renewal, and with the Corps of Engineers' leadership, has asked us for $1.46 billion. An additional $2.2 billion is requested in this amendment, and that makes the total $3.7 billion. Previous supplemental funds provided last year enable restoration of current levee systems to the authorized strength as well as to complete the system as originally envisioned. The proposed supplemental funding takes us to the next logical step in this rebuilding process. The requested funding will provide for the improvement to the obvious weaknesses in the existing levee system. These include, $1.6 billion for replacement of I-wall design that failed during Hurricane Katrina with better designed, stronger flood walls; $530 million for temporary closure of the interior drainage canal, with permanent closure and integrated pumping stations; $250 million for storm-proofing of interior pump stations; $170 million for armoring critical elements of the levee system; and $350 million for navigable closures to improve protection of the inner harbor navigation canal.

The requested funding will also allow for increased protection from storm surges. These improvements include $215 million to incorporate the West Bank levee in Plaquemines Parish into the Federal levee. That will incorporate it into the levee system and upgrade the levee to the Federal standards; $100 million for restoration of coastal wetlands to reduce the risk of storm surge. And $493 million for increasing the levee heights of Lake Pontchartrain and Vicinity project and the West Bank and Vicinity project. These levee improvements will be a cost shared with the State of Louisiana, and everybody understands that. Based on the vulnerabilities demonstrated to our Nation's infrastructure by Katrina, $20 million is included for an inventory and assessment of Federal and non-Federal flood and storm damage projects nationwide. Currently, no reliable information is available to determine reliable flood risks across the country; $25 million is included for studies of the Louisiana coastal area to determine how best to provide long-term comprehensive restoration of coastal wetlands, to reduce storm surge in the New Orleans and south Louisiana areas.

In addition to the President's request, we have also provided additional funding for other emergency and disaster-related recovery efforts in California, Hawaii, Pennsylvania, and Texas. All of the funding proposed above the President's request is provided subject to a specific request from the President designating it as an emergency. Without an official Presidential request, these funds cannot be used.

In February 2006, the President submitted a request for supplemental appropriations for the Army Corps of Engineers totaling $1.46 billion. The funds will provide increased protection to obvious weaknesses in the New Orleans levee system and will improve storm proofing of interior pumping capabilities within the city to mitigate flooding.

Prior to Hurricane Katrina, FEMA had initiated a reevaluation of the 100-year flood plain in the New Orleans and other gulf coast areas. Post Katrina, the analysis was revised to include Katrina impacts. The revised 100-year flood plain maps show the existing levee system will not provide 100-year protection. These new flood plain maps will have a tremendous impact on where and how redevelopment of New Orleans can occur.

Additionally, the corps has determined that roughly 36 miles of the 56 miles of I-walls that are part of the levee system protecting the greater New Orleans metro area should be replaced with more stable T-Walls or L-Walls as a result of the I-Wall failures during Hurricane Katrina.

Due to the need to bring some rationality and stability to the redevelopment of New Orleans, the administration submitted a revised request to provide 100-year level of protection to New Orleans proper. The request specifically excludes improvements to roughly 8 miles of I-Walls in lower Plaquemines Parish and increasing levee heights in lower Plaquemines Parish to provide 100-year level of protection.

Raising the height of the levees will improve the level of protection to New Orleans proper and allow for continued participation in the National Flood Insurance Program administered by FEMA.

On April 25, the administration requested an additional $2.2 billion for the following:

$1.6 billion for replacing I-walls with T-walls or L-Walls in New Orleans—roughly 30 miles. Replacing the I-walls with stronger T-Walls or L-Walls is necessary to improve the performance of the levee system due to the failure of the I-Walls during Katrina;

$495.3 million for the Federal share of raising the levee height in New Orleans to the newly determined 100-year flood plain level. The current cost share mandated by 33 U.S.C. 2213 requires a 35 percent local cost share;

$215 million for incorporating certain non-Federal levees by replacing or modifying these existing levees on the west bank of the Mississippi River in Plaquemines Parish. Incorporating, replacing or modifying these non-Federal levees will provide a hurricane protection system commensurate with the level of protection authorized for the Federal New Orleans to Venice hurricane protection project in order to protect the evacuation route. This is an increase above the original February request of $155 million.

The President's original $1.46 billion request will provide critical storm protection to New Orleans and is still necessary despite the new request. The February request includes the following:

$530,000,000 is provided to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront. The closure structures will help prevent storm surge from Lake Pontchartrain from entering the canals, and the new pumping stations will convey water from the canals to the lake;

$350,000,000 is provided to improve protection at the Inner Harbor Navigation Canal. The corps will construct two closure structures, one at Seabrook where the IHNC enters Lake Pontchartrain and another on the Gulf Intracoastal Waterway;

$250,000,000 will be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events. Storm-proofing measures will provide more protection against hurricane force winds, storm surge and inundation so the drainage pumps and equipment can remain operable during hurricanes, storms, and high water events;

$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system. Armoring will be selectively used on levees and floodwalls at critical portions of the New Orleans hurricane and storm damage reduction system, including structural transition points such as pipeline crossings or junctures between levees and floodwalls; floodwalls susceptible to scour and erosion; and certain sections of levees exposed to extreme surge and wave wash;

$100 million to the Corps of Engineers to reduce the risk of storm damage to greater New Orleans by restoring the surrounding wetlands.

Since the President has revised his request following Appropriations Committee action, a floor amendment is necessary to accommodate the additional funding. The amendment will provide the following:

General Investigation—$48.75 million to support investigations of nationwide flood project inventory, Louisiana coastal area ecosystem restoration studies, Delta Islands and Levee studies in CA, developing a Delta risk management strategy in CA and for flood hazard and hydrologic investigations in flood prone areas of HI;

$595.3 million for levee raising and wetland restoration;

$3.1 billion for I-wall replacement; drainage canal improvements; storm proofing pumps; and armoring of levees.

The committee was aware the administration was considering a change in the request and tied to accommodate the President based on the original request. The committee provided $624 million in added funding, subject to request by the President. However, the new request significantly expands the scope of work and will require new language.

Amendments adopted in committee have been included as well—subject to the same terms and conditions.

As to corps action to date, in the second supplemental $400 million for immediate disaster response to Katrina; $200 million for dredging operations and $200 million to repair existing projects.

In the third supplemental the President's request was $1.6 billion. Congress provided $2.89 billion—$1.3 billion above the request for recovery efforts from all fiscal year 2005 hurricanes. Of the amount provided in the third supplemental, about $1.9 billion went to LA.

In the fourth supplemental, $3.6 billion total:

In the first request, $1.46 billion for levee upgrades and flood mitigation activities in New Orleans;

In the second request, $2.2 billion to raise levee height, replace I-walls with T-walls.

To date, the administration and Congress have aggressively addressed hurricane damage to provide a higher level of protection for New Orleans and southeast Louisiana.

The corps is working to restore hurricane protection for the start of hurricane season, on June 1, 2006.

The corps is completing new sections of storm protection that were not in place when Katrina struck.

The latest request increases levee height in New Orleans to provide 100-year storm level protection, based on FEMA's new 100-year flood plain elevations, and improves flood mitigation capabilities within New Orleans to prevent severe flooding that occurred as a result of Katrina.

The corps continues to evaluate existing structures to determine weak points and study and recommend necessary storm protection measures southeast Louisiana as provided in the third supplemental. The corps should have initial recommendations by June 2006 with additional solutions provided over the next year. This information will be used to make informed decisions about future storm protection measures.

I believe we make our case. I do not think we have to talk more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask that the Chair advise me when I have 45 seconds of my time remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. VITTER. I rise in strong support of the amendment of the Senator from New Mexico, who chairs the crucial subcommittee under which all of these vital corps projects fall. I thank the Senator from New Mexico for his leadership on this crucial issue. This is an absolutely essential amendment, and in supporting it, I wish to stress a few items.

First of all, everything the Senator has outlined, everything in his amendment was specifically requested by the President of the United States and was given by the President the top priority possible. Secondly, we are debating a number of issues on the floor as to this hurricane relief bill, and some are being cut out and others are being added, those at the margin. This amendment is not at the margin in any way, shape or form. This is at the heart of this hurricane relief bill because it goes to essential hurricane flood protection for the citizens of south Louisiana.

So I thank the Senator from New Mexico for his leadership and certainly strongly support the amendment.

Now, Madam President, I would like to call up a separate but related amendment which I have filed at the desk, amendment No. 3728.

The PRESIDING OFFICER. The Senator will abstain while the clerk retrieves the amendment.

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard to consideration of the amendment at this time.

Mr. VITTER. It is my understanding that the amendment has been filed; is that not the case?

Madam President, if I could suggest that I move on and speak about the amendment, and then perhaps we can formally call it up when it arrives at the desk, if that would be appropriate.

Mrs. MURRAY. Madam President, I have no objection to the Senator talking to his amendment, but at this time, we will object to his calling it up.

The PRESIDING OFFICER. Since there are pending amendments, it does take consent to call it up.

Ms. LANDRIEU. Madam President, if I could ask unanimous consent to speak 2 minutes on the Domenici amendment at whatever time is appropriate before we leave that amendment and go on to anything else.

The PRESIDING OFFICER. The junior Senator from Louisiana does have the floor at this time.

Mr. VITTER. I have no objection, if it doesn't come out of my time and everyone is agreeable to do that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana for 2 minutes?

Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair. I thank my colleague from Louisiana because I know that there are many important amendments that we have to consider relative to this major piece of legislation, which of course, is the supplemental for not just Katrina, Rita, and the gulf coast but also for our troops overseas and the situation in Iraq.

I thank, again, Senator COCHRAN and also Senator BYRD for their leadership in moving this supplemental forward on such a critical issue. I thank Senator DOMENICI and Senator REID, as chairman and ranking member, respectively, of the Energy and Water Committee, because in working with the administration, they have fashioned an amendment that will provide for Louisiana an additional $2 billion for critical levee infrastructure. As we rebuild New Orleans, the greater New Orleans area, south Louisiana and the gulf coast, getting additional funding for restructuring, rebuilding, and strengthening of the levee system around New Orleans and south Louisiana is essential. This $2 billion amendment will, in fact, do that.

I thank Senator COCHRAN for his willingness to add this $2 billion to the supplemental, to help us to secure the critical funds necessary to finish a project, which, of course, was promised on the heels of Katrina and the great flood that levied 20 feet of water in some areas into the city of New Orleans, and it continues our ongoing efforts, Madam President, to secure not just the city but the metropolitan area of Plaquemines, Jefferson, Saint Tammany, and Saint Charles, parishes that are the greater New Orleans area—Terrebonne, Plaquemines Parish and places to the west.

So I join my colleague from Louisiana in supporting this amendment and thank the bipartisan leadership that has come together to support it. And then we will have a series of other amendments that help improve the underlying bill. I thank my colleagues for the time to speak on the Domenici amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank the Chair. And I appreciate all of those words by my colleague from Louisiana and certainly join her in all of those comments.

Now, if I could briefly outline amendment 3728, which has not been called up, but I will outline what it does. Again, the Domenici amendment is crucially necessary for levy and hurricane protection work in south Louisiana. Amendment 3728 would simply supplement that in relatively small ways in terms of dollar amounts but in very important ways.

At the outset, before I explain what it covers, let me explain three crucial overall points about the amendment.

No. 1, all of the moneys or funds or expenditures in this amendment 3728 are completely offset so it does not increase the size or the cost of the bill whatsoever.

No. 2, everything covered in the amendment was actually included in the underlying bill at the committee stage of the process. It has been removed as it comes to the floor, but it was included in committee and the chairman of the subcommittee, the Senator from New Mexico, has no objection to the inclusion of these important items. In addition, the statement of administration policy on the bill, while it highlights a number of items the administration actually opposes in the bill, does not highlight any of the items in this amendment. The administration has not expressed opposition to these items.

And No. 3, all of the operation and maintenance required for these items in my amendment is funded 100 percent by the locals, by the local sponsors of these projects.

Basically, it covers five crucial things.

No. 1, addressing further damaged, destroyed or inferior protection levees in south Louisiana. While the Domenici amendment addresses many of those needs, all of these areas where there is a blue rectangle giving the new heights of the levee protection system, after the work in the Domenici amendment is completed, there are, unfortunately, a few gaps in this area of Lafourche, Terrebonne, and also the east bank of Plaquemines Parish. And this amendment would help fill those gaps.

No. 2, fulfilling shortfalls in funding for full pumping capacity needs in Jefferson and Orleans Parishes with the closing of outfall canals.

No. 3, meeting shortfalls to ensure equal levels of hurricane protection on the east and west banks of the Mississippi River in lower Plaquemines Parish, again, one of the slight gaps I pointed to on the map.

No. 4, providing a plan to protect lower Plaquemines parish for the long-term and vital resources in that Parish—energy and seafood and maritime.

And No. 5, the amendment would direct the national academies to perform a study to determine that portion of the levy system that lost height due to construction, design, subsidence, and settlement.

In closing, Madam President, again, let me emphasize that everything in this amendment No. 3728 is offset, that everything in it was included by the committee during committee deliberations and is not opposed in the statement of administration policy and that everything in it, operation and maintenance related to these works, would be funded 100 percent by the local sponsors of these important works. I urge all of my colleagues, Republican and Democrat, to support my amendment. It does not increase the size of the bill, it merely perfects, if you will, the very important work being done by the Domenici amendment.

With that, Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I rise for 20 seconds to ask unanimous consent to add my name as a cosponsor to the amendment of my colleague. He and I offer this together as a way to keep these five important projects alive for further discussion, and as he said, all the operation and maintenance will be picked up at the local level. So I thank our colleagues for their consideration this morning, for giving us time to speak about this important amendment, and I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader is recognized.

HONORING OUR ARMED FORCES

Mr. REID. Madam President, T. Byers of Sparks, NV, was killed in Iraq on July 23, 2003, when his convoy hit an explosive device. He was 25 years old.

William Salazar of Las Vegas, 26 years old, was killed in Iraq on October 15, 2004, in enemy action.

John Lukac of Las Vegas was just 19 years old when he was killed in Iraq on October 30, 2004, when a bomb hit his car.

Nicholas Anderson of Las Vegas, again, Madam President, only 19 years old, was killed during an assault on Fallujah on November 12, 2004.

Daniel Guastaferro, also of Las Vegas, 27 years old, died in Iraq on January 7, 2005.

Richard Perez of Las Vegas, again, fresh out of school, 19 years old, died in Iraq on February 10, 2005.

Eric Morris of Sparks, 31 years old, was killed on April 28, 2005, when a roadside bomb exploded.

Stanley Lapinski, 35 years old, was killed in Iraq on June 11, 2005, by a makeshift bomb in Baghdad.

James Jaime of Henderson, NV, 22 years old, was killed in Iraq on June 15, 2005, when a bomb exploded near his vehicle.

Anthony S. Cometa of Las Vegas, 21 years old, was killed in Iraq on June 16, 2005.

James Cathey of Reno, 24 years old, was killed in Iraq August 21, 2005, by a makeshift bomb.

Joseph Martinez of Las Vegas, 21 years old, was killed in Iraq August 27, 2005, by enemy gunfire.

Thomas C. Siekert of Lovelock, NV, 20 years old, died in Iraq December 6, 2005.

Joshua M. Morberg of Sparks, 20 years old, was killed in Baghdad, Iraq, on December 27, 2005, by a makeshift bomb.

Gordon F. Misner II, from Sparks, 23 years old, was killed in Iraq on February 22, 2006, by an improvised explosive device.

Shawn Thomas Lasswell, Jr., of Reno, 21 years old, was killed by an improvised explosive device on April 23, 2006, just a few days ago.

These are the names of the 16 Nevadans who have been killed in Operation Iraqi Freedom since May 1, 2003. I never met these men but, to me, they are Nevada's heroes. They are our Nation's heroes.

In 1944, an American President said:

> Older men declare war. But it is youth that must fight and die. And it is youth who must inherit the tribulation, the sorrow and the triumphs that are the aftermath of war.

Many years and many wars later, this quote rings true. These 16 young Nevadans gave their lives for our country. These boys—these young men—left families and ofttimes their babies and children as they traveled across the ocean and seas to soldier in deserts and cities far from home.

Most of these men were living their childhood dreams of serving in the military of the United States. Others were using the military as a stepping stone. Whatever the reason for their joining this volunteer fighting force, we can never repay their sacrifice, but we will always remember their ultimate sacrifice.

To their families, to the families of all 2,404 U.S. troops who have fallen in Iraq, and to the thousands of families who have loved ones serving there now, our thoughts and prayers are with you. I know you are proud of your sons and daughters, and I am confident our Nation's people are also proud of them. Their exemplary patriotism, dedication, and competence speaks volumes.

I mention our troops and these fallen Nevadans for a reason. Today, our country marks an unfortunate anniversary: the 3-year anniversary of President Bush's donning a flight suit to declare "Mission Accomplished" in Iraq.

President Bush's dramatic landing on the aircraft carrier Abraham Lincoln will be marked historically as a public relations stunt gone horribly wrong.

Since President Bush rendered his judgment of "Mission Accomplished," more than 2,200 American military are now dead, about 20,000 have since been wounded, many hundreds of billions of dollars of taxpayers' money expended, and now Iraq is engaged in a civil war, the degree of which is unknown and debatable.

The image of President Bush standing in front of the "Mission Accomplished" banner has been etched into the minds of the American people as a metaphor for the Bush White House's misleading and dangerous incompetence. It shows a self-described "war President" not ready for the war or the difficult problems of securing the peace, the problems the President and his Secretary of Defense simply ignored or did not understand following the invasion of Iraq.

On this date 3 years ago, President Bush announced: "Major combat operations in Iraq have ended."

Let me repeat that quote.

Three years ago today, the President said on the aircraft carrier with his flight suit on: "Major combat operations in Iraq have ended."

He said further that "in the battle of Iraq, the United States and our allies have prevailed."

Here it is, 156 weeks later, with fighting and violence continuing across Iraq. We know that declaration was woefully premature. In fact, the President and his team's mismanagement and poor planning have now stretched the Iraq war to a length and monetary cost that matches that of World War II.

On that day 3 years ago, President Bush also said "a special word for Secretary Rumsfeld—that America is grateful for a job well done."

Three years later, the debate is not whether Rumsfeld has carried out a job well done but whether he is even the man for the job. Eight retired generals and millions of Americans have called for him to be replaced as Secretary of Defense.

We know that Secretary Rumsfeld ignored the advice of the uniformed military and went into battle with too few troops and no plan to win the peace. As a result, the insurgency was able to gain a foothold, and now civil and sectarian strife threatens our troops and our future and the future of Iraq.

Friday we learned that four-star general and former Secretary of State Colin Powell told the President and Secretary Rumsfeld that the number of troops for the invasion was inadequate. General Colin Powell told the President and Secretary Rumsfeld that there were not enough troops to prevail. He was ignored.

Returning to this picture, President Bush also said on that day, in Iraq, "we've removed an ally of al-Qaida," and, I further quote, "we have seen the turning of the tide" in the war on terror. The troops prevailed, yes. But provisions for peace were never made.

On April 17 of this year—a few days ago—the same day one of these gallant Nevadans was killed, Secretary of Defense Donald Rumsfeld said—listen to this:

> The implication that there was something wrong with the war plan is amusing almost.

Amusing? Amusing, Mr. Secretary? Really?

How unfortunate. A failed plan with failed, manipulated intelligence taking us to war.

But here we are, 156 weeks later, 5,072 days later, the intractable war in Iraq and the war on terror rages on as never before. April was the deadliest month for Americans in Iraq this year. Over 70 of our brave soldiers have been killed.

The war on terror has also moved in the wrong direction. According to the State Department, the number of terrorist attacks has risen sharply around the world. More than 11,000 terrorist attacks occurred worldwide last year—a 250 percent increase from the year before. Iraq—a country where Osama bin Laden had few inroads before the war—has become a training ground and launching pad for international terrorism.

According to the State Department, it is now a "foreign fighter pipeline" to terror. While the security situation in Iraq has worsened, U.S. taxpayers have been asked to shoulder an even bigger burden.

We are now spending more than $10 billion a month in Iraq for operations, and people have seen more than a 100-percent monthly increase from when the war began. After passage of the supplemental, our commitment to Iraq will stand at far more than $300 billion, and it is moving higher faster and faster and faster.

Americans have come to accept what Bush said 3 years ago was wrong. It was false. And they understand that President Bush's refusal to level with them over the last 3 years has made the mission of keeping America safe even more difficult.

But 3 years later, Americans are still counting on him to accomplish the mission. This is not a matter for future Presidents, as he has said. This is President Bush's war, and we need to hear him explain how the mission is going to be completed. The mission has not been "accomplished."

In the months ahead, President Bush must give the American people and our warfighters what he failed to give us on May 1, 2003—real answers and a real plan.

He needs to step up and explain his strategy for bringing the conflict to an end so our troops can begin to come home. As Congress and the American people have demanded, and Congress has passed into law, 2006 must be the year of significant transition in Iraq.

We need a new direction because our troops, their families, and the American people cannot wait for the next President to be elected to do what is right.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

(The remarks of Mr. STEVENS and Mr. INOUYE pertaining to the introduction of S. 2686 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. VITTER). Under the unanimous-consent agreement, the Senator from Massachusetts is recognized for up to 30 minutes.

AMENDMENT NO. 3688, AS MODIFIED

Mr. KENNEDY. Mr. President, I will use much less time, closer to 20 minutes.

I had earlier filed an amendment No. 3688. I ask unanimous consent my amendment numbered 3688 be modified. I send it to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 3688), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY COMPENSATION.

For an additional amount to the "Public Health and Social Services Emergency Fund" to compensate individuals harmed by pandemic influenza vaccines, $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. KENNEDY. Mr. President, the Senate is currently debating an appropriations bill that provides $59 billion to continue the Bush administration's failed policy in Iraq. This funding will bring the total bill for the war in Iraq to $320 billion and still counting.

Three years ago today, President Bush dressed up in a flight suit, flew out to the aircraft carrier, *Abraham Lincoln*, and declared "Mission Accomplished" in Iraq. Our mission was far from accomplished then, and it is far from accomplished now.

In my State of Massachusetts, 47 young men and women have been killed, and more than 2,400 have been killed nationwide. For them, their families and loved ones, the mission is far from accomplished.

We all care about our service men and women fighting bravely in Iraq. We obviously want to do all we can to see they have the proper equipment, vehicles, and everything else they need to protect their lives as they carry out their missions. This bill provides the $239 million for body armor and personal protection equipment for the Marines, $890 million for Army up-armored HMMWVs, $271 million for the Marine HMMWVs, and it also provides $10 billion for pay and allowance for service members deployed overseas, and $1.4 billion for enhanced death benefits and traumatic injury protection.

The bill also includes the much needed hurricane and disaster assistance in the wake of last year's gulf coast hurricanes, assistance that is critical to rebuild the devastated communities in Louisiana and on the gulf coast.

It also includes funding for schools and levees, homes and small businesses, and other measures to rebuild communities and make them whole once again.

In Iraq, as we all know, our military forces are performing brilliantly under enormously difficult circumstances. The funds in this bill will help to provide the greater protection they obviously need. They do not want, and the American people do not want, an open-ended commitment in Iraq. What they want is a better and more effective policy worthy of the sacrifice of our troops. They want their leaders to come together, to address the issues they care about. But what they see is a White House focused on personnel changes, not policy changes. If the President spent as much time on his policy as he has on defending Don Rumsfeld, we could make greater progress in Iraq.

Unfortunately, the President's repeated failures to see each new threat in Iraq before it is fully emerged has put our troops in constantly greater peril. He disbanded the Iraqi Army with weapons intact and waited a year to begin training the Iraqi security forces. He failed to see the insurgency metastasizing like a cancer throughout Iraq before it was too late. He failed to see the danger of roadside bombs, IEDs, and sent our troops into battle month after month without proper protection. And now he fails to see the possibility that Iraq will succumb to a full-scale civil war.

This is the point of the amendment I intend to offer to ensure that the proper planning is underway now to protect our long-term interests in the event that Iraq continues the downward spiral into civil war. Iraq's future and the lives of our troops are perilously close to the precipice of a new disaster, the time bomb of civil war is ticking, and our most urgent priority is to diffuse it.

As of last week, we have been in combat in Iraq longer than we were in combat in Korea. At the end of this year we will have been involved militarily in Iraq as long as we were in combat in World War II. If we cannot achieve a military solution within that period of time, it is time for our troops to begin to leave.

Iraq is obviously still in great turmoil, and all of us hope the new government about to take office will be able to unite the country. In the vacuum that has existed for so long, militias have taken control of key parts of the country. We are now seeing the kinds of refugee flows that signaled the beginning of the end in Vietnam. Shiites and Sunnis are forced by the continuing violence to flee from their homes and move into separate communities in Iraq or become refugees.

With each passing day, the American people are becoming more and more impatient with the administration's continuing incompetence in conducting the war. They do not want our troops to defend the same failed course. They want a realistic plan for our troops to be redeployed out of Iraq. Starting this year, the sectarian violence between Shiite and Sunnis is fueled by the private militias and is now the biggest threat to stability.

We spent a very considerable period of time, some 8 years, after the whole peace process started in northern Ireland to have the IRA surrender its arms, decommission their arms, put what they call the "arms beyond use." Finally, it became recognized in northern Ireland that you could not be a political party and have a private army, that the Sinn Fein could not have the IRA in the background.

And finally, to the great credit of the Sinn Fein, they gave up the military part of the IRA. According to the international inspectors, General de Chastelain, and others, they have put the weapons beyond use. It has taken almost 8 years to achieve this. But in Iraq, we have a constitution that entitles these political organizations to have militias. It is inevitable that we will have the kind of private militias presenting the biggest threat to stability in Iraq today.

General Casey, the commander of our multinational force in Iraq, has said that America will not succeed in Iraq "until the Iraqi security forces—the police and the military—are the only ones in Iraq with guns." We need a clean and effective policy to disarm and disband the Iraqi's militias in order to end the destabilizing impact of these private sectarian armies.

The new Prime Minister must act quickly to bring the factions together, and we in Congress need to help this effort any way we can. Hopefully, he and his Cabinet can move rapidly to gain control of the whole country. Their efforts must demonstrate to the Iraqi people that the government will fulfill their basic needs and provide for their security.

We need to begin reducing our military forces. Our presence in Iraq inflames the insurgency. The open-ended commitment of our troops has made us a crutch for the Iraqis. It very well may be preventing political leaders from making the tough choices and compromises essential to move the political process forward.

The Bush administration has argued that we cannot cut and run from Iraq. However, they seem more than willing to undermine Iraq's transition to democracy. The U.S. nongovernmental organizations doing democracy promotion on the frontlines are about to have their funding slashed, just when the Iraqis need them the most.

Last year, Iraq passed several important milestones on the long road to democracy. The two elections and the referendum on the Constitution were significant, but they were not decisive, and it is still far from clear that democracy is being firmly established in Iraq.

Obviously, the process of building democratic institutions will require patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. For a country as heavily repressed for as long as Iraq, democracy will need even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the democratic gains that have been made so far. It makes no sense whatsoever to reduce the funds for democracy building. Yet that is exactly what the administration is planning.

I have offered an amendment with Senators BIDEN and LEAHY to provide $96 million so that the U.S. nongovernmental organizations can continue their important work of promoting democracy in Iraq.

Organizations such as the National Democratic Institute; the International Republican Institute; the National Endowment for Democracy; the

IFES, formerly known as the International Foundation for Election Systems; the International Research and Exchanges Board; and America's Development Foundation are well respected throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks to employees working in the war zone, the administration has made no long-term commitment to provide funding for their work in Iraq. Each organization operates on pins and needles, never knowing when its funding for these operations will dry up.

We must be clear in our commitment to stand by these organizations and their indispensable work every day on the frontlines in the struggle for democracy in Iraq. We also need to demonstrate to the Iraqi people that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed up by appropriate resources.

We need to refocus our policy in Iraq and provide the kind of support that will make a positive difference on Iraq's long road to democracy. We also need to prepare for the worst contingencies. It makes no sense to continue down the path of a failed policy and continue to put our troops in harm's way.

AMENDMENT NO. 3688, AS MODIFIED

Mr. President, I would also like to speak for a few minutes on another issue—the pandemic flu crisis which needs urgent action. The amendment that is pending will correct a serious defect in current law on compensation for persons injured by vaccines. The lack of this protection could well doom our effort to protect the Nation against sudden mass epidemics that could result from natural diseases or bioterrorist attacks. The Nation continues to face the danger of a deadly flu pandemic. The clock is ticking, and we have failed so far to take the actions needed to protect our people.

This chart shows very clearly the warnings that this Nation has had going back to June of 1992. Policymakers must realize and understand the potential magnitude of an influenza pandemic.

Here it is May 2002: Authorities must understand the potential impact and threat of pandemic influenza. That is in 2002.

Then, we find the GAO, in 2000, stating: Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

And we have, in December 2003, an outbreak in South Korea; and, in 2004, an outbreak in Vietnam; and, in April 2006, avian flu in Britain.

This is the real danger. Even after these outbreaks, needed preparations still lag.

Other nations developed comprehensive plans for responding to flu, but ours was inexplicably delayed. In November, the administration released a plan, but it was incomplete, and a new one has been promised once again. While other nations implement their plans, we wait to see what ours is.

The story is the same on the stockpiling of needed medications. Other nations put in their orders for antiviral medications years ago, but again we failed to act. As a result, America is at the back of the line in ordering these needed drugs.

As long ago as November 2000, GAO warned that:

> Federal and state influenza plans do not address key issues surrounding the purchase and distribution of vaccines and antivirals.

Here it is June 2005, and the GAO reports:

> The plan does not establish the actions the federal government would take to purchase and distribute vaccine during an influenza pandemic.

There it is, the time from 2000 to 2005, and the administration is lagging.

Congress has tried to move forward. In the bill the Senate considers today, Senator HARKIN's amendment has added over $2 billion to improve the Nation's readiness for a flu pandemic. Thanks to his leadership, these funds will be used to strengthen our hospitals and public health agencies and increase the Nation's ability to manufacture vaccines.

In 2002, with strong bipartisan support, Congress enacted comprehensive legislation to provide a framework for public health preparedness, but the administration still hasn't carried out the basic responsibilities called for in that legislation.

The act required an interagency planning council to guide preparedness, but the council was never established. It called on the administration to develop and implement a coordinated strategy for public health preparedness, but this task remains undone. It called for a registry of health professionals who would volunteer their services during a public health emergency, but Hurricane Katrina showed that the system was ineffective.

In only one area did the administration and its allies work together to get something done. What was this urgent national priority? A special favor for the drug industry. Our Republican colleagues slipped a sweetheart deal for the drug companies into the Defense appropriations bill late at night at the end of the session last December. The purpose of their tactic was to shield from public debate a provision that would never stand public scrutiny. When I spoke on this issue on the Senate floor last December, not one of my Republican colleagues stood up to defend the provision or the process by which it was included in the bill.

The provision allows drug companies to ignore basic safety rules in producing a wide range of drugs and vaccines. Patients injured by shoddy products were given only an empty promise of compensation. It stacks the deck against patients and abrogates basic principles of fairness and judicial review.

Supporters of this provision claimed that it was needed because, without it, vaccine makers would not supply the national stockpile. But our committee has obtained the contracts signed between vaccine makers and the Department of Health and Human Services.

I have them right here, Mr. President. These contracts clearly show that the drug makers received liability protections long before that scandalous provision was slipped into the appropriations bill. I will reference them. I will not include all of them. I will include the special provisions, the product liability and indemnification clause. Mr. President, I ask unanimous consent to have printed in the RECORD the indemnification clauses from the Department of Health and Human Services contract with Sanofi Pasteur, signed August 19, 2005, and the DHHS contract with Chiron Corporation, signed September 28, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONTRACTS FOR PANDEMIC INFLUENZA VACCINE PROVIDED INDEMNIFICATION LIABILITY PROTECTION FOR MANUFACTURERS

FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CONTRACT WITH SANOFI PASTEUR, SIGNED AUGUST 19, 2005

H.9 Special Product Liability and Indemnification Clause

a. The H5N1 bulk vaccine product shall not be delivered for use in humans absent either indemnification satisfactory to both the Contractor and the U.S. Government or the enactment or establishment of another sufficient liability protection mechanism.

b. DHHS will assist the Contractor in resolving the Contractor's liability concerns related to this contract.

c. In the event that an influenza A/H5N1 pandemic outbreak occurs, DHHS will cooperate with the Contractor in explaining to the public the Contractor's liability concerns and the Government's efforts to resolve such concerns.

d. In the event that the U.S. Government desires to distribute the H5N1 final container vaccine product produced under this contract to any population, government or other entity for use in humans, and prior to requiring the Contractor to fill and finish vaccine, the Contractor shall submit a request to DHHS for indemnification by the U.S. Government. The Contractor's "Request for Indemnification" shall provide all information and documentation as required by Federal Acquisition Regulation 50.403-1(a), ("Indemnification Requests"). The U.S. Government will not allow any H5N1 final container vaccine product delivered under this contract to be delivered for use in humans unless indemnification pursuant to Public Law 85-804 is approved by the Secretary or his designee or unless another sufficient liability protection mechanism is enacted or established.

e. In addition, the U.S. Government will work in good faith to support the Contractor's efforts to resolve the issue of tort liability associated with the performance of this contract. The U.S. Government further agrees that the need for liability protection in this contract is a legitimate concern for the Contractor.

FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CONTRACT WITH CHIRON CORPORATION, SIGNED SEPTEMBER 28, 2005

H.5 Indemnification Clause

a. Neither the H5N1 bulk vaccine product nor the H5N1 final container vaccine product shall be delivered under clause H.3a of this contract or otherwise, for use in humans absent either indemnification satisfactory to both the Contractor and the U.S. Government or the enactment or establishment of another liability protection mechanism satisfactory to both the Contractor and the U.S. Government.

b. In the event that Public Law 85-804 is the mutually agreed upon means of indemnification or liability protection, prior to being required to fill and finish vaccine the Contractor shall submit a request to DHHS for indemnification by the U.S. Government. The Contractor's "Request for Indemnification" shall provide all information and documentation as required by Federal Acquisition Regulation 50.403-1(a). ("Indemnification Requests"). In the event that Public Law 85-804 is the mutually agreed upon means of indemnification or liability protection, the U.S. Government will not allow any H5N1 final container vaccine product delivered under this contract to be delivered for use in humans unless indemnification pursuant to Public Law 85-804 is approved by the Secretary or his designee.

Mr. KENNEDY. Perhaps the cruelest feature of this infamous provision is that it includes a sham compensation program with no funding. We have seen the danger of this approach before because a similar compensation program went unfunded decades ago. People in communities downwind from the atomic test sites in Nevada received IOUs instead of payments to ease the cost of their radiation injuries. Senator HATCH led the fight to see that the "downwinders" received what they deserved, and he was right to do so. We must not repeat the same mistake.

The lack of an effective compensation program also doomed efforts to vaccinate first responders against smallpox. Senator FRIST recognized this. This is what he said:

> Too many health workers have been deterred from receiving the smallpox vaccine—in part because of the uncertainties about what would happen, how they would provide for themselves if they suffered a serious adverse reaction to the vaccine.

If we have a bioterrorism attack, and we have new breakthrough drugs and vaccines, we have to provide a compensation program for the first responders. How do we expect them to go out and risk their lives—they may become sick or something worse could happen to them—if they are not even compensated for missing a day or two or a week or a month from work? We have seen that you have to have a compensation program if you want a vaccination program to be effective.

The right approach is a program that protects drug companies that make pandemic flu vaccines or needed biodefense treatments and that provides a real compensation to injured patients. That approach follows the successful examples of the past, in the cases of swine flu, children's vaccines, when the Government set up a reasonable way to compensate the injured.

In this appropriations bill, we have an opportunity to see that the promise of compensation for first responders injured by experimental flu vaccine is not an empty one. The amendment which I have and that is pending provides $289 million for the compensation program. These funds will give first responders the assurance they need that the Government is not making an empty promise on compensation.

Slipping a special favor to the drug industry in last year's spending bill without debate was wrong. But denying compensation to our health care heroes would be even worse. The Senate should act to fulfill the promise to compensate those who keep us safe from pandemic flu if they are injured when they bravely volunteer to accept an experimental vaccine.

I hope the Senate will accept those amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the next 20 minutes be equally divided between Senators OBAMA and COBURN, and that following that time, Senator BINGAMAN be recognized for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

AMENDMENT NO. 3696

Mr. OBAMA. Mr. President, in addition to the 20 minutes, I ask unanimous consent to call up amendment No. 3696.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN: Mr. President, reserving the right to object, is it correct to say that in order to call up an amendment for consideration, at this time unanimous consent has to be obtained to set aside all of the other pending amendments that are before the Senate?

The PRESIDING OFFICER. The manager is correct.

Is there objection to calling up the amendment?

Mr. COCHRAN. Reserving the right to object, a moment ago a Senator asked unanimous consent to do that. That Senator is now the Presiding Officer. Someone objected to his request. I am going to object to this request because of that earlier objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. OBAMA. What I will do, Mr. President, if it is all right, is I will read my statement. I will divide time with Senator COBURN. And then, procedurally, we can sort out my ability to present this amendment.

Mr. President, it has been 8 months since Hurricane Katrina devastated our southern shores. It was a storm that brought more pain to our citizens in Louisiana, Mississippi, and Alabama than any other in our collective memories, pain largely experienced by the poorest and the most disenfranchised but felt by all of us.

In the wake of this devastation, the Federal Government has mobilized significant resources, totaling over $100 billion, to repair levees, provide temporary housing, and help cities and States rebuild highways, schools, and hospitals.

The task is enormous, but with proper planning, leadership, and oversight there is no reason we cannot rebuild the gulf coast and help its people rebuild their lives. Yet if we don't work quickly to root out waste, fraud, and abuse in Federal reconstruction efforts, all of our best efforts to rebuild this region will fail. A dollar misspent by a contractor is a dollar denied to victims of Katrina. Money stolen by fraud or abuse is money that is unavailable to strengthen homes, schools, and small businesses. It comes straight from the pockets of the American taxpayer. Even worse, cronyism and incompetence siphon Federal dollars away from the gulf's citizens, and all Americans lose confidence in their Government's ability to respond to urgent needs.

Unfortunately, the list of wasted and fraudulent expenditures related to Katrina recovery is startling, and the abuse continues to this day. Let me mention a few examples. We know that FEMA spent nearly $880 million in taxpayer money on 25,000 temporary housing trailers stored around the country, including 11,000 that are currently rusting away in a field in Hope, AR. Why are they rusting away? Because FEMA went ahead and bought the trailers that their own regulation prohibited from being placed in flood plains like New Orleans. They bought trailers for New Orleans that would not hold up in a flood. Great job.

We learned just 2 weeks ago that the Army Corps of Engineers missed an opportunity to negotiate a lower price on a $40 million contract for portable classrooms in Mississippi. Instead, a no-bid and overpriced contract was awarded to an out-of-State firm. There are reports of prime contractors charging upwards of $30 per cubic yard for debris removal, work that actually costs subcontractors as little as $6 per cubic yard. And as the Washington Post reported, four large companies won an Army Corps of Engineers contract to cover damaged roofs with plastic tarp at a price of $1.50 to $1.75 per square foot for work that actually costs as little as 10 cents per square foot. A dollar seventy-five per square foot is enough to buy roofing shingles. Why are taxpayers paying a 1,500-percent markup for plastic tarp?

The list goes on and on: Funding for $438 a night hotel rooms in New York City; FEMA hiring a company as an ice vendor that doesn't own icemaking equipment; millions of dollars for bus services going to a transportation broker that doesn't own buses. We later found that this broker earned almost $1,200 per bus per day while the bus companies themselves received only a little more than half of that.

Together these specific incidents amount to an enormous problem, billions of taxpayer dollars being spent and no assurances that the funds are going where they are needed.

My good friend, Senator COBURN, held a hearing in the gulf coast 2 weeks ago to seek answers from officials in charge of contracting for Katrina. He found that neither FEMA nor the Army Corps of Engineers were able to answer allegations of unreasonable costs and overhead. They were unable to justify many questionable contracts. In fact, Senator COBURN found that Federal agencies routinely release incomplete data or no data at all about how they have been spending their money on hurricane relief.

Let me put this simply. There is no one accountable for coordinating the oversight of these contracts. As Benny Rousselle, a Louisiana parish president told the Washington Post:

> The federal government ought to be embarrassed about what is happening. If local government tried to run things this way, we'd be run out of town.

I am embarrassed. Senator COBURN is embarrassed. And every single lawmaker in this city should be embarrassed, too. What is worse, we predicted this would happen. That is why we introduced a bill last September, 2 weeks after Katrina, that would have created an independent chief financial officer for Hurricane Katrina recovery. This CFO would have been in charge of every penny spent on Katrina before it went out the door and would have been able to prevent contracting problems before they happened. But while our proposal received some attention, we couldn't find enough people in Congress and, more importantly, the administration who would support it. In fact, we were repeatedly assured by administration officials that a CFO was not necessary, that the money would be well spent. Now after 8 months, $100 billion, and millions in no-bid contracts, overpriced tarp, unusable trailers, these assurances don't mean much.

We think it is time for a new approach. It is time for the Congress to put some of the checks into place that we first proposed last September. Senator COBURN and I will bring to the floor a number of financial accountability and transparency amendments that will go a long way toward eliminating Government waste and stomping out fraud and abuse. Our first amendment creates the chief financial officer position that we first proposed last September. This office would oversee the relief and recovery process and take responsibility for the use of Federal funds. We have witnessed the failure of oversight, communications, and control in the absence of a CFO, and our amendment fills a critical gap. We need to have somebody in charge of the Federal checkbook. The buck has to stop somewhere.

Right now, 8 months after Katrina, we still have Federal agencies pointing fingers at each other. This CFO will ensure that taxpayer dollars are being used efficiently and effectively, and he or she will provide the financial information to Congress that is essential for adequate oversight and accountability. There is simply too much at stake to have no one in charge of these taxpayer dollars.

Our other amendments are commonsense approaches to improving transparency and accountability and to reduce administrative waste. We require the Director of the Office of Management and Budget to issue monthly reports on Federal Katrina contracts that are funded by this supplemental appropriations bill. Every contractor who receives more than $250,000 will have its identity posted on a Federal Web site, including the total amount of funds received and for what purposes. The Web site will also show the contractor's location and tax status and details about the type of contract and whether it was competitively bid. This information is at the heart of transparency. We cannot reduce waste, fraud, and abuse without knowing how, where, and why Federal money is flowing out the door.

We also address the dangerous problem of no-bid contracting for Katrina-related projects. There are, of course, situations in which expedited contracting is necessary for emergencies, but Senator COBURN and I believe contracting officials should have to justify any use of noncompetitive procedures and inform Congress of their actions.

The American people deserve the benefits of competition, when their money is being spent. Under this amendment, the Director of OMB must specifically approve all no-bid contracts and provide details about the contracts to congressional oversight committees within 7 days.

Finally, we would stop excessive overhead expenses from being paid on Federal Katrina contracts. We have an amendment to prohibit contracts where administrative overhead exceeds industry standards. People should not be getting rich off of Federal contracts. They should be getting the job done at a fair price. If exceptional circumstances require higher overhead, Congress must know about it in advance. If the Government is going to spend $1.75 per square foot on a 10-cents-per-square-foot tarp, then Congress has the right to know why. And we better be able to do something to stop it, if necessary.

This is just common sense. The Federal Government must ensure that taxpayer dollars are directed where they are supposed to go. If we can't do that, we fail the American people, and we fail the people who sent us here. We also fail the victims of the hurricanes who need our help to restore their lives and their communities.

With the money in this bill, the Federal Government will have appropriated more than $100 billion in hurricane relief and recovery. I strongly suspect that this figure will increase in the coming years, as it should. But before we spend another dollar in the gulf coast, let's make sure that we have the right transparency and accountability systems in place to ensure that every dollar is being used to help those in need.

In our rush to get money to the gulf coast 8 months ago, we didn't do that. The American taxpayers and, more importantly, the victims of Katrina have paid a heavy price. I urge my colleagues not to make the same mistake again. I urge my colleagues to support Senator COBURN and me in this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. COBURN. Mr. President, I thank Senator OBAMA for his hard work. Soon after Katrina hit, one of the things that we noticed from our Federal Financial Oversight Committee was a lack of transparency and accountability in a lot of what the Corps of Engineers does, that FEMA does. We put forward a bill which did not make it out but certainly should have, especially in hindsight, with the waste, fraud, and abuse. I am not going to go through the amendments. The distinguished Senator from Illinois has done that. The American public is entitled to some facts.

We held a hearing 3 weeks ago today in New Orleans. The distinguished Presiding Officer was at that hearing. Here is what we know: Out of $1.6 billion for debris removal, we paid three times too much. We paid the Corps on 30 million cubic yards $5 to administer it; $150 million to the Corps that was contracted through, and then they contracted with a major national corporation which then subcontracted with a regional corporation which then subcontracted.

Here is what we found. The easy work was cherry-picked. The hard work was left to the people of Mississippi and Louisiana and some in Alabama. The local people actually have to do some of the work. One of the ways to achieve recovery in a disaster is to make sure you encourage the employment of locals. What we actually saw was that when the average price per cubic yard was $32—that is what the Federal Government paid—the average price received by those people actually doing the front-end load of work and the dump trucking was $5 a cubic yard. So it was actually six times greater than what the sub sub sub sub—six levels of contractors down, the one that actually did the work—got paid. Understandably, it is a big task. It is understandable that we need somebody. But what we had was a bureaucracy that hired a bureaucracy which then hired five layers of contractors, and each one took something out of the pie and didn't contribute much except the ones actually doing the work.

In our subcommittee we have a poster that says: Accountability and transparency. There is no transparency to this. We have to dig, fight, and almost bite to get the information out of the agencies. These are four very commonsense amendments that will aid in transparency and accountability in the Federal Government.

The Presiding Officer asked during that hearing: Why couldn't the corps have hired a contract manager or why couldn't the corps have been the contract manager and taken some of that profit that was consumed, which was about 60 percent, that didn't actually get to the folks in cleaning up the debris? Why couldn't the Corps have functioned that way? It was such a good hearing that FEMA didn't even stick around to listen to the people from Louisiana talk about their dealings with FEMA. That explains the real problems with FEMA. The contracting officer didn't stay for the hearing to hear the criticisms, factually based criticisms, that were very enlightening.

The second area I will discuss is the Travel Trailer Program. The American people ought to ask: When a trailer costs $16,000 to $17,000, and it costs $50,000 to install, something is wrong. But when you go to look at the $50,000, we see this layering again. We see a layer to the corps, to a major contractor, to a subcontractor, subcontractor, subcontractor, subcontractor. The American people aren't getting value, No. 1. And, No. 2, the people who deserve to be helped are getting a delay as the process goes through.

I have a couple of pictures to show. This is what we ought to be asking of agencies. We ought to say you ought to be accountable. It ought to be transparent. You ought to be able to find the contractors. As a matter of fact, FEMA doesn't even go down more than one layer in terms of the contracts. That is policy; that is not law. They protect that information so it cannot be available to Members of Congress or to the American public to know what is going on. We ought to be able to see results. We saw that we spent three times as much money to do something over a much longer period of time than what we should have.

We know, for example, the major contracts initially were no bid, of which the corps took something off of the top as well. There has been no priority setting and no responsiveness, and there has been no spending discipline.

We ought to make sure the moneys that go forward are under the guise of good accounting practices, transparency, and we ought to be able to put in place, as this money is spent, a way for the Congress to hold the agencies accountable on how they spend this money. It is my hope that the leadership, chairman, and ranking member will look at these amendments closely. I think they are very positive in terms of making the needed adjustments.

On homeland security, we had a tremendous number of hearings—I think 24—on FEMA. It relates all the way back up through the corps and all the way back down. Accountability is sorely lacking. These amendments would correct that.

I thank my friend from Illinois for his insistence and hard work in this area. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 30 minutes.

Mr. BINGAMAN. Thank you, Mr. President. I thank my colleagues for yielding the time.

Mr. President, the challenging situation that our country faces in terms of its energy policy, both its short-term and long-term policies, has been vividly illustrated by the high prices of crude oil and gasoline that we are seeing this spring. The world price for crude oil is above $72 per barrel. We have seen crude oil price records being set in the last few weeks in terms of nominal dollars, even though these prices are still below the inflation-adjusted levels of all prices in the late 1970s and early 1980s. We are also seeing gasoline prices above $3 a gallon in many parts of the country.

In my home State, many are forced to drive long distances to work, without the prospect of carpooling or public transportation. This precipitous rise in the price of gas at the pump places a nearly unbearable squeeze on family budgets for too many in my home State and across the Nation. Consumers are confused and angry as to why these prices are occurring now. Their anger is stoked by reports of the high salaries and retirement packages being handed out to executives in the oil and gas industry.

There are many reasons energy prices have moved into this price zone that is so unacceptable to most consumers. One factor is that strong global demand for energy has collided with a number of other factors that have reduced supply. One factor is the reduced supply from Iraq. Prior to our invasion, Iraq was producing 2.6 million barrels of oil per day. Now it is producing less, more like 2 million barrels per day. These export levels are far below the potential production from Iraq because its prewar oil output had been diminished by years of sanctions imposed as a means of constraining Saddam Hussein's power and influence. Today, Iraqi oil production is hostage to the internal civil strife and instability in that country.

Another nation with significant exports of oil and gas is Nigeria. There, too, domestic civil unrest, particularly in the oil-producing regions where the population believes they have not been given the benefit of that production, has led to less production and greater uncertainty.

International tensions over Iran's nuclear ambitions have contributed to further instability and upward pressure on oil prices because Iran is a major oil exporter, and its territory forms part of the Straits of Hormuz through which most of the oil from the Middle East passes in order to reach international markets.

Finally, closer to home we still have not fully restored the gas production of the Gulf of Mexico that was lost during last year's hurricanes. Oil production in the Gulf of Mexico is still some 335,000 barrels per day short of the pre-Katrina levels. That is equivalent to over 22 percent of the former daily production in the Gulf of Mexico that is still off line. The cumulative loss of oil production from the Gulf of Mexico since last year's hurricanes is now over 150 million barrels.

This constriction of supply has made it difficult to meet the growing demand in the United States and around the world. Our own consumption of oil, particularly in the transportation sector, for the past two decades has been rising with no end in sight. Developing countries, too, are increasingly following energy paths that require substantially increased oil consumption. Their populations are becoming increasingly mobile in privately owned automobiles. In some cases, their electricity generation infrastructures have become more dependent on oil and diesel-fired generation to compensate for uncertainties in the shipment of coal within their borders, and consequently the reliability of coal-fired electric generation.

Mr. President, I do not believe, though, that the high price of oil is entirely explained by supply and demand dynamics. Oil and natural gas are increasingly traded as commodities by and among investment firms. This adds strong upward pressure on prices from speculative forces. At a time when other investment vehicles show less attractive returns, the idea of riding the rise in oil prices as an investment portfolio management technique has gained a strong following among investment and hedge funds. We may not have the right balance between allowing such market forces to supply initial investment capital and allowing them to set off speculative frenzies that drive up prices for consumers everywhere.

One proposal made in the context of this current supplemental appropriations bill, which we are hoping to finish action on this week in the Senate, is to reduce for a time the Federal tax on gasoline. That is a proposal that has been made at several points in the past when prices rose significantly over a short period of time. A variant of that basic idea is the proposal to give a direct cash payment to taxpayers.

In my view, neither is likely to provide immediate or significant relief to consumers. Both are logistically difficult to carry out. The amounts of money that a consumer would see are quite small in contrast to the runup in prices they have been experiencing. Neither proposal is a real solution to the underlying energy problems. We need to get at those real challenges in a more fundamental and realistic way.

So the obvious question is, What can we in Congress do in the remaining weeks of this session of Congress that would be bipartisan, that could be signed into law by the President, and that would hold out the prospect of eventually helping to moderate the price of gasoline at the pump? I thought for some time that the most effective way of approaching the real issues that are driving the high prices that consumers find unacceptable today was through a four-part strategy that is focused on, first, increasing consumer protection, and we all talked about that, and I will discuss it in more detail in a minute; second, increasing supply, and there are steps we can take that over the medium and long term will help with that; third, increasing efficiency in the use of oil and gas; fourth, providing incentives for forward-looking energy choices in the market.

A strategy along those lines is best undertaken in the Senate by building bipartisan consensus through our normal legislative channels. The current flurry of partisan amendments on this supplemental appropriations bill risks having us make some snap energy policy decision, with implications we likely do not fully appreciate and will perhaps later regret. So let me describe the four-part strategy that I believe is a better path forward for us to consider.

The first area on which I will focus is consumer protection. We have a variety of consumer protection measures in law today, but we have not yet convinced most consumers that we have all the tools necessary to address their concern that some of the price rise they are seeing is the result of price gouging. Every time we have an episode where prices suddenly increase, our response seems to be to call for another study of whether any price gouging in general is occurring. It takes a very long time to get such overall studies underway and completed.

A good example is the study on price gouging that was called for in the Energy bill signed by the President last August. Here it is almost 9 months later, and we still don't have any report back from the Federal Trade Commission in response to the directive that they do that study.

To the extent that price gouging is occurring, it is probably not something that is occurring on a massive industry-wide scale. Thus, it is questionable whether it would be picked up by such a study. It is probably a more episodic phenomenon. So we don't really need more general studies of this subject. What we need, in my view, is to make sure our system of laws is sufficiently robust that persons who engage in price gouging can be successfully prosecuted. States have their individual laws, but we don't have a Federal law that can address price gouging strategies that are interstate in scope.

Our first step to protect consumers, then, should be to strengthen our national ability to detect and directly address specific instances of gouging that occur across State lines. There are several bills introduced to fill this gap. One is a bill that Senator BILL NELSON and I have introduced, S. 1744. It is modeled on the price gouging statute of the State of Florida. It is not the only such bill, though. Senator CANTWELL introduced a bill addressing price gouging, S. 1735, as has Senator SALAZAR, S. 1854, and Senator SMITH, S. 1743. What is important is that we address ourselves to the task of crafting a statute that fills the gap in potential enforcement that now exists.

That is something that the administration has not been willing to do. In testimony before a joint hearing of both the Energy Committee and of the Commerce Committee, the Chair of the Federal Trade Commission, Deborah Platt Majoras, belittled the need for price gouging prohibitions at the Federal level. She testified that no "Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently." She went on to say that "the omission of a Federal price gouging law is not . . . inadvertent," but "reflects a sound policy choice. . . ."

In her testimony, the Chairman of the FTC suggested that enactment of a Federal price gouging law would not be "appropriate" and "likely will do consumers more harm than good." She said that oil companies' "independent decision to increase price is—and should be—outside the purview of the law."

President Bush recently made a public statement that "the Government has a responsibility to make sure that we watch very carefully and investigate possible price gouging" in the sale of gasoline, and that his administration "will do just that." It is unclear how his public statements that his administration will take action against price gouging squares with the statements of the head of his Federal Trade Commission that it is neither illegal, nor should it be made illegal.

Mr. President, there are those who argue that price gouging is not a significant problem. They may be right. But consumers have a right to know that there is a law prohibiting such activity and that it will be enforced to the extent possible by the Federal Government.

Another area that Congress should give some priority to in terms of protecting consumers is in the area of preventing speculative frenzies from accelerating prices of crude oil and gasoline to the detriment of consumers and to the detriment of the economy at large. Here we lack basic information that might help us to quantify and address the problem. There are important gaps in publicly available data on how much trading of oil and natural gas is going on, whether it is lending needed capital liquidity to markets or, on the contrary, is distorting those markets in ways that hurt consumers. We need to develop a way to get more transparency into those markets so that we can see if there is any manipulation or gaming of the system occurring.

Frankly, we do not know enough at this time to determine whether legislation in this area is required. Last week, I asked the Congressional Research Service to prepare a report analyzing the extent of the problem which I hope can be used then to determine the questions on which we need to focus in determining whether legislation should be passed.

The second area I mentioned on which we need to focus our efforts in Congress is to increase supply. This is an area which received a fair amount of attention in last year's Energy bill.

Title III of the act last year contained numerous provisions aimed at boosting future supplies of oil and natural gas. Among these provisions was new dedicated funding to speed the processing of oil and gas leases and permits on Federal land, and we are seeing that new direct spending beginning to have an impact on the backload of applications to drill in less controversial areas onshore in the United States. There are still too many applications in the pipeline, but we are making progress on the challenge of approving those in a timely and environmentally responsible way.

The Energy Policy Act we passed last year also had provisions to help speed the permitting of new refining capacity. To hear people today talk about this issue of our national capacity to refine oil into gasoline, one would think that nothing has happened in this country in the last 30 years.

The President and others are fond of saying that we have not built a new refinery in the United States since 1974. That is technically true, but it is also a highly misleading way to talk about this issue. We have built a great deal of new refining capacity in this country over the past decade. According to the Energy Information Administration in the Department of Energy, in the 7 years from 1996 to 2003, we added 1.4 million barrels per day of new refining capacity at existing refinery sites. That is the same capacity-building equivalent as if we had opened one new medium-size refinery in the United States each of those years from 1996 to 2003. The Energy Information Administration continues to project growth in U.S. refining capacity, and their projections are being validated by actual announcements of new refining expansion projects. Just last week, Shell announced that it would be adding another 325,000 barrels per day of refining capacity at the refinery it jointly owns in Port Arthur, TX. That capacity will be on line in 2010. So when we look at the actual facts on U.S. refining capacity, we see a different picture than the extreme one the President and others have put forth.

That is not to say we cannot do an even better job of responsibly increasing refining capacity. For example, the Government should look for ways to bring stakeholders together to cooperate more in the siting of refineries outside the Gulf of Mexico coastal region, but we need to act in Congress on the basis of actual facts and not on the basis of overheated and inaccurate rhetoric.

If we want to make further progress in increasing domestic oil supplies—and we should want to do so—we need to look no further than some of the promising areas in the Gulf of Mexico that were put off limits by the administration when it first came into office back in 2001. The administration took a large tract of potential production, called lease sale 181, and cut it down dramatically from the proportions that had been agreed to by then-President Clinton and then-Governor Lawton Chiles of Florida. With the stroke of a pen, over a billion barrels of oil resources and over 6 trillion cubic feet of natural gas were taken off the table. That was a mistake, and I and others decried that at the time and have tried to reverse that decision.

This year, we have a bipartisan bill to restore much of that lost productive capacity, thanks to the leadership of Senator DOMENICI and our Energy and Natural Resources Committee. Our committee recently reported a bipartisan bill sponsored by the chairman, cosponsored by me, to put most of the original lease sale 181 area back on the table for consideration for accelerated action. The vote in the Energy Committee was 16 in favor and only 5 against. The bill is on the Senate calendar now, and it is the kind of constructive, bipartisan approach to our energy challenges we need to be embracing.

The third way we should act to moderate the prices we are seeing today in the oil and gas markets, beyond adding to consumer protections, beyond increasing supplies, is we need to focus more strongly on increasing energy efficiency and particularly increasing efficiency in our use of oil and natural gas.

Increasing energy efficiency represents the most promising untapped potential for further legislative action by this Congress. Some ways of increasing energy efficiency can help to dampen the demand in the short term and actually have an impact on prices.

In thinking about more efficient use of oil, we need to face up to the fact that most of our oil is consumed in the transportation sector. Growth in transportation demand for oil is the single largest factor in the growth of our dependence on imported oil. So improving the efficiency of our use of oil and natural gas—these were the areas, frankly, in which last year's Energy bill turned in its weakest performance.

The Senate adopted a number of reasonable proposals to promote more efficient use of oil and natural gas when we passed our version of the bill, but the most significant of those provisions we passed in the Senate had to be dropped in conference because of the strong opposition from our colleagues in the House of Representatives. These Senate-passed provisions included mandating an economywide oil savings target, increasing tire efficiency standards, and implementing a renewable portfolio standard for electricity.

Since the passage of last year's Energy bill, there has been continued interest in these proposals, and last year a bipartisan group of Senators, led by Senators BAYH, BROWNBACK, LIEBERMAN, and COLEMAN, introduced a comprehensive bill, S. 2025, the Vehicles and Fuel Choices for America Security Act. That bill provides a mix of energy policy and energy tax incentive proposals aimed at moving our economy toward both a more efficient use of oil and a more diverse future mix of transportation fuels, including biofuels. I strongly support many of those proposals. I am joining them as a cosponsor of that bill.

Because that bill contained both policy and tax provisions, it was referred to the Finance Committee. Yet many of the provisions of this bill are in the jurisdiction of the Energy and Natural Resources Committee, which ought to review and report those provisions to the full Senate. For that reason, I am joining with a number of those sponsors of S. 2025 to introduce a new bipartisan bill this week that will take those energy policy provisions and put them in a bill that will be referred to the Energy Committee. In this way, we will have a starting point for what I hope will be an effective and bipartisan committee process in the tradition of the bipartisan leadership on energy that our committee enjoyed under Senator DOMENICI's leadership last year in the passage of the Energy bill.

Among the most important provisions of S. 2025 and the new bill will be an emphasis on an expanded plan for economywide oil savings. The President would be required to come forward with a plan to cut our oil use from projected levels by 2.5 million barrels of oil per day by 2016, 7 million barrels of oil per day by 2026, and 10 million barrels of oil per day by 2031.

The new bill includes a number of initiatives designed to reduce our total reliance on petroleum products in the transportation sector. I will not elaborate on all of those at this point.

The fourth area of focus needed for our energy efforts is to create fiscal incentives that help forward-looking energy technologies to enter the market. As is often the case with technological advancements, many of the energy technology alternatives that are poised to enter the marketplace will not be able to successfully compete without transitional help. In many cases, the problem is simply a matter of cost. Fuel efficient technologies are more expensive in the near term than their less efficient counterparts, even though they provide us with greater energy security in the long term.

So lack of market share will also make it difficult for emerging technologies to take hold and, thus, make them more attractive to consumers. For instance, the manufacture and sale of dual-fuel E–85 in gasoline vehicles has been inhibited by the lack of appropriate refueling stations, and, of course, the relatively small market penetration of these cars has inhibited the growth of appropriate fueling infrastructure.

One of the main reasons we have not seen better development of more fuel efficient and alternative energy technologies is that the Government, for the most part, has had too simplistic a view of the market and has not given adequate attention to the many barriers to moving advances of research and development into the market itself. The Energy Policy Act took some important first steps to remedy that, but much more can be done.

Again, there are a number of sensible proposals for additional tax incentives. Some of those are contained in S. 2025 to which I have referred. Still others are in S. 2571, the Breaking Our Long-Term Dependence Energy Act that Senators Conrad and Dorgan introduced. And later this week, I will be introducing another bill that will take these and other tax incentive proposals that have broad bipartisan support and put them in a form that can easily be acted upon by the Senate Finance Committee. I will not at this time elaborate on all the provisions in that legislation, but suffice it to say that these are proposals which have bipartisan support in other legislation and which I think are very meritorious and deserve our consideration.

I have laid out proposals in four areas that I believe are both useful and achievable in the remaining weeks of this Congress: first, increasing consumer protection; second, increasing supplies of energy; third, increasing efficiency in the use of oil and gas; and fourth, providing incentives for forward-looking energy choices in the marketplace. These proposals will best advance if we use a different method of legislating on energy than we have seen in the last week or so.

Frankly, trying to legislate on this supplemental appropriations bill seriously about energy is not the right way to proceed. We need to know what we are doing and what various measures will cost and what they will achieve, and we lack the basic information for many of the proposals that are being put forth in the context of this supplemental appropriations bill.

The complexity and importance of energy policy is a good reason to ask the relevant committees to give some of these proposals their urgent attention. Each of the bills I have described is designed to go to a single committee with jurisdiction over most, if not all, of its contents. I believe this is the best strategy, if the committees then will do their work on a bipartisan basis.

This strategy certainly has worked with respect to one of the bills I mentioned, the bill to open up lease sale 181. The Energy Committee was able to schedule timely hearings and a markup of that proposal, and it is now on the Senate Calendar. I compliment, again, Senator DOMENICI for his efforts to get that bill to where we can act upon it.

Similarly, we have had good bipartisan engagement over the years in our Finance Committee on energy tax incentives, and I look forward to working with Senators GRASSLEY and BAUCUS on the ideas in the tax incentive bill I mentioned a few minutes ago.

Finally, I hope we can see bipartisan progress on marking up price-gouging legislation in the Commerce Committee. It has been several months since the joint hearing on price gouging, and there are legislative proposals awaiting action before that committee.

In addition to leadership at the committee level, obviously we will need the leadership of our entire Senate in order to move ahead in the remaining weeks of this Congress. In my view, it makes sense for the leadership of this Senate to structure our work on energy this year around a series of three to four bills that leave the Senate bound for action in the House of Representatives by a single committee. That is much better than trying to pass another Omnibus Energy bill.

Let me conclude by pointing out that time is short. As of today, we have 16 weeks before the scheduled adjournment of this Congress. Given that most of our work seems to be done on Tuesdays through Thursdays, that will translate into as few as 48 more full working days, and that is not a great deal of time. By the same token, there appears to be enough time to consider controversial measures which we have been advised are going to be brought to the Senate floor for debate and consideration, such as flag burning, gay marriage, and a variety of other issues which, in my view, do not impact on the day-to-day lives of my constituents nearly to the same extent these energy issues do. I believe our time would be better spent on issues where both progress and bipartisanship are far more likely. With the appropriate attention by the relevant committees, a series of energy proposals could be brought to the Senate floor.

I thank my colleagues who have proposed the various bills to which I have referred. I hope that despite the short time remaining in this Congress, we can make some additional progress on finding real energy solutions for our consumers. Our constituents are looking to us for leadership and action on these important issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). Will the Senator from New Mexico please come forward to be the Presiding Officer? I would appreciate that.

Mr. BINGAMAN. Mr. President, I am glad to, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, first of all, let me compliment my colleague from New Mexico on his presentation about energy. I know in recent days I have read reports by various spokesmen and spokeswomen here in Washington and in the press around the country saying that there is a lot of hysteria in the Congress about the price of gasoline and the price of oil, and the Congress is making much ado about nothing, according to some. It is a very serious issue, and it suggests an even tougher set of circumstances to come with respect to this country's energy supply. Let me describe some of the reasons why, and let me add to some of the things my colleague from New Mexico just described that I believe our country must do in order to resolve these problems.

We have about 20 million vehicles that are being driven in the country of China today, I am told. China has 1.3 billion people, with about 20 million automobiles. In 15 years, it is estimated that they will have 120 million automobiles. In other words, China is set to add about 100 million cars and trucks to their roads. Will that substantially change demand for oil? Yes, it will. Will it have an effect on the price of oil and the accessibility of oil? It will, and it will have an effect on us in the United States. That is not because of our difficulty today, but it is reason to be concerned about tomorrow.

Every single day, we take about 84 million barrels of oil out of this Earth. Every day, about 84 million barrels are sucked out of this planet and used. Twenty-one million barrels are used here in the United States. One-fourth of all the oil that is taken out of this planet every single day is used here in this country. This country has a lot of automobiles, a lot of vehicles. We are an advanced country, we are highly developed, and we use a great deal of energy. Now we see the price of oil spike to $75 a barrel, the price of gasoline at the pump to $2.80, $2.90, $3 and above per gallon, and people are concerned about that, and should be. It ought not be a surprise to anyone that people in the Congress are concerned about this issue.

The fact is, we have a circumstance where there is one sector that has all of the gain, and all of the rest of the American people experience all of the pain. I am not in any way opposed to the oil industry. I have supported the oil industry on many occasions and will again, I expect. We need oil. We need to use our fossil fuels, and we will continue to need to do that, as far as I can see, for the long term. So we need to produce more. As an energy policy, we need to produce more. We also need to conserve more. That is very important. We need to provide new and different kinds of energy in the form of renewable energy. Most especially, in addition to conservation, we need what is called efficiency for all of the things we use every single day.

Let me talk a little about what has happened in this country. This chart shows the expression of concern that a lot of people have these days. This shows the largest oil companies—there are only four up here, but this shows the increase in profits—I guess there are actually five—the increase in profits year by year: a 17-percent increase in profit, a 43-percent increase in profit. ExxonMobil went from $21 billion in net profits to $36 billion in net profits in 2 years. Shell had a 47-percent increase in profit. We see another 37 percent increase in profit.

Now I am not opposed to profits. I am opposed to profiteering, but I am not opposed to profits. We have a capitalistic system, a market system. It works. Having taught some economics in college, I don't know of a better system of allocating goods and services than the so-called free market system of capitalism that exists here in this country. It is by far the best method of allocation of goods and services. But that free market sometimes doesn't work very well, and sometimes it needs a referee.

I am reminded of the fact that it is the free market which has given us a circumstance where a baseball shortstop signs a contract that is the equivalent of the payment to 1,000 high school teachers. So you weigh it, right? The free market system says a shortstop in the Major Leagues is worth 1,000 high school teachers. Do you think so? I don't. It seems kind of strange to me. Then there is Judge Judy. I seldom watch Judge Judy, but occasionally, when my television remote moves past the channels, I see her. She seems kind of intemperate to me. Judge Judy, according to People Magazine, makes I believe about 200 times the amount of income that Judge Roberts, the Chief Justice of the Supreme Court, makes. Free market system? Fair? Thoughtful? I don't know. It doesn't seem right to me, but that is the system, I guess. So the free market system is a system which I have always supported, but it does from time to time create strange results and needs a referee.

Having said that, we don't have a free market in oil in any event. With respect to the oil market in this world, you have several things happening.

One, you have OPEC ministers, and OPEC ministers from the OPEC countries sit in a room and they make a decision: How much are we going to produce, and what price do we want for it? So they decide how much they are going to produce. They are a cartel. I mean, that is the antithesis of the free market.

It is interesting that on this planet of ours, we have 6-plus billion people, and we circle around the Sun on this planet of ours. For some strange reason, we have been blessed by the Almighty in this wonderful country of ours with a standard of living that is nearly unparalleled, and yet that which we need to use, particularly in the case of oil, exists under the sands—in the largest quantities—under the sands, for example, of Saudi Arabia and Kuwait and Iraq.

The OPEC ministers from the OPEC countries sit around a room, and I assume it is a closed room, but I don't know because I have never been there. I assume they sit around in a closed room and make judgments about how much they are going to produce and how much they want for it.

Second, the oil companies are the ones who decide these days because they have more raw muscle in the marketplace—and I might just point out that they all now have two names. They used to have one name, but then they got romantically entangled and decided to marry up. Exxon used to be Exxon, but Exxon fell in love with Mobil and by and large it became ExxonMobil. Chevron-Texaco and ConocoPhillips, they all had a romance and they all merged, and this orgy of mergers—these megamergers became these blockbuster, huge companies, and that now gives them more muscle in the marketplace, and that is just a fact. It is hard to contest.

So again we have the OPEC ministers sitting around the table, and then we have the large oil companies, much larger because of the blockbuster mergers, and then third and finally we have the futures market. And the futures market regrettably has become, in my judgment, just a huge amount of speculation, giant speculation about oil. I understand how that speculation works, but sometimes speculation drives these markets in ways that are completely unintended.

So we don't have a normal supply-demand relationship with respect to the price of oil. As a result of that, today people drive to the gas pump and it costs $50 or $60 to fill up with a tank of gas. A farmer is trying to figure out how to order a load of fuel for their farm to put in the spring planting, and then they try to figure out: How on Earth am I going to pay for it? And even as they drive up to the gas pumps and the farmers try to figure out how they are going to pay for a load of fuel, they see the profits of the large oil companies, the highest profits in the history of corporate America, the highest profits ever.

The minute you say that, people say: Are you against profit? No, I am not. I am not at all. But I think it is pretty unfortunate that you have one side with all the pain—that is, the consumers—and on the other side are the biggest oil companies with all the gain. It is almost as if you have a hose hooked up to the pocketbooks of the American people just sucking money out to go right to the treasuries of the big oil companies.

So what do we do about that? I propose a windfall profits rebate. It is simply this: We say to these companies, the major integrated companies—only the major integrated companies—we say this to them: On profits above $40 a barrel—and I picked $40 a barrel because that was the price in 2004, the average price at which the industry had the highest profits in their history—at profits above $40 a barrel, you will have a 50-percent collection fee you have to send, which will be rebated back to the consumers. The Federal Government will get the money and rebate it to the American consumers. So it is a windfall profits rebate. We collect it and then send it all back to the consumers.

There is a way the oil companies wouldn't have to pay that. In the legislation I have proposed, the way they would avoid paying that is if they are investing all of that windfall profit back into the ground to explore for more energy and thereby increase the supply of energy, or if they are building refineries above ground, then they wouldn't have to pay it.

They say: We need these profits because we are using them to invest back into exploration and drilling to find more oil, but they are not. They are doing some of that, but they are using the majority of their profits to buy back their stock or to drill for oil on Wall Street—and incidentally, there is no oil on Wall Street. But if they, in fact, were doing what they claim they are now doing, they wouldn't be affected by the proposal I offer. A windfall profits rebate would say to the oil industry: If you are not using these profits to expand the supply of energy and therefore reduce the price of energy, then you are going to have to pay this and it will be coming to the Federal Government and rebated to the American consumers from whence it came. It is pretty simple.

We are literally, unfortunately, in this country held hostage to this price of oil and therefore the price of fuel and the price of gasoline. We can do something about it in an aggressive way in the longer term.

I helped, along with two of my colleagues, to write the renewable fuels provision that was in the energy bill. We are going to go to 7.5 billion gallons of ethanol fuel by 2012. That makes sense to me, using renewable fuels and being able to have farmers plant in their fields the corn that can be turned into ethanol. Then we could drive up to a pump someday and say: Fill it up with corn. That makes sense to me. Biofuels, ethanol, biodiesel makes a great deal of sense. As I said, I was one of three Senators who wrote the provisions that will take us now to 7.5 billion gallons a year, more than double the ethanol we are now using.

Wind energy. How remarkable it is to be able to take the energy from the wind with the new, better turbines, more efficient turbines, take energy from the wind and turn it into electricity. By the way, using electrolysis, you can separate hydrogen from water and produce hydrogen and use hydrogen in a hydrogen fuel cell vehicle. By the way, with the hydrogen fuel cell vehicle, which I hope will be our future, you put water vapor out the tailpipe and have twice the efficiency of power to the wheels. What a remarkable thing.

Virtually everything in our life has changed. Technology is unbelievable. The Lunar Lander, in 1969, when our two astronauts, Neil Armstrong and Buzz Aldrin, landed on the Moon—a new automobile today, sold in the United States right now, has more computing power in it than the Lunar Lander that landed them on the Moon.

My point is technology is changing everything. It is unbelievable what is happening with technology. But you know something, nothing has changed with the car or automobile with respect to the way you fuel it. It is full of computers, full of technology, it has more computing technology than the Lunar Lander that landed on the surface of the Moon, but nothing has changed since 100 years ago with respect to fueling a car.

I often tell my colleagues that my first car was a 1925 Model T Ford that I bought for $25, and as a teenager, I spent 2 years rehabilitating this old Ford. I discovered later you can't do much with the Model T, you just drive it until it starts boiling over and then turn and drive it against the wind for half a mile and then drive it a little more, so I sold it. But I loved rehabilitating that old Model T. What I discovered about a Model T is you put gasoline in a 1924 Model T Ford exactly the same way you put gasoline in a 2006 Ford: You drive up to the pump, take the cap off the fuel tank, you put the hose in, and you start pumping. Nothing has changed. Almost everything else in our lives has, but nothing has changed with respect to fueling a vehicle.

That is why I think, in the long run, we ought to go to a hydrogen fuel cell future. I hope our children and grandchildren are driving vehicles that do not need to use gasoline from oil. That's my fervent hope. That can happen if we make it happen.

We decided to go to the Moon, and we did it by the end of a decade. We can drive vehicles by remote control on the surface of Mars. But we can't figure out how to remove ourselves from our addiction to oil, particularly most of which comes from troubled parts of the world? That doesn't make any sense.

I think we have an intermediate strategy, including renewables, wind, biodiesel; it includes dramatic conservation including more efficient automobiles and a range of other things—more efficiency; more production. Yes, we need to produce more oil. I don't believe we should produce in ANWR. I do support producing in Lease 181 of the Gulf of Mexico. There are a range of areas I think we can and should produce, in areas in which we are not now producing.

But at this point I think we ought to understand, if we sit by and do nothing at a time when you have all of the gain from these dramatically increased oil prices going to the largest integrated oil companies, only part of which is being invested back into searching for more energy, while all of the pain goes to the rest of the American consumers, I think we should not be surprised when consumers say to Congress: What on Earth are you doing? When are you going to get off your backside and do something about this?

People have a right to expect that Congress will take action when things go haywire, when something is wrong. Clearly, what is happening now is not right. My hope is in the coming days we will see action on the floor of the Senate that begins to address these issues. They are not easy to address. I understand that. But to suggest that there is nothing wrong, to put our head in the sand and say this is just a temporary aberration, don't worry about it—after all, we can easily afford a tank of gas on congressional salaries. What about people who cannot afford the tank of gas? That money is going, not incidentally, just to the major oil companies. We have 60 percent of our oil coming from off our shores. A portion of this money goes to the Saudi royal family, and they thank you. But it is not fair.

There is much to do. I notice in recent days a real pushback by those who say: Don't be hysterical about this, let's not do anything, let's not play the blame game—let's do nothing. Let's just let the coffers of the major integrated oil companies fill up, don't worry a bit, let people exhibit the pain, don't worry a bit, this will all be fine in the long term. John Kenneth Galbraith stated: In the long term we are all dead.

How about in the short term? What about the intermediate term, where we can do something about the problems that exist, the real problems that confront this country?

This country deserves better than it is getting. This country deserves leadership. It deserves aggressive leadership to tackle problems that are real problems in the lives of the American people. This is one.

My hope is that that leadership is something that we can exhibit sooner rather than later.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Mississippi.

AMENDMENT NO. 3676

Mr. COCHRAN. Mr. President, there are several amendments that have been cleared on both sides of the aisle. Consequently, I call up amendment No. 3676 on behalf of Mr. BENNETT regarding the Wildlife Habitat Incentive Program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BENNETT, for himself and Mr. KOHL, proposes an amendment numbered 3676.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the availability of certain funds made available for the wildlife habitat incentive program)

On page 135, after line 26, insert the following:

WILDLIFE HABITAT INCENTIVE PROGRAM

SEC. 2. Funds made available for the wildlife habitat incentive program established under section 1240N of the Food Security Act 1985 (16 U.S.C. 3839bb-1) under section 211(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) and section 820 of the Agriculture, Rural Development, Food and Drug administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–59) shall remain available until expended to carry out obligations made for fiscal year 2001 and are not available for new obligations.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3676) was agreed to.

AMENDMENT NO. 3711

Mr. COCHRAN. Mr. President, I call up amendment No. 3711, on behalf of Mr. NELSON of Florida, regarding Cape Canaveral Air Station in Florida.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. NELSON of Florida, proposes an amendment numbered 3711.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that funds made available for the Air Force for military construction for the Satellite Processing Operations Support Facility at Cape Canaveral Air Station, Florida, shall be made available instead for the Satellite Alert Facility at Cape Canaveral Air Station, Florida)

On page 253, between lines 19 and 20, insert the following:

SATELLITE ALERT FACILITY, CAPE CANAVERAL AIR STATION, FLORIDA

SEC. 7032. The amount appropriated by the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) for the Air Force for military construction that remains available for the Satellite Processing Operations Support Facility at Cape Canaveral Air Station, Florida, shall be made available instead solely for the Satellite Alert Facility at Cape Canaveral Air Station, Florida.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3711) was agreed to.

AMENDMENT NO. 3774

Mr. COCHRAN. Mr. President, I call up amendment No. 3774, on behalf of Mrs. HUTCHISON, regarding a clarification of funds for the Department of Veterans Affairs.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. HUTCHISON, proposes an amendment numbered 3774.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the availability of certain Construction, Major Projects, funds for the Department of Veterans Affairs)

On page 190, beginning on line 7, strike "*Provided*," and all that follows through "*Provided further*," on line 11, and insert the following: "*Provided*, That of that amount, $12,000,000 may be available for environmental cleanup and removal of debris from Department of Veterans Affairs land in Gulfport, Mississippi: *Provided further*, That of that amount, $50,000,000 shall be available for any purpose for which funds in the 'Construction, Major Projects' account are available under law:".

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3774) was agreed to.

AMENDMENT NO. 3702

Mr. COCHRAN. Mr. President, I call up amendment No. 3702, on behalf of Mr. CHAMBLISS, regarding a review of Department of Defense mortuary affairs.

The PRESIDING OFFICER. Without objection, the amendment is pending.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3702) was agreed to.

AMENDMENT NO. 3644

Mr. COCHRAN. Mr. President, I call up amendment No. 3644, on behalf of Mr. SALAZAR, regarding an IED training report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SALAZAR, proposes an amendment numbered 3644.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the strategy of the Department of Defense for providing training to members of the Armed Forces on countering improvised explosive devices)

On page 102, line 15, insert after "the threats," the following: "the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices,"

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (number 3644) was agreed to.

Mr. COCHRAN. Mr. President, that concludes the list of amendments that had been cleared on both sides of the aisle.

Knowing of no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, thank you. And I thank my colleagues who are working so hard on this emergency supplemental bill which has so many important issues that address the needs of our troops: the need to get the equipment they need, the protection they need, and the needs of the people in the area that was struck by Hurricane Katrina.

But I have to say this war, as we know today—and the President said 3 years ago "Mission Accomplished"—this is not exactly an emergency that he didn't know about, and the war should be paid for in the budget and not in an emergency supplemental. The war is known. The costs of the war were anticipated by some people whom this administration fired, and the costs of this war are spinning out of control.

In my own State, about 23 percent of the debt is from people who are from California or based in California, and we are suffering mightily with these debts. The mental health problems of those veterans coming home are not being addressed in the appropriate way. We read about suicides which are off the chart, and divorces are off the chart.

I have to say I am very disappointed and concerned and angry that Secretary Rumsfeld still hasn't appointed people to a mental health task force that this Senate voted on and said we ought to have, that the House accepted, and that the President signed into law. On April 7, that mental health task force was supposed to be in place, and we still do not have the people assigned to it, while our veterans are coming back in very bad shape. I don't understand it. I call on Secretary Rumsfeld to do his job and follow the law and appoint the people to this commission.

Frankly, we are not doing right by our veterans.

The Senator from Washington is here. I know how much she cares about this issue. I know how hard she fought to expose the fact that the veterans health care budget was underfunded. And with her hard work and reaching across the aisle, we were able to add funding to the veterans health care system. But the needs of our soldiers are still not being met. The horror they face is having a big impact on them when they return home.

I will be offering an amendment that addresses this mental health commission, assuming that the Secretary of Defense has not acted. I will also be talking about a very important facility that we need to set up in San Diego to deal with the west coast injured—from Washington, from Oregon, and from California. We do not have a place to treat these who are being injured. A lot of these families on the west coast have to travel to Texas, or have to travel to the east coast, and the Navy wants to see this facility built. I will be speaking about that.

Unfortunately, we could not come to an agreement on the immigration legislation that I thought was well thought out. The McCain-Kennedy bill that took a look at the whole immigration issue said: Yes, we must strengthen the border. We have to stop illegal immigration at the border, but we also must deal with the hard-working people who have been here and bring them out of the shadows, not put them in front of the line; put them in back of the line, put them on a path to legality. That bill was not forthcoming from this body.

Then Senator MARTINEZ and Senator HAGEL offered another compromise which I thought was not as good as the original one because I think it will be a bureaucratic nightmare to administer, but at least it is a compromise between those who want to strengthen the border and those who want to give people a path to legality. Yet we had a vote on that, and Republicans voted right down the line, no. They wanted to have endless numbers of amendments.

I have to say it is up to the Republican leader to bring this issue back before us and to resolve it. It is key to my State. It is key to the country. I hope we can work together and once and for all resolve it.

Lastly, I want to talk about gas prices. Many Americans are paying well over $3 per gallon for gasoline.

Certainly, in my State. I have seen gasoline over $4 in my State. I have heard predictions that that is coming.

On a television show yesterday, our Department of Energy Secretary, Mr. Bodman, had bad news for Americans. He said: Well, I guess we are in a crisis. I am not embarrassed about it. But you know there is a problem. We have lost control of supply. I am not embarrassed. Gas prices are high.

I don't understand what kind of leadership we have here in this country with this administration. When you talk about Iraq, the President says: Gear up. We are going to have more deaths. He doesn't give us an exit strategy, and he doesn't tell us when this long nightmare is coming to an end. Oh, just brace yourself, more casualties.

Then you have the Secretary of Energy, and he doesn't say: Here is my plan. We are going to look at these oil companies. We want to understand why they are making record profits when they say they are suffering with higher costs, that they were simply passing the costs on to us. Yes, prices are going up at the pump, but their profits would be level. Their profits are off the chart. One of their retiring CEOs had a $400 million package when he left.

I do not know how the oil companies can say with a straight face that all they are doing is passing on costs when they give one individual $400 million.

Think about the average small business in America. They would never dream of seeing $400 million. This is for one individual.

I was pleased. I was on one of the Sunday shows with Senator TRENT LOTT, and we were really looking at this out of the same lens. He was just as upset. And when we talked about windfall profits taxes, he said he is willing to look at it.

I hope there is a way we can address the gas prices in this bill. I have been working to try to make amendments germane to the subject, and if we can't get them on this bill, we are not going to go away.

We hear that Katrina, the Middle East, Iran, and Iraq are the reason for these prices. And there is no question that instability in the world and the aftermath of Katrina is hurting us. But, again, if these external factors are all it is, we would be willing to pay for that. But, obviously, they are adding a hunk of money into their profits. That is very clear. We are seeing profits off the chart.

In the first quarter of this year, Chevron had profits of $4 billion, up 49 percent compared to the same quarter last year. When we look at Exxon profits of $8.4 billion, and a $400 million retirement package for their former CEO, Lee Raymond, it is clear they could afford it. Enough is enough.

The President announced that he is halting deposits to the Strategic Petroleum Reserve, which is the reserve that we have in case of an emergency. It is very full. We have been telling the President for more than a year now to please stop taking gasoline off the market and putting it into the Strategic Petroleum Reserve. You are shortening the supply. He finally said he is going to stop filling it. However, he has not said he will release any from the Strategic Petroleum Reserve. This is the time to do it because that would have a downward pressure on gas prices.

We also need to take steps to reduce our demand for gasoline. Obviously, when a family buys a car, it is a huge purchase. I know families who are now considering buying a fuel-efficient automobile. My family did, even though it has been in the papers because some reporter didn't do his homework that I own a gas-guzzler; I do not.

My family owns three cars and they are all hybrids. I have been driving mine for almost 4 years. It is terrific. The men I know always ask: Does it have pickup? It has pickup, yes. It does very well. The newer version—I have the original version—the newer version now gets over 50 miles to the gallon.

I ask myself: Why doesn't the Federal Government buy these automobiles? My good staff who is here today checked it out and found out that every year the Federal Government purchases 58,000 passenger vehicles. According to the Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was 21.4 miles per gallon. So we can do better, that is for sure, with just the Federal fleet. It may not sound like a lot, but 58,000 cars that we say we are now going to make more fuel efficient will have a salutary impact on this marketplace. It is going to provide a bigger market for the fuel-efficient cars. I hope, in addition to this, we can have a program where we incentivize States, counties, and local governments to do the same.

I got the idea for this bill when I visited the San Francisco autoyard. We looked around and almost every car they have in there is either fuel efficient now or they are working to make it so. They have cars that run on alternative fuels. They are rehabbing their cars. All the good ideas started in our neighborhoods. That was an idea I took.

I mentioned before, my hybrid cars are getting over 50 miles to the gallon. We know, unfortunately, that the American car companies are not yet up to where they should be with their fuel efficiency. This is sad. I have sat down with them over the decades—because I lived through the 1970s when we had a fuel crisis—and they still refuse, saying Americans want big cars, too bad.

The fact is, at least our American companies are now building fuel-efficient SUVs. This is good. So when the Federal Government has to buy a hybrid car, they can buy a fuel-efficient hybrid car made in America that is an SUV. I hope we can lead by example.

I don't take what Mr. Bodman says as a fact, that there is nothing we can do, shrug our shoulders, and walk away. There is something we can do. We can be smart consumers regarding the Federal Government with the taxpayers' dollars. Taxpayer dollars should not be wasted on gasoline that goes straight into the pockets of the oil companies that, in my opinion, are manipulating supply. I will get to that in a minute.

We now have a tax credit for buying a hybrid vehicle; the dollar amount varies by vehicle. That is terrific. I propose we have an additional $1,000 tax credit for purchasing a vehicle that obtains a minimum of 45 miles per gallon. There are now cars that get 45 miles per gallon and there may soon be other cars that get 45 miles per gallon, so purchasers of those cars would have the $1,000 tax credit. If you have a hybrid that gets over 45 miles per gallon, if you bought a new one, you would get a $1,000 tax break plus the tax break for purchasing a hybrid. That is very important because it is true the hybrids are a little more costly than a similar nonhybrid car.

The President of the United States came forward and said: I am ordering a Federal Trade Commission investigation. I was very glad he did that. Unfortunately, for the eight times I have called for those investigations, I have never had his support. I have called for no less than eight investigations into gas price manipulation, but I was happy he called for—finally, better late than never—an investigation into manipulation among the oil companies and in each oil company. Unfortunately, 4 days later, he said: I have to say I haven't seen any evidence of any manipulation. That was Friday.

I am confused. He calls for an FTC investigation and then said: I don't see any evidence of it, but they are working on it. It seems to me that sends a bad signal to the FTC. Why not ask your Justice Department, your Energy Department to work with the FTC and scour every record you can to see if there is zone pricing, to see if they are cutting back on supply?

I lived through the Enron debacle. We all did. But when I say I lived through it, those on the west coast got it in the neck from Enron. What did the Enron traders do? They said: We are going to withhold supply. They took power offline, and they said to the public: All we are doing is regular maintenance of our powerplants. That was not true. They were closing down some of the power in order to manipulate supply.

Now we look at what is happening in the refinery business, and we see they are not building any new refineries because they are monopolies. They do not want to increase the supply. They like it the way it is.

How do I know this? It is pretty clear. California has changed its rules. We have a streamlined procedure now put into place by the Governor and the legislature. Please come in, please build refineries, please do them in an environmentally sound way. Nothing.

How do I know what is happening? This is it. Shell Oil announced that they were closing down a refinery in Bakersfield about a year ago or more. We were very upset. Senator FEINSTEIN and I, the congressional delegation, across party lines, the Governor, everyone asking: Why are you closing down a refinery that produces 2 percent of California's gasoline?

The answer came back in a letter to me: Senator, we are not making any money in this refinery. We are losing money. Senator, no one wants to buy it. We have put it up there for sale, and we are closing it down, period.

We did not believe it. We had learned the lesson of Enron, which is to reduce supply, so we dug around, and we went to the FTC, this Bush administration FTC. Do you know what they did for us, despite all their talk? Nothing. They did nothing. Zero.

So we went to the attorney general of the State of California, Bill Lockyer. He said: Let me see what is going on. Guess what he found out. The refinery that they said was making no money was making record profits. Yes, there were many people who were interested in purchasing it. Guess what. It has been sold, and it is still operational.

So when I asked the oil company executives from Shell about this at the Commerce Committee hearing, they did not tell the truth. They said: We are so delighted we sold this. They never told the truth.

MARIA CANTWELL and I tried to get them sworn in to take the oath, to swear to tell the truth, but Senator STEVENS said: Not on my watch; we are not swearing in these people. So they got away with lying to the committee.

When Senator CANTWELL starts to call for ways to probe this situation, the fact that we believe they are manipulating supply, we have a reason to believe they are doing it. They did it in Enron. We believe they are doing it again.

I have a bill that requires the FTC to automatically investigate manipulation in the market any time average gas prices increase in any State by 20 percent in a period of 3 months or less and remain there for 7 days or more. This calling for constant investigations does not get anywhere. But if we have a law that says the FTC must look at this, and if they do, and they issue a report, they must hold a public hearing to discuss it, and if their findings indicate there is market manipulation, the FTC works with the State's attorney general to determine the penalties. If there was no market manipulation, we should look at releasing some of the oil from the Strategic Petroleum Reserve, again, to put downward pressure on the price of gasoline.

Finally, another piece of legislation, and I would love to have it in the bill if I could, is to say that in the future if any oil company gives a salary, a bonus, a retirement package in excess of $50 million, they have to make a like contribution to the Low-Income Home Energy Assistance Program because we know that many people depend on that LIHEAP program. Even though LIHEAP deals with home heating and cooling costs, not with gas prices, that would be a fair thing to do.

I have spoken on a number of issues. I am pleased now to yield the floor.

EXECUTIVE SESSION

MICHAEL RYAN BARRETT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. LEAHY. Mr. President, I assume the opponents of these nominations would want to be recognized, or the Republican majority supporting him. I understand there are three Republicans to speak on the judges and one Democrat is allowed to speak.

No one is here, so I will speak.

I will support this nominee, Michael Barrett. He has the support of his home State Senators. I have also heard from both Democrats and Republicans in Ohio. That makes it worth supporting. In fact, the nomination of such consensus nominees is an indication of what should be done in States, and would lead to the confirmation of more judges. In January 2001, we were following a shutdown of judges going through. As the distinguished Presiding Officer knows, the Republicans were determined to block virtually all of President Clinton's judges for a long period of time. I became chairman and for 17 months moved a record number of judges for President Bush, 100. Actually, since 2001, while the Republican majority has not moved President Bush's judicial nominees anywhere near as fast as I did, we have still moved 238. That includes two Supreme Court Justices, and 43 circuit court judges. However, we do have some that create problems.

Unfortunately, as demonstrated by the recent withdrawals of several nominees, all too often this White House seems more interested in rewarding cronies and picking political fights than in selecting lifetime appointments after thorough vetting. Sadly, the Republican Senate has proceeded to rubber stamp these important nominations and failed in its role as a constitutional check on the President.

The controversial nominations of Judge Terrence Boyle and Brett Kavanaugh are contemporary cases in point. With the extreme right-wing and special interest groups agitating for a fight over judicial nominations, the Republican leader of the Senate is answering their demands by seeking to force Senate debate on these controversial nominees. Rather than focus on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations is in the offing. Such a controversial maneuver serves only to divide and distract us from America's real problems. During this President's administration, gas prices have more than doubled and undocumented immigrants have doubled, but judicial vacancies have been cut in half from the time when Republicans in the Senate were stalling President Clinton's judicial nominations. Despite the real problems that confront Americans with respect to security, health insurance, rising health costs, rising energy costs, and spiraling deficits and debt, some would rather pick an election year fight over judicial nominations.

In fact, I mentioned Judge Boyle. I contrast his nomination to the nomination of Michael Barrett. Michael Barrett, as I said, will go through easily. I will support him. I will vote for him, as I told the distinguished Senator, the former Lieutenant Governor of Ohio, now senior Member of the U.S. Senate, Mr. DEWINE.

But you take somebody like Judge Boyle. Here is somebody who has violated every judicial ethic you can think of. He ruled on multiple cases involving corporations in which he held investments. In at least one instance—this is chutzpah beyond all understanding—he was presiding over a case involving General Electric, and while doing that, he bought stock in General Electric; then, 2 months later, he ruled in favor of General Electric.

Now, in the first year of law school you might get an example like this because it is so clear-cut and easy to understand. This is amazing—amazing—not withstanding all the other conflicts of interest he had in other cases.

Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench.

This is not the first judicial nominee to engage in these kinds of apparent ethical lapses. Less than two months ago, the President withdrew the nomination of Judge James Payne to the Court of Appeals for the 10th Circuit after information became public about that nominee's rulings in a number of cases in which he appears to have had conflicts of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA, but by journalists.

During the last few months, President Bush also withdrew the nominations of Judge Henry Saad to the Court of Appeals for the 6th Circuit and Judge Daniel P. Ryan to the Eastern District of Michigan. And we saw the arrest of another Bush administration official and former judicial nominee to the Court of Appeals for the 4th Circuit, Claude Allen, who had earlier withdrawn as a nominee and more recently resigned his position as a top domestic policy adviser to the President. When we are considering lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, it is important to be thorough. Unfortunately, all too often this White House seems more interested in rewarding cronies.

They add to the long list of nominations by this President that have been withdrawn. Among the more well known are Bernard Kerik to head the Department of Homeland Security and Harriet Miers to the Supreme Court. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination.

Over the weekend we heard that this administration's former FDA director is under investigation and its political director testified, again before a federal grand jury. Of course, Mr. Libby remains under indictment, and Messrs. Safavian, Scanlon, Abramoff and a number of House Republicans are caught up in another criminal probe.

In light of this long list of failures of the White House to fulfill its commitments to the American people to be above reproach and its lackluster vetting process, it is more important than ever that the Senate and the Senate Judiciary Committee afford nominees the kind of careful scrutiny that will yield enough information to decide on a nominee's fitness for an important appointment. In Judge Boyle's case, not only were his answers to the committee's questions evasive, but he failed to produce even the unpublished opinions he issued from the bench.

I am also concerned that the Senate Judiciary Committee is being required to consider the nomination of Brett Kavanaugh to the United States Court of Appeals for the DC Circuit without a complete record. The Democratic members of the committee have twice asked for another hearing in connection with his nomination. Mr. Kavanaugh failed to provide meaningful and substantive responses to many of the questions posed to him at his first hearing and he delayed for seven months before providing evasive and incomplete answers to written questions.

In addition, a new hearing is warranted because several troubling issues have come to light since his initial nomination. As Associate White House Counsel and staff secretary, Mr. Kavanaugh has served in the inner circle of the White House at a time when many controversial policies and decisions were being considered. Senators have not had a chance to question him about his role in connection with those matters. For example, what was Mr. Kavanaugh's role in connection with the warrantless spying on Americans? What was his involvement in the policies affecting detainee treatment and interrogation? What was his involvement in connection with military tribunals, torture, and rendition of prisoners to other countries? Given the scandals now plaguing the White House, it is important to know whether Mr. Kavanaugh has had a role in connection with the actions of Jack Abramoff, Michael Scanlon, David Safavian, the matters being investigated in connection with the Plame matter, and many other matters.

The wall of secrecy that the administration has maintained is no environment in which carefully to consider an administration insider for a lifetime appointment to an important Federal judicial position.

I see the distinguished Senator from Ohio is in the Chamber. I urge people, do not just do a rubberstamp just because it is a member of your party who nominated these people. I think of the concern I heard from Republicans in this body when I objected to a judicial nominee to the Court of Appeals for the Fourth Circuit, Claude Allen. Nobody said a word when he got arrested for fraud. But I bet you they breathed a sigh of relief that I blocked it before.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in just a few minutes we will be voting on the nomination of Michael Barrett to serve as a Federal district court judge for the Southern District of Ohio. Mr. Barrett is an outstanding attorney, a man who has shown his dedication to public and community service throughout his life. I am confident he will be an excellent addition to the bench.

Michael Barrett's legal career—spanning almost 30 years—has been distinguished, not only by his accomplishments as a litigator but also by his truly extraordinary record of public and civic leadership.

A brief summary of his background offers ample evidence of his qualifications. He is a graduate of the University of Cincinnati where he earned both his bachelor of arts degree as well as his law degree. After graduating from law school, Mr. Barrett served the State of Ohio as an administrative hearing officer for over a year, handling issues as a new attorney that usually are reserved for lawyers with far more experience. He then moved to the Hamilton County Prosecutor's Office, where he served first as an assistant prosecutor, and then as chief assistant prosecuting attorney of the Felony Trial Division.

During this time, Mr. Barrett also served as chief of the Special County Arson Task Force, supervising the investigation and prosecution of arson cases. After 6 years in the Hamilton County prosecutor's office, Michael Barrett moved into private practice with the firm of Graydon, Head & Ritchey, where he remained for 10 years as an associate and then as a partner. He was listed several times in the Best Lawyers in America for his domestic relations practice. He then joined the Cincinnati law firm of Barrett & Weber, where he continues to practice today in the area of general litigation.

Mr. Barrett has had an extremely wide-ranging career as a litigator. He has argued in both State and Federal courts, and his court appearances are almost evenly split between civil and criminal cases. In addition to his background as a prosecutor, he has developed a very successful defense practice. He is a member of the National Association of Criminal Defense Lawyers, and I think it is particularly noteworthy that he has argued capital murder cases as both a prosecutor and as a defense attorney. Truly, his litigation experience spans the whole width of legal practice.

Mr. Barrett's expertise, however, extends well beyond litigation. For example, he was appointed and served as a special master/trustee in a class action lawsuit in which he analyzed over 900 claims, responses, and the allocation of settlement funds under that lawsuit.

He also was chosen to be the receiver in a securities case, and in that role he worked with counsel to conduct the collection and liquidation of investor assets, which is an important and certainly often very complicated financial and legal task.

He also has an impressive amount of experience with the important and expanding area of alternative dispute resolution. He was a board member of the Cincinnati Center for the Resolution of Disputes and was awarded the Outstanding Service Award as a mediator for the Southern District of Ohio. This unusually diverse legal background gives Michael Barrett a broad view of the legal system and a wide understanding that will help him be a very successful Federal district court judge.

Mr. Barrett is also an extremely accomplished community leader who has given so much back to his community. He has served the public in a wide variety of roles—far more than I could certainly mention this afternoon. He served on the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline for 15 years. He was on the board of trustees of the University of Cincinnati, and the board of trustees of the Health Alliance of Greater Cincinnati. He was also cochair of the Police and Justice Committee of Community Action Now, a project formed by and for Cincinnati community leaders and charged with the task of achieving greater equity, opportunity, and inclusion for all Cincinnati residents. He also has been involved with a wide range of charitable and social service organizations, including Children's Services of Hamilton County, Talbert House, and Boys and Girls Hope of Cincinnati.

Michael Barrett is clearly a successful and accomplished attorney and an experienced community leader. Both are important qualifications for this position. With his background and his experience, it is certainly not surprising that a substantial majority of the ABA panel who reviewed his qualifications found him to be "well qualified," which is the highest possible rating; the remaining members of the panel gave him the next highest rating of "qualified." This very high rating merely confirms his excellent credentials for the position.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent to speak for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Members of the legal profession in Ohio who know Mr. Barrett's abilities also support his nomination. I have spoken with attorneys and judges who have worked both with and against Mr. Barrett professionally, and they describe him as a calm and even-tempered man, who is always willing to listen and always does an excellent job, no matter what the legal assignment.

Even more important, however, is simply that Mike Barrett is a good person. I have known him for many years, and he consistently has shown himself to be warm, open-minded, and gracious. He is an intellectually gifted lawyer with a strong sense of the law and a firm understanding of the court's role in the legal process and in our community. As a person and as an attorney, he has all the ability, the experience, and, yes, the compassion necessary to help him be an excellent judge for the people of the South District of Ohio.

Michael Barrett is an outstanding nominee. I am proud to support his nomination, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. Mr. President, I would like to say a few words in support of the nomination of Michael R. Barrett.

As the distinguished Senator from Ohio has probably already commented on—I just got in from Pennsylvania, so I did not get a chance to hear all of his speech—and as the Presiding Officer knows, because the distinguished Presiding Officer is a member of the Judiciary Committee, Michael R. Barrett was passed unanimously by the committee.

He comes to this position with an excellent background. He received his bachelor's degree from the University of Cincinnati. He received his law degree from the University of Cincinnati in 1977. So he has had 29 years of experience in practice.

He was the assistant prosecuting attorney in the felony trial division in Hamilton County. It is always a good experience to be a prosecuting attorney, something that Senator DEWINE did, Senator LEAHY did, something that I have done. He was an associate partner at Graydon, Head & Ritchey, a shareholder attorney at Barrett & Weber, and has the qualifications to do an excellent job on the U.S. District Court.

I am pleased to endorse him and urge my fellow Senators to confirm him for this important lifetime position.

I thank the Chair and yield the floor and note we are just 2 or 3 minutes away from the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I rise today to urge my colleagues to vote to confirm Michael R. Barrett, whom the President has nominated to serve on the U.S. District Court for the Southern District of Ohio.

Mr. Barrett has a distinguished and impressive record as a prosecutor, a defense attorney, and a community leader, and he has deep roots in southwest Ohio.

Mr. Barrett is a graduate of the University of Cincinnati, where he obtained his bachelor of arts in 1974, and his law degree in 1977. After graduating from law school, Mr. Barrett served as an administrative hearing officer for the State of Ohio and then joined the Hamilton County prosecutor's office as an assistant prosecuting attorney. When he joined the prosecutor's office, Mr. Barrett was assigned to the Felony Trial Division, where he participated in investigations, grand jury proceedings, and felony trials. In 1983, Mr. Barrett was promoted to be a chief assistant of the Felony Trial Division.

In 1984, Mr. Barrett joined Graydon, Head & Ritchey, where he worked on both criminal and civil matters, initially as an associate before being promoted to partner. In 1995, he joined his current firm, Barrett & Weber, where he has continued to practice in the same areas of law.

Mr. Barrett's law practice includes criminal defense work covering the spectrum of the Criminal Code. In addition, Mr. Barrett maintains an active civil litigation practice including recent securities law matters in which he has represented individual plaintiffs as well as the attorney general's office for the State of Ohio. His practice has earned him several listings in "Best Lawyers in America" and "Ohio Super Lawyers." In addition, Mr. Barrett has received the Outstanding Service Award as a Mediator from the U.S. District Court for the Southern District of Ohio. In sum, Mr. Barrett has the broad courtroom experience that will serve him well as a federal judge.

Mr. Barrett has also served on the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline, which evidences the high esteem in which members of the Ohio bar hold him and is testimony of his excellent character.

As a result of Mr. Barrett's fine academic and professional achievements, I am not surprised that the American Bar Association found Mr. Barrett qualified to serve as a Federal district court judge.

Mr. Barrett's legal credentials are not the only reasons I support his nomination. In an age where I believe too many people do not take the time to become active members of their communities, Mr. Barrett has been a community leader. Some of Mr. Barrett's community activities include his current service on the board of trustees of Talbert House, a Cincinnati-area social service organization; his current service as a director of Boys Hope/Girls Hope of Cincinnati, an organization designed to provide an array of services for at-risk children; and his past service as a trustee of Children's Services of Hamilton County. When I was Governor of Ohio, I was pleased to appoint Mr. Barrett to the board of trustees of the University of Cincinnati. He served 9 years on the board of trustees, including a period as chairman.

Involvement in one's community is important. We need judges who not only have exceptional legal skills but who also recognize how the law impacts individuals and communities. I believe Mr. Barrett has this understanding because he is out in his community every day.

In reviewing Mr. Barrett's academic and professional record, it is clear that he is well qualified to serve as a Federal district court judge on the U.S. District Court for the Southern District of Ohio, and I urge my colleagues to support his nomination.

Mr. DEWINE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) are absent due to death in family.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) would each vote "yea."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the chamber desiring to Vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 102 Ex.]

YEAS—90

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—10

Biden
Burr
Graham
Harkin
Kerry
Kohl
Lincoln
Rockefeller
Santorum
Sessions

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PHIL WALDEN

Mr. CHAMBLISS. Mr. President, I rise today to talk about an individual who is a native of my State and probably is not well known to Members of this body. He was involved in an industry for which all of us have a great appreciation. The name of the gentleman is Phil Walden.

About 40-plus years ago, when I was at the University of Georgia, I had a college roommate who was responsible for booking bands for a number of fraternities, sororities, and whatnot at the University of Georgia. He came into contact with a man named Phil Walden. I got to know Phil through my roommate Mike Brody.

Phil Walden was an unusual individual. After graduating from Mercy University in 1962 in Macon, GA, he became a full-time professional promoter of bands. During his college days, he teamed up with an individual from Macon, GA, who became a superstar. That superstar's name was Otis Redding.

Phil Walden found Otis Redding at a nightclub in Macon, GA, and made him a rich and famous person in the music industry. Otis Redding was the heart and soul of soul music for a number of years. Unfortunately, Otis Redding died in a plane crash in 1967, and a lot of Phil Walden's hopes and dreams died with him.

But Phil Walden didn't stop with just rhythm and blues bands. About the time that Otis Redding's plane went down, Phil Walden founded Capricorn Records and found another band in Macon, GA, called the Allman Brothers. He then promoted the Allman Brothers into superstar status, and the Allman Brothers became the heart and soul of southern rock and roll music.

Phil Walden hit hard times when heavy rock and roll hit hard times. Unfortunately, Duane Allman was killed in a motorcycle accident in 1971. Another star member of the band, Barry Oakley, was killed shortly thereafter. The Allman Brothers hit on hard times, and so did Phil Walden. He had problems with abuse and use of alcohol and drugs, like so many folks in the music industry.

Phil Walden hit a low point in his life, but Phil Walden rebounded from that, just like the music industry he knew and loved so well. He moved to Nashville and stayed for a time in Nashville.

While he was in Nashville, he discovered another band in Athens, GA, called Widespread Panic. They are a little beyond my generation, but my son has been to a number of Widespread Panic concerts around the Southeast, and I venture to say that the children of a lot of our Members likewise, if you mention Widespread Panic to them, their eyes light up.

Phil Walden was the kind of man who had the ability to bounce back, and he did so. He was an icon in his industry. He represented, I noticed in looking at the various obituaries, a number of folks, frankly, I did not know he represented in all the years I knew Phil. Here are several of the bands and acts Phil Walden either managed at Capricorn Records or promoted otherwise: I mentioned Otis Redding and the Allman Brothers, Percy Sledge, Boz Skaggs, the Charlie Daniels Band, the Marshall Tucker Band, Wet Willie, Kenny Chesney, 311, Cake, Lynyrd Skynyrd, Hank Williams, Jr., Billy Joe Shaver, and Stillwater.

Phil Walden hit on hard medical times also in recent years. Last Sunday, Phil lost his battle with cancer and, unfortunately, passed away. He had a burial last Thursday in Macon, GA, at Rose Hill Cemetery, where he was laid to rest in the same cemetery as Duane Allman and Barry Oakley.

Phil Walden was truly an unusual person in the music industry. In the 1960s, he took a Black man in Otis Redding, brought him to a White university, White universities all across the Southeast, without any major incidents whatsoever, and that was significantly unusual. As Peter Conlin, a promoter and longtime friend of Phil Walden, said:

> If you look at a white guy from the south in the '60s trying to promote a black singer, that was a brave thing to do.

And it truly was. Phil Walden did it with class, he did it with style, and he did it with success. Phil Walden then took the Allman Brothers and did it with style, did it with class, did it with success. He was a true dream story, a true story of the American dream in the music industry. He is someone the music industry is going to miss.

Phil certainly lived an interesting life, and his wife Peggy, who stood by his side for so many years, deserves a lot of credit for the success Phil had, both in the music industry as well as in bringing his life back together. We are all going to miss Phil Walden.

I yield the floor, Mr. President.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3597

Mr. COCHRAN. Mr. President, there are several amendments that have been cleared on both sides of the aisle.

I call up amendment No. 3597 on behalf of Senator LUGAR and others regarding the State Department personnel in Iraq and Afghanistan.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LUGAR, for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN, proposes an amendment numbered 3597.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certain authorities necessary to carry out foreign policy objectives in Iraq and Afghanistan)

On page 90, between lines 10 and 11, insert the following:

SEC. 1202. DEPARTMENT OF STATE AND USAID AUTHORITIES.

(a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g)(1) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

"(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority.".

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

"(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.".

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

"(j)(1)(A) The Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

"(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.".

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on International Relations and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND RECUPERATION TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking "18 months" and inserting "12 months".

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3597.

The amendment (No. 3597) was agreed to.

AMENDMENT NO. 3661, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3661 on behalf of Senator LEAHY regarding notification requirements.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3661.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for notification to the Committees on Appropriations)

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To provide for notification to the Committees on Appropriations)

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading in this Act shall be subject to the regular notification procedures of the Committees on Appropriations:

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 3663, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3663 on behalf of Senator LEAHY regarding a technical correction.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3663.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Technical amendment) '

On page 121, line 1, strike "in Iran" and insert in lieu thereof:

of which $34,750,000 shall be made available to promote democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo.

On page 121, line 2, after "heading" insert "for assistance for Iran"

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: Technical amendment)

On page 120, line 25, strike "for programs and activities promoting democracy in Iran" and insert in lieu thereof:

of which $34,750,000 shall be made available for programs and activities promoting democracy in Iran and of which $5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo

On page 121, line 4, strike "and" and insert in lieu thereof: , and those funds made available to promote democracy in Iran

The PRESIDING OFFICER. Is there further debate on the amendment, as modified?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3663), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGY IN IRAQ

Mr. DURBIN. Mr. President, as we reflect on the Presidency of George W. Bush, there were moments of high drama. Certainly, the moment of highest drama in my recollection was when the President visited the site of the 9/11 attack. When he went to New York and walked through the smoke-filled rubble with the firefighters and the workmen still digging through, it was a moment that I am sure will endure. It will be remembered.

If you had to then select another moment in his Presidency that will be remembered, it was a moment 3 years ago today when the President of the United States boarded a Naval fighter plane and flew to land on the deck of USS *Abraham Lincoln*.

It was a time when America wasn't certain about what had happened in Iraq. We had launched an invasion. Saddam Hussein had been deposed. There were still a lot of questions about the future of Iraq and what would happen in that country.

The President of the United States came to that aircraft carrier on that day, and as he landed and spoke to those who were assembled, behind him was a banner which read "Mission Accomplished." It was on May 1, 2003, 3 years ago. The President said on that day:

> In the battle of Iraq, the United States and our allies have prevailed. And now our coalition is engaged in securing and restructuring that country.

The President went on to say:

> We have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. We're pursuing and finding leaders of the old regime, who will be held to account for their crimes. We've begun the search for hidden chemical and biological weapons and already know of hundreds of sites that will be investigated. We're helping to build Iraq, where the dictator built palaces for himself instead of hospitals and schools. And we will stand with the new leaders of Iraq as they establish a government of, by, and for the Iraqi people.

The President went on to say 3 years ago:

> From Pakistan to the Philippines to the Horn of Africa, we are hunting down al-Qaida killers. Nineteen months ago, I pledged that the terrorists would not escape the patient justice of the United States. And as of tonight, nearly one-half of al-Qaida's senior operatives have been captured or killed.

That was the speech of the President of the United States 3 years ago today.

Since the President made that speech, this is the grim record. Since that day, over the last 3 years, 2,262 Americans have been killed and 17,202 Americans have been wounded.

This occurred after the President announced to the world that our mission was accomplished.

As we gather today to mark the third anniversary of that Presidential statement, war continues with no end in sight, and 2,401 of our best and bravest soldiers have given their lives. I have called many of those families from Illinois. I have attended some of the funerals. I know the lives of those families will never be the same. They have given so much to this country. We thank them. We will continue to thank them over and over again. We thank the men and women in uniform for continuing to stand and fight to defend this country and its values. They represent the very best. We should never forget that.

But we now know that within their ranks—even at the highest levels—there have been serious concerns about this administration and its strategy in Iraq.

Three years after President Bush's statement on that carrier that our mission was accomplished, several leading generals, men who served under the President at that time, men under his command, men who were responsible for the lives of thousands of soldiers and marines, now retired, in civilian status, have stepped forward. What have they said?

Retired LTG Gregory Newbold, the three-star Marine Corps general who served as the Nation's top operations officer before the invasion of Iraq, recently joined a number of his former colleagues and said:

> I am driven to action now by the missteps and misjudgments of the White House and the Pentagon, and by my many painful visits to our military hospitals. In those places, I have been both inspired and shaken by the broken bodies but unbroken spirits of soldiers, Marines and corpsmen returning from

> this war. The cost of flawed leadership continues to be paid in blood. The willingness of our forces to shoulder such a load should make it a sacred obligation for civilian and military leaders to get our defense policy right. They must be absolutely sure that the commitment is for a cause as honorable as the sacrifice.

General Newbold continued:

> My sincere view is that the commitment of our forces to this fight was done with the casualness and a swagger that are the special province of those who have never had to execute these missions—or bury the results.

Finally, the general said:

> We need fresh ideas and fresh faces. That means, as a first step, replacing Rumsfeld and many others unwilling to fundamentally change their approach. The troops in the Middle East have performed their duty. Now we need people in Washington who can construct a unified strategy worthy of them. It is time to send a signal to our Nation, our forces and the world that we are uncompromising on our security but are prepared to rethink how we achieve it.

General Newbold is joined in this call for change by GEN Anthony Zinni; MG Paul D. Eaton; MG John Batiste; MG Charles Swannack, Jr.; and MG John Riggs, all retired.

If you look at the résumés of these men, you will find the very best in service to our country. General Eaton, who headed up training for the Iraqi military from 2003 to 2004—what did he say? I quote him:

> Defense Secretary Donald Rumsfeld is not competent to lead America's Armed Forces.

General Swannack, former commander of the 82nd Airborne Division, one of the most storied and honored divisions in American military history—here is what he said:

> I do not believe Secretary Rumsfeld is the right person to fight that war based on his absolute failures in managing the war against Saddam in Iraq.

These generals are calling for change at the highest level. How many times during the course of this war when the President was questioned about his military strategy did he say: I defer to the generals; I defer to the military professionals. This will not be a political decision.

That is the right response. But what would he now say when these six men, many of whom served under his command, have stepped forward and said that the plan for this war is so wrong and that the man executing that plan as Secretary of Defense is not the right person for that job?

I have said publicly, and I will repeat it. I believe Secretary Rumsfeld, for the good of this Nation, should leave as Secretary of Defense. I believe this for the same reason these generals do. I do not believe he can lead us to the right conclusion in Iraq, and we will pay a heavy price if we do not acknowledge that.

As General Zinni has said, staying the course in Iraq sends us right over Niagara Falls. We have to change the course. We have to understand why change is imperative. It is worth taking a few minutes to understand how we have reached this point some 3 years after President Bush told the world our mission was accomplished.

Recently, Secretary of State Rice stated the United States has made thousands of "tactical errors." Secretary Rumsfeld challenged her, and said: "I don't know what she is talking about."

She was right. The administration has made numerous and tragically costly mistakes in Iraq. Think about it. The decision to invade without allies—with only the United Kingdom as a major force by our side, and many other countries sending smaller forces, we went in virtually alone. It was a strategic misjudgement that has left us today carrying the military and financial burdens in Iraq.

Before us on the floor of the Senate is another spending bill for Iraq—this one over $100 billion. The total no one can guess, but $320 billion so far, more than $2 billion a week.

My situation is like some in the Senate. I voted against the use-of-force resolution for the war in Iraq—23 of us did, 1 Republican and 22 Democrats on that October night in 2002. But I said from my memory of what happened in Vietnam, as I tried my best to appreciate what our soldiers faced, that I would vote for every penny that this President asked for to wage this war so that the soldiers would always have what they needed to win and come home safely. And I have done that. I will continue to do that.

When my critics ask: How can you be against the war and vote to fund it? The question comes down to something very basic from where I am standing. If it were my son or daughter serving in uniform in that country, I would want them to have everything to come home safely, even if I bitterly disagreed with the administration's policy that sent them into this war.

We have 132,000 soldiers in Iraq today. Our combined allies have 24,000, some of whom are in Kuwait. Mr. President, 2,401 Americans have died. That is more than 10 times the losses that have been suffered by the rest of the so-called Coalition of the Willing.

This record-setting supplemental bill that we take up this week in the Senate will bring the cost of U.S. operations in Iraq to $280 billion. For now, as I have said: I am going to vote for it. But before this Congress continues to fund, we have to ask hard questions.

If this is going to be a routine vote for the so-called emergency supplemental bill, if this is going to be routine to the point where we don't even question the policies and strategies of the war that we are voting for, then we have failed in our responsibilities as Senators.

On February 25, 2003, the Army Chief of Staff, GEN Eric Shinseki, testified before the Senate Armed Services Committee.

General Shinseki stated, in an invasion of Iraq, that "any postwar occupying force would have to be big enough to maintain safety in a country with ethnic tensions that could lead to other problems."

General Shinseki was asked how many troops are needed, and he said:

> Something on the order of several hundred thousand soldiers.

He also said:

> Assistance from friend and allies would be helpful.

General Shinseki did not get the 300,000 or 400,000 troops that he and many others thought would be needed nor did we get the allies. General Shinseki, for his candor and honesty, was replaced in his command. This administration was not about to stand still for someone in uniform telling them the stark, honest truth, that without enough soldiers the ones we sent would be in danger.

And just as Economic Adviser Larry Lindsay was fired for predicting the war would cost $100 to $200 billion at a time the administration said it might not cost anything because Iraqi oil would pay for it. That was Mr. Wolfowitz who made that statement. The fact is, they were right, the critics were wrong, and we have suffered as a result.

There was a failure by the leaders in our Government to see this insurgency that came about in Iraq, that endangered our soldiers and destabilized that country for so long.

When Secretary Rumsfeld was asked about the reaction of the insurgents and the uncertainty on the ground, he said:

> Freedom's untidy.

In fact, the looting was the start of the postinvasion violence that has claimed 94 percent of the American lives lost in Iraq.

Secretary Rumsfeld also signed off on another critical strategic misjudgment. The decision after the invasion to immediately disband the Iraqi Army made it easier for the insurgency.

We remember what happened when the Secretary went to Iraq in a surprise visit. Soldiers greeted him. He took questions. The Tennessee guardsman asked: Mr. Secretary, why do I have to dig through the dump to find pieces of metal to put in my humvee to protect me and my fellow soldiers? Why don't we have modern equipment to protect us on the ground? The Secretary was at a loss for words. He was embarrassed. America should have been embarrassed to send our soldiers into battle without the equipment they needed.

Since the beginning of the war, a troubling pattern has emerged. Under Mr. Rumsfeld's leadership, the Pentagon has been very slow to respond to the needs of our troops in the field.

In December 2003, LTG Ricardo Sanchez identified critical shortages and protective equipment for our troops and lack of spare parts for combat equipment, providing proof our soldiers were not adequately supplied.

By mid-2004, a furor broke out when reports reached Washington, DC. that many humvee vehicles in Iraq did not have armor, and American soldiers and marines using them were being maimed and killed by IEDs as a result.

Congress flooded Defense budgets with funding for vehicle armor to replace or improve inadequately protected vehicles. Even after news coverage of this lack of planning forced Secretary Rumsfeld to accelerate production of the armor, the Pentagon missed at least three self-imposed deadlines to fully field armor all of our troops—this after the President told us our mission had been accomplished.

A defining moment for Secretary Rumsfeld was when that Tennessee guardsman challenged him. Here is what the guardsman asked:

> Why do we soldiers have to dig through local landfills for pieces of scrap metal and compromised ballistic glass to uparmor our vehicles?

Secretary Rumsfeld replied, in part:

> You have to go to war with the Army you have, not the Army you want.

That is our Secretary of Defense, speaking of the Army he had, not the Army he wanted.

Let me remind everyone the decision to invade was the decision of the United States of America. We picked the date. We picked the time. We established when readiness would be adequate. And sadly, it was not.

That conversation with the guardsman from Tennessee revealed another destructive tendency. Secretary Rumsfeld has seemingly forgotten about the tremendous role our Guard and Reserve have played in this war and must be prepared to play at home. The condition of the gear and equipment from our Guard and Reserve continues to rapidly deteriorate.

Last week, I went to the Illinois National Guard Camp Lincoln in Springfield, meeting with the officers and asking them about equipment. Eighty percent of their men and women and units have been activated in Iraq. They have left behind wornout, damaged, and destroyed equipment, obviously, came back empty-handed, and now do not have the fundamental equipment they need to train the guardsman to be able to respond to domestic emergencies in my home State of Illinois. Our situation is not unique. Across the United States, Guard and Reserve have only 34 percent of the equipment they need in the United States.

The true cost of this war is not just in the lives and the injuries and the budgets but the fact that we have left our military, our Guard and Reserve, ill equipped, unprepared, for the next challenge. That is a sad condemnation of an administration that did not think through this commitment, that did not understand that mission would not truly be accomplished for years and years after the President made that claim.

As a result of "going to war with the Army you have," and inadequate logistical plans, our Army and Marine units on the ground in Iraq are continuing to struggle with repairing, rebuilding, and replacing equipment used by up to 3 years of sustained effort.

In testimony before Congress last year, U.S. Army GEN Richard Cody, the vice chief of staff of the Army, stated:

> We are equip-stretched, let there no doubt about it . . . this Army started this war not fully equipped.

What excuse is there for that, that we sent our Army, our Marines, all of the men and women in uniform, over to this war without the proper equipment?

The failures on the part of the Secretary of Defense to bring a large enough occupation force to ensure the force was properly equipped or to plan for the emergency of full-scale insurgency against United States represents strategic errors of great significance. The strategic blindness continues today.

As I said, at least Secretary Rice acknowledges errors were made. When asked about her statement, Secretary Rumsfeld said:

> I don't know what she was talking about, to be perfectly honest.

After 3 years of war, Secretary Rumsfeld does not know what the Secretary of State is talking about when she says that thousands of mistakes were made.

We need someone who can recognize the reality before him and acknowledge that we need to change course in Iraq.

Last fall, the Senate, by a vote of 79 to 19, declared calendar year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of U.S. forces.

What does that mean? It is time for the Iraqis to stand and govern their own nation. It is time for the Iraqi people to stand and defend their own nation. How many years have we been promised that Iraqi soldiers and police were this close to replacing American soldiers? You have a right to be skeptical because we have yet to see the first American soldier replaced by an Iraqi soldier taking their place, standing guard for their own country.

Secretary Rumsfeld has not been able to create the conditions that will allow for the withdrawal of troops from Iraq. We are a long way from accomplishing our mission.

Early this month, Congress received the first report from the Bush administration required by the year of transition amendment. The administration report offers the same ideological blind spots that led to the "mission accomplished" claim in 2003. It shows the same lack of vision that failed to predict insurgency. There are no mentions of militia. There is no analysis of the dangers of civil war. They still see only what they want to see.

I believe Secretary Rumsfeld should resign. But I in no way hold him solely responsible for the decisions on Iraq. After all, he works for the Commander in Chief, the President of the United States.

In order to find our way out of this disastrous mess this administration has made in Iraq, the President clearly needs new leadership in Defense. And that is not just my opinion. It is the opinion of these retired generals—men who have given their lives to this country, men whose hearts were broken as they watched their soldiers and marines killed in battle, men who visited these veterans in the hospitals, men who reflected on where we are today and how we reached it and came to the same conclusion.

We need a new direction. We need new leadership. We need to have someone in the Department of Defense and a strategy that will lead to our troops coming home, the sooner the better.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. FRIST. Mr. President, we will be closing in a few moments. But before doing that, I want to comment on events carried out in Washington yesterday, indeed around the country yesterday, in response to a crisis that is going on, a crisis that is more than a crisis. It is genocide going on in the Darfur region. It is the western region of the Sudan.

Yesterday, roughly 10,000 people gathered in front of the Capitol, on the Mall, to bring attention to what is happening: that crisis, that genocidal campaign that is underway and being perpetrated against the people of Darfur.

I applaud all of the participants' compassion and commitment to the cause which has been discussed again and again on the floor of the Senate but, indeed, is a devastating crisis that is destroying a population and, indeed, is genocide.

This is an issue that is very close to my own heart, in part because I travel just about every year to do medical mission work in that part of the world, in the Sudan. Indeed, I was in the Darfur area and in Chad a little over a year ago on the ground.

I mention it because this afternoon, several hours ago, I had the wonderful opportunity of meeting with a small group of refugees from the Darfur region. The meeting was organized by SaveDarfur.org. It gave me the opportunity to visit firsthand with individuals from several of the tribes that occupy the Darfur region.

It is interesting, there are 10, 11, 12 tribes throughout Sudan. In the south, two or three tribes dominate. In different parts of the Sudan, tribes dominate. But it is interesting, over in the Darfur region, the number of tribes that intersect together. It is sort of midway—north-south—in Sudan, so you have a lot of the tribes that are more endemic to the northern part of Sudan, as well as the southern and eastern part of Sudan. All of them commingle in that region.

We met, oh, about 50 yards from here on a balcony overlooking the Mall. And as you stood on the balcony there, on a beautiful day in Washington, looking out, you could not help but think of the contrast between what is going on in the homeland of those refugees to the United States from Darfur and that beautiful day looking out upon our monuments and the freedom and liberty for which they stand. That contrast between the turmoil that is going on, as we speak, in Sudan and America's homeland peace and prosperity were really felt.

I have had the opportunity to go to Sudan a number of times. I have talked to the refugees in the border camps. They are along the western border of Sudan and in the country of Chad, which is to the west of the Sudan. There are 12 refugee camps. The refugee camps have anywhere from 8,000 to 20,000 people who are living on a sustenance level, with the aid of NGOs and peoples around the world, in little tents, makeshift tents, but living there, in essence, permanently.

There are about 2 million people who have been displaced in the Darfur region and about 200,000 people who have died as a result of brutality which leads back to government sponsorship.

We have heard again and again the stories and seen pictures of the villages that are set afire, of the women who are raped, the children who are abducted, recruited to armies, and even many executed.

The Government of Sudan has failed to take credible steps to date, and we need to use everything within our power and our standing in the international community to convince other people to act and to act now. We cannot—cannot—tolerate this genocide.

On this floor we have called it for what it is: genocide. President Bush has called it genocide. Former Secretary of State Colin Powell has called it genocide.

Last month, before we left for the Easter/Passover recess, I met with a number of friends from Sudan, many of whom I had gotten to know when I was last in Sudan, in the southern part of the Sudan. They had been sponsored by a charity out of Knoxville, TN.

We talked about the clinics and the hospitals in southern Sudan. And we discussed the pressure the American Government has been able to bring to date on behalf of the Darfur people. But there is a lot more we can do. And there is a lot more we should do.

Because these individuals were from the southern part of Sudan—that is a thousand miles away, a long way away from the Darfur region—they reflected how our Government getting involved in the southern part of Sudan had brought more peace, and it stopped the civil war that had gone on there for the last 20 years.

One of those visitors, Reverend Kayanga, is a friend, actually, somebody whom I have gotten to know. He said it best when he said, "The only people that visited us were your people." He was saying that to me, again, reaching out: Thank you for the past. But you need to get even more involved as we address this devastating crisis in the Darfur part of Sudan.

The conflict in the region is huge. First of all, Sudan itself, the country, is about a third of the size of the continental United States. The Darfur region is vast. The area of conflict is probably a third bigger than all of Iraq. So it is a huge area, which is one of the challenges. Things are getting worse, not better, which is the message they were giving me. Indeed, as I talked to people on the ground, in terms of NGOs, the NGOs are having a harder time. The rainy season comes in 4 weeks. Once that comes in, there is no way to get aid and have it distributed throughout the Darfur region.

As yesterday's rally demonstrated, the American people have vast stores of compassion and caring for these people and for the suffering of others. We have a passionate commitment to human rights. Now is the time for us to reflect it. At our Government's request, the African Union has agreed to extend the ongoing peace talks until midnight on Tuesday. Indeed, Deputy Secretary of State Robert Zoellick will leave today for Abuja, Nigeria, to help both parties resolve the crisis. Negotiations have gone on for 2 years, and a settlement is long past due. Those who are responsible for this genocide, for the war crimes against humanity and criminal acts, need to be brought to justice. No longer can we wait this tragedy out. We must act, and the international community must be encouraged to step up as well. Hundreds of thousands of lives are at stake.

Mr. REID. Will the Senator yield for a question?

Mr. FRIST. I am happy to.

Mr. REID. Just out of curiosity, I know on some of your trips you have taken to care for the poor in these countries, you have done a lot of surgery and other things. Have you done any in this area?

Mr. FRIST. In the Darfur region I have not. But it is very similar to southern Sudan. It is fascinating, southern Sudan, where 2 million people have been displaced, and 5 million people have been killed in a civil war there, and it started there. That is why I have great hope. A lot of people just give up on these regions, because when we went there initially, it was almost exactly the same. There was a lot of fighting within 10 or 15 kilometers.

I started operating in a little schoolhouse that had been diverted for about 8 years. That was 1997–1998. Now in 2006, there is a village there and commerce and a hospital, no fighting; 50,000 people go through what was a schoolhouse and is now a big hospital.

When people give up in Africa or say we have been through this before and talk about corruption in government, we can't give up. We should not give up.

I very much appreciate my distinguished colleague asking because there is a lot we can do. And it starts with the compassion and caring that the American people exemplify. Now is the time for us to act.

HONORING OUR ARMED FORCES

SERGEANT DANIEL L. SESKER

Mr. GRASSLEY. Mr. President, I am here today to speak about a brave and heroic American who gave the ultimate sacrifice in the name of freedom. SGT Daniel L. Sesker died on April 6, 2006 near Bayji, Iraq in support of Operation Iraqi Freedom. Sergeant Sesker was assigned to C Troop, 1st Squadron, 113th Calvary Regiment, 34th Infantry Division, Army National Guard based out of Le Mars, IA. I extend my deepest sympathies to his mother and stepfather, Mysty and Marvin Stumbo, his father, Dennis Sesker, his brother and sister, and his fiancee Angie.

Daniel Sesker was born in Boone, IA, and graduated from Ogden High School in 2001, where he participated in wrestling. He studied criminal law at Iowa Central Community College before enlisting in the Army National Guard. He served as part of Kosovo Force in Operation Joint Garden and had served a previous tour in Iraq. Between his two tours, Daniel worked as a counselor at the Woodward Academy and as a part-time police officer in Gowrie, IA. Sergeant Sesker received several decorations for his exemplary service, including the Bronze Star, Purple Heart, Army Commendation Medal, National Defense Medal, Iraq Campaign Medal, and Combat Action Badge.

Sergeant Sesker is remembered as having a great sense of humor. His love for his family and friends as well as his love for life will be missed by all who knew him. He was the kind of person who could light up a room with his personality and positive attitude. My thoughts and prayers are with his family and friends. We all owe Sergeant Sesker our eternal gratitude for his service and sacrifice.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Ms. CANTWELL. Mr. President, in May, we commemorate Asian Pacific American Heritage Month, honoring the history, culture and traditions of Asians and Pacific Americans and recognizing their unique contributions to the United States.

First proposed as a 1-week event in 1977, the celebration was expanded to a full month in 1990. May was chosen because of its unique significance in the history of Asian Americans. May 7, 1843, marked the first recorded immigration of Japanese to the United States. May 10, 1869, marked the completion of the transcontinental railroad—a feat that would not have happened when it did without the labor of Chinese immigrants.

The Asian and Pacific American population has a rich history in this country, especially in the Pacific Northwest. In my State, records show the arrival of Asian immigrants as early as the 1860s, while some scholars even speculate that centuries before, Chinese explorers sailed down the Alaskan coast to what is now Washington State. Today, there are over 14 million Asians and Pacific Americans living in the United States, representing 5 percent of the population. In Washington, they make up 7 percent of the citizenry.

Over the past century and a half, Asian and Pacific American communities have contributed significantly to the cultural vibrancy of Washington State. Individuals within Washington's Asian and Pacific American communities have also worked to stand up for justice and make our country a better place. In 1944, Gordon Hirabayashi, a Japanese American student at the University of Washington in Seattle, took a stand against the unfair treatment of Japanese Americans during World War II when he refused to obey discriminatory curfew orders. In taking his case to the U.S. Supreme Court, he left a lasting reminder of the importance of standing up for civil rights.

Last month, Washington State celebrated the retirement of one of its most influential Asian American leaders. Bob Santos, affectionately known to many as "Uncle Bob," has for many years, tirelessly dedicated himself to social justice for all. As a founder and executive director of Inter*Im Community Development Association, Bob helped revitalize the International District of Seattle, build the local economy, and secure affordable housing for many of our most vulnerable residents. Under President Clinton, Uncle Bob served nobly and boldly as the Regional Director for the U.S. Department of Housing and Urban Development. His selflessness, passion and dedication embody the giving spirit that makes our Asian Pacific American community so strong.

America is a land of immigrants, and our history demonstrates that we are stronger because of our diversity. Over the past century and a half, Asian and Pacific American communities have contributed significantly to the cultural vibrancy of Washington State. However, we can only live up to the promise of our diversity if we recognize the mistakes of our past and give all groups a voice in public discourse. During World War II, 227 Japanese Americans from Bainbridge Island became the first of more than 120,000 people to be placed in internment camps. They departed from Bainbridge Island's Eagledale Ferry Dock which, just last month, became the site of a moving tribute to all affected by this dark period. The name of this memorial is Nidoto Nai Yoni, meaning "let it not happen again."

During this year's Asian Pacific American Heritage month, we celebrate a history rich with culture and tradition. In our Asian and Pacific American communities, we must preserve the lessons of the past and recognize the great promise of the future.

HURRICANE RITA

Mr. CORNYN. Mr. President, on April 27, 2006, I spoke on the Senate floor regarding the needs of Texans and evacuees living in Texas following Hurricanes Katrina and Rita. I used a number of visual aids to show the impact of these storms on the State of Texas. I would like to note in the RECORD that The Beaumont Enterprise and Harris County Judge Robert Eckels provided these images to illustrate the current state of Texas.

CELEBRATING THE 25TH ANNIVERSARY OF THE CAPITOL CHALLENGE

Mr. LUGAR. Mr. President, as we celebrate the 25th anniversary of the annual 3-mile Capitol Challenge race, we reflect upon the history of this event and how it has brought together members of the legislative, executive, and judicial branches of the Federal Government with members of the print and electronic media through exercise and fellowship.

Since the first race in 1981, which was held in East Potomac Park, annual proceeds and registration fees have benefited the Special Olympics.

During the ensuing years, the race has evolved to a new location and expanded to accommodate and increasing number of participants. In 2002, the race moved from the fall to the spring while also moving from East Potomac Park to Anacostia Park.

Current races bring out more than 650-700 participants each year, including 30-35 Members of Congress.

It has been estimated that, since the first race in 1981, over 15,000 runners have competed, and of those 15,000 runners, nearly 800 Members of Congress have participated.

Furthermore, each year a celebrity runner has joined the race which brings enthusiasm to the morning's event while running and helping to present the following awards.

1st Place Overall
1st Senator
1st Representative
1st Cabinet Department or Independent Agency Head
1st Sub-Cabinet
1st Judge
1st Print Journalist
1st Electronic Journalist
Top Three Captains (or equivalent) *Age 60-69
Top Three Captains (or equivalent) *Age 70 and over
Male and Female Divisions for Above Awards
Top Two Senate Teams
Top Two House Teams
Top Two Judicial Teams
Top Two Executive Teams
Top Two Print Teams
Top Two Print Media Teams
Top Two Electronic Media Teams

To commemorate the 25th running of the Capitol Challenge race I am including for the RECORD the dates of each of the previous races.

Nike Capital Challenge—September 10, 1981
Nike Capital Challenge—September 9, 1982
Nike Capital Challenge—September 15, 1983
Nike Capital Challenge—September 13, 1984
Nike Capital Challenge—September 12, 1985
Nike Capital Challenge—September 11, 1986
Nike Capital Challenge—September 15, 1987
Nike Capital Challenge—September 15, 1988
Nike Capital Challenge—September 14, 1989
Nike Capital Challenge—September 13, 1990
Nike Capital Challenge—September 12, 1991
Nike Capital Challenge—September 17, 1992
Nike Capital Challenge—September 15, 1993
Nike Capital Challenge—September 21, 1994
Nike Capital Challenge—September 20, 1995

Nike Capital Challenge—September 18, 1996
SGMA Capital Challenge—September 17, 1997
SGMA Capital Challenge—September 16, 1998
SGMA Capital Challenge—September 15, 1999
SGMA Capital Challenge—September 13, 2000
SGMA Capital Challenge—May 1, 2002
SGMA Capital Challenge—May 7, 2003
ACLI Capital Challenge—May 5, 2004
ACLI Capital Challenge—May 11, 2005
ACLI Capital Challenge—May 3, 2006

Additionally, I would like to give special thanks to Mr. Jeff Darman for his important public service as race director of the Capital Challenge and for his vision in founding the race. Jeff has served as the race director for every race and he provides tireless leadership in its organization by obtaining needed permits and resources for its resounding success.

I hope that you will join me in wishing competitors safety and success as they compete this year and for the continuing success for many years to come.

ADDITIONAL STATEMENT

TRIBUTE TO BERRIEN COUNTY, GA

• Mr. ISAKSON. Mr. President, I rise today to honor in the RECORD the 150th Anniversary of Berrien County, GA.

Berrien County was created in 1856 from Coffee, Irwin and Lowndes counties. It was named for a great Georgian, John McPherson Berrien, a U.S. Senator who also served as President Andrew Jackson's Attorney General. From the area labeled on early Georgia maps simply as "Pine Barrens," because of its vast acreage of pine trees, Berrien County has become one of the top agriculture-producing counties in Georgia and the Southeast. Known as the "Bell Pepper Capital of the World," Berrien County farmers also have made significant contributions in the production of cotton, corn, peanuts, livestock, and especially tobacco.

During the summer when the tobacco markets opened, hundreds of families would come to the county seat of Nashville to market their crop and, in turn, purchase much needed items from area businesses with the money earned from that year's crop. Nashville has two historic buildings on the National Register of Historic Places—the old jail and the Berrien County Courthouse.

In addition to Nashville, Berrien County includes the great towns of Alapaha, Ray City, and Enigma.

It gives me a great deal of pleasure, and it is a privilege to recognize on the floor of the U.S. Senate, the contributions of Berrien County to the State of Georgia. I congratulate this great county on its 150th anniversary.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 349. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 357. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 357. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 383. Concurrent resolution supporting the goals and ideals of the National Arbor Day Foundation and National Arbor Day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5020. An act to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6522. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook 2006"; to the Committee on Energy and Natural Resources.

EC–6523. A communication from the Inspector General, Department of Interior, transmitting, pursuant to law, the Department's Office of Inspector General Fiscal Year 2005 FAIR Act Inventory; to the Committee on Energy and Natural Resources.

EC–6524. A communication from the Director, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report relative to the Navajo Electrification Demonstration Program; to the Committee on Energy and Natural Resources.

EC–6525. A communication from the Acting Director, Security, Safety, and Law Enforcement, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Public Conduct on Bureau of Reclamation Facilities, Lands, and Waterbodies" (RIN1006–AA45) received on April 25, 2006; to the Committee on Energy and Natural Resources.

EC–6526. A communication from the Director, Contracts and Acquisitions Management, Department of Education, transmitting, pursuant to law, the Department's 2005 Commercial and Inherently Governmental Activities Inventory; to the Committee on Health, Education, Labor, and Pensions.

EC–6527. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling; Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries" (Docket No. 2004P–0294) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6528. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Class Exemption for Services Provided in Connection with the Termination of Abandoned Individual Account Plans" (RIN1210–ZA05) received on April 25, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6529. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Termination of Abandoned Individual Account Plans" (RIN1210–AA97) received on April 25, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6530. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on April 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6531. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, the Department of Defense Office of Inspector General inventory of commercial and inherently government activities for fiscal year 2005; to the Committee on Armed Services.

EC–6532. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to amounts of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center (FFRDC) during Fiscal Year 2007; to the Committee on Armed Services.

EC–6533. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), Department of Defense, transmitting, pursuant to law, the report of the Department's purchases from foreign entities in Fiscal Year 2005; to the Committee on Armed Services.

EC–6534. A communication from the Chief, U.S. Army Freedom of Information Act and Privacy Office, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "The Freedom of Information Act Program" (RIN0702–AA45) received on April 25, 2006; to the Committee on Armed Services.

EC–6535. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05–06; to the Committee on Appropriations.

EC–6536. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the report of a violation of the Antidiciency Act; to the Committee on Appropriations.

EC–6537. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 0676–0684); to the Committee on Foreign Relations.

EC–6538. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the "Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua" and the "Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy"; to the Committee on Foreign Relations.

EC–6539. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of proposed legislation entitled "The Antigua Convention Implementing Act of 2006"; to the Committee on Commerce, Science, and Transportation.

EC–6540. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6541. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6542. A communication from the Director, Office of Thrift Supervision, transmitting, pursuant to law, a report relative to the Office of Thrift Supervision's 2006 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–6543. A communication from the Director, Office of Management, Federal Housing Finance Board, transmitting, pursuant to law, the Board's 2005 Annual Report on the Use of Category Ratings to fill positions; to the Committee on Banking, Housing, and Urban Affairs.

EC–6544. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of one Boeing 737–200ER aircraft with installed GE90 engines to Austrian Airlines Lease and Finance Company Ltd.; to the Committee on Banking, Housing, and Urban Affairs.

EC–6545. A communication from the Senior Vice President and Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6546. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the Department's report on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–6547. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of draft legislation entitled "Lewis and Clark Expedition Bicentennial Commemorative Coin Correction Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–6548. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 8471)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6549. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 7693)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6550. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 9975)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6551. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 9963)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6552. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 9964)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6553. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 9972)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6554. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 12289)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6555. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 12297)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6556. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (71 FR 12298)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6557. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (71 FR 9947)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6558. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (71 FR 7692)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6559. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (71 FR 9948)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6560. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (71 FR 7688)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6561. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (71 FR 9950)" received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6562. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (71 FR 4829)" (Doc. No. FEMA–7909) received on April 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6563. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6564. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Personnel Management's 2005 Federal Activities

Inventory Reform (FAIR) Act Inventory and Inventory Summary; to the Committee on Homeland Security and Governmental Affairs.

EC–6565. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Fiscal Year 2005 Performance Highlights Report; to the Committee on Homeland Security and Governmental Affairs.

EC–6566. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Administration's competitive sourcing initiative report for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6567. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Performance Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6568. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (the No Fear Act); to the Committee on Homeland Security and Governmental Affairs.

EC–6569. A communication from the Under Secretary for Management, Department of Homeland Security, transmitting, pursuant to law, the Department's Competitive Sourcing Efforts Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6570. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a change in previously submitted reported information, the designation of an acting officer, and a nomination for the position of Chief Financial Officer, received on April 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6571. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: District of Columbia Auditor's Concerns Regarding the Chief Financial Officer (CFO) of the District of Columbia's Nondisclosure of Pertinent Information Regarding the Fiscal Year (FY) 2006 General Purpose General Fund Revenue Estimate"; to the Committee on Homeland Security and Governmental Affairs.

EC–6572. A communication from Director, Office of Personnel Management, transmitting, pursuant to law, the Chief Human Capital Officers Counsel's Annual Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6573. A communication from the General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "AmeriCorps Grant Applications from Professional Corps" (RIN3045–AA46) received on April 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6574. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, the Department's Fiscal Year 2005 inventory of inherently governmental and commercial activities; to the Committee on the Judiciary.

EC–6575. A communication from Chief Executive Officer, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the Federal Prison Industries, Inc. Fiscal Year 2005 Annual Report; to the Committee on the Judiciary.

EC–6576. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Administrative Changes to Alcohol, Tobacco and Firearms Regulations Due to the Homeland Security Act of 2002" ((RIN1513–AA80)(T.D. TTB—44)) received on April 25, 2006; to the Committee on the Judiciary.

EC–6577. A communication from the Deputy Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters" (RIN1615–AA47) received on April 25, 2006; to the Committee on the Judiciary.

EC–6578. A communication from the Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Filing of Applications and Requirements for Widow's and Widower's Benefits" (RIN0960–AG32) received on April 25, 2006; to the Committee on Finance.

EC–6579. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Administrative Review Process for Adjudicating Initial Disability Claims" (RIN0960–AG31) received on April 27, 2006; to the Committee on Finance.

EC–6580. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Statutory Mergers and Consolidations" ((RIN1545–BF36)(TD 9259)) received on April 25, 2006; to the Committee on Finance.

EC–6581. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Separate Limitations to Dividends from Noncontrolled Section 902 Corporations" ((RIN1545–BF46)(TD 9260)) received on April 25, 2006; to the Committee on Finance.

EC–6582. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Eligibility Requirements for USDA Graded Shell Eggs" ((RIN0581–AC50)(PY–98–006)) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6583. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (FV06–916/917–1 IFR) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6584. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Removal of Container Regulations" (FV06–923–1 IFR) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6585. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority" (RIN0596–AC09) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6586. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance with Special Use Authorizations" (RIN0596–AB36) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6587. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses" (RIN0596–AC42) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6588. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions" (RIN0596–AC29) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6589. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Recreation Fees" (RIN0596–AC35) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6590. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Forest System Land Management Planning" (RIN0596–AC43) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6591. A communication from the Chairman, Inland Waterways Users Board, transmitting, pursuant to law, the Board's 2006 annual report relative to the investment strategy for the preservation, protection, and enhancement of the Nation's inland navigation system; to the Committee on Environment and Public Works.

EC–6592. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report on the Fiscal Year 2004 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act; to the Committee on Environment and Public Works.

EC–6593. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Dry Cleaner Regulation Maine Department of Environmental Protection" (FRL No. 8049–9) received on April 25, 2006; to the Committee on Environment and Public Works.

EC-6594. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis VIP3A Insect Control Protein and the Genetic Material Necessary for its Production in Cotton; Extension of a Temporary Exemption from the Requirement of a Tolerance" (FRL No. 7772-7) received on April 25, 2006; to the Committee on Environment and Public Works.

EC-6595. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Georgia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8161-2) received on April 25, 2006; to the Committee on Environment and Public Works.

EC-6596. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL No. 8161-7) received on April 25, 2006; to the Committee on Environment and Public Works.

EC-6597. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to the Highway and Nonroad Diesel Regulations" (FRL No. 8161-9) received on April 25, 2006; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 2683. A bill to suspend temporarily the duty on 2-cyanopyridine; to the Committee on Finance.

By Mr. SANTORUM:

S. 2684. A bill to suspend temporarily the duty on Mixed Xylidines; to the Committee on Finance.

By Mr. LUGAR:

S. 2685. A bill to suspend temporarily the duty on certain textured rolled glass sheets; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2686. A bill to amend the Communications Act of 1934 and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. KENNEDY):

S. 2687. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the Medicare part B premium; to the Committee on Finance.

By Mr. ISAKSON:

S. 2688. A bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy; to the Committee on Finance.

By Ms. COLLINS:

S. 2689. A bill to amend the Internal Revenue Code of 1986 to increase certain alternative fuel and vehicle tax incentives and to eliminate certain tax incentives for major integrated oil companies, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 456. A resolution expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Ms. MIKULSKI, Mr. DEMINT, Mr. CRAIG, and Mr. ISAKSON):

S. Res. 457. A resolution expressing the sense of the Senate that the citizens of the United States and the United States Government have serious concerns regarding the release of convicted terrorist and murderer Mohammad Ali Hammadi by the Government of Germany; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. FRIST, Mr. MCCONNELL, Mr. STEVENS, Mr. ISAKSON, Mr. ROBERTS, Mr. SHELBY, Mr. BUNNING, Mr. SANTORUM, and Mr. TALENT):

S. Res. 458. A resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English; to the Committee on the Judiciary.

By Mr. DODD:

S. Con. Res. 90. A concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. DEWINE, and Mr. SESSIONS):

S. Con. Res. 91. A concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 283

At the request of Mrs. DOLE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 283, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Hawaii (Mr. AKAKA) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2025

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2025, supra.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2392

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2392, a bill to promote the empowerment of women in Afghanistan.

S. 2416

At the request of Mr. BURNS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2453

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2453, a bill to establish procedures for the review of electronic surveillance programs.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2636

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2636, a bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2661

At the request of Mr. MARTINEZ, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2661, a bill to provide for a plebiscite in Puerto Rico on the status of the territory.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 436

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 436, a resolution urging the Federation Internationale de Football Association to prevent persons or groups representing the Islamic Republic of Iran from participating in sanctioned soccer matches.

S. RES. 442

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 442, a resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made.

At the request of Mr. COLEMAN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 442, supra.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3642

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of amendment No. 3642 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3650

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3650 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3656

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3656 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3664

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3664 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3666

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 3666 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3679

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 3679 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3693

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3693 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3694

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3694 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3695

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3695 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3697

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3715

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 3715 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2686. A bill to amend the Communications Act of 1934 and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Madam President, today Senator INOUYE and I introduce the Communications Act of 2006. Just over a month ago, the Senate Commerce Committee concluded a series of 15 hearings on the state of our Nation's communications laws. We looked at what changes in the law would be required to spur innovation, encourage competition, and provide better service at a lower price for consumers. Senator INOUYE and I, and the members of our committee heard from dozens of witnesses and still more who have offered comments and suggested language. Our staffs met with literally hundreds of people representing every point of view.

The measure we introduce today is a working draft intended to stimulate discussion and is open for comments and suggestions for change. It attempts to strike a balance between competing industries, consumer groups and local government. Both Senator INOUYE and I may propose additional changes based on comments offered by our members or interested parties. We will hold two hearings to take testimony on the draft bill and will listen to proposed changes. It is our hope that through a process of collaboration, we can draft a bill that represents a bipartisan consensus.

The bill includes elements from a number of bills introduced by members of our committee from both sides of the aisle. The Call Home Act that Senator INOUYE and I introduced last week would allow the FCC to take any action short of price regulation to reduce rates for members of our Armed Forces who call home. The measure includes thirteen cosponsors from our committee and another twenty-five cosponsors from the Senate at large. The Call Home Act has been endorsed by twenty-five military and veterans organizations.

The overarching theme of the bill we introduce today is deployment of broadband nationwide. Today the United States is less than 16th in adoption of broadband worldwide. We are not only behind most of the developed world, we even lag behind some of the less developed parts of the globe. To address this broadband gap, the bill we introduce today will allow local governments to offer their own broadband service, so long as they do not compete unfairly with the private sector. The provision is based largely on Senator MCCAIN's and LAUTENBERG's bill, S. 1294, cosponsored by Senator KERRY, but includes elements to protect the private sector from unfair government competition from Senator ENSIGN's bill, S. 1504 cosponsored by MCCAIN, LOTT, DEMINT, and VITTER.

Senator MCCAIN was also very helpful in crafting the interoperability section of the bill. After Hurricane Katrina and later Wilma and Rita, the committee held a series of hearings on problems communications companies had in restoring service and the difficulties first responders had in talking to one another even when service had been fully restored. During those difficult times, Senators LOTT and VITTER played an important role in highlighting the importance of interoperability in times of crisis. As part of the reconciliation bill adopted last December, this committee addressed the interoperability problem by dedicating $1 billion to interoperability programs. However, because of the Byrd rule, it was not possible to provide guidance on how the money should be spent. The interoperability bill we introduce today adopts many of the recommendations offered by a variety of groups from the 911 Commission to the recent White House report. It embraces key concepts such as Planning and interoperable equipment grants which have been discussed with the Department of Homeland Security and various public safety groups.

The bill will also crate prepositioned technology caches in every State in the Union with some redundant regional caches for national emergencies—an idea offered by Senator INOUYE and his staff. These caches will include equipment like satellite telephones that work even when towers and power lines have been destroyed.

Senator KERRY has also been in involved in the interoperability discussion, and I believe he will have suggestions as we move forward on how to build redundancy into our communications system.

One of the centerpieces of the legislation is video franchising reform. The bill is based largely on legislation introduced by Senator ENSIGN, S. 1504, cosponsored by Senators MCCAIN, LOTT, DEMINT, and VITTER. Senators SMITH and ROCKEFELLER introduced a similar measure. Consistent with the Inouye/Burns principles, the measure retains local franchise involvement, but is based off of the Alaska model which uses expedited procedures, consistent with the shot clock principles in the Inouye/Burns principles.

By using a standard application, but preserving the cities' right to manage their own rights of way and providing the revenues needed to operate their institutional networks as well as their PEG channels, the bill seeks to balance the needs of those who want to deploy broadband networks for video services and the desires of cities to continue the services they offer today. We also sought to address the needs of the existing cable companies by offering them the same terms as new entrants immediately upon approval of the competitor's franchise application. Additionally, a cable company can avail itself of the new streamlined rules after its current franchise agreement expires.

Another issue addressed in the draft bill is access to video content. While satellite companies are barred from hoarding exclusive sports programming, the so-called terrestrial loophole does not impose the same mandate on cable companies. As a result, through acquisition of regional sports networks by cable operators, competition with satellite providers is stymied. The Sports Freedom Act included in this bill is patterned after a provision in the Ensign bill cosponsored by MCCAIN, LOTT, DEMINT, and VITTER.

Also critical to providing compelling content is the broadcast flag. Broadcasters are reluctant to offer their best programming over the air for fear it could be stolen and distributed worldwide over the Internet with no regard to copyright protection. This has been a critical issue for Senator INOUYE on the video side and for Senator FRIST on the audio side. Senators SMITH and BOXER took on this issue and developed a draft bill which became the basis for the legislation we introduce today. It attempted to strike a balance between the needs of broadcasters and the desires of the consumer electronic industry not to have the Federal Government pick technology winners and losers. While interested parties may have suggestions for improving the bill, we believe it is a good first step in addressing their concerns. I commend Senators SMITH and BOXER for their hard work on this issue.

The measure includes a white space provision modeled after S. 2327, the

Allen-Kerry WIN Act supported by Senators SUNUNU, DORGAN, and BOXER. It adds some protections the broadcasters requested to prevent harmful interference by requiring any new device to be tested in an FCC certified lab before deployment. The concept of using vacant TV channels for broadband deployment through Wi-Fi, Wi-Max and other technologies is strongly endorsed by consumer groups and the technology community. Also, each can play an important role in bringing broadband to rural America.

The legislation includes guidance on the DTV transition that was not possible in the reconciliation bill because of the Byrd rule. Much of the language we included is based on a provision Senator INOUYE worked on to Address consumer education issues. It also includes an international coordination element requested by Senator HUTCHISON to address interference on the US-Mexico border that will also benefit other border states, such as Alaska, Washington, Montana, North Dakota, and Maine. In addition, we have included S. 900, Senator MCCAIN's Television Information Enhancement for the visually impaired act which Senator INOUYE and I cosponsored, along with Senator SMITH. That bill authorizes an existing FCC rule requiring TV stations to offer some video description of television shows so blind listeners will be able to follow the action. The existing rule was struck down by the courts on the grounds that the FCC lacked authority for such a rule. Today we provide them the authority they need. As the son of a father who was blind for a period of time, this is an issue of personal interest to me.

Last, but most important to me is universal service reform. Our measure is based on a series of bills. The contribution mechanism we adopted is based on S. 2256, the Burns USF bill and S. 1583, the Smith-Dorgan measure which was also cosponsored by Senator PRYOR. It allows the FCC to adopt a contribution mechanism based on revenues, numbers, or connections. Such a step is needed to stabilize this important program. it also includes Senator SMITH's concept of a separate broadband fund to address the needs of unserved areas.

We have included S. 241, the Snowe-Rockefeller ADA exemption after failing in our efforts to work out this issue with the Administration. While the Burns and Smith-Dorgan-Pryor bills were the basis for our USF title, we also used important concepts from H.R. 5072, the Terry-Boucher bill, and we applaud them for their leadership in the House and thank them for their contribution to this effort. Lastly, we have included S. 2378, the Inouye measure that will improve the e-rate program for Native Americans. Senators MCCAIN, DORGAN, and I joined in cosponsoring that bill.

This bill includes provisions throughout that will benefit consumers. It encourages competition and cost savings in the video market. It addresses some critical needs in rural America. And, it encourages deployment of broadband so that our Nation can remain competitive.

This is a comprehensive bill, as indicated by my comments, that we have researched. The bill is introduced by every Member of the Senate. We are attempting to collate them so we can have one communications act for this year. This will be the Communications Act of 2006.

I urge the Senate to review it. We look forward to having their comments.

Mr. INOUYE. Mr. President, today, I have agreed to cosponsor telecommunications legislation introduced by Senator STEVENS. I do so in a spirit of bipartisanship because I believe that bipartisanship will be required if we are to successfully update our Nation's communications laws. My cosponsorship, however, is not a demonstration of support for the bill itself.

This is the draft of the majority staff, and I have numerous, substantive objections to the bill in its current form. Given that my colleagues and I have not yet had an opportunity to weigh in on this critical legislation, I consider its introduction the very beginning of the legislative process.

Now that the majority staff's draft is no longer a secret, we can begin a full review of the bill and address the many issues important to me and my colleagues. At first glance, some provisions will need to be deleted or changed substantially and some issues still need to be addressed.

For example, we cannot ignore concerns about the potential for discrimination by network operators, but the draft appears to do just that by failing to create enforceable protections that will ensure network neutrality. Similarly, I believe that the provisions addressing video franchise reform must follow more closely the principles Senator BURNS and I offered earlier this year. At a time of increasing consolidation in the communications industry, it is essential that we guarantee rights of interconnection, promote competition, and restrain anticompetitive behavior, particularly in markets where the Bell Companies continue to have significant market power. The legislation must promote the availability of affordable, broadband services and extend consumer protections on a competitively neutral basis.

Again, I recognize and honor the chairman's prerogative to set this legislative process into motion. The chairman is aware of my many concerns and has assured me that this will be a bipartisan process, and the Democrats will be at the table. I look forward to our discussions, and I am hopeful that we can develop a final product that everyone on our committee can support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 456—EXPRESSING THE SENSE OF THE SENATE ON THE DISCUSSION BY THE NORTH ATLANTIC COUNCIL OF SECURE, SUSTAINABLE, AND RELIABLE SOURCES OF ENERGY

Mr. LUGAR submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 456

Resolved, That it is the sense of the Senate that—

(1) the President should place on the agenda for discussion at the North Atlantic Council, as soon as practicable, the merits of establishing a policy and strategy for the North Atlantic Treaty Organization to promote the security of members of the Organization through the development of secure, sustainable, and reliable sources of energy; and

(2) the President should submit to Congress a report that sets forth—

(A) the actions the United States has taken to place the matter referred to in paragraph (1) on the agenda for discussion at the North Atlantic Council;

(B) the position of the United States on the matter, as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(C) a summary of the debate on the matter at the North Atlantic Council, including any decision that has been reached with respect to the matter by the Council; and

(D) a strategy for the North Atlantic Treaty Organization to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk.

Mr. LUGAR. Mr. President, I rise today to submit a resolution that calls upon the United States to lead the discussion at NATO headquarters of the role the alliance could play in energy security. It further calls upon the President to submit to Congress a report that details "a strategy for NATO to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk."

NATO is now facing new challenges and new priorities. To be fully relevant to the security and well-being of the people of its member nations, NATO must think and act globally.

International developments are calling attention to the growing importance of energy security for NATO member countries and other nonmember partners. Dependence on imports of oil and natural gas from limited numbers of countries with state-controlled reserves makes NATO member countries vulnerable to political manipulation of supply. On a global scale, increased competition for finite supplies of oil and gas could lead to conflict that would directly involve NATO member states. This is why the resolution urges that the United States energy security message to NATO members include attention toward sustainable fuels and preparedness for supply disruption.

As the alliance focuses on a clearer definition of its purpose in the 21st century, I believe that it is important to show congressional support for NATO playing a role in energy security.

SENATE RESOLUTION 457—EXPRESSING THE SENSE OF THE SENATE THAT THE CITIZENS OF THE UNITED STATES AND THE UNITED STATES GOVERNMENT HAVE SERIOUS CONCERNS REGARDING THE RELEASE OF CONVICTED TERRORIST AND MURDERER MOHAMMAD ALI HAMMADI BY THE GOVERNMENT OF GERMANY

Mr. VITTER (for himself, Ms. MIKULSKI, Mr. DEMINT, Mr. CRAIG, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas, although the Government of Germany has been a significant partner in combating international terrorism, their release of Mohammad Ali Hammadi was a grave and unfortunate mistake;

Whereas, in 1985, Mr. Hammadi, along with Hasan Izz-Al-Din, Ali Atwa, and Imad Fayez Mugniyah, hijacked Trans World Airlines Flight 847, and subsequently escaped from the scene of the hijacking;

Whereas United States Navy Petty Officer Robert Dean Stethem was singled out during the hijacking of Trans World Airlines Flight 847 because he was a serviceman of the United States, savagely beaten before being executed, and dumped on the tarmac of Beirut International Airport;

Whereas Petty Officer Stethem was posthumously awarded the Bronze Star and Purple Heart and buried at Arlington National Cemetery;

Whereas, in 1987, Mr. Hammadi was arrested at Frankfurt Airport while carrying liquid explosives in his luggage;

Whereas, in 1989, Mr. Hammadi, a Shiite militant from Lebanon, was convicted in a court in Germany for the brutal killing of Petty Officer Stethem and was sentenced to life in prison in Germany;

Whereas, after less than 19 years behind bars Mr. Hammadi was released in December 2005 and flown to Lebanon by the Government of Germany even though the United States does not have an extradition treaty with the Government of Lebanon; and

Whereas the release of Mr. Hammadi came in the face of strong opposition from the United States Government, and Petty Officer Stethem's parents were not even informed in advance that the killer of their son was to be released; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unfortunate actions of the Government of Germany with respect to Mohammad Ali Hammadi have undermined the joint efforts by the United States Government and the Government of Germany to effectively combat international terrorism;

(2) the early release of Mr. Hammadi sends a signal of weakness to terrorist groups such as Hezbollah and could increase the likelihood of further terrorist attacks against the citizens of Europe and the rest of the world;

(3) the United States Government should continue to call on the Government of Lebanon to hand over Mr. Hammadi and other known terrorists so that they may face trial in the United States;

(4) the United States Government should take all appropriate steps to secure the arrest of Mr. Hammadi and his fellow hijackers and their transfer to the United States for trial; and

(5) the murderers of United States Navy Petty Officer Robert Dean Stethem must be brought to justice, and a clear message must be sent to the international community that the brutal murder of service members or civilians of the United States will neither be tolerated nor forgotten.

SENATE RESOLUTION 458—AFFIRMING THAT STATEMENTS OF NATIONAL UNITY, INCLUDING THE NATIONAL ANTHEM, SHOULD BE RECITED OR SUNG IN ENGLISH

Mr. ALEXANDER (for himself, Mr. FRIST, Mr. MCCONNELL, Mr. STEVENS, Mr. ISAKSON, Mr. ROBERTS, Mr. SHELBY, Mr. BUNNING, Mr. SANTORUM, and Mr. TALENT) submitted the following resolution; which was referred to the Committtee on the Judiciary:

S. RES. 458

Whereas Francis Scott Key wrote the words of the Star-Spangled Banner in English in 1814, inspired by the sight of the American flag still waving at Fort McHenry after 25 hours of continual bombardment by British forces;

Whereas Congress declared the Star-Spangled Banner the National Anthem of the United States in 1931 (section 301 of title 3, United States Code);

Whereas the Pledge of Allegiance to the Flag of the United States, written in English, was first specified in law by Congress in 1942 (section 4 of title 4, United States Code);

Whereas the Oath of Allegiance, to which lawful permanent residents swear upon becoming citizens of the United States (as required under section 337 of the Immigration and Naturalization Act (8 U.S.C. 1448)), is based, in part, on language originally written in English by General George Washington and sworn by him and his general officers at Valley Forge in 1778;

Whereas the vast majority of Americans are immigrants or the descendants of immigrants, proud of their ancestral country, but prouder still to be American;

Whereas millions of Americans speak or study additional languages, but English is their common language;

Whereas the original national motto of the United States, "E Pluribus Unum", meaning "from many, one", signifies the coming together of people from many foreign countries to form one Nation, was incorporated into the Great Seal of the United States in 1776, is printed on currency of the United States, and inscribed on the wall of the Senate chamber;

Whereas the people of the United States are united not by race, ancestry, or origin, but by a common language, English, and by common belief in the principles prescribed in the founding documents of the Nation, especially the Declaration of Independence and the Constitution; and

Whereas, to become citizens of the United States, under the sections 312 and 337 of the Immigration and Nationality Act (8 U.S.C. 1423 and 1448), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, renounce allegiance to the government of their country of origin, swear allegiance to the laws and Constitution of the United States, and demonstrate an understanding of the English language: Now, therefore, be it

Resolved, That the Senate affirms that statements or songs that symbolize the unity of the Nation, including the National Anthem, the Oath of Allegiance sworn by new United States citizens, and the Pledge of Allegiance to the Flag of the United States, should be recited or sung in English, the common language of the United States.

SENATE CONCURRENT RESOLUTION 90—ACKNOWLEDGING AFRICAN DESCENDANTS OF THE TRANSATLANTIC SLAVE TRADE IN ALL OF THE AMERICAS WITH AN EMPHASIS ON DESCENDANTS IN LATIN AMERICA AND THE CARIBBEAN, RECOGNIZING THE INJUSTICES SUFFERED BY THESE AFRICAN DESCENDANTS, AND RECOMMENDING THAT THE UNITED STATES AND THE INTERNATIONAL COMMUNITY WORK TO IMPROVE THE SITUATION OF AFRO-DESCENDANT COMMUNITIES IN LATIN AMERICA AND THE CARIBBEAN

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 90

Whereas we must remember that African-Americans are not the only survivors of the transatlantic slave trade;

Whereas like the United States, many European nations benefitted greatly from the colonization of Latin America and the Caribbean and their participation in the slave trade;

Whereas the story of African descendants in all of the Americas remains untold, leading them to be forgotten, made invisible, and allowed to suffer unjustly;

Whereas it is important to acknowledge that as a result of the slave trade and immigration, approximately 80,000,000 to 150,000,000 persons of African descent live in Latin America and the Caribbean, making them the largest population of persons of African descent outside of Africa;

Whereas Afro-descendants are present in most Latin American countries, including Argentina, Bolivia, Chile, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela;

Whereas the size of Afro-descendant populations varies in range from less than 1 percent in some countries to as much as 30 percent in Colombia and 46 percent in Brazil and make up the majority in some Spanish speaking Caribbean nations, such as Cuba and the Dominican Republic;

Whereas Afro-descendant populations have made significant economic, social, and cultural contributions to their countries and the Western Hemisphere from their unfortunate involvement in the transatlantic slave trade to their recent contributions to trade, tourism, and other industries;

Whereas although persons of African descent have made significant achievements in education, employment, economic, political, and social spheres in some countries, the vast majority are marginalized—living in impoverished communities where they are excluded from centers of education, government, and basic human rights based upon the color of their skin and ancestry;

Whereas Afro-descendants have shorter life expectancies, higher rates of infant mortality, higher incidences of HIV/AIDS, higher rates of illiteracy, and lower incomes than do other populations;

Whereas Afro-descendants encounter problems of access to healthcare, basic education, potable water, housing, land titles, credit, equal justice and representation under the law, political representation, and other economic, political, health, and basic human rights; and

Whereas skin color and ancestry have led African-Americans in the United States and African descendants in Latin America and the Caribbean to share similar injustices, leading to economic, social, health, and political inequalities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and honors African descendants in the Americas for their contributions to the economic, social, and cultural fabric of the countries in the Americas, particularly in Latin American and Caribbean societies;

(2) recognizes that as a result of their skin color and ancestry, African descendants in the Americas have wrongfully experienced economic, social, and political injustices;

(3) urges the President to take appropriate measures to encourage the celebration and remembrance of the achievements of African descendants in the Americas and to resolve injustices suffered by African descendants in the Americas;

(4) encourages the United States and the international community to work to ensure that extreme poverty is eradicated, universal education is achieved, quality healthcare is made available, sustainable environmental resources, including land where applicable, is provided, and equal access to justice and representation under the law is granted in Afro-descendant communities in Latin America and the Caribbean; and

(5) encourages the United States and the international community to achieve these goals in Latin America and the Caribbean by—

(A) promoting research that focuses on identifying and eradicating racial disparities in economic, political, and social spheres;

(B) promoting, funding, and creating development programs that focus on Afro-descendant communities;

(C) providing technical support and training to Afro-descendant advocacy groups that work to uphold basic human rights in the region;

(D) promoting the creation of an international working group that focuses on problems of communities of Afro-descendants in the Americas; and

(E) promoting trade and other bilateral and multilateral agreements that take into account the needs of Afro-descendant communities.

Mr. DODD. Mr. President, I rise today to submit a concurrent resolution acknowledging African descendants of the transatlantic slave trade throughout the Western Hemisphere, and in particular, Latin America and the Caribbean. This resolution would raise awareness about the continued injustices they face and urge the U.S. and the international community to work to improve the condition of Afro-descendent communities in these regions.

Slavery remains a dark stain on human history. Over the past century, this terrible evil has been virtually eliminated in many parts of the world, including in the Western Hemisphere.

Here in the United States, we most often speak of slavery as it existed within our borders. But we need to remember that the institution of slavery extended throughout the Americas.

Across the hemisphere, slaves were brought in bondage from Africa, enduring extraordinary hardships, brutal maltreatment, and the deprivation of a most fundamental human right—the right to liberty. Yet, despite this reality, Afro-descendent communities have contributed a great deal to the countries and communities in which they have lived. Unfortunately, though, even today, the many contributions of Afro-descendent communities throughout our hemisphere are underappreciated.

Currently, there are approximately 80 million to 150 million individuals of African descent living in Latin America and the Caribbean. In some countries, including the Dominican Republic and Cuba, Afro-descendants actually constitute the majority of the population. But all too often, they are left marginalized in these societies.

Indeed, individuals of African descent throughout Latin America and the Caribbean suffer disproportionately from a variety of social and economic ills.

On average, they have lower incomes and rates of literacy than do other populations in the same areas. And while Afro-descendants make up 30 percent of the population of Latin America, they comprise 60 percent of the region's poor.

These circumstances severely impact Afro-descended communities in the Americas. Their inhabitants have shorter life spans and higher rates of infant mortality. They suffer from higher rates of HIV/AIDS infection than their compatriots. And many live in deplorable conditions, without potable water, access to healthcare, or basic education.

The resolution I am submitting today is a companion to a measure introduced by Congressman CHARLES RANGEL in the House of Representatives. I believe it is an important resolution, which celebrates the contributions of Afro-descendants to the economic, social, and cultural fabric of our hemisphere, while drawing attention to the continued injustices they face.

This resolution is a message that more attention needs to be focused on the continuing plight of Afro-descendants in the hemisphere. Most importantly, it proposes positive initiatives that would enable us to take a step towards alleviating the suffering caused by extreme poverty and racial disparities in this hemisphere.

Among other things, it encourages the United States and the international community to invest in critical measures to combat racial disparities, including research into identifying and eradicating the causes of such iniquities; funding for development programs targeted at the needs of Afro-descendent communities; technical assistance for groups advocating for the rights of Afro-descendents; the creation of an international working-group focused on the problems facing these communities; and the promotion of trade agreements that take into account their needs.

Individuals of African descent have and will continue to play an essential role in the long-term development of our hemisphere. This resolution will help to shed some light on the historic injustices they have faced, and will raise awareness about the challenges continuing to face them in their daily lives throughout Latin America and the Caribbean. Doing so is an important step toward righting a historical wrong and paving the way for a more prosperous future. I ask my colleagues for their support in this effort.

SENATE CONCURRENT RESOLUTION 91—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO LEROY ROBERT "SATCHEL" PAIGE

Mr. NELSON of Florida (for himself, Mr. DEWINE, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas, due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

(1) the Chattanooga Black Lookouts;

(2) the Birmingham Black Barons;

(3) the Nashville Elite Giants;

(4) the Mobile Tigers;

(5) the Pittsburgh Crawfords; and

(6) the Kansas City Monarchs;

Whereas, while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas, after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas, in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

(1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and

(2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas, despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

(1) the security or national interests of the United States;

(2) world peace;

(3) the culture of the United States or the world; or

(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy "Satchel" Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

Mr. NELSON of Florida. Mr. President, I rise today on behalf of myself, and Senators DeWine and Sessions, to submit a resolution expressing the sense of Congress that the President posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige in recognition of his amazing talent and contributions to baseball, our national pastime.

Satchel Paige was born in Mobile, AL, on July 7, 1906, and has been described as one of the greatest baseball pitchers of all time. In 1933, for example, he pitched 62 consecutive scoreless innings. He won four consecutive Negro League pennants from 1939 to 1942, and a fifth pennant in 1946. Although Paige spent most of his career in the Negro Leagues due to racial segregation, his reputation as an amazing pitcher was known to both Black and White audiences.

In 1948, a year after Jackie Robinson integrated major league baseball, Paige was signed to play with the Cleveland Indians, becoming the oldest rookie at age 42 to play at the Major League level.

On August 20, 1948, as Paige pitched the Indians to a 1-0 victory over the White Sox, the night game's attendance, 78,382, set a record that still stands today. The Cleveland Indians went on to win the American League Championship and the World Series in 1948.

In his career, Paige threw an estimated 300 career shutouts. In 1971, he became the first Negro League player inducted into the Major League Baseball Hall of Fame. As one of the greatest players of the 20th century, he was nominated to the All Century Team by Major League Baseball, and was selected by the Postal Service as one of the 50 Legends of Baseball.

Satchel Paige passed away on June 8, 1982, but his talent and electric style of play are still remembered by baseball fans today.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3728. Mr. VITTER (for himself and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3729. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3730. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3731. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3732. Mr. GRASSLEY (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3733. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3734. Mr. BINGAMAN (for himself and Mr. Domenici) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3735. Mr. LAUTENBERG (for himself and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3736. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3737. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3738. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3739. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3740. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3741. Mr. LIEBERMAN (for himself and Mr. Brownback) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3742. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3743. Mr. LEVIN (for himself, Ms. Stabenow, Mr. Coleman, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3744. Mr. LEVIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3745. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3746. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3747. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3748. Mr. SALAZAR (for himself, Mr. Allard, Mr. McConnell, Mr. Wyden, and Mr. Bayh) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3749. Ms. CANTWELL (for herself, Mr. Biden, and Mr. Leahy) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3750. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3751. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3752. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3753 Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3754. Mr. DURBIN (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3755. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3756. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3757. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3758. Mr. SCHUMER (for himself and Mr. Reid) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3759. Mr. LEVIN (for himself, Ms. Stabenow, Mr. DeWine, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3760. Mr. BIDEN (for himself, Mr. Lugar, and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3761. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3762. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3763. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3764. Mr. KERRY (for himself and Mr. Biden) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3765. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3766. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3767. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3768. Mr. KENNEDY (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3769. Mr. DOMENICI (for himself and Mr. Reid) proposed an amendment to the bill H.R. 4939, supra.

SA 3770. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3771. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3772. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3773. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3774. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra.

SA 3775. Mr. HARKIN (for himself, Mr. Johnson, and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3776. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3777. Mr. MENENDEZ (for himself, Mr. Leahy, Mr. Durbin, Mr. Sarbanes, Mr. Lautenberg, Mr. Dodd, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3778. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3779. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3780. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3781. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3782. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3783. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3784. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3785. Mr. LEVIN (for himself, Mr. Dorgan, Ms. Stabenow, and Mr. Conrad) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3786. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3787. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3788. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3789. Mrs. HUTCHISON (for herself, Mr. Cornyn, and Ms. Landrieu) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3790. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3791. Mrs. HUTCHISON (for herself, Mr. Cornyn, and Ms. Landrieu) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra.

SA 3792. Mrs. HUTCHISON (for herself, Mr. Cornyn, and Ms. Landrieu) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3793. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3795. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3796. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3799. Mr. INOUYE (for himself, Mr. Stevens, Mr. Shelby, Mr. Sarbanes, and Mr. Rockefeller) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3800. Mr. INOUYE (for himself, Mr. Stevens, Mrs. Hutchison, Mr. Rockefeller, Mrs. Boxer, Mr. Lautenberg, Ms. Snowe, Ms. Cantwell, Mr. Kerry, Mr. Dorgan, Mr. Nelson, of Florida, and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3801. Mr. LEAHY (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3802. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3803. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3804. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3805. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3806. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3807. Mr. CHAMBLISS (for himself, Mr. Isakson, and Mr. Inouye) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3808. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3809. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3810. Mr. OBAMA (for himself, Mr. Coburn, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3811. Mr. OBAMA (for himself, Mr. Coburn, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3812. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3813. Mr. OBAMA (for himself, Mr. Bingaman, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3814. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3815. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3816. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3817. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3818. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3819. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3820. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3821. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3822. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. REED, Mrs. BOXER, Mrs. CLINTON, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3823. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3824. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H .R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3728. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike "$10,600,000,000" and insert "$10,400,000,000".

On page 168, between lines 8 and 9, insert the following:

FLOOD PROTECTION, LOUISIANA

SEC. 2054. (a) There shall be made available $200,000,000 for the Secretary of the Army (referred to in this section as the "Secretary") to provide, at full Federal expense—

(1) pumping capacity and other measures required to prevent flooding associated with modifications to outfall canals in Jefferson and Orleans Parishes, Louisiana;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish, and of Jefferson Parish in the vicinity of Jean Lafitte; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(b) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

(1) protecting populated areas;

(2) energy infrastructure;

(3) structural and nonstructural coastal barriers and protection;

(4) port facilities; and

(5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

(d) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(1) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(2) the portion of that depreciation that is attributable to the application of new storm datum that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(e) The amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3729. Mr. CHAFFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

SEC. 7_____. (a) In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c)(1) The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SA 3730. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

SEC. 30 . REPORT ON FIRE SEASON.

Not later than June 1, 2006, the Secretary of the Interior shall submit to Congress a report that—

(1) assesses the projected severity of the pending fire season;

(2) taking into consideration drought, hazardous fuel buildup, and insect infestation, identifies the areas in which the threat of the pending fire season is the most serious;

(3) describes any actions recommended by the Secretary of the Interior to mitigate the threat of the pending fire season; and

(4) specifies the amount of funds that would be necessary to carry out the actions recommended by the Secretary under paragraph (3).

SA 3731. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON IRAQ

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) No community in Iraq was spared from Saddam's campaign of repression and division.

(2) Liberation has brought its own challenges. Saddam's removal from power was the essential first step in restoring stability, freedom, and sovereignty for the Iraqi people.

(3) Iraq is a nation with many ethnic, religious, sectarian, regional, and tribal divisions, and before Saddam Hussein, Iraqis from three different backgrounds were able to live and work together.

(4) The terrorists and insurgents are unable to stop Iraq's march toward freedom, democracy, and economic security.

(5) The Iraqi Council of Representatives' approval on April 22, 2006, of the Presidency Council consisting of Jalal Talabani as President and two Deputy Presidents, and the election of a Speaker and two Deputy Speakers is a significant step forward, as is the decision by the Iraqi political leadership to select Jawad al-Maliki as the Prime Minister designate.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that Iraq has crossed another major milestone in its march toward freedom, democracy, and stability with the establishment of its first permanent democratically elected government that will chart the course for Iraq's future in a way denied to previous generations of Iraqis;

(2) to commend Iraq's new national leaders on their selection, and the Iraqi people, for another important milestone in their democratic evolution;

(3) to strongly encourage Iraq's leaders to seize this pivotal moment to—

(A) complete the formation of a government of national unity and expand support for the Iraq Constitution through amendments to the Iraq Constitution, implementing legislation that enjoys widespread support among all major parliamentary blocs, or both;

(B) pursue policies and actions that will defeat terrorists and insurgents, and promote stability;

(C) strengthen the economy, rebuild infrastructure, and provide jobs;

(D) select cabinet officials who reflect the diversity of the Iraqi people and who can deliver services to the Iraqi people and manage their ministries effectively and efficiently;

(E) form a national security council to improve government coordination on these and other difficult issues;

(F) ensure there is no place in a free and democratic Iraq for armed groups operating outside of the law;

(G) find and remove any local or national police leaders showing evidence of militia loyalties; and

(H) address critical issues such as the process known as de-Ba'athification, the operation of security ministries, and the distribution of oil revenues in a spirit of national unity;

(4) to acknowledge that progress is being made in Iraq and look to the Iraqi government to come to political solutions in a timely, evenhanded and inexorable manner;

(5) to recognize the magnificent performance of the United States Armed Forces and the coalition partners, and United States Government officials from many departments and agencies, as well as the sacrifices of their families at home; and

(6) to always honor the conduct and valor of those who have given life or limb in this noble mission and the families and loved ones who support them.

SA 3732. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, after line 22, add the following:

SEC. 2704. Of the funds made available under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" in chapter 5 of this title, $38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3733. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Before the period at the end of title VI (relating to pandemic flu), insert the following: ": *Provided further*, That $10,000,000 of such amount shall be for the development of a neuraminidase inhibitor as an antiviral therapy for seasonal and pandemic influenza, including all strains of avian influenza, that can be administered to patients parenterally: *Provided further*, That $10,000,000 of such amount shall be for the purchase of an automated high thoroughput molecular differential diagnosis system to assist in carrying out domestic and global disease surveillance".

SA 3734. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

BORDER SECURITY IN THE EL PASO SECTOR

SEC. ____. (a) ADDITIONAL AMOUNT FOR CONSTRUCTION.—The amount appropriated by this Act under the heading "Construction" under the heading "Customs and Border Protection" is increased by $20,000,000.

(b) AVAILABILITY.—Of the amount appropriated by this Act under the heading "Construction" under the heading "Customs and Border Protection", as increased by subsection (a), $20,000,000 to remain available until expended shall be available for the El Paso Sector to enhance tactical infrastructure.

(c) OFFSET.—Of the amount appropriated by title II of division D of the Consolidated Appropriations Act, 2005 (Public Law 108–447) under the heading "Economic Support Fund" for direct assistance for the West Bank and Gaza, $20,000,000, are rescinded.

SA 3735. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 12 and 13, insert the following:

RAMAPO RIVER AT OAKLAND FLOOD CONTROL PROJECT

For an additional amount for the Corps of Engineers for the completion of the Ramapo River at Oakland flood control project in the State of New Jersey, $445,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3736. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, strike lines 15 through 21 and insert the following: "System" for necessary expenses, $50,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

SA 3737. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE

SEC. 1312. (a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by $2,000,000.

(b) OFFSET.—The amount appropriated by chapter 5 of title II under the heading "DISASTER RELIEF" is hereby decreased by $2,000,000, with the amount of the reduction to be allocated to amounts available under that heading for operation costs of the Federal Emergency Management Agency.

SA 3738. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, line 20, after the colon, insert the following: "Provided further, That notwithstanding any other provision of law, $5,500,000 shall be available for low-interest loans to businesses and individuals to assist in the recovery efforts resulting from the heavy rains and thunderstorms in Hawaii that began on February 20, 2006:".

SA 3739. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after "Provided, That", insert the following: "notwithstanding any other provision of law, $27,800,000 of the amount shall be for the State of Hawaii, with $21,000,000 of the amount for assistance with repairs to Round Top Drive, $4,500,000 of the amount for public assistance for the State and counties in the State, and $2,300,000 of the amount for individual assistance and disaster loan programs: Provided further, That".

SA 3740. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY COMPENSATION.

For an additional amount for the "Public Health and Social Services Emergency Fund" to compensate individuals harmed by pandemic influenza vaccines, $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 3741. Mr. LIEBERMAN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 25, insert "through the Global Avian Influenza Network for Surveillance (GAINS) and other programs" after "global disease and surveillance".

SA 3742. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, after line 21, add the following:

For an additional amount for the "National Forest System" for necessary expenses related to projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations, $30,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3743. Mr. LEVIN (for himself, Ms. STABENOW, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SCREENING OF MUNICIPAL SOLID WASTE.

(a) FINDINGS.—Congress finds, based on the review of the Office of the Inspector General of the Department of Homeland Security of the effectiveness of screening by the Bureau of Customs and Border Protection of trucks carrying Canadian municipal solid waste, that—

(1) the Bureau does not have an effective method of screening and inspecting the 350 truckloads of municipal solid waste that enter the United States daily through the Detroit and Port Huron ports of entry;

(2) the effectiveness of technologies used as of the date of enactment of this Act to test for the presence of radiation in municipal solid waste is limited;

(3) visual presentation of vehicle and cargo inspection systems does not allow for easily distinguishing drugs, weapons, and other contraband in municipal solid waste; and

(4)(A) physical inspections of municipal solid waste are of limited value because it is difficult to thoroughly inspect compacted municipal solid waste to identify illegal cargo; and

(B) relatively few physical inspections are performed because the inspections are labor intensive.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste for the presence of chemical, nuclear, biological, and radiological weapons, as those methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport.

(d) IMPACT ON COMMERCIAL MOTOR VEHICLES.—The Secretary shall deny entry into the United States for any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport if—

(1) the Commissioner fails to submit the report under subsection (c);

(2) the report under subsection (c) fails to identify methodologies and technologies that could be feasibly and reasonably implemented by the Bureau to achieve the level of effectiveness in the screening of municipal solid waste described in subsection (c); or

(3)(A) the report under subsection (c) sufficiently identifies methodologies and technologies that could be feasibly and reasonably implemented by the Bureau to achieve the level of effectiveness in the screening of municipal solid waste described in that subsection; but

(B) the Commissioner fails to fully implement the actions identified in the report before date that is 90 days after the date on which the report is submitted.

SA 3744. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 19, insert after "expended" the following: ", of which $400,000 shall be made available for emergency repairs of the Federal project at Petoskey Harbor, Michigan, in order to repair damages due to storms that occurred during the fall of 2005 and the winter of 2006, which breached the breakwater, endangering local marine facilities and reducing the effectiveness of the only safe harbor between Charlevoix, Michigan, and Mackinaw City, Michigan".

SA 3745. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

For an additional amount for the Substance Abuse and Mental Health Services Administration, $350,000 to expand the Wayne County, Michigan drug court program to include the use of partial agonist therapy and opiate antagonist therapy in providing addiction treatment.

SA 3746. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, beginning on line 7 strike ", notwithstanding" and all that follows through "(42 U.S.C. 5174)" on line 9.

SA 3747. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

SEC. 7032. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.

(a) PUBLIC HOUSING AGENCIES.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $250,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)).

(2) DISTRIBUTION OF FUNDS.—The Secretary of Housing and Urban Development shall reimburse a public housing agency for utility cost increases from funds made available under paragraph (1), upon submission of proof by the agency to the Secretary of such increases.

(b) SECTION 8 TENANT-BASED RENTAL ASSISTANCE.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $243,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(3) PAYMENT STANDARD.—The payment standard limitation under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

(c) EMERGENCY DESIGNATION.—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

SA 3748. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, Mr.

WYDEN, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

SEC. 7032. (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report.

SA 3749. Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS

SEC. 1312. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

"§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

"(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a report on the withdrawal or diversion of equipment.

"(b) ELEMENTS.—Each report under subsection (a) on equipment withdrawn or diverted shall include the following:

"(1) A plan to replace such equipment within the unit from which withdrawn or diverted.

"(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

"(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

"(A) how such equipment will be tracked by the unit or units to which withdrawn or diverted; and

"(B) when such equipment will be returned to the unit from which withdrawn or diverted.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

"10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.".

SA 3750. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike lines 1 through 10 and insert the following:

$7,250,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $3,500,000 to develop a comprehensive plan, at full Federal expense, that, at a minimum, will deauthorize deep draft navigation on the Mississippi River Gulf Outlet established by Public Law 84–455 (70 Stat. 65, chapter 112) (referred to in this matter as the "Outlet)", extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided further*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community on the plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments on the proposed plan: *Provided further*, That, not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading "INVESTIGATIONS" under the heading "CORPS OF ENGINEERS—CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103, 119 Stat. 2247; Public Law 109–148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 05 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, of the amount made available under this heading, $3,750,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

SA 3751. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES", insert the following:

CLOSURES AND REPAIRS OF LEVEES, LOUISIANA

For an additional amount for flood control and coastal emergencies for the State of Louisiana, $473,000,000, to remain available until expended for use for closures and pump stations for interior drainage canals, navigable closures on the Industrial Canal and Gulf Intracoastal Waterway, repairs for non-Federal levees in Terrebonne Parish, incorporation of the West Bank and East Bank non-Federal levees in Plaquemines Parish, and additional levee armoring: *Provided*, That not less than $4,000,000 of that amount shall be used for the Comite River Diversion flood control project authorized by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3752. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, after line 21, add the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

For an additional amount for the mitigation of increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port of New Orleans in the aftermath of Hurricane Katrina, $8,500,000, to remain available until September 30, 2007, to be provided by the Secretary of Commerce, acting through the Assistant Secretary for Economic Development, to the Port of New Orleans in the form of a grant: *Provided*, That the Secretary shall administer the grant under this section in accordance with section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3753. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 18, strike "Provided further, That" and all that follows through "assistance:" on page 199, line 1, and insert the following: "Provided further, That no less than $100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding, and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season or new structures supported under the low income tax credit program: Provided further, That previously assisted HUD project-based housing and residents of such housing shall be accorded a preference in the use of such project-based assistance, except that such funds shall be made available for 4,500 project-based vouchers for supportive housing units for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)), elderly families, or previously homeless individuals and families: Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to such funds:"

SA 3754. Mr. DURBIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADDITIONAL AMOUNTS FOR FIREFIGHTER ASSISTANCE GRANTS TO ADDRESS THE 9/11 COMMISSION'S FINDINGS.

For an additional amount for "Firefighter Assistance Grants" under "Preparedness and Recovery" for the Department of Homeland Security, $100,000,000 for Firefighter Assistance Grants in high-risk areas for communications connectivity compliant with the interoperable communication plan of the relevant city or State.

SA 3755. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 2 and 3, insert the following:

TITLE VII

ELECTION REFORM

ELECTION ASSISTANCE COMMISSION

ELECTION REFORM PROGRAMS

For necessary expenses to carry out a program of requirements payments to States as authorized by section 257 of the Help America Vote Act of 2002, $724,000,000, to remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $74,000,000, to remain available until expended: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3756. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.—Section 910(b)(1) of title 37, United States Code, is amended by striking "18 continuous months of service" and inserting "six continuous months of service".

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading "MILITARY PERSONNEL" is hereby increased by $27,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading "MILITARY PERSONNEL", as increased by paragraph (1), $27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 37, United States Code, as a result of the amendment made by subsection (a).

SA 3757. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", as increased by subsection (a), $10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

SA 3758. Mr. SCHUMER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.

(a) FEDERAL TRADE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "FEDERAL TRADE COMMISSION SALARIES AND EXPENSES" under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $10,000,000.

(2) USE.—Of the amount appropriated for "FEDERAL TRADE COMMISSION SALARIES AND EXPENSES", as increased by paragraph (1), $10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "COMMODITY FUTURES TRADING COMMISSION" under the heading "RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION" of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), $10,000,000.

(2) USE.—Of the amount appropriated for "COMMODITY FUTURES TRADING COMMISSION", as increased by paragraph (1), $10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) SECURITIES AND EXCHANGE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES " under the heading "RELATED AGENCIES" of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $5,000,000.

(2) USE.—Of the amount appropriated for "SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES", as increased by paragraph (1), $5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) ENERGY INFORMATION ADMINISTRATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "ENERGY INFORMATION ADMINISTRATION" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $10,000,000.

(2) USE.—Of the amount appropriated for "ENERGY INFORMATION ADMINISTRATION", as increased by paragraph (1), $10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) ENERGY SUPPLY AND CONSERVATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "ENERGY SUPPLY AND CONSERVATION" under the heading "DEPARTMENT OF ENERGY" of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $315,000,000.

(2) USE.—Of the amount appropriated for "ENERGY SUPPLY AND CONSERVATION", as increased by paragraph (1), $315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) ADDITIONAL AMOUNT.—For an additional amount for "SALARIES AND EXPENSES" under the heading "GOVERNMENT ACCOUNTABILITY OFFICE" of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109–55), $50,000.

(2) USE.—Of the amount appropriated for "SALARIES AND EXPENSES", as increased by paragraph (1), $50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry; and

(E) an assessment of—

(i) whether any of the 5 largest oil companies in the United States have taken any actions to exert influence on independent or franchise retail gasoline stations to discourage or prohibit the installation of storage tanks and pumps capable of storing and dispensing E85 gasoline; and

(ii) whether the actions described in clause (i) would be considered anticompetitive.

(g) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3759. Mr. LEVIN (for himself, Ms. STABENOW, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

SEC. 3065. EMERALD ASH BORER.

The Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to carry out activities for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana.

SA 3760. Mr. BIDEN (for himself, Mr. LUGAR, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 11, insert after the colon the following: "*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and type of assistance provided to the security forces of Afghanistan during the previous fiscal quarter:".

On page 101, line 8, insert after the colon the following: "*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and type of assistance provided to the security forces of Iraq during the previous fiscal quarter:".

SA 3761. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

CONTRACT AUTHORITY

SEC. 70___. (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking "$10,000,000" each place that it appears and inserting "$12,500,000"; and

(2) by adding at the end the following:

"(c) CONTRACT AUTHORITY.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $50,000,000 is rescinded.

SA 3762. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM

SEC. 1406. (a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed $100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SA 3763. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM

SEC. 1406. (a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed $100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

SA 3764. Mr. KERRY (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert "That from that amount, funds shall be made available for a summit, to be convened by the President not later than 30 days after the date of the formation of the new Government of Iraq, that includes leaders of such Government, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organisation, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council for the purpose of reaching a comprehensive political agreement for Iraq that addresses security guarantees, federalism, oil revenues, militias, reconstruction efforts, and border security: *Provided further*," after "*Provided*".

SA 3765. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert "That from that amount, funds shall be made available for a summit, to be convened by the President not later than 30 days after the date of the formation of the new Government of Iraq, that includes leaders of such Government, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organisation, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council for the purpose of reaching a comprehensive political agreement for Iraq that addresses security guarantees, federalism, oil revenues, militias, reconstruction efforts, and border security: *Provided further*," after "*Provided*".

SA 3766. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WITHDRAWAL OF TROOPS FROM IRAQ

SEC. ____. (a) The President shall withdraw the United States Armed Forces from Iraq at the earliest practicable date if a national unity government is not formed in Iraq by May 22, 2006.

(b) If a national unity government is formed in Iraq by May 22, 2006—

(1) the President shall reach an agreement as soon as possible with such national unity government on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces; and

(2) the President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(c) The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

SA 3767. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

WITHDRAWAL OF TROOPS FROM IRAQ

SEC. ____. (a) The President shall withdraw the United States Armed Forces from Iraq at the earliest practicable date if a national unity government is not formed in Iraq by May 22, 2006.

(b) If a national unity government is formed in Iraq by May 22, 2006—

(1) the President shall reach an agreement as soon as possible with such national unity government on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces; and

(2) the President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(c) The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

SA 3768. Mr. KENNEDY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. . In using funds appropriated under Public Law 109–149 for grants under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) for fiscal year 2006, the Secretary of Labor shall award the grants, beginning in July 2006, on the basis of the Program Year 2005 Planning Instructions and Allotments for All Applicants (and attachments to the instructions), as specified in the Training and Employment Guidance Letter No. 37–04, issued on June 30, 2005.

SA 3769 Mr. DOMENICI (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 158, line 23, strike all through page 162, Line 12, and insert the following:

For an additional amount for "Investigations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $45,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That using $20,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed, at full Federal expense, to inventory all Federal and non-Federal flood and storm damage reduction projects; develop and test a methodology to assess the structural and operational integrity of such projects and the associated risks; and establish and maintain a database of such projects, which shall include information on the structural and operational integrity of the projects and the parties responsible for operation and maintenance of the projects included therein: Provided further, That $25,000,000 of the funds provided herein shall be used for Louisiana Coastal Area Restoration studies.

For an additional amount for "Investigations" for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, $2,500,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $1,000,000 is for Flood Plain Management Services for flood Hazard and hydrologic investigations in flood prone areas of Hawaii; up to $1,250,000 is for the Delta Islands and Levee study in California; and $250,000 is for completion of the CALFED 180-day levee study: Provided further, That the amount shall be available for the studies identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $595,300,000, to remain available until expended, of which up to $100,000,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least $495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That Congress designates this amount as an emergency requirement for these specific purposes: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for Construction" for necessary expenses related to other disasters, $39,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for disaster and other emergency needs, of which up to $7,100,000 is for South Sacramento Streams, California; up to $23.300,000 is for the Sacramento River Bank Protection, California; up to $5,100,000 is for American River (Common Features), California; up to $1,500,000 is for North Padre Island, Texas; and up to $2,000,000 shall be provided at full Federal expense for the Hawaii water systems technical assistance program: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, 3,200,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for dredging needs along the Texas gulf coast, of which up to $2,000,000 is for Freeport Harbor, Texas; and up to $1,200,000 is for Texas City, Texas: Provided further, That the amount shall be available only for the projects identified above and to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies," as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,099,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds provided herein, $530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate them into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing floodwalls, where necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the systems' performance: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Flood Control and Coastal Emergencies, " as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to this and other disasters, $17,500,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army acting through the Chief of Engineers is directed to use funds appropriated herein for restoration of funds for hurricane damaged projects in Pennsylvania: Provided further, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

SA 3770. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES

SEC. 7_____. (a) Congress finds that—

(1) the United States is the largest oil importer in the world;

(2) the Federal Government predicts that, by 2025, 68 percent of the oil used in the United States will be imported;

(3) ⅔ of the oil reserves of the world are located in the politically unstable Middle East and are controlled by members of the Organization of Petroleum Exporting Countries;

(4) global fuel consumption is projected to increase by 100 percent to 150 percent during the next 20 years, driven largely by the Chinese and Indian economies;

(5) that increased demand for fuel—

(A) will place the United States in ever-greater competition for oil and gas resources; and

(B) may result in an extension of Chinese involvement in developing Cuban oil and gas reserves to within a few miles of the coastline of the United States;

(6) the United States adheres to the principle that, in a case in which the exclusive economic zone of the United States is contiguous to the exclusive economic zone of another country, a point equidistant to the maritime baselines of the 2 countries demarcates the exclusive economic zone of each;

(7) an example of the application of the principle described in paragraph (6) is that the exclusive economic zone of Cuba extends to within—

(A) 52 miles of the Florida Keys at—

(i) south of 24 degrees north latitude; and

(ii) east of -81 degrees west longitude; and

(B) 85.4 miles of the Florida peninsula at—

(i) south of 24 degrees north latitude; and

(ii) east of -81 degrees west longitude;

(8) Cubapetroleo, the state oil company of Cuba, recently—

(A) signed an oil production sharing agreement with the China Petroleum and Chemical Corporation; and

(B) purchased 3 deep-water drilling rigs from that Chinese state enterprise for use in the exclusive economic zone of Cuba;

(9) the exclusive economic zone of Cuba in the Gulf of Mexico is a 112,000-square-kilometer area that has been divided into 59 exploration blocks, each of which is approximately 2,000 square kilometers and an average depth of 2,000 meters (except that some of those blocks have a depth of as great as 4,000 meters);

(10) the northernmost of the exploration blocks described in paragraph (9) are located off the southwest coast of the State of Florida;

(11) a United States Geological Survey report entitled "Assessment of Undiscovered Oil and Gas Resources of the North Cuba Basin 2004" estimated that between 1,000,000,000 and 9,300,000,000 barrels of undiscovered oil and between 1,900,000,000,000 and 22,000,000,000,000 cubic feet of undiscovered natural gas along the northern coast of Cuba;

(12) the national security strategy of the President recognizes the increasing resource needs of China by stating that China is "expanding trade, but acting as if they can somehow lock up energy supplies around the world or seek to direct markets rather than opening them up.";

(13) the United States embargo on Cuba prohibits United States companies from engaging in the exploration or extraction of hydrocarbon resources from the exclusive economic zone of Cuba;

(14) United States oil and gas industries are the world's leaders in the efficient and environmentally-safe extraction of oil and gas resources from marine deposits; and

(15) it is in the energy, national security, and environmental interests of the United States that the oil and gas companies of the United States be permitted to operate in the foreign exclusive economic zones that is contiguous to the exclusive economic zone of the United States.

(b) The purpose of this section is to permit United States companies to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States.

(c) Notwithstanding any other provision of law (including a regulation), United States companies (including agents and affiliates of those companies) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

(d) Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

"(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

"(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.".

SA 3771. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 11, insert "and the Committee on Health, Education, Labor, and Pensions of the Senate" after "propriations".

On page 248, line 2, insert "and the Committee on Health, Education, Labor, and Pensions of the Senate" after "Appropriations".

SA 3772. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons".

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State $100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1) Of the amount appropriated by chapter 2 of title I under the heading "DEPARTMENT OF STATE AND RELATED AGENCY", excluding funds appropriated for Educational and Cultural Exchange Programs and Public Diplomacy Programs, $42,750,000 shall be available for the Broadcasting Board of Governors for democracy programs and activities in Iran.

(2) Of the amount appropriated by chapter 4 of title I, $47,250,000 shall be made available for the Democracy Fund for democracy programs and activities in Iran.

SA 3773. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—GAS PRICE REDUCTION

SEC. 8000. SHORT TITLE.

This title may be cited as the "Gas Price Reduction Act of 2006".

Subtitle A—Temporary Reduction in Highway Fuel Tax Rate

SEC. 8101. REDUCTION IN HIGHWAY FUEL TAX AND MAINTENANCE OF HIGHWAY TRUST FUND.

(a) In General.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) Temporary Reduction in Taxes on Gasoline, Diesel Fuel, and Kerosene.—

"(1) In general.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

"(2) Rates of tax.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clause (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), determined without regard to subparagraph (B) or (C) of subsection (a)(2), and

"(B) paragraph (1) of section 4041(a) (relating to diesel fuel) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

"(3) Applicable period.—For purposes of this subsection, the term 'applicable period' means the period beginning after the date of the enactment of the Gas Price Reduction Act of 2006, and ending before October 1, 2006.

"(4) Maintenance of trust fund deposits.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 8102. FLOOR STOCK REFUNDS.

(a) In General.—If—

(1) before a tax reduction date, a tax referred to in section 4081(f)(2) of the Internal Revenue Code of 1986 has been imposed on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer"), against the taxpayer's subsequent semi-monthly deposit of such tax, an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) Certification Necessary to File Claim for Credit.—

(1) In general.—In any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date, no credit amount with respect to such liquid shall be allowed to the taxpayer under subsection (a) unless the taxpayer files with the Secretary—

(A) a certification that the taxpayer has given a credit to such dealer with respect to such liquid against the dealer's first purchase of liquid from the taxpayer subsequent to the tax reduction date, and

(B) a certification by such dealer that such dealer has given a credit to a succeeding dealer (if any) with respect to such liquid against the succeeding dealer's first purchase of liquid from such dealer subsequent to the tax reduction date.

(2) Reasonableness of claims certified.—Any certification made under paragraph (1) shall include an additional certification that the claim for credit was reasonable based on the taxpayer's or dealer's past business relationship with the succeeding dealer.

(c) Exception for Fuel Held in Retail Stocks.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) Definitions.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax reduction date" means the day after the date of the enactment of this Act.

(e) Certain Rules to Apply.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 8103. FLOOR STOCKS TAX.

(a) Imposition of Tax.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this title, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(b) Liability for Tax and Method of Payment.—

(1) Liability for tax.—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) Method of payment.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) Time for payment.—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) Definitions.—For purposes of this section—

(1) Held by a person.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) Gasoline, diesel fuel, and aviation fuel.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by sections 4083 of such Code.

(3) Floor stocks tax date.—The term "floor stocks tax date" means October 1, 2006.

(4) Applicable period.—The term "applicable period" has the meaning given such term by section 4081(f)(3) of such Code.

(5) Secretary.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(d) Exception for Exempt Uses.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, kerosene, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) Exception for Fuel Held in Vehicle Tank.—No tax shall be imposed by subsection (a) on gasoline, diesel fuel, or kerosene held in the tank of a motor vehicle.

(f) Exception for Certain Amounts of Fuel.—

(1) In general.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or kerosene held on such date by any person if the aggregate amount of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subsection.

(2) Exempt fuel.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) Controlled groups.—For purposes of this subsection—

(A) Corporations.—

(i) In general.—All persons treated as a controlled group shall be treated as 1 person.

(ii) Controlled group.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) Nonincorporated persons under common control.—Under regulations prescribed by the Secretary, principles similar to the principles of this subparagraph shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) Other Law Applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this section, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 8104. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) Passthrough to Consumers.—

(1) Sense of congress.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the reduction in taxes under this title, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this title.

(2) Study.—

(A) In general.—The Comptroller General of the United States and the Attorney General of the United States shall conduct a study of the reduction of taxes under this title to determine whether there has been a passthrough of such reduction.

(B) Report.—Not later than June 30, 2006, the Comptroller General of the United States and the Attorney General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

Subtitle B—Suspension of Royalty Relief and Certain Incentives

SEC. 8201. SUSPENSION OF ROYALTY RELIEF.

(a) New Leases.—

(1) Requirement.—The Secretary of the Interior (referred to in this title as the "Secretary") shall suspend the application of any provision of Federal law under which a person would otherwise be provided relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land (including submerged land) occurring on or after the date of enactment of this Act during a period in which—

(A) for the production of oil, the average price of crude oil in the United States during the 4-week period immediately preceding the suspension is greater than $35.86 per barrel; and

(B) for the production of natural gas, the average wellhead price of natural gas in the United States during the 4-week period immediately preceding the suspension is greater than $4.48 per 1,000 cubic feet.

(2) Determination of average prices.—For purposes of paragraph (1), the Secretary shall determine average prices, taking into consideration the most recent data reported by the Energy Information Administration.

(b) Renegotiation of Existing Leases.—

(1) Requirement.—The Secretary shall, to the maximum extent practicable, renegotiate each lease authorizing production of oil or natural gas on Federal land (including submerged land) issued by the Secretary before the date of the enactment of this Act as the Secretary determines to be necessary to

modify the terms of the lease to ensure that a suspension of a requirement to pay royalties under the lease does not apply to production described in subsection (a)(1).

(2) FAILURE TO RENEGOTIATE AND MODIFY.—

(A) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, a lessee that does not renegotiate a lease described in paragraph (1) in accordance with that paragraph shall not be eligible to enter into a new lease authorizing production of oil or natural gas on Federal land (including submerged land).

(B) TRANSFERS.—A lessee shall not be eligible to obtain by sale or other transfer any lease described in paragraph (1) issued before the date of enactment of this Act, unless the lessee—

(i) renegotiates the lease; and

(ii) enters into an agreement with the Secretary to modify the terms of the lease in accordance with paragraph (1).

SEC. 8202. REPEAL OF ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Subtitle J of title IX of the Energy Policy Act of 2005 is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect on the date of the enactment of this Act.

Subtitle C—Suspension of Certain Energy Production Tax Incentives

SEC. 8301. SUSPENSION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "This section shall not apply with respect to any costs paid or incurred by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this sentence and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).".

SEC. 8302. SUSPENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

Section 45K of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(h) NONAPPLICATION OF SECTION.—This section shall not apply with respect to any fuel described in subsection (c)(1)(A) or subsection (c)(1)(B)(i) sold by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).".

SEC. 8303. SUSPENSION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION OF SUBSECTION.—This subsection shall not apply with respect to any expenses paid or incurred by a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).".

SEC. 8304. SUSPENSION OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS PROPERTIES.

Section 613A is amended by adding at the end the following new subsection:

"(f) TERMINATION.—The allowance for percentage depletion shall be zero with respect to a taxpayer which is an integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year or a related person to such company during the period beginning on the date of the enactment of this subsection and ending on the date on which aggregate revenues resulting from the provisions of, and amendments made by, sections 8201 through 8304 of the Gas Price Reduction Act of 2006 are estimated by the Secretary to equal the aggregate appropriations made to the Highway Trust Fund by reason of section 9503(f)(4).".

SA 3774. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, beginning on line 7, strike "*Provided,*" and all that follows through "*Provided further,*" on line 11, and insert the following: "*Provided,* That of that amount, $12,000,000 may be available for environmental cleanup and removal of debris from Department of Veterans Affairs land in Gulfport, Mississippi: *Provided further,* That of that amount, $50,000,000 shall be available for any purpose for which funds in the 'Construction, Major Projects' account are available under law:".

SA 3775. Mr. HARKIN (for himself, Mr. JOHNSON, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CIVIL ACTIONS FOR CERTAIN FALSE CLAIMS.

(a) IN GENERAL.—Section 3730(b)(3) of title 31, United States Code, is amended—

(1) in this first sentence, by striking "The Government" and inserting "(A) Except as provided under subparagraph (B), the Government"; and

(2) by adding at the end the following:

"(B)(i) In this subparagraph, the term 'covered civil action' means any civil action brought under section 3729 regarding expenditures of Federal funds relating to Iraq, Afghanistan, or the global war on terrorism.

"(ii) In any covered civil action, the total of all extensions under subparagraph (A) may not exceed 365 days, except that the Government may move the court for an additional extension upon a showing of extraordinary circumstances that disclosure of particular information in the complaint, material evidence, or other information would be detrimental to the public interest. If the Government makes such a showing, the court shall seal any of the evidence or information sufficient to prevent damage to the public interest and the civil action shall proceed.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any covered civil action (as defined under section 3730(b)(3)(B)(i) of title 31, United States Code, as added by subsection (a) of this section) filed on or after that date.

(2) APPLICATION TO CERTAIN PRIOR CIVIL ACTIONS.—

(A) LIMITATION OF EXTENSIONS.—Except as provided under subparagraph (B), in any such covered civil action—

(i) filed 240 days or more before the date of enactment of this Act, no extension granted under section 3730(b)(3)(A) of that title may be in effect following the date occurring 120 days after such date of enactment; and

(ii) filed during the 239-day period preceding such date of enactment, no extension granted under section 3730(b)(3)(A) of that title may be in effect following the date occurring 365 days after the date of such filing.

(B) EXCEPTIONS.—The limitations under subpargraph (A) shall apply except for a showing by the Government of extraordinary circumstances that disclosure of particular information in the complaint, material evidence, or other information would be detrimental to the public interest. If the Government makes such a showing, the court shall seal any of the evidence or information sufficient to prevent damage to the public interest and the civil action shall proceed.

SA 3776. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, lines 5 and 6, strike "paragraph (2)" and insert "paragraphs (2) and (3)".

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term "specialty crop" means any agricultural crop.

(2) EXCEPTION.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $59,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $175,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike "**3043**" and insert "**3042**".

SA 3777. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 9, strike "$69,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

and insert in lieu thereof "$129,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

SA 3778. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC.   . For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of $1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

SA 3779. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

SA 3780. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7_____. (a) In this section, the term "large integrated oil company" means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of $1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an offer or employee of the large integrated oil company a salary bonus or retirement package of more than $50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

SA 3781. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUEL-EFFICIENT VEHICLES

SEC. ____. (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

SA 3782. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMED FORCES

SEC. 1312. (a) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMY.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by $20,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY", as increased by paragraph (1), $20,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(b) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE NAVY.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, NAVY.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, NAVY" is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, NAVY", as increased by paragraph (1), $10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(c) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE AIR FORCE.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE", as increased by paragraph (1), $10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

(d) MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE MARINE CORPS.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, MARINE CORPS" is hereby increased by $10,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(2) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "OPERATION AND MAINTENANCE, MARINE CORPS", as increased by paragraph (1), $10,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs.

SA 3783. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

COMPREHENSIVE COMBAT CASUALTY CARE CENTER AT NAVAL MEDICAL CENTER, SAN DIEGO, CALIFORNIA

SEC. 1312. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $16,200,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM", as increased by subsection (a), $16,200,000 shall be available for facilities improvements, staffing requirements, and operations costs of the Comprehensive Combat Casualty Care Center at the Naval Medical Center, San Diego, California.

SA 3784. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

EMERGENCY FISHERY DISASTER ASSISTANCE

SEC. ____. (a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission to distribute to fishing communities, Indian tribes, businesses, holders of community development quotas issued under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), individuals, and other entities as emergency disaster assistance to mitigate the economic losses caused by declining Klamath River Fall Chinook salmon.

(b) The Secretary of Commerce shall require that the Pacific States Marine Fisheries Commission shall, not later than 6 months after the date that the Commission receives a payment under this section, submit to the Secretary of Commerce and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report describing the persons to whom the payment was distributed and the rationale for such distribution.

(c) There is appropriated to the Secretary of Commerce $81,000,000 to make payments under this section and that amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006. Any amount appropriated pursuant to this subsection that is not used or otherwise obligated shall be returned to the general fund of the Treasury.

SA 3785. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

NORTHER BORDER AIRWINGS

SEC. ____. (a) IN GENERAL.—The amount provided in the title titled "BORDER SECURITY" for recapitalization of air assets under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" under the heading "CUSTOMS AND BORDER PROTECTION" under the heading "EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY" is reduced by $12,000,000.

(b) FUNDS FOR AIRWINGS.—Of the amount provided in the title titled "BORDER SECURITY" for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" under the heading "CUSTOMS AND BORDER PROTECTION" under the heading "EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY", $12,000,000 is for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this subsection is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3786. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by $8,500,000.

(2) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109-13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

SA 3787. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

EXPEDITED REMOVAL

SEC. ____. Notwithstanding any other provision of law, the Secretary of Homeland Security may apply the expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) to natives and citizens of El Salvador.

SA 3788. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

IMMIGRATION INJUNCTION REFORM

SEC. 7032. (a) SHORT TITLE.—This section may be cited as the "Fairness in Immigration Litigation Act of 2006".

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) LIMITATION ON CIVIL ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of enactment of this Act pertaining to the administration or enforcement of the immigration laws of the United States.

(2) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time necessary to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be—

(i) discussed and explained in writing in the order granting prospective relief; and

(ii) sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(3) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days. No further postponement of any such automatic stay pursuant to this paragraph shall be available under this subparagraph.

(iv) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court orders that a decision on a motion subject to this subsection be remanded to a lower court, the order granting prospective relief that is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the Government's motion.

(v) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(C) MOTIONS.—

(i) IN GENERAL.—For purposes of this paragraph, any motion pending for not more than 45 days on the date of enactment of this Act shall be treated as if it had been filed on such date of enactment.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States which has been pending for more than 45 days as of the date of enactment of this Act, and remains pending on the 10th day following such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of any such motion.

(4) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(A) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas provision, and sections 1361 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)).

(B) EFFECT OF GOVERNMENT MOTION.—Upon the Government's filing of a motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in a civil action described in paragraph (2), the court shall promptly decide whether it continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply to the extent that—

(i) an order granting prospective relief was entered before the date of enactment of this Act; and

(ii) the prospective relief is necessary to remedy the violation of a right guaranteed by the United States Constitution.

(5) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (2).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (2) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(6) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(7) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) APPLICATION OF AMENDMENT.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(d) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3789. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after "Provided," insert the following: "That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further,".

SA 3790. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table: as follows:

Except for the renewal of existing intergovernmental agreements, the Bureau of Prisons (BOP) shall not plan, support, or contract to meet Federal BOP bed space needs which replace intergovernmental agreements existing at the date of enactment hereof and are used to house 1000 or more Federal inmates, until 30 days after the General Accountability Office releases the BOP Cost Comparison Report required in the Conference Report that accompanied Public 109–108.

SA 3791. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 176, strike lines 4 through 7 and insert the following:

December 31, 2006, for part A of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") for allocations to States for necessary expenses in the 2006-2007 academic year related to the consequences of Hurricanes Katrina and Rita: Provided further, That, notwithstanding the allotment formula described in section 5111 of the ESEA, funds made available in the preceding proviso shall be allocated to each eligible State educational agency on the basis of its relative share of displaced students (as that term is defined in section 107(b)(1) of title IV of division B of Public Law 109-148) enrolled on October 1, 2006, provided that the number of displaced students enrolled in public and private elementary schools and secondary schools in the State is not less than 1 percent of the total fourth quarter displaced student enrollment count of the 2005-2006 academic year: Provided further, That, notwithstanding the allocation formula described in section 5112 of the ESEA, each State educational agency shall make 100 percent of funds available under such proviso to local educational agencies on the basis of each local educational agency's relative share of displaced students on October 1, 2006: Provided further, That such local educational agencies shall use such funds in accordance with sections 5131 and 5142 of the ESEA: Provided further, that the

SA 3792. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table: as follows:

On page 165, line 19, strike "$10,600,000,000" and all that follows through line 23 and insert the following: "$10,800,000,000 to remain available until expended: Provided, That $200,000,000 shall be for ensuring that for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, that each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That of funds made available under the heading 'Millennium Challenge Corporation' under the heading 'Independent Agencies' in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2184), $200 million is rescinded.".

SA 3793. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4936, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 19, strike "$10,600,000,000" all through and including line 23 and insert "$7,333,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

SA 3794. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, line 3, after "contractors:", insert the following: "*Provided further*, That $520,000,000 of the funds appropriated herein to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $198,000,000 of the funds appropriated herein for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; and $285,000,000 of the funds appropriated herein to improve protection at the Inner Harbor Navigation Canal shall be available only for fiscal years 2007 and thereafter, subject to authorization:".

SA 3795. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike lines 15 through 20 and insert the following: ", $122,850,000, to remain available until expended: *Provided*, That the provision of such sums shall be subject to authorization:".

On page 161, beginning on line 3, strike "the Secretary" and all that follows through "tem:" on line 20 and insert the following: "the provision of such sums shall be subject to authorization:".

SA 3796. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, strike lines 12 through 19.

SA 3797. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, strike lines 19 through 24 and insert the following:

canes of the 2005 season, $6,300,000, to remain available until September 30, 2007, of which the Administrator of the Environmental Protection Agency, by not later than 60 days after the date of enactment of this Act, shall use $300,000 to prepare and submit to Congress a report that describes the potential hazards posed by exposure to any hazardous substance, pollutant, or contaminant (including disease-causing organisms and mold) that may have been released or mobilized into the environment due to Hurricane Katrina or Hurricane Rita and methods by which the Administrator plans to mitigate those hazards: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

Sec. _____. Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall be known as a "Segal award".

SA 3799. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED PUBLIC TRANSPORTATION SECURITY

SEC. —101. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

(b) Table of Contents.—The table of contents for this title is as follows:

Sec. —101. Short title; table of contents.
Sec. —102. Findings and purpose.
Sec. —103. Security assessments.
Sec. —104. Security assistance grants.
Sec. —105. Intelligence sharing.
Sec. —106. Research, development, and demonstration grants.
Sec. —107. Reporting requirements.
Sec. —108. Authorization of appropriations.
Sec. —109. Sunset provision.

SEC. —102. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. —103. SECURITY ASSESSMENTS.

(a) Public Transportation Security Assessments.—

(1) Submission.—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) Review.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) Allocations.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) Security improvement priorities.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section —104.

(5) Updates.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) Use of Security Assessment Information.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) Bus and Rural Public Transportation Systems.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. —104. SECURITY ASSISTANCE GRANTS.

(a) Capital Security Assistance Program.—

(1) In general.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section —103(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) Operational Security Assistance Program.—

(1) In general.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section —103(a)(4).

(2) Allowable use of funds.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section —103(a)(4); and

(F) other appropriate security improvements identified under section —103(a)(4), excluding routine, ongoing personnel costs.

(c) Congressional Notification.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) Public Transportation Agency Responsibilities.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) Return of Misspent Grant Funds.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. —105. INTELLIGENCE SHARING.

(a) Intelligence Sharing.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center.—

(1) Establishment.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. —106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. —107. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections — 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. —108. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section —104(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

SEC. —109. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2009.

TITLE —IMPROVED RAIL SECURITY

SEC. —201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rail Security Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —201. Short title; table of contents.
Sec. —202. Rail transportation security risk assessment.
Sec. —203. Systemwide AMTRAK security upgrades.
Sec. —204. Fire and life-safety improvements.
Sec. —205. Freight and passenger rail security upgrades.
Sec. —206. Rail security research and development.
Sec. —207. Oversight and grant procedures.
Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. —209. Northern border rail passenger report.
Sec. —210. Rail worker security training program.
Sec. —211. Whistleblower protection program.
Sec. —212. High hazard material security threat mitigation plans.
Sec. —213. Memorandum of agreement.
Sec. —214. Rail security enhancements.
Sec. —215. Public awareness.
Sec. —216. Railroad high hazard material tracking.
Sec. —217. Authorization of appropriations.

SEC. —202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2007.

SEC. —203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section —202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2007;

(2) $30,000,000 for fiscal year 2008; and

(3) $30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. —204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2007;

(B) $190,000,000 for fiscal year 2008; and

(C) $190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2007;

(B) $19,000,000 for fiscal year 2008; and

(C) $19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2007;

(B) $13,333,000 for fiscal year 2008; and

(C) $13,333,000 for fiscal year 2009.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2007 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. —205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section —202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —202, including infrastructure, facilities, and equipment upgrades.

(b) Accountability.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) Allocation.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section —202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —203(b) of this title.

(e) Allocation Between Railroads and Others.—Unless as a result of the assessment required by section —202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2007;

(2) $100,000,000 for fiscal year 2008; and

(3) $100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) High Hazard Materials Defined.—In this section, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. —206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —205(g) of this title; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section —202.

(b) Coordination With Other Research Initiatives.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) Grants and Accountability.—To carry out the research and development program, the Secretary may award grants to the entities described in section —205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $35,000,000 for fiscal year 2007;

(2) $35,000,000 for fiscal year 2008; and

(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —207. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) Use of Funds.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) Procedures for Grant Award.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. —208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Funding.—Out of funds appropriated pursuant to section —217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. —209. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. —210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) Front-Line Workers Defined.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) Other Employees.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. —211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) In General.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail security matters

"(a) Discrimination Against Employee.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) Dispute Resolution.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) Procedural Requirements.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) Election of Remedies.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) Disclosure of Identity.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) Conforming Amendment.—The chapter analysis for chapter 201 of title 49, United

States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters.".

SEC. —212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

"(1) $206,500,000 for fiscal year 2007;

"(2) $168,000,000 for fiscal year 2008: and

"(3) $168,000,000 for fiscal year 2009.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE —IMPROVED MARITIME SECURITY

SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Maritime and Transportation Security Act of 2006."

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE —IMPROVED MARITIME SECURITY
Sec. —301. Short title; table of contents.
Sec. —302. Establishment of additional interagency operational centers for port security.
Sec. —303. Area maritime transportation security plan to include salvage response plan.
Sec. —304. Assistance for foreign ports.
Sec. —305. Specific port security initiatives.
Sec. —306. Technical requirements for non-intrusive inspection equipment.
Sec. —307. Random inspection of containers.
Sec. —308. Port security user fee study.
Sec. —309. Port security grants.
Sec. —310. Work stoppages and employee-employer disputes.
Sec. —311. Inspection of car ferries entering from Canada.

SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

SEC. —303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.".

SEC. —304. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 70109. International cooperation and coordination" ; and

(2) by adding at the end the following:

"(c) FOREIGN ASSISTANCE PROGRAMS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

"(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

"(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

"(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

"(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section ——— of the Maritime and Transportation Security Act of 2006 Act;

"(3) to implement the requirements of the container security initiative under section 70117; and

"(4) to implement standards and procedures established under section 70119.".

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

"70901. International cooperation and coordination".

SEC. —305. SPECIFIC PORT SECURITY INITIATIVES.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(6) by inserting after section 70115 the following:

"§ 70116. Automated targeting system

"(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

"(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

“(c) Secure Transmission; Confidentiality.—All information required by the Secretary from supply chain partners under this section shall—

“(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

“(2) shall not be subject to public disclosure under section 552 of title 5.

“(c) Authorization of Appropriations.—

“(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

“(A) $30,700,000 for fiscal year 2007;

“(B) $33,200,000 for fiscal year 2008; and

“(C) $35,700,000 for fiscal year 2009.

“(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

“§ 70117. Container security initiative

“(a) In General.—The Secretary shall issue regulations to—

“(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

“(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

“(b) Implementation.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

“(c) Application of Container Security Initiative to Other Ports.—

“(1) In general.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(A) the seaport—

“(i) presents a significant level of risk;

“(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

“(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(2) Coordination with international cargo security standards.—In carrying out paragraph (a), the Secretary shall—

“(A) consult with the Secretary of State concerning progress under section 70109(d); and

“(B) coordinate activities under paragraph (1) with activities conducted under that section.

“(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) $142,000,000 for fiscal year 2007;

“(2) $144,000,000 for fiscal year 2008; and

“(3) $146,000,000 for fiscal year 2009.

“§ 70118. Customs-Trade Partnership Against Terrorism validation program

“(a) In General.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

“(b) Validation; Records Management.—The Secretary shall issue regulations—

“(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

“(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

“(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

“(B) tracking member status.

“(b) Human Capital Plan.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

“(c) Revalidation.—The Secretary shall establish a process for revalidating C-TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

“(1) $60,000,000 for fiscal year 2007;

“(2) $65,000,000 for fiscal year 2008; and

“(3) $72,000,000 for fiscal year 2009.

“§ 70119. Secure systems of transportation

“(a) In General.—The Secretary shall establish a program, to be known as the ‘GreenLane program’, to evaluate and certify secure systems of international intermodal transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

“(b) Program Elements.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

“(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

“(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

“(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

“(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C-TPAT participation under section 70118, particularly in the area of access controls;

“(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

“(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

“(c) Benefits from Participation.—

“(1) Eligibility.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

“(A) meets or exceeds the standards established under subsection (b); and

“(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

“(2) Benefits.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

“(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

“(B) reduced or eliminated bonding requirements for GreenLane cargo;

“(C) priority processing for searches;

“(D) further reduced scores in the automated targeting system; and

“(E) streamlined billing of any customs duties or fees.

“(d) Consequences of Lack of Compliance.—

“(1) In general.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

“(2) Right of appeal.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.”.

(b) Conforming Amendments.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70116. Automated targeting system
“70117. Container security initiative
“70118. Customs-Trade Partnership Against Terrorism validation program
“70119. Secure systems of transportation
“70120. In rem liability for civil penalties and certain costs
“70121. Firearms, arrests, and seizure of property
“70122. Withholding of clearance
“70123. Enforcement by State and local officers
“70124. Container security initiative
“70125. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking "section 70120" and inserting "section 70125".

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "under section 70119," and inserting "under section 70125,"; and

(B) by striking "under section 70120," and inserting "under that section,".

SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) FINAL RULE DEADLINE.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. —307. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —308. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —309. PORT SECURITY GRANTS.

(a) BASIS FOR GRANTS.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.".

(d) OPERATION SAFE COMMERCE.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

"(4) OPERATION SAFE COMMERCE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

"(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

"(ii) test physical access control protocols and technologies;

"(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

"(iv) otherwise further maritime and cargo security, as determined by the Secretary.

"(B) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

"(C) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

"(i) the Senate Committee on Commerce, Science, and Transportation;

"(ii) the Senate Committee on Homeland Security and Governmental Affairs;

"(iii) the House of Representatives Committee on Homeland Security;

"(iv) the Senate Committee on Appropriations; and

"(v) the House of Representatives Committee on Appropriations.".

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) COORDINATION.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after "area." the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.".

SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3800. Mr. INOUYE (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. ROCKEFELLER, Mrs. BOXER, Mr. LAUTENBERG, Ms. SNOWE, Ms. CANTWELL, Mr. KERRY, Mr. DORGAN, Mr. NELSON of Florida, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED MARITIME SECURITY

SEC. —00. SHORT TITLE; TABLE OF CONTENTS..

(a) SHORT TITLE.—This title may be cited as the "Maritime Security Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE —IMPROVED MARITIME SECURITY
Sec. —00. Short title; table of contents..
Sec. —01. Establishment of additional interagency operational centers for port security.
Sec. —02. Area maritime transportation security plan to include salvage response plan.
Sec. —03. Post-incident resumption of trade.
Sec. —04. Assistance for foreign ports.
Sec. —05. Improved data for targeted cargo searches.
Sec. —06. Technical requirements for nonintrusive inspection equipment.
Sec. —07. Random inspection of containers.
Sec. —08. Cargo security.
Sec. —09. Secure systems of international intermodal transportation.
Sec. —10. Port security user fee study.

Sec. —11. Deadline for transportation security cards.
Sec. —12. Port security grants.
Sec. —13. Customs-Trade Partnership Against Terrorism security validation program.
Sec. —14. Work stoppages and employee-employer disputes.
Sec. —15. Appeal of denial of waiver for transportation security card.
Sec. —16. Inspection of car ferries entering from Canada.

SEC. —01. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement or port security agencies and personnel; and

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70116 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

SEC. —02. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by striking "and" after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.".

SEC. —03. POST-INCIDENT RESUMPTION OF TRADE.

Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after "incident." the following: "The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

"(i) vessels that have a vessel security plan approved under subsection (c);

"(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105; and

"(iii) vessels on which all the cargo has undergone screening and inspection under standards and procedures established under section 70116(b)(2) of this title.".

SEC. —04. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 70109. International cooperation and coordination" ; and

(2) by adding at the end the following:

"(c) FOREIGN ASSISTANCE PROGRAMS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

"(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

"(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary of State, in consultation with the Secretary acting through the Commissioner of Customs and Border Protection, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Standards Organization, as appropriate—

"(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

"(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section —06 of the Maritime Security Improvement Act of 2006;

"(3) to implement the requirements of the container security initiative under section 70121; and

"(4) to implement standards and procedures established under section 70116.".

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

"70901. International cooperation and coordination".

SEC. —05. IMPROVED DATA FOR TARGETED CARGO SEARCHES.

(a) IN GENERAL.—In order to provide the best possible data for the automated targeting system developed and operated by United States Customs and Border Protection under section 70116(b)(1) of title 46, United States Code, that identifies high-risk cargo for inspection before it is loaded in a foreign port for shipment to the United States, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, shall require importers shipping goods to the United States via cargo container to supply entry data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)).

(b) DEADLINE.—The requirement imposed under subsection (a) shall apply to goods entered after July 1, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Homeland Security to

carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

(A) $30,700,000 for fiscal year 2007;

(B) $33,200,000 for fiscal year 2008; and

(C) $35,700,000 for fiscal year 2009.

(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

SEC. —06. TECHNICAL REQUIREMENTS FOR NONINTRUSIVE INSPECTION EQUIPMENT.

Within 2 years after the date of enactment of this Act, the Commissioner of Customs and Border Protection, in consultation with the National Institute of Science and Technology, shall initiate a rulemaking to establish minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, that help ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary, while considering the need not to endorse specific companies or to create sovereignty conflicts with participating countries.

SEC. —07. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —08. CARGO SECURITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122; and

(4) by inserting after section 70120, as redesignated by paragraph (2), the following:

"§ 70121. Container security initiative

"(a) In General.—Pursuant to the standards established under subsection (b)(1) of section 70116—

"(1) the Secretary, through the Commissioner of Customs and Border Protection, shall issue regulations to—

"(A) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

"(B) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means; and

"(2) the Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under paragraph (1) are implemented in an effective manner.

"(b) Extension of Container Security Initiative to Other Ports.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

"(1) the seaport—

"(A) presents a significant level of risk;

"(B) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

"(C) is potentially capable of validating a secure system of transportation pursuant to section 70116; and

"(2) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $142,000,000 for fiscal year 2007;

"(2) $144,000,000 for fiscal year 2008; and

"(3) $146,000,000 for fiscal year 2009.".

(b) Conforming Amendments.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

"70117. In rem liability for civil penalties and certain costs
"70118. Firearms, arrests, and seizure of property
"70119. Withholding of clearance
"70120. Enforcement by State and local officers
"70121. Container security initiative
"70122. Civil penalty".

(2) Section 70117(a) of title 46, United States Code, is amended by striking "section 70120" and inserting "section 70122".

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "under section 70119," and inserting "under section 70122,"; and

(B) by striking "under section 70120," and inserting "under that section,".

(4) Section 111 of the Maritime Transportation Security Act of 2002 is repealed.

SEC. —09. SECURE SYSTEMS OF INTERNATIONAL INTERMODAL TRANSPORTATION.

Section 70116 of title 46, United States Code, is amended—

(1) by striking "transportation." in subsection (a) and inserting "transportation—

"(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

"(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program."; and

(2) by striking subsection (b) and inserting the following:

"(b) Program Elements.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

"(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

"(2) establish standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

"(3) establish standards and procedures for securing cargo and monitoring that security while in transit;

"(4) develop performance standards to enhance the physical security of shipping containers, including performance standards for seals and locks;

"(5) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

"(6) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

"(c) Benefits from Participation.—The Commissioner of Customs and Border Protection may provide expedited clearance of cargo to an entity that—

"(1) meets or exceeds the standards established under subsection (b); and

"(2) certifies the security of its supply chain not less often than once every 2 years to the Secretary.".

SEC. —10. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —11. DEADLINE FOR TRANSPORTATION SECURITY CARDS.

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. —12. PORT SECURITY GRANTS.

(a) Basis for Grants.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) Eligible Costs.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) Letters of Intent.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) Letters of Intent.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.".

SEC. —13. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM SECURITY VALIDATION PROGRAM.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section —08 of this title, is further amended—

(1) by redesignating section 70122 (as redesignated by section —08(a)(3) of this title) as section 70123; and

(2) by inserting after section 70121 the following:

"§ 70122. Customs-Trade Partnership Against Terrorism validation program.

"(a) VALIDATION; RECORDS MANAGEMENT.—The Secretary of Homeland Security, through the Commissioner of Customs and Border Protection, shall issue regulations—

"(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

"(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

"(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

"(B) tracking member status.

"(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Maritime Security Improvement Act of 2006, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out section 70122 of title 49, United States Code, not to exceed—

(1) $60,000,000 for fiscal year 2007;

(2) $65,000,000 for fiscal year 2008; and

(3) $72,000,000 for fiscal year 2009.

(c) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, as amended by section —08(b) of this title, is further amended by striking the item relating to section 70122 and inserting the following:

"70122. Customs-Trade Partnership Against Terrorism validation program
"70123. Civil penalty".

(2) Section 70117(a) and 70119(a) of title 46, United States Code, as amended by section —08(b)(2) and (3), respectively, of this Act, are each amended by striking "section 70122," and inserting "section 70123,".

SEC. —14. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after "area." the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.".

SEC. —15. APPEAL OF DENIAL OF WAIVER FOR TRANSPORTATION SECURITY CARD.

Section 70105(c)(3) of title 46, United States Code, is amended by inserting "or a waiver under paragraph (2)" after "card".

SEC. —16. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3801. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike "$136,290,000" and insert in lieu thereof "$171,290,000".

On page 88, line 6, strike "$1,452,600,000" and insert in lieu thereof the "$1,417,600,000".

SA 3802. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike "$10,500,000" and insert in lieu thereof "$20,500,000".

On page 88, line 6, strike "$1,452,600,000" and insert in lieu thereof the "$1,442,600,000".

On page 117, line 26, after "That" insert the following:

of the funds appropriated under this heading, $10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: *Provided further*, That

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SA 3803. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108–375); 118 Stat. 2081), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT", "ECONOMIC SUPPORT FUND", "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT," and "INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE".

SA 3804. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, beginning on line 22, strike "any shipbuilding contract" and insert "any existing shipbuilding contract of the Navy".

SA 3805. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. ____. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is damaged, destroyed, abandoned, or discontinued as a result of an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign.

SA 3806. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 10 and 11, insert the following:

OFFICE OF THE PRESIDENTIAL SPECIAL ENVOY FOR SUDAN

SEC. 1202. Of the amount appropriated by this chapter for the Department of State for the administration of foreign affairs under the heading "DIPLOMATIC AND CONSULAR PROGRAMS", such sums as may be necessary shall be made available for the establishment and adequate support, including staffing, of the Office of the Presidential Special Envoy for Sudan. The mandate of the Office shall include coordinating efforts to implement the Comprehensive Peace Agreement for Sudan and making recommendations for restoring and maintaining stability and lasting peace for all of Sudan, including Darfur, and throughout the region, including Chad and northern Uganda.

SA 3807. Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

CONFORMING CHANGES RELATED TO MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 7032. Section 2403(b) of the Military Construction Authorization Act for Fiscal

Year 2006 (division B of Public Law 109–163) is amended in paragraph (2) by striking "$12,500,000" and inserting "$291,888,000", and in paragraph (3) by striking "$256,034,000" and inserting "$301,524,000".

SA 3808. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE ON SECURING THE UNITED STATES BORDERS

SEC.   . (a) The Senate makes the following findings:

(1) The net growth of 500,000 unauthorized aliens entering the United States each year, and the potential for terrorists to take advantage of the porous borders of the United States, represent a clear and present danger to the national security of the Unites States.

(2) The inability to secure the international borders of the Unites States has given rise to an immigration crisis that has profound social, legal, and political ramifications.

(3) While assessing the identity and location of the approximately 11,000,000 unauthorized aliens currently in the United States, the Federal Government must simultaneously act to secure the borders and prevent further illegal entry.

(b) It is the sense of the Senate that—

(1) the President of the United States should demonstrate the highest level of commitment to securing the land and sea borders of the Unites States by using all the resources at the disposal of the President, including—

(A) declaring a state of emergency in States that share an international border with Mexico or Canada until such time as the President determines that—

(i) the additional resources and manpower provided by this Act are deployed; and

(ii) there is a significant reduction in the number of illegal aliens entering the United States;

(B) immediately deploying the Armed Forces, including the National Guard to such international borders;

(C) requiring each Cabinet Secretary to detail the resources and capabilities that their respective Federal agencies have available for use in securing the land and sea borders of the United States; and

(D) facilitating the development of a program to enable all willing citizens of the United States to contribute to securing the land and sea borders of the United States; and

(2) the President of Mexico should be encouraged to use all authority within the power of the President of Mexico to secure the international border between the United States and Mexico from illegal crossings.

SA 3809. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

REQUIRED DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS

SEC. 7032. (a) Beginning not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall maintain and publish a list of the 25 largest (by dollar value) contracts, subcontracts, and task and delivery orders related to Hurricane Katrina recovery and reconstruction efforts that are awarded each month using funds appropriated or otherwise made available by this Act.

(b) The list published under subsection (a) shall include, with respect to each listed contract, subcontract, or task and delivery order—

(1) the name of the contractor or subcontractor;

(2) the amount of the contract, subcontract, or task and delivery order;

(3) the purpose of the contract, subcontract, or task and delivery order; and

(4) the duration of the contract, subcontract, or task and delivery order.

(c) The list required under subsection (a) shall—

(1) be published in newspapers of general circulation in the areas affected by Hurricane Katrina;

(2) be made available to the public on an accessible Federal Government Internet website; and

(3) include an electronic mail address and toll-free telephone number through which local residents may contact a contracting agency to report fraud, waste, or abuse under a contract.

SA 3810. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding $500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

SA 3811. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract, grant, cooperative agreement, or task and delivery order for which the administrative overhead and contract management expenses exceed reasonable industry standards.

SA 3812. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 198, line 24, after the colon, insert the following: "Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 shall not apply to the funds made available under the previous proviso:".

SA 3813. Mr. OBAMA (for himself, Mr. BINGAMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 8 and 9, insert the following:

EVACUATION OF INDIVIDUALS WITH SPECIAL NEEDS

SEC. 2504. The Secretary of Homeland Security, shall take appropriate actions to ensure that each State and each of the 75 largest urban areas, in the homeland security strategy or other homeland security plan for such State or urban area, provides detailed and comprehensive information regarding the predisaster and postdisaster plans of such State or urban area for the evacuation of individuals with special needs (including low-income individuals and families, disabled individuals, the homeless, individuals who do not speak English, and the elderly) in an emergency that would warrant their evacuation (including plans for the provision of food, water, and shelter for evacuees).

SA 3814. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . Not later than 10 days after the date of enactment of this Act, the Secretary of Homeland Security, from amounts provided to the Department of Homeland Security under the heading "Office of the Under Secretary for Management" under title I of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90), shall make available $1,000,000 for the Center for Asbestos Related Disease in Libby, Montana.

SA 3815. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, line 22, insert ": *Provided*, That $1,000,000 shall be available for the Center for Asbestos Related Disease in Libby, Montana" after "$3,960,000".

SA 3816. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

MENTAL HEALTH COUNSELING AND CARE FOR MEMBERS OF THE ARMED FORCES

SEC. 1312. (a) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $50,000,000, with the entire amount of the increase designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "DEFENSE HEALTH PROGRAM", as increased by subsection (a), $50,000,000 shall be available to expand resources available for mental health counseling and care, including, in particular, suicide prevention programs for members of the Armed Forces.

SA 3817. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7017 (relating to the Office of Job Corps).

SA 3818. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

RENEGOTIATION OF EXISTING OIL AND NATURAL GAS LEASES

SEC. 7032. (a) The Secretary of the Interior (referred to in this section as the "Secretary") shall, to the maximum extent practicable, attempt to renegotiate each lease authorizing production of oil or natural gas on Federal land (including submerged land) issued by the Secretary before the date of enactment of this Act as the Secretary determines to be necessary to modify the terms of the lease to ensure that a suspension of a requirement to pay royalties under the lease is terminated.

(b) Unless a lessee renegotiates a lease described in subsection (a) and enters in an agreement with the Secretary to modify the terms of a lease in accordance with that subsection by the date that is 60 days after the date of enactment of this Act, the lessee shall not be eligible—

(1) to enter into a new lease that authorizes production of oil or natural gas on Federal land (including submerged land); or

(2) to obtain by sale or other transfer any lease described in subsection (a) that is issued before the end of the 60-day period.

SA 3819. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 140, strike from line 8 "$10,000,000" through line 15 "years:", and insert in its place on page 140, line 8, after "appropriated" the following: "$30 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area."

SA 3820. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 9, strike "$10,000,000" and all that follows through line 14 and insert the following: "$11,000,000, to remain available until expended: Provided, That $1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: Provided further, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model and the model used by the National Center for Missing and Exploited Children for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: Provided further, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: Provided further, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution in the budget for fiscal year 2006.".

SA 3821. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

VISA WAIVER PROGRAM EXPANSION

SEC. ____. Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(8) PROBATIONARY ADMISSION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if—

"(i) the country is a member of the European Union;

"(ii) the country is providing material support, including more than a nominal number of military personnel, to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State;

"(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

"(B) REFUSAL RATES; OVERSTAY RATES.—The determination under subparagraph (A)(iii) shall not take into account any refusal rates or overstay rates prior to the expiration of the first full year of the country's admission into the European Union.

"(C) FULL COMPLIANCE.—Not later than 2 years after the date of a country's designation under subparagraph (A), the country—

"(i) shall be in full compliance with all applicable requirements for program country status under this section; or

"(ii) shall have its program country designation terminated.

"(D) EXTENSIONS.—The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (A) if the country—

"(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

"(ii) is likely to achieve full compliance before the end of such 2-year period; and

"(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.".

SA 3822. Mr. INOUYE (for himself, Mr. STEVENS, Mr. SHELBY, Mr. SARBANES, Mr. ROCKEFELLER, Mr. REED, Mrs. BOXER, Mrs. CLINTON, and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

TITLE —IMPROVED PUBLIC TRANSPORTATION SECURITY

SEC. —101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Public Transportation Terrorism Prevention Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —101. Short title; table of contents.
Sec. —102. Findings and purpose.
Sec. —103. Security assessments.
Sec. —104. Security assistance grants.
Sec. —105. Intelligence sharing.
Sec. —106. Research, development, and demonstration grants.
Sec. —107. Reporting requirements.
Sec. —108. Authorization of appropriations.
Sec. —109. Sunset provision.

SEC. —102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) public transportation systems throughout the world have been a primary target of

terrorist attacks, causing countless death and injuries;

(2) 5,800 public transportation agencies operate in the United States;

(3) 14,000,000 people in the United States ride public transportation each work day;

(4) safe and secure public transportation systems are essential for the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested $74,900,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested $18,100,000,000 in fiscal years 2002 through 2005 to protect our Nation's aviation system and its 1,800,000 daily passengers;

(7) the Federal Government has allocated $250,000,000 in fiscal years 2003 through 2005 to protect public transportation systems in the United States;

(8) the Federal Government has invested $7.38 in aviation security improvements per passenger, but only $0.007 in public transportation security improvements per passenger;

(9) the Government Accountability Office, the Mineta Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and many transportation experts have reported an urgent need for significant investment in public transportation security improvements; and

(10) the Federal Government has a duty to deter and mitigate, to the greatest extent practicable, threats against the Nation's public transportation systems.

SEC. —103. SECURITY ASSESSMENTS.

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary of Homeland Security.

(2) REVIEW.—Not later than July 31, 2006, the Secretary of Homeland Security shall review and augment the security assessments received under paragraph (1).

(3) ALLOCATIONS.—The Secretary of Homeland Security shall use the security assessments received under paragraph (1) as the basis for allocating grant funds under section —104, unless the Secretary notifies the Committee on Banking, Housing, and Urban Affairs of the Senate that the Secretary has determined that an adjustment is necessary to respond to an urgent threat or other significant factors.

(4) SECURITY IMPROVEMENT PRIORITIES.—Not later than September 30, 2006, the Secretary of Homeland Security, after consultation with the management and employee representatives of each public transportation system for which a security assessment has been received under paragraph (1), shall establish security improvement priorities that will be used by public transportation agencies for any funding provided under section —104.

(5) UPDATES.—Not later than July 31, 2007, and annually thereafter, the Secretary of Homeland Security shall—

(A) update the security assessments referred to in this subsection; and

(B) conduct security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack.

(b) USE OF SECURITY ASSESSMENT INFORMATION.—The Secretary of Homeland Security shall use the information collected under subsection (a)—

(1) to establish the process for developing security guidelines for public transportation security; and

(2) to design a security improvement strategy that—

(A) minimizes terrorist threats to public transportation systems; and

(B) maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks.

(c) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than July 31, 2006, the Secretary of Homeland Security shall conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of—

(1) local bus-only public transportation systems; and

(2) selected public transportation systems that receive funds under section 5311 of title 49, United States Code.

SEC. —104. SECURITY ASSISTANCE GRANTS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable capital security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) communications equipment;

(G) emergency response equipment;

(H) fire suppression and decontamination equipment;

(I) global positioning or automated vehicle locator type system equipment;

(J) evacuation improvements; and

(K) other capital security improvements.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall award grants directly to public transportation agencies for allowable operational security improvements based on the priorities established under section —103(a)(4).

(2) ALLOWABLE USE OF FUNDS.—Grants awarded under paragraph (1) may be used for—

(A) security training for public transportation employees, including bus and rail operators, mechanics, customer service, maintenance employees, transit police, and security personnel;

(B) live or simulated drills;

(C) public awareness campaigns for enhanced public transportation security;

(D) canine patrols for chemical, biological, or explosives detection;

(E) overtime reimbursement for enhanced security personnel during significant national and international public events, consistent with the priorities established under section —103(a)(4); and

(F) other appropriate security improvements identified under section —103(a)(4), excluding routine, ongoing personnel costs.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.

(d) PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.—Each public transportation agency that receives a grant under this section shall—

(1) identify a security coordinator to coordinate security improvements;

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Homeland Security on the use of grant funds received under this section.

(e) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified for that grant under this section, the grantee shall return any amount so used to the Treasury of the United States.

SEC. —105. INTELLIGENCE SHARING.

(a) INTELLIGENCE SHARING.—The Secretary of Homeland Security shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) INFORMATION SHARING ANALYSIS CENTER.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security shall provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the "ISAC") established pursuant to Presidential Directive 63, to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION.—The Secretary of Homeland Security—

(A) shall require those public transportation agencies that the Secretary determines to be at significant risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge a fee to any public transportation agency for participating in the ISAC.

SEC. —106. RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security, in consultation with the Federal Transit Administration, shall award grants to public or private entities to conduct research into, and demonstrate, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to

(1) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;

(2) research imaging technologies;

(3) conduct product evaluations and testing; and

(4) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(c) REPORTING REQUIREMENT.—Each entity that receives a grant under this section shall report annually to the Department of Homeland Security on the use of grant funds received under this section.

(d) RETURN OF MISSPENT GRANT FUNDS.—If the Secretary of Homeland Security determines that a grantee used any portion of the grant funds received under this section for a purpose other than the allowable uses specified under subsection (b), the grantee shall return any amount so used to the Treasury of the United States.

SEC. —107. REPORTING REQUIREMENTS.

(a) SEMI-ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than March 31 and September 30 of each year, the Secretary of Homeland Security shall submit a report, containing the information described in paragraph (2), to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Appropriations of the Senate.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the implementation of the provisions of sections — 103 through 106;

(B) the amount of funds appropriated to carry out the provisions of each of sections — 103 through 106 that have not been expended or obligated; and

(C) the state of public transportation security in the United States.

(b) ANNUAL REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this title.

(2) CONTENTS.—The report submitted under paragraph (1) shall specify—

(A) the amount of grant funds distributed to each such public transportation agency; and

(B) the use of such grant funds.

SEC. —108. AUTHORIZATION OF APPROPRIATIONS.

(a) CAPITAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated $2,370,000,000 for fiscal year 2007 to carry out the provisions of section —104(a), which shall remain available until expended.

(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out the provisions of section —104(b)—

(1) $534,000,000 for fiscal year 2007;

(2) $333,000,000 for fiscal year 2008; and

(3) $133,000,000 for fiscal year 2009.

(c) INTELLIGENCE.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section —105.

(d) RESEARCH.—There are authorized to be appropriated $130,000,000 for fiscal year 2007 to carry out the provisions of section —106, which shall remain available until expended.

SEC. —109. SUNSET PROVISION.

The authority to make grants under this title shall expire on October 1, 2009.

TITLE —IMPROVED RAIL SECURITY

SEC. —201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rail Security Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —201. Short title; table of contents.
Sec. —202. Rail transportation security risk assessment.
Sec. —203. Systemwide AMTRAK security upgrades.
Sec. —204. Fire and life-safety improvements.
Sec. —205. Freight and passenger rail security upgrades.
Sec. —206. Rail security research and development.
Sec. —207. Oversight and grant procedures.
Sec. —208. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. —209. Northern border rail passenger report.
Sec. —210. Rail worker security training program.
Sec. —211. Whistleblower protection program.
Sec. —212. High hazard material security threat mitigation plans.
Sec. —213. Memorandum of agreement.
Sec. —214. Rail security enhancements.
Sec. —215. Public awareness.
Sec. —216. Railroad high hazard material tracking.
Sec. —217. Authorization of appropriations.

SEC. —202. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) a methodology for conducting the risk assessment, including timelines, that addresses how the Department of Homeland Security will work with the entities describe in subsection (b) and make use of existing Federal expertise within the Department of Homeland Security, the Department of Transportation, and other appropriate agencies;

(B) identification and evaluation of critical assets and infrastructures;

(C) identification of vulnerabilities and risks to those assets and infrastructures;

(D) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(3) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2007.

SEC. —203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section —202, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2007;

(2) $30,000,000 for fiscal year 2008; and

(3) $30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. —204. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2007;

(B) $190,000,000 for fiscal year 2008; and

(C) $190,000,000 for fiscal year 2009.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2007;

(B) $19,000,000 for fiscal year 2008; and

(C) $19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2007;

(B) $13,333,000 for fiscal year 2008; and

(C) $13,333,000 for fiscal year 2009.

(c) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section —217(b) of this title, there shall be made available to the Secretary of Transportation for fiscal year 2007 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. —205. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section —202, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —202, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section —202, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —203(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section —202 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $45,000,000 to Amtrak; or

(2) in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $100,000,000 for fiscal year 2007;

(2) $100,000,000 for fiscal year 2008; and

(3) $100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. —206. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —205(g) of this title; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section —202.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section —205(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $35,000,000 for fiscal year 2007;

(2) $35,000,000 for fiscal year 2008; and

(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

SEC. —207. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2006 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this title.

(c) PROCEDURES FOR GRANT AWARD.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.

SEC. —208. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—Out of funds appropriated pursuant to section —217(b) of the Rail Security Act of 2006, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. —209. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and

Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. —210. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for review. Not later than 30 days after receiving a railroad carrier's program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide additional training to their front-line workers within a reasonable time after the guidance is updated.

(f) Front-Line Workers Defined.—In this section, the term "front-line workers" means security personnel, dispatchers, train operators, other onboard employees, maintenance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) Other Employees.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. —211. WHISTLEBLOWER PROTECTION PROGRAM.

(a) In General.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

"§ 20118. Whistleblower protection for rail security matters

"(a) Discrimination Against Employee.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) Dispute Resolution.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) Procedural Requirements.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) Election of Remedies.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) Disclosure of Identity.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) Conforming Amendment.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

"20118. Whistleblower protection for rail security matters.".

SEC. —212. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) In General.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section —205(g) of this title and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) Implementation.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier's right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act;

(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary; and

(C) submit any subsequent revisions to the plan to the Secretary within 30 days after making the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with assistance of the Secretary of Transportation, shall review the plans and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term "high-consequence target" means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term "catastrophic impact zone" means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or

(B) significant damage to property or structures.

(3) The term "rail carrier" has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. —213. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. —214. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Under"; and

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. —215. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. —216. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) WIRELESS COMMUNICATIONS.—

(1) IN GENERAL.—In conjunction with the research and development program established under section —206 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section —205(g) of this title) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. —217. AUTHORIZATION OF APPROPRIATIONS.

(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration) for rail security—

"(1) $206,500,000 for fiscal year 2007;

"(2) $168,000,000 for fiscal year 2008; and

"(3) $168,000,000 for fiscal year 2009.".

(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out this title and sections 20118 and 24316 of title 49, United States Code, as added by this title—

(1) $225,000,000 for fiscal year 2007;

(2) $223,000,000 for fiscal year 2008; and

(3) $223,000,000 for fiscal year 2009.

TITLE —IMPROVED MARITIME SECURITY

SEC. —301. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Maritime and Transportation Security Act of 2006."

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE —IMPROVED MARITIME SECURITY

Sec. —301. Short title: table of contents.
Sec. —302. Establishment of additional interagency operational centers for port security.
Sec. —303. Area maritime transportation security plan to include salvage response plan.
Sec. —304. Assistance for foreign ports.
Sec. —305. Specific port security initiatives.
Sec. —306. Technical requirements for non-intrusive inspection equipment.
Sec. —307. Random inspection of containers.
Sec. —308. Port security user fee study.
Sec. —309. Port security grants.
Sec. —310. Work stoppages and employee-employer disputes.
Sec. —311. Inspection of car ferries entering from Canada.

SEC. —302. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) CHARACTERISTICS.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California, and the virtual operation center at the port of New York/New Jersey;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by—

(A) representatives of the United States Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security;

(B) representatives of State and local law enforcement or port security agencies and personnel; and

(C) members of the area maritime security committee, as deemed appropriate by the captain of the port;

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70119 of that title;

(E) the United States Customs and Border Protection's screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.

(e) SECURITY CLEARANCE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating may assist non-Federal personnel described in subsection (b)(3)(B) or (C) in obtaining expedited appropriate security clearances and in and maintaining their security clearances.

(f) SECURITY INCIDENTS.—During a transportation security incident (as defined in section 70101(6) of title 46, United States Code) involving a port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in each joint operations center for maritime security shall act as the incident commander, unless otherwise directed under the National Maritime Transportation Security Plan established under section 70103 of title 46, United States Code.

SEC. —303. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following:

"(E) include a salvage response plan—

"(i) to identify salvage equipment capable of restoring operational trade capacity; and

"(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.''.

SEC. —304. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 70109. International cooperation and coordination"; and

(2) by adding at the end the following:

"(c) FOREIGN ASSISTANCE PROGRAMS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.

"(2) CARIBBEAN BASIN.—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the United States Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation of port security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

"(A) the strategic location of such ports between South America and United States;

"(B) the relative openness of such ports; and

"(C) the significant number of shipments of narcotics to the United States that are moved through such ports.

"(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, shall enter into negotiations with foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, and the International Standards Organization, as appropriate—

"(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

"(2) to encourage compliance with minimum technical requirements for the capabilities of nonintrusive inspection equipment, including imaging and radiation detection devices, established under section ——— of the Maritime and Transportation Security Act of 2006 Act;

"(3) to implement the requirements of the container security initiative under section 70117; and

"(4) to implement standards and procedures established under section 70119.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the security of ports in the Caribbean Basin. The report—

(1) shall include—

(A) an assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security;

(B) an estimate of the number of ports in the Caribbean Basin that will not be secured by January 1, 2007, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States; and

(C) an assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin; and

(2) may be submitted in both classified and redacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70901 and inserting the following:

"70901. International cooperation and coordination''.

SEC. —305. SPECIFIC PORT SECURITY INITIATIVES.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to withholding of clearance), as added by section 802(a)(2) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122;

(4) by striking section 70116;

(5) by redesignating sections 70117 through 70122 (as redesignated) as sections 70120 through 70126; and

(5) by inserting after section 70115 the following:

"§ 70116. Automated targeting system

"(a) IN GENERAL.—The Secretary shall develop and maintain an antiterrorism cargo identification and screening system for containerized cargo shipped to the United States either directly or via a foreign port to assess imports and target those imports which pose a high risk of containing contraband.

"(b) 24-HOUR ADVANCE NOTIFICATION.—In order to provide the best possible data for the automated targeting system, the Secretary shall require importers shipping goods to the United States via cargo container to supply advanced trade data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)). The requirement shall apply to goods entered after July 1, 2007.

"(c) SECURE TRANSMISSION; CONFIDENTIALITY.—All information required by the Secretary from supply chain partners under this section shall—

"(1) be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access; and

"(2) shall not be subject to public disclosure under section 552 of title 5.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

"(A) $30,700,000 for fiscal year 2007;

"(B) $33,200,000 for fiscal year 2008; and

"(C) $35,700,000 for fiscal year 2009.

"(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

"§ 70117. Container security initiative

"(a) IN GENERAL.—The Secretary shall issue regulations to—

"(1) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

"(2) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means.

“(b) IMPLEMENTATION.—The Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under subsection (a) are implemented in an effective manner.

“(c) APPLICATION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—

“(1) IN GENERAL.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(A) the seaport—

“(i) presents a significant level of risk;

“(ii) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(iii) is potentially capable of validating a secure system of transportation pursuant to section 70119; and

“(B) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(2) COORDINATION WITH INTERNATIONAL CARGO SECURITY STANDARDS.—In carrying out paragraph (a), the Secretary shall—

“(A) consult with the Secretary of State concerning progress under section 70109(d); and

“(B) coordinate activities under paragraph (1) with activities conducted under that section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) $142,000,000 for fiscal year 2007;

“(2) $144,000,000 for fiscal year 2008; and

“(3) $146,000,000 for fiscal year 2009.

“§ 70118. Customs-Trade Partnership Against Terrorism validation program

“(a) IN GENERAL.—The Secretary shall establish a voluntary program to strengthen and improve the overall security of the international supply chain and United States border security.

“(b) VALIDATION; RECORDS MANAGEMENT.—The Secretary shall issue regulations—

“(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

“(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

“(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

“(B) tracking member status.

“(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.

“(c) REVALIDATION.—The Secretary shall establish a process for revalidating C–TPAT participants. Such revalidation shall occur not less frequently than once during every 3-year period following validation.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not to exceed—

“(1) $60,000,000 for fiscal year 2007;

“(2) $65,000,000 for fiscal year 2008; and

“(3) $72,000,000 for fiscal year 2009.

“§ 70119. Secure systems of transportation

“(a) IN GENERAL.—The Secretary shall establish a program, to be known as the ‘GreenLane program’, to evaluate and certify secure systems of international intermodal transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and

“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.

“(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

“(2) ensure that cargo is loaded at a port designated under section 70117 for shipment to the United States;

“(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for container security devices;

“(4) establish standards and procedures for securing cargo and monitoring that security while in transit;

“(5) ensure that cargo complies with additional security criteria established by the Secretary beyond the minimum requirements for C–TPAT participation under section 70118, particularly in the area of access controls;

“(6) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

“(7) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

“(c) BENEFITS FROM PARTICIPATION.—

“(1) ELIGIBILITY.—The Commissioner of Customs and Border Protection may by regulation provide for expedited clearance of cargo for an entity that—

“(A) meets or exceeds the standards established under subsection (b); and

“(B) certifies the security of its supply chain not less often than once every 2 years to the Secretary.

“(2) BENEFITS.—The expedited clearance provided under paragraph (1) to any eligible entity may include—

“(A) the expedited release of GreenLane cargo into destination ports within the United States during all threat levels designated by the Secretary or the Commandant of the Coast Guard;

“(B) reduced or eliminated bonding requirements for GreenLane cargo;

“(C) priority processing for searches;

“(D) further reduced scores in the automated targeting system; and

“(E) streamlined billing of any customs duties or fees.

“(d) CONSEQUENCES OF LACK OF COMPLIANCE.—

“(1) IN GENERAL.—Any participant whose security measures and supply chain security practices have been determined by the Secretary to be out of compliance with any requirements of the program shall be denied benefits under the program.

“(2) RIGHT OF APPEAL.—Any participant determined by the Secretary under paragraph (1) not to be in compliance with the requirements of the program may appeal that determination to the Secretary.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70116. Automated targeting system
“70117. Container security initiative
“70118. Customs-Trade Partnership Against Terrorism validation program
“70119. Secure systems of transportation
“70120. In rem liability for civil penalties and certain costs
“70121. Firearms, arrests, and seizure of property
“70122. Withholding of clearance
“70123. Enforcement by State and local officers
“70124. Container security initiative
“70125. Civil penalty”.

(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70125”.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70125,”; and

(B) by striking “under section 70120,” and inserting “under that section,”.

SEC. —306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Domestic Nuclear Detection Office, in consultation with the National Institute of Science and Technology and the U.S. Customs and Border Protection, shall initiate a rulemaking—

(1) to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment for cargo, including imaging and radiation devices; and

(2) to ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary.

(b) ENDORSEMENTS; SOVEREIGNTY CONFLICTS.—In establishing such requirements, the Domestic Nuclear Detection Office shall be careful to avoid the endorsement of products associated with specific companies and the creation of sovereignty conflicts with participating countries.

(c) RADIATION SAFETY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Senate Committee on Commerce, Science, and Transportation, Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Appropriations, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Appropriations that—

(1) details the health and safety impacts of nonintrusive inspection technology; and

(2) describes the policy of the Bureau of Customs and Border Protection for using nonintrusive inspection equipment.

(d) Final Rule Deadline.—The Domestic Nuclear Detection Office shall issue a final rule under subsection (a) within 1 year after the rulemaking proceeding is initiated.

SEC. —307. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Commissioner. Nothing in this section shall be construed to mean that implementation of the random sampling plan would preclude the additional physical inspection of shipping containers not inspected pursuant to the plan.

SEC. —308. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security that—

(1) contains the Secretary's findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through oceanborne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. —309. PORT SECURITY GRANTS.

(a) Basis for Grants.—Section 70107(a) of title 46, United States Code, is amended by striking "for making a fair and equitable allocation of funds" and inserting "based on risk and vulnerability".

(b) Eligible Costs.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(c) Letters of Intent.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) Letters of intent.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.".

(d) Operation Safe Commerce.—Section 70107(i) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following:

"(4) Operation Safe Commerce.—

"(A) In general.—Not later than 1 year after the date of enactment of the [To be supplied] Act, the Secretary shall initiate grant projects that—

"(i) integrate nonintrusive inspection and radiation detection equipment with automatic identification methods for containers, vessels, and vehicles;

"(ii) test physical access control protocols and technologies;

"(iii) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

"(iv) otherwise further maritime and cargo security, as determined by the Secretary.

"(B) Supply chain security for special container and noncontainerized cargo.—The Secretary shall consider demonstration projects that further the security of the international supply chain for special container cargo, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo.

"(C) Annual report.—Not later than March 1 of each year, the Secretary shall submit a report detailing the results of Operation Safe Commerce to—

"(i) the Senate Committee on Commerce, Science, and Transportation;

"(ii) the Senate Committee on Homeland Security and Governmental Affairs;

"(iii) the House of Representatives Committee on Homeland Security;

"(iv) the Senate Committee on Appropriations; and

"(v) the House of Representatives Committee on Appropriations.".

(e) Research, Development, Test, and Evaluation.—The Secretary of Homeland Security shall—

(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(f) Coordination.—The Secretary of Homeland Security, acting through the Undersecretary for Science and Technology, in consultation with the Assistant Secretary for Policy, the Director of Cargo Security Policy, and the Chief Financial Officer, shall ensure that—

(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department, as appropriate.

SEC. —310. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after "area." the following: "In this paragraph, the term 'economic disruption' does not include a work stoppage or other nonviolent employee-related action resulting from an employee-employer dispute.".

SEC. —311. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.

SA 3823. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 14 after "That" insert the following:

of the funds appropriated under this heading, not less than $3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombian Fiscalia notwithstanding section 599E of Public Law 109-102: *Provided further*, That

SA 3824. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. Voinovich (for himself, Mr. Obama, Mr. DeWine, Mr. Levin, Ms. Stabenow, Mr. Durbin, and Mr. Dayton) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.

(a) In General.—Of the unobligated balances available for "Operation and Maintenance" under the heading "CORPS OF ENGINEERS—CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2250), $400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) Authorization of Appropriations.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, May 8, 2006 at 3 p.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding issues associated with the implementation of the provisions of the Energy Policy Act of 2005 addressing licensing of hydroelectric facilities.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly at (202) 224–9360 or Steve Waskiewicz at (202) 228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 1 at 2:30 p.m. The purpose of this hearing is to receive testimony regarding the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Darren Benjamin, a detailee to the Committee on Appropriations, and Chris Heggem of committee staff be granted floor privileges during the debate on H.R. 4939.

The PRESIDING OFFICER. Without objection, it is so ordered.

GERMAN RELEASE OF MOHAMMAD ALI HAMMADI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 457, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 457) expressing the sense of the Senate that the citizens of the United States and the United States Government have serious concerns regarding the release of convicted terrorist and murderer Mohammad Ali Hammadi by the Government of Germany.

There being no objection, the Senate proceeded to consider the resolution.

Mr. VITTER. Mr. President, I rise in support of S. Res. 457, expressing the Senate's disappointment with the government of Germany concerning their release of convicted terrorist and murderer Mohammad Ali Hammadi.

The German government in December of 2005 released Mohammad Ali Hammadi, a Hezbollah leader who killed U.S. Navy diver Robert Dean Stethem in the June 1985 Hezbollah hijacking of TWA Flight 847. Coincidentally, a few days later Susanne Osthoff, a German hostage was released. Mr. Stethem was savagely beaten and then executed for refusing the demands of his hijackers. Hammadi and his fellow terrorists escaped, but Hammadi was eventually arrested in Germany in 1987 for traveling with liquid explosives and sentenced to life in prison for the murder of Mr. Stethem. Hammadi's other accomplices are still part of the FBI's most wanted list and have a 15 million dollar bounty on their heads.

The German government released Hammadi despite a U.S. request for his extradition to face numerous charges of terrorism. He was sentenced to life yet only served 18 years. Furthermore, despite our longstanding agreement to honor each others' extradition requests the German government flew Hammadi to Lebanon to reunite with his brothers who are senior Hezbollah leaders. The Germans did this despite knowing the United States does not have an extradition treaty with the government of Lebanon.

Sadly, the family of United States Navy diver Robert Dean Stethem was not notified in advance of Mr. Hammadi's release. Mr. Stethem is an American hero who was posthumously awarded the Bronze Star and Purple Heart and is buried at Arlington National Cemetery. He also has a United States Navy ship named in his honor called the USS *Stethem*.

We should continue to call on Lebanon to hand over Hammadi and other wanted terrorists to face trial in the United States, and we urge Lebanon to comply with such requests in order to help foster better relations between the United States and Lebanon. While the United States should continue to assist Lebanon in democratic reform initiatives, we must see results in denying refuge to some of the world's most wanted terrorists. The people of Lebanon have made great strides in recent times but the government of Lebanon must understand that continuing to harbor terrorists will only further isolate them from the international community and put future financial aid in doubt.

The murderers of Robert Stethem must be brought to justice, and a clear message must be sent that the brutal murder of American service members or civilians will neither be tolerated nor forgotten.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 457

Whereas, although the Government of Germany has been a significant partner in combating international terrorism, their release of Mohammad Ali Hammadi was a grave and unfortunate mistake;

Whereas, in 1985, Mr. Hammadi, along with Hasan Izz-Al-Din, Ali Atwa, and Imad Fayez Mugniyah, hijacked Trans World Airlines Flight 847, and subsequently escaped from the scene of the hijacking;

Whereas United States Navy Petty Officer Robert Dean Stethem was singled out during the hijacking of Trans World Airlines Flight 847 because he was a serviceman of the United States, savagely beaten before being executed, and dumped on the tarmac of Beirut International Airport;

Whereas Petty Officer Stethem was posthumously awarded the Bronze Star and Purple Heart and buried at Arlington National Cemetery;

Whereas, in 1987, Mr. Hammadi was arrested at Frankfurt Airport while carrying liquid explosives in his luggage;

Whereas, in 1989, Mr. Hammadi, a Shiite militant from Lebanon, was convicted in a court in Germany for the brutal killing of Petty Officer Stethem and was sentenced to life in prison in Germany;

Whereas, after less than 19 years behind bars Mr. Hammadi was released in December 2005 and flown to Lebanon by the Government of Germany even though the United States does not have an extradition treaty with the Government of Lebanon; and

Whereas the release of Mr. Hammadi came in the face of strong opposition from the United States Government, and Petty Officer Stethem's parents were not even informed in advance that the killer of their son was to be released: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unfortunate actions of the Government of Germany with respect to Mohammad Ali Hammadi have undermined the joint efforts by the United States Government and the Government of Germany to effectively combat international terrorism;

(2) the early release of Mr. Hammadi sends a signal of weakness to terrorist groups such as Hezbollah and could increase the likelihood of further terrorist attacks against the citizens of Europe and the rest of the world;

(3) the United States Government should continue to call on the Government of Lebanon to hand over Mr. Hammadi and other known terrorists so that they may face trial in the United States;

(4) the United States Government should take all appropriate steps to secure the arrest of Mr. Hammadi and his fellow hijackers and their transfer to the United States for trial; and

(5) the murderers of United States Navy Petty Officer Robert Dean Stethem must be brought to justice, and a clear message must be sent to the international community that the brutal murder of service members or civilians of the United States will neither be tolerated nor forgotten.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENTS NOS. 3791; 3648, AS MODIFIED; 3630; AND 3631

Mr. FRIST. Mr. President, I ask unanimous consent that it be in order to resume the supplemental appropriations bill; provided further that the following amendments be considered and agreed to: Nos. 3791; 3648, as modified; 3630; and 3631.

I further ask unanimous consent that the motions to reconsider be laid upon the table and the Senate resume a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3648), as modified, was agreed to.

The amendment (Nos. 3630, 3631, and 3791) were agreed to, as follows:

AMENDMENT NO. 3630

(Purpose: To require the Administrator of the Small Business Administration to report to Congress on the status of its 2006 Atlantic hurricane season disaster response plan)

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

HURRICANE RESPONSE PLAN FOR THE 2006 HURRICANE SEASON

SEC. 2201. (a) In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Disaster Loan Program" means the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636);

(3) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(4) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632);

(5) the term "system" means the Disaster Credit Management System of the Administration; and

(6) the term "2006 Atlantic hurricane season" means the period beginning on June 1, 2006, and ending on November 30, 2006.

(b) Not later than May 31, 2006, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the status of the disaster response plan of the Administration for the 2006 Atlantic hurricane season.

(c) The report required under subsection (b) shall include—

(1) the plan of the Administrator for responding quickly and efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of chartable events such as hurricanes);

(2) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including details on where and when joint training sessions are planned during the 2006 Atlantic hurricane season);

(3) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration (including the small business development centers);

(4) the contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

(5) any available or revised surge plans for the system (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(6) information on the plans of the Administration, if any, for upgrading the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

(B) the estimated cost for upgrading the software and equipment to handle additional users;

(7) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(8) information (including potential cost estimates) on whether—

(A) the Administrator plans to hire full-time planning staff during the 2006 Atlantic hurricane season; and

(B) such full-time planner would be hired in the Office of Disaster Assistance or in another office of the Administration;

(9) the inservice and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

(11) information on the procurement procedures of the Administration for acquiring equipment and staff, including—

(A) standard procurement procedures during nondisaster periods;

(B) standard procurement procedures before and after major disasters;

(C) whether the Administration meets the criteria to be exempt from the normal General Services Administration procurement process for its disaster response; and

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Service Administration procurement process in response to a disaster; and

(12) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005.

AMENDMENT NO. 3631

(Purpose: To require monthly reporting regarding the Disaster Loan Program of the Small Business Administration)

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT

SEC. 2201. (a) In this section—

(1) the term "applicable period" means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and

(2) the term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(c) Each report under subsection (b) shall include—

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(5) an estimate of how long the available funding for such loans will last, based on the spending rate;

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(7) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under subsection (b);

(8) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(9) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

AMENDMENT NO. 3791

(Purpose: To clarify the availability and use of funds)

On page 176, strike lines 4 through 7 and insert the following:

December 31, 2006, for part A of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") for allocations to States for necessary expenses in the 2006–2007 academic year related to the consequences of Hurricanes Katrina and Rita: Provided further, That, notwithstanding the allotment formula described in section 5111 of the ESEA, funds made available in the preceding proviso shall be allocated to each eligible State educational agency on the basis of its relative share of displaced students (as that term is defined in section 107(b)(1) of title IV of division B of Public Law 109–148) enrolled on October 1, 2006, provided that the number of displaced students enrolled in public and private elementary schools and secondary schools in the State is not less than 1 percent of the total fourth quarter displaced student enrollment count of the 2005–2006 academic year: Provided further, That, notwithstanding the allocation formula described in section 5112 of the ESEA, each State educational agency shall make 100 percent of funds available under such proviso to local educational agencies on the basis of each local educational agency's relative share of displaced students on October 1, 2006: Provided further, That such local educational agencies shall use such funds in accordance with sections 5131 and 5142 of the ESEA: Provided further, that the

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will return to a period of morning business.

SUPPORT OF THE SENATE TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate proceed to the consideration of S. Res. 415.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill be title.

The legislative clerk read as follows:

A resolution (S. Res. 415) expressing the continuing support of the Senate to the Junior Reserve Officers' Training Corps, and commending the efforts of that vital program as it carries out its mission of instilling the values of citizenship and service in the hearts and minds of the youth of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 415) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas, since its inception in 1913, the Junior Reserve Officers' Training Corps has successfully functioned for over 90 years;

Whereas the Junior Reserve Officers' Training Corps has provided citizenship training, discipline, stability, and patriotic values to the youth of the United States throughout the Nation;

Whereas millions of students have benefitted from the Junior Reserve Officers' Training Corps;

Whereas, in 2005, there were over 500,000 students enrolled in Junior Reserve Officers' Training Corps programs in approximately 3,400 secondary schools; and

Whereas the Junior Reserve Officers' Training Corps is taught by a dedicated cadre of retired officers and staff non-commissioned officers of the Armed Forces who love the United States and who are working to secure its future: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation to the Junior Reserve Officers' Training Corps for—

(A) the leadership training that the program provides to the youth of the United States; and

(B) the outstanding results that the program has achieved;

(2) commends the professionalism and dedication displayed daily by the retired members of the United States Armed Forces who serve as instructors in the Junior Reserve Officers' Training Corps; and

(3) proudly honors the modern-day members of the Junior Reserve Officers' Training Corps, who represent a promising group of young men and women who continue to strive to achieve their full potential.

MEASURE PLACED ON CALENDAR—H.R. 5020

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR TUESDAY, MAY 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 2. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the Proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; that upon the use or yielding back of the time, the Senate proceed to the consideration of H.R. 4939 and immediately proceed to a vote on the motion to invoke cloture. I further ask unanimous consent that second-degree amendments be filed by 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be time, of course, for debate prior to the vote; is that right?

The PRESIDING OFFICER. This unanimous consent agreement supersedes that agreement.

Mr. REID. Mr. President, I think prior to this vote, we should have time to talk about it. The hour is set aside for morning business?

Mr. FRIST. The unanimous consent request, Mr. President, was that the Senate proceed to a period for morning business—we are calling it morning business—for up to an hour, a total of an hour, with 30 minutes under the control of the Democratic leader and 30 minutes under my control, which allows us to be on the bill.

Mr. REID. Parliamentary inquiry: What time would that vote take place approximately?

The PRESIDING OFFICER. Approximately at 10:45 a.m. if all time is used.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. Mr. President, I asked consent that second-degree amendments be filed by 10:30 a.m. tomorrow, and that unanimous consent request is still pending?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, it will probably be more likely around 11 o'clock or 10:50, 10:55 tomorrow morning, maybe 11 o'clock, that we will have the cloture vote on the emergency supplemental appropriations bill. That will be the first vote of the day, and that is when the clock will start ticking.

Remember, Senators have a filing deadline for any second-degree amendments at 10:30 tomorrow morning. We have a lot of amendments to work through over the course of the postcloture time and will likely be having votes throughout the day. I know a number of people will be coming up to push votes until after committee meetings and hearings. We have to keep effectively and efficiently going through the votes in this postcloture period. I do expect cloture to be invoked, and we will need to vote on those pending amendments which are qualified under the cloture rule.

It is my expectation to continue to run postcloture on Tuesday and Wednesday until we complete the bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Tuesday, May 2, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 2006:

DEPARTMENT OF COMMERCE

JOHN M. R. KNEUER, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS

AND INFORMATION, VICE MICHAEL D. GALLAGHER, RESIGNED.

DEPARTMENT OF THE TREASURY

PAUL CHERECWICH, JR., OF UTAH, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009, VICE CHARLES L. KOLBE, TERM EXPIRED.

DONALD V. HAMMOND, OF VIRGINIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 21, 2010, VICE ROBERT M. TOBIAS, TERM EXPIRED.

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

DEBORAH L. WINCE-SMITH, OF VIRGINIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE LARRY L. LEVITAN, TERM EXPIRED.

DEPARTMENT OF STATE

DAWN M. LIBERI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

WILLIAM B. TAYLOR, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

MICHAEL WOOD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

CONFIRMATION

Executive nomination confirmed by the Senate: Monday, May 1, 2006

THE JUDICIARY

MICHAEL RYAN BARRETT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

EXTENSIONS OF REMARKS

MILITARY APPRECIATION DAY SHILOH METROPOLITAN BAPTIST CHURCH

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to commend the Shiloh Metropolitan Baptist Church on its Military Appreciation Day Service.

On behalf of the constituents of the Third Congressional District of Florida, and a grateful Nation, I am honored to join with the chorus of friends, neighbors, loved ones and this great church family, when we all come together this day to thank our men and women in uniform for their brave and unselfish sacrifices in defense of our Nation and of democracy. We owe their families our heartfelt thanks for their support and steadfastness, as their love ones stand in harms way to do a duty they have been sworn to uphold. These are surely not easy times; nor have they been called upon to demonstrate valor and bravery without consequence; yet it is that very valor we honor and pay tribute to.

Yours is the greater sacrifice so we may bask in the warm glow of freedom and hope. To date, there have been 114 Floridians who have served their country and paid the ultimate sacrifice, including 7 from Jacksonville, all of whom, and their families, took upon themselves to ensure that our freedoms are protected: from external and internal strife; from indifference and apathy and from being taken for granted, yet reminding that freedom is not free without sacrifice.

I wish to thank Pastor Darrell Gilyard and Shiloh Metropolitan Baptist Church for having the vision and love of God to set forth this day as a special day for all our brothers and sisters in arms. Thank this great church for their prayers, guidance and love.

It has been often said, "To whom much is given, much is required." We as a Nation and a people have been given much by the sacrifices and commitments of our men and women in uniform, therefore, we are required, and are honored to say, ever so humbly, and with great praise, Thank You, and may God continue his blessings on each of you, your families, and on each of us as we join in this most honored and sacred occasion.

RECOGNIZING THE 100TH ANNIVERSARY OF THE DUBOIS CIRCLE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the 100th Anniversary of the Dubois Circle. In its 100th year, this organization's legacy of empowerment for women and African Americans continues to serve as a reminder that even a few devoted individuals can contribute to the fulfillment of America's promise of equity, justice, and freedom.

In 1905, William Edward Burghardt Dubois, known to many as W.E.B. Dubois, organized a meeting at the Lyric Theatre in Baltimore, Maryland, of 29 African American ministers, educators, and other professionals to form an organization known as the Niagara Movement—an organization founded to address the social, political, and economic injustices faced by African Americans. The Niagara Movement continued until 1910, when it became the foundation for the National Association for the Advancement of Colored People (NAACP).

It was in this climate that the Dubois Circle came into being. A group of African American women in Baltimore, Maryland, were specially selected by Dr. Garnet Waller, a founder of the Niagara Movement, to serve on a special auxiliary committee as hostesses for a meeting. On January 6, 1906, this special committee of talented young women grew to become a stand alone African American women's organization named the Dubois Circle. Not only did the name honor the revered writer and activist W.E.B. Dubois, but it also served as a declaration of the ideals and purpose for which the group was founded.

At a time when women did not yet enjoy the full benefits of citizenship such as the right to vote, this group of trailblazing women would not be relegated to the sidelines of civic engagement. They met frequently to discuss local, national, and global issues and how they could affect them. To carry out a wide range of programs that covered topics from race to business, the members themselves often served as researchers, reporters, editors, and commentators.

Throughout its history, the Dubois Circle has remained focused on addressing racial problems in our society. This commitment has demanded its involvement in issues tied to education, the media, mental health, and youth delinquency.

The Circle has achieved many impressive successes on these fronts. For instance, in 1949, the Circle sent a letter to the Maryland Governor and Commissioner of Higher Education urging the University of Maryland system to open its graduate departments to African Americans. Because of these efforts and the sacrifice and commitment of countless others, the University of Maryland system ultimately implemented a policy of integration that extended to all levels of the institution.

To achieve these goals and others, the Dubois Circle associated itself with various distinguished women's groups, and in the 1980s officially became a life member of the NAACP. The NAACP recognized then, as we do today, the importance of the Dubois Circle in both the African American and women's communities in Maryland and throughout the nation.

Mr. Speaker, the Dubois Circle was born 100 years ago to help cleanse the stain of discrimination from our national character and it continues to be relevant to that worthwhile effort even today. The Dubois Circle teaches us that if we draw on the strength within—and add to that strength a committed spirit—we can accomplish no less than greatness.

H. RES. 737—"RECOGNIZING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH" AND FINAL RESULTS OF THE 2006 STOCK MARKET GAME CAPITOL HILL CHALLENGE

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 2006

Mr. HINOJOSA. Mr. Speaker, I would like to submit for the RECORD the National Council on Economic Education's letter in support of H. Res. 737, a bill Recognizing the Goals and Ideals of Financial Literacy Month that falls in April of each year. Congresswoman JUDY BIGGERT (R–IL) and I introduced the bill earlier this year. The House Committee on Government Reform reported the bill out favorably to the House floor, and it passed the House on April 6, 2006 by a recorded vote of 423–1.

I would like to submit for the Record the Final Results of the 2006 Stock Market Game Capitol Hill Challenge as it pertains to my district. During the Challenge, 78 schools from across the country, and one school in Germany, invested 100,000 hypothetical dollars into the U.S. markets. Ten teams from La Feria High School in my district participated in the Challenge. I want to personally commend them for their valiant efforts to learn the ins and outs of the stock market and congratulate all of them for their excellent performance. I look forward to more high schools in my district participating in this Challenge next year.

Finally, I would like to submit for the RECORD an article by Brigitte Yuille of Bankrate.com entitled "10 tips to make your children money-wise." I believe that it provides some excellent recommendations for parents to improve their children's financial literacy.

NATIONAL COUNCIL ON
ECONOMIC EDUCATION, APRIL 5, 2006.

Hon. JUDY BIGGERT,
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. RUBÉN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES BIGGERT AND HINOJOSA: On behalf of the National Council on Economic Education (NCEE), I am writing to express my support for H. Res. 737, a Resolution Supporting the Goals of Financial Literacy Month. I understand that the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House is scheduled to vote on H. Res. 737 today, and I want to commend you and your colleagues for highlighting the importance of financial and economic education.

The NCEE is a nonprofit organization that has worked to enhance elementary and secondary economic and financial literacy education since 1949. Since that time, our organization has established comprehensive programs that equip teachers with tools to get economics and personal finance into the classroom, and to help students apply in their lives what they learn in school. The NCEE operates through a network of state councils and university-affiliated centers for economic education, which allows us to reach teachers, and through them students, across the country.

H. Res. 737 provides a timely "call to action" to leaders in government and education, as well as parents and students, to improve financial and economic literacy. This national priority begins with providing students with the solid grounding in the fundamentals of economics and personal finance that will lead to sound decisions through life. H. Res. 737 correctly recognizes that school education is the beginning of this process, and that it is also important to "improve financial literacy rates for Americans of all ages and walks of life."

We look forward to continuing to work with both of you, along with the House Financial and Economic Literacy Caucus, and all Members of the House and Senate, to achieve the goals reflected in H. Res. 737. Thank you again for your leadership on this critical issue.

Sincerely,

Robert F. Duvall,
President & CEO.

Securities Industry Association,
Washington, DC, April 25, 2006.

Final Results of the 2006 Stock Market Game Capitol Hill Challenge

Today, The Foundation for Investor Education and The Securities Industry Association join members of Congress and educators in acknowledging Financial Literacy Day. In addition to attending Financial Literacy Day on Capitol Hill 2006 held between 1:00 p.m.–5:00 p.m. in 902 Hart Senate Office Building, we will announce the final results of the Stock Market Game: Capitol Hill Challenge. This e-mail will give you a first look at those results.

The 2006 Stock Market Game-Capitol Hill Challenge began on February 13 and ended on April 21. During the Challenge, 78 schools from across the country, and one school in Germany, are investing $100,000 hypothetical dollars into the U.S. markets. SIA is bringing the first place team to Washington, DC to recognize their achievement May 8–9, 2006.

This e-mail contains rankings of Challenge participants, comprised of young investors across the country learning and having fun at the same time.

Only teams, which have executed trades, will appear on the Challenge rankings. The total equity of the portfolio for unlisted teams is $100,000.00 plus accrued interest.

Thank you for your support of Financial Literacy Month in Congress!

Regards,

Ed Shovar,
Legislative Assistant.

Final Results: 2006 Stock Market Game Capitol Hill Challenge

The 2006 Stock Market Game-Capitol Hill Challenge began on February 13 and ended on April 21. During the Challenge, 78 schools from across the country, and one school in Germany, are investing $100,000 hypothetical dollars into the U.S. markets. SIA is bringing the first place team to Washington, DC to recognize their achievement May 8–9, 2006.

The following high school team(s)* from your district participated in the 2006 Challenge, and we have included the final rankings of the Challenge (as of 04/21/06–close of the market):

Rank, Team ID, Total Equity, School/Organization, Advisor/Participant, Congress Member:

60, CAP_53_ZZ292, $107,964.79, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

82, CAP_53_ZZ286, $106,264.82, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

180, CAP_53_ZZ289, $101,343.13, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

198, CAP_53_ZZ291, $101,071.98, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

204, CAP_53_ZZ283, $100,838.01, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

206, CAP_53_ZZ288, $100,799.42, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

211, CAP_53_ZZ287, $100,733.17, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

244, CAP_53_ZZ284, $99,742.05, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

248, CAP_53_ZZ290, $99,685.42, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

213, CAP_53_ZZ285, $98,162.86, La Feria High School, Reagan, Suzanne, Rep. Rubén Hinojosa.

*Note: In some cases high schools may have registered more than one team of 3–5 students, in order to maximize the educational benefit to as many students as possible. Only teams, which have executed trades, will appear on the Challenge rankings. The total equity of the portfolio for unlisted teams is $100,000.00 plus accrued interest.

The Stock Market Game Program provides teachers with an engaging real-world tool for teaching basic economic skills while instilling their students with an understanding of the importance of sound saving and investing. Students in the Stock Market Game Program apply their reading, writing, and math skills to create and manage a stock portfolio. As students track their team's portfolio, they are able to commit the skills they learn in school to real-world decisions of saving and investing.

We invite you to visit our websites, The Stock Market Game Program (www.stockmarketgame.org), and the Securities Industry Association (www.sia.com). If you have any questions regarding this or any other matter, please do not hesitate to call us at (202) 216–2000.

[From Bankrate.com.]

10 Tips to Make Your Children Money-Wise

(By Briqitte Yuille)

Personal finance experts suggest that parents should teach their kids about money. They want parents to talk to their kids about earning, spending, investing, saving, borrowing and sharing.

In fact, the experts advise parents that the earlier they start, the better. Robert Duvall, president and CEO of the National Council on Economic Education, says a majority of practices can begin as early as preschool.

"We need to get to young people as early as possible," he says. "We don't wait until a young person gets her or his first job to teach them how to read. Why do we want to wait until they are in the working world to teach them some basics about managing their money? Because often it's too late."

The experts have provided 10 ways for you to help your children understand and appreciate the value of a dollar:

1. Talk with your children while at a grocery store or in the mall. Express your thoughts when you compare prices and quality when shopping for school supplies or holiday and birthday gifts.

2. Take your kids to the bank. Whether you are taking out money from the ATM or heading inside the bank to cash a check, talk with your kids about what you are doing. Teach them how money can be earned by not taking it out of the bank account.

3. Talk with your kids about investments. Purchase stock in companies of products that they know. Experts say you can start in elementary school, but it might be more meaningful in middle school.

"Too many people have suffered losses—by not diversifying, for example—that could have been avoided with a little information and education," says Steve Hines, spokesman for the JumpStart Coalition for Personal Financial Literacy. "But, stocks generally outperform other forms of investment over longer periods of time, and since kids have time on their side, why not help them learn to make their money grow?"

4. Create a spending account, and provide your kids with a bank. Give your children an allowance and make sure they set aside a certain amount for savings. A piggy bank can help children watch their money grow. Let them keep a financial journal to record their financial activities.

5. Make them work for their money. Money doesn't grow on trees, so teach your kids to earn their money. They can start by picking up their toys, taking out the garbage and raking the leaves.

6. Help them to establish savings goals. Goal-setting can help kids aspire to achieve their dreams. So whether the goal is a toy, bicycle or a car, help them to learn that it can be attained by saving and working.

"A troubling trend in our society is giving credit cards too early and too easily," says Duvall, who suggests giving responsible teenagers a credit card toward the latter part of high school, along with a good heart-to-heart talk about credit.

"Know your kids individually, and don't be in a rush to help them spend," says Hines. "Don't get your kids a credit card and hope they'll learn something on their own. You wouldn't get them a car and hope they'll learn to drive it on their own, would you?"

7. Teach them how to use a credit card. If you decide to give your child a credit card, be sure to monitor its use.

8. Include kids in discussions on household budgeting and vacation planning. Talk about necessities such as utilities and extras. Teach kids about the financial resources needed for the vacation such as tickets, transportation, lodging and entertainment.

9. Teach them about donating. Donating can help teach your child about giving.

Hines believes volunteering is a way to "offset the consumer-driven environment by teaching kids that there is joy in something other than buying things for themselves.

"For some kids, this is a powerful lesson. Instead of just delayed gratification, it's gratification by spending on someone else. With donations, there are also opportunities to discuss how far a dollar can stretch and values."

10. Be a good role model. Lead by example. Educate yourself. Learn how to save and develop a sound budget. Read up on investing. A variety of resources are available on the Internet and at credit counseling agencies.

HOLOCAUST REMEMBRANCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 1, 2006

Mr. WAXMAN. Mr. Speaker, this week we commemorate Yom Hashoah, Holocaust Martyrs' and Heroes' Remembrance Day. With events in Israel, the United States and around the world, communities have gathered to memorialize the six million Jews murdered during World War II.

This year, by a coincidence of the calendar, Yom Hashoah comes just days after the anniversary of the Armenian Genocide and days before a rally planned in Washington to protest the genocide in Sudan. Each of these observances is a somber reminder that world inaction in the face of injustice leaves a tragic precedent for other acts of senseless bloodshed.

The road from Armenia to Auschwitz was direct. If more attention had been paid to the innocent victims and those who perpetrated the atrocities against the Armenian people, the Holocaust might have been prevented. Perhaps if 60 years hadn't passed before the U.N. formally commemorated the Holocaust, international consciousness of other genocides like the massacres in Darfur could have been awakened sooner.

While the U.N. General Assembly has finally committed to observing Holocaust commemoration annually, there is still tremendous complacency about modern day anti-Semitism. Many nations have stood idly by while Iranian President Mahmoud Ahmadinejad attacks the Holocaust as fiction and aggressively calls for Israel's destruction.

For example, Ukraine this year will mark the 65th anniversary of the Nazi massacre of more than 100,000 Jews at Babi Yar. Yet it took fierce pressure from the United States and Israel to urge the Ukrainian government to take a stand against MAUP, a local university that openly praises Ahmadinejad's anti-Israel statements, hosts anti-Zionism conferences, and actively distributes anti-Semitic propaganda across Europe.

Memorials become relics if they do not stir our modern conscience. One of the reasons that Yom Hashoah was chosen to be commemorated on the anniversary of the Warsaw ghetto uprising is to inspire in all of us a drive to fight back against injustice and intolerance.

Today, let us not only pay tribute to those who perished. Let us pledge to stand up against governments that persecute their own people. Let us bear witness to the crimes against humanity that are occurring in our midst. And let us declare our commitment to fight the reemergence of anti-Semitism so that the cry "Never Again" rings true.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 2, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 3

9 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Health and Human Services.
SD–226

Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

10 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–232A

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for Defense Medical Health Program.
SD–192

Appropriations
District of Columbia Subcommittee
To hold hearings to examine ways to eliminate penalties for marriage for low income families.
SD–124

Aging
To hold hearings to examine the future of social services for older Americans.
SD–106

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Office of Compliance, Government Printing Office and Congressional Budget Office.
SD–138

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

2 p.m.
Appropriations
Commerce, Justice, Science and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Commerce.
S–146, Capitol

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

Commerce, Science, and Transportation
Consumer Affairs, Product Safety, and Insurance Subcommittee
To hold hearings to examine pool safety issues.
SD–562

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

3:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Robert F. Godec, of Virginia, to be Ambassador to the Republic of Tunisia, and Robert S. Ford, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria.
SD–419

MAY 4

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Federal Aviation Administration.
SD–138

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to markup Financial Services Regulatory Relief Act of 2006.
SD–538

Energy and Natural Resources
To hold hearings to examine the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.
SD–366

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine protecting consumers from fraudulent practices in the moving industry.
SD–562

1 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
Business meeting to consider pending calendar business.
SD–226

2:30 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine housing and urbanization issues in Africa.
SD–419

Commerce, Science, and Transportation
Trade, Tourism, and Economic Development Subcommittee
To hold hearings to examine promoting economic development opportunities through nano commercialization.
SD–562

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 5

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

MAY 8

3 p.m.
Energy and Natural Resources
To hold hearings to examine issues associated with the implementation of the provisions of the Energy Policy Act of 2005 addressing licensing of hydroelectric facilities.
SD–366

3:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.
SD–342

MAY 9

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine Longshore Act.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Department of Transportation's notice of proposed rulemaking.
SD–562

MAY 10

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine economic development.
SR–485

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the sugar provisions of the Farm Security and Rural Investment Act of 2002.
SR–328A

MAY 11

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine Department of Agriculture's national response plan to detect and control the potential spread of Avian Influenza into the United States.
SR–328A

MAY 16

10 a.m.
Health, Education, Labor, and Pensions
Retirement Security and Aging Subcommittee
To hold hearings to examine naturally occurring retirement communities.
SD–430

MAY 17

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian youth suicide.
SR–485

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

MAY 25

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian education.
SR–485

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

SENATE—*Tuesday, May 2, 2006*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Guide of humanity, we come to You as Your pilgrims in need of direction. We come as Your soldiers in need of strength for life's battles. We come as Your disciples in need of knowledge in our perplexity. We come as Your ambassadors in need of grace to represent You with honor.

Today, as Senators serve as Your pilgrims, soldiers, disciples, and ambassadors, infuse them with wisdom. Provide them with insights for every challenge and help for every need.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a couple minutes, we will begin 1 hour of debate prior to the scheduled cloture vote on the emergency supplemental appropriations bill. That vote should occur around 11 a.m. this morning. I expect cloture will be invoked today, and that will allow us a road to finish this bill on Wednesday. If cloture is invoked, Senators should anticipate further votes over the course of the day. The chairman and ranking member will be scheduling the votes on the pending amendments that qualify under the germaneness rules. We will also recess today for our weekly policy meetings.

ORDER FOR RECESS

I now ask unanimous consent that the Senate recess from 12:15 p.m. to 2:30 p.m. today for those meetings and that the time be counted against cloture under rule XXII if cloture is invoked.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, Senators should expect a busy couple of days as we vote on the remaining appropriations amendments today and tomorrow.

Finally, I also remind my colleagues that Senators have until 10:30 this morning to file their second-degree amendments to the pending appropriations bill.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. FRIST. Mr. President, today the Senate will vote on cloture for the emergency spending supplemental appropriations bill. The President has made it clear that he will veto any supplemental bill coming out of the committee that exceeds the administration's request. I applaud the President's determination to stick to true emergency spending, and I will support such a veto, if necessary, to keep that Federal spending under control. Families have to live within their means and so should we in Washington. I think we need to tighten the belt and follow a course of strict fiscal discipline.

The President has taken a strong stance on a must-pass piece of legislation that will bolster our national security, hurricane recovery, and border security efforts. I expect my colleagues to work in good faith to meet the President's request.

The President submitted his emergency spending request in late February. The House acted on the supplemental in March. The legislation needs to be on the President's desk before Memorial Day. It is time for us in the Senate to bring debate on this measure to a close. We need to support our troops who are fighting to protect us. We need to support our fellow citizens who are working hard to rebuild and recover their homes and communities on the gulf coast. We need to focus resources on securing our borders against illegal immigration.

That is what this vote is all about. These are extraordinary responsibilities, and we cannot, we should not play politics at such critical times. Time is limited. We must finish this legislation this week so we can quickly get a conference report with the House and get it to the President for his signature.

Indeed, by pulling together, we can move this legislation forward and address the critical work of the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

IMMIGRATION

Mr. REID. Mr. President, yesterday marked another day of peaceful, dignified rallies all over the country in support of comprehensive immigration reform. In fact, in Los Angeles, at the direction and suggestion of Cardinal Mahoney, many people stayed at work and at school. At his request, people met later in the day. Hundreds of thousands of people met at 5:30 p.m. in the day to talk about why it is important that we have peaceful, very powerful demonstrations. The reason: They underscore the need for Congress to pass a strong, comprehensive immigration reform bill.

Last Friday, I had the privilege of discussing this subject with Cardinal Mahoney, the archbishop of Los Angeles, and Cardinal McCarrick, the archbishop of Washington. For me, it was a very moving meeting. I appreciated the chance to visit with these two kind, thoughtful, and spiritual men. Both of them have been tremendous leaders on the issue of immigration. We all agreed that it is of utmost importance for Congress to move forward with the immigration reform bill this year as soon as possible.

Last week, I also had the opportunity to meet with a number of other Senators at the White House with President Bush. As I said after that meeting, I am not in the habit of patting the President on the back, but he deserved credit—and I said so publicly—for calling us together and for hosting a good bipartisan meeting. My hope is that this will continue.

I made clear to the President that Senators on this side of the aisle are committed to comprehensive immigration reform. I pledged to work with the President and the majority leader, as I have in the past, in a bipartisan way on this very important issue.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Every day we fail to fix the immigration system, it gets worse. I have said many times our current immigration system is broken, and it is. We supposedly fixed it 20 years ago, and in the process we have 11 million or 12 million illegal immigrants. We didn't do a good job of fixing it. We must do better. We must have a cohesive, coordinated effort to strengthen border security, create legal mechanisms for American companies to hire essential temporary employees, and encourage the 11 million or 12 million undocumented immigrants in our country to come out of the shadows and be part of America. We need to know who these people are and make sure they are productive, law-abiding, taxpaying members of the community. We must also have proper employer sanction enforcement so that employers do not hire undocumented aliens with impunity. That is so important.

But the question remains: How will we move forward in the Senate? Prior to the Easter recess, I tried, we tried to get agreement on the number of amendments. We couldn't. The best we could get is there were at least 2 dozen. I tried to get an agreement on conference and couldn't do that.

Why is conference important? As we learned even in high school, when the Senate passes a bill and the House passes a bill on the same subject, the two bodies must meet and work out their differences. In the past, those have been public meetings where the two sides got together and worked out their differences. In recent years, with this Republican-dominated Congress and the President in the White House, conference committees have not been held. The Republican members of a particular committee meet in private with the leadership and come back with whatever they want, ignoring the minority. So that is why it is important we have some agreement on conference.

Over the Easter recess, I sent a letter to the distinguished majority leader, my counterpart, urging him to bring the immigration bill back before the full Senate at the earliest possible time. I expressed my view that the Senate should resume the immigration debate immediately after we completed work on the emergency supplemental appropriations bill. That bill is going to be completed this week, as we heard from the majority leader.

I continue to believe that such a schedule makes a lot of sense. Few other issues are as important and no other is as ripe for Senate debate as this issue. Surely, we can pass comprehensive immigration legislation before the Memorial Day recess. But to accomplish that goal, the majority leader and I need to reach an agreement on the process for completing debate.

There are two basic elements to such an agreement: the number of amendments and an understanding about how the bill will be handled in conference with the House.

Opponents of reform and fairness have filed hundreds of amendments—it is estimated about 500 amendments—to weaken or kill this comprehensive immigration legislation. We Democrats are prepared to debate and vote on some of these amendments, but there must be a finite number of amendments. Before we start the debate, we must know how many amendments there are.

I have made clear to the majority leader that I am flexible on that number. As I said previously, prior to Easter, I suggested three amendments per side. As I indicated earlier, I was told there were at least 2 dozen. We were unable to reach agreement before the recess.

So today I suggest we vote on 10 amendments per side. That is 20. We can have second-degree amendments and, as we have done in recent history, we can have side by sides. That immediately balloons up to 40, and possibly, with side by sides for each of those, 80. I don't think there is any chance that would happen, but it is certainly possible if someone wanted to be mischievous. I am willing to start with that number, 10 amendments per side.

I think this is the right way to do it, but this bill has not had the blessing of the majority in moving forward. This bill is going to take some time to finish. It is not going to be finished in a couple days. I hope we can finish it in a couple weeks, but there is no guarantee of that. But we are willing to work through this.

As important as the number of amendments is what happens in conference, no question about that. With the Republicans in the House having passed a bill making all undocumented immigrants felons—felons—with the House majority leader publicly dismissing the Senate's bill, and with the House Judiciary Committee chairman serving as sponsor of the felon provision in the House legislation—listen to what Chairman SENSENBRENNER said on the House floor. Basically, he said the White House originally proposed the idea to criminalize the undocumented status of these people. This is from Chairman SENSENBRENNER:

> At the administration's request, the base bill makes unlawful presence a crime, such as unlawful entry already is. This change makes sense. Aliens who have disregarded our laws by overstaying their visas to remain in the United States illegally should be just as culpable as aliens who have broken our laws to enter and remain here illegally.

Again, at the administration's request, says Chairman SENSENBRENNER. A few days ago, on April 16, a White House source confirmed this statement in the L.A. Times as being accurate.

Does everyone understand why I am a little concerned, a little suspicious? We have the House passing a bill declaring these immigrants as felons, and we are told by the chairman of the House committee that the idea came from the White House, and we have the majority leader in the House saying he doesn't like our bill. So we must have some agreement, and we need it soon. Time is a-wastin', for lack of a better description. It is imperative we have a firm agreement on whom the conferees will be, whom the participants will be, before we move the bill forward. As I have said in the past, membership would consist of Democrats and Republicans on the Senate Judiciary Committee—10 Republicans, 8 Democrats—and the Republicans would have a 2-vote majority. However, if the distinguished majority leader has an alternative proposal that will protect the completion of a fair conference, I will listen, as will Senator LEAHY, the ranking member of the Judiciary Committee.

We cannot allow the House to hijack this bill and destroy the Senate Judiciary Committee's bipartisan work. Under these unusual circumstances, conference protections are indispensable. There are many kinds of possible conference protections. I have indicated the most straightforward way is to appoint the members of the Judiciary Committee as conferees. The concept of sending a full committee to conference is hardly unprecedented. In fact, it happens all the time. The Presiding Officer here for years was chairman of the Appropriations Committee, and I met with him when he was chairman and I ranking member on many occasions when we had the full Appropriations Committee there. It has happened with Armed Services. They typically send their entire membership to conference. The Judiciary Committee has done the same on prior occasions.

One way or another, it is crucial that this bill be the product of bipartisan consensus. This is how people feel around the country, not only Members of this Senate. Not many feet from here, on Friday, I was at a press conference in which Cardinal McCarrick and Cardinal Mahony participated. Cardinal Mahony said to everyone within the sound of his voice: There must be protections in conference.

I hope we can work together toward adequate assurances that the Senate's delicate compromise, bipartisan compromise, will not be filibustered by amendment or decided or blown apart in the dark of night without a real congressional conference.

Immigration reform is vital to America's national security. We have an obligation to act. I look forward to the Senate resuming this important debate as soon as possible and I would hope the minute we finish this supplemental appropriations bill. I look forward to the distinguished majority leader and I making a proposal to the body so that we can move forward on this issue.

Mr. President, I yield the floor.

IRAQ REDEPLOYMENT

Mr. FEINGOLD. Mr. President, our country desperately needs a new vision for strengthening our national security, and I believe it starts by redeploying our U.S. forces from Iraq and refocusing our attention on the global terrorist threats that face us. I filed an amendment that requires the redeployment of U.S. forces from Iraq by December 31, 2006. Unfortunately, the Senate will not be given the opportunity to vote on this amendment if we invoke cloture on the emergency supplemental bill we will be considering shortly.

I am afraid this body has failed time and time again to debate the direction of our country's policy in Iraq. Three years ago, the President landed on an aircraft carrier and, as we all remember, declared "Mission Accomplished" in Iraq. Today, with thousands of lives lost and billions of dollars spent, we are still no closer to a policy that lifts the burden from our troops and taxpayers and actually makes our country safer from the terrorist networks that seek to hurt us.

By failing to discuss alternatives to the administration's failed Iraq policy, we have let down this institution and our constituents. We simply cannot continue to avoid asking the tough questions about Iraq. We should not be appropriating billions of dollars for Iraq without debating and demanding a strategy to complete our military mission there, not when the lives of our soldiers and the safety of our country are at risk.

Our military has performed heroically in Iraq, but the continued and indefinite presence of large U.S. forces there significantly weakens our ability to fight the global terrorism networks that threaten us today.

That is why I filed an amendment requiring the Pentagon to draw up a flexible time line for redeployment of U.S. forces from Iraq by the end of this year. The President has repeatedly failed to spell out for the American people when we can expect our troops to redeploy from Iraq. He has refused to provide a vision for ending our military mission in Iraq, and as a result a growing majority of Americans have lost confidence in our purpose, our direction, and our presence in Iraq.

Last August, I proposed a target date for withdrawal when I suggested U.S. troops leave Iraq by the end of 2006. This amendment in part reflects the fact that the administration has made no progress—no progress whatsoever—in developing a clear vision for ending our military mission, redeploying U.S. troops from Iraq, and refocusing on the real national security threats that face our country.

My amendment spells out what an increasing number of military intelligence and diplomatic officials have been saying for a very long time: that a massive and seemingly indefinite U.S. presence in Iraq is destabilizing and potentially damaging to Iraqi efforts to rebuild their government and their country. Our presence in some ways is generating instability in Iraq, and the less we make it clear that our intent is to leave and to leave now, our presence can become more harmful than it is helpful.

More important, though, is the fact that our current Iraq policy is making the United States weaker, not stronger. We need to redeploy U.S. forces from Iraq because, as a result of our current costly and burdensome presence in Iraq, we are unable to direct our resources worldwide to defeat the wide and growing network of terrorist organizations that seek to harm Americans and America. This administration has compounded its misguided decision to wage war in Iraq by refusing to recognize the consequences of its actions, the tremendous cost to our brave troops and their loved ones, the drain on our financial resources, and the burden on our Nation's national security sources and infrastructure, which are unable to focus on new and emerging threats to our country.

I don't have to point very far to show how imbalanced and burdensome are our policies in Iraq. While we have spent, according to the Congressional Research Service, upwards of $6 billion per week during Operation Iraqi Freedom and $1.3 billion per week during Operation Enduring Freedom, we are spending a little more than $2 million—$2 million—annually—not weekly, annually—in Somalia, a known haven for terrorists and criminals and a true threat to our national security. This supplemental appropriation, if passed, will increase the cost of this war to $320 billion, and rising.

This is simply unsustainable, and because the President has failed to provide us with any semblance of a vision for when our troops will be redeployed, we can expect more of the same in years to come; that is, unless the Congress finally requires the administration to develop an Iraq strategy that includes a flexible time line for redeploying our troops by the end of 2006. My amendment recognizes the need to maintain a minimal level of U.S. forces in Iraq beyond 2006. Those forces will be needed for engaging directly and targeting counterterrorism activities, training Iraq in security forces, and protecting essential U.S. infrastructure and personnel.

It is time for Members of Congress to stand up to an administration that continues to lead us astray on what has become an extremely costly and mistaken war. We need to hold this administration accountable for its neglect of urgent national security priorities in favor of staying a flawed policy course in Iraq. We need to tell the administration that it can't continue to send our men and women in uniform into harm's way without a clear and convincing strategy for success.

Some have suggested that we should tie our military presence in Iraq to whether Iraqis are able to form a unity government. While I share their frustration with the status quo, I think the decisions about troop presence should be based on what is best for our country's national security. Making decisions about our troop levels contingent on a political solution in Iraq doesn't make sense. Our troops should not be held hostage to the failure to bring about a political solution in Iraq.

So here is the bottom line: We need to refocus on fighting and defeating the terrorist network that attacked this country on September 11, 2001, and that means placing our Iraq policy in the context of a global effort rather than letting it dominate our security strategy and drain vital security resources for an unlimited amount of time. The President's Iraq-centric policies are preventing us from effectively engaging serious threats around the world, including Iran, global terrorist networks, and other emerging threats. We must change course in Iraq, and we must change course now.

It is in this spirit that I filed this amendment to this supplemental spending bill. If I am not allowed a vote on my amendment to the supplemental, I can assure my colleagues that I will be looking for the next opportunity to bring this amendment to the floor for debate and a vote.

My colleagues are, of course, entitled to disagree with my approach. I welcome their suggestions and their advice. But what I really want is for the Senate to live up to its responsibility and engage in a serious debate about the topic that is on the mind of every American: how to put our Iraq policy right and our national security policy right.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on the minority side?

The PRESIDENT pro tempore. Twenty-two minutes.

FAILED ENERGY POLICY

Mr. DURBIN. Mr. President, this morning across America, people got up to go to work. Some of them had a very unsettling moment because they had to fill up their gas tanks. So people heading off to work pulled into a gas station across America—in Chicago, in Springfield, and all across our Nation—and saw again a reminder of the failure of our energy policy. They watched as those numbers rolled in front of them and saw a new, almost recordbreaking total, just for the gasoline for their trucks and their cars going to work.

Businesses face the same thing, businesses that are trying to keep their heads above water and that may be forced to lay off people. The farmers I represent across the State of Illinois, farmers who are out trying to plow for their corn crop this year, are paying more for their diesel fuel, paying more for the fertilizer they are going to ultimately need.

All of these are part of the cumulative impact of the increase in energy prices across America. The pain is being felt in every family of modest means in America. Money they have spent they know is going directly from their pockets and their credit cards to the biggest oil companies in America, the biggest oil companies in America, which have recorded record profits—record profits.

I took a look at the five major companies and how well they did. In the year 2005, they had $111 billion in profits. That boils down to $1,000 for every household in America. Every family of every home paid an additional $1,000 last year that went directly to the profits of these oil companies. It didn't go for investment, investment in new oil opportunities and oil sources or gas opportunities, no. It went to profits, profits that were realized by the people who are running the companies.

One of them is the CEO of ExxonMobil. ExxonMobil has the largest corporate profits in the history of the United States of America, and they are on course to break that record again this year. They rewarded the architect of these profits, Mr. Lee Raymond, their retiring CEO, with a little farewell gift. No, it wasn't a gold watch. No, it wasn't a set of golf clubs. It happened to be $400 million—$400 million given to this man as a parting gift for realizing all these profits. What does that come out to? Well, every household in America donated $3 so that Mr. Raymond would have a nice little going-away gift—$400 million. And Lee Raymond didn't even have to buy a Powerball ticket; all he had to do was to be there in the corridors of power when the money came rolling in.

So who is to blame? Well, part of the blame is right here, right here in Washington where we have failed to develop an energy policy. Do you know that we signed—the President signed. I should say, and we passed—an energy bill last August, 8 months ago, that spelled out the energy policy for America, a policy to lead us forward into the future. No sooner had the ink dried on that bill than the cost of heating our homes across America went up 20 percent, our imports from overseas started reaching record levels, and the price of the gasoline we had to buy has broken all records. What an energy policy. What a failure. What a failure of leadership. Honestly, when you take a look at this failure of leadership, you can understand why people across America are calling for a change in direction. They are sick and tired of the policies that have brought us to this point, failed energy policies which do not protect the consumer, that do not punish the profiteer, and sadly they do not promote the kinds of things we need for our energy future.

On the floor of the Senate during the debate of this energy bill, Senator MARIA CANTWELL, of Washington, stood up and made a proposal. Here is what she said: We need to reduce our dependence on foreign oil. Let's set a national goal of reducing our dependence on foreign oil by 40 percent over the next 20 years.

It is ambitious, it is tough, it would require real leadership and cooperation on a bipartisan basis. She said this should be our national goal—Democratic Senator MARIA CANTWELL.

It was virtually rejected out of hand. The Republican side would have nothing do with it, not even setting a goal of energy independence. Do you know why the administration said they opposed it? Because it would require oil savings; using less oil to reach that goal, conservation and efficiency. The administration said they would oppose the Cantwell amendment because it would force us to improve our CAFE standards, the fuel economy of the cars and trucks we drive. That was the administration 8 months ago, 8 months ago opposing the Cantwell amendment, 8 months ago opposing a clear way out of the crisis we currently face.

I think we understand the obvious: 60 percent of all the oil we import goes into the cars and trucks we drive. Unless they are more fuel efficient, we are going to continue to burn more oil every single year to go the same mileage we went last year. Burning more oil means more dependence on foreign sources, means more cost to families and businesses, and sadly means more air pollution, more greenhouse gases, more global warming, more natural disasters, more hurricanes and storms. All of it is tied up in one sad package. But the administration opposed our efforts on the Democratic side to spell out a clear energy goal.

This morning the Republican leader of the Senate, Senator FRIST of Tennessee, appeared on a string of television shows to express his concern about gasoline prices. I saw one on CNN. I read a transcript of his comments on NBC. He is touting, among other things, a $100 rebate; that we would send a $100 check back to the people of America for the gas prices they are currently paying—$100. One of the newspapers yesterday said that is chump change instead of real change. What does $100 buy you, two tanks of gas if you are lucky? Is that the best we can do in Washington, DC? And then say, Adios, voters, see you in November, we have taken care of the problem? We certainly have not.

What the majority leader said on the show was what he was rebating to the consumers across America were the Federal taxes they paid on gasoline. Let me tell you, the cost of gasoline has gone up dramatically. Some of it is associated with Federal taxes, but most of it is associated with profit taking by the biggest oil companies in America, an issue and subject which most Republicans will not even touch.

Then, of course, the majority leader, Senator FRIST, returned to that good old saw of drilling for oil in the Arctic National Wildlife Refuge. According to Senator FRIST, that is the answer to America's prayers. If we could go up to this wilderness and wildlife refuge—set aside 50 years ago to be protected for future generations—if we could get the trucks and the equipment and the pipelines and the roads, then America could breathe easy. Then we could find ourselves relieved from this terrible burden of oil and gas prices.

But, sadly, the facts don't back him up. The United States of America has under its control in Alaska, offshore in the continental United States, 3 percent of the world's oil supply, all of it. If we could drill it, all we have, 3 percent. Each year we consume 25 percent of the world's oil supply. We can't drill our way out of this. We can't even if we invade every wilderness, every refuge, the Great Lakes, the national parks, and put a derrick down by the Washington Monument—we cannot drill our way out of this problem. But time and again, that is what the Republicans suggest is the answer.

Let me tell you the facts. If we decided to start drilling in the Arctic, if we decided to violate this land that we once promised to hold sacred for future generations, if we said America was so desperate that we have to turn to drill for oil to a wildlife refuge in Alaska, this is what we can expect: The first drop of oil would come out of that area in 10 years, and as we drill for that oil and bring it out, how much is there by best estimates? By best estimates, eight-tenths of 1 percent of world oil production. OPEC could turn the spigot off just a little bit and eat up all of the oil we take out of that wildlife refuge. The Arctic National Wildlife Refuge is not the answer to America's energy prayers. It is a desperation effort by the Republicans to come up with some answer to deal with the problem, an answer which sadly does not meet the challenge we face.

I listened as our majority leader talked about why we face these gas prices today. Time and again he said, and I quote, "I think the price is determined by supply and demand."

You know, that is basic economics—reduce supply, increase demand, and the price goes up. Increase supply and reduce demand and the price goes down, basically. Except there is one element the majority leader does not refer to, an element which is critically important: We are not just talking about price, we are talking about profit. We are talking about a market price which has been inflated so these companies can realize record-breaking profits at our expense.

This last weekend I appeared on a talk show surrounded by people from the oil industry, investors, and they talked about all of the conditions that have led us to this point where gasoline prices are so high: Hurricane Katrina, reduced refinery capacity, $70 to $75-a-barrel oil—they went through the whole litany of these things. I said to them, as I learned basic economics, everything they explained to me would account for an increase in the price of oil. But they all failed to acknowledge an increase in the profits of the oil companies, dramatic, record-breaking historic profits by these oil companies. Unless and until we address this reality, then everything we do here is for nothing.

What can we do? We are down to five major oil companies. Isn't it curious, as you drive around your hometown, all the prices on all the pumps seem to go up at the same time and come down at the same time and then go up? Is that the sort of thing Government ought to look at once in a while? I think so. But when you look at the antitrust division of the Department of Justice, they turned kind of a blind eye to all the mergers and acquisitions that have led to this concentration of ownership in the oil industry, concentration at the expense of the consumers and the American economy.

Sadly, we don't have the kind of Government oversight we need. This administration, the President and Vice President, made their fortunes in private life in the oil industry. This administration is closer to the oil industry than any administration in our history at a moment in our history when the oil industry needs to be held accountable.

So what do we do? We need to move forward in several areas and we need to do it specifically and immediately. This morning I read in the New York Times that there was a debate on the Republican side about a package of legislation to deal with this issue. This is what the headlines in this morning's New York Times said:

> Republicans drop a tax plan after business leaders protest. Senate rejects action to cushion high gas prices.

What is this all about? In the Republican plan to deal with high energy prices, they imposed a tax on these profitable oil companies and they squealed like stuck pigs. Their lobbyists got on the phone and started raising all sorts of objections, indignation, and the Republicans removed the tax. So we cannot even tax these businesses, according to the Republican majority, when they are experiencing record-breaking profit.

This article goes on to talk about all of the protests that came from this industry, and this is a powerful industry. Pick up this paper, the New York Times, or your hometown paper, and today you are likely to find a full-page ad—they run every day, every single day—explaining why all the money you are paying at the gas pump is for your own good. This is a public relations campaign by an industry that is experiencing record-breaking profits. Last week the American Petroleum Institute—which represents all these oil companies—was asked, What are you going to do to respond to the consumers' outrage over gasoline prices? What are you going to do about the fact that you are crippling businesses and farmers and hurting individuals? What will you do when it comes to changing policy?

They said, What we will do is this: We will spend $30 million more this year on lobbyists in Washington, DC, and $25 million more buying newspaper ads explaining that it really isn't so bad.

The American Petroleum Institute is not going to come willingly to the table. What our Republican friends have said is they are not going to drag them to the table to hold them accountable for what has happened across America.

What can we do? What should we do? First, we need fuel economy standards for the cars and trucks we drive. I have introduced this amendment twice and it failed twice, and I will call it up again the first chance I have. The year 1985 was the last time we had a serious effort to bring about more fuel-efficient, fuel-economical vehicles across America. It worked. We increased the average fleet mileage of cars across America from about 15 miles a gallon to 25–28 miles a gallon, and we did it in 10 years without raising gasoline prices through the roof, despite the objections and resistance from Detroit and the oil companies. We showed leadership and got it done.

In that 10-year period of time, as America's economy surged forward, our imports of oil from overseas dropped by 30 percent. We dedicated ourselves to conservation and efficiency, burned less fuel, and still fueled economic growth. That is what we need again. But it calls on a President and a Congress controlled by his party to step out and say some things which a lot of oil companies will find objectionable. But so be it. That is what leadership should be about.

We need to encourage the kinds of technology for sustainable and renewable fuels, technology that will lead to new companies, good-paying jobs across America. Instead of being enslaved to foreign oil, we need to be masters again when it comes to energy, and we can do it with leadership. We can see in these ways the way of the future. There are alcohol-based fuels. The President has talked about them. I think he is right. For a long time I have supported ethanol. Of course, that is homegrown in Illinois. It is our corn turned into alcohol fuel supplementing our gasoline. There is a great opportunity for expansion there. Biodiesel, taking soybean oil and other vegetable oils, adding it to diesel fuel to stretch the value of that fuel and to reduce its pollution—that is another opportunity for us. Cellulosic ethanol, which is another approach that has been used successfully by Brazil. Brazil, over 30 years, decided they would become energy independent. They saw the writing on the wall. As long as their economy depended on foreign oil, they could not control their future and so they said we are going to be dependent on our own homegrown fuel. With local oil as well as alcohol, they have transformed their economy into an energy-independent economy which, within 2 years, will start exporting fuel around the world. What did it take to reach that? Leadership. Leadership that said no to the powerful oil interests and said their country's interests were more important.

We need the same thing now. We need a President who will stand up to leaders in this oil industry and say the economy of America is more important than their profits. We can do this, we can do it as a nation, and we need to do it because we need to combine this energy debate with another debate that is critically important.

In a few days former Vice President Al Gore is going to release a documentary. It is called "An Inconvenient Truth." It is going to talk about global warming and how it is changing the world we live in, why we have so many violent storms and hurricanes and changes in weather patterns. It just isn't God's random way of reminding us He is in charge.

Sadly, we had something to do with it. What that means is we have found ways to burn less fuel and still fuel our economy.

We have to find ways to conserve and be more efficient so we don't see the disappearance of the Arctic, or Greenland, or sections of Antarctica, or the elimination of species of animals such as polar bears because of the ice melting that is taking place around the world. It is a very real issue and a very real problem. As we debate the future of energy, let us do it in an environmentally responsible way.

When my Republican colleagues say we can find new places to drill, such as wildlife refuges and wilderness, we can drill in all of these places and are bound to find some oil; maybe we would, but at what cost? Shouldn't America's goal be economic growth in an environmentally sensible and responsible way? That should be part of this debate as well. We cannot ignore it—the energy debate and the environmental debate together.

Whatever our solution is, it should be a solution that says to our children we will not only give you a world where you can drive and go to work with affordable gasoline prices, but we will give you a world where it is safe to live, where the environment you live in is not going to destroy the lifestyle we have enjoyed for generations. That is part of our responsibility.

I think we have a special challenge. There is a challenge to Congress to rise to the occasion which has caused concern and anger across America—energy prices that have broken the backs of individuals, families, and businesses, driving people to payday loans and pawnshops to fill up their tank so they can go to work. We need to show leadership. It starts by acknowledging that the Energy bill signed by the President last August has failed. We need a new approach. We need new leadership. We need to punish profiteers. We need to protect consumers across America. We need to promote energy independence and the new technologies of sustainable and renewable fuels that will generate new industries, new jobs, and new opportunities. That is the vision for an America moving in a new direction, a significant new direction, something the people across America have been asking for.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Arizona is recognized.

ENERGY

Mr. KYL. Mr. President, I wish to address the same subject and begin where the distinguished Senator from Illinois left off when he talked about new leadership.

I wonder if he would join Republicans to see if we can eliminate the tariff on Brazilian ethanol, something which the Senator from Illinois suggests we need more of, one of the three solutions he says we need—more leadership, more ethanol and fuel economy standards. I think we are going to provide some leadership and we are going to provide some more ethanol. One way to do that is to reduce the extraordinary expense of bringing it in from Brazil. We haven't gotten a lot of cooperation from the other side on that. That will be my first question to him: Will he step up and exercise leadership with us to eliminate that tariff on ethanol?

There is a 10-percent mandate in the Energy bill on ethanol. The Senator suggested we should have a higher mandate on ethanol, or a higher subsidy for that. The reality is one of the reasons gas prices have been where they are is we haven't been able to meet that 10-percent mandate. There isn't enough ethanol being produced and, therefore, because there is a lack of supply in comparison to the demand, the price has gone up, obviously. What we need to do here, instead of pointing fingers and demagoguing the issue, is to understand economics and appreciate where the real problem is. Then we can begin to solve it.

There is an old saying: For every complex problem, there is a simple and wrong solution. That is what we have mostly heard on the other side. The reality is, if you want to know the truth, the single most important component in the retail price of gasoline is the cost of crude oil—the single most important factor. Indeed, the cost of crude oil accounts for 95 percent of the price of a gallon of gasoline. Changes in the price of retail gasoline are almost entirely explained by changes in crude oil prices.

I have a chart I wish to show you which demonstrates that over the last 15 years, changes in the world price of crude oil have accounted for more than 95 percent of the changes in gasoline prices. It shows that as crude oil prices have gone up, the price of gasoline has tracked it almost exactly.

If you are looking for a culprit and why crude oil prices have gone up, it is because the demand has exceeded the supply. Countries such as China and India are demanding more and more of the product. And because of constraints imposed significantly by the Congress, we have not been adding to the supply.

There are also other problems that have created this spike recently. The largest reason, according to the folks on Wall Street, is the nuclear saber rattling from Iran, which produces about 4 million barrels of oil a day—or about 5 percent of world's supply—and it controls the Strait of Hormuz through which about 17 million barrels of Middle East oil passes every day. Some experts believe that concern about the Iranian nuclear crisis has added $10 per barrel to the price of crude oil since the start of the year. If you add to that supply disruption in Norway and Nigeria, as well as the machinations of Venezuela's strongman Hugo Chavez, you can see there has been a spike in the world prices which have been reflected at the pump.

We have also had some domestic problems that have added to the spike in prices. The U.S. Minerals Management Service has reported that over 334,000 barrels per day of crude oil production in the gulf coast are still shut in as a result of Hurricane Katrina. More importantly, some of the heavily damaged gulf coast refineries representing nearly 5 percent of U.S. refining capacity are still undergoing repair. But the good news is they are likely to resume production at the end of this month.

Another problem is because there was so much refining capacity that went down, the Government urged the refiners to continue refining and forego their regularly scheduled annual fall maintenance in order to keep the supply of gasoline from dropping even further. They did that. I am glad they did.

The problem now is the crisis is over and they are having to engage in that deferred maintenance. And after months of heavier than normal usage, they are finding this long overdue maintenance is reducing production out of the refineries as well. As it comes on line, we are going to see some relief.

Finally, as occurs every spring, refiners, in compliance with Federal mandated fuel regulations, have to switch from the wintertime fuel blend to the summertime fuel blend which entails completely drawing down supplies of wintertime fuel blend and replacing it with the summertime fuel blend. This obviously also causes a short-term supply disruption adding to the spike.

There are some other factors as well, having to do with the elimination of MTBE as a motor fuel additive and the mandate for ethanol production or addition to the fuel which was not initially able to comply with the 10-percent standard which has had some impact on prices, especially in much of the East Coast and Texas.

But the bottom line here is there is a variety of reasons why fuel costs and, therefore, gasoline prices have spiked. It does not do a lot of good to point the finger at somebody and say, We know the answer; we will punish them and that will solve the problem. The reality is that profits from the oil industry are now being put to use in expanding production. The industry invested nearly $109 billion in 2004. While the numbers aren't in for 2005 yet, for first three quarters it showed investment spending was 28 percent higher than in the first three quarters of the previous year. It is projected this year to grow by double digits again.

This investment will lead to a 2.2 million barrel per day increase in production this year, outpacing demand that is expected to rise by just 1.8 million barrels per day. That, more than any of these other factors, is going to add actual fuel to the pipeline which will, therefore, enable us to bring the fuel costs down.

The bottom line here is when you are talking about solutions, you talk about that which will either reduce the demand or increase the productivity. Unfortunately, consumer demand has not been reduced that much even with the higher prices, which means you have to look for more production. There are several ways you can do this.

The Senator from Illinois scoffed at ANWR, saying it is only 3 percent of the world's supply. Do you realize how much that it is? That is huge. That is as much oil as Iraq produced.

Had President Clinton not vetoed the exploration in ANWR 10 years ago, that oil would now be flowing today. The Senator says it will take 10 years. Yes. Before you can complete your journey, you have to establish the first step. That is what we have to do here. Had we done that 10 years ago, that oil would be flowing today.

By the way, to characterize it as a wilderness area is a misrepresentation because as we should realize, this is an area expressly set aside for oil exploration by the Congress. It is not going into a wilderness area and cutting it out and then exploring in an area that was set aside for wilderness.

There are other increases in productivity in addition to ANWR. Increasing our deepwater production 100 miles offshore is virtually safe. Clearly we can eliminate restrictions on the 100-mile limit for deepwater drilling offshore. We could, if we wanted to, stop buying temporarily in this market today for the SPR, the Strategic Petroleum Reserve. We could suspend the boutique fuel blends and reduce the ethanol mandate.

Those are short-term things that could be done. But again for the longer term, if you want to bring in more ethanol, eliminate or reduce the tariff on Brazilian ethanol: if you want to have more production, look at deepwater drilling and ANWR. Those are ways to actually add crude oil and, therefore, fuel to the equation rather than these ideas of not adding any oil whatsoever but simply make a political point.

The point was made that profits of the oil companies are up. As has been indicated, those profits are now being plowed back into production and to refinery capacity which is going to help us reduce the cost.

The Senator from Illinois said it is strange indeed that prices go up all over town when they go up. It is not strange at all. You don't have to have collusion between the oil companies for that phenomenon to be reflected because of the fact that the crude oil prices are the same for everyone. So if everybody's baseline price goes up, everybody is going to be raising the cost of gasoline at the fuel pump. The idea that there must be collusion or at least the inference there must be collusion, remember that the Government has been investigating this for years and, to my knowledge, has never found any evidence of collusion. As the President said, we will keep on looking for it. If we find it, obviously those people will not go unpunished.

Let us not try to point a finger of blame in an area where we know we are coming up with a dry hole. That isn't going to add anything to the production of crude oil and, therefore, do anything to increase the supply and, therefore, reduce the cost.

The bottom line is this: There are a of lot ideas about how to deal with the short-term cost of energy. Some of them are good. There are ways to increase the long-term supply and thus deal with the long-term cost. But until we are serious about the economics of the issue, rather than simply trying to come up with a bumper sticker solution, we are never going to be able to eliminate the cost to consumers. And that, after all, ought to be our primary responsibility.

The PRESIDING OFFICER. The Senator from Virginia.

IRAQ

Mr. WARNER. Mr. President, last evening, as most of us had departed with the understanding that the floor was about to close, our colleague from Illinois, Senator DURBIN, the distinguished whip of the Democratic Party, came over and proceeded to give what I felt was a very strong critique of all of those things in Iraq which in his judgment and, to some extent, the judgment of others sharing it went wrong. There was little or no reference to what went right and the progress that has been made in Iraq.

He concluded again with his own personal views with regard to Secretary Rumsfeld and what should be done with respect to his services in the future.

It is interesting. Yesterday, Senator BIDEN also spoke out with regard to his concept of this very difficult dilemma, facing not only the Iraqis but all those nations working to help the Iraqis form their government, as to how certain modifications should be taken with regard to the new government, namely three secretaries having their own say in this matter with an overall arching government on top. Senator BIDEN's commentary, in my judgment, was constructive, and was maybe a little too late to back up from where we are at this moment. But it was nevertheless a positive contribution to the debate and constructive, in sharp contrast to the comments of Senator DURBIN.

A lot of things have gone right in Iraq, not the least of which is the freedom of elections, the formation of a new government, the difficult process that their political structure went through in selecting a new prime minister, and making the commitments by that newly selected prime minister to finish within this month of May the appointments necessary to have a government in place and one that hopefully will work to establish and take upon itself the responsibility of full sovereignty of that nation. This was a ray of optimism, in my judgment, a ray of hope.

If there were any time in the entire history of this Iraqi confrontation situation and the Iraqi war when the new leaders of Iraq need support, it is now. I daresay the constructive criticism of many—I led a codel with Senator LEVIN a few weeks ago, and other codels have gone through. The Secretaries of State and Defense have been through. Ambassador Khalilzad has done a remarkable job in encouraging the Iraqi leadership to move forward with this new government. That has been done.

Now is not the time to stop all the constructive debate but to stop those remarks and debate which can be pulling back from the gains we have made, showing less than full support to the Iraqi people for their courage and their new government.

I have studied each of the generals individually. On the whole, I personally believe it was a constructive contribution to the debate. Others may differ. Somehow, I believe throughout our history our senior uniformed officers—and, indeed, others, including enlisted men—have come forward at times to provide their own perspectives which are contrary to the policymakers in charge of that period of history.

I commend all who are participating in the constructive debate. It should go forward at this time. This Nation is at war. At the very minute we are privileged to be in the Senate exercising freedom of speech and debate, young men and women in our Armed Forces are in harm's way, subjecting themselves to life at risk and, indeed, giving their lives and limbs. We must be ever mindful of the suffering of their families.

Now is the time to show our strongest resolve in Iraq. The President has made a decision as to the leadership he desires, including Secretary Rumsfeld. He has that right as Commander in Chief under the Constitution. He has exercised that unequivocally and stated his views. It is now a matter for all to respect that judgment of the President and move forward.

I personally have worked with many Secretaries of Defense; three I served under in the Department of Defense. Every one in the last 30-plus years I have worked with—except one, coincidentally; when Secretary Rumsfeld was Secretary of Defense I was taking 2 years of my life preparing to try and get elected to the Senate, so with that one hiatus I have worked with them all. I have established a satisfactory, hard-working relationship with Secretary Rumsfeld.

Our committee is now in the midst of its markup and prepared to bring to the Senate its annual authorization bill. This is the most intense work period between our committee and the Department of Defense.

I conclude by saying think first of our troops and their sacrifices that they have made, the risk they face each day, and our goals to try and support the formation of some type of democratic government of the choosing of the Iraqi people and their leadership. Progress is being made every day now. Now is the time to stand steadfast in our support of our troops, the coalition forces, the Iraqi elected leaders, and the people.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIMBER

Mr. SMITH. Mr. President, I intended to speak in reference to an amendment I was to call up for the supplemental, but because we are in morning business I will speak in morning business.

My amendment would be objected to as out of order, as being inconsistent with the supplemental emergency bill. However, I am here to talk about an emergency in rural Oregon in timber-dependent communities.

For 100 years, there has been a relationship between the Federal Government and rural communities that has been absolutely indispensable to our country and to those communities. The deal was this: In those States where the Federal Government owns much of the land—in my State it owns more than half of the State of Oregon—there would be multiple uses of public lands. They would be managed as to their resources consistent with environmental law.

In the case of the State of Oregon, there would be the result of timber products, wood products, to build countless millions of homes. There would be jobs for people and there would be the types of jobs that would create tax revenues that would allow local communities to have services.

In addition to that, there is what are called timber receipts. Local communities would get 25 percent of the timber receipts from the harvest of public timber. This has been absolutely indispensable to the life of these rural communities.

That deal changed in the 1990s. To show you how devastating this change was to my State, we had the listing of the spotted owl. We had the Endangered Species Act go into effect. President Clinton and Vice President Gore pursued a forest policy that took a harvest of roughly 8 billion board feet a year down to less than 1 percent of that in many national forests. As a consequence, by the end of the 1990s, our schools were closing. They operated 4 days a week. Counties had no money because many of them have lost up to 60 percent of their operating budgets.

At the end of the Clinton administration, the Congress, with President Clinton, recognized the damage, the devastation, being done to these communities, so we passed, in 2000, the Secure Rural Schools Act to bridge the gap between what had been, the gridlock that existed, and the hope for a brighter day when there would be a predictable, sustainable level of forestry.

President Bush and the Congress pursued the Healthy Forests Initiative and this President has fully funded the Northwest Forest Plan that was the product of President Clinton but never delivered on the timber that it promised in the hopes of bridging the gap for these communities.

But still, after all of that effort, 6 years later, we find that only a small percent of what was done 20 years ago is available to these communities in terms of timber harvest. As a consequence, this secure rural schools fund is about to expire.

I suggest this is a very real, present danger, even an emergency, that is appropriate to this supplemental. We ought to include it. These are Federal decisions that have been made. They have been made by an administration in the 1990s. They have been made by Federal law, the law that passed by this Congress. They have been made by courts that have enforced that law and have locked up our forests and now have us in a bind that is truly an emergency.

This is a Federal obligation. I need to use every tool as a Senator that I have available to me to try to remind this Senate, this Congress, of the obligation it has. We cannot abandon these communities. We cannot abandon these people. We have to find a way to continue to get back to a management level that is consistent with environmental law, that allows for multiple uses of the land, the harvest of timber, the employment of our people, the production of wood products, the receipt of timber taxes, so that schools can remain open, streets can remain paved, counties can be safe because they have police protection.

This is not inexpensive. The annual cost of what we did to bridge this gap was $500 million a year. Oregon is responsible for 20 percent of the merchantable timber in this country. We are not alone in terms of the benefit that came from this secure rural schools fund. California received $380 million over the last 6 years; Montana, $63 million; Mississippi received $38.8 million to keep their rural timber-dependent communities together body and soul.

We cannot walk away from this until we find a day where we can get back to a deal that is sustainable in terms of environmental policy, timber production, and the employment of our people. Heaven knows we need the timber. We are now a net importer of timber in this country. Yet what do we do with our own timber? Our policies are in gridlock and our forests are burning.

Three years ago, there were 500,000 acres burned in southern Oregon, larger than the State, I am told, of Rhode Island. Yet that timber still stands rotting, a moonscape that, frankly, ought to be allowed to at least be salvaged in some degree.

Until we come to a day where we have a policy that we in the Federal Government agree upon, we cannot abandon these rural communities.

I will at the appropriate time propose my amendment and hope it is not ruled out of order.

I yield the floor.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Oregon for his comments and his leadership on these issues that are so important to our forestry owners and people throughout the States who depend on incomes from those jobs.

I ask unanimous consent I be permitted to call up amendments at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides $74.5 million to states based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing $6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (Divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies.

Murray (for Harkin) amendment No. 3714, to increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) modified amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Domenici/Reid amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration.

AMENDMENT NO. 3769

Mr. COCHRAN. Mr. President, I call up amendment No. 3769 on behalf of Mr. DOMENICI regarding levee funding. This amendment has been cleared on both sides of the aisle, and I urge it be agreed to.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to the amendment.

The amendment (No. 3769) was agreed to.

Mr. COCHRAN. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3789

Mr. COCHRAN. I call up amendment No. 3789 on behalf of Mrs. HUTCHISON regarding treatment of Hurricane Rita States.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. HUTCHISON, for herself, Mr. CORNYN, and Ms. LANDRIEU, proposes an amendment numbered 3789.

Mr. COCHRAN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure States impacted by Hurricane Rita are treated equally with regard to cost-share adjustments for damage resulting from that hurricane)

On page 165, line 20, after "*Provided*," insert the following: "That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: *Provided further*,".

Mr. COCHRAN. Mr. President I urge agreement of the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3789) was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the proceedings at the hour of 11 o'clock to vote on cloture on the bill. I urge Senators to support this motion to bring to a close debate on the provisions of the supplemental appropriations bill so that we may proceed to consider other amendments that are pending and dispose of that measure.

It is an urgent supplemental. It contains emergency funding for the Department of Defense, the Department of State, as well as disaster assistance for the gulf State regions and elsewhere for natural disaster damages and destruction.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4939, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to death in family.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn

Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—4

Dodd
Feingold
Levin
Wyden

NOT VOTING—4

Biden
Kerry
Lincoln
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I voted against the motion to invoke cloture on the supplemental appropriations bill because it will have the effect of preventing the consideration of a number of important and relevant amendments.

There are more than a hundred amendments which have been filed on this bill. Several are important amendments, such as Senator WYDEN's amendment to prevent funds from being used to continue discounts given to the oil companies on royalties which otherwise would be paid to the Federal Government for production of oil and/or natural gas on Federal lands. Another example is the bipartisan amendment that I offered with Senators COLLINS and REED to require reports to Congress on progress toward a national unity government in Iraq.

Too frequently in recent years, we see a pattern of slowing down consideration of amendments or filling the amendment tree to block them altogether, followed by cloture to end debate and further restricting or preventing the consideration of amendments. The Senate, which has often been referred to as "the world's greatest deliberative body" and which historically has been characterized by the quality of its debate, should not permit this pattern of preventing the consideration of, and votes on, amendments to become the norm.

When I came to the Senate, the leadership did not as a routine approach try to prevent consideration of amendments they didn't agree with. Instead, they attempted to amend them or simply vote against them. In recent years, we see more and more bills on which amendments are limited or blocked entirely, more like the House. On the PATRIOT Act, this year, for example, the amendment tree was completely filled by the leadership, a procedural technique for preventing any amendments from being considered, and none were.

Mr. President, I support the funding for the troops in Iraq and Afghanistan, and I support the emergency assistance for the gulf coast in the wake of Hurricane Katrina. I intend to support this bill on final passage in the Senate. I am opposed, however, to the use of this procedure to limit debate and the consideration of amendments.

AMENDMENT NO. 3617

Mr. McCAIN. Mr. President, I have an amendment at the desk, No. 3617. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending. It is now the regular order.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, this amendment would strike the $6 million earmark for sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

I would again remind my colleagues of the Statement of Administration Policy which was issued on April 25, obviously on the legislation now being considered. Again, this has been repeated several times in the Chamber, but I think it is important to again quote from the administration's statement, saying:

> The administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately presented a bill that provides more than $92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The administration statement goes on to say:

> The administration strongly opposes the committee's agricultural assistance proposal totaling nearly $4 billion. The 2002 farm bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near record production and the U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

So the administration is pretty clear about this issue of these add-ons which have ballooned this bill from $92 billion to $105 billion or so.

I also point out for my colleagues' benefit that the American people are growing very weary of this earmarking process. Last Thursday, there was a poll published in the Wall Street Journal, which is an NBC News/Wall Street Journal poll, and it was interesting in that it says:

> In particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves "tired of Republicans and Democrats fighting each other." Thirty-six percent say nothing seems to get done on important issues. Further, 34 percent cite corruption among lawmakers. Among all Americans, a 39 percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

If there is ever a bill that would emphasize the frustration Americans have felt, it is this legislation that is before us.

A worthy cause, although I intend, along with others, to stop this business of continuing to fund the war in Iraq, which has been going on now a number of years now, the "emergency supplemental," it is long overdue and time to focus on the normal budgetary process because we know we will be spending money on Iraq, unfortunately, for a long period of time. But this vehicle in itself is a violation of the normal procedures of the Senate because it should be authorized and then appropriated. But this vehicle is then, of course, used to load up unnecessary, unwanted, unfortunate, and sometimes outrageous additional spending.

For example, in this bill, which is not subject to this amendment, we have $15 million to the USDA Ewe Lamb Replacement and Retention Program. This program already exists and is meant to assist with lamb breeding stock needs, not hurricane recovery; $400,000 goes to the Rio Grande Valley sugar growers for assistance with sugarcane storage and transportation costs to the port of Baton Rouge, LA. Among the many sugar growers nationwide, why are we providing an earmark to this particular group?

There is $120 million for sugarcane and sugar beet disaster assistance in Florida. Rather than using existing USDA disaster assistance programs, this legislation would establish a special program that caters directly and solely to Florida sugar. By the way, it is one of the most heavily subsidized industries in America today.

There is $6 million to compensate owners of flooded crop and grazing land in North Dakota. Hurricanes in North Dakota? North Dakota is one of the nation's top producers of, you guessed it, sugar.

Mr. President, the amendment I offer today would strike an earmark in the bill that provides $6 million to sugarcane growers in Hawaii. Obviously, the Hawaiian lands were not anywhere near the path of the 2005 hurricanes. Certainly it is appropriate that any farmer impacted by a natural disaster can seek Federal assistance which, as I already said, is why there are existing USDA disaster recovery programs authorized under the 2002 farm bill. But in this case the appropriators are establishing a special program that caters directly to Hawaiian sugar growers via a must-pass emergency appropriations bill.

I think it is important that we continue to go back, as we argue the merits or demerits of these earmarks, to the fact that this is the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery." Hawaiian sugar growers do not fit in any of those categories.

According to this bill, according to the legislation before us, the Secretary shall use $6 million to "assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to receive marketing assistance loans and loan deficiency payments."

What does that mean? I can only assume this funding will be directed to the Hawaii Sugar and Transportation Cooperative, the only entity that received $7.2 million from a nearly identical provision in last year's, guess what, military construction appropriations. This same entity has already got $7.2 million out of a MilCon bill. I am informed the members are the Gay and Robinson Sugar Company, the island of Hawaii, and the Hawaiian Commercial Sugar Company, the island of Maui. These are producer-owned sugarcane mills that own the land.

Let me repeat. The same cooperative got a bailout a year ago. Are we now going to start providing these two companies with annual supplemental appropriations bailouts? I urge my colleagues to question what we are doing.

Let me quote from the administration's Statement of Administrative Policy again:

> In 2005, many crops had record or near record production and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

What are we trying to do with this bill? We are trying to tell our farmers, no matter where you are or what you farm, don't bother with crop insurance because come next year's supplemental, we will dole out far more than you need.

As Secretary Mike Johanns said:

> I have spent the last week studying the bill to try to get an understanding of the mechanics of the bill, but taking it a step further, trying to get an understanding of what we have done for disaster relief in the last year. And what is the agricultural economy like that may lay the foundation for somebody to say we need disaster relief.

He said for the 2005 and 2006 crop years, despite pockets of weather problems, "Every year you see them. For a country this big, it is unusual not to have some weather issues out there."

But despite pockets of problems, production and yields set records or near records recently.

Johanns' conclusions, after getting answers to his questions: "I got all that data and evidence, and that got me thinking, 'What are they trying to do with that bill?'" He is talking about the supplemental bill before us. "So I studied the bill and I must admit, my forehead started wrinkling."

Well, as noted in Saturday's Washington Post editorial, "Should Farming Be the Nation's Only Risk-Free Enterprise?" perhaps the intent in providing this $6 million to the Hawaiian sugar growers is to prop up a sugar industry which has fallen on hard times. With rising diabetes and child obesity rates which have more than doubled since 1977, maybe sugar isn't in demand as in previous years. Maybe the efforts by parents to have soft drink machines stripped from public schools is having a prolific effect on sugar production. If only that were the case. In reality, consumption of sweeteners in the U.S. has risen from 113 pounds per person per year in 1966 to around 142 pounds per person per year in 2004. At that rate Americans consume the equivalent of about 1 teaspoon of sugar per hour every 24 hours, 7 days a week.

The U.S. News & World Report compared our sugar fix to other, more nutritious agricultural commodities and found that Americans ate an abysmal 8.3 pounds of broccoli a year in 2003, something I can understand.

Again I question the need to spend more taxpayer dollars on sugarcane. Didn't we just vote last week not to fund a $15 million marketing program for seafood? Certainly less than a week later we are not going to turn around and vote to fund marketing to support this effort.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the provision under attack at this moment was not snuck in during the dark of night. It was openly discussed with the authorizing committee and was granted approval. It was openly discussed with the Appropriations Subcommittee on Agriculture and it was granted approval. That is why this provision is in the supplemental. It was approved by the authorizers and the appropriators. Thirdly, it was openly discussed with the Secretary of Agriculture, and the Secretary issued a statement declaring that this was a disaster area.

Why do we call this a disaster? In one of those strange natural phenomena, for 40 days and 40 nights it rained in Hawaii. In one spot, it rained 126 inches in those 40 days. The average in most areas was 3 inches a day. Obviously, with such sustained heavy rains, you would have devastation. Many families lost their homes. Private property and public property were destroyed.

The $6 million in this provision is to assist the two sugar companies, Gay and Robinson and Hawaiian Commercial and Sugar, with their crop losses, damage to their irrigation canal system, and washed out roads.

It may interest my colleagues to know that on the island of Kauai, that plantation suffered more than 100 miles of roads being severely damaged. They are washed out and require complete rebuilding. Some of the most critical roads were the access roads to irrigation, and these will have to be rebuilt.

In addition to the roads, the irrigation infrastructure on the island of Kauai was totally damaged and destroyed. This infrastructure damage has two costs. One is the cost of repairing, obviously, and the other is the sugar losses due to production disruptions. And the same can be said for the island of Maui.

The yield losses alone for the two companies will far exceed the amount we are requesting for assistance. Losses have occurred because of this damage.

In summary, heavy rains caused tremendous infrastructure damages. The actual repair or reconstruction costs are much higher than the amount we are seeking.

I hope my colleagues will show some compassion and understanding. It is an emergency.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this provision was included in the committee bill in the agricultural disaster title of the supplemental because of severe weather-related damage to Hawaii's sugarcane crop this year.

Hawaii sustained heavy rains and flooding from February 20 through April 2, devastating and destroying public and private property. The funds were considered by the committee to be necessary to assist sugarcane farmers through their cooperatives with cane crop losses.

They also sustained damage to their irrigation canal systems, and there were public roads that were washed out resulting from the heavy rains.

I support the position of the Senator from Hawaii on this amendment and urge the amendment be defeated.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be very brief.

One of the things we know we are all going to have to look at in the 2007 farm bill is how do we continue down this road and be able to afford it.

The 2002 farm bill put in what was called crop insurance. Every time we put in a program that undermines the incentive to use crop insurance, all we do is add it to the deficit, and we come back.

There is no question there are some needs, and probably legitimate, but what this appropriation does is create an incentive for people not to use crop insurance. That is exactly what it does.

So if we want to unwind further and raise the costs for the American people of the farm bill we have today, all we have to do is keep this kind of funding in, and we will undo and make sure we spend more money in the future.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief.

I understand Hawaii experienced severe flooding this winter. It should be pointed out that the heavy tropical rains did not lead to a Presidential disaster declaration. Surely the flooding impacted a broad range of agricultural commodities in Hawaii, not just sugarcane growers, and the Secretary of Agriculture is providing assistance under existing USDA disaster recovery programs. These programs will help farmers with noninsured crops, debt management, emergency loans, infrastructure repair, and farmland rehabilitation. Do we really need an additional earmark of $6 million for Hawaiian sugarcane growers on top of the assistance already offered by the USDA?

Mr. President, I ask unanimous consent to print in the Record a USDA factsheet that contains the programs that are available: Emergency Conservation Program, Noninsured Crop Disaster Assistance Program, Disaster Debt Set-Aside Program, and the Emergency Loan Program.

There being no objection, the material was ordered to be printed in the Record, as follows:

Ongoing Disaster Assistance Programs for Agricultural Producers

OVERVIEW

The Farm Service Agency (FSA) offers farmers and ranchers various types of disaster aid to facilitate recovery from losses caused by drought, flood, freeze, tornadoes, hurricane, and other natural events. Ongoing disaster assistance programs available to eligible producers are:

EMERGENCY CONSERVATION PROGRAM (ECP)

ECP provides funding for farmers and ranchers to rehabilitate farmland damaged by wind erosion, floods, hurricanes, or other natural disasters and for carrying out emergency water conservation measures during periods of severe drought. The natural disaster must create new conservation problems which, if not treated, would:

Impair or endanger the land;

Materially affect the productive capacity of the land;

Represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area; and

Be so costly to repair that federal assistance is, or will be required, to return the land to productive agricultural use.

NONINSURED CROP DISASTER ASSISTANCE PROGRAM (NAP)

NAP provides financial assistance to eligible producers affected by drought, flood, hurricane, or other natural disasters. NAP covers noninsurable crop losses and planting prevented by disasters.

Landowners, tenants, or sharecroppers who share in the risk of producing an eligible crop may qualify for this program. Before payments can be issued applications must first be received and approved, generally before the crop is planted, and the crop must have suffered a minimum of 50 percent loss in yield.

Eligible crops include commercial crops and other agricultural commodities produced for food, including livestock feed or fiber for which the catastrophic level of crop insurance is unavailable.

Also eligible for NAP coverage are controlled-environment crops (mushroom and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod).

DISASTER DEBT SET-ASIDE PROGRAM (DSA)

DSA is available to producers in primary or contiguous counties declared presidential or secretarial disaster areas. When borrowers affected by natural disasters are unable to make their scheduled payments on any debt, FSA is authorized to consider set-aside of some payments to allow the farming operation to continue.

After disaster designation is made, FSA will notify borrowers of the availability of the DSA. Borrowers who are notified have eight months from the date of designation to apply. Also, to meet current operating and family living expenses, FSA borrowers may request a release of income proceeds to meet these essential needs or request special servicing provisions from their local FSA county offices to explore other options. A complete fact sheet about DSA can be found at http://www.fsa.usda.qov/pas/publications/facts/debtset05.pdf.

EMERGENCY LOAN PROGRAM (EM)

FSA provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.

Emergency loans may be made to farmers and ranchers who own or operate land located in a county declared by the president as a disaster area or designated by the secretary of agriculture as a disaster area or quarantine area (for physical losses only, the FSA administrator may authorize emergency loan assistance). EM funds may be used to:

Restore or replace essential property;

Pay all or part of production costs associated with the disaster year;

Pay essential family living expenses;

Reorganize the farming operation; and

Refinance certain debts.

Mr. McCAIN. Mr. President, I also ask unanimous consent to print in the Record the editorial contained in the Washington Post on April 29 basically saying:

> There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of $4.2 billion this year—is supposed to be about?
>
> The administration is right to oppose this provision;

They are talking about the provision of $4 billion in disaster payments to farmers as part of the emergency spending bill—

> the Senate ought to show enough discipline to take it out.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 29, 2006]

Farmers at the Trough

Farm Subsidies have risen from $8 billion in 1997 to a projected $22 billion this year. Farm earnings have risen, too. Net farm income grew from $36 billion in 2002 to a record $83 billion in 2004. Although that fell last year to $72 billion and is forecast to drop again 2006, to $56.2 billion, that's still above the 10-year average.

But why let good news stand in the way of even more payments to farmers? The Senate is poised to add $4 billion in "disaster" payments to farmers as part of the emergency spending bill it's debating. A big chunk would go to farmers who have suffered no other disaster than the high energy prices that are hitting every other sector of the economy—not to mention anyone who drives a car.

Under the Senate proposal, farmers who already receive cash subsidies for the corn, wheat, cotton or other crops they grow—money they get when prices are high or prices are low, in good years and bad—would get an extra 30 percent, at a cost of $1.56 billion on top of the $5.2 billion the government is already spending. Because payments are based on the size of farm operations, this would funnel the largest amounts to the biggest commercial farms; according to an analysis by the Environmental Working Group, just 10 percent of bonus subsidy recipients will collect nearly 60 percent of the money. More than 50 producers would collect an extra $100,000 or more. Meanwhile, 60 percent of the nation's farmers would get nothing under this program because they raise livestock or grow crops that aren't eligible for the subsidy.

Proponents of the spending point to droughts in Iowa, floods in North Dakota and wildfires in Texas—calamities that have affected farmers there, they say, in much the same way Hurricane Katrina slammed those in the Gulf Coast. There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of $4.2 billion this year—is supposed to be about? True, crop insurance doesn't cover, all losses, but should farming be the nation's only risk-free enterprise? Besides, one of the theories behind the egregious 2002 farm bill was that it would, at least, provide generous enough payments year in and year out that farmers wouldn't need emergency bailouts.

The administration is right to oppose this provision; the Senate ought to show enough discipline to take it out. Don't count on it, though. On Wednesday, Senate Majority Leader Bill Frist (R–Tenn.) touted a letter to the president, joined by 35 of his colleagues, pledging to sustain a threatened veto if the spending package exceeds the administration's requested $95.5 billion. That same day, the Senate voted by a veto-proof 72 to 26 against removing the farm spending and other provisions from the bill—current price tag, $106.5 billion.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, if I may respond, on April 2 of this year, the rains ended. The Governor of Hawaii, in a most expeditious manner, gathered all the facts and filed a report with the President of the United States on April 10. That letter to the President requested that the President issue a declaration of disaster. It is now in the White House under consideration. It is unfortunate it is not before us, but we have been assured that it will be part of the declaration. I wish the record to show that the State of Hawaii did go through every regular step to make certain this request was done in the regular fashion.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3617. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—40

Alexander
Allard
Allen
Brownback
Bunning
Burr
Chafee
Coburn
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Santorum
Sessions
Snowe
Sununu
Thomas
Thune
Vitter
Voinovich

NAYS—59

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Conrad
Dayton
Dodd
Domenici
Dorgan
Durbin
Feinstein
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Shelby
Smith
Specter
Stabenow
Stevens
Talent
Warner
Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 3617) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to discuss an amendment, filed by Senator NELSON of Florida and myself, joined by Senators LIEBERMAN, LAUTENBERG, KERRY our distinguished minority leader, that will provide serious resources, not just lipservice, to help us kick the oil addiction habit and put this country on a long-term path to real energy security. At a time when American families are spending exorbitant amounts to fill their cars and heat their homes, when this Nation is using ever increasing quantities of foreign oil, when our coastal communities are threatened by rising sea levels caused by global warming, we need a new approach. For the sake of our economy, our security, and our environment, we need to act now.

For years, this administration has promoted one course—more drilling. Instead of making the necessary and timely investments needed to push this country in the direction of a sustainable energy policy, the administration has beat one drum over and over again—drill, drill, drill. Drill in the Arctic, drill in our wilderness, drill off our beaches. This is not the way to kick our oil habit. The President claims to have seen the light, and now touts the virtues of efficiency and the importance of biofuels and renewable energy, and we applaud him. But he proposes to fund the Department of Energy's Efficiency and Renewables programs at the same level they were at in 2001, and he refuses to endorse higher mileage standards for automobiles, which are the same now as they were years ago.

Our energy situation has reached a critical point, and it is truly an emergency. Secretary of Energy Bodman even admitted on Sunday that we are facing a crisis. Gas prices are nearing their record highs, rising 41 cents in the past month and over 54 cents since the Energy bill was signed into law last August. Many of the countries that we depend on for our oil are politically unstable or have unfriendly regimes. The Iranian situation, in particular, threatens to drive oil prices far higher. We can not allow our economy to be continually held hostage by the whims of OPEC.

This is not just about economic security. It is about national security. As former CIA Director James Woolsey testified before the Energy Committee, the hundreds of billions of dollars we send abroad each year to feed our oil addiction help to fund the very organizations that preach hatred for America.

We should have taken serious action years ago. The American people can afford to wait no longer. The Nelson-Menendez amendment provides the immediate funding we need to allow us to take control of our destiny and create a brighter, cleaner, and safer energy future for America. It provides $3 billion for a wide range of efficiency, security, and research and development programs—programs the President talks about in glowing terms but does not propose to actually fund.

His 2007 budget barely includes half of the authorized funding for renewable energy research, and provides less than 2 percent for the incentives needed to encourage the installation and use of renewable energy. Our amendment would add $50 million for renewable energy research and development in the Department of Energy, over $100 million in renewable energy rebates for homes and small businesses, and $200 million for the Department of Defense to do its part to meet the renewable energy goals set out by the President and in the law.

The administration has tried for years to portray efficiency as a vice, something that is totally inconsistent with the American way of life. Recently they have changed their tune, but not their actions. The President's budget actually cut energy efficiency programs by 13 percent. That simply astounds me. Few things are more effective for curbing our addiction to oil than becoming more energy efficient. A 2001 study by the National Academy of Sciences found that a $7 billion investment in DOE energy efficiency programs had returned $30 billion in benefits. That's better than 4 to 1. But the President cut efficiency programs by over a hundred million dollars. The weatherization program, which helps low-income families reduce fuel use and lower their energy bills, has been shown to provide well over $3 of benefit for each $1 spent. But the President proposed to slash that by nearly 30 percent.

Our amendment recognizes the tremendous benefit we as a Nation receive by becoming more efficient, and provides an additional $300 million for energy efficiency programs, and another $225 million for weatherization grants.

If we want to make a serious dent in our use of oil, however, we need to look at the transportation sector, which is responsible for two-thirds of our national oil consumption. While everyone seems to agree on the need to get more flex fuel and alternative-fuel vehicles on the road, and the urgency of producing cellulosic ethanol, the administration simply does not make the real financial commitment. But this amendment does. It provides $150 million for vehicle research programs, $350 million for the clean cities program, $200 million for biomass research and development and $250 million in production incentives for cellulosic fuels.

There are also provisions in this amendment to increase the reliability of our electricity grid, encourage the Federal Government to purchase alternative fuel vehicles, help improve the efficiency of aircraft, and much more. It is a large amendment because this is a large problem. Our economy, our environment, and our national security are all too important to be left to the best interests of OPEC and the giant oil companies. Skyrocketing gas prices have been a wake-up call for everyone, but even if we succeed in providing relief for American consumers, as my amendment last week would have done, we can not afford to go back to sleep on this issue. The American people expect us to get serious about our energy future, and they expect us to do it immediately. If we don't act now, when do we act?

So even though I fully recognize the rules of the Senate and understand the nature of the debate we are having today, I do believe we are in an emergent process as it relates to our energy independence, to our energy security, to giving consumers an opportunity for a break.

Therefore, I ask unanimous consent that any pending amendments be laid aside to call up amendment No. 3721 and that it be considered germane for the purposes of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I ask unanimous consent, the order for recess notwithstanding, I be allowed to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE ECONOMY

Mr. BENNETT. Mr. President, last week we had numbers that came out with respect to the economy. We also had testimony from the chairman of the Federal Reserve Board with respect to the economy. And as recently as yesterday we had some stunning numbers that came out telling us what is happening in the economy. I would like to review those very quickly for the Members of the Senate.

This chart demonstrates that the economy remains strong. Last week's number said that economic growth in the first quarter was 4.8 percent.

As you can see on the chart, that is the highest number since we had the spike in 2003.

Each one of these dark figures represent a quarter and demonstrates that the economy has now grown ever since the end of the recession in 2001. We had weak growth for the first little while and then the economy has been growing very strongly ever since.

This a very strong and vibrant economy, as Chairman Bernanke made clear in his testimony to the Joint Economic Committee.

People want to talk about jobs. Let us look at the unemployment rate.

If you will notice, the shaded areas in the chart represent the last three recessions. In the recession of the 1980s, unemployment got into double digits—10.8 percent is where it spiked. In the recession that occurred in the early 1990s, unemployment got to 7.8 percent—spiked at that point. In the recession we just had, unemployment spiked at 6.3 percent, a relatively low level, but it has been zinging ever since, and it is now at 4.7 percent.

I have sections of my State—and I trust others have in theirs—where there are more jobs than there are people, where people are looking for jobs. The unemployment rate is going down and demonstrating the strength of this economy as it generates new jobs.

Here is the flip side of that. This chart shows payroll jobs either lost or created.

Here, each bar represents a month. Starting in 2003, instead of losing jobs, we began to gain jobs each month. And there are over 5.1 million new payroll jobs that have been created since the Senate and the House passed the 2003 Tax Relief Act.

More Americans are working today than at any other time in our history. There are more jobs today than at any other time in our history. This is a consequence of the robust economy.

The next chart shows the growth of business investment. You will notice there are no dates. These are quarters. The red shows quarters in which business investment shrank and the blue shows quarters in which business investment grew.

I ask as a test for people: What is the date when the bars went from red to blue? We didn't put them on the chart. If you were to guess that it was the first quarter of 2003, the time when the tax cuts took effect, after which the tax cuts changed the pattern for business investment, you would be correct. You can see the dramatic difference between the quarters that preceded the tax relief and the quarters that succeeded it.

I would be the first to concede that it is not a pure cause-and-effect relationship. But I think the chart demonstrates that you cannot discount the fact that the tax cut had a significant beneficial effect on the economy.

Business activity continues to grow.

This chart gets a little bit busy, but the line in the middle is the line between growth and shrinkage. And the two graphs, the red one is the growth in services, the blue one is growth in manufacturing.

For those who say manufacturing is in trouble, look at the facts.

Again, starting in 2003, manufacturing crossed the line and became positive and has been positive ever since.

Yesterday this appeared in the Associated Press:

> Manufacturing cranked up. Builders boosted construction spending to an all-time high, and consumers opened their wallets wider, fresh signs that the economy has snapped out of its end of the year slump.

This was the message coming from the latest patch of economic reports released Monday.

A report from the Institute for Supply Management showed that factory activity expanded with gusto in April. The group's manufacturing index rose to 57.3 in April; from 55.2 in March. The showing was much better than the predicted reading of 55 that economists were expecting.

So business activity continues to grow.

To tick off the facts of what has happened since May of 2003 when the tax cuts kicked in, real gross domestic product growth has averaged 4 percent; over 3½ million new payroll jobs have been created; the unemployment rate has fallen to 4.7 percent; manufacturing has expanded for 35 consecutive months; service industries expanded for 36 consecutive months; business investment has increased for 10 consecutive quarters, with growth averaging over 9 percent; inflation-adjusted after-tax income has grown by almost 5 percent; the Dow Jones Industrial Average is up 27 percent; the NASDAQ is up 44 percent; and, taxes paid on capital gains was $80 billion dollars last year, compared to taxes paid on capital gains in 2002 which was $49 billion.

We hear a lot of gloom and doom on this floor. We hear a lot of people talking about how bad things are. The facts do not support that.

The economy is strong. The economy is going forward, and the economy is in a boom period and has been since the tax cuts took effect in May of 2003.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3626, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up and pass amendment 3626, as modified. This amendment is noncontroversial but very much needed and has been cleared by both the majority and minority side and all leaders of the relevant committees.

Mr. COCHRAN. Reserving the right to object, No. 3626 is listed on one list of amendments I have as having been passed.

It is pending. It is a community disaster loan limits amendment.

Mr. VITTER. Precisely.

Mr. COCHRAN. Because of some question as to whether this is cleared on the Democratic side, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I renew my request that amendment No. 3626, as modified, by Senator LANDRIEU and myself, be called up and passed by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 3626), as modified, was agreed to.

AMENDMENT NO. 3641, DIVISION IV

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment 3641, division IV, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. We are considering a very large supplemental spending bill that now stands about $10 billion larger than what the President has said he will sign. I thought it would be interesting to spend a minute to think about what $1 billion is because we throw that number around so often. We need to consider that $1 billion is a difficult number to comprehend.

A billion seconds ago, it was 1959. A billion minutes, ago Jesus was alive. A billion hours ago, some would say our ancestors were living in the stone age. A billion days ago, no one walked on Earth on two feet. A billion dollars was only 8 hours 20 minutes ago at the rate we are spending money in the Federal Government.

A billion is a hard number to get your arms around. It is an interesting number and $10 billion more than what the President thinks we need. More than what we actually need is a tremendous amount of money.

The second point I make in talking about this amendment is that the money we are going to spend on this emergency supplemental bill we will not ever see anywhere when we come to talk about the deficit because it will not get included in the deficit reported by the Federal Government. What it will get included in is the payments your children and grandchildren will have to pay back 30 years from now, amortized at 6 percent, and that $10 billion is going to come to about $50 billion when they pay it back. We are reaching forward and stealing opportunity from our kids.

This particular amendment deals with an item in the supplemental that is meant to help a very significant contractor in our defense industry. They do a lot of great things for this country in terms of supplying jobs, giving us great equipment, great ships, great tools for our men and women to fight with and defend this country. I understand the damage that has occurred in both Pascagoula and all the shipyards along the coast. We are making plans to do what is right. In the supplemental, we put greater than $1.5 billion toward that.

There is a significant amount of loss that was incurred by Northrop Grumman as the hurricane came on shore and damaged both their facilities and their equipment. They had significant operating losses from that. My problem with the amendment is they have insurance with which to cover this loss. No one knows exactly how much it is going to be. Northrop Grumman says by their own public statements that $500 million was their business interruption cost insurance, so it could be upward of $500 million. It is probably somewhere between $100 and $200 million.

If we allow this amendment to go through, we set significant precedence that we will be hard pressed to ever break.

First of all, this is a private contractor with insurance who is now suing their insurance company for the claims they have made that will not be adjudicated until 2007.

One of the messages we will send if we pass this supplemental with this in it is we will tell the rest of the defense contractors: You do not have to have business interruption insurance. Why would you have to if the Federal Government is going to come in and pick up the tab?

There is an answer that whatever is collected will come back and be paid to the Navy if, in fact, we intercede in the midst of this contract dispute for Northrop Grumman. I hear what the contracting office says, and it is a fairly important point because the contracting officers and the contracting office know the right of legal loss doctrine. Most of our insurance, whether it is homeowners, auto insurance, or business interruption insurance, runs on the doctrine of legal loss. Legal loss in insurance contracting says that if you get paid by someone else, we do not have to pay you.

This amendment is not so much about being against helping Northrop Grumman; it is about not helping their insurance firm which actually owes this money, which will be adjudicated in the future, and not limiting their responsibility and not transferring that responsibility from them to our children and our grandchildren.

September 28, 2005—this is the Contract Management Agency for the Defense Department:

> This office believes it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.
>
> If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman.

In fact, that is exactly right. If we pay the loss, Northrop Grumman does not have a loss, and therefore the legal loss doctrine will apply to this contract, so there will not be a lawsuit. This is in litigation.

I also make the point that Northrop Grumman, by their CEO's own statements this year, said that it continues to expect sales of $31 billion; earnings per share between 4.25 and 4.40; and cash from operations, free cashflow, between $2.3 and $2.6 billion. If this is $100 million or $200 million, they have all the capability in the world to borrow that money, pay the interest, and collect the interest charges against the insurance company. We are setting a terrible precedent by doing this.

The other thing we are going to do is send a message to every other defense contractor: Don't get business interruption insurance because we will come in and pick up the tab.

I want them to be fully remunerated. I want the shipyards to be up and running. I want every aspect we can deploy that will make things happen, that will resecure the jobs, resecure our production of ships. But I don't want to do that when Factory Mutual Insurance Company really should be on the hook for this, not our children and our grandchildren.

The other point I make is should companies that contract as defense suppliers and make billions each year be put ahead of the others waiting in line for help? Is it going to be our policy by this bill to further subsidize the business interruption insurance of all the rest of the contractors?

Their own litigation filed in California says:

> There is no reason to allow Factory to avoid accountability for its wrongful actions.

I agree. And by keeping this in the bill, we will allow Factory Mutual to avoid accountability for its obligations.

Mr. President, I ask unanimous consent to have printed in the RECORD the Defense Contract Management Agency letter, dated September 28, 2005. There has also been the filing of Northrop Grumman Corporation against Factory Mutual Insurance Company in the U.S. District Court for the Central District of California.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE CONTRACT
MANAGEMENT AGENCY,
Los Angeles, CA, September 28, 2005.

Memorandum for all Sector Administrative Contracting Officers (ACOs).

Subject: Hurricane Guidance.

Until all avenues for recovery from insurance carriers are exhausted by the contractor it is recommended that Contracting Officers not approve payments for costs associated with or related to the hurricane disaster(s) if such costs are potentially recoverable through insurance by the contractor.

This office believes that it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.

If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman. It is my recommendation that insurance policy(s) be reviewed. Additionally it would be prudent to reach an agreement with Northrop and the insurer before making payments for any otherwise allowable costs.

This matter is under continuing review and additional information will be forwarded as appropriate.

Please forward this correspondence to subordinate sector ACOs. Questions should be addressed to me.

DONALD P. SPRINGER,
Defense Corporate Executive.

Mr. COBURN. I also note that Northrop Grumman is the fourth largest defense contractor we have in the country. I also note that Northrop is already the recipient of billions of dollars in Government contracts, including some contracts that otherwise could be considered largess. I will not go into that.

I would make a final note that the House Appropriations Committee, when they passed their bill, put this into the Record:

> The Committee believes strongly that funds in this Act and under this heading in prior Acts should not be used to substitute for private insurance benefits. The Committee is aware that some shipyards have business interruption insurance coverage that could potentially overlap with the Navy's budget for increased delay and disruption costs.

I understand the Navy. We have an obligation for delay and disruption costs. There is no question about that.

> On March 1, 2006, the Committee received the Navy's certification that there is no overlap between shipyard insurance claims and the Navy's funding plan, and that costs covered by private insurers were not included in supplemental request estimates. Once again in this bill, the Committee directs the Navy not to obligate funds under this heading until the Secretary of the Navy certifies that no such funds will be used for activities or costs that are subject to reimbursement by any third party, including a private insurer.

The final point I would make is the President's message to Congress on why he would be against us funding this. He made some significant points, and I will summarize them. One is they do not think this is necessary. No. 2, it violates clear contracting guidelines. And, No. 3, it sets a terrible precedent for the future, not just on our coast but for any other defense contractor that might have a loss based on a natural catastrophe, that we would now have a precedent that we would supply that.

The American people want to help solve the problems on the gulf coast. We want to create a vigorous business environment. We want to create a vigorous defense industry. This is a step too far. I believe we need to back up and let the private sector take care of its obligations, as it should, to help us meet our obligations and then move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am sympathetic to the Senator's concerns, that he expressed. As I understand the point he makes, it is that we should not create a situation where a shipbuilder can both get disaster funds from the Federal Government and insurance benefits from hurricane coverage and, thereby, be unjustly enriched by getting money from two different sources for one disaster.

The language of the general provision, which the Senator purports to amend with this amendment, prevents a shipbuilder from getting double payment, in effect. The Senator's amendment strikes the provision and the language in the provision which guarantees that.

I think there is no disagreement between us as to what the outcome ought to be. What we are trying to do is reduce costs to the U.S. Navy and, thereby, to the U.S. taxpayers for future shipbuilding activity by reimbursing the shipbuilder for damages caused by the hurricane, purely and simply. There is no effort to prevent the shipbuilder from recovering what it is entitled to recover from the insurance companies that had coverage in this situation.

But the fact is, you could not get insurance coverage for all of the damages done by the hurricane, only some. The policy defines the obligation. The contract, in effect, between the shipbuilder and the insurance company defines what benefits the shipbuilders are entitled to receive. And these contracts are being honored, some maybe not as generously as the shipbuilder would like. But that is something to be reserved between the shipbuilder and the insurance carrier. And if litigation develops and is resorted to as a way to resolve that, so be it; that happens.

But what we are seeking to do is to acknowledge that the shipbuilder was impeded by the hurricane from proceeding under contracts that it had with the Navy to hire and make available workers on a reliable, predictable schedule that would ensure the ships' future construction on time under the contract.

Some of those costs cannot get reimbursed from the insurance company. There are provisions in the insurance agreements that prohibit the collection of benefits for some of those costs that were caused directly by the hurricane.

So what we have attempted to do is to work with the Navy, consult with the shipbuilder, and try to provide authority in this supplemental bill to help control costs of ships, now and in the future, with a possibility of insurance proceeds offsetting Government costs. Or we can exclude this provision, as the Senator is trying to do, and pay the resulting higher costs through higher taxes, more appropriations to help pay the costs to the Navy to pay for the ships.

To me, I think this amendment reflects a difference in understanding of what the language of the supplemental seeks to accomplish. We do not disagree with the motivation of the Senator from Oklahoma. We applaud his effort to review carefully and make sure we are not "wasting" money in this supplemental, that the taxpayer is benefiting, not a shipbuilder being unjustly or inappropriately enriched. I guarantee you that is not the purpose of the assistance that is provided in this section of the bill, this general provision of the bill.

Here is what it seeks to do. And we think it does do this: The general provision adjusts ship contract target costs for the effects of Hurricane Katrina. It provides the U.S. Navy with reimbursement of future shipbuilder insurance receipts. And it makes clear that payments made by the Government to the shipbuilder could not be treated as collateral insurance coverage and could not be used as a reason for insurers not to honor their policy obligations.

That is the purpose of the general provision. I challenge anybody to disagree with that purpose as laudable, as important, and as fair to the taxpayers, to the shipbuilder, and to the insurance companies that have coverage.

This provision was included because it is clear that the impact for delaying the recapitalization of the shipyards will have long-term negative impacts to the Navy's shipbuilding program by making ships more expensive and taking longer to build.

We can provide this authority now to help control the costs of ships, and with the possibility of insurance proceeds offsetting Government costs, or we can exclude this provision and pay for the resulting higher costs of ships.

And note this. The estimated cost of this provision is $140 million, to be paid from within the $2.7 billion the President requested in the shipbuilding account. Hear that? The President requested $2.7 billion in his submission in this request. And a 3- to 6-month shipyard recapitalization delay is estimated to cost $300 to $600 million in increased ship costs.

This is serious business. You can pay me now or pay me later. I guess that is the way to say it. But the whole point is, we can appropriate this money in this supplemental that the President requested. We have identified the part that is going to be used to pay the costs of this amendment.

So in response to Hurricane Katrina and the disaster that resulted to the region, the President requested over $2½ billion—$1 billion in this supplemental and $1.7 billion in the last supplemental—in the Shipbuilding and Conversion Navy account to address these ordinary costs to replace destroyed or damaged equipment, prepare and recover naval vessels under contract, and, most relevant to this debate, provide for cost adjustments for naval vessels for which funds have been previously appropriated.

So what happened is the President's request did not address or take into account all costs associated with Katrina. So a general provision was added to adjust an existing Navy ship contract's target costs for the effects of Hurricane Katrina. It ensures the industry does not receive redundant funding from the Government and insurance companies. But—guess what—the amendment offered by the Senator, my friend, deletes this provision. That should not be done.

The focus of this supplemental is to provide disaster relief and recovery for hurricanes, including Katrina. Katrina caused the costs of ships that were already under contract with the Navy to increase. Increased costs were occurring because of the disaster.

The provision included in the bill does not impose additional costs. Instead, it directs that all costs be paid from within the $2.7 billion shipbuilding account requested by the President to address the hurricane recovery costs.

In my view, the Senate needs to reject the amendment of the Senator. Let's carry forward in this bill this general provision.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me address a question to the distinguished chairman of the committee because I thought his remarks were very well done and answered a number of questions that have been put out in the discussion of this language in the media. But I think it is important to clarify a few of those points.

The first point you are making is that this is not an additional or added expenditure. This will come out of the $2.7 billion that has already been requested to go into this shipbuilding recovery effort; is that correct?

Mr. COCHRAN. Mr. President, if the Senator will yield, he is absolutely correct. There is, in this general provision, a reference to the $2.7 billion that is contained in the President's request submitted to the Congress, a request that we appropriate that amount. He is right. We are not creating new funding in this provision but trying to spell out what that funding should be used for.

Mr. LOTT. Well, Mr. President, I thank the chairman for that clarification and for making that point. I might also ask this question: The Senator was a very capable young lawyer in our State years ago, president of the young lawyer's section, and I think he understands this sort of issue. Are you satisfied that this language is such that when and if there is an insurance recovery, those funds will come back to the Federal Government?

Mr. COCHRAN. The Senator is correct. It will not result in a double payment, in effect, to the shipbuilder, of course. And any insurance proceeds that offset the Government's costs are excluded specifically from this provision.

Mr. LOTT. One final point that the Senator made that I think is a very important one. If we do not allow this provision to remain in this legislation, the net cost is going to be twice as much or more.

I believe the questions that have been posed have been answered correctly and appropriately by the chairman of the committee. This provision does not require additional funds. Payments will come out of funds that have already been earmarked for shipbuilding recovery. It is not going be a process where the shipbuilder will be relieved of trying to recover from the insurance company and, if they recover, they get to keep it. It is important to emphasize those points.

Let me confess to my colleagues, this is personal with me. I admit it. This is my hometown. I grew up in the shadow of this shipyard where 13,000 men and women make their livelihood, the biggest single employer in the States of Mississippi and Louisiana and at one point of Alabamians, a critical component of our national security. They build some of the most sophisticated ships in the world—destroyers, cruisers, LHAs, LHDs, LHARs. And that shipyard got hammered by hurricane Katrina. My dad was a pipefitter in that shipyard and was in the pipe department when he was killed in an automobile accident. I don't just see statistics and numbers; I see neighbors, classmates, men and women who believe in what they do and build quality product. They have been hit a grievous blow.

I understand the effort of the Senator from Oklahoma. On many similar occasions, if I didn't know all the facts or if I weren't as intimately involved, maybe I would be doing something similar to what he is. I understand. But I don't think he has all the facts. Maybe the clarification that my colleague from Mississippi made will help him.

The magnitude of what we were hit with is the most devastating thing we have ever seen. I won't bring out a lot of charts, but so you will get some idea of the destruction, here is a picture of the shipyard right after the hurricane. This whole shipyard had a direct hit. It is right on the mouth of the river. It got hammered. Five hundred men and women put their lives at risk that night trying to keep ships that were moored there from sinking. This is what we were dealt. Everything in that shipyard was under water. And by the way, just so you will get some idea, there in the background of this picture, those cranes are actually on the water. This photo was actually taken a distance inland, and you see the kind of destruction that was brought on us.

One of the things we did in the aftermath of the hurricane was to say: OK, let's rescue people. Let's get them the basics. Then we sat down and said: What is the order of what we ought to do? No. 1, we need to get our people back to work first. Because if we can get them back in their jobs, even if they don't have a home or a truck, that will begin the return to normalcy. They will have income. Then let's get our schools open. Then let's remove the debris. So we had an order. We have not done this haphazardly.

This provision was not stuck in the bill as an afterthought. It was carefully done. It was done after looking to see what the actual impact was going to be.

Several shipyards in my area—three of them, as a matter of fact—owned by VT Halter had "only" 20 or 30 feet of water. But this shipyard was completely shut down. They made a valiant effort to feed people, get people back to work. Now the shipyard is back up to probably 11,000 people working there.

Talk about getting insurance. Let me put the shipyard in my place. My wife and I lost our home. It is totally gone. I had flood insurance. I also had a household policy. My insurance company said: You had no wind damage. We will pay you nothing. After that house sat there for 4 to 6 hours being hammered by winds of 140 miles an hour with gusts at 160 and 170, they came back and said: No, you didn't have any wind damage. It is not credible. So what am I going to do? I guess I could hock everything and rebuild on that site before I get any insurance, but the "no payment" or the "slow payment" of insurance companies is retarding the entire gulf coast. They are like me; I can't rebuild until I get some insurance proceeds.

They have the problem of how much can they put into this situation without getting the plant back up to operation. They have spent $550 million to clean up this shipyard, repair the facilities, repair the ships, and cover the cost of business interruption not caused by them. They have done their part. In fact, of that $550 million, less than one-third, about $175 million, has been recouped so far from the shipyard's insurance companies. They are going to continue to pursue these insurance claims. I hope they are going to get a good settlement and they will be able to go forward with business.

But this shipyard had a billion dollars of damage. This matter is about national security. It is about the Navy. It is about the world's best ships. It is about men and women who have busted it to get that shipyard back on line.

The same thing has happened in Louisiana, where a lot of work is done on the LPDs and where they went back to work before they had a bed to sleep in. So this provision is the right thing to do for Gulf Coast recovery and to help the Navy maintain the cost and schedules for its ships.

Let me give you a couple of examples of quotes after the hurricane. After the hurricane, Assistant Secretary of the Navy John Young recognized the significant impact of that storm on Navy shipyard building and national defense. In a letter to Navy and Defense Department leadership, Secretary Young wrote that:

> The Navy [should] take an aggressive and proactive approach in helping restore shipyards and returning workers to shipbuilding tasks. Importantly, this approach has the short-term benefit of contributing in a significant way to the restoration of jobs and the economy in the Gulf Coast.
>
> Yard restoration delays, loss of the skilled workforce, and ship delivery delays will translate directly into creation in future years of significant new prior year completion bills on Navy shipbuilding programs.

That was very thoughtful. He was looking at it realistically in the immediate aftermath of this terrible storm. He recommended an action that was appropriate.

Some people say it wasn't in the President's budget. Presidents' budgets don't come down from heaven. They sometimes don't include everything that should be included or maybe it will include something that should not be included. We are a coequal branch of government. We do have a say in these issues. Sometimes we can help. When it came to getting Medicaid for the States affected, we had to take the lead. When it came to getting tax incentives for businesses and industry to create new jobs, we took the lead. When it came to finding a solution for the people who had a home that was not in a flood plain—after the hurricane all they had left was a slab, no insurance, no way to rebuild, and nobody had a solution—Senator COCHRAN came up with a solution and the administration signed it. They didn't do it; we did it in the Congress. We are from there. We are of this situation. We understand the problems.

We are trying to be reasonable. We told our colleagues months ago about what we would need to recover. We have not exceeded that estimate. We are way under that estimate. In some categories we are not even going back and saying we need more, even though we were somewhat shortchanged. We are trying hard to help the people who have been dealt a grievous blow. If we don't do this, the people in that shipyard will be hurt, the Navy will be hurt, and it will cost us more. I want to make sure we get the insurance recovery.

I am a plaintiff for the first time in my life. I didn't want to do that. When I met with shipyard officials immediately after the hurricane, I went out there, and they were feeding the people on a ship that was moored. There was no electricity. I said: What about insurance? They said: We are fortunate. We had insurance. We even had a clause in there so we feel we are going to get a good recovery.

Well, it hasn't happened. So we can deal with this realistically and in a sensible and thoughtful way, the way Senator COCHRAN has outlined, and I think we will get through it. We will keep the jobs, build the ships, help the Navy, help the workers. And we won't lose money in the end. The disruption cost, if we don't do this, will be much greater than by going ahead and doing this right now.

I beg my colleagues, bear with us. I know you are beginning to say: How much is enough? I don't know in every instance, because we are still dealing with the magnitude of this disaster. But we are going to try to be honest with you. We are going to try to be thoughtful. I believe this language is crafted well. I am proud to be a part of the effort to defend the language that is in this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to raise a few points. First, I have great respect for the Senators from Mississippi and Louisiana. If they will note, my votes have reflected that, when we have sent money for both. The President did request $2.5 billion, $2.7 billion for this. But he also requested that we not do this specific thing, that we not do this. The Senator from Mississippi makes a point they have already collected $125 million—actually they told us $125 million, maybe it is more—from insurance. They did have a big loss.

We had a hurricane down there and everybody will agree, because of the hurricane, the ships are going to cost more, no matter what we do. They are going to cost more because they were delayed. We know that in defense contracting. Is it in Northrop Grumman's interest to recapitalize this shipyard? Yes. There is no question about it. Do they have a positive cashflow of $2.6 billion this year? Yes. The reason we should not do this is because there will be no money coming from the insurance industry. Under the legal loss doctrine, we will obviate all those policies. So by doing this, it is true, any money that comes comes back to the Navy. I agree, that is in here. But the fact is, there will be no money coming back because they will have and utilize in their insurance contracts the legal loss doctrine. That doctrine will obviate any obligation, any liability these insurance companies have to do it. So the question is, should our kids pay for it, our grandkids pay for it, or is it in Northrop Grumman's best interest to put the business interruption insurance, which is in litigation, to borrow that money or take it out of earnings from cashflow from operations right now and then collect the interest on it? Instead, we are going to send it on down the pike 30 years to be paid back, and $125 or $200 million will become $800 million or $1 billion after 30 years.

I would also read into the record part (a), section 2303, "Amounts appropriated or otherwise made available by this Act." Going on down, "under the heading 'Shipbuilding and Conversion, Navy' may be obligated and expended to pay the costs of any business disruption incurred by a ship construction contractor with respect to facilities or businesses located in the Hurricane Katrina Disaster area by reason of Hurricane Katrina."

We do get all four of them, all four segments intentionally, because if we don't, then we pay. The insurance industry won't pay. Anything that isn't settled at the time this goes through will not be paid for by the insurance industry. So if you want to go out and make some money today, go buy Factory Mutual insurance. Because if this goes through and is a part of it, they made $150 million today with this thing going through. They are not going to pay, and they are going to be upheld in a court of law.

This is an established doctrine of law. And if it is already paid for by the U.S. taxpayers' grandchildren, then Factory Mutual is not going to have to pay for it.

I understand the intent. I believe the Senators from Mississippi are doing what they think is right. I think this is just a step too far that doesn't have to be done to truly get going. There are 11,062 employees in Mississippi right now working for Northrop Grumman. They have employees in 38 States. They are a great company and a vital contractor. But I would make the case that the cost of ships has gone up because we had the hurricane. And it is noble to try to limit that increase. This won't limit the increase; this will just increase the cost to our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support the chairman's mark on this very important issue relative to the rebuilding of the gulf coast. Chairman COCHRAN has taken great responsibility to shape a supplemental bill that asks for what is absolutely crucial to the development of the gulf coast. I know that a few of our colleagues may take issue with one or more things that are in this bill. But overall, it is a genuine attempt to try to give direct and targeted help to the standing up of this very important area of the United States that has been hit, as we said, not by one hurricane but two hurricanes, two of the worst that have ever hit the continental United States since 1837, since hurricanes have been recorded, and by the extraordinary flooding that took place in a large metropolitan area, not just Orleans Parish, but Plaquemines Parish and St. Bernard Parish, the heart of America's energy coast and the heart of the economic region about which we are speaking.

Inside this region that has been devastated there are over 16,000 people employed in shipbuilding. We are proud of those shipyards at Ingalls, Gulfport, and Avondale. Fortunately, the Avondale shipyard, which is in New Orleans, did not sustain tremendous flooding because it was on the west bank of the city and, of course, the east bank is the part that flooded. We are very fortunate in that regard. There was still a tremendous amount of damage at Avondale.

As my friends from Mississippi said, their shipyard was just hammered. We are so grateful that Avondale stood up because we have been able to help keep the ships on schedule and get our people employed.

The Senator who is objecting, Mr. COBURN, has been so helpful in other ways. I know he wants to make sure we are not double-dipping. He keeps referring to the first paragraph of this amendment, but if you read the second paragraph of the chairman's mark, it is clear. It says: This may not be treated as collateral insurance coverage, so they cannot collect twice.

It is not the chairman's intention or my intention or Senator LOTT's intention for the company to collect twice. But advancing these payments to them in the way this has been drafted will help them get these yards back up and running, to get their construction done, and to get people hired again. It is very difficult.

We keep saying—and I know people are tired of hearing this—this was not a regular hurricane. It has destroyed so much that not only do employers, large and small, have to get their businesses back going, they have to go out and literally find their customers. Then they have to provide housing for their workers. Then they have to get electricity turned on for their workers, then they have to get running water turned on for their workers. It is more than our employers can bear, even the big ones such as Northrop Grumman.

We are not asking for a taxpayer bailout. We are not asking for double-dipping. The Navy knows what we are doing, and they are supportive. The Department of Defense is supportive.

I came to the floor to ask my colleagues to please support the chairman's marks on this to help our shipbuilding. We are not asking for double-dipping. When the insurance moneys come in, which I am sure they are entitled to do, this language allows the taxpayers to be repaid. So we get the benefit of getting our shipyards up and running, getting potentially 17,000-plus people between Avondale and Ingalls back at work as quickly as we can. Even with this, it is going to be very difficult. Without it, it will be almost impossible.

So I ask my colleagues to please reject the Coburn amendment. I know the Senator means well, and he has been extremely helpful and sincere in many ways as he has attempted to help us, and we don't want to waste any money. But this language makes it clear, not just paragraph A that has been read, but by paragraph B, that it is not double-dipping.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). Is there further debate?

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to division IV of amendment No. 3641. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—48

Alexander
Bayh
Biden
Bingaman
Boxer
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Coburn
Conrad
Craig
Crapo
DeMint
DeWine
Dodd
Dorgan
Durbin
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Kohl
Kyl
Levin
Lieberman
Lugar
McCain
McConnell
Nelson (NE)
Obama
Reed
Santorum
Stabenow
Sununu
Thomas
Thune
Voinovich
Wyden

NAYS—51

Akaka
Allard
Brownback
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Dayton
Dole
Domenici
Feinstein
Harkin
Hutchison
Inouye
Isakson
Allen
Baucus
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Lincoln
Lott
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Bennett
Bond
Pryor
Reid
Roberts
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Vitter
Warner

NOT VOTING—1

Rockefeller

Division IV of amendment No. 3641 was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BUNNING. On rollcall vote No. 105, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent I be permitted to change my vote since it will not change the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will take this opportunity to review for a moment that this is an anniversary date of some significance which I believe ought to be recognized. It is 3 years ago this week that President Bush stood on the deck of the USS *Lincoln* in front of a banner that declared that our mission in Iraq had been accomplished. He told our troops and all Americans that major combat operations in Iraq have ended 3 years ago this week. At the time, we had lost 139 people, 139 troops in Iraq. Today, we have lost more than 2,400 American troops there, and 2,258 have died since "Mission Accomplished" was pronounced. In other words, 95 percent of the United States fatalities in Iraq occurred after President Bush said major combat was over, and tens of thousands of young Americans have suffered injuries, including severe head injuries and lost limbs, that will change their lives and the lives of their families forever.

One need only visit Walter Reed Hospital and see what the ravages of war have done to so many. The only thing that was accomplished that day was a photo opportunity for the President's reelection campaign. When we look back at that publicity stunt on that aircraft carrier, we realize how wrong the President was. But that was hardly the only major conduct error in the judgment of this war.

Recently, a number of retired generals have come forward to say what many in the military have been thinking for years. These officers know that our men and women in uniform have been let down by the miscalculations and the incompetence of the Bush administration. The troops on the battlefield pay with their lives, but nobody in the administration has been held accountable.

The generals say we can't move forward without accountability. They say that the Secretary of Defense must go. The generals are right. Secretary Rumsfeld has made too many mistakes to stay in that job. As the old expression says, when you are in a hole, stop digging.

Let's recount the miscalculations of the Secretary of Defense. Before the war, he said, "We know where the weapons of mass destruction are. They are in the area around Tikrit and Bagdhad, and east, west, south and north, somewhat."

But now we know there was no solid evidence before the war that Iraq had any WMDs. None were found when the United States invaded the country in March, and none have been found since. That was over 3 years ago.

Secretary Rumsfeld also said that the Iraqis would welcome U.S. troops and that the Iraqi resistance would be limited. Obviously way off. Not only did Secretary Rumsfeld fail to build coalitions with our allies, he flippantly, arrogantly dismissed them as "old Europe," alienating these allies when he should have been reaching out to them. The result of a failure to build a real coalition is that our troops are bearing the risks and suffering the casualties.

There were other serious miscalculations. Secretary Rumsfeld said the war would be short. On February 7, 2003, he said:

> The war could last 6 days, 6 weeks, I doubt 6 months.

Secretary Rumsfeld also rejected calls for a larger number of troops. He even pushed out GEN Eric Shinseki, the Army Chief of Staff, when General Shinseki, a distinguished leader, a military leader, suggested that postwar Iraq would require many more forces than the 100,000 troops we had on the ground. As I remember, he said over 300,000.

Secretary Rumsfeld was also way off on the cost of the war. He said it would cost at least $10 billion but no more than $100 billion. We now see the actual costs coming close to $500 billion.

Despite all of the funds devoted to the war, Secretary Rumsfeld has failed to equip our troops properly. After more than 3 years, thousands of Army and Marine Corps personnel still do not have adequate body armor or sufficient armor for their humvees. When I was there over 3 years ago, I heard the plea then from soldiers from New Jersey: Give us the flak vest, Senator, that you are wearing, the latest technology. They will protect us. Please let us have that.

We know what happened with the humvees and the resulting serious injuries because of inadequate armor for the humvees.

In December 2004, in a meeting with U.S. troops in Kuwait, some soldiers raised these concerns with Secretary Rumsfeld. His response was offensive; humiliating for our troops who are serving there. He said, "As you know, you go to war with the Army you have, not the Army you might want or wish to have at a later time."

I don't know what was meant by that statement but it certainly is a slur in many ways.

I must say that what I find incredibly offensive is this administration still will not allow photographs of flag-draped coffins when they return to our shore and come into Dover, DE, which is the repository for the remains. It is such an honor to recognize the sacrifice made by having a flag draped over the coffin. Yet that honor of our fallen troops is shielded from the American people by the order of the President of the United States.

It doesn't make sense to me, and I know it doesn't make sense to those families.

It isn't just civilians upset by these events. We have now heard eight retired generals call for Secretary Rumsfeld's resignation, citing gross mismanagement and profound errors in judgment.

Retired Army MG Paul Eaton, in charge of training the Iraqi military from 2003 to 2004, recently wrote in the New York Times that Rumsfeld "has shown himself incompetent strategically, operationally and tactically . . . Mr. Rumsfeld must step down."

Retired Marine GEN Anthony Zinni, an outstanding leader, former head of the U.S. Central Command, which includes the Middle East, last month called for Mr. Rumsfeld to resign.

Other military leaders who have called for Secretary Rumsfeld to go include retired Marine LTG Gregory Newbold; retired Army MG John Riggs; retired Marine GEN Paul Van Riper; retired Army MG John Batiste; retired Army MG Charles Swannack, former Commander of the 82nd Airborne in Iraq; and retired U.S. Army GEN Wesley Clark.

In addition, we are now seeing people of lower ranks who are upset with the way that campaign has gone and are expressing their dissatisfaction.

We see also a phenomenon we haven't seen before; that is, people filling out their obligatory term at the Academy and a third of whom do not stay on. They finish their obligatory terms of 5 years and they are gone. It is a serious problem in many ways. Morally, I think it is a serious problem, but also functionally we don't have the personnel supporting the war in the way we had hoped. Whole branches of services over there are as courageous as can be. It is very dangerous territory, and they serve bravely. We owe them a debt of gratitude.

The fact is the Bush administration has made serious mistakes in prosecuting the war in Iraq, and our soldiers have paid the price. Our troops deserve better.

On the third anniversary of President Bush's "Mission Accomplished" fiasco, I hope that the President finds the strength to make real changes. And those changes need to start at the top.

I urge the President to be more specific about what our assignment is. He has already said it will be up to another President to take care of what continues there. Unfortunately, we have to believe that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as if in morning business for 5 to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR IN IRAQ

Mr. MARTINEZ. Mr. President, war is difficult. War is not pretty. Sometimes war, unfortunately, leads to death and injury.

Our country has been blessed over our history. There have been men and women who believe enough in our system, who believe enough in the system of democracy that we are so fortunate and blessed to have, who are willing to give their lives so this system may endure, so this system may continue, so that our country can continue to be free.

I believe, as we look at a difficult situation in Iraq, the last thing we need is a policy of defeatism, is a policy that looks to ways in which we can criticize and critique without offering an alternative path and without offering an alternative solution.

The fact is there was a worldwide failure of intelligence in the days leading up to the war in Iraq, but the fact also is that we are there today and that thousands of Americans—the best and the brightest, those we are the proudest of—are there serving this Nation with distinction, with valor, and I daresay with great success. Our hope for them must be that they complete their mission and come home; that they can come home with their heads held high for a job well done.

I also believe that the civilian concept of leadership of our military is well ingrained in our system. I had the high and distinct honor and privilege of serving in the Cabinet of this President with Secretary Rumsfeld. Secretary Rumsfeld is a man of great distinction. He is also someone who has tackled the very difficult job of transforming our Armed Forces. He has taken on the very difficult job of moving forward into a post-cold war sort of world with an Armed Forces that is very different than the one we have had. Any time a large bureaucracy undergoes change, there is difficulty with that change. And sometimes there are different opinions about how that change takes place. And there is no doubt that there are people who have had different ideas about how to approach, whether it is a war effort, whether it is a reorganization of our Armed Forces from those of Secretary Rumsfeld, but to those who have had those kind of difficult ideas I would say that we elect only one President at a time, and that President has only one Secretary of Defense at a time. That is why we have a chain of command because someone has to lead and someone has to make decisions.

I believe our country, at a time when we were unfairly and unwantonly attacked by terrorists, has been fortunate to have a President at hand who has had the good fortune to have dedicated people such as Secretary Rumsfeld at the helm to serve at his side.

This is a President who did not seek a war with terrorists but who had a war brought to us in the streets of New York, with over 3,000 American casualties on a given day. And the fact is that this President was also confronted with the need to act on this global war on terror.

I can remember when in the mountains of Afghanistan there seemed to be a stalemate after about a month or 2 of our initial conflict there, and the naysayers were saying we had not sent enough troops. All of a sudden, a tremendous breakthrough in modern warfare took place as we saw our special forces operating on the backs of horses with laptop computers directing fire, and a whole new era of warfare evolved. But we liberated the people of Afghanistan, who since then have had elections, where women and children of all sexes can now go to school, where women can now walk the streets without fear, where children can go to school, whether they be little boys or little girls. They have had that unique opportunity in the world which we take for granted in our country.

But for those of us who were born in other places, we understand the uniqueness of voting and have had the right and opportunity to elect leaders.

More recently, 11 million Iraqis voted in the third election in 1 year, followed by the formation after some politicking and some good, old-fashioned Democratic horse trading, have formed a government.

The moment today ought to be to highlight the hope of a new Iraq, the hope of a democracy in the Middle East, which is so unique to that region of the world, the fact that a new government has been formed—not to try to recount all of the potential for different moves at any given point.

All warfare is riddled with difficulties and second-guessing. But here we have a moment of hope and opportunity. Defeatism is not a policy. It is only a prescription for failure.

I am hopeful that as we go forward, we recognize the successes of the Iraqi people and the difficult task of forming a democracy; that we relish in the accomplishments; that we understand it is an incomplete project in democracy but one moving in the right direction.

I, for one, thank all of those who are serving in these difficult circumstances over there and their families for the sacrifices they are making so that we might be successful, so that we might find a way forward that is better than defeat and is better than negativism and that is better than second-guessing.

AMENDMENT NO. 3727

Mr. LOTT. Mr. President, I call up amendment No. 3727.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. DODD, proposes an amendment numbered 3727.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the Election Assistance Commission to make discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season)

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES

Election Assistance Commission

ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, $30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act of 2002: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LOTT. Mr. President, I understand that this amendment has been cleared on both sides. I am pleased to join Senator DODD, who is a cosponsor of this amendment.

Speaking of elections in Iraq, we also hope to have effective and fair and open elections in America.

In the Katrina area, we had significant damage to polling places and to voting machines. We lost all of them in many areas—in New Orleans, South Louisiana, and Mississippi.

This amendment would provide $30 million, through the Federal Elections Commission, for replacement of those losses.

I have checked on both sides of the aisle. I find no objection. I know that our managers have cleared it.

I, therefore, urge my colleagues to accept it. The amendment is certainly very worthwhile. It is needed, and it is needed right away in order to prepare for elections this fall.

I yield the floor so my colleague, Senator DODD, can further elucidate.

Mr. DODD. Mr. President, I thank my colleague, and I thank the chairman and ranking member for their acceptance of this amendment.

I point out to my colleagues that I was looking over some of the data involving the need for this appropriation.

In Louisiana, four of the most heavily impacted parishes, not counting New Orleans, a total of 60 polling places the hurricane simply swept away. These parishes lack basic services, such as electricity, generators, rest rooms, lights, and the like, creating some serious problems. We were told that FEMA would not allow for an allocation of funds in this kind of a situation—even Federal elections. It does not meet the test of assistance under the Stafford Act.

We point out to our colleagues that New York City officials were in the process of holding a primary election on September 11 when they were interrupted by the terrorist attack. FEMA in that case allowed $8 million for the city of New York to allow for the election process to go forward.

There are other precedents, indeed, which fall under the emergency category.

Elections are a number of weeks away, and certainly providing assistance for the most basic of all of our functioning as citizens, to make sure that every person in these Gulf State areas is able to cast a vote and have their vote count is something we all embrace.

We appreciate the managers of this amendment allowing this kind of additional appropriation on this bill.

Over 8 months ago, the lives of many Americans living in the Gulf Coast region of the United States were subject to the devastating natural disasters of Hurricanes Katrina and Rita.

Today, those impacted by the hurricanes face many of the same problems faced immediately after the storms—no homes, no jobs, no community infrastructure, and no guarantee that their lives will return to normal any time soon.

And in this election year, many of these same individuals now also face the potential that their communities will be unable to guarantee that they will be able to cast a vote and have that vote counted in the mid-term federal elections. This is simply unacceptable in America.

There are still areas of the Gulf Coast that are without basic services, such as electricity, and many areas that are still mucking out homes and demolishing buildings.

The hope and desire to rebuild their communities and restore some sense of normalcy is alive and well in the Gulf Coast. But these communities need help. And that is clearly the case when it comes to federal elections.

In Louisiana, four of the most heavily impacted parishes—not counting New Orleans—must recreate a total of 60 polling places. The hurricanes simply swept them away or destroyed them beyond use.

These parishes lack basic services such as electricity, generators, restrooms, or lights which are necessary to hold an election.

But FEMA is taking the position that the conduct of elections—even federal elections—does not meet the test for assistance under the Stafford Act.

That is a curious position for FEMA to take since that agency did provide election assistance to both New York City, following 9-11, and to Miami-Dade County, Florida, following Hurricane Andrew in 1992.

In the case of Miami-Dade—which faced a very similar situation to what the Gulf Coast faces today—FEMA provided temporary polling places, water, generators, lights, fans and portable restroom facilities on election day. FEMA also provided trailers for absentee voting in the September primary.

More importantly, FEMA even reimbursed Miami-Dade for the costs of holding the election that were over and above the normal costs of the election.

In New York City, officials were in the process of holding primary elections on September 11 when they were interrupted by the terrorist attack. Elections were rescheduled two weeks later, and FEMA reimbursed the state roughly $8 million for the costs involved in cancelling and rescheduling the primary election.

The Katrina impacted States are not asking for anything that has not been provided by FEMA before for the conduct of elections following a natural disaster.

And yet, when these States have requested assistance to conduct elections—including federal elections—following what has been described as the most devastating hurricane season to ever hit the region, FEMA has balked.

The federal Election Assistance Commission, established in 2002 under the Help America Vote Act, has attempted to work with impacted states in order to help identify both the requirements for ensuring accurate and accessible federal elections and potential sources of assistance for these communities.

To date, FEMA has come up largely emptyhanded. So far, FEMA has been willing to only reimburse states for the uninsured loss of certain polling equipment, machines, supplies and storage facilities. In the case of Louisiana, that has amounted to just over $1 million.

But Louisiana officials estimate that the state will face costs of up to $18 million this year to hold elections—well in excess of what FEMA has been willing to certify to date. Similarly, Mississippi officials anticipate un-reimbursed expenses for holding elections to total $7.8 million while Alabama faces nearly $3 million in un-reimbursed costs.

And there is little reason to expect FEMA to offer more assistance. In a letter addressed to Paul DeGregorio, Chairman of the Election Assistance Commission, dated March 9 of this year, FEMA advises the EAC that—and I quote from the letter:

> FEMA does not have the authority to pay for operating costs related to the conduct of elections.

Well if FEMA does not, then who does?

I would suggest to my colleagues that the Election Assistance Commission not only has the expertise to accurately access the requirements and costs of holding federal elections, but they are in a better position to do so.

Consequently, the amendment my distinguished colleague, Senator LOTT, the Chairman of the Rules Committee, and I are offering today.

It is a very modest and targeted amendment. It provides $30 million to the Election Assistance Commission to provide grants to eligible states impacted by these natural disasters to restore and replace supplies, materials, records, equipment and technology used in the administration of federal elections and to ensure the full participation of individuals displaced by the 2005 hurricanes.

This amendment is supported by a broad bipartisan coalition of voting rights activists and election officials, headed by the Leadership Conference on Civil Rights and the National Association of Secretaries of States. Joining in support of the amendment is the National Association of Counties, the National Association of Election Officials, the National Association of State Election Directors, and the National Conference of State Legislatures.

I ask unanimous consent that this letter be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit I.)

Mr. DODD. Mr. President, these funds will enable the states to establish temporary polling places, secure generators for running the electronic voting machines, provide basic sanitation services for poll workers and voters, such as water and portable restroom facilities.

Congress has taken great efforts to address the immediate needs of those affected by the hurricanes. Now Congress must take additional steps to assist the long-term needs of these communities as they rebuild and move forward.

Ensuring the integrity of federal elections in these states by guaranteeing that the people of the Gulf Coast have access to a polling place is the very least this Congress can do.

Senator LOTT and I first brought these anticipated needs to the attention of the Senate last October. At that time we noted the loss of polling places, election equipment, and election records in the impacted states. While we did not have reliable cost estimates at that time, we served notice that as the committee of jurisdiction over federal elections, we would come back to the Senate as the full extent of the damage and its potential impact on the 2006 federal elections became clear.

Well, by last December it had become clear that the states could not reconstruct the infrastructure to conduct federal elections without assistance.

And so in December Chairman LOTT and I introduced the "Hurricane Election Relief Act of 2005." This bill authorizes the necessary funding to aid impacted states in the conduct of federal elections this year, consistent with the Help America Vote Act—HAVA.

Specifically, it provides federal funding to impacted states to restore and replace supplies, materials, records, equipment and technology that were damaged, destroyed, or dislocated as result of the storms. The bill directs the Election Assistance Commission to determine need and disburse grants to eligible states.

The Senate passed this measure by unanimous consent on February 9. A House companion bill, H.R. 4140, "Ensuring Ballot Access for Hurricanes Katrina and Rita Victims Act of 2005," was introduced by Representative MILLENDER-MCDONALD.

It is imperative that Congress ensure that affected states have the resources necessary to conduct federal elections this year in a fair and accurate manner. It is equally imperative that all eligible voters affected by these natural disasters have an opportunity to participate in their democracy.

Being displaced by a hurricane should not result in being disenfranchised from a federal election.

Each affected state will have its own challenges. For example, according to the Secretary of State in Louisiana, over 400,000 registered voters are dispersed in 49 states.

While fewer voters were displaced in Mississippi, the election infrastructure was completely destroyed or severely damaged by winds and surges, according to the Secretary of State of Mississippi.

In Alabama, the Secretary of State has indicated that their allocated election costs were spent not on conducting elections, but removing debris and repairing election infrastructure following the hurricanes.

Other states have been impacted, to a lesser extent, by the influx of temporary residents displaced by the hurricanes. In many of those states, displaced citizens may have decided not to return home but to become residents of the host state, thereby adding to the election administration responsibilities of those jurisdictions.

The amendment we are offering today will ensure that these unforseen needs are met and that the federal elections required this year are accessible, accurate, and transparent.

Regardless of the funding needs of the impacted states, one thing is clear. They are similarly situated with all other states conducting 2006 federal elections. They have a solemn duty to protect and preserve the constitutionally guaranteed right of each eligible voter to cast a vote and have that vote counted.

The impacted states are prepared to work hard to secure the rights of our nation's voters and they will conduct these elections with whatever resources are available to them. But the access to the ballot box should not depend upon whether or not a state has recovered from an unprecedented series of natural disasters.

And voters are ready to work hard and participate in the governance and rebuilding of their communities, no matter what the damage inflicted on them by nature. But their ability to participate in our democracy through the ballot box should not depend upon whether their community has been successfully rebuilt.

It is essential that we join together to ensure that all states impacted by these natural disasters have the resources to conduct timely federal elections that fully enfranchise all eligible voters.

This is literally our last opportunity to provide these funds in time to make a difference. It would be irresponsible not to ensure that these states have sufficient resources to conduct federal elections this year. The health of our democracy depends upon it.

I urge my colleagues to support this amendment.

EXHIBIT I

MAKE ELECTION REFORM A REALITY

SUPPORT GULF COAST STATES IN THEIR EXTRAORDINARY EFFORTS TO ADMINISTER ELECTIONS AFTER KATRINA

APRIL 24, 2006.

DEAR SENATORS: We, the undersigned organizations, urge you assist Louisiana, Mississippi and Alabama in their efforts to hold meaningful elections in the aftermath of Hurricane Katrina. We are asking for $50 million in the upcoming Emergency Supplemental Appropriations legislation for those states in their efforts to administer transparent and accountable elections.

It is imperative that the citizens of the Gulf Coast region are provided with the opportunity to participate in the critical and difficult decision making that each of these states face in the foreseeable future. Every election presents states with challenges, but never before has there been such great potential for disenfranchisement than in the elections the Gulf Coast states are facing this year.

Voters have been displaced, voting equipment has been destroyed or severely damaged and polling places have been leveled. The outcome of the devastation is that county budgets which were strained before the hurricane have now been depleted dealing with issues like debris removal and infrastructure rebuilding. Many of the businesses have shut down, thereby reducing or eliminating a tax base for those counties. The funding is just not available at the state and local level to rebuild the elections infrastructure.

Time is of the essence. Starting this month and running through the summer, all of these states have primary elections for local and federal offices.

The officials and residents of the Gulf Coast states are extremely grateful for the support from all levels of government and from the many Americans who have been devoted to helping them rebuild and move forward. We look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624-3525 or Val Frias of the Leadership Conference on Civil Rights at (202) 263-2852, or any of the individual organizations listed below.

Sincerely,
Leadership Conference on Civil Rights,
National Association of Counties,
National Association of Election Officials,
National Association of Secretaries of State,
National Association of State Election Directors,
National Conference of State Legislatures.

Mr. DODD. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3727) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3641, DIVISION V, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up Coburn amendment No. 3641, Division V, and I ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Is there objection? Without objection, Division V is withdrawn.

AMENDMENT NO. 3641, DIVISION VI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that Division VI of amendment No. 3641 be called up.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. Mr. President, I have every intention of withdrawing this amendment. But I wish to mention for a moment that this is an amendment that would have removed $20 million from the National Marine Fisheries Service to study catch, bycatch, shrimp and relief and fishery profitability in the Gulf—the study of profitability. We are going to spend $20 million to study profitability.

The Louisiana Seafood and Marketing Board considers this to be unnecessary spending and a low priority.

That is what the people who market the seafood from Louisiana said about this amendment.

I am not going to put us through a vote on it, but I think we ought to pay attention to the people down there who are now saying they don't need $20 million for marketing and studying. They believe it is a waste of money. When the people of Louisiana are telling us it is wasted money, it is certainly wasted money.

I ask unanimous consent it be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION VII, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, Division VII.

The PRESIDING OFFICER. The division is pending.

Mr. COBURN. Mr. President, I don't intend to ask for a vote on this amendment and may, in fact, withdraw it, but I think it is something that the American people should know. This is about AmericaCorps, the National Civilian Community Corps.

There are three things we ought to know. The idea behind this is fine. They have done a great deal of work on the gulf coast. However, there are some real problems with this program. The House also has significant problems with this program.

Here is the key point: It has never had a comprehensive evaluation in 13 years to see if it accomplishes anything of importance. Compared to all the other AmeriCorps service programs, this one is about 50 percent more costly per person. This one costs $28,000 per volunteer for 10 months. That annualized out to $34,000 per person per year.

No. 3, no one is measuring any performance. There are no set goals. No one is saying what they are intended to accomplish? How do we measure that? Could we do it cheaper? Can we do it a better way? None of that has been evaluated on this program.

People will oppose this. I have no lack of reality in knowing we do not have an opportunity to eliminate this money. However, contrast what actually happened on the gulf coast with this AmeriCorps. We had people from all over this country go down and help. We didn't pay them a penny. We did not pay them a $35,000 annualized salary. We had college students from all across this country spend their spring breaks, their Christmas breaks, their Thanksgiving breaks on the gulf coast volunteering. We had churches, civic organizations, local charities, we did not pay them a penny. They all came because there was a need.

There is something very wrong behind the idea that we have to pay people to be volunteers. As a matter of fact, it is an oxymoron. You cannot have a paid volunteer because they are not volunteering if they are getting paid. The motivation and commitment shown by true volunteers is unmatched by any congressional appropriation. The Nation is answering the call to be Good Samaritans and treat others the way they want to be treated.

This program was started in 1993 with good goals, and the purpose was to create leadership. We may have done that, but the fact that we do not know if we have done that, the fact that we keep throwing this money—which does not go to the individual volunteers: $4,000 does, but it costs too much to operate.

I will ask unanimous consent for withdrawing of this division, but we certainly ought to have some oversight. I intend to have an oversight hearing in the Committee on Federal Financial Oversight.

I ask unanimous consent to withdraw the division.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 3627, AS MODIFIED

Mr. VITTER. Mr. President, I rise to ask unanimous consent amendment No. 3627 be called up. Also, I request unanimous consent it be modified according to the modification I am sending to the desk.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 3627), as modified, is as follows:

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking "or";

(2) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.".

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "The Program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.".

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of the Act and ending on October 1, 2008.

Mr. VITTER. Mr. President, this amendment is a very important hub zone small business amendment. It has been cleared on both sides of the aisle and with all the relevant committee chairs and ranking members. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3627), as modified, was agreed to.

Mr. VITTER. I yield the floor.

AMENDMENT NO. 3704

Mr. THUNE. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are pending amendments.

Mr. THUNE. Mr. President, I call up my amendment numbered 3704.

Mrs. MURRAY. Reserving the right to object, I don't believe we have seen this amendment. If the Senator would share the amendment with us quickly, we can take a quick look at it.

Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3704.

Mr. THUNE. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide, with an offset, $20,000,000 for the Department of Veterans Affairs for Medical Facilities)

On page 253, between lines 19 and 20, insert the following:

MEDICAL FACILITIES, DEPARTMENT OF VETERANS AFFAIRS

SEC. 7032. (a) AVAILABILITY OF AMOUNT.—There is appropriated for the Department of Veterans Affairs for the Veterans Health Administration for Medical Facilities, $20,000,000, with the entire amount designated as an emergency requirement pursuant to section 402 of H. Con. Res 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) OFFSET.—The amount appropriated by chapter 7 of title II of this Act under the heading "NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES" is hereby reduced by $20,000,000.

Mr. THUNE. Mr. President, I ask unanimous consent to yield myself 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THUNE. I rise to offer an amendment on behalf of America's veterans. My amendment provides an additional $20 million for veterans health care, offset by striking $20 million appropriated under this supplemental for the AmeriCorps Program.

Among other things, my amendment provides more funding for the implementation of the provisions of the 2004 CARES Act, or capital asset realignment for enhanced services decision, submitted by the Secretary of Veterans Affairs for enhanced VA service, as well as other actions designed to help the VA provide better and more accessible care to our Nation's veterans.

As we seek to restrain spending, we must carefully scrutinize our priorities. Our veterans must take priority over programs and some of the other priorities we are trying to address in the budget. My amendment does this with AmeriCorps. We must do everything we can in a fiscally responsible way to ensure our veterans receive the health care they require.

While we provide a generous funding of over $30 billion for VA health care for the current fiscal year, there is still room for improvement, if we can do so in a way that does not force us to spend beyond our means.

This is particularly true as we take care of those veterans who have returned from Iraq and Afghanistan. Finally, this amendment is particularly important for veterans living in rural and geographically isolated areas. For example, the VA's Midwest health care network, which serves South Dakota, is the most rural and covers the largest geographic region of any veterans integrated service network in the Nation. It is therefore one of my highest priorities to ensure that veterans living in rural areas continue to see growth in the VA's ability to reach out to our rural veterans and provide adequate care for them.

For these reasons, I strongly urge my colleagues to support this amendment.

I simply say, as a member of the Committee on Veterans' Affairs, one of the debates we often have at the committee level is how, on a consistent basis, we have to borrow from the medical facilities account to fund ongoing operations, to fund veterans health care.

What this amendment simply does is, in an offset way, in a paid-for way, force us to make choices. Obviously, the budget process is always about choices, about where we are going to invest, where we are going to put our limited resources. In this era of budgetary constraint, it is important we make choices that are consistent with the priorities I believe we ought to be addressing in this country, one of which is the importance of our veterans, in making sure we are putting the appropriate funding levels in place not only to provide health care for our veterans but to make sure those facilities out there that are in need of improvement, that are in need of additional dollars for construction or rehabilitation or whatever the case may be, that there are dollars in place that would enable us to meet that very important need.

Again, I ask my colleagues to support this amendment. I believe it does reflect a priority that is important to Members of the Senate, certainly a priority that is important to members of the Committee on Veterans' Affairs, and done in a way that is offset, that is paid for, and more accurately reflects on what we ought to be spending tax dollars.

With that, I ask unanimous consent my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish I would have thought of that amendment. It is a great amendment.

The Senator from South Dakota makes the point, we have to make decisions about priorities. When we have an unproven volunteer program that is more expensive than any other volunteer program, and we are putting an extra $20 million on the basis of emergency versus fulfilling the obligations to those people who have made the ultimate sacrifice and paid the price and served this country and put their lives in danger doing so, it is a no-brainer that we ought to be spending the money on the veterans rather than a program that has not proven to be effective, not proven to match a performance goal, and not proven even to be measuring itself in the 13 years of its existence.

I support the Senator's amendment.

AMENDMENT NO. 3641, DIVISION VIII, WITHDRAWN

With that, I ask the pending amendment be laid aside and amendment No. 3641, division VIII, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I do not intend on asking for a vote on this amendment, but I highlight this amendment because of the problems implicit in this request.

In this supplemental is a request for $230 million, an earmark, for three additional Osprey V–22 airplanes. The Pentagon, in 2005, formally approved full rate production of the V–22: 360 for the Marine Corps, 48 for the Navy, and 50 for the Air Force. The Pentagon has ordered 90 as of today.

This plane is not yet proven, one, and I will not go into the debate on that. It cannot even have full testing and cannot be used in the battlefield.

The point is, there is no emergency need to order these planes. This plane is manufactured in Texas and Pennsylvania. The Pentagon did not request this. The President did not request it. What we have is people requesting it.

We have a plane that has not met performance tests yet, has not been battle proven, and we are adding three airplanes for which some would raise a good question as to whether it ought to be done in this way. It ought to be done through an authorization and through the regular process.

I know this is in the mark. I am not sure the chairman is supportive of it, and I will not ask for the vote, but I don't think this is the way we ought to buy airplanes, especially when it is not an emergency.

There are numerous problems. Most of them have been corrected, but there still have been numerous problems. This is the problem with earmarks. We are adding something that is not authorized, a plane that has had tremendous developmental difficulties, that the Pentagon does not want, the President does not want, yet we want. Why do we want it? Because, for some reason, we end up either employing more people on something that may not eventually work to the military's satisfaction or we get benefits from it in terms of political expediency.

I believe it is the wrong way to go. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION IX, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we proceed to the consideration of amendment No. 3641, division IX.

The PRESIDING OFFICER. Without objection, the division is pending.

Mr. COBURN. Mr. President, I ask unanimous consent that this division be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION X, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that division X be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XI

Mr. COBURN. Mr. President, I ask unanimous consent to call up division XI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I find myself bringing an amendment again against two of my friends who have a significant stake. They are both from Mississippi. They have looked at this issue a great deal.

What I want to do is raise the issues with a debate on the amendment, and then possibly talk about solutions.

During Katrina, the Armed Forces Retirement Home in Gulfport, MS, was damaged. The first floor was damaged significantly. It required and necessitated us moving those veterans to other retirement homes.

We need to remedy that. There are lots of options on the table. I talked with the chairman of the Appropriations Committee, and there are a lot of good ideas coming out on how to solve that problem.

The problem I have is, we allocated $45 million for this in the last year, and $44 million of it remains in the bank and has not been spent. This bill has $176 million, but it does not tell us what we are going to do with it. It just has $176 million.

So that brings us to a quarter of a billion dollars on this retirement home that houses 600 of our best, who have proven they have been our best through their service to our country.

Now, if you divide this out, you come to almost $400,000 per room, if we created a new style. And the plans, the proposals are all in the $480 million and $490 million range that have been offered up on the different options.

Congressman GENE TAYLOR from Mississippi, in the debate on this issue, says we can fully restore this facility to what it was beforehand for $80 to $90 million. That is what the estimates are. Private industry estimates for a brand-new naval home facility are that it could be built to the desired standards—that means up to date for Americans with disabilities; up to date on size, doors; up to date on the ability to handle people with advanced aging and disease and long-term consequences—for $125 million to $150 million.

So the question I raise with this amendment is not whether we should do it. It is: We have $221 million, after this bill goes through, that is going to be for that, and we are not through, and there is nothing in the report language that would direct us on how we are going to make a decision on spending this money and what it is going to go for.

I will agree with the goal of the chairman that we ought to replace this facility, and those people involved in that area ought to have a lot to say about it. My concern is the cost. If you really take the $589.54 million, which is option No. 1 that is coming out for this, and the estimate that it will take 13 years to get us back to where we were, that is $1 million a room.

I want to contrast that with what we can do for $1 million. If you look at the average price of a new home in Mississippi for a single person to live in, it is less than $80,000 a year. We could buy every veteran who lives in that home a brand-new home and provide nursing care for 10 years—for 10 years—for what is being proposed in replacing this.

So my real question is, what is the plan? Where is the commonsense oversight? How much are we going to spend? And before we send more money in an emergency appropriations, we ought to know what that is, and that ought to be decided before we spend more money, especially since $44 million that has been appropriated has not been spent.

All I am saying is that we should consider that. I would hope we would wait to send additional supplemental money for this until we know exactly where it is going to go or specify exactly where it is going to go.

We do know that to be considered an emergency we need to meet the requirements. I believe we need to meet the requirements for our veterans, especially in this home because we have some of them in Washington, DC, and we have them living all across the country. But the fact is, we don't know where the money is going to go. We don't know how much money we are going to spend. We don't have a plan. Nothing is agreed to. Why not go through the regular process with this? Why not go through the authorization and appropriation process on this since we have not spent the money already and we don't know how this money is going to be spent?

So it is a simple, straightforward question: Wouldn't it make more sense to do it under the regular order since this is definitely not an emergency now? Under their five different plans they have offered up, this would not be an emergency.

I would ask the consideration of the chairman if we could do it in a better, more efficient way that is better for the taxpayer; if, in fact, we could withdraw this money at this time and bring it back through the regular order to accomplish that?

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside and call up amendment No. 3713.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is pending.

Mr. BURR. Mr. President, I will be brief because I know we are in debate on another amendment.

Avian flu is the concern of not just this Congress but of this country and the rest of the world. As it has spread by migratory birds—and in some instances around the world—it has infected humans. It is the responsible thing on the part of this country to prepare for that.

Part of preparation is not only being prepared for the human side, it is being prepared to track its entry and possible migration through the United States. Today we have devoted, with the leadership of the chairman of the Appropriations Committee, moneys to the Fish and Wildlife Service to successfully do that, and we do it between Russia and Alaska. Unfortunately, there is a lot of geography in North America that goes uncovered and has routes for migratory birds.

My amendment is simple. We would like to reprogram $5 million of surveillance money that is in this emergency spending bill to the Smithsonian, directed to work with all of their nonprofit affiliates to set up a migratory bird surveillance program. This Congress has committed a tremendous amount of dollars to be prepared and to respond if bird flu becomes a human-to-human transmission. If we look around the world at successes, one would look at Taiwan and Japan specifically, where their migratory birds surveillance program detected, contained, and eliminated on their islands the infection. That is not to say that they are home free, but they certainly have a track record of eliminating the threat, even before it hit in total their domestic population of poultry.

We are concerned about the human-to-human transmission. With that concern has come a tremendous amount of resources from the Federal Government. It deserves us spending as much time focused on the economic impact before human-to-human transmission. I think it is safe to say that a majority of this country can be affected with our poultry flocks, and we have an opportunity, with a successful surveillance program, to make sure that we do what Japan and Taiwan did, and that is detect its entry, try to contain it, try to eliminate it when it first enters.

I am not sure that we have an entity that has a track record of doing what we are asking the Smithsonian. In the past, the Appropriations Committee has devoted some funds to some entities that suggested they could do it. The reality is they are not doing it today. This effort is to take an agency, a Federal arm, and to try to extend to them the resources to do what they say they can do and that is a successful migratory bird surveillance program.

I ask my colleagues to support the amendment. Without it, we have no hope of a surveillance program for migratory birds, with the exception of what we currently do in Alaska with Fish and Wildlife. We have a commitment to make sure that the efforts of the Smithsonian and their successes are integrated into the database of Fish and Wildlife. This is not to duplicate. It is not to create something that might be a threat to the existing program we have under way. It is to complement it. It is to say that we understand this is a large continent and that we have to tap the pool of people who are in nonprofits across the country and across the continent, if we want to be successful with a surveillance program.

I ask my colleagues to support reprogramming $5 million for this year. It is not new money. It is reprogrammed money. It is money that we had devoted to surveillance. It is shifted from human surveillance to migratory bird surveillance.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was going to ask the Senator if he knows of any objection. I was advised that there is one Senator who has indicated opposition to the amendment. I am a member of the Board of Regents of the Smithsonian. I have a high regard for the work that is done there. Listening to the description of the Senator from North Carolina, I am inclined to support the amendment. But in view of the fact that there is at least one Senator with a contrary view, I think we ought not go forward without giving him an opportunity to come and express his concerns, if he would like to have an opportunity to do so. My hope would be that we could put in a quorum and see if there is a need to discuss it further; otherwise, I suggest that we accept it on a voice vote.

Mr. BURR. I thank the chairman and recognize there might be an individual who wants to speak in opposition.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XI, WITHDRAWN

Mr. LOTT. Mr. President, is the amendment pending now and open for debate by Senator COBURN with regard to the Armed Forces Retirement Home?

The PRESIDING OFFICER. That division is available for debate.

Mr. LOTT. If I may speak on this subject, I would plead with my colleague from Oklahoma to bear with me and work with us on this. I have a feeling this is something he would like to see done. I think he wants to make sure it is done in the right way. That is my goal, too. I would ask him to hear me out a minute. Let's see if we can work this out and perhaps not force this to a vote, take up the Senate's time, see if we can accommodate everybody's concerns.

Again, this is a place that I have direct personal familiarity with. I was there when it was a high ground on the Mississippi gulf coast beach area with 200-year-old oaks, a beautiful site. In the 1970s, through the good offices and efforts, probably of Senator Stennis, an 11-story retirement home for old sailors was built on that magnificent site in 1976. I was there when the ribbon was cut, and I was so proud of that facility. It was such an exciting thing to see the look in the eyes of those at that time sailors, but it has since become, of course, the Armed Forces Retirement Home. So it is a place of last resort for retirees from all the military branches. That is how far back my history goes with this facility.

In preparation for the storm, to the credit of the leaders there, 300 of the residents were temporarily evacuated to the Armed Forces home in Washington. The rest moved in with friends and family. The facility is capable of holding as many as 500, and there was always a waiting list. When Katrina came in, the entire first floor was flooded. The exterior of the building was blasted with 150-mile-an-hour winds. The entire electrical room located below ground level was flooded from floor to ceiling.

But from that time to this, I continue to hear from the residents saying: We want to come back; we want to come home. Nothing against the Washington, DC, area, but their family, quite often, what little family they have, lives in that area and they feel so comfortable there, they want to go back.

By the way, the Gulfport facility, unlike the one in Washington, didn't lose money. It was always a moneymaker. But the rooms they had were 90-square-foot rooms, and sometimes it was a retiree and his or her spouse in this very small room. I realized several years ago that whoever designed the building had made some mistakes in terms of the size and the options of those retirees.

I don't know if my colleagues are familiar with black mold, but it is bad stuff, and it comes quickly after a hurricane. You begin to see it on the walls, and it will make you sick. If you don't get it out of there, your building will be sick. You have to go in and basically take everything out but the two by fours. You have to take out the walls in the building—just everything—and replace it with new material, or you are going to have this black mold.

I have really been embarrassed by the way the Defense Department has handled the Gulfport facility in the aftermath of the hurricane. I understand we have had a lot of things on our minds, but basically they haven't done anything to mitigate further decay. They haven't gone in there and repaired that first floor. They have not gotten the ventilation system going to dehumidify the rest of the building. They have not done anything to repair the exterior facing. They have not removed the black mold. And to make matters worse, other then some volunteer work initially done by the Navy Seabees, they basically will not let anybody else come in to try to mitigate the decay that is occurring.

Remember, this hurricane was August of last year and that 11-story building stands there today basically like it was the day after the hurricane. They are letting it just sit there. They even initially refused to let the electric company come through the gate to help restore power. This has not been one of our better moments.

Then we started asking: What can we do? I want to do the right thing for our retired veterans at this site. There have been proposals: Let's just go in and put a Band-Aid on it, clean it minimally, move things off the basement and the first floor up to the second floor. There are questions about how feasible that is. Let's just patch it up. But the projection of the costs for even that is not good.

The second alternative is to go in and do a major overhaul and make these 90-square-foot rooms bigger—knock a hole in the wall and have two-room suites, really a major overhaul. The amount of money they are talking about, again, is very high.

Then, of course, the last one is to raze the building and build something more modern, safer in hurricanes, more pleasing to the retirees and everybody involved.

My attitude has been, OK, somebody who is an expert tell me what is the right solution. I can go with any of these alternatives, but let's make sure we do it responsibly and let's not have to do it again in 3 or 4 years. And, by the way, is there some way we can control the costs? A novel idea. So that is where we are.

I met with the Pentagon officials, and I think they are trying to come up with an alternative solution. $64.7 million in appropriated funds was previously provided to study options to rehouse evacuated veterans. Mr. President, $64 million to study options? Do we need that?

What I am saying and what Senator COCHRAN is saying is let's take the balance of that prior money that can be reprogrammed, and let's couple that with another, I believe, $176 million and go forward.

My colleague from Oklahoma has said he wants a facility put back in Gulfport. He wants to know what it is, and he wants to know what it is going to cost. Some of the numbers I have been hearing—I don't know if I can put my finger on it right here—are proposals of $589 million for renovating it or $389 million to rebuild it. Good gravy. That is real money. I don't like either one of those.

I believe we can repair it or we can come up with this modified proposal Senator COCHRAN has, about which we had some input, that would be a better, more aesthetically pleasing, more livable, cheaper facility to build.

Look at the report. The report makes it clear what the committee is talking about doing: combined with prior unobligated balances, taking the $176 million the committee has recommended, which shall be used to construct a new, multi-building, campus-style facility on the site occupied by the former Armed Forces Retirement Home.

I think Senator COCHRAN envisions more of a three-story, military-style retirement facility, perhaps with some surrounding dormitories.

I don't want to say how this is going to be done, but the hurricane was 8½ months ago, and we are still waiting. The costs are going up, by the way. Try to get a contractor down there now and see what it costs.

So we are trying to get this done. We are making recommendations because we haven't gotten one from anybody else. But keep in mind, this modified plan makes more sense. I think it would please everybody, and it is a heck of a lot cheaper.

If my colleague from Oklahoma has something he would like to suggest we include—I am not chairman of the committee, I am not on the committee, but I am saying, this was not designed in perfection, but I think it is a positive move that deals with the realities of a pitiful situation.

I talked with the mayor of Gulfport, MS, recently, Mayor Brent Warr, and he told me a story that breaks your heart. He picked up on the streets of Gulfport, MS, one of the former residents who was walking along the side of the road after he had made his way from Washington, DC, to Gulfport. He got tired of waiting. He went home—this is his home—to a mold-infested, mildewed, improperly air-conditioned facility.

I don't think we should do this to these retirees and these veterans. I think we need to move ahead and do the right thing to get our veterans home to Gulfport. I will be glad to yield to my colleague from Oklahoma if he has some additional suggestions. I know this is an area about which he cares.

Mr. COBURN. Mr. President, I want to see this facility replaced, too, but I have some serious questions. The Senator was not here for the debate. I want him to hear those questions because what he is proposing is cheaper than several of what the retirement board suggested. I agree. Call me cheap. What he is proposing is $370,000 per resident. That is twice what I can build a brand-new hospital for with the latest everything.

I guess my point is, for $221 million, what are our grandchildren going to get because we are doing this under an emergency, and we know we can build a brand-new facility up to code, nice as can be, with the rooms the size the Senator wants, for $150 million total. We know that is possible. So why should we spend $221 million doing it? If it is not a fixed plan now; if we send $221 million out of here, they are going to spend it.

My problem is, I would love for the Senator and maybe the chairman to work with me to get this to a more realistic idea of what the real costs should be so that we accomplish the goal they want, and we do it in a more timely manner. I agree, having a campus style is probably a little bit more expensive, but it isn't 50 percent more expensive than what it should cost.

I made the point earlier that for a new home, for a single or couple living in 1,200 to 1,500 square feet in the State of Mississippi, you can buy one of the nicest places in the world for $81,000 right now, or $72,000. We got a quote yesterday from Mississippi. So that leaves $300,000. If we bought them all a brand-new home and then hired them a caretaker at $30,000 a year for the next 10 years, we would spend less money.

Again, you bet, I am a tightwad when it comes to our grandchildren's money, and I want value for what we spend. That is the purpose of this amendment. I am willing to withdraw this amendment if I can have the assurance that we can moderate this back into a range that would look like something comparable to what we really need to spend.

I wish to make a final point, if the Senator will bear with me. We don't have this money. We don't have it. Anything we don't get good value for today because our kids are paying for it means they are going to get an exaggerated cost when they come to pay it back. That is my purpose.

I want them to have a great home. I want them to be able to come home. I know they have a tremendous camaraderie living there. I want to see that restored for them. They deserve it. Can we not do it in a much cheaper way and still give them what they want? Remember, they fought hard so we would have the money to be able to do it.

Mr. LOTT. If the Senator will yield, Mr. President, taking my time back, look, I on occasion have thought of myself as a cheap hawk, too. When you see what I have seen—and the President of the United States and Senator after Senator and Congressman after Congressman looked these people in the eye and said: We are going to make you whole; we are not going to give you everything you want, but we are going to help you get back on your feet. And we said that to these old veterans, too.

I don't want to build a Taj Mahal. Unfortunately, quite often that is what we get when the Government does it. I would like to do it for less. I would like to have more for less. I would prefer the Pentagon had developed a plan 4 months ago and said let's do this. But here we sit on the sideline.

I can't speak for the chairman of the committee, but the Senator can see this is something I have paid attention to. It is something I care about. But I would be open to suggestions and working with the Senator to see if we can come up with a plan that the Pentagon, hopefully, would help us with that would do more and maybe do less. I am amenable to that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator, my colleague from Mississippi, for his contribution to this discussion. I think he made a very compelling argument for the fact that we need to provide funds in this bill with direction to proceed to work on a new facility for these veterans. That is the point. That is why included in this bill is a committee recommendation of $176 million.

The language specifically suggests that this be used to construct a new, multibuilding, campus-style facility on the site occupied by the former Armed Forces Retirement Home in Gulfport, MS. I think that is the key, and that was brought out by my good friend and colleague from Mississippi. That is the point.

It is the sense of our committee and those familiar with this facility that it should remain in the Gulfport, MS, area. The mayor of Gulfport came up to see me to talk about his concerns, his interests, and his ideas. I know he talked with Senator LOTT and probably other members of our delegation. I want to help him achieve his goal for having the facility rebuilt, using the best measures that we can to be sure we get a good result for the dollars that we invest, and we don't waste money. We don't want to do that. We don't want to just throw a lot of money out there and let the home spend it without any guidance or restraint.

I am very committed, though, to the notion that we ought to have a provision with some money and these directions in the bill. I don't think the House has included anything like this. We are going to have to negotiate with the House when we get to conference. I don't know what their ideas would be, but I want to be able to have at least the commitment of the Senate behind our effort to do what is said in this report.

It could be $176 million. If the Senator wants to change it to $166 million or $120 million—I don't know what the right number is. But it shows a commitment to proceed with funds available to hire some people to get the work done. This is what Senator LOTT's point is. Nothing has been done. We have to get somebody moving, get an architect selected, come together with a plan, and then we will see whether we can fund it. But at least we have enough money in here to show we are serious about rebuilding it, that we are making this investment, and we will monitor the use of the money and try our best to be sure that every dollar is well spent. That is my goal.

The Armed Services Committee has oversight responsibility. That is the legislative committee. So they can help monitor and follow the progress as well. But I hope we won't strike the money and just say this is a bad idea and we are not going to do anything else. That is unacceptable. That is totally unacceptable.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I concur with the Senator's desire to reestablish the site there. That is not what this is about. I am told the Senate Armed Services Committee is not for this because it only gets us halfway there, which bothers me greatly because instead of $221 million, we are going to spend $442 million, which ends up being about $800,000 per bed.

The point I make is this: If you throw money out there, they are going to build where they expend the money. How about us having a plan within a certain amount of money and living with it, rather than saying we are going over or we are not going over? How about taking the average of the last couple that have been built where there have been any facilities similar to it and using that as a guideline? My problem is it is not $176 million; it is $176 million plus $44 million, and other people are going to authorize another $200 million, so we are going to be talking about a half a billion dollars, and that is my problem with it.

I ask unanimous consent at this time to withdraw this amendment. I appreciate the courtesies extended to me during the debate. I know the desire is right. I think the money that is out there is extraordinarily too much, especially when we have documented estimates to repair the present facilities between $50 million and $60 million and to build new ones between $120 million and $150 million. So anything above that is fluff at this time, which we can't afford. We can meet our obligations, but we can't go much beyond that and meet our other obligations. So I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER (Mr. ALEXANDER). The amendment of the Senator from North Carolina.

Mr. BURR. Mr. President, would the Senator from Colorado yield for a question? If the Senator would allow me, it is my understanding we would be able to voice vote my amendment that is pending right now. If the Senator would allow me to do that, we could dispose of this amendment in 30—I have been told I am incorrect.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, through the Chair, I think it would be appropriate for my friend from North Carolina to have a conversation about how to move forward with his amendment. At this point I ask unanimous consent that the pending business be set aside so I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3736

Mr. SALAZAR. Mr. President, I call up amendment No. 3736.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3736.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for critical National Forest System projects to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, reduce the risk of catastrophic fires, and mitigate the effects of widespread insect infestations throughout the National Forest System)

On page 172, strike lines 15 through 21 and insert the following: "System" for necessary expenses, $50,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

Mr. SALAZAR. Mr. President, a few days ago I came to the floor of the Senate to talk about a very important issue that is facing the entire Nation with respect to the fire emergency we are seeing across many of our States, including many of our western States. At that point I proposed an amendment that would provide an additional $30 million in disaster emergency aid so the Forest Service can take on the work it needs to take on to assure that we don't have the destruction from fires we have seen in prior years.

In my own State alone, we have seen what happens when you have the fire situation getting out of control. In 1994, the Storm King fire near Glenwood Springs ended up with the deaths of over 14 firefighters. Back in 2002, we had another fire, the Hayman fire, which caused 138,000 acres of national Forest Service lands to be burned across 4 different counties. These kinds of fires are the kinds we are seeing across our entire country, and we need to make sure we have the resources in order to be able to fight the fires we are going to be seeing in the weeks and months ahead throughout our great Nation.

What I am doing with this amendment is simply providing the amount of money that would be needed to get us up to the levels for firefighting that we had during the prior year. It is something that is essential to our country, it fits within the framework of addressing disaster emergencies, and I am hopeful my colleagues in the Senate will agree with me and support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

Mr. COCHRAN. Mr. President, if the Senator will yield, I hope that the Senate could accept this on a voice vote. I don't know that we need to have a rollcall vote. It seems to me to be an amendment that should be accepted by the Senate. It calls for the use of—my piece of paper says $50 million, and I heard the Senator say $30 million, or did I hear him wrong?

Mr. SALAZAR. Mr. President, if I may respond to my friend from Mississippi, the amendment asks for $50 million because we attempted to make sure we were protecting the amount of money that had been requested in the bill in the Forest Service items for Katrina recovery. So this is $30 million in addition to that, which brings up the amount in the amendment to $50 million.

Mr. COCHRAN. So the bill as reported from our committee was $20 million, and this adds $30 million?

Mr. SALAZAR. That is indeed correct. I am willing to withdraw my request for a vote at this point in time if, indeed, we can resolve this by a voice vote.

Mr. COCHRAN. Mr. President, I am willing to urge the Senate to accept the amendment. There is clearly a need for funding, and we will have an opportunity to monitor this carefully to be sure that money is not wasted. But clearly, the devastation to timberland and forestry resources is immense. It is indescribable. You have to see it. You can drive along hundreds of miles of forestlands in the region, and it is staggering, the amount of destruction that has occurred.

I compliment the Senator and thank him for offering the amendment and assure him of my support and recommendation that we accept it.

Mr. SALAZAR. Mr. President, regarding Senate amendment No. 3637 to H.R. 4939, I believe it is important to clarify the intent of this amendment. The intent of Senate amendment No. 3637 is similar to Senate amendment No. 3645; however, due to technical considerations I had to redraft the amendment. The intent of Senate amendment No. 3637 is to provide $20 million to the Forest Service to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, as the Senate Appropriations originally reported. My amendment retains that $20 million for the gulf coast and adds another $30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System.

The need for this additional funding is highlighted in the State of Colorado. In Colorado, the Forest Service expects to conduct 35,000 acres of hazardous fuel reduction work as well as process timber sales in insect infested areas. However there is a capacity for more critical work to be done. Colorado has approximately 35,000 additional acres that are approved for hazardous fuel treatments; however the Forest Service lacks the funds to carry out those treatments. Colorado also has 12,000 acres ready for timber sales that would benefit the fire and insect situation but for lack of funding are not being carried out in fiscal year 2006. I use Colorado as an example, but this problem exists throughout the Western United States where extended drought and insect infestations have created dangerous conditions ripe for catastrophic fires in 2006. It represents a true emergency. Waiting to address this issue in the fiscal year 2007 appropriations process is not a viable option; the 2006 fire season is already upon us in the West, and these funds are needed immediately.

Mr. President, I thank the Senate for recognizing this emergency on the national forests throughout the country.

The PRESIDING OFFICER. Is there further debate?

Mr. SALAZAR. Mr. President, I thank the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3736) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the Senator from Mississippi as well as the floor manager from Washington, my distinguished friends, for their assistance on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Coburn amendment is the pending amendment.

AMENDMENT NO. 3810

Mr. OBAMA. Mr. President, I ask unanimous consent to set aside the pending business so I may call up my amendment No. 3810.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 3810.

Mr. OBAMA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds appropriated by this Act may be made available for hurricane relief and recovery contracts exceeding $500,000 that are awarded using procedures other than competitive procedures)

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding $500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

Mr. OBAMA. Mr. President, to begin with, I thank the floor managers on this bill for their help in finding the time to call up this amendment. I would love to get advice from the Senator from Colorado in terms of how to unanimously get an amendment accepted.

After the devastation of Hurricane Katrina, millions of Americans opened their hearts, their homes, and their wallets to help the victims in the gulf coast. Even before Katrina's winds and rains died down, Americans across the country called national hotlines and pledged their hard-earned dollars, their time, and their prayers to the relief effort.

But they didn't just pledge—they also delivered. They delivered to the tune of $3.5 billion. Many of these donations came from working-class families who didn't have much to give, but they gave what they could.

Like the American people, President Bush made a pledge after the disaster. He pledged he would provide the gulf coast with the Federal assistance it needed to get back on its feet. With the bill now before us, the total amount of Federal funding for hurricane recovery will exceed $100 billion, and it is safe to say more money will be needed in the months and years to come.

But in order to make good on the President's pledge, we need to do more. We need to pledge to be responsible stewards of taxpayer dollars. We owe this to the Americans who donated their own funds to hurricane relief efforts and to those who trust us each day with the tax money they send to Washington. Unfortunately, we haven't done a very good job so far of delivering on this pledge.

Yesterday, Senator COBURN and I came to the floor to detail the numerous instances of waste, fraud, and abuse in the use of Katrina funds. We know that FEMA spent nearly $880 million in taxpayer money on 25,000 temporary housing trailers stored around the country, including 11,000 that are currently rusting away in a field in Arkansas.

There are reports of prime contractors charging upward of $30 per cubic yard for debris removal—work that actually costs subcontractors as little as $6 per cubic yard.

As the Washington Post reported, four large companies are charging 1,500-percent markups—1,500-percent markups—to cover damaged roofs with plastic tarps.

Senator COBURN and I have tried to address these problems by offering a sensible package of amendments to ensure fiscal accountability and transparency. We have proposed the appointment of a chief financial officer to oversee the spending of Federal funding. We have proposed limits on the amount of overhead expenses a contractor can charge the Federal Government, and we have proposed that the details of all large Katrina contracts be posted on the Internet.

Unfortunately, these amendments are not germane now that cloture has been invoked. I think that is unfortunate. It is unfortunate because the interests of the American taxpayer are not being well served by this body. Even though we will have appropriated well over $100 billion by the end of this week for Katrina relief and recovery, we haven't put in any accountability systems to ensure that the money is well spent.

I am aware that I am new to this body, but I am troubled that Senate rules are getting in the way of sound policy. I understand that is how the Senate works, so Senator COBURN and I are here to offer one modest amendment to protect taxpayer dollars. Our amendment addresses no-bid contracting and is germane to the underlying bill.

Immediately after the hurricane, FEMA awarded four $100 million no-bid contracts to four large companies—400 million taxpayer dollars—without full and open competition. Acting FEMA director David Paulison was asked about these contracts when he testified before the Senate Homeland Security and Governmental Affairs Committee on October 6, 2005, and he said the following:

> I have been a public servant for a long time and I have never been a fan of no-bid contracts. Sometimes you have to do them because of the expediency of getting things done. And I can assure you that we are going to look at all of those contracts very carefully. All of those no-bid contracts, we are going to go back and rebid.

Senator COBURN and I expected Director Paulison to stick to his word and rebid these contracts. But a month and a half passed, and the contracts still had not been rebid. So last November, we introduced an amendment to the tax reconciliation bill expressing the sense of the Senate that FEMA should immediately rebid these contracts. Our colleagues agreed and the amendment passed by unanimous consent.

After our amendment passed, both Senator COBURN and I met again with Director Paulison and again he assured us these contracts would be rebid. Yet, surprisingly enough, these contracts still have not been rebid. And to add insult to injury, FEMA said in March that the contracts would not be rebid after all. In fact, the contracts have actually been extended, despite the fact that GAO found three of these four firms had wasted millions of dollars in taxpayer funds.

The abuse doesn't stop with these four contracts. We learned 2 weeks ago that the Army Corps of Engineers missed an opportunity to negotiate a lower price on a $40 million contract for portable classrooms in Mississippi. Instead, a no-bid and overpriced contract was awarded to an out-of-State firm. I have often heard it said that the definition of insanity is doing the same thing over and over again and expecting a different result. Frankly, what we are doing with Katrina funding borders on insanity. We in Congress keep on trusting FEMA to enter into competitive contracts even though there is no evidence that it has any intention of doing so.

The amendment we are offering today is only our effort to say enough is enough. Our amendment requires all Federal agencies to follow competitive bidding procedures for any Katrina-related contracts exceeding $500,000. It is a commonsense amendment. It is a good-government amendment. Eight months after Katrina, there is no longer any emergency that justifies a no-bid contract that might have been entered into in the days after Katrina. If there is an emergency, it is getting control of how the money is being spent by FEMA.

The American people deserve the benefits of competition on Government contracts. Competition is good for American business. It is also good for government. It helps ensure high quality and low cost. That is what the American people have the right to expect. That is what our amendment seeks to deliver.

Before we spend another dollar in the gulf coast, let's make sure we have some transparency and accountability in place to ensure that Federal money is helping those people who need it the most, instead of lining the pockets of contractors. In our rush to give money to the gulf coast 8 months ago, we didn't do that. It was understandable. We were all shell-shocked by what had happened. But the American people, and more importantly the victims of Katrina, have paid a heavy price. I urge we not repeat that mistake. I urge my colleagues to support Senator COBURN and me in this effort.

Mr. President, I understand the Senator from Oklahoma does not wish to speak on the amendment, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 3810) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3641, DIVISION XII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3641, division XII, and I ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XIII, WITHDRAWN

Mr. COBURN. And I ask unanimous consent to withdraw division XIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XIV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XIV be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XV be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3541, DIVISION XVI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVI.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XVII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVII.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3641, DIVISION XVIII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent for the withdrawal of division XVIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I withdrew amendments for things I still do not agree with that are in this bill. I am not going to spend the time in the Senate now, but I will spend the time before we have the final vote on this bill to discuss what is in this bill that is not emergency, that is not an obligation by the Federal Government, that is not prudent or fiscally wise. I will not spend the time on that at this time.

AMENDMENT NO. 3641, DIVISION XIX

Mr. COBURN. I ask unanimous consent division XIX be brought up.

The PRESIDING OFFICER (Mr. CHAMBLISS). The measure is pending.

Mr. COBURN. Mr. President, this is an amendment that removes $11.3 million from our Corps of Engineers, Sacramento River Bank Protection Project in California.

I have no lack of understanding of the potential flooding problems occurring in San Francisco and south of there in California and the way the rain patterns have changed. I am not wishing to defeat anything that will make a real difference on that.

This amendment is about a program that is 46 years old that, according to the Corps' own statement, is 95 percent complete, that we have already spent $131 million on, that $10.6 million is being spent this year, as we speak, on this program.

In this supplemental, they are asking for another $11 million for this program. I don't doubt that the $11 million will be needed. But it won't even get there under this emergency supplemental, through the Corps' own admission, until after September when the new year starts.

First of all, it does not meet the definition of "emergency," that it should meet in coming through this bill.

What does this program do? This program solves and prevents levee erosion problems while providing fish and wildlife mitigation. That is what the program does. It has been going since 1960.

We had $6.3 million included in the energy and water appropriations bill last year and an additional $10.96 million. The Corps also stated that $57 million more is needed for the final completion of this project.

This says a lot about the Corps of Engineers and their ability to get things done. Although I might agree we need to eventually spend the money for this project, it certainly ought to be paid for and come out of the energy and water appropriations because the money will not get there to be utilized. They have not even spent the money appropriated on the spend-out this year.

I am not, in substance, against completing this project. It comes back to the same things we have been talking about. Is it an emergency that we do it now? And if, in fact, it is an emergency, will the money get there and make a difference? It won't.

I am asking this go through the regular process, through the energy and water appropriations, that it be authorized to the extent that the Senators from California would like to have it, and that we do it in regular order.

It would be different if we thought this money was really going to make a difference with the problems in California, but it is not. It will not change one thing in terms of how the Corps operates this program this year. By the time the money would get there, it would have to be reprogrammed anyhow.

I have some other problems with this program. Ask yourself: If we have spent $131 million plus $6.3 million, $137 million already, and the Corps says it is 95 percent complete, and then they say they need another $51 million to complete it, how can it be 95 percent complete?

This is not about the need. This is about the inefficiencies within the Corps. This is about whether we can get the money to solve a problem that is deemed an emergency at this time, but I seriously doubt whether that has been the fact.

The Corps has been cited on numerous occasions by the GAO for its inability to predict costs, stay within the forecasted budget. In fact, some of GAO's strong criticisms have come in regard to this very work in the Sacramento area.

I made the point in an earlier amendment with Senator OBAMA that the Corps made $5 a cubic yard on everything we removed in Katrina. That is over 30 million cubic yards. That is $150 million the Corps took out of the Homeland Security and the emergency appropriations. Why don't we spend that money on this? Why do we borrow more money against our children and grandchildren to accomplish this worthy goal?

When I ask those questions, we do not get any answers. No one answers the question, can we efficiently be good stewards of our children and our grandchildren's money? When is enough enough? If this project is, indeed, an emergency, as we are being told, we need to be asking the tough questions. How long does it take to shore up levees near Sacramento—46 years for the Corps to do this job? I have a real sneaking suspicion 10 years from now the Corps will continue to ask us for money to shore up levees in Sacramento. And if that is the case and they have not completed it, it means they will not have done a good job on the very job we ask them to do, which is something I contend anyway.

These funds may, in fact, be needed. If that is the case, the Corps of Engineers has failed miserably.

I intend, in my oversight committee, to ask for an explanation of every penny the Corps has spent on the river bank protection near Sacramento. Representatives of this city and taxpayers all across the country should be outraged regarding the irresponsibility of the Corps in carrying out this project. Forty years and over $130 million later, we are asked to give the Corps an additional $11 million in emergency appropriations, money we will have to borrow, all because the Corps cannot do its job correctly the first, third, fourth, fifth, up to the 46th time.

Enough is enough. No venture would ever continue to receive such high funding with this track record.

Two other questions I think should be asked. Does the Corps lack the resources to fund the emergency needs? According to the Office of Management and Budget, the Corps of Engineers had $4.5 billion in unobligated balances last year and has an estimate of $5.8 billion in unobligated balances this year. According to the Corps itself, as of March 30, their unobligated scheduled carryover was $1.49 billion. They have the money to do this right now.

The Sacramento Corps office will have unobligated balances by the end of 2006 in excess of $13.5 million.

I ask again: Why are we going to borrow money when we have the money? If, in fact, it is an emergency, the Corps has the money in unobligated balances to accomplish it. All we need is an authorization to do that.

How do we prioritize Federal funds in California? In fiscal year 2006, California has 549 earmarks costing $733 million. In addition, it received $10 million in earmarks for museums alone. That expenditure alone would have been enough to pay for nearly all of this requested work.

Are the following museum earmarks more important than protecting the city of Sacramento: $200,000 for the California State Mining and Mineral Museum; $550,000 for development and construction of Noah's Park at the Skirball Cultural Center; $4.35 million for repairs of Sala Burton Maritime Museum, in San Francisco; $300,000 to the city of San Jacinto for improvements to the museum/Extudillo property; $175,000 for the M.H. de Young Memorial Museum; $500,000 for the construction of a museum also at the San Francisco Fine Arts Museum.

Just the museum earmarks alone would take care of this. So instead, what we are going to do, we are going to borrow money because we do not have the money to pay for this.

Attempting to attach more funds for the project, the project in its 46th year, outside of the regular budget process, is an abuse of taxpayer resources, takes advantage of the emergency appropriations process intended to deal only with the most urgent and immediate needs of the devastated gulf region, and to provide for our soldiers in battle.

Senator BOXER said on May 1, 2005, the war should be paid for in the budget, not in an emergency supplemental. The war is known. The cost of the war was anticipated by some people that this administration fired. The cost of this war is spinning out of control.

The same can be said for this project. This project was authorized in 1960. It has received over $100 million and its future costs are known. This should be addressed in the regular appropriations process, not in an emergency supplemental.

With that, I yield the floor, and I offer time to the opponents of my amendment.

Mrs. FEINSTEIN. Mr. President, I am joined in the Senate by my friend and colleague, Senator BOXER. We are joined at the hip in opposition to this. If there ever was a disaster waiting to happen, it is the levee situation in the State of California. I will take a few minutes to explain why.

Let me begin with this fact. We have a comparison of flood protection levels for major river cities. Sacramento is the only city in the Nation with 85-year protection. All comparable cities—New Orleans, 250-year flood protection; Omaha, 250 years; Dallas, 500 years; Kansas City, St. Louis, Tacoma, 500 years.

The problem is, much of this area is 20 feet or more below the river, below the flood basins.

I stood in a home in Sacramento on Saturday. It was 20 feet below the level of the river. That is the problem. The sedimentary base of soils there is peat, and it is easily crumbled.

What you have are 2,600 miles of levees—some owned by the Federal Government, some by the State, some by private owners. These levees become eroded. And because of the heavy rain—the heaviest rainfall, I believe, that I can remember in California—there is deep concern about these levees.

Let me show you the specific area we are talking about. Shown in this picture is the Sacramento Pocket Area. The Governor, Mr. POMBO of the House, and a number of other public officials were right in this area—standing right here—a short time ago. We flew over the area. These are homes, all 20 feet below the river area. There are several places in this area that are priority needs for restoration immediately.

The Governor has declared a state of emergency. The Governor has advanced State moneys. The Governor has said this is of urgent priority. The fact of the matter is, at any time, places along this levee could go. You would flood 100,000 people in 20 feet of water. Many would be unable to evacuate. You would have real catastrophe.

The Army Corps of Engineers, through Colonel Light, the commander of the Sacramento District, came back. We sat down with Senator COCHRAN, the chairman of the committee, Senator BYRD, Senator DOMENICI, and Senator REID. It was all explained that there is an emergency. Earthquake probabilities, for a major earthquake equal to 1906 in San Francisco or higher, are 62 percent by 2030. If there is an earthquake equal to what took place in California, the likelihood is that this entire area would be flooded and hundreds of thousands of people could be involved.

Now, this bill provides $23 million in contingent emergency funding. This particular division is $11.3 million. Funding would become available only if the President requests the money and certifies that it is an emergency.

As I say, on February 24, the Governor proclaimed this state of emergency. He cited 24 critical erosion sites. That has been changed to 29 because of ongoing erosions due to the current high water level.

Today, there are 400 people from Sacramento who were worried enough about it that they have come to the Capitol to lobby for these funds. The money can become available as soon as the President signs the bill and certifies the contingent emergency.

The Sacramento River Bank Protection Project is the Federal project that repairs these critical erosion sites.

This additional funding will ensure that these sites are repaired in this construction season. Both the State, Senator BOXER, and I have looked very carefully: Is this money that could be used this fiscal year, before the end of September, on these sites? The answer is clearly, yes.

Today, President Bush announced he is expediting environmental review to allow construction work on the sites to proceed as quickly as possible.

So President Bush, Governor Schwarzenegger, and the Senate Appropriations Committee all recognize how important it is to repair the weakened levees along the Sacramento River.

Mr. President, 174 actively eroding sites on levee banks have been identified. The highest priority is 29 of these sites. That is what we are trying to repair as soon as possible to prevent subdivisions, such as this one shown in this picture, from being inundated with 20 feet of water.

I stood there. I saw it. I saw the difference in height. And that is a phenomenon on the levee. Some might say housing should have never been built there, but the fact is it was.

The critical sites we are asking money for stretch along 137 miles of the Sacramento River. They include areas of the river in the city of Sacramento, and that is this pocket area.

Now, these homes sit virtually in the shadow of the levee system, and modeling by Sacramento show that a breached levee would result in the area flooding to depths of 17 to 20 feet.

This area is called the "Pocket" because the homes sit in a pocket by a broad curve in the river.

Mr. President, 33,000 homes are here; 100,000 people live right here. Colonel Light, the commander of the Sacramento District of the Corps, has indicated to me, to Senator COCHRAN, to Senator BYRD, to Senator DOMENICI, to Senator REID, that this money can be utilized by the Corps now. The reason they cannot transfer funds is because prior legislation of this body and the other body prohibits the transfer of funds above a certain amount in a timely and effective manner.

The repairs consist largely of armoring the levees with rock. Of the 29 sites, repairs for 5 have been designed already, and the remainder will be designed in the next few months.

I do not need to tell you what a major flood would do. I do not need to tell you that these rivers are at historic highs right now. And it is as the river begins to decline that they worry most because the fear is the water subsiding will take with it portions of this levee.

The work has to be done.

It is kind of interesting. I often tell a story of when I was mayor, and the director of Public Works came to me and said: Madam Mayor, I think if there was an earthquake, the rim of Candlestick Park would come down. And I thought: What is the likelihood of that? I said: How much does it cost? He told me. And then I thought: I now know this. I have an obligation to do something about it. We found the money. We repaired the rim. And who would have thought that the Giants would have been in the second game of the World Series, at 5 o'clock, when the Loma Prieta earthquake hit, and the rim of Candlestick Park—had it come down—would have killed 20,000 people sitting directly below it.

I am telling you that these levee banks could breach. I am telling you that 100,000 people and 33,000 homes—as shown right here—could lose their lives and their homes. And the evacuation difficulty is enormous.

It seems to me that once we know this as public officials, we have an absolute obligation to do something about it.

The Appropriations Committee has agreed. The money can be used this fiscal year. And both my colleague and I believe very strongly we should vote "no" on this amendment.

I would like to yield the floor to my colleague. I know she is here somewhere.

Mr. COBURN. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. COBURN. When you were changing Candlestick Park, you did not borrow money from future generations of Americans to do that? You found it within the budget? I believe that is correct; is it not?

Mrs. FEINSTEIN. Well, it is interesting. City and county budgets have to be balanced. The only budgets that do not have to be balanced are the State budget, at least in California, and the Federal budget. But we had to balance our budget, so, yes, I did have to find the money by taking it from other places. That is true.

Mr. COBURN. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will.

Mr. COBURN. I have said I do not deny this work needs to be done. Can you foresee that the environmental impact assessments for all this will be completed in time for this money to be used this fiscal year?

Mrs. FEINSTEIN. Yes. Because I am told the declaration of emergency by the State and the contingent emergency by the President, which he said he would declare this morning, effectively clears that for this particular work on these particular high-priority sites.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Yes, I will.

Mr. COBURN. Does it concern you at all that over the 46 years of this project the engineering by the Corps of Engineers for these levees is requiring them to go back now, in 29 places, and fix what they should have done right the first time? Does that concern you at all?

Mrs. FEINSTEIN. Well, of course it does. Of course it concerns me. But we learn in this business. And I think Katrina was a big learning lesson for all of us. And we have not done right by our infrastructure.

One of the problems is, as we have to cut discretionary spending that is nondefense, not entitlements, the only thing we are cutting—we are cutting 18 percent of what we spend every year. These are Federal levees. They are owned by the Federal Government. There is a responsibility to protect the people behind them.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Of course.

Mr. COBURN. Would it make sense to you that we could, in a supplemental, change the authorization under the emergency process so that the Sacramento Corps could use their $13.5 million they are going to have in unobligated balances at the end of this year? We could do that just as well as borrow an additional $10.9 million against our children; could we not?

Mrs. FEINSTEIN. Well, I have not looked at this. I was at the Napa River, where we have a big flood project, and there is a problem there. The corps there told me they could not transfer funds above a certain amount. And I believe there was some provision in a prior supplemental to prevent the transferring of that money.

Let me say this to the Senator. Do I believe this is a life emergency? Yes. Do I believe that any day these 100,000 people and 33,000 homes could be flooded? Yes. Why? Because I know they are 20 feet below the water level. I know the water level is the highest it has ever been. I know the levees are eroded. I know what they call "boils" are popping up all over.

I know it could happen. And when it happens, it happens so fast because there is so much water. So because I know it, and now you know it, we have an obligation to do something about it. And that is what the Government is here for: to save lives in the event of an emergency.

We also know that earthquake probabilities are way up, and this could be devastating. So this work has to be done. We are asking for money in the Energy and Water bill. We will have additional money there. We are going through the regular channels. But this high priority work should be done now. And we should get the money there as fast as we possibly can.

It could happen tomorrow, it could happen the next day, the next week. I could not live with myself if it happened, and, respectfully, you could not live with yourself if it happened because you now know it can happen.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to say to Senator FEINSTEIN how much I appreciate her leadership on this in the Appropriations Committee. I wish to say to the chairman of the committee how much I appreciate his understanding of what we are going through in our State with historic rains, historic flooding. I thank the Appropriations Committee for listening to Senator FEINSTEIN when she transmitted a request from the two of us and also from our Governor. This is a bipartisan request.

I ask unanimous consent to have printed in the RECORD a letter written to Senator COBURN from Governor Schwarzenegger. I also ask unanimous consent to have printed in the RECORD information regarding the Sacramento region.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
OFFICE OF THE GOVERNOR,
Sacramento, CA, May 2, 2006.

Hon. TOM COBURN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: I am writing regarding your proposed amendment to the supplemental appropriations bill that seeks to block additional funds needed to repair California's Central Valley levee system.

As you may know, I am working very closely with Senator Feinstein and members of the California Congressional Delegation to secure additional federal funds to share in the costs of repairing California's Central Valley levee system. The need for funding and quick action could not be more urgent and that is why I have made it my top priority to work with our State Legislature to enact a major infrastructure bond initiative that would dedicate $2.5 billion in state funds for urgently needed levee repairs along this federally authorized flood control system.

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection. Sacramento has a 100-year level of flood protection. This is the lowest of any major city in the United States. It is only a matter of time before there is a significant levee breach or system failure. Such an event would flood valuable farmland that produces food for the entire nation. All of Sacramento and other Central Valley towns would be flooded. According to modeling done by the City and County of Sacramento, a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply. Such an event would also cause a major economic disruption in California and across the nation. Most troubling is without action, the lives of thousands of Californians are at risk.

As you know, Senators Feinstein and Boxer have worked very closely with Chairmen Cochran and Domenici to include funds in the pending supplemental appropriations bill for certain levee and flood control improvements in the Sacramento region. These funds are for identified improvements that can be completed this fiscal year in federally authorized flood control projects.

I support these funds and want to assure you that this is a necessary and urgent time for Congress to act. Moreover, any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as necessary emergency funding and support this as part of the supplemental appropriations bill.

Sincerely,
ARNOLD SCHWARZENEGGER.

THE SACRAMENTO REGION IS AT GREATER RISK OF FLOODING THAN ANY OTHER MAJOR U.S. METROPOLITAN AREA—FULL FEDERAL PARTNERSHIP IS CRITICAL TO PROTECTING THIS VITAL REGION

SACRAMENTO: A REGION AT RISK

The city of Sacramento is at the confluence of two great rivers, the Sacramento and the American. And while these rivers help shape the Sacramento region's identity, they also pose a very real, very serious risk—flooding.

A catastrophic flood will devastate lives, property and the economy. Nearly a half-million residents who make the city of Sacramento their home will be impacted. That number grows to over 2.2 million people within the six-county region surrounding the city. Regionally, one million jobs will be affected by a catastrophic flood and the direct and indirect economic loss of property and economic activity could total nearly $30 billion. The Sacramento region represents over $73.3 billion annually in gross regional product.

A major flood in the Sacramento region will send economic shockwaves rippling throughout the region and state. These include serious impacts to principal transportation arteries such as interstates 5 and 80, railway thoroughfares, and Sacramento International Airport. This jeopardizes over $2.6 billion in Central Valley agriculture and livestock production—a vital national resource.

The Sacramento region is a civic, commercial, healthcare and economic hub for greater California and must be protected. The Sacramento region serves as the capital of California—the world's sixth largest economy: Sacramento area levees protect nearly one million acres of farmland in the Sacramento Valley. At least 10 major hospital facilities are found within the region. In addition, the Sacramento metropolitan region serves as a "nucleus" for state and federal civic activity, providing a home to 1,300 government facilities supplying over 200,000 public sector jobs.

Given all that the city, region, state and even the nation stand to lose, it is astonishing that the Sacramento region has the lowest level of flood protection of any major U.S. metropolitan area. The 1986 high-water event demonstrated the region's population centers are extremely vulnerable. It is estimated that six hours of additional rain during that time would have led to catastrophic failure of the region's flood protection system.

Since 1986, federal, state and local interests have invested over $400 million in levee improvements, reservoir re-operations and floodplain restoration, but critical flood protection deficits, including erosion, stability, levee heights and underseepage, still exist. These deficits prevent the Sacramento region from achieving even 100-year flood protection in many places and have made flood protection the Sacramento regional Congressional delegation's number one public safety issue.

Sacramento must achieve a minimum of 200-year flood protection immediately.

FULL FEDERAL PARTNERSHIP: A CRITICAL ELEMENT

While local and state leadership are unified in making flood protection a priority, it is essential that FY 2007 appropriations fully fund the $89,240,000 federal share of Sacramento's authorized flood protection program. Appropriations are critical to continuing levee improvements on the Sacramento and American rivers and Folsom Dam—a necessary part of protecting the region's livelihood and achieving a minimum of 200-year flood protection.

Similarly, it is essential that federal partners support and reward state and local efforts to enhance flood protection. These efforts, which are sustained by state and local funding initiatives, should be incorporated into the traditional federal/local flood protection partnership using appropriate crediting and reimbursement arrangements. This is necessary in order to expedite project permitting, contracting, and construction activities.

Mrs. BOXER. I am going to read part of this letter. He says:

> Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection.

And then the Governor says:

> Sacramento has 100-year level of flood protection.

That is optimistic. Most experts tell us that it is an 85-year level. And whether it is 85 years or 100 years, it is the lowest of any major city in the U.S.

The Governor writes:

> It is only a matter of time before there is a significant levee breach or system failure.

This is important for the Senator from Oklahoma to hear. I know he has been very gracious in filling me in on this and saying: I didn't go after your other items but just this one. But the fact is, this one is as important as all the rest. The Corps has told us they need these funds to move forward.

Here is what the Governor says:

> Such [a flooding] event would flood valuable farmland that produces food for [our] entire nation.

I say to my friend from Oklahoma, please, listen to us, because the food supply for the entire Nation is at stake. according to Governor Schwarzenegger. Senator FEINSTEIN, myself, and a bipartisan delegation in the Congress.

The Governor says:

> All of Sacramento and other Sacramento Valley towns would be flooded. According to modeling [that has been done], a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply.

I say to my friend from Oklahoma, in this body we are all equal, two Senators from every State. We have 37 million people in my State. Sacramento is a huge growth area. I will get into the numbers in a minute. We are not talking about a few people being hurt. We are talking about a catastrophe. We are talking about farmland. We are talking about the State's water supply. About two-thirds of the water supply in the State comes from that northern area.

When my friend started, he was very nice and said he doesn't doubt the fact that the Sacramento levees are a problem, and that San Francisco has been having problems. I wrote down what he said. He said: San Francisco and the area south of there. This is the area north of San Francisco. This is Sacramento. I don't think my friend really, with all due respect, gets the intricacies of what we are dealing with here. There is a difference between north of San Francisco and south because north of San Francisco is where we have delta—again, two-thirds of the water supply of our State—the farmland and all the rest. South of San Francisco, we have Silicon Valley. That has other issues. But right now, we are talking about the Sacramento area, which is north.

The Governor goes on to talk about the economic disruption. Because we are such a large State, people say when California sneezes, the country gets a cold. It is an expression that speaks to the power of our State in terms of economic productivity. And in terms of the goods coming across into the ports of California and going all across into your State and everybody else's—this region is the bread basket. So we ask you to back off this amendment.

This is so not a partisan issue. The Governor writes:

> As you know, Senators Feinstein and Boxer have worked closely with Chairmen Cochran and Domenici to include funds in the pending supplemental . . . for certain levee and flood control improvements . . .
>
> I support these funds and want to assure you that this is a necessary and urgent time for Congress to act.

The Governor came here. He met with Senator DOMENICI and many Senators. He said:

> . . . any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as a necessary emergency funding bill. Support this.

I want to show a picture. Senator FEINSTEIN showed us a version of this. They all tell a story better than I could. Here you have the Sacramento River. Here you have thousands and thousands of people. Here you have the levees, and here you have the riverbed. And what has happened, if my friend would like to take a look at this—I know he doesn't question that we need a project; he questions whether it belongs in this bill. I understand.

Mr. COBURN. Will the Senator yield for a question?

Mrs. BOXER. Yes.

Mr. COBURN. I question how we are paying for it. We are borrowing the money from future generations to do it rather than make the hard decisions of trimming something else. That is important.

Mrs. BOXER. That is what I just said. I said the Senator doesn't oppose us doing this. He doesn't want it in this bill. That is my understanding of his position. I couldn't disagree with you more. When my friend quoted me and I said Iraq should have been in the budget, that is exactly how I feel, because we knew about it. Frankly, we didn't know about this, that we were going to have the kind of events we have had, the rain and the rain and the rain. I will go into the details of how much rain we have had compared to other years and the fact that anything can happen now.

The weather patterns are changing. When I lived in the bay area in California so many years ago, it is too long to remember, when I first came here in the 1960s, you never had rain in March, let alone April. It was dry. It was dry really from mid-February on. It has been moving forward, and we have March as one of the rainiest months and then April. We had a month this year—April—where we had rain almost every day. It is unheard of. You can see how muddy this is. You can see the breaks here in the riverbank.

I will show you another picture on the other side where there is not as much development but the same thing has occurred. These trees were on the other side of the riverbank. Look at these trees. They are now buried in the water. So if we don't go ahead with the Corps now, when the Corps tells us we need to do this now, we are going to lose this riverbank. We are going to lose the levees. And then it is too late.

My friend says he wants to save money. It reminds me of the old adage of penny wise and pound foolish. It is a colloquialism, but the fact is, you have to prevent things. This is an emergency circumstance, as the Governor said. These levees could break. Now we have a snowmelt. That snowmelt occurs, that water gets deeper, the pressure in that river increases, and the riverbank begins to disappear, leaving those levees exposed.

I wish to refer to a document put together by the Chamber of Commerce in Sacramento. It reads, "Sacramento: A Region at Risk." Cities and counties don't like to say, especially chambers of commerce, we are at risk. They don't like to say that because they want to have investment. They want people to come in. They don't go about saying: We are in danger. And when a chamber of commerce goes out and says: We are in danger—and these are Republicans mostly, and these are as conservative as my friend from Oklahoma; they know that an investment is not wasteful spending if, in fact, we are going to save money at the end of the day. How much would we have saved if we had built stronger, better levees in Louisiana? Untold, probably billions. I don't think my friend is at all a fiscal conservative by taking away $11 million. It is reckless. I hope and pray that my colleagues are listening to this debate and are looking at these pictures and understanding what we are talking about.

The Sacramento area faces a triple flood threat, and it faces it now. We have a confluence of two major rivers, the threat of a deteriorating flood control system, and the threat of near record precipitation this year. We are talking about 165,000 homes, nearly 500,000 residents, the State capital, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs. A major flood along the lower Sacramento or American Rivers would cripple the region's economy. I will go into that tomorrow because Senator FEINSTEIN and I each have 15 minutes in the morning. I will save some of my talk for then.

California has the world's fifth largest economy, and we are quibbling over $11 million that the Corps says it needs to fix up these riverbanks. How outrageous, how shortsighted, how foolish. I don't understand why my friend is doing this. We talked. He feels deeply about it. I respect that. I voted with him a couple of times. I have been very careful, picking and choosing, sticking with the committee when I felt the committee was right, joining my friend. But I don't understand this one. This one is inexplicable.

The average family understands that if they have a problem with their roof, they fix it. They don't put it off. They fix it so that their home is not destroyed. It is straightforward.

Let's look at the pocket again. They call this the pocket of Sacramento; 112,000 people are at risk, and you can see clearly where this riverbank has deteriorated. On New Year's Day, Californians in the northern and central parts of our State awoke to flooding that cost the State $200 million. We are talking about $11 million so we can mitigate what comes next. But precipitation after January 1 has kept river levels very high, further stressing and eroding our critical flood control infrastructure.

Precipitation, including snow pack, as the snows melt, is nearly twice the normal amount, 174 percent of normal, and that is just as of last week. And the snows are just now starting to melt.

We have another threat to this area. My colleague, Senator FEINSTEIN, said it beautifully: How would we feel if we did something on this Senate floor today that turned our backs on this issue and then we had a tragedy?

We would not feel very good about it. So I am going to save the rest of my talk until tomorrow. But I am going to say to you, Mr. President, again thank you. It is very rare that we have such bipartisan cooperation in our State. This is not a Republican issue or a Democratic issue. We will have Republicans suffer if we have a problem and we will have Democrats suffer. We are Californians united. Our Governor has recognized the crisis. He declared a state of emergency earlier this year to expedite improvement of this system.

Everything we did in this bill we cleared with the Army Corps and they say they can use this money. They need this money. They are going to move forward with these repairs. So my friend from Oklahoma can make the case every which way he wants. He can use rhetoric and say anything he wants. The bottom line is this, and I will quote Representative Dan Lungren, a Republican, who is very well respected among our Republican friends in this body. He said:

> Today the Sacramento region has half the flood protection and twice the risk as did the city of New Orleans prior to Katrina. The cost of recovering from a flood-related disaster far exceeds the price of guarding against it.

Unlike other issues where we have come to the floor and it has been Republican versus Democrat, I can honestly say to you that I stand here representing a bipartisan, strong majority in my State and, hopefully, in the Senate, that says this: The 2005 hurricane season taught us some hard lessons—that we neglect shoring up eroded and damaged flood control infrastructure for major metropolitan areas at our peril.

We always say we must learn from history. We must surely learn from recent history. Sometimes we forget history that occurred way back, but we certainly should remember history from a year ago.

I urge my colleagues to vote a resounding no on this Coburn amendment and to take a stand for innocent people in this valley, in this area, these farmlands, these farmers, and the economy, and don't take out $11 million that could do so much good to restore these banks.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the arguments that have been made by the Senators from California, in terms of needing to fix things, are probably accurate. But I am sitting here thinking to myself, if it would take only $11 million to take care of this, and to know that the earliest this money is going to be there is 8 weeks, if I were Governor of California, I would find $11 million. I would get that tomorrow. If it is not going to get done tomorrow, we ought to be asking why not, if the threat is that great and it imperils that much of the economy and that many people.

I still raise the same questions. I am not denying this needs to get done. I am denying how we pay for it. We are not making the hard choices to cut something else out of the bill to pay for this because it is a higher priority. No, what we are doing is taking the money from future generations because we refuse to make those hard choices.

That is what it is all about. We could have reprogrammed money within the Corps to get this done. The Governor could ask the legislature for $11 million to get this done starting tomorrow. If there are 29 sites, what we do know about the Corps is it doesn't do anything fast. In this project, we know what they have done over the last 46 years has not been sufficient because they are having these problems. We will finish the debate tomorrow morning. The point is, I don't deny that this needs to get done. If it is the case that has been made by the Senators from California, then why hasn't it already been done? If there is this impending emergency, why hasn't California ponied up to put up the $11 million that is so desperately needed right now to pay for it, rather than asking the rest of the country's children and grandchildren? If this bill had come to the floor paid for, I would not be out here. But it is not paid for. We are going to go write the bills and bonds to pay for this $11 million. Maybe that is what we should do. Maybe that is the priority we should have. But I would think that the rest of the American people ought to say, where are you getting the money?

We are not making hard choices. We are passing it down the line. I agree if something were to happen, the cost would be much greater. I am a physician and I believe in prevention. That is what this debate is all about, preventing America from becoming a second-rate economy because we refuse to make hard decisions here on how we spend money. That is what this is about. I don't deny the desire to address this issue. That doesn't have anything to do with it. But if it is an emergency as described at the present time, why doesn't California fix it? Why hasn't California ponied up the $11 million, which is a small amount there. It is the fifth largest economy in the world. They can come up with $11 million.

Mrs. BOXER. Will the Senator yield?

Mr. COBURN. Yes.

Mrs. BOXER. Does the Senator not know that this is a federally authorized project? Is the Senator unaware of that?

Mr. COBURN. I understand that.

Mrs. BOXER. Cost sharing goes along with this project just as with every other project. So for the Senator to stand up and suggest that we don't pay into this project is simply false.

Mr. COBURN. Reclaiming my time, since it is a question, this isn't about whether you pay your share. It is about whether it is an emergency. If it is an emergency, then why wasn't it done last time? Why are we going back—why isn't a Corps that spent 46 years doing this project going back to repair what they didn't do right in the first place?

I am going back to the main point and then I am through. I will talk again in the morning. Where is the money coming from? Had the money been paid for, I would not be out here. But the money isn't paid for. It is borrowed. So when you take $10.9 million, take your calculator out and put it at 30 years and amortize it at 6 percent, you will come up to about $55 million. That is what we are actually going to pay to do this $10.9 million because we are borrowing the money. That is my point. I am not against doing it, not against getting it done, against prevention. What I am against is borrowing the money against the future of this country because we refuse to make the hard choices.

With that, I yield the floor.

Mrs. BOXER. Mr. President, I cannot allow certain things that were said to go unchallenged. My friend says this is not about paying your share, after he said it was about that. He made a big point, why doesn't California do something? Of course, we are doing something. We abide by the law. I have to say to my friend, if something happens in California, a bread basket of this country in many ways, there is going to be suffering throughout this country. If something happens to this economy, let alone the 112,000 people who live in this pocket, this particular amendment will put them at greater risk.

My friend says he believes in prevention. He is a doctor. I am sure he does and I am sure he does a wonderful job at that. But he doesn't believe in prevention right now, I will tell you that. Because that is what Senator FEINSTEIN, Governor Schwarzenegger, and both Democratic candidates for Governor—everybody agrees this has to be done. This is a Federal project. This is not a State project. This is a Federal project with a State share. The Army Corps has a responsibility which they have stepped up to the plate to do, and they told us they need these funds. As far as not paying for this, we know that emergencies get special treatment around here because they are emergencies. My friend says, why is this an emergency? Take a look at this. This isn't the way a river is supposed to look, the way a riverbank is supposed to look. This isn't the way a tree that was on the land is supposed to look, when it was on the other side of the riverbank. When you get the second highest predicted snow pack melt known to the history since they started taking down the record, in the history of California, yes, you have an emergency.

I know my friend from Oklahoma left the floor. I hope he joins me in a pay-as-you-go budget because I have voted for that every year. Frankly, right before the Bush administration, we had surpluses. Now we have deficits. I will admit that. I support pay-as-you-go budgeting. I have voted for it. We can talk about that another day. But this is a true emergency, just as I believe funding the veterans home in Mississippi was, which I was sorry I didn't get a chance to vote on. I listened to the debate. I could hardly believe my ears that the Senator from Oklahoma was objecting to making sure that our veterans, elderly veterans, could go home. What is wrong? Something is wrong here with these debates. I don't know where the heart is, where the soul is. I don't know where the common sense is.

I pray and hope that tomorrow, come morning, we are able to get the votes to keep this funding in the supplemental. Again, I thank Senator COCHRAN. I thank the Chair for his patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I want to reiterate my motion simply to have an opportunity to offer an amendment. I think it is an emergency, and it is a moral imperative to deal with the issue in Darfur, Sudan. So I hope the mere opportunity to have a debate on the floor of the Senate would be allowed.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada

Mr. ENSIGN. Reserving the right to object, I support the Senator from New Jersey. I support the intent of his amendment and realize there is a severe emergency in Darfur about which many of us feel strongly, and we need to do something there. During consideration of this bill, we have been trying to hold the line on spending, to reprioritize. If there is something else the Senator can offer as an offset for this increase in spending, I would be more than happy to let the amendment be debated and voted on. But without an offset, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I say to my distinguished colleague, if I may, that we have talked with both the chairman's staff and with others who express the view that this is a moral imperative and have suggested offsets, none of which have been accepted. So it is very difficult to have a position in which we all agree there is a moral imperative to act and then we reject every offset that is proposed.

Understanding the Senator's concern, but also understanding that genocide does not have an offset to it, I once again ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. If I may ask the Presiding Officer a parliamentary question: If we were to proceed to the Senator's unanimous consent request, would that obviate the ability to offer an amendment during that time period?

The PRESIDING OFFICER. It would.

Mr. MENENDEZ. Then I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, what I understand is that the Senator from New Jersey is going to send an amendment to the desk that has an offset for the funding for Darfur, and with that as a modification to the unanimous consent request, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3777, AS MODIFIED

Mr. MENENDEZ. Mr. President, I call up my amendment that is at the desk with a modification and ask unanimous consent that it be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA, proposes an amendment numbered 3777, as modified.

The amendment is as follows:

On page 89, line 9, strike "$69,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 1006.", and insert in lieu thereof "$129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

SEC.—Notwithstanding any other provision of this Act, the amount provided for "Diplomatic and Consular Programs" shall be $1,392,600,000.

Mr. MENENDEZ. Mr. President, last Sunday, thousands of Americans gathered here in Washington, DC, and in other cities across the country to focus our attention on the horrific acts being committed a world away in Darfur, Sudan. But it wasn't a gathering of the powerful, although politicians and celebrities were there. It was a gathering of the American community—of high school students, of members of synagogues and colleges, of churches, of people of all races, ethnicities, and religions. In fact, the movement to stop genocide in Darfur has been led by some of the youngest in our society.

In New Jersey, students in middle schools have raised funds for refugees. Young people at colleges have led the movement to divest from Sudan. They are not the leaders of the future; they are the leaders of today.

I know that as I stand here calling for action, I am not alone. In my home State of New Jersey, high school students started a nonprofit organization called Help Darfur Now which raises awareness and funds for the refugees in the Sudan.

Newark, NJ, is the headquarters of the Darfur Rehabilitation Project, a national group started by the Sudanese people living in the United States who lobby for humanitarian aid, intervention, and conflict resolution in the Sudan. And across the country, Americans are signing petitions, participating in marches, holding townhall events and contacting their elected officials to demand that the dire needs of the Darfurian people be addressed. It seems to me as representatives of the people, it is our job to act.

Here in Congress, many of our fellow colleagues in the Senate and in the House of Representatives have led the fight for real action to address the genocide in Darfur, and I certainly salute them for their hard work.

When we talk about genocide, it seems to me it is almost impossible for any of us to take the intellectual understanding of what that means: the number of people killed, over what period of time, and for what reason, and to comprehend the dimensions of such atrocities.

The truth is that each of the estimated 200,000 to 400,000 people murdered in Darfur was a father, a mother, a sister, a daughter, or son slaughtered by their own countrymen whose ethnic makeup and religion was similar to their own. Each of these people has a family who mourns them and a community that lost them.

Many of us here cannot imagine what life is like for the at least 2 million who have been displaced in this conflict. Those who have survived have the scars of watching their relatives and neighbors murdered, raped, and subjected to other horrors we cannot imagine.

For the hundreds of thousands of people who fled to Chad, the terror continues as they face new attacks in this expanding conflict. Samantha Power, who is a Pulitzer Prize winning expert on genocide, has pointed out that many women face the essence of a Sophie's choice: They can either leave their villages and camps to gather firewood, facing the likelihood of rape or attack by the jingaweit, or starve inside the camp.

It is in this dire context that the World Food Program announced that it would be forced to cut the rations to feed those who are affected by the conflict in Darfur. This means people already facing a humanitarian crisis will now only receive half of the recommended level of calories per day. Even worse are reports that at least 200,000 people have been displaced since January, and that many of those cannot be reached or helped by aid agencies.

A recent article in the New York Times quoted one senior humanitarian aid official as saying:

> The situation for humanitarian workers and the United Nations has never been as bad as it is now. The space for us to work is just getting smaller and smaller.

Not surprisingly, the Sudanese Government, which is supporting the groups that conduct this campaign of death and destruction, continues to hinder any attempts by the international community to assess the situation and provide aid to the millions of refugees. Just this month, the Sudanese Government denied entry into the country to Mr. Jan Egeland, a top U.N. official on humanitarian issues. Last week, Sudan refused to grant visas to officials who intended to conduct a U.N. military assessment on planning a peacekeeping operation in Darfur.

So in a region the size of Texas, 7,000 African Union troops have been put in place to protect the people of Darfur. While I believe the African Union force is better than nothing, their troop numbers are clearly too small. They are underfunded, underequipped, and lack a mandate to protect civilians. I agree with many of the experts who have said that we need to at least triple the size of the African Union force as a bridge until we can get a U.N. force operational in Darfur. I also think the President and others have the right idea of using NATO forces to provide logistical support while letting countries with Muslim populations take the lead on the ground.

Of course, we face some obstacles to getting a U.N. force into the Sudan and controlling the situation. First, the Chinese continuously stand in the way of the United Nations. Let's make it simple: The Chinese buy oil from the Sudanese, and they don't want to stop. In fact, China, because of its rule that it doesn't involve itself in any way in the domestic affairs of other countries, has no problem buying oil from a government committing genocide in the Sudan. Then there is the issue of Osama bin Laden, who has denounced the idea of U.N. troops and in his most recent audiotape broadcast called on Muslims to fight such a force.

In the past, some steps have been taken on the part of the United States and the international community to address the crisis in Darfur, but the violence continues. Congress has appropriated funds for African Union peacekeeping, food aid, and support for refugees. The United Nations Security Council has passed various resolutions raising concerns about war crimes committed in Darfur. The Government of Sudan and the two rebel groups involved are now in negotiations, and I know that Deputy Secretary of State Zoellick is there now trying to reach a final agreement with the rebels. Yet, despite all of these measures, the sad truth remains that the people of Darfur face a bleak future of uncertainty, suffering, and death. It is time that we take additional action to stop the genocide in the Sudan.

That is why this amendment that I have had other colleagues join me in would provide $60 million to support U.N. peacekeeping in Darfur. I certainly wish to thank the cosponsors of this amendment—Senators LEAHY, DURBIN, SARBANES, DODD, OBAMA, LAUTENBERG, WYDEN, and STABENOW—for their support and for their efforts.

The African Union troops in Darfur are clearly overwhelmed by the challenge at hand. This amendment would provide critical funding to equip international troops and restore law and order to the region of Darfur. Although the intervention of U.N. troops has not been authorized, this amendment would assure that when it is accomplished, the money is there, and it will increase pressure on the African Union, the Khartoum Government, and the international community to make sure that a U.N. force is put in place in Darfur.

For those who would question the amount—even though it is now offset—proposed in this amendment, I would like to point out that my amendment adds the same level of funding to the Contributions for International Peacekeeping account that has already been approved in the House supplemental appropriations bill. There is no other way to get these funds to protect the people of Darfur. They are not in the current funds appropriated for fiscal year 2006. I think we can all agree that genocide in Darfur constitutes an emergency—an emergency to which this body has a moral obligation to respond.

Genocide is not a new phenomenon. We have witnessed this hatred and inhumanity many times over the past century. After the world learned the horrors of the Holocaust, America and the international community vowed: Never again. Never again. After we saw the gruesome slaughter of approximately 800,000 Tutsis in less than 100 days in Rwanda, we swore: Never again. Never again, however, is an empty promise—it is an empty promise—if we do not take action to stop the murder of innocent people when we know it is happening.

Once again we find ourselves in a position to make that choice, and history is going to judge what we do—not what we say about never again but what we do when we have the power to do it. For even as I stand here today, I know the number of dead and displaced persons in Darfur continues to grow. Genocide is not Sudan's problem, it is not Africa's problem, it is the world's problem. It is our problem. And by failing to take part in the solution, we have become part of the problem. As Americans and as human beings, we have a moral obligation to help those who are suffering the consequences of genocide and who cannot help themselves. Now is not the time to forget that obligation, and history will judge us by the actions we take or fail to take in the next days as we move forward on this amendment.

Jan Egeland, one of the top U.N. humanitarian officials, has said, "Africa is the biggest drama of our time; nowhere else in the world are so many lives at stake as in Africa." Now is the time to act.

Some people might say that the fiscal 2007 budget proposal allocates sufficient funds to help the people of the Sudan. I would say you cannot put a price on human lives. Genocide is not a horror of the past; it is the reality, unfortunately, of the present. It is an emergency we must face today. The $60 million this amendment offers will help put an end to the senseless murder and displacement of the people of Darfur. If American lives were at stake, I am certain we would find the money to act. I hope we have both the humanity and the commitment to say "never again," to make sure that we do so in this case. Simon Wiesenthal said, "For evil to flourish, it only requires good men to do nothing." Let us act now to put an end to this evil.

I hope my colleagues will see that in the face of genocide, this is money well spent. I certainly hope we are permitted to respond to a moral imperative because history will judge each and every one of us for how we act in the face of the genocide going on in Darfur and in the Sudan. I hope that when it comes time for a vote on this amendment, the chairman will actually be able to accept the amendment as offset as it is now. I find it sometimes difficult to hear that we have a moral imperative, that we say "never again," and yet we put up roadblocks for fulfilling and responding to that moral imperative, and when we offer solutions to it, there are those who do not like the solution of offsets.

The bottom line is, if it were one of us—if it were one of us—thank God we live in the greatest country in the world, and it is not, but if it were one of us, if it were our family suffering the slaughter, would we be content with the councils of patience and delay? I daresay the answer is no. That is why I feel so passionately that we have an opportunity to fulfill the commitment to say "never again."

Mr. President, I yield the floor.

Ms. STABENOW. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague, Senator MENENDEZ, for his eloquent statement and for sponsoring this incredibly important amendment. I am proud to be a cosponsor with him and a number of my colleagues. It is incredibly important that we act and that we act now.

As Senator MENENDEZ described his amendment, it would add $60 million to address the shortfall in the U.S. contribution to the United Nations for international peacekeeping and to fund a U.N. peacekeeping force in Darfur.

The situation in Darfur is alarming, and it is a true emergency. In fact, words can't describe how much of an emergency this is. Approximately 3.5 million men, women, and children in the western Darfur region of the Sudan are in a fight for their lives against the Sudanese Government-sponsored campaign of violence and forced starvation. Since the conflict began in February of 2003, recent estimates are that there are as many as 400,000—400,000—Sudanese people who have died, and more than 2 million who have been displaced. By some estimates, 500 people perish every day in Darfur. Five hundred people perished today, if those estimates are correct, 500 more will die tomorrow, and 500 more will die the next day. If this is not genocide, I don't know what is, and we must act to stop it as soon as possible.

The United States has taken the lead in the international community to provide humanitarian aid and to support the African Union peacekeeping mission in Darfur. However, we must do more. Clearly we have not done what we should and we have not done it fast enough if 500 people are dying every day.

We must ensure that our contribution to the United Nations Contributions for International Peacekeeping Activities account is paid in full so that we are credible when we support a U.N. peacekeeping mission in Darfur. This amendment helps make that possible. We must also apply pressure to the Sudanese Government so that they take action to stop the killing or face the consequences of their actions. We must not sit idly by any longer as people die from a coordinated government-sponsored campaign of violence and forced starvation.

I am also proud to be a cosponsor of the Darfur Peace and Accountability Act which calls for assistance to the African Union peacekeepers and urges the President to press for NATO support of the peacekeeping mission. I am hopeful that the House and Senate will soon—very soon—resolve the differences between the versions of the bill and send it to the President for his signature as soon as possible. Millions of men, women, and children are waiting and praying for us to act and to act now.

I am proud to join with Senator MENENDEZ and with colleagues on both sides of the aisle in this critical funding amendment regarding the U.N. peacekeeping mission to put an end to the genocide and bring peace to the people of Darfur. This is an opportunity for all of us together to do something that will address literally the lives of people who have no one else to turn to but those of us who understand what is going on and have the ability to act.

So on behalf of the human race, I urge this amendment and other actions be taken as soon as possible. We must act, and we must act now.

Mr. President, I yield the floor.

BIOMETRICS

Mr. BYRD. Mr. President, the committee report accompanying the fiscal year 2006 Iraq/Katrina supplemental appropriations bill includes the following provision: "The Committee is aware that the Defense Science Board is studying the management of the Department of Defense's biometrics program and will make recommendations on whether or not the current structure is meeting the needs of the warfighters dependent on the system in Iraq and in the Global War on Terror. The Committee directs no management changes be made until the Defense Science Board completes its study and informs the Congress of its recommendation."

Would it be the understanding of the Senator from Hawaii that any new or ongoing organization, personnel, or management changes within the Army, to include the Biometrics Fusion Center, be ceased until the Defense Science Board report is complete and briefed to Congress?

Mr. INOUYE. Mr. President, that would be my understanding.

Mr. BYRD. Does the Senator also agree that until the Defense Science Board, DSB, study is complete and briefed to Congress, the Biometrics Fusion Center should continue to execute its mission to acquire, test, evaluate, and integrate biometrics, as well as to develop and implement storage methods for biometrics templates?

Mr. INOUYE. I do agree with the distinguished ranking member of the full committee. He has accurately clarified this matter.

Mr. BYRD. I thank my distinguished colleague for his comments.

EMERGENCY CONSERVATION PROGRAM

Mr. DOMENICI. As the Senate is aware, the Southwestern United States has been devastated by a severe drought which has resulted in numerous deleterious effects to that part of the country.

New Mexico's neighbor to the east, Texas, has lost 5,000 head of cattle, 5,500 miles of fence, and 4.9 million acres have burned due to recent wildfires. Severe drought also exists in New Mexico, which is currently facing one of its worst droughts in the past 125 years. It is anticipated that great hardship will result in New Mexico as a result of this drought. These conditions require emergency measures be undertaken in both States.

Although the Appropriations Committee is silent on the intent of the appropriation to the Emergency Conservation Program, ECP, within the Department of Agriculture, it is my understanding that of the $17 million made available to the ECP in this legislation, $12 million is to be provided to the State of Texas and $5 million is to be provided to the State of New Mexico. The amendment did not originally include ECP funding, so I want to especially thank Senator HUTCHISON for her leadership in requesting that these funds be included for ECP.

Mr. BENNETT. I appreciate the concerns of the distinguished senior Senator from New Mexico regarding the ECP provision ontained in title III of this legislation. The Senator's understanding of the intent of the ECP appropriation is correct.

Mrs. HUTCHISON. I, too, concur with this assumption with Mr. BENNETT and Mr. DOMENICI. I appreciate their support and work on this important provision.

Mr. DOMENICI. I thank the distinguished Senator from Utah, Mr. BENNETT, and the distinguished Senator from Texas, Mrs. HUTCHISON for their consideration and explanation of this important matter.

Mr. LIEBERMAN. Mr. President, Senator BROWNBACK and I wanted to tell you about our amendment 3741 and the progress we are making on one key aspect of the avian flu preparedness front. As we speak, the HHS and USAID are collaborating to administer the global avian influenza network for surveillance—GAINS program. GAINS is a smart and targeted investment in the USG's fight against avian flu since wild birds can carry the deadly disease and thus have the potential to spread it. HHS and USAID have invested $6 million from fiscal year 2006 arvian flu supplemental appropriations to establish GAINS. GAINS will require another $4 million to complete and $10 million for fiscal year 2007. Senator BROWNBACK and I are pleased to see that the health appropriations committee, led by Senators SPECTER and HARKIN, is helping to allocate $200 million in part to carry out global and domestic surveillance to undertake activities of this sort. Our amendment doesn't add more money to the avian flu supplemental, but it makes clear HHS's commitment to GAINS, which we applaud.

GAINS will systematically test and monitor wild birds, captive wild birds, and birds in the wildlife/pet trade to identify which viral strains they carry, to share the virus samples in order to continually update vaccine production options, and to disseminate lab results on a public electronic database utilizing a user-friendly mapping system. Major flyways will be monitored including those running north-south through the Americas.

GAINS is a global surveillance program supported by an international network including conservation organizations, bird groups, the poultry industry, vaccine developers, and academic institutions representing more than 5 million members.

With HHS and USAID's leadership, the Wildlife Conservation Society's, WCS presence in 56 countries around the world, and the presence of its global partners, GAINS has a presence in virtually every key country related to avian influenza. Data shared among these partners in the GAINS network will deliver real-time data on viral strains carried by wild birds.

Additional funds for international Western Hemisphere work are welcome but must be integrated with the existing GAINS system. Parallel efforts waste limited resources. Like intelligence data, disease surveillance data must be shared to be effective in preventing the enemy—avian influenza in this case—from progressing. The USG should not fund the creation of separate international wild bird surveillance programs. Instead, these programs must work together.

GAINS is a sensible approach to gather scientific data for the public domain in as close to real time as possible to combat a looming public health emergency.

AMENDMENT 3775

Mr. HARKIN. Mr. President, more than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of defense contractors, as well as lax oversight by government officials. A major reason why this is continuing largely unchecked is that the Department of Justice has been systematically delaying whistleblower law suits brought under the False Claims Act. Earlier today, I filed an amendment designed to break this logjam by requiring the Department of Justice to allow these cases to go forward after a maximum 1-year review period. I am pleased that Senator JOHNSON is cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports that we are now spending $10 billion a month in Iraq, alone. One reason for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, stealing, fraud, kick-backs, bribes, insider dealings, inflated billings, and on and on.

The waste of billions of dollars in taxpayer money is bad enough. But this widespread corruption is also impeding our war effort, slowing reconstruction efforts, and denying our troops in the field the quality support and equipment that they deserve.

The single most important tool that American taxpayers can use to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than $17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then to keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including Halliburton subsidiary Kellogg Brown and Root. But the Department of Justice has allowed only one of those suits to go forward in the courts: that lawsuit resulted in a major recovery of fraudulently collected payments. For reasons that I cannot fathom, the Department of Justice is systematically delaying these law suits and preventing the recovery of perhaps billions of dollars in taxpayer money.

Cases filed under the False Claims Act are automatically sealed. They cannot go to trial—in fact, they cannot even be publicly disclosed—until the Department of Justice makes a decision about whether to join them. Under the statute, these decisions are supposed to be made within 60 days. But, with just one exception, the Department of Justice has refused to take a position on any of the suits related to Iraq and Afghanistan, some of which were filed more than 3 years ago. Instead, the Department has repeatedly filed for and received indefinite extensions of seal.

As a result, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished. Billions of taxpayer dollars continue to be squandered in Iraq, Afghanistan, and elsewhere. And courageous whistleblowers, who have come forward often at great personal risk, have been left in a legal limbo. As one attorney put it: "The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so."

This situation is unacceptable. My amendment would prevent the Department of Justice from imposing undue secrecy on false claim civil actions related to government spending on Iraq and Afghanistan by simply requiring the Department of Justice to make a decision about joining such cases within 1 year, or 4 months in the case of cases that have already been filed. There will be protections against the release of information that could be detrimental to national security. But, after the 1-year period, the allegations will become public and the case will proceed.

A 1-year time period will provide the Department of Justice ample opportunity to conduct a full investigation into the underlying allegations of fraud, and to decide whether to join the suit. In addition, my amendment allows the administration to seek additional extensions to keep a case sealed upon a showing of extraordinary circumstances. And nothing prevents the Department of Justice from joining a case at a later date.

As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere.

Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has issued a number of reports on waste and fraud in Iraq. He reported that the Coalition Provisional Authority failed to account for the expenditure of nearly $9 billion in taxpayer funds. The money simply disappeared into a black hole. More recently, he reported on a case of fraud uncovered in the Iraqi city of Hillah. Here's how the Special Inspector General described it to the Wall Street Journal: "There was no oversight anywhere near the [perpetrators] at any time, and they did not believe they would be caught. They considered it a free-fraud zone."

The Hillah fraud, alone, cost taxpayers nearly $100 million. And this is just the tip of the iceberg, as reports of fraud continue to pour in. The inspector general's own Hotline, which has been in operation a little more than 2 years, had received 449 cases of fraud, waste, abuse, mismanagement, and reprisal in Iraq as of January 30. Instead of delaying the prosecution of fraud under the False Claims Act, the Department of Justice should be leading the charge to criminals and war profiteers to justice.

I commend our colleague, the junior Senator from North Dakota, Mr. DORGAN, for chairing a Democratic Policy Committee hearing in February 2005 on the issue of waste, fraud, and abuse in Iraq. He heard testimony from Alan Grayson, an attorney who represented whistleblowers in the one and only case allowed by the Department of Justice to go forward under the False Claims Act. Mr. Grayson described what happened to one of those whistleblowers, a former FBI agent, who refused to go along with the fraud. Said Mr. Grayson: "He was held at gunpoint, stripped of his weapons and security identification, and then he was released defenseless on the streets of Baghdad."

Waste, fraud, and abuse are a fact of life in any war. But in past wars, we have had aggressive oversight by congressional investigative committees. During World War II, the Truman Commission worked relentlessly to root out corruption and war profiteering—a Democratic Senator investigating a Democratic administration. Senator Truman denounced war profiteering as "treason"—and he was exactly right; it is treason and a betrayal of the troops in the field.

Unfortunately, in the current wars in Iraq and Afghanistan, there has been only negligible congressional oversight and investigation of war profiteering. That leaves the False Claims Act as the last best hope for taxpayers to recover, yet the Department of Justice has systematically delayed lawsuits brought under the act.

My amendment will directly address this latter problem. By all means, the Department of Justice should have ample time to review cases brought under the False Claims Act. But after a maximum of 1 year, those cases should be allowed to go forward in the courts so that justice is served.

This is a strictly nonpartisan amendment. It is all about protecting taxpayer dollars and ensuring that our troops in the field are not put at risk because of corrupt contractors. I urge my colleagues to support this amendment.

MORNING BUSINESS

Mr. ENSIGN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

RECOGNITION OF MERVIN IVERSON ELEMENTARY SPACE DAY DESIGN CHALLENGE TEAM

Mr. REID. Mr. President, I rise today to congratulate Shane Buckley, Brett Hyde, and Luis Rangel of Mervin Iverson Elementary School on their selection as a Stellar Design Challenges team for Space Day 2006. I also want to recognize their teacher, Katheryn Grimes, for her outstanding leadership and guidance of the team.

Space Day is an international celebration of the achievements and opportunities in space exploration aimed at inspiring students to pursue careers in science, technology, engineering, and mathematics. It reaches hundreds of thousands of teachers and millions of students around the world. Past events in support of Space Day have taken place in over 25 countries on 6 continents.

Created by the Challenger Center for Space Science Education, Space Day Design Challenges is a national competition that encourages students to create innovative solutions to the challenges of space exploration. The 21 Stellar Design Challenges teams were selected from more than 259 teams who participated in the competition, making these students' work even more impressive.

The Mervin Iverson Elementary School team designed a tool to help researchers on Mars. The remotely operated tool would collect samples of rock, minerals, and soil, analyze their chemical compositions, measure temperatures of the Martian surface, and relay this data back to Earth.

In honor of their achievements, the Iverson students will attend the national Space Day 2006 ceremony at NASA's Goddard Space Flight Center and meet former Senator John Glenn. They will also have the opportunity to share their knowledge by displaying their project to more than 2,000 sixth graders from the Washington, DC area.

Their success is reflective of their hard work, dedication, and creativity as well as Mervin Iverson Elementary School's strong commitment to academic excellence. Please join me in honoring Mervin Iverson Elementary School and its Stellar Design Challenges team on this extraordinary accomplishment.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS GEORGE RONALD ROEHL, JR.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to a brave young man, PFC George Ronald Roehl, Jr., of Manchester, NH, for his service and his supreme sacrifice for his country.

George was born on January 24, 1985, in Manchester, NH. He graduated from Franklin High School, Franklin, NH, in 2003 and entered the United States Army on November 2, 2004. He subsequently graduated from basic combat training and advanced individual training at Ft. Knox, KY, and was assigned to Bravo Troop, 7th Squadron, 10th Cavalry, 1st Brigade, 4th Infantry Division at Ft. Hood, TX, where he served as a Scout dismount.

George, the oldest of five children, risked everything to fight for the values we Americans hold dear, in a country halfway around the world. Tragically, on April 11, 2006, this courageous young soldier and two of his comrades died as a result of injuries sustained in Taji, Iraq when an improvised explosive device detonated near their Bradley Fighting Vehicle and they subsequently came under small arms fire during combat operations. His awards and decorations include the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Combat Action Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and George served in that fine tradition. Daniel Webster said, "God grants liberty only to those who love it, and are always ready to guard and defend it." George was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude.

My condolences and prayers go out to George's family, and I offer them my deepest sympathies. Family, friends, and fellow soldiers will no longer be able to enjoy the company of PFC George R. Roehl, Jr. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. He realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones. Because of him, the safety and liberty of each and every American is more secure. May God bless George Ronald Roehl, Jr.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In April 2006 the beatings of two gay men in separate attacks took place in northeast Fort Lauderdale, FL. The first attack involved a gay man who was riding his bicycle. When he passed a man on the sidewalk, the man yelled a gay slur and then beat him. Minutes after the first attack a group of men forced a gay man into their car, took him to a local park, then beat and robbed him. According to reports, both attacks appear to have been motivated by the victim's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RECOGNITION OF A DUAL CELEBRATION FOR THE CITY OF KERMAN

• Mrs. BOXER. Mr. President, I rise to recognize a dual celebration for the city of Kerman, CA. This year marks the 100th anniversary of Kerman as a city in Fresno County and also the 60th anniversary of its incorporation as an official city.

In 1891, the Southern Pacific Railroad Company constructed a new line between Tracy and Fresno. A nondescript watering tank and pump along that line was given the name Collis as a tribute to Collis P. Huntington, a member of the famed "Big Four" of western railroading. The first inhabitant, the caretaker of the pump and tank, resigned his job after just a few months, not because of the demands of the job but, rather, because the area was too desolate and barren.

As a speculative venture, the Bank of California purchased a large tract of land in every county in California. The arid land around what became Kerman was chosen as the allotment for Fresno County. After the death of its promoter, the once prominent bank became insolvent and its holdings were liquidated. In 1910, the property in Fresno County caught the attention of two Los Angeles capitalists, William G. Kerckoff and Jacob Mansar, who saw the tract as an opportunity to purchase a rich water supply from the newly constructed Enterprise Canal. Mr. Kerckoff and Mr. Mansar combined the first three letters of their names and renamed the area "Kerman."

Since its incorporation in 1946, Kerman has experienced steady growth while retaining its identity and character as a predominately agrarian community. Today, Kerman has joined with other thriving cities on the west side of Fresno County along the Interstate 5 corridor by reaching out to industry through the development of an industrial park.

From a remote outpost that was once deemed too isolated for a watering tank operator to one of the fastest growing cities in Fresno County, the city of Kerman has served as a shining example to the importance of agriculture in California and also to the virtues of community spirit and diversity.

As the residents of Kerman continue to work together to make their city a better place to call home, I congratulate them on their auspicious dual landmark anniversaries and wish them continued success and good fortune.●

HONORING MANUEL PORTILLO

• Mrs. BOXER. Mr. President, I rise today to honor a remarkable citizen of my home State of California, Mr. Manuel Portillo, as National City dedicates the Casa de Salud Manuel Portillo Youth Center in his honor.

Throughout his lifetime, Mr. Portillo has played an exemplary role in empowering and improving the lives of children and young adults throughout the San Diego community. His tireless efforts to improve his beloved community and his selfless service to our Nation has made a tangible difference for countless people. The will and vision of Mr. Portillo serves as an inspiration to us all.

Born in 1920, Mr. Portillo rose from humble beginnings to become a leader in the San Diego community. As a youth, he developed a passion for the sport of boxing that he still enjoys today. At age 12, he was earning 25 cents an hour picking celery, yet the strength of character for which he has come to be known was only just beginning to emerge. By 17, Portillo was working for the Civilian Conservation Corps, helping develop bridges and campgrounds, many of which are still in use today throughout the State, including in Yosemite National Park.

In 1942, only 30 days after being married, Portillo was drafted by the U.S. Army and sent to join the Allied struggle in Europe during the height of World War II. While serving in the Army, Portillo honed his boxing skills to a fine art and often challenged his fellow soldiers. Portillo returned to National City after being honorably discharged and after receiving four bronze service stars as a Sergeant in Company A 378th Infantry.

After returning home, Portillo dedicated himself to improving his community by establishing positive programs for otherwise troubled neighborhood youth. He was able to keep many of these kids off the streets and out of trouble by teaching them the sport of boxing. With an emphasis on sportsmanship and discipline, Portillo has made a positive impact in the lives of countless children and young adults. His success inspired the creation of the Casa Knight, the Casa Men's Club, Santos and Peewees for boys, and the Knightetts. These recreational groups have become fundamental vehicles for social mobility, encouraging positive self-image and motivation in both an extracurricular and academic capacity.

It is with great pleasure that I commend Manuel Portillo for his passionate commitment to helping others and tireless efforts to improve the broader San Diego community. I wish him great success in the future.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 27, 2006, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of

Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. Joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6598. A communication from the Director, Office of Human Resources Management, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's report on Category Rating; to the Committee on Commerce, Science, and Transportation.

EC–6599. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Nonmilitary Helicopter Urban Noise Study"; to the Committee on Commerce, Science, and Transportation.

EC–6600. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, Maritime Administration, received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6601. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Transit Administration, received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6602. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule, Removal of Georges Bank Yellowtail Flounder Trip Limit" (I.D. No. 032406B) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6603. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery Annual Specifications and Management Measures; Inseason Adjustments" (I.D. No. 112305B) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6604. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Shark Quotas and Season Lengths" ((RIN0648–AU17) (I.D. No. 012006B)) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Models Tay 650–15 and 651–54 Turbofan Engines" ((RIN2120–AA64) (Docket No. 2001–NE–02)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Artouste III Series Turboshaft Engines" ((RIN2120–AA64) (Docket No. 99–NE–33)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 98–ANE–48)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model A340–541 and A340–642 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–250)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turboshaft Engines" ((RIN2120–AA64) (Docket No. 2000–NE–12)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A, 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 and 1000 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–017)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aviointeriors S.p.A., Series 312 Box Mounted Seats; Correction" ((RIN2120–AA64) (Docket No. FAA–2005–20848)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–1A11, CL–600–2A12, and CL–600–2B16 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–156)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–144)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–217)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–45A, CF6–50A, CF6–50C, and CF6–50E Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 2005–NE–21)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6616. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the proposed acquisition of Ross Catherall US Holdings Inc., by Dubai International Capital LLC, a subsidiary of Dubai Holding LLC; to the Committee on Banking, Housing, and Urban Affairs.

EC–6617. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Florida as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6618. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Mortgage Time Limits for Supplemental Claims for Additional Insurance Benefits" ((RIN2502–AI31) (FR–4957–F–02)) received on May 1, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6619. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on May 1, 2006; to the Committee on Foreign Relations.

EC–6620. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 2004"; to the Committee on Foreign Relations.

EC–6621. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled "The President's Emergency Plan for AIDS Relief: Report on Education"; to the Committee on Foreign Relations.

EC–6622. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2005 Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act and the Fiscal Year 2005 Report on U.S. Government Assistance to and Cooperative Activities with Eurasia; to the Committee on Foreign Relations.

EC–6623. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Buy American Act Report for Fiscal Year 2004; to the Committee on Foreign Relations.

EC–6624. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Participation of Taiwan in the World Health Organization Act, 2004; to the Committee on Foreign Relations.

EC–6625. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Millennium Challenge Corporation (MCC)'s Fiscal Year 2005 Annual Report; to the Committee on Foreign Relations.

EC–6626. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of an acting officer and a nomination for the position of Administrator, Wage and Hour Division, Employment Standards Administration, received on May 1, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6627. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Interim Final Regulation for Mental Health Parity" (RIN0938–AN80) received on May 1, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6628. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2006" (RIN0938–AO31) received on May 1, 2006; to the Committee on Finance.

EC–6629. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2006 (RY 2007)" (RIN0938–AN82) received on May 1, 2006; to the Committee on Finance.

EC–6630. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties, Assessments and Recommended Exclusions" (RIN0960–AG08) received May 1, 2006; to the Committee on Finance.

EC–6631. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exempt Facility Bonds for Qualified Highway or Surface Freight Transfer Facilities Notice" (Notice 2006–45) received on May 1, 2006; to the Committee on Finance.

EC–6632. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Life/Non-Life Tracking Rule" ((RIN1545–BE86) (TD 9258)) received on May 1, 2006; to the Committee on Finance.

EC–6633. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled "Assessment of the Cattle, Hog, and Poultry Industries"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6634. A communication from the Secretary, Department of Agriculture, transmitting, a report of draft legislation entitled "Agriculture Conservation Experienced Services Act of 2006"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6635. A communication from the Legislative Affairs Branch Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grassland Reserve Program Final Rule" (RIN0578–AA38) received on April 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6636. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas; Ohio, West Virginia, and Wisconsin" (APHIS–2006–0029) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6637. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Captive Cervids; Extend Interval for Conducting Reaccreditation Test" (Docket No. 04–094–2) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6638. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "States Approved To Receive Stallions and Mares From CEM-Affected Regions; Indiana" (APHIS–2006–0020) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6639. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit Shipments of Small Sizes of Red Seedless Grapefruit" (FV05–905–2 FIR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6640. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Change in Certain Provisions/Procedures Under the Handling Regulations for Tart Cherries" (FV06–930–1 FR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6641. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2006–2007 Marketing Year" (FV06–985–1 FR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6642. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Temporary Suspension of Container Regulations" (FV06–922–1 IFR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6643. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate Ammonium; Pesticide Tolerance" (FRL No. 8060–3) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6644. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fomesafen; Pesticide Tolerance" (FRL No. 8062–6) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6645. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerance" (FRL No. 8057–5) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6646. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerance" (FRL No. 8063–2) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6647. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Boscalid; Pesticide Tolerance" (FRL No. 8064–4) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6648. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethenamid-p; Pesticide Tolerances for Emergency Exemptions" (FRL No. 7770–8) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6649. A communication from the Chairman, United States Sentencing Commission, transmitting, pursuant to law, the report on amendments to federal sentencing guidelines, policy statements and official commentary; to the Committee on the Judiciary.

EC–6650. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2005 annual report on certain activities pertaining to the Freedom of Information Act (FOIA); to the Committee on the Judiciary.

EC–6651. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Director's annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2005; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

Mark D. Acton,* of Kentucky, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010.

Uttam Dhillon,* of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2690. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Mr. ALLEN, Mr. ENZI, Mr. LOTT, Mr. ALLARD, and Mr. BENNETT):

S. 2691. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2692. A bill to suspend temporarily the duty on certain microphones used in automotive interiors; to the Committee on Finance.

By Mr. BURNS:

S. 2693. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAIG (for himself and Mr. GRAHAM):

S. 2694. A bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2695. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. COLEMAN, Ms. LANDRIEU, Mr. PRYOR, Mr. BOND, Mr. DORGAN, and Mr. VITTER):

S. 2696. A bill to extend all of the authorizations of appropriations and direct spending programs under the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry .

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. OBAMA):

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN; to the Committee on Foreign Relations.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2698. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. LIEBERMAN):

S. 2699. A bill to promote the research and development of drugs related to neglected and tropical diseases, and for other purposes; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mr. ALLEN):

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAYH:

S. Res. 459. A resolution expressing the sense of the Senate regarding United States participation and agreement in the Doha Development Round of the World Trade Organization; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. FEINGOLD, and Mr. DAYTON):

S. Res. 460. A resolution expressing the sense of the Senate that the United States should increase its support to the people of Somalia in their efforts to end decades of violence, establish lasting peace, form a democratically elected and stable central government, and become an effective partner in eradicating radicalism and terrorism from their country and the region; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DURBIN, Mr. LUGAR, and Mr. BIDEN):

S. Res. 461. A resolution supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed extraordinary deeds for their community and country; considered and agreed to.

By Mr. DEMINT:

S. Con. Res. 92. A concurrent resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 511

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1799

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1799, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1, 200, adjusted for inflation.

S. 1840

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Arizona (Mr. KYL) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2510

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2510, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2614

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2614, a bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. CON. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Con. Res. 91, a concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

S. RES. 420

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 458

At the request of Mr. ALEXANDER, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 458, a resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3628

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3628 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3657

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3657 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3667

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3667 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3668

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3668 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3681

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3681 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3695

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3695 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3696

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3696 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3697

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3708

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3708 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3717 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3718

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3718 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3719

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3719 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3721

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3721 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3727

At the request of Mr. DODD, his name and the name of the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3727 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3734

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3734 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3747

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3747 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 3747 intended to be proposed to H.R. 4939, supra.

AMENDMENT NO. 3748

At the request of Mr. SALAZAR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 3748 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3756

At the request of Mr. BAYH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3756 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3759

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3759 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3777

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 3777 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3801

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3801 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3803

At the request of Mr. FEINGOLD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. LEAHY), the Senator from Colorado (Mr. SALAZAR), the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3803 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3809

At the request of Mr. OBAMA, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3809 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3810

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3810 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3810 proposed to H.R. 4939, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. ALLEN, Mr. ENZI, Mr. LOTT, Mr. ALLARD, and Mr. BENNETT):

S. 2691. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, today I am introducing a bill that will reform our immigration policies to make the United States more competitive, called the Securing Knowledge, Innovation, and Leadership, or "SKIL" bill. Other original cosponsors of this legislation include Senators ALLARD, ALLEN, BENNETT, ENZI, and LOTT.

Our ability to innovate is crucial to the success of our economy. By investing in science and technology, we revolutionize our economy and improve the world. The President has responded to this need by proposing the American Competitiveness Initiative. And I am a proud co-sponsor of legislation that has been introduced in the Senate: the Protecting America's Competitive Edge (PACE bills) and National Innovation Act.

But there is still more that can be done. Immigration policy must be part of any discussion of competitiveness. The United States does not produce enough engineers—China graduates four times as many engineers as the U.S., and within a few years, approximately 90 percent of all scientists and engineers in the world will be in Asia. Foreign students fill that gap right now in the U.S., but then our immigration policy—not our economy—forces them to return home because there are not enough highly skilled work visas.

In the long run, we must improve our schools and encourage more U.S. students to study engineering and mathematics. But we also must adapt immigration policy so that when U.S. students are educated in engineering fields, there will be U.S. jobs for them to fill. With the SKIL bill, foreign students who graduate from U.S. institutions will be able to stay and work in the United States. The bill will allow companies to retain highly skilled and educated workers.

The SKIL bill requires the government to change its processes so that companies do not waste valuable resources. If a worker has been in the U.S. and has complied with all immigration laws, he should be allowed to renew his visa here in the U.S. Why make that worker go to a consulate when all of the processing can be done here in the U.S.?

The SKIL bill exempts from annual visa limit any foreign student graduating from a U.S. university with a Master's or PhD in essential fields. Foreign workers with extraordinary skills, such as a Nobel Prize winner or an international scholar—should not have to wait for a visa. The President has also called for an increase in H–1B visas.

As Chair of the Immigration subcommittee, I have seen how immigration—both legal and illegal—affects all aspects of our lives. I am pleased that there is so much discussion about immigration and about improving avenues for workers to enter our country. But immigration today will shape the country that our children grow up in. And so there needs to be more discussion about the kinds of immigration that will most benefit our economy and our country.

I am introducing the SKIL bill because I don't believe enough attention has been focused on legal immigrants, especially the highly skilled workers who contribute to our economy and comply with our laws. It is my hope that this legislation will allow U.S. companies to retain a highly educated workforce until we can channel more American students into the math, science, and engineer pipeline. The SKIL bill is yet another important piece of the U.S. competitiveness agenda, and I urge my colleagues to cosponsor this important legislation.

By Mr. BURNS:

S. 2693. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

Mr. BURNS. Mr. President, over the last few months, we have discussed at length the problem of illegal immigration. What many may not realize is that illegal immigration affects our system of representation as well.

After the 1990 Census, my State of Montana lost one of its two seats in the House of Representatives. Ten years later, our great State had grown to more than 900,000 residents, but still did not gain a seat.

Meanwhile, we have an estimated 12 million illegal aliens in this country today, and all of them will be a factor to determine which States gain or lose a seat in the House of Representatives after the Census in 2010. This is because current policy tells us to count everyone in this country, illegal or not, when determining Congressional apportionment.

If these trends continue, we will have millions more illegal aliens counted in the 2010 Census. The result will be more seats lost in States that have actually increased in population of law-abiding U.S. residents.

Thankfully, my State of Montana cannot lose any more seats in the House of Representatives. We are down to our last one. Other States, however, will not be so fortunate.

Law-abiding citizens should not have to lose representation because millions of illegal immigrants ignore our laws. That is why today, I am introducing the Fair and Accurate Representation Act. This bill will exclude the masses of illegal aliens in this country from being part of the Congressional apportionment process.

If we act now, we can get started on reforming this process in time for the 2010 Census. The voting rights of law-abiding citizens should not be diluted by those who choose to enter this country illegally. I call upon my colleagues in the Senate to join me in correcting this process, so that those who lawfully reside in this country receive fair and accurate representation.

By Mr. CRAIG (for himself and Mr. GRAHAM):

S. 2694. A bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on legislation that the distinguished Senator from South Carolina, Senator GRAHAM, and I are introducing. This bill will provide veterans with the right to hire counsel to represent them in proceedings before the Department of Veterans Affairs (VA) and will help ensure that all who represent veterans are held to the highest standards of professional and ethical conduct.

As President Abraham Lincoln eloquently expressed nearly 150 years ago, this Nation has an obligation "to care for him who shall have borne the battle, and for his widow, and his orphan." In keeping with that charge, the Federal Government provides a wide array of benefits to veterans and their dependents, through an administrative system that is intended to be informal, claimant-friendly, and non-adversarial.

During recent years, however, veterans' organizations, VA, and others have observed that this system has become increasingly complex. Enhanced legal requirements and layers of procedural steps intended to protect the rights of veterans have increased both the complexity of the system and how long it takes to process a claim. At the same time, with the Nation at war and servicemembers deployed around the world, the disability claims filed by returning veterans have become more complex. Many of these claims are based on disabilities caused by environmental exposures, traumatic brain injuries, psychological trauma, severe combat wounds, and other highly complex medical conditions, which by their nature may entail complex questions of causality or intricate factual or legal analyses.

Despite the increasing complexity of many cases, all 24 million living veterans are prohibited from hiring a lawyer to help them navigate the VA system. It is only after a veteran has spent months and even years exhausting the extensive VA administrative process that the veteran then may retain counsel—a process that often takes 3 or more years to complete. As the National Organization of Veterans' Advocates (NOVA) testified before the Veterans' Affairs Committee last year, "[t]his is too late in the process for counsel to be truly effective" because by that time the evidentiary record "is effectively closed." On the other hand, NOVA testified that, if attorneys were retained at an earlier stage of the process, they could be helpful in obtaining and presenting necessary evidence and in ensuring that VA timely and accurately processes claims.

So, with the potential for lawyers to help veterans successfully navigate this increasingly complex system, why does the government prohibit veterans from retaining counsel? This restriction, which dates back to the Civil War, was born out of concern that unscrupulous attorneys would improperly take large portions of veterans' disability benefits as compensation for their services. And some will argue that this concern is equally warranted today.

Although I understand this longstanding desire to protect veterans' disability compensation, I would ask my colleagues to consider a simple question posited in a recent editorial: "If American soldiers are mature and responsible enough to choose to risk their lives for their country, shouldn't they be considered competent to hire a lawyer?" I believe the obvious answer to that question is "yes."

Particularly for veterans of to day's All-Volunteer Force—which has been described as the "best-trained, best-equipped, best-led fighting force in the history of the world"—this paternalistic restriction is simply outdated. These highly trained, highly skilled veterans have the ability—and should have the right—to decide whether or not to hire a lawyer.

This is a right that is not denied to individuals seeking other earned benefits from the government. In fact, if a veteran were to seek Social Security benefits for disabilities suffered during military service, the veteran would be permitted to hire an attorney—while the same veteran seeking benefits from VA for the same disabilities would be prohibited from hiring an attorney based on this remnant of an ancient policy.

The paternalistic restriction that prevents veterans from hiring counsel may have been advisable 150 years ago, but—as one veterans' organization recently testified before the Veterans' Affairs Committee—there is now no logic to it "except history." It has endured for far too long and it is now time to embrace Justice Oliver Wendell Holmes' admonition that it is "revolting" for a law to persist "in blind imitation of the past." It is time to repeal this archaic law and to allow our Nation's veterans the option of hiring counsel.

Having said all that, I want to be clear that I am not suggesting that attorneys should be considered necessary in order to obtain VA benefits. Above all, we must ensure that the system continues to serve veterans in a claimant-friendly, non-adversarial manner—regardless of the presence of an attorney or any other representative—and we must strive to reduce the complexities of this vast system. I hope that veterans' organizations across the country will join me in pursuing those goals.

I also want to be clear that, although I believe veterans should have the option to hire attorneys, they should not be discouraged in any way from utilizing the free services now provided by many dedicated representatives of veterans' service organizations. Those representatives are an important and valuable resource that veterans and their families will undoubtedly continue to rely on for many generations to come. The availability of this resource, however, is no reason to restrict veterans' access to other options. If a veteran would rather hire an attorney, we should not stand in the way.

At the same time, however, we should ensure that anyone who represents a veteran is held to the highest standards of professional and ethical conduct and that any fee charged to a veteran is patently reasonable. To that end, this legislation will allow veterans the right to hire an attorney at any time and it will heighten the expectations on all individuals who represent veterans.

Specifically, this legislation will allow VA to ensure that all attorneys who practice before VA have adequate training or experience in this specialized area of law to competently represent veterans and that they conform to specified standards of ethical and professional conduct. It would also allow VA to ensure that all veterans' representatives are honest, professional, and law abiding; that they avoid further delaying or complicating the system by presenting frivolous claims or arguments; and that they conduct themselves with due regard for the non-adversarial nature of the system.

For veterans who opt to hire an attorney, this legislation would provide the Secretary of Veterans Affairs with authority to reduce any attorney fee if it is excessive or unreasonable and with authority to set restrictions on the amount of fees that could be charged in any case before VA. Finally, in order to avoid any drain on existing VA resources. VA would have authority to impose on attorneys a registration fee to defray any costs associated with allowing them to practice before VA.

In sum, this legislation will take measures to ensure that the interests of veterans will be protected, while allowing them to decide for themselves whether they want to hire a lawyer. I ask my colleagues to support this groundbreaking legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Choice of Representation Act of 2006".

SEC. 2. ATTORNEY REPRESENTATION IN VETERANS BENEFITS CLAIMS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 of title 38, United States Code, is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraphs:

"(2) The Secretary may prescribe in regulations qualifications and standards of conduct for individuals recognized under this section, including the following:

"(A) A requirement that, before being recognized, an individual—

"(i) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims; and

"(ii) has such level of experience and specialized training as the Secretary shall specify.

"(B) A requirement that the individual follow such standards of conduct as the Secretary shall specify.

"(3) The Secretary may prescribe in regulations restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department.

"(4)(A) The Secretary may, on a periodic basis, collect from individuals recognized as agents or attorneys under this section a registration fee.

"(B) The Secretary shall prescribe the amount and frequency of collection of such fees. The amount of such fees may include an amount, as specified by the Secretary, necessary to defray the costs of the Department in recognizing individuals under this section, in administering the collection of such fees, in administering the payment of fees under subsection (d), and in conducting oversight of agents or attorneys.

"(C) Amounts so collected shall be deposited in the account from which amounts for such costs were derived, merged with amounts in such account, and available for the same purpose, and subject to the same conditions and limitations, as amounts in such account.".

(2) APPLICABILITY TO REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) of such title is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) An individual recognized under this section shall be subject to suspension under section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.".

(3) APPLICABILITY TO INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 of such title is amended—

(A) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(B) by adding at the end the following new subsection:

"(b) SUSPENSION.—An individual recognized under this section shall be subject to suspension under section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.".

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 of such title is amended—

(1) by inserting "and sections 5902 and 5903 of this title" after "under this section";

(2) in paragraph (4), by striking "or" at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(6) has failed to conduct himself or herself with due regard for the non-adversarial nature of any proceeding before the Department;

"(7) has presented frivolous claims, issues, or arguments to the Department; or

"(8) has failed to comply with any other condition specified by the Secretary in regulations prescribed by the Secretary for purposes of this subsection.".

(c) REPEAL OF LIMITATION ON HIRING AGENTS OR ATTORNEYS.—Subsection (c) of section 5904 of such title is amended by striking paragraph (1).

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (1); and

(2) in that paragraph, as so redesignated—

(A) by striking "in a case referred to in paragraph (1) of this subsection";

(B) by striking "after the Board first makes a final decision in the case";

(C) by striking "with the Board at such time as may be specified by the Board" and inserting "with the Secretary pursuant to regulations prescribed by the Secretary"; and

(D) by striking the second and third sentences.

(e) ATTORNEY FEES.—Such subsection is further amended by inserting after paragraph (1), as redesignated by subsection (d)(1) of this section, the following new paragraph (2):

"(2)(A) The Secretary, upon the Secretary's own motion or at the request of the claimant, may review a fee agreement filed pursuant to paragraph (1) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

"(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans' Appeals under section 7104 of this title.".

(f) REPEAL OF PENALTY FOR CERTAIN ACTS.—Section 5905 of such title is amended by striking "(1)" and all that follows through "(2)".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect six months after the date of the enactment of this Act.

(2) REGULATIONS.—The Secretary shall prescribe the regulations, if any, to be prescribed under the amendments made by subsection (a) not later than the date specified in paragraph (1).

(3) CLAIMS.—The amendments made by subsections (b), (c), (d), and (e) shall apply to claims submitted on or after the date specified in paragraph (1).

Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2695. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise today to join my friend Senator LIEBERMAN in introducing legislation that will ensure U.S. taxpayer dollars are spent wisely, and will help enhance America's ability to compete in the global economy.

Each year, our Federal Government invests more than $55 billion on basic and applied research. That s roughly 40 percent of the current two-year budget for my home State of Texas.

The bulk of this money is spent by approximately 10 agencies, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, and the Department of Agriculture. These agencies use the money to fund research which is usually conducted by outside researchers working for universities, healthcare systems, and other groups.

Most of the time, researchers will publish the results of their work in an academic journal. The NIH, for example, estimates that roughly 65,000 articles are published each year that report on research either partially or entirely funded by NIH.

Unfortunately, as it stands now, most Americans have little—to no—timely access to this wealth of information, despite the fact that their tax dollars paid for the research. Some Federal agencies, with the NIH chief amongst them, have taken some very positive steps in the right direction to require that these articles reporting on government-funded research be freely available to the public in a timely manner.

In fact, today marks the one-year anniversary of the implementation of a ground breaking public access policy at NIH developed by Director Elias Zerhouni. I thank Dr. Zerhouni and his colleagues for their leadership on this important issue and for energizing this debate.

While Dr. Zerhouni and NIH have made strong progress, Senator LIEBERMAN and I believe more must be done, not only at NIH and in medical research, but throughout the Federal Government and the sciences in general.

That is why today we are introducing the Federal Research Public Access Act of 2006, legislation that will refine the work done by NIH and require that the Federal Government's leading underwriters of research adopt meaningful public access policies.

Our legislation is a simple, common sense approach that will advance the public's access to the research it funds. We hope this access will help accelerate science, innovation, and discovery.

Under our bill, all Federal departments and agencies that invest $100 million or more annually in research will be asked to develop a public access policy. Each policy will require that all articles that result from federal funding be deposited in a publicly accessible archive no later than six months after publication.

Our bill simply says to all researchers who seek government funding that we want the results of your work to be seen by the largest possible audience. It will ensure that U.S. taxpayers do not have to pay twice for the same research—once to conduct it, and a second time to read it.

This legislation is an opportunity for our government to better leverage our investment in research, and to ensure a greater return on that investment, which is all the more important given the current budget situation. By sharing this information quickly and broadly with all potential users, we can advance science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people at home and abroad.

All Americans will be positively affected as a result of this bill: patients diagnosed with a disease or condition will be able to use the Internet to access the full text of articles containing the latest information on ent and prognosis; students at small institutions will have equal access to research articles they need to complete assignments and further their studies; researches will have their findings more broadly and more quickly disseminated, possibly sparking further discovery and innovation

The Internet has dramatically altered how the world gathers and shares information. The Internet gives the homemaker in Houston the ability to find volumes of information about a recent medical diagnosis given to a family member. It allows a young community college student in rural West Texas—a great distance from the nearest research library—to learn the latest in scientific discovery and hopefully spur him to continue his studies.

While a comprehensive competitiveness agenda is still in the works, ensuring greater access to scientific information is one way we can help bolster interest in these important fields and move this issue forward while at the same time helping accelerate the pace of discovery and innovation. Through this legislation, I hope to ensure that students, researchers, and every American has access to the published results of federally funded research, and I ask for my colleagues' support.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. COLEMAN, Ms. LANDRIEU, Mr. PRYOR, Mr. BOND, Mr. DORGAN, and Mr. VITTER):

S. 2696. A bill to extend all of the authorizations of appropriations and direct spending programs under the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TALENT. Mr. President, America has the safest, most abundant, best tasting, and least expensive food supply not only in the world, but in the history of the world. There are a lot of good people in the food and fiber production industry who deserve credit for that. But the heart of food production in the United States and the world and the center of the rural communities that produce our food and fiber, is none other than the American family farmer and rancher.

I want to assure everyone here of this. There are a lot of us in Congress and in the country that believe in agriculture; we intend to continue supporting policies that help farmers; and we're not going to apologize to anyone for doing it, especially foreign countries that are not negotiating in good faith with the United States through the WTO.

When I am in Missouri, I hear strong support for the current farm bill. Producers all over the State tell me that they like the programs created in the farm bill and they want to see it extended, especially when we have the uncertainty of the current WTO negotiations hanging over the head of our domestic agriculture industry.

It would be unfair to our nation's agriculture producers to write a new farm bill in the midst of ongoing international trade negotiations. Today, Senator LINCOLN, and I, with a number of other members, filed legislation to extend the current farm bill until the Doha round of World Trade Organization (WTO) negotiations is complete.

Our Nation's farmers and their lenders should not be asked to operate under rules that keep changing. We must have fair global trading rules in place before we write the next farm bill. A farm bill extension is a reasonable and sound approach.

Everyone knows that safe food is abundant in the United States. Farmers and farm workers constitute 2 percent of the total workforce in the United States, yet they help feed the entire world. Unfortunately, some people in Washington believe that we spend too much in securing that safe and abundant food supply.

What does this safe and inexpensive food supply cost the Federal taxpayer? In the United States, domestic support programs amount to ¾ of one per cent of the total Federal budget. For ¾ of one per cent our farmers are able to sustain an agriculture industry that produces 25 million jobs and 3.5 trillion dollars in economic activity.

For three quarters of one per cent of the Federal budget, Americans have a hedge against ever being held hostage to food imports the way we are now held hostage to energy imports. Where would our security be without the American family farm? What would it mean for the United States if our family farmers went out of business, and foreign powers could threaten our food as they now threaten our energy? Do we want to rely on Brazil for food the way we rely on Venezuela for oil?

I believe the best way to continue support for this strong sector of our economy is to extend the farm bill until we have a WTO agreement that is good for American agriculture. I do not believe that we should negotiate with our trading partners and against ourselves.

As George Washington wrote in 1796, "Agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage."

America will be more than ever what George Washington predicted in 1788 it would be: the "storehouse and granary for the whole world."

Mrs. LINCOLN. Mr. President, I rise today to introduce legislation that would extend the provisions of the 2002 Farm Bill until our trading partners in the WTO have at least matched our commitment to level disparities in global agriculture trade. I would like to thank Senator TALENT for working with me on this important piece of legislation to farm families in my State of Arkansas and across the Nation.

This legislation would extend our current farm bill until one year after implementing legislation for a WTO Doha agreement is enacted. Then . . . and only then . . . will Congress know what to expect of our trading partners and what our trading partners expect from us.

Four years ago, President Bush, after some noted reluctance, signed into law the 2002 Farm Bill. As a member of the Senate Agriculture Committee and a farmer's daughter, I played an active role in that debate and was pleased with the outcome, which I view as a compromise between many different interests. Most importantly, I view it as a contract between the farmers in my State of Arkansas and their government. It is meant to offer what little certainty can exist for those who choose to make a living providing the safe and affordable food supply which we as Americans depend on. Unfortunately, certainty is something that's hard to come by in farm country these days.

This Administration has repeatedly asked Congress to cut funding or make structural changes to the 2002 Farm Bill, regardless of the fact that CBO estimates it has come in approximately $13 billion cheaper than anticipated.

This Administration has also refused to provide emergency assistance to agriculture producers, despite the fact that farmers across the Nation faced weather-related disasters of all kinds and record high fuel and fertilizer costs in 2005. A wet spring, followed by extreme drought and rising fuel prices, cost farmers in my State $923 million last year. In Arkansas, where one in five jobs is tied to agriculture, this impacts the entire State economy.

All the while, producers wait and watch as U.S. negotiators offer proposals in the WTO that would require drastic reductions and changes in our farm support, while our trading partners continue to protect their markets with tariffs and subsidies far higher than we have in the U.S.

I am tired of waiting, and so are my farmers. Very little was accomplished at the WTO ministerial in Hong Kong, and trade officials recently announced that the April 30th deadline for reaching a negotiating framework would pass without progress. The 2002 Farm Bill is set to expire in September of next year, and we are no closer to an agreement in the WTO than we were one year ago.

No doubt our trading partners are quite content to take the wait and see approach. This Administration has made it quite clear that it supports drastic changes to our farm policy, with or without an agreement in the WTO. Our trading partners are demanding that we dismantle our farm program . . . meanwhile they do little to nothing to show that they are willing to do the same. Why would they?

This Administration is sending them the very clear message that they agree with them . . . and envision 2007 as the year to make those changes. If that is the case, what incentive then do our trading partners have to come to the negotiating table at all? More importantly, what does it say about our negotiating priorities if we are simply negotiating with ourselves?

Some may argue that we must change our agriculture policy to avoid further litigation against our farm programs by WTO countries. But without a completed WTO agreement, like the one negotiated in the Uruguay Round, how are we expected to write new farm policy that is compliant? Compliant with what?

In my view, and I think many of my colleagues agree, the best course of action is to extend the current farm bill until we know the rules of the road. As a member of the Senate Finance Committee, with jurisdiction over international trade . . . and as a farmer's daughter who understands full well the importance of international markets to the U.S. agriculture industry . . . I am introducing this legislation to send a message to our friends in the WTO. We will not negotiate by ourselves . . . we will not make wholesale changes to our domestic policies until we know that you are willing to do the same.

So long as we maintain the status quo in our international trade agreements, then we should maintain the status quo with regard to our domestic farm policy as well. That is the type of message that I wish our trade negotiators were sending to our trading partners. And that is the message that I hope our trading partners receive today. That is the type of certainty that America's farmers need and deserve.

The legislation Senator TALENT and I introduce today will provide this certainty to our farming communities and send a strong signal to our trading partners. Congress will not make drastic changes to our farm policy without a meaningful agreement in the WTO.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. OBAMA):

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN; to the committee on Foreign Relations.

Mr. LUGAR. Mr. President, today, I rise to introduce "The U.S. Ambassador for ASEAN Act", which signals the importance of bolstering the U.S.-ASEAN relationship for our mutual benefit.

ASEAN was originally established in 1967. The founding Members, Indonesia, Malaysia, the Philippines, Singapore and Thailand, remain as anchor participants of ASEAN today. Overall membership has expanded, with ten countries now comprising ASEAN.

Over the years, ASEAN has contributed to regional stability in East Asia and has partnered with the United States to combat global terror. In addition to promoting regional peace and stability, ASEAN is committed to accelerating economic growth, social progress, and cultural development.

ASEAN is the third largest export market for United States products, and has received approximately $90 billion in direct investment from U.S. sources. Nearly 40,000 ASEAN students are studying in the United States.

The United States maintains bilateral relationships with the ASEAN Member countries. However, as ASEAN develops an integrated free trade area and addresses matters of common concern with the United States—ranging from environmental and financial challenges to avian influenza and terrorism—it is appropriate for the United States to enhance its overall relationship with ASEAN.

With this in mind, my legislation establishes the position of U.S. Ambassador for ASEAN, subject to advice and consent of the Senate. I believe this initiative will be an important step in advancing an already positive relationship. In addition, I am hopeful that once the position is established, the

U.S. Ambassador to ASEAN will help facilitate ongoing implementation of the ASEAN-U.S. Enhanced Partnership, announced last November by ASEAN leaders and President Bush.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2698. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I rise today to introduce my bill to designate the Granada Relocation Camp, also known as Camp Amache, as a National Historic Site in Colorado.

The Granada Relocation Camp, which is located in Southeast Colorado between the towns of Lamar and Holly on the Santa Fe Trail, played an important, and sometimes sad, part in United States history. In the 1800's travelers that came into Colorado along the Santa Fe Trail used it as a place to buy supplies and rest, and it was known as the "Gateway to Colorado". This put Granada on the map and the area was settled in 1873. By 1876 it was one of the largest cities in Colorado and endured a move further west for expansion.

The town is now best known for the Granada Relocation Camp, Camp Amache, which was established during one of the darker, but just as important time periods in American history. This camp, one of ten interment camps in the Nation, was established in August 1942 by the United States government during World War II as a place to house the Japanese from the West coast and was closed on August 15, 1945. Camp Amache was named after Amache Ochinee Prowers, the wife of John Prowers, the founder of the county in which Granada presides. It became its own little city with 30 blocks of barracks, school rooms, and mess tents. It also included its own post office, fire station, police, and hospital.

While this was a dark moment in American history, it is still an important part of it. By preserving this site, we are preserving our own history.

By Mr. BROWNBACK (for himself and Mr. LIEBERMAN):

S. 2699. A bill to promote the research and development of drugs related to neglected and tropical diseases, and for other purposes; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, today I introduced with my colleague, Senator LIEBERMAN, the Elimination of Neglected Diseases Act of 2006. This legislation is designed to confront and combat a group of dangerous parasitic diseases that together claim more than 500,000 lives each year and adversely affect millions more. These 13-15 neglected tropical diseases, NTD, as they are called, are the most common infections in the developing world, and include such debilitating diseases as leprosy, guinea worm, and trachoma. Many are described in the Bible, exposing the sad fact that humans have been suffering from these diseases for millennia. Moreover, research has shown alarming rates of comorbidity of NTD's with HIV/AIDS, tuberculosis, and malaria, resulting in severe complications with these already devastating diseases.

The biggest challenge to finding cures for these diseases is the lack of a market. Pharmaceuticals are expensive to develop, and since neglected diseases disproportionately affect poor and marginalized populations in the developing world, there are fewer incentives for conducting research and development for new treatments. The purpose of this act is to encourage drug development by creating market incentives for investment in new research. Specifically, the bill awards a limited patent-term extension or patent-term restoration for certain lifestyle and tropical disease drugs provided the company successfully develops a new FDA-approved drug for an NTD. In this way, a drug company can recoup costs for the large investment in NTD research and development.

With the exception of market incentives, we have all the right ingredients to develop new drugs that would dramatically reduce the number of NTD cases and improve the quality of human life worldwide. I strongly believe that this legislation will add the last remaining step to jumpstart competitive research and development for combating NTD's. I urge my colleagues to join in this effort by supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 459—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES PARTICIPATION AND AGREEMENT IN THE DOHA DEVELOPMENT ROUND OF THE WORLD TRADE ORGANIZATION

Mr. BAYH submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 459

Whereas in 2001, World Trade Organization members launched the Doha Development Agenda, a new round of multilateral trade negotiations with a core objective of increasing market access for nonagricultural products, such as industrial goods;

Whereas Ministers of World Trade Organization members agreed in the Doha Declaration that the aim of the nonagricultural market access (NAMA) negotiations is to reduce or eliminate industrial tariffs, with an emphasis on high tariffs and nontariff barriers;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members renewed this commitment by agreeing to adopt a tariff-cutting formula geared toward the reduction or elimination of high tariffs;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members agreed once again to reduce or eliminate trade-distorting nontariff barriers, and to focus on liberalization in certain sectors;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members agreed to establish by April 30, 2006, the formulas or approaches (commonly referred to as "modalities") for tariff reductions and that time frame has now been extended;

Whereas manufactured goods account for over 70 percent of world merchandise trade and 87 percent of the United States total merchandise exports;

Whereas substantial differences in average bound industrial tariff rates among World Trade Organization members have caused vast inequities in the multilateral trading system, placing American companies and workers at a disadvantage;

Whereas the United States has a simple average bound tariff rate of 3.2 percent for industrial goods with 38.5 percent of industrial tariff lines providing for duty-free treatment;

Whereas foreign tariffs on industrial goods are significantly higher than United States rates, and countries with high industrial tariff rates provide few, if any, duty-free tariff treatment;

Whereas many countries that maintain high industrial tariffs are benefiting under the United States Generalized System of Preferences (GSP), a program granting duty-free treatment to specified products that are imported from more than 140 designated countries and territories;

Whereas in 2005, the United States annual deficit for trade in goods reached a new high of $782,100,000,000;

Whereas the United States share of global industrial goods trade has shrunk over the past decade, and 3,000,000 domestic manufacturing jobs have been lost since June 2000;

Whereas producers of industrial goods, particularly manufacturers, are critical to the health of the United States economy;

Whereas greater access to foreign markets will generate economic growth, raise wages, bolster research and development, and increase standards of living; and

Whereas international trade can be a dynamic engine for economic growth and job creation, provided that America's entrepreneurs and innovators are afforded nondiscriminatory treatment in the global economy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should not be a signatory to any agreement or protocol with respect to the Doha Development Round of the World Trade Organization negotiations unless—

(1) a NAMA agreement would lead to a significant reduction or elimination of the substantial inequities in the average level of industrial tariff rates of all World Trade Organization members;

(2) substantial increases in market access and United States exports are achieved through reductions in average tariff rates applied to manufactured goods;

(3) sectoral tariff agreements are included that would result in a significant number of countries eliminating tariffs on products and in sectors that would increase United States exports; and

(4) real new market access is achieved through the dismantling of nontariff barriers, and particularly in sectors of primary importance to American manufacturers.

SENATE RESOLUTION 460—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INCREASE ITS SUPPORT TO THE PEOPLE OF SOMALIA IN THEIR EFFORTS TO END DECADES OF VIOLENCE, ESTABLISH LASTING PEACE, FORM A DEMOCRATICALLY ELECTED AND STABLE CENTRAL GOVERNMENT, AND BECOME AN EFFECTIVE PARTNER IN ERADICATING RADICALISM AND TERRORISM FROM THEIR COUNTRY AND THE REGION

Mr. COLEMAN (for himself, Mr. FEINGOLD, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 460

Whereas General Mohamed Siad Barre, who came to power in Somalia through a military coup in 1969, was ousted from power by several armed groups of Somalia in 1991;

Whereas, following the collapse of the central authority in Mogadishu, the capital of Somalia, rival groups of Somalia devastated the region by—

(1) engaging in an armed struggle for personal political power; and

(2) preventing food and medicine from reaching innocent civilians who were suffering from drought and famine;

Whereas, during the continued internal chaos and destruction in Somalia, hundreds of thousands of people have died from—

(1) violence;

(2) starvation; and

(3) disease;

Whereas the people of Somalia witnessed the country splinter into—

(1) the Republic of Somaliland, which—

(A) is located in the northwest portion of Somalia; and

(B) seeks independence;

(2) Puntland, which is an autonomous region located in the northeast portion of Somalia; and

(3) a myriad of warlord-controlled fiefdoms that are located in the southern portion of Somalia;

Whereas, on November 9, 1992, President George H. W. Bush authorized Operation Restore Hope, and used the Armed Forces to safeguard nongovernmental organizations while the organizations attempted to provide humanitarian assistance to the suffering civilian population of Somalia;

Whereas the United States led the Unified Task Force (referred to in this preamble as the "UNITAF") in an effort to—

(1) save lives; and

(2) help create a relatively peaceful environment for humanitarian activity in Somalia;

Whereas, in May 1993, UNITAF handed its operations to the United Nations for an operation subsequently known as the "United Nations Operation in Somalia", giving the people of Somalia hope for peace and stability;

Whereas the operation was unfortunately unsuccessful in establishing peace and stability in Mogadishu and other parts of Somalia;

Whereas, in March 1994, the Armed Forces withdrew from Somalia after a long and bloody battle in Mogadishu on October 3, 1993;

Whereas, 1 year after the withdrawal of the United States, the United Nations withdrew all remaining peacekeepers because the security conditions in Somalia had further deteriorated;

Whereas the United Nations withdrew United Nations troops from Somalia in 1995;

Whereas 13 conferences dedicated to promoting reconciliation or peace have been called in order to end the fighting in Somalia;

Whereas, in October 2002, 21 warring parties in Somalia took positive action by—

(1) agreeing to a cease fire under the auspices of the East African organization known as the "Intergovernmental Authority on Development"; and

(2) beginning a dialogue that was focused on forming a government;

Whereas, in September 2003, the parties to the Kenyan peace process agreed on the Transitional National Charter for Somalia, and thus paved the way for the creation of a unified national government in Somalia;

Whereas, in August 2004, the 275-member Transitional Federal Assembly of Somalia was assembled in Kenya to reunify and heal Somalia and comprised of 61 delegates from the 4 major clans of Somalia and 31 delegates from an alliance of minority clans located in that country;

Whereas Abdullahi Yusuf Ahmed, the former leader of Puntland, was elected President of Somalia by the Transitional Federal Government on October 10, 2004;

Whereas Abdullahi Yusuf Ahmed appointed Professor Ali Mohamed Gedi as Prime Minister in November 2004;

Whereas a limited number of countries on the continent of Africa have pledged to send peacekeeping troops to Somalia to help protect the Transitional Federal Government as the Government seeks to reestablish peace and order;

Whereas the international community should encourage those individuals and organizations that have shown commitment to the peace process, including—

(1) the African Union;

(2) the Intergovernmental Authority on Development;

(3) the Transitional Federal Government; and

(4) the many clans located in Somalia;

Whereas escalating tensions and violence between certain clans threaten to weaken the ability of the Transitional Federal Government to—

(1) develop capacity;

(2) effectively establish stability; and

(3) enforce the rule of law throughout Somalia;

Whereas the 2004 Country Reports on Terrorism, produced by the Secretary of State in accordance with section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), noted that—

(1) "a small number of al-Qa'ida operatives in East Africa, particularly Somalia, continue to pose the most serious threat to American interests in the region";

(2) "Somalia's lack of a functioning central government, protracted state of violent instability, long unguarded coastline, porous borders, and proximity to the Arabian Peninsula make it a potential location for international terrorists seeking a transit or launching point to conduct operations elsewhere"; and

(3) "[t]he U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power";

Whereas current political tensions may be exacerbated by the ongoing humanitarian crisis that continues to affect hundreds of thousands of individuals in Somalia, thereby making the task of creating a stable, central government increasingly difficult;

Whereas the Transitional Federal Government is incapable of meeting the fundamental needs of all people of Somalia, including—

(1) education;

(2) health care; and

(3) other essential services;

Whereas the 2005 Human Rights Report published by the Department of State cites significant concerns relating to abuses of human rights in Somalia, including—

(1) female genital mutilation;

(2) rape; and

(3) political violence;

Whereas the Federal Government has provided $476,000,000 for humanitarian assistance activities since 1990, although a majority of those funds were distributed during the early 1990s;

Whereas it is the desire of the United States that the people of Somalia live peaceful, stable, prosperous, and happy lives;

Whereas the United States has historically supported the aspirations of the people of Somalia; and

Whereas the compassion of the citizens of the United States extends across the world to embrace every member of the human family: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States is working with the people of Somalia to build a stable and enduring democratic nation in the Horn of Africa that is prosperous and free of civil war;

(2) to achieve long-lasting peace in the region, the nascent leadership and governance structures of Somalia must—

(A) commit themselves to the principles of democracy and the rule of law; and

(B) pledge to hold popular elections as soon as Somalia has stabilized;

(3) the nascent Transitional Federal Government for Somalia should—

(A) organize itself in 1 city as soon as practicable to—

(i) promote national unity; and

(ii) begin the process of reentering the international community; and

(B) delay the consideration of the delicate issue regarding the Republic of Somaliland until an appropriate level of stability has been achieved in Somalia, while understanding the critical importance of that issue for establishing a peaceful Somalia;

(4) the President should—

(A) commend the efforts of those that have worked to restore a functioning and internationally recognized government in Somalia, including—

(i) the people of Somalia and their representatives;

(ii) the African Union;

(iii) the Intergovernmental Authority on Development;

(iv) friendly countries from the continent of Africa; and

(v) nongovernmental organizations;

(B) through the Secretary of State, develop a comprehensive interagency stabilization and reconstruction strategy that—

(i) aligns humanitarian, developmental, economic, political, counterterrorism, and regional strategies;

(ii) achieves the objectives of the United States in Somalia in coordination with the international donor community; and

(iii) orients current and future programs to meet the objectives described in clause (ii);

(C) appoint a special envoy to Somalia to—

(i) help guide and inform United States policy and interests in the region; and

(ii) serve as a liaison between—

(I) the United States;

(II) nascent Somali governance institutions;

(III) the international donor community; and

(IV) the region;

(D) instruct the United States Permanent Representative to the United Nations to request that the Security Council take additional measures to—

(i) evaluate the effectiveness of the existing arms embargo on Somalia; and

(ii) develop an improved plan to monitor and protect the vast land and maritime borders of Somalia from—

(I) smuggling;

(II) dumping; and

(III) piracy; and

(E) through the Secretaries of State and the Treasury, work with international financial institutions to incrementally reduce the crippling international debt of Somalia on the condition that Somalia upholds democratic and free market principles;

(5) the United States Agency for International Development should increase the assistance that the Agency provides to the Transitional Federal Government to rebuild the national infrastructure of Somalia, and place particular emphasis on the promotion of the governmental institutions of Somalia;

(6) the United States should provide training and support to the Transitional National Government of Somalia to—

(A) fight terrorism and extremism; and

(B) strengthen the civil society and grassroots efforts in Somalia that will deny terrorist and extremist groups a fertile ground for recruitment in that country;

(7) the United States, in partnership with the United Nations and the international donor community, must—

(A) heed the calls concerning the significant drought affecting the region that have been placed by—

(i) the United Nations Coordinator for Humanitarian Assistance;

(ii) the international community of nongovernmental organizations; and

(iii) regional governments;

(B) provide sufficient humanitarian assistance to those impacted by the drought; and

(C) realize that a failure to address the humanitarian emergency could have a negative impact on fragile political developments; and

(8) not later than 180 days after the date of enactment of this resolution, the Secretary of State should present to Congress a status report on items referred to in paragraphs (4) through (8) that includes—

(A) a projection of future challenges regarding Somalia; and

(B) resource requirements that could foreseeably be needed to continue to support the transition of Somalia to a peaceful and democratic country.

SENATE RESOLUTION 461—SUPPORTING AND COMMENDING THE SUPPORTERS OF THE JEFFERSON AWARDS FOR PUBLIC SERVICE FOR ENCOURAGING ALL CITIZENS OF THE UNITED STATES TO EMBARK ON A LIFE OF PUBLIC SERVICE AND RECOGNIZING THOSE CITIZENS WHO HAVE ALREADY PERFORMED EXTRAORDINARY DEEDS FOR THEIR COMMUNITY AND COUNTRY

Mr. LOTT (for himself, Mr. DURBIN, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 461

Whereas one of the defining traditions of the democracy of the United States is that each person can make a difference;

Whereas the value of public and community service was a founding principle of the Government of the United States;

Whereas, for generation after generation, the citizens of the United States have desired to pass to the youth of the Nation the tradition of neighbors helping neighbors through—

(1) local community service;

(2) volunteerism; and

(3) public service;

Whereas, to build stronger communities, the youth of the United States should be inspired to seek career opportunities in—

(1) the public sector;

(2) the nonprofit sector;

(3) the faith-based community; and

(4) Federal, State, and local governments;

Whereas the Jefferson Awards for Public Service are a prestigious national recognition system that was created on a nonpartisan basis in 1972 by—

(1) Jacqueline Kennedy Onassis;

(2) Senator Robert Taft, Jr.; and

(3) Sam Beard;

Whereas the creators of the Jefferson Awards for Public Service sought to create an award similar to the Nobel Prize to encourage and honor individuals for their achievements and contributions in public and community service;

Whereas, for over 30 years, the supporters of the Jefferson Awards for Public Service have pioneered the promotion of civic engagement by using profiles of individual excellence, the media, and modern technology to attract and recruit all citizens of the United States to participate in the democratic processes of the Nation; and

Whereas the Jefferson Awards for Public Service have honored award recipients at—

(1) the national level, by placing the recipients on a "Who's Who" list of outstanding citizens of the United States; and

(2) the local level, by naming the recipients "Unsung Heroes" who accomplish extraordinary deeds for the betterment of the United States while going largely unnoticed: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals that the creators instilled into the civic engagement initiatives of the Jefferson Awards for Public Service; and

(2) salutes and acknowledges the American Institute for Public Service and the role played by the Jefferson Awards for Public Service in promoting public service in the United States.

SENATE CONCURRENT RESOLUTION 92—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS

Mr. DEMINT submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 92

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in Zorach v. Clauson, 343 U.S. 306 (1952), the United States Supreme Court held that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as "Bible Education in School Time Week".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3825. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3826. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3827. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3828. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3829. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. Allen (for himself and Mr. Burr) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3830. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3831. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3832. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3833. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3834. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3835. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3836. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3837. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. Murray (for Mr. Harkin) to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3838. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3839. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3840. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3841. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3842. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3843. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3844. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3845. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3846. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3847. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3848. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3849. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. Kennedy to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3850. Mr. WYDEN (for himself, Mr. Kyl, Mr. Lieberman, Ms. Snowe, Mr. Lautenberg, and Mrs. Boxer) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. Wyden to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3851. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3593 submitted by Ms. Landrieu and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3852. Mr. LIEBERMAN (for himself and Ms. Cantwell) submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3853. Mr. OBAMA (for himself, Mr. Coburn, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3854. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. Boxer and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3855. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. Biden and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3856. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. Domenici (for himself, Mr. Grassley, and Mr. Stevens) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3857. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. Voinovich (for himself, Mr. Obama, Mr. DeWine, Mr. Levin, Ms. Stabenow, Mr. Durbin, and Mr. Dayton) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3858. Mr. ENSIGN (for Mr. McCain) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes.

SA 3859. Mr. ENSIGN (for Mr. McCain) proposed an amendment to amendment SA 3858 proposed by Mr. Ensign (for Mr. McCain) to the bill S. 1003, supra.

TEXT OF AMENDMENTS

SA 3825. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. Vitter to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of this Act and ending on October 1, 2008.

SA 3826. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 229, strike lines 5 through 14.

SA 3827. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. Kohl and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table: as follows:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) Noninsured producers.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

On page 230, strike lines 6 through 18 and insert the following:

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) In General.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike "**3043**" and insert "**3042**".

SA 3828. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term "specialty crop" means any agricultural crop.

(2) EXCEPTION.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $49,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike "**3043**" and insert "**3042**".

SA 3829. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 23, strike "including any" and insert the following: "including—

"(aa) ethanol, when blended into gasoline in a concentration of 20 percent by volume; and

"(bb) any

SA 3830. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 224, strike line 23 through line 10 on page 225.

SA 3831. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment and insert in lieu thereof:

"That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina."

SA 3832. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

"That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina.".

SA 3833. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC. . For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of $1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

SA 3834. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

SA 3835. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7 . (a) In this section, the term "large integrated oil company" means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of $1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an officer or employee of the large integrated oil company a salary, bonus or retirement package of more than $50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

SA 3836. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUEL-EFFICIENT VEHICLES

SEC. . (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

SA 3837. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by $8,500,000.

(2) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109–13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

SA 3838. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

On page 207, lines 5 and 6, strike "paragraph (2)" and insert "paragraphs (2) and (3)".

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

On page 230, strike lines 6 through 18 and insert the following:

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the

Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike "**3043**" and insert "**3042**".

SA 3839. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

On page 207, lines 5 and 6, strike "paragraph (2)" and insert "paragraphs (2) and (3)".

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term "specialty crop" means any agricultural crop.

(2) EXCEPTION.—The term "specialty crop" does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) dairy.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

(A) $500,000 to each of the several States; and

(B) $250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $49,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $49,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes, as determined by the Secretary.

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed $172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike "**3043**" and insert "**3042**".

SA 3840. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following text:

SEC. . FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 US.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 US.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following:

"(2) Not later than January 31, 2007, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a light-duty hybrid electric vehicle;

"(II) a plug-in hybrid electric vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a medium- or heavy-duty hybrid electric vehicle;

"(V) a neighborhood electric vehicle; or

"(VI) a medium- or heavy-duty dedicated vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) enhanced environmental performance and compliance with federal environmental law.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) $10,000,000 for the period of fiscal years 2007 through 2012.

SEC. . CAPITOL COMPLEX VEHICLES

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the

Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SA 3841. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

SA 3842. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

SA 3843. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of p. 4, line 17 of the amendment, insert the following section:

SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109–58), is amended by adding at the end the following new section:

"SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

"(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

"(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

"(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds $400,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RECYCLING EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping—

"(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

"(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

"(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

"(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

"(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means—

"(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

"(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

"(3) PROCESSING.—The term 'processing' means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

"(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

"(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

"(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

"(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

"(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking "plus" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting ", plus", and by adding at the end the following new paragraph:

"(23) the qualified recycling equipment credit determined under section 45M(a).".

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting "; and", and by adding at the end the following new paragraph:

"(39) to the extent provided in section 45M(f), in the case of amounts with respect to which a credit has been allowed under section 45M.".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

"Sec. 45M. Credit for qualified recycling equipment.".

(c) EFFECTIVE DATE—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 3844. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of p. 4, line 17 of the amendment, insert the following section:

"SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109–58), is amended by adding at the end the following new section:

"SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

"(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

"(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

"(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds $400,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RECYCLING EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified recycling equipment' means equipment, including connecting piping—

"(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

"(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

"(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

"(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

"(2) QUALIFIED RECYCLABLE MATERIALS.—The term 'qualified recyclable materials' means—

"(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

"(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

"(3) PROCESSING.—The term 'processing' means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

"(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

"(1) IN GENERAL.—The term 'amount paid or incurred' includes installation costs.

"(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term 'amount paid or incurred' means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

"(3) GRANTS, ETC. EXCLUDED.—The term 'amount paid or incurred' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

"(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking "plus" at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting ", plus", and by adding at the end the following new paragraph:

"(23) the qualified recycling equipment credit determined under section 45M(a).".

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking "and" at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting "; and", and by adding at the end the following new paragraph:

"(39) to the extent provided in section 45M(t), in the case of amounts with respect to which a credit has been allowed under section 45M.".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

"Sec. 45M. Credit for qualified recycling equipment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 3845. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

SA 3846. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

SA 3847. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

SA 3848. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following text:

SEC. . FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following:

"(2) Not later than January 31,2007, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a light-duty hybrid electric vehicle;

"(II) a plug-in hybrid electric vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a medium- or heavy-duty hybrid electric vehicle;

"(V) a neighborhood electric vehicle; or

"(VI) a medium- or heavy-duty dedicated vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than I, but not to exceed 5, credits fur investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) enhanced environmental performance and compliance with federal environmental law.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) $10,000,000 for the period of fiscal years 2007 through 2012.

SEC. CAPITOL COMPLEX VEHICLES.

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SA 3849. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. Of the funds provided in this chapter for the Economic Support Fund, not less than $106,000,000 should be made available for the purpose of supporting democracy programs in Iraq.

SA 3850. Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any year in which—

(1) for the production of oil, the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil is greater than $55 a barrel; and

(2) for the production of natural gas, the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas is greater than $10 per million British thermal units.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

SA 3851. Ms. LANDRIEU submitted an amendment intended to be propsoed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be added, add the following:

CHAPTER

FLEXIBILITY IN HURRICANE EDUCATION FUNDING

SEC. ____. Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency, in providing assistance to entities located in Louisiana that are seeking reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita, shall provide the aggregate amount of such assistance directly to the State educational agency serving Louisiana to enable such agency to pay for expenses related to school reconstruction, renovation, or repair, as determined appropriate by such agency.

SA 3852. Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 29 of the amendment, strike line 17 and all that follows through page 54, line 25.

SA 3853. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding $500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

SA 3854. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SENSE OF SENATE ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH

SEC. __. It is the sense of the Senate that the Secretary of Defense should comply with section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) and immediately establish, and appoint the members of, the Department of Defense task force on mental health required pursuant to that section.

SA 3855. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed to the bill H.R. 4939, making emergency supplemenial appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent United States military bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq.

SA 3856. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

SA 3857. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following: "*Provided further*, That, of the amount provided under this heading, $500,000 shall be made available for the construction, operation, and maintenance, at full Federal expense, of a dispersal barrier project at the Lake Champlain Canal, Vermont.

SA 3858. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Navajo-Hopi Land Settlement Amendments of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Effect of Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.
Sec. 102. Definitions; division of land.
Sec. 103. Joint ownership of minerals.
Sec. 104. Actions.
Sec. 105. Paiute Indian allotments.

Sec. 106. Partitioned and other designated land.
Sec. 107. Resettlement land for Navajo Tribe.
Sec. 108. Office of Navajo and Hopi Indian Relocation.
Sec. 109. Report.
Sec. 110. Relocation of households and members.
Sec. 111. Relocation housing.
Sec. 112. Payment for use of land.
Sec. 113. Effect of Act.
Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
Sec. 115. Joint use.
Sec. 116. Religious ceremonies; piping of water.
Sec. 117. Access to religious shrines.
Sec. 118. Exclusion of Payments from certain Federal determinations of income.
Sec. 119. Authorization of exchange.
Sec. 120. Severability.
Sec. 121. Authorization of appropriations.
Sec. 122. Discretionary fund.
Sec. 123. Attorney fees and court costs.
Sec. 124. Lobbying.
Sec. 125. Navajo Rehabilitation Trust Fund.
Sec. 126. Availability of Funds for relocation assistance.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Transfer of functions.
Sec. 203. Personnel provisions.
Sec. 204. Delegation and assignment.
Sec. 205. Reorganization.
Sec. 206. Rules.
Sec. 207. Transfer and allocations of appropriations and personnel.
Sec. 208. Incidental transfers.
Sec. 209. Effect on personnel.
Sec. 210. Separability.
Sec. 211. Transition.
Sec. 212. Report.
Sec. 213. References.
Sec. 214. Additional conforming amendment.
Sec. 215. Effect of title.
Sec. 216. Effective date.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

Sec. 301. Separation pay.
Sec. 302. Federal retirement.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the "Navajo-Hopi Land Settlement Act of 1974") was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking "That, (a) within" and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the Act of December 22, 1974 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25 U.S.C. 640d–26, 640d–28), are repealed.

SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d–5), is amended by striking "SEC. 6. The Mediator" and all that follows through the end of the section and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Navajo-Hopi Land Settlement Act'.

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) DISTRICT COURT.—The term 'District Court' means the United States District Court for the District of Arizona.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(3) TRIBE.—The term 'Tribe' means—

"(A) the Navajo Indian Tribe; and

"(B) the Hopi Indian Tribe.".

SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d–6), is amended—

(1) by striking "SEC. 7. Partition" and inserting the following:

"SEC. 3. JOINT OWNERSHIP OF MINERALS.

"(a) IN GENERAL.—Partition"; and

(2) in the second sentence, by striking "All" and inserting the following:

"(b) JOINT MANAGEMENT.—All".

SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d–7), is amended—

(1) by striking "SEC. 8. (a) Either Tribe" and inserting the following:

"SEC. 4. ACTIONS.

"(a) ACTIONS IN DISTRICT COURT.—Either Tribe";

(2) in subsection (b)—

(A) in the first sentence, by striking "(b) Lands, if any," and inserting the following:

"(b) ALLOCATION OF LAND.—

"(1) NAVAJO RESERVATION.—Any land";

(B) in the second sentence, by striking "Lands, if any," and inserting the following:

"(2) HOPI RESERVATION.—Any land"; and

(C) in the third sentence, by striking "Any lands" and inserting the following:

"(3) JOINT AND UNDIVIDED INTERESTS.—Any land";

(3) in subsection (c)—

(A) by striking "(c)(1) Either" and inserting the following:

"(c) EXCHANGE OF LAND.—

"(1) IN GENERAL.—Either";

(B) in paragraph (2), by striking "(2) In the event" and inserting the following:

"(2) INTERESTS OF TRIBES.—If";

(C) in paragraph (3), by striking "(3) Neither" and inserting the following:

"(3) DEFENSE.—Neither"; and

(D) by striking "section 18" each place it appears and inserting "section 14";

(4) in subsection (d), by striking "(d) Nothing" and inserting the following:

"(d) EFFECT OF SECTION.—Nothing";

(5) in subsection (e), by striking "(e) The" and inserting the following:

"(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The"; and

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d–8), is amended by striking "SEC. 9. Notwithstanding" and inserting the following:

"SEC. 5. PAIUTE INDIAN ALLOTMENTS.

"Notwithstanding".

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d–9), is amended—

(1) by striking "SEC. 10. (a) Subject" and inserting the following:

"SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

"(a) NAVAJO TRUST LAND.—Subject";

(2) in subsection (a), by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(3) in subsection (b)—

(A) by striking "(b) Subject" and inserting the following:

"(b) HOPI TRUST LAND.—Subject";

(B) by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(C) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(D) by striking "section 8" and inserting "section 4";

(4) in subsection (c)—

(A) by striking "(c) The" and inserting the following:

"(c) PROTECTION OF RIGHTS AND PROPERTY.—The"; and

(B) by striking "pursuant thereto" and all that follows through the end of the subsection and inserting "pursuant to this Act";

(5) in subsection (d), by striking "(d) With" and inserting the following:

"(d) PROTECTION OF BENEFITS AND SERVICES.—With"; and

(6) in subsection (e)—

(A) by striking "(e)(1) Lands" and inserting the following:

"(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

"(1) IN GENERAL.—Land";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking "The provisions" and inserting the following:

"(2) RESPONSIBILITY OF SECRETARY.—The provisions"; and

(ii) by striking "life tenants and".

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d–10(a)), is amended—

(1) by striking "SEC. 11. (a) The Secretary" and inserting the following:

"SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

"(a) TRANSFER OF LAND.—

"(1) IN GENERAL.—The Secretary";

(2) by striking "(1) transfer not to exceed two hundred and fifty thousand acres of lands" and inserting the following:

"(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)";

(3) by striking "Tribe: *Provided*, That" and all that follows through "as possible." and inserting "Tribe; and";

(4) in the first paragraph designated as paragraph (2)—

(A) by striking "(2) on behalf" and inserting the following:

"(B) on behalf"; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking "Subject to" and all that follows through "all rights" and inserting the following:

"(4) REQUIREMENTS OF TRANSFER.—

"(A) IN GENERAL.—Subject to this paragraph, all rights"; and

(ii) by striking "paragraph (1)" and inserting "paragraph (1)(A)";

(B) in the second sentence, by striking "So long as" and inserting the following:

"(B) COAL LEASE APPLICATIONS.—

"(i) IN GENERAL.—If";

(C) in the third sentence, by striking "If such adjudication" and inserting the following:

"(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)";

(D) in the fourth sentence, by striking "The leaseholders rights and interests" and inserting the following:

"(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)"; and

(E) in the fifth sentence, by striking "If any" and inserting the following:

"(C) CLAIMS UNDER MINING LAW.—If any";

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

"(2) EXCHANGE OF LAND.—

"(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

"(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

"(i) the difference between the values of the land exchanged; or

"(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

"(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

"(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation."; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking "(2) Those" and inserting the following:

"(5) STATE RIGHTS.—

"(A) IN GENERAL.—The"; and

(ii) by striking "subsection 2 of this section" and inserting "paragraph (1)(B)"; and

(B) in the second sentence, by striking "The" and inserting the following:

"(B) STATE INTERESTS.—The".

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d–10(b)), is amended by striking "(b) A border" and inserting the following:

"(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border".

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d–10(c)), is amended—

(1) by striking "(c) Lands" and inserting the following:

"(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land"; and

(2) by striking the period at the end and inserting the following: ": *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.".

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d–10(d)), is amended by striking "(d) The" and inserting the following:

"(d) REPORTS.—The".

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d–10(e)), is amended by striking "(e) Payments" and inserting the following:

"(e) PAYMENTS.—Payments".

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d–10(f)), is amended—

(1) by striking "(f)(1) For" and inserting the following:

"(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

"(1) IN GENERAL.—For";

(2) in paragraph (2), by striking "(2) If" and inserting the following:

"(2) PUBLIC NOTICE; REPORT.—If"; and

(3) in paragraph (3), by striking "(3) In any case where" and inserting the following:

"(3) RIGHTS OF SUBSURFACE OWNERS.—If".

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–10(g)), is amended by striking "(g) No" and inserting the following:

"(g) LAND NOT AVAILABLE FOR TRANSFER.—No".

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d–10(h)), is amended—

(1) by striking "(h) The lands" and inserting the following:

"(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

"(1) IN GENERAL.—The land"; and

(2) by adding at the end the following:

"(2) RELOCATION.—

"(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

"(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).".

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d–10(i)), is amended—

(1) by striking "(i) The" and inserting the following:

"(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The"; and

(2) by striking "section 23" and inserting "section 19".

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d–11), is amended—

(1) by striking "SEC. 12. (a) There is hereby" and inserting the following:

"SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

"(a) ESTABLISHMENT.—There is";

(2) in subsection (b), by striking "(b) The" and inserting the following:

"(b) APPOINTMENT.—The";

(3) in subsection (c)—

(A) by striking "(c)(1)(A) Except" and inserting the following:

"(c) CONTINUATION OF POWERS.—

"(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

"(A) POWERS AND DUTIES OF COMMISSIONER.—Except";

(B) in paragraph (1)(B), by striking "(B) All" and inserting the following:

"(B) EXISTING FUNDS.—All"; and

(C) in paragraph (2), by striking "(2) There are hereby" and inserting the following:

"(2) TRANSFER OF POWERS.—There are";

(4) in subsection (d)—

(A) by striking "(d)(1) Subject" and inserting the following:

"(d) POWERS OF COMMISSIONER.—

"(1) IN GENERAL.—Subject";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking "(2) The" and inserting the following:

"(2) CONTRACTS.—The"; and

(D) in paragraph (3), by striking "(3) There" and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There";

(5) in subsection (e)—

(A) by striking "(e)(1)" and inserting the following:

"(e) ADMINISTRATION.—

"(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—";

(B) in paragraph (1)—

(i) in the first sentence, by striking "The" and inserting the following:

"(A) IN GENERAL.—The"; and

(ii) in the second sentence, by striking "In any" and inserting the following:

"(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any"; and

(C) in paragraph (2), by striking "(2) On" and inserting the following:

"(2) FAILURE TO PROVIDE ASSISTANCE.—On";

(6) by striking subsection (f) and inserting the following:

"(f) TERMINATION.—

"(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

"(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005."; and

(7) by adding at the end the following:

"(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

"(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

"(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.".

SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d-12), is amended—

(1) by striking "SEC. 13. (a) By no" and inserting the following:

"SEC. 9. REPORT.

"(a) IN GENERAL.—Not"; and

(2) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) INCLUSIONS.—The"; and

(B) by striking "contain, among other matters, the following:" and inserting "include—".

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d–13), is amended—

(1) by striking "SEC. 14. (a)" and inserting the following:

"SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

"(a) AUTHORIZATION.—";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking "Consistent" and inserting the following:

"(1) IN GENERAL.—Consistent";

(ii) by striking "section 8" each place it appears and inserting "section 4";

(iii) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(iv) by inserting ", or, after September 30, 2008, the Attorney General," after "the Commissioner";

(B) by striking the second sentence;

(C) in the third sentence, by striking "No further" and inserting the following:

"(2) SETTLEMENTS OF NAVAJO.—No further";

(D) in the fourth sentence, by striking "No further" and inserting the following:

"(3) SETTLEMENTS OF HOPI.—No further"; and

(E) in the fifth sentence, by striking "No individual" and inserting the following:

"(4) GRAZING.—No individual";

(3) in subsection (b)—

(A) by striking "(b) In addition" and inserting the following:

"(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition";

(B) by striking "section 15" and inserting "section 11"; and

(C) by striking "section 13" and inserting "section 9";

(4) in subsection (c), by striking "(c) No" and inserting the following:

"(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No"; and

(5) by adding at the end the following:

"(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.".

SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d–14), is amended—

(1) by striking "SEC. 15. (a)" and inserting the following:

"SEC. 11. RELOCATION HOUSING.

"(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—";

(2) in subsection (a)—

(A) in the first sentence, by striking "The Commission" and inserting the following:

"(1) IN GENERAL.—The Commission"; and

(B) in the second sentence—

(i) by striking "The purchase" and inserting the following:

"(2) PURCHASE PRICE.—The purchase"; and

(ii) by striking "as determined under clause (2) of subsection (b) of section 13";

(3) in subsection (b)—

(A) by striking "(b) In addition" and inserting the following:

"(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition";

(B) by striking "shall:" and inserting "shall—"; and

(C) in paragraph (1), by inserting "and" after the semicolon at the end;

(4) in subsection (c)—

(A) by striking "(c) In implementing" and inserting the following:

"(c) STANDARDS; CERTAIN PAYMENTS.—

"(1) STANDARDS.—In carrying out"; and

(B) in the second sentence—

(i) by striking "No payment" and inserting the following:

"(2) CERTAIN PAYMENTS.—No payment"; and

(ii) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 8 or section 3 or 4";

(5) in subsection (d)—

(A) by striking "(d) The" and inserting the following:

"(d) METHODS OF PAYMENT.—The";

(B) by striking "(1) Should" and inserting the following:

"(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should";

(C) by striking "(2) Should" and inserting the following:

"(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should"; and

(D) by striking "(3) Should" and inserting the following:

"(3) FAILURE TO ARRANGE RELOCATION.—Should";

(6) in subsection (e)—

(A) by striking "(e) The" and inserting the following:

"(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The";

(B) by striking "section 8" and inserting "section 4"; and

(C) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4";

(7) in subsection (f), by striking "(f) Notwithstanding" and inserting the following:

"(f) PREFERENTIAL TREATMENT.—Notwithstanding"; and

(8) by striking subsection (g) and inserting the following:

"(g) BENEFITS.—

"(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

"(A) is certified as eligible to receive benefits under this Act;

"(B) does not reside on land that has been partitioned to the Tribe; and

"(C) has not received a replacement home.

"(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

"(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

"(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

"(3) DISPOSITION OF TRANSFERRED FUNDS.—

"(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

"(i) an eligible head of household; or

"(ii) the Tribe, acting with the consent of such a head of household.

"(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

"(i) on receipt of a request of a head of household, to be used for a replacement home; or

"(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

"(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

"(i) identify and notify any heir of the head of household, in accordance with applicable law; and

"(ii) distribute the funds held by the Secretary for the head of household to any heir—

"(I) immediately, if the heir is at least 18 years old; or

"(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

"(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

"(4) DISPUTED ELIGIBILITY CLAIMS.—

"(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

"(B) DISPOSITION OF TRANSFERRED FUNDS.—

"(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

"(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause

(i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

"(h) NOTIFICATION.—

"(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

"(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

"(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

"(B) has not entered into a lease to reside on that land.

"(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

"(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

"(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

"(i) begin construction of a replacement home on any land acquired under section 6; or

"(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

"(i) APPEALS.—

"(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

"(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

"(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

"(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

"(j) PROCUREMENT OF SERVICES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

"(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

"(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

"(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the 'Circuit Court').

"(2) REVIEW.—

"(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

"(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

"(ii) on the basis of that review, affirm or reverse that determination.

"(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

"(3) NOTICE OF APPEAL.—

"(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

"(i) the Circuit Court; and

"(ii) the Commissioner.

"(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

"(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

"(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.".

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15), is amended—

(1) by striking "SEC. 16. (a) The Navajo" and inserting the following:

"SEC. 12. PAYMENT FOR USE OF LAND.

"(a) IN GENERAL.—The Navajo";

(2) in subsection (a), by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" before "sections 8 and 3 or 4"; and

(3) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) PAYMENT.—The"; and

(B) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "sections 8 and 3 or 4".

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d-16), is amended—

(1) by striking "SEC. 17. (a)" and inserting the following:

"SEC. 13. EFFECT OF ACT.

"(a) TITLE, POSSESSION, AND ENJOYMENT.—";

(2) in subsection (a)—

(A) in the first sentence, by striking "Nothing" and inserting the following:

"(1) IN GENERAL.—Nothing"; and

(B) in the second sentence, by striking "Such" and inserting the following:

"(2) RESIDENCE ON OTHER RESERVATIONS.—Any"; and

(3) in subsection (b), by striking "(b) Nothing" and inserting the following:

"(b) FEDERAL EMPLOYEES.—Nothing".

SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d-17), is amended—

(1) by striking "SEC. 18. (a) Either" and inserting the following:

"SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

"(a) ACTIONS BY TRIBES.—Either";

(2) in subsection (a), by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4";

(3) in subsection (b)—

(A) by striking "(b) Neither" and inserting the following:

"(b) DEFENSES.—Neither"; and

(B) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4";

(4) in subsection (c)—

(A) by striking "(c) Either" and inserting the following:

"(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

"(1) IN GENERAL.—Either"; and

(B) in the second sentence, by striking "Such actions" and inserting the following:

"(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)";

(5) in subsection (d)—

(A) by striking "(d) Except" and inserting the following:

"(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

"(1) IN GENERAL.—Except"; and

(B) in the second sentence, by striking "Any judgment or judgments" and inserting the following:

"(2) EFFECT OF JUDGMENTS.—Any judgment"; and

(6) in subsection (e), by striking "(e) All" and inserting the following:

"(e) REMEDIES.—All".

SEC. 115. JOINT USE.

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d-18), is amended—

(1) by striking "SEC. 19. (a) Notwithstanding" and inserting the following:

"SEC. 15. JOINT USE.

"(a) REDUCTION OF LIVESTOCK.—

"(1) IN GENERAL.—Notwithstanding";

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(B) in the second sentence, by striking "The Secretary is directed to" and inserting the following:

"(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall";

(3) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The"; and

(B) by inserting "(as in effect on the day before the date of enactment of the Navajo-

Hopi Land Settlement Amendments of 2005)" after "sections 8 and 3 or 4" each place it appears; and

(4) in subsection (c)—

(A) by striking "(c)(1) Surveying" and inserting the following:

"(c) Surveying, Monumenting, and Fencing; Livestock Reduction Program.—

"(1) Surveying, monumenting, and fencing.—Surveying";

(B) in paragraph (1)—

(i) by striking "of this Act" and inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)"; and

(ii) by striking "section 8" and inserting "section 4"; and

(C) in paragraph (2), by striking "(2) The" and inserting the following:

"(2) Livestock reduction program.—The".

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d-19), is amended by striking "Sec. 20. The members" and inserting the following:

"SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

"The members".

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d-20), is amended by striking "Sec. 21. Notwithstanding" and inserting the following:

"SEC. 17. ACCESS TO RELIGIOUS SHRINES.

"Notwithstanding".

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d-21), is amended—

(1) by striking "Sec. 22. The availability" and inserting the following:

"SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

"(a) In General.—The availability"; and

(2) by striking "None of the funds" and inserting the following:

"(b) Federal and State Income Taxes.—None of the funds".

SEC. 119. AUTHORIZATION OF EXCHANGE.

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d-22), is amended—

(1) by striking "Sec. 23. The Navajo" and inserting the following:

"SEC. 19. AUTHORIZATION OF EXCHANGE.

"(a) In General.—The Navajo"; and

(2) in the second sentence—

(A) by striking "In the event that the Tribes should" and inserting the following:

"(b) Negotiated Exchanges.—If the Tribes"; and

(B) by striking "sections 14 and 15" and inserting "sections 10 and 11".

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d-23), is amended by striking "Sec. 24. If" and inserting the following:

"SEC. 20. SEVERABILITY.

"If".

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

"SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

"(a) Relocation of Households and Members.—There is authorized to be appropriated to carry out section 10(b) $13,000,000 for each of fiscal years 2006 through 2008.

"(b) Relocation of Households and Members.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

"(c) Return to Carrying Capacity and Institution of Conservation Practices.—There is authorized to be appropriated to carry out section 15(a) $10,000,000 for each of fiscal years 2006 through 2008.

"(d) Survey Location of Monuments and Fencing of Boundaries.—There is authorized to be appropriated to carry out section 15(b) $500,000 for each of fiscal years 2006 through 2008.".

SEC. 122. DISCRETIONARY FUND.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d-25), is amended by striking "Sec. 27." and all that follows through "(c) The Secretary" and inserting the following:

"SEC. 21. DISCRETIONARY FUND.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

"(1) $6,000,000 for the period of fiscal years 2006 through 2008; and

"(2) such sums as are necessary for each subsequent fiscal year.

"(b) Hopi High School and Medical Center.—The Secretary".

SEC. 123. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d-27), is amended—

(1) by striking "Sec. 29. (a)" and inserting the following:

"SEC. 22. ATTORNEY FEES AND COURT COSTS.

"(a) In General.—";

(2) in subsection (a)—

(A) by striking "In any" and inserting the following:

"(1) In general.—In any"; and

(B) by striking "For each" and inserting the following:

"(2) Authorization of appropriations.—For each";

(3) in subsection (b)—

(A) by striking "(b) Upon" and inserting the following:

"(b) Award by Court.—

"(1) In general.—On"; and

(B) in the second sentence, by striking "Any party" and inserting the following:

"(2) Reimbursement of united states.—Any party";

(4) in subsection (c), by striking "(c) To" and inserting the following:

"(c) Excess Difference.—To"; and

(5) in subsection (d)—

(A) by striking "(d) This" and inserting the following:

"(d) Application of Section.—This"; and

(B) by striking "section 8 or 18(a) of this Act" and inserting "section 4 or section 14(a)".

SEC. 124. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29), is amended—

(1) by striking "Sec. 31. (a) Except" and inserting the following:

"SEC. 23. LOBBYING.

"(a) In General.—Except"; and

(2) in subsection (b), by striking "(b) Subsection" and inserting the following:

"(b) Applicability.—Subsection".

SEC. 125. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d-30), is amended—

(1) by striking "Sec. 32. (a) There" and inserting the following:

"SEC. 24. NAVAJO REHABILITATION TRUST FUND.

"(a) Establishment.—There";

(2) in subsection (b), by striking "(b) All" and inserting the following:

"(b) Deposit of Income Into Fund.—All";

(3) in subsection (c), by striking "(c) The" and inserting the following:

"(c) Investment of Funds.—The";

(4) in subsection (d)—

(A) by striking "(d) Funds" and inserting the following:

"(d) Availability of Funds.—Funds";

(B) in paragraph (1), by striking "proceedings," and inserting "proceedings;"; and

(C) in paragraph (2), by striking "Act, or" and inserting "Act; or";

(5) in subsection (e)—

(A) by striking "(e) By December 1" and inserting the following:

"(e) Expenditure of Funds.—

"(1) In general.—Not later than December 1"; and

(B) in the second sentence, by striking "Such framework is to be" and inserting the following:

"(2) Requirement.—The framework under paragraph (1) shall be";

(6) in subsection (f)—

(A) by striking "(f) The" and inserting the following:

"(f) Termination.—

"(1) In general.—The"; and

(B) in the second sentence, by striking "All funds" and inserting the following:

"(2) Transfer of remaining funds.—All funds"; and

(7) by striking subsection (g).

SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640-31), is amended by striking "Sec. 32. Nothing" and inserting the following:

"SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.".

"Nothing".

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title:

(1) Federal agency.—The term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

(2) Function.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) Office.—The term "Office" means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 202. TRANSFER OF FUNCTIONS.

(a) In General.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) Memorandum of Agreement.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

SEC. 203. PERSONNEL PROVISIONS.

(a) Appointments.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the "New Lands" of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

SEC. 301. SEPARATION PAY.

The Office of Navajo and Hopi Relocation (referred to in this title as the "Office") may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

SEC. 302. FEDERAL RETIREMENT.

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

SA 3859. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. MCCAIN) to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike section 121 of the amendment and insert the following:

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

"SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Tuesday, May 2, 2006, at 9:30 a.m. in SH–216, Hart Senate

Office Building. The purpose of this hearing will be to review the implementation of the Peanut Provisions of the Farm Security and Rural Investment Act of 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 2, 2006, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

Committee Reports: Report of the Committee on Homeland Security and Governmental Affairs titled, "Hurricane Katrina: A Nation Still Unprepared."

Legislation: S. 2459, GreenLane Maritime Cargo Security Act; H.R. 2066, General Services Administration Modernization Act.

Nominations: Uttam Dhillon to be Director of the Office of Counternarcotics Enforcement, U.S. Department of Homeland Security; Mark Acton to be Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "FBI Oversight" on Tuesday, May 2, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List:

Panel I: The Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

Panel II: The Honorable Glenn A. Fine, Inspector General, U.S. Department of Justice, Washington, DC; Linda M. Calbom, Director, Financial Management and Assurance, Government Accountability Office, Washington, DC; John Gannon, Ph.D, Vice President for Global Analysis, BAE Systems Information Technology, former Staff Director of the House Homeland Security Committee, McLean, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judiciary Nominations" on Tuesday, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 5:30 p.m. in closed session to mark up the emerging threats and capabilities programs and provisions contained in the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANAGEMENT SUPPORT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 3:30 p.m. in closed session to mark up the readiness and management support programs and provisions contained in the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on personnel be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 2:30 p.m. in closed session to mark up the personnel programs and provisions contained in the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space be authorized to meet on Tuesday, May 2, 2006, at 2:30 p.m., on NSF.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE SUPPORTERS OF THE JEFFERSON AWARDS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 461, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 461) supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed extraordinary deeds for their community and country.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this week has been designated as Public Service Recognition Week and in keeping with the spirit of this important week I would like to take this opportunity to recognize the important contribution that the Jefferson Awards for Public Service have made over nearly three and a half decades.

I am pleased to be joined by Senators DURBIN, LUGAR, and BIDEN is submitting this resolution commending the American Institute for Public Service and the importance of the Jefferson Awards for Public Service. The Jefferson Awards were established on a bipartisan basis in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beard. The awards honor individuals for their achievements and contributions through public and community service.

Winners of the award for elected and appointed officials have included former Senators Robert Dole, Daniel Patrick Moynihan, and John Glenn. Other winners include Rudoph Giuliani, Dr. Condoleezza Rice, Justice Sandra Day O'Connor, and Robert Rubin. In addition, private citizens who have won the award include Walter Annenberg, Brian Lamb, and Oprah Winfrey.

The Jefferson Awards have honored award recipients at the national level by placing them on a "Who's Who" list of outstanding citizens of the United States and at the same time have honored at the local level recipients as "Unsung Heroes" who accomplished extraordinary deeds for the betterment of the United States.

The Senate fully supports the goals and ideals of the Jefferson awards and during this week of Public Service Recognition, I stand on the floor of the Senate and commend the people of this organization.

PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA. Mr. President, this week, we celebrate Public Service Recognition Week, a time when all Americans are asked to remember the Nation's public workers who serve their country and the world by delivering services essential to our daily lives.

As the ranking member of the Federal Workforce Subcommittee, I wish to spotlight the dedication, commitment, and loyalty demonstrated every day by public servants. That is why I introduce annually—and the Senate passes—a resolution honoring employees at all levels of Government. In the aftermath of 9/11 and the anthrax attacks a month later, we gained a better appreciation of the critical work undertaken by public employees, such as firefighters, paramedics, nurses, and U.S. postal workers. I thank my colleagues for their quick action last week in passing my resolution, S. Res. 412, which I introduced with the support of the leadership of the Homeland

Security and Governmental Affairs Committee.

Despite the need to support public workers, far too often we take for granted these men and women whose sense of duty and devotion to country guides the work they do daily for their fellow Americans. Although our lives are enriched by the work of Federal employees, most people are unfamiliar with the Federal Executive Boards, FEB, which were created by President John F. Kennedy in 1961 to better coordinate the activities of the Federal Government outside of Washington, DC. Decisions affecting the expenditure of billions of taxpayer dollars are made in the field which affect all Americans. Having FEBs—whose members are senior agency personnel—saves time, money, and effort while ensuring that these senior employees are more in touch with State and local governments, as well as their communities.

I am especially proud of the Honolulu-Pacific Federal Executive Board, HPFEB, which today celebrates its 50th Excellence in Federal Government Awards with a ceremony at the Sheraton Waikiki Hotel. I am also pleased to note that before an FEB was even established in Hawaii, forward thinkers had already begun to honor the best in Federal service through these awards. Today's program not only honors the 153 employees receiving awards but provides all agencies and military commands in Hawaii and the Pacific an opportunity to showcase their organizations through exhibits outside the hotel's ballroom. Honoring today's awardees are Federal agency heads, military commanders, State and local government officials, and members of the business community.

According to the HPFEB, the Excellence in Federal Government Awards Program recognizes outstanding Federal employees for their efforts, leadership, and initiative. The program encourages innovation and excellence in government, reinforces pride in Federal service, and helps call public attention to the broad range of services provided by Federal employees.

The HPFEB has over 90 members, senior heads of Federal agencies and military commands, who represent the over 70,000 civilian and military personnel in the Pacific region, including the Department of Defense, the Government's largest civilian employer in Hawaii. Like its 27 counterparts nationwide, the HPFEB communicates with and partners with the community, works to reduce costs and improve efficiencies, facilitates service delivery and coordinates emergency services.

The Honolulu-Pacific Federal Executive Board embraces its interagency coordinating role and is proud of its five primary accomplishments: creating and operating the Pacific Leadership Academy to ensure that agencies within Hawaii and the Pacific area are training today and tomorrow's cadre of Federal leaders; celebrating the work of Federal employees through its Excellence in Government Awards, which last year honored 126 employees; supporting the Combined Federal Campaign by raising over $6.1 million in 2005; working with Federal, State, and local governments to improve emergency planning by participating in disaster exercises, partnering with the State of Hawaii to purchase the $70,000 system "Notifyer," and developing a simultaneous broadcast telephone message system that updates emergency information; and establishing councils and working groups.

Hawaii's FEB is sponsored by the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility, Department of the Navy, and is headed by Ms. Gloria Uyehara, the Executive Director, who has over 30 years of career service, most recently as head of the Education and Development Office, promoting leadership development and succession planning at the Pearl Harbor Naval Shipyard. She is supported by Ms. Gerry A. Reese, who has been with the HPFEB for more than 30 years as the Executive Assistant.

Ms. Uyehara points out that today's Excellence in Federal Government Awards provides a model of excellence for all Federal employees and promotes ideas and concepts to encourage the use of best practices. Those Federal and military personnel working with the HPFEB understand the need to reach out to their community and foster cooperation among all levels of Government. These men and women exemplify the spirit of public service. Together they typify today's Federal and military personnel who work tirelessly to make democracy work.

At a time when the Federal Government faces strong competition with the public and private sector for skilled employees and the administration is pushing for greater outsourcing, it is imperative that we continue to support the Government's network of Federal executive boards, associations, and councils. It would be unwise to diminish the critical role that these entities play in identifying and instituting efficiencies and improving Government services within the communities they serve and to the Nation as a whole.

Again, I send my warmest congratulations and aloha to the members of the Honolulu-Pacific Federal Executive Board which provides the leadership, the enthusiasm, and the expertise to ensure that Government is more responsive, innovative, and effective.

Mr. ENSIGN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 461) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 461

Whereas one of the defining traditions of the democracy of the United States is that each person can make a difference;

Whereas the value of public and community service was a founding principle of the Government of the United States;

Whereas, for generation after generation, the citizens of the United States have desired to pass to the youth of the Nation the tradition of neighbors helping neighbors through—

(1) local community service;

(2) volunteerism; and

(3) public service;

Whereas, to build stronger communities, the youth of the United States should be inspired to seek career opportunities in—

(1) the public sector;

(2) the nonprofit sector;

(3) the faith-based community; and

(4) Federal, State, and local governments;

Whereas the Jefferson Awards for Public Service are a prestigious national recognition system that was created on a nonpartisan basis in 1972 by—

(1) Jacqueline Kennedy Onassis;

(2) Senator Robert Taft, Jr.; and

(3) Sam Beard;

Whereas the creators of the Jefferson Awards for Public Service sought to create an award similar to the Nobel Prize to encourage and honor individuals for their achievements and contributions in public and community service;

Whereas, for over 30 years, the supporters of the Jefferson Awards for Public Service have pioneered the promotion of civic engagement by using profiles of individual excellence, the media, and modern technology to attract and recruit all citizens of the United States to participate in the democratic processes of the Nation; and

Whereas the Jefferson Awards for Public Service have honored award recipients at—

(1) the national level, by placing the recipients on a "Who's Who" list of outstanding citizens of the United States; and

(2) the local level, by naming the recipients "Unsung Heroes" who accomplish extraordinary deeds for the betterment of the United States while going largely unnoticed: Now, therefore, be it

Resolved, That the Senate—

(1) fully supports the goals and ideals that the creators instilled into the civic engagement initiatives of the Jefferson Awards for Public Service; and

(2) salutes and acknowledges the American Institute for Public Service and the role played by the Jefferson Awards for Public Service in promoting public service in the United States.

POSTHUMOUSLY AWARDING THE PRESIDENTIAL MEDAL OF FREEDOM TO LEROY ROBERT "SATCHEL" PAIGE

Mr. ENSIGN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Con. Res. 91 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 91) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas, due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

(1) the Chattanooga Black Lookouts;

(2) the Birmingham Black Barons;

(3) the Nashville Elite Giants;

(4) the Mobile Tigers;

(5) the Pittsburgh Crawfords; and

(6) the Kansas City Monarchs;

Whereas, while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas, after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas, in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

(1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and

(2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas, despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

(1) the security or national interests of the United States;

(2) world peace;

(3) the culture of the United States or the world; or

(4) the citizens of the United States or the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy "Satchel" Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con Res. 349, just received from the House, and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 349) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 349) was agreed to.

The preamble was agreed to.

DECLARING LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 408.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) expressing the sense of the Senate that the President should declare lung cancer a public health priority.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 408) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 408

Expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015.

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), coordinated and comprehensive research has elevated the 5-year survival rates for breast cancer to 87 percent, for prostate cancer to 99 percent, and colon cancer to 64 percent;

Whereas the survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer is now diagnosed in nonsmokers and former smokers;

Whereas ⅔ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the Baby Boomer generation are entering their sixties, the most common age for the development of cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the mortality rate of lung cancer by 50 percent by 2015;

(2) direct the Secretary of the Department of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs within a coordinated strategy and defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state of the art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint the Lung Cancer Scientific and Medical Advisory Committee comprised of medical, scientific, pharmaceutical, and patient advocacy representatives to work with the National Lung Cancer Public Health Policy Board and to report to the President and Congress on the progress and the obstacles in achieving the goal described in paragraph 1; and

(5) convene a National Lung Cancer Public Health Policy Board comprised of multiagency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, that will oversee and coordinate all efforts to accomplish the mission of reducing lung cancer mortality rate by 50 percent by 2015.

NAVAJO-HOPI LAND SETTLEMENT AMENDMENTS ACT OF 2005

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324. S. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 1003) to amend the Act of December 22, 1974, and for other purposes.

There being no objection, the Senate proceeded to consider the bill to amend which had been reported from the Committee on Indian Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Navajo-Hopi Land Settlement Amendments of 2005".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974

Sec. 101. Repeal of sections.
Sec. 102. Definitions; division of land.
Sec. 103. Joint ownership of minerals.
Sec. 104. Actions.
Sec. 105. Paiute Indian allotments.
Sec. 106. Partitioned and other designated land.
Sec. 107. Resettlement land for Navajo Tribe.
Sec. 108. Office of Navajo and Hopi Indian Relocation.
Sec. 109. Report.
Sec. 110. Relocation of households and members.
Sec. 111. Relocation housing.
Sec. 112. Payment for use of land.
Sec. 113. Effect of Act.
Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
Sec. 115. Joint use.
Sec. 116. Religious ceremonies; piping of water.
Sec. 117. Access to religious shrines.
Sec. 118. Exclusion of payments from certain Federal determinations of income.
Sec. 119. Authorization of exchange.
Sec. 120. Severability.
Sec. 121. Authorization of appropriations.
Sec. 122. Funding and construction of high school and medical center.
Sec. 123. Environmental impact; wilderness study; cancellation of leases and permits.
Sec. 124. Attorney fees and court costs.
Sec. 125. Lobbying.
Sec. 126. Navajo Rehabilitation Trust Fund.
Sec. 127. Availability of funds for relocation assistance.

TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

Sec. 201. Retention preference.
Sec. 202. Separation pay.
Sec. 203. Federal retirement.

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 301. Definitions.
Sec. 302. Transfer of functions.
Sec. 303. Transfer and allocations of appropriations.
Sec. 304. Effect of title.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

SEC. 101. REPEAL OF SECTIONS.

(a) In General.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.) is amended in the first undesignated section by striking "That, (a) within" and all that follows through the end of the section.

(b) Additional Repeals.—Sections 2 through 5 and sections 26 and 30 of the Act of December 22, 1974 (25 U.S.C. 640d-1 through 640d-4; 88 Stat. 1723; 25 U.S.C. 640d-28) are repealed.

SEC. 102. DEFINITIONS; DIVISION OF LAND.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d-5) is amended—

(1) by striking "SEC. 6. The Mediator" and all that follows through subsection (f) and inserting the following:

"SECTION 1. DEFINITIONS.

"In this Act:

"(1) District court.—The term 'District Court' means the United States District Court for the District of Arizona.

"(2) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(3) Tribe.—The term 'Tribe' means—

"(A) the Navajo Indian Tribe; and

"(B) the Hopi Indian Tribe.

"SEC. 2. DIVISION OF LAND.

"(a) Division.—

"(1) In general.—The land located within the boundaries of the reservation established by Executive order on December 16, 1982, shall be divided into parcels of equal acreage and quality—

"(A) to the maximum extent practicable; and

"(B) in accordance with the final order issued by the District Court on August 30, 1978 (providing for the partition of the surface rights and interest of the Tribes).

"(2) Valuation of parcels.—For the purpose of calculating the value of a parcel produced by a division under paragraph (1), the Secretary shall—

"(A) take into account any improvement on the land; and

"(B) consider the grazing capacity of the land to be fully restored.

"(3) Compensation by tribes.—If the partition under paragraph (1) results in parcels of unequal value, as determined by the Secretary, the Tribe that receives the more valuable parcel shall pay to the other Tribe compensation in an amount equal to the difference in the values of the parcels, as determined by the Secretary.

"(4) Compensation by federal government.—If the District Court determines that the failure of the Federal Government to fulfill an obligation of the Government decreased the value of a parcel under paragraph (1), the Government shall pay to the recipient of the parcel compensation in an amount equal to the difference between—

"(A) the decreased value of the parcel; and

"(B) the value of the fully restored parcel.";

(2) by striking "(g) Any" and inserting the following:

"(b) License Fees and Rents.—Any"; and

(3) by striking "(h) Any" and inserting the following:

"(c) Grazing and Agricultural Use.—Any".

SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d-6) is amended—

(1) by striking "SEC. 7. Partition" and inserting the following:

"SEC. 3. JOINT OWNERSHIP OF MINERALS.

"(a) In General.—Partition"; and

(2) in the second sentence, by striking "All" and inserting the following:

"(b) Joint Management.—All".

SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d-7) is amended—

(1) by striking "SEC. 8. (a) Either Tribe" and inserting the following:

"SEC. 4. ACTIONS.

"(a) Actions in District Court.—Either Tribe";

(2) in subsection (b)—

(A) in the first sentence, by striking "(b) Lands, if any," and inserting the following:

"(b) Allocation of Land.—

"(1) Navajo reservation.—Any land";

(B) in the second sentence, by striking "Lands, if any," and inserting the following:

"(2) Hopi reservation.—Any land"; and

(C) in the third sentence, by striking "Any lands" and inserting the following:

"(3) Joint and undivided interests.—Any land";

(3) in subsection (c)—

(A) by striking "(c)(1) Either" and inserting the following:

"(c) Exchange of Land.—

"(1) IN GENERAL.—Either";

(B) in paragraph (2), by striking "(2) In the event" and inserting the following:

"(2) INTERESTS OF TRIBES.—If";

(C) in paragraph (3), by striking "(3) Neither" and inserting the following:

"(3) DEFENSE.—Neither"; and

(D) by striking "section 18" each place it appears and inserting "section 14";

(4) in subsection (d), by striking "(d) Nothing" and inserting the following:

"(d) EFFECT OF SECTION.—Nothing";

(5) in subsection (e), by striking "(e) The" and inserting the following:

"(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The"; and

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d–8) is amended by striking "SEC. 9. Notwithstanding" and inserting the following:

"SEC. 5. PAIUTE INDIAN ALLOTMENTS.

"Notwithstanding".

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d–9) is amended—

(1) by striking "SEC. 10. (a) Subject" and inserting the following:

"SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

"(a) NAVAJO TRUST LAND.—Subject";

(2) in subsection (a), by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(3) in subsection (b)—

(A) by striking "(b) Subject" and inserting the following:

"(b) HOPI TRUST LAND.—Subject";

(B) by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(C) by striking "section 3 or 4" and inserting "section **[1]** *2*"; and

(D) by striking "section 8" and inserting "section 4";

(4) in subsection (c)—

(A) by striking "(c) The" and inserting the following:

"(c) PROTECTION OF RIGHTS AND PROPERTY.—The"; and

(B) by striking "pursuant thereto" and all that follows through the end of the subsection and inserting "pursuant to this Act";

(5) in subsection (d), by striking "(d) With" and inserting the following:

"(d) PROTECTION OF BENEFITS AND SERVICES.—With"; and

(6) in subsection (e)—

(A) by striking "(e)(1) Lands" and inserting the following:

"(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

"(1) IN GENERAL.—Land";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking "The provisions" and inserting the following:

"(2) RESPONSIBILITY OF SECRETARY.—The provisions"; and

(ii) by striking "life tenants and".

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d–10(a)) is amended—

(1) by striking "SEC. 11. (a) The Secretary" and inserting the following:

"SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

"(a) TRANSFER OF LAND.—

"(1) IN GENERAL.—The Secretary";

(2) by striking "(1) transfer not to exceed two hundred and fifty thousand acres of lands" and inserting the following:

"(A) transfer not more than 250,000 acres of land";

(3) by striking "Tribe: *Provided*, That" and all that follows through "as possible." and inserting "Tribe; and";

(4) in the first paragraph designated as paragraph (2)—

(A) by striking "(2) on behalf" and inserting the following:

"(B) on behalf"; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking "Subject to" and all that follows through "all rights" and inserting the following:

"(4) REQUIREMENTS OF TRANSFER.—

"(A) IN GENERAL.—Subject to this paragraph, all rights"; and

(ii) by striking "paragraph (1)" and inserting "paragraph (1)(A)";

(B) in the second sentence, by striking "So long as" and inserting the following:

"(B) COAL LEASE APPLICATIONS.—

"(i) IN GENERAL.—If";

(C) in the third sentence, by striking "If such adjudication" and inserting the following:

"(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)";

(D) in the fourth sentence, by striking "The leaseholders rights and interests" and inserting the following:

"(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)"; and

(E) in the fifth sentence, by striking "If any" and inserting the following:

"(C) CLAIMS UNDER MINING LAW.—If any";

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

"(2) EXCHANGE OF LAND.—

"(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

"(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

"(i) the difference between the values of the land exchanged; or

"(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

"(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall ensure that the amount of a payment under subparagraph (B) is as minimal as practicable.

"(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under paragraph (1)(B) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation."; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking "(2) Those" and inserting the following:

"(5) STATE RIGHTS.—

"(A) IN GENERAL.—The"; and

(ii) by striking "subsection 2 of this section" and inserting "paragraph (1)(B)"; and

(B) in the second sentence, by striking "The" and inserting the following:

"(B) STATE INTERESTS.—The".

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d–10(b)) is amended by striking "(b) A border" and inserting the following:

"(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border".

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d–10(c)) is amended—

(1) by striking "(c) Lands" and inserting the following:

"(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land"; and

(2) by striking the period at the end and inserting the following: ": *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.".

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d–10(d)) is amended by striking "(d) The" and inserting the following:

"(d) REPORTS.—The".

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d–10(e)) is amended by striking "(e) Payments" and inserting the following:

"(e) PAYMENTS.—Payments".

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d–10(f)) is amended—

(1) by striking "(f)(1) For" and inserting the following:

"(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

"(1) IN GENERAL.—For";

(2) in paragraph (2), by striking "(2) If" and inserting the following:

"(2) PUBLIC NOTICE; REPORT.—If"; and

(3) in paragraph (3), by striking "(3) In any case where" and inserting the following:

"(3) RIGHTS OF SUBSURFACE OWNERS.—If".

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–10(g)) is amended by striking "(g) No" and inserting the following:

"(g) LAND NOT AVAILABLE FOR TRANSFER.—No".

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d–10(h)) is amended—

(1) by striking "(h) The lands" and inserting the following:

"(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

"(1) IN GENERAL.—The land"; and

(2) by adding at the end the following:

"(2) RELOCATION.—

"(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

"(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).".

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d–10(i)) is amended—

(1) by striking "(i) The" and inserting the following:

"(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The"; and

(2) by striking "section 23" and inserting "section 19".

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d–11) is amended—

(1) by striking "SEC. 12. (a) There is hereby" and inserting the following:

"SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

"(a) ESTABLISHMENT.—There is";

(2) in subsection (b), by striking "(b) The" and inserting the following:

"(b) APPOINTMENT.—The";

(3) in subsection (c)—

(A) by striking "(c)(1)(A) Except" and inserting the following:

"(c) CONTINUATION OF POWERS.—

"(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

"(A) POWERS AND DUTIES OF COMMISSIONER.—Except";

(B) in paragraph (1)(B), by striking "(B) All" and inserting the following:

"(B) EXISTING FUNDS.—All"; and

(C) in paragraph (2), by striking "(2) There are hereby" and inserting the following:

"(2) TRANSFER OF POWERS.—There are";

(4) in subsection (d)—

(A) by striking "(d)(1) Subject" and inserting the following:

"(d) POWERS OF COMMISSIONER.—

"(1) IN GENERAL.—Subject";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking "(2) The" and inserting the following:

"(2) CONTRACTS.—The"; and

(D) in paragraph (3), by striking "(3) There" and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There";

(5) in subsection (e)—

(A) by striking "(e)(1)" and inserting the following:

"(e) ADMINISTRATION.—

"(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—".

(B) in paragraph (1)—

(i) in the first sentence, by striking "The" and inserting the following:

"(A) IN GENERAL.—The"; and

(ii) in the second sentence, by striking "In any" and inserting the following:

"(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any"; and

(C) in paragraph (2), by striking "(2) On" and inserting the following:

"(2) FAILURE TO PROVIDE ASSISTANCE.—On";

(6) by striking subsection (f) and inserting the following:

"(f) TERMINATION.—

"(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

"(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005."; and

(7) by adding at the end the following:

"(g) OFFICE OF RELOCATION.—

"(1) ESTABLISHMENT.—Effective on October 1, 2006, there is established in the Department of the Interior an Office of Relocation.

"(2) DUTIES.—The Secretary, acting through the Office of Relocation, shall carry out the duties of the Office of Navajo and Hopi Indian Relocation that are transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005.

"(3) TERMINATION.—The Office of Relocation shall terminate on the date on which the Secretary determines that the duties of the Office have been carried out.".

SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d–12) is amended—

(1) by striking "SEC. 13. (a) By no" and inserting the following:

"SEC. 9. REPORT.

"(a) IN GENERAL.—Not"; and

(2) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) INCLUSIONS.—The"; and

(B) by striking "contain, among other matters, the following:" and inserting "include—".

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d–13) is amended—

(1) by striking "SEC. 14. (a)" and inserting the following:

"SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

"(a) AUTHORIZATION.—";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking "Consistent" and inserting the following:

"(1) IN GENERAL.—Consistent";

(ii) by striking "section 8" each place it appears and inserting "section 4"; and

(iii) by striking "section 3 or 4" and inserting "section **[1]** *2*";

(B) by striking the second sentence;

(C) in the third sentence, by striking "No further" and inserting the following:

"(2) SETTLEMENTS OF NAVAJO.—No further";

(D) in the fourth sentence, by striking "No further" and inserting the following:

"(3) SETTLEMENTS OF HOPI.—No further"; and

(E) in the fifth sentence, by striking "No individual" and inserting the following:

"(4) GRAZING.—No individual";

(3) in subsection (b)—

(A) by striking "(b) In addition" and inserting the following:

"(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition";

(B) by striking "section 15" and inserting "section 11"; and

(C) by striking "section 13" and inserting "section 9";

(4) in subsection (c), by striking "(c) No" and inserting the following:

"(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No"; and

(5) by adding at the end the following:

"(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2005, that head of household has not been certified as eligible to receive the payment.".

SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d–14) is amended—

(1) by striking "SEC. 15. (a)" and inserting the following:

"SEC. 11. RELOCATION HOUSING.

"(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—";

(2) in subsection (a)—

(A) in the first sentence, by striking "The Commission" and inserting the following:

"(1) IN GENERAL.—The Commission"; and

(B) in the second sentence—

(i) by striking "The purchase" and inserting the following:

"(2) PURCHASE PRICE.—The purchase"; and

(ii) by striking "as determined under clause (2) of subsection (b) of section 13";

(3) in subsection (b)—

(A) by striking "(b) In addition" and inserting the following:

"(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition";

(B) by striking "shall:" and inserting "shall—"; and

(C) in paragraph (1), by inserting "and" after the semicolon at the end;

(4) in subsection (c)—

(A) by striking "(c) In implementing" and inserting the following:

"(c) STANDARDS; CERTAIN PAYMENTS.—

"(1) STANDARDS.—In carrying out"; and

(B) in the second sentence—

(i) by striking "No payment" and inserting the following:

"(2) CERTAIN PAYMENTS.—No payment";

(ii) by striking "section 8" and inserting "section 4"; and

(iii) by striking "section 3 or 4" and inserting "section **[1]** *2*";

(5) in subsection (d)—

(A) by striking "(d) The" and inserting the following:

"(d) METHODS OF PAYMENT.—The";

(B) by striking "(1) Should" and inserting the following:

"(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should";

(C) by striking "(2) Should" and inserting the following:

"(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should"; and

(D) by striking "(3) Should" and inserting the following:

"(3) FAILURE TO ARRANGE RELOCATION.—Should";

(6) in subsection (e)—

(A) by striking "(e) The" and inserting the following:

"(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The";

(B) by striking "section 8" and inserting "section 4"; and

(C) by striking "section 3 or 4" and inserting "section **[1]** *2*";

(7) in subsection (f), by striking "(f) Notwithstanding" and inserting the following:

"(f) PREFERENTIAL TREATMENT.—Notwithstanding"; and

(8) by striking subsection (g) and inserting the following:

"(g) BENEFITS HELD IN TRUST.—

"(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary of the identity of any head of household that, as of that date—

"(A) is certified as eligible to receive benefits under this Act;

"(B) does not reside on land that has been partitioned to the Tribe of which the head of household is a member; and

"(C) has not received a replacement home.

"(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households.

"(3) DISPOSITION OF TRANSFERRED FUNDS.—

"(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) in trust for the heads of households described in paragraph (1)(A).

"(B) PAYMENT AMOUNTS.—Of the funds held in trust under subparagraph (A), the Secretary shall make payments to heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

“(i) on receipt of a request of a head of household, to be used for a replacement home; or

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

“(C) Distribution of funds on death of head of household.—If the Secretary holds funds in trust under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

“(i) identify and notify any heir of the head of household; and

“(ii) distribute the funds held by the Secretary for the head of household to any heir—

“(I) immediately, if the heir is at least 18 years old; or

“(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

“(h) Notification.—

“(1) In general.—Not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) List.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

“(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

“(B) has not entered into a lease to reside on that land.

“(3) Construction of replacement homes.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Hopi Tribe under this Act from the Secretary or the United States Attorney for the District of Arizona, the Commissioner may begin construction of a replacement home on any land acquired under section 6.

“(i) Appeals.—

“(1) In general.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

“(2) Final determinations.—The hearing procedure established under paragraph (1) shall—

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

“(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

“(3) Notice.—

“(A) In general.—Not later than 30 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall provide written notice to any individual that the Commissioner determines may have the right to a determination of eligibility for benefits under this Act.

“(B) Requirements for notice.—The notice provided under subparagraph (A) shall—

“(i) specify that a request for a determination of eligibility for benefits under this Act shall be presented to the Commission not later than 180 days after the date on which the notice is issued; and

“(ii) be provided—

“(I) by mail (including means other than certified mail) to the last known address of the recipient; and

“(II) in a newspaper of general circulation in the geographic area in which an address referred to in subclause (I) is located.

“(j) Procurement of Services.—

“(1) In general.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of the requests referred to in subsection (i)(3)(A) (including an appeal hearing before an impartial third party referred to in subsection (i)(2)(A)), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) Detail of administrative law judges or hearing officers.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications to review the requests referred to in subsection (i)(3)(A), as determined by the Commissioner.

“(k) Appeal to United States Circuit Court of Appeals.—

“(1) In general.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the ‘Circuit Court’).

“(2) Review.—

“(A) In general.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

“(B) Standard of review.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

“(3) Notice of appeal.—

“(A) In general.—Not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) Certification of record.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) Review period.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) Binding decision.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”.

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d–15) is amended—

(1) by striking “Sec. 16. (a) The Navajo” and inserting the following:

“SEC. 12. PAYMENT FOR USE OF LAND.

“(a) In General.—The Navajo”;

(2) in subsection (a), by striking “sections 8 and 3 or 4” and inserting “sections **[1]** *2* and 4”; and

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) Payment.—The”; and

(B) by striking “sections 8 and 3 or 4” and inserting “sections **[1]** *2* and 4”.

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d–16) is amended—

(1) by striking “Sec. 17. (a)” and inserting the following:

“SEC. 13. EFFECT OF ACT.

“(a) Title, Possession, and Enjoyment.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “Nothing” and inserting the following:

“(1) In general.—Nothing”; and

(B) in the second sentence, by striking “Such” and inserting the following:

“(2) Residence on other reservations.—Any”; and

(3) in subsection (b), by striking “(b) Nothing” and inserting the following:

“(b) Federal Employees.—Nothing”.

SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d–17) is amended—

(1) by striking “Sec. 18. (a) Either” and inserting the following:

“SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

“(a) Actions by Tribes.—Either”;

(2) in subsection (a), by striking “section 3 or 4” and inserting “section **[1]** *2*”;

(3) in subsection (b)—

(A) by striking “(b) Neither” and inserting the following:

“(b) Defenses.—Neither”; and

(B) by striking “section 3 or 4” and inserting “section **[1]** *2*”;

(4) in subsection (c)—

(A) by striking “(c) Either” and inserting the following:

“(c) Further Original, Ancillary, or Supplementary Acts To Ensure Quiet Enjoyment.—

“(1) In general.—Either”; and

(B) in the second sentence, by striking “Such actions” and inserting the following:

“(2) Action through chairman.—An action under paragraph (1)”;

(5) in subsection (d)—

(A) by striking “(d) Except” and inserting the following:

“(d) United States as Party; Judgments Against the United States.—

“(1) In general.—Except”; and

(B) in the second sentence, by striking “Any judgment or judgments” and inserting the following:

“(2) Effect of judgments.—Any judgment”; and

(6) in subsection (e), by striking “(e) All” and inserting the following:

“(e) Remedies.—All”.

SEC. 115. JOINT USE.

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d–18) is amended—

(1) by striking "SEC. 19. (a) Notwithstanding" and inserting the following:

"SEC. 15. JOINT USE.

"(a) Reduction of Livestock.—

"(1) In general.—Notwithstanding";

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by striking "section 3 or 4" and inserting "section **[1]** *2*"; and

(B) in the second sentence, by striking "The Secretary is directed to" and inserting the following:

"(2) Conservation practices and methods.—The Secretary shall";

(3) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) Survey Location of Monuments and Fencing of Boundaries.—The"; and

(B) by striking "sections 8 and 3 or 4" each place it appears and inserting "sections **[1]** *2* and 4"; and

(4) in subsection (c)—

(A) by striking "(c)(1) Surveying" and inserting the following:

"(c) Surveying, Monumenting, and Fencing; Livestock Reduction Program.—

"(1) Surveying, monumenting, and fencing.—Surveying";

(B) in paragraph (1)—

(i) by striking "section 4" and inserting "section **[1]** *2*"; and

(ii) by striking "section 8" and inserting "section 4"; and

(C) in paragraph (2), by striking "(2) The" and inserting the following:

"(2) Livestock reduction program.—The".

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d–19) is amended by striking "SEC. 20. The members" and inserting the following:

"SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

"The members".

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d–20) is amended by striking "SEC. 21. Notwithstanding" and inserting the following:

"SEC. 17. ACCESS TO RELIGIOUS SHRINES.

"Notwithstanding".

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d–21) is amended—

(1) by striking "SEC. 22. The availability" and inserting the following:

"SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

"(a) In General.—The availability"; and

(2) by striking "None of the funds" and inserting the following:

"(b) Federal and State Income Taxes.—None of the funds".

SEC. 119. AUTHORIZATION OF EXCHANGE.

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d–22) is amended—

(1) by striking "SEC. 23. The Navajo" and inserting the following:

"SEC. 19. AUTHORIZATION OF EXCHANGE.

"(a) In General.—The Navajo"; and

(2) in the second sentence—

(A) by striking "In the event that the Tribes should" and inserting the following:

"(b) Negotiated Exchanges.—If the Tribes"; and

(B) by striking "sections 14 and 15" and inserting "sections 10 and 11".

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d–23) is amended by striking "SEC. 24. If" and inserting the following:

"SEC. 20. SEVERABILITY.

"If".

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24) is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

"SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

"(a) Relocation of Households and Members.—There is authorized to be appropriated to carry out section 10(b) $13,000,000.

"(b) Relocation of Households and Members.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

"(c) Return to Carrying Capacity and Institution of Conservation Practices.—There is authorized to be appropriated to carry out section 15(a) $10,000,000.

"(d) Survey Location of Monuments and Fencing of Boundaries.—There is authorized to be appropriated to carry out section 15(b) $500,000.".

SEC. 122. FUNDING AND CONSTRUCTION OF HIGH SCHOOL AND MEDICAL CENTER.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d–25) is amended by striking "SEC. 27." and all that follows through "(c) The Secretary" and inserting the following:

"SEC. 21. FUNDING AND CONSTRUCTION OF HIGH SCHOOL AND MEDICAL CENTER.

"The Secretary".

SEC. 123. ENVIRONMENTAL IMPACT; WILDERNESS STUDY; CANCELLATION OF LEASES AND PERMITS.

Section 28 of the Act of December 22, 1974 (25 U.S.C. 640d–26) is amended—

(1) by striking "SEC. 28. (a) No action" and inserting the following:

"SEC. 22. ENVIRONMENTAL IMPACT; WILDERNESS STUDY; CANCELLATION OF LEASES AND PERMITS.

"(a) In General.—No action";

(2) in subsection (b), by striking "(b) Any" and inserting the following:

"(b) Effect of Wilderness Study.—Any"; and

(3) by adding at the end the following:

"(c) Construction Requirements.—

"(1) In general.—Any construction activity under this Act shall be carried out in accordance with sections 3 through 7 of the Act of June 27, 1960 (16 U.S.C. 469a–1 through 469c).

"(2) Compliance with other requirements.—If a construction activity meets the requirements under paragraph (1), the activity shall be considered to be in accordance with any applicable requirement of—

"(A) Public Law 89–665 (80 Stat. 915); and

"(B) the Act of June 8, 1906 (34 Stat. 225, chapter 3060).".

SEC. 124. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d–27) is amended—

(1) by striking "SEC. 29. (a)" and inserting the following:

"SEC. 23. ATTORNEY FEES AND COURT COSTS.

"(a) In General.—";

(2) in subsection (a)—

(A) by striking "In any" and inserting the following:

"(1) In general.—In any"; and

(B) by striking "For each" and inserting the following:

"(2) Authorization of appropriations.—For each";

(3) in subsection (b)—

(A) by striking "(b) Upon" and inserting the following:

"(b) Award by Court.—

"(1) In general.—On"; and

(B) in the second sentence, by striking "Any party" and inserting the following:

"(2) Reimbursement of united states.—Any party";

(4) in subsection (c), by striking "(c) To" and inserting the following:

"(c) Excess Difference.—To"; and

(5) in subsection (d)—

(A) by striking "(d) This" and inserting the following:

"(d) Application of Section.—This"; and

(B) by striking "section 8 or 18(a) of this Act" and inserting "section 4 or section 14(a)".

SEC. 125. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d–29) is amended—

(1) by striking "SEC. 31. (a) Except" and inserting the following:

"SEC. 24. LOBBYING.

"(a) In General.—Except"; and

(2) in subsection (b), by striking "(b) Subsection" and inserting the following:

"(b) Applicability.—Subsection".

SEC. 126. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d–30) is amended—

(1) by striking "SEC. 32. (a) There" and inserting the following:

"SEC. 25. NAVAJO REHABILITATION TRUST FUND.

"(a) Establishment.—There";

(2) in subsection (b), by striking "(b) All" and inserting the following:

"(b) Deposit of Income Into Fund.—All";

(3) in subsection (c), by striking "(c) The" and inserting the following:

"(c) Investment of Funds.—The";

(4) in subsection (d)—

(A) by striking "(d) Funds" and inserting the following:

"(d) Availability of Funds.—Funds";

(B) in paragraph (1), by striking "proceedings," and inserting "proceedings;"; and

(C) in paragraph (2), by striking "Act, or" and inserting "Act; or";

(5) in subsection (e)—

(A) by striking "(e) By December 1" and inserting the following:

"(e) Expenditure of Funds.—

"(1) In general.—Not later than December 1"; and

(B) in the second sentence, by striking "Such framework is to be" and inserting the following:

"(2) Requirement.—The framework under paragraph (1) shall be";

(6) in subsection (f)—

(A) by striking "(f) The" and inserting the following:

"(f) Termination.—

"(1) In general.—The"; and

(B) in the second sentence, by striking "All funds" and inserting the following:

"(2) Transfer of remaining funds.—All funds"; and

(7) in subsection (g)—

(A) by striking "(g) There is hereby" and inserting the following:

"(g) Authorization of Appropriations.—

"(1) In general.—There is";

(B) in the first sentence, by striking "1990, 1991, 1992, 1993, 1994, and 1995" and inserting "2006 through 2008"; and

(C) in the second sentence, by striking "The income" and inserting the following:

"(2) Income from land.—The income".

SEC. 127. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640-31) is amended by striking "SEC. 32. Nothing" and inserting the following:

"SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.".

"Nothing".

TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SEC. 201. RETENTION PREFERENCE.

The second sentence of section 3501(b) of title 5, United States Code, is amended—

(1) by striking "or" after "Senate" and inserting a comma;

(2) by striking "or" after "Service" and inserting a comma; and

(3) by inserting ", or to an employee of the Office of Navajo and Hopi Indian Relocation" before the period.

SEC. 202. SEPARATION PAY.

(a) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5598 Separation pay for certain employees of the Office of Navajo and Hopi Indian Relocation

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Commissioner of the Office of Navajo and Hopi Indian Relocation shall establish a program to offer separation pay to employees of the Office of Navajo and Hopi Indian Relocation (referred to in this section as the 'Office') in the same manner as the Secretary of Defense offers separation pay to employees of a defense agency under section 5597.

"(b) SEPARATION PAY.—

"(1) IN GENERAL.—Under the program established under subsection (a), the Commissioner of the Office may offer separation pay only to employees within an occupational group or at a pay level that minimizes the disruption of ongoing Office programs at the time that the separation pay is offered.

"(2) REQUIREMENT.—Any separation pay offered under this subsection—

"(A) shall be paid in a lump sum;

"(B) shall be in an amount equal to $25,000, if paid on or before December 31, 2007;

"(C) shall be in an amount equal to $20,000, if paid after December 31, 2007, and before January 1, 2009;

"(D) shall be in an amount equal to $15,000, if paid after December 31, 2008, and before January 1, 2010;

"(E) shall not—

"(i) be a basis for payment;

"(ii) be considered to be income for the purposes of computing any other type of benefit provided by the Federal Government; and

"(F) if an individual is otherwise entitled to receive any severance pay under section 5595 on the basis of any other separation, shall not be payable in addition to the amount of the severance pay to which that individual is entitled under section 5595.

"(c) PROHIBITION.—No amount shall be payable under this section to any employee of the Office for any separation occurring after December 31, 2009.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 55 of title 5 is amended by adding at the end the following:

"5598. Separation pay for certain employees of the Office of Navajo and Hopi Indian Relocation".

SEC. 203. FEDERAL RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IMMEDIATE RETIREMENT.—Section 8336(j)(1)(B) of title 5, United States Code, is amended by inserting "or was employed by the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that employee" before the final comma.

(2) COMPUTATION OF ANNUITY.—Section 8339(d) of title 5, United States Code, is amended by adding at the end the following:

"(8) The annuity of an employee of the Office of Navajo and Hopi Indian Relocation described in section 8336(j)(1)(B) shall be determined under subsection (a), except that with respect to service of that employee on or after January 1, 1985, the annuity of that employee shall be in an amount equal to the sum of—

"(A) the product obtained by multiplying—

"(i) 2½ percent of the average pay of the employee; and

"(ii) the quantity of service of the employee on or after January 1, 1985, that does not exceed 10 years; and

"(B) the product obtained by multiplying—

"(i) 2 percent of the average pay of the employee; and

"(ii) the quantity of the service of the employee on or after January 1, 1985, that exceeds 10 years.".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) IMMEDIATE RETIREMENT.—Section 8412 of title 5, United States Code, is amended by adding at the end the following:

"(i) An employee of the Office of Navajo and Hopi Indian Relocation is entitled to an annuity if that employee—

"(1) has been continuously employed in the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that individual; and

"(2)(A) has completed 25 years of service at any age; or

"(B) has attained the age of 50 years and has completed 20 years of service.".

(2) COMPUTATION OF BASIC ANNUITY.—Section 8415 of title 5, United States Code, is amended—

[(1) by redesignating subsection (l) as subsection (m);

(2) by redesignating the second subsection designated as subsection (k) as subsection (l); and

(3) by adding at the end the following:]

(A) by redesignating subsection (l) as subsection (m);

(B) by redesignating the second subsection designated as subsection (k) as subsection (l); and

(C) by adding at the end the following:

"(n) The annuity of an employee retiring under section 8412(i) shall be determined in accordance with subsection (d), except that with respect to service during the period beginning on January 1, 1985, the annuity of the employee shall be an amount equal to the sum of—

"(1) the product obtained by multiplying—

"(A) 2 percent of the average pay of the employee; and

"(B) the quantity of the total service of the employee that does not exceed 10 years; and

"(2) the product obtained by multiplying—

"(A) 1½ percent of the average pay of the employee; and

"(B) the quantity of the total service of the employee that exceeds 10 years.".

TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 301. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) OFFICE.—The term "Office" means the Office of Navajo and Hopi Relocation (including any component of that office).

SEC. 302. TRANSFER OF FUNCTIONS.

Effective on the date of enactment of this Act, there is transferred to the Secretary of the Interior any function of the Office that has not been carried out by the Office on the date of enactment of this Act, as determined by the Secretary of the Interior in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act and the amendments made by this Act, any asset, liability, contract, property, record, or unexpended balance of appropriations, authorizations, allocations, and other funds made available to carry out the functions transferred by this title shall be transferred to the Secretary of the Interior, subject to section 1531 of title 31, United States Code.

(b) USE OF FUNDS.—Any unexpended funds transferred under subsection (a) shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 304. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the date of enactment of this Act shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary of the Interior;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the date of enactment of this Act.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the McCain amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The amendments (Nos. 3858 and 3859) were agreed to, as follows:

AMENDMENT NO. 3858

(Purpose: In the nature of a substitute)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3859 TO AMENDMENT NO. 388

(Purpose: To modify a provision relating to the authorization of appropriations)

Strike section 121 of the amendment and insert the following:

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

“SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”.

The bill (S. 1003), as amended, was read the third time and passed, as follows:

S. 1003

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Navajo-Hopi Land Settlement Amendments of 2005”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Effect of Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.
Sec. 102. Short title; definitions.
Sec. 103. Joint ownership of minerals.
Sec. 104. Actions.
Sec. 105. Paiute Indian allotments.
Sec. 106. Partitioned and other designated land.
Sec. 107. Resettlement land for Navajo Tribe.
Sec. 108. Office of Navajo and Hopi Indian Relocation.
Sec. 109. Report.
Sec. 110. Relocation of households and members.
Sec. 111. Relocation housing.
Sec. 112. Payment for use of land.
Sec. 113. Effect of Act.
Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.
Sec. 115. Joint use.
Sec. 116. Religious ceremonies; piping of water.
Sec. 117. Access to religious shrines.
Sec. 118. Exclusion of Payments from certain Federal determinations of income.
Sec. 119. Authorization of exchange.
Sec. 120. Severability.
Sec. 121. Authorization of appropriations.
Sec. 122. Discretionary fund.
Sec. 123. Attorney fees and court costs.
Sec. 124. Lobbying.
Sec. 125. Navajo Rehabilitation Trust Fund.
Sec. 126. Availability of Funds for relocation assistance.

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 201. Definitions.
Sec. 202. Transfer of functions.
Sec. 203. Personnel provisions.
Sec. 204. Delegation and assignment.
Sec. 205. Reorganization.
Sec. 206. Rules.
Sec. 207. Transfer and allocations of appropriations and personnel.
Sec. 208. Incidental transfers.
Sec. 209. Effect on personnel.
Sec. 210. Separability.
Sec. 211. Transition.
Sec. 212. Report.
Sec. 213. References.
Sec. 214. Additional conforming amendment.
Sec. 215. Effect of title.
Sec. 216. Effective date.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

Sec. 301. Separation pay.
Sec. 302. Federal retirement.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the “Navajo-Hopi Land Settlement Act of 1974”) was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking “That, (a) within” and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the Act of December 22, 1974 (25 U.S.C. 640d–1 through 640d–4; 88 Stat. 1723; 25 U.S.C. 640d–26, 640d–28), are repealed.

SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d–5), is amended by striking “SEC. 6. The Mediator” and all that follows through the end of the section and inserting the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Navajo-Hopi Land Settlement Act’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) DISTRICT COURT.—The term ‘District Court’ means the United States District Court for the District of Arizona.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) TRIBE.—The term ‘Tribe’ means—

“(A) the Navajo Indian Tribe; and

“(B) the Hopi Indian Tribe.”.

SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d–6), is amended—

(1) by striking “SEC. 7. Partition” and inserting the following:

“SEC. 3. JOINT OWNERSHIP OF MINERALS.

“(a) IN GENERAL.—Partition”; and

(2) in the second sentence, by striking “All” and inserting the following:

“(b) JOINT MANAGEMENT.—All”.

SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d–7), is amended—

(1) by striking “SEC. 8. (a) Either Tribe” and inserting the following:

“SEC. 4. ACTIONS.

“(a) ACTIONS IN DISTRICT COURT.—Either Tribe”;

(2) in subsection (b)—

(A) in the first sentence, by striking “(b) Lands, if any,” and inserting the following:

“(b) ALLOCATION OF LAND.—

“(1) NAVAJO RESERVATION.—Any land”;

(B) in the second sentence, by striking “Lands, if any,” and inserting the following:

“(2) HOPI RESERVATION.—Any land”; and

(C) in the third sentence, by striking “Any lands” and inserting the following:

“(3) JOINT AND UNDIVIDED INTERESTS.—Any land”;

(3) in subsection (c)—

(A) by striking “(c)(1) Either” and inserting the following:

“(c) EXCHANGE OF LAND.—

“(1) IN GENERAL.—Either”;

(B) in paragraph (2), by striking “(2) In the event” and inserting the following:

“(2) INTERESTS OF TRIBES.—If”;

(C) in paragraph (3), by striking “(3) Neither” and inserting the following:

“(3) DEFENSE.—Neither”; and

(D) by striking “section 18” each place it appears and inserting “section 14”;

(4) in subsection (d), by striking “(d) Nothing” and inserting the following:

“(d) EFFECT OF SECTION.—Nothing”;

(5) in subsection (e), by striking “(e) The” and inserting the following:

“(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The”; and

(6) by striking subsection (f).

SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d–8), is amended by striking “SEC. 9. Notwithstanding” and inserting the following:

“SEC. 5. PAIUTE INDIAN ALLOTMENTS.

“Notwithstanding”.

SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d–9), is amended—

(1) by striking “SEC. 10. (a) Subject” and inserting the following:

“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

“(a) NAVAJO TRUST LAND.—Subject”;

(2) in subsection (a), by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(3) in subsection (b)—

(A) by striking "(b) Subject" and inserting the following:

"(b) Hopi Trust Land.—Subject";

(B) by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(C) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(D) by striking "section 8" and inserting "section 4";

(4) in subsection (c)—

(A) by striking "(c) The" and inserting the following:

"(c) Protection of Rights and Property.—The"; and

(B) by striking "pursuant thereto" and all that follows through the end of the subsection and inserting "pursuant to this Act";

(5) in subsection (d), by striking "(d) With" and inserting the following:

"(d) Protection of Benefits and Services.—With"; and

(6) in subsection (e)—

(A) by striking "(e)(1) Lands" and inserting the following:

"(e) Tribal Jurisdiction Over Partitioned Land.—

"(1) In general.—Land";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking "The provisions" and inserting the following:

"(2) Responsibility of Secretary.—The provisions"; and

(ii) by striking "life tenants and".

SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) In General.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d–10(a)), is amended—

(1) by striking "Sec. 11. (a) The Secretary" and inserting the following:

"SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

"(a) Transfer of Land.—

"(1) In general.—The Secretary";

(2) by striking "(1) transfer not to exceed two hundred and fifty thousand acres of lands" and inserting the following:

"(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)";

(3) by striking "Tribe: *Provided*, That" and all that follows through "as possible." and inserting "Tribe; and";

(4) in the first paragraph designated as paragraph (2)—

(A) by striking "(2) on behalf" and inserting the following:

"(B) on behalf"; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking "Subject to" and all that follows through "all rights" and inserting the following:

"(4) Requirements of transfer.—

"(A) In general.—Subject to this paragraph, all rights"; and

(ii) by striking "paragraph (1)" and inserting "paragraph (1)(A)";

(B) in the second sentence, by striking "So long as" and inserting the following:

"(B) Coal lease applications.—

"(i) In general.—If";

(C) in the third sentence, by striking "If such adjudication" and inserting the following:

"(ii) Issuance of leases.—If an adjudication under clause (i)";

(D) in the fourth sentence, by striking "The leaseholders rights and interests" and inserting the following:

"(iii) Rights and interests of leaseholders.—The rights and interests of a holder of a lease described in clause (i)"; and

(E) in the fifth sentence, by striking "If any" and inserting the following:

"(C) Claims under mining law.—If any";

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

"(2) Exchange of land.—

"(A) In general.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

"(B) Unequal value.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

"(i) the difference between the values of the land exchanged; or

"(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

"(C) Responsibility of Secretary.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

"(3) Title to land accepted.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation."; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking "(2) Those" and inserting the following:

"(5) State rights.—

"(A) In general.—The"; and

(ii) by striking "subsection 2 of this section" and inserting "paragraph (1)(B)"; and

(B) in the second sentence, by striking "The" and inserting the following:

"(B) State interests.—The".

(b) Proximity of Land; Exchanges of Land.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d–10(b)), is amended by striking "(b) A border" and inserting the following:

"(b) Proximity of Land to Be Transferred or Acquired.—A border".

(c) Selection of Land.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d–10(c)), is amended—

(1) by striking "(c) Lands" and inserting the following:

"(c) Selection of Land To Be Transferred or Acquired.—Land"; and

(2) by striking the period at the end and inserting the following: ": *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.".

(d) Reports.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d–10(d)), is amended by striking "(d) The" and inserting the following:

"(d) Reports.—The".

(e) Payments.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d–10(e)), is amended by striking "(e) Payments" and inserting the following:

"(e) Payments.—Payments".

(f) Acquisition of Title to Surface and Subsurface Interests.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d–10(f)), is amended—

(1) by striking "(f)(1) For" and inserting the following:

"(f) Acquisition of Title to Surface and Subsurface Interests.—

"(1) In general.—For";

(2) in paragraph (2), by striking "(2) If" and inserting the following:

"(2) Public notice; report.—If"; and

(3) in paragraph (3), by striking "(3) In any case where" and inserting the following:

"(3) Rights of subsurface owners.—If".

(g) Land Not Available for Transfer.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d–10(g)), is amended by striking "(g) No" and inserting the following:

"(g) Land Not Available for Transfer.—No".

(h) Administration of Land Transferred or Acquired.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d–10(h)), is amended—

(1) by striking "(h) The lands" and inserting the following:

"(h) Administration of Land Transferred or Acquired.—

"(1) In general.—The land"; and

(2) by adding at the end the following:

"(2) Relocation.—

"(A) In general.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

"(B) Exception.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).".

(i) Negotiations Regarding Land Exchanges and Leases.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d–10(i)), is amended—

(1) by striking "(i) The" and inserting the following:

"(i) Negotiations Regarding Land Exchanges and Leases.—The"; and

(2) by striking "section 23" and inserting "section 19".

SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d–11), is amended—

(1) by striking "Sec. 12. (a) There is hereby" and inserting the following:

"SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

"(a) Establishment.—There is";

(2) in subsection (b), by striking "(b) The" and inserting the following:

"(b) Appointment.—The";

(3) in subsection (c)—

(A) by striking "(c)(1)(A) Except" and inserting the following:

"(c) Continuation of Powers.—

"(1) Powers and duties of Commissioner; existing funds.—

"(A) Powers and duties of Commissioner.—Except";

(B) in paragraph (1)(B), by striking "(B) All" and inserting the following:

"(B) Existing funds.—All"; and

(C) in paragraph (2), by striking "(2) There are hereby" and inserting the following:

"(2) Transfer of powers.—There are";

(4) in subsection (d)—

(A) by striking "(d)(1) Subject" and inserting the following:

"(d) POWERS OF COMMISSIONER.—

"(1) IN GENERAL.—Subject";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking "(2) The" and inserting the following:

"(2) CONTRACTS.—The"; and

(D) in paragraph (3), by striking "(3) There" and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There";

(5) in subsection (e)—

(A) by striking "(e)(1)" and inserting the following:

"(e) ADMINISTRATION.—

"(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—";

(B) in paragraph (1)—

(i) in the first sentence, by striking "The" and inserting the following:

"(A) IN GENERAL.—The"; and

(ii) in the second sentence, by striking "In any" and inserting the following:

"(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any"; and

(C) in paragraph (2), by striking "(2) On" and inserting the following:

"(2) FAILURE TO PROVIDE ASSISTANCE.—On";

(6) by striking subsection (f) and inserting the following:

"(f) TERMINATION.—

"(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

"(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005."; and

(7) by adding at the end the following:

"(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

"(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

"(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.".

SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d–12), is amended—

(1) by striking "SEC. 13. (a) By no" and inserting the following:

"SEC. 9. REPORT.

"(a) IN GENERAL.—Not"; and

(2) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) INCLUSIONS.—The"; and

(B) by striking "contain, among other matters, the following:" and inserting "include—".

SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d–13), is amended—

(1) by striking "SEC. 14. (a)" and inserting the following:

"SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

"(a) AUTHORIZATION.—";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking "Consistent" and inserting the following:

"(1) IN GENERAL.—Consistent";

(ii) by striking "section 8" each place it appears and inserting "section 4";

(iii) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(iv) by inserting ", or, after September 30, 2008, the Attorney General," after "the Commissioner";

(B) by striking the second sentence;

(C) in the third sentence, by striking "No further" and inserting the following:

"(2) SETTLEMENTS OF NAVAJO.—No further";

(D) in the fourth sentence, by striking "No further" and inserting the following:

"(3) SETTLEMENTS OF HOPI.—No further"; and

(E) in the fifth sentence, by striking "No individual" and inserting the following:

"(4) GRAZING.—No individual";

(3) in subsection (b)—

(A) by striking "(b) In addition" and inserting the following:

"(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition";

(B) by striking "section 15" and inserting "section 11"; and

(C) by striking "section 13" and inserting "section 9";

(4) in subsection (c), by striking "(c) No" and inserting the following:

"(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No"; and

(5) by adding at the end the following:

"(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.".

SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d–14), is amended—

(1) by striking "SEC. 15. (a)" and inserting the following:

"SEC. 11. RELOCATION HOUSING.

"(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—";

(2) in subsection (a)—

(A) in the first sentence, by striking "The Commission" and inserting the following:

"(1) IN GENERAL.—The Commission"; and

(B) in the second sentence—

(i) by striking "The purchase" and inserting the following:

"(2) PURCHASE PRICE.—The purchase"; and

(ii) by striking "as determined under clause (2) of subsection (b) of section 13";

(3) in subsection (b)—

(A) by striking "(b) In addition" and inserting the following:

"(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition";

(B) by striking "shall:" and inserting "shall—"; and

(C) in paragraph (1), by inserting "and" after the semicolon at the end;

(4) in subsection (c)—

(A) by striking "(c) In implementing" and inserting the following:

"(c) STANDARDS; CERTAIN PAYMENTS.—

"(1) STANDARDS.—In carrying out"; and

(B) in the second sentence—

(i) by striking "No payment" and inserting the following:

"(2) CERTAIN PAYMENTS.—No payment"; and

(ii) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 8 or section 3 or 4";

(5) in subsection (d)—

(A) by striking "(d) The" and inserting the following:

"(d) METHODS OF PAYMENT.—The";

(B) by striking "(1) Should" and inserting the following:

"(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should";

(C) by striking "(2) Should" and inserting the following:

"(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should"; and

(D) by striking "(3) Should" and inserting the following:

"(3) FAILURE TO ARRANGE RELOCATION.—Should";

(6) in subsection (e)—

(A) by striking "(e) The" and inserting the following:

"(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The";

(B) by striking "section 8" and inserting "section 4"; and

(C) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4";

(7) in subsection (f), by striking "(f) Notwithstanding" and inserting the following:

"(f) PREFERENTIAL TREATMENT.—Notwithstanding"; and

(8) by striking subsection (g) and inserting the following:

"(g) BENEFITS.—

"(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

"(A) is certified as eligible to receive benefits under this Act;

"(B) does not reside on land that has been partitioned to the Tribe; and

"(C) has not received a replacement home.

"(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

"(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

"(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

"(3) DISPOSITION OF TRANSFERRED FUNDS.—

"(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

"(i) an eligible head of household; or

"(ii) the Tribe, acting with the consent of such a head of household.

"(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

"(i) on receipt of a request of a head of household, to be used for a replacement home; or

"(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

"(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

"(i) identify and notify any heir of the head of household, in accordance with applicable law; and

"(ii) distribute the funds held by the Secretary for the head of household to any heir—

"(I) immediately, if the heir is at least 18 years old; or

"(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

"(D) Claims of competing heirs.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

"(4) Disputed eligibility claims.—

"(A) Transfer of funds.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

"(B) Disposition of transferred funds.—

"(i) In general.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

"(ii) Distributions to heads of households.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

"(h) Notification.—

"(1) In general.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

"(2) List.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

"(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

"(B) has not entered into a lease to reside on that land.

"(3) Construction of replacement homes.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

"(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

"(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

"(i) begin construction of a replacement home on any land acquired under section 6; or

"(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

"(i) Appeals.—

"(1) In general.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

"(2) Final determinations.—The hearing procedure established under paragraph (1) shall—

"(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

"(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

"(j) Procurement of Services.—

"(1) In general.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

"(2) Detail of administrative law judges or hearing officers.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

"(k) Appeal to United States Circuit Court of Appeals.—

"(1) In general.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the 'Circuit Court').

"(2) Review.—

"(A) In general.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

"(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

"(ii) on the basis of that review, affirm or reverse that determination.

"(B) Standard of review.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

"(3) Notice of appeal.—

"(A) In general.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

"(i) the Circuit Court; and

"(ii) the Commissioner.

"(B) Certification of record.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

"(C) Review period.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

"(D) Binding decision.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.".

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15), is amended—

(1) by striking "Sec. 16. (a) The Navajo" and inserting the following:

"SEC. 12. PAYMENT FOR USE OF LAND.

"(a) In General.—The Navajo";

(2) in subsection (a), by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" before "sections 8 and 3 or 4"; and

(3) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) Payment.—The"; and

(B) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "sections 8 and 3 or 4".

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d–16), is amended—

(1) by striking "Sec. 17. (a)" and inserting the following:

"SEC. 13. EFFECT OF ACT.

"(a) Title, Possession, and Enjoyment.—";

(2) in subsection (a)—

(A) in the first sentence, by striking "Nothing" and inserting the following:

"(1) In general.—Nothing"; and

(B) in the second sentence, by striking "Such" and inserting the following:

"(2) Residence on other reservations.—Any"; and

(3) in subsection (b), by striking "(b) Nothing" and inserting the following:

"(b) Federal Employees.—Nothing".

SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d–17), is amended—

(1) by striking "Sec. 18. (a) Either" and inserting the following:

"SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.

"(a) Actions by Tribes.—Either";

(2) in subsection (a), by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4";

(3) in subsection (b)—

(A) by striking "(b) Neither" and inserting the following:

"(b) Defenses.—Neither"; and

(B) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4";

(4) in subsection (c)—

(A) by striking "(c) Either" and inserting the following:

"(c) Further Original, Ancillary, or Supplementary Acts To Ensure Quiet Enjoyment.—

"(1) In general.—Either"; and

(B) in the second sentence, by striking "Such actions" and inserting the following:

"(2) Action through chairman.—An action under paragraph (1)";

(5) in subsection (d)—

(A) by striking "(d) Except" and inserting the following:

"(d) United States as Party; Judgments Against the United States.—

"(1) In general.—Except"; and

(B) in the second sentence, by striking "Any judgment or judgments" and inserting the following:

"(2) EFFECT OF JUDGMENTS.—Any judgment"; and

(6) in subsection (e), by striking "(e) All" and inserting the following:

"(e) REMEDIES.—All".

SEC. 115. JOINT USE.

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d–18), is amended—

(1) by striking "SEC. 19. (a) Notwithstanding" and inserting the following:

"SEC. 15. JOINT USE.

"(a) REDUCTION OF LIVESTOCK.—

"(1) IN GENERAL.—Notwithstanding";

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(B) in the second sentence, by striking "The Secretary is directed to" and inserting the following:

"(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall":

(3) in subsection (b)—

(A) by striking "(b) The" and inserting the following:

"(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The"; and

(B) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "sections 8 and 3 or 4" each place it appears; and

(4) in subsection (c)—

(A) by striking "(c)(1) Surveying" and inserting the following:

"(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

"(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying";

(B) in paragraph (1)—

(i) by striking "of this Act" and inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)"; and

(ii) by striking "section 8" and inserting "section 4"; and

(C) in paragraph (2), by striking "(2) The" and inserting the following:

"(2) LIVESTOCK REDUCTION PROGRAM.—The".

SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d–19), is amended by striking "SEC. 20. The members" and inserting the following:

"SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.

"The members".

SEC. 117. ACCESS TO RELIGIOUS SHRINES.

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d–20), is amended by striking "SEC. 21. Notwithstanding" and inserting the following:

"SEC. 17. ACCESS TO RELIGIOUS SHRINES.

"Notwithstanding".

SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d–21), is amended—

(1) by striking "SEC. 22. The availability" and inserting the following:

"SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.

"(a) IN GENERAL.—The availability"; and

(2) by striking "None of the funds" and inserting the following:

"(b) FEDERAL AND STATE INCOME TAXES.—None of the funds".

SEC. 119. AUTHORIZATION OF EXCHANGE.

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d–22), is amended—

(1) by striking "SEC. 23. The Navajo" and inserting the following:

"SEC. 19. AUTHORIZATION OF EXCHANGE.

"(a) IN GENERAL.—The Navajo"; and

(2) in the second sentence—

(A) by striking "In the event that the Tribes should" and inserting the following:

"(b) NEGOTIATED EXCHANGES.—If the Tribes"; and

(B) by striking "sections 14 and 15" and inserting "sections 10 and 11".

SEC. 120. SEVERABILITY.

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d–23), is amended by striking "SEC. 24. If" and inserting the following:

"SEC. 20. SEVERABILITY.

"If".

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

"SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.".

SEC. 122. DISCRETIONARY FUND.

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d–25), is amended by striking "SEC. 27." and all that follows through "(c) The Secretary" and inserting the following:

"SEC. 21. DISCRETIONARY FUND.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

"(1) $6,000,000 for the period of fiscal years 2006 through 2008; and

"(2) such sums as are necessary for each subsequent fiscal year.

"(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary".

SEC. 123. ATTORNEY FEES AND COURT COSTS.

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d–27), is amended—

(1) by striking "SEC. 29. (a)" and inserting the following:

"SEC. 22. ATTORNEY FEES AND COURT COSTS.

"(a) IN GENERAL.—";

(2) in subsection (a)—

(A) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(B) by striking "For each" and inserting the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—For each";

(3) in subsection (b)—

(A) by striking "(b) Upon" and inserting the following:

"(b) AWARD BY COURT.—

"(1) IN GENERAL.—On"; and

(B) in the second sentence, by striking "Any party" and inserting the following:

"(2) REIMBURSEMENT OF UNITED STATES.—Any party";

(4) in subsection (c), by striking "(c) To" and inserting the following:

"(c) EXCESS DIFFERENCE.—To"; and

(5) in subsection (d)—

(A) by striking "(d) This" and inserting the following:

"(d) APPLICATION OF SECTION.—This"; and

(B) by striking "section 8 or 18(a) of this Act" and inserting "section 4 or section 14(a)".

SEC. 124. LOBBYING.

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d–29), is amended—

(1) by striking "SEC. 31. (a) Except" and inserting the following:

"SEC. 23. LOBBYING.

"(a) IN GENERAL.—Except"; and

(2) in subsection (b), by striking "(b) Subsection" and inserting the following:

"(b) APPLICABILITY.—Subsection".

SEC. 125. NAVAJO REHABILITATION TRUST FUND.

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d–30), is amended—

(1) by striking "SEC. 32. (a) There" and inserting the following:

"SEC. 24. NAVAJO REHABILITATION TRUST FUND.

"(a) ESTABLISHMENT.—There";

(2) in subsection (b), by striking "(b) All" and inserting the following:

"(b) DEPOSIT OF INCOME INTO FUND.—All";

(3) in subsection (c), by striking "(c) The" and inserting the following:

"(c) INVESTMENT OF FUNDS.—The";

(4) in subsection (d)—

(A) by striking "(d) Funds" and inserting the following:

"(d) AVAILABILITY OF FUNDS.—Funds";

(B) in paragraph (1), by striking "proceedings," and inserting "proceedings;"; and

(C) in paragraph (2), by striking "Act, or" and inserting "Act; or";

(5) in subsection (e)—

(A) by striking "(e) By December 1" and inserting the following:

"(e) EXPENDITURE OF FUNDS.—

"(1) IN GENERAL.—Not later than December 1"; and

(B) in the second sentence, by striking "Such framework is to be" and inserting the following:

"(2) REQUIREMENT.—The framework under paragraph (1) shall be";

(6) in subsection (f)—

(A) by striking "(f) The" and inserting the following:

"(f) TERMINATION.—

"(1) IN GENERAL.—The"; and

(B) in the second sentence, by striking "All funds" and inserting the following:

"(2) TRANSFER OF REMAINING FUNDS.—All funds"; and

(7) by striking subsection (g).

SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640–31), is amended by striking "SEC. 32. Nothing" and inserting the following:

"SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.".

"Nothing".

TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

SEC. 201. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term "Office" means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 202. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

SEC. 203. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

SEC. 204. DELEGATION AND ASSIGNMENT.

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

SEC. 205. REORGANIZATION.

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

SEC. 206. RULES.

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 208. INCIDENTAL TRANSFERS.

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

SEC. 209. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

SEC. 210. SEPARABILITY.

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 211. TRANSITION.

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 212. REPORTS.

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the "New Lands" of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

SEC. 213. REFERENCES.

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

SEC. 214. ADDITIONAL CONFORMING AMENDMENT.

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

SEC. 215. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

SEC. 216. EFFECTIVE DATE.

This title takes effect beginning September 30, 2008.

TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

SEC. 301. SEPARATION PAY.

The Office of Navajo and Hopi Relocation (referred to in this title as the "Office") may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

SEC. 302. FEDERAL RETIREMENT.

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

ORDERS FOR WEDNESDAY, MAY 3, 2006

Mr. ENSIGN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, that there then be a period of morning business for up to 30 minutes with the majority in control of the first 15 minutes to be followed by 15 minutes under the control of the minority; provided further that the Senate then resume consideration of H.R. 4939.

I further ask unanimous consent that there be 1 hour of debate with Senator COBURN controlling 30 minutes, Senator FEINSTEIN 15 minutes, and Senator BOXER 15 minutes, and that the vote occur in relation to Division XIX of the pending amendment with no amendment in order to the division prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I now ask unanimous consent that notwithstanding adjournment of the Senate, all time count against the limitation under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENSIGN. Mr. President, today cloture was invoked on the emergency supplemental appropriations bill. We have disposed of many amendments, but we still have some pending amendments remaining that will need to be disposed of. Tomorrow will be a busy day, and votes can be expected throughout the day as we attempt to finish action on this emergency supplemental appropriations bill.

ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, and at the close of my speech, if there be no further business before the Senate, we then stand in adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, I rise today in support of the amendment offered by the Senator from New Jersey, Senator MENENDEZ. Senator MENENDEZ is carrying on a great tradition. His predecessor, Senator Jon Corzine, now Governor of New Jersey, showed a special interest in the genocide which is occurring in Darfur in Africa. I cannot say how many times Senator Corzine came to the Senate to raise this issue. I am glad Senator MENENDEZ has the same intensity and the same commitment Governor Corzine showed in the Senate. He has evidenced it by this amendment which adds an additional $60 million for peacekeeping forces.

I have spoken in the Senate many times about the Darfur crisis. I say that with some embarrassment. It is unfortunate that I still have to return to the Senate time after time, month after month, year after year. While we debate, people die. What is happening in Darfur is a shameful situation for any country in the world, shameful for those who live in peace and in powerful countries for not doing more.

First, let me salute this administration. Though I disagree with the Bush administration on so many things, I have been respectful of the fact from the beginning, under Secretary of State Colin Powell and now Secretary of State Condoleezza Rice, they have not pulled any punches. They have said from the outset what is occurring in Darfur is nothing short of genocide. That is a stark departure from what occurred under the Clinton administration, an administration which I admired and worked with, but during the Rwanda genocide they were reluctant to use the word. So many times our Secretary of State and others within the administration were pinned down: Was Rwanda a genocide? And even while people were losing their lives in that African nation, they refused to use the word.

The reason is because it carries with it so much moral import, so much responsibility. Once deciding a genocide is occurring in some part of the world, what, then, must we do? Under the Genocide Convention, we are to step forward. The civilized family of nations is to step forward to stop the genocide in place and to protect the innocent people.

For several years, though we have declared it genocide, we have not done nearly as much as we should. We have relied on a small and somewhat impotent group of African Union soldiers who may be trying to do their best but who are completely outmanned by the jingaweit and other violent actors in that nation who take advantage every day of the poor people of Darfur.

Last week, I went back to my alma mater, Georgetown University, here in Washington, DC, and I spoke to a group of students. It was a great night. I have not been back at campus in that capacity. It was great to speak to them. As the students came up to ask questions, a group of students came forward and said, We are a student group on this campus genuinely interested in the genocide in Darfur. We are planning a rally in Washington—this last Sunday—and we want to know what you are going to do about it, Senator.

It was a legitimate question, one which I answered by saying I had done some things, but I need to do more. I offered an amendment to the bill now pending to add $50 million to help move in a U.N. peacekeeping force that will augment the African Union force and give some power to this effort to protect these poor innocent people.

This weekend, on the National Mall in Washington, at the Federal Plaza in Chicago, and in 16 other cities across our country, tens of thousands of people gathered to protest the ongoing genocide in Darfur. As the Washington Post noted, the gathering of people on The Mall was one of the most diverse in history. The crowd was composed of people from all walks of life: Jews, Christians, Muslims, liberal, conservatives, teenagers, and members of the "greatest generation." They gathered under many different signs but many contained the same message: Save Darfur. That is simple. That is powerful. That is our moral responsibility, to save Darfur.

Once again, we have fallen short. We promised that once we declared genocide, we would act. We said after the genocides of recent memory, it would never again happen in our time. Sadly, it has. And things are getting worse instead of better. Violence is continuing. The Sudanese Government is blocking the preparations for the U.N. mission and peace talks have stalled.

Last week, there was an announcement in the paper which troubled me. The World Food Program, one of the most important programs in the world to feed needy people, announced it was forced to cut food rations in Darfur in half. More than 6 million people across Sudan require food aid, more than any other country on Earth. The World Food Program estimates it needs approximately $750 million to feed them and it does not have the money. The United States has provided $188 million; the European Union, almost nothing. Libya is the only member of the Arab league to step up.

This has to change. We can and should do more and so should the rest of the world. It is bad enough to stand by without taking appropriate action to stop the violence of genocide. But how can we have on our conscience that these poor people, these children, these families, dispossessed and living in fear, will now slowly starve to death on our watch?

Several amendments have been filed to this emergency supplemental bill that addressed Darfur. I am proud to cosponsor them. On this amendment by Senator MENENDEZ of New Jersey, I ask unanimous consent to join as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. His amendment increases funding for international peacekeeping efforts by $60 million.

Another amendment that has been filed authorizes the Department of Defense to assist NATO in peacekeeping efforts in Darfur. The third sets aside funds for a special envoy to be named to play the role that former Senator John Danforth of Missouri played so effectively. Let me say parenthetically, he is a great man. I am honored to call him a friend. He accepted this assignment when he could have returned to the peace and solitude of his retired life in St. Louis, but leaving the United Nations he went on to Darfur. That speaks volumes about this man's commitment to the suffering of the world that he did it.

Now we have an amendment before the Senate asking that another envoy be sent by the United States, a person of the caliber of John Danforth, who can do his best to try to bring some peace to that region.

The situation in Darfur represents a massive humanitarian catastrophe, one that is ongoing, one that is happening on our watch. As we stand to make these speeches in the comfort and security of the Senate, people are literally dying, being raped, and starving to death in Darfur.

Over the past 3 months alone, resurging violence in Darfur has forced 200,000 people from their homes. One-third of them are cut off from any humanitarian aid. In addition, Human Rights Watch has reported the Sudanese Government launched a new offensive in southern Darfur last week. The government troops reportedly used helicopter gun ships against a defenseless village in south Darfur where thousands of displaced Darfurians sought refuge. Can you imagine the horror of that scene as helicopter gun ships sprayed these poor helpless people?

The African Union mission in Darfur has 7,000 peacekeepers; 7,000 men in uniform to guard an area the size of Texas. But a Texas without roads, a Texas without bridges, a Texas without communication. They cannot end this genocide by themselves.

Unfortunately, while violence in Darfur escalates, the news on the prospects of peace, talks between the Government of Sudan and the rebel groups, is very discouraging. The talks have dragged on for 2 bloody years. They were set to conclude on Sunday, but in the absence of an agreement, they have been extended another 48 hours. The prospects for an accord seem dim. Khartoum so far has also refused to allow a U.N. assessment team into Darfur to prepare for a mission there.

The Sudanese Government launched a war on its own people for 3 straight years. They cannot be allowed to dictate terms to the United Nations. Hundreds of thousands of lives hang in the balance in Darfur. We should appoint that special envoy, someone of the stature, the dedication, and wisdom of John Danforth, to try to advance the peace process. The United States must engage the other members of the United Nations Security Council to put real pressure on the Government of Sudan.

One of the troubling aspects is that many believe that the major countries of the world are pulling their punches and not holding Sudan accountable because Sudan has oil deposits. Once again, our foreign policy is being affected, if not dictated, by energy reserves in Africa, as it is in so many other parts of the world.

What a grim reminder of how important it is for the United States to move to energy independence so we can stand up for the values we need without sacrificing all-important energy for our own economy and that other countries can step forward and make the right decision in terms of the morality and values of the world rather than gauging the impact it will have on their oil imports.

We have to work with our European allies to persuade China and Russia to set aside their objections to U.N. action.

We should pass the amendments before us this week on the supplemental appropriations bill, and the Darfur Peace and Accountability Act should be signed into law. We should continue to support the African Union mission in Darfur, while leading efforts to ensure that NATO and the United Nations take up the peacekeeping mission in Darfur.

Three years of genocide—3 years after our declaration that a genocide was occurring right here on our watch—3 years is too long.

I echo the thousands of people who gathered across America on Sunday—the students from Georgetown University, the students from other universities across this country, and many other caring people who came forward. I urge the Senate to join them to save Darfur.

MEASURE READ THE FIRST TIME—S. 2700

Mr. DURBIN. Mr. President, before I yield the floor, on behalf of the Republican leadership, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2700) to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

Mr. DURBIN. Mr. President, I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. DURBIN. Thank you, Mr. President.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:33 p.m., adjourned until Wednesday, May 3, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 2, 2006:

FEDERAL DEPOSIT INSURANCE CORPORATION

SHEILA C. BAIR, OF KANSAS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS, VICE DONALD E. POWELL, RESIGNED.

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING JULY 15, 2013. (REAPPOINTMENT)

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 15, 2007, VICE DONALD E. POWELL, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, May 2, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 2, 2006.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK) for 5 minutes.

THE PRICE OF GAS

Mr. STUPAK. Mr. Speaker, as the ranking Democrat on the Energy and Commerce Committee's Subcommittee on Oversight and Investigations, I have been calling for hearings on gas price gouging for over 8 months. For 8 months I have been asking for consideration of my legislation, the Federal Response to Energy Emergencies Act, which is designated to crack down on gas price gouging. For 8 months, Republicans in Congress have stone walled. When Republicans finally started to feel the political heat, they put forth shallow imitations of Democratic ideas and returned to their old standby, drilling in the Arctic National Wildlife Refuge.

The simple fact is this: as gas prices climb, the majority party has been shamed into doing something, but they still are out of ideas. Our legislation, the Democratic legislation, the FREE Act, the Federal Response to Energy Emergencies, would instruct the Federal Trade Commission to develop a legal definition of gas price gouging, predatory pricing and market manipulation. Most people are shocked to find that there is no Federal law against gas price gouging. Therefore, the Federal Trade Commission has never brought a case to court for gas price gouging. Let me repeat that. Never in the history of the Federal Trade Commission has it brought a case of price gouging to court. Why is this? Because there is no definition of price gouging.

Well, even if the President and congressional Republicans don't know how to define price gouging, consumers know it when they see it. Gas costs 70 cents more a gallon right now than it did at the same time last year. Profits for refineries are up 255 percent between September 2004 and September 2005. Last week, Valero, the Nation's largest refinery company, posted a 60 percent increase in profit in the first quarter alone. That's gouging. And while it happens, unfortunately the majority party turns a blind eye.

In contrast, 125 House Democrats have signed a discharge petition. A discharge petition removes our legislation from the committee of jurisdiction and brings it to the floor for a vote. More and more Members each day are signing their name to the discharge petition. These Members are tired of the Republicans' stonewalling. We want action on a real price gouging bill with teeth, not a watered-down imitation.

Just as we need to address gouging, Congress should also take a look at the way oil futures are bought and sold. Seventy-five percent of the multibillion-dollar oil futures industry is completely unregulated, without transparency or oversight by the Federal Government or the Commodity Futures Trading Commission. This is Enron all over again. Without Federal oversight, there is no way to ensure that speculators are not manipulating the market to drive up the price of oil.

Last week, I introduced the PUMP Act, or the Prevent Unfair Manipulation of Prices Act. This bill would require all traders to play by the same rules, ending the speculation, fear and greed that drives today's oil prices. It has been estimated that by stopping this speculative trading, we could reduce the price of a barrel of oil by as much as $20 per barrel, providing consumers with immediate relief at the gas pump.

These are the kind of ideas that Democrats are promoting to provide consumers with immediate relief. But, instead, we get the same thing from the majority party: drill in the Arctic National Wildlife Refuge and provide big tax breaks to big oil. You don't drill your way to energy independence. Tax breaks for the big oil companies don't result in lower gas prices.

Today's USA Today, the Money section, has an article, States Find It Tough to Prove Gas Prices Illegal. In California, the Attorney General says that in 2006 in the first 4 months of this year, prices have gone up 14 percent, but the difference between what oil companies pay for crude oil and the price at the pump is up 130 percent. If that's not price gouging, I don't know what is. In Arizona, they showed that the profit margins realized by every segment of the oil industry were two or three times greater than normal. Is that price gouging? I think it is. But as Arizona says, the State has no law making price gouging illegal, underscoring, the report says, the need for Federal price gouging legislation.

I would hope, Mr. Speaker, that Speaker HASTERT would allow us to bring up the FREE Act so we could have a free and full debate on price gouging in this Congress.

Look at this next article: Fuel Costs Ease But Could Climb Higher. Why? Money is flowing into direct or indirect purchases of oil futures as an inflation hedge. That flow sends futures higher, fueling more inflation, and then fueling more money into futures positions as an inflation hedge. That is price gouging. That is market manipulation. That is why we have the PUMP Act.

If we would pass the PUMP Act, bring it to the floor for debate, get it out of committee and put it before the House here, we could lower the price of a barrel of oil by $20.

[From USA Today]

STATES FIND IT TOUGH TO PROVE GAS PRICES ILLEGAL

(By James R. Healey and Matt Krantz)

Arizona's comprehensive investigation into that state's high fuel prices after Hurricane Katrina concludes that while there was "profiteering" at all levels of the oil industry, nothing illegal took place.

Washington's attorney general's office said in a report last week that its more recent investigation of today's high prices "has not found any evidence so far of illegal activity among gasoline retailers or producers in Washington."

Together, the two reports show that it is hard for authorities to prove consumers are being ripped off even in times of extraordinary price increases.

Attorneys general in at least nine states, responding to outrage by their residents, are investigating whether current high gasoline prices are a result of wrongdoing by the petroleum industry, according to the National Association of Attorneys General.

Arizona's statewide average price is $3.022, still nearly 11 cents less than the record $3.131 shortly after Katrina, according to travel club AM's daily survey.

Washington's average $3.011 Monday set a record for that state.

The attorney general in California, where the statewide average hit a record $3.251 a gallon Monday, says he will subpoena documents from the state's 21 refineries, including those operated by major oil companies ChevronTexaco, ExxonMobil and ConocoPhillips.

The attorney general's office said state data for 2006 show that crude oil prices have risen 14%, but the difference between what oil companies pay for crude oil and prices at the pump has soared 130%.

Gasoline is made from crude oil, which accounts for roughly 55% of the pump price for gasoline, the U.S. government says.

And Washington Attorney General Rob McKenna, in a statement about his investigation, said, "Gas prices are influenced by the basic laws of supply and demand."

Energy-industry veterans wonder if such probes are misleading.

California's own Energy Commission, for instance, acknowledges in an explanation of fuel prices on its website: "Rumors and charges of collusion among the oil companies have been raised for decades with nothing ever proven."

Charles Swanson, director of Ernst & Young's Energy Center, says, "Politicians can posture all they want, but there's nothing they can do to help."

Some states have made price-gouging cases. Florida sued individual gas stations for overcharging after Katrina.

But Florida, unlike Arizona, has an anti-gouging law. It is in effect only when a state of emergency is declared. Florida was a hurricane target, making an emergency declaration logical.

Arizona's report, unveiled last week, says, "Profit margins realized by every segment of the oil industry were two or three times their normal margins."

But the state has no law making that illegal, underscoring, the report says, the need for a federal price-gouging law.

The Federal Trade Commission is expected to deliver a report by May 22 that will say whether the agency found any price manipulation after Katrina.

[From USA Today, May 2, 2006]

FUEL COSTS EASE BUT COULD CLIMB HIGHER

(By James R. Healey)

Gasoline prices have stopped their spring-loaded daily leaps, but it's too soon to say the worst is over.

The numbers on the pump have declined slightly three consecutive days, to a nationwide average $2.919 a gallon Monday, according to travel club AAA. It's the first time that's happened since late March. But the March respite totaled just 0.8 of a cent over three days and turned out to be only a hiccup that before prices zipped higher.

AAA warns that might happen again. "A few days of slight declines does not make a trend," spokesman Geoff Sundstrom cautions. "We may continue to see higher prices between now and Memorial Day."

That's the beginning of the warm-weather driving season, when gasoline consumption rises as Americans take more vacations and weekend trips.

A weekly report by the U.S. Energy Information Administration showed a U.S. average Monday identical to AAA's—$2.919—up a just 0.5 of a cent from a week ago. That's a big slowdown after four weeks of prices jumping an average 10.4 cents a gallon per week.

On one hand, it should be no surprise that prices are easing. U.S. gasoline supplies are ample. U.S. demand is a little soft. Refineries are mostly through with their routine maintenance and are cranking out generous amounts of gasoline.

But prices aren't down as far as they should be under those circumstances, energy veterans say. That's partly because petroleum products have become an investment instead of traders' best guess about the value of crude oil, gasoline and heating oil the next few months.

"Money is flowing into direct or indirect purchases of oil futures as an inflation hedge. That flow sends futures higher, fueling more inflation, and then fueling more money into futures positions as an inflation hedge," says Tom Kloza, senior analyst at the Oil Price Information Service. Oil rose $1.82 to settle at $73.70 Monday.

Still, "We can put to rest some of the hyperbole—$3.50 average for gasoline, or $4-plus," he says.

Keeping upward pressure on prices:

Hostility toward the U.S. in oil-producers Iran and Venezuela implies shortages at any minute.

Indelible memories of disruptions caused by hurricanes in the Gulf of Mexico last year keep petroleum traders jumpy about supplies. That makes them willing to pay more for oil and for the gasoline made from it.

"We're heading into the peak demand season and the potenial for refinery outages" from hurricanes, cautions Thomas Bentz, senior energy analyst at BNP Paribas, a big investment bank.

The U.S. Minerals Management Service in its latest report, April 19, said that 22.3% of Gulf oil output still hadn't restarted after hurricane damage last year. The MMS plans to update that number Wednesday.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Most glorious Lord of life, You alone triumph over death and sin, for You alone are eternal and holy. Prove Your victory in us. Take this nation and make it Your own. With leadership from this body of Congress, raise up a people who are unafraid to look into the face of darkness, and by will, science, and prayer push back the door of death. Strengthen all human frailty that we may continue to fight against evil and become a Nation of hope and a people of virtue. For our soul takes wing by placing our trust in You, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the calendar.

BETTY DICK RESIDENCE PROTECTION ACT

The Clerk called the Senate bill (S. 584) to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

There being no objection, the Clerk read the Senate bill as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Betty Dick Residence Protection Act".

SEC. 2. PURPOSE.

The purpose of this Act is to require the Secretary of the Interior to permit the continued occupancy and use of the property described in section 4(b) by Betty Dick for the remainder of her natural life.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement between the National Park Service and Fred Dick entitled "Settlement Agreement" and dated July 17, 1980.

(2) MAP.—The term "map" means the map entitled "RMNP Land Occupancy" and dated September 2005, which identifies approximately 8 acres for the occupancy and use by the tenant.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TENANT.—The term "tenant" means Betty Dick, widow of George Fredrick Dick, who held a 25-year reservation of occupancy and use at a property within the boundaries of Rocky Mountain National Park.

SEC. 4. RIGHT OF OCCUPANCY.

(a) IN GENERAL.—The Secretary shall allow the tenant to continue to occupy and use the property described in subsection (b) for the remainder of the natural life of the tenant, subject to the requirements of this Act.

(b) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land and any improvements to the land within the boundaries of Rocky Mountain National Park identified on the map as "residence" and "occupancy area".

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the occupancy and use of the property identified in subsection (b) by the tenant shall be subject to the same terms and conditions specified in the Agreement.

(2) PAYMENTS.—

(A) IN GENERAL.—In exchange for the continued occupancy and use of the property, the tenant shall annually pay to the Secretary an amount equal to $\frac{1}{25}$ of the amount specified in section 3(B) of the Agreement.

(B) ADVANCE PAYMENT REQUIRED.—The annual payments required under subparagraph (A) shall be paid in advance by not later than May 1 of each year.

(C) DISPOSITION.—Amounts received by the Secretary under this paragraph shall be—

(i) deposited in a special account in the Treasury of the United States; and

(ii) made available, without further appropriation, to the Rocky Mountain National Park until expended.

(3) PUBLIC ACCESS.—The public shall have access to both banks of the main channel of the Colorado River.

(d) TERMINATION.—The right of occupancy and use authorized under this Act—

(1) shall not be extended to any individual other than the tenant; and

(2) shall terminate—

(A) on the death of the tenant;

(B) if the tenant does not make a payment required under subsection (c)(2); or

(C) if the tenant otherwise fails to comply with the terms of this Act.

(e) EFFECT.—Nothing in this Act—

(1) allows the construction of any structure on the property described in subsection (b) not in existence on November 30, 2004; or

(2) applies to the occupancy or use of the property described in subsection (b) by any person other than the tenant.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

NO IS NOT AN ENERGY POLICY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, House Democrats sure do like to stand on this floor and complain about energy costs, but when push comes to shove, they refuse to do anything about it. In fact, since President Clinton vetoed legislation to open ANWR to drilling in 1995, House Democrats have taken a page out of his book by voting no to energy solutions time and time again.

While House Republicans have proven our commitment to lowering the cost of fuel, House Democrats have opposed many measures to increase the supply of American energy.

A large number of Democrats voted against legislation expanding clean nuclear energy supplies. Democrats voted against legislation that would encourage refinery expansion. They voted against legislation that would ban price gouging, and many voted against legislation that would promote greater conservation.

I cannot for the life of me understand why the Democrats continue to complain about energy when they continue to vote "no" on every responsible proposal that would help us produce more American energy at affordable prices. Voting "no" is not a sound energy policy.

LESS THAN 2 WEEKS UNTIL PRESCRIPTION DRUG SIGN-UP DEADLINE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, if this House does not act within the next 2 weeks, millions of American seniors will face the egregious and unfair prescription drug tax.

As this calendar shows, May 15 is the deadline President Bush and congressional Republicans created for seniors to sign up for a prescription drug plan. In town hall meetings I have held throughout my district, the seniors of Missouri District 5 are outraged by and confused over Medicare part D. If they do not sign up for a plan within the next 13 days, a penalty of at least a 7 percent premium tax will be forced on every single individual every single month for the rest of their lives simply because they did not sign up for this confusing and sometimes less beneficial Medicare part D program.

For over a month, Democrats have come to this floor almost daily urging Republicans to join us in preventing this grave injustice from taking place on May 15. Time is running out for Congress to do the right thing and support this extension. America seniors cannot afford a Bush prescription drug tax.

CONDEMNING MEXICO'S DECRIMINALIZATION OF DRUGS

(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Mr. Speaker, I am here to talk about some things the protesters did not mention yesterday. Millions of American young people who travel to Mexico for spring break and summer vacation will now legally be able to use cocaine, heroin, ecstasy, and marijuana because the Mexican government just voted to legalize the possession of these drugs in small quantities.

How much is okay? Two ecstasy pills, four joints, four lines of cocaine, and 25 milligrams of heroin are now all allowed.

Are you surprised? Earlier this year, the Mexican government provided maps to illegals to help them cross our borders. The Mexican military recently got caught providing an armed escort to Mexican drug dealers into Texas. And Mexico's president, along with a million protesters, now want us to reward illegal behavior with amnesty and permanent citizenship. Why? So they can earn money here and send it back to Mexico. After all, at $16 billion, it is Mexico's second highest source revenue behind oil.

It makes you wonder. Were people protesting the wrong government yesterday?

GENOCIDE IN DARFUR

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Yes, there was a tremendous amount of demonstrating on yesterday, and people concerned about immigration were marching. But then also there were those of us marching who were concerned about genocide in the region of Darfur: Genocide that should never be allowed in a civilized society; genocide that this country and other nations throughout the world have stood idly by while hundreds of thousands of individuals are being killed, murdered, raped. It is the shame of the century. Our Nation can do better, and the world can do better. We must stop the genocide in Darfur.

AMERICA'S ENERGY NEEDS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today, the average cost of a gallon of unregulated gasoline in Columbia, South Carolina, is 72 cents higher than the price of May 2005.

Yesterday, I met with dozens of constituents at the West Metro Chamber of Commerce building who expressed their serious concerns about the rising gas prices and America's energy crisis. Fortunately, Republican leaders have announced a series of realistic, short-term steps to reduce the cost of gasoline. By opening up ANWR, banning price gouging, streamlining boutique fuels, and encouraging innovation for advancements in hydrogen technology, we are supporting realistic measures that will immediately help American families.

As we continue to actively address America's energy needs, Minority Leader PELOSI and House Democrats should support this critical mission. Gas prices continue to soar, and our country cannot afford for Democrats to continue to support policies that restrict American energy supplies.

In conclusion, God bless our troops, and we will never forget September 11.

IRAQ INSURGENCY'S EUROPEAN FUNDRAISING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we know that the Iraqi insurgent terrorists are shameless in their conduct. From blowing up crowded streets full of citizens to beheading innocent noncombatants, their ruthless brand of violence is well documented. What is not so well known is the funding sources these terrorists use to carry out their atrocities.

Thanks to the leadership of my colleague, SUE KELLY, some of the most outrageous fundraising sources for the Iraqi terrorists have recently come to light.

One fundraising campaign, called 10 Euros for Resistance, uses posters of bloody American soldiers to solicit funding in Europe. So far, it appears the terrorist extremists have found sympathetic radicals in more than one European country to donate to their cause. The funding is then funneled to Iraq, where insurgent terrorists use it to finance more attacks on American forces and innocent civilians.

This is an outrage, Mr. Speaker; and I applaud Congresswoman KELLY's efforts to call attention to it. European countries should be doing all they can to stop this fundraising practice within their borders. I do not think that is too much to ask of our allies.

MEDICARE PART D

(Mr. GINGREY asked and was given permission to address the House for 1 minute.)

Mr. GINGREY. Mr. Speaker, I rise today to share yet another Medicare part D success story. My colleagues might have noticed that I am sharing a different success story each week, which is pretty easy to do because the stories just keep rolling in. This week I would like to tell you about Mae Thacker of Bartow County, Georgia.

Mae and her husband came into my office unhappy. They had heard some disparaging things about Medicare part D and weren't sure if the program would even save them any money. Fortunately, the more the Thackers learned about part D, the more they wanted to enroll, another case of reality trumping rhetoric. I am happy to report that Mae Thacker is now signed up for a prescription drug plan, and her monthly medicine bill has dropped from $780 to $180.

Mr. Speaker, the May 15 enrollment deadline is less than 2 weeks away. Enrolled seniors are saving an average of $1,100 a year with Medicare part D, $3,700 a year for low-income seniors.

So my message to seniors is this: Sign up now and start saving.

TOP 100 HIGH SCHOOLS IN THE UNITED STATES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON OF TEXAS. Mr. Speaker, each year Newsweek recognizes the top 100 schools in the United States. At the very top of the list, number one and number eight are right in the middle of my district. Not a pretty area, but wonderful education.

I am very proud to announce that the School for Talented and Gifted at Yvonne A. Ewell Townview Center was recognized as the number one high school in the country. Additionally, the School of Science and Engineering at the same school was ranked number eight.

For those who live in Dallas, this honor comes as no surprise. The President visited earlier this year, and each day talented students are challenged with rigorous coursework and provided with an outstanding teacher environment. Townview truly excels and proves that, it really proves that children, given the right environment, can learn.

Townview Center has managed to bridge the achievement gap that exists in schools throughout this country. Two-thirds of Townview students are minorities. These students are not only passing, they are excelling.

Townview has recognized that we must provide all of our students with the opportunity to pursue higher education. It is this commitment to success that distinguishes Townview.

I would like to congratulate the School for the Talented and Gifted and the School of Science and Engineering on this honor.

And also commend the leadership and commitment of Superintendent Hinojosa, Executive Principal Alice Black, Principal Michael Satarino, and Principal Richard White.

MEDICARE PRESCRIPTION PART D

(Ms. HART asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HART. Mr. Speaker, the results are in on the new prescription drug program, and they are very encouraging. Nowhere is the success of this new prescription drug benefit more apparent than my home State of Pennsylvania.

Take these statistics into consideration. As of April 1, more than 1.2 million Pennsylvanians have enrolled in the new program. In my district alone, 73 percent of Medicare beneficiaries now have prescription drug coverage, and the Centers for Medicare and Medicaid Services project that that number will be near 100 percent by the end of this year.

With the May 15 enrollment deadline fast approaching, we should be doing everything we can to help seniors enroll in the new part D program so they can realize the incredible savings the plan offers.

Take the story about Tom and Dolores from Pittsburgh. Tom and Dolores need about a dozen medications, and they feared that they soon would not be able to afford these medicines. They were also afraid that they would not be able to find a plan in their prescription drug program that would cover all the medications that they need as well as their costs. With help from their Medicare Today counselor, both Tom and Dolores found plans that work for them. They now expect to save over $2,000 a year on their costs.

I encourage any Medicare recipient who is not yet enrolled to seek some information from Medicare Today and find out the savings it offers through Medicare part D.

□ 1415

DEFENDING AMERICA

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Arizona. Mr. Speaker, I think it is wise for all of us to remind ourselves every day that our primary purpose for being here is defending this country against military threats and defending the constitutional rights of our citizens. In terms of defending this country, we have to continue to remind ourselves every day that there is a growing military buildup in China that is unprecedented in the world. We face an ideological enemy in terrorism that if left unchecked will mean humanity will ultimately never sleep again.

We face a growing nuclear threat in Iran that could destabilize the whole world in a matter of months or years.

Those who would undermine the defense of this country for political purposes disgrace this body and disgrace America. I pray that we will always remember, as George Orwell said, that we sleep in our beds safe at night because rough men stand ready to visit violence on those who would do us harm.

May we continue to defend this Nation. May we continue to defend the constitutional rights of our citizens, and may we always remind ourselves of the price that military heroes of the past have paid so that can happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken after 6:30 p.m. today.

EARL D. HUTTO POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5107) to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

The Clerk read as follows:

H.R. 5107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARL D. HUTTO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, shall be known and designated as the "Earl D. Hutto Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Earl D. Hutto Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5107, offered by the distinguished gentleman from Florida (Mr. MILLER), would designate the post office building in Pensacola, Florida, as the "Earl D. Hutto Post Office Building." All Members of the Florida delegation have cosponsored this delegation.

Earl Hutto was born near Midland City, Alabama, and was educated in the public schools, graduating from Dale County High School in Ozark, Alabama. He served in the U.S. Navy as a seaman first class aboard heavy cruiser USS *Bremerton*. After graduating with degrees in business, English, and education in 1949, he went on to teach business at Cottonwood High School in Alabama for 2 years.

Later in his professional life, Hutto became the program director, sports director and announcer for WDIG in Dothan, Alabama, for 3 years. As his television career developed, he relocated to the State of Florida and became the sports director and State news editor of WJHG–TV in Panama City, Florida.

In 1972, he was elected to the Florida house of representatives where he served three terms. In 1978, he was elected to the U.S. Congress and served eight terms until his retirement in 1995. His dedication to Florida politics earned him such awards as Legislator of the Year by the Florida Association of Retarded Citizens, Legislator of the Year by the Florida Community College Association, and was named Watchdog of the Treasury for six straight Congresses.

I urge all Members to pay homage to a legislator who was truly dedicated to working for his constituents in every way by passing H.R. 5107.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 5107, legislation naming the postal facility in Pensacola, Florida, after Earl D. Hutto.

This measure, sponsored by Mr. Jeff Miller of Florida, has been cosponsored by the entire Florida delegation.

Earl Hutto was born in Alabama on May 12, 1926. He attended Dale County public schools and graduated from Troy State University. He did graduate work in broadcasting and served in World War II in the United States Navy. Prior to serving in the Florida legislature, Earl Hutto worked as a sports director and president of radio stations. He was elected to the Florida legislature in 1972 and reelected in 1974 and 1976.

In 1979, Earl Hutto was elected to represent the First Congressional District of Florida in the U.S. Congress where he served until 1995 when he did not seek reelection. Since then, former Representative Hutto has retired and remains active in his Pensacola community. It is my understanding that Representative Hutto will be celebrating his 80th birthday on May 12. I am sure my colleagues join me in wishing him a great day and many years to come.

Mr. Speaker, I commend my colleague for seeking to honor the political legacy of Earl Hutto and urge the swift passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise today in support of renaming the Jordan Street Post Office in Pensacola to the Earl D. Hutto Post Office Building.

Congressman Hutto represented the First Congressional District from 1978 to 1994. An interesting piece of trivia is that Mr. Hutto's initial congressional office was, in fact, temporarily located in what is now called the Jordan Street Post Office Building.

Congressman Hutto's life is a tale of a man who has achieved the American Dream. Born into a poor, hardworking family in Midland City, Alabama, Earl was the first in his family to graduate from high school and to graduate from college. After several years in the broadcasting business and earning the nickname Captain Supreme from participating in an ice cream commercial, Congressman Hutto entered the life of public service. In 1972, he began his distinguished career in the Florida house of representatives, serving three terms there before running for the U.S. House of Representatives.

In 1978, like all new Members of Congress in search of office space, Mr. Hutto was lucky enough to draw number 43 in the House lottery to choose his new office space. Drawing the slip of paper with a room on the fifth floor of Cannon on it, the next day the Pensacola News Journal, our home town newspaper, ran the headline, "Hutto in Old Attic." Like many of us, his desk was here in Washington; however, his home and his heart were planted in Florida's gulf coast.

Congressman Hutto quickly earned the respect of his peers and his colleagues in Washington with his commonsense and straightforward dealings on legislative matters. With a conservative home district, he was known by his constituents as a "Boll Weevil," a group of fiscally and socially conservative Southern Democrats.

As a member of the House Armed Services Committee and chairman of the Readiness Subcommittee, he worked tirelessly for the benefit of our military men and women at home and overseas. Under his leadership, he helped create the U.S. Special Operations Command in which the Joint Special Operations University resides on Hurlburt Field in Fort Walton Beach, Florida.

Congressman Hutto learned early on with God and family as your moral compass, you cannot be steered wrong. As a family man, he is quick to credit his wife, Nancy, and his two daughters, Lori Hutto and Amy Stubblefield, for his accomplishments and strength of character.

Congressman Hutto spent eight terms in the U.S. House before retiring in Pensacola. Today, he stays busy with his church, his Rotary Club, and participation on a number of charitable boards. He also sponsors golf tournaments to fund scholarship endowments at five area institutions through his foundation. As you can see, Mr.

Hutto was and continues to be a trusted face and voice throughout northwest Florida. We are very fortunate to have such a distinguished gentleman with a genuine concern for local issues representing them in Washington, D.C.

So on behalf of the United States Congress, I would like to thank Earl Hutto for his 22 years of public service in the U.S. House of Representatives and wish him an early happy 80th birthday.

Mr. EVERETT. Mr. Speaker, I rise today to declare my support for H.R. 5107, a House measure offered by U.S. Rep. JEFF MILLER, R-Florida, to designate the United States Post Office at 1400 West Jordan Street in Pensacola, Florida the "Earl D. Hutto Post Office."

Congressman EARL HUTTO proudly served Florida's first district from 1979 to 1995. He was a strong voice for his district on the House Armed Services Committee where he rose to the position of chairman of the Readiness Subcommittee. During Democrat and Republican administrations, he was an effective and reliable advocate for our military men and women and a credit to the U.S. House.

Earl and I go way back and it turns out we have a lot in common. In addition to having served in the House together, we both hail from a media background. He chose broadcasting and I worked for 30 years in print journalism. But even more unique is the fact that he and I both come from the tiny Dale County, Alabama town of Midland City. As remarkable as it may sound, and we did not realize it until we both came to Congress, but Earl and I even lived in the same Midland City house at different times.

I have missed Earl's presence here in the House since his well deserved retirement and I was pleased to speak at a ceremony honoring him last year at his alma mater, Troy University, in my district.

I wish Earl and his wife Nancy all the best as they continue to enjoy life back in Pensacola. This House and the people have not forgotten their contributions to our country.

Mr. BONNER. Mr. Speaker, in this chamber, even on the most partisan and bitter debates, it is both customary and a proud tradition to refer to our colleagues as the "distinguished gentleman" or the "distinguished gentle lady."

From time-to-time the American people actually see Members of this body who truly fit the description of their honorary titles. Today, we honor one such person—a distinguished gentleman if there ever was one—Congressman Earl Hutto of Florida's 1st Congressional District.

I wish to thank the gentleman from Chumuckla, my very good friend, Congressman JEFF MILLER, for bringing this resolution to the floor today and for finding this way—and a very appropriate opportunity that it is—to honor and pay tribute to Earl Hutto, a man of the House, a man of integrity and a man for whom many of us hold in the highest regards.

As Congressman MILLER and I have discussed numerous rimes, it is both a tremendous honor—and at times it can be a little intimidating—to follow a real legend in this hallowed chamber.

Like my predecessor, Congressman Sonny Callahan, the name Earl Hutto is synonymous with all the good qualities of a truly outstanding public servant—honesty, trustworthiness, love of country, love of family, humility, faith, and integrity. I cannot Imagine a more principled man has ever been elected to serve in this city, and I know—first-hand—that no one has ever worked harder or more tirelessly on behalf of his constituents than Earl Hutto.

A native of Midland City, a small town near Dothan in Alabama's Wiregrass, Earl knew that three qualities—honesty, hard work, and being a man of your word—were essential if you were to be successful in the game of life.

Early on, young Earl Hutto recognized that he had a duty to his country and he served in the U.S. Navy as a Seaman First Class. Later, he attended Troy State University on the G.I. Bill and graduated with a B.S. degree in Business-English-Education in 1949.

Although he had a brief stint teaching high school, Earl had a God-given talent for broadcasting, and in no time, Earl Hutto became a household name in places like Dothan, Montgomery, Pensacola, and Panama City. As sports director, of WSFA–TV in Montgomery, Earl was the host of Coach Shug Jordan's statewide telecast which—with all due respect to our work up here—may still rank higher in the eyes of the Auburn football nation than any elected office on the face of the earth.

After a highly successful career in broadcasting, Earl opened his own advertising agency and soon embarked on a path that led him into public service. He was elected to the Florida House of Representatives in 1972, where he served three terms, and was elected to the U.S. Congress in 1978 where he served eight terms until his retirement in 1995.

Earl Hutto was a "blue dog" before there was such a thing. He fought for a stronger national defense and was always a true friend to the men and women who wear the uniform of their nation's military.

On fiscal matters, Earl was a longtime proponent of getting our budget balanced and not spending more than we take in, and he was one of the early advocates of a biennial budgeting process—something many of us still believe, would help restore some fiscal sanity to the process.

Whether there was a Democrat in the White House or a Republican, Earl Hutto always attempted to vote the right way and do the right thing. He always put his country first—well above any loyalty to a political party.

Mr. Speaker, knowing Earl Hutto as I do, I am sure the last thing he would want is some building with his name on it—that was never what motivated Earl in the least bit. However, in this day and age where there is so much partisan divide in our country, I can't think of a better time or more appropriate opportunity for those of us in this body to come together—Democrats and Republicans alike—and pay a lasting tribute to who made this House a better place—Congressman Earl Hutto.

Earl, may you and Nancy, Lori and Amy, and your beautiful granddaughters Ellie and Abbie know that your legacy is living on and your service to others continues to inspire a whole new generation of leaders.

Again, I thank my friend, JEFF MILLER, for bringing this matter before the House, and I urge unanimous adoption of the resolution.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 5107, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 5107.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHN PAUL HAMMERSCHMIDT POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4811) to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building".

The Clerk read as follows:

H.R. 4811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN PAUL HAMMERSCHMIDT POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, shall be known and designated as the "John Paul Hammerschmidt Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Paul Hammerschmidt Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4811, offered by the distinguished gentleman from Arkansas (Mr. BOOZMAN), would designate the post office building in Harrison, Arkansas, as the John Paul Hammerschmidt Post Office Building.

Congressman John Paul Hammerschmidt represented the Third District of Arkansas in the U.S. House of Representatives in the 90th Congress through the 102nd Congress. He was elected to 13 terms and served 26 years during the administrations of six Presidents. During his years in Congress, John Paul Hammerschmidt became known for his attention to individual constituent service and communication, his high voting and attendance record during congressional sessions during the business week, and routinely working weekends in Arkansas. Also, his legislative expertise in highways, airports, water supply and distribution systems, as well as veterans hospitals, will continue to benefit from his diligent stewardship long into the future.

Since retiring from Congress, Hammerschmidt has continued to participate in Arkansas civil involvements as a private citizen, chairing the Northwest Arkansas Council and March of Dimes Arkansas Citizen of the Year Dinner. Because of his dedication to government at all levels, I ask all Members to honor his integrity and perseverance by passing H.R. 4811.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 4811, legislation naming a postal facility in Harrison, Arkansas, after John Paul Hammerschmidt. This measure was sponsored by the gentleman from Arkansas (Mr. BOOZMAN) on February 28, 2006, and unanimously reported by our committee on March 30, 2006. The bill has the support and cosponsorship of the entire Arkansas delegation and 112 Members of Congress.

A native of Arkansas, John Hammerschmidt was born in Harrison in 1922.

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He graduated from Harrison High School and attended the Citadel, University of Arkansas and Oklahoma State University. He served in the U.S. Army Air Corps from 1942 to 1945, the U.S. Air Force Reserves from 1945 to 1960, and the District of Columbia Army Reserves from 1970 to 1981.

After holding senior positions in the lumber and construction industry, John was elected to represent the 3rd Congressional District of Arkansas. He was subsequently elected to 13 terms, serving in Congress from 1967 until 1993.

Mr. Speaker, I urge swift passage of H.R. 4811, which seeks to honor the broad legacy of former Representative Hammerschmidt.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the Commonwealth of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, it is an honor for me to be here to participate in this naming of the United States Post Office after John Hammerschmidt. It is a life that certainly is representative of a true American patriot and servant of the people.

He was a member of the United States Army Air Corps during World War II, a member of the Air Force Reserves, a member of the District of Columbia Army Reserves, the first Republican Member to represent Arkansas since reconstruction, also a member of the Board of Directors of the Metropolitan Washington Airport. These are just a few of the roles in which Congressman John Paul Hammerschmidt has served; and, as I said, it truly is a life of service to his country.

First elected to the House of Representatives in 1966, John Paul Hammerschmidt was noted for his dedication and attention to constituent services. A native son of Harrison, Arkansas, Congressman Hammerschmidt went on to represent the region for 13 consecutive terms. In all of those elections, only two of Congressman Hammerschmidt's opponents were able to achieve more than one-third of the vote, and that included one candidate by the name of Bill Clinton.

During his tenure in the House, Congressman Hammerschmidt was known for his expertise regarding infrastructure and veterans-related issues. As the ranking member of the Public Works Committee from 1986 to 1993, John was influential in many of the improvements that have taken place on our Nation's highways, airports and waterway systems. John was a true steward of our Nation's infrastructure; and users of roads, water systems and the airways will all long benefit from his efforts.

Mr. Speaker, my father, Bud Shuster, had the pleasure of serving with Congressman Hammerschmidt both in the House and on the Public Works Committee for many years. I asked him to relate a few stories, reflections on John Paul Hammerschmidt, and he said he certainly was one of the experts on infrastructure in this country. And then he said quite simply, "He is a gentleman's gentleman;" and I think that is a very accurate assessment of Congressman John Paul Hammerschmidt.

Mr. Speaker, I strongly support the measure offered by my colleague, Mr. BOOZMAN, to name the post office in Harrison, Arkansas, after Congressman John Paul Hammerschmidt.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, once again I have to call attention to the fact, while Mr. DAVIS is here today in his role as a congressman from Illinois, he is an Arkansas native; and we are proud to have him always in this body but particularly on these bills involving Arkansans.

I just want to take a minute and add my voice in praise of Congressman Hammerschmidt. This is not the first honor he has received. It will not be the last. He is a kind, intelligent man with good judgment, always very professional throughout his career in his dealings with everyone, regardless of party or class or financial status. He certainly had strong opinions and had his own sense of what was right and wrong, but he always worked in a bipartisan manner.

After retiring from this body, he has continued to be very active both in Arkansas and nationally; and maybe with the passage of time, as buildings come and go and names come and go, at some point this facility may be renamed, or it may be torn down and a new facility built and some other name will be attached to it. But I can guarantee you it will not be anyone more professional or kind or with a better sense of treating people well than Congressman Hammerschmidt.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I also would echo the fact that Congressman DAVIS is an Arkansan; and we are very, very proud of him and all that he has accomplished.

I rise today in support of H.R. 4811, the John Paul Hammerschmidt Post Office Designation Act. No one understands my congressional district like the kind and thoughtful gentleman who represented much of Arkansas in the Congress from 1967 through 1993. I consider John Paul Hammerschmidt a mentor and a friend.

During his 26 years in Congress, John Paul became known for his strong work ethic and attention to individual constituent service. His fellow Members came to rely on his legislative expertise in highways, aviation and waterway infrastructure. In fact, Congressman Hammerschmidt served as ranking member of the Public Works, now known as the Transportation and Infrastructure, Committee from 1986 through 1993.

During his tenure in office, Arkansas completed many of the infrastructure improvements, including highways and airports, that have allowed northwest Arkansas to become one of the major financial engines of our Nation.

Congressman Hammerschmidt is also remembered for his work on behalf of our Nation's veterans. Particularly in Arkansas, our veterans hospitals and facilities still benefit from Congressman Hammerschmidt's service.

Congressman Hammerschmidt served as ranking member of the House Veterans' Affairs Committee from 1975 through 1986, and all of our Nation's veterans had a tremendous advocate in this good man.

As a combat pilot in World War II, Congressman Hammerschmidt flew 217 missions with the Third Combat Cargo Group over "the Hump" in the China-Burma-India theatre.

He was awarded the Distinguished Flying Cross with three oak leaf clusters, the Air Medal with four oak leaf clusters, three Battle Stars, the China War Memorial Medal by the Republic of China, and the Meritorious Service Award. He retired from the Air Force Reserve as a major. Furthermore, he has been awarded the highest honors by eight national veterans service organizations.

Since retiring, Congressman Hammerschmidt has been named Arkansas Citizen of the Year; and he has remained incredibly active in the fields of business, education, aviation, community service, and his local church.

Many of Congressman Hammerschmidt's close friends continue to serve in Congress today, and several will be submitting statements that were unable to be here today.

Finally, I want to take a moment to honor Ginny Hammerschmidt, who served the people of Arkansas alongside John Paul during his many years of service. We lost Ginny last year, but this bill, in recognizing the service of Congressman Hammerschmidt, also recognizes the sacrifices and service of Ginny and the rest of the family.

Ms. FOXX. Mr. Speaker, I have no other speakers at this point. I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to actually close, and I have no further requests for time.

But, in closing, let me just say, first of all, that I appreciate the kind comments and remarks made by my colleagues from Arkansas. As you can see, there is a tremendous amount of affinity for those of us who grew up in the land of opportunity.

But, also, I note that Representative BOOZMAN's wife came from the town where my family lived, and her uncle was actually the postmaster, and my father used to visit in the post office, along with many other people, and that was kind of like a neighborhood gathering place. That is one of the reasons that we hope that many of the small post offices will be able to remain intact, because they are more than just letter-dispensing areas in many of these communities.

So I commend Representative BOOZMAN for seeking to honor this outstanding American.

Mr. PETRI. Mr. Speaker, I want to express my strong support for this bill to name a post office in Harrison, Arkansas, in honor of the Honorable John Paul Hammerschmidt, and I am pleased to be an original cosponsor.

I had the distinct honor and privilege of serving for many years with John Paul on what was then known as the Public Works and Transportation Committee—now known as the Transportation and Infrastructure Committee. He completed his 26 years of service in the House as the ranking minority member of the Committee—and he provided steady leadership as we worked together to build the roads, airports and waterways needed to keep America competitive and prosperous.

He was the ranking member during the legendary ISTEA transportation bill in 1991, which moved us beyond the Interstate construction era and provided a new vision for transportation in the U.S. For many years he was ranking on the Aviation Subcommittee and has always had a keen interest in aviation issues. In 1998, after his retirement from the House, President Clinton nominated him to serve as a Member of the Board of Directors of the Metropolitan Washington Airports Authority. John Paul led many Committee trips to his district in Northwest Arkansas—and that usually entailed having your photo taken sporting the famous Arkansas Razorback hog hat.

While many of us are familiar with his Congressional career, some may not know of his heroic service to our country during World War II. A member of the Third Combat Cargo Group in the China-Burma-India theater from 1942 to 1945, John Paul flew 217 combat missions—primarily in Burma and China. These missions included drop missions where he dropped supplies to our troops in the jungle, all in an unarmed plane flying low over the jungle in some of the worst weather conditions imaginable while frequently coming under enemy fire. He also "flew the hump" as it was called, dangerous missions high over the Himalayas.

Giving constant support to John Paul was his beloved wife Virginia, who sadly passed away earlier this year. Known to all as Ginny, she was recognized for her compassionate and gentle nature. Together Ginny and John Paul served their district well.

Through John Paul's decades of service to our country, first in the Army Air Corps in World War II, here in the House of Representatives, and even today as he remains active in his community, he is thoroughly deserving of this honor. He served this House with distinction ,and worked effectively with Members of both parties to move important initiatives forward. He is a true gentleman, and I am proud to call him a friend.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4811.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4811.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GOVERNOR JOHN ANDERSON, JR. POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4674) to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

The Clerk read as follows:

H.R. 4674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOVERNOR JOHN ANDERSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, shall be known and designated as the "Governor John Anderson. Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Governor John Anderson. Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4674, offered by the distinguished gentleman from Kansas (Mr. MOORE), would designate the Post Office Building in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office building".

John Anderson was born near Olathe, Kansas, in 1917. He earned his undergraduate degree from Kansas State University and from there went on to receive his law degree from the University of Kansas in 1944.

After serving on the staff of U.S. District Court Judge Walter Huxman for 2 years, John Anderson was successful in running for the position of Johnson County Attorney, a capacity in which he served for 6 years. He was a Member of the Kansas State Senate from 1953 to 1956 and was appointed Kansas Attorney General serving in 1956.

In 1960, John Anderson was elected Governor of the State of Kansas and worked tirelessly to revise the State's pardon and parole systems, to create a combined State medical and psychiatric hospital, and to restructure the State's public school system into unified districts.

The hard work and dedication of Governor John Anderson, one of Kansas's most important leaders, should not go unnoticed. I urge all Members to come together and honor a man who strived to achieve excellence in government by passing H.R. 4675.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the sponsor of this legislation, Representative DENNIS MOORE from Kansas.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of legislation I introduced with my Kansas colleagues, TODD TIAHRT, JIM RYUN and JERRY MORAN, to designate the United States Post Office located at 110 North Chestnut Street in Olathe as the "Governor John Anderson, Jr. Post Office Building".

Governor Anderson was born near Olathe in 1917, educated at Kansas State University and the University of Kansas, where he received a law degree in 1944. After serving on the staff of U.S. District Court Judge Walter Huxman for 2 years, John Anderson won election as Johnson County Attorney in 1947, where he served for 6 years. He was a member of the Kansas State Senate from 1953 to 1956 and was appointed Kansas Attorney General, serving from 1956 to 1961.

He was elected Governor of Kansas in 1960 and 1962, he defeated incumbent Governor George Docking, served as Governor during Kansas's centennial celebration, and appointed James B. Pearson to the United States Senate upon the death of Senator Andrew Schoeppel.

John Anderson's tenure as Kansas Governor was marked by numerous achievements, including revision of the State's pardon and parole systems; creation of a combined State medical and psychiatric hospital; restructuring the State's public school system into unified districts; increasing the State's per-pupil expenditure allowance; addition of the University of Kansas to the State board of regents system; sanctioning of fair employment practices standards; approval of an advanced public employee retirement system; advancements in highway construction; expansion of vocational-technical schools in Kansas; authorization of a State library consultant; improvements in the public welfare system; and reorganization of state agencies, commissions and boards.

Mr. Speaker, this legislation honoring an important Kansas leader is long overdue, and I know that my delegation colleagues look forward with me to its speedy enactment. I thank the leadership of the Government Reform Committee for bringing it before the House in such an expeditious manner, and I urge all of my colleagues to support today this legislation for my friend, Governor John Anderson of Kansas.

Ms. FOXX. Mr. Speaker, I have no other speakers at this time. I reserve the balance of my time.

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Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 4674, legislation naming the postal facility in Olathe, Kansas, after Governor John Anderson, Jr. This measure was sponsored by my colleague, Representative DENNIS MOORE, on January 31, 2006, and unanimously reported by our committee on March 9, 2006. The bill has the support and cosponsorship of the entire Kansas delegation.

Born and educated in Kansas, John Anderson became involved in local politics by winning an election for county attorney for Johnson County. He served three terms and then ran successfully for a seat in the Kansas Senate. John served as a State senator until his appointment as a attorney general, a position he held until he decided to run for Governor of Kansas.

In 1960 John was elected Governor of Kansas and served until 1964. His tenure was marked by a number of achievements, including the restructuring of the State's public school system, expansion of vocational-technical schools, and advancements in highway construction.

After serving as Governor, Mr. Anderson went back to practicing law. He remained involved in public service and is currently retired in Olathe, Kansas.

And so, Mr. Speaker, I have had the opportunity actually to see this post office, and Olathe, Kansas, is a beautiful small town, and I would urge passage of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4674, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4674.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RONALD BUCCA POST OFFICE

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4995) to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office".

The Clerk read as follows:

H.R. 4995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD BUCCA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, shall be known and designated as the "Ronald Bucca Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ronald Bucca Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4995, offered by the distinguished gentlewoman from New York (Mrs. LOWEY), would designate the post office building in Tuckahoe, New York, as the "Ronald Bucca Post Office."

Ronald Bucca was nicknamed the "Flying Fireman" in 1986 after he fell spectacularly from a tenement fire escape, spun around a cable strung through a backyard, and lived to tell the tale. His specialty was rescuing frightened people from the smoke and flames of burning buildings during his 23 years as a firefighter. His last 9 years of service he acted as the fire marshal. He was also a former nurse and reservist in the United States Army Special Forces. Bucca was trained as an antiterrorist intelligence expert. And on September 11, 2001, Ronald Bucca responded to his call to duty and headed into the city toward the Twin Towers. In his quest to assist all those trying to flee the fiery scene that day, he lost his life on the 78th floor when the South Tower collapsed in flames.

A valuable member of the fire department and the community, Ronald Bucca is sorely missed; and it is only appropriate that we honor him by passing H.R. 4995.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the distinguished gentlewoman from New York (Mrs. LOWEY), the sponsor of this legislation.

Mrs. LOWEY. Mr. Speaker, I thank the distinguished gentleman and the distinguished chairwoman for yielding me this time.

Mr. Speaker, I rise in support of this legislation, which would rename the U.S. Post Office in Tuckahoe, New York, after Ronald Bucca. I want to thank Mr. DAVIS and the other members of the Government Reform Committee for their support of this bill.

Born on May 6, 1954, Ronald Bucca spent his life in public service, defending our Nation overseas and protecting our communities here at home. Over the course of his long and distinguished career as a member of the Fire Department of New York, Ron Bucca served with Engine 95, Ladder 2, Rescue 1, the Fire Department of New York Terrorist Task Force and as a fire marshal. During his time with Rescue 1, Ron was severely injured when he fell five stories while attempting to rescue a fellow firefighter. When he triumphantly returned to work, he earned the nickname the "Flying Fireman."

During the 9/11 attacks, Ron Bucca was one of only two firefighters to reach the fire floor of the South Tower. Along with Chief Palmer, Ron was stretching a hose line into the 78th floor lobby when the tower fell. Ronald Bucca was the first New York City fire marshal to be killed in the line of duty.

In addition to his brave and dedicated career protecting the people of New York, Ronald Bucca also performed heroically as a member of the Armed Forces. During Ron's military career, he spent time with the 11th Special Forces group and the Defense Intelligence Agency, serving as a Special Forces first sergeant, a member of the 101st Airborne Division, and a Special Forces group defense intelligence analyst.

For his brave service to our Nation, the military has also honored Ronald Bucca. When the 800th Military Police Brigade took command of British Enemy Holding Area Freddy in Southern Iraq, it was promptly renamed Camp Bucca.

For Ronald Bucca the military and the fire department honors were just the tip of the iceberg. He was also a licensed practical nurse, held an associate degree in OSHA and fire science from John Jay College, and had a bachelor of science degree in public safety from Mercy College.

For over 20 years Ron and his wife, Eve, made Tuckahoe, New York, their home. Ron was actively involved in his children's education and encouraged their involvement in the Boy Scouts and various other activities.

I believe Ronald Bucca's life can most appropriately be described by those who knew him best, his children. They spoke of him this way: "He was a fireman, a soldier, a nurse, a walking encyclopedia of knowledge, and an adventurer. But most of all, he was one of our best friends and an incredible dad."

Mr. Speaker, Ronald Bucca was a hero in every sense of the word, and I urge my colleagues to join me in honoring him by passing this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, it is difficult to improve upon such an eloquent statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4995, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4995.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LT MICHAEL P. MURPHY POST OFFICE BUILDING

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4101) to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "LT Michael P. Murphy Post Office Building".

The Clerk read as follows:

H.R. 4101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIEUTENANT MICHAEL P. MURPHY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, shall be known and designated as the "Lieutenant Michael P. Murphy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Michael P. Murphy Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4101, offered by the distinguished gentleman from New York (Mr. BISHOP), would designate the post office building in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building."

Lt. Michael P. Murphy was a true hero in every sense of the word. At the age of 29, Lieutenant Murphy and three of his Navy SEAL comrades were killed during an ambush by Taliban insurgents while serving our country in Afghanistan. Lieutenant Murphy will not be forgotten, as he was universally loved and admired. In fact, his Navy SEAL commanding officer remembers him as being "a very focused young man with a terrific attitude, quiet intensity and determination."

Lieutenant Murphy graduated from Penn State University; and after his military service, he planned to attend law school and was engaged to be married. He truly enjoyed life. As his father recalls, "He squeezed more life in 29 years than I will ever see."

I ask all Members to come together and honor this brave young man for his service to this country.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. BISHOP), the sponsor of this legislation.

Mr. BISHOP of New York. Mr. Speaker, I thank Mr. DAVIS for yielding.

Mr. Speaker, I rise in strong support of H.R. 4101, which I proudly introduced last October on behalf of all 29 members of the New York delegation in the House.

Our bill names the U.S. Post Office on 170 East Main Street in Patchogue, New York, in honor of a fallen neighbor and decorated hero of the United States Navy's elite Sea-Air-Land forces, Lt. Michael P. Murphy, who was killed in action on the evening of June 28, 2005, while tracking insurgent Taliban and al Qaeda movements in the mountains of the Kubar province of Afghanistan.

For his valor and sacrifice, Lieutenant Murphy was posthumously awarded the Silver Star and the Purple Heart. Approaching the first anniversary of the deaths of Lieutenant Murphy and his fellow SEALs, it is appropriate for this House to once again express the solemn appreciation of a grateful Nation for their sacrifices and to share this tribute with their families.

Mr. Speaker, my colleagues will recall the tragic images from around the last July 4 holiday when it was first reported that U.S. Army helicopters carrying two teams of Special Forces, known as the "Night Stalkers," who were attempting a daring rescue of Lieutenant Murphy's unit, were shot down by rocket-propelled grenades over the mountains in Eastern Afghanistan.

That tragic day claimed the lives of 11 SEALs and eight soldiers, representing the single deadliest attack on the U.S. military up to that point in the global war on terror. The Naval Special Warfare Command later confirmed that it was also the single largest loss of life in the history of the Navy SEALs, the smallest of our intrepid Special Operations Forces.

Nearly a thousand people attended Lieutenant Murphy's memorial service at our Lady of Mount Carmel Catholic Church in Patchogue. His parents, Daniel and Maureen, spoke of how their extraordinary son's boundless enthusiasm, generosity, and determination made them so proud of him through the short years they had together. Remembered not only for his courage and for the ultimate sacrifice Lieutenant Murphy made for this country, he will also be admired in our community as one of its favorite sons. At Patchogue-Medford High School, he was an excellent student, awarded by the National Honor Society and accepted to Penn State University, where he majored in political science. He played varsity football, life-guarded along the beaches of Long Island during the summers, and, after graduating from Penn State University, chose the Navy over offers from two law schools.

Like the impeccable reputation he earned in the eyes of the community of Patchogue, Lieutenant Murphy's brilliant naval record reflects his courage, diligence, and steadfast dedication. With firm resolve and a robust drive toward perfection, he was determined to exceed the SEALs' rigorous physical requirements and was known to perform chin-ups wearing full body armor to stay in shape.

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Still, he took the time each day during his deployment to stay in touch with his family and his fiance, Heather, whom he would have married upon his anticipated return last fall. Through it all, he comforted them with a cheerful outlook and a sense of humor.

Although under the most unfortunate circumstances, I am proud to have come to know the Murphy family over the past year and feel privileged to represent them. Today, it is entirely appropriate that we pay tribute to their son by naming the post office on East Main Street in his hometown in his honor.

On behalf of Eastern Long Island, I thank all of my colleagues in the New York delegation for cosponsoring H.R. 4101, and appreciate the leadership's decision to call this bill to the floor. By passing this legislation, the Murphy family will know that they are in our thoughts and prayers and that our Nation will always honor the memory of their son.

Accordingly, Mr. Speaker, I urge my colleagues to support H.R. 4101.

I thank my colleague from North Carolina for her support of this measure, and I thank the gentleman for yielding.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I am pleased to join my colleagues in consideration of H.R. 4101, legislation naming the postal facility in Patchogue, New York, after LT Michael P. Murphy.

This measure was sponsored by Representative TIMOTHY BISHOP of New York on October 20, 2005, and unanimously reported by our committee on November 16, 2005. The bill, of course, has the support and cosponsorship of the entire New York delegation.

Michael Murphy of Patchogue, New York, was a 29-year-old lieutenant serving with a four-man SEAL reconnaissance team that called for help when his SEAL team was ambushed by Taliban fighters in Kunar Province, Afghanistan, on June 28, 2005. His remains were found during a combat search and rescue operation on July 4, 2005. Lieutenant Murphy was assigned to SEAL Delivery Vehicle Team One, Pearl Harbor, I Hawaii.

Michael Murphy was a graduate of Patchogue-Medford High School in New York and Penn State university. He chose to defer law school until he had completed his tour of duty.

Mr. Speaker, I commend my colleague for seeking to honor the ultimate sacrifice of this war hero by dedicating the Patchogue Post Office in his honor. I urge swift passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 4101, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the bill, H.R. 4101.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Technical Corrections Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Sec. 101. Alaska Native Claims Settlement Act technical amendment.
Sec. 102. ANCSA amendment.
Sec. 103. Mississippi Band of Choctaw transportation reimbursement.
Sec. 104. Fallon Paiute Shoshone tribes settlement.

TITLE II—INDIAN LAND LEASING

Sec. 201. Prairie Island land conveyance.
Sec. 202. Authorization of 99-year leases.
Sec. 203. Certification of rental proceeds.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

Sec. 301. National Indian Gaming Commission funding amendment.

TITLE IV—INDIAN FINANCING

Sec. 401. Indian Financing Act Amendments.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

Sec. 501. Clarification of provisions and amendments relating to inheritance of Indian lands.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENT.

(a)(1) Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended—

(A) in the matter preceding paragraph (1), by striking "Section 1629b of title 43, United States Code," and inserting "Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)";

(B) in paragraph (2), by striking "by creating the following new subsection:" and inserting "in subsection (d), by adding at the end the following:"; and

(C) in paragraph (3), by striking "by creating the following new subsection:" and inserting "by adding at the end the following:".

(2) Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended in subsection (f), by striking "section 1629e of this title" and inserting "section 39".

(b)(1) Section 337(b) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended by striking "Section 1629e(a)(3) of title 43, United States Code," and inserting "Section 39(a)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3))".

(2) Section 39(a)(3)(B)(ii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii)) is amended by striking "(a)(4) of section 1629b of this title" and inserting "section 36(a)(4)".

(c) The amendments made by this section take effect on February 20, 2003.

SEC. 102. ANCSA AMENDMENT.

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANSPORTATION REIMBURSEMENT.

The Secretary of the Interior is authorized and directed, within the 3-year period beginning on the date of enactment of this Act, to accept funds from the State of Mississippi pursuant to the contract signed by the Mississippi Department of Transportation on June 7, 2005, and by the Mississippi Band of Choctaw Indians on June 2, 2005. The amount shall not exceed $776,965.30 and such funds shall be deposited in the trust account numbered PL7489708 at the Office of Trust Funds Management for the benefit of the Mississippi Band of Choctaw Indians. Thereafter, the tribe may draw down these moneys from this trust account by resolution of the Tribal Council, pursuant to Federal law and regulations applicable to such accounts.

SEC. 104. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) SETTLEMENT FUND.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3289) is amended—

(1) in subsection (C)—

(A) in paragraph (1)—

(i) by striking the matter preceding subparagraph (a) and inserting the following: "Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2006 or any subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as the 'Annual 6 percent Amount'), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:"; and

(ii) by adding at the end the following:

"(g) Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters."; and

(B) by striking paragraph (4) and inserting the following:

"(4) No monies from the Fund other than the amounts authorized under paragraphs (1) and (3) may be expended or obligated for any purpose.

"(5) Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2006 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the 'Annual 1.2 percent Amount') may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year subsequent to Fund fiscal year 2006, any unexpended and unobligated portion of the Annual 1.2 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may also be expended or obligated for such per capita payments."; and

(2) in subsection (D), by adding at the end the following: "Notwithstanding any conflicting provision in the original Fund plan, the Fallon Business Council, in consultation with the Secretary, shall promptly amend the original Fund plan for purposes of conforming the Fund plan to this title and making nonsubstantive updates, improvements, or corrections to the original Fund plan.".

(b) DEFINITIONS.—Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3293) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively; and

(2) by striking subsections (B) and (C) and inserting the following:

"(B) the term 'Fund fiscal year' means a fiscal year of the Fund (as defined in the Fund plan);

"(C) the term 'Fund plan' means the plan established under section 102(F), including the original Fund plan (the 'Plan for Investment, Management, Administration and Expenditure dated December 20, 1991') and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;

"(D) the term 'income' means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;

"(E) the term 'principal' means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);".

TITLE II—INDIAN LAND LEASING

SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) LAND DESCRIPTION.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO–251, GO–252, GO–271, GO–277, GO–278, GO–284, GO–301 through GO–313, GO–314A, GO–314B, GO–329, GO–330A, GO–330B, GO–331A, GO–331B, GO–331C, GO–332, GO–333, GO–334, GO–335A, GO–335B, GO–336 through GO–338, GO–339A, GO–339B, GO–339C, GO–339D, GO–339E, GO–340A, GO–340B, GO–358, GO–359A, GO–359B, GO–359C, GO–359D, and GO–360, as depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

(c) BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) EASEMENT.—

(1) IN GENERAL.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) INCLUSIONS.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by striking "Moapa Indian reservation" and inserting "Moapa Indian Reservation";

(2) by inserting "the Confederated Tribes of the Umatilla Indian Reservation," before "the Burns Paiute Reservation";

(3) by inserting "the" before "Yavapai-Prescott";

(4) by inserting "the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe," after "the Cabazon Indian Reservation,";

(5) by striking "lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,," and inserting "the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington,";

(6) by inserting "land held in trust for the Prairie Band Potawatomi Nation," before "lands held in trust for the Cherokee Nation of Oklahoma";

(7) by inserting "land held in trust for the Fallon Paiute Shoshone Tribes," before "lands held in trust for the Pueblo of Santa Clara"; and

(8) by inserting "land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria," after "Pueblo of Santa Clara,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 203. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under the first section of the Act entitled "An Act to provide for loans to Indian tribes and tribal corporations, and for other *purposes" (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—*

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

SEC. 301. NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT.

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

"(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

"(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

"(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.".

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.".

TITLE IV—INDIAN FINANCING

SEC. 401. INDIAN FINANCING ACT AMENDMENTS.

(a) IN GENERAL.—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking "SEC. 201. In order" and inserting the following:

"SEC. 201. LOAN GUARANTIES AND INSURANCE.

"(a) IN GENERAL.—In order";

(2) by striking "the Secretary is authorized (a) to guarantee" and inserting "the Secretary may—

"(1) guarantee";

(3) by striking "members; and (b) in lieu of such guaranty, to insure" and inserting "members; or

"(2) insure"; and

(4) by adding at the end the following:

"(b) ELIGIBLE BORROWERS.—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.".

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking "SEC. 205." and all that follows through subsection (b) and inserting the following:

"SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.

"(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

"(1) may be transferred by the lender by sale or assignment to any person; and

"(2) may be retransferred by the transferee.

"(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

"(1) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and

"(2) the transferee shall give notice of the transfer to the Secretary.";

(2) by striking subsection (c);

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

"(2) VALIDITY.—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.";

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders."; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking "subsection (i)" and inserting "subsection (h)"; and

(B) in paragraph (2)(B), by striking ", and issuance of acknowledgments,".

(c) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by inserting "(not including an eligible Community Development Finance Institution)" after "Government".

(d) AGGREGATE LOANS OR SURETY BONDS LIMITATION.—Section 217(b) of the Indian Financing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking "$500,000,000" and inserting "$1,500,000,000".

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

SEC. 501. CLARIFICATION OF PROVISIONS AND AMENDMENTS RELATING TO INHERITANCE OF INDIAN LANDS.

(a) CLARIFICATIONS RELATING TO APPLICABLE LAWS.—

(1) IN GENERAL.—Section 207(g)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "described in paragraph (1)" and inserting "specified in paragraph (1)"; and

(B) in subparagraph (B), by striking "identified in Federal law" and inserting "identified in such law".

(2) LIMITATION ON EFFECT OF PARAGRAPH.—Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended by striking paragraph (3) and inserting the following:

"(3) LIMITATION ON EFFECT OF PARAGRAPH.—Except to the extent that this Act would amend or otherwise affect the application of a Federal law specified or described in paragraph (1) or (2), nothing in paragraph (2) limits the application of this Act to trust or restricted land, interests in such land, or any other trust or restricted interests or assets.".

(b) TRANSFER AND EXCHANGE; LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—

(1) TRANSFER AND EXCHANGE OF LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended to read as follows:

"SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED INDIAN LANDS AND SHARES OF INDIAN TRIBES AND CORPORATIONS.

"Except as provided in this Act, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized under this Act shall be made or approved: Provided, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived, or to a successor corporation; Provided further, That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: Provided further, That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in the judgment of the Secretary, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.".

(2) LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348) is amended in the second proviso by striking "That" and inserting "That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1810),".

(3) EFFECTIVE DATES.—Section 8 of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; 118 Stat. 1809) is amended by striking subsection (b) and inserting the following:

"(b) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act apply on and after the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

"(2) EXCEPTIONS.—The following provisions of law apply as of the date of enactment of this Act:

"(A) Subsections (e) and (f) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as amended by this Act).

"(B) Subsection (g) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as in effect on March 1, 2006).

"(C) The amendments made by section 4, section 5, paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), and (11) of section 6(a), section 6(b)(3), and section 7 of this Act.".

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1773).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the CONGRESSIONAL RECORD on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3351 addresses a number of minor, non-controversial tribal issues in one legislative package. H.R. 3351 contains 10 provisions to assist tribes with matters that are relatively small in nature but very important to Native Americans across our country.

Specifically, this legislation will make technical corrections to laws relating to Native Americans and Alaska Natives by reauthorizing certain Native American programs, clarifying statutes relating to particular Indian tribes and approving 99-year land leases for certain tribal lands.

The Senate amendment adds four provisions to the previous House-passed bill. The substitute adjusts the interest formula for the Fallon Paiute Shoshone tribal water settlement trust fund, increases the funding formula for the National Indian Gaming Commission, certifies rental proceeds for Indian-leased land and makes technical corrections to clarify provisions and amendments in the American Indian Probate Reform Act of 2004.

Each year, Congress passes a bill like this relating to technical corrections, and thankfully we have been able to utilize the consultation of many tribal leaders in examining this legislation.

I would like to thank Senator MCCAIN, chairman of the Senate Indian Affairs Committee, for working with our committee to craft a bipartisan and effective piece of legislation that will make a world of difference to the Native American community. I ask support for the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the majority has stated, this noncontroversial bill makes technical amendments to a variety of laws relating to Native Americans and Alaska Natives. The House passed H.R. 3351 last year on the suspension calendar, and the legislation now before us reflects changes made by the Senate. I urge all of our colleagues to support passage of H.R. 3351.

Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time and urge Members to support the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3351.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

The Clerk read as follows:

H.R. 2720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Salt Cedar and Russian Olive Control Demonstration Act".

SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this Act as the "Secretary"), acting through the Commissioner of Reclamation and the Director of the United States Geological Survey and in cooperation with the Secretary of Agriculture and the Secretary of Defense, shall carry out a salt cedar (Tamarix spp) and Russian olive (Elaeagnus angustifolia) assessment and demonstration program—

(1) to assess the extent of the infestation by salt cedar and Russian olive trees in the western United States;

(2) to demonstrate strategic solutions for—

(A) the long-term management of salt cedar and Russian olive trees; and

(B) the reestablishment of native vegetation; and

(3) to assess economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(b) MEMORANDUM OF UNDERSTANDING.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the administration of the program established under subsection (a).

(c) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary shall complete an assessment of the extent of salt cedar and Russian olive infestation on public and private land in the western United States.

(2) REQUIREMENTS.—In addition to describing the acreage of and severity of infestation by salt cedar and Russian olive trees in the western United States, the assessment shall—

(A) consider existing research on methods to control salt cedar and Russian olive trees;

(B) consider the feasibility of reducing water consumption by salt cedar and Russian olive trees;

(C) consider methods of and challenges associated with the revegetation or restoration of infested land; and

(D) estimate the costs of destruction of salt cedar and Russian olive trees, related biomass removal, and revegetation or restoration and maintenance of the infested land.

(3) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and the Committee on Agriculture of the House of Representatives a report that includes the results of the assessment conducted under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall identify—

(i) long-term management and funding strategies identified under subsection (d) that could be implemented by Federal, State, tribal, and private land managers and owners to address the infestation by salt cedar and Russian olive;

(ii) any deficiencies in the assessment or areas for additional study; and

(iii) any field demonstrations that would be useful in the effort to control salt cedar and Russian olive.

(d) LONG-TERM MANAGEMENT STRATEGIES.—

(1) IN GENERAL.—The Secretary shall identify and document long-term management and funding strategies that—

(A) could be implemented by Federal, State, tribal, and private land managers in addressing infestation by salt cedar and Russian olive trees; and

(B) should be tested as components of demonstration projects under subsection (e).

(2) GRANTS.—

(A) IN GENERAL.—The Secretary may provide grants to eligible entities to provide technical experience, support, and recommendations relating to the identification and documentation of long-term management and funding strategies under paragraph (1).

(B) ELIGIBLE ENTITIES.—Institutions of higher education and nonprofit organizations with an established background and expertise in the public policy issues associated with the control of salt cedar and Russian olive trees shall be eligible for a grant under subparagraph (A).

(C) MINIMUM AMOUNT.—The amount of a grant provided under subparagraph (A) shall be not less than $250,000.

(e) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall establish a program that selects and funds not less than 5 projects proposed by and implemented in collaboration with Federal agencies, units of State and local government, national laboratories, Indian tribes, institutions of higher education, individuals, organizations, or soil and water conservation districts to demonstrate and evaluate the most effective methods of controlling salt cedar and Russian olive trees.

(2) PROJECT REQUIREMENTS.—The demonstration projects under paragraph (1) shall—

(A) be carried out over a time period and to a scale designed to fully assess long-term management strategies;

(B) implement salt cedar or Russian olive tree control using 1 or more methods for each project in order to assess the full range of control methods, including—

(i) airborne application of herbicides;

(ii) mechanical removal; and

(iii) biocontrol methods, such as the use of goats or insects;

(C) individually or in conjunction with other demonstration projects, assess the effects of and obstacles to combining multiple control methods and determine optimal combinations of control methods;

(D) assess soil conditions resulting from salt cedar and Russian olive tree infestation and means to revitalize soils;

(E) define and implement appropriate final vegetative states and optimal revegetation methods, with preference for self-maintaining vegetative states and native vegetation, and taking into consideration downstream impacts, wildfire potential, and water savings;

(F) identify methods for preventing the regrowth and reintroduction of salt cedar and Russian olive trees;

(G) monitor and document any water savings from the control of salt cedar and Russian olive trees, including impacts to both groundwater and surface water;

(H) assess wildfire activity and management strategies;

(I) assess changes in wildlife habitat;

(J) determine conditions under which removal of biomass is appropriate (including optimal methods for the disposal or use of biomass); and

(K) assess economic and other impacts associated with control methods and the restoration and maintenance of land.

(f) DISPOSITION OF BIOMASS.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall complete an analysis of economic means to use or dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(2) REQUIREMENTS.—The analysis shall—

(A) determine conditions under which removal of biomass is economically viable;

(B) consider and build upon existing research by the Department of Agriculture and other agencies on beneficial uses of salt cedar and Russian olive tree fiber; and

(C) consider economic development opportunities, including manufacture of wood products using biomass resulting from demonstration projects under subsection (e) as a means of defraying costs of control.

(g) COSTS.—

(1) IN GENERAL.—With respect to projects and activities carried out under this Act—

(A) the assessment under subsection (c) shall be carried out at a cost of not more than $4,000,000;

(B) the identification and documentation of long-term management strategies under subsection (d)(1) and the provision of grants under subsection (d)(2) shall be carried out at a cost of not more than $2,000,000;

(C) each demonstration project under subsection (e) shall be carried out at a Federal cost of not more than $7,000,000 (including costs of planning, design, implementation, maintenance, and monitoring); and

(D) the analysis under subsection (f) shall be carried out at a cost of not more than $3,000,000.

(2) COST-SHARING.—

(A) IN GENERAL.—The assessment under subsection (c), the identification and documentation of long-term management strategies under subsection (d), a demonstration project or portion of a demonstration project under subsection (e) that is carried out on Federal land, and the analysis under subsection (f) shall be carried out at full Federal expense.

(B) DEMONSTRATION PROJECTS CARRIED OUT ON NON-FEDERAL LAND.—

(i) IN GENERAL.—The Federal share of the costs of any demonstration project funded under subsection (e) that is not carried out on Federal land shall not exceed 75 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of a demonstration project that is not carried out on Federal land may be provided in the form of in-kind contributions, including services provided by a State agency or any other public or private partner.

(h) COOPERATION.—In carrying out the assessment under subsection (c), the demonstration projects under subsection (e), and the analysis under subsection (f), the Secretary shall cooperate with and use the expertise of Federal agencies and the other entities specified in subsection (e)(1) that are actively conducting research on or implementing salt cedar and Russian olive tree control activities.

(i) INDEPENDENT REVIEW.—The Secretary shall subject to independent review—

(1) the assessment under subsection (c);

(2) the identification and documentation of long-term management strategies under subsection (d);

(3) the demonstration projects under subsection (e); and

(4) the analysis under subsection (f).

(j) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit to Congress an annual report that describes the results of carrying out this Act, including a synopsis of any independent review under subsection (i) and details of the manner and purposes for which funds are expended.

(2) PUBLIC ACCESS.—The Secretary shall facilitate public access to all information that results from carrying out this Act.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(A) $20,000,000 for fiscal year 2006; and

(B) $15,000,000 for each of fiscal years 2007 through 2010.

(2) ADMINISTRATIVE COSTS.—Not more 15 percent of amounts made available under paragraph (1) shall be used to pay the administrative costs of carrying out the program established under subsection (a).

(l) TERMINATION OF AUTHORITY.—This Act and the authority provided by this Act terminate on the date that is 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as may consume.

Mr. Speaker, H.R. 2720 would further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior to carry out assessment and demonstration programs to control salt cedar and Russian olive.

Salt cedar and Russian olive are small, deciduous harmful trees widely distributed along riparian areas in the Western United States, particularly along the Colorado, Rio Grande, Pecos and Gila Rivers. They are known both for their phenomenal reproductive output and their ability to deplete scarce water resources. According to experts, one salt cedar tree can absorb 300 gallons a day. In fact, studies have shown that salt cedar dries up 800 billion gallons more water per year than the native cottonwood tree that it is replacing. Given these facts, most can agree that controlling salt cedar and Russian olive is important for water salvage, riparian restoration, salinity control, wildfire control and habitat restoration.

H.R. 2720 will begin to address these problems by providing sound science and in turn developing and expanding on innovative approaches to control these harmful weeds. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may control.

Mr. Speaker, at the outset, let me congratulate my fellow New Mexican, Representative STEVE PEARCE, for his leadership on this issue. I am also proud to be a cosponsor of his legislation.

H.R. 2720 creates a research program to control two invasive shrubs: the salt cedar and the Russian olive. Introduced in the 19th century, both the salt cedar and the Russian olive flourish in a variety of soil types and tolerate shade well. Unfortunately, these invasive plants have invaded many streams across the West, forcing out native cottonwoods. Because the salt cedar and Russian olive utilize more water than native plants, their presence along streams is disrupting to water flow and water availability. H.R. 2720 will create both research and pilot programs to study effective control and long-term management of these shrubs. I am pleased to be a cosponsor of H.R. 2720.

I would also like to recognize my colleagues Representative MARK UDALL, Representative JOHN SALAZAR and Representative STEPHANIE HERSETH, who are all cosponsors of this important legislation.

Mr. Speaker, we support H.R. 2720.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. I thank the gentleman for his support for the bill and his hard work on the bill, and I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to a hardworking member of the Agriculture Committee who has been a leader on invasive species issues, the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I would like to thank both gentlemen from New Mexico.

I rise today in support of the Salt Cedar and Russian Olive Control Demonstration Act and urge swift passage of the measure. I would like to recognize Representative PEARCE and other cosponsors of the bill for their leadership in this desperately needed legislation.

Mr. Speaker, the Southwestern United States is experiencing another severe drought and water is going to be in short supply again, as it has been in the last few years. This legislation will help to address our western water needs.

The salt cedar, or tamarisk plant, consumes large quantities of water, upwards of 200 gallons per day per plant. This is a non-native species that needs to be removed from our Nation's rivers and stream beds. It is estimated that these invasive plants occupy up to 1.6 million acres.

According to the Tamarisk Coalition of the Western United States, we are probably losing between 2 to 4.5 million acre feet of water per year. This would be enough water for 20 million people, or 1 million acres of irrigated farmland.

The tamarisk is a very difficult plant to control, and there are already efforts under way in Colorado and other Western States to control it. This legislation will help these folks by providing the necessary funding to look at better ways to control this species. By passing this bill, it will help Western States deal with drought concerns and continued growth. It benefits all water users in the West.

Just recently, the seven basin States of the Colorado River reached an agreement on how to manage the River. One section that the parties agreed upon was control of this invasive species. This bill will help these States meet their objectives.

Mr. Speaker, this legislation is vital to the West, and I urge my colleagues to support passage of this bill.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 2720, the Salt Cedar and Russian Olive Control Demonstration Act.

Riparian lands in the western U.S. have been severely affected by many activities and actions, including the salt cedar plant. In my district and throughout much of the Rio Grande River Basin we are plagued with this invasive species.

This deciduous shrub or small tree from Eurasia has displaced native vegetation on approximately 1.6 million acres of land in the West and will continue to spread. Although salt cedar is the "poster child" of non-native plants impacting western rivers, other non-natives, such as Russian olive, cohabit with salt cedar and are important to control in order to restore riparian health.

Salt cedar thickets harm the surrounding environment by narrowing and channelizing streams and rivers; displacing native vegetation such as cottonwoods, willows, and adjacent dryland plant communities; providing poor habitat for livestock, wild animals, and birds; increasing wildfire hazards; and limiting human use of the waterways.

While each of these points is important to one or more constituencies, the single most critical problem is that salt cedar steals water. The West may be losing 2 million to 4.5 million acre-feet of water per year due to the presence of salt cedar, which is beyond what native plants would likely use. The water needs of 20 million people or one million acres of irrigated farmland could be met with that amount of water.

Mr. Speaker, H.R. 2720 would address this problem by requiring the Commissioner of the Bureau of Reclamation and the Director of the U.S. Geological Survey, in association with the Secretary of Agriculture and the Secretary of Defense, to create and deploy an assessment and demonstration program for salt cedar and Russian olive.

This program would first assess the extent of the infestation of both species in the western U.S., develop and demonstrate strategic solutions for long-term management and funding strategies of salt cedar and Russian olive and the reestablishment of native vegetation, and assess the economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

Mr. Speaker, H.R. 2720 is essential to dealing with the salt cedar and Russian olive problem in the West, and I ask my colleagues to join me in supporting this much-needed legislation.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, again I express my appreciation to Mr. UDALL from New Mexico for his hard work and support of this bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time, requesting all Members to support H.R. 2720.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2720.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1515

DANA POINT DESALINATION PROJECT AUTHORIZATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3929) to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, as amended.

The Clerk read as follows:

H.R. 3929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dana Point Desalination Project Authorization Act".

SEC. 2. AUTHORIZATION FOR DANA POINT DESALINATION PROJECT.

The Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by adding at the end the following new section:

"SEC. 10. DANA POINT DESALINATION RESEARCH AND FEASIBILITY RELATED COSTS.

"(a) AUTHORITY.—The Secretary may assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

"(b) FEDERAL SHARE.—Notwithstanding section 7, the Federal share of the costs for the project assisted under subsection (a) shall not exceed 25 percent of the total costs of the project.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary $2,500,000 to carry out this section.

"(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3929, introduced by our distinguished colleague, KEN CALVERT, authorizes Federal participation in a unique desalination research and development project in Southern California.

Water consumers in that area of the State depend on imported water, and local efforts are being undertaken to develop nearby water supplies to reduce this dependence.

Desalination and water recycling are some of the most important ways to create new local water supplies. This legislation provides limited Federal assistance to develop a unique subsurface ocean water collection system that can reduce desalination's cost and eliminate impacts on the environment.

This project will not only help Southern California, but could also be a model for future desalination operations nationwide. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support passage of H.R. 3929. We need to do more, not less.

to help communities that are working to apply new technologies to their water supply problems. This bill provides limited financial assistance for engineering and environmental studies. It does not authorize funds for construction.

The project sponsors are exploring the feasibility of an ocean water desalinization plant using subsurface intake wells, which are protective of the marine environment. If this design is successful, it could encourage other coastal communities that are considering ocean desalinization as a way to stretch their limited water supplies without causing damage to marine life.

It is unfortunate that the Bush administration opposes this bill. Their opposition to H.R. 3929 is short-sighted and ill advised. This administration appears to be on a crusade against the use of innovative technologies to help solve water supply problems.

I hope the bill will be enacted despite their objections.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from New Mexico for yielding me time.

Mr. Speaker, I have some familiarity with the project, since it is located in the district which I have the privilege to represent. Water is an issue. It is an issue in the West; it is an issue in California.

We will probably be dealing this week and over the next few weeks and perhaps months with some of the issues of a shortage of various energy projects. We can avoid shortages in water if we work on it early, if we get on some of these projects now.

What this project does, as both the previous speakers indicated, is it is not just something that is good for the district I represent or the area I represent, but is in fact a test project for this new type of desalinization, where you are getting the water, rather than directly out of the ocean on the coast, you are actually bringing the water out underneath the sand, and then back to a desalinization plant, which is off the coast.

That is why it does not have the negative environmental impacts putting a plant directly on the coast right against the water would be. But, also, the sand itself has the effect, we believe, of filtering this water on its way to the desalinization plant, which both reduces the cost, reduces the waste that is created in desalinization, and possibly, we believe, makes the project considerably more efficient and therefore cheaper.

So what this project, if it is successful, will do is it will create desalinization that will be both less impactful on the environment, result in a higher yield of usable water, and be cheaper along the way. So something that is good for all sides.

The Federal involvement here would only be 25 percent of the entire project, as 75 percent of the cost is being carried by local public agencies. So I appreciate the support on both sides of the aisle for this project and would urge its passage.

Mr. CALVERT. Mr. Speaker, I rise today in support of H.R. 3929, the Dana Point Desalination Project Authorization Act. My legislation will authorize Federal participation in a relatively small ocean desalination project that could have an enormous impact on the future development of desalination projects.

As our country continues to look for new sources of water, particularly in the West, the expansion of our desalinated ocean water capability is essential. While extensively utilized in other parts of the world, most notably in the Middle East, the U.S. has only recently begun to consider large-scale ocean water desalination projects. There are a number of factors that have limited the viability of desalination projects. The major issues confronting ocean desalination are the cost of producing potable water and the potential negative impacts on ocean ecosystems.

The Dana Point Desalination Project is not a typical ocean desalination project. The project will use a unique subsurface ocean intake system that will collect water that naturally seeps through the ocean floor. The system provides a number of benefits over traditional intake systems, including removing the negative impacts on marine life as well as potentially reducing the need for extensive pretreatment filtration. If constructed and successful, the system would remove various concerns expressed by environmental advocates as well as improve the feasibility of future ocean desalination projects.

The Dana Point Desalination Project, to the best of my knowledge, is the only ocean desalination project supported by the Surfrider Foundation. Their support is a direct result of the unique subsurface intake technology that avoids negative impacts to the marine ecosystem. I would like to submit a letter form the Surfrider Foundation detailing their support for the Dana Point project for the record.

The Dana Point Desalination Project could have significant regional and national benefits. H.R. 3929 simply authorizes Federal participation in the project and limits the Federal obligation to $2.5 million to assist with preliminary engineering and environmental studies. No construction dollars are authorized in H.R. 3929.

I urge all of my colleagues to join me in supporting the Dana Point Desalination Project and passing H.R. 3929.

SURFRIDER FOUNDATION,
January 10, 2006.

Re Support for MWDOC Beach Well Feasibility Study.

TO WHOM IT MAY CONCERN: I am writing on behalf of the Surfrider Foundation in support of efforts by the Municipal Water District of Orange County (MWDOC) to investigate the feasibility of sub-surface beach wells to supply seawater for ocean desalination.

The Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education.

In general, Surfrider Foundation believes that future demands for water supplies should first be met by fully utilizing water conservation, wastewater reclamation, and stormwater management that will capture runoff for beneficial uses. We feel very strongly that these supply alternatives combine the benefit of meeting our future water needs while simultaneously reducing polluted runoff and ocean discharges. Ocean desalination should be the lowest priority for water supply choices and only employed using the most environmentally protective methods and technology.

We are pleased to see this approach to water supply alternatives reflected in MWDOC's 2005 Urban Water Management Plan. Furthermore, we are very supportive of the measured approach MWDOC is taking toward filling a limited role for ocean desalination in their water supply portfolio. Sub-surface "feedwater" intakes for desalination will avoid the unnecessary destruction of marine life, and disruption of healthy marine ecosystems, that accompanies open ocean intakes.

We look forward to the results of the subsurface beach well feasibility study MWDOC is proposing in Dana Point.

Sincerely,

JOE GEEVER,
Southern California Regional Manager.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers and yield back the balance of my time and urge passage of H.R. 3929.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3929, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CENTRAL TEXAS WATER RECYCLING ACT OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3418) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Texas Water Recycling Act of 2006".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities

Act (Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by inserting after section 16___ the following new section:

"SEC. 16___. CENTRAL TEXAS WATER RECYCLING AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Waco and other participating communities in the Central Texas Water Recycling and Reuse Project is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in McLennan County, Texas.

"(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).

"(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16 the following:

"Sec. 16___. Central Texas Water Recycling and Reuse Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3418, introduced by Congressman CHET EDWARDS, authorizes Federal participation in a water reuse project in McLennan County, Texas. As central Texas cities experience rapid population growth and increased water demand, these communities are being proactive to better utilize their existing water supplies.

This legislation is part of the effort to create new water supplies. I urge my colleagues to support this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support passage of H.R. 3418. We commend Congressman CHET EDWARDS for his persistence and hard work to secure authorization for this important project. The city of Waco is keenly aware that additional sources of water will be required to meet future water demands.

The city has decided to meet the expected water supply shortfall in part by implementing aggressive water conservation and water recycling and reclamation programs. The water recycling project identified in this bill will be eligible for limited financial assistance under the Bureau of Reclamation's title XVI water recycling program.

Water recycling and desalinization projects are proven technologies that can help stretch limited water supplies in areas such as Texas and the West.

I want to express our full support for this legislation. I offer my congratulations to Congressman EDWARDS for his leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the hardworking Member from Texas (Mr. EDWARDS), who works tirelessly for his district.

Mr. EDWARDS. Mr. Speaker, let me thank Mr. UDALL for his kind comments, and both Mr. UDALL and Mr. PEARCE for their excellent floor management of all of these bills today.

Mr. Speaker, our communities and Nation have a responsibility to be good stewards of our water resources. That is why I introduced H.R. 3418, the Central Texas Water Recycling Act of 2006. This bill will authorize Federal matching funds, 25 percent Federal, 75 percent local, to help build an innovative water recycling program partnership in my home town of Waco, Texas, and several neighboring communities in McClennan County.

Instead of wasting valuable drinking water for use in factories and on golf courses, we will be able to use lower-cost recycled wastewater for those purposes and save enough drinking water for 20,000 family households in McClennan County. The bottom line is this: being good stewards of our water supply, we will reduce water costs for businesses, save central Texas taxpayers millions of dollars, encourage economic growth in our area, and improve water quality in our central Texas rivers.

Mr. Speaker, I want to thank Chairman POMBO and ranking member RAHALL for their support of this measure, and the subcommittee chairman, Mr. RADANOVICH, the ranking subcommittee member, Mrs. NAPOLITANO, for their key role in this bill's passage. This is the kind of bipartisan effort that shows what Congress can accomplish when we work together on a bipartisan basis.

I also want to thank the mayor, city council, and staff in the cities of Waco, Lorena, Robinson, Hewitt, Woodway, Bellmead and Lacy-Lakeview for their cooperative efforts that made this bill's passage possible.

Finally, I want to extend special credit to the city of Waco, my hometown, to its city manager, Larry Groth, for his extraordinary leadership on this bill. Without his leadership, hard work and professionalism, we would not be here today. And as a citizen of Waco, I am grateful for his outstanding service to my hometown.

Mr. Speaker, I urge bipartisan passage of H.R. 3418.

Mr. UDALL of New Mexico. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I say thank you to my colleagues, Mr. EDWARDS and Mr. UDALL, for their work on this bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3418, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE PEOPLE AND GOVERNMENT OF ITALY UPON THE SUCCESSFUL COMPLETION OF THE 2006 OLYMPIC WINTER GAMES

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 697) congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy, as amended.

The Clerk read as follows:

H. RES. 697

Whereas from February 17 to February 26, 2006, Turin, Italy, hosted the 2006 Olympic Winter Games;

Whereas this is the third time Italy has hosted the Olympic Games, with the prior Winter Games having been held in 1956 in Cortina d'Ampezzo and the Summer Games having been held in 1960 in Rome;

Whereas the people of Turin and the surrounding Alpine areas have opened their hearts to the world, demonstrated their passions for sports, art, and culture, and strengthened the bonds between the city of Turin and the surrounding Alpine areas;

Whereas the city of Turin accommodated nearly 2,600 athletes, more than 2,700 trainers and escorts, 18,000 volunteers, 9,500 members of the media, and nearly 1,000,000 spectators at 7 competition sites and 3 Olympic villages;

Whereas in light of a global terror threat, Italian authorities implemented extraordinary security measures and successfully coordinated the efforts of 10,000 police officers and 2,500 Italian military personnel, providing effective and efficient protection, while also ensuring a secure and stable environment for both athletes and spectators alike;

Whereas through the stewardship of the International Olympic Committee and the Torino Olympic Organizing Committee, athletes representing 80 different countries competed in 15 disciplines of winter sport with the spirit of mutual respect and understanding, furthering the Olympic legacy of "peace between nations, equality, fair play, loyalty and respect";

Whereas well over 200 members of the United States Olympic Team participated in the Games and embodied the spirit of this Nation with resolve and determination and won 25 medals, including 9 gold medals;

Whereas 477 athletes from 39 countries competed for 9 days in March 2006 in Turin at the 2006 Paralympic Winter Games, which were organized in 1948 as a venue for injured World War II veterans to compete, demonstrating not an individual's disability, but rather the individual's achievements in athleticism; and

Whereas the United States Olympic Team ranked second among all nations in the number of medals won at the 2006 Olympic Winter Games and the United States Paralympic Team ranked seventh among all nations in the number of medals won at the 2006 Paralympic Winter Games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people and Government of Italy, and specifically the people of Turin and the surrounding Alpine areas, the Torino Olympic Organizing Committee, and the International Olympic Committee on the successful completion of the 2006 Olympic Winter Games;

(2) congratulates the United States Olympic Committee, the 2006 United States Olympic and Paralympic Teams, and all international athletes for their outstanding performances at the 2006 Olympic Winter Games; and

(3) expresses gratitude to the thousands of volunteers and others who made the 2006 Olympic Winter Games exciting, safe, and successful.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to request my colleagues' support of House Resolution 697, a resolution congratulating the people and the Government of Italy, the United States Olympic and Paralympic Teams, and other individuals and committees from around the world on the successful completion of the 20th Winter Olympic Games, which were held in Turin, Italy.

"Passion Lives Here" was the slogan for the Italian Winter Games. The world watched the Games from the opening to the closing ceremonies and witnessed the emotion of the event that stems from thousands of athletes and trainers from every corner of the globe participating in a competition that knows no border or political dispute.

For North and South Korea to march together for the first time during a Winter Olympics opening ceremony, although these two countries are still technically at war, the hope for continued progress toward peace among many differing nations was clearly evident.

This is what the spirit of the Olympics means for all of us for a few short weeks every 4 years. Unfortunately, Mr. Speaker, since September 11, the entire world has been transformed. Now, unprecedented levels of security are required to protect Olympic athletes and their teams from attacks.

After all, the Olympic Games were once the target of horrifying attacks on athletes by terrorists. This resolution commends our good friends and allies, the people and Government of Italy, for their extraordinary efforts in protecting the world's athletes during these games.

□ 1530

To implement such an extraordinary security measure while also ensuring the fun, passionate Olympic environment is something not many countries can do with such successful orchestration.

Mr. Speaker, the United States Olympic Committee and team should also be congratulated for winning 25 medals during these Winter Games, nine of them gold, second only to the team's record for the number of medals won at the Winter Games that was set during the Salt Lake City games; and the United States Paralympic team ranks seventh among all nations in the number of medals won during the Paralympic Winter Games.

I would like to extend heartfelt congratulations to each of our medal winners who shall forever make the United States proud.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution and urge all of my colleagues to do so as well.

I would first like to thank my good friend and colleague, Chairman HENRY HYDE, for sponsoring this measure.

Mr. Speaker, just a few months ago, Italy hosted the winter Olympic Games in Torino. We want to congratulate the people and the government of Italy for the great success of these games.

The Torino Olympic Committee, the International Olympic Committee, and the United States Olympic Committee should be commended for these games, which were effectively and successfully organized and implemented.

The slogan of the games, Mr. Speaker, was "Passion Lives Here," which was certainly an accurate depiction of the enthusiasm, passion and pride the Italian people have not only for sports but also for their wonderful culture and heritage. The welcoming attitude they displayed to citizens of over 80 nations of the world who sent Olympic athletes and guests was outstanding.

Mr. Speaker, I also want to commend those involved with the security aspect of the games. As we all know, this kind of world gathering unfortunately presents potential terrorist opportunities. The Italian government and security officials performed magnificently. The venue was stable and secure for athletes, officials and spectators.

These games have many memorable moments and many new records were made, but, for me, the highlight of the Torino Winter Games came when a 26-year-old American speed skater, Joey Cheek, announced that he would donate his $40,000 in bonus money to an organization called Right to Play, which helps children in poverty-stricken, war-torn countries in Africa. Joey also encouraged Olympic sponsors to do the same.

Mr. Speaker, Joey did not stop there. Just 2 days ago, tens of thousands of us rallied on the National Mall to call attention to the sickening and outrageous genocide occurring as we speak in Darfur, Sudan. It was my great pleasure to stand side by side with Joey Cheek at this rally where we both spoke to prod the international community not to forget the people of Darfur and to act to stop this genocide.

Joey Cheek's actions on behalf of the people of Africa, both at the Olympics and on the Mall, typify the true Olympic spirit.

Mr. Speaker, I want to thank Italy for keeping this Olympic spirit alive. These Torino games rekindled the spirit for another 4 years. It is important that, just as we have seen in these Italian games, the Olympics best demonstrate the spirit of competition and the spirit of selflessness that Joey Cheek and other athletes have typified.

This was the third time Italy has hosted the Olympic games, and judging by the welcoming attitude and success of the Torino games, we look forward to future Olympic events in Italy.

Mr. Speaker, I strongly support this resolution.

Mr. Speaker, I yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 697, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING 58TH ANNIVERSARY OF INDEPENDENCE OF ISRAEL

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 392) recognizing the 58th anniversary of the independence of the State of Israel, as amended.

The Clerk read as follows:

H. CON. RES. 392

Whereas on May 14, 1948, the State of Israel was established as a sovereign and independent nation;

Whereas the United States was one of the first nations to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided the opportunity for Jews from all over the world to reestablish their ancient homeland;

Whereas Israel is home to many religious sites which are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful, bilateral relations;

Whereas despite the deaths of over 1,000 innocent Israelis at the hands of murderous, suicide bombers and other terrorists during the past five years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas visionary Israeli leaders like Yitzhak Rabin and Ariel Sharon were at the forefront of creating conditions for peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas Israel's Independence Day on the Jewish calendar coincides this year with May 3, 2006: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the independence of the State of Israel as a significant event in providing refuge and a national homeland for the Jewish people;

(2) commends the bipartisan commitment of all United States administrations and United States Congresses since 1948 to stand by Israel and work for its security and well-being;

(3) congratulates the United States and Israel for the strengthening of bilateral relations in the past year in the fields of defense, diplomacy, and homeland security and encourages both nations to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 58th anniversary of Israel's independence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

This week, we commemorate Israel's Independence Day. Israel's Independence Day comes just days after the Holocaust Remembrance Day, a date set aside for recalling the victims of the Holocaust and for contemplating what can happen to a civilized people when bigotry, hatred and indifference reign.

Following on the heels of the Holocaust Remembrance Day, the commemoration of Israeli Independence is a salute to and a celebration of Jewish perseverance and endurance, of the strength of character of the Jewish people.

On this day, we honor the great people of Israel, who are in constant struggle to safeguard their nation and ensure their survival amidst military attacks from hostile neighbors and prolonged terrorist campaigns.

Throughout its short history, Israelis have fought against incredible odds to reestablish the birthplace of the Jewish people.

Israel has been in a state of war for 58 years, commencing the moment that Israeli independence was declared by David Ben-Gurion. Yet, even at war, Israel's democracy and its vibrant, diverse and free society have remained strong. As democracies and freedom-loving nations, we stand side by side against oppression, terrorism, hatred and intolerance.

Today, Israel is a strong and prosperous nation. Its economy is thriving, and it has been a world leader in scientific discoveries.

The Israeli government has taken unprecedented steps in the past year to reach a peaceful resolution of their conflict with the Palestinians. Prime Minister Ariel Sharon implemented his plan to withdraw from the Gaza Strip. Yet Israel still finds itself without a partner for peace, as the Hamas-led PA has shown that they continue to support acts of terrorism against innocent Israeli civilians.

Today, as the State of Israel marks its 58th anniversary, we pay tribute to the strong bonds of friendship between the United States and Israel, and we reiterate our commitment to its security and its stability.

The United States will never waiver. We will never falter in our support for the State of Israel.

We look forward to a date soon when we can celebrate an independent Israeli Jewish State that exists in peace and security and no longer has to fear for its very survival. I hope that all Americans will join us in extending our best wishes and congratulations to the Israeli people and to the Jewish nation.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

The resolution before the House expresses Members' heartfelt congratulations to the Israeli people in recognition of the 58th anniversary of their independence, which they will celebrate tomorrow. I strongly commend the gentleman from South Carolina (Mr. WILSON), my colleague, for bringing this resolution before the House.

The story of Israel's independence is no less inspirational simply because it is well known. It represents a remarkable triumph of the human spirit.

Today, the day before its Independence Day, Israel memorialized its thousands of fallen soldiers, who themselves silently testify to the sacrifice with which Israel won and has perfected its independence and freedom.

Although Israelis have been relentlessly under attack since their nation's birth, they have succeeded in creating one of the most democratic, prosperous, technologically advanced and humane societies on earth.

Mr. Speaker, Israel celebrates its anniversary this year after having unilaterally withdrawn its troops and settlements from Gaza. This was done under the courageous leadership of Prime Minister Ariel Sharon and marked only the most recent testimony of Israel's singular willingness to take risks to achieve peace.

Now, a new prime minister, Ehud Olmert, has taken office. He, too, has bold ideas about how to achieve peace. I know him well, and I know he is more than up to the task. We congratulate him on his electoral victory. We look forward to working with him, and we wish him every success in his endeavors.

Mr. Speaker, the establishment of the State of Israel has been a great boon not only for those who live in Israel but for our Nation as well. We treasure Israel as our most loyal ally in the Middle East and as the embodiment of values we cherish.

The United States has played a critical role in supporting Israel's security. It has played that role in a bipartisan fashion. Congress has had a leading responsibility in shaping the structure and content of that support. Our support for Israel is an important contribution to, and a credit to, U.S. foreign policy, and we are proud of that support.

Mr. Speaker, I strongly support this resolution and urge all of my colleagues to do so.

Mr. HOYER. Mr. Speaker, I want to thank my colleagues for offering this important bipartisan resolution recognizing the 58th anniversary of the independence of the State of Israel. And I urge my colleagues on both sides of the aisle to support it.

Throughout the last 58 years, Israel—an oasis of freedom in a sea of despair—has been vilified, threatened and attacked by those who seek her destruction. And yet, she has prevailed and prospered—just as she will prevail and prosper today, tomorrow and in the future.

Harry Truman made the United States the first nation to recognize the new State of Israel in 1948, just 11 minutes after its creation.

"I had faith in Israel before it was established, I have faith in it now," said President Truman. "I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization."

Israel's security and success is not only a strategic imperative for the United States. It is a moral imperative, as well. Ours is a relationship of shared values and common aspirations, and of principle and conscience.

We are nations of immigrants, safe havens for the oppressed and partners for peace. And, we are united in fighting terrorism.

No people on earth have been subjected to more bigotry and violence than the Jewish people, and no people are more in need of a sovereign, secure homeland to provide safe haven and to protect identity.

I have had the privilege of leading Congressional delegations on tours of Israel twice in the last three years. And, I can say with confidence that the special bond that exists between the United States and Israel is strong, growing stronger and will not break.

Last August, our Congressional delegation saw firsthand the pain caused by Israel's unilateral disengagement from Gaza—another bold step undertaken in the pursuit of peace and stability.

But more importantly, we saw a people deeply committed to the democratic process and the rule of law. What our Members saw was a reflection of themselves: People who love their country; people who want to live in peace and freedom; and people who want their children to have even greater opportunities.

Today, as our allies in Israel prepare to celebrate their 58th anniversary of independence, let us honor their determination to fulfill the vision of Zionism's founding father, Theodor Herzl, who observed, "If you will it, it is no dream."

Through courage and will, Israel was born and the dream of generations was made real—and it will endure.

I want to congratulate the citizens of Israel and the entire Jewish community on this 58th anniversary of Israel's founding.

Mr. WILSON of South Carolina. Mr. Speaker, I join in support of House Concurrent Resolution 392 which which I authored. In the wake of the Holocaust, the nation of Israel was established as a refuge for millions of Jews who survived horrendous crime crimes committed by the Nazis. Over the course of the next 58 years, the people of Israel demonstrated the resiliency of the human spirit while overcoming tremendous obstacles. Their country now serves as a source of pride for the Jewish people and a strong partner in democracy with over 160 countries.

Today, by recognizing the independence of Israel, commending our country' support for Israel, and encouraging our two countries to strengthen bilateral relations, Congress is clearly stating its confidence in the future of this great country. Israelis and Americans share mutual democratic values, and respect, and our countries are stronger when we work together. As citizens of both nations face similar enemies in the Global War on Terrorism, we must remain committed to a strong friendship which will protect both of our countries.

As the people of Israel celebrate their 58th year of independence, I am honored to extend my warmest congratulations on this inspiring achievement.

In conclusion, God bless our troops and we will never forget September 11th.

Mr. SHAYS. Mr. Speaker, Israel is one of the United States' greatest allies and I am proud to join my colleagues in recognizing it on the occasion of its 58th anniversary celebration of independence.

One of the most remarkable aspects of the U.S.-Israeli relationship is its mutual benefits. For 58 years the United States has assisted Israel diplomatically, financially and militarily, while Israel has proved itself to be a stalwart friend of democracy in a volatile region of the world. Particularly since the September 11, 2001 terrorist attacks, Israel has not hesitated to provide technical assistance, intelligence and advice on matters of homeland security, on which it has become, out of necessity, an expert in its own right.

Although the history of the Land of Israel stretches back far longer than that of the United States, we share a common history as refuges to victims of persecution, and as nations that never balked to defend freedom, democracy and the inalienable rights of man.

The United States is proud of its alliance with Israel—a friendship that officially began 11 minutes after Israel's creation. I look forward to many great years of thoughtful exchange and the promotion of our common interests of world peace and prosperity. Congratulations to the people of Israel as they celebrate the 58th anniversary of their statehood.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Con. Res. 392, which celebrates the 58th anniversary of the independence of the State of Israel. Today, we remember and pay tribute to the creation of the democratic State of Israel. It took the United States only 11 minutes after Israel had been declared a state to officially welcome her into the community of nations. For the last 58 years the United States and Israel have built a unique special relationship.

The creation of the State of Israel was a bold step in May of 1948. The first Prime Minister of Israel, David Ben-Gurion, once said that, "courage is a special kind of knowledge: the knowledge of how to fear what ought to be feared and how not to fear what ought not to be feared." It is from such courage that the State of Israel was formed and from which Israel continues to maintain its vibrant and strong democracy today. We can all learn examples from the struggles that the citizens have endured and the grief they have overcome to remain a democratic outpost in the Middle East.

I am proud to join my colleagues today to reiterate our continued strong support of Israel and her right to defend herself and her people from terrorism, and to focus on the special relationship that exists between our two nations. I have had the pleasure of traveling to Israel on a number of occasions, and these visits have only reinforced my strong conviction that the United States must remain actively engaged in ensuring a peaceful and equitable agreement between the two parties to the current conflict.

Yet, much work remains unfinished. We are all troubled by the recent Palestinian elections that put Hamsa in control of the Palestinian Authority and by the hateful, threatening comments that Iranian President Mahmoud Ahmadinejad has made about Israel. This year also brought a transition from Prime Minister Ariel Sharon to Ehud Olmert, and my thoughts and prayers remain with the Sharon family. This has been a unique year for Israel, full of challenges that were admirably met. As Ben-Gurion used to say, "in Israel, in order to be a realist you must believe in miracles." I still strongly believe in the dream that has become the wonderful reality of Israel.

Mr. Speaker, I am pleased to support this resolution celebrating the 58 years of Israel's existence as a beacon of democracy and hope in the Middle East. I also celebrate today the daily courage exhibited by the citizens of Israel and express my personal commitment to Israel at this milestone in its history. I look forward to future anniversaries, and to the day when Israel and her citizens can live in peace without the need for courage against fear.

Mr. GARRETT of New Jersey. Mr. Speaker, today I wish to join in celebrating the anniversary of Israel's independence. Israel is one of America's closest allies. We rely on her good will in our War on Terror. We enjoy mutually beneficial economic agreements. And, we value Israel as the only functioning democracy in the world's most volatile region.

On May 14, 1948, or the fifth day of the month of Iyar, which is the Hebrew date of the formal establishment of the State, members of the "provisional government" read and signed a Declaration of Independence in Tel Aviv. After decades of no homeland, the State of Israel was finally returned to the Jewish people. This year will mark the 58th anniversary of "Yom Ha'atzmaut" or Independence Day.

Yom Ha'atzmaut in Israel is always preceded by Yom Hazikaron—Memorial Day for the Fallen Soldiers. The message of linking these 2 days is clear: Israelis owe their independence—the very existence of the State—to the soldiers who sacrificed their lives for it, a sentiment not lost on Americans.

The official transition from Yom Hazikaron to Yom Ha'atzmaut is a moving event that takes place a few minutes after sundown with a ceremony on Mount Herzl in Jerusalem in which the flag is raised from half staff to the top of the pole. The President of Israel delivers a speech of congratulations, and soldiers representing the army, navy, and air force parade with their flags.

I wish our good companion, Israel, safety and security, prosperity and good fortune over the upcoming year. I vow to continue standing with you and working to ensure that the friendship between our two great nations remains strong.

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize and celebrate the 58th birthday of the State of Israel. Israel is an important ally of the United States and like our great country, Israel was founded by people seeking freedom from religious persecution. This persecution came in the form of the Holocaust—one of the most heinous events in recent history.

The United States recognized Israel within 11 minutes of its creation as an independent nation; however, not all developments in Israel's infancy as a nation were welcome. Attacked in 1948 from all sides by surrounding Arab nations, Israel defeated its enemies but soon learned it would have to develop as a democratic nation while vigilantly patrolling its borders for foreign invaders.

In addition to being a picturesque country located on the Mediterranean Sea, Israel is home to many religious sites that are sacred to people of the Muslim, Christian and Jewish faith. This concentration of Holy sites makes it all the more unfortunate that Israel and its people are the targets of so many terrorist attacks.

Mr. Speaker, Israel and the United States have strong bilateral relations that I hope will continue to grow and strengthen in the years to come. I wish the people and the leaders of Israel best wishes, continued prosperity and a peaceful future.

Mr. CANTOR. Mr. Speaker, I rise today in support of this resolution congratulating Israel on the occasion of its 58 years of independence.

On May 14, 1948, facing overwhelming odds and almost assured destruction by its Arab neighbors, Jews living in their ancestral homeland, survivors of the Holocaust and Jewish refugees from around the world gathered in a small room in Tel Aviv to announce the creation the Jewish state of Israel. In the shadow of the murderous genocide of the Holocaust, the state of Israel was created so that Jews around the world would always have safe refuge from oppression and annihilation.

In 1948, years of Zionists' dreams culminated as David Ben Gurion announced to the world that once again Israel was to be a free and independent state. founded on principles of freedom and democracy, the new state of Israel was quickly recognized by the United States as a welcome ally in the Middle East. unfortunately, within hours of this historic declaration, the neighboring Arab nations attacked and sent Israel into its first war as an independent nation. Despite conventional wisdom, and the great surprise of many around the world, Israel survived the attack but at a heavy cost to the young nation.

Today, 58 years after the creation of the state, Israel still struggles with an enemy who wishes to destroy it. In addition, just last January, the Palestinian people freely elected Hamas, a terrorist organization that strives for the destruction of the state of Israel, to run its government. Israel is a thriving democracy and one of the United States' strongest allies in the global war on terror. Israel has demonstrated to the world that democracy can thrive in the Middle East and that freedom of religion, freedom of the press and basic human rights can work in a region that is otherwise dominated by terror and oppression.

I stand today to congratulate Israel on its strong dedication to freedom and democracy throughout its 58 years of existence. I look forward to strengthening the U.S.-Israel relationship and continuing to celebrate Israel's independence in years to come.

Mr. GENE GREEN of Texas. Mr. Speaker, as a cosponsor of this legislation, I urge my colleagues to join me in supporting H. Con. Res. 392, to honor the 58th anniversary of the independence of the State of Israel. I would like to congratulate the Israeli people on this significant day, and join them in celebrating the 58th anniversary of the Jewish state.

After nearly 2,000 years without a homeland, Jewish independence was restored with the creation of Israel in 1948. The creation of Israel gave the Jewish people a state in the land where their religion, culture, and history date back over 4,000 years.

In the last 58 years, Israel has faced many struggles: conflicts with its neighbors, terrorism on its borders, and problems with many in the international community regarding the Palestinian people.

Despite these struggles, Israel has grown from a state of less than a million people in 1948, to a state of over seven million today. The Israeli people have created one of the strongest democracies in the world, renowned for their scientific, technological, medical and agricultural innovations. Their commitment to promoting human rights, to protecting the rule of law, and to open and fair elections is unparallel in the region and is an inspiration to oppressed people around the globe.

Today, 58 years after declaring its independence, Israel and the United States continue to share the common values and ideals of advancing democracy and promoting human rights around the globe. As our strongest ally in fighting terrorism, Israel, a country which has had to fight against terrorism and attacks from its neighbors for its entire existence, continues to play a vital role in promoting American interests.

In return, we must continue to help Israel in its struggle for security by helping reach a lasting peace with its neighbors so that as future generations celebrate this day, they may do so without fear of the violence that has plagued the Jewish state since its independence.

Mr. Speaker, I would again like to congratulate the Israeli people and join them in celebrating the 58th Anniversary of Israel's independence, and look forward to working with them for years to come.

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the 58th anniversary of Israel Independence Day, Yom Ha'atzmaut.

On this day in 1948, the U.N. mandate regarding Great Britain's control over the land of Israel ended and the people of Israel declared the existence of the independent democratic state of Israel.

In a democratic nation, Independence Day is created to celebrate the values and freedoms democratic nations hold dear. However, it should also be a day for reflection on the sacrifice required to ensure the continuation and protection of those freedoms. In fact, in Israel, on the day proceeding Independence Day, Israelis honor Yom Hazikaron or Memorial Day for Fallen Soldiers. The link between the two is clear: Israelis owe a debt, and the existence of the state, to the soldiers who sacrificed their lives for it. On this day Israel Independence Day, I also ask for a moment of introspection to honor those who, whether Israeli or American, have fallen to defend their nation and to defend democracy.

The United States has long been a supporter of Israel and her policies as a defender of democratic freedoms in the Middle East. Israel is our nation's strongest ally and only truly democratic partner in the Middle East.

With the continuing War on Terror, our alliance with Israel is more important than ever. In more than 100 instances in the past 58 years, our countries have stood together in the face of great turmoil. Today, I reinforce the unshakeable commitment of the United States to the safety and security of Israel and her reciprocal commitment to our security. While the times and the circumstances continue to change, the commitment we have made in the past 58 years to building peace and stability has fostered a bond between our nations that shall never be broken.

Mr. Speaker, it is with great pleasure that I stand here today to recognize Israeli Independence Day and to recognize Israel's commitment to democracy in the Middle East. The common values we share: a government of the people, by the people, and for the people, are the core values on which democracy is based.

Mr. TOWNS. Mr. Speaker. I rise today to celebrate the fifty-eight years since the founding of the State of Israel. This momentous occasion is not only a joyous day for the people of Israel but for all who cherish freedom and democracy.

The people of the United States and the people of Israel have an ever-lasting bond made even stronger by the events of September 11th. Jewish Americans have made innumerable contributions to our nation throughout its history. Many Jewish Americans also became instrumental in the founding of Israel. These bonds have been strengthened since the events of September 11th. Together with Israel and all freedom loving nations, we will put an end to the fanaticism of terrorism and the threat it poses to the survival of not only the United States and Israel, but to other nations as well.

The need for a safe haven for Jewish people across the world is obvious. Persecution of Jews was practiced for generations throughout Europe and elsewhere. The visionaries who founded Israel established this safe haven to preserve the lives and culture of one of the great peoples and cultures on this Earth. Almost sixty years later, they are still fighting to preserve their great traditions and culture. But Israel has grown and prospered despite the relentless and mindless attacks perpetuated by the enemies of freedom. It has done so with the steadfast support of its friends in the United States and I am proud to count myself as one of these.

I want to take this opportunity to recognize the leadership of Israel's Consul General in New York, Arye Mekel, and the hard work of the Jewish Community Relations Council of New York. Arye Mekel has worked tirelessly to advocate on the behalf of the State of Israel and the Council has provided invaluable assistance to New York City as a whole and the New York Jewish Community.

Mr. Speaker, I join my colleagues in congratulating the State of Israel on its fifty-eighth birthday and vow to work hard to ensure that the alliance between our two countries continues to grow.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to pay tribute to one of this country's most important allies in the War on Terror, the State of Israel. Fifty-eight years ago today, at 4 p.m., 5th day of the Hebrew month of Iyar, David Ben Gurion read the Israeli Declaration of Independence over the radio ending 2,000 years of exile and persecution and fulfilling God's promise to return the Holy Land to the hands of the Jewish people.

The Israeli government was founded to "ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex," principles we here in this country cherish as well. By holding regular free elections, Israel has been an oasis of democracy in a vast desert of theocracies, serving as a beacon of hope for oppressed people everywhere.

In less than 60 years, this open society has allowed the country to prosper economically, creating vibrant agricultural, industrial and technological sectors virtually from scratch and leading to successful foreign trade agreements. Israel has worked tirelessly to promote peace in the Middle East by achieving peace accords with Egypt and Jordan, an idea that would have seemed impossible in 1948. The Jewish State's many positive contributions to the world community exemplified by the Nobel Prizes in economics, chemistry, literature and peace that have been awarded to its citizens.

It is hard to believe that all of this has come out of a country no bigger than New Jersey and that it perseveres in the face of constant adversity. If one of the main planks of our foreign policy is to spread democracy and promote freedom around the world, then I can think of no better way to accomplish that goal than by strengthening the bond between our countries and offering it as an example to the rest of the world.

Israel Independence Day, or Yom Ha'atzmaut in Hebrew, provides Jews in this country an opportunity to demonstrate their solidarity with and strengthen their alliance with the State of Israel. It is fitting, then, that I stand here at the beginning of the very first Jewish American Jewish Heritage Month in which we will celebrate the 352 year history of the Jews' contributions to American culture.

Therefore, I ask my colleagues to join me in supporting this resolution, congratulating Israel on 58 years of independence and I look forward to building an even stronger relationship with our friends in the years to come.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H. Con Res. 392, recognizing the 58th anniversary of the independence of the State of Israel.

The State of Israel was established as a sovereign and independent nation on May 14, 1948. Israel provided a democratic refuge to Jews who survived the horrors of the Holocaust and the evils committed by the Nazis.

Israel is home to many religious sites which are sacred to Judaism, Christianity, and Islam. This multicultural society serves as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising its Parliament, the Knesset. Israel is a democratic government that is fully representative of its citizens and has worked to build peaceful and bilateral relations with her neighbors, including Egypt and Jordan.

The United States and Israel both share a common vision of democratic values, friendship and respect. Both the United States and Israel are committed to a democratic and stable Mid-East region.

Today we honor Israel's legacy and, by doing so, commit ourselves once again to building a lasting peace in this still volatile region.

Mr. LANTOS. Mr. Speaker, I yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 392, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONVEYING SYMPATHY OF CONGRESS TO FAMILIES OF YOUNG WOMEN MURDERED IN CHIHUAHUA, MEXICO

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 90) conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes, as amended.

The Clerk read as follows:

H. CON. RES. 90

Whereas the Mexican cities of Ciudad Juárez and Chihuahua have been plagued with the abduction, sexual assault, and brutal murders of over 400 young women since 1993;

Whereas there have been at least 56 murders of women in Ciudad Juárez and the city of Chihuahua since 2004;

Whereas at least 152 of the victims were sexually assaulted prior to their murders;

Whereas more than half of the victims are women and girls between the ages of 13 and 22, and many were abducted in broad daylight in well-populated areas;

Whereas these murders have brought pain to the families and friends of the victims on both sides of the border as they struggle to cope with the loss of their loved ones;

Whereas many of the victims have yet to be positively identified;

Whereas the perpetrators of most of these heinous acts remain unknown;

Whereas the Mexican Federal Government has taken steps to prevent these abductions and murders in Ciudad Juárez, including setting up a commission to coordinate Federal and State efforts, establishing a 40-point plan, appointing a special commissioner, and appointing a special prosecutor;

Whereas the Mexican Federal special prosecutor's review of the Ciudad Juárez murder investigations found evidence that over 100 police, prosecutors, forensics experts, and other State of Chihuahua justice officials failed to properly investigate the crimes, and recommended that they be held accountable for their acts of negligence, abuse of authority, and omission;

Whereas the Government of Mexico has recognized the importance of the work of the Mexican Federal special prosecutor and has shifted the mission of the prosecutor's office to assist local authorities in investigating and prosecuting crimes of violence against women throughout the country;

Whereas in 2003 the El Paso Field Office of the Federal Bureau of Investigation and the El Paso Police Department began providing Mexican Federal, State, and municipal law enforcement authorities with training in investigation techniques and methods;

Whereas the United States Agency for International Development has begun providing assistance to the State of Chihuahua for judicial reform;

Whereas the government of the State of Chihuahua has jurisdiction over these crimes;

Whereas the Governor and Attorney General of the State of Chihuahua have expressed willingness to collaborate with the Mexican Federal Government and United States officials in addressing these crimes;

Whereas the Department of State has provided consular services on behalf of the American citizen and her husband who were tortured into confessing to one of the murders;

Whereas Mexico is a party to the following international treaties and declarations that relate to abductions and murders: the Charter of the Organization of American States, the American Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, the United Nations Declaration on Violence Against Women, the Convention on the Rights of the Child, the Convention of Belem do Para, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance, and the United Nations Declaration on the Protection of All Persons From Enforced Disappearance; and

Whereas continuing impunity for these crimes is a threat to the rule of law in Mexico: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the ongoing abductions and murders of young women in Ciudad Juárez and the city of Chihuahua in the State of Chihuahua, Mexico, since 1993;

(2) expresses its sincerest condolences and deepest sympathy to the families of the victims of these murders;

(3) recognizes the courageous struggle of the victims' families in seeking justice for the victims;

(4) urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Mexican Government in the bilateral agenda between the Governments of Mexico and the United States and to continue to express concern over these abductions and murders to the Government of Mexico;

(5) urges the President and Secretary of State to continue to express support for the efforts of the victims' families to seek justice for the victims, to express concern relating to the continued harassment of these families and the human rights defenders with whom they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(6) supports ongoing efforts to identify unknown victims through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims' families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing;

(7) condemns the use of torture as a means of investigation into these crimes;

(8) encourages the Secretary of State to continue to include in the annual Country Report on Human Rights of the Department of State all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of young women in the State of Chihuahua;

(9) encourages the Secretary of State to urge the Government of Mexico and the State of Chihuahua to review the cases of murdered women in which those accused or convicted of murder have credibly alleged they were tortured or forced by a state agent to confess to the crime;

(10) strongly recommends that the United States Ambassador to Mexico visit Ciudad Juárez and the city of Chihuahua for the purpose of meeting with the families of the victims, womenâ€™s rights organizations, and Mexican Federal and State officials responsible for investigating these crimes and preventing future such crimes;

(11) encourages the Secretary of State to urge the Government of Mexico to ensure fair and proper judicial proceedings for the individuals who are accused of these abductions and murders and to impose appropriate punishment for those individuals subsequently determined to be guilty of such crimes;

(12) encourages the Secretary of State to urge the State of Chihuahua to hold accountable those law enforcement officials whose failure to adequately investigate the murders, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(13) encourages the Secretary of State to urge the Government of Mexico to ensure that the Mexican Federal special prosecutor's office, responsible for assisting local authorities in investigating and prosecuting crimes of violence against women throughout the country, gives particular attention to the murders of women in Ciudad Juárez and Chihuahua City;

(14) strongly supports the work of the special commissioner to prevent violence against women in Ciudad Juárez and Chihuahua City;

(15) condemns all senseless acts of violence in all parts of the world and, in particular, violence against women; and

(16) expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. Ros-Lehtinen) and the gentleman from California (Mr. Lantos) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 90, introduced by the gentlewoman from California (Ms. Solis).

The resolution before us respectfully conveys to the families of more than 400 young women who have been murdered in the State of Chihuahua, Mexico, the deepest sympathy of the United States Congress. It also encourages law enforcement in the United States to seek closer cooperation with Mexican law enforcement authorities to solve these crimes and bring the perpetrators to justice.

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Mr. Speaker, the border with Mexico can be a violent place. With drug traffickers, migrant smugglers, and other violent malefactors operating along the border, young women who live and work in the many border communities often fall prey to these violent criminals.

Over the past 12 years, more than 400 murders and disappearances of women have been committed in the cities of Ciudad Juarez and Chihuahua City. Fifty-five women have been killed in Juarez and Chihuahua City since 2004 alone. Unfortunately, very few of these cases have been resolved and even fewer perpetrators of this violence have been caught and prosecuted. As a result, the violence continues.

Mr. Speaker, House Concurrent Resolution 90 will hopefully bring much-needed attention to the brutal torture, rapes, and murders committed against women along the U.S.-Mexican border, especially in the State of Chihuahua, and will underscore the need for more cooperative law enforcement in both the United States and Mexico.

Before this resolution was introduced and brought to the floor, too little attention was paid to this important issue. Today, Congress is taking a stand and urging both the United States and Mexico to ensure its people, wherever they may live and work, that they will be secure within their homes and workplaces and that they can live without the fear of violence which is now sweeping our border communities.

Mr. Speaker, it is important that we in Congress continue to encourage our governments to work with Mexico not only to protect the women in Juarez but also to thoroughly investigate these crimes and bring an end to these murders. House Concurrent Resolution 90 would serve as a call to action along the border and would be a constant reminder to both the United States and Mexico that we must do more to protect our citizens against criminal elements and cooperate more on bringing criminals to justice. I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Mr. Speaker, the resolution before the House introduced by my distinguished California colleague and good friend, Congresswoman Hilda Solis, shines the spotlight on the murders of impoverished young women in Mexico. I applaud my friend and colleague, Chairman Hyde, for recognizing the importance of this resolution and facilitating its consideration both by our committee and the full House.

Mr. Speaker, since 1993, over 400 gruesome killings have plagued Mexico's nearly lawless northern border. In the last 2 years alone, over 56 women in this region have had their lives brutally extinguished.

Although these statistics are shocking at face value, the numbers often hide due to time and distance the very human stories that bleed from the pages of crime reports. In the Ciudad Juarez murders, the tragic tales are about girls and young women in the prime of their lives who, as they are walking home from one of the many sweatshops along the border, are kidnapped, raped, and brutally murdered. Their bodies are then unceremoniously dumped at the fringes of town. Families are left wondering what happened to their daughters or sisters or mothers.

As a result of the combined efforts of honorable individuals like my good friends and colleagues, Congresswoman SOLIS and Congressman REYES, as well as organizations such as the Washington Office on Latin America and the United Nations Committee on the Elimination of Discrimination Against Women, the Mexican government of President Fox finally took action. Among President Fox's initiatives were the establishment of a commission to coordinate federal and state efforts in Mexico, the appointment of a special prosecutor to review and bring related cases, and a plan to prevent future crimes.

It is not yet clear, Mr. Speaker, that these efforts have slowed the pace by which girls and women are being murdered in Ciudad Juarez or in Chihuahua City. Credible reports indicate that at least as many murders have been committed each year since the Mexican federal and state authorities began implementing their new policies.

It is also not apparent that local authorities are seriously committed to investigating and bringing to justice the criminals who are behind the murders. Suspects have been arrested for only about half of the Ciudad Juarez murders. In a significant number of cases, the defendants claimed that they were tortured into confessing their guilt. Real, impartial, professional investigations and prosecutions are needed to take the killers off the streets and to bring closure to the victims' families.

Mr. Speaker, the resolution before us today takes steps to address these remaining problems. It encourages the administration to include the Ciudad Juarez murders as part of the bilateral agenda between our government and the government of Mexico. It supports ongoing efforts to identify unknown victims through forensic analysis, including DNA testing, and it urges the Mexican authorities to invest in a new sense of urgency and professionalism as part of their continuing work.

These killings, Mr. Speaker, must stop. I urge all of my colleagues to support this resolution.

Mr. Speaker, I am delighted to yield 2 minutes to my friend, Congressman ENGEL of New York, the ranking member of the Western Hemisphere Subcommittee.

Mr. ENGEL. Mr. Speaker, I thank my friend from California for yielding to me; and as both a co-sponsor of this resolution and as ranking member of the House International Relations Subcommittee for the Western Hemisphere, I rise in strong support of this important resolution.

I want to thank and commend my colleague, Congresswoman SOLIS, for her leadership in raising attention to the dire problem in Ciudad Juarez and Chihuahua, Mexico. I also want to thank my friend, Congressman REYES, for highlighting this important issue as well.

In a congressional hearing last week, Mr. Speaker, on U.S.-Mexico relations, I directly called on senior U.S. Department of State officials to continue to press Mexican authorities on the approximately 400 women who had been brutally murdered in the Mexican cities of Ciudad Juarez and Chihuahua since 1993 and to provide U.S. assistance; and I remain deeply concerned over the killings of these young women. It is time that a serious effort was made to solve these terrible murders that are plaguing the towns in Ciudad Juarez and Chihuahua, and I hope that the U.S. State Department will take appropriate action to help Mexico address these heinous crimes, not only the crimes that have been committed but obviously we want to prevent any further crimes from being committed.

I continue to urge the American government to work with Mexican authorities to halt this brutal violence against Mexican women and to investigate these horrible crimes. How can we just sit by as hundreds of women are killed and sexually assaulted just across the Texas border? I condemn the ongoing abductions and murders of women in Ciudad Juarez and Chihuahua City and express my heartfelt condolences to the victims' families. We will continue to press this issue until it is resolved.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend, the distinguished author of the resolution and co-chair of the Congressional Women's Caucus, Ms. HILDA SOLIS of California.

Ms. SOLIS. Mr. Speaker, I wish to extend my great thanks and honor to Congressman LANTOS and Congressman ENGEL and also to Congresswoman ILEANA ROS-LEHTINEN for her support.

Mr. Speaker, we are strongly in support of this resolution to support the families of women who have been murdered in Ciudad Juarez and in the city of Chihuahua in Mexico. I have always believed that attacks on women are attacks on women everywhere.

This came to my attention some 4 years ago, and I was very proud to help lead a delegation for the first time, a House delegation to Ciudad Juarez, which is 5 minutes from our border, our frontier there. And what I found was a horrific, horrific problem, brutal murders of women, as was already stated by our colleagues. And to hear that over the past 13 years this had been allowed to continue without any involvement on the part of our government and Mexico, I felt compelled as a woman, as a Latina, as someone who felt very strongly that, if we are going to stand up for women's rights in other continents of the world and the Middle East to defend the Afghani women who are being tortured by the Taliban, why not then also come forward and support the women of Ciudad, Juarez?

We know that there are well over 400 victims that have been brutally murdered; and recently just this past year we found that a young girl, 7 years old, was kidnapped, raped, and brutally murdered. Another girl just 10 years was raped, killed, and set on fire in her home. These children were taken away from us too soon, and the anguished families will never be the same.

When I took a delegation to Ciudad Juarez, we had the opportunity, along with other members of the House, to meet with the families, to meet with the mothers of the victims, and what they asked for was nothing more than respect and acknowledgement and hopefully the force of our offices to get both sides, the Mexican government as well as the U.S. government, to come to an agreement to recognize that these atrocities must stop, to recognize the valor and respect of these families, and help to provide some closure; and through this resolution I hope that we can begin to do that.

This poster here illustrates an area that we actually visited very close to a grave site where eight bodies were thrown. It was almost as though there was a message being sent to authorities in Mexico that this is how we treat people in Ciudad, Juarez, and very little regard for the value of human life. As you can see in the picture, we had several individuals that went with us to visit there. We had Congressman REYES, we had at that time Congressman Ciro Rodriguez, Congressman LUIS GUTIERREZ, and we also had a good friend of mine who is depicted in the photograph, Dolores Huerta, who joined me.

But the value of that trip was to really meet and speak to the families, to speak to the mothers, to speak to the fathers who had recited their individual accounts of how they found their daughters and in what state they found their daughters or corpses. Yet we find today that we still have many remains that have not been identified, not because there is not a willingness to do it but because perhaps someone did not collect appropriate DNA information and tampered with perhaps evidence at the time so that you could not then retrace who was actually involved in these criminal atrocities.

That, I hope, will come to an end with the passage of this resolution, that we can begin to work in all honesty to identify the remains that are still left unclaimed by the families and provide some resolution.

I am very, very pleased that I had the support of our caucuses and outside community groups that helped to support us in this effort. It has been a long journey, and I want to personally thank various groups that helped us along this way. I want to thank in particular our committee staff, Paul Oostburg, for helping us, the Washington Office on Latin America, the Latin America Working Group, and Amnesty International, and many others across the country who helped us to lay out the foundation for the final passage of this legislation that I hope we will find later this afternoon.

I would ask that the House join us in support of this resolution, and I look forward to seeing our friends and colleagues in the Senate also assist us with passage of their similar resolution that also outlines the same provisions in this resolution.

Today I rise to voice my strong support for the families of women who have been murdered in Ciudad Juárez and Chihuahua City, Mexico.

I have always believed that attacks of women anywhere are attacks on women everywhere. That is why three years ago I introduced House Concurrent Resolution 90, a resolution to raise awareness, express concern and propose a set of actions to address the murders and disappearances of young women in Ciudad Juárez and Chihuahua City, Mexico.

I was horrified by the brutal murders of women just five minutes beyond our border. Over the past 12 years, more than 400 women have been brutally assaulted and murdered in Ciudad Juárez and Chihuahua City, and few of the perpetrators of this violence have been prosecuted or even found.

Women and young girls from all parts of Mexico moved to Ciudad Juárez in hopes of finding work, including jobs at American-owned maquiladoras.

These jobs involve late hours, forcing women to travel home in the dark, alone, leaving them vulnerable to attack.

Many of their bodies have been found in abandoned or desolate areas, showing signs of rape, torture and mutilation.

These acts are more than just crimes; they are horrific violations of women's rights and human rights.

Today, these crimes are not decreasing in frequency or brutality.

As an example, in 2005, a 7 year-old girl was kidnapped, raped and brutally murdered. Another girl, just 10 years old, was raped, killed and set on fire in her own home. These children were taken from us too soon, and their anguished families will never be the same.

While the men who murdered these particular children were caught, most of the victim's killers remain free and investigations of their cases have been minimal.

In 2001, the so-called "cotton field" murder victims were discovered in a Ciudad Juárez cotton field. Eight women were found raped, mutilated, and killed.

This case exemplifies the brutality of violence in Ciudad Juárez.

Mexican officials tortured two men into confessing to the cotton field murders. Their convictions were later overturned. One of the men who was wrongly accused died in prison and the lawyers in the case were gunned down. And this horrific case remains unsolved.

This pattern of torturing innocent men into confessing has touched the community I represent.

In 2003, Neyra Cervantes disappeared near Chihuahua City, Mexico, and her cousin, David Mesa, lived in the Congressional District I represent.

Mesa traveled to Juárez to help investigate his cousin's disappearance. He was incarcerated for criticizing the efforts of local authorities and allegedly tortured into confessing to the murder of his cousin. David is still in prison for the murder of his cousin—a murder he did not commit.

We must end the violence against women in Ciudad Juárez and catch the real criminals who are murdering women, not make more victims by torturing innocent people into confessing. The women and families in Ciudad Juárez are living their daily lives in fear. We must bring more attention to these crimes and help end the violence.

House Concurrent Resolution 90, the resolution we will vote on today, expresses concern about the continuing injustices that are killing young women and affecting American families in our border cities.

This resolution urges the U.S. government to take action and commit to working with the Mexican government to end these tragedies.

It is important that we, in Congress, continue to push the United States to work with Mexico to not only protect women in Juárez, but also to thoroughly investigate these crimes and bring an end to the murders. These atrocities have real affects on victims' families.

In 2003 and 2004 I organized Congressional Delegation trips to Ciudad Juárez to meet with families of victims, Mexican government officials, and human rights groups.

The mothers of victims and their families are suffering at the loss of their family members and continue to suffer because of inaction of the Mexican government. It was on these trips that my dedication to helping the women of Juárez was solidified. I would like to thank the Members of Congress and activists who have traveled to Ciudad Juárez with me, including Congressman LUIS GUTIERREZ, Congressman SILVESTRE REYES, our former colleague, Congressman Ciro Rodriguez, Congresswoman JAN SCHAKOWSKY, and my friend, Dolores Huerta, cofounder of VFW.

I have hosted briefings to educate others about this issue, sent letters to the State Department and President Bush and even to Mexico's President Vicente Fox urging action to end the murders of women and give peace to their families.

Last year I was joined by Senator JEFF BINGAMAN of New Mexico, in securing $200,000 from the United States Agency for International Development (USAID) to help fund a team of independent forensic experts from Argentina to work in Juárez identifying the unknown victims' remains and provide closure to their families.

These murders have caused incredible pain for the families of victims, compounded by the lack of response from their police and local government.

For the first time, families of the missing will receive dependable, legitimate identifications of their daughters.

While changes have been made in local and state government and some answers are coming to light, we must continue to pressure Mexican authorities to investigate crimes and do more to end the violence.

As we move forward, we must push for thorough investigations, so the families have closure and so the streets are safer for all women and children.

We also need to ensure safer conditions for the women of Juárez, in their homes, communities and workplaces.

We must remember that no matter where it takes place, on either side of our border, a murder of any woman is a terrible tragedy.

As one, unified voice against violence and one, unified voice for justice, our strength is in our solidarity to find peace for the families of Juárez.

Ni una mas! means "Not one more!"

I would like to thank the 143 bipartisan cosponsors of House Concurrent Resolution 90.

I would like to thank Chairman HYDE, Ranking Member LANTOS, Subcommittee Chairman BURTON, and Subcommittee Ranking Member ENGEL for their continued support as we work to bring peace to Ciudad Juárez.

I would also like to thank Committee Staff Paul Oostburg for his assistance and advocates from organizations such as the Washington Office on Latin America, the Latin America Working Group and Amnesty International for their passion.

I urge my colleagues to vote in favor of House Concurrent Resolution 90, and demonstrate our strong support for the families of victims in Ciudad Juárez, Mexico. And I look forward to continuing to work with my colleagues on both sides of the aisle in the fight for women's rights, human rights and an end to the violence.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and distinguished colleague from Texas, Mr. SILVESTRE REYES. His El Paso district is the sister community to Ciudad Juarez. He is Chair of the Congressional Hispanic Caucus Task Force on International Relations, and an invaluable colleague.

Mr. REYES. Mr. Speaker, I would like to first thank Chairman HENRY HYDE and Ranking Member TOM LANTOS, my good friend, for bringing this resolution to the floor today. Likewise, I would like to thank my colleague from Florida for handling the time on this very important issue.

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I would also like to thank Ms. SOLIS for introducing H. Con. Res. 90, a resolution conveying sympathy to the families affected by the murder of young women in Chihuahua, Mexico, and encouraging the United States to be involved in bringing an end to these crimes.

As the representative of El Paso, Texas, the neighboring city to Ciudad Juarez, the issue of unsolved murders is of great concern to me and my constituents.

Since 1993, many women have been violently murdered in Chihuahua, Mexico, and many have yet to be positively identified. This leaves family members with more questions than answers about the fate of their loved ones. In the past, I have urged Mexican President Vicente Fox to launch a comprehensive investigation to help bring an end to these murders and to bring those responsible to justice. In addition, I hosted, as the Ms. SOLIS mentioned, a congressional delegation in El Paso and Ciudad Juarez so my colleagues, including Congresswoman SOLIS, could learn more about the subject and about the assistance needed in this region of Mexico.

In July of 2005, I offered an amendment to the Foreign Relations Authorization Act for fiscal year 2006–2007 to encourage the administration to raise the issue of murdered women in Ciudad Juarez, Mexico, with their counterparts in Mexico and to assist with the identification of murdered women.

Thorough forensic analysis and DNA testing are necessary to identify the bodies that have been found to date. An example of how this technology can be crucial to an investigation took place in May 2005. With the cooperation of the El Paso Police Department and the FBI, the body of 7-year-old Airis Estrella Enriquez from Ciudad Juarez was identified and had her killers brought to justice due to DNA analysis.

In addition, with the financial assistance of USAID, the Bode Technology Group, a DNA laboratory located in Springfield, Virginia, and local forensic teams have been collecting thousands of samples from exhumed remains in order to process the samples and help identify possible future matches. This technology will not only provide answers and bring peace of mind to the families, enabling them to grieve, heal and seek justice for their murdered loved ones, but it will also contribute to the strengthening of judicial institutions in Ciudad Juarez, Mexico.

I urge my colleagues to join me in sending our sincere condolences to the families of murdered women, condemning the homicide against women, and encouraging the U.S. and Mexican authorities to work together to solve these murders and help ensure the safety of the women of Ciudad Juarez. Please support H. Con. Res. 90.

Mr. BACA. Mr. Speaker, I rise today in support of H. Con. Res. 90 and stand in solidarity with the families of 370 women who have been abducted, brutally assaulted, raped and murdered in the Mexican cities of Ciudad Juarez and Chihuahua since 1993. These families seek justice for the atrocious acts committed against their daughters—some as young as the age of 13—and I urge President Bush to offer whatever assistance he can to bring these criminals to justice.

Even today, we do not know who many of the perpetrators are. Many of the victims bodies have yet to be identified and returned to their families. Local government and law enforcement agencies in the State of Chihuahua have been ineffective in their investigations and require massive reform. Spurred by public outcry, the Mexican Federal Government launched a special investigation into the local governing bodies, only to uncover countless instances of negligence and abuse of power by over 100 police, prosecutors, and other government officials.

Mr. Speaker, we have an obligation as members of the international community to condemn violence against women and offer humanitarian assistance where we can. The President and the Secretary of State must intervene in this matter. These vicious criminals must be prosecuted and punished to the full extent of the law as soon as possible. We cannot allow ineffective government officials and bureaucratic defects to prevent justice from being served.

The families of these 370 women deserve closure and we must do all we can to prevent any further tragedies of this nature from reoccurring. As a father, grandfather, and husband, I could not think of any more horrific or painful a tragedy to strike a family.

I urge my colleagues to support this resolution.

Mr. FARR. Mr. Speaker, I rise today in strong support of H. Con. Res. 90, Conveying the Sympathy of Congress to the Families of the Young Women Murdered in the State of Chihuahua, Mexico, and Encouraging Increased United States Involvement in Bringing an End to These Crimes. I am a cosponsor to this important resolution and would like to thank Representative SOLIS for introducing this legislation.

For over 13 years, a stone's throw from the U.S. border, almost 400 women and young teenagers have been brutally assaulted and murdered. A disgraceful number of these murders have still not been resolved and many perpetrators still roam free, attacking other innocent women.

Family members of murdered women have worked tirelessly to try to bring justice to their daughters, wives and sisters. They have often faced great odds and opposition from local Mexican officials, yet have continued to fight for the truth and work to try to prevent future atrocities by bringing the rule of law to Cuidad Juárez and Chihuahua. My heart goes out to these families for their losses, and I urge the FBI, the U.S. State Department and all levels of the government of Mexico to reinvigorate their efforts and work to do all that is possible to bring justice and closure to these horrible tragedies.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H. Con. Res. 90, and I wish to express my respect and admiration for the gentlelady from California, Congresswoman SOLIS, for her important leadership on this tragic issue.

Since 1993, nearly 440 women have been killed in Ciudad Juarez and the State of Chihuahua, Mexico. Most of the victims are young, poor women. Nearly one-third worked in maquiladora factories that flourish along the U.S.-Mexican border; another third were students; Over 100 of these women were sexually assaulted prior to their murders, and these cases may be related. Other murders appear to be the product of domestic and intimate partner violence.

Regrettably, the Mexican authorities have done little to investigate the murders: According to human rights investigations into these murders, at least 130 police, prosecutors, and forensic officials were negligent or abusive in their handling of the murder investigations. Frequently, these officers of the law blame the victim for her own violent death. They have ignored, deceived, harassed and even attacked the families of the victims. While a few men have been convicted for some of the sexual murders, several of the victims' families believe these men are scapegoats, while the real perpetrators remain free at-large. As long as the wrong people are in prison, the killers remain unpunished and able to kill again and again.

We know that the police have used torture to obtain confessions from several people, even though no physical evidence connected these individuals to the crimes. For example, days after eight women's bodies were found in a field in downtown Juarez, two men were arrested and tortured into confessing to their murders. No physical evidence links them to the crime. Police killed one of their lawyers. One of the men died in prison. The judge presiding over the case ignored the remaining detainee's credible allegations of torture and the lack of evidence against him, and convicted him to 50 years in prison for the murders. The families of the murdered women do not believe he is the person responsible for their daughters' deaths.

Mr. Speaker, the Ciudad Juarez murders are an issue that embraces both sides of the border: U.S. citizens have been arrested for the murders, have been victims of the murders, and have had loved ones lost to murder. U.S. citizen Cynthia Kiecker and her husband, a Mexican national, were arrested and tortured in June 2003, accused of the murder of a young woman in Chihuahua. They were acquitted in December 2004. In another case, one U.S. citizen's daughter disappeared in July 2000.

I believe that the Mexican government will respond to U.S. and international pressure to solve these murders and bring peace of mind to the victims' families, and restore peace and security to the people who live in the State of Chihuahua and Ciudad Juarez, in particular. Already, as a result of international pressure, the federal Mexican government has appointed a special commissioner to prevent violence against women in Juarez, as well as appointing a special prosecutor to find out what went wrong with the previous murder investigations.

But Mexican federal and state authorities have made too many promises, and still there is too little progress in any of these investigations.

Mr. Speaker, H. Con. Res. 90 will clearly tell the families of these women that their voices and their pleas for justice have not gone unheard. They have our sympathy, and they have our support. But passage of this bill will also send a clear message to the Mexican authorities that the United States Congress is concerned about these murders, willing to have our government assist in their investigation, and that we want the perpetrators of these heinous acts arrested and put behind bars.

The lives of all these young women had meaning and promise. Let us remember them now, and solemnly vow to their families that we will work to bring their killers to justice.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GINGREY). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 90, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 658) supporting the goals and ideals of World Water Day, as amended.

The Clerk read as follows:

H. RES. 658

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the United Nations General Assembly, via resolution, designated March 22 of each year as World Water Day;

Whereas although water resources are renewable, differences in availability of water resources exist due to variations in seasonal and annual precipitation in different parts of the world;

Whereas although water is the most widely occurring substance on earth, only 2.53 percent of all water is freshwater and the remainder is salt water;

Whereas freshwater resources are further reduced by various forms of industrial, chemical, human, and agricultural pollution;

Whereas the drainage of wetlands for agriculture and the dissipation of water sources by land clearance lead to further exacerbation of water scarcity;

Whereas, according to the United Nations, by the middle of this century, at worst, seven billion people in 60 countries will be water-scarce;

Whereas the poor are the most affected by water scarcity, with 50 percent of the populations of developing countries exposed to polluted water sources;

Whereas water-related diseases are among the most common causes of illness and death, afflicting primarily the poor in developing countries;

Whereas the estimated mortality rate due to diseases transmitted by water and sanitation is five million people per year;

Whereas initiatives that promote access to safe drinking water and sanitation that prevents contaminants from infiltrating fresh drinking water supplies are vital tools in raising the awareness of the importance of freshwater to the quality of life; and

Whereas freshwater is vital to the development, sustainability, and progression of all humanity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of World Water Day;

(2) recognizes the importance of conserving and managing water resources for sustainable development, including environmental integrity and the eradication of poverty and hunger, and human health and overall quality of life in the United States and across the globe; and

(3) encourages the people of the United States to observe World Water Day with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of water and water conservation to humanity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 658, expressing support for the goals and ideals of World Water Day. The global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro. The United Nations General Assembly by resolution designated March 22 of each year as World Water Day.

I want to thank my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this important resolution. Passing this resolution will add to the strong bipartisan support in Congress for fighting global water challenges. This resolution builds upon the accomplishments of this Congress as embodied in the Senator Paul Simon Water For the Poor Act of 2005, Public Law 109–121, introduced by Mr. BLUMENAUER.

Water-related illnesses claim the life of one child approximately every 8 to 15 seconds, killing up to 5,000 children a day and up to 5 million people every year. The statistics associated with global water issues are shocking. According to the World Health Organization, 1.2 billion people do not have access to safe water, and 2.4 billion people lack access to basic sanitation.

World Water Day helps to raise awareness among international community members about this humanitarian catastrophe which places global development and human security in peril.

This resolution communicates our support for World Water Day. It recognizes the importance of conserving and managing water resources for sustainable development, environmental integrity, and the eradication of poverty and hunger, human health and overall quality of life; and it encourages the people of the United States to observe World Water Day.

Paula Dobriansky, the Under Secretary For Democracy and Global Affairs, recently led the U.S. delegation to the fourth World Water Forum in Mexico City, Mexico. Under Secretary Dobriansky's remarks emphasized the linkages between increased access to safe water and sanitation to improving human development indicators.

The administration has taken some noteworthy actions in response to these challenges. The Water For the Poor and Clean Water For People are initiatives equaling almost $1.5 billion combined are positive contributions that will advance the United Nations Millennium Development Goals and implement the Johannesburg Plan by 2015 to reduce the number of people by one-half who have no access to safe drinking water and sanitation.

I invite my colleagues and staff to learn more about what the private sector and the U.S. Government are doing to meet these challenges this Thursday at an event sponsored by the Rotary Club of Washington and water advocates. This event will focus on safe water and sanitation worldwide and implementing the Senator Simon Water For the Poor Act. The event will take place on Thursday, May 4, at 11 a.m. in the Montpelier Room of the Library of Congress. Mr. Speaker, I urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I would first like to commend my good friend and distinguished colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this very important measure, and my good friend and fellow member of the International Relations Committee, the gentleman from Oregon (Mr. BLUMENAUER), for his advocacy on behalf of all matters related to the global environment.

Mr. Speaker, this past December the President signed the Senator Paul

Simon Water For the Poor Act. This important piece of legislation demonstrated the United States' steadfast commitment to clean water and safe sanitation by designating it a major foreign policy goal of the United States.

We further solidified this commitment by participating in the fourth World Water Forum held in March. Our Nation joined with the rest of the international community in Mexico City to discuss the most pressing issues facing access to clean water and sanitation.

I would like to commend Under Secretary For Democracy and Global Affairs Paula Dobriansky, for leading the U.S. delegation to the World Water Forum and for the decision to join the international community in calling for global action on water and sanitation issues.

Mr. Speaker, the resolution on the floor today is yet another defining step in our quest to see all people gain access to clean water by supporting the goals and ideals of World Water Day, conserving and managing water resources for sustainable development.

In the interest of keeping with our core humanitarian values and promoting sustainable development worldwide, we must continue to promote the goals of clean water, sound water conservation and management, and basic sanitation. I strongly support this resolution, Mr. Speaker. I urge all of my colleagues to also support it.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like first to extend my appreciation to the leadership of the International Relations Committee, particularly Chairman HYDE and the ranking member, Mr. LANTOS, and the subcommittee people for working with me to advance this measure. I would also like to thank Mr. BLUMENAUER for serving as my partner on this resolution.

Mr. Speaker, H. Res. 658 supports the goals and ideals of World Water Day, an initiative born out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro. The day is to be observed consistent with the recommendations called for by the United Nations Conference on Environment and Development's Fresh Water Resources Agenda which urges the protection of the quality and supply of fresh water resources.

While I am aware that the official date recognizing World Water Day has passed, it is my respectful view that raising public awareness regarding one of the Earth's most precious resources should be year-round. Water is vital to human life, as a matter of fact, all life; and although it is the most widely occurring substance on Earth, it is important to note that only approximately 2 percent of all water is fresh water.

As various forms of pollution and sprawl continue to adversely impact our fresh water supplies, it is imperative now more than ever that the importance of integrated water resources development and conservation and improving the overall quality of life here in the United States and across the globe be highlighted.

Each day, millions of Americans turn to their faucets and their bottles for fresh drinking water, rarely giving a thought to the current demands our water supplies and infrastructure face. Yet while many Americans may think that water resource and development challenges are particularly associated with less-developed countries, it is important to note that the United States is not immune from some of the same challenges.

In 1972, this body enacted the Federal Water Pollution Control Act, commonly known as the Clean Water Act. The act promised that all Americans would have access to healthy waterways and clean drinking water. Although considerable progress has been made since enactment of this legislation to ensure the integrity of our water, many challenges persist as initiatives to comprehensively overhaul the act have stalled.

The Nation's wastewater treatment infrastructure, typically the first line of defense in keeping harmful pollutants out of our fresh water supplies, is in desperate need of investment. According to the Environmental Protection Agency, as much as $390 billion will be needed over the next two decades to rebuild, repair, and upgrade the Nation's wastewater treatment infrastructure.

Controlling the discharge of toxic pollutants such as heavy metals and inorganic chemicals into our waterways is also becoming an increasing challenge.

☐ 1615

Data reported by the EPA indicates that 39 percent of river and stream miles assessed by States and 45 percent of assessed lake acreage do not meet the applicable water quality standards and are impaired for one or more desired uses.

Further, approximately 95,000 lakes and 544,000 river miles in the United States are under fish-consumption advisories due to chemical contaminants in lakes, rivers, and coastal waters.

As of 2003, mercury, a contaminant of increasing concern, has forced 45 States to issue partial or statewide fish and shellfish consumption advisories.

As the ranking member on the Water Resources and Environment Subcommittee, I feel strongly that our water policy needs a strong set of government standards and safeguards to continue to protect public health and safety.

We should build on our achievements made possible by innovations, like the Clean Water Act, and not turn our back on them.

Congress should reaffirm and restore the Clean Water Act, which has made our water valuable for drinking, fishing, swimming and other economically vital uses for over 30 years. The Nation's future generations are depending on us.

For our children's sake, it is important that we place responsible stewardship of our Nation's water resources and water infrastructure back on our priorities for our Nation.

I urge my colleagues to support this resolution. There are metropolitan areas now that advise people not to drink the public water.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of H. Res. 658, supporting the goals and ideals of World Water Day, which I introduced with Congresswoman EDDIE BERNICE JOHNSON, the Ranking Member on our Water Resources and the Environment Subcommittee.

Access to safe drinking water and sanitation is critical to promoting good health, fighting poverty, protecting the environment, empowering women and promoting economic growth around the world. These were the goals of the "Paul Simon Water for the Poor Act," which I introduced last year. This legislation, which was signed into law on December 1st, establishes water and sanitation as a cornerstone of United States foreign assistance efforts.

I look forward to working with my colleagues, concerned organizations, and the administration to help ensure that the United States is a leader on global water issues and works hard to make the goals and ideals of World Water Day a reality for over a billion people around the world in need.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 658, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 697, by the yeas and nays;

H. Con. Res. 392, by the yeas and nays;

H. Res. 658, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

CONGRATULATING THE PEOPLE AND GOVERNMENT OF ITALY UPON THE SUCCESSFUL COMPLETION OF THE 2006 OLYMPIC WINTER GAMES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 697, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 697, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 111]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Baker
Bishop (UT)
Boren
Buyer
Carson
Crowley
Davis (FL)
Diaz-Balart, M.
Evans
Ford
Green (WI)
Jackson-Lee (TX)
Jones (OH)
Miller, George
Nussle
Osborne
Pascrell
Payne
Rush
Souder
Strickland
Sweeney
Visclosky

☐ 1853

Ms. KILPATRICK of Michigan changed her vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic and Paralympic Teams, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.".

A motion to reconsider was laid on the table.

RECOGNIZING 58TH ANNIVERSARY OF INDEPENDENCE OF ISRAEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 392, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) to suspend the rules and agree to House Concurrent Resolution 392, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 112]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bishop (UT)
Boren
Buyer
Carson
Davis (FL)
Davis (TN)
Evans
Ford
Green (WI)
Jackson-Lee
(TX)
Jones (OH)
Nussle
Osborne
Payne
Rush
Souder
Strickland
Sweeney
Visclosky

☐ 1902

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

The SPEAKER pro tempore (Mr. POE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 658, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 658, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 14, not voting 21, as follows:

[Roll No. 113]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens

Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Conaway
Flake
Franks (AZ)
Garrett (NJ)
Gohmert
Hoekstra
Kingston
Neugebauer
Paul
Poe
Royce
Sensenbrenner
Shadegg
Thornberry

NOT VOTING—21

Bishop (UT)
Boren
Buyer
Carson
Chandler
Davis (FL)
Davis (TN)
Evans
Ford
Gilchrest
Green (WI)
Jackson-Lee (TX)
Jones (OH)
Nussle
Osborne
Payne
Rush
Souder
Strickland
Sweeney
Visclosky

☐ 1919

Mr. POE changed his vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unavoidably detained in my home district and unable to record my vote for rollcall votes 111–113. Had I been present I would have voted "yea."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. LARSON of Connecticut. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4297, the tax reconciliation conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(1) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(2) the managers on the part of the House shall insist that the definition of "covered employee" for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a "covered employee" within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(3) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

GAS PRICES

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, it is business as usual for Congress today. Democrats are bemoaning the rising energy prices, while Republicans are looking for solutions. Democrats have done a lot of complaining about energy prices, but when it comes to offering ideas and solutions and ways to get out of this, they are noticeably silent.

Time and time again, Republicans have offered solutions to our Nation's energy crisis. We will have two bills up just this week. But the Democrats continue to say no. No to renewable fuels and nuclear energy, no to opening up resources in the ANWR, no to refineries, no to pipelines, no to cracking down on price gouging, no to a comprehensive energy policy.

Mr. Speaker, it is time the Democrats realize that no is not an energy policy. Democrats want a campaign issue; Republicans want a solution. Republicans once again are offering the American people a clear choice; Democrats, obstruction.

"FIRST" ROBOTICS COMPETITION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, this past Friday I had a wonderful opportunity to witness, firsthand, America's innovative spirit in action. An organization named For Inspiration and Recognition of Science and Technology, FIRST, held its 15th annual Robotic Competition Championship in Atlanta.

Founded in 1989 by Dean Kamen, FIRST is a world-renowned organization that promotes the study and application of science, math, engineering and technology. Over the 3 days of competition, 28,000 participants from seven different countries took part, including students from Wheeler High School in my own district. During the events, students were immersed in an intense competitive environment where they employed innovative solutions to solve real-life engineering problems in a sports-like activity. Teamwork, ingenuity, flexibility and cooperation are all rewarded.

In a continually evolving and competitive global market, Americans must work to retain our time-honored spirit of scientific leadership. Math and science are invaluable pillars of a strong education; and our schools, in coordination with organizations like FIRST, will ensure the creation of a new generation of world leaders, but only if we are proactively committed.

PRICE OF GASOLINE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the price of gasoline is $3 a gallon. Americans want answers, and they want solutions. According to the American Petroleum Institute, the nationwide average of tax on gasoline is 45 cents a gallon. This is split between State and Federal governments. The oil companies make about 9 cents a gallon on gasoline, so Washington, D.C., makes more off a gallon of gasoline than the oil companies.

Congress should consider suspending part of the gasoline tax for a period of time to lower gasoline prices. Gasoline prices are going up because OPEC controls 50 percent of the world's crude and is driving up the price of gasoline. The U.S. needs to be drilling offshore. Now we only drill off the coast of Texas, Louisiana, and Alabama. There is crude out there in our gulf coast and east coast and even the sacred west coast.

We can't have it both ways: Refuse to drill offshore and have cheaper gasoline prices. It is not going to work. We can drill safely offshore, and we need to do so to prevent being held hostage by third-world countries. Mr. Speaker, that's just the way it is.

CHILD SAFETY ACT

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to thank the hardworking law enforcement that have captured an escaped child sexual predator, Michael Benson, making our family safer. I commend John Walsh and his program, America's Most Wanted, on their 888th criminal apprehension out there making sure that we are putting these predators behind bars.

But 8 months ago, we passed the Child Safety Act; and in the Child Safety Act we have provisions that keeps our families, our children safer. Yet it is being obstructed in the Senate. It is time for us to move forward, pass this legislation that is so vital to our children's protection. I call for action and call on my colleagues to join me.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAMPBELL of California). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PHARMACIES ARE IN TROUBLE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to claim the gentleman's time.

The SPEAKER pro tempore. Without objection, the gentleman from Kansas is recognized for 5 minutes.

There was no objection.

Mr. MORAN of Kansas. Mr. Speaker, much of what I am about in Congress is about the fight to preserve and enhance the opportunities that exist in rural America. My goal, among others, as a Member of Congress is to see that there is a future for the communities and the people who live there across my State. I represent one of the most rural districts in the country. A component of that is to make certain that the citizens of those rural communities can access adequate and affordable health care.

We often think of health care as a hospital or a physician. Tonight I rise with great concern about a development across our country and especially in rural America that is occurring in regard to the loss of community pharmacy. We are beginning the process of losing that Main Street business and that health care provider, the community pharmacist.

In many communities across my State, and I am sure it is true around the country, that community pharmacist is struggling and the doors are beginning to close. Examples: today in Kansas, southeast Kansas, the population less than a thousand people, that pharmacist is closed for the last 4 months, no other pharmacist in the community. The next pharmacy is 30–35 miles away. This has an impact not only upon the hospitals and doctors in that area, but clearly an impact upon the community members, the patrons of that pharmacy, those who rely upon the health care to be delivered by that pharmacist.

My own father, 90 years old, rarely sees a doctor because if you see a doctor, that doctor will tell you something is wrong with him, and he does not want to know that. But he relies upon his community pharmacist because he is there drinking a cup of coffee to put the blood pressure cuff on his arm and provide him advice and suggestions about a healthy life.

That community pharmacist is an important component of our business community, and it is a way we deliver health care in communities across our country.

Due to the consequences of the prescription drug bill part D, our community pharmacist's future is bleak. In part it is due to the lack of timeliness of the payments that are occurring. The average wait in Kansas is 45–60 days. When I was in Leoti, Kansas, in March, and Leoti is a community of about 900 people, that community pharmacist had not been reimbursed for one prescription drug bill delivered to a senior since January 1.

Almost all pharmacists in my district and across the State have had to take out a line of credit just to stay in business. I want to highlight a bill that has been introduced by the gentleman from North Carolina (Mr. JONES) and by the gentleman from Arkansas (Mr. BERRY) and a bill by the gentleman from Mississippi (Mr. WICKER) that would require those sponsors of those drug plans to promptly pay the submitted claims.

It is unacceptable that a pharmacist would have to wait 2 months to be paid for the bills, and it is unacceptable because it is wrong. It is not the right thing to do, but it is a terrible occurrence because it means the demise of his or her business.

In addition to that, almost all pharmacists lose money on the prescriptions they fill under the Medicare plan part D, and the sponsors of those plans allow almost no negotiating room for those pharmacists. We need to change that. I would highlight a bill that I and the gentleman from New York (Mr. WEINER) have introduced, the Community Pharmacy Fairness Act, to give independent pharmacists the freedom to ban together to negotiate with drug manufacturers.

Time is of the essence. Pharmacist Kody Krein from St. Francis, Kansas, he grew up in that town. His life goal was to return to St. Francis as a community pharmacist. He has given us until July 1 and then he will make a decision whether he can continue as the sole pharmacist in that town. His three kids are in the school system in St. Francis, Kansas. It would be a terrible thing to lose that community pharmacist, to lose his family, and to lose that man's hope for a career in his hometown. That does not happen enough in rural America where a young son or young daughter actually is returning home to the family community. There is no pharmacist in the St. Francis area for 35 miles. We have a short period of time before we can correct this.

You may say this is a handful of examples. I am exercised about this issue. It is troublesome to me that this Congress, this place, Washington, D.C., has become so political that we cannot address this issue, that if an issue is brought to the floor that we are fearful that the Democrats will make an issue of it, that we have come to the point where nothing is done because there are political consequences to the issue even being discussed.

There are challenges and problems that are created by part D that need to be addressed. These issues are so important to me that it is time for us to set aside the political bickering and actually address the needs of the country. It is a political place that we work in. We all know that, but the problem is that we simply cannot use politics as an excuse to do nothing. It is time for us to make certain that good things occur and we cannot be responsible for the loss of a business, the loss of a family, and the loss of three students in a classroom in rural communities across our country.

Mr. Speaker, I ask that we no longer delay, that we bring attention to this issue to the House floor.

MISSION NOT ACCOMPLISHED

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, exactly 3 years ago yesterday, President Bush gave his speech about the military operations in Iraq and said they had become "Mission Accomplished."

Why was this speech important? Because in a single stroke, it revealed more about the President and his administration than all of his other speeches combined. Paying attention to the news, you will recall how on that day President Bush, adorned in a fighter pilot suit, rode shotgun in a military jet that landed on the USS *Abraham Lincoln* aircraft carrier, and a massive banner declaring "Mission Accomplished" was brashly displayed in the background during his subsequent speech.

It seemed like a bold act put on by a President who wanted to be perceived as taking bold steps against our Nation's enemies. But nothing had actually been accomplished to that point. The problem is that the "mission" in Iraq was not accomplished 3 years ago, and it certainly hasn't been accomplished today, which makes the military jet landing and ensuing speech 3 years ago far short of bold. It was a grandly staged political stunt, pure and simple.

Let us talk about "Mission Accomplished." For whom exactly is this mission accomplished? Is the mission accomplished for our troops, many of whom have returned home from Iraq forever changed as a result of the physical and mental trauma they endured during years of repeated deployment to Iraq?

One such soldier is retired Naval Hospital Corpsman Charlie Anderson who last Thursday spoke at an Iraq forum that I organized. Charlie suffers from post-traumatic stress disorder and now is a regional coordinator for Iraq Veterans Against the War.

I quote him in saying, "I was completely untrained and unprepared for what I experienced in Iraq." He also told us, "In the 7 years preceding my deployment to the Middle East, I had not set foot in the desert or had any training on how to fight or survive there. I had fired my 9 millimeter service pistol exactly once."

Is the mission accomplished for Faiza al-Araji, an Iraqi civil engineer who recently fled Baghdad, the only home she has ever known? Faiza and her family left Iraq after her son, a student, was detained for days by the Ministry of the Interior without charges being filed. After nearly a week of panicking, Faiza and her husband paid a ransom to have their son released. They were told he had been detained because he had a beard, and was therefore probably a terrorist.

The fact is, 3 years after President Bush's "mission accomplished" pronouncement, Iraq is still mired in chaos. Our troops are still sitting ducks. They are halfway across the world, and the United States is still tangled up in a quagmire of epic proportions.

Of the over 2,400 American soldiers who have been killed in Iraq, all but 139 were killed after the President's USS *Abraham Lincoln* speech. Attacks against Iraqis, U.S. and coalition troops, and critical infrastructure have increased by nearly 25 percent since then.

According to the Brookings Institute, the Iraqi insurgency has tripled in strength since 2003. It is pretty clear by now that the "Mission Accomplished" speech was just another example in a long pattern of the Bush administration playing up the political theater while ignoring the facts on the ground.

Whether they are talking about tax cuts for the richest 1 percent of Americans, prescription drug coverage that does not work for seniors, or the cost of military operations in Iraq and Afghanistan, this administration's MO is to avoid revealing bad news at all cost, even if it means toying with the truth. It is like all of the bad stories are cut out of the newspaper before they are brought into the White House.

Mr. Speaker, let us accomplish something that will help secure America and Iraq for the future and save thousands of innocent lives in the process. Let us accomplish an end to the pain and suffering felt by the hundreds of thousands, and let's end the war in Iraq and bring our troops home now.

WHAT TO DO ABOUT SOARING OIL PRICES

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Speaker, gasoline prices are soaring and the people are screaming, and they want something done about it now.

$100 rebate checks to American motorists will not cut it, nor will mandatory mileage requirements for new vehicles. Taxing oil profits will only force prices higher. But there are some very important things we can do immediately to help.

First, we must reassess our foreign policy and announce some changes. One of the reasons we went into Iraq was to secure our oil. Before the Iraq war, oil was less than $30 a barrel. Today it is over $70. The sooner we get out of Iraq and allow the Iraqis to solve their own problems the better. Since 2002, oil production in Iraq has dropped 50 percent. Pipeline sabotage and fires are routine, and we have been unable to prevent them. Soaring gasoline prices are a giant, unintended consequence of our invasion, pure and simple.

Second, we must end our obsession for a military confrontation with Iran. Iran does not have a nuclear weapon, and according to our own CIA is not on the verge of obtaining one for years. Iran is not in violation of the Nuclear Nonproliferation Treaty, and has a guaranteed right to enrich uranium for energy, in spite of the incessant government and media propaganda to the contrary. Iran has never been sanctioned by the U.N. Security Council, yet the drumbeat grows louder for attacking certain sites in Iran, either by conventional or even by nuclear means. Repeated resolutions by Congress stirs up unnecessary animosity toward Iran, and creates even more concern about future oil supplies from the Middle East.

We must quickly announce we do not seek war with Iran, remove the economic sanctions against her, and accept her offer to negotiate a diplomatic solution to the impacts. An attack on Iran, coupled with our continued presence in Iraq, could hike gas prices to $5 or $6 per gallon here at home. By contrast, a sensible approach to Iran could quickly lower oil prices by $20 a barrel.

Third, we must remember that prices of all things go up because of inflation. Inflation, by definition, is an increase in the money supply. The money supply is controlled by the Federal Reserve and responds to the deficits Congress creates. When deficits are excessive, as they are today, the Fed creates new dollars out of thin air to buy Treasury bills and keeps interest rates artificially low. But when new money is created out of nothing, the money already in circulation loses value.

□ 1945

Once this is recognized, prices rise, some more rapidly than others. That is what we see today with the cost of energy.

Exploding deficits due to runaway entitlement spending and the cost of dangerous militarism create pressure for the Fed to inflate the money supply. This contributes greatly to the higher prices we all claim to oppose. If we want to do something about gas prices, we should demand and vote for greatly reduced welfare and military spending, a balanced budget, and fewer regulations that interfere with the market development of alternative fuels. We also should demand a return to a sound commodity monetary standard. All subsidies and special benefits to energy companies should be ended; and, in the meantime, let's eliminate Federal gas taxes at the pump.

Oil prices are at a level where consumers reduce consumption voluntarily. The market will work if we let it. But as great as the market economy is, it cannot overcome a foreign policy that is destined to disrupt oil supplies and threaten the world with an expanded and dangerous conflict in the Middle East.

RECORD OIL COMPANY PROFITS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim Mr. PALLONE's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, I hope the American people are paying attention to the massive oil company profits being made off of the pocketbooks of our people. Gasoline prices have gone up 68 cents just since last year per gallon. Gasoline prices are soaring. I left Ohio this morning after casting my vote in the primary election. Gas was $3 at the pump, and some of the brands were as high as $3.85 a gallon.

Who are we making rich? ExxonMobil, they are number one. They declared a record quarterly profit of $8.4 billion, 7 percent more than they made last year. Meanwhile, their chairman, Lee Raymond, is planning on his retirement. His package totals $400 million when all pension payoffs and stock options are included.

I have often asked myself, what does somebody do with $400 million? When is enough enough?

Now, this is the same Exxon that has yet to pay the $4.5 billion in punitive damages awarded in the Exxon Valdez case 17 years ago. They haven't even paid off those they harmed.

Now, not to be outdone, ConocoPhillips said its earnings rose 13 percent, to $3.29 billion, just in the first quarter of this year.

Now, Chevron Corporation's first quarter profits soared 49 percent, to $4 billion, as the firm joined the procession of U.S. oil companies reporting colossal earnings.

Meanwhile, constituent after constituent in my district tells me they can no longer afford weekend family trips due to gas prices. People are only filling their tanks up halfway, hoping prices will drop and they will not have to pay these exorbitant prices.

Other companies like Halliburton, think about this. We have a Vice President. He got a tax refund of nearly $22 million. Halliburton is an oil servicing firm that has gotten so many no-bid contracts from this government related to the war in Iraq and other oil-related expenditures. Come on. Can't we connect those dots? Can't we figure out what's going on here?

Farmers tell me that higher fuel costs mean their already ultra-slim margin of profit is likely to disappear.

Small businesses worry about whether or not they can impose delivery surcharges to make up for higher fuel costs.

Now, all the President of the United States says, listen carefully. He says we have to study this. Hmm. He says we have to study this. We have to study the profits.

Mr. President, we need to do something. The President says that these companies should reinvest their money in energy projects here. But keep in mind that Exxon officials told the staff of the House Energy and Commerce Committee this year that Exxon doesn't intend to spend any money in this country because of flat demand for petroleum products by the year 2030. So the President appears to be some days late and a refinery short.

Something the President could do, using his Presidential authority, is to change the Strategic Petroleum Reserve to a Strategic Fuels Reserve and begin converting this country to non-oil-based fuels. His agriculture bill didn't do that. We put a title IX in the agriculture bill to convert quickly. We can do ethanol and biodiesel right now. But guess who won't sell it? Every one of those oil companies.

Think about the communities you live in. Let's say you buy a Ford Taurus that is an E85, and you can put ethanol in the tank. Unless you are from Minnesota or Iowa, where are you going to buy the fuel? Guess who locks you out at the pump? Every single one of those companies, because they want business as usual.

At some point, we have to do what is right for the country before any single company's interests. This is in the national interest not to have the economy take a nosedive again because of our dependence on imported petroleum.

The other body is contemplating the cute idea of a $100 tax rebate to every citizen. Well, what does that do about the price of gasoline? What does that do about converting the type of fuel you put in your tank and making America energy independent again? What does this do to end our presidentially decreed addiction to oil from unstable regimes? All it does is it transfers wealth to those very same companies that are locking out the new future for America, the new energy future we needed to embark upon in the last century and, sadly, we did not have the leadership to do it.

So profits are up again. Golden parachutes are being readied. The industry snubs its nose at the consuming public that can't afford these prices. The Bush government says, trust us, let's just study some more. That is all we need to do is study.

Is it any reason the American people are upset? They have a right to be upset. We need leadership in this government. No more followership.

[From The Blade: Toledo, Ohio, Friday, Apr. 28, 2006.]

QUARTERLY PROFIT TOPS $8 BILLION AT EXXON MOBIL

DALLAS.—Exxon Mobil Corp. posted the fifth-highest quarterly profit for any public company in history yesterday, and with oil prices above $70 a barrel it could go down as the company's weakest quarter for the year.

Exxon Mobil's first quarter was lower than its record fourth-quarter, when the world's largest oil company reported the highest profits ever for any publicly traded company. And the earnings, which rose 7 percent to more than $8 billion, still fell short of analysts' estimates.

But, in what is sure to spur the growing furor over outsized energy industry earnings, Exxon Mobil's massive profits may only increase in 2006 as it benefits from rising crude-oil prices and production, analysts say.

"This is only the beginning," said Fadel Gheit, analyst for Oppenheimer & Co. "Let me tell you, it gets better after that. Oil prices will add huge amounts to earnings, at least a billion dollars."

The earnings report comes amid consumer outcry in the United States about soaring gasoline prices, which average $2.91 a gallon nationwide, or 68 cents higher than a year ago.

It also lands as Washington lawmakers are looking to appease voters with various proposals to make big oil companies pay more taxes or provide consumers with some other relief. But everyone acknowledges that little can be done in the short term to bring down prices.

"If we had a silver bullet, we, would be proposing it to Washington, right now," said Ken Cohen, the company's vice president of public affairs. He said Exxon Mobil was investing a growing portion of its profits in new oil and gas production, and that the company is sympathetic to the added energy-price burden on consumers.

Still, he said consumers and members of Congress need to "take a deep pause and a deep breath" because market forces will eventually bring supply and demand back into balance. He said Congress could help matters longer term by removing barriers to domestic drilling.

The increasing public scrutiny of Exxon arrives less than a month after the news that the company handed its former chairman and chief executive officer, Lee Raymond, a $400 million retirement package, when all pension payoffs and stock options are included, that sparked headlines across the country and calls in Washington to justify the huge compensation.

In January, Exxon posted the highest quarterly profits of any public company in history: $10.71 billion for the fourth quarter of 2005 and $36.13 billion for the full year.

Howard Silverblatt: a senior index analyst for Standard & Poor's, said the latest profit figure still places Exxon fifth historically among quarterly earnings. Exxon also holds the first, second, and fourth spots; Royal Dutch Shell PLC has the third spot.

In the first quarter, net income rose to $8.4 billion, or $1.37 per share, from $7.86 billion, or $1.22 per share, a year ago. Roughly three-quarters of that profit came from the company's upstream division, which produces oil and natural gas.

Analysts polled by Thomson Financial were looking for a higher profit of $1.47 per share for the latest quarter.

Analysts and company executives identified two major contributors to coming up a dime short: higher taxes on oil and gas produced abroad and reduced income from Exxon's refining business, which spent heavily on maintenance in the aftermath of last year's hurricanes.

HIGH GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, as we well know, the rising cost of gasoline is a burden on hard-working families and on small businesses across the country.

Recently, the price of crude oil hit the historic high of $75 a barrel. The average price of gasoline is now a whopping $2.92 cents a gallon, and it shows no sign of dropping before the busy summer travel season.

While much of this is the result of increasing demand generated by our growing economy and increased instability in Iran and other oil-producing countries, Congress has a duty to take action.

Some in Congress like to play politics on this issue. The American people don't want cheap political games and stunts. They want and deserve solutions.

We provided good solutions in the strong conservation and renewable energy titles of the energy bill that we passed last year. Had it not been for political gamesmanship, these measures, which languished in Congress for 4 years after we passed it in the House, would already be reducing gas prices with more hybrid and E85 ethanol cars on the road and more biofuels to fuel them.

Instead, these policies are just being implemented now. Over time, I believe that last year's energy bill will help bring down the cost of energy for consumers, but, in the meantime, we must do more.

Last year, in the House, we passed the Gas Act that would not only streamline the process of expanding refineries but also provide, for the first time, a Federal criminal penalty for price gouging in gasoline or diesel fuel cells.

Additionally, Mr. Speaker, we ought to stop giving tax incentives to big oil and gas producers when they are already reporting record profits. That is why last year I introduced legislation with Congressman MARK UDALL to redirect $2.5 billion in tax incentives away from the oil and gas companies, instead put it towards doubling incentives for E85 ethanol, hybrid and hydrogen vehicle production.

Renewable fuels are the key to our energy independence and to freeing drivers from the high cost of imported oil. We need only look to my home State of Minnesota, which has been leading the Nation in developing renewable fuels. Minnesota was the first state to require ethanol be sold in all gasoline and has been instrumental in the development of E85 fueling stations, with over 100 such stations throughout the State.

Mr. Speaker, the proof is at the pump. These policies have resulted in Minnesota gas prices being amongst the lowest in the country. It is common in Minnesota to see E85 being sold for 50 cents less than regular gasoline.

These savings should be enjoyed nationwide, which is why I am pleased to be an original cosponsor of H.R. 4357, which was introduced last year by my fellow Minnesotan Congressman GUTKNECHT. This bill would require that our country adopt Minnesota's model that all gasoline should contain 10 percent renewable fuels.

We must get beyond the partisanship and obstruction that is blocking these additional measures. We have now waited for a year. We cannot afford to wait for 4 years. We must act now.

But we also must, in the meantime, make sure that the high gas prices don't destroy the strong economic growth that is providing jobs to so many. One of the first things we should do is a temporary suspension of the Federal gas tax. Suspending the gas tax will produce an immediate 18.4 cent per gallon savings for motorists when they fill up their tanks. That is why I will be introducing legislation to suspend the Federal gas tax throughout the summer driving season.

Highway trust fund revenue lost from this temporary suspension would be paid back and the fund made whole by fixing an oversight that has allowed some oil and gas companies to escape paying what they owe under the law to the Treasury. Unlike other measures, we can do this now, providing immediate relief to drivers hurting at the pump.

Mr. Speaker, high gas prices hurt American families and threaten our growing economy. We have a duty to respond. Let's stop the politics and get to work.

RECOGNIZING C. RICHARD VAUGHN

Ms. FOXX. Mr. Speaker, I ask unanimous consent to take Mr. BURTON's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, I rise today to recognize and congratulate my dear friend, Mr. C. Richard Vaughn of Mount Airy, North Carolina, for being awarded the 2006 Distinguished Citizen Award from the Old Hickory Council of Boy Scouts of America. This prestigious honor is given annually to one individual from Northwestern North Carolina who best exemplifies the ideals of scouting through contributions to community, State and country. In receiving this award, Richard joins an impressive fraternity of past recipients, including Senators Jesse Helms and Richard Burr.

I have had the honor and privilege of knowing Richard for the past 12 years and can honestly say that there are very few people as deserving of this award as he is. Richard is a true asset to the State of North Carolina and the Town of Mount Airy. The driving force in his life is a strong desire to serve others and make his community a better place.

Richard has truly exemplified the principles of Boy Scouting throughout his life from the time he was a young Eagle Scout. He has served our Nation as a First Lieutenant in the United States Army and has remained incredibly active in community and civic affairs throughout his adult life. He serves as Chairman of the Board of Trustees of Central United Methodist Church in Mount Airy, as past president of the Mount Airy Museum of Regional History, as past president of the North Carolina State Chapter of Sigma Nu Fraternity, as past vice president of the United Fund of the Greater Mount Airy Chamber of Commerce, as president of the Reeves YMCA Community Center, as chairman of the Mount Airy Board of Education, as an executive committee member of the Old Hickory Council of Boy Scouts of America, and as the former Scoutmaster of Troop 596 of Mount Airy.

He has also served as the Chairman of the Board of Directors of the North Carolina Granite Corporation, Chairman of Riverside Building Supply, Incorporated, and on the Board of Directors of Insteel Industries and United Plastics Corporation.

He also serves on the Board of Trustees for North Carolina State University and is a past member of the North Carolina Board of Transportation and a past member of the Board of the North Carolina State Ports Authority.

Richard attended North Carolina State University where he received a Bachelor of Science degree in nuclear engineering. Upon graduating, he served in the U.S. Army Ordnance Corps from 1961 to 1964. Afterward, he returned to Mount Airy and started working for his former Scoutmaster, Mr. John S. Clark, at the John S. Clark Construction Company. Richard has thrived in his nearly 40-year career at John S. Clark and has contributed greatly to the company's impressive growth and success. Now Richard serves as the Chief Executive Officer of the company.

Mr. Speaker, Richard Vaughn has contributed greatly to his hometown, his State and his country, both civically and professionally. Richard and his lovely wife, Betty Kay, have also been excellent role models for their children and grandchildren. I commend him for his commitment to service and congratulate him for receiving the 2006 Distinguished Citizen Award.

☐ 2000

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. HENSARLING. Mr. Speaker, we have just received some news yesterday which I hope will sufficiently alarm every big spender that we have in the United States House of Representatives. Yesterday we received the annual report on the financial well-being of Medicare and Social Security from the trustees of those funds. They report that the fiscal situation has again deteriorated and, in fact, Social Security will become broke in 2040, 1 year sooner than expected, and Medicare will go broke in 2018, 2 years sooner than expected.

This is not good news, Mr. Speaker; but a number of us have been speaking out for weeks, for months, for years that we must do something in this body to change the fiscal path that we are on.

Now, today, if you are a senior receiving Medicare, receiving Social Security, you are going to be fine. But there is this great big baby boom generation that has been paying billions and billions of dollars into the funds, and soon they will be taking from the funds; and the fiscal situation will deteriorate rapidly.

The challenge that we have, though, Mr. Speaker, is that too many people in the Federal city, too many people in this body, are focused on the next election and not the next generation.

Now, the report we received is certainly not a crisis. It is not something we have to take care of today. We do not have to take care of it tomorrow, do not have to take care of it next week. But let there be no doubt about it, if we want to preserve Medicare and Social Security as we know these programs for the next generation, steps must be taken today. Otherwise, we will put our Nation on a course, on a fiscal path, that will determine, that will actually ensure that our children, our grandchildren have a lower standard of living than we do.

So, Mr. Speaker, this is the week where we are due to vote on the budget, and the budget is always a time of great debate in this institution. And I hope that the American people focus on the fact that the budget is more than just numbers; it is more than just getting out a pencil with a stubby eraser; it is more than just red ink and black ink, and, unfortunately, it has been a lot more red ink than black ink. It is really about priorities. It is about the society that we want to have. It is about the legacy that we will leave the next generation.

I personally got into the parenthood business 4 years ago. I have a 4-year-old daughter and a 2½-year-old son. And I think a lot about the kind of America that I want my children to grow up in and all the children that I see in the Fifth Congressional District of Texas that I have the honor to represent in this body. I want to leave my children a legacy of greater hope, greater freedom, and greater opportunity. I do not wish to leave them a legacy of greater debt, greater taxes, and more big government bureaucratic solutions. That is not the America I want to leave them. I think that if we will just ford the frontiers of freedom, if we can have smart government, limited government, accountable government, then our children and grandchildren can have an even brighter future than what we enjoy today.

But as we debate this budget, it is a little bit like that film with the comedian called "Groundhog Day," where it seemed like he, Bill Murray, relives the same day over and over. And for those of us who have been veterans of these budget debates, it seems like the debate points never change. Maybe the numbers do and the situation gets more serious, but the debating points do not seem to change.

So first, Mr. Speaker, there will be a number of different budgets that we debate; but my guess is, if history is our guide, it will come down to one Republican budget and one Democrat budget.

Now, the Democrats will tell us that all these programs are being cut and if you will only send more money to Washington, we can solve all these problems for the American family. If you will just trust Washington, if you will just trust the liberal elite in the Nation's capital who know better about your family than you do, then everything will be fine.

Let me tell you, Mr. Speaker, what has been happening. First, Washington, DC, our Federal Government, is now spending, last year, starting with last year, over $22,000 per household. This is only the fourth time in the entire history of America that the Federal Government has spent this much money. It is the first time since World War II that the Federal Government has taken so much money away from hard-working American families to bring up to Washington, DC. And as you can tell from this chart, frankly, the trend line is very, very worrisome. And in just the past decade, look at what has happened: the average family income, as measured by median family income, 10 years ago was roughly $45,000 per family of four. As you can tell from this bottom line, it has now increased over 10 years to about $62,000 for a family of four.

But look at what has happened to the Federal budget. Ten years ago it was about $1.6 trillion, and now it is approaching $2.6 trillion for the next year. The Federal budget has outpaced the family budget by almost a full third in just the last decade. And the future trends are even more alarming.

So, Mr. Speaker, tonight I want us to focus on what the future is going to look like if we do not change big spending ways in Washington and what the future can look like if we will just have smart government, limited government, accountable government, and trust the American people and trust freedom and trust hope and trust opportunity.

At this point, though, I am very happy, Mr. Speaker, that we have been joined by an outstanding Member of the freshmen class who has been a real leader in the United States Congress in trying to protect the family budget from the Federal budget, to try to restrain out-of-control Federal spending.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank Representative HENSARLING for yielding. We all owe him a great debt for the work that he does in getting us this kind of information about what is happening with the budget. He has been a tremendous leader not just in the Republican Study Committee, where we talk about these things a great deal, but here on the floor, bringing the attention of the American people as well as the Members of Congress to these issues.

I say over and over again, when I get a chance to do so in small groups and in large groups, that what we have to refocus on in this Congress is the role of the Congress and the role of the Federal Government. What has happened in this country is we have allowed the Federal Government to get its tentacles into all kinds of issues that it has no business being in.

The Founders of this country were very, very concerned about the role of the Federal Government and wanted to keep a weak Federal Government and strong State governments. It made sense to do that. One of the ways that they did that was to spell out clearly what the responsibilities of the Federal Government would be and then say everything not mentioned here remains with the States. That is the 10th amendment of the Constitution. And we do not pay enough attention to that amendment, I think, on a day-to-day basis in this body; and we need to be doing that because we have gotten involved in things we should not be involved in.

The number one role of the Federal Government is to provide for the defense of this country. However, what has happened is that over time Members of the Congress and the executive branch have decided that we should be like Santa Claus to the country and we should get involved in many, many other kinds of programs. We are very much involved in education. We are very much involved in health care through Medicare and Medicaid. We have the Social Security program, which is, I think, a cruel hoax on the American people. We have told the American people that we will provide for their retirement through the Social Security program; and as my colleague, Mr. HENSARLING, has pointed out, we keep getting sobering information about the requirements we have established for ourselves and what mechanisms we have for taking care of those requirements.

We have created, in the lexicon of our government, some terms that we need to get out of our lexicon. The word "entitlement" is something that is used a great deal. There is no such thing as an entitlement from the Federal Government, but we have created that over the years by our interest in creating power for ourselves here in the Congress. And it is a very insidious thing that has happened, which we need to do something about.

We also talk all the time about mandatory spending. Mandatory spending is talked about in terms of Social Security, Medicare, Medicaid. These are programs that are put on automatic pilot, and nobody ever deals with them. Oh, every year somebody comes up with a study such as Congressman HENSARLING mentioned, and then people get nervous and then they stop talking about it.

Our colleagues on the other side talk all the time about the deficit. But day after day, they talk about both the deficit and then how we are not spending enough money on various programs. We cannot have it both ways, but yet we continue to try to have it both ways, and we have tried to convince the American people that we can have it both ways. But we cannot do that.

There is a big difference. The difference is that the folks on the other side think they know how to spend your money better than you know how to spend your money. Republicans have the opposite opinion. They think that you know how to spend your money better than the government knows how to spend your money. And to do that, we have made tax cuts in the last few years. I was not here when the major tax cut was made in 2001, but it is really responsible for why our economy is growing as well as it is growing. We have these terrible situations looming out there on the horizon, but the economy right now is doing well, and it is a direct result of the tax cuts, letting the people keep more money in their pockets. Frankly, we have got to do more of that. We have got to cut back on Federal spending. We have got to get the Federal Government out of many of the programs that it is involved in and set some priorities.

Our number one priority has to be the defense of this Nation because State governments cannot do that and local governments cannot do that. We have to do that at the Federal level. That is our number one priority.

□ 2015

Then if we have funds to do other things, we must set our priorities based on what are the proper roles of the Federal government. Frankly, those roles are very narrow. We have to get back to a situation where we examine every program that we fund in the Federal government against those priorities and against what is outlined in the Constitution for us to do.

I am really proud again to be a small part of this presentation tonight where my colleagues are going to present the facts about where we stand with the budget and what we need to do to get our fiscal house in order in this country. We have seen socialism fail in Europe and in other countries. We know it doesn't work, and yet there are people in this country who think we can keep spending without regard to ever having to come to account for that spending.

I am happy to tell you tonight you are going to understand some of the things that we are doing that are creating our problems and what we might do in this country to solve this problem of overspending and get ourselves back on track that will lead to economic healthiness, instead of economic sickness in this country.

Mr. HENSARLING. Mr. Speaker, reclaiming my time, again, I thank the gentlelady from North Carolina for her great leadership in this body on trying to bring fiscal sanity to the Federal city and do something that can really make a difference in the lives of her constituents and for all Americans.

Mr. Speaker, again we are talking tonight on the precipice of the great budget vote which occurs here in Congress each and every year. I think it is important that we get a number of facts out before this debate takes place. People are always entitled to their own opinions, but they are not entitled to their own facts.

One of the opinions you will hear from Democrats on the other side of the aisle is that somehow the Republican budget is going to cut taxes. Well, I have looked very carefully at this budget. It doesn't cut taxes. What it does is it preserves the tax relief that has already been given to the American people in previous years. In other words, Mr. Speaker, it prevents a Democrat tax increase.

The American people, very few of them know this, but in Washington spending is forever and tax relief is temporary. You have got to keep on voting to just keep the tax relief that you have already received. Yet spending goes on forever.

I think it was President Reagan who once said that the closest thing to eternal life on Earth is a Federal program, and indeed he was correct.

So, let's talk a little bit about what would happen if the Democrats succeed in making sure that they have a huge, automatic tax increase. They say that any fiscal woe that we have in the Nation is somehow the result of tax relief that was given out in earlier years.

If they have their way, if they roll back all the tax relief that has occurred, tax rates will rise substantially in each and every bracket on American families, right now when many of them are struggling to fill up the family pickup truck or the family car.

Low-income taxpayers, if the Democrats have their way and raise taxes on the American people, the 10 percent bracket will disappear and the 15 percent bracket will come back. That means our lowest wage earners who pay taxes, our lowest wage earners who pay taxes under the Democrat plan will see a 50 percent increase in their taxes. They call that compassion.

Married taxpayers will see the marriage penalty return, costing American families thousands of dollars. Taxpayers with children will lose 50 percent of their child tax credits if the Democrats have their way, if their budget is passed. The American people, Mr. Speaker, need to read the fine print.

Now, the Democrats will rail against the deficit, but they won't admit that under their budget, all these taxes increase on American families. Taxes on dividends and capital gains will jump by as much as 100 percent. Half of American families are invested in the stock market in their 401(k) plans. It is their retirement, particularly since the Democrats refuse to do anything to save Social Security for the next generation.

The depreciation period for leasehold improvements will increase from 15 to 39 years on small business, the job engine of America. If the Democrats have their way in their budget, taxes will increase on small businesses. And the list goes on and on and on.

Mr. Speaker, at this time, I am very happy to see that we have been joined by truly one of the great leaders in Congress to combat waste and fraud and abuse and duplication and I guess really dumb government. I am very happy to be joined by a dear friend of mine and colleague, the gentleman from Indiana, Mr. CHOCOLA, who happens to be also the coauthor, along with myself and Mr. RYAN of Wisconsin, of the Family Budget Protection Act, which is the most comprehensive piece of budget reform legislation that could be passed by this Congress. I am very happy to be joined by him. I would at this time yield to him to get his perspective.

Mr. CHOCOLA. Mr. Speaker, I want to thank the gentleman from Texas for yielding and thank him for his leadership on budget process reform, spending and many other very important issues. I appreciate you bringing us to the floor tonight to talk about what I think is the most important challenge we face as a Nation, because if we don't solve our fiscal challenges, really nothing else matters.

Since I was elected a few years ago, one of the probably most knowledgeable, honest, straightforward people I have talked to about fiscal issues in Congress is a guy named David Walker. He is the head of the GAO, the Comptroller General of the United States. What I would like to do is just share with you part of an op-ed that he put in an Atlanta newspaper recently. I will share here.

"News flash: The largest, most complex and arguably the most important entity on the face of the Earth recently failed an external audit for the ninth straight year." Let me repeat that, Mr. Speaker. Entity failed an audit for 9 straight years in a row. "It also received an adverse opinion on its system of internal control over financial management and reporting.

"If that is not bad enough, this entity overspent by $319 billion on a cash basis," that is billion dollars, on a cash basis, and on an accrual basis, it was $760 billion in fiscal 2005. "Worse yet, the accumulated liabilities and unfunded commitments for this entity have risen from about 20 trillion," that is with a T, "at the end of fiscal year 2000 to more than 46 trillion," with a T, "at the end of fiscal year 2005.

"If this news flash were related to any multinational corporation, it would have been on the front page of every newspaper in the world and at the top of every news broadcast in the world. However, this news flash doesn't relate to a company, it relates to a country, the United States of America.

"As Washington embarks on its budget cycle, the facts are clear and compelling that the Federal government is on an imprudent and unsustainable fiscal path that, if not effectively addressed, could serve to swamp our ship of state. Our current course doesn't just threaten our future economy and quality of life, but also our long-term national security."

Mr. Speaker, I think we could talk about a lot of things tonight. We could talk about immigration. We could talk about just about anything, and it really doesn't matter as much as what I just read from David Walker. Because, by 2040, we will spend on entitlement spending, including Social Security and Medicare and interest, more than we have in revenue coming in. So that means by 2040, not that long from now, we will not have any money for education, we will not have any money for defense, we will not have any money for agriculture, we will not have any money for anything.

I think it is important. To solve a problem, we have to define a problem. Unfortunately, the American people and many Members of Congress don't appreciate the situation we are in fully.

So I have introduced a piece of legislation. I think it has been cosponsored by the gentleman from Texas. It is called the Truth in Accounting Act. All that that does is require the Federal government to share with the American people and all Members of Congress fully the extent of our unfunded liabilities.

Today, our unfunded liabilities stand at $46 trillion. Just a few years ago, in 2000, they were at $20 trillion. So just over 5 years they have more than doubled.

When I go around my district and talk about fiscal issues and people say how big is the national debt, I say $8.3 trillion. People are appalled. But to put this in perspective, we could fully pay off our national debt today and we wouldn't even come close to meeting our financial obligations. The $46 trillion is money we know we owe. If the United States Government was a public company, it would have to disclose those unfunded liabilities.

I am the only Member of Congress that I am aware of that ever served as CEO of a publicly traded company. Because of that, I understand that if any public company in America accounted for its business the way the Federal government accounts for its business, the management team would be in jail.

Public companies are required to account a certain way to result in transparency and accountability. I think we should expect no less from the Federal government. So, again, the Truth in Accounting Act simply requires the Federal government in the annual financial reports to disclose the unfunded liabilities that this Nation faces.

Why I think it is so important is because the better understanding there is of our financial challenges, the better policy we can enact. Because until we can define the problem, we won't have serious efforts to solve the problem, and I think it is so critical that we don't pass along a debt to our children that they simply can't afford.

The analogy I use is Congress is kind of like the Levee Commission. If recent history has taught us anything, when a storm is coming, you must strengthen the levee. We know that the storm is coming. In fact, it is a Category 5 hurricane. By publishing our unfunded liabilities clearly and accurately, I think that we will see that the sirens will go off, that the American people will demand that we address this responsibly, and they will not reelect Members to this body that don't stand up and do the right thing and not pass it along to future generations or future Congresses.

I appreciate the gentleman bringing us down here tonight. I appreciate his leadership on these issues. Certainly as responsible Members of this body, we must address this sooner, rather than later.

Mr. HENSARLING. Mr. Speaker, reclaiming my time, I thank the gentleman for his leadership. Anything called "truth in accounting" is going to be a very foreign topic in this body.

Mr. Speaker, this is precisely what we need. The analogy or the metaphor that the gentleman from Indiana used is truly an apt one. As great as the tragedy that Hurricane Katrina was, think how much greater a tragedy that would have been had we not seen the hurricane coming, had it been like that tsunami that hit in Asia, where people didn't see it coming, and tens of thousands perished.

We see this coming. But our challenge, Mr. Speaker, it is not coming tomorrow, it is not coming next week, but it is coming, and we have an opportunity to do something about it.

Let me tell you, Mr. Speaker, going on the thing that the gentleman from Indiana spoke about, what does the future look like if we choose to do business as usual, if we choose to follow the Democrat's lead and just keep on spending and spending and taxing and taxing and taxing and spending?

Let me tell you. Former chairman Alan Greenspan said, "We are very short on time and we will have a very great difficulty in fully funding the existing system." He was referring to Social Security.

The liberal Brookings Institute, no bastion of conservative thought, has recently written, "Expected growth in these programs," referring to Social Security, Medicare and Medicaid, "along with projected increases in interest on the debt and defense, will absorb all of the government's currently projected revenue within 8 years, leaving nothing for any other program."

Like the gentleman from Indiana said, if we don't do anything, in a matter of time the Federal government will consist of Medicare, Medicaid, Social Security and nothing else. There will be no Border Patrol. There will be no student loans. There will be no veterans health care system. There will be no agricultural research. There will be no Federal Trade Commission. And the list goes on and on.

The same report said, "The authors of this book believe that the Nation's fiscal situation is out of control and could do serious damage to the economy in coming decades."

The General Accountability Office has said there is no way you are going to grow your way out of this problem, even though we have had very robust economic growth since we passed President Bush's economic growth plan. If we don't change our path, there will be an adverse effect on economic growth, quality of life and national security.

This is in the same report from the General Accountability Office, Comptroller General David Walker: "We are heading to a future where we will have to double Federal taxes or cut Federal spending in half."

□ 2030

Now Yogi Berra once said, if you find a fork in the road, take it. Mr. Speaker, we do not want to take this fork in the road. We want to back up and we want to get on the right road. Again, that is why this budget debate is so important in this budget vote.

Now, again, there will be different alternative budgets debated. But it is going to come down to one Democratic budget and one Republican budget. And the Democratic budget, again their answer is more spending and more taxing, taking more money away from families.

Every time you vote to increase a Federal program, you are taking money away from some family program. Now, let us talk a little bit about some more truths that need to come out. Well, number one, again, the Democrats will say that we have a huge deficit, and that is perhaps the only item we might agree with them on.

Yes, the deficit is too large. But the deficit is too large because we are spending too much, not because the American people are undertaxed. They will say that all of the President's tax relief from previous years has somehow contributed to this incredible national debt that the gentleman from Indiana referred to.

Well, Mr. Speaker, I hold in my hand the Treasury report of the latest tax revenues. And guess what it says? It says that as we have decreased the marginal tax rates, we actually have more tax revenue. It says it right here.

Last year, corporate income taxes were up almost 45 percent. Individual income taxes were up almost 15 percent. Again, we have lowered tax rates, and we get more tax revenue. And as we can see from this chart, Mr. Speaker, we saw declining revenue from the Federal Government, as we were in a recession back in 2002 and 2003.

And yet this body, this Republican leadership, cut tax rates for small businesses, for American families, and they work, and they save and they invest and they build. And guess what? Not only do we create more jobs and more hope and more opportunity; we have more tax revenue. More tax revenue.

We had a 5 percent increase in tax revenue from 2003 to 2004. We had a 15 percent increase in revenue from 2004 to 2005. And now at the beginning of 2006, tax revenue is up 6 percent. Again, we cut tax rates, and we have more tax revenue, and the American people need to be aware of this.

If you take away the tax relief, if the Democrats have their way and get their huge automatic tax increases on the American people, you are going to lose this extra tax revenue. And not only that, you are going to lose everything that the tax relief has brought.

Now, with the glaring exception of terribly high gasoline prices, which are clearly hurting all American families, I know they are struggling, they are struggling. Think how much more they would struggle, though, if they did not have jobs.

Under tax relief, we have 5 million new jobs that have been created in this economy in just the last couple of years. Five million new jobless. We have had 30 consecutive months of uninterrupted job growth, and we have actually got unemployment down. The unemployment rate today is lower than the average of the 1970s, of the 1980s, and of the 1990s. And yet Democrats want to have a huge automatic tax increase and take this away.

Right now more Americans than ever own their own home. We have the highest rate of homeownership in the entire history of the United States of America. Household net wealth has now reached $51 trillion, which is an all-time high.

Average hourly earnings grew, and pay rose by 3½ percent. Inflation continues to be low. Now, again, there is clear work that has to be done on the price of gasoline, and that is a grey lining in what otherwise would be a big silver cloud.

Now, some people might say, well, how do you give tax relief and create jobs? Well, it was not that long ago, Mr. Speaker, that I visited a small business in Jacksonville, Texas, in my district, in the 5th District of Texas.

Now, Jacksonville Industries is a business that is in the aluminum die cast business. And they employed 20 workers when I went to visit them. Now, before the President brought his economic growth program to Congress to pass, they were on the verge of having to lay off two workers because of competitive pressures.

But because of the tax relief measures, they went out and they bought a new piece of equipment. Now, I could not tell you what it is called. I do not precisely know what its mechanical function is, but I can tell you what the result is. The result is they bought this new piece of equipment, and it made them more competitive. It made them more efficient.

And, Mr. Speaker, guess what? Instead of laying off two people, they went out and hired three new people. They hired Roger, and they hired Jess, and they hired Victor, three people who could have been on unemployment. They could have been on welfare. They could have been on food stamps. And they could have been on Medicaid.

But thanks to tax relief that the Democrats want to take away with their huge tax increase, this one small business in Jacksonville, Texas, had five people now who put roofs over their head, who put food on the table, who are building a better future for their families. That is just one small business in one small town in Texas. And that is happening all over the economy.

Mr. Speaker, let me at this time yield back to my colleague from Indiana who knows a lot about job creation himself.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding again. And, you know, the story you just told I think can be told millions of times around the United States. Certainly small businesses are the backbone of our economy. Something like, you know, well over half of the employees in this country work for small businesses, and something like 90 percent of the employers are small businesses in this country.

We were home a couple of weeks ago. I have a small business advisory council, and one of the members of that council was talking about the 179 expensing that you were referring to, that allows small businesses to go out and buy capital goods, and they can expense it so they can invest in their business, grow their business, create jobs, provide benefits, contribute to the local economy and the national economy all at the same time, which is kind of a neat thing.

The good news is that there is a bill that is offered by Mr. HERGER, a member of Ways and Means, that would expand 179 expensing and make it permanent, which I think is good pro-growth tax policy.

I also heard a quick story that I got from my small business advisory council. A small businessman that has a business in LaPorte, Indiana, used to have to go borrow money to pay for his taxes, which is kind of crazy.

Because then he would restrict his flow of capital, was limited in being able to make the investments in his company, because he had to go out and borrow money to pay his taxes. But once we passed, in 2003, the 179 small business expensing provision, he did not have to do that any more. And he has been able to invest that money in his business and grow his business.

Just going back to the tax chart you had up a second ago, you know, it is kind of funny that opponents of tax relief, mainly our friends on the other side of the aisle, say we cannot afford to have tax relief. But your chart shows clearly, and the statistics that you talked about, tax receipts up 15 percent in 2005, the deficit is actually down in 2005 by about $100 billion, I think clearly shows that we cannot afford not to have tax relief to continue to have our economy grow.

Now, we can cite economic statistics all night long, and they are true, and they are relevant and they matter. But they probably do not matter to the guy without a job. But what does help the guy without a job is a growing economy, because when the economy grows, everybody has more opportunity; and what is important to do is to focus on the pro-growth policy that has resulted in those economic statistics.

And the pro-growth policies that have resulted in those economic statistics, I would say in large part, is the tax relief that was passed in 2001 and 2003, just like the section 179 expensing.

Now, when we talk about the deficit, there are only two ways to get a deficit. One is we tax too little. The other is we spend too much. And I do not know about the rest of the congressional districts around this country, I do not think they are a whole lot different than the Second District of Indiana. The people in the Second District of Indiana do not feel like they are taxed too little. They think we probably spend too much.

And so we have to move from using our measurement of success, how much we spend, to how well we spend. We spend enough here in Washington. We do not prioritize enough.

And just going back for a second to the Truth in Accounting Bill, we see that our spending is getting more challenging as we go forward. Just recently, yesterday I think, there was a report issued that showed that the Social Security trust fund will be exhausted by 2040. That is 1 year earlier than was projected last year, and Medicare by 2018. And I think last year it was projected by 2020.

So every day we wait to start using the measurement of success, how well we spend, rather than how much we spend, the situation gets worse. And, again, the best way that we can solve problems is to define problems and making sure that the Federal Government shares a clear picture of our financial challenges with the American people. I think that will result in the American people demanding that their elected representatives quit playing the politics of no, quit saying what they are against and start saying what they are for.

We are not elected to be against stuff. We are elected to be for bipartisan practical solutions, and the Truth in Accounting Bill is a bipartisan bill. It is co-authored by JIM COOPER of Tennessee, a conservative Democrat, and MARK KIRK from Illinois, a moderate Republican.

I consider myself a conservative Republican. We may not agree on all of the answers, but we certainly agree on the problem. And we have to get to a bipartisan solution, and I certainly hope the American people send people to this body that will not avoid this problem and be part of the ostrich generation.

Mr. Speaker, I yield back to the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman. I want to once again point out one of our earlier charts to show just what has happened to the family budget, which is this lower blue line. Median family income in America in the last decade has gone from roughly $45,000 to $62,000.

Well, what has happened to the Federal budget in this same time period? This red line. About $1.6 trillion to $2.5 trillion. Again, the Federal budget is outpacing the family budget.

Mr. Speaker, only families can pay for the Federal budget. There is no magical machine that creates wealth in Washington, DC. It comes from hardworking families from Indiana, from Texas, and from all across America.

And the gentleman, the colleague I have from Indiana, brought up a very good point. It is not how much money you spend in Washington that counts; it is how you spend the money.

Now, what we will again hear this week as we vote on the budget, and we have this annual budget vote and budget debate, we will be told that as a Nation we are not spending enough on education, we are not spending enough on housing, we are not spending enough on nutrition.

Well, Mr. Speaker, that may be right. But the fundamental difference between the Republican budget and the Democrat budget is the Democrats want the Federal Government to do the spending. The Republicans want families to do the spending. And we know the difference.

Now, the Democrats will say that the Republicans are cutting the budget. Well, I have yet to see any single budget submitted that actually cuts Federal spending. Frankly, we can probably use one.

What we do, though, is the Republicans will moderate the growth of government, and the Democrats will not. I have looked up "cut" in Webster's Dictionary, and it actually means to reduce. What the Democrats call a cut is that some government program under the Republican budget will grow 3 percent next year and they want it to grow 6. And they call that a cut.

Mr. Speaker, that is simply not the truth. That is not the truth. And they act like there has been an underinvestment in the Federal Government. Well, just in the last 10 years, the international affairs budget has increased 89 percent. The agriculture Federal budget has increased 118 percent.

The Federal transportation budget has increased 83 percent. The Federal education budget 113 percent. Health, including Medicaid, 126 percent. And guess what? During that same time period, median family income only grew by 33 percent.

Again, in just the last 10 years, the growth of the Federal Government is twice that of the family budget. It is just an unsustainable growth rate. And it begs the question again, what kind of America do you want?

Mr. Speaker, we already have 10,000 Federal programs spread across 600 different government agencies. I do not think there is one person in America who can tell you what each and every one of those agencies does and what every single one of the bureaucrats who works there, what they do.

□ 2045

I mean, at some point you have to say how much government is enough, how much government do we want to pay for. The Democrats act like nothing good ever happened in America if it was not funded by the Federal Government. Like, if we did not have a Federal program, there would not be any boy scouts, there would be no soccer games, we would have no physician, no Red Cross, no ice cream. None of this would happen. Anything good that happens in America, according to the Democrats, can only happen through the Federal Government.

But we have to remember, every increase in a Federal program, again, is a decrease in some family program. What the Republican budget is about is we want a Federal Government that does a few things very, very well and not a Federal Government that tries to do everything but does them quite poorly, and this is what this is about.

Another difference between these two budgets, again as we talked about, is the Democrats wanting to bring forth a huge tax increase upon the American people. They want to take away paychecks and replace them with welfare checks. Mr. Speaker, that is not compassion.

A compassionate society ought to be measured ultimately by the number of paychecks it produces, not the number of welfare checks that are produced, and with that, I yield back to the gentleman from Indiana.

Mr. CHOCOLA. Mr. Speaker, well, the gentleman brings up a great point.

The gentleman asked the question earlier, what kind of country do we want, what kind of America do we want? I think we also have to ask the question, what kind of government do we want?

When we talk about raising taxes, talk about raising revenue, which we have already learned that good pro-growth tax policy at lower rates actually increases Federal revenue, but you ask why would we raise taxes and what do we need to spend money on. I think it is important to recognize that we can actually have better government at a lower cost.

Every business in America and every family in America has to find a way to do more with less, find a way to be more efficient. For some reason, we do not think government can achieve the same standards. For some reason, we think the government does not have waste, fraud, and abuse.

Let me just share a couple of things with you. Recently, the Inspector General found that Social Security sent $31 million worth of Social Security checks to dead people. That is money that did not go to help anyone.

They found in 2003 that the food stamp program spent $1.1 billion in overpayments. That is with a B.

In 2001, the GAO reported and said about Medicare, there are no reliable estimates to the extent of improper payments throughout the Medicare program because they cannot audit their books, they cannot even tell the kind of financial controls they have.

In 2002, the Inspector General found that Medicare had $12.3 billion in overpayments and in 2001 found they had $12.1 billion. That is $24.4 billion in Medicare payments that were improper, did not go to help anybody, did not go to help any seniors that needed Medicare, did not go to help any low-income Americans, simply was money wasted. I always ask, what is compassionate about wasting $24 billion on mismanagement when the money does not go to help anyone, when there are certainly people in this country that need government help, and why is it compassionate to ignore that, not address it and get better government at lower cost by simply applying the same management tools and techniques that every business in America has to follow?

Certainly, I hope the American people are more demanding upon us to give them a good return on their taxpayer dollar and not stand for $24.4 billion being wasted in Medicare over a 2-year period of time.

I could go on for a long time. In 2001, HUD had overpayments of 10 percent of their budget alone. It is kind of depressing to keep going down this road. It is time that we find ways to have better government at lower cost, better management, better oversight; and I certainly appreciate, again, the gentleman bringing us here to highlight these issues because the more people understand, the more demanding they will be that we fix things and only elect people that will address these issues, not avoid these issues.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman from Indiana for bringing up that point because too often in this debate that we are having about the budget this week, Democrats act like if we would only take more money away from American families and send it to Washington, that somehow it will magically turn into love and happiness and kindness and all kinds of good things.

Yet, the Federal Government cannot account for $24 billion that was spent in fiscal year 2003. It has just disappeared into thin air; and yet the Democrats want to raise our taxes to pay for more of this?

The Defense Department wasted $100 million on unused flight tickets and never bothered to collect the refunds even though the tickets were refundable, and yet Democrats want to raise our taxes to pay for more of this?

The Federal Government spends $23 billion annually on earmarks, also known as pork projects, such as the grants to the Rock and Roll Hall of Fame, and, hey, I love rock and roll, but I am just not sure our taxes should pay for it, because most of the rock stars I have seen are doing quite well on their own, not to mention, of course, that earmark known as the Bridge to Nowhere, to be complemented now by the Railroad to Nowhere, $23 billion.

That is another thing, Mr. Speaker, we will take up is earmark reform this week, which is very important that we do, because as our colleague in the other body from Oklahoma, Mr. COBURN, has said, earmarks are the gateway drug to the culture of irresponsibility. Yet, as we spend all this money on pork projects, Democrats want to raise our taxes to pay for more of this.

Again, as was pointed out, the Department of Housing and Urban Development in 2001 lost 10 percent of their whole budget. How many families or how many businesses could still operate if they just lost 10 percent of their budget? It goes back to that truism that we are never as careful with other people's money as we are with our own. This is just inexcusable; and yet Democrats want to raise our taxes to pay for more of this.

Let us talk about duplication. We have 342 economic development programs at the Federal level. It begs the question, what does the Federal Government know about economic development? Small business people know. Entrepreneurs know. Families know. I am not sure what the Federal Government knows. We have 130 different programs serving the disabled, 90 early childhood development programs, 75 Federal programs funding international education and cultural exchange activities, and the list goes on and on.

So that could be 342 executive directors and 342 vice executive directors and the list goes on, and yet Democrats want to raise our taxes to pay for more of this.

Washington is spending $60 billion annually on corporate welfare versus $43 billion on homeland security. That does not make any sense, and yet Democrats want to raise our taxes to pay for more of this.

So again, Mr. Speaker, if we will just be smart, if we will decide that we need a Federal Government that is focused on a few items and do them very, very well, we can receive a brighter, brighter future for our children because if we do not, this is the future that we are facing. This is what is happening to spending today; and again, as we have used the comparison to a hurricane that is coming in our direction, right now revenues are roughly about 20 percent of our economy, a little bit less, but what is happening is that programs are far outstripping our ability to pay for them.

In just one generation, spending is due to more than double. Here is what is going to happen to revenues, but look at what happens to spending by the year 2040, and most of it is driven by Social Security, Medicare and Medicaid and interest on the national debt.

So, to some extent, it is a little bit like Charles Dickens' "A Christmas Carol." We are all familiar with that story with Scrooge, and we know how fearful the Ghost of Christmas yet to come, how fearful that spirit is.

Well, what is going to happen here in many respects is the ghost of Christmas yet to come. This is the future that our children and grandchildren are facing if we do not start today with a very simple choice between a Democrat budget and a Republican budget. It starts today, Mr. Speaker. We can decide that the Democrats are right that we are not spending enough money, notwithstanding the fact that every Federal program has grown precipitously over the family budget, notwithstanding the fact that we are on this road to either have no Federal Government except for Medicare, Medicaid and Social Security, or we are going to double taxes on the American people in one generation.

That is their vision of America. Our vision is one of limited government, better government, more effective government, one where our children and grandchildren still have an opportunity to use their God-given talents to roll up their sleeves, to work hard and to create the kind of future that they want for themselves. It is an America that is growing. It is an America that has more freedom, and this is what we see, and that is why these budgets are so different.

But the Democrats, again, want to keep this spending going. They want to have a tax increase.

Now, they do not like to talk about it. They like to point fingers at the Republicans; but let me tell you, for the last 10 years, every time the Republicans submitted a budget, the Democrat alternative budget spends even more, and they are pointing the finger of fiscal irresponsibility?

Mr. Speaker, I sit on the House Budget Committee, as does my colleague from Indiana, and we just marked up the budget. Every single Democrat amendment to the budget would have spent more money. They say the Republicans were fiscally irresponsible to provide a prescription drug benefit in Medicare, but guess what, Mr. Speaker? Their alternative plan spent even more money than the Republican plan.

It is just inconceivable that they can point the finger of fiscal irresponsibility when all they want to do is lead us to a future where taxes are double and an America where people do not create jobs, where people cannot afford to send their children to college, where people cannot find the capital to start new businesses, oh, but there will be plenty of welfare checks, and they will call that compassion. Compassion is about paychecks.

With that, I would like to yield back to the gentleman from Indiana.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding.

Recently, I was having a conversation with a friend of mine that said when you are talking about tax policy, he said, well, maybe it would be a prudent thing to raise taxes. This person was in the financial services industry, and I said, let me ask you a question: you do research on businesses and you do research on a business where every year the company has increasing losses and increasing debt. The company has not passed an audit in 9 years. The management is ineffective at combating waste, fraud and abuse; and the only strategy the management team can come up with to turn the tide is to raise prices on their customers. Do you think that is a business you would invest in? He said, you know, you have got a point; I do not think that that would be a good investment.

So it is interesting when our colleagues on the other side of the aisle say, well, gee whiz, we have got to raise prices on our customers to pay for our lack of proper management. I do not think that that is respectful to the American people, the American taxpayer, and certainly not a winning strategy.

I think the gentleman from Texas can wrap us up here; and, again, I thank him for bringing this very important subject to the floor tonight.

Mr. HENSARLING. Mr. Speaker, again, I thank the gentleman from Indiana for joining us tonight. I certainly thank him for his courageous leadership in this body.

In these closing minutes we have, Mr. Speaker, what is it that we do about all of this? Well, several things. Number one, we need to reform the budget process that we have today. Now, it is not particularly sexy kind of stuff; but, you know, the machine we have that produces spending in Washington was manufactured back in the 1970s, back when Democrats were in charge in this body, and it is a spending machine. We need to go back and retool that to a savings machine for American families.

Number one, most American families do not realize this, but our budget does not even have the force of law. At best it is a mere suggestion. The legislation sponsored by myself and the gentleman from Indiana (Mr. CHOCOLA) would ensure that our budget, when you tell the American people here's the budget, we will enforce it as a law.

Second of all, we have got to cap the growth. I did not say a cut, but we have got to cap the growth of the Federal budget to roughly that of the family budget. Only then will programs have to compete against each other. Only then will you start to root out the waste, the fraud and the abuse and the duplication. Only then when you say, okay, this is all the money we are taking away from the American family and we will take away no more.

□ 2100

We need sunsetting commissions in the Federal Government. Again, as President Reagan once said, the closest thing to eternal life on Earth is a Federal program. Many have long since outlived their usefulness.

I just tripped across this one the other day. We are still funding Radio Free Europe; and, to the best of my knowledge, the Berlin Wall fell back in 1989. We need to eliminate this thing called baseline budgeting which allows people to artificially inflate budgets. It is the kind of stuff that would make an Enron and WorldCom accountant blush, yet here people get away with it in Washington, DC.

Mr. Speaker, it is time that we just balance the budget. It is time to balance the budget, and we need to do it without increasing taxes on the American people.

Mr. Speaker, certain principles transcend time. One of those principles is balancing the budget. Another principle is limited government. You cannot have unlimited government and unlimited freedom. If you want unlimited government, Mr. Speaker, people ought to support the Democrat budget. If they want more welfare, if their greatest hope and aspiration is a Federal check, then people should support that budget. But if people want more freedom and if they want more opportunity and their aspiration is a paycheck with a great career where people can use their God-given talents and be everything that they can be, then they need to support this Republican budget, and we can have a brighter future for my children and for all the children in America for generations to come in this great and blessed land.

BLUE DOG COALITION

The SPEAKER pro tempore (Mr. SCHWARZ). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. BOYD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BOYD. Mr. Speaker, I come tonight before the country to discuss the state of our Nation and to talk about a few of the things that I think that we can do to improve the state of the Nation. This hour that we will have tonight, there will be some other members of the Blue Dog Coalition that will join me, I am sure.

Mr. Speaker, as you know, the Blue Dog Coalition is a group of 37 men and women from all over the country, Democratic Members that believe that there are certain things that we should do as a government, certain functions that we should perform to make the economic model work well, and we should try to perform those functions well, and we should be willing to pay for it.

I was very interested in the previous speaker and actually agree with what some of the previous speaker said, and I think he wound up by saying that we ought to balance the budget.

The Blue Dogs, Mr. Speaker, could not agree more that that is a very important step, and I think most Members, most folks out in the country would understand the concept or the notion of balancing the budget, whether it is our individual home budgets or whether it is our business budget, whether it is our local governments. Eventually, you have to have revenues meet expenditures, or you do not stay in business too long. Most of us understand that. Except in the Federal Government, we have a difficult time understanding it sometimes, and I think we have not done very well on that front in the last 6 years certainly.

I was also interested in some of the comments made by the previous speaker. You would have thought that the Democrats were in control of the Congress of the United States. I would remind the Speaker that the White House, the House and the Senate are all controlled by the Republican party. When it comes to doing budgets and programs and balancing those budget and programs, that is certainly within the control of the majority party to do that.

There also was a good bit of talk about the welfare program. Mr. Speaker, the welfare program was something that this Nation worked together on back in the 1990s under a Democratic President and Republican-led Congress, worked very hard, sat down in a bipartisan way and came up with a good solution to find ways to move people off of welfare and get them into the workplace.

The previous speaker is absolutely right in that we need people in the workplace, getting paychecks, being productive, paying taxes into a society, and that way our economy works best and our lives are better.

Mr. Speaker, I want to talk about three specific issues, three broad areas, basically, where I believe this administration and this Republican-led Congress have failed us in being responsible.

Number one is they have failed to balance the budget. For 5 consecutive years now, we have had a budget that is out of balance.

Number two, they have failed to manage our Federal Government and its functions effectively and efficiently. Let me say that again. They have failed to manage the Federal Government and its functions effectively and efficiently, and I want to talk specifically about that a little more.

Thirdly, I believe that this administration and this Congress has failed to uphold the standards of honesty and accountability when it comes to perform their functions.

Now, I want to start with the second of those particular bullet points and talk about the management of the Federal Government and point out some of the things that have been going on the last 5 to 6 years.

When President Bush took office, he told us and we all knew that he came from a business world and with an MBA and with the charge that the government would be run like a business. Instead, Mr. Speaker, we have seen many of our Federal agencies managed by people with little or no experience. As a result, you find today 19 of the 23 Federal agencies are not in compliance with proper accounting standards. In other words, they cannot give a clean audit of their own actions in how and where they spent the money, the taxpayers' money that was given to them to perform their governmental function. What this means is that we cannot account for all of the government's assets and liability.

The previous speaker talked about the Department of Defense being the biggest offender; and, in actuality, the Department of Defense is the largest offender of this. Of course, the Department of Defense is one of the largest agencies in the Federal Government, the largest agency in the Federal Government, and we all know the high-profile story of the over $3 billion that was allocated, appropriated for Iraq reconstruction that nobody can account for. The Department of Defense cannot account for the over $3 billion that was appropriated for Iraq reconstruction.

The complete lack of management and accountability in our Federal agencies is unacceptable. If you had a manager that operated like that in your local government or in a business, you would replace that manager. So I think that we really should demand more of our executive agencies in terms of management and accountability as it relates to how they spend the money that is appropriated to that particular agency.

In the 1990s, Mr. Speaker, Congress and the President, again a Democratic President, a Republican-led Congress working together in a bipartisan way enacted a series of reforms for the Federal civilian workforce known as the Readmission of Government. These reforms reduced the size of the Federal Government, Mr. Speaker, by over 300,000 employees.

Let me say that again. In the 1990s, the size of the Federal Government was reduced by over 300,000 employees.

Despite this reduction, many Federal agencies improved their performance substantially; and I want to talk about one of those Federal agencies specifically, I think, which is a good example. Because, Mr. Speaker, I come from Florida, and in Florida we are accustomed to natural disasters, primarily hurricanes that start about this time of year and run all the way through the summer and into the fall. Last year, I think we had so many hurricanes that we ran out of alphabetic names and had to start back through the alphabet a second time to name all the storms. I think there has been a lot of press and a lot of publicity about the storms that we have had.

Florida has created an excellent emergency management system to deal with those storms, but we always work hand in glove with the Federal Emergency Management Agency, which is known as FEMA, and I found in my 18 years of public service in Florida that FEMA was one of the premier Federal agencies, really a professional agency that knew what its role was and knew how to get the job done probably more than any Federal agency I knew in the 1990s. It was the poster child, if you will, of a well-managed Federal agency. FEMA's structure was transformed, and three national response teams were created to quickly react to any national emergency. I guess in the 1990s, FEMA's performance was more notable for the newspaper stories that weren't written about it. Anytime you find an agency that is doing a good job, doing what it is supposed to be doing, then you do not hear much about it. Disaster victims and State officials alike, including myself, gave FEMA grade A marks, unanimous applause, if you will.

Now we fast-forward 5 years, 6 years, we find FEMA in response to Hurricane Katrina an utter failure. Just last week or 2 weeks ago, you had a Senate committee with jurisdiction over FEMA stating that FEMA is so broken that that bipartisan committee, leadership of that committee, believes that it should be completely dismantled.

How did we go in the late 1990s or in the 1990s from an agency that was acclaimed to be the most efficient and effective Federal agency to an agency that is almost dysfunctional today? Why do we have so many problems with FEMA?

Well, maybe it is because the administration dismantled the three national response teams prior to Katrina, so there was no group of folks within FEMA ready to go at a moment's notice. Perhaps it was that FEMA was folded into a brand-new Department of Homeland Security and, by all accounts, became the dumping ground for the Department.

Whatever these reasons are, I think every one of them point back to a management style or scheme or capability. One factor that certainly played a role in the change was that in the 1990s FEMA was run by professionals with strong emergency management experience at the State and local level.

Let me say that again. In 1990, early 1990s, the previous administration brought in emergency management professionals with strong management experience at the State and local level, and they took FEMA and they transformed it into a world-class organization. However, under the current administration, until weeks ago, FEMA was run by political hacks with little or no emergency management experience.

It is clear that on the fiscal and management fronts that this administration is failing the American people; and, as a result, you have agencies which cannot produce clean audits. They cannot tell you where the money was spent, the taxpayers' dollars that we are appropriating, and what was done with it. And that is one of the points that I want to make.

The other point and the one I mentioned earlier was the balancing of the Federal budget. Now, the previous speaker spoke of that; and, actually, as I said earlier, we are in complete agreement, that the Federal budget should be balanced.

I see that we have been joined by one of our fellow Blue Dogs, Representative JIM COOPER from Tennessee. Mr. COOPER serves in a role in the Blue Dogs where he chairs the policy committee and, as a result, has the task of leading us in developing of our policy positions. Mr. COOPER has done a lot of work on these issues, fiscal responsibility.

□ 2115

Mr. BOYD. Madam Speaker, I would like to call on my fellow Blue Dog from Tennessee, Mr. COOPER.

Mr. COOPER. Madam Speaker, I appreciate the gentleman's friendship and leadership of the Blue Dog Coalition because we are perhaps the leading voice in Congress for fiscal restraint and fiscal responsibility.

The chart the gentleman has been referring to showing our national debt and each individual's share of the national debt is a truly scary document. But as the gentleman knows, I am afraid there are even scarier numbers in Washington than that because the debt figures that the gentleman is holding shows what the debt is according to a cash basis; and that is, unfortunately, a very weak form of accounting that is illegal for most businesses in America, certainly businesses of any size.

I want to put that in context for folks both in this Congress and back home because the numbers the gentleman referred to come from this document here, which is the President's budget. Every Congressman gets a hand-delivered copy of this. It is widely publicized in the media. It has a lot of good information in it, but it is the budget of the United States on a cash basis, counting dollars when they come in and go out.

There is another document which is even more important. It is almost secret. It is not classified secret, but it is even better than that. It was distributed on Christmas Eve without a press release by the United States Department of the Treasury. They only printed a thousand copies for all of America, so it is not exactly like they wanted everybody to read it. This is called the "Financial Report of the United States Government." It is issued by the Treasury Department and signed by Secretary John Snow, and it also gives a picture of our financial situation. But it does not use cash accounting; it uses modern accounting that all large corporations in America are required by law to use. So if you really want government to be run like a business, you pretty much have to use this document.

The gentleman referred to our MBA President, the first one we have had in American history, and how so many Americans expected him, with his MBA degree, to run our country like a business. But this is still a largely secret and ignored document.

Why would that be? Because the numbers in it are so grim.

Mr. BOYD. So do I understand it to be Federal law that any business over $5 million has to use that accrual accounting procedure?

Mr. COOPER. That is exactly right. Modern accounting is required of all businesses in America with revenues over $5 million. That basically says any business larger than, say, a single McDonald's would be required to use modern accrual accounting. And lest anyone not hear the word correctly, "accrual" has nothing to do with the word "cruel." In fact, accrual accounting is probably the kindest form of accounting because it remembers our elderly and sick and disabled. Cash accounting tends not to do that.

So modern accrual accounting is a very important innovation in accounting. All our businesses have used it for years. In fact, generally accepted accounting principles, GAAP accounting, really says that all businesses of every size should use accrual accounting because it is a more accurate picture of where we are.

As the gentleman knows, because he has a business background himself, the saying in business is if you can't measure it, you can't manage it. If you can't measure it, you can't manage it. That is what accounting does, it helps us measure our financial situation. This shows a picture of our financial situation. I hope it is clear.

Maybe I should come down to the gentleman's easel.

This is a very important chart because it shows us in clear perspective the difference between the budget numbers calculated on a cash basis and on an accrual basis. This top number of $319 billion is the cash deficit for the year 2005. That is a lot of money. That is the third largest budget deficit in all of American history in absolute dollar terms. It is not quite the third largest in percent of GDP terms; but it is a huge, whopping number.

If you look down the chart, you will see if you do not count the borrowing from the Social Security trust fund, the true cash deficit for the year 2005 was $494 billion, almost $500 billion. That is still using the old-fashioned, antique cash accounting method.

If you use modern accrual accounting, according to the Treasury Department and the Bush administration, Secretary Snow says the deficit for 2005 was $760 billion. That is starting to be a truly large number. That takes into account many of the obligations that we have in future years because what accrual accounting means, it takes into account when you use that national credit card to buy something. You have obligated yourself to buy something. It might have been pensions for our elderly, health care for our elderly, health care for the disabled, things that we know we are going to have to spend money on but we have not actually paid cash yet. That is the $760 billion number; but that is not the scariest number on the chart.

Everybody in this body has said that they believe Social Security and Medicare are vitally important programs for our Nation and that those benefits should be preserved for our seniors and those who are going to be seniors. Guess what, folks. The accrual number, as good as it is, does not take into account Social Security and Medicare benefits. How could that possibly be? Well, the reason is under modern accounting methods you only take into account contractual obligations, and Social Security and Medicare are not contractual obligations. Congress retains the right to vary the benefits.

Because of that, those numbers are left out of this deficit calculation. So I believe if you truly care about preserving Social Security benefits and Medicare benefits, as I do and most Members of Congress do, certainly on the Democrat side, you have to look at these other numbers because the budget deficit for 2005 actually goes up to $1.7 trillion if you include the anticipated Social Security benefits that we are going to have to pay in the incremental increase of 1 year.

If you add Medicare to that, the true budget deficit for 2005 was an astronomical $2.7 trillion.

I am indebted for these last two numbers to the professor of law and accounting at Harvard Law School, a gentleman named Howell Jackson who did these calculations. And they are still in draft form and subject to some refinement. But it is the first time we have really taken the numbers that originally professors at the Wharton School of Business and a business economist in Washington, D.C. have helped put together. Those gentlemen are Kent Smetters and Jagadeesh Gokhale. Those gentlemen have shown America and the world that our true unfunded liabilities are astronomical. If you look out a few decades, they are on the order of $49 trillion to $67 trillion.

So it is a situation where if you are just trying to measure it so you can manage it. Look at one year's annual deficit; you will see that the number we are given by the administration of $319 billion is probably not an accurate number. In fact, it is probably only one-tenth of the true size of the deficit because if you believe in Social Security and Medicare, as I do, you have to take into account the obligations that we are incurring on an annual basis to fund those programs.

These numbers are huge, Madam Speaker, because even this number of $760 billion, that is a deficit for the year that is greater than most all of the discretionary spending of the Federal Government. That is greater than the entire defense budget and greater than all of the road programs, agricultural programs, parks, recreation, arts, all of the things that the Federal Government is involved with. So that is a large number. But this number down here of $2.7 trillion, that is greater than the total Federal budget of the United States.

Madam Speaker, I think we should look at these accounting numbers, these facts, these fiscal facts so that men and women of goodwill all across America can evaluate our situation. As I said earlier, if you can't measure it, you can't manage it.

This should not be a partisan issue. I am taking these figures primarily from administration documents. This is a reality that I especially think all of our business people should pay attention to. The Tennessee bankers were in today. I acquainted them today with all of these numbers, and we had a number of Tennessee insurance agents visiting today. Unfortunately, our media have not seen fit to do many stories on these numbers. Perhaps they are too large for the media to understand. I think it is very important for America to focus on this. What they really spell is a crisis for our country.

We are borrowing so much of this money; and we are not just borrowing it from ourselves, we are borrowing it from foreign nations.

I am proud to stand with my friend from Florida who is a great leader of the Blue Dog cause. It is very important that we get the word out on these facts.

There are many different ways to measure it. JOHN TANNER from Tennessee points out that it took 204 years of American history to borrow our first trillion dollars. That is 204 years, all of the way from George Washington through almost Jimmy Carter to borrow $1 trillion. Then we started on this pace where we are borrowing a trillion dollars now almost every 18 months, something that it took us 204 years to do before. That is unsustainable, to put it politely. It is crazy if you use more normal language.

There are other things that are going on that are worrisome. Under President Bush's administration, we have borrowed more money than all previous presidencies in America put together. President Bush is our 43rd President, and that means he has borrowed more money than our first President, George Washington, all of the way through our 42nd President, Bill Clinton. That is an amazing thing. And it is not just borrowing in general; it is borrowing from foreign nations. We have borrowed more money from foreign nations today than all previous Presidents in American history.

I am hoping that men and women of goodwill across this country will focus on some of these accounting facts. Maybe ask a little more of your newspapers and TV stations back home to get more real news because I think this will do more to determine the future of our kids and grandkids than anything else we talk about on the floor of Congress, because when you run deficits like this, that means you accumulate debt and that debt carries a high interest rate, and that interest simply must be paid.

That is the one tax increase that can never be repealed, and those debt costs are mounting every year. Petty soon the debt that we are having to pay our creditors, many of whom are foreign, is getting to be so large it is almost larger than the entire defense budget of the United States.

So it is a crisis, Madam Speaker. It is something that we must deal with, and I hope that our colleagues will pay more attention to these issues.

We understand that next week the budget is supposed to come up for a floor vote. They were unable to pass a budget a few weeks ago. It is vitally important that not only do we have a budget, but we have a budget that reflects reality. The budget that will be brought to the House floor will not reflect these true numbers. They will still be focused on the cash numbers with inadequate accounting.

However, I was able to get passed in the Budget Committee unanimously, House Democrats and Republicans, an amendment that said for next year we will start using the more accurate, accrual-based numbers. I think that is progress. Accrual will not replace cash budgeting, but at least you will be able to refer to both sets of numbers as we do the budget so that you can see what our true fiscal situation is.

Madam Speaker, I thank my colleague and friend from Florida for yielding. He has been a great leader of the Blue Dogs for a long time now, and I appreciate his leadership, and together I think we can continue to make progress on these issues.

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Mr. BOYD. Thank you, Mr. COOPER.

A couple of things that you said struck me. One is, unsustainable; and the other is, we have to work together. Those of us who have been in this business, those of us who have any kind of accounting training in our background understand that those sorts of numbers, first of all, that reporting procedures, or those reporting procedures, are wrong; and the trend there of red ink, deficit spending, is unsustainable. It will be, and I think the public will recognize it when the markets begin to react to their fears that someday, if America doesn't turn around its habit or change its habit of deficit spending, that it will have difficulty sustaining itself economically.

The other thing that struck me about what you said is what I call the bipartisanship thing. I want to go to this chart here, and this talks about the budget deficits from 1982 to 2006, a 24, 25-year period, starts with President Reagan back in 1982. And you see the minus numbers here, all the way down through the fourth year of the Clinton administration, or fifth year of the Clinton administration, in which, working together right in here, a Republican-led Congress and a Democratic President worked together for the Balanced Budget Act of 1997, which then produced a positive result that got the country back on the right track, at least in terms of its cash basis deficit issue.

So you see that that was a very positive thing here.

And the biggest issue we had in 2001, when President Bush was sworn into office, was how do we deal with the $5.6 trillion, 10-year projected surplus we had. We had a $5.6 trillion, trillion, now, projected surplus in 2001.

Many of us, especially of those of us in the Blue Dogs said, hey, there are several things we can do. Number one is we ought to address these priorities related to Medicare and Social Security. We know those programs have long-term problems. Let's spend part of the money there. Let's use part of it to give back in tax breaks and let's use part of it to pay down this huge Federal debt that we had.

But this Congress and this administration decided not to follow that sort of three-pronged approach, debt reduction, deal with Medicare and Social Security, and tax relief. Instead, they poured all the money into tax relief. And then immediately you see what happened. You had 9/11 come after that and an economic downturn, and then now we have got deficits.

We have structural deficits. What does a structural deficit mean? It means that even if the economy works, everything works like it is supposed to, you are still going to have a deficit. You are still spending more money than you take in. That is wrong. That is fundamentally wrong. And we ought to, we have to correct it. We just can't afford to let it go on like this.

America is the greatest country on the face of the earth economically, politically, militarily. We won't be that way long if we don't fix this very dangerous structural deficit that we have.

We have been joined by another outstanding member of the Blue Dog Coalition. We come from all over the country. We have with us tonight Congresswoman LORETTA SANCHEZ from California who has joined us now. She has been a leader. She is a member of the Armed Services Committee and a leader there; and I would like to yield at this time to my friend, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. Thank you so much, Mr. BOYD. I just am very grateful that you decided to take this hour to talk a little bit about the financial crisis, really, that our United States is in, and what we can do or what we must do in the near future to begin to get our financial house in order of our Nation.

As you know, I am an economist by training and a former financial advisor and investment banker for 12 years before I came to the House of Representatives; and besides sitting on the Armed Services Committee and the Homeland Security Committee, I also sit on the Joint Economic Committee for the Congress, the economic committee that looks at the macro picture of what is going on in the United States.

And, quite frankly, we take a look at our position vis-a-vis the rest of the countries of the world. In other words, how are we going to hold on to our financial status, our quality of life, our way of life as we know it? And I believe, every night when I go to sleep, I believe that this is the biggest issue that is facing us here in Washington, D.C., and as Americans.

Earlier, Mr. COOPER showed a chart that said that we are telling the American people, this Congress, this Republican-led Congress is telling the American people that, in this coming year, our shortfall or what we are overspending by for the year will be $319 billion. And it says it right there.

But the reality is, take aside our responsibilities that we have told people we are going to do for Medicare and Social Security for the future, the reality is that we spend much more than $319 billion this year. Without that Medicare and Social Security responsibility, we really spend $760 billion more than the money we take in.

Now we sat down a while ago with the Comptroller of the United States as a Blue Dog Coalition, and he said to us that 70 percent of the deficit that we have on an annual basis is because we are not collecting the taxes we should be collecting from the American public. In other words, with the three sets of tax cuts that were given by President Bush and the Republican Congress, we have failed to take in the money we need to pay our bills. What we are basically doing is borrowing to pay, and at some point that comes due.

It is like putting it on a credit card. At some point, the credit card company will come and tell you, okay, you have got to pay up. And, as you know, it becomes much more difficult than to have paid it as you went along.

We, as Blue Dogs, believe that we should do pay as you go, that we should make tough decisions every year and decide how we are going to spend and how we are going to tax and bring in the monies we need, how we are going to cut spending, if we need to cut spending. But we haven't been allowed to do that. Each and every year, as Blue Dogs, when we get together and we make our budget and we think about it, Mr. COOPER, on the Budget Committee, others of us, and the reality is that every year the Republicans decide that it is not the year to get our house in order, our financial house in order.

Now, you know, there are some things that people haven't even begun to think that will impact even more our deficit spending over the inability for us to pay our bills on an annual basis and, therefore, put it on the credit card.

The Medicare part D, the prescription drug program that the Republicans voted in 2 years ago, okay, it hasn't gone very well. We all know that. We all wonder what they are doing with it, et cetera. They said it would cost $400 billion over 10 years. This is extra that they were going to spend. We now know it is going to cost at least $1.5 trillion if we meet the responsibility of that program. That is not factored into the budget deficit that we see coming in the future.

Hurricane Katrina, that is not factored in. We have done really very little. We have already given about $83 billion towards Hurricane Katrina, but the two Louisiana senators from that State have a bill that says they want us to spend almost $300 billion more just for Louisiana to get the place fixed up. That is not counted in the deficits we see for the future.

And the Iraq war, $1.5 billion a week of spending. How long is it going to take? We are already approaching almost $400 billion spent on that war by the end of this year. And I sit on that committee, the military committee. I don't think we are going to be out by the end of the year.

You do the math. $1.5 billion a week. That is the operating cost of being bogged down in Iraq. Will it be 3 years, 5 years, 10 years, 20 years? Korea, at 50 years?

Start adding up those numbers, America, and you will understand why we, the Blue Dogs, are so concerned that the Republicans will not take this seriously and sit down with us and hash out what we need to do in order to begin to get this under control.

That is why I am grateful that you have come down here today to talk about this, Mr. BOYD.

Mr. BOYD. I thank the gentlewoman from California for your leadership on these areas and particularly on the Armed Services Committee.

Mr. COOPER. I thank the gentleman for yielding.

I just wanted to add a note to what the gentlewoman from California said talking about pay as you go. That is a policy that former Federal Reserve Chairman Alan Greenspan said would be the single most important thing we could do in Congress to help get our fiscal house in order. Alan Greenspan saying the single most important thing we could do to get it in order.

Because Chairman Greenspan and most other economists know that PAYGO worked very well from 1990 when it was first put in place, until 2002, when the Republican majority allowed it to expire. Chairman Greenspan can even remember the day and the hour that PAYGO was allowed to expire, because he knew then that our Nation was risking serious trouble.

But we have not really been allowed to vote on bringing back pay as you go. It is a shame, because that pay as you go policy forces Congressmen to make responsible decisions. You cannot increase spending unless you find offsetting cuts somewhere else, and you cannot reduce taxes unless you find some way to pay for it. It is very sensible. It is the sort of policy we all have to do in our own household expenses, and our Nation was doing so well with it for 12 years, from 1990 to 2002. But, since 2002, we have not had PAYGO, and that is one reason you are seeing these terrifically high deficits.

Mr. BOYD. If the gentleman would yield.

I know the gentleman served in Congress prior to 1994 and is actually on his second trip back and was not here in 1997 when we did the 1997 Balanced Budget Act. But Congresswoman SANCHEZ and myself were. And one of the keys to that 1997 Balanced Budget Act which led us to balancing the budget here in this era was PAYGO.

Spending caps was another key element of that. You put caps on spending programs, and you leave them there, and you agree upon that. Those are not here anymore, as you know, under this administration, this Republican-led Congress and Republican administration. Back then, it was President Bill Clinton, a Democrat, Speaker Newt Gingrich, a Republican, and Majority Leader of the Senate, TRENT LOTT, a Republican, sat together and said how do we do this in a bipartisan way. You don't have any of that at work anymore.

I think that is the thing that disappoints me more than anything, is I know that there are people of goodwill that would work in good faith all over this country that serve in this body that don't have that opportunity because we are not allowed to sit down. The majority party in many cases just won't sit down with us and work together to solve these problems. So these are very, very difficult solutions.

I know the chart that showed the accrual accounting and the $2.7 trillion deficit, those are hard numbers to understand. Here is one that is not hard to understand. This is what you actually owe today. We owe as a government today $8.352 trillion. That is trillion with a T. $28,000 for every man, woman and child. That is what our debt is today. And somebody has to pay that back. We also have to pay the interest on that. We have to service that debt on a regular basis. And as the interest rates go up, then, obviously, that is what I call a debt tax which cannot be repealed. It has got to be paid.

Mr. COOPER. If the gentleman will yield.

He is exactly right. Those numbers are much clearer than the numbers I gave, because every American can look at that $28,000 and say that is what I owe. That is what my spouse owes. That is what each of my kids owes.

But if the gentleman would like the modern accounting comparison for those numbers, under accrual accounting, each American today owes $156,000 apiece, $156,000 for every man, woman and child in this country. And that would mean for a family of five, that is almost ¾ of $1 million. That is a luxury house anywhere in America, the cost of a luxury house. And yet we don't get to live in the house. We just get the mortgage. And that is on top of our real house and our real expenses and car payments and rent and all those things we have to pay.

☐ 2145

So it is a terrific and crushing financial obligation that has been put on us just in the last few years.

Mr. BOYD. Madam Speaker, the fact is that some future Congress and some future President has a lot of hard, tough work to do, a lot of painful decisions to make to get us back in balance. It will be done somewhere down the road. We know that will happen, but it is going to be very painful.

Ms. LORETTA SANCHEZ of California. Madam Speaker, if the gentleman would yield, the other problem is that as soon as we focus, and we must focus, on beginning to figure out how we pay this down, we need to do that. We have explained why. But the reality is that when we are doing that, that is less money in our pockets, if you will, to be able to educate our children, to educate ourselves, to invest in roads and water systems and sanitation systems and what makes America productive vis-a-vis the rest of the countries of the world.

I can guarantee you that this debt is held to a large extent by countries around the world, Japan and China, the European countries. They are who we owe. And they are looking at ways of how do they increase their quality of life. And they are investing in education. They are investing in water systems. When we have to pay this down, we will not be able to make that investment.

Mr. BOYD. Madam Speaker, the gentlewoman makes a good point. In the past when we had to run up debt, for instance, during World War II and at other times in a national emergency, that debt in large part was bought by Americans. That financing was provided by Americans. That is not the case today. Of this over almost $3 trillion that has been borrowed since January 2001, the great bulk of it, the majority of it, has been lent to us by China and Japan. So in most cases, foreign countries, some not necessarily that are friendly to our cause, are lending us this money.

Mr. COOPER. If the gentleman would yield, many Blue Dogs have asked where are the war bonds for the Iraq war. Because during World War II, we had war bonds and it was a patriotic obligation, if you could afford to, to lend money to our government to conduct the war. The administration has not asked for war bonds for Iraq. Nor have we asked for Katrina bonds. That would be a great way that Americans could show their support. I saw in the newspaper today that a Middle Eastern country, Qatar, has offered to pay millions of dollars to New Orleans. There should be an effort for the American people to lend ourselves the money we need to get through this. Instead, we run up $1 trillion of debt with China. Already many countries have gigantic amounts. You may have seen the cartoon. When the President of China, Hu Jintao, came to visit a couple of weeks ago, there was a cartoon in the paper where there was a little balloon out of the White House saying, "Oh, our landlord's here." When you start lending money on that scale from China to the United States and we have to pay that back to China, that almost means that we are beholden to them, and that is a very dangerous security risk for our country.

So I appreciate the gentleman's leadership on this issue.

Mr. BOYD. I appreciate both of you folks being here today.

One last thing that I wanted to talk about, the third point that I wanted to make, was the issue of honesty and accountability by the administration. We have to deal with the American people in all areas, and particularly our financial area, with honesty, and we have to be accountable. On the congressional side, our forefathers designed our system so that the congressional side would have an oversight role, that we would make the laws and appropriate the money, and our job was to make sure that the executive branch, the President and the executive agencies, spent the money and applied the laws in the way that we intended them to be. And I do not think that is happening as well as it should these days. And I want to cite a couple of examples.

An article in Monday's Boston Globe reports that the administration has disregarded more than 750 laws enacted since he took office, adopting the policy that basically the administration has the authority to pick and choose a provision of which laws that they wish to follow. This is a blatant disregard for the way our forefathers set up our Federal Government and has really upset the balance between the branches of government, and it has prevented Congress from carrying out our responsibility of lawmaking and oversight.

Let me cite an example of oversight abdication: from 1994, when President Clinton sat in the White House and the congressional House and the Senate were controlled by Republicans, there were over 1,000 subpoenas issued from 1994 to 2000, over 1,000 subpoenas issued to appear before House committees, under oath, to justify and explain actions of the administration. It is a role that Congress should be playing, an oversight role.

Since January of 2001, there have been virtually no subpoenas issued by this House to this administration to explain their actions. And Congress has basically abdicated its oversight role. And as a result, you see misuse of power and some corruption springing up in places, and I think we will see more of that unless Congress steps up and exercises its role of oversight over the executive branch.

Ms. LORETTA SANCHEZ of California. If the gentleman would yield for a moment, but part of the reason of why no subpoenas have been issued is that this House is controlled by the same party that controls the White House. And the Democrats, my party, we are not allowed to issue a subpoena. A subpoena can only be issued by the consent of the chairman of a committee, and that chairman would be a Republican. And, believe me, I have had a lot of questions and a lot of things I have wanted to ask the administration and its Departments with respect to some of their spending. I am not allowed to do that. NANCY PELOSI is not allowed to do that. It must be done by a Republican, and they have refused to subpoena. This is one of the reasons why there have been no subpoenas basically issued out of the House.

Mr. BOYD. That is a great point, and I thank the gentlewoman for making it.

Madam Speaker, we have been joined by my good friend and fellow Blue Dog from Tennessee, Representative LINCOLN DAVIS, and I yield to my friend now.

Mr. DAVIS of Tennessee. Congressman BOYD, thank you for yielding. I deeply appreciate your efforts and the gentlewoman from California and my good friend from Nashville, Tennessee, for the comments that you have been making and trying to make this Congress, this House, and those who may be observing us, aware of the situation that we are in.

In the mid-1990s, I was amazed and somewhat taken aback and, quite frankly, somewhat was in agreement with the contract that was proposed by a group of individuals on September 27, 1994. And I looked at most of those and I thought that sounds just like a Southern Democrat in what they would propose. I am going to read some of those to you.

I am a general contractor, and I do not do much work anymore. Our job sure does not allow us to do that; so, therefore, I am not out building as I was through the 1990s and the 1980s and the early part of the 21st century. But when I signed a contract with someone, there were certain ordinances in that that said you have to abide by these or else if you do not, we will take over that contract and we will hire somebody else or put someone else in your place that will fulfill those commitments that you have made. And I would sign a payment of performance bond that would do exactly that. So I felt that any contract that you made with this country, it was a contract that was binding. So I want to read some parts of the contract.

Item No. 2, it says on the first day we will "select a major, independent auditing firm to conduct a comprehensive audit of Congress for waste, fraud, and abuse." We cannot even audit several of our different Departments and agencies of the Federal Government today. This was a pledge in 1994.

I look at something else here. It says we "guarantee honest accounting of our Federal budget by implementing zero base-line budgeting." In the Tennessee legislature, we understood what that was. Apparently, the folks who agreed to sign this contract did not, and the rest of the story, as some famous person says, is still being told.

Then I take a look at No. 6, the National Security Restoration Act: no U.S. troops under U.N. command and restoration of the essential parts of our national security funding to strengthen our national defense and our credibility around the world." When I go to other countries, I am sometimes frightened, not that I am an American, because when God put my soul in the body of a woman who lived in America at conception and let me be born an American, it was one of the greatest blessings I could receive. But other folks I do not necessarily agree with. I think they misinterpret the American people and how they have a lack of respect for us. I do not like that and I want us to change that, and I think foreign policy can make a difference. So I think that those are failures.

Our national defense, September 11 happened after 1994. I am not blaming anyone there, but I am just saying we need to start thinking in this country.

Another one said "term limits to replace career politicians with citizen legislators." We have a Senator who ran from Tennessee and said he would serve 12 years. I applaud BILL FRIST for not running again. I do not necessarily always agree with him, nor do I disagree with him a lot. But one thing I do agree with him on: he kept his word. We may not have passed the bill. But, quite frankly, the bill does not require you to keep your word. My father always said if you are honest, you will be rewarded; if you are dishonest, you ultimately will be punished and will lose.

Here is something else: "a balanced budget and tax limitation amendment and a legislative line-item veto." I have been here for a little over 3 years. I have never seen either one of these items that these folks who signed the contract, as I would sign as a builder, have tried to pass. Again, if you were back in Tennessee and if you were working for a developer, the first thing that would happen is they would say you have broken your contract; so we will take it over and get somebody else to finish the job. I think the American public needs to understand that, that when you give your word, your word is your bond.

I travel my district, all 24 counties, and, quite frankly, there is no conversation about $3 a gallon of gasoline, very little. There is very little conversation about a $1,000 per month-plus for health care; very little conversation about the huge deficits that we have today; very little conversation about the war in Iraq, where we have lost 2,500 young men and spend $100 billion a year, approximately, in that country. But we played a little game one day as I played when I was a kid in school. We called it tag. In essence, you have to tag somebody else out so they can chase the other folks until ultimately they capture someone, and then they have to start running someone down. So I said let us kind of play tag. If you were President, what would you do?

An older fellow in the back said, No, Congressman. We have elected you. If you were the President, what would you do?

I said the first thing I would do for this country is I would audit this country. I would get the best CPAs, the most honest, the most knowledgeable, and I would audit every Department, every agency. I would look at every no-bid contract to find out how much profit was made. I would audit this country, and I would tell the American public why in 2001 we had 200-plus billion dollars in surplus and why now we have 300-plus billion dollars in deficits. So I would audit America. I would find out and tell the folks, this is where the money went. This is where your money went. It is your money and here is where your money went.

And the next thing I would do, I would call up at Andrews Air Force Base and I would have them cap off Air Force One with fuel. I would get 10 of the best pilots in the Navy. I would also get 10 of the folks who can speak Arabic really well, and I would load them up, and we would have a nonstop flight to Kuwait. And I would tell the folks in Kuwait, remember about 10 years ago when you were invaded by this fellow named Saddam Hussein, or almost 15 years ago, and you came to the world's stadium and platform and said, Please help us. We have got 600,000 people, and a 25 million population country and their leader, Saddam Hussein, has just invaded us and they have taken over our oil fields, and the rest of the world came to your rescue.

I would get the sheiks. I would get the mullahs and the emirs and whatever they call themselves, the royalty, the folks who inherit the position, and I would say $3-a-gallon gas is breaking the back of every woman and every man who is working in my district.

□ 2200

That is our worst enemy. We have conquered your enemy. You help with ours now.

I would go to Saudi Arabia and some of those folks, and I would tell them the same story. Then I would go to Iraq and put the troops there that was needed to put production back in those oil fields up to 3.5 million barrels a day that was there when Oil for Food was a policy that we criticize now so much. And certainly the dishonesty of it should be criticized. But I would put back on line those oil wells.

What that does for us is to help us balance our budget. Instead of us spending $100 billion of American taxpayer money, HAROLD FORD, a candidate for the U.S. Senate, says that the American taxpayers are footing the bill for both sides in this war. As we pay $3 a gallon gasoline, we are helping the insurgency get money, especially from some of their buddies in Saudi Arabia, and other places fund their insurgency through the dollars that go in and go back out to the radical groups of Islam. And then American taxpayers are paying for the American troops that are sacrificing their lives there.

I would put on line the oil fields in Iraq and get them producing more than 1.5 to 1.9 million barrels a day, and I would bring the revenue in to where the American taxpayers would have to quit paying for the cost of the war in Iraq.

I know our time is about ended. I have a whole lot more I would like to talk about. The point I want to make is that in this country today, we have a battle on our hands.

If you notice, I am not mentioning a word on the other side, their name. It saddens me when folks come to this floor and they want to criticize Democrats and Republicans. We are all adult and mature individuals. It is time we started acting like Americans instead of Democrats and Republicans.

It is my hope we can start working together and take this bitterness away. Bipartisanship is the only thing that is going to solve this thing. In the Rules Committee, when we are not allowed to introduce amendments, I just got a news release that went out, and I will mention this because it is from the National Republican Committee.

"DAVIS Shares Blame for High Gas Prices.

"National Democrats are desperate to gain traction on any issue they can in the lead up to the 2006 elections. As gas prices across the Fourth District rise, so does the Democrat rhetoric. What Representative LINCOLN DAVIS probably hasn't mentioned though is that he voted twice against helping consumers feel less of a pinch at the pump."

They mention resolution number 519 and number 145, the Gasoline for America's Security Act and the Energy Conservation, Research and Development Act.

You realize that Republican Senator BILL FRIST wouldn't even put this bill up on the Senate floor because it didn't do what it said it did? So, in essence, even the Republicans in the Senate disagreed with those who voted in this House on this bill. That is the kind of truth you get from the truth squad when they come up and start talking.

Mr. BOYD. Madam Speaker, reclaiming my time, I appreciate the gentleman. He brings a lot of common sense and wisdom.

I know our time has expired, Madam Speaker. I just want to conclude by saying that I hope that you understand that the Blue Dogs are a group of men and women who are ready to work together across the aisle in a bipartisan way to solve these problems. We have some very, very tough problems, and we have a group of folks who are ready and willing to roll up our sleeves and go to work, and let's solve some of these problems.

Mr. DAVIS of Tennessee. Madam Speaker, that doesn't say Blue Dog Democrats. It says Blue Dog Coalition. Republicans can join it.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. SESSIONS (during the Special Order of Mr. BOYD) from the Committee on Rules, submitted a privileged report (Rept. No. 109-450) on the resolution (H. Res. 789) providing for consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a Concurrent Resolution of the House of the following title:

H. Con. Res. 349. Concurrent Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate has passed a bill and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S. 1003. An act to amend the Act of December 22, 1974, and for other purposes.

S. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

PEAK OIL

The SPEAKER pro tempore (Ms. FOXX). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for half of the time remaining before midnight.

Mr. BARTLETT of Maryland. Madam Speaker, I have here in my hands two pretty big reports that were paid for by our government and have for reasons that it is difficult for me to understand been pretty much ignored apparently by the organizations that paid for them.

The first of these is a big report paid for by the Department of Energy called The Peaking of World Oil Production: Impacts, Mitigation and Risk Management. This is generally known as the Hirsch Report, because the project leader was Dr. Robert Hirsch from SAIC, a very prestigious scientific and engineering organization. This report is dated February, 2005.

For reasons that we are trying to find, this was bottled up, apparently, inside the Department of Energy, because it didn't become publicly available until several months after that.

The second report I have here is the report by the U.S. Army Corps of Engineers. This obviously is paid for by the Army. It is dated September of 2005, and it was just about 2 months ago that it finally got out of the Pentagon into the public. This one is called Energy Trends and Their Implications For U.S. Army Installations. I would submit that wherever they mention "Army," you could substitute "the United States" and it would be completely appropriate.

What I would like to do for the first few minutes is to look at some of the comments and recommendations in these two reports; and I would like to keep asking the question, why have these two government agencies which paid for these reports done essentially nothing to promulgate this information across the country? Rather, it would seem that there was an intent to keep this information from the public, because the Hirsch Report was bottled up inside the Department of Energy for several months, and the Army Corps of Engineers report is dated September of 2005, and it says on the cover here, "Approved for public release. Distribution is unlimited." But there was essentially no distribution of that until just about 2 months ago.

As you will see, Madam Speaker, if the content of these two reports is correct, if their observations and recommendations are correct, you would have expected these two government agencies to be using every vehicle at their disposal to get this information out to the public.

Let's look first at a few quotes from the Hirsch Report. The first here says, "The peaking of world oil production presents the United States and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically," oil was almost $75 a barrel today, "and without timely mitigation, the economic, social and political costs will be unprecedented.

"Viable mitigation options exist on both the supply and demand sides, but to have substantial impact they must be initiated more than a decade in advance of peaking."

A little later we will talk more about this. I am not sure that this is exactly the way that I would have articulated our challenge. We will talk about that a little later.

"Dealing with world oil production peaking will be extremely complex, involve literally trillions of dollars and require many years of intense effort."

Now another quote from this Hirsch Report. "We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules so as to incorporate higher energy efficiency technologies into the privately owned transportation sector. Significant improvements in energy efficiency will thus be inherently time-consuming, of the order of a decade or more."

If we are talking about transportation, Madam Speaker, that is indeed true. Because the average automobile and small truck is in the fleet about 17–18 years and the average 18-wheeler about 28 years. So any improvements that we ever make, we are making in energy efficiency in automobiles and trucks, is going to take quite some time to show any meaningful effect because of how long they are in the fleet.

Now a third quote from the Hirsch Report. Madam Speaker, I would like us to keep in our mind the question, if this is true and we have two reports, as you will see, that have reached essentially the same conclusion, we have no reason to believe there was any collusion between them. Indeed, their dates of publication are quite different, February to September. And if these observations and recommendations in these reports are in fact correct, then one might wonder why haven't these agencies been using every vehicle at their disposal to get this information out to the American public and to initiate programs to deal with these problems?

"World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of competent forecasters project peaking within a decade. Others contend it will occur later. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity and political influences. Peaking will happen, but the timing is uncertain."

Then this, Madam Speaker, a very significant statement. "Oil peaking presents a unique challenge," they say, and then this statement. "The world has never faced a problem like this. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary."

Now I would like to read a few of the quotes and recommendations from the Corps of Engineers study just out about 2 months ago, although the date was September of last year.

"Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost. The qualities that enabled oil to take over from coal as the frontline energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then. Oil's many advantages provide 1⅓ to 2½ times more economic value per million BTUs than coal. Currently, there is no viable substitute for petroleum."

Madam Speaker, that is a startling statement. If in fact the world is peaking in oil production and there is no viable substitute for petroleum, wouldn't you think that the agencies paying for these studies would have used every vehicle available to them to get this word out to the American public and to articulate a rational program for dealing with this emergency?

"Oil prices may go significantly higher," they say, "and some have predicted prices ranging up to $180 a barrel in a few years." Just under $75 today, $180 a barrel in a few years.

"In general, all non-renewable resources follow a natural supply curve: Production increases rapidly, slows, reaches a peak and then declines at a rapid pace, similar to its initial increase. The major question for petroleum is not whether production will peak, but when. There are many estimates of recoverable petroleum reserves, giving rise to many estimates of when peak oil will occur and how high the peak will be. A careful review of all of the estimates leads to the conclusion that world oil production may peak within a few short years, after which it will decline." Campbell and Deffeyes, several references here.

Let me digress for just a moment. One of these, Dr. Deffeyes, predicted that the peak did occur a couple of months ago, and he says he is no longer a prognosticator, he is now a historian, because the peak, he believes, is behind us.

"Once peak oil occurs, then the historic patterns of world oil demand and price cycles will cease. Unfortunately, Saudi Arabia has not been able to increase supply above its monthly production peak of April 2003."

And I am reminded here of a recent book by Matt Simmons called Twilight in the Desert. He has done a very scholarly and exhaustive study of all of the open literature and believes that Saudi Arabia has peaked in oil production.

□ 2215

Iraq may also have significant excess capacity if it can be brought into production. Under Saddam Hussein, we got about 2½ million barrels a day from Iraq; now we are lucky to get 1½ million barrels a day.

Meanwhile, domestic oil production in both the lower 48 States and Alaska continues to decline. Many non-OPEC oil producers have also passed or are currently reaching their peaks of production. Indeed, Madam Speaker, of the 48 largest oil-producing countries in the world, 33 have already peaked.

And now their recommendations. And excuse me for reading, but to paraphrase this would not have quite the impact of reading exactly their words. The coming years will see significant increases in energy costs across the spectrum. Not only are energy costs an issue, but also reliability, availability, and security.

It is time to think strategically about energy and how the Army, and please substitute here the United States, should respond to the global and national energy picture. A path of enlightened self-interest is encouraged. The 21st century is not the 20th century.

Issues will play out differently and geopolitics will impact the energy posture of the Nation. Technology will change more rapidly and flexibility will be a crucial part of installation operations. This must also extend to the energy infrastructure and its operational concepts.

And then this very interesting statement: the days of inexpensive, convenient, abundant energy sources are quickly drawing to a close. When I read that, Madam Speaker, I was reminded of the short paragraph that Matt Savinar uses in introducing his discussion of peak oil.

He says: "Dear reader. Civilization as we know it is coming to an end soon." I hope that he is overly pessimistic. We will see. Domestic natural gas production peaked in 1973. Now, note this statistic, Madam Speaker: the proved domestic reserve lifetime for natural gas at current consumption rates is about 8.4 years.

What this says is, if we can get all of our gas from our resources, it would last 8.4 years. Of course, we cannot get it out that fast. So we are importing gas. But that is all we have remaining is 8.4 years. This is the Corps of Engineers.

The proved world reserve lifetime for natural gas is about 40 years, but will follow a traditional rise to a peak, then a rapid decline. Domestic oil production peaked in 1970 and continues to decline. This is a really startling statistic. Proved domestic reserve lifetime for oil is about 3.4 years.

That means if we could pump oil as fast as we are using it, our 2 percent of the world's reserve would last us, at the rate at which we are using oil, 3.4 years.

World oil production is at or near its peak; and current world demand exceeds the supply, which is why oil is about $75 a barrel. Saudi Arabia is considered to be the bellwether nation for oil production and has not increased production since April of 2003. After peak production, supply no longer meets demand; prices and competition increase.

World proved reserves lifetime for oil is about 41 years, most of this at a declining availability. Our current throwaway nuclear cycle uses up the world reserve of low-cost uranium in about 20 years. We will see significant depletion of Earth's finite fossil resources in this century. We must act now to develop the technology and infrastructure necessary to transition to other sources.

This is dated September of last year, Madam Speaker. Have you seen anybody in authority in our country telling the American people this? We must act now to develop the technology and infrastructure necessary to transition to other energy sources.

Policy changes leap ahead of technology breakthroughs, cultural changes and significant investment is requisite for this new energy future. Time is essential to enact these changes. The process should begin now.

Indeed, if they had written this 20 years ago, they would use exactly that same language. Because we really should have started some 20 years ago.

Madam Speaker, what is all of this about? What are they talking about? To understand that, we need to go back about six decades and to the life of a very, now very famous oil geologist, Dr. M. King Hubbert, who worked for the Shell Oil Company.

In 1956, as a result of his studies, he published a paper that the 50th-year anniversary of that was March 8, in which he predicted that the United States would peak in oil production about 1970.

Now this was revolutionary. Because at that time I believe we were the largest producer of oil in the world, and probably the largest exporter of oil in the world. Shell Oil Company pleaded with him not to publish a paper, that we would make him and them look really silly.

He published the paper anyhow. And 14 years later when right on target we peaked, he became kind of a celebrity. What we have here, Madam Speaker, is his predicted curve, the smooth green curve. And then the more ragged curve, green curve with the largest symbols represents the actual data points.

And you see that right on schedule in 1970, oil production peaked. Now, this is the lower 48. He did not know about Alaska at that time, and in just a moment we will look at another chart which includes Alaska.

The red there, by the way, is the Soviet Union. More oil than we, peaked just a bit after us. They kind of fell apart when the Soviet Union fell apart, and they are now having a second small peak. But after that it will be continually downhill.

The next chart shows where we have been getting our oil from. Not just in the lower 48. And that is this blue curve and the dark blue one under it, Texas and the rest of the United States. But then you see the natural gas liquids and the Alaska oil, and the Gulf of Mexico oil.

And you see that in 1970 we peaked, and just a little blip in the downhill side of what is called Hubbert's peak here. I remember particularly, Madam Speaker, the fabled Gulf of Mexico oil discoveries which were supposed to get us home free. That is the yellow on this chart. Notice the relatively trifling contribution that the Gulf of Mexico oil discoveries made, about 4,000 wells out there. We were reminded of that last fall with these hurricanes, when a number of them were damaged.

The next chart is from the Hirsch report, and that shows you what we do with this oil. It is really kind of interesting. The light blue here represents transportation. That is about 70 percent of all of the energy from the oil that we use is used in transportation. Then there is industrial and a little bit of electric power and a little bit commercially. But the major part of our oil is used in transportation.

That is a liquid fuel. And, you know, the challenge is to find something to replace that. The next chart is a really interesting one, and we could spend a long time on this chart, because it has so much information on it.

But I want to look at it just in gross form here. The bar graphs here represent the discovery of oil, and you see that way back in 1940 we were discovering some big fields of oil. And then a little later in the 1950s, the 1960s, the 1970s, we were discovering a lot of oil.

And our use of oil was very small then. The heavy black line here represents our use of oil, and notice that we were finding enormously more oil than we were using.

So there was every reason to believe that for the foreseeable future and beyond everything was going to be just fine, because we were finding enormous amounts of oil and we were not using very much oil. But then that all turned around about 1980.

Because at about that time, the discoveries of oil reached a maximum, and then they trailed off. And you can see it here on the downslope here. And in spite of improved techniques, in spite of intense drilling, year by year, we have found on the average less and less oil.

For those who are familiar with curves like this, it is quite obvious that the area under this curve, if we were to draw a smooth line through this discovery curve, the area under that curve represents the total volume of oil which has been discovered.

And the area under the consumption curve represents the total amount of oil that we have consumed. Now, it is very obvious that you cannot consume oil that you have not discovered, and so to find out how much consumption we can have in the future, all one needs to do is to look at the area under this discovery curve, and then to project where you think the consumption curve is going.

Now, this chart has peaking occurring, what, in 5 years or so, about 2010. There are a number of people who believe that peaking has occurred about now or will occur very shortly.

The lightly shaded part of this graph, of course, is to the future; and, Madam Speaker, you can make that future within limits look about any way you want to make it look. For instance, if we use enhanced oil recovery, and we drill a lot more wells, the United States has drilled 530,000 wells. I believe there are about 400 wells in Saudi Arabia and maybe 300 in Iraq, both of which have enormously more reserves than we have.

But if you vigorously go after this oil, you might get it sooner. But if you get it sooner, there will be less later, unless you are really good at enhanced oil recovery and you are able to get significantly more out of the ground. The next chart kind of puts this in long-range perspective, and this is a really interesting chart.

Looking at the top chart here, we are looking back about 400 years through history; and we see that the quadrillion Btus, it is so near the zero line here that you probably cannot see the difference. And then we began the Industrial Revolution in the late 1700s. And we began that with wood, of course. We denuded the hills of New England, the mountains of New England, carrying charcoal to England to make steel. We have a little furnace up here in Frederick County, and we denuded the hills of northern Frederick County to provide charcoal for that little furnace there.

The Industrial Revolution was stuttering with wood when we found coal and were able to utilize that. And then look what happened, Madam Speaker, when we discovered gas and oil. It just took. off. This is an exponential curve at about a 2 percent growth rate.

In a moment we will show this same curve with different units on the ordinate abscissa, and it will appear to be a much less dramatic curve there because it really spread out the abscissa here.

But I would like to note that the world population has reasonably followed this energy cycle. So that we went from about one-half a billion to about 1 billion people here. Steady state for quite a long time until we now have between 6 and 7 billion people.

And that dramatic increase in the world's population was largely due to the incredible quantity and quality of energy from oil and natural gas. I would like to reflect for just a moment on the quality of this energy, the energy density of these fossil fuels.

One barrel of oil, and you will now pay a bit more than $100 for the refined product at the pump, 42 gallons, will buy you the work output of 12 people working all year for you.

If you worked really hard in your yard this weekend for a full day, I will get more work, more mechanical work out of an electric motor for less than 25 cents' worth of electricity. And that may be kind of humbling to recognize that we are worth less than 25 cents a day in terms of the energy available in these fossil fuels.

Madam Speaker, our children and certainly our grandchildren will look back at our generation and the generation of our parents, and I say that because my father lived almost half way through the age of oil, and they will wonder how we could have behaved the way we have behaved.

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When we found this incredible resource, this wealth, we should have stopped and asked ourselves, what do we need to do so we can provide the most good for the most people for the longest time with this incredible wealth. It should have been obvious to everybody that this was not infinite. The earth is not made of oil. It is a finite resource.

We are now, as this chart shows in 5,000 years of recorded history, about 100, 150 years into the age of oil. In another 100, 150 years, we will be through the age of oil. What, then, when we have had to transition to the renewables?

Notice here, Madam Speaker, what happened in the 1970s. That was really quite dramatic. There was a worldwide recession, demand for oil fell, the price collapsed, and we reduced our energy consumption. It is now with China and India and the developing world demanding more and more oil increasing again at the same kind of a rate that it did up till 1970.

Madam Speaker, I would like to give one statistic that is just startling. Up until the Carter years, in every decade we used as much oil as had been used in all of previous history. What that means is, had we continued on that course, and fortunately we did not as this chart shows, but had we continued on that course when we had used up half of the world's supply of oil, only one decade of oil would have remained. In 5,000 years of recorded history, the age of oil would be just a blip, about 300 years long is all, out of 5,000 years of recorded history.

The next chart shows the predictions of some of the experts about when peaking should occur, and this is from the Hirsch report, and this was about a year ago, and they could not have known that Dr. Deffeyes was going to conclude that the peaking has already occurred. He gave a specific date for that, and he rather humorously said he is no longer a prognosticator, he is a historian.

Well, all these people believe the peak is going to occur in the next 5 years; and then there are a few that believe it will occur about 5 years after that. Then there are Serum, Shell Oil Company, a few who believe it will be sometime in the future. Nobody, Madam Speaker, will contend that we will not have peaking. It is not if. It is when.

The next chart is a simple depiction. It shows the same curve, that really dramatic one you saw a couple of charts ago, when we had this dramatic increase in the production of energy, same curve. You can make it short and very high or spread out, depending upon the units you use in the ordinate and the abscissa.

This is a 2 percent exponential growth rate, and notice that starts out rather slow, but 2 percent, leave the interest in the bank, it grows and grows till it is now getting quite steep, even on this expanded abscissa scale.

As you saw from the previous chart, most of the experts believe that oil peaking is either now or very shortly in the future. If, as we have indicated here, we are at this point, then the peaking will indeed occur a couple of years or so hence.

But notice that the discrepancy between the oil we would like to use, the demand curve and the oil which is available to use, begins before the curve. It will not be as smooth as this. It will be ups and downs, and oil may again fall down to $50 a barrel. That will be nice. Do not count on it.

What we have produced here is what is called a gap. That is a difference between what is available to use and what we would like to use; and, as the next chart shows, the Hirsch Report focused on the problems of filling that gap. What they did is look at the consequences of filling the gap, dependent upon when you start to fill the gap, and if you wait until peaking has occurred, you see zero here, that is when it has occurred. Then there will be significant shortfall. You will be able to do some mitigation.

In a few minutes, we will talk more about that mitigation; and I wonder if, in fact, we should try to mitigate or whether we need to effect a steady state where we can live happily and productively at the current energy level and thus leave a little more for our kids and our grandkids and a little more for the next few years just ahead of us.

What it shows here is that if you are going to have no supply shortfall, that you need to begin the mitigation 20 years before peaking occurs. Now, from all of the experts' predictions that we saw, that is going to be manifestly impossible because almost nobody believes that peaking is two decades from now. So what one would conclude from this is that there are going to be consequences.

The next chart shows what we would be using to peak. We would be using enhanced oil recovery, coal liquids; and, by the way, South Africa and Hitler's Germany demonstrated you can indeed do that; heavy oil, that is the oil shales, tar sands and so forth, gas-to-liquids and then vehicle efficiency.

I mentioned previously how long these vehicles stay in the fleet. If you start here, there will be several years before you notice any effect, and then slowly over 50 years. That is a little less than the average lifetime of the average car and pickup in the fleet and about half the average lifetime of an 18-wheeler in the fleet.

Madam Speaker, I would like to wonder if, in fact, we ought to be trying to fill the peak, that is, to fill this gap till there is no shortfalls so that the world can continue to use all the oil that it would like to use. Notice that, except for vehicle efficiency, we are dealing here with finite resources. They are not forever, and the more we use now, the less we will have to use in the future.

Today, we are amassing the largest intergenerational debt transfer in the history of the world. I would like not to include with that an enormous energy deficit that we are going to pass on to our kids and our grandkids. We are already burdening them with an enormous responsibility to not only run their government on current revenue but to pay back all of the money that we borrowed from their generations to run our government today. In good conscience, Madam Speaker, can we also borrow from their generations the fossil fuel energies which will be essential for establishing any reasonable quality of life in their generations?

I would submit that the challenge should not be to fill the gap. The challenge should rather be to establish an infrastructure and economy, lifestyles that can be interesting and productive and sustaining while we make the inevitable transition to renewables. These are all finite. You cannot fill that gap forever with these. As a matter of fact, for some of them, you cannot fill it very long.

The next chart shows us something about the consequences of excessive consumption. This is a really interesting chart. I would like to start here with this little insert where I think we are, and this is from our Energy Information Agency, and they get the data from the USGS. We talked to the Energy Information Agency, and they just use the information from USGS, and I think this is a rather meaningful misrepresentation of what the world will look like.

Madam Speaker, for any statisticians out there, it will be quite obvious that the 50 percent probability is not the mean. The most rightly thing to happen is the 95 percent probability. That is a high probability. It is the lesser, the lower amount of oil.

By the way, the 50 percent probability means that there could be a whole lot more oil. It also means there could be a whole lot less oil. You just do not know. What the Energy Information Agency does and the USGS is to assume that 50 percent probability is the mean. This is an unusual, and one might say bizarre, use of statistics, but using these statistics, you end up with almost twice the recoverable oil left in the world.

You see, they said that the ultimate recovery would be about 2 trillion barrels of oil with a 95 percent probability. We have already used about half of that, about 1 trillion barrels. So there is about 1 trillion left.

With the mean, which they say is expected, now that is not the expected value. The expected value is the 95 percent probability. That is the most probable. That is what it means. It is the most probable.

But with this assumption that that is the mean, which is a bizarre use of statistics, that pushes the peak out only from here at about 2000 to about 2016. So even if there is that much more oil there, and, by the way, only half of that yet to be pumped 2 trillion barrels have been found, you remember that earlier chart that showed the steep decline in discoveries, one must project something phenomenal in the future, that it will look just vastly different than the last few years. It would discover enormous basins of oil, and there is no expert out there that I know who believes that anything like that is going to happen. Notice that you push the peak out only about 10 years if you have that much more oil.

Now there is another interesting assumption that is made here, and that is if you can produce it with enhanced oil recovery and then you have a 10 percent decline, look what happens. You are really falling off a cliff.

The next chart kind of puts this in perspective; and it is these numbers, Madam Speaker, which prompted Boyden Gray and Frank Gafney and Jim Woolsey and 27 other prominent Americans, four-star admirals and generals, to write to the President some months ago, a number of months ago, saying, Madam Speaker, the fact that we have only 2 percent of the world oil reserves and we use 25 percent of the world's oil, importing almost two-thirds of what we use, is an unacceptable national security risk. Mr. President, we have got to do something about that.

Even if you think that the only problem with oil is a national security risk, we ought to be about freeing ourselves from the dependence on foreign oil. Even if there was no such thing as peaking, our behavior today needs to be vastly different than it is.

We are less than 5 percent of the world's population, about one person out of 22, and we use a fourth of the world's energy.

Madam Speaker, when we found all of that oil, and we more than others fit this characterization, rather than a responsible response to that discovery, which would ask the question how can we get the most good for the most people for the longest time, we acted like kids that found the cookie jar. We just pigged out, and here in the United States we are now using 25 percent of all the world's oil, and we represent a bit less than 5 percent of the world's population.

These top two numbers are significant. With only 2 percent of the oil reserves, we are pumping 8 percent of the world's oil. That means we are pumping our wells four times faster than the average in the world, which means that we are going to be increasingly dependent on foreign oil as we pump down our reserves.

The next chart kind of puts this in a global perspective. Because what this shows, and many people now recognize this, that for the last several years China has been scouring the world for oil. We have symbols here which show who has access to the major sources of oil in the world, and notice the symbol for China is all over this map. They have bought all of the increased capacity of the Canadian oil sands. They have major commitments from South American countries. They almost bought Unocal in our country. They have really major commitments from the Middle East.

Madam Speaker, not only this, but they recognize that we have the only blue water Navy, that is the Navy that sails the seven seas of the world and can control all of the access lanes. They see that we could, if we wish, cut off their source of oil.

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So they are very aggressively building a blue water Navy.

Last year, we launched one submarine; they launched 14 submarines. Now theirs are not the quality of ours, certainly, but they are improving.

Well, what do we do? And the next chart kind of presents this challenge and this picture. Obviously, if what these two big reports say is true, that we are just about reached peaking, then we need to be about transitioning. In fact, we should have been about transitioning from fossil fuels to the renewables.

Madam Speaker, we knew of a certainty 26 years ago in 1980 we had already slid 10 years down the other side of Hubbard's Peak. Now, M.P. Hubbard was right about the United States. He predicted that the world would be peaking about now. Madam Speaker, he was right about the United States.

Would you not think that our leaders have wondered maybe, just maybe, he might be right about the world, and maybe we ought to be doing something about that? There has been a deafening silence on this subject for the last 26 years.

Any rational person, get a bright fifth grader and he will tell you what we need to be doing: We need to call upon all of our finite resources to help us through this transition period, and those finite resources are the tars and the oil shales and coal. And then there is nuclear as kind of a separate class, light water reactors, breeder reactors.

And note the quote from the Corps of Engineers study that the high-quality cheap, that is fissionable, uranium, will be exhausted in about 20 years, so we will need to move to breeder reactors which, as the name implies, makes more fuel than they use and so they are kind of self-sustaining. But, with that, you buy some problems of transportation and enriching and products that could be used by bad guys for making nuclear weapons.

I have a number of colleagues who have been stoutly opposed to nuclear, but when they are now rationally considering the alternative of shivering in the dark, nuclear is looking better and better.

Nuclear fusion, if we ever got there, Madam Speaker, we are home free. There is nothing else on this chart that gets us home free. Fusion does. I support happily the roughly $250 million a year that we put into this technology. But I think that counting on solving our energy future challenges with fusion is a bit like me or you, Madam Speaker, planning to solve our personal economic problems by winning the lottery, and I think the odds are probably somewhere near the same.

Once we have gone through these finite resources and have developed all the nuclear that we wish to develop, then we will ultimately, and the geology will assure it, because coal, gas and oil are not forever, we will transition to the renewables, and these are what they are, solar and wind and geothermal. That is true geothermal, where you are tapping into the molten core of the earth. There is not a chimney in all of Iceland because all of their energy is geothermal there, ocean energy, the tides and thermal gradients and so forth.

Agriculture resources, a lot of talk today about ethanol and methanol and soy diesel and biodiesel and biomass. Waste energy, a great idea. Instead of putting it in a landfill, burn it. There is lots of energy there. A very productive plant, state-of-the-art plant up in Montgomery County who would be happy, Madam Speaker, to have you come visit them there.

And then hydrogen from renewables. That is significant. Today, we are getting all of our hydrogen from natural gas. That is not renewable. That, by and by, will be gone, and then we will have to get hydrogen from renewables or from nuclear.

Just a word of caution. Hydrogen is not an energy source. We will always use more energy to produce hydrogen than we get out of it, or else we will have to suspend the second law of thermodynamics. And, Mr. Speaker, if we can do that, we can suspend the law of gravity and we are really home free, are we not?

Why even talk about hydrogen then? Well, because of the two characteristics of hydrogen. One is when you finally burn it, you get water that is not polluted. And if you have used a nonpolluting energy source to produce it like nuclear, for instance, or wind or solar, then you are totally nonpolluting.

The second advantage of hydrogen is that it is quite ideal for fuel cells if in fact we are ever able to make fuel cells that are economic. With the fuel cell, you get about twice the efficiency or at least twice the efficiency that you get out of reciprocating engine.

The next chart looks at coal. And some will tell you do not worry about energy because we have got an incredible supply of coal, they will tell you, in 500 years. That is not true. At current use rates, we do have 250 years of energy, of coal.

Albert Einstein said that compound interest was the most powerful force in the universe. If you increase its use only 2 percent, that 250 years shrinks to about 85 years. And, now, if you have to use some of the energy from the coal to convert to a gas or a liquid, and we will have to do that because we have limited uses for coal itself, then you reduce it to 50 years. That is meaningful. But it is a finite resource. It is not forever. It is dirty. You are either going to pay a big environmental penalty or an economic penalty for cleaning it up.

The next chart is an interesting one, and that looks at the opportunities and limitations from the agricultural world. On the top here, we have two little sequences which indicate the energy transformation from petroleum, and notice that you start out with maybe 5 equivalents of energy and end up with 4, so it is 5:4. And with corn to ethanol, you ought to do better, because you are getting some energy from the sun here. There are lots of challenges. It is or it can be energy positive. It certainly is in South America, where Brazil is converting sugar cane, which is a bit better than corn, to ethanol, and they are now freeing themselves from dependence on imported oil and soon all of their cars will be ethanol cars.

The bottom pie chart here is something I wanted to spend just a moment on because it is so startling. This shows you the energy input into producing a bushel of corn. Notice the purple area there, almost half of it, it says nitrogen, that is nitrogen fertilizer made from natural gas. When natural gas is gone, that source of nitrogen fertilizer is gone.

Madam Speaker, before we learned how to do that, the only source of nitrogen fertilizer was barnyard manure and guano. The guano is gone. It took tens of thousands of years to produce it, we believe, and now it is harvested, and it is gone. That is the droppings from birds and bats on tropical islands and caves and so forth.

All those other segments of the pie here are other fossil fuel energy inputs into growing corn. I would just like to emphasize in very large measure the food we eat is just transformed gas and oil, and without gas and oil it would be very difficult to produce the amounts of food that we are producing today.

The next chart is a really interesting one. The little analogy that I use here is that we are very much like a young couple whose grandparents have died and left them a big inheritance, and they have established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance and only 15 percent from their income. They look at the inheritance and how old they are and project a reasonable life span, and, gee, the grandparents' inheritance is going to give out long before we retire. So, obviously, Madam Speaker, they have got to do one or both of two things: Either they have got to make more money, or they have got to spend less money.

I use that 85/15, and others will use 86/14. The 85/15 shows what our energy dependence is now. About 85 percent of all the energy we use comes from fossil fuels. That is like the inheritance from our grandparents: It will not last forever. And only about 15 percent of it comes from other sources. A bit more than half of it that comes from nuclear power, 8 percent of our total energy, 20 percent of our electricity.

As you drive home tonight, note that every fifth business and every fifth house would be dark if it weren't for nuclear power.

Then we look at that 7 percent which is renewable energy, and the biggest chunk of that is conventional hydro that will not grow in our country. We may get some micro-hydro, but the big rivers have all been dammed and probably more than we should have dammed.

The next biggest chunk of that comes from wood, and that is the paper industry and the timber industry wisely burning a waste product that would otherwise end up in the landfill.

And then waste energy, that 8 percent. By the way, this 1 percent is 0.07 percent, because that is 1 percent of 7 percent from solar. That is a tiny, tiny amount of energy. But this was in 2000. That has been growing at 30 percent a year, so now it is about four times bigger. It is now 0.28 percent. Big deal, Madam Speaker. 0.28 percent? And that is about the same thing for wind, maybe a bit more from agriculture.

Those are the energy sources we are going to have to increasingly rely on in the future. So we have got a big challenge ahead of us.

The next chart depicts what we ought to be doing. The first thing we need to do is to buy some time. You see, it takes three things to develop these renewables: It takes money, and it takes energy, and it takes time. Mr. Speaker, we will not worry about the money, although we should. Because when it comes to money we just borrow it from our kids and our grandkids by running up a big debt. So let us not worry about the money here.

But we cannot borrow time from our kids, and we cannot borrow energy from our kids. The only way to buy some time and free up some energy is with a pretty massive conservation program which frees up some energy.

Today, Madam Speaker, there is no surplus energy to invest in alternatives. All of it is needed by the economies of the world, or oil would not be roughly $75 a barrel.

Madam Speaker, what this chart denotes is a program that I think needs three qualities if we are going to make this transition in any acceptable way. First, we must have everybody involved, a total commitment like World War II. I lived through that. Everybody had a victory garden, everybody saved their household grease and took it to a central repository. It was the last war, the last time that everybody in our country was involved. We need a program, Madam Speaker, that has the total commitment of our population in World War II. It needs to have the technology focus of putting a man on the moon, because we are going to have to have a lot of technology breakthroughs and applications here if we are going to make it.

Thirdly, it needs to have the intensity of the Manhattan Project. Minus that, I think we are going to have a very rough ride. We should have begun 26 years ago.

Once we have freed up some time and freed up some energy, we need to use it wisely. And what has the biggest potential? What will have the biggest payoff? I think there are enormous benefits to this. I can see the American people going to bed every night thinking to themselves, gee, I really contributed today. I used less energy, I lived very comfortably, and I am really working on that new project which is going to help my kids and my grandkids to live as well as I live or maybe even better.

I think that we can be a role model for the world. I think that we can develop a lot of technology that we can export, but, Mr. Speaker, we will never get there unless we start.

I am wondering again, unless we close in the way we started, these two big studies paid for by our government noting the problems that we face in the future, why have not those parts of the government that paid for these reports claimed ownership? Why are they not using the resources available to them to make this information available to the American people? Why are they not coming to us with a program that says we have a big challenge, we have big opportunities, we really need to get going?

Madam Speaker, I think that we have a great bright future if we challenge the American people and marshal the resource. I think we have a very bumpy ride if we do not.

I look forward, Madam Speaker, to our leadership showing the way. I think Americans will follow. I think that we can be a role model to the world, and I think that we can get through this with less problems than many are depicting, but we won't get there unless we start.

□ 2300

COVER THE UNINSURED

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for the remaining time until midnight.

Ms. BALDWIN. Mr. Speaker, I rise tonight during Cover the Uninsured Week to draw attention to a national crisis. According to the Census Bureau, 45.8 million Americans are without health insurance. Millions more encounter a health care system that is inadequate in meeting their basic medical needs because they are underinsured.

The Commonwealth Fund recently released a study estimating that there are an additional 16 million Americans who are underinsured, meaning their insurance does not adequately protect them against catastrophic health care expenses. That means that 61 million Americans either have no health insurance or have only sporadic coverage or have insurance coverage that leaves them exposed to very high health costs. Sixty-one million Americans is nearly 20 percent of all Americans. That is one in five Americans who have inadequate or no health care coverage at all.

The lack of affordable, comprehensive health care affects every congressional district in this Nation. To highlight the issue and the real impact that being uninsured has on the lives of Americans, I have selected some letters that I have received from my constituents who have had difficulty obtaining and affording comprehensive health care coverage.

Too often here in Congress we speak of health care issues in the antiseptic jargon of policymakers and lawyers, but people across America are hurting and these letters tell their stories in their own words.

I represent a district in south central Wisconsin, and while the letters I read may be from Wisconsinites, they speak to the difficulties people all over the United States face every day. I am going to start with a few letters about the ever-increasing price of health care.

Eva from Madison, Wisconsin writes, "I am contacting you in regards to my desperate need for public health care. I am a grad student. I recently sprained my ankle playing soccer and had to go to the emergency room for x-rays. My bill came out to $1,242.50 because I can only afford a measly insurance that only has catastrophic coverage. This is a ridiculous amount of money for such a visit, and it causes me to consider those less fortunate than me who have even more serious injuries and less familial support. This cost can truly make waves in the lives of people."

Suzanne from Stoughton, Wisconsin writes, "It is time, time to have the government deal with health care. We are covered under COBRA which will run out in March. The cost is going from $500 per month to $900 per month. We checked with Blue Cross and they refuse us coverage because of a preexisting condition. They will not even offer a waiver for this preexisting condition. We checked with the Wisconsin State insurance program which will cover us for $1.200 a month. Please, let people over 60 buy into Medicare. It is impossible to find a job that offers health insurance."

Roberta from Janesville, Wisconsin writes, "I think the insurance bills for both medical and dental are horrendous. Both my husband and I work full time with two small children, living paycheck to paycheck. My insurance costs have caused us many heartaches with us owing more money than what needs to be paid. As a result, I will not get a needed medical procedure done. Something drastically needs to change in the United States of America where hardworking individuals and families can get the treatment they need without going broke."

Roberta brings up an important point in her letter because people without health insurance are often not getting the care that they need. A recent study released by the Robert Wood Johnson Foundation found that cost prevented 41.1 percent of uninsured adults from seeing a doctor that they needed to see.

But getting needed care is also difficult for Americans who have health insurance because the financial strain resulting from high health care costs, rising premiums, and increasing copays and deductibles place an incredible strain on American families, often forcing them to choose between needed health care and basic necessities like food. It is no wonder that illness, injury, and medical debt is responsible for nearly 50 percent of all personal bankruptcies in the United States.

Patricia from Madison, Wisconsin writes, "We need to fix health care. I have to choose between heat and food and medications. I have lost 80 pounds because of this. Please help."

Heather from Waterloo, Wisconsin writes, "I am married, and together with my husband I own a home. We live a modest, middle-class life, managing to always have what we need except for health care coverage. My husband has excellent health care at his job, but for me to also be covered by his plan, we would need to pay nearly $400 a month. That is two-thirds as much as our home mortgage. Through school, I have worked less and less in order to maintain health coverage. I have only been able to afford short-term major medical coverage. I am grateful that we can afford this, but it does make a difference. Even now if I have a sore throat, I will wait for a few days to see how I feel. I will wait because if I don't need to go, I will certainly save the money. This is disturbing to me as a nursing student because I know about the importance of early treatment and prevention, and it is upsetting to me as a person because I value my health. It is unacceptable to me as a citizen because I know there are other people just like me who wait and get sicker or can't take the medications they need."

Mr. Speaker, simply put, our health care system is failing and America knows this. Among the thousands of letters regarding health care that I receive, there is a common thread, a common theme that binds them together; and that common theme is an overwhelming frustration with a system they know just is not working and a call for us in Congress to take action.

Brad from Mount Horeb, Wisconsin writes, "I write you today to urge you to take action on a growing crisis in America: health care. I strongly believe that we need a national health care plan to insure all Americans. My major concern with the current system is that when people attempt to obtain insurance, insurance companies refuse them because of past health history. Let's face it, insurance companies are in business to make a profit. The best way to make a profit is to insure the healthy so that you can minimize the claims you pay out and not insure those who need medical care or who may potentially need medical care.

I am 38 years old with a family of four. I currently participate in a health savings account. For all practical purposes, I pay for all of my own medical needs, including the recent birth of our daughter. I recently attempted to switch insurance providers. The insurance companies will insure me, but they will not insure my daughter for any type of treatment for her asthma for 3 years along with no drug coverage for life. The policy I was requesting had a $10,000 deductible, yet they still refused the coverage."

Kimberly from Madison, Wisconsin writes, "I am writing today because of my family's frustration and anxiety over health care. Although we hear a lot of rhetoric about making health care more affordable and/or more available for Americans, nothing is happening, at least not soon enough."

□ 2310

"Let me briefly share our story," Kimberly proceeds. "My husband recently started his own business. Obviously, it will take some time for his new company to see any profits, much less income. In the meantime, we are without health insurance. I am 5 months pregnant, and we have a 2-year-old son. Because of my pre-existing condition, we cannot buy affordable health coverage. COBRA would cost us $1,200 per month. I am currently applying for Medicaid and other forms of public assistance as a last resort. This is ridiculous.

"As someone with no insurance, I wonder what could possibly be the problem with implementing a public health care system. Oh, I have heard the horror stories about having fewer choices in doctors, longer waiting lists for procedures, and less incentive among doctors and researchers to develop new techniques. But what's most frightening to me is the chance that my son might get sick or my baby might be born with expensive complications while we are uninsured.

"I am not naive. I know that funding public health care is an issue. But is it wise to sacrifice the health and well-being of American citizens to avoid the challenge of implementing a change? I, for one, would be satisfied to pay more for goods and services if I could rest assured that my family's basic health care needs were being met."

Victor, from Stoughton, Wisconsin writes, "My wife can only work part time because of her health. Her employer offers a generic policy that costs only $3.97 per week and requires no background check. This policy covers basically nothing. Medical supplies, checkups, doctors visits necessary on a routine basis for my wife to survive are now not covered. My wife is uninsurable because of her health, and we have been turned down for health insurance that we have applied for. We cannot believe that this is happening."

Ronald from Deerfield, Wisconsin writes, "I was on COBRA insurance for 3 years, which ended this past fall. I spent from March until September trying to get private insurance, but could not because of my neck injury. I was, in effect, looked at and dismissed by 33 private insurance companies because of my pre-existing condition with my neck injury. Just imagine how you would feel after being dismissed by this many companies. I was finally insured through disability and Medicare. The sad reality of it is that if I want to try to work full time again, I cannot, because in doing so it would cost me the only insurance options I have left.

"The truth is that many other countries can and do provide equitable health insurance to all of their citizens, no matter what pre-existing condition they have or their ability to pay or what income level they have. I believe this country does have top-notch medical facilities, but not decent or equitable insurance for the poor and middle-income families."

Susan from Bariboo, Wisconsin writes, "I am writing you today regarding health insurance coverage for single people with no children. As of this time, I feel that I am left out of the loop in regards to this topic. I am 42, and last September I was diagnosed with breast cancer. In January of this year, the company that I worked for informed us that they would be closing down. I was laid off in December while I was out due to my cancer treatment. I have been searching for health care everywhere because my COBRA will be going up and I am on unemployment and barely able to pay the $244.76 for the coverage now. I cannot get insurance because of the breast cancer. HIRSP, which is the Wisconsin State High Risk Program, is too expensive for me to get coverage since they want 4 months of premiums up front, and as they only cover some things.

"What are single people supposed to do? We don't qualify for any government assistance because we are single. We cannot go without insurance. There are no programs to help us out. So when you are working on health care in the House of Representatives, please remember that there are other single people out there also in my shoes. I am at a crossroad because I have no avenue for assistance when it comes to health care. Come November, I will be unable to get coverage when I need it at this point in my life."

Janet from Portage, Wisconsin writes, "I have a 53-year-old brother who has psoriasis all over his body and arthritis that is caused by this. Three weeks ago, he fell and needs surgery on his shoulder to repair it. He has no job, no money and no insurance. We started looking for a program to help him. There are none that we can find. There is nothing to help him get his shoulder fixed. But after it heals wrong and he is disabled because of it, then there are programs to help him. They won't help him get it fixed so he could find a good job. Instead, they would rather support him for the rest of his life instead of trying to help him now."

Gail from Janesville, Wisconsin writes, "My husband lost his job in October of 2003. He applied for over 100 positions, only to be told that he lacked a college degree or he is overqualified, or they can only pay $8 an hour. I was diagnosed with breast cancer in June of 1998 and again in 2003. I have gone through breast cancer twice and have undergone a mastectomy and reconstructive surgery.

"COBRA has run out and without a stable income, we cannot afford to pay the premiums of our own health care policy. My husband is 59 and I am 58, and we have no medical coverage. I have looked in every insurance company and get turned down because of my medical history. All our lives we have paid into these insurance companies only to be turned away when we need coverage the most."

Mr. Speaker, I hope that as Cover the Uninsured Week continues, my colleagues will join me in recognizing that obtaining comprehensive, affordable health care presents a very real challenge for millions and millions of Americans. We cannot turn a deaf ear on our constituents' pleas for help. I invite my colleagues to join me in working on this most pressing domestic priority, to provide quality affordable health care for all Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. OSBORNE (at the request of Mr. BOEHNER) for today and the balance of the week on account of business in the district.

Mr. SWEENEY (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. COSTA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and May 3.

Mr. KENNEDY of Minnesota, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, May 3.

Mr. BILIRAKIS, for 5 minutes, May 9.

Mr. GINGREY, for 5 minutes, May 3 and 4.

Mr. BURTON of Indiana, for 5 minutes, today and May 3 and 4.

Mr. PENCE, for 5 minutes, May 3.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, May 3.

Mr. MCHENRY, for 5 minutes, May 3, 4 and 9.

ADJOURNMENT

Ms. BALDWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 3, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Modified Cry3A Protein and the Genetic Material for Its Production in Corn; Extension of a Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0174; FRL-7766-6] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7140. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance Technical Correction [EPA-HQ-OPP-2005-0205; FRL-7766-2] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7141. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2006-0168; FRL-7768-3] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7142. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Revocation of 29 Pesticide Tolerance Exemptions for 27 Chemicals [EPA-HQ-OPP-2005-0251; FRL-7760-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7143. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [EPA-HQ-OPP-2006-0053; FRL-7766-8] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7144. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7145. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Austria pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

7146. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan [EPA-R04-OAR-2005-GA- 0005- 200601; FRL-8045-4] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7147. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Arkansas Update to Materials Incorporated by Reference [FRL-8022-1] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7148. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Architectural and Industrial Maintenance (AIM) Coatings Regulation [EPA-R01-OAR-2005-ME-0003; A-1-FRL-8038-1] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7149. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule [R06-OAR-2005-TX-0016; FRL-8045-5] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7150. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection: Withdrawal of Direct Final Rule [EPA-R08-OAR-2005-CO-0002; FRL-8044-4] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7151. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals [EPA-HQ-OPPT-2005-0033; FRL-7335-2] (RIN: 2070-AD16) received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7152. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Pennsylvania [FRL-8011-3] received March 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7153. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection [EPA-R01-OAR-2006-0277; FRL-8157-9] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7154. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Substantial Inadequacy of Implementation Plan; Call for Missouri State Implementation Plan Revision [EPA-R07-OAR-2005-MO-0007; FRL-8158-7] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7155. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of TSCA Section 4 Testing Requirements for Certain Chemical Substances [EPA-HQ-OPPT-2003-0006; FRL-7751-7] (RIN: 2070-AD42) received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7156. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sodium Metasilicate; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2002-0241; FRL-8063-5] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7157. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Revisions to Volatile Organic Compound Definition [EPA-R04-OAR-2005-TN-000 8-200534(a); FRL-8157-8] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7158. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Washington: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-8158-4] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7159. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule): Reconsideration [OAR 2003-0053; FRL-8047-9] (RIN: 2060-AN57) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7160. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Resource Conservation and Recovery Act Burden Reduction Initiative [RCRA-2001-0039; FRL-8047-3] (RIN: 2050-AE50) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7161. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Lakeview PM10 Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0010; FRL-8041-9] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7162. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0050; FRL-8041-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7163. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a draft bill entitled, "To implement the Antigua Convention for the Stregthening of the Inter-American Tropical Tuna Commission"; to the Committee on International Relations.

7164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 008-06); to the Committee on International Relations.

7165. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2005 through January 30, 2006; to the Committee on International Relations.

7166. A letter from the Assitant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Turkey (Transmittal No. DDTC 001-06); to the Committee on International Relations.

7167. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the second annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2005; to the Committee on Government Reform.

7168. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2006-0124; FRL-8040-6] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7169. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementaion Plan, Washoe County District Board of Health [EPA-R09-OAR-2005-0002, FRL-8040-8] received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7170. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended (RIN: 1400-AC06) received March 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7171. A letter from the Secretary, Department of Transportation, transmitting the Department's final report entitled, "Nonmilitary Helicopter Urban Noise Study," pursuant to 49 U.S.C. 47528(d)(2); to the Committee on Transportation and Infrastructure.

7172. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones: San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisan Bay, California [COTP San Francisco Bay 05-007] (RIN: 1625-AA87) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA [CGD07-04-124] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cheesequake Creek, NJ [CGD01-05-096] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, East Haddam, CT [CGD01-06-004] (RIN: 1625-AA09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez, Tank vessel moving security zone and Valdez Narrows, Valdez, AK [COTP Price William Sound 02-011] (RIN: 1625-AA87) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Price William Sound 05-012] (RIN: 1625-AA87) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shark Rivr, NJ [CGD05-06-001] (RIN: 1625-AA-09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-06-004] (RIN: 1625-AA-09) received January 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Oceanport Creek, Oceanport, NJ [CGD01-06-013] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, Old Lyme, CT [CGD01-06-020] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7182. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River, Correction [CGD05-05-079] (RIN: 1625-AA09) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7183. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of "Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2006 Appropriations Act" [FRL-8053-8] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES OF PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 359. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 109–448). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies (Rept. 109–449). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 789. Resolution providing for consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes (Rept. 109–450). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. HASTERT, Ms. PELOSI, Mr. CONYERS, Mr. CHABOT, Mr. NADLER, Mr. WATT, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. OWENS, Mr. CLYBURN, Ms. LEE, Mr. SCOTT of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. NORTON, Ms. KILPATRICK of Michigan, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. HONDA, Mr. GONZALEZ, and Mrs. NAPOLITANO):

H.R. 9. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. BASS, Mr. SHAYS, Mr. HALL, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mr. SHIMKUS, Mr. PITTS, Mr. NORWOOD, Mr. BURGESS, Mrs. BONO, Mr. BUYER, Mr. ROGERS of Michigan, Mr. CHOCOLA, Mr. BRADLEY of New Hampshire, Mr. FERGUSON, Mrs. CUBIN, Mr. WALDEN of Oregon, Mrs. JOHNSON of Connecticut, Mr. SULLIVAN, Mr. UPTON, Mr. BARTON of Texas, and Mr. WAMP):

H.R. 5253. A bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BASS (for himself, Mr. BARTON of Texas, Mr. KIRK, Mrs. BONO, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. HALL, Mr. PITTS, Mr. NORWOOD, Mr. SULLIVAN, Mr. BURGESS, Mr. CHABOT, Mr. BUYER, Mr. CHOCOLA, Mr. PICKERING, Mrs. CUBIN, Mr. UPTON, Mr. JOHNSON of Illinois, Mr. GERLACH, and Mr. PORTER):

H.R. 5254. A bill to set schedules for the consideration of permits for refineries; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 5255. A bill to prohibit a school from receiving Federal funds if the school prevents a student from displaying or wearing in a respectful manner a representation of the flag of the United States; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 5256. A bill to establish a statute of repose for civil actions filed against recreational vessel manufacturers; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 5257. A bill to amend the Internal Revenue Code of 1986 to provide a basic income guarantee in the form of a refundable tax credit for taxpayers who do not itemize deductions; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5258. A bill to suspend temporarily the duty on certain plasma flat panel displays; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5259. A bill to require the Biomass Research and Development Board to prepare a biobased fuel action plan to increase the use in the United States of biobased fuel as a ground transportation fuel; to the Committee on Agriculture, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 5260. A bill to provide that any reduction in the hours of operation of Department of Veterans Affairs Medical Center emergency rooms may be implemented only after notice is provided to Congress and a period of 180 days has elapsed; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire:

H.R. 5261. A bill to remove the permanent tariff and the temporary duty on ethanol; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mrs. BLACKBURN, Mr. BURGESS, Mr. PRICE of Georgia, and Mr. CAMP of Michigan):

H.R. 5262. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the payment of premiums for high deductible health plans, and for other purposes; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself, Mr. Watt, Ms. Lee, Mr. Owens, Ms. Millender-McDonald, Mr. Towns, Mr. Conyers, Ms. Norton, Ms. Carson, Mr. Cleaver, Mr. Fattah, Mr. Payne, Ms. Kilpatrick of Michigan, Ms. Corrine Brown of Florida, Ms. Moore of Wisconsin, Mr. Meeks of New York, Mr. Clay, Mr. Wynn, Mr. Al Green of Texas, Ms. Jackson-Lee of Texas, Mr. Rush, Mr. Jackson of Illinois, Mr. Thompson of Mississippi, Mr. Scott of Virginia, Mr. Bishop of Georgia, Mr. Lewis of Georgia, Ms. Eddie Bernice Johnson of Texas, Mr. Hastings of Florida, Mr. Davis of Alabama, Mr. Rangel, Mrs. Jones of Ohio, Mr. Butterfield, Mr. Jefferson, Mr. Clyburn, Ms. Watson, Mr. Cummings, Ms. Waters, Mr. Davis of Illinois, Mr. Scott of Georgia, Ms. McKinney, Mr. Meek of Florida, and Mr. Ford):

H.R. 5263. A bill to amend part D of title XVIII of the Social Security Act to extend the 2006 and 2007 initial enrollment periods for the Medicare prescription drug benefit and suspend the late enrollment penalty through December 31, 2007, to permit Medicare beneficiaries to change enrollment in a prescription drug plan during the first 12 months of enrollment, and to prevent changes in formularies other than at the time of open enrollment periods and only with advance notice; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 5264. A bill to provide American consumers information about the broadcast television transition from an analog to a digital format; to the Committee on Energy and Commerce.

By Ms. HOOLEY:

H.R. 5265. A bill to provide grants to certain areas to prepare for a tsunami; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. Conyers, Ms. Lee, Mr. Sanders, Ms. Waters, and Mr. Olver):

H.R. 5266. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. Conyers, Ms. Lee, Mr. Sanders, and Ms. Waters):

H.R. 5267. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. Conyers, Ms. Lee, Mr. Sanders, Ms. Waters, Mr. Olver, Mr. Nadler, and Mr. George Miller of California):

H.R. 5268. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. Conyers, Ms. Lee, Mr. Sanders, Ms. Waters, Mr. Olver, Mrs. Maloney, Mr. Nadler, Mr. George Miller of California, Mr. Gutierrez, Mr. Brown of Ohio, and Mr. Shays):

H.R. 5269. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Conyers, Ms. Lee, Mr. Sanders, Ms. Waters, and Mr. Olver):

H.R. 5270. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Conyers, Ms. Lee, Mr. Sanders, Ms. Waters, and Mr. Olver):

H.R. 5271. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5272. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide assistance to firefighting task forces, and for other purposes; to the Committee on Science.

By Mr. MARKEY (for himself, Ms. Eshoo, Mr. Boucher, and Mr. Inslee):

H.R. 5273. A bill to promote open broadband networks and innovation, foster electronic commerce, and safeguard consumer access to online content and services; to the Committee on Energy and Commerce.

By Mr. SWEENEY:

H.R. 5274. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for the provision of boating safety equipment; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. Owens, Mr. Moran of Virginia, Mr. Hinojosa, Mr. Price of North Carolina, Mr. Serrano, Ms. DeLauro, Mr. Farr, and Mr. Osborne):

H.R. 5275. A bill to establish the Silver Scholarship program to provide transferable educational awards to older individuals who have performed certain volunteer services; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 5276. A bill to amend the Older Americans Act of 1965 to include a grant program to support life-long learning programs; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 5277. A bill to amend the Older Americans Act of 1965 to require the Assistant Secretary, when making grants for multidisciplinary centers of gerontology and gerontology centers of special emphasis, to give preference with respect to such centers that are located at institutions of higher education in urban areas; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York (for himself, Mr. McNulty, Mr. McGovern, Mr. Lantos, Mr. Michaud, Mr. Payne, Mr. Tancredo, Ms. Corrine Brown of Florida, Mr. Conyers, Mr. Crowley, Mr. Coble, Mr. Delahunt, Mr. Smith of New Jersey, Mr. Cummings, Mr. Miller of North Carolina, Mr. Aderholt, Ms. Berkley, Mr. Serrano, Mr. McCotter, and Mr. Rangel):

H. Con. Res. 397. Concurrent resolution honoring 2006 Olympic team member Joey Cheek and recognizing the need to work with international partners to help bring an end to the ongoing genocide in Darfur region of Sudan and the suffering of children in Chad; to the Committee on International Relations.

By Mr. HEFLEY (for himself, Mr. Tancredo, Mr. Shays, Mr. Ramstad, Mr. Van Hollen, Mr. Neal of Massachusetts, Mrs. McCarthy, Mr. Otter, Mr. Kennedy of Rhode Island, Ms. Norton, Mr. Dingell, Mr. King of New York, Mr. Dreier, Mr. Holt, Mr. Reichert, Mr. Levin, Mr. Beauprez, Mr. Salazar, Mr. Udall of Colorado, Ms. Bordallo, Mr. Poe, Ms. Granger, Mr. Simmons, Mr. Porter, Mr. Emanuel, Mr. Skelton, Mr. Royce, Mr. Ruppersberger, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Mr. Calvert, Ms. Kilpatrick of Michigan, Mr. Berman, Mr. Stupak, Mr. Etheridge, Mr. Langevin, Mr. Farr, Mr. Doyle, Mr. Costello, Mr. Murphy, Mr. Brown of Ohio, Mr. Peterson of Minnesota, Mr. Weiner, Mr. Sessions, Mr. Platts, Mr. Gordon, Ms. DeGette, Mr. Larsen of Washington, Mr. Saxton, Mr. Cardoza, Mr. Alexander, and Mr. Conaway):

H. Res. 788. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Ms. DELAURO (for herself, Mr. Lewis of Georgia, Mr. Bishop of Georgia, Mrs. Maloney, Mr. McDermott, Mr. Conyers, Mr. Honda, Mr. Serrano, Mr. Cooper, Mr. Sanders, and Mr. Rangel):

H. Res. 790. A resolution recognizing the African American Spiritual as a national treasure; to the Committee on Education and the Workforce.

By Mr. GINGREY (for himself and Mr. Bartlett of Maryland):

H. Res. 791. A resolution recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need; to the Committee on Agriculture.

By Mr. MEEKS of New York (for himself, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. OWENS):

H. Res. 792. A resolution recognizing the 40th anniversary of the independence of Guyana and extending best wishes to Guyana for peace and further progress, development, and prosperity; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. KING of New York, Mr. PENCE, Mr. FORD, and Mr. TANNER):

H. Res. 793. A resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

302. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 118 urging the enforcement of the reduced maximum containment level for arsenic in drinking water be suspended until such time as definitive scientific evidence with the United States validates that consumption of water between 10 to 50 PPB of arsenic causes cancer mortality or produces some other health problems; to the Committee on Energy and Commerce.

303. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 120 opposing any proposals which lead to a significant sale of federal land located in the state of Idaho; to the Committee on Resources.

304. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 113 supporting the confirmation of the appointment of Judge N. Randy Smith to serve on the Ninth Circuit U.S. Court of Appeals; to the Committee on the Judiciary.

305. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 119 requesting the Congress of the United States to adopt S. 520 and H.R. 1070; to the Committee on the Judiciary.

306. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 441 supporting the vision of "25 by 25," whereby agriculture will provide twenty-five percent of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber; jointly to the Committees on Agriculture, Energy and Commerce, and Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 278: Mrs. MUSGRAVE.

H.R. 311: Mr. TERRY.

H.R. 378: Ms. MCKINNEY.

H.R. 550: Mr. VISCLOSKY.

H.R. 552: Mr. SODREL.

H.R. 559: Ms. MCKINNEY and Mr. FATTAH.

H.R. 602: Mr. FATTAH and Mr. FOSSELLA.

H.R. 633: Mr. DICKS.

H.R. 819: Mr. GERLACH, Mr. BAKER, and Ms. BERKLEY.

H.R. 831: Mr. OLVER.

H.R. 916: Mr. SHIMKUS and Ms. ROYBAL-ALLARD.

H.R. 986: Mr. FATTAH and Ms. MOORE of Wisconsin.

H.R. 998: Mr. PORTER and Mrs. WILSON of New Mexico.

H.R. 1106: Mrs. MALONEY.

H.R. 1188: Ms. HOOLEY.

H.R. 1306: Mr. MELANCON, Mr. OBERSTAR, and Mr. SALAZAR.

H.R. 1366: Mr. SANDERS.

H.R. 1372: Mr. GORDON.

H.R. 1380: Mr. BONNER and Mr. LEACH.

H.R. 1384: Mr. BOUCHER, Mr. BURTON of Indiana, Mr. ROGERS of Alabama, and Mr. SIMPSON.

H.R. 1415: Mr. CONYERS.

H.R. 1416: Mr. CUMMINGS.

H.R. 1425: Mr. HONDA, Mr. EVANS, and Ms. ZOE LOFGREN of California.

H.R. 1431: Mr. WELDON of Pennsylvania and Mr. DEFAZIO.

H.R. 1554: Mrs. EMERSON and Mrs. MALONEY.

H.R. 1578: Mr. SCOTT of Georgia.

H.R. 1588: Mr. SABO.

H.R. 1632: Mr. LATOURETTE.

H.R. 1872: Mr. MCCOTTER.

H.R. 1932: Mr. DAVIS of Kentucky.

H.R. 1951: Mr. RAHALL.

H.R. 2048: Ms. LEE.

H.R. 2070: Mr. PAYNE.

H.R. 2071: Mrs. LOWEY and Ms. DELAURO.

H.R. 2076: Mr. SANDERS.

H.R. 2178: Ms. BALDWIN and Mr. EMANUEL.

H.R. 2230: Mr. BASS.

H.R. 2231: Mr. SCOTT of Georgia and Mrs. TAUSCHER.

H.R. 2317: Mr. HUNTER.

H.R. 2553: Mr. WU.

H.R. 2567: Mr. WU.

H.R. 2629: Mr. MOORE of Kansas.

H.R. 2716: Mr. GORDON and Mr. BISHOP of Georgia.

H.R. 2793: Mr. EMANUEL, Ms. HART, and Mr. SCHWARZ of Michigan.

H.R. 2870: Ms. CORRINE BROWN of Florida, Ms. LEE, and Mr. SERRANO.

H.R. 2877: Mr. LYNCH.

H.R. 3183: Mr. POMEROY.

H.R. 3186: Mr. OSBORNE and Mr. FORTENBERRY.

H.R. 3189: Mr. INGLIS of South Carolina.

H.R. 3385: Mr. WAXMAN and Mr. BOSWELL.

H.R. 3427: Mr. GERLACH, Mr. MCHUGH, Mr. JEFFERSON, Mr. THOMPSON of California, Mr. ENGEL, Mr. HINOJOSA, Mrs. MALONEY, Mr. KING of New York, Mr. ACKERMAN, Mr. LYNCH, and Mr. HIGGINS.

H.R. 3466: Mr. KING of Iowa.

H.R. 3476: Mrs. MALONEY, Mr. DENT, Mr. MURPHY, Mr. MANZULLO, Ms. ZOE LOFGREN of California, Mr LANTOS, Mr. MICHAUD, and Mr. WELDON of Pennsylvania.

H.R. 3584: Mr. KUCINICH, Mr. NADLER, Mr. GRIJALVA, Mr. DOGGETT, and Mr. FRANK of Massachusetts.

H.R. 3683: Mr. KUHL of New York.

H.R. 3690: Mr. OLVER.

H.R. 3762: Ms. SCHAKOWSKY.

H.R. 3852: Mr. FATTAH, Mr. PAYNE, and Mr. MORAN of Virginia.

H.R. 3858: Mr. BONNER, Mr. SKELTON, Mr. DELAHUNT, Mr. KUCINICH, and Ms. ROYBAL-ALLARD.

H.R. 3883: Mr. CUELLAR and Mr. GUTKNECHT.

H.R. 3915: Mr. ROGERS of Kentucky.

H.R. 3964: Mr. HINCHEY, Mr. WU, Mr. LEWIS of Georgia, and Mr. ISRAEL.

H.R. 4025: Mr. CUMMINGS, Mrs. EMERSON, Mr. AL GREEN of Texas, and Mr. ENGLISH of Pennsylvania.

H.R. 4059: Mr. MOORE of Kansas.

H.R. 4166: Mr. CAPUANO.

H.R. 4184: Ms. BALDWIN.

H.R. 4188: Mrs. MALONEY, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. CARNAHAN, and Ms. ZOE LOFGREN of California.

H.R. 4201: Mr. CONYERS and Mr. DELAHUNT.

H.R. 4222: Mr. KUCINICH.

H.R. 4232: Mr. FATTAH.

H.R. 4236: Mr. MELANCON, Mr. PENCE, Ms. HERSETH, and Mr. POMBO.

H.R. 4259: Mr. PAUL.

H.R. 4293: Ms. DELAURO.

H.R. 4318: Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. CRAMER, Mr. COOPER, Mr. CUELLAR, and Mr. KANJORSKI.

H.R. 4341: Mr. LEACH, Mr. SOUDER, Mr. POMEROY, and Mr. SWEENEY.

H.R. 4347: Mr. HONDA and Mr. EMANUEL.

H.R. 4384: Mrs. KELLY, Mr. INSLEE, Mr. CUMMINGS, and Mr. LEWIS of Georgia.

H.R. 4409: Mr. PRICE of North Carolina, Mr. TOWNS, Mr. EVERETT, Mr. MCCAUL of Texas, and Mrs. LOWEY.

H.R. 4421: Mr. LEWIS of Kentucky and Mr. NEUGEBAUER.

H.R. 4479: Ms. HOOLEY and Ms. KILPATRICK of Michigan.

H.R. 4597: Mr. THOMPSON of California.

H.R. 4608: Mr. BARTLETT of Maryland.

H.R. 4683: Mr. MCDERMOTT.

H.R. 4695: Mr. KUCINICH, Mr. VISCLOSKY, Mrs. KELLY, and Mr. MCCOTTER.

H.R. 4703: Mr. SIMMONS, Mr. OWENS, Mr. SESSIONS, Ms. BEAN, Mrs. BONO, and Mr. BURGESS.

H.R. 4708: Mr. EVANS.

H.R. 4727: Mr. SMITH of Washington.

H.R. 4730: Mr. LOBIONDO, Mr. COLE of Oklahoma, Mr. GONZALEZ, Mr. MCCOTTER, and Mr. ALEXANDER.

H.R. 4736: Mr. CARNAHAN, Ms. KAPTUR, Mr. JEFFERSON, Ms. BERKLEY, Mrs. MALONEY, Ms. BALDWIN, Mrs. CAPPS, Mr. PALLONE, Ms. CARSON, Mr. CROWLEY, Mr. EVANS, Mr. CUMMINGS, Ms. MCKINNEY, and Mr. TIERNEY.

H.R. 4740: Mr. MANZULLO.

H.R. 4755: Mr. WAXMAN, Mr. MCKEON, Ms. HARRIS, and Mrs. NAPOLITANO.

H.R. 4760: Mr. CARNAHAN and Ms. BORDALLO.

H.R. 4761: Mr. CANNON.

H.R. 4773: Mr. FATTAH.

H.R. 4775: Mr. JINDAL.

H.R. 4828: Mr. PRICE of North Carolina.

H.R. 4836: Mr. HOSTETTLER.

H.R. 4844: Mr. WESTMORELAND.

H.R. 4871: Ms. MCKINNEY.

H.R. 4894: Mr. FOSSELLA, Mr. KELLER, and Mrs. BIGGERT.

H.R. 4897: Mr. CARNAHAN.

H.R. 4902: Mr. NORWOOD.

H.R. 4903: Mr. HOYER and Mr. WAXMAN.

H.R. 4953: Mr. EVANS.

H.R. 4960: Mr. SOUDER.

H.R. 4976: Mr. PAUL and Mr. DELAHUNT.

H.R. 5005: Mr. BARRETT of South Carolina, Mr. RAHALL, and Mr. BONNER.

H.R. 5013: Mr. CHABOT, Mr. BONNER, and Mr. BURTON of Indiana.

H.R. 5022: Mr. VAN HOLLEN and Mr. KUCINICH.

H.R. 5035: Mr. GRIJALVA, Mr. KUCINICH, Mr. MCDERMOTT, and Mr. OWENS.

H.R. 5037: Mr. KIRK, Mr. TERRY, Mr. EMANUEL, Mr. GUTKNECHT, Mr. GARRETT of New Jersey, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. BUTTERFIELD, Mr. SKELTON, and Ms. KILPATRICK of Michigan.

H.R. 5065: Ms. MCKINNEY.

H.R. 5099: Mr. EVANS and Mr. WICKER.

H.R. 5120: Mr. BOUCHER, Mr. ROTHMAN, and Mr. SESSIONS.

H.R. 5129: Mr. KOLBE, Mr. SOUDER, and Mr. WOLF.

H.R. 5134: Mr. GARY G. MILLER of California, Mr. YOUNG of Alaska, and Mr. ROGERS of Michigan.

H.R. 5135: Mr. KANJORSKI.

H.R. 5143: Mr. ISSA, Mr. BARRETT of South Carolina, Mr. MCHENRY, Mr. CALVERT, and Mr. WELDON of Pennsylvania.

H.R. 5150: Mr. VAN HOLLEN, Mr. EMANUEL, and Mr. RAHALL.

H.R. 5158: Mr. MCGOVERN.

H.R. 5159: Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. COLE of Oklahoma, Ms. DEGETTE, Mr. MCCOTTER, Mr. ALEXANDER, Mr. MILLER of North Carolina, Mr. SMITH of New Jersey, Mr. POMBO, and Mr. PITTS.

H.R. 5166: Mr. POMBO, Mr. JEFFERSON, Mr. TIBERI, Mr. JONES of North Carolina, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. GALLEGLY, Mr. CRAMER, Mr. SHADEGG, Mr. CALVERT, Mrs. DRAKE, Mr. PLATTS, Mr. LATOURETTE, Mr. GEORGE MILLER of California, Mr. DELAHUNT, MR. LARSON of Connecticut, and Mr. MARCHANT.

H.R. 5170: Mr. PITTS, Mr. HALL, Mr. FOSSELLA, Mr. BURGESS, Mr. FLAKE, Mr. KOLBE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAYS, and Mr. MILLER of Florida.

H.R. 5177: Mr. JONES of North Carolina.

H.R. 5201: Mr. CARNAHAN, Mr. MEEHAN, Mr. EMANUEL, Mr. SMITH of New Jersey, and Ms. VELÁZQUEZ.

H.R. 5204: Mr. DOYLE, Mr. BROWN of Ohio, Mr. THOMPSON of Mississippi, and Mr. STUPAK.

H.R. 5206: Mr. CALVERT, Mr. FOLEY, Mr. JONES of North Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. REHBERG, Mr. ENGEL, Ms. KILPATRICK of Michigan, Mr. GERLACH, and Mr. WELDON of Florida.

H.R. 5209: Mr. JEFFERSON.

H.R. 5225: Mrs. CAPPS, Mr. PALLONE, and Mr. KILDEE.

H.R. 5230: Mrs. KELLY and Ms. FOXX.

H.R. 5252: Mr. BASS, Mr. FOSSELLA, Mrs. BONO, Mr. HALL, Mr. WYNN, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.

H. Con. Res. 42: Mr. JEFFERSON.

H. Con. Res. 235: Mrs. DAVIS of California.

H. Con. Res. 347: Mr. DAVIS of Illinois, Mr. MCCOTTER, Mr. WEXLER, Mr. KUCINICH, Mr. BASS, Mr. FILNER, Mr. ENGLISH of Pennsylvania, Mr. MCGOVERN, Mr. BAKER, Mr. BISHOP of Georgia, Mr. ABERCROMBIE, Mr. FORD, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. WICKER, Mr. SMITH of Washington, Mr. COLE of Oklahoma, Mr. MILLER of Florida, Mr. SHUSTER, Mr. GORDON, Mrs. JOHNSON of Connecticut, Mr. CASE, Mr. CONYERS, Mr. PETERSON of Minnesota, and Ms. MCCOLLUM of Minnesota.

H. Con. Res. 348: Mr. LEACH.

H. Con. Res. 380: Mr. GONZALEZ and Mr. MCCOTTER.

H. Con. Res. 392: Mr. INGLIS of South Carolina, Mr. GORDON, Mrs. MILLER of Michigan, Mr. LANTOS and Ms. BERKLEY.

H. Con. Res. 393: Mr. MCDERMOTT, Mrs. JONES of Ohio, and Mr. SCOTT of Georgia.

H. Con. Res. 395: Ms. ZOE LOFGREN of California and Mr. EVANS.

H. Con. Res. 396: Mr. INGLIS of South Carolina and Mr. MCGOVERN.

H. Res. 212: Mr. BACA, Ms. CORRINE BROWN of Florida, and Mr. CONYERS.

H. Res. 245: Mr. BROWN of Ohio.

H. Res. 327: Mr. KUCINICH and Mr. DICKS.

H. Res. 675: Mr. KENNEDY of Rhode Island and Mr. FATTAH.

H. Res. 697: Mr. MCCOTTER and Mr. WEXLER.

H. Res. 699: Mr. MILLER of North Carolina and Ms. DELAURO.

H. Res. 720: Mr. MANZULLO and Mr. SOUDER.

H. Res. 723: Mrs. DAVIS of California, Mr. EVANS, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. CUMMINGS, Mr. LIPINSKI, Ms. ESHOO, Mr. CAPUANO, Mr. SCHIFF, Mr. HINCHEY, Mr. MEEKS of New York, Mr. WU, Mr. PENCE, Mrs. NAPOLITANO, and Mr. WOLF.

H. Res. 727: Mr. GONZALEZ and Ms. BERKLEY.

H. Res. 729: Mr. SHERMAN.

H. Res. 745: Mr. WEXLER, Mr. JEFFERSON, Mr. MCGOVERN, Mr. MCHUGH, and Ms. HARMAN.

H. Res. 758: Mr. PASCRELL.

H. Res. 759: Mrs. NAPOLITANO, Mr. CASE, Mr. PAYNE, and Mrs. MALONEY.

H. Res. 760: Ms. BORDALLO, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CASE, Mr. CASTLE, Ms. DELAURO, Mrs. DRAKE, Mr. FARR, Mr. FOLEY, Mr. FOSSELLA, Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. HARRIS, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. KING of New York, Mr. KIRK, Mr. LOBIONDO, Mr. LYNCH, Mr. MCINTYRE, Mr. MACK, Mr. ORTIZ, Mr. PAUL, Mr. ROHRABACHER, Mr. ROTHMAN, Mr. SAXTON, and Mr. WALSH.

H. Res. 773: Mr. KIRK, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. FOLEY, Mr. INSLEE, Ms. BERKLEY, Mr. BLUMENAUER, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mrs. MCCARTHY, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. SHERMAN, Mr. WAXMAN, Mr. WEXLER, Mr. HOLDEN, Mr. BURTON of Indiana, and Mr. HONDA.

H. Res. 784: Mr. LANTOS, Mrs. DAVIS of California, Mr. BROWN of Ohio, Mr. CROWLEY, and Ms. DELAURO.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO LINCOLN UNIVERSITY'S PUBLIC RADIO STATION KJLU–FM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate the KJLU–FM public radio station of Lincoln University in Jefferson City, Missouri. KJLU was named Black College Radios Station of the Year at the 28th Annual Black College Radio and Television Conference in Atlanta, Georgia.

KJLU, founded in 1973, was presented with the Station of the Year award for excellence in broadcasting on April 1, 2006. The station had previously been honored as Station of the Year in 2003, with the Program Director of the Year award in 2004, and as Station with the Most Community Involvement in 2005. KJLU continues to help the community by aiding in local fund-raising and recording and distributing public service announcements. Mike Downey, one of KJLU's station producers, was recently named United Way's Missouri Volunteer of the Year.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating the students and staff at KJLU for their accomplishments and in wishing them luck in all their future endeavors.

EVACUEE STUDY FINDS DECLINING HEALTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today in acknowledgment of a recent article in the New York Times which detailed the declining health of Hurricane Katrina survivors. The piece reiterated that we must act now to aid the many sufferers in Louisiana. Eight months since the disaster and many are still without prescription drugs, adequate housing, food, and security. This is not the type of problem that will heal itself in the matter of a few weeks or months, but of a timetable unknown to us.

It is a glaring contradiction to say that we as members of the federal government have served the people of New Orleans to the best of our ability. Not when the rates of mental disorders, and many chronic conditions such as asthma are on a steady rise as the Mailman School of Public Health at Columbia University and the Children's Health Fund concluded in their study of the health impacts upon the Katrina survivors. Because of the lack of prescription medications and health insurance, people are not able to get the medical treatment that they need.

Among the findings in the study, 34 percent of displaced children suffer from disorders such as asthma, anxiety and behavioral problems, compared with 25 percent in urban areas of Louisiana before the storm. 14 percent of those children have gone without prescription medication at least 3 months before this study which was conducted in February, compared to 2 percent before the storm and the numbers do not lie.

We have children in Louisiana who have missed huge blocks of class time because families are moving so much to provide better lives for them, with an average of 3.5 times since the storm. There is no reason why a woman caring for seven school-age grandchildren, none who were in school during the time of the survey, was battling high blood pressure, diabetes and leukemia without any medical treatment. She was later admitted to the hospital for pains that she has had since January. She said that it had become "unbearable", and nothing is making it easier for people just like her.

We must make it easier for people to receive the necessary care that they need. The study highlighted the fact that both Congress and the State of Louisiana eased eligibility requirements for Medicaid after the storm, and because each state sets its own guidelines, some families who got food stamps and assistance in other states were no longer eligible when they returned home and that is just unacceptable

Trauma related disorders caused by Hurricane Katrina will have lasting impact on the lives of these children. Future American generations will have to shoulder the burden left behind from the previous. Dr. Irwin Redlener, the director of the National Center for Disaster Preparedness at Mailman and co-founder of the Children's Health Fund made it clear that "children do not have the ability to absorb six or nine months of high levels of stress and undiagnosed or untreated medical problems" without long-term consequences. Our mental health system is not prepared to handle the amount of care it now faces unless more treatment dollars are funneled into the system.

I enter into the RECORD this article from the New York Times published on April 18, 2006 for its insightful look at the real problems in the aftermath of Hurricane Katrina. The longer we wait to enforce legislation the more suffering these Americans will have to endure. I think it is safe to say that the study told us in conclusive numerical evidence what we already knew in story form according to Erin Brewer, the medical director of the Office of Public Health at the Louisiana Department of Health. The facts are clearly laid out and we no longer can afford to ignore them.

[From the New York Times, Apr. 18, 2006]

EVACUEE STUDY FINDS DECLINING HEALTH

(By Shaila Dewan)

Families displaced by Hurricane Katrina are suffering from mental disorders and chronic conditions like *asthma* and from a lack of prescription medication and health insurance at rates that are much higher than average, a new study has found.

The study, conducted by the Mailman School of Public Health at *Columbia University* and the Children's Health Fund, is the first to examine the health issues of those living in housing provided by the Federal Emergency Management Agency. Based on face-to-face interviews with more than 650 families living in trailers or hotels, it provides a grim portrait of the hurricane's effects on some of the poorest victims, showing gaps in the tattered safety net pieced together from government and private efforts.

Among the study's findings: 34 percent of displaced children suffer from conditions like asthma, anxiety and behavioral problems, compared with 25 percent of children in urban *Louisiana* before the storm. Fourteen percent of them went without prescribed medication at some point during the three months before the survey, which was conducted in February, compared with 2 percent before the hurricane.

Nearly a quarter of school-age children were either not enrolled in school at the time of the survey or had missed at least 10 days of school in the previous month. Their families had moved an average of 3.5 times since the storm.

Their parents and guardians were doing no better. Forty-four percent said they had no health insurance, many because they lost their jobs after the storm, and nearly half were managing at least one chronic condition like *diabetes*, high *blood pressure* or *cancer*. Thirty-seven percent described their health as "fair" or "poor," compared with 10 percent before the hurricane.

More than half of the mothers and other female caregivers scored "very low" on a commonly used *mental health* screening exam, which is consistent with clinical disorders like *depression* or anxiety. Those women were more than twice as likely to report that at least one of their children had developed an emotional or behavioral problem since the storm.

Instead of being given a chance to recover, the study says, "Children and families who have been displaced by the hurricanes are being pushed further toward the edge."

Officials at the Louisiana Department of Health and Hospitals said the study's findings were consistent with what they had seen in the field.

"I think it told us in number form what we knew in story form," said Erin Brewer, the medical director of the Office of Public Health at the department. "We're talking about a state that had the lowest access to primary care in the country before the storm. And a population within that context who were really, really medically underserved and terribly socially vulnerable."

Ms. Brewer said that some of the trailer sites were regularly visited by mobile health clinics, but acknowledged that such programs were not universally available. Neither Congress nor the State of Louisiana eased eligibility requirements for Medicaid after the storm, and because each state sets its own guidelines, some families who received insurance and food stamps in other

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

states were no longer eligible when they returned home.

While state officials said $100 million in federal block grants was in the pipeline for primary care and mental health treatment, the study's authors said the need was urgent.

"Children do not have the ability to absorb six or nine months of high levels of stress and undiagnosed or untreated medical problems" without long-term consequences, said Dr. Irwin Redlener, the director of the National Center for Disaster Preparedness at Mailman and co-founder of the Children's Health Fund.

The households included in the study were randomly selected from lists provided by FEMA. They included families living in Louisiana in hotels, trailer parks managed by the disaster agency and regular trailer parks with some FEMA units. A random sample of children in the surveyed households was selected for more in-depth questioning.

For comparison, the study used a 2003 survey of urban Louisiana families conducted by the National Survey of Children's Health.

David Abramson, the study's principal investigator, said it was designed to measure the social and environmental factors that help children stay healthy: consistent access to health care and mental health treatment, engagement in school, and strong family support.

In the Gulf Coast region, where child health indicators like infant mortality and poverty rates were already among the highest in the country, Dr. Abramson said, "all of their safety net systems seem to have either been stretched or completely dissipated."

The study's authors raise the prospect of irreversible damage if children miss out now on normal development fostered by stable schools and neighborhoods.

One couple told interviewers their three children had been enrolled in five schools since the hurricane, in which one child's nebulizer and breathing machine were lost. The equipment has not been replaced because the family lost its insurance when the mother lost her job, they said, and the child has since been hospitalized with asthma.

In another household, a woman caring for seven school-age grandchildren, none of whom were enrolled in school at the time of the survey, said she was battling high blood pressure, diabetes and leukemia.

That woman, Elouise Kensey, agreed to be interviewed by a reporter, but at the appointed hour was on her way to the hospital, where she was later admitted. "I've been in pain since January, and I'm going to see what's wrong," she said. "It's become unbearable."

One woman who participated in the survey, Danielle Taylor, said in an interview that she had not been able to find psychiatric care for herself—she is bipolar—or her 6-year-old daughter, who not only went through the hurricane but had also, two years before, been alone with Ms. Taylor's fiancé when he died.

The public clinic Ms. Taylor used to visit has closed since the storm, she said, and the last person to prescribe her medication was a psychiatrist who visited the shelter she was in four months ago. No doctors visit the trailer park in Slidell, La., where she has been staying, she said.

Ms. Taylor said that her daughter, Ariana Rose, needed a referral to see a psychiatrist, but that her primary care physician had moved to Puerto Rico. "She has horrible rages over nothing," Ms. Taylor said. "She needs help, she needs to talk to somebody."

The survey found that of the children who had primary doctors before the storm, about half no longer did, the parents reported. Of those who said their children still had doctors, many said they had not yet tried to contact them.

The study's authors recommended expanding Medicaid to provide universal disaster relief and emergency mental health services, as well as sending doctors and counselors from the federal Public Health Service to the region.

The Children's Health Fund, a health care provider and advocacy group, is not the only organization to raise the alarm about mental health care for traumatized children after Hurricane Katrina. A report issued earlier this month by the Children's Defense Fund said youngsters were being "denied the chance to share their bad memories and clear their psyches battered by loss of family members, friends, homes, schools and neighborhoods."

Anthony Speier, the director of disaster mental health for Louisiana, said that while there were 500 crisis counselors in the field, the federal money that paid for them could not be used for treatment of mental or behavioral disorders like depression or substance abuse. Instead, he said, much of their effort goes into short one-on-one sessions and teaching self-help strategies in group settings.

"The struggle for our mental health system is that our resources are designed for people with serious mental illnesses and behavior disorders," Dr. Speier said. "But now the vast population needs these forms of assistance."

Dr. Speier continued, "What we really, from my vantage point, could benefit from is a source of treatment dollars."

According to the study's authors, the post-storm environment differs significantly from other crises because of its uncertain resolution.

"This circumstance is being widely misinterpreted as an acute crisis, somehow implying that it will be over in the near term, which is categorically wrong," Dr. Redlener said. "This is an acute crisis on top of a pre-existing condition. It's now a persistent crisis with an uncertain outcome, over an uncertain timetable."

TRIBUTE TO COLONEL SHARON B. WRIGHT, UNITED STATES AIR FORCE NURSE CORPS, ON THE OCCASION OF HER RETIREMENT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in recognition of a great American and a true military heroine who has honorably served our country for 26 years in the Air Force Nurse Corps: Colonel Sharon B. Wright. Colonel Wright has a long history with the Air Force. She was born at Travis Air Force Base, CA and graduated from Hillcrest High School, Sumter, South Carolina when her father, Chief Master Sergeant Edward J. Wright, was stationed at Shaw Air Force Base, South Carolina. Colonel Wright followed the career path of her father, a 30-year Air Force Chief, and her mother, a Licensed Practical Nurse, both natives and current residents of Charleston, South Carolina. In 1980, she was commissioned through ROTC, and she was then assigned to Mather Air Force Base, California. Experienced and desiring to make a difference, she next served at Kunsan Air Base, Korea and Langley Air Force Base, Virginia, where she deployed to Honduras with the U.S. Army.

In each assignment she excelled and was rewarded with greater responsibilities and opportunities. In 1988, she became the Chief, Nurse Recruiting Branch, at Gunter Air Force Base, Alabama. A proven leader, she was the Top Recruiter in 1988 and 1991, and she received the Recruiting Standard of Excellence award in 1990. In 1991, she assumed duties as the Coordinator of Maternal Health Services at Dover Air Force Base, Delaware. In 1994, Colonel Wright was assigned to Randolph Air Force Base, Texas, as a Nurse Utilization Officer. During her tenure she completed over 2000 assignments, managed five commands, and maintained staff levels at an unprecedented 95-plus percent.

In 1998 Colonel Wright assumed her first command at Incirlik Air Base, Turkey. As the Squadron Commander, she also assumed the roles as the Chief Nurse Executive and Deputy Group Commander. Incirlik presented significant challenges. Three weeks after arrival, a devastating 6.3 earthquake hit. Colonel Wright took charge as the on-scene Medical Group Commander. After her stellar performance at Incirlik, she went on to her second assignment as Squadron Commander at Laughlin Air Force Base, Texas in 1999. Her astute leadership led to her appointment as Deputy Program Executive Officer at the Joint Medical Information Systems Office and Force Development Program Manager at the Office of the Surgeon General, at Bolling Air Force Base, Washington, DC.

Colonel Wright's last assignment brought her back to Texas as the Chief, Nurse Utilization and Education Branch, Randolph Air Force Base, Texas. In this position, she was responsible for managing assignments, career progression, and sponsored educational opportunities for 3,700 Air Force Nurses. Colonel Wright is a meritorious leader, administrator, clinician, educator, and mentor. Throughout her career, she has served with valor and profoundly impacted the entire Air Force Medical Service. Her performance reflects exceptionally on herself, the United States Air Force, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful nation for her over 26 years of dedicated military service. Congratulations, Colonel Sharon B. Wright. I wish you Godspeed.

RECOGNIZING MRS. BLANCHE FELIX

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. SOLIS. Mr. Speaker, today I rise to recognize the contributions of an outstanding member of my community, Mrs. Blanche Felix. Mrs. Felix was born in Globe, Arizona, and has lived most of her life in Southern California. In 1946, Mrs. Felix moved to the San Gabriel Valley with her husband, where they have resided ever since, initially in South El Monte and later in El Monte.

Throughout her life, Mrs. Felix has sought to improve her community and the lives of those around her. Her dedication to her community has been continuous and prodigious. Mrs. Felix has served as an active member, officer, and often president of numerous organizations including Youth Employment Services, Coordinating Council, Soroptomist International, El Monte Women's Club, Lions Club, El Monte Republican Women's Club, and the Parent and Teachers Association. She was a leader in the successful effort to incorporate the City of South El Monte, as well as a leader in the successful campaign to establish El Monte as the true end to the Santa Fe Trail.

During the past 25 years, Mrs. Felix has served as a member of the El Monte City Parks and Recreation Commission, Property Maintenance Commission, and Personnel Commission. She has also advocated on behalf of small businesses to protect them from damages from groundwater contamination, securing relief for many small businesses.

Mrs. Felix's commendable commitment to serving others has been expressed throughout her life not only through her work in the community, but also through her equally strong dedication to her family and friends.

As a resident of El Monte myself, I wish to express my sincere respect and appreciation for Mrs. Felix's contributions to our community.

TRIBUTE TO EILEEN TOY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. McCOTTER. Mr. Speaker, I rise today to honor the achievements and mourn the passing of Eileen Toy, born August 28, 1928.

For more than four decades, Eileen worked to improve the Michigan communities in which she lived. With her husband, Glen Toy of the Livonia Police Department, Eileen moved to Livonia, Michigan, during the 1950's. After graduating with honors from the University of Michigan with a Bachelors degree in Education, Eileen earned a Masters in Education Management degree from Eastern Michigan University. She went on to serve in the Wayne-Westland Community schools as a teacher and an administrator.

Eileen is remembered as a confidant to her friends, an inspiration to her students, and caregiver to her children, Laura, Glen, Carol, and Bruce. Her biting sense of humor, brilliance, and quick-wit will sorely be missed,

Mr. Speaker, during her 77 years, Eileen Toy has enriched the lives of people around her. Today, I ask my colleagues to join me in mourning her passing and remembering her contributions to our community and our country.

TRIBUTE TO LEO GREENBLUM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Leo Greenblum for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Leo Greenblum was born in 1923 in Augustow, Poland, and moved with his family to Tampico, Mexico, in 1926 in search of a better life. His family later moved to Nuevo Laredo, where his brother, Irving Greenblum, was born. He graduated from Texas A&M University with a chemical engineering degree in 1946 after his military service in World War II.

Mr. Greenblum has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as Tesoro Savings and Loan, Mercy Hospital, and the Nuevo Laredo Chamber of Commerce. He also operated Mueblerias Mexico, the largest retail furniture and accessory business in Nuevo Laredo, for 65 years, before closing the business in 2002 to enjoy retirement with his wife, Sue, and his three children and four grandchildren.

For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction as a laureate into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Leo Greenblum, and I thank you for this time.

SALUTE TO SYBYL ATWOOD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Sybyl Atwood. For the past 40 years Sybyl has been the linchpin of the social services community in my hometown, Flint Michigan. On May 11 she will be honored for her selfless work on behalf of the less fortunate at a dinner hosted by the Resource Center in Flint.

Relocating to the Flint area after earning her Baccalaureate Degree in Community Development from Central Michigan University, she gathered together a group of volunteers on February 14, 1966 and founded the Volunteer Bureau. Serving as the chief executive officer of the Bureau for more than 20 years, Sybyl defined its direction as an organization promoting volunteerism, grassroots community involvement and expanded delivery of social services in the Flint area. The Bureau evolved into the Voluntary Action Center in 1989 and Sybyl continued at its helm. After merging with United Way, the Voluntary Action Center became part of the Resource Center. Sybyl continues to head the Volunteer Services at the Resource Center.

Thousands of volunteers have benefited from her training and guidance. She compiled the Genesee County Community Sourcebook, a reference book listing over 400 service agencies in Genesee County. Sybyl is also responsible for assembling the information and the publishing of the Emergency Assistance Directory, the Youth Volunteer Opportunities Directory, and the Reduced Income Planning Guide. She also coordinates the weekly Volunteer Here column in the Flint Journal and runs the Information and Referral Program. This program receives about 350 calls per month from persons seeking emergency assistance.

For her service to the community Sybyl has received the American Society of Training and Development Chapter Award for Service, City of Flint Human Relations Commission People's Award, Genesee County Bar Association Liberty Bell Award, Toastmaster International Regional Communication and Leadership Award, the YWCA of Greater Flint Nina Mills Women of Achievement Award, the Rotary Club's Paul Harris Award, Citizen of the Year Award from the National Association of Social Workers, and earlier this week Michigan State University named her the 2006 Outstanding Field Educator for the Flint Program.

In addition to her work with Volunteer Services, Sybyl is also a founding member of the Emergency Services Council, the Genesee County Service Learning Coalition, the local Americorps collaborative, and has found time to work toward a master's degree in Public Administration. As a member of the Committee Concerned with Housing, she is currently studying the gaps in service in the emergency housing sector. Sybyl works within her neighborhood promoting the historic Carriage Town area and the propagation of Michigan's indigenous plants and grasses.

Mr. Speaker, Sybyl Atwood embodies the sentiments in her favorite quotation, "While there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free." She is a champion of the poor, the helpless, and the innocent. I am proud of my association with her, grateful for the good that she does, and treasure her inspiration, commitment and wisdom. The Flint community is a more humane place because of Sybyl Atwood. I ask the House of Representatives to rise today and join me in honoring this exceptional woman.

NATIONAL WAR COLLEGE CELEBRATES 60TH ANNIVERSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate the National War College on 60 years of excellence in national security policy and strategic thinking education. On April 5, 2006, I had the privilege to address the Commandant's dinner in celebration of this anniversary and I am proud to share that speech with the Members of the House:

NATIONAL WAR COLLEGE 60TH ANNIVERSARY

THE NEXT 60 YEARS

Ladies and Gentlemen, thank you. I am honored that you asked me to be your speaker. And thank you, General Peterson for that generous introduction.

First, I have to say Congratulations. What you have built here is truly a *national treasure*. You can be proud, as the entire nation should be, of this school and your product—because your product literally is the strength of this nation as we anticipate and respond to world events. Among your students and your faculty, you have educated some of the finest strategists this country has ever produced.

I was going to give a short speech. But then I thought about the critical time we live in and got excited all over again about National War College. I don't want to take too much time with serious thoughts, but it is important to reflect on our past in order to respond to the challenges ahead.

Sixty years ago, it was a novel idea—to create a college that would focus on grand strategy and bring together a diverse student body and faculty—senior officers from all the services and senior officials from the state department and, later, other agencies.

This was a place where students were presented with strategic dilemmas, with a curriculum that "focused on the interrelationship of military and non-military means in the promulgation of national policy."

In 1946 Ambassador George Kennan, the first deputy for foreign affairs here, explained that in those days of "transition and uncertainty," there was little in the policy world being done on the relation between war and politics. Kennan noted, "American thinking about foreign policy had been primarily addressed to the problems of peace, and had taken place largely within the frameworks of international law and economics. Thinking about war, confined for the most part to military staffs and institutions of military training, had been directed . . . to technical problems of military strategy and tactics—to the achievement, in short, of victory in purely military terms."

Kennan saw *this school*—its curriculum and its student/faculty interaction—as a home for the development of new strategic thinking at the beginning of the Cold War.

Through the years, National War College faculties have done a magnificent job teaching national security policy and strategy. This College's special place among the senior schools of Professional Military Education has been based on your attention to grand strategy. As Lieutenant General Leonard T. Gerow—President of the Board which recommended the War College's formation—said, "The College is concerned with grand strategy and the utilization of national resources necessary to implement that strategy . . . Its graduates will exercise influence on the formulation of national and foreign policy in both peace and war." It has also been based on your insistent attention to academic rigor. And, your excellence has been based on the inclusion, from the beginning, of interagency and international students. These elements of excellence, in the context of a residential program that builds lasting ties between officers of different services, different countries and different agencies, is unmatched anywhere.

Congress has been supportive of your continuing advances in all these areas. I guess I don't have to remind you of my role in the Goldwater-Nichols reforms to increase "jointness" among the services and my investigations of the Professional Military Education system.

But we can't rest here. Keeping your institution relevant and on the sharp edge takes the constant attention of Congress and the Chairman in support of each new Commandant, and Dean, and the faculty.

Your graduates test your teaching every day in a very complex environment. Senior decision makers have made some mistakes that have increased the difficulty of their missions. I know the current students review successes and difficulties as case studies so they will be even better prepared. But while today's wars demand our focus, we need to be careful we don't become so myopic that we fail to see the great challenges and opportunities ahead.

One challenge is that, with all our advanced technology, when we still have failures. I believe this is because we are ill-equipped intellectually and because we don't work together well enough. Our successes are achieved because our most astute military and civilian leaders understand people, cultures, and root causes of problems or conflicts. *And* they anticipate opportunities. In Iraq, Afghanistan, the global war on terror, and even with Katrina and beyond, human interactions have caused great uncertainty for our security at home and abroad. Just these few examples show why any success we have is not just a matter of doctrine and technology.

We can all think about failures among leaders at transitional periods such as Robert E. Lee at Gettysburg. He failed to grasp the impact on war of the transition from an agricultural to an industrial age. This lesson shows that what might appear to be tactical mistakes are really strategic! And I'm convinced, we are once more at a transitional period in our history just as Kennan was sixty years ago.

Today we not only face the continuing transition from the industrial to the information age, but we are also recognizing that adversaries can capitalize on technologies in unanticipated ways. As new technologies have increased the complexity of our world, we see two other phenomena. Our adversaries use tactics we would be familiar with if we studied history. And, with our focus on technology, we must not neglect the critical dimension of human interaction.

This brings me to my real point. The challenges and opportunities before us place as great an intellectual demand on our national security professionals as at any time in our history. And while their understanding of the art of war and international relations might be pretty good today, it must be even better tomorrow. And it must be broader. It must be even better integrated across all the instruments of national power. And it must be more expansive to include nontraditional national security partner agencies and departments, as well as more and different foreign partners.

Beyond the employment of joint forces, beyond the effort to pursue the newest technologies of the science of warfare, you know that National War College graduates must be prepared not just to adopt technical transformation, but also must understand the art of statecraft as well as war.

While I do not pretend to understand the Future Combat System or the avionics of the F–22, I do know they will be useless unless we have wise leaders who know the value of all the instruments of national power and have the skills to use them at the appropriate times and in the appropriate combinations. I know it's easy to measure the increased payloads and speeds brought by new technology. But while it's difficult to quantify the value of a Kennan, a Powell, or a Pace, it's more important than ever to recognize the value of our best strategists.

As we used to say about jointness, "this can't be a pick up game." Now, it's our interagency planning and operations, and our focus on a broader definition of national security that must not be ad hoc or "come as you are."

What would help? I want to challenge the Services and other agencies, to design systems that deliberately select the right people for the right level of professional education and the right school for strategic studies. They should be able to articulate why they send one person to Air, Naval or Army War College and another to this College or ICAF, or to a Fellowship. At the same time, they need to place a real value on how well their members take on what is taught. Your graduates' future assignments should not only reflect that they went to the premier interagency national security strategy institution. Their selection for command, senior leadership, and interagency positions should be based in greater measure on how well they perform here. Did National War College Distinguished Graduates and outstanding faculty get treated any differently by their Service detailers or their agency human resource directors than those who did not do quite as well, or as those who were not selected for this outstanding education? Perhaps they went back to the very same job they were doing. This is what I mean when I have spoken about the Services taking intellectual performance at PME seriously. This is what I mean when I critique them for not promoting officers who have excelled teaching or studying world affairs and the art of war and politics.

Is this impossible? Only if we're wedded to machine age personnel systems. The Services and agencies need information age human resource systems that can recruit, retain, train and educate the innovative people we need in government and the military.

And, we need a sufficient number of people in the Services and agencies if we are going to build intellectual capital, fight these wars and prepare for the next catastrophe or conflict. We have to have enough people to be able to send exceptional military and agency leaders to be students or faculty in school assignments. The cost of preparing for the challenges of tomorrow pale in comparison to the price we will pay if we are caught without the cadre of wise leaders we need for the future.

You know, whenever I haven written the Chairman, or NDU President or you as Commandants a letter, I have been pretty consistent in my questions. Do you select the right officers and civilians to serve as faculty and in the right balance? Have you kept your faculty to student ratio low with 10–12 students per seminar? Are you emphasizing history, political science and foreign area studies? Does the faculty have these credentials? Do you have the resources to ensure your students are able to conduct field or regional studies? Do your resources enable faculty to contribute to national strategy and policy through research and sabbaticals? Do you stay relevant by using real world and historical case studies? Have you fully integrated your reserve component, civilian and foreign students?

To me these are not academic questions, if you will pardon the expression. These are about the character and the continued relevance of this school.

Let me be clear. We know that the National War College has no counterpart among civilian universities. Not Harvard, not Princeton, not Stanford—none of them has a faculty, or curriculum or student body remotely comparable. This College must be protected and supported as the elite institution it is. The nation's future security requires it. The quality of the faculty, of the instruction, of the curriculum, of the students must not be compromised. A false choice must never be forced on us between spending on current operations and new military technologies, and investing in the education of our future premier national strategists.

For sixty years the National War College has been the crown jewel of Professional Military Education. Since the days when President Harry Truman sat in student seminars to learn about the Soviet Union, this College has been the place where strategic thinking has been nurtured, taught and refined. At a historic moment of great challenge and peril George Kennan, worked in this building, to formulate the containment strategy that ultimately won the Cold War without a nuclear exchange. Today, at another moment of great challenge, the need for strategic direction and thinking could not be greater. The price of failure is far too high. We *have* to get it right. We have to have wise people, with the right education, in the right positions, to think through these challenges and take action in concert.

When you think about all the political debates, the expedient compromises, and the resource trade-offs that take place in this town each day, it's a miracle that a college of this quality has been able to survive and prosper within the larger bureaucratic confines of the government. In a more immediate sense, I have always been concerned that bureaucracies can kill even the healthiest intellectual organization. A college such as this can decline and die if bureaucracies and administrative arms bloat while they cut corners, dumb down, impose numbing uniformity, enshrine group think, standardize mediocrity or gorge themselves on the resources meant to be spent on the real stuff of education—the interaction between small groups of faculty and students wrestling with the profound issues of the day.

The National War College has always embodied something unique. As I look at you leaders of this college during different eras of war and peace, I sense a continuity of intellectual engagement and energy in these historic halls. It is called excellence.

Why is it here? Yes, you have an outstanding faculty, and superior students, an ever adapting curricula and your wonderful location here in Washington.

But the key, from the beginning—the genius of General Eisenhower's vision—is that experienced professionals from various backgrounds and come together, over an extended period of time, to learn from each other, and to tackle problems together in an environment that fosters understanding. This is one institution that has had no agenda other than to make wise and thoughtful leaders. In the current atmosphere of partisan tensions, this College remains a refuge from the bureaucratic skirmishes and wars.

As the first War College Commandant, Admiral Harry T. Hill explained, his intention was to "make the students ponder", to give the students practical problems upon which to think and arrive at individual conclusions.

This is a safe space for men and women to engage each other in the search for a better understanding of each others' agencies and departments. They can gain a true appreciation of the character and conduct of war, the complexity of strategy, and the utility of the diplomatic, political and economic instruments of state. Your product is strategists. They are still critical to our future.

I can see this in your graduates . . . General Pace, our Chairman; General Martin Dempsey on the ground now in Iraq; David Sedney, our first senior State Department officer in Afghanistan after 9/11 and now deputy chief of mission in China; Buzz Mosley, Chief of Staff of the Air Force . . . generals, ambassadors, foreign military officers, and interagency leaders. Even one of our newest Armed Services Committee staffers, Lorry Fenner, is a former member of your faculty and a National War College graduate. I could go on and on . . .

This is a proud tradition and serves as the foundation for the next 60 years ahead. I hope the War College will continue to lead the way in inter-agency and inter-service strategic education. As we broaden our definition of the national security community to include homeland defense and increased international cooperation, I hope that the War College model and experience can be used to broaden government's approach to our nation's challenges.

George Kennan, typing away in his office right next door to this room, charted a strategy to meet a past threat . . . a policy that endured and was adapted, through Administrations of both parties. You all have been the watchful guardians of this heritage.

I want to challenge you tonight continue to work with us in Congress and at this College to think about how to improve interagency planning and operations to defeat our adversaries and to capitalize on opportunities. Lend your wisdom to the significant questions we face today—should we be working on a National Security Act for 2007 or 2009? How can we adapt a Goldwater-Nichols type reform to the interagency process? These are only two of the topics we wrestle with. You can see how significant they are and imagine the sustained, long term effort they will require.

So, we enjoy a celebration tonight, but tomorrow we must start again to renew and reinvigorate this great project of creating national security strategists. Given your history, and the imperative for the future, I am confidant this College's faculty and students are up to this challenge.

Thank you for including me in your celebration. I welcome your continued engagement on these issues.

A FAREWELL TO CITIGROUP—WEILL BUILT A GIANT A DEAL AT A TIME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend the now retired Citigroup chairman Sanford I. Weill for achieving the status as one of the most powerful financiers this Nation has ever seen. Mr. Weill is credited as being the architect of a global financial powerhouse from his many business deals and mergers, especially the merger of Citigroup and Travelers in 1998.

Sanford I. Weill is the true embodiment of the American dream. A youth growing up in Brooklyn during the 1940s, Weill changed the way business deals were brokered. The retirement of Sanford I. Weill has been called by many as an "end of an era", a time when Wall Street seemed to be increasingly dominated by hedge funds and private equity firms run by nameless and faceless yet powerful financial brokers. Weill is among the last of the classic deal makers who broke many of the rules and rewrote history on Wall Street as never seen before.

Mr. Weill does not plan to return to Citigroup and has since passed on the corporation to his successor, Charles O. Prince III the current chief executive.

Retirement for Mr. Weill now consists of an array of philanthropic endeavors such as doing work for the National Academy Foundation, a nationwide network of career-themed "schools within schools" that he established, Carnegie Hall, where he has been chairman for the last 15 years and the Weill Cornell Medical College. Weill also wishes to involve himself in health relief efforts for people in Africa, a continent with compelling needs to which Mr. Weill's compassion and success has been drawn and which can only benefit from his commitment and energy.

I am pleased to enter into the CONGRESSIONAL RECORD an article published in the New York Times on Tuesday April 18, 2006 entitled, "A Farewell to Citigroup", for its recognition of Mr. Weill for the many years that he has put into Citigroup and also for his commitment to philanthropy thereafter.

A FAREWELL TO CITIGROUP

(By Julie Creswell and Eric Dash)

Entering his sun-filled office in Citigroup's Manhattan headquarters, Sanford I. Weill punched a few buttons on a computer near a window before looking over his shoulder and smiling broadly. When asked if he had just looked at Citigroup's stock price, he shrugged his shoulders as if to suggest he could not help himself.

"It's up 35 cents; it's a good day," he noted.

For years, Mr. Weill and Citigroup were, for all intents and purposes, synonymous. During decades of deal making, he built one of the most powerful and influential financial institutions in the world.

Today, at the annual Citigroup shareholder meeting at Carnegie Hall, Mr. Weill, 73, will cross the stage and take his final bow as chairman.

Looking tan and fit thanks to a new diet regimen (exercise, no bread, no butter and, for good measure, no gin), a spirited and joking Mr. Weill insisted that while he intended to keep a close eye on the company and its stock price, he was ready to retire.

"I think it's now time for me to turn the page and go to the next chapter of my life," Mr. Weill said yesterday. "I've hung around long enough as the chairman, and I think the company will be well served by having the chairman and the C.E.O. being the same person."

Mr. Weill's successor, Charles O. Prince III, the chief executive, assumes the post of chairman today. Citigroup, to be sure, is not sending Mr. Weill away with nothing more than a gold watch and a big thank-you. A black-tie invitation-only party was held last night at the Temple of Dendur in the Metropolitan Museum of Art.

About 350 of New York's political, financial and cultural elite were expected to attend, including James Dimon of J.P. Morgan

Chase; Philip J. Purcell, the former chief of Morgan Stanley; the Rev. Jesse Jackson; and the cellist Yo-Yo Ma. Guests nibbled on tiny treats and toasted Mr. Weill's storied career.

The celebration was as much about Mr. Weill's charitable activities—for Carnegie Hall, the Joan and Sanford I. Weill Medical College of Cornell and a national education initiative—as it is about his leadership of Citigroup.

The party also seemed to suggest the passing of an era. At a time when Wall Street seems to be increasingly dominated by hedge funds and private equity firms run by nameless and faceless yet undoubtedly powerful financiers, Mr. Weill, once a volatile and insecure boy from Brooklyn, is a throwback. He is among the last of the classic deal makers who broke many of the rules and rewrote history on Wall Street.

As for Mr. Weill's retirement nest egg, it is all but layered in gold. After earning nearly $1 billion from salary, bonuses and options cashed in over the last decade, Mr. Weill will receive a pension worth more than $1 million a year.

Under a 10-year consulting contract with Citigroup, he will earn a daily rate of $3,846 for dispensing advice for up to 45 days a year. Citigroup will also cover the costs of a car and driver, health and dental insurance for him and his wife, Joan, and rent for an office in the General Motors Building, as well as administrative support.

Mr. Weill, meanwhile, will continue to fly at no charge on Citigroup jets for the next 10 years. (He voluntarily reduced that benefit, which originally was to allow him free access to the Citigroup fleet for life.)

One thing Mr. Weill insists he is not going to do in retirement is start a private equity fund. Last summer, Mr. Weill landed in a white-hot media glare after he approached the board about starting such a fund. The board decided that such an endeavor would be competitive and told Mr. Weill that, if he left early to pursue it, he would have to forgo some retirement perks. Mr. Weill ultimately decided not to pursue the venture, and he said he had not changed his mind.

"They ended up doing me a big favor. Knowing my personality, whatever I'm going to get involved in, that rush is going to come again that we have to do it the best," Mr. Weill said. "I wanted to do something different, and this gives me the opportunity to do it." Despite reports last summer of growing tensions between him and his successor, Mr. Weill said he believed the company—and his legacy—was in strong hands.

A SPECIAL RECOGNITION OF THE VOLUNTEERS OF SPAWAR

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. BROWN of South Carolina. Mr. Speaker, I am honored to recognize a group of volunteers serving at SPAWAR Charleston in the First Congressional District of South Carolina.

Volunteering is a powerful force for the solution of human problems, and the creative use of human resources is essential to a healthy, productive and humane society.

Our nation's heritage is based on citizen involvement and citizen participation. Volunteerism is of enormous benefit in building a better community and a better sense of one's own well being.

Many agencies that benefit from volunteers will be participating in programs to show appreciation and recognition to the many volunteers among our citizenry who possess many skills and talents which they generously and enthusiastically apply to a variety of community tasks; and to encourage others to participate in programs as volunteers

I encourage all SPAWAR Charleston employees to get involved in serving others. I charge those interested citizens to observe this day by seeking some area in the community in which they can devote a few hours each week and give aid to people or programs in need. I wish you all the best!

RECOGNIZING THE CONTRIBUTIONS OF ANELA FREEMAN

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. SOLIS. Mr. Speaker, I rise today to mark the departure of a key member of my staff, Anela Freeman. Anela is a Senior Field Representative/Grants Coordinator in my El Monte office who is leaving my staff this Friday to pursue graduate education.

Anela is an only child and was raised by a single mother. She became one of the first members of her family to earn a college degree when she graduated from the University of Southern California in 2001 with a Bachelor of Arts in International Relations.

Anela was hired as a Staff Assistant in my El Monte office on April 20, 2003. Anela accepted her role with great responsibility and maturity. She quickly learned the importance of providing high quality constituent services and her efforts undoubtedly helped to improve the quality of life of residents in my district.

Anela is a dedicated and capable individual. She is also a team player who has effectively established collaborative partnerships between my office and local community-based organizations. Through her efforts, I have been able to provide grant workshops, grant-writing seminars, and financial literacy forums for my constituents.

Although my staff and I will miss Anela, I wish her much success and know that she will flourish in her career goals and all aspects of her life.

TRIBUTE TO ROBERT A. DeMATTIA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. McCOTTER. Mr. Speaker, I rise today to congratulate Robert A. DeMattia upon his nomination to the Plymouth Community Hall of Fame.

DeMattia's tireless efforts on behalf of the people of Plymouth have brought him this well deserved recognition. Demonstrating his entrepreneurial acumen, DeMattia founded the DeMattia Group in 1978. The DeMattia Group has been involved in pioneering commercial and industrial business park development. By his design, development, and construction, DeMattia has been involved in creating hundreds of facilities in Plymouth Township. Mr. DeMattia's vision and leadership have helped lead Plymouth into a prosperous future.

Of equal import and impact are Mr. DeMattia's philanthropic efforts. Whether assisting with our local parks or working on the behalf of children through the Plymouth Kiwanis Club, DeMattia has donated his time and efforts to enrich the lives of others. Let us, then, commend Mr. DeMattia for his contributions to our community and his induction into the Plymouth Community Hall of Fame.

TRIBUTE TO ADOLFO E. GUTIERREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Adolfo E. Gutierrez for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Adolfo E. Gutierrez was born and raised in Laredo, Texas. He graduated from J.W. Nixon High School in 1974 and graduated from Texas A&M University in 1977. Shortly after graduation, he started his first four businesses, Melanie's Auto Sales, Clark Car Clinic, Fancy G Iron Works, and later, 3–G Electrical Supply which he opened using the money from his first three businesses, at age 21 in Laredo.

In 1979, Mr. Gutierrez married his high school sweetheart, Mary Alice York, and the couple have three children, Mary Kathryn, Adolfo Jr., and Amanda Leigh. At just thirty-nine years of age, Mr. Gutierrez joined Falcon National Bank as President and CEO.

Under his leadership, Falcon Bank grew from 20 employees and $52 million in assets to 245 employees and over $500 million in assets, and includes offices in San Antonio, Eagle Pass, Buda, McAllen, Del Rio, and offices in Guadalajara and Monterrey in Mexico.

Mr. Gutierrez has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as the Laredo Under Seven Flags Rotary Club, the Salvation Army, the March of Dimes, and the United Way. For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Adolfe E. Gutierrez, and I thank you for this time.

TRIBUTE TO JOHN HIGHTOWER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KILDEE. Mr. Speaker, I rise before you today with a heavy heart, as I ask my colleagues in the 109th Congress to join me in honoring the life and accomplishments of a remarkable man and a dear friend, Mr. John Hightower. Mr. Hightower passed away at the age of 80 on Tuesday, April 25, after a long illness. I am deeply saddened by this loss, for John and his family have been inspirations to many throughout the City of Flint, as well as the county, state and nation.

It is difficult to imagine what the landscape of my hometown of Flint, Michigan, would be like, had John Hightower not moved here from St. Louis in 1952. An Army veteran, John started working at the Buick Foundry, where he also served as committeeman at UAW Locals 599 and 659. His relationship with Buick was shortlived, as he lost his job after confronting a supervisor who had made a racial slur. For John, this became a new opportunity rather than a setback; following the incident, he opened Hightower Electronics and Construction Company. This also served as the catalyst to his becoming one of the area's foremost civil rights proponents. He joined others across the country in the March on Washington and the march from Selma to Montgomery, Alabama. He brought the lessons he learned from those experiences home and fought for racial equity in the local job market, against unfair housing practices, and increased funding for the Flint Public Library.

Mr. Speaker, the impact John Hightower made in the City of Flint is one that will be felt by its residents for generations to come. His loss will leave a great void, but his legacy will endure forever. I personally am grateful to have had the opportunity to call John my constituent, my colleague, and my friend. I am a better Congressman, a better citizen, and a better human being for having known him. I ask my colleagues in the House of Representatives to please join me in paying tribute to his legacy.

THE GREAT REVULSION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce into the CONGRESSIONAL RECORD a piece by New York Times columnist Paul Krugman because I believe it is well worth our reading and consideration because of its thought- provoking attempt to discuss the discontent felt by the American people regarding the Bush Administration.

He mentions a point in time when Americans will realize that, "their good will and patriotism have been abused, and put a stop to this drive to destroy much of what is best in our country". Krugman rightly calls this hope of his, "The Great Revulsion". With Bush's poll numbers in constant decline, are Americans finally getting the picture, he asks? Bush, at the time after the September 11th attacks in New York and Washington, DC, scored with the American people at a solid 70 percent approval. However, Bush's numbers are only at a declining 33 percent today according to the latest Fox News poll.

Some of the reasons for Bush's poor numbers are because of failure to adequately respond to the enormous need caused by Hurricane Katrina, the prescription drug debacle as Krugman called it and the disaster in Iraq. With the recent resignation of Scott McClellan as President Bush's Press Secretary, there is a sign that something terribly has gone wrong. It certainly is not surprising to see so many jumping ship from the embattled administration.

The piece also acknowledged the stark reality that the Bush Administration has no real policy on Social Security. His idea about privatizing Social Security was one issue that the American public put up strong opposition to and it failed. The American people are realizing the potential power that they have. There indeed is a need for a "Great Revulsion" to wake up this nation from its deep sleep of blind faith in President Bush and his Republican leadership team.

I enter into the RECORD the article published in the New York Times by Paul Krugman for its push to make the American people aware of their strength. To instill within them the understanding of the wrongs committed by the Bush Administration and his supporters. Krugman is calling for a move toward accountability, if not from the Congress, then from the American people as November approaches.

[From The New York Times, Apr. 21, 2006]

THE GREAT REVULSION

(By Paul Krugman)

"I have a vision—maybe just a hope—of a great revulsion: a moment in which the American people look at what is happening, realize how their good will and patriotism have been abused, and put a stop to this drive to destroy much of what is best in our country."

I wrote those words three years ago in the introduction to my column collection, "The Great Unraveling." It seemed a remote prospect at the time: Baghdad had just fallen to U.S. troops, and President Bush had a 70 percent approval rating.

Now the great revulsion has arrived. The latest Fox News poll puts Mr. Bush's approval at only 33 percent. According to the polling firm Survey USA, there are only four states in which significantly more people approve of Mr. Bush's performance than disapprove: Utah, Idaho, Wyoming and Nebraska. If we define red states as states where the public supports Mr. Bush, Red America now has a smaller population than New York City.

The proximate causes of Mr. Bush's plunge in the polls are familiar: the heck of a job he did responding to Katrina, the prescription drug debate and above all, the quagmire in Iraq.

But focusing too much on these proximate causes makes Mr. Bush's political fall from grace seem like an accident, or the result of specific missteps. That gets things backward. In fact, Mr. Bush's temporarily sky-high approval ratings were the aberration; the public never supported his real policy agenda.

Remembering, in 2000 Mr. Bush got within hanging-chad and felon-purge distance of the White House only by pretending to be moderate. In 2004 he ran on fear and smear, plus the pretense that victory in Iraq was just around the corner. (I've always thought that the turning point of the 2004 campaign was the September 2004 visit of the Iraqi Prime Minister Ayad Allawi, a figurehead appointed by the Bush Administration who rewarded his sponsors by presenting a falsely optimistic picture of the situation in Iraq.

The real test of the conservative agenda came up after the 2004 election, when Mr. Bush tried to sell the partial privatization of Social Security.

Social Security was for economic conservatives what Iraq was for the neocons; a soft target that they thought would pave the way for bigger conquests. And there couldn't have been a more favorable moment for privatization than the winter of 2004–2005: Mr. Bush loved to assert that he had a "mandate" from the election; Republicans held solid disciplined majorities in both houses of Congress; and many prominent political pundits were in favor of private accounts.

Yet Mr. Bush's drive on Social Security ran into a solid wall of public opposition, and collapsed within a few months. And if Social Security couldn't be partly privatized under these conditions, the conservative dream of dismantling the welfare state is nothing but a fantasy.

So what's left of the conservative agenda? Not much.

That's the prediction for the midterm elections. The Democrats will almost surely make gains, but the electoral system is rigged against them. The fewer than 8 millions residents of what's left of Red America are represented by eight U.S. senators; the more than eight million residents of New York City have to share two senators with the rest of New York State.

Meanwhile, a combination of accidents and design has left likely Democratic voters bunched together—I'm tempted to say ghettoized—in a minority of Congressional districts, while likely Republican voters are more widely spread out. As a result, Democrats would need a landslide in the popular vote—something like an advantage of 8 to 10 percentage points over Republicans—to take control of the House of Representatives. That's a real possibility, given the current polls, but by no means a certainty.

And there is also, of course, the real prospect that Mr. Bush will change the subject by bombing Iran.

Still, in the long run it may not matter that much. If the Democrats do gain control of either house of Congress, and with it the ability to issue subpoenas, a succession of scandals will be revealed in the final years of the Bush Administration. But even if the Republicans hang on to their ability to stonewall, it's hard to see how they can resurrect their agenda.

In retrospect, then, the 2004 election looks like the high-water mark of a conservative tide that is now receding.

IN HONOR OF THE 75TH ANNIVERSARY OF THE EMPIRE STATE BUILDING

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. NADLER. Mr. Speaker, I rise today to honor the 75th anniversary of the opening of the Empire State Building, one of New York City's most recognizable landmarks and an iconic fixture of the City's skyline. This landmark building, located in my district, stands as a testament to the indomitable spirit of New York and the capacity of mankind to achieve the extraordinary.

The Empire State Building, designed by the architectural firm Shreve, Lamb and Harmon, officially opened on May 1, 1931. Construction required 60,000 tons of steel and more than seven million man-hours, providing thousands of jobs in the midst of the Great Depression. Renowned pictures of the workers dangling above the city remain among the most striking photos of the era. Upon its completion, the Empire State Building became the tallest building in the world, measuring a staggering 1,454 feet.

Although taller buildings have since stripped it of its title, the 102-story structure continues to delight and amaze, and following the attacks of September 11, it is once again the tallest building in New York City. The Empire State Building has also become ingrained in the popular culture by its presence in such movies as King Kong, and An Affair to Remember. Last year, 3.7 million people flocked to the observation decks for their breathtaking views of New York.

True to its gritty roots, the Empire State Building remains a working building: Every day, more than 20,000 people report to work there, passing through the Art Deco lobby that portrays the Empire State Building as the eighth wonder of the world and the center of the universe. At dusk, the world famous tower lights come on to commemorate national holidays and special events of importance to New Yorkers.

The heart and soul of New York City is embodied in the Empire State Building. From those who fell in love there to those who have returned with their children and grandchildren, everyone recognizes the Empire State Building as an unparalleled emblem of the American spirit. I am proud to honor the Empire State Building on the occasion of its 75th anniversary.

CELEBRATING THE 150TH ANNIVERSARY OF ZION UNITED METHODIST CHURCH OF WEST WALWORTH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 150th Anniversary of Zion United Methodist Church of West Walworth, Wayne County, New York. For 150 years, the Zion United Methodist Church has offered a place of worship and services to the area in and around Wayne County.

Through its rich history, the church has served the community by providing a place to make great memories that range from baptisms to weddings. To honor the church's 150 year celebration Zionist Methodist has planned various events such as a church picnic, potluck suppers, and culminating with a special gala dinner in the fall.

This yearlong celebration will truly be a remarkable experience to the Zion Methodist congregation and all those who participate. A true prominent staple to the area, I wish the Zion Methodist Church of West Walworth many more years of service and success.

TRIBUTE TO JAMES VERMEULEN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. McCOTTER. Mr. Speaker, I rise today to congratulate James Vermeulen, Sr. upon his nomination to the Plymouth Community Hall of Fame.

Having served as President of the Plymouth Kiwanis Club, and currently serving as a Kiwanis Foundation board member, Vermeulen has striven to help children. But he has done much more. Vermeulen has held the post of Director for the Salvation Army, in which capacity he has endeavored to assist all who are less fortunate than he. Indeed, every December, Vermeulen is instrumental in raising money through the Salvation Army's bell-ringing project. Whether serving with the Kiwanis Club, Salvation Army, or simply helping a neighbor in need, Vermeulen has demonstrated exemplary compassion and leadership.

Let us commend James Vermeulen, Sr. for his dedication to bettering our community and our country, and for his induction into the Plymouth Community Hall of Fame.

TRIBUTE TO IRVING GREENBLUM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Irving Greenblum for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Irving Greenblum was born in 1929 in Nuevo Laredo, Mexico, and moved with his family as a young boy to the City of Laredo. He graduated from Martin High School in 1946 and later graduated from the University of Texas in 1950 with a degree in Latin-American economics.

Mr. Greenblum has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations such as the Banco BCH, Laredo Philharmonic, Children's Museum, San Antonio Manor Home for the Aged, Ruth B. Cowl Rehabilitation Center, Congregation Agudas Achim, and the DeMolay Masonic Children.

In addition to his community service, Mr. Greenblum has served on the boards of International Bancshares Corp. and International Bank of Commerce. He currently serves as president and founding member of the Laredo Area Community Foundation. For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Irving Greenblum, and I thank you for this time.

THE 50TH ANNIVERSARY OF THE NAACP BAY CITY BRANCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to honor the Bay City Branch of the National Association for the Advancement of Colored People as it celebrates 50 years as a dedicated champion of civil rights. On June 2, 2006 the members of the Bay City Branch will come together to revere its founding members and renew its commitment to justice for all.

Roy Wilkins chartered the first branch of the NAACP in Bay City in 1918. This was at a time when the NAACP was instrumental in convincing President Woodrow Wilson to publicly denounce lynching. The Branch was disbanded but it was re-chartered in 1938 by Attorney Oscar Baker Sr. and chartered a third time in 1946.

In 1955, NAACP member Rosa Parks was arrested for refusing to give up her seat on a Montgomery Alabama bus and one of the largest grassroots civil rights movements was born. The NAACP was at the forefront of this struggle and Reverend Obie Matthew, Pastor of the Second Baptist Church, organized the present Bay City Branch the following year on October 8, 1956. 50 years later the Branch is still fighting for equality of all citizens.

The Bay City Branch has led the fight against discrimination in housing, education, employment, healthcare, and the criminal justice system. Some of its notable fights were the Migrant Negroes from Georgia Case, the Bay County Skating Rink Case in the 1960s, the Woolworth 5 & 10 Store Sit-in, the hiring of the first African American teachers by the Bay City School District, and the inclusion of a Black History Class in the Bay City Central High School curriculum. The Branch has given away more than 70 scholarships to high school students. They have supported CORY Place, sponsored a summer USDA Food and Activity program for children, and worked with other local agencies to improve the living conditions in Bay City.

The hymn, "Lift Every Voice and Sing," was written by James Weldon Johnson in 1900. In it he wrote, "Sing a song full of hope that the present has brought us; Facing the rising sun of our new day begun, Let us march on till victory is won." Under the current leadership of President Idella White, the Bay City Branch is marching on in the fight to remove barriers to racial equality. The Bay City Branch remains committed to educating citizens about their constitutional rights, and the adverse effects of racial discrimination.

Mr. Speaker, I am asking the House of Representatives to join me in congratulating the

Bay City Branch of the NAACP for 50 years of commitment to social justice. The members are to be commended for their steadfast fight against racial hatred and I pray that together we will eliminate this scourge from our nation and the world.

TRIBUTE TO MAYOR EDDIE O. REED

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. COLE of Oklahoma. Mr. Speaker, I rise to commend Mayor Eddie O. Reed, who is retiring as Mayor of Midwest City after many years of public service.

In this country we are fortunate to have public servants of Mayor Reed's caliber. All too often we take such individuals for granted. Most of the rest of the world is not so lucky, so I take this opportunity to praise a man who as Mayor of Midwest City has been an excellent public servant who has made life better for his community and its people.

Eddie Reed has been Mayor of Midwest City since 1993. As Mayor, he has improved public safety, city streets, and drainage in Midwest City. Indeed, building on the work of his father, who also served as Mayor of Midwest City, Eddie Reed has transformed his city, making it an engine of economic growth in our state. All of his many successes have resulted from his skill at building partnerships and bringing people together.

Mr. Speaker, under Mayor Reed's leadership, many quality of life improvement projects have been completed. These include the Marion C. Reed Baseball Complex, the new Senior Citizens Center opened in 1999, and the renovation of the John Conrad Regional Golf Course. Mayor Reed has also improved Midwest City's infrastructure including a new water tower, a widened Post Road between SE 29th Street and 15th Street, and a reconstructed intersection at East Reno and SE 15th Street.

Perhaps the most important accomplishment of Mayor Reed's, over the course of his distinguished career, was his successful role in the BRAC process. The importance of his work in protecting Tinker Air Force Base, and the impact that has for the economy of Midwest City and for all of central Oklahoma, simply cannot be overstated.

Mr. Speaker, I want to conclude by giving the Mayor the highest compliment anyone can ever give a public servant: After 13 years as Mayor, Midwest City is in even better shape at the end of his term than it was at the beginning. That is the best monument to his achievements. I wish him and his wife, Julie, the best in their new life.

INTRODUCTION OF "NETWORK NEUTRALITY ACT OF 2006"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MARKEY. Mr. Speaker, I rise today to introduce the "Network Neutrality Act of 2006." Joining me today as original cosponsors of this important legislation are Rep. RICK BOUCHER, Rep. ANNA ESHOO and Rep. JAY INSLEE.

Broadband networks, Mr. Speaker, are the lifeblood of our emerging digital economy. These broadband networks also hold the promise of promoting innovation in various markets and technologies, creating jobs, and furthering education. The worldwide leadership that the U.S. provides in high technology is directly related to the government-driven policies over decades which have ensured that telecommunications networks are open to all lawful uses and all users. The Internet, which is accessible to more and more Americans with every day that goes by on such broadband networks, was also founded upon an open architecture protocol and as a result it has provided low barriers to entry for web-based content, applications, and services.

Recent decisions by the Federal Communications Commission (FCC) and court interpretations, however, put these aspects of broadband networks and the Internet in jeopardy. The corrosion of historic policies of nondiscrimination by the imposition of bottlenecks by broadband network owners endanger economic growth, innovation, job creation, and First Amendment freedom of expression on such networks. Broadband network owners should not be able to determine who can and who cannot offer services over broadband networks or over the Internet. The detrimental effect to the digital economy would be quite severe if such conduct were permitted and became widespread.

This network neutrality bill has essentially three parts. The first part articulates overall broadband and network neutrality goals for the country, and spells out exactly what network neutrality means and puts it into the statute so that it will possess the force of law. The second part embodies reasonable exceptions to the general rules, such as to route emergency communications or offer consumer protection features, such as spam blocking technology. And the final part of the bill features an expedited complaint process to deal with grievances and violations within thirty days.

The legislation states that a broadband network provider may not block, impair, degrade or discriminate against the ability of any person to use a broadband connection to access the content, applications, and services available on broadband networks, including the Internet. It ensures that broadband network providers operate their networks in a nondiscriminatory manner. The bill also ensures that consumers can attach any device to the broadband operator's network, such as an Internet phone, or wi-fi router, or settop box, or any other innovative gadget invented in the coming years. Moreover, in order to prevent the warping of the World Wide Web into a system of "tiered service," the legislation will prevent broadband providers from charging new bottleneck fees for enhanced quality of service or the prioritization of bits.

Finally, if a broadband provider chooses to prioritize data of any type, it requires that it do so for all data of that type and not charge a fee for such prioritization. For instance, if a broadband provider wants to prioritize the transmission of bits representing a VOIP phone call for its own VOIP service, it must do so for all VOIP services so as not to put its competitors at an arbitrary disadvantage.

Mr. Speaker, from the beginning of Internet time until August of 2005, the Internet's nondiscriminatory nature was safeguarded from being compromised by Federal Communications Commission rules that required nondiscriminatory treatment by telecommunications carriers. In other words, no commercial telecommunications carrier could engage in discriminatory conduct regarding Internet traffic and Internet access because it was prohibited by law.

In August of 2005, however, the Federal Communications Commission reclassified broadband access to the Internet in a way which removed such legal protections. And how did the industry respond to this change? Just a few weeks after the FCC removed the Internet's protections, the Chairman of then-SBC Communications made the following statement in a November 7th *Business Week* interview: "Now what they [Google, Yahoo, MSN] would like to do is use my pipes free, but I ain't going to let them do that because we have spent this capital and we have to have a return on it. So there's going to have to be some mechanism for these people who use these pipes to pay for the portion they're using. . . ."

In a December 1, 2005 Washington Post article, a BellSouth executive indicated that his company wanted to strike deals to give certain Web sites priority treatment in reaching computer users. The article noted this would "significantly change how the Internet operates" and that the BellSouth executive said "his company should be allowed to charge a rival voice-over-Internet firm so that its service can operate with the same quality as BellSouth's offering." Meaning, that if the rival firm did not pay, or was not permitted to pay for competitive reasons, its service presumably would not "operate with the same quality" as BellSouth's own product.

Finally, on January 6, 2006, the CEO of Verizon, in an address to the Consumer Electronics Show also indicated that Verizon would now be the corporate arbiter of how traffic would be treated when he said the following: "We have to make sure [content providers] don't sit on our network and chew up our capacity."

I think these statements should give pause to those who might argue that we shouldn't do anything to enact strong network neutrality provisions because currently no harm is being done.

Do we really have to wait till these corporate giants divide and conquer the open architecture of the Internet to make that against the law? These telephone company executives are telling us that they intend to discriminate in the prioritization of bits and to discriminate in the offering of "quality of service" functions—for a new fee, a new broadband bottleneck toll—to access high bandwidth customers, we cannot afford to wait until they actually start doing that before we step in to stop it.

Once they start making money by leveraging that bottleneck position in the marketplace, will a future Congress really stare them down and take that revenue stream away?

Mr. Speaker, if we don't protect the openness of the Internet for entrepreneurial activity, we're ruining a wonderful model for low barrier entry, innovation, and job creation. Broadband network owners should not be able to determine who can and who cannot offer services over broadband networks or over the Internet. The detrimental effect to the digital economy would be quite severe if such conduct were permitted and became widespread. The deterioration of significant policies of nondiscrimination by the imposition of artificial bottlenecks by broadband network owners imperil economic growth, innovation, job creation, and First Amendment freedom of expression on such networks.

The Network Neutrality Act of 2006 offers Members a clear choice. It is a choice between favoring the broadband designs of a small handful of very large companies, and safeguarding the dreams of thousands of inventors, entrepreneurs, and small businesses. This legislation is designed to save the Internet and thwart those who seek to fundamentally and detrimentally alter the Internet as we know it. Mr. Speaker, I urge Members to support this bill and urge the House to take a decisive stand in favor of network neutrality.

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. DELAURO. Mr. Speaker, I rise today in support of the Darfur Peace and Accountability Act, and I thank my colleague from New Jersey, Mr. Payne, for his leadership on this issue—it is one of the critical moral issues of our times.

I am proud to be a cosponsor of this legislation. It is long overdue, and I hope that we remember that passing this bill is not the end of our country's moral obligation to Darfur—merely a starting point for our nation to begin addressing some of the serious problems in that part of the world.

This legislation arrives on the floor of this House not a moment too soon—at time when famine and war have already killed between 200,000 and 400,000 people and displaced over 2 million more Sudanese. It is nothing less than a humanitarian disaster—and unfortunately one that appears to be getting worse.

Among the many tragedies is that, put simply, it did not have to be this way. With the end of the civil war in southern Sudan, these last six months ought to have been an opportunity for progress in Darfur.

Instead, we have seen only more war, more famine, more despair. According to the latest reports, the latest wave of attacks has found thousands of people being chased from dozens of villages by government-backed militias, with death-squad attacks on civilians in Darfur and violence now spilling over into neighboring Chad as well.

And while the African Union forces—numbering only 7,000—are doing what they can, they simply do not have the resources to carry out such a broad mission—particularly with the Sudanese government appearing to be actively obstructing their work. Indeed, one senior U.N. official recently predicted "massively increased mortality" unless effective peacekeepers are installed.

And unfortunately, that has proven increasingly difficult. After two years of sanctions and countless resolutions adopted by this Congress and by the United Nations, the government of Sudan continues to defy the will of the international community. That makes our action here today ever more important—extending the embargo against Sudan and giving the Treasury Department the authority to freeze the assets of known supporters of the genocide.

Also critical are this legislation's provisions to get the U.N. back into Darfur. Just last week, the government of Sudan blocked the United Nations' top emergency aid official from visiting the western Darfur region. That is why this bill directs the president to use our nation's position on the U.N. Security Council to resolve this matter.

In my view, the best way to end this bloodshed and this human suffering is for the government of Sudan to immediately let the U.N. in to safeguard the residents of Darfur. But should the U.N. not be allowed in, this bill also grants the president the authority to summon NATO and get it more involved—an authority we must not hesitate to use. NATO's readiness to provide more support to the African Union may well prove critical.

Mr. Speaker, we have arrived at a critical juncture. It has been 12 years since the world saw the horror of genocide in Rwanda—a half-century since we saw it on the European continent. Each time, the world has said "never again," only to stand by as it happens again and again. Today, the House is giving the Administration the tools it needs to act to stop the killing in Darfur—it is a step forward, but certainly not be the last.

Let's pass this legislation and ensure that the people of Darfur can return to their homes and live their lives in peace.

TRIBUTE TO MR. NENAD RADOJA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with the greatest pleasure that I congratulate one of the most dedicated, hardworking citizens of Indiana's First Congressional District, Mr. Nenad Radoja. After working for the U.S. Steel, Gary Works Plant for over seven years, Nenad recently accepted the position of Director of Steel Shop at U.S. Steel in Smederevo, in the country of Serbia and Montenegro. Nenad began his new position on March 20, 2006.

Nenad Radoja was born on June 15, 1971, in East Chicago, Indiana. Nenad is one of two children born to Ray and Sandi Radoja. He is the great-grandson of turn-of-the-century Yugoslavian immigrants who came to United States in search of the American Dream. Nenad's grandparents, Risto and Marija Radoja, also immigrated to the United States in 1951 in search of what America had to offer. Upon his arrival, Risto began working at the steel mills in Northwest Indiana. Nenad, surely inspired by his grandfather's work ethic, chose to pursue a similar career in the steel mills.

A lifetime native of Lake County, Indiana, Nenad graduated from Merrillville High School in 1989. Furthering his education, Nenad went on to complete his Baccalaureate Degree in History at Purdue University-Calumet in Hammond, Indiana. He later earned his Master's Degree in Management from Indiana Wesleyan University in Marion, Indiana.

Prior to transferring to the U.S. Steel Plant in Serbia and Montenegro, Nenad worked at the U.S. Steel, Gary Works Plant for seven years, where he worked in several capacities. Over the years, he worked his way up from Melter to General Foreman to Desulfurization Coordinator, and finally, to Area Coordinator of Operation, a position he held until accepting his new position in Serbia and Montenegro. His exceptional knowledge and expertise in these areas will surely be missed in Northwest Indiana, but his acquisition in Serbia and Montenegro will be a definite improvement to their organization.

Though extremely dedicated to his work, Nenad selflessly gives much of his free time and energy to his community, his friends, and most importantly, his family. Nenad now resides in the capital city of Belgrade, Serbia and Montenegro, with his loving wife, Branka, his daughters, Katarina and Sanja, and his son, Stefan.

Also important to note, Nenad is an avid sports fan. In his spare time, Nenad enjoys playing basketball and watching football games.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending and congratulating Nenad Radoja on beginning his new position as Director of Steel Shop at U.S. Steel in Smederevo, Serbia and Montenegro. Nenad has improved the lives of many residents in Indiana's First Congressional District. Northwest Indiana will surely miss Nenad's loyal service and uncompromising dedication.

TRIBUTE TO SAMUEL ALEXANDER MEYER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the late Mr. Samuel Alexander Meyer for his induction as a laureate in the 2006 Laredo Business Hall of Fame, and for his incredible dedication to the City of Laredo, Texas.

Samuel Alexander Meyer was born on November 19th, 1917, the only child of the late

Samuel Meyer of Rochester, New York, and Maryanne Alexander Meyer of Laredo, Texas. During his summers that he spent as a young boy with his Aunt Frances and Uncle Lewis Alexander on Victoria Street, he got to know the City of Laredo.

He graduated from the University of Rochester in 1940 with a bachelor's degree and attended graduate school at the University of Texas with a degree in Spanish and Latin-American civilization. After graduation, Mr. Meyer served in the United States Navy for four years in the South Pacific as an ensign from 1941 to 1946, and joined the faculty at Laredo Junior College in 1947 where he taught Latin-American history and economics for five years.

Mr. Meyer married Olga Rosenbaum, and had three children, Frances Carolyn, Miriam Alexis, and Alexander Samuel Meyer. In 1953, he became a co-owner of Laredo's only Studebaker automotive dealership, and then later assumed responsibility for one of Laredo's first men's stores, Alexander Fine Men's Wear. He also started Meyer Investments while running the family business.

Mr. Meyer has admirably served the community of Laredo, Texas, through his membership and work in several civic, social, educational, and governmental organizations as chairman of the board of trustees at Laredo Community College, chairman of the board for the Laredo Public Library, member of the Child Welfare Board for Webb County, director of the Laredo Philharmonic Orchestra, a member of the Socratic Club, president of the Civic Music Association, president of the board of the Boys and Girls Club of Laredo, president of the Astronomy Club, a member of the Somosiete hunting lodge, a member of the French Club, and a member of the Stardusters.

For his dedication and hard work in making the Laredo business community stronger and better, he will be honored by the Junior Achievement League in his induction into the 2006 Business Hall of Fame.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of Samuel Alexander Meyer, and I thank you for this time.

WILLIAM SLOAN COFFIN, JR.: A COURAGEOUS MAN

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. SANDERS. Mr. Speaker, Vermont has lost one of its finest, most ethical and courageous residents. The Reverend William Sloan Coffin, Jr., who lived in Strattford, Vermont, has died at the age of 81.

When the Civil Rights Movement began, when a brave coalition of black and white Americans brought the attention of the Nation to the injustice of segregation, Rev. Coffin was there, standing up for what was right. He was a Freedom Rider in Montgomery, Alabama in the early years of the Civil Rights struggle, and was arrested there in 1961. He was arrested in Baltimore two years later in an anti-segregation protest and again a year later in St. Augustine, Florida as he tried to integrate a lunch counter. He was one of those who, in the phrase of the day, "put their bodies on the line" to bring about a more equitable and just America.

When the United States entered Vietnam, and the war escalated, Rev. Coffin was an articulate voice for peace. As Chaplain at Yale University, he offered the chapel as a sanctuary for those who refused to serve in Vietnam. He delivered the draft cards of antiwar protesters to the Justice Department in an effort to mount a legal challenge to the draft. Instead, the government challenged him, arresting Rev. Coffin, Dr. Benjamin Spock and three others for counseling draft evasion. He was convicted but the verdict was subsequently overturned by an appellate court.

In his years at Yale and later at Riverside Church in New York, his was an eloquent voice for the disadvantaged and disinherited in America. He showed great courage in questioning the ethics of America's military decisions and unstintingly opposed the nuclear arms race. He was a foremost proponent of nuclear disarmament, calling for a nuclear freeze. He opposed both the Persian Gulf War in 1991 under first President Bush, and the invasion of Iraq in 2003 by the current President Bush.

William Sloan Coffin, Jr. was a man of strong and passionate views. Needless to say, not everyone agreed with all of his positions. But whoever knew him—and I count myself fortunate to be among them—recognized his courage, his dedication to ethical reasoning, and his profound commitment to social justice. He served as a model of the engaged intellectual to generations of students and to countless Americans. The Nation will miss him, Vermont will miss him, and I will miss his strength and passion for justice.

IN HONOR AND REMEMBRANCE OF JOSEPH L. FORTUNA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Joseph L. Fortuna, devoted family man, United States Veteran, business leader, and friend and mentor to many.

As the founder of Fortuna Funeral Home on Fleet Avenue in Cleveland, Mr. Fortuna served the citizens of Slavic Village, Newburgh Heights and communities beyond with great care, compassion and professionalism, for more than 50 years. He grew up near Union Avenue, and held a lifelong commitment to family, faith and to the residents of southeast Cleveland that reflected throughout his lifetime.

Mr. Fortuna's generous spirit, kindness of heart and sense of civic responsibility had a positive impact on the lives of countless individuals and families. He was a lifelong member and leader at his parish, St. John Nepomucene, past President of the Laurentian Athletic Club, and remained proudly connected to his Slovenian heritage through his involvement with various Slovenian organizations. Mr. Fortuna was honored many times for his significant contribution to our community and was named "Man of the Year" in 1975 by the Slovenian National Home of Cleveland.

Mr. Speaker and Colleagues, please join me in honor and remembrance of my friend, Joseph L. Fortuna, whose kindness, compassion and generosity has served to uplift the people of Fleet Avenue and miles beyond. I offer my deepest condolences to Mr. Fortuna's beloved wife, Virginia; to his beloved children, Joseph; Mary Ann (Jim), John (Roberta), and Jane (Phillip); and to his grandchildren and extended family and many friends. Mr. Fortuna's life, framed by love and kindness, will always remain in the hearts and memories of his family and his community, and he will never be forgotten.

PAYING TRIBUTE TO SHERIFF'S DEPUTY KEITH HANSEN, THE AMERICAN RED CROSS AND THE CITIZENS OF CALEDONIA TOWNSHIP

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the efforts of Caledonia Township and the American Red Cross to save the life of Sheriff's Deputy Keith Hansen, who was severely injured while serving in the line of duty.

Deputy Keith Hansen was critically injured when a suspect crashed his vehicle into Hansen's patrol car during a high speed chase in Caledonia Township. He received multiple severe injuries in the crash.

To survive, Deputy Hansen required more units of blood than the hospital could provide. The American Red Cross and the citizens of the Caledonia Township responded with an immediate blood drive and fund-raiser. Within one day, the community donated more than fifty units of blood and collected a significant amount of money to help save the life of Deputy Keith Hansen.

The efforts to save Deputy Hansen's life reflect the best of the American spirit; neighbors uniting to save the life of an injured officer who is sworn to protect them.

Mr. Speaker, I ask my colleagues to join me in honoring Deputy Keith Hansen for his service, and the citizens of Caledonia Township and the American Red Cross for helping to save his life. They are truly deserving of our respect and admiration.

DEMANDING THAT JAPAN ACKNOWLEDGE ITS ENSLAVEMENT OF "COMFORT WOMEN" DURING WORLD WAR II

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. EVANS. Mr. Speaker, during World War II and the colonial occupation of Asia in the

1930s and 1940s, the Armed Forces of Imperial Japan, often in collusion with private traffickers, forced over 200,000 young women and girls into military brothels. These women were euphemistically known as "comfort women." This despicable sexual enslavement of mostly Korean and Chinese women was officially commissioned and orchestrated by the Government of Japan.

In one of the most extensive cases of human trafficking in the 20th century, women and girls throughout Asia were recruited by force, coercion, or deception, transported across national borders, and kept at the mercy of the Japanese military in subhuman conditions. They were raped, beaten, and forced to have abortions.

However, the horror of this experience did not end with the cessation of hostilities. Many comfort women were killed by Japanese soldiers after Japan surrendered. Some of these women could not return to their homes, and found themselves abandoned in hostile lands where they were viewed as collaborators.

Those who survived live daily with the painful memories of their enslavement, and many still suffer serious health effects as a result of their ordeal. Due to the shame connected to their captivity, many comfort women chose to conceal their enslavement and many others have come forward about it only in recent years.

While the facts of these crimes are incontrovertible, the Government of Japan has not officially accepted responsibility for this atrocity. Some textbooks used in Japan minimize the comfort women tragedy and distort the Japanese role in these and other crimes committed during World War II. Moreover, as recently as June 2005, Japanese Government officials praised the removal of the term "comfort women" from Japanese textbooks.

The Government of Japan's disregard for correcting past wrongs has been further demonstrated by its leaders' frequent pilgrimages to the Yasukuni Shrine near the Imperial Palace in central Tokyo. The Yasukuni Shrine is dedicated to the 2.5 million people who died in Japan's conflicts between 1853 and 1945 but also memorializes 14 convicted Class A war criminals that committed many atrocities during World War II.

Despite international criticism, the current Japanese Prime Minister, Junichiro Koizumi, has made several visits to Yasukuni since he took office in 2001 and has stated that he will continue making the visits through the end of his term.

On April 4, 2006, Congressman CHRISTOPHER SMITH and I introduced H. Res. 759, legislation that calls on Japan to acknowledge and accept responsibility for forcing women and girls into sexual slavery during the World War II era. We hope that this bill will encourage Japan to be honest about its history and to educate current and future generations about this crime against humanity.

Mr. Speaker, for these reasons I urge my colleagues to support this important piece of legislation, in order to demonstrate that we do not forget the suffering of the comfort women and the criminality of those who enslaved them.

HONORING DR. MOSE TJITENDERO FORMER SPEAKER OF THE NATIONAL ASSEMBLY, NAMIBIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. LEE. Mr. Speaker, I rise today with a heavy heart to join my colleagues here in the U.S. and across the globe in commemorating and honoring the extraordinary life of Dr. Mose Tjitendero, Speaker of the National Assembly in Namibia and a man known for his dedication to the principle of One Namibia, One Nation. Highly regarded throughout his life as an outstanding leader and a true patriot, Dr. Tjitendero was dedicated to advancing justice, independence and self-determination for the people of Namibia and for others around the world. Dr. Tjitendero passed away on April 26, 2006 at the age of 63 following a short illness.

Born the son of a Herero slave, Dr. Tjitendero hailed from a small village called Okomakuara in the Ovitoto area of Namibia. He was expelled from Augustineum Training College in 1963 after he attended a political rally in Windhoek, and left Namibia for exile in 1964 when he was only 20 years old. Upon his arrival in Dar es Salaam, Tanzania, he was appointed to be the student representative of the South West Africa People's Organization, SWAPO political movement. In that role he became a radio broadcaster for the liberation movement, and as a part of the Tanganyika club, was instrumental in propelling SWAPO into an international movement in the 1960s.

In 1967 Dr. Tjitendero received a scholarship to attend Lincoln University in Pennsylvania, where he completed a B.A. degree in History and Political Science, and in 1976 he completed his Ph.D. at the University of Massachusetts School of Education. In the mid-1970s, SWAPO called Dr. Tjitendero to Zambia to open the United Nations institute for Namibia in Lusaka, where he taught for 5 years.

Dr. Tjitendero served as the first Speaker of Namibia's National Assembly from 1990 until 2004, and had been a member of the SWAPO Central Committee since 1981. He was instrumental in teaching and motivating other leaders in his country, and at the 2004 SWAPO Extraordinary Congress, he nominated Hidipo Hamutenya, a fellow student from his days at Lincoln University, to be his party's presidential candidate.

Throughout his tenure in the National Assembly, Dr. Tjitendero was widely respected and viewed as an impartial chairperson of parliamentary proceedings and an advocate for popular participation in Namibia's democracy. Revered by his colleagues as honest, hardworking, and thoroughly dedicated to promoting peace, freedom and national unity, Dr. Tjitendero's contributions to the development of democracy, equality and economic opportunity in Namibia are truly immeasurable. Though his death is loss to the entire Namibian nation, the legacy of his work will continue to improve countless lives in throughout Namibia and beyond for generations to come. My thoughts and prayers are with Dr. Tjitendero's wife Sandy and his two children, as well as all of his friends, colleagues, and the people of Namibia as they mourn the loss of this exemplary leader.

PAYING TRIBUTE TO MILDRED RESNICK ON THE OCCASION OF HER 90TH BIRTHDAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. HINCHEY. Mr. Speaker, I rise today to extend warm birthday wishes and to pay tribute to a dear friend and great woman, Mrs. Mildred Resnick.

Mrs. Resnick was born to Russian immigrant parents who migrated to Ulster County, New York around the time of World War I. She was raised in Kerhonkson, in the congressional district I represent, and continues to reside nearby in Ellenville. Together with her late husband Louis, Mildred has generously contributed to and nurtured the surrounding community.

The Resnicks have embodied the true meaning of philanthropy. Through their generous donations and personal involvement, they improved the material, social, and spiritual welfare of their community through thoughtful and charitable activities.

Lou and Mildred dedicated themselves to giving young people the opportunity to pursue higher education. Through generous scholarship assistance from the Resnicks, many students have been able to attend SUNY New Paltz to pursue their education. In addition, students' educations at New Paltz, SUNY Delhi and Cornell University have been enriched by the engineering school, gymnasium and library, respectively, that the Resnick family endowed.

The Resnick's impact on our region extends far beyond their support for higher education, however. Through their contributions to the Ulster County Mental Health Clinic in Ellenville, the Ellenville Community Hospital, and countless other institutions, the health and well being of the surrounding community has been greatly improved.

Together, Lou and Mildred also made their mark on the region's economy. The Channel Master Corporation, founded by Lou and his brothers, was a steady, faithful employer in Ulster County for decades. The Resnicks also invested in several other enterprises to boost the local economy, including the construction of the Joseph Y. Resnick airport, and support for the revival of the Catskill region's tourism industry.

Although Lou and Mildred worked together on so many important projects in Ulster County and the surrounding region, we must also commend Mildred's many accomplishments in her own right. She has chaired the March of Dimes fundraising campaign and has been an instrumental supporter of the Eleanor Roosevelt Institute for Cancer.

It is impossible for me to list here all of the wonderful and generous contributions Mildred has made to the lives of people in her community and all over the country, but this fact is clear: I, like so many others, am truly grateful to have known and worked with her. Mildred has been a dedicated and loving wife, a beloved mother and grandmother, and a faithful friend. Mr. Speaker, it is my honor to publicly say "thank you" and to wish her a very happy birthday.

COMMEMORATING THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. ROTHMAN. Mr. Speaker, today I join my colleagues in commemorating the 91st anniversary of the Armenian Genocide and remembering the death of 1.5 million Armenians during the years 1915–1923.

We have witnessed a reprehensible ninety-one years of denial by the international community of one of the most horrific crimes against humankind, the systematic and planned extermination of an entire ethnic group. The failure of the international community to hold the Ottoman Empire accountable for the Armenian Genocide initiated a cycle of genocide that continues to this day in Darfur, where an estimated 400,000 people have died and 2.5 million people have been displaced from their homes.

Turkey's persistent denial of their predecessor government's responsibility for the Armenian Genocide sets a dangerous precedent that makes future genocides more likely. In fact, many of the tactics employed by the Ottoman Empire against the defenseless Armenian population are now being used in Darfur today—forced exile, systematic deprivation of food and water, and murder through starvation. If the cycle is to end, there must be accountability for genocide. This is why it is critical that the U.S. government officially recognize the Armenian Genocide and also, pressure Turkey to end its campaign of genocide denial. Genocide denial is the last stage of genocide and what Elie Wiesel has termed to be a "double killing." The United States cannot remain silent as this "double killing" continues every day through Turkey's multi-million dollar worldwide campaign to suppress the teaching of the Armenian Genocide.

I stand united with Armenians and Armenian-Americans in my district and around the country who continue to fight for recognition of the atrocities of the Armenian Genocide so the world will never forget the first crime against humanity in the 20th Century. And I promise to continue to stand firm against the efforts of those who deny the Armenian Genocide.

PAYING TRIBUTE TO TIMOTHY C. WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Timothy C. Williams, who has been appointed by Governor Kenny Guinn to replace retiring District Judge John McGroarty.

Timothy Williams has a distinguished record of service as an attorney in the Henderson, Nevada area. Mr. Williams has been a practicing attorney for the past 21 years representing physicians in medical lawsuits and accident victims in injury cases; Mr. Williams has also been a member of the Nevada bar since 1986. In recent years Mr. Williams has been heavily involved in alternate methods of dispute resolution, such as mediation and arbitration. He advocates these dispute resolution mechanisms as a means of decreasing court backlogs by increasing the likelihood that a case will be settled rather than going to trial.

Mr. Williams has a degree in business from Indiana University and received his law degree from Ohio Northern University. He will no doubt be an asset to the bench.

Mr. Speaker, I am proud to honor Timothy C. Williams for his distinguished legal career. I wish him the best with his new appointment and I am sure that he will serve the bench with honor.

HONORING STEPHAN L. WALTERS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to give well deserved recognition to Stephan Walters, an extraordinary soldier, teacher and citizen from my Congressional District.

Stephan is currently serving on active duty with the U.S. Army Reserves at Fort Knox, Kentucky. As Captain, he is responsible for training and mentoring a full brigade. He also serves as an officer for community outreach, equal opportunity, safety and soldier retention. Prior to his current assignment, Captain Walters served for three years as a member of the 3rd U.S. Infantry, also known as the Presidential Honor Guard, performing a range of ceremonial duties at the White House, Pentagon, and Arlington National Cemetery.

Captain Walters has also distinguished himself in civilian life, earning a bachelor degree in social studies and a masters degree in secondary education from the University of Kentucky, graduating from both programs with honors. Walters was a five year member of the University of Kentucky's football team, earning numerous awards and honors for his academic and athletic achievements.

Upon graduation, he accepted a position at Jeffersontown High School in Louisville, KY teaching history and coaching football and track. In 2004, he was nominated by his colleagues for the History Teacher of the Year Award, a special honor he later received from the Kentucky Historical Society.

It is my great privilege to honor Stephan Walters today, before the entire U.S. House of Representatives, for his distinguished service to his country and his community. His unyielding sense of duty and sacrifice represent the very best of what it means to be an American soldier. His achievements as a civilian, especially his dedication to developing young minds in the classroom and on the athletic field, are further marks of personal greatness. He is a man of exemplary leadership and dedication worthy of our collective respect and appreciation.

IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. WU. Mr. Speaker, it is a great honor and pleasure to join with my fellow members of the Congressional Asian Pacific American Caucus to celebrate Asian Pacific American Heritage Month. This May marks the 28th time America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

America has reached greatness in part by the accumulation of ideas from those with varied heritage and backgrounds. In particular, Asian Pacific Americans have made profound contributions to the arts, education, science, technology, politics and athletics.

Asian Pacific Americans have played an active and crucial role in the development of this country, from knitting together this nation with the transcontinental railroad to bringing the world closer together through development of the latest Internet technology.

This year, Congress will be reauthorizing the Voting Rights Act, including provisions that provide bilingual assistance to voters who need it. These measures protect the ability of all voters to participate in our nation's political process. Toward this end, I, along with the Congressional Asian Pacific American Caucus, am reaching out to the Asian Pacific American community and speaking to the importance of civic participation and protecting the APA vote.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in the celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our nation. The civic engagement of Asian Pacific American's will help define our collective future. By working together we can build bridges, and build upon our great nation's diverse communities. We move forward with determination and unity.

I encourage Congress and the American people to spend part of May absorbing the legacy, culture and achievements of the Asian Pacific American community.

TRIBUTE TO MR. WILLIAM "BILL" CARNEY ALFRED

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mrs. CAPITO. Mr. Speaker I rise today in honor of Mr. William "Bill" Carney Alfred who died at his residence following health complications on Monday, April 3, 2006.

Many were touched by Bill's dedication, concern for others, and enthusiasm for life. Bill was a proud member of St. Patrick's Catholic Church and the Loyal Order of Moose #1976 in Weston, West Virginia. For many years, Bill worked at the Kroger Company in Weston before retiring as head of the produce department. Bill truly made a difference in many lives and will be fondly remembered by the many people he touched with his kindness. We are fortunate to have had him as our friend.

I want to extend my thoughts and prayers to the Alfred, Rafferty, and Carney families during this difficult time. He is survived by one brother, John Kilker Carney of Springfield, VA, and by many loving cousins, nieces, nephews, grandnieces and grandnephews. We are never prepared for the loss of a loved one, but God is always prepared to help us through that loss. I pray your own faith and fondest memories will give you strength and comfort during such a trying time.

Mr. Speaker, I urge my colleagues to join me in recognition of the life of Mr. William Carney Alfred.

HONORING RICK CRANDALL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and honor a well-known and beloved voice in the Greater Denver community. Mr. Rick Crandall, host of "The Breakfast Club" on AM 1430 KEZW, is celebrating his 15th anniversary on the air on June 17, 2006. This occasion marks a long and storied career dedicated not only to his listeners and fans, but to the community in which he thrives. Rick deserves a moment of pause to reflect on his career, and I join him and his fans in doing so.

Rick Crandall got off to a shaky start on his first day on the air at KEZW when he confused Tommy Dorsey with Glenn Miller, much to the ire of his musically inclined listeners. Over time, though, Rick became as important to his fans' mornings as a cup of coffee, and he was soon the centerpiece of a community of listeners and friends that enjoy music, news, and personal stories throughout the morning hours. "The Breakfast Club" is no mere radio show; it is a collection of like-minded people enjoying one another's company through Rick's engaging personality and love of entertaining his fans.

As if his career in radio wasn't impressive enough, Rick Crandall is also well-known for his stunning devotion to community service and public well-being. Rick has raised enormous amounts of funding for charities and, as a result, has earned both the Colorado Broadcasters Association Citizen of the Year Award and The Colorado Broadcasters Association Harry Hoth Award for Public Service, among many others. Specifically, Rick's work with military veterans is second to none, as he works constantly to assist and honor veterans both with his radio show and by engaging in the veteran community. Rick has also put substantial effort into raising money for and building the Colorado Freedom Memorial, a monument to all Coloradans who have been killed in action. I look forward to seeing the completion of this project, and I honor Rick's efforts to make it happen.

It would be difficult to list all of Rick's accomplishments and projects, suffice it to say that his presence in Colorado has been a blessing for all who know him. I ask my colleagues to join me in honoring Mr. Rick Crandall as he celebrates the 15th anniversary of "The Breakfast Club," and I look forward to many more years of great radio and community service.

NATIONAL HEALTH CARE: THE TIME IS NOW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CONYERS. Mr. Speaker, tonight I rise to address the serious health care crisis our Nation is facing today. The time is now for Congress to address health care in America. Too many of my constituents, like many other hard working Americans across the country, are suffering unnecessarily due to our flawed health care system. There are now more than 46 million Americans without health insurance. Our system of private health insurance that fails to provide coverage to so many of our citizens also contributes to the double-digit health care inflation that is making America less competitive in the global economy.

The only real solution to this crisis is National Health Care. In this most powerful nation in the world, lack of access to health care should not force local and state governments, companies and workers into bankruptcy, while causing unnecessary illness and hospitalization. The sentiments that will be shared tonight have been echoed in citizen congressional town hall meetings my democratic colleagues and I have held in 93 cities across the country. The response to our call for stories was tremendous, and the uninsured turned out in great numbers. Colleagues, we must not forget that for every story we hear tonight, there are thousands, even millions of stories that will go unheard.

What follows are excerpts from letters I have received.

(1) Kate L. wrote: I was left with $70,000 in uncovered medical bills as a result of an episode of severe depression ten years ago. This coverage deficit was not the result of a miserly employer; I was the President of an environmental consulting firm and I chose the policy. I reviewed more than 10 policies and was surprised to find that they all severely limited mental health coverage through higher deductibles and co-pays and restrictive annual and lifetime maximums. The policy we purchased was great for everything except it had a separate $750 deductible, 50/50 co-pay, $1,500 annual outpatient maximum and $2,500 inpatient maximum for mental health treatment.

My bills started to pile up as my psychiatrist and I tried numerous medications and combinations of medications. Because my doctor was concerned about my suicidal behavior, he recommended that I be admitted to a hospital while we continued to experiment with medications. Although I was in the hospital for eight weeks, I spent my inpatient maximum after only several days. It took me over five years to pay of the $70,000 I owed and the stress of the financial burden slowed my recovery. In addition, the medication that I take to treat my illness costs approximately $800 per month. I was recently forced to leave a job I loved with a small consulting firm because they could not provide the insurance coverage I needed.

(2) Mrs. White wrote: I am an Army mom, who can't afford health insurance while my husband and I agonize over our son's precarious fate. The psychological and emotional toll on us both is paralyzing. While I frantically look for a job, I still must support my mother and sister financially. I pay $300 monthly for catastrophic health insurance, but cannot afford prescription drugs, lab tests, and specialist visits. I cannot survive with these stresses for much longer.

(3) Jo L. wrote: I have a brain tumor. Naturally, the health insurance industry has labeled me as having a "pre-existing" condition and will not provide my coverage. I pay $255 a month for 5 pills to subdue my tumor. For the time being, I am paying for this out of pocket, but I need a permanent solution.

Even health care providers in my District have written to express their concerns.

Dr. Scott wrote: As a physician in Michigan I see many patients with no health care and it saddens me. Many people who cannot afford health care will delay going to any health care provider if injured, or shorten treatment plans due to the lack of funds. Many insurance companies have raised premiums out of reach here and even Medicaid and Medicare have decreased coverage due to the lack of funding. We need to rally together to get every citizen health care. By doing this we can help eliminate discrimination in health care and this can lead to eliminating other forms of discrimination.

How many stories do we have to read before Congress realizes that it is time for change? We can do better for our citizens. My bill, H.R. 676 and National Health Care is the answer.

TRIBUTE TO JOHN MICHAEL CRILEY, MD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Ms. HARMAN. Mr. Speaker, everyday, people's lives depend on the quick reaction and competent care of emergency medical technicians and paramedics. Whether it is an automobile accident, heart attack, drowning or gunshot wound, EMTs and paramedics provide vital attention as they care for and transport the sick or injured to a medical facility.

The modem EMT and paramedic programs across the nation would not exist without the significant contributions of Dr. Mike Criley.

Dr. Criley developed the Los Angeles County Paramedic Program in 1969. The program trains first responders to provide critical life support to heart attack victims. Pre-hospital advanced cardiac care was a major innovation in the field of emergency medical services. It was also controversial, as it placed firefighters in a medical role, something both firefighters and many in the health field resisted.

But the program showed its value when paramedics were dispatched to provide onsite medical services after the 1971 Sylmar earthquake. The next year, the television show 'Emergency!' followed the experiences of two fictional Los Angeles County Fire Department paramedics. This legitimized the effort and led to communities across the country instituting their own paramedic training programs modeled after Dr. Criley's innovation.

As a result of Dr. Criley's efforts, the Los Angeles County Paramedic Training Center is named in his honor.

Dr. Criley also discovered a valuable lifesaving technique known as cough CPR. He documented that coughing during cardiac arrest or life-threatening heath rhythm disorders pumps oxygenated blood to the brain and maintains consciousness while help is summoned.

Dr. Criley has also been instrumental in training over 100 cardiologists and has taught cardiology to over 6,000 medical students and residents throughout his career. He has developed interactive multimedia programs in three languages that are used around for medical and nursing education programs around the world.

Throughout his distinguished career, Dr. Criley has served on the faculty of two of the nation's most prestigious medical institutions. After serving as Director of Cardiac Catheterization Laboratories at Johns Hopkins Hospital, he returned to his native California to join the faculty at the UCLA School of Medicine. He is now Chief of Cardiology at Los Angeles County Harbor-UCLA Medical Center where he continues to care for patients, teach, and perform research.

Mr. Speaker, I appreciate this opportunity to share how proud I am to have Mike Criley working in one of my district's premier biomedical research facilities, the Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center. His contributions have saved many lives in Los Angeles, and across the Nation.

PAYING TRIBUTE TO LAWRENCE T. WONG

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lawrence T. Wong and his associates at Arcata Associates, Incorporated for their being honored by the United States Small Business Association, as Prime Contractor of the Year for Region IX.

Under Mr. Wong's leadership, as President/CEO of Arcata Associates, the organization has maintained its commitment to quality and excellence. The Prime Contractor of the Year for Region IX award honors the organization for the outstanding goods and services that they have provided the government and industry as prime contractors. Arcata Associates being awarded the Small Business Association Prime Contractor of the Year for Region IX award is a testament to this commitment. Mr. Wong's hard work, innovative ideas, dedication to the community and professional excellence has led to his being celebrated by the Small Business Association.

Mr. Speaker, I am proud to honor Lawrence T. Wong and his associates at Arcata Associates, Incorporated for their outstanding success. I congratulate them for the recognition they have so rightly earned, and thank them for their contributions to our Nation's economy and communities.

HONORING COMMUNITY ALTERNATIVES KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize Community Alternatives Kentucky, an exceptional organization in my Congressional District that delivers community-based supportive services to persons with disabilities.

The noble mission of Community Alternatives Kentucky is to enhance the lives of the individuals they serve by helping them become active members of their communities and realize their personal goals. They provide a wide range of day-to-day residential and employment services to assist disabled individuals with health needs, personal care, physical and speech therapy, transportation, housekeeping, recreation and other personal management services.

Community Alternatives of Kentucky advocates self determination, civil rights, and community inclusion for people with special needs and developmental disabilities. They play an important role in local communities, promoting an inclusive quality of life that allows all people, regardless of personal challenges, to reach their potential as happy and productive members of society.

I applaud Community Alternatives Kentucky, particularly their wonderful support staff, for all that they do to assist disabled individuals and their families. On behalf of so many in Kentucky's Second Congressional District, I would like to express my profound appreciation for their service and for the many contributions to our communities from the people they serve. Together, they are a true inspiration to us all.

It is my great privilege to recognize Community Alternatives Kentucky today, before the entire U.S. House of Representatives, for their achievements as advocates for disabled citizens. Their unique compassion and dedication to the happiness and well-being of all people make them outstanding citizens worthy of our collective honor and respect.

HONORING OFFICER SCOTT SEVERNS

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CHOCOLA. Mr. Speaker, today I rise with a solemn heart to honor a hero. On April 21, 2006 Cpl. Scott Severns of the South Bend Police Department was shot during an attempted robbery. He succumbed to his wounds and passed early the next morning.

I have heard it said that at times like these, we should not focus on how someone dies, but on how they lived, but how Cpl. Severns died was a testament to how he lived. When two would-be robbers approached Cpl. Severns and a female companion, brandished a gun, and threatened them, Cpl. Severns instinctively stepped in between the gunman and his friend. Character like this cannot be taught through a police academy course, and it is not issued to every officer after their swearing in. This type of valor can only come from an individual with the heart of a hero.

We oftentimes do not take enough time to appreciate the sacrifice that law enforcement officers make every single day so that we can live in safety. It is easy for us to go about our daily lives without a thought about those that stand in between us and those that would try to hurt us.

Cpl. Severns's sacrifices from the moment he first put on his uniform, until his tragic, premature end, exemplify the best of American law enforcement.

Mr. Speaker, we would be remiss if we did not take this time to honor his service, remember his sacrifice, and mourn his passing.

INTRODUCTION OF GENETICALLY ENGINEERED REGULATORY FRAMEWORK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. KUCINICH. Mr. Speaker, I rise in support of six bills I introduced today that will provide a comprehensive regulatory framework for all genetically engineered plants, animals, bacteria, and other organisms. The bills will protect our food, environment, and health. They are a common sense precaution to ensure genetically engineered foods do no harm.

Genetic engineering is having a serious impact on the food we eat, on the environment, and on farmers. To ensure we can maximize benefits and minimize hazards, Congress must provide a comprehensive regulatory framework for all genetically engineered products.

Current laws, such as our food safety and environmental laws, were not written with this technology in mind. Clearer laws are necessary to ensure that these new scientific capabilities and the associated impacts are closely monitored.

The six bills include the Genetically Engineered Food Right to Know Act of 2006, which requires food companies to label all foods that contain or are produced with genetically engineered materials and instructs the Food and Drug Administration to conduct periodic tests to ensure compliance. This is a basic consumer rights and consumer safety issue. People have a right to know what is in the food they are eating, and that the food is safe.

Combined, these bills would ensure that consumers are protected, increase food safety, protect farmers rights, make biotech companies liable for their products, and help developing nations resolve hunger concerns.

SUMMARY OF GENETICALLY ENGINEERED FOOD LEGISLATION

THE GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

Consumers wish to know whether the food they purchase and consume is a genetically engineered food. Concerns include the potential transfer of allergens into food and other health risks, potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions. Adoption and implementation of mandatory labeling requirements for genetically engineered food produced in the United States would facilitate international trade. It would allow American farmers and companies to export and appropriately market their products—both genetically engineered and non-genetically engineered—to foreign customers. This bill acknowledges consumers have a right to know what genetically engineered foods they are eating:

Requires food companies to label all foods that contain or are produced with genetically engineered material and requires the FDA to periodically test products to ensure compliance.

Voluntary, non-GE food labels are authorized.

A legal framework is established to ensure the accuracy of labeling without creating significant economic hardship on the food production system.

THE GENETICALLY ENGINEERED FOOD SAFETY ACT

Given the consensus among the scientific community that genetic engineering can potentially introduce hazards, such as allergens or toxins, genetically engineered foods need to be evaluated on a case-by-case basis and cannot be presumed to be generally recognized as safe. The possibility of such hazards dictates a cautious approach to genetically engineered food approvals. However, FDA has glossed over the food safety concerns of genetically engineered foods and not taken steps to ensure the safety of these genetically engineered foods. This bill requires that all genetically engineered foods follow a strenuous food safety review process:

Requires FDA to screen all genetically engineered foods through the current food additive process to ensure they are safe for human consumption, yet continues FDA discretion in applying the safety factors that are generally recognized as appropriate.

Requires that unique concerns be explicitly examined in the review process, a phase out of antibiotic resistance markers, and a prohibition on known allergens.

Requires the FDA to conduct a public comment period of at least 30 days

THE GENETICALLY ENGINEERED CROP AND ANIMAL FARMER PROTECTION ACT

Agribusiness and biotechnology companies have rapidly consolidated market power at the same time as the average farmer's profits and viability have significantly declined. Policies promoted by biotech corporations have systematically acted to remove basic farmer rights enjoyed since the beginning of agriculture. These policies include unreasonable seed contracts, the intrusion into everyday farm operations, and liability burdens. The introduction of genetically engineered crops has also created obstacles for farmers, including the loss of markets and increased liability concerns. To mitigate the abuses upon farmers, a clear set of farmer rights must be established. This bill provides several farmer rights and protections to maintain the opportunity to farm:

Farmers may save seeds and seek compensation for failed genetically engineered crops.

Biotech companies may not: shift liability to farmers; nor require access to farmer's property; nor mandate arbitration; nor mandate court of jurisdiction; nor require damages beyond actual fees; nor charge more to American farmers for use of this technology, than they charge farmers in other nations, or any other unfair condition.

Seed companies must: ensure seeds labeled non-GE are accurate; provide clear instructions to reduce cross-pollination, which contaminates other fields; and inform fanners of the risks of using genetically engineered crops.

The EPA is required to evaluate the concern of Bt resistant pests and take actions necessary to prevent resistance to Bt, an important organic pesticide.

The bill prohibits genetic engineering designed to produce sterile seeds and loan discrimination based on the choice of seeds an agricultural producer uses.

THE GENETICALLY ENGINEERED ORGANISM LIABILITY ACT

Biotech companies are selling a technology that is being commercialized far in advance of the new and unknown science of genetic engineering. Farmers may suffer from crop failures, neighboring farmers may suffer from cross pollination, increased insect resistance, and unwanted "volunteer" genetically engineered plants, and consumers may suffer from health and environmental impacts. Therefore, biotech companies should be found liable for the failures of genetically engineered crops. This bill ensures that the creator of the technology assumes all liability:

The bill places all liability from negative impacts of genetically engineered organisms squarely upon the biotechnology companies that created the genetically engineered organism.

Farmers are granted indemnification to protect them from the liabilities of biotech companies.

The bill prohibits any transfer of liability away from the biotechnology companies that created the genetically engineered organism.

REAL SOLUTIONS TO WORLD HUNGER ACT

The demand for mandatory labeling, safety testing, and farmer protections do not constitute obstacles to the cessation of world hunger. Economics remain the significant barrier to a consistent food supply, and the development of expensive genetically engineered foods may only exacerbate this trend. Almost all research funding for the development of genetically engineered food target the developed nation's agriculture and consumers. However, agroecological interventions have had significantly more success in helping developing nations feed themselves with higher yields and improved environmental practices, all within reasonable costs for developing countries. This bill offers several new initiatives and protections to help developing nations resolve their hunger concerns:

To protect developing nations, genetically engineered exports are restricted to those already approved in the U.S. and approved by the importing nation.

The bill creates an international research fund for sustainable agriculture research paid for the Sustainable Agriculture Trust Fund, a small tax on biotechnology company profits.

THE GENETICALLY ENGINEERED PHARMACEUTICAL AND INDUSTRIAL CROP SAFETY ACT

A pharmaceutical crop or industrial crop is a plant that has been genetically engineered to produce a medical or industrial product, including human and veterinary drugs. Many of the novel substances produced in pharmaceutical crops and industrial crops are for particular medical or industrial purposes only. These substances are not intended to be incorporated in food or to be spread into the environment. That would be equivalent to allowing a prescription drug in the food supply. Experts acknowledge that contamination of human food and animal feed is inevitable due to the inherent imprecision of biological and agricultural systems. This contamination by pharmaceutical crops and industrial crops pose substantial liability and other economic risks to farmers, grain handlers, and food companies. This bill attempts to prevent contamination of our food supply by pharmaceutical crops and industrial crops.

The bill places a temporary moratorium on pharmaceutical crops and industrial crops until all regulations required in this bill are in effect.

The bill places a permanent moratorium on pharmaceutical crops and industrial crops grown in an open-air environment and on pharmaceutical crops and industrial crops grown in a commonly used food source.

The United States Department of Agriculture shall establish a tracking system to regulate the growing, handling, transportation, and disposal of all pharmaceutical and industrial crops and their byproducts to prevent contamination.

The National Academy of Sciences shall submit to Congress a report that explores alternatives methods to produce pharmaceuticals or industrial chemicals that have the advantage of being conducted in controlled production facilities and do not present the risk of contamination.

STATEMENT ON COVER THE UNINSURED WEEK

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. HONDA. Mr. Speaker, I rise today in recognition of "Cover the Uninsured Week," which runs from May 1–7, 2006. This annual nationwide campaign asks Americans from all walks of life to demand that health coverage for Americans be a top priority. I look forward to the day when we will no longer need such a week because all Americans would have the coverage they need.

Mr. Speaker, as it stands, nearly 46 million Americans—8 million of whom are children—

have no health care coverage. The health insurance and health care crisis in this country is worsening each year. As health care costs continue to rise, every family's health care coverage is at risk. Job-based health insurance continues to decline, and for millions of low-income workers, health care coverage is not even an option.

I am particularly dismayed about the high rates of uninsurance for certain populations. Californians have among the highest rates of uninsurance in the Nation. More than one in five Californians—nearly 6.6 million children and adults under age 65—were uninsured for all or part of the year. Racial and ethnic minorities also have high rates of uninsurance. Racial and ethnic minorities comprise about one-third of the U.S. population but disproportionately comprise 52 percent of the uninsured. One in five African Americans are uninsured, one in three Latino Americans is uninsured, and nearly one in three Native Americans and Alaska Natives are uninsured.

As Chair of the Congressional Asian Pacific American Caucus (CAPAC), I want to highlight the fact that one out of every five Asian Pacific Islander Americans does not have health insurance. Overall, Asian Pacific Islander Americans are far more likely to be uninsured than non-Latino Whites (21 percent vs. 14 percent). Uninsurance rates vary significantly by subgroup. For example, 34 percent of Korean Americans, 27 percent of Southeast Asian Americans, and about 20 percent of Chinese Americans, Filipino Americans, and South Asian Americans do not have health insurance.

The health of our Nation is dependent upon the health of our citizens. We need a healthy society if we are to remain globally competitive in education, technology, business, and other areas. Our top priority in Congress should be to find solutions to transform our healthcare system into one that is comprehensive, universal, and sustainable.

Our Federal investment must reflect this priority to provide coverage for the 46 million Americans across the country who deserve a guaranteed health insurance system. We must expand our Federal safety net, stop slashing Medicare and Medicaid, and work to eliminate racial and ethnic health disparities. We owe it to our parents, children, and future generations to solve this problem.

HONORING GOVERNOR JOHN ANDERSON

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to honor the work of Governor John Anderson, a man who chose a life of public service. His service to Kansas and the United States was spread across the middle part of this century and spread across the three branches of our government.

After being educated by both Kansas State University and the University of Kansas he began his career as a public servant by joining the staff of U.S. District Court Judge Walter Huxman. Continuing with the judicial branch, Governor Anderson was elected as Johnson County Attorney in 1947. His election to Kansas State Senate in 1953 gave him the opportunity to serve as one of Kansas' state legislators for three years. Governor Anderson was appointed as Kansas Attorney General in 1956 and was then elected Governor in 1960.

During his two years in the state's top position, Governor Anderson used his diverse government experiences to help reform and restructure several institutions, including: the state's pardon and parole systems; the public welfare system; and the state's public school system.

I would encourage my colleagues in the House to join me in honoring this public servant by passing H.R. 4674, to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building."

HONORING NOTRE DAME SCHOOL IN MICHIGAN CITY, IN

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. CHOCOLA. Mr. Speaker, today I have the privilege of honoring an academic institution that should stand as an example of what is good and right about our education system in America. All too often we rush to give a speech about what we feel is wrong in this country, but I believe that it is much more admirable to have that same intensity with what is right about our great country.

Notre Dame School has provided an excellent education for preschoolers all the way through 8th graders for 50 years. They have built and strengthened the characters of thousands of students instilling in them an appreciation of service and the discipline of excellence.

Notre Dame School students have consistently scored in the 95th percentile on Indiana's statewide standardized tests, and have continually produced leaders for this country, most notably our current Chief Justice of the Supreme Court John Roberts.

Mr. Speaker, words cannot convey how privileged I feel to have such a school within the 2nd Congressional District. I congratulate Principal Karen Breen, all of the teachers, administrators, staff and students of Notre Dame School on 50 years of excellence, and I look forward to 50 more years of great achievements.

A TAX CUT FOR THE REST OF US

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mr. FILNER. Mr. Speaker, the "Tax Cut for the Rest of Us" Act of 2006 (H.R. 5257) transforms the standard income tax deduction into a "refundable" standard tax credit. Doing so will not only simplify the tax code, but put more money into the pockets of poor Americans.

For 25 years, refundable tax credits—such as the Earned Income Tax Credit and the "additional child tax credit"—have proven to be simple, effective ways to help the poor.

The logical next step is to transform the standard deduction and personal exemptions into a refundable standard tax credit (STC) of $2,000 for each adult and $1,000 for each child. The STC will provide all the poor with a small but badly needed tax credit, and give a tax cut to virtually everyone who chooses not to itemize their deductions.

Transforming the standard deduction into a refundable tax credit will not eliminate poverty, but it will be an enormous benefit to the poor who were completely overlooked by the Bush tax cuts. The poor pay sales taxes, property taxes, and many other taxes, but because they do not pay very much in income tax, they have little to gain from tax simplification unless it includes something like the STC.

Transforming the standard deduction into a standard tax credit will give a tax cut to those who need it most. Now is the time to pass a "Tax Cut for the Rest of Us."

RECOGNIZING MEADOW HEIGHTS HIGH SCHOOL BOYS BASKETBALL TEAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 2, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to recognize the accomplishments of the Meadow Heights High School boys basketball team in Patton, Missouri. They broke the state and national record for three point goals in a single game. On February 10, 2006, the Panthers made 36 three point goals in a 131–66 win against visiting Marquand.

The Panthers, who average about 21 three point goal attempts a game, made 16 in the first half. They broke the state record of 24 three point goals with 1:26 left in the third quarter. The basketball team scored one more three point goal in the quarter and 10 additional three point goals in the fourth quarter.

The feat surpassed the national record of 34 three point goals set by Juniata Valley High School of Alexandria, PA, according to the National Federation of High Schools, NFHS. NFHS certified the new school record on February 25, 2006.

This accomplishment was made possible by the hard work and cooperative effort of the Meadow Heights High School boys basketball team. These young men are a great example of teamwork and sportsmanship for the youth of Southern Missouri.

I extend my sincere congratulations to Head Coach Tom Brown, as well as the members of the Meadow Heights High School boys basketball team.

RECOGNIZING THE 35TH ANNIVERSARY OF AMTRAK

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 2, 2006

Mr. HOLT. Mr. Speaker, I rise today to recognize Amtrak on its 35th Anniversary. Yesterday, Amtrak celebrated 35 years of committed service to America by providing reliable and safe transportation.

Rail service has integrated small communities with large cities across the country providing opportunity for economic expansion, increased mobility, and environmentally sound transit. With the creation of Amtrak in 1971, our country has benefited from organized, reliable and safe service to individuals commuting to and from work and individuals using rail service for extended travel. With the rising cost of airline flights, exceptionally high gas prices and bus stations being closed across the country, individuals are relying more and more on rail service.

In New Jersey, employers rely on an integrated rail operation to enable many of their employees to get to and from work. As a regular Amtrak rider, I appreciate the professionalism and service that customers enjoy every day. The continued operation of Amtrak is an essential component of easing traffic congestion, reducing wear and tear on roads, protecting our environment and preserving open space in New Jersey and across the country.

Amtrak needs the support of Congress. Funding cuts for Amtrak would have crippling effects on transit in New Jersey and many other states along the Northeast Corridor. In 2005, ridership reached a record level of more than 25 million riders, a 29 percent increase since 1996. We must meet the needs of millions of Amtrak riders through continued funding for this essential American service. We must help Amtrak maintain key infrastructure on the 650 route miles that Amtrak owns (out of 22,000 miles on which Amtrak operates), repair or replace old equipment, and encourage local and state investment.

I have always been a strong advocate for increased Amtrak funding and greater federal support for passenger rail service in New Jersey and throughout the country. I am a cosponsor of the Amtrak Reauthorization Act, which would authorize funding through Fiscal Year 2008 for Amtrak operations and capital investment. We must show our commitment to Amtrak by reauthorizing funding instead of fighting every year to keep funding at a steady level.

Again, I congratulate Amtrak for its 35 years of service to our nation. Rail service is a fundamental component of our nation's continually growing transportation system, and Amtrak has demonstrated the capacity of integrated rail service to expand economic opportunity, commuter options, and make vital contributions to the fabric of our communities.

HONORING DANIEL AND CHRISTINA FINN OF THE PATRIOTIC PILLOW PROJECT

HON. DANIEL LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 2, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Daniel and Christina Finn, founders of the Patriotic Pillow Project, also known as Operation Comfort.

Daniel T. Finn is a Vietnam veteran who proudly served his country during the years of 1966 and 1967. Upon return to the United States, Mr. Finn received a teaching degree and currently teaches at Carver, the Nation's largest public military academy in Chicago.

Christina Finn serves as a medical health professional. In this career, she has observed that the healing process includes both emotional and psychological healing, as well as physical repair. For this reason, when Dan and Christina's oldest son was deployed to Iraq, the Finn's founded the Patriotic Pillow Project This project lovingly and respectfully collects pillows to send to wounded GIs to lift their spirits and honor the recipient.

United Airlines and an organization called C.A.R.C. in Chicago have provided the pillows. Then, anyone who can stitch a straight line and follow the pattern provided is encouraged to handcraft a pillow cover. The pillow covers are quilted replicas of our Nation's Flag.

Since September 2004, the Patriotic Pillow Project has received 4,350 pillows and delivered more than 2,350 finished gifts of gratitude. This is quite an accomplishment for a project that started out as a single page document distributed to friends and various organizations.

It is my honor to recognize Dan and Christina Finn, founders of the Patriotic Pillow Project for their many achievements in supporting our heroic American GIs.

RECOGNIZING FRESNO COUNTY'S SESQUICENTENNIAL CELEBRATION

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 2, 2006

Mr. RADANOVICH. Mr. Speaker, I rise to recognize the county of Fresno upon the celebration of its 150th birthday which was on April 19, 2006. Since 1856, 6 years after California became a State, Fresno County has created a rich history mired in agricultural ingenuity, pride and immigrant perseverance. I was pleased to recently help Fresno County celebrate its storied journey with a gathering at its historic Santa Fe depot.

As we celebrate this occasion, it is only fitting that we go back to one of our county's beginning points, the Santa Fe depot. As a major hub for the valley's newly arrived, the depot marks the commencement of agricultural prosperity, serving as the location where many of the county's goods were transported to vast markets. Whether their arrival was by covered wagon, stagecoach or train, we celebrate the westward journey of the early settlers with the example set by our valley's student pioneers.

Mr. Speaker, I rise to recognize the 150th birthday of Fresno County. A story rich with tradition, I urge my colleagues to join me in celebrating Fresno County's journey and future success.

HONORING THE SERVICE OF LANCE CORPORAL ERIC ANTHONY PALMISANO TO OUR COUNTRY

HON. JOHN L. MICA
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 2, 2006

Mr. MICA. Mr. Speaker, I rise today to honor and pay tribute to Lance Corporal Eric Anthony Palmisano, who died in a tragic accident while serving our Nation in Al Asad, Iraq.

Prior to joining the Marine Corps, Eric spent much of his early childhood living in Chicago and eventually moved to Tampa, Florida with his family. Eric had lived in central Florida since 1996, and attended the University of Central Florida where he was active in sports and studied criminal justice.

Eric enlisted in the Marine Corps and attended Basic Training in Camp Pendleton, California last year. He stood out both in training and during his service and quickly became one of the best Marines in his unit. Proud of his achievements, Eric once wrote to his fiancee, "This is an opportunity to prove—mostly to myself—that when I give something all my effort, I cannot fail."

We should all remember Eric's courage and his ultimate sacrifice for our Nation. The freedom we enjoy and the liberty in the world for which he fought are part of the great legacy that Lance Corporal Eric Anthony Palmisano leaves behind.

To Eric's fiancee and his entire family, we extend our deepest sympathy.

Mr. Speaker, because of Lance Corporal Eric Anthony Palmisano's sacrifice for our country, I ask all Members of the U.S. House of Representatives to join me in recognizing his service in our Nation's Armed Forces and remembering both his life and his dedication to the United States of America.

SENATE—*Wednesday, May 3, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord, the source of blessings, bless our world. Bless our friends and give them abundant living. Bless our enemies and help us to transform them into friends. Bless those in harm's way fighting for freedom. Bless those in pain of body, mind or spirit. Bless those who mourn. Bless those in life's evening who feel left alone. Bless those in trouble and are fearful about tomorrow.

Bless our Senators. Use them for Your glory. Remove the worries that distract them and give them Your peace.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin a 30-minute period for the transaction of morning business. Following morning business, we will resume consideration of the emergency supplemental appropriations bill. Pending is the final division of Senator COBURN's amendment, and there will be 60 minutes of debate on that division. Therefore, Senators can expect the first vote to occur at approximately 11 a.m. today.

Since cloture was invoked yesterday by a vote of 92 to 4, we are now operating under the provisions of rule XXII. A lot of amendments are still pending to the bill; however, many of those amendments are not germane and, therefore, will fall to a point of order.

With that said, there will be some amendments that will qualify for consideration, and we will have votes on those amendments throughout the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Ms. MURKOWSKI. Mr. President, last week I spoke on the floor concerning the rising cost of gasoline and diesel fuel—in fact, all fuels. We have all been talking about the price of energy in this country for the past several weeks. Over the weekend, I was at a soccer game, and that was the conversation. Everyone had their horror stories about what they were paying to fill up their vehicles and discussion about how bad is it going to get.

My comments this morning are directed in a vein that unless this Nation gets serious about its energy and how we move forward with a truly balanced approach, it is going to get worse before it gets better.

There have been a lot of proposals and a lot of discussion. There is a sense that perhaps there is some easy fix out there that we in the Congress have overlooked. It is clear to those of us who have really been following this issue that there is no easy fix. We didn't get here in a week. We are not going to get out of this in a week. We are not going to get out of this through quick congressional action. We have to do more when it comes to furthering our conservation of our current supply. We have to speed the development of our alternative and renewable fuels. We have to produce more energy at home rather than buying from unstable and unreliable sources abroad.

Yesterday, the European nations voiced support for a U.N. Security Council resolution that could produce sanctions against Iran to slow their nuclear program. We may have a ways to go to convince Russia and China that sanctions are appropriate, but the hint that sanctions could endanger the roughly 2 million barrels of oil a day that Iran exports, it is this type of unrest that can spook or scare off the international oil markets, thus driving the price of oil higher.

Yesterday, following in the footsteps of Venezuelan Hugo Chavez, Bolivia nationalized its natural gas industry. Almost certainly this is not going to result in lower prices for natural gas in the future.

I made some comments this weekend that Congress can pass and repeal laws, but we don't have the ability to repeal the law of supply and demand. With demand for oil edging dangerously close to the maximum production levels, with the developing nations increasing their demand for energy supplies, with the unrest we see in Nigeria, the standoff over Iran's nuclear programs, we simply have to conserve more and produce more. It is not an either/or situation.

I have heard some people suggest that the only way out of this is conservation, renewables or alternatives. It has to be everything. It has to be a full, comprehensive approach. It is not an either/or situation.

On the conservation side, the Republican leadership last week introduced legislation to give the President the authority to raise the CAFE standards for passenger vehicles. I am one of those who is willing to do more in this area. People want to know: What can we do now, what can we do today that is going to help offset the high prices? There are some very simple things we can do from the conservation side to conserve fuel and save money.

Individuals can make sure that their tires are properly inflated, that their cars are tuned, and reduce speed. All of these improve fuel efficiency.

We all need to do more to conserve all different types of energy, including our electricity, since much of it is made from oil. Look at your thermostat this summer. Don't crank up that air-conditioning as much as you might want.

In the intermediate run, over the next 5 to 10 years, we have to expand the use of our renewable energy, whether it is wind, geothermal, biomass, ocean, solar, and hydroelectric. We need to get to the next generation of nuclear powerplants, get these off the drawing boards, and fund research on everything from hydrogen cars to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

improved technology for clean coal and carbon sequestration to lock up greenhouse gas emissions.

But the other component we must focus on is increasing our domestic supplies of oil and natural gas because it truly will take everything, a truly balanced energy approach, to stop America from being "over a barrel" when it comes to high energy prices. And the foremost thing, the No. 1 thing we can do to prevent this country from being in the same situation 5, 7, 10 years out from now is to stop wasting our time and to open up a small portion of the Arctic Coastal Plain in our State of Alaska to oil and gas development.

We have about 10.4 billion barrels or more of oil sitting up in ANWR that can be developed in an environmentally friendly, sane, responsible manner. We do this utilizing the technology that has been developed over the past several decades, whether it is the 3–D seismic that helps us pinpoint where the deposits are or the directional drilling that allows us to go underneath the surface so there is no surface disturbance. We can do this without harm to the wildlife, without harming the porcupine caribou herd or without displacing a polar bear or moving a muskoxen.

The legislation we have discussed opening up ANWR would limit the surface impact to 2,000 acres—2,000 acres out of 19.5 million acres—in the ANWR area. This is one-tenth of 1 percent of the area we are talking about for development.

Opening ANWR could produce up to 1 million barrels a day of additional oil for 30 years to meet this country's domestic demand and, thus, help drive down the prices. When we look at the laws of supply and demand, 1 million barrels of oil is nothing to sneeze at. When we look at the equivalent, 1 million barrels a day is the equivalent of the energy we would obtain from a 3.7-million acre wind farm. To put it in context, if we took the whole State of Connecticut and the whole State of Rhode Island, combine them and put a wind farm on all of that landmass, that is what it would take, generating wind for 1 year—and you have to have a steady wind supply—to equal 1 million barrels a day.

Mr. President, 1 million barrels a day would be equivalent to one-fifth of America's oil production by the year 2025. One million barrels a day for 30 years will be one of the largest finds in the world in the past 40 years and perhaps the largest field in North American history.

In this morning's "Investor's Business Daily," a comment is made in the editorial section. I will read it:

> A million barrels a day could make a big dent in today's prices. More importantly, it would help defend the U.S. from oil blackmail by terrorist Arab regimes and leftist enemies like Venezuela's Hugo Chavez and now Bolivia's Evo Morales.

A million barrels a day makes a difference.

The revenue to be gained from ANWR, again, is nothing to sneeze at. The Congressional Research Service this week released a report that found that the Federal Treasury is likely to gain $90 billion from the taxes on oil produced from ANWR when oil is at 60 bucks a barrel. And that number does not take into account any Federal money from the production of natural gas, which is also likely to be found in the area. It does not include any of the bonus bids or the royalties that the Government will get upfront before the oil is even found.

Mr. President, you know about this issue more than anybody in the Senate. That $90 billion figure is based on the assumption that ANWR contains the medium estimate for oil production of 10.4 billion barrels—1 million barrels a day for 30 years.

At today's prices—and the price this morning is a little over $74—at today's prices, and assuming the industry's expectation that ANWR may hold 16 billion barrels of recoverable oil, the Federal tax take may hit $173 billion over the life of the field. Now that is not an insignificant chunk of change.

I know there are those who will say that ANWR cannot come online in time to help our current price problem, but I suspect that as a country, when we finally commit to getting serious about our energy policies, we will send a signal to the commodities traders, and that will have an immediate impact on our prices. We took a significant step forward along those lines last year when we passed the Energy Policy Act. I compliment the chairman of the Energy Committee for his hard work, but we need to do more. Anyone who thinks that 5 or 10 years from now we are not going to see more hurricanes, we are not going to see more supply disruptions, or more production impediments is not being realistic.

For the past 19 years, this Nation has been waiting for Congress to act to increase our fuel supplies. If we don't do it now, motorists will have full justification, as they stand in the summer's heat waiting to pay $3.50 or perhaps $4 a gallon for gasoline, wondering: What in the world is wrong with us? Where is our common sense?

We have to look at the facts—not the emotional appeals—involving ANWR. We need to look at the improved technology that will protect the Arctic's environment while we produce the fuel to help lower the prices—maybe not today, maybe not tomorrow, but in the not too distant future. We need to start reducing domestic fuel supplies now.

Mr. President, I see that my colleague from Idaho is here, and I yield the floor.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague from Alaska for her dedication and the Chair's dedication to the development of ANWAR. We can all look back at the time when this Congress actually passed it and it was vetoed by President Clinton. If that had not happened, today ANWR would be producing and would be feeding at least a million barrels a day of oil into the system, and the refineries at Anacortes, WA, would be operating at full capacity. My guess is that gas would not be $3 at the pump, and we would be in a much stronger position worldwide today if we were allowed to produce.

It is a supply-and-demand issue. We all know that. We are going to create greater transparency in those markets so that the American people can rest assured that there is no gouging. We, the same, want to understand that. But I think that when that is understood, if that is what we find, then the world begins to really look at why $3, why $3.10, why $4? Why is demand outstripping supply, and all of those types of things? It is so darned important.

FISCAL YEAR 2006 SUPPLEMENTAL APPROPRIATIONS

Mr. CRAIG. Mr. President, as most of my colleagues know, congressional recesses are not times during which Senators and Congressmen do nothing. In fact, recess is a critical time for citizen legislators like ourselves. Recess is an opportunity for many of us to go home and live for a little while under the laws that we have passed. We talk with our neighbors. We visit local restaurants, grocery stores, and spend a lot of time with constituents all across our states. We hear what the people think about our work. I must say that while I was in Idaho over the Easter recess, the feedback I got on spending by this Congress was not good.

We have before us another emergency supplemental funding bill. The chairman of the Senate Budget Committee has called these emergency funding bills "shadow budgets." I agree with his view. We are simply funding outside of the regular budget process the known costs of our war on terror. That has to end. In the case of hurricane relief, I understand the need to provide emergency funding as quickly as possible, and I know we cannot always budget exactly for an emergency. However, I am increasingly frustrated with this Congress's refusal to make any adjustments to other spending priorities to account for the need to rebuild the gulf coast. We are now into our fourth emergency supplemental in less than a year for the rebuilding efforts along the gulf coast. It is time that we start paying for some of this spending.

Before I left for the recess, I voted in favor of the emergency supplemental appropriations bill that was before the Appropriations Committee. I cast a "yes" vote with some hesitation, in light of the concerns I have just mentioned. The bill I voted for would have provided $96 billion in emergency spending, mainly for our efforts in the war on terror in Afghanistan and Iraq and the continued reconstruction of the badly damaged gulf coast region.

The President submitted a request to Congress for $92.2 billion. Yet I was voting to add $4 billion to the amount requested by the President. But I voted yes because I recognize that not all wisdom is found at the other end of Pennsylvania Avenue. Congress has a responsibility to scrutinize and improve upon the administration's request. And we certainly have the right and the responsibility to add or subtract from that request based on needs that we identify. I believe the bill I voted for in committee did just that.

Chairman COCHRAN and Senator BYRD held hearings on the administration's request. They identified shortcomings and they changed the bill to address those needs. So I supported $96 billion as the level of funding needed to address urgent needs across this country related to our war on terror and our disaster recovery efforts.

Unfortunately, a series of amendments adopted by voice vote by the committee after I left have pushed the cost of the legislation now before us to over $106 billion. That is $14 billion above what the administration requested and $10 billion above what Chairman COCHRAN and ranking member BYRD recommended to all of us.

Every Member of this institution has to draw the line and decide how much is too much. In my mind, and in the minds of many Idahoans, this level of funding is simply too high.

In fact, last week I joined with 34 of my Senate colleagues in sending a letter to President Bush saying we will vote to support his veto if the price tag of this bill does not come down. Enough is enough, and I am proud to stand with my colleagues and say so.

The people of Idaho are honest, hardworking Americans who will continue to staunchly support our military and compassionately lend a helping hand to our fellow citizens on the gulf coast. That message has been loud and clear to me over this and other congressional recesses. However, when Congress tries to take advantage of their patriotism and generosity, the people of Idaho deserve to know that their Senator will stand up and say no. I believe that this bill is irresponsible, and that is why I am standing up and saying no.

I want to be clear so that all of my colleagues and my constituents understand my position and why I am voicing my frustration with this bill. My frustration is not about supporting our military. I support our military and I am committed to providing them with the tools they need. My frustration is not about supporting recovery efforts in the gulf coast. I am committed to helping the people in that region rebuild and move on with their lives. My frustration is with the Senate spending billions upon billions of dollars in such an irresponsible manner. The people of Idaho have charged me with being a good steward of their taxpayer dollars, and they expect me to work hard and make sure those dollars are being spent wisely. This bill does not do that. We can meet the needs of our military, the gulf coast, and other national priorities in a fiscally responsible manner. We have to be willing to make tough decisions and tighten our belts. Together, we can get spending under control and regain the confidence of the American taxpayers.

Mr. President, I also wish to talk a little bit about the budget as it relates to where we are on the supplemental, along with this important issue of energy because, when I was home over the recess, as most of us were, the public was talking about a lot of issues. They were talking about energy, although it hadn't spiked the way it is spiking now. But they were also talking about deficits and responsible spending on the part of Government and making sure we do it right. And it is tremendously important that we do.

The supplemental is too big at this moment. The President has sent us a message, as he should have—and I support that message—that we have emergencies, and we ought to address emergencies. But we ought not put on emergency budgets those kinds of expenditures that could well be utilized and brought into the appropriate budget. I have said to our chairman—and I respect his work, and I am on the Appropriations Committee—that we have to bring this supplemental down a bit and get our deficits under control. We have a war, we have Katrina, we have a national disaster beyond anything we have ever faced.

Americans understand belt-tightening. They also understand sharing. This is about belt-tightening; it is about sharing. It is not about funding every idea that comes along, as worthy as it might be, against making sure that we get Louisiana and we get Mississippi responsibly financed in a redeveloping, restructuring mode—not excessively—and that we make sure our men and women in Iraq are appropriately funded. Those are the critical issues.

My time is limited, but I have said to our chairman and I say it again: It is important we understand that the $92 billion to $96 billion range is where we have to get this supplemental, and I am going to work hard with the chairman to do it, to do it appropriately, to be selective in that which we fund but to be responsible in that which we send to the President in our work with the House to assure that we have the emergencies funded.

Supplemental emergency funding ought not be a shadow budget. Here we are now in our fourth emergency supplemental within a budget cycle. I don't think our budget system works very well if we can't do better than that and argue that everything is an emergency and, therefore, somehow it doesn't fit under the caps. That is not the way our public and our taxpayers who finance this big government of ours want us to operate. Somehow we have to get that under control.

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

ENERGY

Ms. STABENOW. Mr. President, today as I stand here, back in Michigan the gas prices have risen to $3.10 a gallon. At $3.10 a gallon, that is the highest price at the pump that folks are paying than ever before as they get up to go to work, take the kids to school, as our farmers are preparing the fields, and as our business people are on the road. Folks are feeling the squeeze—one more squeeze.

We already have in Michigan a situation where we are seeing job loss or wages being reduced, health care costs going up, pensions that may not be there for people; things that are squeezing people on all sides—the higher cost of college. Part of that is due to actions taken in the Congress and at the White House. To add insult to injury, we are seeing now over $3 a gallon for gasoline, and I know in other States we have seen as much as $4 for folks who are just trying to make it, just trying to get to work, just trying to take care of their families.

When they look at this picture, they see several things. They see the highest possible profits ever recorded in the history of the country by our oil companies, particularly ExxonMobile, which recorded the highest profits ever. They see incredible salaries. They see the former CEO of ExxonMobile making about $110,000 a day, when most Michiganians don't make $110,000 a year. And now we were told about a $400 million retirement package, and we hear when you count everything, it could be $700 million. Unbelievable. People have had enough. People have had enough of a set of policies that are squeezing them on all sides.

Then, today, we read that the conference committee is dealing with a series of tax cuts and tax proposals and have decided to delay repealing accounting procedures known as "last and first out" that were included in the bill that we passed, including loopholes that we closed for oil companies that would equal about $4.3 billion in tax breaks that we said didn't make sense and we need to close them. Instead, those tax breaks are going to keep rolling on. I know there are going to be hearings in the Finance Committee. But the reality is that when the priorities are set, when the values are reflected about what will be done, the oil companies' tax breaks continue. High prices continue. These outrageous CEO salaries continue. The people in Michigan have said: Enough is enough.

On top of that, we see foreign tax credit loopholes that may be continued so that we as taxpayers will subsidize the oil companies doing business in other countries. We see royalty relief that Senator WYDEN spoke about last week which comes to the tune of anywhere from $20 billion to $80 billion in tax breaks to the oil companies that they said they didn't even need anymore. Yet this royalty relief and the tax breaks continue. We see the Energy bill that was passed last August and had a lot of positive things in it, that I supported, but in that were $2.6 billion in tax subsidies by American taxpayers for the oil companies, and that continues.

In total, we are looking at somewhere between $28 billion and $88 billion in taxpayer dollars being used to subsidize an industry with the highest profits and arguably the highest salaries, or certainly some of the highest salaries in the world. At the same time, folks are trying to make it every day.

I believe, and my colleagues on the Democratic side of the aisle believe, that we need to shut down those tax breaks to oil companies and put money directly back into the pockets of taxpayers. We also believe and, in fact, I was proud to lead an effort that resulted in a required investigation by the Federal Trade Commission. I was proud to author that in the Energy bill last August and they are finally doing it and they will have an investigation done and recommendations by May 21. They are doing a law enforcement investigation.

I call on the President and all of our colleagues to do everything possible to support the FTC to get the right conclusion. We know price gouging is going on. It is not rocket science. People see what is going on. We don't need to call for an investigation. We already have one going on. Let's make sure they have the tools and the resources and the support to do what is right for the American consumer.

Americans are subsidizing one of the wealthiest industries in the country and in the world, with the highest CEO salaries, at the same time they are trying to figure out how to get 2 or 3 gallons in the tank of their car so they can get to work. This is the wrong set of values. These are the wrong priorities for our country.

I say, along with many others, enough is enough. We know we have long-term issues to address, and we have worked together in the Energy bill on new support and tax incentives for renewable fuels. We are seeing in Michigan the outgrowth of that: five new ethanol plants by the end of the year, biodiesel plants, and we are seeing wonderful efforts going on with our American auto companies. I am very proud of what General Motors is doing with E-85 ethanol and Ford moving ahead with their hybrids and Daimler Chrysler with biodiesel B-20 and all of the efforts that are moving forward to get us off of foreign oil dependence. And I am hopeful that all of those policies together will result not only in more jobs in my State, because I believe Michigan will be the leader in this area, but more support for our farmers, better policies for our environment, and the opportunity to give big oil the competition they ought to be having, which is by using homegrown fuels.

I believe our goal ought to be to make sure the people of this country have the opportunity to buy their fuel from Middle America instead of the Middle East. I am committed to that, as many of my colleagues are, and I believe we need to get about the business of getting that done. In the process, we ought to close some tax loopholes with the oil companies. We ought to go back on this tax bill and get it right and worry more about putting money back in the pockets of the folks who are paying the bill at the gas pump. Folks have said enough is enough, and I agree with them.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side in morning business?

The PRESIDENT pro tempore. There is 7 minutes remaining.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Michigan because she has been a leader when it comes to the issue of helping consumers across America. Many people say it is morning in America, but not if you stop at a gas station. It feels like it is the dead of night, and it is getting pretty cold and windy outside.

What the Senator from Michigan has said is that instead of this meaningless $100 which has been suggested on the other side of the aisle and which has become something of a joke, she suggested a significant amount: $500. Clearly, that is not going to make up for all of the added expenses of gasoline for people across America, but Senator STABENOW has been a leader in suggesting that the oil companies should give up their subsidies and tax breaks, which they continue to beg for with record profits, and instead we should take that money and give it back to the consumers. It is a rebate that would go not to the Treasury that would be lost in the sauce but would go back directly to families and consumers across America. I thank the Senator from Michigan for her leadership.

A little later this morning, many of us are going to have a gathering with farm groups across America. It is often overlooked. I know the Senator from Michigan has mentioned it about her State, but our farmers are facing a tremendous hardship because of the increased cost of energy, not just diesel fuel but also the gasoline they need for the work of the farm, and added costs, as well, for items like fertilizers and pesticides. We estimate that over the last 5 years, Illinois farmers on an average are going to pay an additional $24,000 because of these additional energy costs, the natural gas component of fertilizers, as well as the fuel to use in their tractors and in their vehicles. That $24,000 right off the bottom line for farmers can be the breaking point for some, and many may not survive. That is why this debate is important and why it is timely and why we should not waste any time addressing it.

I am afraid we have reached the point where we have to acknowledge the obvious. The shortest attention span in America is right here in this Chamber because Senators have an attention span that lasts as long as the headlines last and as long as the phones are ringing and the e-mails are coming in. When that diminishes, we tend to move to the next issue, whatever that might be, even if we have not addressed or resolved the issue before us.

I think my friends and colleagues in the Senate will look at the energy issue and dismiss it at their peril. What we find is, as we ask Americans across the board what causes you the greatest concern—this is a poll which came out just a few days ago from NBC and the Wall Street Journal—how about leaking classified information by the Bush administration? Eighteen percent of Americans say it causes them concern. How about Iraq? Twenty-three percent. How about the issue of immigration? Twenty-six percent. How about Iran building a nuclear weapon? Thirty-three percent. How about gas prices reaching $3 a gallon? Forty-five percent of Americans say that causes them concern.

We ignore this political and economic reality at our peril. It is not enough for us to give speeches on the floor and do nothing, and this week we will do nothing when it comes to the energy issue. There are things we must do. First, we have to acknowledge that what we have done has not worked. It has failed. The energy plan that was endorsed by the Republican majority and signed by the President last August has failed. It has failed and obviously so.

During the heating season this last winter, we saw dramatic runups in the cost of home heating, whether it was fuel oil in the Northeast or natural gas in the Midwest. Then, of course, came the sticker shock at the gas pump every single day, now up to $3-plus a gallon in my part of the world, in the Midwest and Illinois, and $4 a gallon or more in California or other places. To think that we passed an energy bill 8 months ago and patted ourselves on the back about what a great job we did, now look at the reality. The reality is it failed. It failed.

We need a new direction. We need a significant change in direction. The energy policy of the Bush administration has failed America. The cost of energy is too high. We are importing too much. We are being pushed around by these little tinhorn dictators who happen to have oil reserves and now want to dictate foreign policy to the world. Why would the United States ever tolerate this situation?

What we need to do is to be very forceful. First, let's start at home. Let's acknowledge the fact that, even though there are clearly elements that gave rise to the increase in the cost of energy, there is profiteering taking place, and it is obvious. The big five had over $110 billion in profits last year. $1.000 for every household in America in oil company profits: $1,000. When this administration talked about cutting your taxes, there has been another invasion of home budgets, and it isn't the tax man, it is the oil man. It is the oil man who is taking money out of every family's budget, almost $100 a month for additional energy costs, so they can have recordbreaking profits, so their shareholders can applaud, and so Mr. Lee Raymond, the former CEO of ExxonMobil, as a parting gift for his wonderful work at ExxonMobil, can get $400 million. As I said before, he didn't even have to buy a Powerball ticket—$400 million. Sayonara, farewell, Mr. Raymond, thank you for your great service—$400 million at the expense of the American economy and American consumers. The oil companies don't get it. They don't understand what they are doing to America.

The other day, George Will, who is on one of the talk shows, chided me for saying that what is happening with energy costs is going to put a chill on the American economy. I will stand by that statement. It is true we have not seen it immediately. We will. You just can't increase the input cost in business or farming as dramatically as these energy runups are doing without hurting the bottom line, forcing farmers out of business, forcing businesses to lay off employees. Of course, those businesses depending on energy couldn't even dream of expanding at this point because they have to find a way to deal and cope with this reality.

What do we need to do? We need to punish the profiteers. We to need to say to these oil companies: This is intolerable.

It is time for the President of the United States to call the oil company executives into the Oval Office, to sit down and in very quiet and reasoned tones tell them enough is enough. You cannot continue to profiteer at the expense of workers and businesses and farmers across America.

The PRESIDING OFFICER (Mr. VITTER). The time of the Senator has expired.

Mr. DURBIN. Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, livestock, and/or dairy products, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing $6 million to sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential Program, and for the training of Customs and Border Protection officials on the use of new technologies.

Murray (for Harkin) amendment No. 3714, to increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) modified amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG Program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Domenici/Reid amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate with 30 minutes under the control of the Senator of Oklahoma and 15 minutes under the control of the Senator from California and 15 minutes under the control of the other Senator from California.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending business is H.R. 4939.

AMENDMENT NO. 3641, DIVISION XIX, WITHDRAWN

Mr. COBURN. I would resume where we were last night, if I could get recognized on amendment No. 3641, division XIX.

The PRESIDING OFFICER. The Senator has that right, to speak to that issue.

Mr. COBURN. I had planned on withdrawing that amendment, but I wish to make one last point. California received $753 million in earmarks last year. This amendment was to eliminate almost $11 million on levee reconstruction. Seventy times that amount went to California in earmarks. That is the problem.

I ask unanimous consent to withdraw this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3817, WITHDRAWN

Mr. COBURN. Mr. President, I ask that the pending amendment be set aside and amendment No. 3817 be called up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3817.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a provision relating to the Office of Job Corps)

Strike section 7017 (relating to the Office of Job Corps).

Mr. COBURN. Mr. President, I intend on withdrawing this amendment. I wish to make a few points before I do so.

In the supplemental bill, the Job Corps receives a direction that the Department of Labor can't manage it, can't use the resources to manage it. There are documented errors and documented fraud within it. Mr. President, section 7017 of the Emergency Supplemental would mandate that Job Corps operate with less accountability. Specifically, the language would make Job Corps the only program out of 100s to be operated out of the Secretary's office with direct contracting authority.

The Office of the Secretary of Labor does not have the staff or resources to effectively manage and conduct oversight on the Job Corps. The language of Section 7017 forbids the Secretary from shifting oversight and management personnel from any other support office in the Department of Labor. Secretary Chao is forbidden to utilize the same oversight and management that every other program normally receives from other support offices within the Department.

Section 7017 ignores recommendations from the Government Accountability Office and the Inspector General that warn against the dangers of waste, fraud, and abuse that will go undetected in the Job Corps program when one office controls all aspects of a contract-drafting, soliciting, bidding, and managing. The incestuous relationship between the contractors who operate the Job Corp program and the program officers operating the program will have no independent oversight to guard against improper payments, improper use of resources, fraudulent performance reporting resulting in fraudulent salary bonuses, and non-compliant accounting and record keeping.

Secretary Chao is trying to clean up the Job Corps program so that it effectively serves low income teenagers and young adults with a residential job training program. The Job Corps program needs accountability. According to the Office of Job Corps, the program failed to have aggressive monitoring of performance data making evaluations of the program's effectiveness unreliable. The Job Corps contractors are reporting misinformation regarding the number of students that successfully graduate or receive GEDs. The contractors fail to report that almost 40 percent of the students who go through the program fail to obtain a GED or diploma. This results in fraudulent bonus increases to the contractor's pay. The program fails to report that the median stay of a student at a Job Corps location is 8 months, while it takes at least 12 months to successfully obtain a GED. The program also fails to accurately report how many students successful receive job placement into the skilled jobs for which the Job Corps is supposed to equip the students. They fail to report that only 5 percent of the graduating students are placed in apprenticeships for skilled jobs. The contractors incorrectly consider job placement in unskilled jobs and the military—(obtainable without a high school education)—as benchmarks for success. This results in fraudulent bonus increases to their pay.

Examples of mismanagement illustrated in past Inspector General Reports include doctoring of program performance resulting in bonus pay, unethical use of resources, lack of cost controls and resource management. These examples makes the point for Secretary Chao—that the Job Corps program is in desperate need for accountability and oversight.

The September 30, 2005 Inspector General report, San Diego Job CORPS Center: Student Attendance and Training Data Overstated, stated that the number of vocational completions was overstated by over 50 percent. Training records did not support that students had completed all the vocation's tasks with an appropriate level of proficiency.

In the March 30, 2005 Inspector General report, Kittrell Job Corps Center: Manipulation of Student Attendance and Training Records, the Inspector General found that Kittrell managers manipulated student attendance and training records to improve the center's reported performance. Reported performance of high school diploma attainment and job placements was also was not reliable. This unreliable data affected Job Corps financially because reimbursed operating expenses and incentive fees paid to contracted center operators are based on reported performance.

In the 2001 independent auditor's report on the schedule of Job Corps expenses for the Turner Job Corps Center, the Inspector General found inadequate controls over payroll processing, that included hiring two instructors without proper credentials and keeping inaccurate records of leave. There was also lack of accountability over inventories of consumable supplies, evidence that the center underreported medical and dental expense, and the purchase of property and equipment that Department of Labor did not approve prior to acquisition.

In the January 31, 2000 report entitled OIG Questions $1.3 Million of Additional Costs Claimed by Contractor Report No. 18–00–003–03–370, the Inspector General found that the contractor Will H. Hall & Son, Inc. received an additional $2,365,622 due to delays at their construction site. The Inspector General found that this contractor failed to substantiate its claim that various events under the Department of Labor's contract constituted compensable construction delays caused by the Department of Labor. Certain amounts claimed were either double counted as both direct and indirect costs, already covered under the original firm fixed-price contract, or based on estimates instead of actual costs incurred.

Section 7017 of the Emergency Supplemental will virtually guarantee that we will see many more examples of waste, fraud and abuse within the Job Corp program. Furthermore, why is the Senate being asked to make a program change to a 40-year-old program within an Emergency Supplemental bill? Why hasn't the Department of Labor been consulted in making this unprecedented move away from accountability? Why hasn't the Appropriations Committee or the Committee on Health, Education, Labor, and Pensions held a single hearing about this radical change to the Job Corps program?

Due to time constraints and my desire to move Senate business forward, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, what is the pending business before the Senate?

AMENDMENT NO. 3777, AS MODIFIED

The PRESIDING OFFICER. The pending business is amendment No. 3777, as modified

Mr. MENENDEZ. I ask unanimous consent to add Senator BROWNBACK as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I know of no Senators seeking recognition for discussing the amendment any further. The amendment has been described by the distinguished Senator from New Jersey. The Senate is well aware of its intent. These are funds that are being directed to the situation in Darfur in the Sudan. There is a U.N. mission there with responsibilities for helping to deal with the misery and challenges to life that exist there.

I ask the author of the amendment if that is the purpose of the amendment? It is money that would go for the purpose of supporting the work of the U.N. mission in Darfur?

Mr. MENENDEZ. I thank the distinguished chairman for his inquiry. The answer is yes, our effort is to ensure the ability of the U.N. work to continue and to ultimately have the wherewithal when a peacekeeping force is called for to be able to have that move forward so we can hopefully end the genocide in Darfur.

Mr. COCHRAN. I thank the distinguished Senator for his explanation and his description of the language.

I know of no requests for yeas and nays on the amendment. I suggest we proceed to a voice vote.

Mr. LEAHY. Mr. President, on April 6, I spoke on the floor about the humanitarian catastrophe in Darfur where more than 200,000 people have perished from genocidal violence, hunger and disease. Today I rise to strongly support the amendment offered by Senator MENENDEZ to help meet the emergency need for additional funding for peacekeeping in Darfur.

President Bush, this Congress, and the international community have recognized the need for double the number of peacekeeping troops in Darfur to stabilize the crisis and begin to lay the groundwork for a resolution to this conflict. But the President has not requested the funds to support additional troops. Rhetoric is cheap, but when the issue is the survival of thousands of vulnerable people, words do not suffice. The $60 million proposed by the Senator from New Jersey is the minimum needed.

In addition to Sudan, there are 12 other U.N. peacekeeping missions that face severe funding shortages in fiscal year 2006. The State Department will be $383 million short in the next few months and will have no alternative but to defer those bills into next year, which creates a problem for our fiscal year 2007 appropriations process. The President's inadequate budget request, which is supported by the majority in Congress, ensures that we are perpetually behind in our U.N. peacekeeping payments.

This supplemental does not fund a U.N. mission to Darfur, which is what we all recognize is needed. Senator MENENDEZ's amendment would at least provide initial funding for such a mission. Nor does this bill fund other U.N. peacekeeping missions in the Democratic Republic of the Congo, Liberia, and Haiti.

The U.S. does not contribute troops to any of these missions. But by not paying our share of peacekeeping dues on time the countries that contribute the troops are less willing to do so.

The amount we pay is a tiny fraction of what we would have to spend to deploy our own troops. The GAO recently found that it would "cost the U.S. about twice as much as the U.N. to conduct peacekeeping", and the U.S. only contributes 25 percent of the cost. That makes the savings 8 times less—the U.N. is half as expensive and we only pay a quarter of the costs. We are not prepared to put our troops into these countries and the costs would be far higher to the U.S. if we did.

The fiscal year 2006 budget we passed last year under-funded the U.S. dues for peacekeeping by $383 million. The U.S. has voted to expand the troop level in the Democratic Republic of the Congo, yet our share is underfunded by approximately $80 million in fiscal year 2006. Ensuring a smooth transition after the recent presidential election in Haiti is a stated priority of the administration, yet the peacekeeping mission to Haiti is underfunded by at least $40 million. Liberia, Cote d'Ivoire, and Kosovo are all underfunded in the next year by about $383 million.

So what happens when the U.S. or other donors do not pay or defer their peacekeeping bills? The U.N. adjusts its bill paying to keep its core missions running. And like anyone who hasn't been paid on time, the U.N. pays those accounts which have immediate needs and defers paying bills where creditors will grant it leeway. In the first half of the year, the U.N. system is relatively flush with cash from other countries' dues payments. It can and does shift from general accounts into those with funding shortfalls. But by mid-year, if major contributors are behind on their bill payments, the U.N. will resort to other tactics like paying for equipment, travel, and short-term logistical expenses while deferring payments to troop contributing nations that tend to be more forgiving of late U.N. payments.

Nations that contribute troops to U.N. peacekeeping bear the primary burden of covering for U.S. shortfalls to the U.N. peacekeeping account. When the U.S. repaid its arrears to the U.N. under the Helms-Biden deal, for example, the U.N. repaid fourteen to fifteen countries for up to 3 years' worth of deferred troop contributing costs.

Additionally, the United States' lack of payment for peacekeeping in the past has created significant resistance to U.S. efforts to change assessment rates and enact reform at the U.N. During the Helms-Biden era and before the U.S. committed to repaying its dues, the U.S. lost seats on key U.N. governing bodies because of its arrearages.

Over the course of the last several years, the United States has increasingly seen the need for U.N. peacekeeping. This has led to an unprecedented demand for peacekeeping troops. If we want to continue to increase this burden sharing arrangement, we need to pay troop contributing nations—like Pakistan, India, and South Africa—for services rendered. After all, they are putting their troops into harm's way so United States troops don't have to.

We face a situation where commitments were made, funds are needed, these countries are very unstable, and the commitment of U.S. troops is not an option. We must pay our share so the U.N. can send peacekeepers to Sudan, but also to support U.N. missions in other critical areas in the world.

The PRESIDING OFFICER. The question is on agreeing to the amendment 3777, as modified.

The amendment (No. 3777), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3612, AS MODIFIED

Mr. COCHRAN. Mr. President, I am pleased to bring to the attention of the Senate several amendments that have been cleared on both sides of the aisle.

First, I call up amendment No. 3612 on behalf of Mr. McCONNELL regarding assistance for the West Bank in Gaza.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and that amendment is called up.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. McCONNELL, proposes an amendment numbered 3612.

Mr. COCHRAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a national security interest waiver on prohibitions on assistance for the Office of the President of the Palestinian Authority.)

On page 125, line 17, strike "Prohibition" and insert "(a) Prohibition".

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

"(b) WAIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

"(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.".

Mr. COCHRAN. There is a modification of the amendment at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3612), as modified, is as follows:

On page 125, line 17, strike "Prohibition" and insert "(a) Prohibition".

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

"(b) WAIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority, for activities of the President of the Palestinian Authority to promote democracy and the rule of law, and with respect to independent agencies, if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority, the President's party, and independent agencies are not effectively controlled by Hamas or any other foreign terrorist organization.

"(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations describing how the funds will be spent and the accounting procedures in place to ensure proper oversight and accountability.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3612), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3719, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3719 on behalf of Mr. BIDEN and others regarding the Sudan.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BIDEN, for himself, Mr. DEWINE, Mr. BROWNBACK, and Mr. LEAHY, proposes an amendment numbered 3719.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that not less than $250,000 of the amount appropriated for Diplomatic and Consular Programs assistance shall be made available for the establishment and support of an office of a special envoy for Sudan)

On page 88, line 7, insert after "*Provided*," the following: "That of the funds available under this heading, not less than $250,000 shall be made available for the establishment and support of an office of a special envoy for Sudan with a mandate of pursuing, in conjunction with the African Union, a sustainable peace settlement to end the conflict in Darfur, Sudan, assisting the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, pursuing efforts at conflict resolution in eastern Sudan, northern Uganda, and Chad, facilitating, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and developing a common policy approach among international partners to address such issues: *Provided further*,".

Mr. COCHRAN. There is a modification of the amendment at the desk.

The PRESIDING OFFICER. Without objection, the modification is included in the amendment.

The amendment (No. 3719), as modified, is as follows:

On page 88, line 7, insert after "*Provided*," the following: "That of the funds available under this heading, not less than $250,000 shall be made available for the establishment and adequate support, including staffing and travel, of the Office of the Presidential Special Envoy for Sudan, with a mandate that shall include pursuing, in conjunction with the African Union and other international actors, a sustainable peace settlement to end the genocide in Darfur, Sudan, assisting the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, coordinating policy, making recommendations, and pursuing efforts related to conflict resolution to bring lasting stability to all areas of Sudan and the region, including northern Uganda and Chad, facilitating, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and developing a common policy approach among international partners to address such issues: *Provided further*,".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3719), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3823

Mr. COCHRAN. Mr. President, I call up amendment No. 3823 on behalf of Mr. LEAHY regarding Colombia.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3823.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide urgent assistance to support the demobilization process in Colombia)

On page 121, line 14 after "That" insert the following:

of the funds appropriated under this heading, not less than $3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombian Fiscalia notwithstanding section 599E of Public Law 109-102: *Provided further*, That

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3823) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3798

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3798 on behalf of Mr. KENNEDY regarding the AmeriCorps Segal awards.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KENNEDY, proposes an amendment numbered 3798.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To honor Eli Segal's contribution to AmeriCorps by providing that the national service educational awards provided, from available resources, to AmeriCorps members on completion of their terms of service shall be known as "Segal awards")

At the end of title VII, insert the following:

SEC.   . Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall be known as a "Segal award".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3798) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3746

Mr. COCHRAN. Mr. President, I call up amendment No. 3746 on behalf of Mr. LIEBERMAN which makes a technical correction to the bill.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LIEBERMAN, proposes an amendment numbered 3746.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 167, beginning on line 7 strike ", notwithstanding" and all that follows through "(42 U.S.C. 5174)" on line 9.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3746) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3699

Mr. COCHRAN. Mr. President, I call up amendment No. 3699 on behalf of Mr. CORNYN regarding the distribution of CDBG funds.

The PRESIDING OFFICER. The amendment is currently pending.

Mr. COCHRAN. Mr. President, this amendment has been cleared on both sides, and we urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator NELSON of Florida be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3699) was agreed to.

Mr. COCHRAN. Mr. President, I thank the Senate for its cooperation in moving forward on this bill. As others may know, there have been two amendments that I know of that were going to be debated and voted on this morning which have been withdrawn. We are making good progress in the consideration of Senators' amendments. If Senators have amendments, this is the time now to let us know.

As you know, we are under cloture. We are not going to permit nongermane amendments to be brought up. So there will be objections made as a general proposition to accelerate the further discussion and consideration of this bill. We hope to complete action on the bill today. That certainly is possible with the fact that Senators are proceeding to let us know about their amendments that are germane. There is a list of amendments Senators have told us about that we expect to be called up. This is the time to do that. So we urge Senators to help us proceed on an orderly basis to complete action on the bill today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I respectfully ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I would like to make some remarks about the supplemental appropriations bill now on the floor.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUNNING. Mr. President, I rise today to voice my opposition to the emergency supplemental bill. It has, unfortunately, become routine to see emergency spending bills on the floor. But I understand the pressing need for this legislation to defend America from terrorism and respond to one of the worst natural disasters in America's history.

These reasons are why we have emergency supplemental legislation in the first place. I strongly support the President's $92 billion request. His request includes essential funding to pay the men and women serving in our Armed Forces in Iraq and Afghanistan. It also provides the funding needed to restore damaged military equipment and purchase new state-of-the-art technology.

For fiscal year 2007, we have budgeted for much of the cost of the war on terror, but this emergency supplemental is important to provide our American Armed Forces the additional funding they need today.

I want to stand shoulder to shoulder with the men and women serving in Iraq and Afghanistan by supporting the defense portion of this legislation. And I would like to roll up my sleeves and help the Americans who were so devastated by Hurricane Katrina rebuild their homes and communities. I believe strongly in these two missions, and I will fight to ensure they are properly funded.

But today we are looking at legislation that has billions of dollars of extra spending in nonemergency areas. In fact, it has everything but the kitchen sink. As I read through the programs that will provide $20 million for oyster fishermen in New England and $4 million for erosion control projects in California and Michigan, I am starting to believe the kitchen sink must be in there, too, somewhere.

It saddens me to see in this legislation that States outside of the gulf coast are trying to latch on to the people who suffered from last year's hurricanes. Emergency spending should be just that—used for emergency purposes. We should not just add in billions of dollars of extra funding because this is a moving legislative vehicle.

The legislation before us includes some programs like the Community Development Block Grant Programs which are funded significantly higher than the President's request. While I support this program, I do not think this emergency spending bill is the appropriate place to increase overall funding for CDBG. I do not see the need to spend an extra billion dollars and expand CDBG's scope beyond States affected by Katrina.

The legislation further limits the CDBG money by requiring States to spend nearly 20 percent on affordable rental housing. I believe it is a mistake to take community planning decisions out of the hands of local and State officials.

And there are other examples of States not affected by the hurricanes trying to obtain emergency funding. Everyone who has had some form of natural disaster in their State is trying to get a piece of the pie. I do not want to diminish the tragedy of any disaster, but the Federal budget process includes funding for these isolated events which were never intended to be funded with emergency spending.

For example, there were a series of bad storms in California in 2002 that flooded Los Angeles roadways and flooded buildings with hail. The legislation before us would provide $51 million for transportation repairs—repairs that the State of California has already paid for. That is right, this emergency bill contains money to repay States for natural disasters that occurred years ago. This is unacceptable.

I have long supported congressionally directed projects and am prepared to defend my projects in the fiscal year 2007 appropriations bills. As a member of the Budget Committee, I can tell you firsthand how important it is to set targets and plan ahead. That is how we maintain accountability.

We need to remember that every dollar we spend in this supplemental came from some hard-working American taxpayers. The American people deserve a Government that is careful with their money. That is why I will vote against this legislation.

I have also told the President I will support his veto of this legislation if it passes Congress above his $92-plus billion request. I believe we need to cut spending and work out a responsible plan that meets the needs of the war on terror and rebuilding in the gulf coast region.

I urge my colleagues to curb spending in this emergency spending bill. I ask for them to consider their vote and what will happen if we pass this legislation. I urge those who are on the fence or on the border or about not to vote for this bill, not to vote for it but if they do, to support the President's veto when it comes.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

AMENDMENT NO. 3688

Mr. KENNEDY. Mr. President, the Senator from Washington was kind enough on a previous occasion to offer amendment No. 3688. I call for the regular order.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

Mr. KENNEDY. I thank the Chair.

For any of my colleagues who had the chance last evening to look at the national news, the story that led virtually all of the national networks was the concern that our public health officials and worldwide public health officials have, with regard to the dangers of an avian flu pandemic. We listened to the Secretary of HHS talk about the numbers of Americans who would be affected, some 2 million people. With a pandemic, we would face the potential of closing down airlines, closing airports, dangers in the workplace, health dangers.

This is something the Subcommittee on Bioterrorism and Public Health Preparedness has been very concerned about, and I pay special commendation to the chairman of our committee, Senator BURR, who has had a series of hearings not only on the dangers of avian flu and flu generally but also on the dangers of bioterrorism.

There are some very important common threats that come from bioterrorism and from an avian flu danger. Obviously the first thing that a nation has to do is to be able to detect these pathogens in countries where they may be developing, and then, secondly, to detect them here at home. That is why development and support for a public health system is so important.

Then there is the challenge of containment, to try to contain any of the dangers. And then, obviously, there is the treatment for individuals who are affected. That can be treating individuals who are affected or trying to provide a vaccine for individuals, so the dangers to those individuals are minimized. These challenges all fall under the rubric of the development of a national plan. I will come back to that in a moment. We in the United States have not had that kind of effective plan developed that would be necessary to deal with the central challenge of a public health emergency.

This amendment I offer is a simple but vital amendment. It is a linchpin in any kind of battle against the dangers of avian flu. That is, if we are expecting our drug industry to be able to develop the vaccines—and we have given a good deal of flexibility to the Food and Drug Administration in these kinds of emergencies, to provide approval to vaccines that might not have been and probably would not have been given the kind of safety evaluations that other prescriptions drugs would have taken through—we have to ask: Who is going to receive these vaccines or treatments? Primarily, they will be individuals whom we call first responders. What are they going to do? They are going to go into the infected area and try to contain it.

It is one thing to invest hundreds of millions and billions of dollars in developing the vaccines and treatments to minimize the health impact of the dangers of avian flu, but if we are going to ask first responders to go in and risk their lives, their health, and the economic stability and security of their families, we ought to be willing to say to these individuals: If you are going to get sick, and you are going to lose your job, or if there is going to be danger to your health as you serve as the frontline defenders for the rest of society, then we are going to compensate you for the loss of income you are going to have as a result of taking this vaccine. That is what this amendment does. It provides for a compensation program for first responders, the people on the front lines of a pandemic.

One can say: Is this necessary? All we have to do is look at history, and we will find that when you do not have a compensation program, you do not have volunteers willing to serve as first responders, and willing to take on these challenges. This amendment protects our first responders, and so it protects the rest of society as well. It is a very limited amendment. That is the reason it is so important. You can ask: Is this really an emergency? No one can look at the news last night, and see the lead story on all three networks, saying there is a real danger that is coming at you, and say we ought to treat this as business as usual. That is why I believe this amendment is appropriate to this supplemental.

The administration seems to be suffering from a condition that could be called "CDD," competence deficit disorder. Whether in Iraq or Katrina or any other major crisis, the administration has been incompetent, including the issue of dealing with avian flu. Our HELP Committee has analyzed the administration's regular failure to prepare for a flu pandemic, and today we are releasing a report showing that they have failed to take the steps needed to see that America is ready for this national challenge. They have failed to invest in the hospital surge capacity, in needed information technology, and in the public health surveillance and training programs that are needed for an effective response.

The endless challenges outlined in the pandemic flu plan are a symbol of the administration's failure. The preparations for avian flu have been in such prolonged disarray that they are releasing their third new plan this week. The Bush administration has known of the need for a plan to prepare for a flu pandemic since the day it took office. But 2001 came and went without a plan, then 2002, 2003, 2004, and almost all of 2005, and still no plan. In each of these years, the warnings of a potential pandemic grew louder but were ignored.

This chart shows the warnings that have been offered by health experts around the world. From May 2002, the World Health Organization:

> Authorities must understand the potential impact and threat of pandemic influenza.

This is from the GAO, November 2000:

> Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

From the Institute of Medicine in 1992:

> Policymakers must realize and understand the magnitude of the influenza pandemic.

Then we had the series of flu outbreaks: December 2003, outbreak in South Korea; outbreak in Vietnam, 2004; outbreak in 2006 of avian flu in Britain. This chart shows all the outbreaks in the most recent years.

What have other nations done on the pandemic? First, let's look at other countries around the world that have developed a comprehensive plan for the pandemic. In October 1997, we had a program by the Japanese; Canada in February 2004; Czechoslovakia in April 2004; February 2005, Hong Kong; March of 2005, Great Britain.

I will not include these plans in the Record, but let me show the extent of the British pandemic flu program. I have illustrated this at other times during similar discussions. Here is the Canadian plan. These are enormously comprehensive programs. They are programs that deal with rural areas, urban areas, training programs. And not only are there programs, they are being implemented. Our strategy was issued in November 2005, and it has remained incomplete since then. The administration has sent a second plan to us now.

What is it basically that we are trying to do? We are trying to get a comprehensive plan from the administration, a plan that has been implemented. Let me show one other chart. This isn't just what I believe. From the GAO report, November 2000:

> Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

From June 2005:

> The draft plan does not establish the actions the Federal Government would take to purchase and distribute the vaccine during an influenza pandemic.

This is from a GAO June 2005 report. That is the current situation.

Right now, we have in this legislation resources to pruchase the vaccines in an emergency. But we do not have a compensation program. We have a compensation program in name, but that is all it is. It is not funded. Well, you can say we will try to find a way to fund it in the future. Tell that to the downwinders out in Utah. Tell that to my friend, Senator Hatch, who has been absolutely brilliant in terms of looking after those individuals, whose lives were so affected by the experiments with nuclear materials so many years ago. He, to his credit, developed a compensation program. I welcomed the opportunity to work with him to try to help these people whose health had been absolutely destroyed by exposures, in the national interest, as we developed various nuclear weapons.

Here is our majority leader, Senator Frist, who said:

> Too many health care workers have been deterred from receiving the smallpox vaccine—in part because of the uncertainties about what would happen, and how they would provide for themselves, if they suffered a serious adverse reaction to the vaccine.

That states it as clearly and succinctly as one could possibly say it. We do not have a guaranteed compensation program for pandemic flu vaccines in this legislation or in any other place in our health care system. This amendment provides a down-payment for the compensation program. You can say: Well, why should we do that for this particular program? All we have to do is look at other vaccine programs, other public health programs, for swine flu, childhood vaccines, and, after Congress acted, for smallpox. We had a compensation plan for people injured by those experimental vaccines. But for the new ones, we only have an empty sham of a compensation, with no funding.

So, Mr. President, that is what this amendment does. It provides some $289 million for the development of that compensation program. It is effectively the same kind of program that has been essential in the past, and it is essential now if we expect our front-line responders to be willing to take experimental vaccines and to risk their lives for the common good of the community that may well be threatened by avian flu or bioterrorism. Individuals who are well trained as front-line responders ought to have the assurance that if they take an experimental drug and they go out there to protect the public, if something is going to happen to them, there will be a compensation fund to compensate them for their health care needs and their immediate needs, if that should turn out to be the case. Nothing more, nothing less. That is essentially what this amendment does.

Mr. President, I see our floor managers here. I am glad to accommodate whatever they would like. I would like to get a yea or nay vote at some time. I know they have a full program. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am checking with the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services to see what the reaction is to the amendment. They are having a hearing as we speak over in the Appropriations Committee. So I feel obliged to get their advice and counsel as to what response ought to be made, if any, to the Senator's amendment. We have no objection to proceeding or to having a vote on the amendment, but the Senate is entitled to know what the reaction might be.

Mr. KENNEDY. That is fine and understandable. I will wait until we hear from the chairman and ranking member. I don't intend to extend the discussion. I think it is pretty understandable. I am glad to wait until the leader lets us know when they want to address it and complete action on it. I will be available.

Mr. COCHRAN. Mr. President, I thank the Senator very much for that indulgence. If there are others who wish to offer amendments, I am prepared to ask unanimous consent to temporarily lay aside the amendment of the Senator from Massachusetts to permit other amendments to be offered. I do ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I would like to offer two amendments and have a moment to speak about two amendments that are germane.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

AMENDMENT NO. 3750

Ms. LANDRIEU. Mr. President, I will bring up for a brief discussion my amendment No. 3750.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3750.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to develop a comprehensive plan for the deauthorization of deep draft navigation on the Mississippi River Gulf Outlet and address wetland losses and other issues relating to that Outlet)

On page 159, strike lines 1 through 10 and insert the following:

$7,250,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall use $3,500,000 to develop a comprehensive plan, at full Federal expense, that, at a minimum, will deauthorize deep draft navigation on the Mississippi River Gulf Outlet established by Public Law 84–455 (70 Stat. 65, chapter 112) (referred to in this matter as the "Outlet)", extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided further*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community on the plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments on the proposed plan: *Provided further*, That, not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading "INVESTIGATIONS" under the heading "CORPS OF ENGINEERS—CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103, 119 Stat. 2247; Public Law 109–148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 05 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, of the amount made available under this heading, $3,750,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

Ms. LANDRIEU. Mr. President, this amendment that I offer tries to move forward a very difficult situation that we are faced with in Louisiana about how to protect not just the New Orleans city proper but the greater metropolitan area and parts of south Louisiana from flooding in the future.

As you know, Mr. President, because you have been gracious enough to be one of the Senators to go walk through the neighborhoods and see the flooding, being a firsthand witness, it wasn't just the hurricanes, Katrina and Rita, but it was the breaking of levee systems. Some of those levees were long industrial canals that served this great port which, together with the South Louisiana Port, is the largest port system in America. Some of these levees were along the lake. Some of them were along what we call the London Avenue Canal.

There was a project that was designed and structured by the Corps of Engineers back in the 1930s and 1940s called the Mississippi River gulf outlet. I think you actually stood on that levee, Mr. President, and looked to see where that breach occurred. This avenue was thought—at the time we built it and designed it, like so many large civil works projects we have done in this Nation—to be a positive effort to help expand the opportunities for the port for trade and commerce. For a while, it did serve that purpose. But what has happened is that over a decade, it has caused such erosion in the great expanse of marshland that it was placed in—or the marsh was dredged through and created, that it really is causing, according to everyone who has looked at how the flooding occurred in our area, it is causing serious—not only environmental—damage but is now a real threat to life and property.

So there has been an effort underway between port officials, parish officials in St. Bernard, and the business community to try to come up with a way to close the Mississippi River gulf outlet but to do it in a way that protects the parish of St. Bernard primarily and the lower ninth ward, as well as trying to give some period of time for the few businesses that are along the gulf outlet to make arrangements to move.

My amendment would simply provide a de minimis $3.5 million for the Corps of Engineers to develop a closure plan because the consensus at home is that the Mississippi River gulf outlet, which is demonstrated here on the map, which served at one time as a very important shipping channel—it is significant that shipping has greatly diminished as its threat to the environment has substantially increased. Because we have not had the Federal or State resources to actually protect these marshlands the way we should, this channel has become quite wide, much wider than any of us had anticipated—even the Corps. And the possibilities of flooding have been increased because the channel has been expanded and these marshes have been eroding from many different factors, not just this.

So this very modest $3.5 million would allow a study—a plan, not really a study, because the studies are completed—and this will become part of our overall protection system for this region. Again, the point is that we are not just building levees to protect southern Louisiana and southern Mississippi and other places. It is a combination of some levees, some coastal restoration, and some smart navigation channel work, or rework, that is integrated—much more of a sophisticated, coordinated approach than in the past.

I offer this amendment by way of explanation to show that the studies have been done. There has been a lot of evaluation of past storms. This will allow the Corps to come up with a plan to close MRGO, provide for shipping and good environmental restoration, and, most importantly, protect St. Bernard Parish and the lower part of ward 9 in Orleans Parish and New Orleans east from flooding in the future.

So that is the amendment.

AMENDMENT NO. 3752

Ms. LANDRIEU. Mr. President, I call up amendment No. 3752.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3752.

Ms. LANDRIEU. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of Commerce to provide a grant to the Port of New Orleans to mitigate increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port in the aftermath of Hurricane Katrina)

On page 178, after line 21, add the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

For an additional amount for the mitigation of increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port of New Orleans in the aftermath of Hurricane Katrina,

$8,500,000, to remain available until September 30, 2007, to be provided by the Secretary of Commerce, acting through the Assistant Secretary for Economic Development, to the Port of New Orleans in the form of a grant: *Provided*, That the Secretary shall administer the grant under this section in accordance with section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Ms. LANDRIEU. Mr. President, this amendment is a 1-year grant of $8.5 million to the Port of New Orleans to mitigate the increased costs resulting from the loss of deep-draft navigation access to certain facilities and ports. This is part B of this amendment. We worked to create a plan to close this from large deep-draft vessels. They still have access, obviously, through the inner harbor canal lock through the GIWW. We still have to find a way to help offset some of the costs to some of these companies that are located here as a transitional plan, so that we can make these arrangements that the Corps is recommending for safety of the port facilities and the people around it. That is basically what amendment No. 3752 will accomplish.

As I have said before, this was created back many decades ago when we didn't realize the environmental impact. It has caused not just problems from Katrina and Rita, but it prompted a great deal of flooding back in 1965 with Hurricane Betsy, one of the worst in this region, well before Katrina and Rita. So we have known for a long time that this had to be done.

With these two amendments, I believe the port can have some money for the transition, the Corps can get the plans done to ready the closure, and we will be well on our way to protecting a great number of people at a minimal expense to the Federal Government or to the local and State governments and having a great benefit for shipping, the environment, and the community that lives along this industrial channel.

I thank the chairman for the time to discuss the amendments. We will follow his direction as to when these amendments come up for a vote. I yield back my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, to respond to the Senator's comments, in looking at the list of amendments that are not germane, these two amendments appear to be not germane postcloture and therefore not in order. We are checking to see what the reaction is from the authorizing committee. What that would amount to is this is an authorization that has not been approved. The language amounts to an authorization of a water project that has not been approved by the committee that has legislative jurisdiction over the issues. So we are awaiting a response and a reaction from the legislative committee to the amendments.

I suggest we move on to other amendments that may be in order. The Kennedy amendment was temporarily laid aside so the Senator could discuss her two amendments. Having done so, I think we can return to the Kennedy amendment and then let the Senate work its will on that amendment. The Senator from Massachusetts has asked for the yeas and nays on his amendment, and we could proceed to a vote.

We were trying to get a reaction from the chairman of the appropriations subcommittee having jurisdiction over the pandemic influenza vaccine issue, the Labor, Health and Human Services Appropriations subcommittee. They are having a hearing right now and we haven't had a response to our inquiry about the reaction. We also think the leaders are entitled to notice that this could be subject to a recorded vote to get the reaction as to whether this is the time to do that or if they are available to discuss it, if the leader wants to discuss the issue. So awaiting those advices, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I understand that two other amendments have now been cleared for the consideration of the Senate.

AMENDMENT NO. 3713, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent to call up amendment No. 3713.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is pending.

Mr. COCHRAN. Mr. President, this is an amendment that was offered last evening by the distinguished Senator from North Carolina, Mr. BURR. As I say, it has been cleared on both sides. I ask unanimous consent the amendment be modified with the modifications at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 238, line 23, strike "Control and Prevention, and" and insert "Control and Prevention, $5,000,000 shall be for the Smithsonian Institution to carry out domestic disease surveillance, and".

The PRESIDING OFFICER. Is there further debate on the amendment, as modified? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3713), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I now advise that we can call up an amendment of Senator KENNEDY regarding democracy in Iraq.

AMENDMENT NO. 3686, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3686, on behalf of Senator KENNEDY and others, regarding democracy in Iraq.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KENNEDY, for himself, Mr. BIDEN, and Mr. LEAHY, proposes an amendment numbered 3686.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

(b) The President shall include in each report submitted to Congress under the United States Policy in Iraq Act (section 1227 of Public Law 109-163; 50 U.S.C. 1541 note; 119 Stat. 3465) a report on the extent to which funds appropriated in this Act support a short-term and long-term strategy to promote and develop democracy in Iraq. The report shall include the following:

(1) A description of the objectives of the Secretary of State to promote and develop democracy at the national, regional, and provincial levels in Iraq, including development of civil society, political parties, and government institutions.

(2) The strategy to achieve such objectives.

(3) The schedule to achieve such objectives.

(4) The progress made toward achieving such objectives.

(5) The principal official within the United States Government responsible for coordinating and implementing democracy funding for Iraq.

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 3686), as modified, is as follows:

On page 126, between lines 12 and 13, insert the following:

DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $104,500,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, the rule of law, reconciliation activities, and parliament in that country: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the initial obligation of funds made available under this section on the uses of such funds: *Provided further*, That of the funds made available under this heading, up to $8,500,000 should be made available for the United States Institute of Peace for programs in Iraq and Afghanistan.

(b) The President shall include in each report submitted to Congress under the United States Policy in Iraq Act (section 1227 of Public Law 109-163; 50 U.S.C. 1541 note; 119 Stat. 3465) a report on the extent to which funds appropriated in this Act support a short-term and long-term strategy to promote and develop democracy in Iraq, including:

(1) A description of the objectives of the Secretary of State to promote and develop democracy at the national, regional, and provincial levels in Iraq, including development of civil society, political parties, and government institutions.

(2) The schedule to achieve such objectives.

(3) The progress made toward achieving such objectives.

(4) The principal official within the United States Government responsible for coordinating and implementing democracy funding for Iraq.

Mr. KENNEDY. Mr. President, as the senior Senator from Kentucky knows, the Kennedy-Biden-Leahy amendment sets aside $104.5 million in economic support funds in the supplemental for U.S. nongovernmental organizations for democracy building programs that promote the long-term development of civil society, political parties, election processes, the rule of law, reconciliation activities, and parliament in Iraq.

Currently, there are six nongovernmental organizations doing excellent democracy work in Iraq under extremely difficult and dangerous conditions. Our expectation is that $96 million of the funds in our amendment would be allocated among the six organizations in the following way to continue their work in Iraq:

IFES would receive $20 million. The International Research and Exchanges Board would receive $6 million. The National Endowment for Democracy would receive $10 million. The America's Development Foundation would receive $16 million.

The National Democratic Institute and the International Republican Institute would each receive $22 million. These funds would be in addition to the $15 million that the administration has requested for these activities in fiscal year 07.

In each case, the additional funds are intended to be used by the organizations over the next 18 months to continue their current operations. I understand that each organization will need to submit a proposal to justify the use of funds before they can be made available.

Does the Senator from Kentucky agree with this allocation of funds?

Mr. McCONNELL. Yes, I do.

Mr. KENNEDY. Does the Senator from Vermont agree with this allocation of funds?

Mr. LEAHY. Yes, I do. And I would add that the amendment also provides that up to $8.5 million should be made available to support the activities of the United States Institute of Peace in Iraq.

Mr. KENNEDY. Mr. President, I thank the senior Senator from Kentucky, Mr. McCONNELL, and the Senator from Vermont for their assistance on this amendment.

The amendment provides $104.5 million for American nongovernmental organizations helping Iraqis to create the essential building blocks of democracy. It is cosponsored by Senators BIDEN and LEAHY.

Last year, Iraq passed several important milestones on the long road to democracy. However, as important as the two elections and the referendum on the constitution were, they were not decisive, and it is far from clear that democracy is being firmly established in Iraq.

The process of building democratic institutions is different and requires patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. Constructive international engagement is essential as well in the case of Iraq. For a country as heavily repressed as long as Iraq, democracy will take even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the democratic gains that have been made so far.

American nongovernmental organizations such as the National Democratic Institute, the International Republican Institute, the National Endowment for Democracy, IFES, formerly known as the International Foundation for Election Systems, the International Research and Exchanges Board and America's Development Foundation are well respected in Iraq and throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks their employees take by working in the war zone, the administration has made no long-term commitment to provide funding for their work in Iraq. Each organization operates on pins and needles, never knowing when their funding for Iraq operations will dry up.

The American nongovernmental organization IFES has been in Iraq since October 2003. It has provided technical assistance in each of Iraq's elections so far, and it has been asked to provide such assistance for regional and provincial elections scheduled for April 2007.

It is also preparing for a possible second referendum on the constitution, and is assisting as well in the enactment and implementation of legislation governing the operations of a new election council for local elections.

Inexplicably, funding will run out in June, and the administration has not yet committed any additional funds. None of the funds in this supplemental spending bill are set-aside for it, and none of the meager $63 million requested in the fiscal year 2007 budget for democracy-building is intended for IFES either. Our amendment would provide $20 million to sustain its democracy work in Iraq for the next 18 months, through the end of fiscal year 2007.

An independent media is also essential to a successful democracy. A U.S. nongovernmental organization, the International Research and Exchanges Board—IREX is working in Iraq to see that the Iraqi people have independent, professional, high quality news and public affairs information. To create an environment in which a free press can flourish, it is also seeking to establish a legal, regulatory, and policy environment that supports independent media.

IREX's funding for these important programs is also running out, and it will be forced to close its operations this summer, which would pull the rug out from under many struggling new press organizations in Iraq. Our amendment would provide $6 million to sustain IREX's democracy work in Iraq for the next 18 months.

In addition, the nongovernmental organization America's Development Foundation provides essential aid to support and sustain civil society in Iraq. ADF and its partner civil society organizations in Iraq have provided training and assistance to thousands of Iraqi government officials at the national, regional, and local level on issues such as anticorruption, transparency, accountability, fiscal responsibility, whistleblower protection, and the development of nongovernmental organizations.

ADF wants to continue its work, but its funding will end in June. USAID supports this work and has a contract pending, but it doesn't have the resources to fulfill it. Our amendment provides $16 million to sustain its work over the next 18 months. Similarly, the National Endowment for Democracy has no clear sense of what the future holds for them in Iraq.

Two of the endowment's core grantees—the Center for International Private Enterprise and the Labor Solidarity Center in Iraq—have important democracy promotion functions.

Since opening a regional office in Baghdad in October 2003, the Center for International Private Enterprise has worked to build capacity for market oriented democratic reform in Iraq. It has provided training and grant support to approximately 22 Iraqi business associations and chambers of commerce.

The Labor Solidarity Center works directly with Iraqi trade unions to develop skills in strengthening independent and democratic trade unions.

In addition, the endowment partners with 32 local organizations on the ground in Iraq to promote and sustain civil society projects on political development, raising awareness of women's rights, and encouraging the free flow of information to Iraqi citizens.

The endowment wants to continue working directly with the Iraqi people and be able to guarantee continuity in its democracy grants to Iraqi organizations. But no funding is set aside in this bill or in the fiscal year 2007 budget for its programs.

Our amendment provides $10 million to sustain the democracy programs of the Center for International Private Enterprise, the Labor Solidarity Center, and the Endowment for Democracy's local partners for 18 months. Similarly, the International Republican Institute and the National Democratic institute—are doing truly impressive work in Iraq under extraordinarily difficult circumstances.

The International Republican Institute programs in Iraq have focused on three principal goals: development of an issue-based political party system; establishment of the foundation for a more transparent and responsive government; and the emergence of an active and politically involved civil society.

The National Democratic Institute supports a number of democracy programs in Iraq as well, with emphasis on political parties, governance, civil society and women's rights. It has four offices in Iraq to promote these essential building blocks of strong democracy, and it works directly with Iraqi partners and hundreds of local civic organization.

Both IRI and NDI want to continue to build these essential links between the government and political parties, in order to enable the government become more responsive and effective in addressing the needs of Iraq's people.

Despite the impressive contribution of these two Institutes to democracy in Iraq, neither is guaranteed steady future funding for its programs. The administration's budget provides only $7.5 million for each Institute—enough for just 2 months of operating expenses. Our amendment provides an additional $22 million for each institute's essential democracy programs in Iraq for the next 18 months.

The amendment also provides $8.5 million for the U.S. Institute of Peace for its important work to promote reconciliation.

This amendment has broad support in the democracy community, and I ask unanimous consent to print letters supporting it in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Thousands of Iraqis are working hard, often at great risk to themselves, to develop civic groups, participate in political parties and election, and run for and serve in political office. The dramatic pictures of Iraqis waving their purple fingers after voting in past elections remind us of the enormous stakes.

Progress to avoid civil war and defeat the insurgency is directly related to progress on democracy-building, and ongoing work on this all-important issue must be a top priority.

We must be clear in our commitment to stand by these organizations that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

President Bush has called for patience in Iraq. He should heed his own advice. He can't speak about having patience for democracy in Iraq, and then cut funding for the groups that are assisting so capably in its development.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. By failing to guarantee continuity for their programs, we send a confusing signal that can only be harmful for this very important effort.

We are now spending more than $1 billion a week for military operations for the war in Iraq. At this rate, it would take the military less than one day to spend the $104.5 million provided in this amendment for democracy promotion. Surely, we can commit this level of funding for democracy programs over the next 18 months.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill, guaranteed continuity, and adequate resources.

It makes no sense to shortchange Iraq's political development. We need a long-term political strategy, and we must back up that strategy with the needed resources, if we truly hope to achieve a stable, peaceful and democratic Iraq.

Our amendment provides the resources necessary to ensure continuity in these democracy programs in Iraq. I thank Senators MCCONNELL and LEAHY for their hard work on this provision, and I am delighted that it will become part of this legislation.

NATIONAL ENDOWMENT FOR DEMOCRACY,
Washington, DC, April 24, 2006.

Hon. TED KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Board of Directors of the National Endowment for Democracy, we are writing to thank you for your commitment to creating a viable and sustainable democracy in Iraq.

As you know; the National Endowment for Democracy received the first of several awards from the Department of State in February 2004 to support programs carried out by our four core institutes, the International Republican Institute (IRI), the National Democratic Institute (NDI), the Center for International, Private Enterprise (CIPE), and the Solidarity Center. In addition, NED directly funds local Iraqi groups focusing on the promotion of women in the democratic process, strengthening an independent media, and increasing youth participation in the political process. After our September 2006 Board meeting, NED will not be able to maintain its current program in Iraq without renewed funding.

Should funding for democracy programs in Iraq be available for the remainder of Fiscal Year 2006 and into Fiscal Year 2007, the Endowment will facilitate the development of a nationwide coalition of local groups that crosses geographic, ethnic and confessional lines, which will advocate for political tolerance, accountable governance, rule of law and rational use of national resources. Also, NED will continue to fund CIPE, which has a developed network of over 40 business associations and chambers of commerce. CIPE's program will support Iraqis in building a platform for moderate and market-oriented approaches in Iraq's political process. Further, NED will provide funding to the Solidarity Center to support local Iraqi trade unions in developing policy platforms and advocating for labor legislation, and working with the Iraqi oil unions to develop their capacity to be a force for promoting transparency, anti-corruption, and the rule of law in Iraq's largest economic sector.

The Endowment is committed to supporting the Iraqi people in developing a democratic culture and creating institutions that will promote individual rights and freedoms. This will be a long-term endeavor, and we thank you for your continuing support and dedication on this important issue.

Sincereely,

VIN WEBER,
Chairman of the Board
RICHARD A. GEPHARDT,
Vice-Chair of the Board.

NATIONAL DEMOCRATIC INSTITUTE,
Washington, DC, April 25, 2006.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express our deep appreciation for your commitment to long-term democracy building efforts in Iraq. Your leadership in this issue has allowed non-profit organizations such as NDI to continue to help courageous Iraqis struggling for a more democratic and open society. The long-term success of America's efforts in Iraq will ultimately rest on our ability to empower these Iraqis to overcome a long history of isolation, dictatorial rule, and ethnic division.

With the support of Congress, the National Endowment for Democracy, USAID, and the Department of State's Bureau for Democracy, Human Rights, and Labor, NDI has, since 2003, developed a sizeable program that works to strengthen civil society, political parties, governing-institutions, and women's political participation and leadership. With seven offices throughout the country, NDI employs more than 200 Iraqi program staff and 30 full-time international staff from Canada, Ecuador, Egypt, France, Serbia and the United States. An additional 30 practitioners from the U.S. Canada, Eritrea, the Netherlands, Spain, and the United Kingdom have regularly visited Iraq to share expertise with their Iraqi counterparts.

NDI's program works directly with Iraqis almost exclusively outside the Green Zone to build the critical linkages between Iraqi citizens and government that are necessary for long-term legitimacy of, and participation in the country's new democratic system. The Institute has trained more than 6,000 political party and 3,000 women activists, provided best international practices on issues such as federalism and human rights to key Iraqi decision-makers and the Constitutional Drafting Committee, and helped more than 150 nascent NGOs deploy more than 30,000 election monitors for the two national elections and constitutional referendum. Many of the same NGOs have, with NDI support, led town hall meetings for more than 300,000 Iraqis on the new constitution and the workings of the parliament.

Building democratic institutions and processes, beyond elections is a long-term proposition. In parts of Eastern European alone, the United States, through organizations such as NDI, continues to be engaged after the region's initial transition 16 years ago. Iraq will likely require an even longer international engagement. With the recent election of the first parliament under a new constitution, the real work in Iraq is just beginning. And, NDI remains committed to the long-term democracy programs needed to meet this challenge.

Such a sustained commitment would not be possible without continued U.S. government support; and the leadership and vision that you and your colleagues have shown for ongoing democracy promotion efforts is greatly appreciated by NDI and other organizations involved in Iraq.

With best regards.

Sincerely,

KENNETH WOLLACK,
President.

INTERNATIONAL RESEARCH
AND EXCHANGES BOARD,
Washington, DC, April 20, 2006.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to thank you for your strong support for democracy assistance in Iraq and your efforts to ensure that this support from the United States continues. IREX, a non-profit organization dedicated to education, civil society, and media, has been working to support Iraq's nascent independent media sector as part of a USAID civil society project—the Iraqi Civil Society and Independent Media Program.

We strongly believe that a vibrant and professional independent media sector is crucial to a stable and democratic Iraq. Capable Iraqi individuals and organizations are working with U.S. support and risking their lives for the sake of media freedom, but much work remains to be done. However, our work is slated to end on June 30, 2006 due to lack of funding for democracy initiatives. Key media initiatives and successes supported by the U.S. Government that face closure with an end of U.S. assistance, include:

The National Iraqi News Agency (www.ninanews.com), the first independent commercial news agency in the Arab World. After only 7 months, approximately 1500 NINA stories are carried by more than 50 Iraqi media outlets each month. NINA sets a standard of professionalism for the media sector and has survived the effects of two bombings yet carried on its work unimpeded.

Iraqis for Public Broadcasting is a group of dedicated civil society and media professionals who have served as a public watchdog to fight government and political interference in the Iraqi Media Network. The group has developed a new public broadcasting law that could help develop IMN into the Arab world's first independent public broadcaster.

The Iraqi Media Network, meant to be the public broadcaster for Iraq, has been beset by attempts at political control of its news and public affairs programming. IREX is one of the few organizations that has been able to work inside IMN with its journalism staff, assisting in development of programming on the elections and the constitution, providing citizens a forum for debate. IREX is currently advising IMN on two new programs that will link the different regions of Iraq as a contribution to building a sense of a democratic Iraqi identity spanning ethnic and religious divides.

Training and support for journalists and media outlets throughout Iraq will end. The program has provided training to Kurds, Sunnis, Shiias, in many cases bringing the groups together. Women have been a key target for the trainings.

We welcome and commend your ongoing commitment to democracy assistance for Iraq, not only independent media development, but also in other key components of democratic development such as civil society, elections, political processes, and labor and business development.

Sincerely,

MARK POMAR,
President.

IFES,
Washington, DC, April 13, 2006.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of IFES and our experts working on election related projects in Iraq, I am writing to thank you for the thought and attention you have devoted to sustaining a steady stream of funding for critical democracy promotion activities in Iraq. As a non-profit organization with an active presence in Iraq, we greatly appreciate your efforts to highlight the democratic needs of the Iraqi people for lawmakers and policymakers alike.

As you know, IFES has been involved with the democratization process in Iraq since October 2003 when we first conducted an assessment of the political situation followed by the development of electoral scenarios and cost models for Coalition Provisional Authority. Since September of 2004, IFES has provided technical assistance to the Independent Election Commission of Iraq (IECI), while at the same time providing significant technical and material support for the conduct of three electoral processes in the country as part of the UN-led International Election Technical Assistance Team (TEAT).

Helping democratic institutions find the strength and creativity to work in hostile political environments is one of the most difficult tasks in democracy assistance, but it is a task with which we have experience and through which we have achieved notable successes. Going forward, Iraqi election organizers face a number of challenges surrounding the creation of a new and permanent election management body by the Council of Representatives, the design and implementation of a new voter registration system, conduct of local elections in April 2007, and post-election support for possible referenda on the constitution and regional issues. Our work in Iraq, which has merely begun, has given us a unique, firsthand perspective on the post-invasion political and electoral transition in Iraq. It is our strong view that there has never been a more critical time to sustain and strengthen Iraq's democratic process. Continued support for our work after July 1, 2006, when IFES' current programming is set to end, will help to ensure the future of a fair and transparent electoral process in Iraq.

Your commitment and engagement on this matter is timely and essential and we commend you for your sustained vision and focus to promote not only our work, but that of other key democracy promotion organizations.

Sincerely,

RICHARD SOUDERIETTE,
President and CEO, IFES.

The PRESIDING OFFICER. Is there further debate on the amendment, as modified?

Hearing none, the question is on agreeing to the amendment, as modified.

The amendment (No. 3686), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3688, AS MODIFIED

Mr. KENNEDY. I understand there is an understanding that we vote at noontime and I have 1 minute remaining.

Mr. COCHRAN. Mr. President, the Senator is correct. It is the intention the pending amendment be set aside so we can consider Kennedy amendment No. 3688, as modified, upon which the yeas and nays have been ordered. I ask unanimous consent that the Senator from Massachusetts be recognized until the hour of 12 o'clock, at which time we will have a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. In the 45 seconds remaining, I indicate to the Members of the Senate this amendment has the complete support of all the public health officials and departments virtually across the country; the public health community virtually universally appreciates and understands the importance of this program. It does also have the complete support of the first responders. If we want to do something that is going to help to protect our first responders, in public health emergencies and with the dangers of a pandemic, this is an amendment to do so.

I thank the Chair.

The PRESIDING OFFICER. The Senator yields the floor. The question is on agreeing to amendment No. 3688, as modified, on which the yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Talent
Wyden

NAYS—46

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Santorum
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Rockefeller

The amendment (No. 3688), as modified, was agreed to.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Delaware.

AMENDMENT NO. 3717

Mr. BIDEN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3717.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Madam President, reserving the right to object, I do so only for the purpose of checking to be sure that this is an amendment that has not been made out of order because of the invocation of cloture by the Senate.

Mr. BIDEN. Madam President, if I can respond to my colleague, I have been told that the amendment is germane under cloture.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Although it does not appear on our list at the desk, after a review, it appears to be germane.

Mr. BIDEN. Madam President, I say to my friend from Mississippi, I do not plan on speaking to it now. I was instructed to get it in line. I will be back to speak to it. It relates to permanent bases in Iraq and calls for no permanent bases in Iraq.

As the Chair says, it is germane, but I do not intend to call it up right now.

Mr. COCHRAN. Madam President, continuing to reserve the right to object, it is my understanding this amounts to legislation and may be subject to a point of order. For that reason, authorization of basing on a permanent basis in a foreign country—it is not an appropriation of funds, as I understand it. It is strictly legislation and may very well be subject to a point of order.

The PRESIDING OFFICER. It is the Chair's understanding it is a limitation on the use of funds, which is not legislative.

Mr. COCHRAN. I withdraw my reservation.

Mr. BIDEN. I thank the Chair.

I assume unanimous consent was granted.

The PRESIDING OFFICER. Will the Senator suspend for just a moment while we sort out the technical issues?

Mr. BIDEN. I apologize. I have been misinformed. I must call up, first, amendment No. 3717, and second degree that amendment with amendment No. 3855. That is my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank my friend from Mississippi.

I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3717.

The amendment is as follows:

(Purpose: To provide that none of the funds made available by title I of this Act may be made available to establish permanent military bases in Iraq or to exercise control over the oil infrastructure or oil resources of Iraq)

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent military bases in Iraq or to exercise control over the oil infrastructure or oil resources of Iraq.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3855 TO AMENDMENT NO. 3717

The PRESIDING OFFICER. The clerk will report the second-degree Biden amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3855 to amendment No. 3717.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent United States military bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq.

The PRESIDING OFFICER. The Democratic leader.

HOUSE ETHICS REFORM

Mr. REID. Madam President, at the beginning of this year, we found a situation in Washington that was very uncomfortable. The Chair will recall, as all members recall, the majority leader in the House of Representatives had been convicted, within a period of a year, of three ethics violations. He was under indictment. For the first time in 135 years, someone in the White House was indicted. The person in charge of contracting, Mr. Safavian, was led away literally in handcuffs as a result of his sweetheart deals with many people, including the infamous Jack Abramoff.

We had many stories written about the K Street Project: If you were a trade association or a business that wanted to hire a Democrat, you had to get clearance from the K Street leaders. It was a situation that was very uncomfortable for everyone, as it should have been.

The culmination of all of this was learning Duke Cunningham had taken more than $2 million in bribes.

I try today to express my opposition and grave disappointment of the lobbying and ethics reform bill that the House of Representatives is expected to pass today. This is a bill pushed by the Republican leadership in the House. It is simply not much of anything. This House reform legislation is another example of the Orwellian world in which my friends in the majority live, I am sorry to say, starting with the President himself. Whatever he says, believe just the opposite.

The Clear Skies bill led to more pollution. The Healthy Forests Initiative, clear-cutting the forests, is damaging our forests. The No Child Left Behind Act has left millions of children behind. The Budget Deficit Reduction Act increases the deficit. And now they are lobbying the Accountability and Transparency Act, which has the potential to wipe transparency out of the political process.

House Republicans have completely abandoned the idea of reforming Washington. Instead, like a wolf in sheep's clothing, they are using the cover of the word "reform" to advance blatant partisan changes to campaign finance laws, changes that will hurt Democrats and help Republican candidates in the coming elections.

Their approach to reform stands in sharp contrast to what we did on a bipartisan basis. About a month ago, Republicans joined Democrats to pass a lobbying reform bill, an ethics reform bill, the Honest Government and Open Leadership Act. It was passed by a large margin. The bill was based largely on a bill Democrats introduced the first week of the session. The legislation the Senate passed was not as good as the Democratic bill standing alone, but it was an improvement, a tremendous improvement over the status quo and imposed needed reforms so that Government serves the people, not the special interests. It was the most significant change in lobbying ethics in this country in a quarter of a century.

Unfortunately, the bipartisan commitment to reform we had in the Senate has been completely abandoned in the House. Instead of passing a substantive smart and tough bill as we did in the Senate, the House Republicans have ignored the wishes of millions of Americans, gutted all lobbying ethics reform from their legislation, and instead filled it with partisan campaign finance measures that are intended to help them in the coming election.

Essentially, they have opened the floodgates so they can pour money into Republican campaigns. The McCain-Feingold legislation that passed Congress and was signed by the President was important. It took away from campaigns corporate money, soft money. It was a reform measure that improved the political process in a significant way.

And this McCain-Feingold legislation, if the House measure is allowed to become law, will have been corrupted. It seems House Republicans do not believe they can convince the American people to send them back to Washington if they play by the rules. So like their old leader, TOM DELAY, they are seeking to change the rules in the middle of the game. They are seeking to change the rules to influence the fall election.

Here is an example. The House bill aims to disable so-called 527 groups. These are groups that operate independently and apart from the parties and bring more people into the political process. They fund get-out-the-vote activities and help register voters, among other things.

Notably, the House bill would not shut down spending by all independent groups but only certain independent groups. No, the House would leave Republican-leaning 501(c)6)trade associations free to raise and spend money, soft money, corporate money, money over and above McCain-Feingold spending limits. That is what this is about.

These trade associations, such as Americans For Job Security, spend millions of dollars in ads to help elect Republican candidates. Nearly every Republican Member of the Senate elected last cycle will benefit by ads run by this group. Those ads were funded with soft money.

If the people who want to change the present campaign financing laws want to do it, let's do it the right way: take a look at everything, not just take out of the blue certain things they may not like such as the 527s.

What about these 501(c)(6) organizations? You will not find trade associations, though, mentioned in their bill, in the House bill. That makes no sense. We know less about these Republican groups than we do of 527 organizations. That is because 527s are required to disclose donors and how they spend that money. There is no such requirement for these trade associations.

Here is another even more significant example of the tricks House Republicans are playing. The House bill repeals the critical limits on national party giving to individual campaigns. Right now, the Republican National Committee may only direct a limited amount of funding to individual congressional and Presidential campaigns according to a specified formula that is in the McCain-Feingold law. The House would do away with these limits.

What would that mean? It would mean, instead of the limited amount of money that is available now, thousands—hundreds of thousands—of dollars could be given. It would mean that the Republican National Committee could give unlimited amounts to candidates in this cycle and to Presidential candidates in 2008. What we did in McCain-Feingold improved the system. Now, if the RNC can give unlimited amounts to candidates in this cycle and Presidential candidates in 2008, that is no small matter when you consider the RNC has roughly $40 million on hand right now.

This provision made its way into an amendment filed by Senator MCCAIN on lobbying reform we did in this body, an amendment which would weaken that bill associated with his name. On his behalf, I say he did the right thing: He never offered the amendment, never called up the amendment, and the Senate bill remained clean of such rollbacks.

Democrats and Republicans alike have supported these restrictions because they are critical to protecting our political process from corruption in fact and in appearance. The authors of the last major reform bill—Senators MCCAIN and FEINGOLD—in an amicus brief with the court involving these limits called them "essential . . . to maintain the public's confidence in the integrity of our political system" and "indispensable to any [campaign finance] regulatory program." That is what they said.

Without such limits, the Senators argued that "the public's faith and participation in the political process will continue to decline." That also is another quote. Such expenditures, they argued "create at least the perception that those who donate large sums to political parties . . . may enjoy positions of 'improper influence.'"

These were wise words by Senators MCCAIN and FEINGOLD. I think we all should live by them.

In the wake of Abramoff, DELAY, and Cunningham, Americans are looking for us to change course. The House bill will keep us headed in the wrong direction. For that reason, Democrats will stand opposed.

If there is going to be an attempt to do campaign finance reform above and beyond what was done with McCain-Feingold, then let's do it. Let's have committee hearings. Let's have a bill reported to the Senate and have a fair debate on what we need to do to clean this up, not just take one particular aspect of it. The Congress must not ignore the American people's desire to do a better job in ethics here in Washington.

In January, when Americans across the country were crying for reform, we took the lead and fundamentally changed the debate on ethics and lobbying reform. I think it is commendable—as I have said here on the floor on a number of occasions, Madam President—I think it is commendable that we were able to pass this lobbying reform bill on a bipartisan basis. Thanks to our work, on a bipartisan basis, we passed some significant reforms that will ensure the Government of the people focuses on the needs of the people.

It would be unfortunate to see these efforts sabotaged and ultimately fail because the House majority has backed away from real reform and instead has decided that this legislation should be a vehicle to advance a partisan campaign finance agenda. If the trial of TOM DELAY and prison terms for Jack Abramoff and Duke Cunningham do not convince the Republican Party to clean up its act, Americans should begin to wonder what will.

Mr. MCCONNELL. Madam President, will the Senator yield for a question?

Mr. REID. I would be happy to.

Mr. MCCONNELL. I would like to ask my good friend, the Democratic leader, if his concern here is that the House bill overruled what we call the Colorado II decision in the Supreme Court, which basically would allow political parties which are now restricted to raising 100 percent hard money to spend in coordination with the campaigns whatever they choose to spend. Is that the complaint I hear from my good friend, the Democratic leader?

Mr. REID. Madam President, I apologize, through the Chair, to my friend. I do not know what Colorado II is. Is that what you said?

Mr. MCCONNELL. What the Supreme Court held in Colorado II was that the prohibition on parties spending above what we call the coordinated amount remained intact and that parties could spend whatever they wanted to as independent expenditures, meaning they could not consult with the campaigns.

I was listening to my good friend, the Democratic leader, and I understand he was decrying a provision in the House bill that, in effect, overturned that Supreme Court decision and allowed the parties to spend, in coordination with their campaigns, money beyond what is called the coordinated. And the Senator from Nevada was suggesting that was somehow, I gather, corrupting the process, if that money, which could now be spent independently of the campaigns, was spent in coordination with the campaigns.

Did I understand correctly?

Mr. REID. Madam President, through the Chair to my friend, the senior Senator from Kentucky, your explanation of asking me a question points out my problem with what the House is doing. I believe what we need is to have reform legislation in the House comparable to what we did here in the Senate. I think there are a number of us who would like to have gone further than what we did, but I would be satisfied with that. But for the House to call this lobbying and ethics reform is wrong. What they have tried to do is reform campaign finance laws.

I say to my friend, if we are going to do a reform of campaign finance laws, then what we should do is have the committees of proper jurisdiction hear what changes they think should be made, with the advocates of this, bring it to the floor, and have a debate.

As my friend indicated, talking about Colorado II, this is very complicated stuff. And I think if we are going to reform a little piece of it, let's look at it all. Let's look at how trade associations work. Let's look at everything. I am happy to do that. But what I am not happy to do is have the House call something lobbying and ethics reform when it is campaign finance reform. That is my concern.

Mr. MCCONNELL. Madam President, could I ask my friend one further question?

Mr. REID. Of course.

Mr. MCCONNELL. Is it still the position of the leader and the majority of those on that side of the aisle that the position they used to hold, which was that these so-called 527 groups should be treated like political parties and therefore have their contributions kept like a political party—that used to be the position of the majority of the Democrats, that the 527 groups which operate like parties should be treated like parties in terms of the contribution levels—I now gather that my good friend and a number of his colleagues on that side of the aisle have the opposite position, that somehow to treat a 527 like a political party, and therefore cap contributions like they are to parties, would somehow be a violation of free speech? Is that the position now that the Democratic leader is taking?

Mr. REID. Madam President, every question the distinguished Senator from Kentucky asked indicates how important it is to have a full, complete process here in the Senate about campaign finance. Every question he asks is more complicated than the last. Him asking me how the Democrats stand on this issue is something I cannot answer. These seats have changed back and forth since we took up McCain-Feingold.

I will say this: Having worked as a candidate prior to the passage of McCain-Feingold and after it passed—as far as I am concerned, what happened in 1998, when I had a very difficult race in Nevada with my dear friend, the junior Senator from Nevada, JOHN ENSIGN, we had a tough election, a tough election. But in the little State of Nevada, back in 1998, we did not have many people there. We are approaching 3 million there now. We did not have 2 million then. JOHN ENSIGN spent $10 million; HARRY REID spent $10 million. But the vast majority of the money was corporate money. People could give us hundreds of thousands of dollars. Now, that may not have corrupted JOHN ENSIGN or corrupted HARRY REID, but it is a process that does not look good, and it is corrupting, it could corrupt an individual.

Having run in 2004—it was a good election—I went out and raised money, as I did when I first started in this process. I would go to somebody. They would give me whatever the limits were: $1,000, $2,000. That limit would be printed, and everyone in the world knew what that person did for an occupation, where they lived, how much money they gave me. I felt so much better in 2004 than I did in 1998 because I did not have to go around asking people for these corporate donations.

I have not talked to my friend, Senator ENSIGN, but I will bet you he agrees with me because I do not think either one of us felt comfortable with those huge corporate contributions that were coming into the State of Nevada. The purpose of it: the Republicans ran vicious ads against me. He had bad ads that were run against him.

I think the process is better. If we are going to change the McCain-Feingold process, let's do it by looking at everything, not just 527s. Let's look at trade associations. Let's look at State parties. Let's look at this PAC situation where we have all these leadership PACs. There are a lot of things we need to look at.

But what the House is doing—disguising campaign finance reform as lobbying and ethics reform—is wrong. We did not do that here. And I think that speaks well of JOHN MCCAIN. He had an amendment prepared. He did not do it because he knows it would have corrupted McCain-Feingold. I would assume that is why he did not offer it. It would have corrupted the legislation we now have that we call McCain-Feingold, which I think has improved the process. I am glad the Supreme Court ruled that it was constitutional.

Now, I know my friend, the distinguished majority whip. He did not like McCain-Feingold. He worked very hard against it. He did a good job. He is a fine lawyer and a good advocate. He lost. Those of us who supported McCain-Feingold won. And if we are going to change it, let's have another fair fight like we had with McCain-Feingold, where my friend from Kentucky can be on one side, I can be on the other. We may even wind up on the same side.

But that is what kind of debate we should have, not what is happening in the House now, disguising it as lobbying and ethics reform, and really it is not.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Madam President, just one final observation with regard to this discussion in which the Democratic leader and I have been engaged. And I am glad he is still on the Senate floor because I would not want to say this with him not being here. I noticed that he was glad the days of large corporate and individual soft money donations were gone from parties. I wish he would be equally offended by the fact that large donations are still available for the 527s. What is good for the goose is good for the gander.

If large contributions—corporate and individual contributions—to parties were outlawed because of the, "corrupting potential" of that, it seems to me entirely inconsistent to argue that they should not be eliminated from 527s.

I think the reason our good friends on the other side of the aisle have had an epiphany about 527s is because they now believe these activities are beneficial to them. So the consistency is something that is hard to find in the course of this debate.

It will be interesting to see what the final House bill includes. To simply allow political parties to spend money in coordination with the candidates wearing their party label, it is hard to conclude it would in any way corrupt the system.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Madam President, just one final comment.

I believe that if 527s are doing things that are wrong, maybe we need to take a look at 527s but in conjunction with all the rest of the things that happen in campaign finance. I have no problem with that—but not 527s alone. If we want to look at trade associations and all the other things, I am happy to do that, but let's not just single shot one of these because there are a lot of other things that need to be looked at at the same time.

The distinguished Senator from Kentucky and I have had longstanding personal discussions off the Senate floor about campaign finance. We have had them on the floor. As I have indicated already, I have the greatest respect for how he feels. He is a real advocate for his position.

I try to do the best I can for mine.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Illinois.

Mr. DURBIN. Mr. President, I had the good fortune early in my political life to meet and work as an intern for Paul Douglas, a Senator from Illinois from 1948 to 1966. He wrote several books about ethics in government that are still widely quoted. I was fortunate to meet him and then to meet a man who counted him as a mentor, Senator Paul Simon. Both inspired me to do a few more things in my public life than I might otherwise have done.

For instance, Paul Douglas had a rule in his office for staff that they couldn't take anything they couldn't drink. I assume that meant they could have an expensive drink at some local restaurant, but they certainly couldn't take a meal or a gift or anything like that. He had a personal rule that he wouldn't take a gift in his office that was worth more than $2.50. I can recall some angry constituent who sent Senator Paul Douglas a handmade, tooled leather belt with Paul Douglas' name on it which he returned. I am sure the donor was offended, but that was his rule. He made complete disclosure of his income and net worth, as did Paul Simon. I have tried to follow their example.

We need meaningful ethics reform, but I agree with Senator REID that we also need to have a serious conversation about campaign financing. They are related issues, but they are not the same. The issue we decided to vote on in the Senate on lobbying and ethics reform was timely and important. We know what happened. Mr. Jack Abramoff created a scandal across Washington with the excesses in which he was involved. He has pled guilty on some and is working with the Government, and there may be further indictments and convictions as a result. At least one Member of the House, TOM DELAY of Texas, was indicted and ultimately resigned before his trial. Others in both political parties are under suspicion.

Neither political party has a monopoly on virtue. I know honest and hardworking people on both sides of the aisle. We should do our level best to restore the confidence of America in the process and the people who participate in it.

The effort now by some House Republicans to inject campaign finance reform into this is a poison pill. They know if they can complicate the issue, ultimately nothing will happen. We would like to see our conference strictly set on lobbying and ethics reform.

My personal feeling—and it may only be mine; maybe a few others share it—is that when it comes to campaign financing, we need to do something dramatic, something that States have already proven can make a significant difference. I am talking about public financing. I didn't come to this idea quickly. In fact, I didn't like the idea when I was first elected. I thought it was unconscionable that somehow we would create a system of public financing that would finance some of the strange and extreme candidates who appear from time to time. But I have come to realize that unless and until we make a significant change in the way we finance campaigns, we are not going to restore the integrity of this institution and others. We are not going to restore the confidence of the American people.

It is dangerous to walk the streets around the Capitol because of all the traffic, all the visitors. It is even more dangerous during the course of the day as Members of the House and Senate race to their party headquarter buildings to make fundraising telephone calls, which we have to do; it is the only way to raise the funds so that people of modest means have a chance to compete in the campaign arena. It takes more and more of our time and more time away from what we should be doing on the floors of our respective Chambers. Public financing is an appropriate way to address that. If we did it on a comprehensive basis, we could have genuine reform.

Senator REID of Nevada has said that is a worthy goal, campaign finance reform, but let's do it the right way, not have something parachuted into the conference committee by House Republicans as a poison pill to real ethics reform. I will do everything I can to defeat what is so-called ethics reform out of the House that does little or nothing to clean up our act on Capitol Hill and tries to inject a clearly political issue into this debate. We need to pass the kind of reform that will restore confidence. Complicating it with campaign finance reform is not the way to do it at this moment.

Let's do it the right way. Let's have hearings, deadlines. Let's create a bill. I would like to join with other Senators, perhaps from both sides of the aisle, to make sure public financing is part of the debate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, some housekeeping items have been cleared on both sides.

AMENDMENT NOS. 3618, 3619, 3714, AND 3716, WITHDRAWN

I ask unanimous consent to withdraw amendment No. 3618, the subject of which was addressed by division II of Coburn amendment No. 3641.

I also ask unanimous consent to withdraw amendments numbered 3619, 3714, and 3716.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, what is the pending business?

AMENDMENT NO. 3855

The PRESIDING OFFICER. The pending business is the second-degree amendment of the Senator from Delaware to his first-degree amendment.

Mr. COCHRAN. I think we are ready to proceed to agree to that on a voice vote.

The PRESIDING OFFICER. If there is no further debate on that amendment, the question is on agreeing to the amendment.

The amendment (No. 3855) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the underlying amendment, as amended.

The amendment (No. 3717), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we continue to make good progress. We hope to complete action either this evening or tomorrow on the bill. It could be, in consultation with the leader, possible to complete action on the bill today and have a vote on final passage tomorrow if we are going to go a little late this evening, but we don't anticipate a late evening. We hope to be able to adjourn at a reasonable hour. With the cooperation of Senators, we can do that.

We have cloture, which has been invoked, which limits amendments for consideration to germane amendments. We have entered into colloquies and we think some of these amendments are going to be withdrawn. We hope if Senators have an intention of disposing of their amendments, if they want a vote, now is a good time to come to the floor and make that request known. We can dispose of those amendments.

We urge the cooperation of Senators, and if we get to some point, we may offer amendments for Senators, if they are in order and pending and have not yet been called up. As a matter of notice, we intend to press ahead and complete action on the bill within a reasonable time. And we will, with the cooperation of all Senators.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I will take just a moment of the Senate's time to thank a few people who worked hard to put together a colloquy. This is a very important conversation between three Senators that deals with the critical issue of the health of our soldiers who are coming back from combat. So I will read this for the RECORD.

This colloquy is about a Comprehensive Casualty Care Center at the San Diego Naval Medical Center, and this is the colloquy. It starts off with myself saying:

> I would like to thank the Senator from Alaska and the Senator from Hawaii for their outstanding leadership on this bill and especially for their commitment to providing care for our Nation's combat-wounded servicemembers.
>
> I understand that I have a commitment from both Senators that they will work to ensure that $6.2 million in funding is included in this bill for the establishment of a Comprehensive Combat Casualty Care Center at the San Diego Naval Medical Center.
>
> This vitally important funding will ensure that for the first time, combat-wounded servicemembers from the West Coast—who have endured approximately 25 percent of all casualties—will be able to receive treatment and recover from their wounds closer to their home.
>
> Since many of the most severely wounded require months of treatment and rehabilitation, this will alleviate significant hardship on our servicemembers and their families. No longer will they have to travel to Texas or to the East Coast for treatment.
>
> This "West Coast Walter Reed" will be able to treat approximately 200 patients per year, including 160 nonamputee patients and 40 to 50 amputee patients. While I lament that even one more servicemember will be wounded in combat, I look forward to opening the center and to working with the Navy to ensure that our servicemembers are afforded the very best possible medical care.

That concludes my portion of this colloquy. I have been working with the Navy on this matter since they explained to us that so many of our west coast families have to be trekked all the way to the east coast for rehabilitation for these very severe injuries. The rehab is very intensive, and the whole family really needs to be included and involved in it. So now it is going to be so much easier for these active military from the State of Washington, from the State of Oregon, and I believe from Alaska, Hawaii, and even some other States such as Nevada that are east of California, to be able to avail themselves of the best treatment. I believe the Navy has been so focused on this that their dreams are becoming a reality. They are going to serve the military from all the various branches who get injured. It isn't just for the Navy; it is for everyone who gets injured in a severe way and needs this extended rehabilitation.

So Senator STEVENS, at the end of my remarks, said:

> The Senator from California is correct. She has my commitment that I will work in conference to ensure that these funds are provided for the Comprehensive Combat Casualty Care Center.

Senator INOUYE then said:

> I too support the Senator's request. She has my commitment that I will do my best to ensure funding is included in conference.

I believe, after speaking with them—and I have spoken to Senators MURRAY and COCHRAN about this—that this is something that just cries out for funding because our people are hurting, and it doesn't help them to be separated from their families and to have to make the trek across the country to learn how to live with these very disabling injuries. So we pray that the war will end soon. We pray that our soldiers will be coming home soon. I myself am working to see that we can begin redeploying troops immediately.

I think as the Iraqis move forward, this is a year of major transition, and they need to prove that they want freedom as much as we want it for them. They now have their government getting into place, and I would like to see the end of these casualties. I know we all feel that way. But we have to also be realistic in that we have to serve those who are continuing to come back in great need of this kind of help.

So, again, I hope all of my colleagues on both sides of the aisle will support this effort. I look forward to working with all of you so that we can tell the Navy that their hopes and dreams for this Comprehensive Combat Casualty Care Center in San Diego at the Naval Medical Center, will, in fact, be a reality. The $6 million we need is a very small amount when you look at the overall size and scope of this particular bill.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

AMENDMENT NO. 3616

Mr. MCCAIN. Mr. President, I call up amendment No. 3616 and ask for its immediate consideration.

The PRESIDING OFFICER. That amendment is now pending.

Mr. MCCAIN. Mr. President, this amendment would strike $74.5 million for grants to States based on their production of certain types of crops, livestock, and dairy products, which were not included in the administration's emergency supplemental request.

Let me point out again a statement of administration policy where it says:

> The administration is seriously concerned at the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs.

Obviously, this and others have been put into this bill in a very unacceptable fashion. It has been a longstanding policy in the Senate to prohibit the practice of adding authorizing language to an appropriations bill. Nevertheless, this bill includes a massive $3.94 billion agricultural assistance program. None of this funding under this agricultural title is included in the administration's supplemental request.

Interestingly, this nearly $4 billion add-on, title III of the underlying bill—remember, this is a $4 billion add-on—received a one-paragraph mention in the entire committee report accompanying the bill; one paragraph to describe 31 pages of legislative language with a $4 billion price tag.

Let me read it for the benefit of my colleagues.

> The committee recommends $3.944 billion for emergency agriculture disaster assistance. These funds will help farmers and ranchers in States affected by recent hurricanes, drought, flood, wildfire and other natural disasters recover from resulting production losses. These funds will also assist in the removal of debris from watersheds in order to minimize the threat of flooding from future storm events. In addition, the funds will provide economic assistance to producers to compensate for high energy costs relating to agricultural production.

That last sentence is interesting. This will help farmers who have high energy costs related to agricultural production. I wonder what we are doing for the airlines, the trains, the American automobile owner, any other industry in America. We aren't doing anything for them in this emergency supplemental, but we are going to give the farmers nearly $4 billion additional.

I am all for helping the appropriate farmers and other victims battered by hurricanes, but the agricultural assistance added in this bill is far more expansive than merely offering to help areas hit by the 2005 hurricanes, and at least the limited report language doesn't hide that fact. As my colleagues know, the USDA currently has a range of disaster assistance programs, including crop insurance programs, that are already available. Yet this bill is going to add nearly $4 billion on top of the existing programs. In my view, the agricultural assistance funding is being used more as a vehicle to fill a voter wish list than it is to meet the urgent needs of the victims of the 2005 hurricane season. Taxpayer dollars are being allocated for agricultural subsidies and bailouts which in some cases have nothing to do with hurricane recovery.

This recovery would strike an earmark which provides $74.5 million in agricultural assistance for grants to States, based not on the hurricane damage, not on any emergency, but based on their production of "specialty of crops, livestock and dairy products."

Why is this necessary? Have the hurricanes wiped out the specialty crop industry? What even is a specialty crop, and why does it need $74.5 million of taxpayer funding? I hope that a specialty crop is a money tree because that is what is going to be needed to pay for this bill.

My colleagues may be interested to know that the bill defines specialty crops as anything but wheat, feedgrains, oilseeds, cotton, rice or peanuts—anything but. Why do we exclude those commodities from receiving this funding? Is sugarcane made ineligible? Are my colleagues aware that the USDA already has a specialty crop block grant program which was authorized in 2004? Under the existing program, specialty crops are defined as fruits, vegetables, tree nuts, dried fruits, and nursery crops including floriculture. The program is funded at $17 million for the current fiscal year, and it provides for $100,000 for each State that applies. Is there a problem with that program that I am not aware of that gives it just cause to providing it with an emergency supplemental appropriation to the tune of more than 1,000 percent above its annual appropriation?

This bill provides $74.5 million that is to be used to award grants based on "the share of each State's total value of specialty crop, livestock, and dairy production of the United States for the 2004 crop-year, multiplied by $74.5 million. That means the more you produce, if your crops have not been hit by a natural disaster or flooding or drought, the more money you get. That is the polar opposite of what the USDA disaster assistance programs are about.

Doesn't that fly in the face of what an emergency supplemental is for? An emergency supplemental is supposed to be about addressing needs and not about providing rewards for productivity. More importantly, why is what obviously is designed to be a nationwide agricultural funding assistance program, a program not requested by the administration, singled out in the statement of administration policy as objectionable, being included in a must-pass emergency spending bill that is supposed to address the global war on terror and hurricane recovery?

My colleagues may be interested to know that under this legislation, States can use the grant to "promote the purchase, sale or consumption of agricultural products."

I am not making this up. I am not making this up. Under this emergency supplemental bill, States can use the grant to "promote the purchase, sale, or consumption of agricultural products." Last week, I mentioned that Federal dollars had been used to paint salmon on airplanes. Maybe that $74.5 million will be used to paint vegetables on airplanes or maybe a pretty flower.

Upon closer reading of the legislative language, I notice that the bill actually creates a $100 million program for specialty crops. In addition to the $74.5 million that this amendment addresses, it provides for $25.5 million to make grants to "the several States, the District of Columbia and the Commonwealth of Puerto Rico, to be used to support activities that promote agriculture."

I would like to repeat that for my colleagues: "$25.5 million to make grants to the several States, the District of Columbia. . . ."

I admire and respect the District of Columbia enormously. I know of no agricultural enterprise—well, maybe an illegal one, but I never knew of an agricultural enterprise in the District of Columbia. But they are going to be eligible for grants to be used to "support activities that promote agriculture." As I say, I am not making this up.

I hope the sponsors of the legislation will correct me if I am wrong. I would like to be corrected if I am wrong. I am confident they will. But it appears that with respect to the $25.5 million funding, the bill provides that all 50 States will each receive $500,000 of that money, while Puerto Rico and the District of Columbia each will receive $250,000. What specialty crops are grown in the District of Columbia? What specialty crops are grown here? What kind of campaign should we expect?

The funding is not needed. It should be noted that, according to OMB, "In 2005, many crops had record or near record production, and the U.S. farm sector cash receipts were second highest ever." Can an unrequested $74.4 million grant program truly be sold as an urgent emergency spending needed at this time? I know my colleagues have the highest hopes for the success and safety of our troops and for the speedy recovery of the hurricane-ravaged gulf. But when the American people hear of these special interest riders, they are going to question their priorities, and rightly so.

Again, I would like to refer to this poll. A 39-percent plurality of Americans, in a poll the day before yesterday, say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents. This amendment certainly fits that concern that Americans have.

I was going to come back and talk before we voted on this bill. I am sure this amendment will be voted down, again, because others have that are similarly outrageous. But I want to say, we are sending a very bad message to the American people. I saw recent polls showing our approval rating at around 22 percent. I am glad to see that there are now some candidates who are running for office against pork barrel projects and earmarks and museums, taking that out of highway funds.

They are sick and tired of seeing their children's futures mortgaged by this rampant, out-of-control spending.

I will vote against this bill. When the President vetoes it, which I am reasonably confident he will, I will vote to sustain his veto.

I believe that once the President vetoes this bill, the American people will strongly support that veto and that the American people will demand that we bring some kind of sanity to this system where, in the name of recovery from hurricane damage, and in the name of funding the war in Iraq, we spend billions—not millions, not hundreds of millions but billions—on unwanted and unnecessary products.

I want to assure my colleagues that I will support anything to help repair the damage caused by the hurricanes. I will do what is necessary to spend my taxpayers' dollars to fight and win the war in Iraq, which I still strongly believe is a noble cause, but I cannot go back to my constituents in Arizona and say that this is anything but a shameful exercise we are engaged in by taking their tax dollars in the name of an emergency and spending them on those projects, many of which we have discussed and debated at some length.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, there are some Senators who are in a meeting with the Secretary of Defense and the Secretary of State. We are not going to go to a vote right now because of that conflict with some Senators. But we have an opportunity for those who want to speak on this amendment or any other pending amendment that has not been adequately discussed at this point.

Let me say with regard to the amendment of the Senator from Arizona that I can remember in my State time and time again when we have had severe weather disasters; wet-weather-related disasters. The pecan growers, in particular, would inevitably have a difficult time making a case for the losses they sustained when Federal disasters have been declared and eligibility for Federal assistance had been promised because it is not the kind of program crop, so-called, such as cotton, rice, wheat, corn, that are traditionally supported by Federal programs.

It almost takes someone at the local level who understands yield, production, and how records are kept where the State governments are much better situated in those States to have knowledge and understanding of the crops and of the values of trees and the crops they produce. Peaches is another example. In my part of Mississippi where I grew up, we had a good many peach orchards. We had a good many pecan orchards. And those who live in the rural areas of our State traditionally depend upon these crops to help sustain them.

We are talking about not the kind of agriculture that produces millions of dollars of income but small amounts of income to supplement family needs. Workers in the area can move from orchard to orchard volunteering to help harvest these crops.

I can remember as a young boy my grandparents who lived near Utica, MS, would traditionally kind of let the word go throughout the community that they were going to be picking up pecans on a certain day. And some of the workers would come and pick up pecans and in payment would get part of the pecans. They would get a part of the harvest. That was the payment. Money was short.

We are not talking about wealthy landowners. We are talking about subsistence production in many cases which will qualify for the benefits under this title. If this amendment is approved, they won't get anything.

These funds are going to the States so that at the local level a determination can be made as to the amount of compensation and support those who are disaster victims in these areas of agriculture are entitled to receive.

I am hopeful the Senate will reject this amendment. I just spoke to two parts of it—orchards and the pecan trees—because from my personal experience I know a little bit about that.

But driving through my State after these disasters, I can testify to the widespread damage to orchards, to pine forests on which people depend for their livelihood.

In that part of the State where the storm's destruction was the greatest, there is very little of the traditional large cotton plantation areas. That is not that part of the State. That would be up in the mid to northern part of the State along the Mississippi Delta. That is where the heavy production of cotton is. It may be up in the prairie area of northeast Mississippi and north central Mississippi.

Where this storm's destruction was the heaviest, there are a lot of people who lost pecan orchards, trees, or peach orchards.

Dairy farms were seriously damaged, and dairy is included in this part of the title. Beef cattle production and those things that are grown to sustain those herds of cattle and to feed them were damaged severely.

I am hopeful the Senate will understand that this is not something that the committee made up, either. I am not making this up. These are the facts as I saw them and that I can say to the Senate justify the inclusion of these funds in this bill.

I urge the Senate to reject the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to join the chairman of the Appropriations Committee to oppose the amendment that has just been offered. Our specialty crop producers are confronted with a number of challenges that threaten their viability and in some cases their ability to survive. It is no secret that my State of Washington is a major specialty crop State. We, in fact, rank No. 1 in the Nation in the production of a number of specialty crops—from apples to pears to cherries to raspberries to concord grapes, just to name a few of them, with 250 other fruits and vegetables produced in Washington State. The specialty crop industry represents a large segment of the agricultural commodities which serve the economic backbone of my State and many others.

Unlike row crops such as corn, soybeans, cotton, there is virtually no support by the USDA for these fruits, and vegetable producers do not have access to crop insurance for their crops. Specialty crop producers have been hurt as the chairman of the committee enunciated.

There has been a lot more—from fires and droughts, hailstorms, and wind. Our fruit and vegetable producers have faced some major challenges during the last two years. These same industries have been very hurt—and in some cases decimated—by the inflow of specialty crops from overseas, as well as a lack of access to labor and pests and diseases.

I believe there is a need to make the commitment to help growers in all of our States and provide them with the assistance they desperately need.

Many Americans don't realize that specialty crops represent 51 percent of all farm cash receipts in the United States. That is more than $41 billion in annual farm value.

Although our fruit and vegetable industry is large, it is not larger than other commodities. They have access to relatively little of the overall agricultural disaster programs.

The section 32 grants to States to help specialty crops will help our fruit and vegetable producers survive these difficult conditions. Whether this is supporting research which is important, or promotion or marketing that is critical, these funds will help our fruit and vegetable farmers in business in every single State.

I think everyone in the Senate knows that the United States should produce as much domestic food product as it can. And the $75 million that is targeted by this McCain amendment to help keep our fruit and vegetable producers in business is simply a modest investment, and it is a commitment to keep our farmers in business in very difficult and challenging times.

I urge my colleagues to make the commitment to support the specialty crop farms and the farmers and the families who depend on it, and I urge them to vote against the McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3728

Mr. VITTER. Mr. President, I ask unanimous consent that the pending business be temporarily set aside and that we call up amendment No. 3728 for consideration, which has been ruled germane.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, and Ms. LANDRIEU, proposes an amendment numbered 3728.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for flood prevention in the State of Louisiana, with an offset)

On page 165, line 19, strike "$10,600,000,000" and insert "$10,400,000,000".

On page 168, between lines 8 and 9, insert the following:

FLOOD PROTECTION, LOUISIANA

SEC. 2054. (a) There shall be made available $200,000,000 for the Secretary of the Army (referred to in this section as the "Secretary") to provide, at full Federal expense—

(1) pumping capacity and other measures required to prevent flooding associated with modifications to outfall canals in Jefferson and Orleans Parishes, Louisiana;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish, and of Jefferson Parish in the vicinity of Jean Lafitte; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(b) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

(1) protecting populated areas;

(2) energy infrastructure;

(3) structural and nonstructural coastal barriers and protection;

(4) port facilities; and

(5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

(d) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(1) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(2) the portion of that depreciation that is attributable to the application of new storm datum that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(e) The amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 3728, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent that the amendment be modified according to the technical modifications which I have presented to the desk. These modifications do not change the scope of the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3728), as modified, is as follows:

(Purpose: To provide for flood prevention in the State of Louisiana, with an offset)

At the appropriate place, insert the following:

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,299,000,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds appropriated under this heading, $200,000,000 shall be used for section 2401; $530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and vicinity project and the existing West Bank and vicinity project to improve the performance of the systems: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to those hurricanes and other disasters, $17,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That the Secretary, acting through the Chief of Engineers, is directed to use funds appropriated under this heading for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: *Provided further*, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, including a designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

GENERAL PROVISIONS—THIS CHAPTER

FLOOD PROTECTION, LOUISIANA

SEC. 2401.(a) There shall be made available $200,000,000 for the Secretary of the Army (referred to in this section as the "Secretary") to provide, at full Federal expense—

(1) removal of the existing pumping stations on the 3 interior drainage canals in Jefferson and Orleans Parishes and realignment of the drainage canals to direct interior flows to the new permanent pump stations to be constructed at Lake Pontchartrain;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(b) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

(1) protecting populated areas;

(2) energy infrastructure;

(3) structural and nonstructural coastal barriers and protection;

(4) port facilities; and

(5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

(d) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(1) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(2) the portion of that depreciation that is attributable to the application of new storm

data that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(e) The amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

United States Coast Guard

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $90,570,900, to remain available until September 30, 2007, of which up to $267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to $470,000 may be transferred to "Research, Development, Test and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $191,844,000, to remain available until expended: *Provided*, That such amounts shall be available for major repair and reconstruction projects for facilities that were damaged and for damage to vessels currently under construction, for the replacement of damaged equipment, and for the reimbursement of delay, loss of efficiency, disruption, and related costs: *Provided further*, That amounts provided are also for equitable adjustments and provisional payments to contracts for Coast Guard vessels for which funds have been previously appropriated: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Federal Emergency Management Agency

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $71,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response, and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $10,400,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. VITTER. Mr. President, I spoke to this amendment yesterday. I will not speak to it again. I will simply underscore several things.

First of all, Senator LANDRIEU joins me in presenting this amendment which goes to the essential levee and hurricane protection needs of the greater New Orleans area.

Second, the entire amendment is offset. So this amendment does not increase the spending in the bill by any amount—not one single penny.

Third, we believe this amendment is very important to make sure that there are adequate funds for the essential levee hurricane protection work which is at the heart of this bill.

We have many debates about what is at the periphery, but this type of work is at the heart of this bill, and, of course, the President and his leadership have made that clear.

Again, I went into the details of this amendment yesterday. I won't go into them again. But I certainly hope in light of the fact that this amendment does not increase the cost of the bill, the Senate can come together and support Senator LANDRIEU and myself in passing this very important amendment to ensure that the vital work going on right now building up to the next hurricane season which starts in June can be done, and that all necessary moneys are there for all those important categories of work.

I believe my colleague from Louisiana would like to say a few words in support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank my colleague from Louisiana. It has been a pleasure to work with him, and of course the leadership of the committee.

As the Senator has pointed out, it does not add any money to the underlying bill, but it makes clear that there are four additional projects that are very crucial to the comprehensive repairs that are going on in the greater metropolitan area that simply need to be included. That is really the essence of this amendment.

It does not add any money to the bill. It does not authorize anything outside the scope. It has been ruled germane.

I again want to not only thank him for his good work but also acknowledge the leadership of the administration which has in the past few weeks come forward in terms of stepping up their leadership on this levee repair and how crucial it is to our area.

I commend the administration for their support of the underlying bill which is very substantial.

I yield the floor.

Mr. VITTER. Mr. President, in closing, I would also say that this amendment has been cleared by the majority and minority managers of the bill.

With that, I ask for a rollcall vote.

The PRESIDING OFFICER (Mr. MARTINEZ). The yeas and nays are requested.

Is there a sufficient second?

There appears not to be a sufficient second.

Mr. COCHRAN. Mr. President, I rise to simply advise the Senator that I am told by staff that the authorizing committee has some concerns with the amendment and would oppose proceeding to a vote on the amendment at this time without the opportunity of discussing it with other Senators.

That is the reason I didn't raise my hand to authorize the yeas and nays. I have no objection to the yeas and nays being ordered, but I didn't want us to proceed to a vote without the benefit of the advice and counsel of the legislative committee that sent word they have some concerns about the amendment. I don't know what the concerns are.

As I reminded the Senate a moment ago, there is a meeting with the Secretary of Defense and Secretary of State. Some Senators are at that meeting and I don't want to unnecessarily infringe on their interests by having a recorded vote as they are meeting on subjects of this legislation. This is a bill that funds the Department of Defense and the Department of State with supplemental appropriations to help pay for ongoing activities in the Middle East. This is a very important subject for Senators to understand at this particular time.

I am sympathetic to their situation and think they should be able to question the Secretaries about the use of funds in this bill and the general situation in the area where we are fighting the war on terror and trying to protect the security interests of our country.

Having said all of that, I don't want to slow down the Senate's consideration of legislation, but I hope we would not proceed to a vote on either the McCain amendment at this time or the Vitter amendment. We can wait until a little later. We will be on the bill for the balance of the afternoon. We hope to complete action on the bill at least by tomorrow morning. We appreciate the cooperation of all Senators and particularly those who are helping identify things that need to be addressed in this bill because of the devastating disasters that occurred in the southeast and the gulf coast region. They need the money now. We are not trying to slow down the action on the bill. We will not do that.

I thank the Senators from Louisiana for understanding and hope they will not push for a vote right now.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. If I could respond to the suggestions of the distinguished chairman through the Chair, I have no objection to scheduling this vote later in the day. I have been in a lot of contact with the authorizing committee, its leadership and its staff. I will continue to be in contact with them about issues contained in this amendment. I have no objection to proceeding to a vote later in the day.

I do wish to restate my call for a rollcall vote. I would be perfectly amenable to any unanimous consent order to schedule the vote later in the day as long as that vote is assured.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears not to be a sufficient second.

The senior Senator from Louisiana.

Ms. LANDRIEU. I suggest to my colleague—and the chairman has been so helpful on all of the amendments—would it be possible through the Chair to request a specific time, or would the recommendation be to set this aside and come back to it at a later time? We have been working for quite some time on this. Would the Chair wish to set a time or should we think about setting it aside and coming back at a later date? We do not want to disrupt the proceedings taking place, as the Senator outlined.

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I understand the chairman and the ranking member have already accepted my amendment. I will speak to it very briefly.

The amendment they have accepted is straightforward, clear, and simple. It affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of attempting to control Iraqi oil.

I know that is self-evident. We all know that. We know that is not our intention. The fact is, it is urban legend in Iraq, and our enemies in Iraq are using it as a rationale for continued opposition to the United States of America.

The Senate Appropriations Committee, in its report on the bill we are considering, noted:

> It's the current policy of the United States to establish no permanent military bases in Iraq.

I commend the committee for this important finding. It is an important message, as I said, to say not only to the Iraqis but the whole world. The administration policy has been less clear thus far, so hopefully it will be useful to the administration.

I am sure the American Ambassador to Iraq understands the importance of the issue. In March he told Iraqi television stations that the United States has "no goal in establishing permanent bases in Iraq." But, unfortunately, the Ambassador's statement has been clouded by mixed messages from senior administration officials in Washington.

To my knowledge, the President has never explicitly stated that we will not establish permanent bases in Iraq.

On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services:

> We have no intention, at the present time, of putting permanent bases in Iraq.

"At the present time" caused a stir.

According to a recent survey, 88 percent of Sunni Arabs in Iraq approve of attacks on American forces in part because they are convinced that the Secretary's statement means that we do have eventually a desire to have a permanent base in Iraq.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, my friend, the Senator from Massachusetts, asked Secretary Rice:

> Is it, in fact, the policy of the administration not to have permanent bases in Iraq?

Rather than answering the simple one word, "Yes," Secretary Rice said during a 400-word exchange on the question:

> I don't want to in this forum try to prejudice everything that might happen way into the future.

Not a very reassuring message to our friends in Iraq. These mixed messages are confusing also to the American people.

But here is the most troubling thing. They make it more dangerous for our armed services, our men and women in Iraq on the ground. General George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September:

> Increased coalition presence feeds the notion of occupation.

According to an opinion poll conducted by a the Program on International Policy Attitudes from the University of Maryland in January 2006, 80 percent of the Iraqis believe we do have plans to establish permanent military bases. And an astounding 92 percent of the Sunni Arabs believe this to be true.

These widespread suspicions contribute to the violence against American military personnel in Iraq, in my view. Why do Iraqis believe we want permanent bases? Why do they think we should subject ourselves to the enormous ongoing costs in Iraq? Do they think we want their sand? No, I think they think we want their oil.

According to a 2004 Pew Charitable Trust international survey on the American invasion of Iraq, all four Muslim states surveyed, including Turkey, Pakistan, Jordan, and Morocco, expressed overwhelming suspicion about the stated reasons for America's invasion of Iraq. Majorities in each of the countries believe that control of Mideast oil was an important factor in our invasion.

If you believe, as I do, that we need a regional strategy in Iraq to tackle growing sectarianism, allaying these suspicions is critical. It is critical to winning the battle for the hearts and minds of 1.2 billion Muslims in the world.

Those who have been to Iraq, as I have—and I know the men and women in the Senate have—everyone here knows these rumors to be unfounded, to be untrue. It is not our intention to control their oil. It also is not who we are.

However, that is not what the people of the Muslim world think. Before we quickly dismiss these fears as ludicrous, remember what the Iraqis have been through in three decades: Three wars and a tyrannical regime that turned paranoia into a way of life, turned neighbor against neighbor, friend against friend, brother against brother.

And remember the longer history of Iraq in the region which is ingrained in the Iraqi psyche: 400 years of British and Ottoman occupation have, to put it mildly, led to certain suspicions about foreign presence.

As CENTCOM Commander GEN John Abizaid testified before the Committee on Armed Services last September:

> We must make clear to the people of the region we have no designs on their territory or resources.

The amendment of mine that has been accepted will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraqi oil infrastructure.

The U.N. Council Resolution 1546 recognizes that the American and coalition forces are present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq's political, economic, and social well-being.

We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of our intentions and growing increasingly impatient. I have no illusions that a single amendment will somehow change the dynamics of events on the ground, but I believe we have a duty to proclaim and demonstrate through our deeds that we have no intention whatever of either maintaining permanent Iraqi military bases or controlling Iraqi oil.

If I may, I suggest what I proposed this past weekend, a third way on dealing with Iraq. Right now, we have basically two alternatives. The administration has a plan as to how not to lose but not one on how to win. Some of my friends in both parties believe the answer is to figure out how quickly we can pull out our forces. I want our forces out, but I also want to leave behind a stable Iraq so we need not go back in again.

Toward that end, I laid out a proposal. I want to make absolutely clear what it is not. It is not a proposal to partition Iraq. As a matter of fact, I respectfully suggest that the proposal I have laid out, and signed on by Les Gelb and others, is, in fact, the only way to avoid the partitioning of Iraq.

My fellow colleagues, we have gone from the major threat in Iraq being the insurgency to the major threat in Iraq being sectarian violence and a civil war. If you read the major press on Sunday, both the Washington Post and the New York Times have articles from well-respected reporters on the ground in Iraq saying that the nation is dangerously careening toward partition.

My proposal is designed to avoid partitioning. I believe, in order to be able to keep Iraq together and as a united government 5 years from now, we must give them breathing room now—breathing room now. The fact of the matter is, there is no plan on the administration's radar or anyone else's, for that matter, to deal with disbanding the militia or integrating the militia into the Iraqi military.

And, right now, a unity government—which is a necessary precondition for what I am talking about—a unity government, without a plan as to how to keep the Sunnis in the game, is one that is destined for failure.

We have had two unity governments already, and they have gotten us, quite frankly, nowhere. What makes anyone think because you no longer have Ibrahim al-Jaafari, who was disliked by the rest of non-Shiite Iraq, as prime minister that somehow the Sunnis are going to embrace a highly centralized Government, politically controlled by the Shia, and without any Sunni access to resources, and nothing being done about the death squads and the militia coming out of the Sadr camp and the Badr brigade, which has been trained, in part, by the Iranians? They are not likely to sign on.

So the proposal I have laid out, which I will not bore my colleagues with in detail, but I will submit for the RECORD, the proposal I have laid out has five parts. I came to those conclusions based upon the following assessment: Nothing I propose is in any way contradictory to the existing Iraqi Constitution. Let me remind all my colleagues that the Iraqi Constitution, voted on last year by the Iraqi people, calls for the establishment—after a general election, which took place on December 15—of an Iraqi Government.

Once the Iraqi Government is established—and it must be established, now, by May 20—the Parliament will meet. The Iraqi Parliament will meet, and they will appoint a committee to make recommendations on amendments to the Constitution.

This process was made available because of the hard work of our Ambassador to Iraq. When they voted on the Constitution, you may remember, at the last minute, to save the deal, Zal was able to go out and get the following caveat put into their Constitution: that it was still able to be amended, particularly as it related to regionalism.

For the Sunnis feared, above all, that you would have these two autonomous provinces with all the oil—north and south—and they would be left without any resources in the middle and at the mercy of those two regions. That is why the present Constitution in Iraq calls for the possibility of amendment. And the amendments the administration has been calling for, I have been calling for, and everyone else, are amendments designed to get further Sunni buy-in. For everyone knows, unless the Sunnis buy in, the insurgency will not stop. If the insurgency is not quelled, continued sectarian violence will erupt. And already the genie is out of the bottle.

What has happened now is sectarian violence and ethnic cleansing is becoming a part of the political process in Iraq. In order to be able to stem that, there is a necessity, in my view, to get Sunni buy-in.

Everything has changed on the ground since my first trip to Iraq, right after Saddam's statue fell, with DICK LUGAR and with our colleague from Nebraska, CHUCK HAGEL.

At that time, the Sunni former Baathist insurgents believed, if they resisted, they could drive America out, and they could once again take control of the central government. They believed that Sunni domination, as existed the previous decades, was again achievable.

The Shia thought there was no possibility of them being able to dominate militarily, and they would have to be able to do that politically.

And the Kurds saw themselves as a semiautonomous region not caring much about anything else that happened as long as they maintained their autonomy.

What has happened in the last couple years? Well, what has happened in the last several months, when the mosque was blown up in the Shia area, it unleashed—it unleashed—sectarian violence. It unleashed it in a way that the brigades of the existing militia began to wreak vengeance and havoc.

Every day you pick up the paper, what do you read about in Baghdad? You read about 2, 12, 14, 50 Sunnis found bound and gagged and shot in the head. You read of death squads.

On this floor, a year and a half ago, I warned that the police department in Iraq was not being organized and was essentially becoming a group of death squad people, dominated by the sectarian groups.

What has our military told us now? They told us just that, just that. And what has happened now is our chief military guy on the ground, General Casey, says we have to radically reform the police. And he calls 2006: the year of the police. The year of the police—a tacit acknowledgment they have been a vehicle of dividing Iraq in sectarian ways rather than one of uniting Iraq.

Read today's papers—the New York Times, the Washington Post, the LA Times. What are you reading? You are reading now that members of the Iraqi Army are refusing to be deployed outside the areas from which they come.

The election on December 15—and I came to this floor afterward—it was heralded as this great democratic movement. What was it? Ninety percent of the Iraqis who voted on December 15 for a new Iraq voted for sectarian or ethnic parties. If you look at the results, it was a call for, effectively, the thing we do not want—division and partition. That is what it was. Only 10 percent of the votes cast in Iraq on December 15 were for nonsectarian, nonethnic parties or candidates.

So much for this notion that there is this nonsectarian oasis that exists in Iraq that we can now drink from in order to unite Iraq.

So I say to my colleagues, the proposal I have come forward with is, I believe, the only reasonable way in which to guarantee there is not a division of Iraq, that there is not partitioning. My proposal calls for a strong central government controlling all of the revenues, all the resources, all the oil revenues, controlling a united army, and in charge of border security and foreign policy.

But what it does is what we did, in part, in Bosnia in the Dayton Accords. It gives the sectarian areas breathing room. It does not insist that the central government and the Parliament dictate to the people in the Sunni area, for example, what their laws on marriage should be, what their laws on divorce and property settlement would be, any more than we allow the Federal Government to tell the people of Mississippi or the State of Washington or the State of Delaware what those laws would be. That is not division.

I remind everybody, what did we do? We won a Revolutionary War, but we could not get a consensus among the 13 Colonies to have a strong, united central Government, so we developed the Articles of Confederation. It took us 13 years to have our Philadelphia moment. It took us 13 years.

Let me go back to Bosnia and continue that analogy. The Dayton Accords called for the establishment of a place called the Republika Srpska. Remember, Serbians within Bosnia-Herzegovina had their own republic, were allowed to keep their army, allowed to keep their military, and three Presidents were elected under the Constitution—a Serbian President, a Bosniak President, and a Croat President. That was necessary to keep this place from splitting and splintering. There was no possibility you would get them all on the same page, in the same box, after the ethnic cleansing that had taken place.

What is happening now in Bosnia-Herzegovina? Now they are rewriting their Constitution. The Republika Srpska is ready to give up their status, give up their military, as well as move from three Presidents to one. Why? They want to become part of Europe. They want to become part of Europe and benefit economically. That is why we needed to give them breathing room.

My proposal does not do a single thing that the existing Constitution does not contemplate in Iraq. And my proposal requires—requires—as a precondition the establishment of the very government that is being established right now. But it goes beyond that. As our Ambassador said to us, down at the White House, in the teleconference with the President and about six Senators and the members of the war Cabinet of the President—he said: Mr. President—I am paraphrasing—we first have to establish this government. Then we need a program. The government needs a program.

Essentially, what my proposal calls for are the outlines of a program, a program whereby the Sunnis are guaranteed a piece of the economic pie.

Now, people would say: Joe, why? And I have run this by at least a half a dozen Iraqi leaders in Iraq—Sunni, Shia, and Kurds—and it ranges from "not sure" to "supportive."

Why? What has changed? Here is what has changed. This is how the ground has shifted. No. 1, there is now sectarian violence, and ethnic cleansing is underway already now.

Secondly, the Sunnis no longer think there is any possibility of them controlling the central government and all of Iraq any longer. They have given up that notion. They know it is not possible. Some diehard Baathists and terrorists still think that. But the vast majority of the Sunni leadership knows that is not in the cards. That is not where they were 8 months ago.

Now, what happened with regard to the Shia? The Shia now know they can be the dominant political party in Iraq. But they have also figured out, in the last 3 months—they have had, as we Catholics say, their own epiphany. And what was their epiphany? It is that they know they cannot control the insurgents. They know there is nothing they are going to be able to do in the foreseeable future to keep their mosques, the oil wells, and infrastructure from being blown up.

The Kurds. What has happened in the last 3 months with the Kurds? The Kurds value, above all else, their autonomy. They really want independence, but they value their autonomy. Why would they be part of this deal to give up part of the revenues to guarantee the Sunnis have revenues? A simple reason, folks: They have now decided there is no possibility of them occupying Kirkuk and being independent in a country that blows apart. Why? The Turks will take them out. The Turks will take them out. The Turkoman, the Syrians, and others who live in Kirkuk—the Turks will not allow the Kurds in Iraq to essentially have an independent state if a civil war breaks out.

So they have all figured it out. But they do not know quite how to fix it. You may say: Biden, isn't it presumptuous for you to tell them how to fix it?

Quite frankly, every move forward of late has been from an American initiative.

Well, I heard the White House criticize my plan, saying we ought to let the Iraqis do it. Well, how do they explain the fact that the President of the United States got on the phone and told the Iraqis: "Jaafari is out"? How do they explain the fact of noninterference with the Secretary of State, the Secretary of Defense getting on a plane and going over to Iraq and saying: "Jaafari is out"?

Do you call that meddling? I call it meddling, but a rational meddling, a rational meddling for their own wellbeing and, long term, ours.

And I might add, who was it that insisted that the Constitution, that was clearly going to be voted on overwhelmingly, be amended at the last minute to allow further amendment? Our Ambassador? He did it. Why? It made sense in order to get the Sunnis into the election.

Because they were not ready to buy in if they knew this Constitution was cast in stone. That is nice meddling.

What I am proposing does not even approach that. What I am proposing is what everybody knows has to be dealt with in Iraq; and that is, you have to figure a way that the Sunnis have some resources.

Now, if you are a Sunni, and you have been able to get a new government here, where you get a few people who are in the government, what do you think happens in a parliament, where 60 percent of the parliament is dominated by the Shia when it comes to distributing resources in the central government? Do you think you are going to get many hospitals built in the Sunni region? Do you think you are going to get many roads built? Do you think you are going to get many wells dug? These folks are not stupid.

But if you guarantee them a rational piece of the economic pie—sort of like revenue sharing—if you guarantee them something approaching 20 percent of the oil revenues, after the central government has paid for all it needs to make them function, then, in fact, they know they have the ability to provide for their own needs, and they are not going to be left totally out in the cold. It is money distributed by a strong central government.

I would add one other point. People ask: Why would the Sunnis and Shia give up what they now control, all this oil? Why would they give any guaranteed peace to the Sunnis? I will tell you why. Some of my colleagues remember when Dick Lugar and I came to the floor and said there would not be oil to pay for this war.

Why did we say that? We are not all that brilliant. Because we went to the oil men, we went to Mr. Yergin from the Cambridge research outfit that advises all the major oil companies in the United States. He came and testified and said: You can't get oil out of the ground in sufficient amount unless you invest $30 billion in the ground.

What does everybody agree to now? Everybody, including the administration, says we have to invest $30 billion in the ground.

What is the next message coming from the oil industry worldwide? They will not invest sufficiently in Iraqi oil unless there is a centralized oil ministry with actual control and unless there is a reasonable prospect of an end of the insurgency and the prospect of no civil war. So why would the Shia give up part of their oil that is in the south? There is no oil in the middle. It is in the north and the south. Why would they give it up? Because they know with the investment, the oil pie will be so much bigger. Although they would be giving up a little bit with the Constitution, they will be getting considerably more revenue. This is not rocket science. That is what this is about.

There are five pieces of the plan. If we are ready to go to something else, I am happy to cease and desist.

Mr. COCHRAN. Mr. President, if the Senator will yield, we understand the meeting with Senators and the Secretary of State and Secretary of Defense is still going on. We are advised that a good time for the vote on the McCain amendment would be about 3:30. You are getting wound up.

Mr. BIDEN. Well, I am. Although I may speak long, I speak seldom. But this is very important to me and to our country. I want to make sure, whether people agree or disagree with my proposal, they understand it. And if they disagree, they know why they disagree. A lot are agreeing.

Here is the deal. There are two alternatives we have now been offered. One side says we are going to keep things from getting worse, where we have no strategy to make them better. The other side of the equation says, things aren't going to get better so we better get our troops out of there as quick as we can. Neither speaks to what I think is our national interest and objective and they are dual: One, get the troops out as rapidly as we can and leave behind as stable and integrated country as possible. Because if we don't leave behind a stable government, we are going to do exactly what I predict is going to happen in Afghanistan. We are going to be back in Afghanistan. Read today's paper. My argument is, we should be sending more forces rather than less. Read the paper today. The paper today says our folks and the Afghanis and others say the Taliban is about to occupy again the Pashtun area, that the rural areas of southeastern Afghanistan are now controlled by the Taliban and al-Qaida.

Hear me. If they are controlled by the Taliban and al-Qaida, mark my words, that control will be consolidated because we left too soon, we don't have enough resources there, and we didn't finish the job. I don't want the same thing happening in Iraq. So just pulling troops out, which I would love to do, pulling them out and trading a dictator for chaos is no answer. Leaving them in without a plan to be able to bring them out with a country left behind is also not a plan.

Here is the deal, five pieces to my proposal, all contemplated by the present Constitution and all totally consistent with the establishment of an integrated government. The first part of that plan requires that there be strong central government control over revenues, border, natural resources, and distribution of them. As part of that, we would also do what the World Bank has done before: Have a World Bank committee overseeing the distribution of resources, which we have done in many countries, to guarantee transparency.

The second piece of this is a requirement that the Constitution be amended, or theoretically it could be done by the Parliament, where the Sunnis are guaranteed a portion of the oil revenues after the central government has paid all its bills, as the Kurds would be and as the Shia would be.

The third piece of this is, instead of doing what the administration has done, which is in this budget cut off more economic aid to Iraq—I find that amazing. We are ending economic aid, reconstruction aid in Iraq. What is the plan for this democracy? We should, in fact, continue economic aid to Iraq, which I am sure is hugely unpopular because it has been so badly spent so far, but require a fundamental change in the distribution of that aid away from megaprojects to small-bore projects. We should, at the same time in part 3, be calling upon our erstwhile partners who committed resources to Iraq to deliver them. And we should have an altar call for our Arab friends in the gulf who are making ExxonMobil look like a piker. They have plenty of money. And it is as much in their interest to see civil war not break out, as it is in ours.

All of that aid should be conditioned on one important thing: A guarantee of human rights and women's rights. People say: Biden, we know you wrote the Violence Against Women Act. What is the deal here? The reason is not only is it morally the right thing to do, it is essential for there to be any prospect of a democratic Iraq emerging in the future, essential that women have rights and are protected. And the condition upon the aid should be the guarantee and ability to oversee not abusing the rights of women in their laws, in their provinces, similar to our States, similar to the State of Delaware, the State of Mississippi, as well as the fact that overall human rights be something that is transparent.

The fourth piece of this plan calls for what I have been calling for, for 2 years, I admit. Dr. Kissinger has been calling for it for a year and three-quarters, Secretary Shultz has been calling for it. Secretary Powell is calling for it. We need a regional conference. We need to get all of Iraq's neighbors, such as we did in Afghanistan, get all of Iraq's neighbors to essentially enter into an agreement not to meddle in Iraq's affairs. People ask: Why would they do that? Why would Iran do that, why would Turkey do that, why would the Arab neighbors do that? A simple reason: The last thing any of them want is a civil war.

They say the Iranians might want a civil war. No. What the Iranians want is what they have. What they have now is Americans being bled financially and physically, with 10 or 12 divisions tied down. That is what the Iranians want.

What they don't want is a civil war. You ask why? In Tehran, the Government of Tehran and the clerics know that 75 to 80 percent of their constituency hates them. They know they are incredibly unpopular. You are sitting on top of an unpopular government, knowing that there is not enough energy for there to be another revolt, another revolution among the people. Do you want 17 million of your Shia Arab brothers—and don't forget the Iranians are not Arab, they are Indo-European, they are Persian—do you want 17 million of your Shia Arab brothers learning how to fight and learning how to muster their physical capability perhaps for the next year on your border while they are engaging with 60 million of your Shia citizens who don't like you? I guarantee you, the answer is "no." They don't want that.

The Turks don't want a civil war. Civil war means the Kurds are going to go their own way. The last thing the Turks want is the Kurds going their own way. And for Lord's sake, the Arab Gulf States don't want a civil war because they then begin to count their days. So it is in everyone's interest.

How do you get this regional conference? I believe we can and I am confident we will. Get the P5, the permanent 5 of the Security Council to lay down the parameters for a regional conference, get a U.N. Security Council resolution passed calling for a regional conference on Iraq and nonintervention. And then do what I have been calling for for 2 years, set up a contact group made up of the regional and world powers who will essentially police the deal—not send troops into Iraq, police the deal—so that all those who sign on in the region do not interfere and observe they are not interfering.

The fifth piece of my plan calls for a date to be announced, that by the end of 2008, the majority of American forces will be redeployed. There are two reasons for that. To give the U.S. military certainty, to give them certainty to plan, for there is no possibility of them pulling American forces out in 6 months or 8 months. I am not going to presume to tell the military how long an orderly change in our presence in Iraq would take and when it should take place. If it occurs sooner, all the better.

But the second reason to state it is to let the Iraqis know, as Democrats and Republicans and the President himself have acknowledged, that as long as they think we are there forever, they are not about to step up to the ball to make the hard decisions.

So I believe the only reasonable prospect of holding Iraq together, to avoid partitioning, which could be a disaster, is to give the region breathing room and incentive to stay in the deal.

I hope over time this will get a closer look. As Dr. Kissinger said, and I spoke with him and Vice President CHENEY in Philadelphia at the World Affairs Council, when they asked Dr. Kissinger, after my speech along these lines, what he thought, he said he thought the plan warranted very close scrutiny. When I laid it out to Ash Carter, he thought the plan was a good plan. When I laid it out to other people, including former Republican and Democratic members of the foreign policy establishment, it went from: Joe, is this partitioning? and once explained that it wasn't, to not a bad idea, to fully embracing the idea.

This is going to take a while. I remember when I came to this floor in the early 1990s and to the shock and dismay of my colleagues called for us lifting the arms embargo against the Bosnians and calling for air strikes against the Serbs. My colleagues thought that was crazy.

I remember when I came back again, after meeting with Milosevic and him having told people in a private meeting that when he asked me what I thought about him, I told him I thought he was a war criminal and I would spend my career seeing that he was tried as one, my colleagues thought it didn't make sense. It took 3 years to convince the administration we should move. It takes time. But they did move. We didn't lose an American force. We stopped a genocide. We stopped the dismantling of an entire region of the world, and we saved the lives of at least a quarter of a million people.

We can do that again. Don't expect everyone to embrace this plan. I realize it is strategically pretty broad. I realize it takes time to digest. My fervent prayer is, I would love it if 6 months from now, what I proposed proves not to be necessary because the Iraqis have embraced and rallied around this new government, that the insurgency is stopped, that we have not had continued ethnic cleansing, and that there is a unified central government as is. I would be delighted, delighted to stand on the floor and have people say: Told you, Joe. You didn't need the scheme you laid out.

I pray God that is true. But I respectfully suggest to you it is not likely to be true. We better have a plan B for pulling out American troops precipitously without a plan, for keeping them in without a plan is a disaster either way you look at it.

Mr. President, I ask unanimous consent that the speech I delivered earlier this week at the World Affairs Council be printed in the RECORD.

THE WAY FORWARD IN IRAQ: AVOIDING PARTITION, PRESERVING UNITY, PROTECTING AMERICA'S INTERESTS

It's an honor to be back at the Philadelphia World Affairs Council.

First, let me apologize to those of you confused by the schedule. It shows me speaking this afternoon. Instead, you get me to start your day. Look at it this way: things can only get better. And they will, because I understand that Vice President Cheney and Secretary Kissinger will be here for lunch.

I'd like to focus on an issue that weighs heavily on our national consciousness—Iraq.

I start from this hard truth: President Bush does not have a strategy for victory in Iraq. His strategy is to prevent defeat and to hand the problem off to his successor. Meanwhile, the frustration of Americans is mounting so fast that Congress might end up mandating a rapid withdrawal, even at the risk of trading a dictator for chaos, and a civil war that could become a regional war.

Both are bad alternatives.

Today, I will argue for a third way that can bring our troops home, protect our fundamental security interests, and preserve Iraq as a unified country.

I developed this plan with Les Gelb, the president emeritus of the Council on Foreign Relations. It recognizes this new, central reality in Iraq: a rising tide of sectarian violence is the biggest threat to Iraq's future and to America's interests. It is premised on the proposition that the only way to hold Iraq together, and to create the conditions for our troops to responsibly withdraw, is to give Shiites, Sunnis, and Kurds room to breath in their own regions.

Let me tell you what our plan is not: it is not partition. Let me tell you what our plan is: It is consistent with Iraq's constitution. It is consistent with the new unity government. And it is consistent with—in fact, it is necessary to—the goal of keeping Iraq unified within its existing borders and not a threat to its own people, its neighbors, or to us.

I'd like to share the details of our plan with you.

THE CURRENT SITUATION

I was last in Baghdad on December 15th to observe the elections. It was my sixth trip to Iraq. It was incredibly moving to see Iraqis go to the polls.

I came back with a finger stained purple from the polling ink. But I also returned with this warning: we must not, yet again, prematurely declare, "Mission Accomplished." Yes, Iraqis voted by the millions, but who did they vote for? Ninety percent cast their ballots for sectarian and ethnic parties. Far from a democratic turning point, the elections reflected Iraq's deepening fault-lines.

Here's where we are in Iraq: we can't lose on the battlefield and the insurgents can't win as long as enough U.S. troops remain. But, as both our Ambassador and our top general in Iraq acknowledge, violence between the Shi'a and Sunnis has surpassed the insurgency as the main security threat. It is driving the country toward chaos and civil war.

Simply put, the sectarian genie is out of the bottle. Ethnic militias increasingly are the law in large parts of Iraq. They have infiltrated the official security forces. Sectarian cleansing has begun in mixed areas, with tens of thousands of Iraqis fleeing their homes in recent weeks. Dozens of dead bodies turn up daily in Baghdad.

Meanwhile, Iraqis have less electricity, clean water, sewage treatment and oil than before the war. Iraq's government ministries are barely functional. Iraq looks more like a failing state, not an emerging democracy.

There is no purely military answer to this slow but certain downward spiral. With more troops and the right strategy, we might have stopped the insurgency. But no number of U.S. troops will stop a civil war. To prevent it, we need a political solution. The national unity government in which the President has put so much stock is necessary, but it is not enough. We have had "unity" governments for three years in Iraq. Yet sectarian violence has escalated.

What the Iraqis need now—and what this plan proposes—is a genuine political way forward that, like our own Articles of Confederation, gives Sunnis, Shiites, and Kurds the confidence to pursue their interests peacefully in a unified country. In fact, the central government this plan proposes for Iraq would be even stronger than America's first government. With time, we can hope they will come to their own Philadelphia freedom.

At the same time, I believe we can't pull our forces out precipitously, just as we can't keep them in Iraq indefinitely. Withdrawing them too soon would open the door to all out civil war that could turn into a regional war. It also would leave parts of Iraq a haven for terrorists. That would be disastrous for U.S. interests.

What our troops deserve—and what this plan proposes—is a clear target date for redeployment that, coupled with a political settlement, will allow us to leave Iraq with our basic interests intact.

A FIVE POINT PLAN FOR IRAQ

Ten years ago, Bosnia was drowning in ethnic cleansing and facing its demise as a unified state. After much hesitation, the United States stepped in decisively with the Dayton Accords to keep the country whole by dividing it into ethnic federations. We even allowed Bosniaks, Croats, and Serbs to retain separate armies. With the help of U.S. troops and others, Bosnians have lived a decade in peace. Now, they are strengthening their common central government, and disbanding their separate armies.

The Bush Administration, despite its profound strategic misjudgments, has a similar opportunity in Iraq.

The idea is to maintain a unified Iraq by decentralizing it and giving Kurds, Shiites, and Sunnis the room to run their own affairs. The central government would be left in charge of common interests. We would encourage Iraqis to accept this formula with major sweeteners for the Sunnis, a military plan for withdrawing and redeploying U.S. forces, and a regional non-aggression pact. The plan has five elements:

1. One Iraq With Three Regions

The first element is to establish three largely autonomous regions with a viable but limited central government in Baghdad.

The central government would be responsible for border defense, foreign policy, oil production and revenues. The regional governments—Kurd, Sunni and Shiite—would be responsible for administering their own regions.

The United States shouldn't impose this solution and we don't have to because federalism is already written into Iraq's constitution. In fact, the constitution creates a limited central government and establishes a procedure for provinces combining into regions.

Increasingly, each community will support federalism, if only as a last resort. Until recently, the Sunnis sought a strong central government because they believed they would retake power. Now, they are beginning to recognize that they won't. Their growing fear is Shi'a power in a highly centralized state, enforced by sectarian militia and death squads. The Shi'a know that they can dominate the government, but they can't defeat a Sunni insurrection. The Kurds want to consolidate their autonomy.

Some will ask whether this plan will lead to sectarian cleansing. The answer is that it's already happening. According to the Iraqi government, 90,000 people have fled their homes since the February bombing of the Samarra mosque for fear of sectarian reprisals. That's a rate of more than a 1,000 people a day. This does not include the tens of thousands of educated Iraqis from the middle class who have left the country.

We must build in protections to prevent more cleansing and to improve security in the big cities, which the Administration has failed to achieve. Baghdad would become a federal zone, while densely-populated areas with mixed populations would receive both multi-sectarian and international police protection.

A global political settlement won't end the Sunni insurgency, but it should help to undermine it. The Zarqawi network would no longer have the sectarian card to play. Sunni Nationalists and neo-Baathists would still be unhappy but they would be easier to contain.

Similarly, while decentralization won't end the militia problem overnight, it is the best way to begin rolling it back. Right now, there is no plan to disband the militia. Militias have so heavily infiltrated the security forces that our training program is effectively making them better killers. The regions can become magnets for the militia, integrating them into local forces, and eventually into the national force. Again, the constitution already provides for security forces within the regions. There is nothing radical in this proposal.

The Administration is focusing only on putting together a unity government. But the "unity" government of the past year wasn't able to govern or stop the violence. This one offers little more promise. A much broader political settlement that gives each community breathing space is the best bet to prevent civil war and to keep Iraq intact.

2. A Viable Sunni Region With Shared Oil Revenues

The second element of the plan is to gain agreement for the federal solution from the Sunni Arabs by giving them an offer they can't reasonably refuse.

Basically, they get to run their own region. That's a far better deal than the present alternatives: either being a permanent minority in a centrally run government or being the principal victims of a civil war.

As a major sweetener, we should press the Iraqis to write into the constitution that the Sunnis would receive about 20 percent of all present and future oil revenues. That's roughly proportional to their size. And it's far more than they'd get otherwise, since the oil is in the north and south, not the Sunni center. These revenues represent the only way to make the Sunni region viable economically. If Sunnis reject the deal, there is no guarantee they will get any oil revenues.

The central government would set national oil policy and distribute the revenues, which would reinforce each community's interest in keeping Iraq intact. There would be international supervision to ensure transparency.

Why would the Shiites and Kurds sign on? Petroleum experts agree that the Iraqi oil industry will attract much more desperately needed foreign capital if it is run as a unified whole. Shiites and Kurds will get a slightly smaller piece of a much larger pie. That's a better deal than they would get by going it alone. Guaranteeing Sunnis a piece of this pie will reduce the incentive of insurgents to attack the oil infrastructure. That, too, would be good for everyone.

3. More Aid, But Tied To The Protection Of Minority And Women's Rights

Third, instead of ending U.S. reconstruction assistance, as the Bush Administration is doing, we should provide more. But we should clearly condition aid on the protection of minority and women's rights. The incompetence of the Bush Administration's reconstruction program makes more reconstruction money a hard sell. A new aid effort would have to be radically different than the old one. For example, instead of international mega-firms pocketing valuable contracts, spending a huge chunk of each one on security, and then falling short, Iraqis should be in the lead of small-scale projects that deliver quick results.

The President also should insist that other countries make good on old commitments, and provide new ones. He should focus on the Gulf States. They're enjoying windfall oil profits. They have a lot at stake in Iraq. They should step up and give back.

But all future U.S. aid would be tied to the protection of minority and women's rights, clearly and unambiguously. We should insist other donors set the same standard. Aid would be cut off in the face of a pattern of violations.

President Bush is now silent on protecting minority and women's rights. If they are not upheld, there can be no hope for eventual democracy in Iraq.

4. Maintain Iraq's Territorial Integrity And Engage Its Neighbors

Fourth, this plan proposes that the United Nations convene a regional security conference where Iraq's neighbors, including Iran, pledge to respect Iraq's borders and work cooperatively to implement this plan.

The neighbors may see decentralization as a plot to carve up Iraq. But they have an equally strong interest in not seeing Iraq descend into a civil war that could draw them into a wider war. Engaging them directly can overcome their suspicions and focus their efforts on stabilizing Iraq, not undermining it.

The U.N. Security Council should precede the conference with a call for the necessary declarations. The permanent members of the Security Council should then sponsor and participate in the conference to show a united international front.

After the conference, Iraq's neighbors will still be tempted to interfere in its weakened affairs. We need an on-going mechanism to keep them in line. For two years, I've called for a standing Contact Group, to include the major powers, that would engage the neighbors and lean on them to comply with the deal. I'm not alone. Former Secretaries of State Kissinger, Shultz, and Powell have all called for the same thing.

President Bush's failure to move on this front is inexplicable. There will be no lasting peace in Iraq without the support of its neighbors.

5. A Responsible U.S. Drawdown And A Residual Force

Fifth, the President should direct U.S. military commanders to develop a plan to withdraw and re-deploy almost all U.S. forces from Iraq by 2008. If the military can do it sooner without precipitating a meltdown, so much the better. Regardless, the President should make it clear that the direction we're heading in is out, and no later than 2008.

We would maintain in or near Iraq a small residual force—perhaps 20,000 troops—to strike any concentration of terrorists, help keep Iraq's neighbors honest, and train its security forces. Some U.S. troops and police would also need to participate in a multinational peacekeeping force deployed to the major multi-sectarian cities, as in the Balkans. Such a force is now a non-starter with other countries, despite their own interest in avoiding chaos in Iraq and the region. But a political settlement, and their role in helping to bring it about through a regional conference and Contact Group, could change their calculus and willingness to participate.

Right now, our troops are still necessary to prevent total chaos. But unless the Iraqis see and believe we are leaving, they will have little incentive to shape up. Redeployment is also necessary because we can't sustain this large a force in Iraq without sending troops back on fourth and fifth tours, extending deployments, and fully mobilizing the Guard. That would do serious long-term damage to our military.

A clear plan also would end the fiction the President keeps repeating of a "conditions based draw down." What conditions justify the draw down of 30,000 troops since the December elections? The situation has gotten worse.

President Bush's refusal to give clear direction leaves our military unable to plan an orderly draw down. It also leaves our troops, the Iraqis and the American people in the dark. It's time to end the guessing. It's time for clarity, but clarity with responsibility. Redeploying our troops over 18 months will allow the political settlement I've proposed to take hold and prevent all-out civil war.

REDEEMING OUR SACRIFICE

This plan for Iraq has its own risks. But this Administration has left us with nothing but hard choices.

The choice I'm proposing may be the only way left to keep Iraq intact and allow our troops to come home with our fundamental security interests intact.

The choice I'm proposing can give all of us—Republicans, Independents, Democrats, Americans—realistic hope that our sacrifices in Iraq were not in vain.

Thanks for listening.

Mr. LAUTENBERG. Mr. President, I rise to support Senator BIDEN's amendment to provide that none of the funds being appropriated in this emergency supplemental appropriations bill may be used by the United States to establish permanent military bases in Iraq. If we are serious about finding ways to neutralize the insidious insurgency that has killed over 2,400 American service men and women in Iraq, we must state clearly, unequivocally, and without further delay that we do not intend to remain in Iraq indefinitely. Permanent U.S. military bases are a temptation for terrorists and would be a continuing symbol of U.S. occupation.

The U.S. Ambassador in Iraq, Zalmay Khalilzad, said on March 24, 2006, that the United States "has no goal of establishing permanent bases in Iraq." Senior-level officials regularly promise that the United States will not establish permanent bases in Iraq. But the facts tell a different story.

General John Abizaid, the commander of U.S. troops in the Middle East, testified before Congress earlier this year that he couldn't rule out the possibility of permanent bases in Iraq.

And according to the Congressional Research Service, the Bush administration has requested more than $1.1 billion for new military construction in Iraq, nearly double what the United States has spent in Kuwait, Qatar, and the United Arab Emirates combined. This very bill we are considering includes $348 million for more base construction. This begs the question, if the U.S. Government doesn't plan to occupy Iraq for any longer than necessary, why are we spending billions of dollars to add onto and build more bases?

At the end of March, Brigadier General Mark Kimmitt said, and I agree, that "we must . . . show that we will not become a permanent force of occupation . . .". Last month, Secretary of State Condoleezza Rice conceded that the Bush administration had probably made "thousands" of "tactical errors" in Iraq. Let's not compound the problem by establishing permanent bases in Iraq.

I say it again: if we are serious about finding ways to neutralize the insidious insurgency in Iraq, we must convince the rest of the world—especially the Muslim world—that we do not intend to remain in Iraq indefinitely. Approving the amendment offered by the senior Senator from Delaware will help us send that message. Therefore, I urge my colleagues to support the Biden amendment to prohibit the United States from building permanent military bases in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, there are two amendments that have been cleared for consideration by the Senate.

AMENDMENT NO. 3605

Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3605 on behalf of Mr. LOTT regarding Armed Forces retirement home.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LOTT, proposes an amendment numbered 3605.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate the Navy, acting through the Naval Facilities Engineering Command, as the agent for all matters relating to the construction of a new Armed Forces Retirement Home in Gulfport, Mississippi)

On page 193, line 25, insert after "*Provided*," the following: "That the Navy, acting through the Naval Facilities Engineering Command, shall be the agent for all matters with regard to the planning, design, construction, and contract administration related to the construction of the new Armed Forces Retirement Home: *Provided further*,".

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3605) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3657

Mr. COCHRAN. Mr. President, I call up amendment No. 3657 on behalf of Senator LEAHY and others regarding international disaster and famine assistance and hurricane relief.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY and Mr. DURBIN, proposes an amendment numbered 3657.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address a shortfall in funding for international disaster and famine assistance)

On page 118, line 7, strike "$136,290,000" and insert in lieu thereof "$171,290,000".

AMENDMENT NO. 3657, AS MODIFIED

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 3657), as modified, is as follows:

(Purpose: To address a shortfall in funding for international disaster and famine assistance and for hurricane relief)

On page 118, line 7, strike "$136,290,000" and insert in lieu thereof "$171,290,000".

On page 117, line 25, strike "$10,500,000" and insert in lieu thereof "$22,500,000".

On page 117, line 26, after "That" insert the following:

of the funds appropriated under this heading, $12,000,000 shall be made available for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan: *Provided further*, That

On page 126, line 12, after the period insert the following:

(RESCISSION)

SEC. 1406. Of the funds appropriated under the heading "Economic Support Fund" that are available for assistance for Egypt in Public Law 109–102 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, $47,000,000 are rescinded: *Provided*, That such amount shall be derived only from funds available for cash transfer assistance.

Mr. LEAHY. Mr. President, this amendment offered by myself, Senator DURBIN and Senator WYDEN, provides an additional $35 million for famine and disaster assistance for people in West Africa and in the Horn of Africa who are suffering from severe drought and hunger.

In last year's supplemental we provided additional funding for this purpose and according to USAID's Office of Foreign Disaster Assistance it was extremely helpful.

The situation this year is no less dire. Additional funding for famine and disaster assistance is required for the Horn of Africa where 15 million people are at risk and an additional 8 million people in Ethiopia, Kenya, and Somalia face severe food and water shortages. To put it another way, they are going to die if we and others don't do more to help them.

In Ethiopia alone, more than 740,000 people urgently need water, and more than 1.5 million children under five require immunizations against disease.

The shortfall in this account also threatens to jeopardize USAID's response to other emergencies in Africa. Humanitarian programs in Uganda, the Democratic Republic of Congo, Burundi, and Cote d'Ivoire face cuts in funding despite worsening circumstances.

In Cote d'Ivoire, 500,000 internally displaced persons face growing hardship and insecurity. USAID does not have the resources to respond to the increased needs of vulnerable people, especially women, and children.

The situation in these countries is worse than pitiful. This amendment will not solve the problem, but it will save lives and help prevent the situation from getting even worse. It is what we need to do to give the relief workers who are trying to get food, water and shelter to these people the resources they need.

Mr. President, the devastation caused by Hurricane Stan did not receive the attention that it should have by the Congress. That was partly because it was overshadowed by the terrible earthquake in Pakistan and by Hurricane Katrina.

Whole villages in Guatemala were buried by some 900 mudslides. 670 people died, 845 are missing, and 475,000 were directly affected. Many of them lost their homes, their property and their livelihoods as a result of Hurricane Stan. Most of the destruction occurred in one of the poorest parts of the country which is the source of the majority of Guatemalan immigrants to the United States. Yet so far we have contributed only a few million dollars.

My amendment provides an additional $12 million for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan. It is not as much as I wish we could provide, but I know that it will help address the most urgent needs of people who are trying to rebuild their lives.

I want to thank Senator MCCONNELL for agreeing to accept this amendment.

Mr. DURBIN. Mr. President, I rise in support of the amendment being offered by my colleague from Vermont to provide much-needed emergency assistance to sub-Saharan Africa and elsewhere through the Office of Foreign Disaster Assistance.

Specifically, his amendment, which I am proud to cosponsor, would increase humanitarian aid funds by $35 million.

The amendment has also now been modified to provide $12 million for hurricane relief assistance to Guatemala, which I also support.

This supplemental is intended to meet emergencies. Well, many countries in Africa especially face dire emergencies, and the money provided in the Leahy amendment is desperately needed.

The United Nations reports that more than 8 million people are facing a food crisis in the Horn of Africa—2 million people in Ethiopia alone are facing critical food shortages.

The world has waited too long before, to respond to crises in Ethiopia and elsewhere. Let's act now and not wait for the television cameras to jar us into action.

The Bush administration has not requested additional funds in the supplemental bill to meet this mounting crisis, despite the fact that conditions in the region have worsened considerably in recent months.

Other regions are also facing emergency situations, most notably West Africa, the Great Lakes region, and Chad.

And yet, in spite of these growing needs, the Office of Foreign Disaster Assistance faces the prospect of having to slash the budgets of lifesaving programs.

I want to focus on one example: the Democratic Republic of Congo.

I am told that in the Democratic Republic of Congo, critical U.S. assistance budgets for this year may be cut in half.

In December, I visited the DRC, and I have to tell you, it is hard to imagine a place in greater need.

However, budgetary pressures are forcing U.S. programs in the DRC to collapse the depth and breadth of their efforts.

This means cutting food security programs, clean water, maternal and child health care programs, and other efforts to address fundamental human needs.

The DRC has been wracked by war for years.

Now, it finally sees some hope, but there are 2 million displaced people there.

The Democratic Republic of Congo has long been called one of the world's most neglected emergencies. Let's change that.

The situation in the DRC is just one of the humanitarian crises that currently plague the continent of Africa.

But we can make a difference. We must not cut our disaster assistance to countries like the Congo in half.

That kind of cut undermines everything we have been trying to do. It would be a strategic mistake and a moral failure.

I call on my colleagues to support this additional emergency aid offered by the Leahy amendment.

These supplemental funds are urgently needed and they will go a long way toward providing relief to the millions of Africans and others in the world who find themselves facing absolutely dire circumstances.

Mr. COCHRAN. Mr. President, this amendment is offset by a reduction in foreign economic assistance.

The PRESIDING OFFICER. Is there further debate? The question is——

Mr. ENSIGN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada reserves the right to object.

Mr. ENSIGN. Mr. President, may I ask the chairman of the committee, is this an increase in funding in this bill?

Mr. COCHRAN. No, it is not. If the Senator will yield, as I understand it, it shifts funds from a foreign economic assistance account to an account to provide disaster assistance in Guatemala for damages and expenses sustained in a hurricane.

Mr. ENSIGN. So this is no net increase in spending in the bill?

Mr. COCHRAN. My reading is that it transfers money from a foreign economic assistance account to one that provides disaster assistance for damages sustained in Guatemala as a result of a hurricane—Hurricane Stan I think was the name of it.

Mr. ENSIGN. I have no objection.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 3657), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I am advised that we are now prepared to go to a vote on the McCain amendment. For that purpose, I ask for the regular order.

AMENDMENT NO. 3616

The PRESIDING OFFICER. The McCain amendment No. 3616 is now pending. The yeas and nays were previously ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—37

Alexander
Allen
Bingaman
Brownback
Bunning
Burr
Carper
Chafee
Coburn
Collins
Cornyn
Craig
DeMint
DeWine
Ensign
Enzi
Feingold
Frist
Graham
Gregg
Hagel
Inhofe
Isakson
Kyl
Lieberman
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Santorum
Sessions
Snowe
Sununu
Thomas
Voinovich
Warner

NAYS—61

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Burns
Byrd
Cantwell
Chambliss
Clinton
Cochran
Coleman
Conrad
Crapo
Dayton
Dodd
Dole
Domenici
Dorgan
Durbin
Feinstein
Grassley
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Martinez
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Sarbanes
Schumer
Shelby
Smith
Specter
Stabenow
Stevens
Talent
Thune
Vitter
Wyden

NOT VOTING—2

Hatch
Rockefeller

The amendment (No. 3616) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

GASOLINE PRICES

Mr. LAUTENBERG. Mr. President, today, life in America is tough. People are working very hard to make ends meet. In so many cases, families have to earn two incomes to meet their basic needs: mom working one shift, dad working another shift.

It is a mystery to me, and I am sure it is to so many people in our country, how it is that the inflation index is so modest when everything costs more, whether it is milk, whether it is electric, whether it is housing, whether it is prescription drugs, whether it is school, whether it is college and university tuition.

I am reluctant to talk about my age, but since the days the distinguished chairman of the Committee on Appropriations and I were in college, the tuitions have become such an expensive proportion of a family's income that it is hard to imagine how working people can get their kids into college and not have them drowning in debt by the time they finish.

That is life in America today. No matter where you turn, it costs more. Look at ball game tickets. Look at theater tickets. Look at the pleasant amenities, see how much they cost, and one can understand why few people can afford to take advantage of these things. As a consequence, most Americans agree that this Nation is headed in the wrong direction. Who can blame them?

We saw the Government's bungling and ineptitude in response to Hurricane Katrina. The administration's missteps in Iraq are costing Americans dearly in lives and dollars, and gasoline prices are out of control.

Gas prices have gone through the roof. This chart shows in December of 2001, President Bush's first year in office, the national average price of gas was $1.06 for regular gas, $1.25 for supreme gas. Now we are at a much different point. $1.06 for regular has gone to $2.92, almost a $1.85 increase in the price. That is almost a 200-percent jump in price from 2001 when supreme was $1.25. Supreme now is $3.07.

It is unconscionable. The American people are upset. Members are receiving e-mail messages, phone calls. Our constituents will tell Members what they think of these prices.

Gas prices were low in 2001 when two oil men in the White House got together with their friends and the oil industry. They convened a secret task force to develop an energy policy. Then our friends, the Republicans in the Congress, passed the so-called Energy bill which was mostly a bunch of giant tax breaks for big oil and the wealthiest among us. They did not construct that, but that is what happened.

What is the result of all this work by the Bush-Cheney administration and the Republican majority in the Congress? The average price of gasoline this week, as I said, is $2.92 for the lowest octane.

What is the Republican answer to this problem? How about this: Give everyone a $100 tax rebate. Whoopee. What a celebration, 100 bucks. If you have a 20-gallon tank in your car, you get 2.5 fills before using your $100. In fact, the average family cost in gasoline today is up $1,800. Everyone knows this is a silly idea when they hear it. With gasoline prices at this rate, what is $100 going to do? Practically nothing; $100 is not going to do anything as long as the Republican Party is a subsidiary of big oil.

Here is an example. To pay for the $100 rebates, the Republican Party, the Republican majority said they will close tax loopholes that oil companies enjoy. But the oil companies said: Wait a minute, don't get tough with us. So today we hear the Republicans have backed off that plan, holding their heads in wonderment like scolded schoolchildren.

We all know about the obscene retirement package that former ExxonMobil CEO Lee Raymond received. His retirement package—get this—was almost $400 million. When they recalculated his earnings over the period of time he served, his average income was $145,000 each and every day. How many people in this country earn over $145,000 a year, no less per day? It is incomprehensible. And the public has been justifiably outraged by this outlandish compensation package at the expense of the American people.

Listen to what the now-ExxonMobil CEO Rex Tillerson said on the "Today Show" this morning. I heard it. He was asked if his company would offer his fellow Americans some relief this summer and discount gasoline prices. His answer was: "We are in the business to make money." He said that was his job.

I was CEO of a pretty big company, and I understand the business world. But when you deal in a commodity you have to be cognizant of your ethical and civic responsibilities to your country. Gasoline is not some run-of-the-mill product. It is vital to our entire society. It is critical. ExxonMobil is part of the American community and its neighbors are suffering. Businesses and American families are having real problems just affording gasoline. There are families who may decide not to go to the doctor this week for a sick child. They may postpone it. Small businesses are losing lots of money with higher fuel costs.

Big oil needs to recognize the impact their commodity has on everyday Americans' lives. Mr. Tillerson, the CEO of ExxonMobil, needs to understand their special role in our functioning as a society.

And the Bush administration needs to stop acting helpless. President Bush and Vice President CHENEY often say: There is not much we can do about high gasoline prices. I do not see it that way. There are things they can do.

There is something we can do here. We can get tough with the Saudis and get rid of their OPEC cartel. The OPEC oil cartel has one purpose—to keep oil prices high by restricting exports or output. Their activity is a blatant violation of the GATT agreement, the General Agreement on Tariffs and Trade.

Not only is the President not getting tough with the Saudis, the administration is pandering to them. A year ago, when gasoline prices had already spiked well past $2 a gallon, the Saudi ruler visited the President at his ranch in Texas. What we saw was not the President getting tough but, instead, being very friendly, strolling through a flower garden with the Saudi leader. It looked like a friendly gathering, not a tough negotiation.

Then, last week, President Bush's Energy Secretary traveled to an OPEC nation in the Middle East and praised the oil cartel. And this week, with the Saudi Oil Minister here in DC, the administration is putting down the red carpet and telling the Saudis and OPEC what a great job they do.

What the President should do is tell the Saudis, point blank: Disband your OPEC cartel or we will file a complaint against you in the World Trade Organization.

Under international law, OPEC is an illegal cartel aimed at keeping oil prices high. We need to force the Saudis and their friends to play by the rules. And that means no cartel. Forget about it.

Mr. President, I say this: The next time the Saudis or one of the countries in the cartel has a problem with a belligerent neighbor, they should not dial 911 because there will not be anybody to answer that phone, not if they continue the pattern of behavior they have started.

To the President: The American people have had enough. They want a change in leadership in this country. We need leaders who will stand up to the Saudis and the big oil companies. It is one of the only ways we can get oil and gasoline prices under control.

We have to hunt for other sources of energy, for other ways to use the energy. We are seeing it now in hybrid cars. We are seeing now that in Brazil almost 75 percent of the people there are using an ethanol mixture, saving substantial—substantial—amounts of oil. And we have to be creative. We have the genius in this country. Why don't we turn it loose and make sure they have the incentives, the economic incentives, the market incentives to do those things that can save oil?

I do not hear anybody saying, I do not hear the President of the United States saying—and I have not heard it in a long time—join in the sacrifice. We are at war. Join in conservation. We do not have enough. Help this country get through this crisis. And let the oil companies know the American people are in charge, not they. But that message is not sounded. The alarm is not rung. And that is the way life is here.

I make this plea to the President of the United States and colleagues here: Step up to the plate. Really take an action to get that price reduced and not be satisfied with excuses like: Oh, that is the marketplace. Baloney; that is what the American people will tell you. They do not want to drain their limited resources out the window by these outrageous prices for gasoline.

We have to work together. But the only way we are going to work together is if there is some concerted leadership that says: Hey, we have to get on to this problem, and not pretend this problem will kind of go away by itself.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3601

Mr. INOUYE. Mr. President, I call up amendment No. 3601 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 3601.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide assistance relating to assessments and monitoring of waters in the State of Hawaii)

On page 253, between lines 19 and 20, insert the following:

ENVIRONMENTAL PROTECTION AGENCY

SEC. 7032. For an additional amount for "Environmental Programs and Management", $1,000,000, to remain available until expended, for assistance relating to assessments and monitoring of waters in the State of Hawaii; *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. INOUYE. Mr. President, this amendment has been cleared by the Parliamentarian as being germane. It has been discussed with the leadership of the committee.

It provides $1 million to the Environmental Protection Agency for assistance relating to assessments and monitoring of waters in the State of Hawaii.

As some may be aware, the State of Hawaii sustained extraordinarily heavy rains and flooding for more than 40 days and 40 nights, beginning February 20, 2006, devastating many families and destroying public and private property.

Unfortunately, on March 24, during this deluge, a Waikiki sewer line ruptured, sending more than 48 million gallons of raw sewage into the Ala Wai Canal, closing popular beaches in Waikiki.

The water quality of other beaches and streams on the Island of Oahu was severely impacted by the sustained heavy rains that caused sewer overflows and runoff of tremendous amounts of sediment and pollutants. Sewer systems are designed to handle wastewater and very small amounts of storm water that infiltrates into the pipe system.

During the continuous storm event, excessive amounts of water from the surrounding area infiltrated into the pipe, and homeowners discharged storm water into the sewer system. High bacterial levels exceeded the recreational water quality standards and the State Department of Health required beaches to be closed.

Mr. President, I hope the Senate will approve this amendment. I urge the adoption of the proposed amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I have been advised that the Senator from Arizona, Mr. MCCAIN, wants to speak on the amendment and is on his way to the floor to do so. So awaiting his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3673

Mr. INOUYE. Mr. President, I call up for its immediate consideration amendment No. 3673.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 3673.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds made available for assessments of critical reservoirs and dams in the State of Hawaii)

On page 246, line 1, strike "$500,000" and all that follows through line 8 and insert "$1,400,000, to remain available until expended, for assistance with assessments of critical reservoirs and dams in the State of Hawaii, including the monitoring of dam structures: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.".

Mr. INOUYE. Mr. President, as I noted earlier, heavy rains, for more than 40 days and 40 nights, devastated many families and destroyed public and private property in the State of Hawaii.

On the Island of Kauai, besides the serious damage to agricultural operations in these areas, the intensity and sustained nature of these storms caused a breach of two important reservoirs. A breach sent water and debris downstream at about 25 miles per hour and tore away homes and blocked off the north side of the island, hampering emergency services and assistance. In addition, floodwaters from the reservoir compromised the downstream reservoir, which public officials have now declared unstable and dangerous. These two reservoirs were built in the 1890s.

As a result of this failure, the only access to the northern part of the island sustained severe damage to the roadway, embankments, culverts, guardrails, and other structures. This damage was so great that the highway was shut down for over a week.

The emergency supplemental already includes $500,000 for the U.S. Geological Survey's Hydrologic Networks and Analysis Program for assistance in conducting assessments of critical reservoirs and dams.

This amendment asks for an additional $900,000, which would make it possible for the evaluation of critical reservoirs and dams throughout the State of Hawaii. I urge the adoption of this proposed amendment. It has been cleared by the Parliamentarian as being germane.

Mr. AKAKA. Mr. President, I rise to speak in favor of the amendments offered by my colleague, the senior Senator from Hawaii, DAN INOUYE, to the fiscal year 2007 supplemental appropriations bill, H.R. 4939. I ask that I be included as a cosponsor of both amendments.

I believe that we, as government leaders, should continue to provide whatever forms of assistance are necessary to help the men, women, and children left devastated by natural disasters such as Hurricane Katrina and severe flooding that recently marred the islands of Kauai and Oahu in my home State of Hawaii. Although the immediate crises have passed, the long process of recovery has just begun. Now, more than ever, we need to support the efforts of those engaged in the process of rebuilding their communities.

I am pleased to see that the Senate Appropriations Committee has included $33.5 million in the emergency supplemental for disaster assistance in Kauai and Windward Oahu, and $6 million for sugarcane growers in Hawaii whose crops were destroyed by the floods earlier this spring. These funds will provide a great deal of assistance to the citizens of my home State as they work to repair the damage to their homes and businesses.

However, as my colleague eloquently explained, we need to go further. His first amendment would provide $1.4 million to assess the security and safety of critical reservoirs and dams in Hawaii, including monitoring dam structures. This funding is crucial because the failure of Kaloko Dam on Kauai led to the severe flooding and loss of life. The other Inouye amendment would provide $1 million for environmental monitoring of waters in and around Hawaii.

In March, I visited the hardest hit areas of our State and met with victims, emergency responders, and State officials. The situation for many of our residents is very grave. With hundreds of homes and businesses damaged or destroyed, critical infrastructure crippled, and days of search and rescue activities, the resources of our State have been severely strained. Hawaii needs Federal assistance to recover from the effects of the flooding, including restoring critical roadways, helping farmers to salvage crops, and inspecting and repairing faulty dams and flood control systems. It is clear that Hawaii will not be able to mitigate the damages in the near future and that long-term recovery efforts will require Federal assistance.

As my friend indicated, President Bush yesterday declared a major disaster for Hawaii triggering the release of Federal funds to help the people and communities recover. I stand in strong support of Senator INOUYE's amendments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am advised that the Senator from Arizona also wants to speak to the amendment that has just been offered. So unless there is someone else who seeks recognition at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I thought maybe we had done enough pork barreling for one bill, but apparently there is never enough around here, never enough. I would ask the Senator from Hawaii, when is it enough? Another $1.9 million, that is all, just $1.9 million. We are already, for hurricane recovery, $7.7 billion above the President's request; emergency agricultural disaster assistance, $3.9 billion above the President's request; drought emergency assistance, $12.5 million; port security enhancement, $650 million; general provisions, $36 million. It goes on and on and on.

We are going to do something else for the State of Hawaii so we can win the war in Iraq and so we can respond to the hurricanes. One of these amendments is to provide assistance relating to assessments and monitoring of waters in the State of Hawaii—a million bucks for assistance relating to assessments and monitoring of the waters in the State of Hawaii, provided that the amount under this is designated an emergency requirement. What is it that is going on in the waters of Hawaii that designates it as an emergency?

Then we have a $900,000 earmark, all for Hawaii, for assistance with assessment of critical reservoirs and dams in the State of Hawaii. I know something about that. We have a few reservoirs and dams in my State. I have yet to see an emergency that had to do with the war in Iraq and hurricanes that required that, but we are going to give them another $900,000. The sad thing about this is, they will probably get it. I am going to force a recorded vote on both of these amendments, but they will probably get it. Then in conference, there will be more money for Hawaii. And then in the next appropriations bill, there will be more money for Hawaii.

My constituents live in Arizona. A lot of us are getting sick and tired of this—sick and tired, sick and tired.

I ask unanimous consent to ask for the yeas and nays on both amendments and separate votes.

The PRESIDING OFFICER. Is there objection to a request for the yeas and nays on both amendments at this time?

Without objection, it is in order to so request.

Is there a sufficient second?

There appears to be a sufficient second.

Is there further debate on amendment No. 3673? If not, the question is on agreeing to amendment No. 3673.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. MARTINEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Stevens
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Talent
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Carper
Hatch
Rockefeller
Thomas

The amendment (No. 3673) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object. What is the regular order?

Mr. REID. I will use leader time, then, Mr. President.

The PRESIDING OFFICER. The Senator may use his leader time.

Mr. McCAIN. Reserving the right to object, why can't we go on with the next vote, the regular order, I ask the distinguished Democratic leader?

Mr. REID. Mr. President, I have the floor.

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. REID. Mr. President, I have been in the Senate a couple of decades, and I have grown very fond of many people. There is no one in the Senate for whom I don't have high affection. But I have to say at the top of the list is a person whom I revere, a man by the name of DAN INOUYE from Hawaii.

Here is a man who has devoted his life to our country, and for someone to come on the Senate floor—even though the person doing that is my friend—and say what I believe are abusive things about DAN INOUYE is offensive to me and I think should be to the rest of the Senate.

This is a bill which is extremely important to our country. It is an emergency appropriations bill. Most of the money in this bill goes to the wars in Iraq and Afghanistan and rightfully so. But there are other emergencies that come up from time to time. The disaster of Katrina was an emergency, but there are acts of God that take place.

One such act of God took place in Hawaii on the island of Kauai. Rains lasted for 40 days and 40 nights, devastating that little island, but in particular it broke a reservoir, killing seven people. Seven people are dead.

Senator INOUYE came to this Chamber and offered an amendment to have an emergency appropriation part of this bill. That is what it is.

For my friend, the distinguished Senator from Arizona, about whom we all care, to come and say to Senator INOUYE, "Have you no shame?" "Have you no shame?"—to DAN INOUYE, a Congressional Medal of Honor recipient, on whom our country has bestowed the highest medal that can be given to a person in the U.S. military for heroism. "Have you no shame?" DAN INOUYE? The President declared that 40 days and 40 nights in Hawaii a Presidential declaration of an emergency. Senator DAN INOUYE was doing his job, as any one of us would do if we had torrential rains hitting our States.

We know how strongly JOHN MCCAIN feels about issues dealing with appropriations, but this is beyond the pale. This is beyond the pale to say to DAN INOUYE: "Have you no shame?"

I yield the floor.

AMENDMENT NO. 3601

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to amendment No. 3601 offered by the Senator from Hawaii. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Clinton
Cochran
Conrad
Dayton
Dodd
Domenici
Dorgan
Durbin
Feinstein
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—45

Alexander
Allard
Allen
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Sununu
Talent
Thune
Vitter

NOT VOTING—4

Carper
Hatch
Rockefeller
Thomas

The amendment (No. 3601) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to speak for 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I would like to say that Senator INOUYE and I have been friends for many years. I believe the process we are doing—obviously, when I see billions and billions of dollars added to an emergency supplemental—is inappropriate and, of course, I in no way would want to—in no manner would I want to offend my friend, Mr. INOUYE. If my remarks did so, I apologize for doing so.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCAIN). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma is recognized for 10 minutes.

OFFSETTING FUTURE SPENDING

Mr. COBURN. Mr. President, we are wrapping up the debate. It is finished on this bill, and we are going to have votes in the morning.

I think we need to ask some questions. We have a supplemental bill. Regardless of the amount of it, it is here. I think there is a real question in the country, and there should be a real question for us, on why we are doing a supplemental bill on the war which we know is happening, and also on projects associated with Katrina and Rita that we know are going to come through the authorization and the appropriations process. I think we need to look at that as a Congress and say why are we doing that, and be very honest about why we are doing it.

The second point I would make is, in emergency legislation we have a lot of things that really aren't emergencies. I think we as a body ought to look at that and use self-discipline.

But the third point is, and this is the one I think the American people are asking, we have a bill out here that is going to spend somewhere between $94 billion and $108 billion of taxpayers' money, and there was no attempt whatsoever to offset this spending—nothing. There were attempts on the floor to change it, but there was no attempt to do a rescissions bill. There was no attempt to look at the things where we know there is wasteful spending. There was no attempt to look at some of these things. This is a list of $54 billion in potential rescissions that I bet we could agree on $10 billion or $11 billion of if everybody knew the facts or the details. But we didn't do that. We didn't ask the Appropriations Committee to do that. It was not asked of them to do that. It is not their fault. They weren't asked to do it. That is the question the American people ought to be asking. Where is the oversight to see if everything is running well?

If you ask the American people: Do you think the Federal Government is efficient, there is not going to be 1 or 2 percent that will say yes. If you ask the American people: Do you think we could do it more efficiently for less money, the vast majority of the American people would agree with that. And that is probably true. If you ask Federal employees, they will tell you that, too.

The question is, Why are we not doing it when we are spending money we don't have? We ought to think about this the next time an emergency supplemental comes around. We ought to make an effort to find the offsets, and we ought to work together across party lines to say how do we secure the things we want. Some of those are different. If you are liberal or conservative, you may want different things. But if you are going to secure the future for those programs that help individuals and go a long way in securing what we need to do to make sure people have an honest, even start in this country, things that are valuable in that regard—whether it be the Food Stamp Program or Head Start or something like that—we are going to run out of money for those.

In 9 short years, 81 percent of our budget is going to be consumed by Medicare, Medicaid, Social Security, and interest. We should have the discipline to start now to make the significant changes that we need to make to be able to handle that emergency that is coming. The real emergency is not right now. The emergency is going to happen starting in 2009.

I just ask that we look at that and think about it. How do we answer to the American public that we didn't try to trim any other type of spending as we spend $104 billion?

With that, I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). Who seeks recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3819.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I make a point of order en bloc against a list of amendments on the grounds that they are not germane under rule XXII. The amendments are as follows:

Warner amendment No. 3620; Vitter amendment No. 3628, as modified; Wyden amendment No. 3665; Santorum amendment No. 3640, as modified; Salazar amendment No. 3645; Vitter amendment No. 3668; Obama amendment No. 3693; Obama amendment No. 3694; Obama amendment No. 3695; Obama amendment No. 3697; Menendez amendment No. 3675; Conrad amendment No. 3715; Levin amendment No. 3710; Schumer amendment No. 3723; Schumer amendment No. 3724; Cornyn amendment No. 3722; Cornyn amendment No. 3672; Byrd amendment No. 3708; Landrieu amendment No. 3750; and Landrieu amendment No. 3752.

The PRESIDING OFFICER. Without objection, the point of order may be made en bloc at this time.

Mr. COCHRAN. Mr. President, I raise a point of order against these amendments, that they are not germane under rule XXII.

The PRESIDING OFFICER. The Chair sustains the point of order with respect to all the amendments.

Mr. COCHRAN. All the amendments that I read?

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. My understanding is that the Chair sustains the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order on all amendments.

Mr. COCHRAN. I thank the Chair.

Mr. President, I ask unanimous consent that when the Senate resumes the supplemental appropriations bill tomorrow morning, the Senate proceed to consider votes on or in relation to the following, with no intervening action or debate or second-degree amendments:

Thune amendment No. 3704, and Vitter amendment No. 3728, as modified.

I further ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage with no intervening action or debate; provided further that following passage, the Senate insist on its amendments and request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. The supplemental appropriations bill now pending before the Senate includes nearly $4 billion in emergency agriculture assistance. This assistance is necessary for farmers and ranchers to recover from natural disasters that have occurred over the past year. This assistance is not only related to the horrible storms that ravaged the Gulf of Mexico coast last summer, but it also will be available for producers across the country who have similarly suffered from floods, storms, wildfires, drought, and other severe weather events.

Also included in this assistance package is a provision to provide supplemental economic loss payments to producers of certain crops. The primary purpose of this assistance is to help compensate for the impact of high energy costs on agricultural producers. We must remember that while many businesses can pass on increased costs of production to consumers or other purchasers, the nature of the agriculture economy is such that farmers and ranchers are very limited in their ability to pass on such costs. Yet the costs of fuel, electricity, and other energy inputs are a very large part of the overall costs of agricultural production and when energy costs rise, as they have done in recent months, they put farming and ranching operations all across the country at risk. Unfortunately, the provision now in the bill does not apply to dairy producers.

During consideration of this supplemental appropriations bill by the Full Appropriations Committee, I pointed out to my colleagues that dairy producers are suffering from high energy costs as are producers of crops. I ask the chairman of the Appropriations Committee, Senator COCHRAN, if he recalls the discussion we had on that topic at that time.

Mr. COCHRAN. Yes. I say to the Senator from Wisconsin that I do recall that discussion.

Mr. KOHL. It might be of interest to the chairman, and other Senators, to share some information I have received from the USDA Office of the Chief Economist on the question of how energy costs affect various types of farming operations. I asked the Chief Economist if he could provide the amounts that farmers pay for direct fuels costs, electricity, and indirect energy costs such as those associated with the production of fertilizer and chemicals. According to that office, using the most recent year for which these amounts are available, 2004, producers of so-called program crops, including wheat, corn, feed grains, rice, cotton oilseeds, and peanuts, paid a total of $9.9 billion for these sort of energy inputs. Of that total, corn had the highest energy costs with $4.9 billion. Cotton producers came in second at $1.7 billion. On the other hand, peanut producers paid $145 million for these same costs. The average energy cost for these seven different commodities, by commodity, was $707 million.

However, I would like to point out to my colleagues that the energy costs of dairy producers, as described by the USDA Office of the Chief Economist, was $2.2 billion. While dairy production was not the highest single commodity for energy costs, it did come in second and was three times greater than the average. While these costs were high in 2004, we all know what has happened, and is continuing to happen, to energy costs since then.

I know the budget constraints that we face with regard to the pending supplemental appropriations bill, and I am aware of the statement of President Bush in regard to his views on spending. However, I would like to ask the chairman of the Appropriations Committee for his views on this subject. I hope he would be willing to work with me in conference to ensure that in the event funds are provided for supplemental economic assistance in a manner similar to what is provided in the pending bill, that dairy producers will be able to participate in a program to help compensate for the high energy and other costs facing the agriculture sector.

Mr. COCHRAN. I thank the Senator from Wisconsin for expressing his concerns and for providing the specific information regarding the effect of energy costs on agriculture. The Senator is correct, we will be under tremendous pressure in conference to limit the amount of spending in this bill. We all know how important the farming economy is to this country and how badly farm income is being impaired by high energy costs. I would tell my friend from Wisconsin that I will work with him, and other Senators, to make sure that all farmers are treated fairly. The Senator's point about the costs affecting dairy producers, along with the others he mentioned, is well taken, and I hope an accommodation can be made to make sure all these farmers are treated equitably.

Mr. KOHL. I thank the chairman.

ARMY MODULARITY PROGRAMS

Mr. SANTORUM. Mr. President, I would like to engage my colleague from Alaska, Senator TED STEVENS, on a topic of importance to our Nation's military and our industrial base. The issue of importance concerns additional funding included by the House of Representatives for Bradley fighting vehicles and Hercules improved recovery vehicles. The House added $250 million for Bradley ODS vehicles and another $100 million for Hercules vehicles.

Mr. STEVENS. As the Senator from Pennsylvania knows, I am keenly aware that these are important modularity programs for our Nation's Army.

Mr. SANTORUM. I want to thank the Senator from Alaska for his efforts to address these and other Army programs in this supplemental appropriations bill. I recognize that there are financial limitations on what the Committee on Appropriations is able to do with respect to addressing the Army's recapitalization needs.

Mr. STEVENS. I thank the Senator from Pennsylvania for his observations on the realities of the appropriations process. Candidly, there were more programs of need for the Army than there were resources available to the committee. I am committed to working with conferees to this bill in conference to try to address these two particular programs.

Mr. SANTORUM. I thank my colleague for his remarks and I stand ready to provide whatever assistance might be necessary to secure supplemental appropriations funds for Bradley fighting vehicles and Hercules improved recovery vehicles.

PUBLIC HOUSING ENERGY COSTS

Mr. REED. Mr. President, I would like to engage in a colloquy with the distinguished chairman and ranking member of the Transportation, Treasury, Judiciary, and HUD Subcommittee of the Committee on Appropriations.

As my colleagues know, rising home energy costs and high prices at the pump are draining dollars out of our communities and the pocketbooks of American families. This is money that could be spent on school supplies, food and medicine, and retirement savings. The burden of high energy prices is disproportionately felt by low-income and working class consumers, who do not have the disposal income to meet these expenses. The unanticipated increases in energy costs due to Hurricanes Katrina and Rita at the beginning of the 2005/2006 heating season have had a significant impact on the ability of local housing agencies to effectively manage their public and section 8 housing inventories.

Nationwide, approximately 3 million families receive public housing or section 8 housing voucher assistance, which helps families pay for housing costs, including utilities. In Rhode Island, public housing provides homes for 16,000 households, 7,000 of whom are elderly or disabled and 9,000 family members. The section 8 voucher program serves an additional 16,000 residents, 3,300 who are elderly or disabled, and 12,173 family members. Public housing and the section 8 voucher programs are important assets to communities and residents in Rhode Island, making affordable housing available to many elderly, disabled, and working families. In 2004, the average rent for a two-bedroom apartment in the State was $1,121. The average income needed for this rent is $45,000 per year, or $16.25 per hour. Teachers and librarians earn only an average of $40,685 per year in Rhode Island. Half of all Rhode Island residents cannot afford the rent on the average two-bedroom apartment. The average hourly wage needed to afford a one-bedroom apartment in the State is $14.05. A minimum-wage employee, working full time, would be able to afford $351 in rent.

Public housing agencies pay utility bills, and vouchers include an allowance for tenant-paid utilities. The Department of Housing and Urban Development's (HUD) budget for fiscal year 2006 for both public housing and section 8 vouchers did not contemplate the growth in energy costs that we have seen since the gulf coast hurricanes of 2005. The 1.5-percent increase budgeted for utility payments is woefully inadequate this year.

For approximately 80 percent of public housing units, the local housing agency pays directly for utilities. The local agency cannot pay increased utility bills by raising rents. In the remaining 20 percent of public housing units, local agencies assist families, elderly, and disabled persons to pay utility bills where these bills would tip housing costs over 30 percent of income. HUD's public housing operating fund budget, which pays for utilities, for fiscal year 2006 incorporated only a 1.5-percent increase for rising energy costs, a level not close to the utility rate hikes experienced by local agencies. In 2005, public housing agencies received just 89 percent of the amount necessary to cover basic maintenance and operations, and in fiscal year 2006, these agencies are expected to receive about 91 percent of necessary funding. Public housing agencies cannot absorb these increases within their budgets or reserves. Without supplemental funding, many agencies will be forced to again cut back on basic maintenance and vital services to the elderly, disabled, and working families they serve.

The section 8 voucher program is experiencing similar problems. About 20 percent of assisted families have utilities included within their rental charges. For the remaining 80 percent, housing agencies provide the family with a standard utility allowance based on energy consumption for the housing unit where they live. HUD calculates the annual increases in voucher funding and the amount that agencies are permitted to pay on behalf of families for tenant-paid utilities based on area housing cost estimates. Again, these calculations were developed before the recent increase in utilities. Housing agencies are required to recalculate and increase utility allowances for families whenever utility costs increase by 10 percent or more. However, under the current "budget-based" method of funding vouchers, no additional funding will be provided midyear to accommodate these increased costs. The failure to provide additional funding to local agencies for utility increases will create either greater rent burdens for low-income families or force agencies to reduce the number of families they assist within their limited budgets.

An example from my home State of Rhode Island is illustrative of what public housing agencies are facing across the country. The Woonsocket Public Housing Authority serves 1,300 families in public housing, including 650 senior citizens. While the agency is authorized to serve 669 families with vouchers, the funding provided to the agency under the budget-based voucher formula limits them to serving only 639 families. Woonsocket has previously undertaken many energy-saving activities; however, utility costs for electricity increased 100 percent in November/December 2005 over the same months in 2004. Natural gas increased 37 percent for the last 3 months of 2005. Utilities costs, which were 30 percent of the operating costs, now have begun to approach 40 percent and could go to 50 percent.

For this reason, I filed an amendment to H.R. 4939, the emergency supplemental appropriations bill, to provide $493 million to public housing agencies to address rising energy costs for the section 8 voucher program and public housing units. Unfortunately, the amendment is not germane postcloture and will not receive consideration. Local housing agencies are not able to absorb these costs and meet their mission to ensure safe, decent, and affordable housing. I am particularly worried that the problem will only be exacerbated as HUD's fiscal year 2007 budget projects a 1.8-percent decrease in utility costs. Rising energy costs will remain a pressing issue for American families and our local communities, and they need our assistance. I recognize the difficult budget constraints that the chairman and ranking member face this year as they begin the fiscal year 2007 appropriations process. I hope the chairman and ranking member can work with me to address the growing problem of rising energy costs on local housing agencies as they begin work on the fiscal year 2007 Transportation, Treasury, Judiciary, and HUD appropriations bill.

Mr. BOND. Mr. President, local housing agencies in my State are also facing these rising energy costs. The Housing Authority of Springfield experienced a 28-percent increase in utility costs this winter during the city's second warmest January and the warmest February in recorded history. This utility increase represents an approximate 6-percent increase in the public housing agency's operating budget. As the Senator mentioned, many core programs within the subcommittee's jurisdiction are facing deep cuts in the fiscal year 2007 budget request, and at this point, I am not certain what our allocation will be for the fiscal year. The Senator raises an important concern, and I will take a serious look at how these unbudgeted costs may be addressed so that local agencies can continue to manage their operations responsibly.

Mrs. MURRAY. Mr. President, I would second what the chairman has just stated about the budget constraints facing our subcommittee. I am committed to working with the Senator from Rhode Island during the fiscal year 2007 budget process to address these rising energy costs.

Mr. DURBIN. Mr. President, I would like to take this opportunity to discuss my fire grant amendment to the Iraq and Hurricane Katrina emergency supplemental bill. Although there are procedural reasons why I cannot offer this amendment at this time, it would provide an additional $100 million for firefighter assistance grants to address the 9/11 Commission's finding that Congress should give high priority to providing funding for communications connectivity in high-risk areas.

We should implement the recommendations of the independent, bipartisan 9/11 Commission and finally protect our ports and airports, our borders and mass-transit systems, our chemical and nuclear power plants, and our food and water supplies from terrorist attack. In July 2004, the 9/11 Commission submitted to Congress and the Nation a report containing 41 recommendations on how to improve intelligence operations and homeland security. In December 2004, Congress enacted the Intelligence Reform Act, "the 9/11 Act", authorizing several of these recommendations. However, we have failed to live up to the commitments made in the 9/11 Act.

Almost every single one of the recommendations made in the 9/11 Act on homeland security has been significantly underfunded. In addition, there has been a severe lack of leadership and competency at the Department of Homeland Security—culminating in the failed response to Hurricane Katrina. On December 5, 2005, when the 9/11 Commission issued its final report card, it gave the administration and Congress a series of C's, D's, and F's on many areas in homeland security. These areas include port security, border security, aviation security, chemical plant security, and first responders. We should have an aggressive, robust plan to secure our homeland, and this amendment would implement one of the 9/11 Commission's recommendations.

In the 9/11 Commission's December 2005 report card, the administration received an "F" on communications for first responders. Indeed, Hurricane Katrina exposed that, 4 years after 9/11, little progress has been made in creating a system where police, fire, and emergency medical service departments can communicate with each other. Homeland Security's fiscal year 2007 budget decreases first responder and homeland security funding by $400 million, which affects first responders across Illinois and throughout the Nation. Additional Federal funds are needed to protect our investments in homeland security preparation and response.

Last year, more than $25 million was awarded to Illinois fire departments for equipment. Unfortunately, the fiscal year 2007 budget reduces funding for the Fire Program from $545 million to $293 million. This program provides equipment and training to fire departments in Illinois and across the country to help them prepare and respond to terrorist incidents. One way to assist firefighters is to make sure that they have the necessary equipment that makes it possible for them to communicate across departments and agencies.

In Illinois, STARCOM21 is the official statewide public safety two-way radio system. It has been designed to serve State, local, and Federal law enforcement agencies statewide by facilitating multi-agency communication through radio interoperability. This important program is part of a push by the Federal Government to address communication problems experienced by first responders during national emergencies. As part of its STARCOM program, Illinois has purchased and distributed radios to 698 law enforcement agencies at a cost of $3,899,630, for an average cost of approximately $6,000 each; 755 fire departments at a cost of $4,531,580; and 212 emergency management, public health, and other agencies at a cost of $1,272,882. This is a total of 1,665 radios for $9.7 million. This is a little more than half of the universe of public safety agencies in the State. Illinois would like to provide additional radios to some of the larger cities—there are 10 cities in Illinois with populations over 100,000 people—but Federal assistance is required.

My amendment addresses the 9/11 Commission's recommendation that first responders have interoperable communications equipment. My amendment would provide an additional $100 million for interoperable communications equipment so that first responders can respond to natural disasters, terrorist attacks, and other public safety needs. Fire grants are already used by some jurisdictions for the purpose of obtaining communications equipment, and my amendment sets aside a pool of funding to encourage more departments to do so. This is important to help emergency responders field effective and reliable interoperable communications equipment to respond to natural disasters, terrorist attacks, and the public safety needs of America's communities.

The lack of interoperable communications for America's first responders puts them and our communities in danger. Too many of our police, fire, emergency medical services, and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies. A June 2004 U.S. Conference of Mayors survey found that 94 percent of cities do not have interoperable capability between police, fire, and emergency medical services, and 60 percent of cities do not have interoperable capability with the State emergency operations center. Almost half of the cities that responded to the survey said that a lack of interoperable communications had made response to an incident within the last year difficult. In November 2003, OMB testified before Congress that there is insufficient funding in place to solve the Nation's interoperability problem, and it would cost more than $15 billion to begin to fix the problem.

I appreciate Senator STABENOW's work on this issue and her cosponsorship of this important amendment. This is such an important issue for firefighters in Illinois and across the country that when there is another opportunity, I intend to bring this amendment before the Senate, and I hope that my colleagues will consider supporting it.

Mr. LEAHY. Mr. President, I am a cosponsor of amendment 3662 by my friend from Wisconsin, Senator FEINGOLD. His amendment, which would have ensured continued support for the Office of the Special Inspector General for Iraq Reconstruction, was ruled "nongermane" by the Parliamentarian.

This is inexplicable and unfortunate. But the real travesty is that the majority, which could simply agree to accept this amendment, would prefer to hide behind the Parliamentarian's ruling and let it die.

By all accounts, with the exception of the snipes of some anonymous Pentagon officials and their friends in the majority party who do not want the colossal blunders of the Iraq reconstruction program exposed to the light of day, the special inspector general has done an excellent job under difficult and dangerous conditions.

He has uncovered numerous instances of waste and fraud—some, shocking in their audacity—and there are dozens of investigations and prosecutions under way.

There is another $1.6 billion for Iraq reconstruction in this supplemental for precisely the same types of activities that have been funded under the Iraq relief and reconstruction fund.

But in this bill they are funded under traditional foreign operations accounts, not under the Iraq relief and reconstruction fund.

What this means is that, by not adopting the Feingold amendment, the special inspector general will not have oversight of these funds.

Apparently the idea is for the State Department inspector general to take over this responsibility. But that office has no people in Iraq, no plan or budget to put people there, and no ability to do the job any time soon. They have said so themselves.

This is nothing more than a transparent attempt to shut down the only effective oversight of this massive reconstruction program which has been plagued by mismanagement and fraud.

Projects have been poorly designed, grossly over priced, and many will never be finished, while U.S. contractors such as Halliburton have made off with huge profits.

We are told by our friends in the majority, acting on behalf of some in the Pentagon and the White House who want to shut down the Office of the Special Inspector General, that they just want to return to the "regular order." That is their explanation for turning this responsibility over to the State Department.

That is laughable. There is nothing that resembles the regular order in this multibillion-dollar supplemental, none of which is paid for. In one breath they argue that they cannot pay for the war through the regular appropriations process because it is an extraordinary expense. In the next breath they make the opposite argument to justify shutting down the Office of the Special Inspector General.

If this were really about the regular order, the White House would support the amendment by Senator BYRD to pay the cost of this war, rather than continue to ignore the regular budget process and fund the war off budget, leaving it to future generations to pay.

This is just another example of the hypocrisy of the President's bankrupt fiscal policy, and of those who continue to defend it in Congress. Use a figleaf to make it appear as if you support the regular budget process when in fact you are weakening it. This also is the latest example of the majority party's distaste and even disdain for oversight and for the checks and balances in our system that are supposed to root out corruption, waste, fraud and abuse and to make government work better as government spends the taxpayers' hard-earned dollars.

The special inspector general has a difficult job. His job is to find the truth, and sometimes the truth is hard for government agencies to accept. Sometimes they would rather not have the spotlight shined on their mistakes.

But the special inspector general works for American taxpayers, not for the Pentagon, and not for Halliburton.

The Feingold amendment would have ensured continued oversight of the very programs the special inspector general was created to oversee. I want to commend him for his attention to this issue and his effort to protect American taxpayers. By using a technical sleight-of-hand maneuver to prevent the Senate from voting on this amendment—a vote they know they would lose—the majority has dealt a blow to oversight of the shoddy, wasteful, and criminal failures of the Iraq reconstruction program.

Mr. HARKIN. Mr. President, I am pleased that the Senate approved my language to provide up to $8.5 million to the U.S. Institute of Peace in the emergency supplemental appropriations bill. This funding would allow USIP to continue critical democracy-building programs in Iraq and Afghanistan.

This $8.5 million will continue funding vital programs that are already in place on the ground in Iraq but that are in danger of running out of money before the end of the summer. And I would like to assure my colleagues that USIP has a plan on how to use every dollar of this funding.

BG Donald Alston, our chief military spokesman in Iraq, has acknowledged, and I quote, "[The insurgency in Iraq] is not going to be settled, the terrorists and terrorism in Iraq is not going to be settled, through military options or military operations. It is going to be settled in the political process."

Right now, a critical player in advancing that political process in Iraq is the U.S. Institute of Peace, a nonpartisan organization created by Congress in 1984 to, among other duties, facilitate the resolution of international disputes, train international affairs professionals in conflict prevention, management, and resolution techniques, and strengthen the education of emerging generations of young people in the United States and in foreign zones of conflict.

USIP has embraced that mission in Iraq. U.S. Institute of Peace personnel are doing a magnificent job of facilitating interethnic and interreligious dialogue and conflict resolution. They are training Iraqi leaders at the national and local levels in democratic processes and rule-of-law programs. They bring unique experience and expertise in building a democratic government and a robust civil society. And, obviously, this is all the more critical today, as we acknowledge that Iraq's future will be decided in the political arena, not on the field of battle.

But there is a problem. The U.S. Institute of Peace is on the verge of running out of funds for its operations in Iraq and Afghanistan, and all of its ongoing programs in those countries will be halted in the coming months if we do not provide a necessary infusion of funds in this emergency supplemental.

Some other amendments to this bill have been criticized because they do not pertain to Iraq or Afghanistan and because they are not emergencies. That is definitely not the case in this situation. The U.S. Institute of Peace is at the heart of our efforts to achieve a political success in Iraq. And we are truly at an emergency juncture where the institute will have to cease operations if it does not receive supplemental funding.

For fiscal year 2004, USIP received $10 million in funding for its operations in Iraq and Afghanistan. Those funds will be exhausted in a matter of months. The Office of Management and Budget has proposed a small increase for next fiscal year. But meanwhile, we face a crisis, here and now, that will require a shutdown in USIP operations at exactly the time when they are most urgently needed. The $8.5 million infusion provided in the bill will allow those operations to continue and, in some cases, to expand.

According to the Congressional Research Service, we are now spending almost $6.4 billion a month in Iraq, overwhelmingly on combat operations. It would be penny wise and pound foolish to refuse to allow this modest $8.5 million infusion to allow USIP's all-important democracy-building programs to go forward in Iraq and Afghanistan.

The U.S. Institute of Peace is active in Iraq and Afghanistan on multiple fronts. It has created networks of organizations and individuals committed to a peaceful, democratic outcome in Iraq. It has engaged in successful outreach to the Sunni community and supported participation of marginalized groups in the political process, including minorities, women and the disabled.

In addition, the institute has trained hundreds of Iraqi officials in conflict resolution and negotiation strategies, as well as provincial-level government and civil society officials in conducting interethnic dialogue. It has supported Iraqi civil society projects that promoted intercommunal and interreligious tolerance, including a project with the Iraqi Handicapped Association that brought together Iraqis of all faiths and ethnicities to promote participation of Iraq's disabled in the constitution process.

In my limited time, let me cite just three examples of the good work that the institute is doing in Iraq:

Increasing regional stability. Iraq's neighbors have done little to help stabilize the country. So the Institute of Peace facilitated a series of groundbreaking informal dialogues among leading foreign policy and national security figures from Iraq and each of its six neighbors: Saudi Arabia, Jordan, Syria, Turkey, Iran and Kuwait. At this meeting, participants identified and began to work on how to address a number of challenges, including developing a regional reconciliation process to overcome deepseated cultural and political misconceptions and prejudices creating a broad-based effort to improve security promoting effective government inside Iraq, and building stronger economic ties.

Promoting Sunni engagement. Obviously, reaching out to Sunnis is vital to dealing with the insurgency. In March 2006, the institute convened a meeting of Sunni political leaders and legal scholars to discuss the current constitution. Participants included Sunnis who rejected the approved constitution but who nevertheless joined in designing a strategy forward.

Creating a new generation of leaders. Almost half of the Iraqi population is under the age of 21. Long-term peace and development depends on this generation developing democratic values. To this end, the institute supported the establishment of a student society at the University of Babylon-Hilla. This society is designed to foster freedom of expression and promote a culture of tolerance and respect for citizens' rights among Iraqi youth. In 12 months, it disseminated thousands of copies of student-produced newsletters—al-Iraqi—and held a total of 21 debates on controversial and timely issues, such as the role of Islam, federalism, unemployment and terrorism. The student society has grown into the largest student organization on campus—larger even than the Sadrist Islamic Student Union. The project is galvanizing moderates and helping marginalize militants, providing an essential counterbalance to radicalization on campus.

Let me emphasize that this funding would also be used for programs in Afghanistan. In that country, the institute has been hard at work building programs that promote the rule of law. As I am sure that my colleagues are aware, while much progress has been made in Afghanistan, there is a very real danger that the drug lords and warlords have ruled for decades will gain traction and undo U.S. success in installing a democratic government. One way to combat that is through the traditional mechanisms—councils of male village elders—that handle over 90 percent of legal disputes. The Institute of Peace has partnered with the Afghan Ministry of Justice in developing a strategy that will enable the formal and informal legal systems to work together and ensure that Afghans, in particular women and minorities, enjoy protection of their rights. One tribal leader at an Institute of Peace meeting said that his people want effective central government, but that they have never had a government they can trust. The institute aims to create the kind of legal system all Afghans can look to for justice with confidence.

The bottom line is that all of this good work being carried out by the U.S. Institute of Peace in Iraq and Afghanistan will come to a crashing halt in the months immediately ahead if we do not provide this infusion of $8.5 million on an emergency basis. The institute's democracy-building efforts would end at exactly the time when they are most urgently needed. That would be unconscionable. Millions of Iraqis are putting their lives on the line because of their commitment to building democracy. We need to keep faith with those courageous Iraqis and their dream of a democratic Iraq.

Further, I would like to inform my colleagues that our U.S. Ambassador, Zalamay Khalilzad, who is currently serving in Iraq, was a member of the USIP board of directors from November 1999 to May 2001, at which time he joined the National Security Council and had to leave the board. Ambassador Negroponte who served in Iraq prior to Ambassador Khalilzad called on USIP to assist him in calling together Iraqi religious leaders, and they would all meet in USIP's Iraq office. I am sure they would both join me in commending the work of the U.S. Institute of Peace.

But before I finish my remarks I would like to take a few moments to speak about the history of the U.S. Institute of Peace.

The U.S. Institute of Peace is a unique organization. Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies which train some of the best and brightest minds in America in the art and science of war.

But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition and today makes a vital intellectual investment in the art and science of peacemaking.

Today's Institute of Peace is the fruit of a dream and vision that goes back to our Nation's Founders. Benjamin Banneker, often called "the first black American man of science," and physician Benjamin Rush, a signer of the Declaration of Independence, noted and lamented the Constitution's failure to establish a Department of Peace to balance the Department of War. In their correspondence with Thomas Jefferson in 1792, Banneker and Rush envisioned a "Peace Office" which would be on an equal footing with the Department of War and would be charged with promoting and preserving perpetual peace in the United States.

George Washington also supported the establishment of a Peace Office. And his support was not just casual. He believed that such an office should be an essential pillar of the new Nation. When he died in 1799, Washington's last will and testament bequeathed in perpetuity 50 acres in Potomac County to be used "toward the endowment of a university—under the auspices of the general Government." This bequest was intended to make possible the proper "Peace Establishment" that President Washington had written about as early as 1783.

In a 1980 report, the Matsunaga Commission strongly recommended the establishment of the United States Academy of Peace. In the course of more than 70 meetings and hearings all across the United States, Senator Matsunaga of Hawaii and other Senators surveyed the full range of threats to world peace and explored ways to counter those threats.

After much thoughtful debate, a compromise was reached, and the United States Institute of Peace Act was passed and signed into law by President Ronald Reagan in 1984. A board was installed, and the institute's first meeting was held in February 1986. Since that time, the institute has done remarkable work in such disparate nations as Afghanistan and Korea, Bosnia and the Philippines.

Today, at the direction of Congress, the Institute actively pursues six interrelated activities: expanding society's knowledge about the changing nature and conduct of international relations and the management of international conflict; supporting policymakers in the legislative and executive branches; facilitating the resolution of international disputes; training international affairs professionals from the United States and abroad in conflict prevention, management, and resolution techniques; strengthening the education of emerging generations of young people in the United States and in foreign zones of conflict; and increasing public understanding about the nature of international conflicts, as well as approaches to their prevention, management, and resolution.

Mr. President, the USIP deserves our support.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I ask unanimous consent that I be allowed to speak for up to 35 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

FISCAL HEALTH

Mr. VOINOVICH. Mr. President, I rise today to speak on our Nation's fiscal situation. Today, the Senate is considering about a $100 billion supplemental funding bill that our Federal Government requires to fulfill its domestic and foreign obligations. While I acknowledge this funding is needed in many areas at home and abroad, most notably with our commitments to fight the war on terror, rebuild after the devastations of Katrina and Rita and protecting our borders, the occasion of passing a $100 billion supplemental bill is an opportunity that I cannot pass up to remind the Senate of where our Nation's overall fiscal health lies.

In a nutshell, our fiscal health is in dire straits. In the most simple terms, the Federal Government continues to spend more than it takes in. I hope my colleagues agree that the running the charge cards for today's needs and leaving the bill for our children and grandchildren should not be the policy that this body pursues.

When I came to the Senate in 1999, the national debt stood at $5.6 trillion. Today, as the chart shows, the national debt stands at $8.4 trillion. Since I came to the Senate in 1999, we have had an increase in the national debt of about 50 percent. The chart shows the last 4 years how we have climbed the ladder, and the Treasury will be back asking us to raise the debt limit.

As a percentage of gross domestic product, our national debt has grown from being 58 percent of gross domestic production at the end of 2000 to an estimated 66.1 percent of gross domestic production by the end of 2006.

Undoubtedly, the United States has undergone unprecedented challenges that have spurred these fiscal issues. The tragedy of September 11 to fighting the war on terror at home and abroad, to hurricanes Katrina and Rita, to the rollout of the new Medicare prescription drug plan, the largest expansion of Medicare Programs since its creation, our Nation has had to respond to challenges of tremendous magnitude. In responding to those challenges, the Federal Government has had the responsibility to provide the resources so that the country could confront these challenges head on.

The Federal Government rightly appropriated $20 billion to help New York, hundreds of billions to provide our war fighters with the necessary equipment to provide for our national security and now well over $100 billion to help rebuild the gulf coast. We are dealing with all of these expenses, but we are ignoring the 800-pound gorilla in the room, the impending tidal wave of entitlements coming due.

I was pleased this President in the State of the Union Address acknowledged that:

> The retirement of the baby boom generation will put unprecedented strains on the federal government. By 2030, spending for Social Security, Medicare and Medicaid alone will be almost 60 percent of the entire federal budget. And that will present future Congresses with impossible choices staggering tax increases, immense deficits, or deep cuts in every category of spending.

I am pleased the President decided to focus on what some call the demographic tsunami coming our way and the necessity to reform entitlement programs before it hits. The 77 million baby boomers coming into the Social Security and Medicare Program will put the Federal budget under unprecedented pressure. Chairman GREGG took the courageous steps to take on entitlement spending through the Deficit Reduction Act of 2005. I supported his efforts.

However, this was just the tip of the iceberg. The truth is, we have not been serious about entitlement reform. The President called for a bipartisan commission to examine the full impact of baby boom retirements on Social Security, Medicare, and Medicaid in his State of the Union Address. It is imperative we move on this quickly. Unfortunately, we are still waiting for the commission to be appointed. Time is of the essence, and I hope that Secretary Snow and the administration will move quickly on creating that commission.

Social Security, Medicare, Medicaid, make up a significant portion of mandatory spending and mandatory spending is crowding out other parts of the budget. This chart shows in the year 1965 mandatory spending was 27 percent of our budget. In 1985, now we see mandatory spending makes up 42 percent, 44 percent is discretionary, and 14 percent is the interest on our debt. Now, in the year 2005, from 1985 to 2005, mandatory spending has jumped from 42 percent to 53 percent, and defense is 20 percent, nondefense is 19 percent, interest is 7 percent, and we have been lucky in terms of the interest costs because of the fact that our interest rates are very low today.

If we ever see an uptake in interest costs, we can go back to what percentage went toward interest. When I came to the Senate in 1999, our interest costs were about 13 percent, so they have gone down, but the fact of the matter is we need to be realistic about the fact that they are not always going to be as low as they are today, and if they go up, they will just gobble up more of the Federal budget.

According to the reports from Medicare and Social Security trustees, the trust funds for these programs will be exhausted even earlier than previously thought. According to the trustees report that came back last week, the cost of Social Security and Medicare will grow from nearly 7.4 percent of the economy today to 12.7 percent by 2030, consuming approximately not just 60 percent as predicted by the administration but 70 percent of all Federal revenues, crowding out all other discretionary spending. No matter which way you look at it, if we leave reform of entitlement programs for future Congresses to solve, as well as a mountain of national debt to pay off, it will have devastating consequences on the economy and on our children and grandchildren.

Some Members believe that the solution is to grow the economy out of the problem, that by cutting taxes permanently the economy will eventually raise enough revenue to offset any current losses to the U.S. Treasury. I respectfully disagree with that assertion. I do not believe that in the current situation our country faces, we can continue to spend more than we take in.

By the General Accounting Office's own estimates, about 35 years from now, that is when my grandchildren have their own children to care for, balancing the budget would require actions as large as cutting total Federal spending by 60 percent or raising taxes 2.5 times what they are at today's level.

Our friends overseas and Europe are experiencing what we will experience if we do not get a hold of our finances.

In November 2005, former Federal Reserve Chairman Alan Greenspan testified before the Joint Economic Committee and told Congress:

> We should not be cutting taxes by borrowing. We do not have the capability of having both productive tax cuts and large expenditure increases, and presume that the deficit doesn't matter.

That is exactly what we have been doing the last several years.

I have said many times on this floor that our major problem is we are unwilling to pay for or go without what we want to get done. We have been willing, time and time again, to put the cost of our current spending on the credit cards of our children and grandchildren. To be candid and fair, we had no choice in much of the spending since 9/11. The Federal Government had to rebuild after 9/11. We have made the decision to increase security for the homeland. We have to fund the war in Iraq and Afghanistan. And we have to rebuild after the devastation of dealing with Hurricanes Katrina and Rita. In other words, our costs are something we have not been able to control because of the war abroad, securing our homeland, and these hurricanes which were unprecedented in our country's history.

While we have had to spend hundreds of billions of dollars on these events, the Senate has made the decision to squeeze the nondefense discretionary budget. In fact, the pendulum has swung from the Senate spending money like drunken sailors during the first years I was here to now cutting these nondefense discretionary accounts to the bone in the name of fiscal responsibility.

Unfortunately, fiscal responsibility cannot be defined solely by restraining and cutting nondefense discretionary spending. These accounts are only one-fifth of the budget and, frankly, with some of the cuts to these accounts, I believe we are eating our seed corn in the name of fiscal responsibility.

I would be the first to cut the excess out of the budgets. I only have to think back to my mayoral days and my Governor days. As mayor of Cleveland, we inherited the first major city in the United States to default on its loans since the Great Depression. By making tough choices, we turned the city around.

As Governor, we faced a no less daunting challenge. We came into office in a $1.5 billion hole. We scoured through line by line and went through four rounds of cuts in the State budget. After the fourth cut, the math still did not add up. We had to raise revenues to meet the responsibilities of the State—a solution that was not easy. But at the end of the day, it was necessary because—do you know what—we had to balance our State budget.

I had to balance my budgets when I was the mayor of the city of Cleveland. Unfortunately, we do not have to balance our budgets here in Washington. After getting back on even keel, we were able to reduce taxes in each of the last 3 years of my administration. But we had to get back on even keel.

I view the situation our Nation faces today in a very similar light. We are in a heck of a spot. Our Nation has faced extraordinary costs that could not be foreseen. And at the same time, we are talking about reducing revenues. We have cut nondefense discretionary spending, and I am sure there are those who believe we can cut more. I think we have come to the point where we need to face reality. These numbers just do not add up.

Now, I want to say that I am not against tax cuts. In other words, I have been for it. I supported tax cuts in 2001, 2002, 2003, 2004. In 2001, we were facing a starkly different fiscal picture than we have today. I think it is really important to understand that. The fiscal picture today is entirely different than when we started the tax cuts in 2001. The surplus over 10 years was estimated to be $5.6 trillion—a lot of money. Congress, as I mentioned, spent more money in 1998, 1999, 2000, and 2001 than they should have. This led most of us to want to get that money off the table so it could not be spent. I supported this because of what I referred to as the three-legged stool: pay down the debt, fiscal responsibility, and tax cuts—the three of them.

On June 7, 2001, the President signed the Economic Growth and Tax Relief Reconciliation Act. I voted for this bill which reduced the individual income tax rates that apply to taxable income, increased the child tax credit to $1,000, and extended it to smaller families, addressed the marriage penalty, phased out the Federal estate tax over the period 2002 to 2010, provided a temporary reduction in the alternative minimum tax, and provided some savings incentives and childcare credits.

After 9/11, I joined the Centrist Coalition to accelerate these cuts to provide a short-term stimulus to our economy. The House passed this bill, but it stalled in the Senate because of partisan politics.

In 2003, our country was still reeling from September 11, the war against terror, and corporate accounting scandals. We were in recession. We needed additional stimulative medicine. But I fought to ensure that the tax cuts were the right amount. I joined with Senators OLYMPIA SNOWE, JOHN BREAUX, and MAX BAUCUS to get the $350 billion that we passed in 2003.

On May 28, 2003, the President signed the Jobs and Growth Tax Relief Reconciliation Act into law. We accelerated the cuts from the 2001 tax bill, such as the individual income tax cuts, the marginal rates, the child tax credit, the marriage penalty relief, extended the AMT again, and reduced the rate on both dividends and capital gains to 15 percent for higher tax brackets and 5 percent for those in the lower tax brackets for 2003 to 2008.

One of the reasons we said only $350 billion was that we were concerned about the cost of the war and homeland security. And we were right. Our national defense and homeland security costs have added up to $2.3 trillion since then.

Since 2003, when we decided to provide accelerated tax cuts, our national defense and homeland security costs have added up to $2.3 trillion.

Can you imagine where we would have been if the $1.57 trillion the administration initially proposed or even the $725 billion tax cut that was being considered at the time by the House of Representatives was actually passed? Just think what our deficit and national debt would be today. The negative consequences of such cuts adding to our national debt would have outweighed any positive stimulus effect.

I said that $350 billion in tax cuts would be enough to get the economy and the stock market moving then and now, and it worked. In other words, what we did is we front-end loaded that $350 billion tax cut to really give us some oomph so we would kick this economy into gear. And it worked. The economy and the stock market have moved.

I can still remember people saying: The market is never going to recover. I heard, several years ago: It is never going to get back to where it was. And the fact is, it has. The Nation's GDP grew by over 4 percent in both 2003 and 2004, and 3.5 percent in 2005, and unemployment has dropped since we enacted tax cuts from 6.6 percent to the current 4.7 percent. And we just announced that in the first quarter of this year, our GDP growth is over 4 percent and more Americans are working. Unfortunately, we are not seeing this in the State of Ohio. We are still under a great deal of duress because of the loss of our manufacturing jobs.

However, the world does not stand still, and we now face different challenges. While this tax cut stimulation worked, making these tax cuts permanent should be subject to pay-go, as Alan Greenspan said, or "serious economic disruptions" will result. We need to cut expenses or pay for them with other tax increases.

Now, let's look at the costs of some of the tax cuts we passed. These are all going to be under consideration, and we will have people saying: We have to extend all of them.

The credit for research and experimentation, that is $81.2 billion; deduction of State and local sales taxes is $41.5 billion; increased AMT exemption amount, $437.5 billion; hurricane relief—I will leave that one alone; subpart F for active financing income, $45.2 billion; reduced tax rate on repatriated dividends, $57 billion; section 179 expensing, $15.9 billion; reduced tax rates on capital gains, $63.4 billion; empowerment and renewal zones, $11.7 billion; child tax credit, $184.8 billion. Let's see. I won't hit them all. Estate and gift tax changes—estate and gift tax changes. Do you hear that? We are talking about killing the death tax? We are talking about $357 billion—$357 billion. And the income tax rates of 25, 28, 33, and 35 percent, if we keep those, will cost us $384.8 billion.

All I am saying is, if you add up all of the things that are going to come to us during the next couple of years, we are talking about—what is that—$2.353 trillion. Do you hear that? It is $2.353 trillion. It just does not make sense.

As we see on the chart, according to CBO, the dividend and capital gains tax cuts will result in roughly about $193.1 billion in revenue loss to the Treasury. If we were to permanently repeal the estate tax—I have already mentioned that. Consider that the alternative minimum tax will cost us $511 billion. I support recent statements from the White House that AMT should be considered as part of tax reform, but until that happens, we are forced to confront this issue every year.

Everybody is complaining about the AMT. They want the AMT. They want the dividend tax reduction to continue, the capital gains. You name it. They want it all. And just these tax items on this chart—to repeat—$2.35 trillion over 10 years. Are we willing to add to our deficit and debt to continue these cuts?

Let's list the numbers again, look at them again: unbalanced budgets since 2001 last year's deficit was $318 billion; a rising national debt of $8.4 trillion—and that has increased, as I have said, by 50 percent since 1999—the war on terror has cost us $450 billion, plus $160 billion on homeland security since 9/11.

One of the things people do not understand is that Homeland Security has 22 agencies, 180,000 employees. They have doubled the budget of those 22 agencies since 9/11. As a matter of fact, if you look at other money we spent on homeland security, they have actually tripled the budget since that time.

Katrina has cost us over $100 billion and continues to rise, and the Medicare Part D plan is now projected to cost over $1 trillion from 2006 to 2015.

With significant unmet domestic needs and the looming cost to the Treasury of the baby boomers' retirement programs—which by conservative estimates from the administration will consume 70 percent of the entire Federal budget by 2030—what kind of economy is lurking around the corner in 2011?

Instead of making the tax cuts permanent, we should be leveling with the American people about the fiscally shaky ground we are on. What we should be doing is spending our time on tax reform. We all know that fundamental tax reform is critical, and as we consider the tax provisions, such as the AMT, as I just mentioned, it becomes clearer and clearer we need to overhaul our Tax Code. So I simply cannot understand why some of my colleagues want to make so many provisions of the current Tax Code permanent or add new tax cuts when we very well may be eliminating precisely the same provisions as part of fundamental tax reform. No homeowner would remodel their kitchen and bathroom right before tearing down the house to build a newer and better one.

As the one who amended and pushed for the creation of the task force on tax reform in 2003 and 2004, I was delighted when the President, in his convention acceptance speech, said he would move forward with tax reform. In fact, 2 days after the convention—Ohio was sitting right in front of the President when he was giving his acceptance speech. He said: When I mentioned tax reform, I watched you, Voinovich. He said: You jumped out of your seat, and I thought you were going to run up and hug me because you were so happy we were going to do the tax reform.

I have to say that I am disappointed. I feel bad that the administration has backed away from tax reform as a priority, since simplifying the Code to make it more fair and honest could, by some estimates, save taxpayers over $265 billion in costs associated with preparing their taxes. That would be a real tax reduction. And do you know what. It would not cost the Treasury one darn dime. It would be a tax cut that would guarantee that people are paying their fair share and would bring more money into the Federal Treasury.

According to the Tax Foundation, we lose about 22 cents of every dollar of income tax collected in compliance costs. It adds up to the combined budgets of the Departments of Education, Homeland Security, Justice, Treasury, Labor, Transportation, Veterans Affairs, Health and Human Services, and NASA.

In a recent conversation with Rob Portman, a longtime friend of mine, who is our new OMB Director, I communicated my call for Tax Code reformation. I said if the President wanted to leave a real lasting legacy, a real lasting legacy to the American people, something he could point back to and be very proud of, he would keep his promise to the American people to undertake tax reform.

If we keep going the way we are, his legacy may be a big tax increase in 2009 or 2010 or 2011, one like his father was forced to make in 1991. I believe—and I have the greatest respect for the President and his father—his father was a profile in courage. He bit the bullet and did what was right for the country and, in the process, probably lost an election.

If we are going to provide the American people a clear picture of the shape of our fiscal house, we should be honest about the long-term problems underneath the facade of our fiscal house. Currently, we are distorting our Federal financial statements by borrowing from hundreds of Federal trust funds. In addition to the $1.6 trillion we have borrowed from the Social Security trust fund, we have borrowed over $660 billion from the Civil Service Retirement and Disability Fund, $177 billion from the military retirement fund, and smaller amounts from almost 130 Federal trust funds. In all, we have borrowed almost $3.3 trillion of funds intended for other purposes. All of this has added to our $8.4 trillion national debt.

I believe we should keep the shrinking Social Security surplus separate. It is important to set these funds so that the Federal Government will have real assets that can be used to redeem existing special issue Treasury bills when Social Security stops generating surpluses in 2017. When we were looking at Social Security reform, it occurred to some of us that it would be useless to reform the program if the surplus money still went to general revenues. If we shore up the system without keeping the funding for it separate, the benefit of Social Security reform could simply be spent on other related programs. In other words, if we bite the bullet, reform Social Security, take in more money and don't put it aside so we can't touch it, we will just use it. We will be back where we were before. So we have to figure out, if we are going to do this, how we put the money aside.

One of the things I have worked on—and I have introduced a bill with Senator CONRAD—is that we would stop the raid on Government trust funds. It not only holds revenues designated for Social Security programs separate from general revenues, it also would make Federal financing more transparent. People would know what the public debt is. In other words, we would fundamentally borrow from the public the money that we have been taking from the trust funds, and we would know that the money in the trust funds would be there because it would not be in Federal investments.

At this time we need reliable financial and performance information to make sound policy decisions. If we were in business, we would be in subchapter 11, absolutely. We need to bring transparency to our budget so that all the American people have a better understanding of the hard choices we have to make.

Typically the American people have not tolerated a tax level of any more than 20 percent of GDP. We reached that level of almost 21 percent when the tax cuts we enacted made revenues decrease quickly. The real danger is the divide between our revenue and spending once the baby boomers start to retire. This dotted line is going to rise to levels not given on this chart. In other words, this dotted line is going to go way up in terms of dealing with our outlays. The revenues, as you can see, they were up pretty high. This is 1980. They went up. Then we got over here when we were flush, and they went up to here. Now the revenues are down here and then coming here. This line of spending is going to go right off the chart, as I mentioned before, because of Medicare, Medicaid, and Social Security.

The American people should understand what this is about. We are really in trouble. The question is, if we don't have enough revenue to pay our current bills, how in the world are we going to prepare to cover much larger future promises? How are we going to take care of this? In the big picture of where the United States stands, it is clear to me that the economic framework of our Nation needs to be refurbished. There are certain investments and responsibilities that this Senator believes we can no longer ignore and must address.

We should be rebuilding an infrastructure of competitiveness so that future generations at least have the same opportunity that we had for the standard of living and quality of life we have. We need to build what I referred to earlier. We are in a competitive global marketplace. What we have to understand is, if we don't build the infrastructure of competitiveness to compete in that marketplace, our children's standard of living is going to be less than what ours is today.

One of the things I also think we need to understand is the fact that our infrastructure has been ignored for too long. It is a critical piece to making America more competitive. I have introduced the National Infrastructure Improvement Act with Senators CLINTON and COCHRAN. The bill establishes the National Commission on the Infrastructure of the United States which would study infrastructure throughout the Nation, including surface transportation facilities such as roads, bridges, mass transit facilities, freight and passenger rail, airports, wastewater collection, and treatment facilities, waterways and levees. I was a cosponsor of the highway bill, but I thought the legislation was modest given the need.

Frankly, it falls far short of the level that would improve or even maintain our Nation's highway system. According to the Federal Highway Administration, $107 billion is needed annually to maintain and improve our highways and bridges. The enacted highway bill provides $70.4 billion below what is needed to improve and $38.8 billion below what is needed to maintain our highway system. We also desperately need to provide increased funding for the Army Corps of Engineers, including funding for levees and funding for additional civil engineers. This Nation has an aging national water resources infrastructure. We saw it with Katrina. If we continue to ignore the upkeep, the deterioration of our locks and dams, flood control projects and navigation channels, we risk destruction of waterborne commerce, decreased protection against floods, as we saw in Katrina, and other environmental damage.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999. When I arrived in the Senate in 1999, I was chairman of that committee. The backlog of unfunded corps projects for operation and maintenance was $250 million. Today the backlog is $1.2 billion. In 2001, there was $38 billion in active water resource projects waiting for Federal funding. Today it is $41 billion in active construction and general projects that need Federal funding. This budget is only going to increase this backlog. Our budget proposes a 33-percent cut in the Corps construction budget. Can you imagine? After Katrina and what we saw in New Orleans in terms of not spending the money to maintain the levees and build them the right way, we are cutting the construction budget 33 percent, and a 42-percent cut in the Corps investigations budget.

Currently, the Corps is able to function only at 50 percent capacity at the rate of funding proposed by the budget. Can you believe this? It is incredible. We also cannot remain competitive without a workforce full of educated and motivated young Americans.

As a Nation, we have to invest in our children and enable them to fully develop their God-given talents in order to compete in a knowledge-based global economy. We have to have knowledge-based jobs if our people are going to work. This means we have to place more emphasis on careers in science, engineering, and math. Right now we are not getting the job done.

Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, down from third place several decades ago. In fact, the percentage of 24-year-olds with science or engineering degrees is now higher in many industrialized nations. Countries such as England, South Korea, Germany, Australia, Singapore, Japan, and Canada all produce a higher percentage of science and engineering graduates than we.

The National Academy of Sciences released a report this fall, entitled "Rising Above the Gathering Storm," that recommends action the Federal Government should take to enhance our ability to compete in a global marketplace. The recommendations range from those that will improve our Nation's math and science course work and establish a workforce of qualified teachers who will prepare our students for futures in highly innovative careers to the critical need for energy independence and investment in research. It is hard for me to believe the statistics that came out of the report. Half the teachers who teach math and science today are not qualified to teach the subjects.

I did a survey of our State universities to find out how many people graduated to teach physics. Thirteen was the number. How in the world can we keep going with that kind of record?

I am encouraged that the President recognized that America needs to wake up and build a new infrastructure for competitiveness, and I applaud his American competitiveness agenda. Also, I joined a number of my colleagues as an original cosponsor of the Protecting America's Competitive Edge Act, or PACE. This legislation is aimed at improving our Nation's competitiveness through advancement and emphasis on math and science education. Like the President's initiative, this legislation is comprehensive and it is aimed to increase our Nation's research capacities and emphasize strong science and math education. However, it will require a larger national commitment to reengage our Nation's youth in science and math, similar to our response in the late 1950s to Russia's launch of Sputnik and the ensuing space race.

Here the President's budget falls far short of what is necessary to fulfill the recommendations of the report. In other words, if we are going to really do something about this crisis that we have in terms of math and science, we are going to have to fund the recommendations from the National Academy of Sciences. The only thing that is being funded right now in the President's competitiveness agenda is retraining of teachers in high school, making the research and development credit permanent, and doing some work in research that will help us deal with our energy crisis. The portion of the report that talks about scholarships from the Department of Energy is not funded. The report calls for 25,000 scholarships out of the Department of Energy at $20,000 a year to encourage people to study engineering.

It also provides out of the Department of Education $20,000 a year for students to take math, science, information technology, and education courses. And they commit that after 5 years they will teach for 5 years. In other words, they will get their undergraduate degree and teach for 5 years. During those 5 years, the National Science Foundation will pay them $10,000 more than what the local school district pays them. So it is a real comprehensive effort to deal with the crisis that we have today in terms of providing the scientists we need to get the job done.

The bottom line is, we don't need less revenue; we need more revenue. As a Wall Street Journal article states:

> Federal taxes amounted to 17.5 percent of gross domestic product, up from a modern low of 16.3 percent in 2004.

That is one of the reasons the debt has gone up so much, like a rocket. It is because in 2004, we were only taking in 16.3 percent of our GDP in revenue. But it was well below the high of 21 percent that we had in 2000. That was too much.

Continuing from the Wall Street Journal:

> Keeping the tax burden low is going to be difficult. Last year, the federal government's spending exceeded its tax take by about $318

> billion. And the retirement of the baby-boom generation starting in 2011 could cause spending on big-ticket federal retirement programs to jump.

That is the quote from the Wall Street Journal. The only thing that bothers me about the quote is that they reported the debt last year of $318 billion. That is what they reported. The fact is, from an accrual basis—it comes out of the Department of the Treasury—we increased the debt by $740 billion. But we only report to the American people $318 billion. Several weeks ago, we were talking about the fact that the Treasury announced that on an accrual basis we increased our debt by that amount of money. Someone said, why don't we keep our books on the accrual basis? Somebody said, for goodness sakes, we cannot do that because they will find out how much in debt we are and how much our budgets are not balanced.

So I think that with the baby boom generation starting to retire in 2011, we will have some real problems. The simple fact is we cannot have it all. We need to set priorities and make hard choices; otherwise, our children will end up paying for it. Our forefathers recognized the inequity of passing on debt to future generations. George Washington in his Farewell Address stated:

> [Avoid] the accumulation of debt, not only by shutting occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Again, he said "not ungenerously throwing upon posterity the burden which we ourselves ought to bear."

I have to say this, and I know it is controversial, but if you look at the extraordinary costs that we had with the war and homeland security and Katrina, the logical thing that one would think about is to ask for a temporary tax increase to pay for them. Did you hear that? Ask for a temporary tax to pay for it, instead of saying we will let our kids take care of it; we will let our grandchildren take care of it. No, we are not doing it. The people who are sacrificing today in this country are the ones who have lost men and women in our wars. The people who have sacrificed today are the ones who have come back without their arms and legs—thousands of them. They are making the sacrifice.

The question I ask is, what sacrifice are we making?

Anyone in the know who is watching us has to wonder about our character, our intellectual honesty, our concern about our national security, our Nation's competitiveness in the global marketplace now and in the future and, last but not least, our don't-give-a-darn attitude about the standard of living and quality of life of our children and grandchildren.

The question is, are we willing to be honest with ourselves and the American people and make these tough decisions? My two mottos when I was mayor and Governor were "together we can do it," and our State motto, "With God All Things Are Possible."

I am prayerful that the Holy Spirit will inspire us to make those tough decisions and do what is right for our country.

I yield the floor.

GUN TRAFFICKING: A NATIONAL ISSUE REQUIRING NATIONAL ATTENTION

Mr. LEVIN. Mr. President, last Tuesday, 15 mayors from a diverse group of cities around the country gathered in New York City for a mayors' summit on illegal guns. This summit provided an excellent opportunity to share gun violence prevention strategies, engage experts, and coordinate future national outreach and lobbying efforts for the safety of their cities. I commend those who participated for their willingness to work together to address the gun violence issues that plague communities across our country.

One of the major issues discussed by the mayors last week was the buying and selling of guns by "straw purchasers." Straw purchasers play a critical role in the illegal trafficking of guns by purchasing with the intention of reselling them to prohibited buyers. These straw purchases are often made in States with lax gun safety laws and trafficked to cities where they may later be used in violent crimes. New York City Police Commissioner Raymond Kelly refers to this as the "iron pipeline" of illegal firearms. According to published reports citing New York Police Department statistics, 8 of every 10 guns used in crimes in New York City come from other States. In fact, only 18 percent of the illegal guns recovered in New York City in 2005 were originally sold in New York State, while 61 percent were traced to just five other States.

According to several of the mayors in attendance, the lack of leadership by the President and Congress on the issue of illegal gun trafficking was the impetus for the summit. As New York Mayor Michael Bloomberg pointed out, "There's very little that an individual city can do to halt the sale of guns to criminals. This is a national issue that requires national attention." In the absence of adequate Federal attention, the 15 attending mayors signed a statement of principles resolving, among other things, to work together in the prosecution of gun traffickers, irresponsible gun dealers, and violent criminals.

In their statement of principles, the mayors vow to oppose all Federal efforts to restrict the ability of cities to access, use, and share firearms trace data that can be critical to law enforcement personnel working to stop the flow of guns from reckless gun dealers into the hands of criminals. This statement refers to amendments that have been inserted in the Commerce-Justice-Science Appropriations Act each of the last 4 years that prohibit the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, from disclosing important information from the national Firearms Trace System Database to local law enforcement and government officials. Unfortunately, legislation has recently been introduced in the House of Representatives which would make these restrictions on ATF firearms trace data permanent.

It is time that Congress work with, instead of against, our Nation's mayors to solve the gun violence issues which our communities face. The mayors are right. The gun violence epidemic across the country requires national attention, and I urge my colleagues to join me in working to enact commonsense gun safety laws that will help keep guns out of the hands of criminals.

I ask unanimous consent that the text of this statement of principles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAYORS' SUMMIT ON ILLEGAL GUNS

Whereas: 30,000 Americans across the country are killed every year as a result of gun violence, destroying families and communities in big cities and small towns; and

Whereas: As Mayors, we are duty-bound to do everything in our power to protect our residents, especially our children, from harm and there is no greater threat to public safety than the threat of illegal guns;

Now, therefore, we resolve to work together to find innovative new ways to advance the following principles:

Punish to the maximum extent of the law—criminals who possess, use, and traffic in illegal guns.

Target and hold accountable irresponsible gun dealers who break the law by knowingly selling guns to straw purchasers.

Oppose all federal efforts to restrict cities' right to access, use, and share trace data that is so essential to effective enforcement, or to interfere with the ability of the Bureau of Alcohol, Tobacco, and Firearms to combat illegal gun trafficking.

Work to develop and use technologies that aid in the detection and tracing of illegal guns.

Support all local, state, and federal legislation that targets illegal guns; coordinate legislative, enforcement, and litigation strategies; and share information and best practices.

Invite other cities to join us in this new national effort.

IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. BOXER. Mr. President, I take this opportunity to recognize Asian Pacific American Heritage Month.

Please join me as we celebrate the outstanding contributions of Asian Pacific Americans to our Nation during Asian Pacific American Heritage Month. Since 1977, when Congressman Norman Mineta of San Jose, along with Senators DANIEL INOUYE and Spark Matsunaga of Hawaii, introduced a joint congressional resolution, we have celebrated Asian Pacific American—APA—cultures and traditions each May. They chose May for the observance because the first Japanese settlers had come to mainland America in May 1843, and the Nation's first transcontinental railroad was completed, with the help of Chinese American labor, in May 1869. This year, the theme is "Celebrating Decades of Pride, Partnerships and Progress."

More than 14 million APAs live in the United States. Nearly 5 million APAs live in California, making it home to the largest population of Asian Pacific Americans in the Nation. It is no wonder, then, that the APA community in California has made tremendous strides by working together to bring about positive change and growth. I am so proud of my State of California for being a leader on Asian Pacific American issues.

Earlier this year, the California State Legislature's Asian Pacific Islander Legislative Caucus held its 6th Annual APA Legislative Briefing, "Partnering for Community Empowerment." The conference brought together statewide APA community leaders—from organizations such as the Asian Pacific Islanders California Action Network, Asian & Pacific Islander American Health Forum, and Asian Americans for Civil Rights and Equality—to create unique partnerships to advance civil rights, education, health care and community development. I commend the Asian Pacific Islander Caucus and California's APA community leaders for their tireless and innovative efforts to empower Asian Pacific Americans in California.

In addition to reflecting on the many accomplishments of the APA community, Asian Pacific American Heritage Month also allows us to honor the memory and contributions of notable Asian Pacific Americans. This year, sadly, we have lost many APA leaders: Dave Tatsuno, a courageous man who secretly documented life in a Japanese American internment camp during World War II; Sam Chu Lin, one of the first Asian American journalists in the United States; Judge Delbert Wong, the first Chinese American judge in the continental United States; and Jade Snow Wong, a world-renowned author and ceramicist.

All four of these APA leaders were undeterred in their efforts to make America a better place to live, and they will be missed by all who knew them. In remembering the accomplishments of Dave Tatsuno, Sam Chu Lin, Judge Delbert Wong, and Jade Snow Wong, I hope that future APAs will be inspired to become leaders who will fight for this great Nation and for the rights of all Asian Pacific Americans.

As we celebrate Asian Pacific American Heritage Month this May, let us remember that Asian Pacific Americans are constantly contributing to every aspect of American life, from business and government to sports, science, and the arts. As we note their many contributions, let us celebrate diversity and recommit ourselves to working together toward a better future for us all.

Ms. MIKULSKI. Mr. President, this month marks the anniversary of two milestones in Asian Pacific American history.

The first-ever Japanese Americans made their home in this country starting on May 7, 1843. And in this same month in 1869, the Transcontinental Railroad, which had a tremendous impact on settling the West, was completed largely due to the hard labor of hundreds of Chinese Americans.

These landmarks in Asian Pacific American history inspired Congress in 1977 to pass legislation establishing a week in May as Asian/Pacific Heritage Week. In 1990, it was expanded into a month-long observation.

So this May, in recognition of Asian Pacific American Heritage Month, I honor the diverse cultures and heritages that make up the Asian and Pacific Islander American communities in my own home State of Maryland and across the Nation. I recognize the adversity and discrimination so many have faced and continue to face in America, and I vow to continue to fight to make sure all Asian Pacific Americans receive the equality they deserve in all aspects of their lives.

Asian and Pacific Islander American communities come from all different countries of origin from China, Japan, Laos and the Philippines to Pakistan, Vietnam, Korea, and many others. They have brought with them unique cultural traditions, religions and languages. And they make major contributions to all facets of our society from small businesses to giant corporations, from the government to the front lines of battlefields, schools, athletics, law firms, hospitals, and countless other arenas. For centuries, they have helped make America what it is today, and they continue to be an integral part of the diverse American tapestry.

That is why I support comprehensive immigration reform and accessible, efficient immigration services to keep our borders open to the immigrants that continue to make their homes in America and contribute to our culture and economy.

Asian Pacific American Heritage Month is a reminder of the contributions this community makes to our society all year round. I will continue to fight in the Senate for the needs of the millions of Asian Pacific Americans that have made their home in this country.

THE HAMILTON PROJECT

Mr. BAUCUS. Mr. President, America has never lacked challenges, nor has it lacked the determination and ingenuity to resolve them.

In our Nation's very first hours, we faced stark realities. Revolutionary War debts put the Treasury $79 million in the red. States could not retire their debt. Our young Nation had no public credit. We also had no source of revenue—much less a means to collect it. And many Americans were as indebted as their Government. The future held promise, but the present was bleak.

America's first Treasury Secretary, Alexander Hamilton, embraced these challenges. The day after his appointment—a Saturday—he put in motion a plan to get our economy on its feet. In his first weeks, he created a customs service to generate income, established a rudimentary coast guard for enforcement, and laid the foundation for fruitful trade relations with Britain.

These first weeks in office proved Hamilton a man of action. The years that followed showed him a man of vision. The Treasury Secretary authored the legendary Report on Public Credit, the blueprint for America's fiscal system. Not without controversy, his plan consolidated debt and issued new bonds. He raised taxes and set up a national central bank. The legacy of Hamilton's plan endures today.

Hamilton's action and vision launched our Nation's early prosperity. But today, we again face mounting challenges.

Using accrual accounting, the 2005 Financial Report of the United States Government reported that the Government is running a net operating deficit of $760 billion—more than 6 percent of our economy. Our foreign debt to GDP ratio has not been this high since Grover Cleveland was President in the late 19th century.

We face the largest current account deficit in history—more than $800 billion. A rising China and India are testing our innovative capacity and the robustness of our manufacturing sector.

We are also neglecting education and the young minds that will define our future successes. We have forgotten our research institutions that generate ideas and spur innovation. We are abandoning the basic infrastructure that buttresses our economic growth. We have let health care become a burden rather than an asset. We have emptied our saving accounts and neglected investment.

Like newly independent America, the United States today demands vision and action.

I have put forward a comprehensive competitiveness initiative to address these challenges. I have introduced trade competitiveness legislation to make sure our trading partners play by the rules and give our companies and workers a fair shot a success. I have introduced energy competitiveness legislation to promote innovation and research and reduce our dependence on fossil fuels.

I have also proposed savings competitiveness legislation to close the fiscal gap and encourage Americans to save. Savings boosts investment and innovation. This week I will introduce legislation to boost innovation by revamping and making permanent the R&D tax credit. In the coming weeks, I will introduce ambitious legislation on education, health care, and international tax competitiveness.

But I do not pretend to have all of the answers. That is why today I would like to recognize another initiative that embraces these competitiveness challenges. It is an initiative that invokes the vision and action of Alexander Hamilton. This namesake initiative—the Hamilton Project—led by some of America's brightest minds, is clear in its vision and bold in the action it promises.

Based on principles—not politics—the Hamilton Project recognizes that broad-based economic growth in America is stronger and more sustainable than growth that accrues to a small segment of the population. The Hamilton Project recognizes that our Nation can pursue economic security for American workers and economic growth simultaneously—and that both can be mutually reinforcing. The Hamilton Project recognizes that effective government plays a critical role in facilitating our Nation's prosperity and enhancing economic growth.

These principles inform four pillars of action: education and work, innovation and infrastructure, savings and insurance, and effective government. Under each pillar, the project promises innovative ideas and a clear blueprint to realize them. Already, the project has proposed reducing the skills gap of underprivileged school children and improving the effectiveness of our teachers. They have put forward clear proposals to boost savings in America and simplify taxes for the majority of Americans.

In the coming months, the Hamilton Project will continue to roll out specific policy proposals in each pillar. The project's work so far promises clear-eyed, detailed plans for our most pressing challenges. I look forward to evaluating each proposal. I recommend that my colleagues take the time to do the same.

Once again, I applaud those at the Hamilton Project for their initiative. Our challenges may be daunting, but we must all welcome the challenge.

Upon accepting his nomination as Treasury Secretary centuries ago, Hamilton understood the hugeness of his task, saying: "I conceived myself to be under an obligation to lend my aid towards putting the machine in some regular motion." Let us follow his lead. And let us lend our aid, and keep this great machine in motion.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of the Hamilton Project's strategy paper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

We believe in America's promise: that education and hard work can provide each individual with the opportunity to advance and allow each generation to do better than the one before. Today, however, that promise is in jeopardy because our nation is neither paying its way nor investing adequately in its future. Our nation has failed to make the tough decisions required to advance opportunity, prosperity, and growth over the years and decades ahead.

The Hamilton Project's economic strategy reflects a judgment that long-term prosperity is best achieved by making economic growth broad-based, by enhancing individual economic security, and by embracing a role for effective government in making needed public investments. The Project's strategy—strikingly different from the theories driving current economic policy—calls for fiscal discipline and for increased public investment in key growth-enhancing areas. The Project will put forward innovative policy ideas from leading economic thinkers throughout the United States—ideas based on experience and evidence, not ideology and doctrine—to introduce new, sometimes controversial, policy options into the national debate with the goal of improving our country's economic policy.

Many options for addressing the fiscal problem have been identified; the most pressing need now is not new ideas, but greater political will and a bipartisan political process. The president and the leaders of both parties in both houses need to come together in a special process that recognizes the critical importance of these issues, acknowledges differences in views, and works to reach common ground with joint political accountability.

The failure to invest wisely in sound policies to promote economic growth is particularly problematic in light of the growing competition U.S. workers and firms face as the people of China, India, and other nations rapidly enter the global economy. Significant new intellectual work is needed to identify evidence- and experience-based policies to promote individual opportunity and strengthen America's economy.

The Project will therefore reach across the country to encourage many of the nation's leading thinkers to put forward new proposals and will help bring those ideas to bear on policy debates in a relevant and effective way.

Economic evidence and experience suggest three principles on which the Project's economic strategy is premised:

Broad-based economic growth is stronger and more sustainable: Broad-based growth will be stronger and more sustainable than growth accruing disproportionately to a small segment of the population. When public policy excessively favors relatively few, the economy misses out on opportunities for innovation and productivity by the many.

Economic security and economic growth can be mutually reinforcing: Not only does economic growth increase economic security, but economic security in turn can increase economic growth—by enabling people to take the risks that promote growth (such as starting a new business or investing in their own education), by getting families back on their feet quickly after unexpected shocks, and by lessening calls for growth-diminishing policies like closing our markets to competition.

Effective government can enhance economic growth: Markets are the cornerstone of economic growth, but government must invest in critical needs that market forces will not adequately meet—such as education, infrastructure, and basic research. Government must rigorously seek efficiency, increased productivity, and internal reform so that it can most effectively target its policies to provide necessary services.

To achieve the goal of strong, sustainable, and broad-based economic growth, the Project will identify and advance sound policy ideas that rest upon four pillars:

Education and work: The productive power of the U.S. economy lies heavily with its people. The Project will explore ways to improve education—from prekindergarten through graduate school—to equip America's youth to succeed in the knowledge-based economy; reform the nation's job training and vocational education system; and increase work incentives for low-skilled workers.

Innovation and infrastructure: Innovation fuels growth, creates jobs, and expands economic opportunity. With global economic activity becoming increasingly dependent on technology, the Project will propose ways of making more workers literate in science and engineering; adopting smarter incentives for private firms to undertake R&D and removing barriers to private-sector innovation; increasing the federal commitment to fundamental scientific research; achieving energy independence; and improving our nation's physical infrastructure.

Savings and insurance: The more security that people can achieve in their personal finances—through both savings and social insurance—the more confidence they can place in the future, making them more likely to seize opportunities and bounce back from adverse events. The Project will be examining topics such as shoring up health-care coverage and reducing health-care costs; cushioning the economic shocks of job dislocation; and increasing retirement security—all in an effort to provide people with the economic security they need to be entrepreneurial and invest in their own skills.

Effective government: Government has a limited but essential role in creating the conditions for growth in which all Americans can share. The Project will propose ways to increase government productivity and efficiency; realign government's activities in response to changing circumstances; reform government regulation so that it efficiently guides private firms when necessary without unduly hampering them; and take measures to make the Project's proposals budget-neutral.

FREE INTERNET FILING ACT

Mr. AKAKA. Mr. President, I continue to advocate for the ability of taxpayers to file their taxes directly through the Internal Revenue Service Web site without depending on commercial tax preparers. If a taxpayer has taken the time to fill out their taxes on their own, they should be provided with the opportunity to file electronically through the IRS Web site without exposing their personal financial information to a tax preparer or be subjected to solicitations for other services or tax products. A bill that I introduced with my friend from New Mexico, Senator BINGAMAN, S. 2550, the Free Internet Filing Act, requires that taxpayers be provided with the option to directly e-file via the IRS Web site without using commercial tax preparers. I will continue to work with my colleagues to enact this needed legislation. Electronic returns help taxpayers receive their refunds faster than mailing them in. This would also save the IRS resources and reduce possible errors that can occur when the mailed-in returns are transcribed.

Mr. President, I ask unanimous consent that an additional letter of support for S. 2550 from the National Consumer Law Center, Consumer Federation of America, Consumers Union, U.S. Public Interest Research Group, and Consumer Action be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 21, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Consumers Union, the U.S. Public Interest Research Group and Consumer Action write to support S. 2550, the "Free Internet Filing Act." Consumer groups have long advocated for what S. 2550 would provide—the ability of taxpayers to electronically file their returns without the need for a third party intermediary.

Enabling taxpayers to file electronically directly with the Internal Revenue Service will benefit taxpayers tremendously. It will save taxpayers the fees charged by some commercial preparers for electronic filing. Unlike the current Free File program established by the IRS, S. 2550 will provide taxpayers with free electronic filing without being subject to cross-marketing pitches for refund anticipation loans, mortgages and other financial products which may not be in their best interests.

S. 2550 will also help taxpayers to keep their information private. By allowing free direct electronic filing with the IRS, taxpayers will have the ability to bypass commercial preparers that might exploit or share their personal, confidential tax information for non-tax purposes.

We believe the IRS should have been required a long time ago to establish free direct electronic filing. For many years, Americans have been able to apply for federal student financial aid on www.fafsa.ed.gov and Social Security retirement benefits at www.ssa.gov. A free direct electronic filing program at www.irs.gov is long overdue.

If you have any questions about this letter, please contact Chi Chi Wu. Thank you again for all your efforts to protect taxpayer rights.

Sincerely,

CHI CHI WU,
Staff Attorney, National Consumer Law Center.
JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.
EDMUND MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group.
SUSANNA MONTEZEMOLO,
Policy Analyst, Consumers Union.
LINDA SHERRY,
Director, National Priorities, Consumer Action.

REMEMBERING J.A. TIBERTI

Mr. ENSIGN. Mr. President, I pay tribute to a great Nevadan whose passing has saddened me and countless others in my State. I hope my colleagues will join me in offering their thoughts and prayers to the family of J.A. Tiberti.

Mr. Tiberti died yesterday. He had called Nevada home since 1941.

I'm very proud to say J.A. Tiberti was my friend. But he was more than that. J.A. Tiberti was nothing less than a deep personal inspiration. He embodied a bold, energetic, upbeat entrepreneurial spirit. The type of spirit that built Nevada, the West, and this country. The type of spirit that inspires and energizes brave thinkers and dreamers throughout America, and has done so since our Nation was formed.

Mr. Tiberti leaves behind not only one of the most proud and prominent families in Nevada but also a legacy of vision and dreams for his community that will last, literally, for generations.

If you drive anywhere in southern Nevada today, you will see homes, businesses, office buildings, and resorts rising out of the desert and forming the fastest growing communities in America. These are all testaments to the allure of Nevada and the spirit of the people who call it home. And on many of those rising structures you will see the Tiberti name. It is a testament to a man who dedicated his life to helping build his community.

Tiberti Construction is one of the most successful and thriving businesses in the country. At this moment, hundreds of students are pursuing higher education at the University of Nevada Las Vegas within walls and under roofs built by Tiberti Construction. The men and women of our military are training to defend our country at Nellis Air Force Base inside buildings erected by J.A. Tiberti's company.

J.A. Tiberti's generosity and philanthropic efforts are well known and talked about by all who knew him, but never by Mr. Tiberti himself. His willingness to donate to causes close to his heart was matched by his reluctance to speak of them or try to gain publicity for himself. It is remarkable that a man of such success and generosity was also blessed with a humility that prevented him from boasting of his accomplishments and contributions. I will tell you, as a small example, that the alumni center and engineering complex at UNLV exist today because of J.A. Tiberti.

His humble nature was inherited from his parents, hardworking immigrants from Italy who lived and worked in a coal mining camp. His father went off to work in the mines at 2 a.m., checking for dangerous gasses that could put the other workers' lives in danger.

When J.A. Tiberti began having success in the construction business his values never left him. An interviewer once asked him how he had achieved success early on and, instead of citing business plans or wise investments, J.A. Tiberti said it was honesty and sincerity that laid the groundwork for his business.

Two years ago, J.A. Tiberti was inducted into the Nevada Business Hall of Fame. He has served on too many planning commissions, advisory boards, finance committees, and professional societies to name here, and his commitment to community service was recognized in 1987 when he was named Most Distinguished Nevadan.

Today the Tiberti family is also grounded in those values, and their success reflects the hard work and generosity of their patriarch. J.A. Tiberti leaves behind six children, 21 grandchildren, and six great-grandchildren.

I know they are proud to carry on the Tiberti name and, through our sadness over his passing, we Nevadans are proud that he chose our state to raise his family and to call home.

ADDITIONAL STATEMENTS

TRIBUTE TO PAUL SCAPICCHIO

• Mr. KERRY. Mr. President, I am proud to join Massachusetts State Senate President Travaglini, Speaker of the House of Representatives DiMasi, Mayor Thomas Menino, the members and staff of the Boston City Council in celebrating the exemplary public service performed by City Councilman Paul Scapicchio over the last 8 years.

Paul's time in office has been defined by a sustained love for the people of East Boston, Charlestown, and the historic North End. His constituents and colleagues regard him as a friend, as does everyone who gathered together last night in Boston to mark this important milestone in Paul's career. A native of Boston's North End, Paul has always been involved in his community. He spent much of his youth playing and coaching in various sports, including Babe Ruth baseball, youth hockey, and basketball. After college, it was natural that this connection to his neighbors and their lives would lead him to seek public office. As Councilman, Paul focused on issues such as affordable housing, improved public education, and increased economic opportunities for all of Boston's residents. He proposed incentives for Boston drivers to purchase hybrid vehicles, reached out to the seniors of his district by participating in Seniors Count, and helped countless constituents address the day-to-day problems that surface throughout Boston's neighborhoods.

Mr. President, while a chapter of Paul's public service will come to a close with his departure from the Boston City Council, I am thrilled that he will continue to be part of Boston's future through his work at ML Strategies. I extend to him my gratitude for his service and my best wishes as he, Kate, and their children move on to these new challenges.●

LOS ANGELES COUNTY SHERIFF MARIA CECILIA ROSA: IN MEMORIAM

● Mrs. BOXER. Mr. President, today I rise to honor the memory of a dedicated public servant, Sheriff Deputy Maria Cecilia Rosa. Deputy Rosa spent nearly 6 years with the Los Angeles County Sheriff's Department, providing the citizens of California with safety and service. On the morning of March 28, 2006, Deputy Rosa was shot while in the city of Long Beach as she prepared to leave for work at the Inmate Reception Center in downtown Los Angeles. She subsequently died from her injuries.

Deputy Maria Rosa was well respected by her peers and received numerous outstanding evaluations by her supervisors who described her as "a self starter" and an "outstanding Training Officer." Her attitude and performance were always top rate, and she was always fair and courteous to everyone with whom she came in contact. Many describe her "wonderful sense of humor with an electric smile." Colleagues note that she was affable, yet tough, and approached even the most mundane tasks with energy and enthusiasm.

Deputy Rosa is survived by her sister Luz Maria Yanez and brothers Eduardo and Maricelo Yanez. When she was not on duty, Deputy Rosa loved to dance, especially Salsa. She was extremely caring and always available to a friend. Deputy Maria Rosa served the State of California with honor and distinction and honorably fulfilled her oath as an officer of the law. Her contributions and dedication to law enforcement are greatly appreciated and will serve as a shining example of her legacy.

Californians are grateful for Deputy Rosa's heroic service and the sacrifices she made while serving the community and protecting the people she loved.●

TRIBUTE TO RHONDA SMITH

● Mr. BUNNING. Mr. President, today I pay tribute to Rhonda Smith of Paducah, KY, for being recognized as one of Kentucky's most generous volunteers. I congratulate her for recently being awarded the President's Volunteer Service Award by the Department of Energy.

The President's Volunteer Service Award is issued by the President's Council on Service and Civic Participation on behalf of the President of the United States to recognize the best in American spirit and to encourage all Americans to improve their communities through volunteer service and civic participation. The award is given to individuals, families, and groups that have demonstrated outstanding volunteer service and civic participation over the course of a 12-month period.

Ms. Smith has served on the Paducah Site-Specific Advisory Board since 2003, was elected chair in 2005, and will begin serving her term later in 2006. During her tenure on the board, she has devoted over 100 hours of community service to the advisory board by tirelessly providing help with DOE's environmental restoration and waste management activities at the Paducah site.

I now ask my fellow colleagues to join me in thanking Ms. Smith for her dedication and commitment to DOE and Kentucky. In order for our society to continue to advance in the right direction, we must have volunteers like Rhonda Smith in our communities and in our lives. She is Kentucky at its finest.●

RECOGNIZING CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO ON ITS 40TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I rise today to recognize California State University, San Bernardino, CSUSB. This academic year, the campus celebrates its 40th anniversary.

San Bernardino-Riverside State College was founded in 1960 and was named California State College at San Bernardino when it opened on September 28, 1965. At that time, only 293 students were enrolled. In 1984, the campus gained university status and became California State University, San Bernardino.

Today, CSUSB can look back on 40 years of growth as a successful university that has graduated more than 55,000 students, with an enrollment of over 16,400, with about 3,500 annual graduates. Additionally, Cal State San Bernardino boasts of 5 academic colleges, offering more than 70 degree and certificate programs.

Cal State San Bernardino is an asset to the local economy as well. The university provides direct and indirect employment to approximately 10,000 people in the local region, supporting healthy economic growth in the Inland Empire.

CSUSB is a leader in student diversity, with one of the most diverse student bodies in the California State University system. The Robert V. Fullerton Art Museum, which is located on campus, is a significant cultural institution throughout all of southern California, bringing an important cultural contribution with its impressive ancient and contemporary collections.

CSUSB faculty and staff also provide important research in the Inland Empire. The university has many research and service facilities that include the Water Resources Institute, Developmental Disabilities Center, Institute of Applied Research, Diversity Institute, Inland Empire Center for Entrepreneurship, International Institute, Arrowhead Laboratory for Securities Analysis, Center for the Study of Hate and Extremism, Institute for Child Development and Family Relations, Office for the Commercialization of Advanced Technology, Office of National Excellence in Distance Learning, and the Community-University Partnership.

While located in San Bernardino, the university is working to provide higher education in the Coachella Valley, a traditionally underserved area. The university has built a branch campus in Palm Desert, which provides much needed access to higher education in this rapidly growing region.

I applaud the service and dedication of the staff and students of California State University, San Bernardino as they celebrate 40 years of improving the education and lives of the people of the Inland Empire and desert region of southern California.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3418. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

H.R. 3929. An act to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

H.R. 4101. An act to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building".

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building".

H.R. 4995. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office".

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

The message also announced that the House has passed the following bill, without amendment:

S. 281. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

H. Con. Res. 392. Concurrent resolution recognizing the 58th anniversary of the independence of the State of Israel.

The message also announced that the House agree to the amendment of the Senate to the bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3418. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3929. An act to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Environment and Public Works.

H.R. 4101. An act to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hammerschmidt Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4995. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 392. Concurrent resolution recognizing the 58th anniversary of the independence of the State of Israel; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6652. A communication from the Secretary of the Navy, transmitting, pursuant to law, the report of increases in the Program Acquisition Unit Cost or Average Procurement Unit Cost of at least 30 percent to the "Original" Acquisition Program Baseline in the following programs: Expeditionary Fighting Vehicle, F/A-18E/F, MH-60S, and Virginia Class submarine. Additionally, the report of the cancellation of the Advanced Seal Delivery System Major Defense Acquisition Program; to the Committee on Armed Services.

EC-6653. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the quarterly report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account for the Period Ending March 31, 2006"; to the Committee on Armed Services.

EC-6654. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6655. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6656. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, the Department of Defense Evaluation of the TRICARE Program Fiscal Year (FY) 2006 Report; to the Committee on Armed Services.

EC-6657. A communication from the General Counsel of the Department of Defense, transmitting, a report of proposed legislation as part of the National Defense Authorization Bill for Fiscal Year 2007; to the Committee on Armed Services.

EC-6658. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Incremental Funding of Fixed-Price Contracts" (DFARS Case 1990-037) received on May 1, 2006; to the Committee on Armed Services.

EC-6659. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Foreign Taxation on U.S. Assistance Programs" (DFARS Case

2004-D012) received on May 1, 2006; to the Committee on Armed Services.

EC-6660. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Labor Laws" (DFARS Case 2003–D019) received on May 1, 2006; to the Committee on Armed Services.

EC-6661. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Transition of Weapons-Related Prototype Projects to Follow-On Contracts" (DFARS Case 2003-D106) received on May 1, 2006; to the Committee on Armed Services.

EC-6662. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, the Department's Buy American Act Report for Fiscal Year 2005; to the Committee on Energy and Natural Resources.

EC–6663. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Executive Summary to the Energy Information Administration's report entitled "Emissions of Greenhouse Gases in the United States 2004"; to the Committee on Energy and Natural Resources.

EC-6664. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Summary to the Energy Information Administration's report entitled "Voluntary Reporting of Greenhouse Gases 2004"; to the Committee on Energy and Natural Resources.

EC–6665. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Information Administration's report entitled "Performance Profiles of Major Energy Producers 2004"; to the Committee on Energy and Natural Resources.

EC–6666. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to repeal subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of title IX of the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC-6667. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to amend section 161k. of the Atomic Energy Act of 1954 to provide executive protection authorities for the Department of Energy (DOE) Federal Executive Protection Detail; to the Committee on Energy and Natural Resources.

EC–6668. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Cost and Performance Goals for the Office of Fossil Energy Coal-Based Technologies"; to the Committee on Energy and Natural Resources.

EC-6669. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for calendar year 2005, entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; to the Committee on Energy and Natural Resources.

EC–6670. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report entitled "Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands for Fiscal Year 2005"; to the Committee on Energy and Natural Resources.

EC-6671. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled "National Park System Uniform Penalty Amendment Act"; to the Committee on Energy and Natural Resources.

EC-6672. A communication from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Chief Financial Officer, received on May 1, 2006; to the Committee on Energy and Natural Resources.

EC–6673. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Distribution Transformers" (RIN1904-AA85) received on April 28, 2006; to the Committee on Energy and Natural Resources.

EC-6674. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a report of proposed legislation to improve hurricane and storm protection in the greater New Orleans metropolitan area; to the Committee on Environment and Public Works.

EC-6675. A communication from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency, received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6676. A communication from the Federal Co-Chairman, Delta Regional Authority (DRA), transmitting, pursuant to law, the DRA's Fiscal Year 2005 (FY05) Activities and Projects Report; to the Committee on Environment and Public Works.

EC–6677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Revisions to the Tennessee Nitrogen Oxides Budget and Allowance Trading Program" (FRL No. 8163–3) received on May 1, 2006; to the Committee on Environment and Public Works.

EC–6678. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Great Lakes Legacy Act of 2002" (FRL No. 8163-8) received on May 1, 2006; to the Committee on Environment and Public Works.

EC–6679. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Missouri: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8163–4) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas" (FRL No. 8164-6) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6681. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2006 Critical Use Exemption from the Phaseout of Methyl Bromide" (FRL No. 8163–1) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6682. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation (FDIC), transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Regulations; Inflation Index; Certain Retirement Accounts and Employee Benefit Accounts" (RIN3064–AD01) received on May 1, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6683. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to Sections 1807 and 1862 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"), as amended, and Sections 106 and 118 of the USA PATRIOT Improvement and Reauthorization Act, Pub. L. No. 109-177 (2006); to the Committee on the Judiciary.

EC–6684. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Buy American Act Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–6685. A communication from the Director of Selective Service, transmitting, pursuant to law, the Agency's Buy American Act Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6686. A communication from the Director, Financial Management, Government Accountability Office, transmitting, pursuant to law, the fiscal year 2005 annual report of the Comptrollers' General Retirement System; to the Committee on Homeland Security and Governmental Affairs.

EC-6687. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to extended assignment incentives for the period (May 2, 2003, through December 31, 2005); to the Committee on Homeland Security and Governmental Affairs.

EC–6688. A communication from the Chief Clinical Officer, Department of Mental Health, District of Columbia, and the Professor and Chairman, Department of Psychiatry, Director, Center for the Study of Traumatic Stress, Uniformed Services University of the Health Sciences, transmitting, a cdrom entitled "Code Yellow Code Orange: How Will We Respond?"; to the Committee on Homeland Security and Governmental Affairs.

EC-6689. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–342, "Closing of a Portion of a Public Alley in Square 1030, S.O. 02-2103, Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6690. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-343, "Financial Institutions Deposit and Investment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6691. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-344, "Advisory Commission on Sentencing Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6692. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-345, "Government Facility Security Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6693. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-346, "Closing of a Portion of a Public Alley in Square 5230, S.O. 04-9922, Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6694. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-347, "Low-Emissions Motor Vehicle Tax Exemption Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6695. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-348, "Non-Health Related Occupations and Professions Licensure Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6696. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-349, "New Columbia Community Land Trust 20th and Channing Streets, N.E. Tax Exemption Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6697. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-350, "Washington Metropolitan Area Transit Authority Fund Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6698. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-351, "Closing of Public Alleys in Square 743N, S.O. 04-12457, Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6699. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-352, "District Department of Transportation DC Circulator Temporary Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6700. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-354, "Oak Hill Construction Streamlining Temporary Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, with amendments:

S. 1773. A bill to resolve certain Native American claims in New Mexico, and for other purposes (Rept. No. 109-252).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN (for himself, Mr. Frist, Mr. Gregg, Mr. McConnell, Mr. Hatch, Mr. Santorum, Mr. DeMint, Mr. Inhofe, Mr. Burns, Mrs. Dole, Mr. Cornyn, Mr. Voinovich, Mr. Burr, Mr. Allard, Mr. Coburn, and Mr. Vitter):

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; read the first time.

By Mr. SANTORUM (for himself, Mr. Gregg, Mr. Frist, Mr. McConnell, Mr. Ensign, Mr. Hatch, Mr. Inhofe, Mrs. Dole, Mr. Burns, Mr. Talent, Mr. Voinovich, Mr. Burr, Mr. Cornyn, Mr. Allard, Mr. DeMint, and Mr. Vitter):

S. 23. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services; read the first time.

By Mr. SANTORUM (for himself, Mrs. Dole, and Ms. Murkowski):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for high deductible health plans for uninsured individuals; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. Johnson):

S. 2702. A bill to require the Secretary of Defense to carry out a program on the provision of assistance to certain military families; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. Leahy, Mr. Frist, Mr. Reid, Mr. Grassley, Mr. Kennedy, Mr. DeWine, Mrs. Feinstein, Mr. Brownback, Mr. Durbin, Mr. Schumer, Mr. Warner, Mr. Inouye, Mr. Hagel, Mr. Kerry, Mr. Chafee, Mr. Akaka, Mr. Allen, Ms. Landrieu, Mr. Obama, Mr. Salazar, and Mr. Menendez):

S. 2703. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. Specter, Mrs. Feinstein, Mr. Biden, Mr. Kerry, Mrs. Boxer, Mr. Schumer, Mr. Nelson of Florida, Mr. Menendez, Mr. Dodd, Mr. Kennedy, Mr. Lautenberg, Mr. Durbin, and Mr. Lieberman):

S. 2704. A bill to revise and extend the National Police Athletic League Youth Enrichment Act of 2000; to the Committee on the Judiciary.

By Mr. KYL:

S. 2705. A bill to suspend temporarily the duty on Hexythiazox Technical; to the Committee on Finance.

By Mr. SANTORUM:

S. 2706. A bill to suspend temporarily the duty on Dimethyl Disulfide (DMDS); to the Committee on Finance.

By Mr. SUNUNU (for himself and Mrs. Dole):

S. 2707. A bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 2708. A bill to amend title 38, United States Code, to provide an enrollment priority for veterans, who are recipients of certain medals for valor, in health care services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. Biden, and Mr. Talent):

S. Res. 462. A resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. Reid, Mr. Voinovich, Mr. Cochran, Mr. Vitter, Mr. Coleman, Mr. Santorum, Mr. Kyl, Mr. Levin, Mr. Lautenberg, Mr. Nelson of Florida, and Mr. Biden):

S. Res. 463. A resolution recognizing the 58th anniversary of the independence of the State of Israel; considered and agreed to.

By Mr. SMITH (for himself, Mrs. Lincoln, Mrs. Dole, Mr. Durbin, Mr. Brownback, Mr. Kohl, Mr. Lautenberg, and Mr. Wyden):

S. Res. 464. A resolution designating June 7, 2006, as "National Hunger Awareness Day", and authorizing the Senate offices of Senators Gordon H. Smith, Blance L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 8, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 93. A concurrent resolution expressing the sense of Congress with respect to accomplishing the mission in Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 558

At the request of Mr. Reid, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 828

At the request of Mr. Harkin, the names of the Senator from California (Mrs. Feinstein) and the Senator from Michigan (Mr. Levin) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1086

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1330

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1330, a bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1864

At the request of Mr. TALENT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1948

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2019

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2019, a bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2339

At the request of Mr. COBURN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2339, a bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act.

S. 2385

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2480

At the request of Mr. BENNETT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2480, a bill to amend the Fairness to Contact Lens Consumers Act with respect to the availability of contact lenses.

S. 2510

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2510, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2554

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2554, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2658

At the request of Mr. BOND, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. BAUCUS), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. HARKIN), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2658, supra.

S. CON. RES. 91

At the request of Mr. REID, his name was added as a cosponsor of S. Con. Res. 91, a concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

S. RES. 458

At the request of Mr. ALEXANDER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 458, a resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English.

AMENDMENT NO. 3592

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 3592 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3597

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 3597 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3688

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 3688 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 3688 proposed to H.R. 4939, supra.

AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 3717 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3719

At the request of Mr. BIDEN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3719 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3777

At the request of Mr. MENENDEZ, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3777 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3805

At the request of Mr. BENNETT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3805 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for high deductible health plans for uninsured individuals; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, this week, the first week of May, is National Cover the Uninsured Week. Now in its fourth year, it is the largest nonpartisan effort in our Nation's history to raise awareness on the staggering numbers of Americans who do not have health insurance.

Forty-six million Americans have no health insurance—including more than 8 million children. In Alaska, 110,000 people do not have health insurance—that is nearly 17 percent of our population. One-half of Alaska's uninsured live in a household with a least one child.

Being uninsured too often means going without needed care—and minor illnesses can become major ones simply because health care is delayed. Over a third of Alaska's uninsured reported that they didn't seek medical care for themselves or their family when it was needed. Why? Because they couldn't afford it. An estimated 18,000 uninsured Americans die each year because they received too little care, too late.

Most of these individuals and families are hard-working Americans—just making it from paycheck to paycheck. In fact, 8 out of 10 of uninsured Americans either work or are in working families.

To help those working families, I join Senator SANTORUM and Senator DOLE in introducing the Helping Working Americans Afford Health Coverage Act of 2006. The goal of this bill is to make health coverage more affordable and accessible to the working populations with the greatest needs.

This bill creates a progressive, refundable health care tax credit targeted toward low- and moderate-income individuals and families which can be used for health savings account-eligible health insurance. Recent studies show that low- and moderate-income Americans and those previously uninsured are enrolling in health savings accounts or HSAs. More than one-third of HSA purchasers last year had incomes under $50,000 per year, and one-third of individual HSA purchasers last year were previously uninsured.

Specifically, the refundable tax credit would provide a subsidy of up to 90 percent of the cost of health care coverage, up to a maximum credit of $1,000 per adult and up to $3,000 for a family. Additionally, the credit will be advanceable so that an individual or family would not have to wait to be reimbursed to purchase coverage.

This bill also contains an important provision to address the higher health care costs and higher poverty levels in the noncontiguous States of Alaska and Hawaii. In Alaska, the qualifying income thresholds for both individual Alaskans and Alaskan families are increased by 25 percent.

Though the Helping Working Americans Afford Health Coverage Act is not as comprehensive as S. 160, the SAVE Act, Securing Access, Value and Equality Act—legislation that I introduced earlier in the Congress—it is still an important first step in addressing the needs of the uninsured.

The National Association of Health Underwriters states that this bill "will provide much needed relief by providing a refundable tax credit that can be used for both their health insurance policy premiums and as a deposit into their HSA account This (bill) will provide individuals with ready access to health care while encouraging them to become more engaged in the process of obtaining health care."

Mr. President, helping Americans afford insurance saves money in the long run. Between $65 billion and $130 billion of public health dollars are spent on treating acute patients. Much of this could be saved if only those individuals received preventative care.

Making health insurance more affordable will make a real difference to the Nation's physical and economic health. I am proud of Alaskans and all Americans who have united during National Cover the Uninsured Week and are bringing attention to this national health care crisis. I ask my colleagues to take an important step in helping the uninsured by supporting the Helping Working Americans Afford Health Insurance Act of 2006.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. FRIST, Mr. REID, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. BROWNBACK, Mr. DURBIN, Mr. SCHUMER, Mr. WARNER, Mr. INOUYE, Mr. HAGEL, Mr. KERRY, Mr. CHAFEE, Mr. AKAKA, Mr. ALLEN, Ms. LANDRIEU, Mr. OBAMA, Mr. SALAZAR, and Mr. MENENDEZ):

S. 2703. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join the chairmen of both the Senate and House Judiciary Committees, the ranking member of the House Judiciary Committee, the Democratic and Republican leaders of both the Senate and the House of Representatives, and members of Congress from both parties to introduce a bill to reauthorize and reinvigorate the temporary provisions of the Voting Rights Act of 1965. The bicameral, bipartisan introduction of this bill reflects not only its historic importance as a guarantor of the right to vote for all Americans, but also the broad consensus that the expiring provisions must be extended this year without delay.

There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our government is dependent on the access all Americans have to the political process.

The Voting Rights Act of 1965 was the result of an historic struggle for civil rights led by such American heroes as Dr. Martin Luther King, Jr., Coretta Scott King and Rosa Parks, who refused to be treated as second-class citizens. That struggle reached a crucial turning point on March 7, 1965, on the Edmund Pettis Bridge in Selma, AL, when State troopers brutally attacked JOHN LEWIS and his fellow civil rights marchers who were fighting for their right to vote.

The events of that day, now known as "Bloody Sunday," were captured in newspapers and on televisions across the country, and those powerful images marked a crucial turning point in securing the right to vote for all Americans. A few days after the violence of Bloody Sunday, President Lyndon Johnson outlined the proposed Voting Rights Act of 1965, before a joint session of Congress. Within months, Congress passed it so that the Constitution's guarantees of equal access to the electoral process, regardless of race, would not be undermined by discriminatory practices.

The enactment of the Voting Rights Act in 1965 transformed the landscape of political inclusion. Prior to the Act, minorities of all races faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution. We have made great gains since that time, but our work is not finished. The record established in 10 hearings in the House of Representatives indicates that the tools provided by the expiring provisions of the Voting Rights Act remain necessary for protecting the voting rights of minority Americans in this country.

Among the Act's most critical protections are the pre-clearance provisions of Section 5, which prevent discriminatory laws from going into practice. The Voting Rights Act Reauthorization and Amendments Act of 2006 would extend these protections for 25 years, retaining the most effective measures to fight certain kinds of pervasive and recurring discrimination.

The insidious discriminatory tactics that led to the original Voting Rights Act were deeply rooted. In the annals of our Nation, this fight dates back almost 100 years, to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took implementation of the Voting Rights Act of 1965 for people of all races in many parts of our country to gain the effective exercise of rights guaranteed 95 years earlier by the 15th Amendment. The pre-clearance provisions were one of the primary reasons this Act succeeded where earlier attempts had failed. Section 5 requires certain covered jurisdictions with a history of discrimination to preclear all voting changes with either the Department of Justice or the U.S. District Court for the District of Columbia. In doing so, Section 5 combats the practices in these jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce 15th Amendment guarantees.

We have made significant progress toward a more inclusive democracy over the past four decades since the enactment of the Voting Rights Act in 1965. However, I fear that if we fail to reauthorize the expiring provisions of the Voting Rights Act, our country is likely to backslide. We must make sure those gains do not suffer the same fate as the gains in voting rights made during Reconstruction.

After the Civil War, the Reconstruction Act promised that the guarantees of the 15th Amendment would be realized. Between 1870 and 1900, 22 African Americans served in the United States Congress. In 1868, Louisiana elected an African-American Lieutenant Governor, Oscar Dunn, and 87 African Americans held seats in the South Carolina legislature. However, these Reconstruction-era gains in African-American voting and representation proved to be short-lived. Following the end of Reconstruction, the rights of African Americans to vote and to hold office were virtually eliminated in many areas through discriminatory legal barriers, intimidation, and violence. The changes were swift, systematic and severe. By 1896, Representative George White of North Carolina was the only African American remaining in the U.S. Congress, and it would take 72 years after Representative White left Congress for African-American voters in the South to elect another candidate of their choice to Congress.

In Mississippi, the percentage of African-American voting-age men registered to vote fell from more than 90 percent during Reconstruction to less than 6 percent in 1892. Between 1896 and 1900, the number of African-American voters in Louisiana was reduced from 130,000 to a mere 5,000. Unlike their short-lived gains made during Reconstruction, African-American voters' exclusion from the ballot box was persistent. Only 3 percent of voting-age African-American men and women in the South were registered to vote in 1940, only 1 percent in Mississippi—just 1 percent. These numbers are staggering, and they provide a history lesson we should not ignore.

As part of the Voting Rights Act reauthorization in 1975, Congress added Section 203, which requires bilingual voting assistance for certain language minority groups. This provision was enacted pursuant to congressional power to enforce the 14th and 15th Amendments. Section 203 has been a key factor to expanding the inclusiveness of democracy to all citizens and has led to extraordinary gains in representation and participation made by Asian-American and Hispanic-American citizens. Like Section 5, Section 203 is expiring in 2007. The Voting Rights Act Reauthorization and Amendments Act of 2006 would extend these critical protections for 25 years.

Hispanic-American populations have been one of the primary minority language groups to benefit from the protections of the bilingual provisions of the Voting Rights Act. For example effective implementation of the bilingual provisions in San Diego County, CA, helped increase voter registration by more than 20 percent. And voter turnout among Hispanic Americans in New Mexico rose 26 percent between 2000 and 2004 after television and radio spots in Spanish educated listeners about voter registration and absentee ballots.

Voting rights belong to people who are American citizens. They are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. It is imperative that all citizens be able to fully exercise their rights as citizens, particularly a right as fundamental as the right to vote. Renewing the expiring language provisions of the Voting Rights Act will continue to help make that a reality.

Rather than merely extending the Voting Rights Act, Congress now has an opportunity to reinvigorate the Act, strengthening and improving its remedies. The Voting Rights Act Reauthorization and Amendments Act of 2006 does so by clarifying certain parts of Section 5 to give clear guidance to the Courts and to restore the original understanding of the Act. Two recent Supreme Court decisions have significantly narrowed Section 5's effectiveness and undermined the purposes of the Act.

The Voting Rights Act Reauthorization and Amendments Act of 2006 remedies the Supreme Court's holding in Reno v. Bossier Parish, by making clear that a voting rule change motivated by any discriminatory purpose violates Section 5. Under the holding in Reno v. Bossier Parish, certain voting rule changes passed with the intent to discriminate against minorities could pass Section 5 muster. Because such an interpretation is inconsistent with purposes of the Voting Rights Act to eliminate discriminatory tactics that undermine the guarantees of the 15th Amendment, the Voting Rights Act Reauthorization and Amendments Act fixes this inconsistency by clarifying that a voting rule change motivated by any discriminatory purpose also cannot be pre-cleared.

The Voting Rights Act Reauthorization and Amendments Act of 2006 also remedies the Supreme Court's holding in Georgia v. Ashcroft. Under the test established in Georgia for assessing a jurisdiction's challenge to denial of Section 5 pre-clearance, the court can give greater weight to numerous undefined considerations than to the ability of a minority community to elect a candidate of its choice. This test is as difficult to administer as it is contrary to the purposes of the Act. This act fixes both of these problems by restoring the original understanding that the purpose of the Voting Rights Act is to protect the minority community's ability to elect their preferred candidates of choice and by setting forth defined factors.

In addition to restoring the Act's original meaning, this Act makes changes to the expiring Federal examiners and observers provisions to better allocate resources for combating discrimination in voting. The Voting Rights Act provides for Federal examiners to ensure that legally qualified persons are free to register for Federal, State, and local elections and that observers to observe whether citizens who are eligible to vote are able to exercise the right to vote. Federal observers are the most frequently used federal oversight tool in voting and the only Federal officials authorized to enter polls and places where votes are tabulated. This Act eliminates Federal examiners because they have not been appointed to jurisdictions certified for coverage in more than 20 years, and other laws such as the Help America Vote Act now address the concern of voting rolls. At the same time, the bill strengthens the observers provisions to allow the assignment of federal observers upon finding that there is a reasonable belief that a violation of the 14th or 15th Amendments will occur, without having to first certify federal examiners.

The Voting Rights Act Reauthorization and Amendment Act also removes an impediment to effective protection of voting rights by authorizing the prevailing party in a lawsuit brought under Section 2 to recover expert costs as part of the attorney fees already authorized. This will have a significant impact on the ability of litigants to successfully combat discrimination in court.

The process of reauthorization began in the House of Representatives, where Representatives NADLER, CHABOT and WATT presided over 10 hearings on the effectiveness and continuing need for the expiring provisions of the Voting Rights Act. Last week, the distinguished House Judiciary chairman and ranking member appeared before the Senate Judiciary Committee and introduced the extensive record from those hearings. I am grateful for the hard work that has been done in the House, and I want to thank Chairman SPECTER for agreeing to move forward promptly with Senate Judiciary Committee hearings on the expiring provisions.

Congress has reauthorized and revitalized the Act four times, each time with overwhelmingly bipartisan support. As I noted last week in welcoming the House Judiciary chairman and ranking member, we are repeating the bicameral and bipartisan process of the 1982 reauthorization. In 1982, Chairman SPECTER and I were both Members of the Judiciary Committee, along with Senators KENNEDY, BIDEN, HATCH and GRASSLEY. Under the chairmanship of Senator Strom Thurmond, reauthorization was reported by the Judiciary Committee and passed both houses of Congress. I am hopeful that our Committee can accomplish the work that needs to be done and report this bill to the full Senate before the Memorial Day recess.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed, helping to usher the country out of a history of discrimination and into the greater inclusion of all Americans in the decisions about our Nation's future. Our democracy and our Nation have been better and richer for it. While I hope some day these extraordinary remedies are not needed, I urge the Senate to build on the work done in the House of Representatives to extend the expiring provisions so that we can eliminate recurring discrimination and make sure that the gains we have made are not lost. I am heartened that this is not a partisan issue benefiting one party or another. Rather, as demonstrated by the bicameral and bipartisan process we continue for reauthorizing and revitalizing the Act's expiring provisions, this is about making our democracy reflect the will of all of the American people.

Mr. SCHUMER. Mr. President, I am pleased to introduce, along with 21 of my Senate colleagues from diverse political, geographic, and ethnic backgrounds, a bipartisan and bicameral bill to reauthorize the Voting Rights Act of 1965.

The Senate Judiciary Committee has had a very busy year. Last Fall, while the House was beginning its hearings on the Voting Rights Act, we were just finishing our hearings and final vote on the nomination of John G. Roberts, Jr. to be Chief Justice of the Supreme Court. Soon after that, we began preparing for hearings on the nomination of Harriet Miers to replace Justice O'Connor on the Supreme Court. When that nomination was withdrawn, we had to start over with a new nominee, Samuel Alito. We held hearings for Justice Alito in January, and since then, we've had a very full schedule which has included several hearings on the legality of the President's domestic spying program and, of course, countless hours marking up comprehensive immigration legislation.

So, we are just now beginning our work on the Voting Rights Act. But our relatively late start here in the Senate should not be interpreted to suggest that the Voting Rights Act is not a priority compared to the other matters we have had to address. To the contrary, the actions we take with respect to the Voting Rights Act—like the actions we took during the Supreme Court confirmation hearings—will dramatically impact the rights and lives of American citizens for generations to come.

The Voting Rights Act has been hailed as the single most effective piece of civil rights legislation that we have ever passed. The Act does not simply guarantee the right to vote, but it ensures the effective exercise of that fundamental right. In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or federal office. Today, just 4 decades later, there are some 10,000 minorities serving as elected public officials.

Leaders from both parties, including President Bush and Attorney General Gonzales, have said they support reauthorization. Today, leaders from both parties of both houses of Congress have come together to introduce this reauthorization bill.

The magic of the Voting Rights Act is apparent in my own hometown, New York City. New York City is one of the most diverse cities in the country, and the Voting Rights Act has been extremely effective in ensuring that all of our citizens are able to participate equally in the political process. But many of the Act's successes in New York have come only since the last time we renewed its major provisions.

For example, the first African American mayor of New York City wasn't elected until 1989, and the first African American wasn't elected to statewide office until 1994. In 2002, the first Asian American was elected to the New York City Council. And finally, just last year, a mayoral candidate became the first Latino to win his party's nomination.

These strides are important, but they are too few and too recent to say for certain that the goals of the Voting Rights Act have been met. There is still a lot of work to do, and as a member of the Judiciary Committee, I look forward to reviewing the evidence and testimony that is going to be presented at our hearings in the weeks to come, and to working with my colleagues from both Houses and on both sides of the aisle to ensure that this bill is passed well before the deadline.

By Mr. DEWINE (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. BIDEN, Mr. KERRY, Mrs. BOXER, Mr. SCHUMER, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. DODD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. LIEBERMAN):

S. 2704. A bill to revise and extend the National Police Athletic League Youth Enrichment Act of 2000; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I join Senators SPECTER, FEINSTEIN, BIDEN, KERRY, BOXER, SCHUMER, NELSON of Florida, MENENDEZ, DODD, KENNEDY, LAUTENBERG, DURBIN, and LIEBERMAN to introduce a bill to reauthorize the Police Athletic/Activities League, better known as PAL. These local youth crime prevention programs, run by police officers nationwide, provide after-school educational, athletic, and recreational opportunities for the communities they serve.

The first PAL chapter was founded in the 1910s in New York. The growth since then has been tremendous, and there are now over 330 PAL chapters in 38 States, DC, the Virgin Islands, Canada, and Nigeria, serving approximately 2 million children between the ages of 5 and 18. In my own home State of Ohio, we are fortunate enough to have 28 of these outstanding organizations.

Studies conducted in Eastlake, OH, and Portland, OR, have shown a substantial drop in the juvenile crime rate in those two cities upon the creation of a PAL chapter. These chapters make a point to serve those most in need. For example, 50 percent of the kids involved in the 28 Ohio chapters come from families with a median income of less than $20,000.

PAL chapters provide kids with a wide range of activities. One chapter in Ohio, for instance—the Chillicothe-Ross County Police Athletic League—has offered dances, films, rap contests, and programs in archery, art, basketball, bowling, boxing, computers, cooking, CPR, fishing, fitness, lacrosse, nutrition, paint ball, running, tumbling, volleyball, and weightlifting. Other chapters around the country have offered programs like chess, flag football, junior golf, homework clubs and hydroponic gardening. In addition—through their Youth Leadership Council—PALs provide a setting for kids to learn important skills to assist them in becoming the leaders of tomorrow.

But, the Police Athletic/Activities League does more than merely provide after-school activities to kids who may not otherwise have access to tutoring or athletic facilities. PAL provides them with mentors and positive role models. In addition, PAL programs help teach kids that their relationship with law enforcement need not be one that is "us vs. them;" instead, to quote National PAL, itself, the relationship can be one of "cops and kids together—providing solutions through sports and education."

The money provided by this reauthorization bill would enable PAL programs to continue their current programs and also expand—at a rate of 50 chapters per year—into areas where kids can truly benefit from the good work of the PAL.

The PAL has been a success for over 90 years, and the Senate consistently has supported this outstanding organization. We passed the National Police Athletic League Youth Enrichment Act of 2000 by unanimous consent, and I urge my colleagues to continue to support the PAL with this reauthorization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Police Athletic League Youth Enrichment Reauthorization Act of 2006".

SEC. 2. FINDINGS.

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

"(C) develop life enhancing character and leadership skills in young people;";

(2) in paragraph (2) by striking "55-year" and inserting "90-year";

(3) in paragraph (3)—

(A) by striking "320 PAL chapters" and inserting "350 PAL chapters"; and

(B) by striking "1,500,000 youth" and inserting "2,000,000 youth";

(4) in paragraph (4), by striking "82 percent" and inserting "85 percent";

(5) in paragraph (5), in the second sentence, by striking "receive no" and inserting "rarely receive";

(6) in paragraph (6), by striking "17 are at risk" and inserting "18 are at risk"; and

(7) in paragraph (7), by striking "1999" and inserting "2005".

SEC. 3. PURPOSE.

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by striking "320 established PAL chapters" and inserting "342 established PAL chapters"; and

(B) by striking "and" at the end;

(2) in paragraph (2), by striking "2006." and inserting "2010; and"; and

(3) by adding at the end the following:

"(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.".

SEC. 4. GRANTS AUTHORIZED.

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a), by striking "2001 through 2005" and inserting "2006 through 2010"; and

(2) in subsection (b)(1)(B), by striking "not less than 570 PAL chapters in operation before January 1, 2004" and inserting "not fewer than 500 PAL chapters in operation before January 1, 2010".

SEC. 5. USE OF FUNDS.

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in the matter preceding subparagraph (A), by striking "four" and inserting "two"; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "two programs" and inserting "one program";

(B) in clause (iii), by striking "or";

(C) in clause (iv), by striking "and" and inserting "or"; and

(D) by inserting after clause (iv) the following:

"(v) character development and leadership training; and".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking "2001 through 2005" and inserting "2006 through 2010".

SEC. 7. NAME OF LEAGUE.

(a) DEFINITIONS.—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking "ATHLETIC" and inserting "ATHLETIC/ACTIVITIES".

(b) TEXT.—The National Police Athletic League Youth Enrichment Act of 2000 (42

U.S.C. 13751 note) is amended by striking "Police Athletic League" each place such term appears and inserting "Police Athletic/Activities League".

By Mr. AKAKA:

S. 2708. A bill to amend title 38, United States Code, to provide an enrollment priority for veterans, who are recipients of certain medals of valor, in health care services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today on behalf of our Nation's veterans and military heroes to introduce the "Heroes Healthcare Eligibility Act of 2006." This legislation would recognize the sacrifices and contributions of our Nation's military heroes by ensuring that our military heroes have full access to VA health care.

Since January 2003, the Secretary of Veterans Affairs has used his authority under current law to prohibit Priority 8 veterans from enrolling in the VA health care system. Priority 8 veterans are those with no service-connected disability and have an income of over $26,902. To date, more than 260,000 of these supposed "middle-income" veterans have been turned away from the VA health care system.

I was dismayed to learn that the group of Priority 8 veterans may include thousands of war heroes, who were awarded medals for valor in combat but are ineligible for health care because of income limitations. Lou Green, a Korean war veteran and veterans advocate, brought a case to my attention where a multiple Silver Star award winner was denied access to care. This particular veteran had income just slightly above the means test limit but was told that his award "meant nothing" for getting VA health care.

This bill would recognize those veterans who have been awarded the Silver Star Medal or higher for valor and give them access to VA health care on par with former POWs; service connected veterans rated 10 percent or 20 percent disabled and all those who have received a Purple Heart. From World War II to present, more than 134,000 servicemembers have been awarded either the Silver Star, Air Force Cross, Navy Cross, Distinguished Service Cross or the Medal of Honor.

I would tell my colleagues that there is precedent for establishing priority eligibility for a veteran's benefit as a result of being awarded a military decoration. As I mentioned before, today combat veterans in receipt of a Purple Heart are eligible for VA health care, as they fall into the third priority group. Also, current policy at Arlington National Cemetery gives eligibility for full-body burial to those who have been awarded the Silver Star or higher for valor or are in receipt of the Purple Heart.

As much as I would like to reopen the doors to VA health care for all Priority 8 veterans, this legislation to recognize our Nation's military heroes is a step in the right direction. It is time our decorated military heroes receive the recognition they so richly deserve. I urge my colleagues to join me in making this needed change to VA's health eligibility for our military heroes a reality.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 462—DESIGNATING JUNE 8, 2006, AS THE DAY OF A NATIONAL VIGIL FOR LOST PROMISE

Mr. GRASSLEY (for himself, Mr. BIDEN, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 462

Whereas over 26,000 citizens die from the effects of drug abuse each year;

Whereas the damage from drugs is not limited to drug abusers, the collateral damage from drugs is enormous, and drug abuse costs society over $60,000,000,000 in social costs and lost productivity;

Whereas drugs rob users, their families, and all the people of the United States of dreams, promises, ambitions, talents, and lives;

Whereas drug abuse affects millions of families in the United States;

Whereas the stigma of drug abuse and the cloak of denial keep many individuals and families from dealing with the impact of drugs;

Whereas many friends and families are ashamed to acknowledge the death of their loved ones caused by drug abuse;

Whereas all the people of the United States can benefit from illuminating the problem of drug abuse and its impact on families, communities, and society;

Whereas the futures of thousands of youth of the United States have been cut short because of drug abuse, including the life of—

(1) Irma Perez, who suffered and died of an Ecstasy overdose at age 14;

(2) David Manlove, who wanted to be a doctor, but died from inhalant abuse at age 16;

(3) David Pease, an articulate debater, who died of a heroin overdose at age 23;

(4) Ian Eaccarino, a college student who died of a heroin overdose at age 20;

(5) Jason Surks, who was studying to be a pharmacist, but died of prescription drug abuse at age 19;

(6) Kelley McEnery Baker, who died of an overdose of Ecstasy at age 23;

(7) Ryan Haight, who died of an overdose of prescription drugs he had purchased over the Internet at age 18; and

(8) Taylor Hooton, a high school baseball star whose life was cut short by steroids at age 16;

Whereas these deaths represent only a small sample of the lost promise that drug abuse has cost the future of the United States;

Whereas law enforcement, public health and research organizations, community coalitions, drug prevention outreach organizations, individual parents, siblings, friends, and concerned citizens are joining together on June 8, 2006, in a Vigil for Lost Promise, to call public attention to the tremendous promise which has been lost with the deaths of those affected by drugs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the Vigil for Lost Promise;

(2) encourages any families who have been affected by a death due to drugs to visit www.nationalparentvigil.com;

(3) encourages all young people to choose to live a drug-free life;

(4) encourages all people of the United States to work to stop drug abuse before it starts and remain vigilant against the far reaching loss of promise caused by deaths from drug abuse;

(5) designates June 8, 2006, as the day of a National Vigil for Lost Promise; and

(6) encourages all citizens of the United States to remember the lost promise of youth caused by drug abuse on this day.

Mr. GRASSLEY. Mr. President, sadly, every year over 26,000 people die in this country from the effects of drug abuse. This is a staggering and sobering statistic. Still, millions more have been devastated by this tragic loss of life and promise. Ordinary people like you and I, are left to cope with the loss of a loved one senselessly taken at the hands of drugs.

Over the years, families and friends have individually found ways to remember and honor their memory. But to date, there has been no national event to bring people together to call attention to the nature and extent of the drug problem in this country.

Now, eight families who have personally suffered the loss of a loved one because of drugs have joined together to plan a remembrance. On June 8, 2006, the first annual Vigil for Lost Promise: Remembering Those Who Have Died From Drugs will be held in Washington, DC.

This national event finally gives these and other families the opportunity to remember and honor the memory of those who have died from drugs. This event will illuminate for everyone just how pervasive and dangerous this problem is in our society.

Others sharing similar stories of loss will be joined by leaders in the drug prevention, treatment and education fields, community leaders, clergy from all faith, educators, legislators and concerned citizens as well as the Drug Enforcement Administration, the National Institute on Drug Abuse and the Partnership for a Drug Free America to raise public awareness about the terrible toll that drugs take on families, friends and society .

Today, I am pleased to submit along with my colleagues, Senator BIDEN and Senator TALENT, a resolution to support the goals of the Vigil for Lost Promise and to designate June 8, 2006, as the day of a National Vigil for Lost Promise. It is important that these and other families who have lost of a loved one to drugs know that they are not alone. Many wonderful people have had to endure the same nightmare and this event lets everyone know that there is hope and there is help.

I encourage all my colleagues to visit www.nationalparentvigil.com to learn more about this very important event. I also want to urge my colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and to lend our support to those who have lost a loved one to drugs.

SENATE RESOLUTION 463—RECOGNIZING THE 58TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. FRIST (for himself, Mr. Reid, Mr. Voinovich, Mr. Cochran, Mr. Vitter, Mr. Coleman, Mr. Santorum, Mr. Kyl, Mr. Levin, Mr. Lautenberg, Mr. Nelson of Florida, and Mr. Biden) submitted the following resolution; which was considered and agreed to:

S. Res. 463

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was 1 of the first countries to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

(1) the freedom of speech;

(2) the freedom of religion;

(3) the freedom of association;

(4) the freedom of the press; and

(5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

(1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since it declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful and bilateral relations;

Whereas, despite the deaths of over 1,000 innocent Israelis at the hands of murderous suicide bombers and other terrorists during the last 5 years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas visionary Israeli leaders like Yitzhak Rabin and Ariel Sharon were at the forefront of creating conditions for peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with May 3, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) commends the bipartisan commitment of all administrations and Congresses of the United States since 1948 that stood by Israel and worked for its security and well-being;

(3) congratulates the United States and Israel for strengthening their bilateral relations during the last year in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 58th anniversary of the independence of Israel.

SENATE RESOLUTION 464—DESIGNATING JUNE 7, 2006, AS "NATIONAL HUNGER AWARENESS DAY," AND AUTHORIZING THE SENATE OFFICES OF SENATORS GORDON H. SMITH, BLANCHE L. LINCOLN, ELIZABETH DOLE, AND RICHARD J. DURBIN TO COLLECT DONATIONS OF FOOD DURING THE PERIOD BEGINNING MAY 8, 2006, AND ENDING JUNE 7, 2006, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C., METROPOLITAN AREA

Mr. SMITH (for himself, Mrs. Lincoln, Mrs. Dole, Mr. Durbin, Mr. Brownback, Mr. Kohl, Mr. Lautenberg, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 464

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance during the last year; and

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money;

(2) volunteering; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2006, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day with—

(A) appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) the continued support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 8, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

SENATE CONCURRENT RESOLUTION 93—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO ACCOMPLISHING THE MISSION IN IRAQ

Mr. HARKIN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 93

Whereas the members of the United States Armed Forces have served honorably and courageously in Iraq;

Whereas Congress and the people of the United States owe a debt of gratitude to those members of the Armed Forces who have died fighting for their country; and

Whereas Iraq will have established a free and democratic government once it completes its constitution-making process: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should not maintain a permanent military presence or military bases in Iraq;

(2) the United States should not attempt to control the flow of Iraqi oil; and

(3) United States Armed Forces should be redeployed from Iraq as soon as practicable

after the completion of Iraq's constitution-making process or December 31, 2006, whichever occurs first.

Mr. HARKIN. Mr. President, Monday, May 1, marked the 3rd anniversary of President Bush's speech on the flight deck of the USS *Abraham Lincoln*. On that occasion, with a giant banner behind him proclaiming "Mission Accomplished," the President said triumphantly that "major combat operations in Iraq have ended." But, 3 years later, 133,000 troops remain on the ground, and the President has signaled that the U.S. military occupation in Iraq is open-ended and of indefinite duration.

This has given rise to suspicions that the United States has long-term designs on Iraq and its oil. And it has deprived the Iraqi government of incentive to resolve its internal divisions and stand on its own feet. With the war in Iraq now in its 4th year, it is clear that the President's course is not a strategy for success; it is a strategy for continued stalemate and stagnation.

It is time to chart new course. To that end, today, I am offering a concurrent resolution that does three things: 1. It states that "the United States should not maintain a permanent military presence or military bases in Iraq. 2. It states that "the United States should not attempt to control the flow of Iraqi oil. And 3. It states that the "United States Armed Forces should be redeployed from Iraq as soon as practicable after the completion of Iraq's constitution-making process or December 31, 2006, whichever comes first." A companion to this concurrent resolution has been offered in the other body by Representative MIKE THOMPSON of California.

The capable and courageous men and women of our Armed Forces have completed the tasks they were sent to Iraq to accomplish: Saddam Hussein's dictatorship has been deposed; we are certain that Iraq does not possess weapons of mass destruction; and the Iraqi people have a constitution and a democratically elected government. To our troops' great credit, they have achieved these things despite a series of disastrous decisions by their civilian leaders in Washington.

Today, the question is: Why are U.S. forces still in Iraq? Our commanders have acknowledged that Iraq's remaining challenges cannot be resolved by the U.S. military, as they are mostly political. As GEN John Abizaid, head of U.S. Central Command, said recently, the situation in Iraq is "changing in its nature from insurgency toward sectarian violence"—I would, add, with U.S. troops caught in the crossfire.

Given these realities, President Bush's call to "stay the course" is a slogan, not a strategy, for success. Indeed, I fear that "stay the course" really means "stay forever," and this sends exactly the wrong message. It stokes the insurgents, who believe that the U.S. wants a permanent military presence in Iraq. And it takes away any incentive for the Iraqi government to resolve its internal divisions and stand on its own feet.

As GEN George Casey, our commander in Iraq, told the Senate last September, "Increased coalition presence feeds the notion of occupation, contributes to the dependency of Iraqi security forces on the coalition, [and] extends the amount of time that it will take for Iraqi security forces to become self-reliant."

BG Donald Alston, the chief U.S. military spokesman in Iraq, put it this way: "I think the more accurate way to approach this right now is to concede that . . . this insurgency is not going to be settled . . . through military options or military operations. It's going to be settled in the political process."

I would add that the Iraqi people also believe that a redeployment of U.S. forces would give a boost to political progress. According to a recent poll conducted by the University of Maryland, more than 80 percent of Iraqis want U.S. forces to leave Iraq. When asked what the impact of a withdrawal of U.S. troops would be, large majorities of Iraqis believe that insurgent attacks will decrease, sectarian violence will decline, and the sectarian factions in parliament will be more willing to cooperate.

We all hope that the Sunni, Shiite, and Kurdish leaders are sincere in their stated desire to avoid an all-out civil war. Last week, they agreed on a new prime minister, Nuri Kamal al-Maliki. And Mr. al-Maliki has pledged to announce a national-unity cabinet as quickly as possible. As President Bush said on Monday, the creation of a new Iraqi government is "a turning point." We hope that is the case. But whether or not Mr. al-Maliki makes good on his pledges, it is certainly time for a turning point in U.S. policy in Iraq.

The remainder of the year 2006 must be a period of transition to full Iraqi sovereignty, with the goal of deploying U.S. forces out of Iraq by the end of this calendar year. It is time to hand off security responsibilities to the Iraqi army and police, and to redeploy our U.S. armed forces from Iraq by Dec. 31.

This strategic redeployment must involve converting our vast military presence on the ground in Iraq to a quick-reaction force staged in countries bordering Iraq—countries that share our interest in a stable Iraq and view our military presence in the region as a stabilizing force. This force could be used to respond to threats to our national security in Iraq or elsewhere. I believe the vast number of National Guard units should be redeployed to their states to shore up gaps and vulnerabilities in our own homeland security.

I would expect that, as our troops withdraw from Iraq, this would free up U.S. forces to combat the resurgence of the Taliban in Afghanistan. Other troops would be available to help respond to emerging terrorist threats in countries such as Somalia, Sudan, and Yemen, which threaten to become major breeding grounds for terrorists.

At the same time that we are redeploying our Armed Forces, we need to foster sustained diplomatic engagement—working with Middle Eastern nations—to facilitate rival Iraqi factions in reaching a political settlement. Iraq's neighbors have a profound stake in its stability, but they currently have no incentive to get involved. Once it is clear that the U.S. is leaving, those nations will be highly motivated to broker a deal within Iraq.

Some say that the U.S. forces in Iraq are the only thing that stands between the Sunnis and Shiites, and all-out civil war. I disagree. It is the ongoing presence of U.S. forces—and the prospect that we will be in Iraq as a babysitter for years to come—that has delayed progress on the political front. It allowed Iraqi leaders to quarrel and dither for more than four months before finally choosing an acceptable prime minister.

In addition, our continuing presence—in fact, our apparently growing presence in Iraq—is a propaganda victory and recruiting tool for the insurgency in Iraq, and for Islamic extremists around the world. The insurgents and jihadists are strengthened by the overwhelming perception among Iraqis that the United States military is an occupying force, that we are building what appear to be permanent bases, and that our continuing presence in Iraq is all about oil.

Meanwhile, the Congressional Research Service reports that we are now spending $6.4 billion a month in Iraq—up sharply from last year. Including funds committed by the emergency supplemental bill currently being debated in the Senate, we have spent a grand total of $320 billion in Iraq. More than 2,400 American troops have been killed, and nearly 18,000 have been wounded. We are in the process of building a gigantic new U.S. embassy in Baghdad that will span 104 acres, the size of nearly 80 football fields. This does not look like a U.S. mission that plans on winding down or relinquishing its grip on Iraq. To the contrary, it is easy to see how ordinary Iraqis view this as the behavior of a conquering power that has no intention of leaving. And this perception continues to give powerful fuel to the insurgency.

There is another important reason for redeploying our forces from Iraq. Iraq did not attack us on 9/11, nor did Saddam Hussein's government have any operational links to al Qaeda. By preemptively attacking Iraq, we committed a major strategic error in the larger war on terror. Simply put: We took our eyes off the ball. We diverted our military and intelligence resources away from Afghanistan, away from the hunt for Osama Bin Laden. And the consequences are plain to see. It is no coincidence that, today, the Taliban is resurgent in Afghanistan. Nor is it a coincidence that Bin Laden is still at large, still directing al Qaeda operations, still threatening us.

Indeed, by invading Iraq and getting bogged down in a guerilla war, there, the United States has given a huge gift to Bin Laden and al Qaeda. Not only has it taken the heat off of the terrorists who attacked us on 9/11, it has given them a propaganda victory and, as I said, a major recruiting tool. The sooner we acknowledge this strategic blunder and take steps to reverse it, the sooner we redeploy our military and strategic assets to confront our real enemies, the better off we will be.

This resolution is not only about the future of Iraq as a sovereign, independent nation; it is also about the unity and security of the American people. This misbegotten, misguided, mismanaged war is dividing our nation and distracting our government from urgent priorities, including health care, education, law enforcement, and, yes, a smarter approach to the very real terrorist threats of today and tomorrow.

The men and women of our Armed Forces have sacrificed greatly. It is time to allow the political process to go forward, and to demand that Iraq's new leaders take responsibility for their country's future. And it is time to bring home as many troops as possible, consistent with force-protection requirements, and to redeploy as many as necessary to successfully pursue Bin Laden and al Qaeda, and to protect our vital interests around the world.

President Bush tells us to be patient. He says we will succeed in Iraq. He says Iraq will become a flourishing democracy that will spread the flame of freedom across the entire Middle East. But, with due respect to President Bush, Vice President CHENEY, and Defense Secretary Rumsfeld, they have been consistently wrong—disastrously wrong—in their predictions with regard to Iraq. Before the invasion, Vice President Cheney said that Iraq had "reconstituted nuclear weapons." Secretary Rumsfeld said he knew exactly where Saddam was storing his weapons of mass destruction. As I noted, 3 long years ago, President Bush said that major combat operations were over, mission accomplished. They assured us that the war would be self-financed thanks to Iraq's oil (in fact, Iraqi oil production has declined by 700,000 barrels a day since the invasion). They said, a year ago, that the insurgency was "in its last throes." I could go on and on with this litany of false assertions—some would call them lies—and predictions that turned out to be 100 percent wrong.

So, at this point, President Bush has not only spent his political capital, he has squandered the last shred of his credibility when it comes to Iraq. Specifically with regard to America's departure from Iraq, President Bush has it backwards. He says that our army will stand down only as the Iraqi army stands up. The truth is that the Iraqi army—and government—will stand up only when it is clear that the American military is committed to standing down by the end of this year. We can send that message loudly and clearly by passing this-concurrent resolution. I urge my colleagues to support this measure.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 10, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 906, to promote wildland firefighter safety; S. 2003, to make permanent the authorization for watershed restoration and enhancement agreements; H.R. 585, to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; and H.R. 3981, to authorize the Secretary of Agriculture to carry out certain land exchnges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes.

Because of the limited time available for the hearing; witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878 or Sara Zecher 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 3, 2006 at 3:30 p.m. in closed session to mark up the national defense authorization act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 3, 2006, at 3:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 3, 2006 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, May 3, 2006 from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Wednesday, May 3, 2006, at 10 a.m. in closed session to mark up the Airland Programs and provisions contained in the National Defense Authorization Act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS, PRODUCT SAFETY, AND INSURANCE

Mr. COCHRAN. Mr. President. I ask unanimous consent that the Subcommittee on Consumer Affairs, Product Safety, and Insurance be authorized to meet on Wednesday, May 3, 2006, at 2:30 p.m., on Pool Safety.

The PRESIDING. OFFICER Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on Wednesday, May 3, 2006, at 9 a.m. in closed session to mark up the Seapower programs and provisions contained in the National Defense Authorization Act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on Wednesday, May 3, 2006 at 11:30 a.m. in closed session to mark up the Strategic Forces programs and provisions contained in the National Defense Authorization Act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

58TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 463, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 463) recognizing the 58th anniversary of the independence of the State of Israel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I acknowledge three significant days of commemoration that fall around this time each year. Today is the 58th anniversary of David Ben Gurion's declaration of Israel's Independence and the end of the British Mandate in Israel. As a Jewish American, I am proud to be one of the cosponsors of the concurrent resolution the Senate will pass celebrating Yom Haatzmaut, Israel's Independence Day.

Yom Haatzmaut is usually observed on the 5th of the Jewish month Iyyar; this year it falls on May 3rd. In Israel, Yom Haatzmaut is always preceded by Yom Hazikaron, Israel's Memorial Day for fallen soldiers. The proximity of the dates is a reminder that Israelis owe their independence to the soldiers who sacrificed their lives for it. The official switch from Yom Hazikaron to Yom Haatzmaut is signaled when the flag is raised from half staff to the top of the pole in a ceremony on Mount Herzl in Jerusalem after sundown.

Last week, the Senate commemorated Yom Hashoa, Holocaust Remembrance Day, with S. Res. 445, which I also cosponsored. Yom Hashoa is when the Jewish community solemnly remembers the suffering caused by the Nazi Holocaust led by Adolph Hitler during World War II. During the Holocaust, over six million Jews perished, along with Gypsies, homosexuals, and other victims of Nazi genocide.

Yom Hashoa is observed every year on the 27th of Nisan in the Jewish calendar, a week after the seventh day of Passover, and a week before Yom Hazikaron and Yom Haatzmaut. Yom Hashoa became a national holiday in the State of Israel in 1959. Each year, throughout the streets of Israel, the sound of sirens on Yom Hashoa stops traffic and pedestrians for 2 minutes of silent devotion.

Mr. President, I am pleased that the U.S. Senate is adopting these important measures.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 463) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 463

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was 1 of the first countries to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

(1) the freedom of speech;

(2) the freedom of religion;

(3) the freedom of association;

(4) the freedom of the press; and

(5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

(1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since it declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful and bilateral relations;

Whereas, despite the deaths of over 1,000 innocent Israelis at the hands of murderous suicide bombers and other terrorists during the last 5 years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas visionary Israeli leaders like Yitzhak Rabin and Ariel Sharon were at the forefront of creating conditions for peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with May 3, 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) commends the bipartisan commitment of all administrations and Congresses of the United States since 1948 that stood by Israel and worked for its security and well-being;

(3) congratulates the United States and Israel for strengthening their bilateral relations during the last year in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 58th anniversary of the independence of Israel.

Mr. FRIST. Mr. President, this resolution we addressed is a resolution recognizing the 58th anniversary of the independence of the State of Israel. I am proud to be the sponsor of this resolution and appreciate my colleagues for joining me on this resolution.

NATIONAL HUNGER AWARENESS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 464, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 464) designating June 7, 2006, as "National Hunger Awareness Day" and authorizing the Senate offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 9, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 464) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 464

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance during the last year: and

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money;

(2) volunteering; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2006, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day with—

(A) appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) the continued support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 8, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

MEASURE PLACED ON THE CALENDAR—S. 2700

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2700) to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

MEASURES READ THE FIRST TIME—S. 22 AND S. 23

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 22) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 23) to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Mr. FRIST. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

Mr. FRIST. Mr. President, I will continue with our business, but I have to stop a moment and note that both of these bills, S. 22 and S. 23, address an issue that is very close to my heart because they focus on reform of a medical liability system, or a medical malpractice system that is just flat out broken. The sad thing about it is that the patients suffer. Future mothers—women who are pregnant—have to worry about whether an obstetrician will be available if they begin to have problems during their pregnancy. Over half the counties in America don't have an obstetrician. If you are so unfortunate as to have an accident driving home tonight or in to work tomorrow, you want to make sure there is a neurosurgeon on call to be at that hospital to treat you in the event of a traumatic accident.

The truth is neurosurgeons today are fleeing from taking trauma emergency calls because of the likelihood—no matter how good they are, no matter what their past record is, or no matter what they do—of being sued by predatory personal injury trial lawyers who are after them because they can make a buck. That is the reality we are talking about. People should be able to depend on access to good quality of care, whether it is delivering a baby that future moms have to worry about—and in America it shouldn't happen—or having to worry about whether there is somebody appropriate to treat you in the event there is trauma.

That is where the vote is going to be when we debate these two bills, and hopefully we will be debating these bills sometimes in the next 3 or 4 days.

I do have to add the other component to it because the other issue, aside from the access issue, is the cost issue. Everyone knows that health care costs are skyrocketing, and they are out of reach for many, if not most, Americans today. As a physician, I can tell you that if you know you are going to be sued, no matter who you are, and almost all physicians are sued today—almost all physicians are sued—if you know you are going to be sued, you practice what we call defensive medicine. And since you know you can be sued sometime in the future, for every patient who comes in, to protect yourself when you are sued, no matter if you have done anything wrong, you end up ordering lots of extra tests to have a paper trail documented to show that you made the right decisions throughout.

It is estimated that so-called defensive medicine cost is anywhere from $100 billion to $125 billion a year. In my own State it is estimated to be about $2 billion a year. That is wasted money, inefficient use, money that is thrown away. Who pays for it? The American people do. The premiums go up. The cost issue is a separate issue from the access of care. But the access of care issue and the cost issue, the higher you drive up the costs and the lower the access, quality falls. That is what is going to be debated when we address these two bills on medical liability by Senator ENSIGN and the second bill by Senator SANTORUM.

CONVEYING SYMPATHY OF CONGRESS TO THE WOMEN OF CIUDAD JUAREZ AND CHIHUAHUA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 90 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

A concurrent resolution (H. Con. Res. 90) conveying the sympathy of Congress to the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the current resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if read without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 90) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, MAY 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, there then be a period for the transaction of morning business for up to 60 minutes with the Democratic leader or his designee in control of the first 30 minutes, to be followed by 30 minutes under the control of the majority leader or his designee; provided further that the Senate then resume the consideration of H.R. 4939 as under the previous order; provided further that the chairman and ranking member be recognized for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of our colleagues, all post-cloture time has been consumed on the supplemental appropriations bill. The only action remaining on the bill will be the two amendments pending, and then a vote on passage. I understand that we may not need a vote on both of the amendments, and therefore we will have two or three votes in the morning to conclude action on the supplemental. Other votes could occur on Thursday's session as we try to clear some executive nominations, including two district court judges.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:50 p.m., recessed until Thursday, May 4, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2006:

DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE CHARLES G. GROAT, RESIGNED.

DEPARTMENT OF STATE

SUSAN C. SCHWAB, OF MARYLAND, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE ROBERT J. PORTMAN.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) GARY T. BLORE, 3199
REAR ADM. (LH) JOHN P. CURRIER, 0852
REAR ADM. (LH) JOEL R. WHITEHEAD, 5138

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant (junior grade)

THEA IACOMINO, 2763

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LINDA K. MCTAGUE, 8129

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LLOYD J. AUSTIN III, 5848

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 3, 2006 withdrawing from further Senate consideration the following nomination:

COAST GUARD NOMINATION OF THEA IACOMINO TO BE LIEUTENANT, WHICH WAS SENT TO THE SENATE ON OCTOBER 6, 2005.

HOUSE OF REPRESENTATIVES—*Wednesday, May 3, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONNER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 3, 2006.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Frank M. Deerey, Jr., Senior Pastor, First Baptist Church, LaBelle, Florida, offered the following prayer:

Dear Heavenly Father, this morning I ask Your blessing upon the men and women who are gathered to conduct business as representatives for the people of this great Nation. God, each of these leaders has a need on his or her heart, and I pray that You will be recognized as a God who will meet every need as You are called on to provide strength, wisdom and the discernment to make difficult decisions that will affect so many people of the United States.

Father, I pray for these leaders, who have been given the awesome responsibility to lead, that You will guide them to lead in a way that pleases You and strengthens Your plan for this country. You have blessed the United States incredibly, and we give You praise for these blessings. Father, guide us to remember the words of the Psalmist to, "Know that the Lord is God. It is He who made us; we are His people and the sheep of His pasture." In Jesus' Name, I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. MEEK) come forward and lead the House in the Pledge of Allegiance.

Mr. MEEK of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND FRANK M. DEEREY, JR.

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I rise today to welcome our guest chaplain, the Reverend Frank Michael Deerey, Jr., who is currently serving as senior pastor at the First Baptist Church of LaBelle, Florida.

I first met Pastor Deerey during a visit with Governor Jeb Bush after Hurricane Wilma hit south Florida, and we witnessed First Baptist Church of LaBelle's humanitarian operation for the hurricane victims who were in need of a hot shower, meals, clothing and other resources. LaBelle is a small city with a big heart, and that was truly visible under Pastor Deerey's leadership, as his church rallied along with the community to help those who were adversely affected by the wrath of Hurricane Wilma.

Pastor Deerey was born in New Orleans, Louisiana, and lived there until 1995, when he came to Florida to serve in LaBelle. He received a bachelor of arts in 1979 from Southeastern Louisiana University in Hammond, Louisiana. In 1982, he received a master's of divinity from New Orleans Baptist Theological Seminary. Pastor Deerey was licensed and ordained as a minister and has served as youth pastor, associate pastor and pastor at four Louisiana churches.

Since moving to Florida, Reverend Deerey has been actively involved in the community as president of the local unit of the Salvation Army and is currently serving the Hendry County Sheriff's Office as chaplain.

Pastor Deerey is married and has two children. His wife, Cathy, joins us today, and has taught in public schools for 27 years and currently is a school guidance counselor. His son is a graduate of Embry-Riddle Aeronautic University in Daytona, Florida, and his daughter is currently enrolled in Edison College in Fort Myers, Florida.

It is a great pleasure to join our friends in LaBelle in welcoming Pastor Frank to the House Chamber to open our legislative day with prayer and thank him for all his services, not only to LaBelle but all of Florida.

COSPONSOR H.R. 4992, PUT VETERANS' NEEDS FIRST

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we must always keep the promises we have made to our veterans who have dedicated themselves to faithfully serving our country. However, under current law, veterans are being prohibited from using Medicare coverage at local VA hospitals. They can only use Medicare at non-VA hospitals, and they lose out on the personalized care they prefer to receive at VA hospitals. This forces veterans to choose between cost and comfort. That is not the way our veterans should be treated.

I have introduced the Veterans Medicare Assistance Act to correct this problem. Our laws should be working for veterans, not against them. I urge my colleagues to join me in this effort to enable our veterans to use their Medicare benefits to help them pay their bills at VA hospitals.

Most veterans pay into Medicare for most of their lives. This law should not prohibit them from using those Medicare benefits at VA hospitals later on in their lives. Cosponsor H.R. 4992 and show our veterans that we are putting their needs first.

We need to work together in Congress to enhance health care options for our veterans, not take them away.

RAISING QUESTIONS ABOUT THE PRESIDENT'S FLU PLAN

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, later this morning, the President will unveil his plan for responding to a flu pandemic. The Homeland Security Department will be playing a key role in the response. That is right, the pandemic flu response will be brought to you by the same people who gave us one heck of a job in responding to Hurricane Katrina.

The other great initiatives were duct tape as a national response to chemical weapons and the Dubai Ports fiasco. According to reports, the President's plan predicts chaos, quote-unquote, with a scenario of nearly 2 million American deaths. Given the Department of Homeland Security's track record, are these really the folks you want in charge of managing our response to a crisis of this magnitude?

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Homeland Security Department had a plan for New Orleans: they just ignored it. And the parts they did follow were so bungled and mismanaged, we are still dealing with the aftermath.

Mr. Speaker, no well-funded plan can go forward without a good general. At a time in which we need Grant, we have got McClellan. Forget the compassionate conservative this President promised; at this point, I would settle for a competent conservative.

BIGGEST REFINERY IN TEXAS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, part of the reason gasoline prices have jumped to record highs is because there have been no new refineries or major refinery expansion in America. United States refineries are at 97 percent capacity turning that black gold into gasoline at a rapid rate, but there is a tremendous demand for more refining capacity.

Royal Dutch Shell has announced that the Motiva Refining Plant in Port Arthur, Texas, will expand to become the biggest refinery in the United States. Construction will begin next year. Currently, ExxonMobil, in Baytown, Texas, is the biggest refinery in America. By the way, Mr. Speaker, both of these refineries are in the energy belt of the Texas gulf coast.

To get back on the path of energy self-reliance, the United States needs more American refineries and more offshore drilling. The country has not built a new refinery in over 25 years because of burdensome bureaucratic Federal regulations and environmental energy obstructionists. Congress needs to encourage refinery development and offshore drilling. That will increase supply so that the gasoline price at the pump comes down to an acceptable American consumer level.

The people of southeast Texas welcome Motiva's new progress, and we congratulate them on this endeavor. That's just the way it is.

REPUBLICAN CONGRESS CONTINUES TO WASTE OPPORTUNITIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. We have just heard an example of the Republican line of why there is an energy problem: We haven't built new refineries because of burdensome environmental regulations. Hogwash.

We have had the industry actually close refinery capacity. There is no evidence that there is an inability to build refineries. Sadly, we are continuing the spectacle of the Republican control in Congress to waste opportunities and try to change the subject, whether it is wasting subsidies on oil companies that don't need them or starving renewables and conservation.

The latest debacle is scheduled here on the floor in a few hours, where they will force communities to accept refineries on closed military bases, with no committee markups, no hearings and no meaningful records.

There will come a time when Congress will act like a Congress, will legislate on energy, on conservation, on innovation and prepare for the future, but, sadly, not with this Republican leadership.

CONDEMNING MEXICAN PRESIDENT FOR LEGALIZING DRUGS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, Vicente Fox, the president of Mexico, is at it again. Yesterday, he said he would sign into law an irresponsible law legalizing the possession of drugs. As a result, millions of American young people who travel to Mexico for summer vacation will now legally be able to use cocaine, heroin, ecstasy, and marijuana.

How much is okay? Two ecstasy pills, four joints, four lines of cocaine and 25 milligrams of heroin are now all allowed, according to Vicente Fox. Who is advising this guy, Courtney Love?

What a year President Fox is having. Earlier this year, his Mexican government provided maps to illegals to help them cross our borders. Then, his Mexican military soldiers got caught providing an armed escort to Mexican drug smugglers into Texas. Now he wants Congress to reward millions of illegal aliens with amnesty and permanent citizenship so they can earn money here and send it back to Mexico.

Vicente Fox says he's our friend. With friends like these, who needs enemies?

SOARING GAS PRICES

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, it seems almost everyone these days is rightfully outraged at the massive profits of oil and gas executives and companies. While they are raking in record profits, gas prices hit historic highs. That is, everyone except House Republicans.

It is not enough that Republicans supported provisions in the energy bill last year that provided oil companies with $20 billion in special interest gifts while neglecting to include any real initiatives that would lower gas prices, but House Republicans then repeatedly refused to support Democratic efforts to give the Federal Trade Commission the authority to investigate all price gouging at all points of the supply chain. And last week, House Republicans had the opportunity to roll back $5 billion in additional tax breaks for oil companies over the next 5 years but voted overwhelmingly to reject this Democratic proposal.

Are House Republicans that far out of touch? Don't they realize that companies with profits of $130 billion last year do not need tax breaks? Mr. Speaker, the cozy relationship House Republicans have with oil and gas executives is hurting everyday Americans who are struggling to pay record prices at the pump.

U.S. LEADS WORLD IN COAL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the problem we have is our reliance on imported crude oil. The way we try to address this solution is through renewable fuels, conservation, additional exploration and new technologies. I want to talk about one of those new technologies today, which is coal-to-liquid application, called Btu conversion.

Imagine this: a coal mine in the Midwest, on top of which sits a refinery, a liquid fuel refinery. Sound far fetched? Well, this technology has been around for 50 years. The Germans used it in World War II.

The refinery bill that we have on the floor of the House today will provide the same incentives to expansion of petroleum refineries to coal-to-liquid applications.

Mr. Speaker, the U.S. has 27 percent of the world coal supply, the largest of any country, but less than 2 percent of the world's oil and less than 3 percent of the world's natural gas. For a forceful response to the energy challenge, the U.S. must make much greater use of its unrivaled coal reserves.

☐ 1015

ENERGY POLICY

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, as of this morning, Rhode Islanders are paying on average $2.92 a gallon for gasoline. That is 40 cents more than they were paying a month ago and 70 cents more than a year ago.

Last year, Congress passed an energy bill which I opposed because it gave away billions of tax dollars to oil and gas companies, instead of investing in new technologies, alternative fuels and energy efficiency.

As it turns out, oil and gas prices have gone up since we passed the Republican energy bill. And you know what else has gone up? The profits of oil and gas companies. Now the Republican majority is proposing even more giveaways to the oil and gas industry by handing over Federal lands to open refineries and by opening up ANWR.

Mr. Speaker, enough is enough. We cannot simply drill our way out of this crisis. Growing demand from China and India and other countries is going to keep the cost of oil high for years to come, and subsidies to the oil and gas industry will not change that. We need new leadership that will promote an energy policy that encourages new technologies, energy efficiency and creates American jobs.

This morning on the "Today Show," the chairman of ExxonMobil said they were in the business of making money. Well, we are in the business of protecting the American people, and it is about time this Congress does its job.

THE FOUR-STEP DANCE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, in country line dancing there is a dance called the two-step. When it comes to energy policy, the Democrats have come up with their own dance, the four-step. Here is how it goes:

First, Democrats do not acknowledge the supply component in the supply and demand principle of economics. When confronted with solutions to the supply problem, Democrats always vote "no" and drive up prices.

Step two for Democrats is to scream about the evil of SUVs, even though they may be driven around in one.

Step three for Democrats is to call for investigations, point fingers, call for investment in R&D that already exists, and say that if it weren't for those darn Republicans, we could get off oil tomorrow.

Finally, step four for Democrats is repeating steps one, two and three until voters and the media stop paying attention.

Mr. Speaker, if this sounds familiar, it should. Since President Clinton vetoed ANWR in 1995, Democrats have performed this dance when it comes to increasing our energy supply. But with gas reaching $3 a gallon, Democrats need to retire it and learn a new dance, but they should try to learn one that will actually increase our oil supply.

ADDRESSING ENERGY NEEDS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, when President Bush took office 5 years ago, the average price at the gas pump was $1.45. It has more than doubled over the past 5 years. And Republicans over the past 5 years have controlled the House, the Senate and the White House. Washington Republicans have done nothing to pass a sound energy policy that would wean us from foreign oil, create conservation programs, and provide incentives to develop alternative fuels, programs that would help us provide consumers some relief.

It took Republicans 4 years before they finally passed an energy bill, but that bill continued massive subsidies to the oil industry like the rip-off "royalty in kind" program. The President's own Energy Department admitted at the time that the energy bill would do absolutely nothing to lower gas prices. Five years of Republican power, and 5 years of no positive results for the consumer.

IMMIGRATION AND ENERGY PRICES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it is quite obvious that everyone is talking about the issues of the day: immigration and energy prices. And too many in this body are overcomplicating the issue. It is really not that hard. On immigration, secure the border, build a wall if necessary. Secure the border. It is what our constituents in Tennessee want. It is what the Republican majority want. It is what the American people want and need.

On energy, we should be exploring for domestic sources of energy. We should pass the energy legislation that is going to come before this body this week. We should define price gouging, set some penalties, encourage construction of refineries. Currently, we are not doing that.

Liberals in Congress have spent the past three decades pandering to environmental extremists. The policies they have put in place are in large part responsible for the energy crunch we are seeing today. We have not built a refinery in this country for 30 years.

Mr. Speaker, the liberals need to start serving American families and stop serving special interests.

PHONY LOBBYING REFORM BILL

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, first of all, I would ask that everyone remember our men and women in uniform and keep them in your hearts and minds and certainly in your prayers, especially those on the battlefield today.

Today, the Republican Congress is going to attempt to extend the culture of corruption and chaos. They are going to offer a so-called lobbying reform bill. It makes me think of that wonderful American, Merle Haggard, who wrote a song called "Rainbow Stew." It goes something like this: When a President goes through the White House door and does what he says he'll do, we'll all be drinking that free Bubble-Up and eating that rainbow stew.

This bill is clearly rainbow stew. It is a phony lobbying reform bill. America deserves better. America deserves integrity. America deserves honor. And they certainly don't deserve another dose of rainbow stew and free Bubble-Up.

ECONOMIC BOOM IN AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, America's economy continues to surge ahead, delivering tremendous benefits to families throughout our country.

Over the past 3 years, over 5.1 million Americans have found new jobs. I am glad that my visitors from Grace Christian School will enjoy expanded job opportunities, inspired by Jeanne Sleigher and Tim Stevens.

While House Democrats ignore this continued job creation, it is obvious that the 2003 tax cuts were the true source behind the tremendous economic growth in our country.

Last week, we witnessed another example of economic excellence in America. Last Friday, the Department of Commerce reported that the economy grew by 4.8 percent over the past 3 months, which is the fastest rate in 3 years.

As Republicans finalize our plans to extend the 2003 tax cuts, I urge House Democrats to abandon their tax-and-spend plans. Instead of playing the politics of obstructionism, they should join Republicans in implementing meaningful tax reform.

In conclusion, God bless our troops; and we will never forget September 11.

COVER THE UNINSURED WEEK

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise in support of the goals of Cover the Uninsured Week. Nearly 46 million Americans, including more than 8 million children, are living without health insurance. More than one-third are Latinos, 20 percent are African Americans, and about 19 percent are Asian Pacific Islanders who lack any form of health care insurance. In California, one out of five uninsured is a child under the age of 18.

Many current health proposals offered by Republicans will do more harm than help people living in districts like mine. Association health plans which ignore our State regulations are not working for families. Health saving accounts will do nothing to improve the well-being of our families in districts like mine.

Instead, Congress should be taking action to ensure that no child has to skip needed health care examinations. We should ensure that working families never have to choose between going to see a doctor and putting food on the table. We must work to eliminate racial and ethnic health care disparities.

Together, minorities comprise about 46 percent of the uninsured population. All these groups represent only 24 percent of the U.S. population. However, insurance coverage is an important predictor of whether individuals obtain health-promoting and life-extending services.

ASTHMA AWARENESS DAY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today is Asthma Awareness Day 2006.

On Asthma Awareness Day, May 7, 2003, there were only 20 asthma-friendly States in the United States. Even more limiting, of those 20, only nine extended protection even further to anaphylaxis medication, like epinephrine auto-injectors.

Today, historically, 47 States protect for asthma and 38 for asthma plus anaphylaxis, and the final three States have legislation pending to allow students to carry their medication.

Mr. Speaker, this is a tremendous positive turnaround in just a few years for our children. I am pleased with the momentous progress we have made in our Nation's capital and statehouses.

I encourage all of us who work here or visit the Capitol today to stop by the Cannon Caucus Room from 11:30 to 4:00 and learn more about asthma. Get screened, take the test, and let us enjoy another successful Asthma Awareness Day.

TOUGH BORDER SECURITY NOW

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, the situation at our porous borders is absolutely in a state of emergency. We are all hearing this message from our constituents in a variety of ways. This morning, I wanted to share a very clear message that I received from one of my constituents.

A constituent of mine actually sent me this brick in the mail. On this brick it says, "Since the U.S. Government seems to be struggling with the illegal immigration problem, I thought I would send you the means to begin solving the problem. This brick is sent to support stronger border security."

Mr. Speaker, the American people are demanding action. Last December, this House passed a very good border security bill that would in fact put this brick to very good use in building a security fence on our southern border.

The debate in the other body is now turning toward amnesty for those who have come here illegally, and that is the wrong direction for America. We cannot offer amnesty or expanded opportunities for guest workers until we deal with the problem at hand.

I urge the U.S. Senate to listen to the people, to look at the bill that was passed by this House in December and, as this brick says, support stronger border security.

60-DAY FUEL TAX HOLIDAY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, we are now just about 3 weeks away from the Memorial Day holiday, and a gallon of gas in my district costs $3.38. Look at this photo from home, $3.38 for unleaded, the cheap stuff. It is now cheaper to buy a fast-food lunch than it is for people in Riverside to drive to Anaheim.

Before the Memorial Day holiday, let us give America a fuel tax holiday: 60 days with no gas tax.

I will be the first to admit this is a short-term solution to a long-term problem. But the American people should not need to suffer the pain at the pump simply because this Republican-led Congress has forsaken its obligation to address our country's energy crisis.

Last week, ExxonMobil announced it had made $8.4 billion in a quarter, the first quarter of this year. Now why should the Federal Government give handouts to a company that made $8 billion in 3 months?

I urge my colleagues to support this revenue-neutral bill. It gives money back to the taxpayers, it stops the needless oil company giveaways, and it gives consumers relief when they need it the most.

□ 1030

LET'S KEEP AMERICA GOING TO WORK

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, this morning, and every morning in my memory, members of my district, Americans all across this country and my colleagues in the Democratic Party went out and got in their cars, started them up and drove to work or drove to school. They wouldn't have done that if there hadn't been gasoline or diesel in those automobiles. And yet, the Democrats have been opposing refining capacity, opposing pipelines, opposing drilling in ANWR, opposing going to the reserves that we know are available if we will just drill the wells and produce the petrochemicals that are necessary to keep this country running.

The reason we have got the problem today is obstructionism to solve the problem which is, let's put gas and diesel in our tanks so we can keep America going to work.

RECORD PROFITS FOR OIL COMPANIES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Everyone knows the oil companies are posting record profits. Oil companies are blaming everyone but themselves for large gas price increases. The consumer is being gouged, and oil companies continue to avoid their responsibility.

The most recent data for the Nation shows the average price of gas is close to $3 a gallon. Gas prices increasing; wages across the Nation dropping. Gas prices hurt even more because folks have less money to pay for them. You know what is going on? People are actually going into their change jars to go to the gas station to be able to pay for the increased cost of gas. Some people are hocking their jewelry to be able to pay for the increased price of gas.

Price gouging is occurring as the oil companies are reaping profits close to $300 billion since 2001. Time for a windfall profit tax. Time for a bill, the Gas Price Spike Act. Over 50 Members of Congress want a windfall profits tax. That is what the oil companies understand. When we get that up to 100 cosponsors, then the oil companies are going to start backing off, because right now, their foot is on the accelerator. They are looking at $3 a gallon, $4 a gallon, $5 a gallon.

We have to stand up for the American people, and that is what we are here to do.

A NEW APPROACH TO ENERGY PROBLEMS

(Mr. JINDAL asked and was given permission to address the House for 1 minute.)

Mr. JINDAL. Mr. Speaker, the Nation's energy prices continue to rise. Families and businesses are feeling the pinch. We are paying the price for decades of extra taxes, poor energy policy, curtailed exploration and a lack of new refineries.

The Nation needs to take a new approach to our energy problems. We need to break our dependency on foreign sources of oil, which leaves us at the mercy of foreign powers. To do that, we should increase domestic energy production.

My bill, H.R. 4761, gives States control over the waters off their shores and encourages them to increase energy exploration by giving them a share of the revenues generated.

We should increase our development of alternative fuels, taking advantage of renewable resources, like using corn and sugar to produce ethanol or soybeans to produce biodiesel.

Finally, we should help developing nations like China and India curb their exponentially increasing consumption of oil and natural gas, which is driving world prices higher.

India, in particular, is looking to develop nuclear power for domestic, commercial use, and we should work with them. This is a good deal for both countries. India develops its own self-sustaining nuclear power sources, which will limit their need for oil and natural gas. We get a reduction in the demand for world energy, lowering prices in the process.

Clearly, the energy problems facing us are too big to use yesterday's thinking.

THE "DO LESS THAN NOTHING CONGRESS"

(Mr. COOPER asked and was given permission to address the House for 1 minute.)

Mr. COOPER. Mr. Speaker, we have heard a lot of problems mentioned on the House floor today. We should be aware that this House is doing a very poor job of addressing any of these problems. Why? Because this is one of the laziest Congresses in all of American history.

We are scheduled to meet this year fewer days than any Congress since at least 1948. And that is even before I was born. So far, we are in the 123rd day of this year, and yet we have only had 26 voting days in this body. That is a shame.

This Congress is simply not doing its job under Republican leadership. They are the ones that set the schedule. Harry Truman called that Congress of 1948 the "Do Nothing Congress" of 1948. How do you do less than nothing? Sadly, the American people are about to find out, thanks to our friends on the other side of the aisle.

COMMENDING STANLY COUNTY NATIVE AND AMERICAN IDOL CONTESTANT KELLIE PICKLER

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, today I want to congratulate Albemarle, North Carolina, native and "American Idol" contestant Kellie Pickler for pursuing her dream and using her God-given talent to sing. Kellie is returning home, but she consistently received some of the highest vote totals of any of the other contestants. And it is easy to understand why. Kellie's charm and talent clearly defined her success each week as Americans tuned in to the most popular show on television. Kellie will be returning home to Stanly County and North Carolina a true idol to many for her performances, her extraordinary singing voice and the grace she personified in front of millions as she represented her community, family and friends.

Kellie, we wish you the best. I know that great opportunities lie ahead for you.

MEDICARE DRUG PROGRAM

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, in less than 12 days, seniors face a critical deadline. By May 15, they must sign up for a Medicare prescription drug plan. After this date, they will pay a permanent penalty of 1 percent for every month that they wait to join, a penalty they will pay on top of their premium for the rest of their lives.

I have held more than three dozen seminars across my district to help seniors navigate through the overly complex program, and they keep calling asking for more help. They are understandably confused by the more than 60 different choices that they have. The least we can do is give seniors more time to understand their options so that they can make their best choice.

To do this, Congress must pass the Medicare Informed Choice Act which would delay the late enrollment penalty, prevent beneficiaries from losing their employer-based coverage and allow seniors to switch plans if they make a mistake. More than 70 percent of seniors are asking for more time. It is long overdue for Congress to listen and make sure that seniors have a prescription drug plan that works for them.

CAPTURE OF MICHAEL BENSON

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today, as a Member of Congress and a parent, to thank the many law enforcement officers whose hard work resulted in yesterday's capture of escaped child sexual predator Michael Benson.

I would also commend John Walsh and the viewers of "America's Most Wanted," who helped make Benson the 888th criminal apprehended after being featured on the show.

However, I stand here today deeply frustrated that obstructionists in the other body are using procedural gimmicks to block passage of the Child Safety Act, which the House first passed overwhelmingly more than 8 months ago.

Mr. Speaker, this act will help our children keep safe from predators like Michael Benson, and I urge the other body to quit obstructing and pass this vital bill.

RECOGNITION OF NAVAL AIR STATION WHIDBEY ISLAND

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, I rise today to thank the Department of Defense for its recognition of Naval Air Station Whidbey Island as a model military installation for the country. Base Commander Captain Syd Abernethy and the Island County community will accept the Annual Commander-in-Chiefs Award for Installation Excellence on Friday.

This award recognizes the hard work and exceptional efforts of the people who operate NAS Whidbey, and I praise that team effort, from the men and women on the ground to those in the sky. They make this installation run.

The community and the residents of Oak Harbor and Island County play an integral role in protecting and promoting NAS Whidbey. It is their support year after year that makes NAS Whidbey great.

NAS Whidbey has emerged as a national center of electronic warfare and anti-submarine warfare operations. These missions will be pivotal to creating the type of military the Department of Defense wants to build in the upcoming years. NAS Whidbey will likely have to accommodate tremendous growth in the future, and this award shows that the team and infrastructure are in place to do the job.

LET'S REDUCE OUR DEPENDENCE ON FOREIGN OIL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, gas prices are too high, and so Washington has already begun to posture.

I know how angry people can become when gas prices rise. I spent 5 years working my way through college pumping gas at Ray's Marathon. And it is important that Washington respond.

But we ought to respond with the real answer, which is to reduce our dependence on foreign oil by opening up America's own domestic reserves in the intercoastal regions and the Alaskan National Wildlife Region.

If the U.S. Geological Survey is correct, if we opened up ANWR, we could increase our domestic reserves by 50 percent. If President Bill Clinton had not vetoed legislation opening ANWR to environmentally responsible exploration in 1995, we would be pumping millions of barrels from ANWR today.

Let's reduce the price of gasoline for future generations of Americans. Let's reduce our dependence on foreign oil.

REPUBLICAN INACTION ON SKYROCKETING GAS PRICES

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the American people are fed up with us in Congress. They finally see the House Republican majority for what it is, nothing but a rubber stamp for President Bush and his special interest friends. House Republicans simply have no agenda for helping everyday Americans. Perhaps that is the reason we have only been in session for 26 days so far this year.

If House Republicans were really interested in helping the American people, they would join us in tracking and tackling our Nation's energy crisis. House Republicans failed to address skyrocketing gas prices in their energy bill last year. Instead, they chose to follow the President in supporting a bill that gave the oil and gas companies $20 billion in special interest gifts while doing absolutely nothing to ease the sticker shock consumers face every time they fill up at the pump.

Democrats have a plan that works for all Americans, not just big oil and gas CEOs. Our plan not only cracks down on price gouging but also calls for an increase in production of alternative fuels.

BUSH ADMINISTRATION PUTTING INCOMPETENT CHERTOFF IN CHARGE OF AVIAN FLU

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, today President Bush is expected to announce his appointment of Homeland Security Chief Michael Chertoff to lead the administration's efforts to combat a potential avian flu epidemic.

Didn't the President learn anything from Hurricane Katrina? Michael Chertoff is the same man responsible for the incompetent, inept and tragically unacceptable response to Hurricane Katrina. If Secretary Chertoff couldn't properly oversee the administration's response to a hurricane along the gulf coast that we knew about days in advance, how is he supposed to lead the response to a flu pandemic that could hit at any time?

The Bush administration is already woefully unprepared to fight an avian flu pandemic. The President's own administration has warned that a worst-case scenario here in the U.S. would entail an 18-month-long crisis in which as many as 1.9 million Americans could be killed.

An avian flu crisis needs a serious and competent administrator to oversee our response. The Bush administration is once again showing it will take a crony over a competent administrator every time. It is time for the administration to show that it actually can lead. It is time they turn away from the cronies and find someone competent for a change so the avian flu pandemic doesn't surprise us the way the expected Hurricane Katrina overwhelmed us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONNER). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 781), congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. RES. 781

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas over 3,600 charter schools are now operating in 40 States and the District of Columbia serving more than 1 million students;

Whereas over the last 12 years, Congress has provided nearly $1,775,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the seventh annual National Charter Schools Week, to be held May 1 through 6, 2006, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the House of Representatives acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the House of Representatives supports the seventh annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

□ 1045

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 781.

The SPEAKER pro tempore (Mr. BONNER). Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution honors the Nation's charter schools; the parents; the teachers; of course, the students; administrators; and other individuals involved with their hard work and dedication to run quality public education.

This week, May 1 through May 7, has been designated National Charter Schools Week. During this week, charter school organizations and others around the United States recognize these schools for their continued contribution to education. The Nation's charter schools deliver high-quality education and challenge students to reach their potential.

When President Bush took office in 2001, there were only about 2,000 charter schools nationwide, where today there are approximately 3,600 serving over 1 million students in 40 States, including the District of Columbia and Puerto Rico. In Nevada, we have 18 charter schools serving approximately 5,000 students. I am very proud to have been involved with Nevada's first legislation in 1997 to introduce and to pass our first charter school legislation.

We also have an example of a charter school that is nationally recognized, and that is the Andre Agassi College Preparatory Academy, and it serves as a model for other schools across the country. It is designed to enhance a student's character, respect, motivation and self-discipline. Agassi Prep, as the school has been nicknamed, specifically is to improve skill levels and combat lowered academic expectations among the community's most challenged children. Advanced technology, small class size, and extended school hours are just a few of the practices that Agassi Prep utilizes to achieve a higher standard of education.

I commend the charter schools in the State of Nevada and across this great Nation for recognizing the immense need for improved education and for their commitment to improving student achievement for students who attend these schools.

Nationwide, charter schools serve a very special need. Many of the schools under their charter take care of kids with special needs, from hearing to speaking to other challenges. Even in the State of Nevada, we have a charter school that was designated through its charter to serve children from the State of California that are juvenile delinquents.

Charter schools provide a great service to our communities, grade schools, all different levels of schools across the country, to provide parents, communities, leaders, business, all members of the community access and the ability to be involved in education.

Nearly 56 percent of charter schools report having a waiting list, and the total number of students on such waiting lists is enough to fill another 1,000 average size charter schools across the Nation. By allowing parents and students to choose their public schools or charter schools, we can stimulate change and benefit all public school students.

In exchange for flexibility and autonomy, public charter schools are held accountable by their sponsors for improving student achievement and for their administration. A charter school is just that. A charter school is a school with a contract of performance. If they do not perform, if they do not provide excellence in education, these schools can lose their charters.

Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools and often set higher and additional individual goals to ensure that they are all high quality and truly accountable to the public.

According to the Center for Education Reform, as many as 15 studies find that students who frequently enter charters significantly are below the normal grade level. These students then achieve the same or even higher gains as compared to their surrounding districts' demographically compared schools or even the State averages.

A report from America's Charter School Finance Corporation called "Take Me on a Reading Adventure" cites research from several States that show greater gains and/or higher scores in reading for charter schools as compared to their traditional school peers.

Charter schools have enjoyed broad bipartisan support from the administration, Congress, State Governors and legislators, educators, and parents across this great Nation. The Seventh Annual National Charter School Week, held this week, May 1 through May 7, 2006, recognizes the significant impacts, achievements, and innovations of our Nation's charter schools. Through this resolution, Congress today acknowledges and commends the charter school movement and the charter schools' students, teachers, parents, and administrators across the United States for their ongoing contributions to education and improving and strengthening our Nation's public schools.

Mr. Speaker, I urge support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my good friend and colleague from Nevada for his support of this resolution as well as the Chair and the Ranking Member of the Education and the Workforce Committee. As a member of the House Education and the Workforce Committee and as an original cosponsor of H. Res. 781, I strongly support this resolution honoring National Charter Schools Week.

Since the first charter school began in 1992 in St. Paul, Minnesota, the number of charter schools has grown to over 3,600, serving more than 1 million students across the country today. In Wisconsin, my home State, there are nearly 200 charter schools educating close to 30,000 students; and in my congressional district in Western Wisconsin, we have 24 charter schools.

Charter schools provide parents, along with their children, their students, another choice within the public education system.

One school in particular that I would like to highlight during National Charter Schools Week is LaCrosseroads in my hometown of La Crosse, Wisconsin. It is an alternative high school. A specific project that has become part of the curriculum at this school was introduced by their teacher, Karen Schoenfeld; and it requires the students to record the oral histories of our veterans and submit their histories to the Library of Congress to be included in the Veterans History Project. Such projects are commendable and highly valuable to our students. It has provided a unique link between the younger generation with the older generation and a wonderful teaching opportunity about service to our country and a great history lesson for those students at LaCrosseroads.

I praise teachers such as Karen Schoenfeld who have broken down barriers to work with all students using innovative and creative strategies to teach.

It is important that charter schools give flexibility and options to teachers and their parents, but we must remember they are not the cure-all for improving public education. We have to be diligent at monitoring the success or failure of charter schools throughout the country and not afraid of shutting down those that are not working. That is the key to moving forward with the option of choice in our public school system, I believe.

Charter schools have consistently been at the forefront of my priority list, and I am pleased that Wisconsin is one of seven States with over 100 exceptional charter schools today. I have consistently advocated for increased support for charter schools and supported the Charter School Facilities Financing Demonstration Program during consideration of the No Child Left Behind legislation of 2001.

Mr. Speaker, I urge my colleagues to support this resolution honoring charter schools. It is our duty as representatives of this Congress to ensure that all our students reach their highest academic potential, and a charter school may provide a model better suited towards an individual student's needs.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. McKEON), chairman of the full committee.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 781, a measure to recognize charter schools, as well as their students, parents, teachers, and administrators.

This week marks the Seventh Annual National Charter Schools Week, and I thank my colleague Mr. PORTER for taking the lead in recognizing these schools today. Mr. PORTER is a strong supporter of education and serves on the House Education and the Workforce Committee.

Each year Congress honors charter schools and those involved in the role they play in reforming and improving our Nation's public education system, and for good reason. Year after year charter schools make significant contributions across our Nation.

Charter schools are public schools that agree to improved academic achievement and accountability in financial and other operations in exchange for added flexibility and independence. They are subject to all the same No Child Left Behind achievement goals as other public schools but with greater flexibility in how they improve student success.

This enhanced autonomy allows charter schools to focus on increasing academic achievement for individual students rather than complying with bureaucratic paperwork. Moreover, it allows charter schools to use varied educational methods and techniques while accounting for their results.

Some 3,600 charter schools serve about 1 million students in 40 States and Washington, DC. Nearly 56 percent of these charter schools have waiting lists. In other words, they are in high demand, with that demand growing all the time. That is because charter schools understand how to meet the specific needs of the local communities in which they operate, and these schools are particularly devoted to serving low-income communities.

Nationwide, almost 50 percent of charter schools serve students considered at-risk or who have previously dropped out of school; and charter schools serve significant numbers of students from low-income families, minority students, and students with disabilities. Indeed, these innovative public schools allow many parents and students freedom of choice that otherwise would not be available.

Mr. Speaker, through this resolution honoring National Charter Schools Week, we recognize the continued success demonstrated by charter schools and acknowledge the benefits that charter schools provide to our local communities. Charter schools provide parents with a wider variety of educational choices, and they provide students the opportunity to receive a high-quality education that they may not have received otherwise.

I urge my colleagues to support this resolution.

Mr. KIND. Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a strong advocate for our public education system and a terrific friend of charter schools.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and for his kind words. I thank Mr. PORTER for his work in bringing this resolution to the floor.

We are right to recognize public charter schools. Public charter schools are the most important innovation in public education since the invention of free public education in our country. They have become so popular, they have become a movement, growing like "Topsy".

The Congress, when Newt Gingrich was here, as an alternative to vouchers, helped jump-start public charter schools in the District of Columbia and in the Nation by passing the first public charter school bill right here in the Congress for the District, with the agreement and total home rule involvement of the District of Columbia. That was in 1995. What did the schools do? They helped us jump-start a movement that has produced in the District of Columbia the largest number of public charter schools per capita in the United States. As I look down the list, Mr. Speaker, the District has more charter schools, this one city, than most States. They have really taken off for some years now as an alternative to D.C. public schools.

When a child does not have a school that is offering that child and that family what the child deserves, then the child must have an alternative. It can be going out of its neighborhood; and the best alternative and the only acceptable alternative, it seems to me, would be some other kind of public charter school. That is what has happened in the District of Columbia. That is why the people of the District of Columbia resent deeply that, despite the growth of the charter school movement, despite the fact that we have some of the best charter schools in the country and the largest number per capita, that Congress imposed on us something it would not accept for the rest of the country, and that is private school vouchers.

Well, our people have voted with their feet. They want a neighborhood school near them. These schools are very important. Most of the religious schools are in Northwest. Most of our kids who need or want alternative schools live in Southeast. So Congress did vouchers for itself. It did not do it for us, and it did it against our will when, in fact, we had demonstrated that public charter schools were, in fact, working in D.C. and working very well.

A child must have an alternative, but that alternative cannot be one where the public dollar is not accounted for, where there is no oversight by the public. And I am the last one who wants oversight, for example, of religious schools or anything involving religion. It follows that religious schools must not be that alternative. The thriving public charter school movement is, in fact, and should be that alternative.

All kinds of innovations are happening in the District of Columbia that I invite people to come and see: Shared facilities in large buildings (instead of getting rid of the building) between public and charter schools. Collaboration now between the best of our charter schools and some public schools which are not doing so well. Public schools, public charter schools, unlike many public schools even under No Child Left Behind, are a case of the survival of the fittest.

☐ 1100

You lose your charter, in fact, if you do not measure up. That is what happens in the District of Columbia. As far as I know, it happens wherever the schools are well run.

Mr. Chairman, I simply want to note just for the record the kinds of reasons that charter schools flourish. We have technology schools, bilingual schools. We have performing arts charter schools in the District. We have math and science charter schools. We have an enterprising development charter school.

I would just like to have the Congress know some of the charter schools that are regarded as the best in the United States: D.C. Preparatory Academy Public Charter School; the Friendship Edison Charter School; KIPP D.C., The Key Academy Public Charter School; Paul Public Charter School.

Mr. Speaker, the District of Columbia actually has the first public boarding school, and it is a charter school. It is called the SEED Public Charter School. This is what you can do. This is the kind of innovation that comes from charter schools. It doesn't come from religious schools. They have their own way. They have had it for hundreds of years.

If you want innovation in public education, if you want an alternative to your public schools, the best bet are charter schools, which will be located right in your neighborhood, which are so accountable that they lose their charters if they do not in fact produce.

I strongly support this resolution, and I appreciate that it has come forward today.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly applaud my colleagues across the aisle for their support, and certainly recognize the District of Columbia and its advancement in the charter school arena.

I reflect back to 9 years ago in Nevada when we passed our first charter legislation, and I remember a lot of naysayers. As a member of the State senate at that time, I received numerous nasty calls and lots of different opinions on the impact of charter schools on traditional public education.

The problem was, at that time, in those days, a lot of the naysayers didn't realize that this would remain and would be a public school. But it truly is an example of success nationwide.

If we look at the classroom in the last 100 years, it looks just about like it did 100 years ago. If you look at the operating room in a hospital, it changed substantially, with new technologies and new techniques.

The one thing that has worked so well with charter schools is that so many diverse groups that were opposed to this have come together and have found and shown nationwide the success of helping children have the finest education; no matter what their background, what their physical handicap, that they can truly have a success.

Mr. Speaker, I am proud to be here today to recognize charter schools across the Nation. To those of our forefathers, just a short decade ago, especially here in the District of Columbia, to my friend, the gentlewoman who is the Congresswoman here, I thank them for their support.

Again, this is just the beginning. The more we can encourage charter schools across the Nation to encourage parents, teachers, administrators, business leaders and community leaders to get involved, the better we are going to help our children.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield 3 minutes to my friend and colleague on the Education and Workforce Committee, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Wisconsin. I want to say what a pleasure it is to serve with him on the committee.

Mr. Speaker, I rise today to bring a note of caution to the discussion of this resolution and the debate surrounding charter schools. Much has been said today in praise of charter schools; praise for the diverse ways charter schools use their flexibility to reach students, praise for the innovation educators can demonstrate in these schools.

There is no doubt that numerous charter schools across the Nation are founded and run with the best of intentions and with hopes for the success of their students, and I think it is necessary to pause and acknowledge the risk that comes along with the flexibility and the autonomy that charter schools are given.

In my hometown of Cleveland, a charter school which opened in 1999 was forced to shut down in 2005 after several years of fiscal mismanagement. State audits had shown discrepancies for several years before the eventual closure of the school. After its closure, parents were left mid-school-year scrambling to find another school for their children. Teachers who had diligently worked for several months were left without pay and without recourse. Children were uprooted and forced to start over again in a new school with new classmates and new teachers.

The intention behind granting charter schools additional flexibility is an admirable one. The use of creative and unique tools and methods to teach students is refreshing in an era of standardized tests and one-size-fits-all accountability measures, but that flexibility cannot and should not extend so far that it places students' educations at risk. Increased autonomy in schools should not equal teachers left without jobs and pay, as it did in Cleveland.

The characteristics of charter schools lauded in this resolution offer additional independence for educators, but they also offer additional risks for children. In our quest to ensure that every child in America receives a quality education and the opportunity to realize their dreams, we must take heed of these risks. We must ensure that every child is able to reach his or her highest potential and give every child the opportunity to realize his or her dreams.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time, and in conclusion, I just want to again thank the gentleman from Nevada for his leadership in support of this resolution. I am glad that the Congress has taken a moment this morning to recognize the important role that charter schools have throughout the entire country. We have heard some of the success stories of those that are working well. It has enabled the leaders of the education community, the leadership of these schools, the teachers, administrators, parents and other involved community members to think creatively and innovatively to enhance the educational opportunities of our kids in a less restrictive environment with greater flexibility but with the important accountability that we heard a lot about here today.

Again, I would encourage my colleagues to adopt this resolution and look forward to working with my colleagues on the Education and Workforce Committee in doing things to improve the charter school movement throughout the country.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to conclude by saying there certainly have been challenges with some charter schools across the country, schools that possibly were underfunded, possibly weren't organized properly. But the advantage of a charter school is that if it does not succeed, they lose their charter, and immediately, as a public school should, a traditional public school system, there is a fail-safe security system in place. So there is no doubt there have been examples where the charters have not been a success, as there have been in other schools, traditional public schools, traditional high schools, traditional grade schools, that have not succeeded. Again, there are numerous, numerous stories of success, but those areas that have not performed properly have lost their charters. I think it is important to note that is one of the advantages with the charter system.

Mr. CASTLE. Mr. Speaker, I am pleased to rise in support of H. Res. 781, a resolution to recognize and congratulate charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education.

The first known charter school opened in 1991, and in 1995 we had our first charter school in Delaware. Of the nearly 1.1 million children attending charter schools across the country, over 5,000 students attend one of our 13 charter schools in Delaware.

It is clear that everyone in this country is interested in closing what we know as the achievement gap that currently exists in our schools. There is not one solution to this problem. I do believe that one avenue is to encourage innovation, which is something that our charter schools embrace. A recent Delaware study found, for the second year in a row, that Delaware's charter schools are exceeding achievement levels, with the most dramatic results in grade 10.

The nature of charter schools—nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools—has enabled many schools in the Gulf Coast to reopen. The "charter" establishing each school is a performance contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. I was able to see firsthand how important it is for these schools to reopen, and commend those schools for taking advantage of the charter avenue.

With this week being national charter schools week, it is therefore fitting that we recognize charter schools as another way to improve student achievement and increase parental involvement and satisfaction.

Mr. CASE. Mr. Speaker, I rise in strong support of H. Res. 781, which congratulates and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and the public school system.

Charter schools have been and continue to be a modern-day public education story filled with successes and accomplishments. These schools contain the key ingredient in successful schools: active participation not only from teachers and students, but of the entire community. When the whole community—from parents, to businesses and community organizations, to entire neighborhoods—has a critical role in contributing to their local schools, the outcomes are tremendous. These schools have consistently enabled students to achieve academically and contribute positively to their communities.

In my state of Hawai'i, charter schools have been an exciting development in public education in decades. With more and more charter schools emerging each year, currently 27, they have managed to succeed despite institutional opposition in bringing their brand of education in the communities.

These growing pains and other obstacles make this national recognition even more deserved. But for these very reasons, charter schools also deserve their fair share of resources from federal and state governments.

A specific source of great pride within the Hawai'i charter school community is the development of Native Hawaiian charter schools. Na Lei Na'auao, the Hawaiian Charter School Alliance, serves over 1,500 Native Hawaiian public school students. The Alliance, whose focus is "Education with Aloha" seeks to enable Native Hawaiian students to achieve educational success with culturally-driven methods.

The Native Hawaiian charter schools and Hawai'i's other charter schools, both existing and future, need a federal government to be clear and unequivocal in its continued support for the concept of charter schools. They also need full parity in funding between traditional public schools and charter schools.

H. Res. 781 is welcome and needed, but these great words must now be partnered with action. I look forward to working with my colleagues and other charter schools believers toward this realization of the dream.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to congratulate Charter Schools across the country and in the 21st District of Florida for their continuing work to educate our country's youth. Charter schools are a great asset for our children and for our public school system. By providing flexible programs, community outreach, and specialized training, charter schools serve the ever changing needs of our students. The City of Pembroke Pines Florida Charter School, located within the 21st District of Florida, stands as an exemplary model of excellence among all charter schools.

Under Governor Jeb Bush's A-plus plan, the Pembroke Pines charter elementary and middle schools have all earned an "A" for the past two years for exceptional student achievement. The Pembroke Pines Charter School standardized test scores are outstanding. By all measures, this charter school has exceeded its goals and reached beyond expectations.

The City of Pembroke Pines Florida Charter School is exceptional for another reason: its specialized training for autistic students. At Pembroke Pines, autistic students receive training tailored to their unique and individual needs. Not only do these students receive the personal attention that they need, they also are assimilated into the general school population. This innovative program brilliantly serves both needs of our autistic students by expanding their academic ability while fostering good social skills among the general student body.

I wholeheartedly commend our charter schools for their hard work and devotion to our children. With creative solutions and selfless dedication, these schools provide an invaluable service to the next generation of Americans. On the occasion of National Charter Schools week, I would like to take this opportunity to express my deepest support for this resolution. Most of all, I extend my heartfelt gratitude to the teachers, administrators, and students of our Nation's charter schools.

Mr. PORTER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time and encourage support for this bill.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 781.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 359) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read as follows:

H. CON RES. 359

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 9, 2006, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2006 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 359 authorizes the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run to be held on June 9, 2006.

The Special Olympics is an international organization dedicated to enriching the lives of children and adults with disabilities through athletics. The Torch Run has historically been the largest and most successful Special Olympics fundraiser. Last year, for instance, the Torch Run raised over $20 million globally and over $70,000 locally. These funds make it possible for athletes with disabilities to compete in the annual Special Olympics Summer Games.

The United States Capitol Police will host opening ceremonies for the Torch Run, which will take place on the West Terrace of the Capitol. Over 2,000 law enforcement representatives are expected from more than 60 local and Federal law enforcement agencies, and they will participate in this annual event in support of the Special Olympics.

Congress has traditionally supported this worthy cause by authorizing the use of the Capitol Grounds. I encourage my colleagues to join the law enforcement community in supporting the Special Olympics and join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this event needs really little introduction. Eunice Kennedy Shriver started the concept of the Special Olympics in the early 1960s when she established and opened a summer day camp for people with intellectual disabilities.

2006 marks the 35th anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which will take place at Catholic University. The torch relay event has become a highlight on Capitol Hill and is an integral part of the Special Olympics.

Each year, approximately 2,500 Special Olympians compete in over a dozen events, and more than 1 million children and adults with special needs participate in Special Olympics programs worldwide.

The event is supported by literally thousands of volunteers in the region and is attended by thousands of family and friends of the Olympians.

The goal of the games is to bring mentally challenged individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic games.

So I stand in support of this resolution and urge my colleagues on my side of the aisle to support this resolution for this very worthwhile endeavor of the Special Olympics. I urge support of H. Con. Res. 359.

Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 359.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR CONDITIONAL CONVEYANCE OF ANY INTEREST RETAINED IN ST. JOSEPH MEMORIAL HALL

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4700) to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

The Clerk read as follows:

H.R. 4700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL.—In this section, the term "St. Joseph Memorial Hall" means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by Quitclaim Deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) is subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City of St. Joseph, Michigan, shall pay $10,000.00 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator of General Services may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interest of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHL) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1115

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4700.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4700 was introduced by Representative UPTON from Michigan on February 1, 2006. This bill conveys an interest retained by the United States of America in the St. Joseph Memorial Hall in St. Joseph, Michigan.

St. Joseph, Michigan, is in the process of redeveloping an area of the downtown to create a recreational and educational and cultural district. This development will link downtown St. Joseph with the beautiful lakefront district, creating a more inviting environment for residents, for businesses and for tourists. The project is intended to make St. Joseph a more attractive place to live and work and to play, while also improving the local economy.

H.R. 4700 is necessary to allow for the incorporation of St. Joseph Memorial Hall into those redevelopment plans. Memorial Hall's use is limited by deed restriction, placed on the property by the Federal Government more than 60 years ago. While similar deed restrictions in the city have been lifted, the restriction on Memorial Hall remains, making it impossible for the redevelopment of the neighborhood to continue.

Limitations on this tiny parcel of land located in the center of the redevelopment will significantly jeopardize the city's plans if not lifted. H.R. 4700 is a sensible, simple solution that will allow the City of St. Joseph to proceed with redevelopment. I support this measure, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4700 authorizes the conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan, in the City of St. Joseph, Michigan.

This bill merely completes a land transfer between the Federal Government and the City of St. Joseph, Michigan, which began back in May, 1935. At that time, the city received a non-historic building and property with restricted use for a public park. In 1954, the public use restriction was lifted on the parcel just north of the building through Public Act 348.

The city officials have requested this transfer as the city is contemplating a redevelopment plan for the downtown which would utilize the parcel of land and the building. The city is prepared to pay $10,000 to the General Services Administration for the transfer.

Mr. Speaker, I support H.R. 4700 and urge my colleagues to join me in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say at this point that the sponsor of the bill, Mr. UPTON of Michigan, had intended to be here to speak on the bill but was at the last minute taken away to a leadership meeting that is very, very important to the long term of this country and certainly to the world. I would like to say that, as a result thereof, obviously he is not here to speak on this bill.

As we look at items like this, what we see from a general overall standpoint is that oftentime there are deed restrictions and limitations put on communities years ago that are no longer of any real interest or any real need in this particular area. So what we see from time to time as part of the evolution of our process of managing is, in fact, that what we have to do is to modify those provisions; and this is the perfect case.

Now, there are many cities and communities, counties, villages across the country who are trying to revitalize themselves in ways which will be beneficial for the creation of jobs for the community and the people who reside there. This is one of those components. This is one of those actions. A small little city in a small little State called Michigan, a small part of the large country and the larger part of the world is obviously trying to revitalize their activities and was prevented from doing such immediately by a restriction placed by this big, bad at times, government on them.

So we are attempting to remove that, and hopefully this bill will do that.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 4700.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL ENERGY PRICE PROTECTION ACT OF 2006

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5253) to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

The Clerk read as follows:

H.R. 5253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Price Protection Act of 2006".

SEC. 2. GASOLINE PRICE GOUGING PROHIBITED.

(a) Unlawful Conduct.—

(1) Unfair and deceptive act or practice.—It shall be an unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, home heating oil, or any biofuel at a price that constitutes price gouging as defined by rule pursuant to subsection (b).

(2) Definition.—For purposes of this subsection, the term "biofuel" means any fuel containing any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

(b) Price Gouging.—

(1) In general.—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate, in accordance with section 553 of title 5, United States Code, any rules necessary for the enforcement of this section.

(2) Contents.—Such rules—

(A) shall define "price gouging", "retail sale", and "wholesale sale" for purposes of this Act; and

(B) shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) Enforcement.—

(1) In general.—Except as provided in subsection (d), a violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(2) Exclusive enforcement.—Notwithstanding any other provision of law, no person, State, or political subdivision of a State, other than the Federal Trade Commission or the Attorney General of the United States to the extent provided for in section 5 of the Federal Trade Commission Act or the attorney general of a State as provided by subsection (d), shall have any authority to enforce this Act or any rule prescribed pursuant to this Act.

(d) Enforcement by State Attorneys General.—

(1) Civil action.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates subsection (a), the attorney general, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of such section by the defendant;

(B) to compel compliance with such section; or

(C) to impose a civil penalty under subsection (e).

(2) Intervention by the FTC.—

(A) Notice and intervention.—The State shall provide prior written notice of any action under paragraph (1) to the Federal Trade Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) Limitation on state action while federal action is pending.—If the Commission has instituted a civil action for violation of this Act, no attorney general of a State may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(3) Construction with respect to powers conferred by state law.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

(e) Civil Penalty.—

(1) In general.—Notwithstanding any civil penalty that otherwise applies to a violation of a rule referred to in subsection (c)(1), any person who violates subsection (a) shall be liable for a civil penalty under this subsection.

(2) Amount.—The amount of a civil penalty under this subsection shall be an amount equal to—

(A) in the case of a wholesale sale in violation of subsection (a), the sum of—

(i) 3 times the difference between—

(I) the total amount charged in the wholesale sale; and

(II) the total amount that would be charged in such a wholesale sale made at the wholesale fair market price; plus

(ii) an amount not to exceed $3,000,000 per day of a continuing violation; or

(B) in the case of a retail sale in violation of subsection (a), 3 times the difference between—

(i) the total amount charged in the sale; and

(ii) the total amount that would be charged in such a sale at the fair market price for such a sale.

(3) Deposit.—Of the amount of any civil penalty imposed under this section with respect to any sale in violation of subsection (a) to a person that resides in a State, the portion of such amount that is determined under subparagraph (A)(i) or (B) (or both) of paragraph (2) shall be deposited into—

(A) any account or fund established under the laws of the State and used for paying compensation to consumers for violations of State consumer protection laws; or

(B) in the case of a State for which no such account or fund is establish by State law, into the general fund of the State treasury.

(f) Criminal Penalty.—

(1) In general.—In addition to any other penalty that applies, a violation of subsection (a) is punishable—

(A) in the case of a wholesale sale in violation of subsection (a), by a fine of not more than $150,000,000, imprisonment for not more than 2 years, or both; or

(B) in the case of a retail sale in violation of subsection (a), by a fine of not more than $2,000,000, imprisonment for not more than 2 years, or both.

(2) Enforcement.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General, in accordance with section 515 of title 28, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. STUPAK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans are again seeing spikes at the gas pumps, with prices reaching over $3 a gallon all over the country. This morning, I went by the 7–Eleven at Second and Glebe Road in Arlington, Virginia, and there were no prices posted on the sign outside the station. I thought, oh, maybe they are giving gasoline away. No, they did not have any gasoline to sell at any price.

We need to do something, not only to bring these prices down, but we need to do something to make sure that there is adequate gasoline supply available at every service station in the country that serves the American driving public.

$3 a gallon gasoline may mean nothing to some people, but it sure means a lot to most of us and everything to the poorest of our society that really have to have gasoline to get back and forth to work and it is a big part of their budget.

Soaring gasoline prices drain the budgets of the working families who rely on cars to get their kids to school and themselves to work. If the spike in gasoline prices are due to anything other than market conditions, consumers have a right to count on us, the government, for protection from these rip-offs.

H.R. 5253, sponsored by Congressman WILSON of New Mexico, the bill that we are considering right now, prohibits price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil.

While price fixing, collusion and other anti-competitive practices are currently illegal, there is no Federal statutory prohibition on the books against price gouging. Nobody has really defined at the Federal level exactly what it is yet.

It is true that we all think we know what price gouging is when we see it, but that is not the sort of definition that a prosecutor can take to a judge or a jury. We are not here today saying something is just awful and somebody ought to stop it. We are here to put the gougers out of business, if there are gougers, and behind bars.

Last October, the House passed anti-price gouging provisions in the Gas Act. Like the provision in that act, the Gas Act, the legislation before us today provides an explicit Federal prohibition on gasoline price gouging, treating it as an unfair trade practice under the Federal Trade Commission Act.

It would also provide for additional enforcement in that it gives the United States Attorney General, the Federal Trade Commission, the States attorney generals, the authority to enforce against price gouging at any time, not just in times of a major disaster. It provides for greater civil penalties and even criminal penalties in some cases for the most serious offenses.

The legislation would ensure that the definition of price gouging promulgated by the FTC rule-making does not cover spikes in gas prices that are caused by market conditions.

Committee hearings have demonstrated that when artificial regulations supplant normal supply and demand as the primary means of pricing a commodity, the result is market distortion and shortages. Ask those of us who were lining up for gas in the mid- and late 1970s.

We are also not here today in pursuit of consequences, unintended or otherwise, that makes it tough for people to get to work and to school. Price spikes are a scourge, but dry pumps are a catastrophe. As I mentioned this morning, at Second and Glebe Road in Arlington, Virginia, there was no gas at any price at the 7–Eleven.

I know the difference, and I will strenuously oppose any policies that choke off the flow of gasoline to drivers. We want to have effective enforcement against scams without interfering with the efficient functioning of the market.

In my opinion, H.R. 5253 does that. I would urge my colleagues to support this important piece of consumer protection legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, today we are considering legislation that would give the Federal Trade Commission the authority to investigate and prosecute price gouging in gasoline. This bill, H.R. 5253, was introduced just yesterday.

For 8 months, Democrats have been calling for the Republican leadership to allow a vote on my price gouging legislation, the Federal Response to Energy Emergencies, the FREE Act.

129 Democrats have signed a discharge petition to request that my price gouging legislation be brought to the floor for a vote. They say imitation is the sincerest form of flattery. Well, after 8 months of Democrats demanding that the Republican leadership bring legislation to the floor to protect the American consumers from price gouging, the Republicans have finally proposed their own bill.

While I am pleased that we have finally convinced the Republicans to bring legislation on price gouging to the floor, it is the American people who should be the winners today.

This legislation is long overdue. In the past 8 months the Republicans have failed to act to address price gouging, gas prices have exceeded $3 a gallon. Crude oil prices have broken records. Americans have endured significant financial hardships, and oil companies have reaped record profits.

Let us be clear. Republicans claim to have passed a price gouging bill last October. However, that legislation was so toothless that it is being ignored by the Republicans in the other body.

During that debate, I offered the FREE Act amendment as a substitute. All but two Republicans voted against my legislation. While I am pleased that the Republican leadership has finally brought a gas bill to the floor, I will say that this new bill was immediately put on the suspension calendar without any hearings, without any meaningful debate.

Several of my colleagues may not appreciate the differences between the bill before us today and the Democratic legislation, the FREE Act. Although these differences should not delay price gouging legislation any longer than it already has been, it is my hope that the Republicans will be willing to address these issues of true price gouging as this piece of legislation moves forward.

Our bill, the FREE Act, would specifically set out guidelines for the FTC to use to define price gouging, including provisions that make unconscionable pricing, providing false pricing information, and market manipulation illegal, all of which is lacking in the bill before us today.

The FREE Act also contains a provision that would promote price transparency, providing consumers with the information to know that oil and gas prices are fair and reasonable, again a standard lacking in the legislation before us today.

The FREE Act would also apply to natural gas and propane. Neither natural gas nor propane are even mentioned in the bill before us today.

Had the Republican bill, H.R. 5253, the bill before us today, been considered even by any committee in this Congress, or even just allowed to be amended on the floor here today, we could make changes that would make this a better bill.

Nonetheless, Congress has a responsibility to pass a price gouging bill. I am pleased the Republicans have stopped stonewalling. Democrats will continue to put pressure on the Republican leadership until a real, true price gouging bill is enacted, to ensure that it contains the strongest provisions to protect the American consumer.

It has taken 8 months for Democrats to finally shame the Republican leadership into passing price gouging legislation. If the Republicans are serious about helping American people, several of my Democratic colleagues have proposals to help ease the pain at the pump. It is my hope that it will not take 8 months for the Republicans to consider these proposals as we continue to work on the issue of high gas prices.

□ 1130

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentlewoman from Albuquerque, New Mexico (Mrs. WILSON) manage the remainder of the majority time on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Michigan talks about the need to move quickly, and the truth is, I introduced a price-gouging bill in September of last year in the wake of Katrina. It was a bipartisan bill with the gentleman from Ohio (Mr. BROWN) as the lead cosponsor.

In October, we passed price-gouging legislation combined with the refinery bill in what is called the Gas Act, and it is true my colleague from Michigan did propose an alternative which I opposed because I felt as though the definitions in his bill were unclear and would invite litigation rather than solutions.

We are trying to move forward with a piece of legislation that will give real authority to the Federal Trade Commission that they do not currently have now. Twenty-three States have laws on price gouging. So we have got about close to half the States in the Nation have some form of law in price gouging, all with various provisions, definitions and so forth, but the Federal Trade Commission that is empowered at the Federal level with being the agency responsible for looking at consumers and consumer protection only has authority to look at gasoline and oil with respect to collusion. If there is collusion between two companies on setting the price of gasoline, then they have the authority to investigate, but they have no authority to investigate when it comes to unreasonable and unfair trade practices. This legislation we are offering today would give them that new authority at the Federal level.

I think this is a good piece of legislation, and I would ask my colleagues to support it.

H.R. 5253 would prohibit price gouging at any time. It is not limited to emergencies or in the wake of natural disasters. I will be very honest; the thing that caused me to introduce price-gouging legislation last September was what we all saw in the wake of Katrina: opportunists taking advantage of a terrible situation and a natural disaster to pump up the price of gasoline for people who were trying to flee for their lives. That is not right, and it is what spurred me to introduce the price-gouging legislation.

The modification in the bill that is before us today is that the price-gouging authority for the Federal Trade Commission would not require a disasters trigger, but they could look at unfair trade practices at any time, not limited to emergencies. It also covers gasoline, diesel, crude oil, home heating oil and biofuels. So it goes across a wide variety of full types.

It also sets pretty stiff criminal and civil penalties for price gouging and allows these investigations by the Federal Trade Commission as well as by the States.

Under these provisions, the Federal Trade Commission would consider public comment in defining exactly what wholesale pricing is, what retail pricing is, and it gives them some regulatory authority to come up with definitions. The truth is, we have got 23 State laws. Some of those laws are very, very different, and I think it makes some sense to allow the States and those involved to come up with a national definition that will work best for consumers in the marketplace.

The legislation we are offering today would not, however, preempt those State laws. So the States would still be able to use their State laws to address problems with price gouging in their own jurisdictions. This would give additional authority to the Federal Trade Commission and to States that choose to use the Federal law to investigate price gouging in their own States.

It seems to me that this is one thing that we have to do. We have done it first in a larger bill, as a piece of a larger bill last October, but I think the approach we are trying to take here in the House of Representatives is to say we want America to be more energy independent, and that is going to take a long-term, balanced approach that deals with supply, demand and protecting consumers.

This is one piece of that puzzle. We will be dealing with other pieces of that puzzle as we move along, everything from coal-to-oil gasification, encouraging more hydrogen-powered cars, encouraging more E85, using ethanol in our gas tanks, so both conservation and increasing domestic supply so that America becomes more energy independent.

I encourage my colleagues to support this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS) who has been a real advocate on lowering some of these special tax privileges for the big oil and gas companies.

Mr. HIGGINS. Mr. Speaker, I want to thank my colleague from Michigan (Mr. STUPAK), who has been a real leader on this issue, and all of the members of the Democratic Caucus who have weighed in aggressively and substantially on this issue.

The fact of the matter is the President last week has suggested that the State attorneys general be more aggressive about enforcing anti-price-fixing or gas-gouging laws. The States and the people of America are looking for the Federal Government to provide leadership on this issue.

The fact of the matter is that high gas prices are a result of an energy policy that is disastrous. It does not do anything to promote alternative energy fuel sources. It does nothing to promote conservation, and it gives huge, huge incentives to the oil companies to continue to manipulate prices to the American citizens.

This anti-price-gouging legislation is important, but it is late. We have to learn not to react to a crisis but to influence conditions to avert a crisis. The American people are looking for leadership. This is one step, albeit a small step, toward achieving that, but we have to promote more aggressively, more effectively, policies that are substantial toward dealing with the fundamental problems here.

In the other House, there was a suggestion of a $100 tax rebate to folks in this country, which would have required $10 billion of additional borrowing, and basically subsidizing consumption, which does nothing to address the fundamental issues.

So I thank the gentleman for the time.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of this measure, and I want to particularly thank the Energy and Commerce Committee, especially Mrs. WILSON, for the leadership she has provided on this important issue, and for the helpful suggestions and work by Mr. CASTLE and Mrs. JOHNSON of Connecticut and Mr. KIRK and their staffs. They helped put all this package together under the leadership of Mrs. WILSON.

This bill is far stronger than the price-gouging language the House considered last fall and could offer Americans true protection if price gouging is occurring. The bill will allow new suits under Federal law against retail and wholesale price gouging, and those suits can be brought by either the Federal Government or a State attorney general.

The penalties in the bill are significant, as they should be, and the bill allows criminal as well as civil penalties.

Finally, the bill would distribute the money from suits back to those who were harmed through State victim compensation funds.

So I think we have taken into consideration every criticism that was leveled last fall, and it has been addressed forthrightly. American consumers are demanding protection from price gouging. The President has echoed that call, and now Congress is heeding it. I urge adoption of the bill.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), an advocate of consumers before she got to Congress, and she continues in that present capacity today as a strong advocate for consumers.

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank the gentleman from Michigan for his great leadership to try and help consumers to bring the price of gasoline down.

Mr. Speaker, gasoline prices have doubled since the Bush administration took office. On Sunday, Secretary Bodman declared there was an energy crisis in this country, and the Republicans are scrambling to play catch- up.

Since last September, Speaker HASTERT has blocked action on Congressman STUPAK's bill, which would impose tough criminal penalties on oil and gas companies that engage in price gouging. Congressional Republicans have consistently voted down efforts to give the FTC new authority to prosecute companies that price gouge. Instead, Republicans passed an energy bill which the Energy Information Administration said would raise gasoline prices, and it has.

Last Tuesday, President Bush called on his administration to investigate possible price gouging, even though the FTC was completing a report on price gouging that Congress requested last year. Then, on Friday, the President said, "I have no evidence that there's any rip-off taking place." Think back to the investigation.

Is it any wonder, Mr. President, that Americans are skeptical that you are serious about investigating your Big Oil buddies? On Friday you said, "It's the role of the FTC to assure me that my inclinations and instincts are right."

Was that an order for a rubber stamp, Mr. President? No wonder the American people are a bit skeptical, Mr. President, that your oil-dominated administration will work to protect them or, once again, to protect the oil and gas companies, but we need to begin with a serious investigation of those oil companies. I hope that you are really serious.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentlewoman from New Mexico for recognizing me. I also thank her for her leadership in sponsoring this very important piece of legislation, and it would be a bright day in America and in this Congress if we could spend a minute or two working on issues that will increase supplies, assure honesty in the energy world in a difficult period of time and do so with a focus on policy and good sound legislation, rather than trying to make political points, speech after speech after speech.

What we have here before us today is a good piece of legislation, and it does four critical things. First, it directs the Federal Trade Commission to define price gouging, to define what wholesale sales are and what retail sales are and to come up with rules that will implement those definitions.

It also provides for strong civil enforcement by the Federal Trade Commission and the State attorneys general for criminal enforcement.

It provides strong civil penalties. Those penalties would be three times the ill-gotten gains for the retailer, plus an amount not to exceed $3 million per day for continuing violations.

It also provides for strong criminal penalties, and these penalties are $150 million and/or imprisonment for not more than 2 years, and on the retail side, $2 million and imprisonment not more than 2 years.

These are real penalties, and this will, with the proper rulemaking process, lead to a deterrent that will result, in my opinion, in energy prices reflecting true costs.

It is important to emphasize that this legislation does not upset State laws. It is enforceable by State attorneys general and, as I said a minute ago, does provide vigorous civil and criminal penalties.

There is no excuse for price gouging in energy, and with the passage of this legislation, that will be more fully assured.

I want to thank my friend from New Mexico for her leadership in this area. I urge my colleagues to support this legislation.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS) who is a member of the Energy and Commerce Committee and has been advocating to try to get energy prices under control from refinery to gasoline.

Mr. DAVIS of Florida. Mr. Speaker, for years, many Members of this Congress have pushed for exactly this type of measure to be adopted today that would give the Federal Trade Commission, the FTC, the authority it needs to investigate price gouging.

We are living in a time in my home State of Florida and every State with record profits and record prices, and I think the only people in the United States of America who think there is nothing wrong with these prices are the executives of these oil companies.

The only good thing that has come out of the price that we are all having to pay at the pump, it has finally forced this Congress to take a necessary first step. I commend Congresswoman WILSON. This bill is meaningful. It is a good first step in setting significant fines and penalties if, in fact, there is truly an investigation and enforcement or even the threat of enforcement. This bill will give the FTC the authority to define what price gouging is and then to take action.

□ 1145

The strong arm of the Federal Government is necessary to act. This is too much power in the hands of a few companies for a single State to act against.

As Congresswoman SCHAKOWSKY pointed out, the unfortunate gratuitous remarks by the President that he does not think there is price gouging undermines our actions today. I do not know what it feels like to him and others, but it sure feels like price gouging to me when I fill up my car, and I think I can say that on behalf of the Floridians that I represent.

So this is only a first step. If this administration is not truly serious about investigating and letting these companies know there is a meaningful risk of enforcement and fines and penalties, this Congress should take further action, and we should not wait until prices go up further and profits go up further.

I would also say now is the time for the leadership in this Congress to bring up the CAFE standards as well. There are other steps we can be taking to raise fuel efficiency standards and to reduce interdependency on other countries. So I salute Congresswoman WILSON on this bill, but this has to be the first step of many in this Congress if we are truly serious as Democrats and Republicans at cracking down on price gouging.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague for his kind remarks. I would yield 3 minutes to the Subcommittee on Consumer Protection Chair from the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, as I think most of us know after listening to this debate, the fuel prices around this country have been rising. Beginning with the summer driving season, I think particularly in Florida where we have so many tourists, we are concerned about it, and of course we know that during the time of growing economies, and China and India are consuming more and more of the world's available petroleum supplies, that puts us competitive here in the United States.

To make matters worse, nuclear ambitions in Iran, the fourth largest producer of oil, intentions in Nigeria, the 12th, have created what would be perceived to be a perfect storm, which is a precipitous rise in gasoline and other fuel prices.

Our problem back home now is how to manage those global issues so that they will have as little impact at home on the average working American who just wants to take his family on that planned vacation to Florida, let us hope, under a tight budget or maintain his delivery business without taking out additional loans just to fill up his car. I am happy that my colleague, Mrs. WILSON, is taking up this bill, H.R. 5253, the Federal Energy Price Protection Act of 2006. I commend her leadership for this.

I believe this bill deals directly and aggressively with the need to stabilize the price of fuel in an uncertain world market and ensure that greed and opportunism does not worsen those challenges by gouging the consumer at the pump. This bill for the first time allows the Federal Trade Commission, which I have jurisdiction over as chairman of the Commerce, Trade and Consumer Protection Subcommittee, at any time, my colleagues, to prosecute price gouging. This bill takes aim at those in the wholesale and retail markets for gasoline, diesel fuel, crude oil, home heating oil and biofuels who prey on their consumers for their own unjust enrichment.

The FTC is directed to define what price gouging actually is. We have had them in a hearing, and they have described it, but it is not a precise definition. Let us get a precise definition. And a very important point: This legal recourse and its enforcement provisions against gouging are always available, not just in times of natural or energy emergencies like we had in Katrina.

Mr. Speaker, this bill's hammer is triggered by consumer rip-offs, not just bureaucratic proclamations. In addition, State Attorney Generals will be empowered to bring cases under the Federal law, and those cases can lead to extremely strong civil and criminal penalties and to multi-millions of dollars, and the possibility of a visit to the nearest correctional facility.

This is a very aggressive piece of legislation targeted at a problem that weakens this country not only in dollars but what it does to the everyday life of an American, vacations missed, budgets broken and businesses stretched thin.

Mr. Speaker, I urge my colleagues to pass H.R. 5253 and once and for all make it clear that we in Congress are serious about solving our energy challenges at home so that we can be more successful in solving them abroad. This bill will serve us and our children well.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), who is always down here every day advocating for the American people.

Mr. KUCINICH. Mr. Speaker, this bill is called the Federal Energy Price Protection Act of 2006 because the bill will protect today's excessive gasoline prices from government intervention. This bill will prevent our government from actually doing anything to reduce the price of gasoline.

To reduce the price of gasoline, one must understand the underlying causes of excessive costs. Consider the fact that it costs only $20 a barrel to extract oil out of the ground today, but oil companies are making $72 a barrel. At the same time, the crude oil reserves already pumped out and in storage are at all-time highs. Therefore, crude is not constrained, and the excessive price for a barrel of oil is not based on a free market. The crude oil price is being manipulated with much speculation that recent increase in the oils futures market had played a significant role. The recent increase in profits in the refinery business correlate with the industry effort to shut down to independent refineries to constrict supply. These two factors account for 99 percent of the excessive profits.

Now, the FTC has approved the oil companies' monopolies, and they set the stage for the increased prices. This same FTC is going to define price gouging, as if they don't know what it already is? I suspect, under the FTC, the excessive profits are unlikely to be illegal unless the FTC can show manipulations occurred. Since manipulation is well disguised by the industry, the FTC will be easily able to brush aside excessive profits as nothing more than a market signal. Any definition drafted by the current FTC will also likely establish that the price of crude oil set by the world market and therefore any profits relative to that price are not price gouging. This bill will enable the Federal Government to cut off aggressive State actions by intervening and then settling with minimum penalties.

Mr. Speaker, the American people want something done now. We need a windfall profits tax, 100 percent on windfall profits. That will give the oil companies a signal that they won't forget.

Mrs. WILSON of New Mexico. Mr. Speaker, I reserve our time, and I believe I also have the right to close.

Mr. STUPAK. Mr. Speaker, may I inquire how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Michigan has 8 minutes.

Mr. STUPAK. Mr. Speaker, I have no other requests for time, so let me say a few words, and then will yield back.

Mr. Speaker, the American people are quite fed up with the price gouging that is going on at the gasoline pump. They know gouging when they see it, and they are being gouged. The Federal Government has the responsibility to protect consumers from price gouging.

Congress needs to pass legislation to allow the Federal Trade Commission to prosecute price gouging. While the bill before us is not perfect, I am pleased that the Republicans have finally realized that price gouging is a serious issue and it is an issue that needs to be addressed. Our constituents are looking to Congress for relief. It is our duty to approve legislation that would provide relief to protect Americans from the increased financial hardship from gasoline price gouging rates that is currently taking place.

Mr. Speaker, just as Republicans have finally joined with us Democrats in addressing price gouging, I challenge the Republicans, I challenge the chairman of our Energy and Commerce Committee to take up other proposals we have. Mr. MARKEY's proposal, a member of the Energy and Commerce Committee, to reduce the royalties. Oil companies get to drill on Federal lands; they do not have to pay any royalties. With record profits, they should be paying increased royalties to the American people. Or Mr. HIGGINS who spoke earlier today about his piece of legislation that takes away the tax break from the oil companies that have record profits last year of $113 billion, or in its first quarter of this year, it is approximately $20 billion, in the first quarter, in the first 90 days, $20 billion in profits. Why do they need tax breaks? Even the President said, as we were debating the Energy Policy Act of 2005 last year, that when oil is over $40 a barrel, there is no need for tax breaks. But yet we continue to give tax breaks to the oil companies. So there are other proposals. Or even the proposal I have before this committee that Mr. KUCINICH spoke of, the Pump Act, to prevent unfair manipulating of prices. We know that if this Congress were to act, we could immediately bring down the price of a barrel of oil by $20 if we take the speculation, the fear and greed out of the oil futures market.

Mr. Speaker, of the billions of dollars of oil that is traded in futures market, 75 percent is not regulated. A mere 25 percent is regulated by NYMEX, New York Mercantile Exchange. The other 75 percent is unregulated. Therefore, they use fear; they use speculation to drive up that price.

So we have legislation that would actually reduce that, and let all those who trade in the futures market when we deal with oil to bring their transactions, to bring some transparency and bring it before the Commodities Futures Trading Commission to reduce that price of oil by $20 per barrel.

Mr. Speaker, as a Member of this House, I would urge my colleagues to vote "yes" on this legislation. It is an initial start. We can improve on it. And as this process goes through, even though we were denied hearings, even an opportunity to amend this legislation; in fact, most Members have never seen it before. It was only introduced yesterday. We would hope that as this bill moves through the entire legislative process, that the other body would at least include all energy products, like natural gas which is not included in this bill, propane which is not included in this bill. What about the market manipulation, predatory pricing, regional price differences, all the things that we know happen in this country but yet we do not address in this bill? Like I said, it is an initial good start. We are glad to see the Republican leadership finally acknowledge there is price gouging, but rest assured, the Democrats will continue to come up with bold new ideas on how to get our hands on this energy crisis we are dealing with and the skyrocketing high gasoline prices. The American people are fed up. They have a right to be. This is a good first start. I urge my colleagues to vote for this legislation.

Mr. Speaker, I yield back the balance of our time.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Michigan for his support of this legislation. I introduced a bipartisan bill in September of 2005 about the same time that my colleague from Michigan did. Our approaches are different in some respects, but this legislation we are voting on today, a slightly different version of which was included in the October 2005 Gas Act that the House has already passed, is a good bill. It is a solid piece of legislation and deserves the support of the House.

I also recognize that this is only one piece of the puzzle. We want to give the Federal Trade Commission the authority to investigate possible price gouging. But that is not going to solve all of our energy problems. This focuses on one piece of the problem. The bill that we will consider next on the floor of the House will also look at another piece of the problem, and we are going to try to pass some further legislation that deals with tax codes, that increases domestic supply, that invests in alternative sources, things like E-85.

Since we passed the Energy Act in August and the chairman of the Energy and Commerce Committee came out to New Mexico to sign that landmark piece of legislation, there are 29 new ethanol plants that have requested permits so that we can use corn to fuel our vehicles rather than having to import oil from other countries.

Mr. Speaker, this bill includes strong penalties, in fact stronger than the ones that my colleague from Michigan has in his bill. I think maybe if we would have worked together, we could have come up with a good bill that both of our names were on. It gives us good clear definitions and says, we have got 23 States that have price-gouging laws, we need to get a clear Federal definition of price gouging, and the Federal Trade Commission will give that to us.

It also deals with every month of the year. The bill that we introduced in September, and my colleague from Michigan's bill as well, only deals with emergencies, when a disaster is declared. I think there is justification for saying the Federal Trade Commission should have authority to look at unfair trade practices, whatever time they may be.

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Mr. STUPAK. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from Michigan.

Mr. STUPAK. The gentlewoman is wrong on our legislation. My legislation, the FREE Act, applies to everything. It was your legislation that only dealt with national emergencies.

Mrs. WILSON of New Mexico. If I am incorrect on that, I apologize, Mr. STUPAK. It was my understanding that your bill would require a trigger.

Mr. STUPAK. If we had hearings and witnesses, we could bring out the differences between the bills, but since we have been denied it, I have to use this tactic to get the record straight on the floor.

Mrs. WILSON of New Mexico. I thank my colleague from Michigan.

This is a piece of legislation that all of us have been working on for over 8 months now, and I look forward to working with him as we move forward.

Also, this piece of legislation does not overwrite State law. In other words, those 23 States that do have some form of price-gouging legislation, that law stays in effect so that States can use the Federal law, the Federal Trade Commission can use the Federal law, or States can use their own law so that we don't preempt State law.

I think this is a good piece of legislation, a piece of legislation that will help to address the problems that every American is feeling at the pump and help to make America more energy independent. I ask my colleagues for their support, and I urge adoption of H.R. 5253.

Mr. ETHERIDGE. Mr. Speaker, I am going to vote for H.R. 5253 because I think it is a good bill and a timely bill. What took so long? Last September, Representative BART STUPAK, Representative STEPHANIE HERSETH, and I drafted H.R. 3936, the Free Act, which would impose severe penalties on oil companies, gas stations, and anyone who would collude to raise the price of gas.

But for eight months the Republican leadership of this House has sat on this legislation and not allowed it to move forward. Only now, after gas prices have risen to new heights, do the Republicans bring up this bill and call it their own.

I urge support on H.R. 5253, but the American people deserve better leadership in this body.

Mr. BARTON of Texas. Mr. Speaker, I ask that this exchange of letters be included in the RECORD during today's debate on H.R. 5253.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 3, 2006.

Hon. JOE BARTON,
Chairman Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 5253, a bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 5253 that implicate the Rule X jurisdiction of the Committee on the Judiciary. Specifically, the bill contains increases in criminal penalties under title 18 of the United States Code, which implicate the Judiciary Committee's jurisdiction under Rule X(I)(1)(7) ("criminal law enforcement").

The Committee takes this action with the understanding that by forgoing consideration of H.R. 5253, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of H.R. 5253 on the House floor. Thank your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 5253, a bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil.

I appreciate your willingness not to seek a referral on H.R. 5253. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Congressional Record during consideration of the bill on the House floor.

Sincerely,
JOE BARTON,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, this legislation gives the FTC explicit authority to define and prosecute price gouging by gasoline retailers and wholesale distributors.

Given the amount of anger that Americans are feeling at the gasoline pumps, we should have enacted similar legislation in law long ago.

There are certainly some price gougers out there, especially in situations with tight supplies during emergencies, but the American people should know that this legislation will not bring relief at the pump this year.

First, the FTC will take six months to define price gouging before they can enforce the new law.

Second, when the price of oil is $75 like it is this week, the price of gasoline is going to be high, without any price gouging by anybody.

The price of oil used to be controlled by OPEC, but most energy experts believe that stable OPEC nations are producing at near full capacity.

The two major reasons why prices are going up is because of high global demand, particularly the booming economies of China and India, and instability in producing nations.

Iraq's oil production has never recovered to pre-war levels due to the insurgency, and many believe that Iran's oil production could soon be reduced due to our tensions with that nation.

In addition to being a large oil producer, Iran sits on the Straits of Hormuz between the Persian Gulf and the Indian Ocean.

If conflict were to occur in that global oil shipping choke point, the price of oil will increase even further.

Unfortunately instability in oil producing countries is not limited to the Middle East. Nigeria, Angola, and other areas of Africa are experiencing civil wars which are limiting oil exports.

Our Administration has been engaged in a war of words with the President of Venezuela, which is one of our major oil suppliers.

Bolivia just sent the army in to occupy its oil and gas fields, some of which had been jointly explored with Spanish and U.S. oil companies under contracts approved by previous governments.

With all of these developments in oil producing nations and the surging global economy, the price of oil has gone up dramatically and the price of gasoline tracks the price of oil.

If a gas station or a gasoline distributor wants to use the background of a rising market price to engage in price-gouging, they should be stopped and punished.

The legislation by my friend BART STUPAK may be superior to this legislation in some ways, and if the House was under Democratic control we would have a more democratic process.

But this is a decent piece of legislation that gives the FTC authority to investigate price gouging, so for that reason alone we should approve it.

Mr. DINGELL. Mr. Speaker, I congratulate my colleagues on the other side of the aisle for awakening at long last to the need to pass strong anti-price gouging legislation to protect America's energy consumers.

It would have been far better if the House majority had come to this realization last fall, when Representative STUPAK offered a stronger version of the bill we are now debating. Instead, the Republicans voted down the STUPAK bill on three separate occasions in Committee and on the House floor. Apparently, the Majority has now seen the light, as this new bill borrows heavily from H.R. 3936, anti-gouging legislation sponsored by Rep. STUPAK.

Better late than never, I suppose. But in the meantime, seven critical months have elapsed during which all manner of shenanigans may have occurred in the energy markets. Fortunately for consumers, a mild winter sheltered them from the full effects of high prices during the winter heating season, but last month gasoline prices shot up. As we approach the summer driving season, there is no relief in sight.

In a perfect world, I would support Representative STUPAK's bill over the legislation now under consideration. In fact, since last December House Republicans could have signed the discharge petition pending on the Stupak bill and passed it on the suspension calendar. That would have empowered the Federal Trade Commission to go after price gougers—or better yet—the enactment of anti-gouging authority might have deterred gasoline price gougers from taking advantage of U.S. consumers.

Nonetheless, the bill before us today is much improved from the version the Majority offered in the fall. The American energy consumer is hurting and action is needed. I will, with some misgivings, support the bill before the House.

Mrs. CAPITO. Mr. Speaker, I rise today to address the tremendous impact that the cost of gasoline is having on my West Virginia constituents and on working families across the country. Rural communities that make up a large portion of my congressional district are especially hard hit by rising fuel costs because of the distance many people must travel to work and school and the limited public transportation options.

In addition to high prices, gas stations in some areas have run out of fuel all together. It is vital that we take every possible step to ensure that the gasoline market is priced fairly and it is important that we take steps to increase the supply of gasoline available to the market.

This week in my district I highlighted a 5-point plan to reduce the price of fuel. These steps include:

1. Take tough action against price gougers.
2. Waive boutique fuel requirements so that supply can be easily transferred between regions of the country.
3. Temporarily waive the 2.5 percent and 54 cent per gallon tax on ethanol so that imported ethanol can help make up the difference with the recent phase-out of MTBE in our gasoline supply.
4. Make use of coal—West Virginia's natural resource—as part of our fuel supply. Coal liquefaction technology has been available for many years and our government has invested in research that would allow for fuel to be produced now. Our nation has a 250-year supply of coal that already provides over half of our nation's electricity. Coal is an answer to the gasoline problem as well.
5. Allow for responsible drilling in ANWR and the Outer Continental Shelf to increase our domestic supply of crude oil.

I am pleased that the House took action today on two elements of this important plan. I strongly support H.R. 5253, passed by the House today that will punish price gougers with tough fines or jail time. Provisions of the bill will allow for enforcement by either the Federal Trade Commission or state Attorney Generals to provide the maximum possible protection for consumers. We must investigate and punish instances of gouging wherever they occur on the energy supply chain.

I am extremely disappointed that the House did not take action today on H.R. 5254 to improve the permitting and approval process for new refineries. Our nation has not built a new refinery since 1976 and it is clear that the regulatory process is a major reason why. This improved permitting process would also have applied to coal liquefaction facilities—another step that should be taken to increase our fuel supply. Once again opponents of increased fuel supplies and lower prices blocked action on common sense energy solutions.

Passage of price gouging legislation is a positive first step. I urge my colleagues to support further legislation to increase supply by allowing new domestic exploration and waiving tariffs and boutique fuels.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5253.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. WILSON of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5254) to set schedules for the consideration of permits for refineries.

The Clerk read as follows:

H.R. 5254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Refinery Permit Process Schedule Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "applicant" means a person who is seeking a Federal refinery authorization;

(3) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) State Assistance.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) Other Assistance.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) Appointment of Federal Coordinator.—

(1) In general.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) Other agencies.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) Federal Refinery Authorizations.—

(1) Meeting participants.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) Memorandum of agreement.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) Consolidated Record.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) Remedies.—

(1) In general.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) Standing.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) Court action.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of preceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) Federal coordinator's action.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated record compiled by the Federal coordinator pursuant to subsection (c).

(5) Expedited review.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 5. DESIGNATION OF CLOSED MILITARY BASES.

(a) Designation Requirement.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) Redevelopment Authority.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) Management and Disposal of Real Property.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) Definitions.—For purposes of this section—

(1) the term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(2) the term "closed military installation" means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 7. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation and insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we now take up a second bill today to help improve our energy outlook, H.R. 5254, the Refinery Permit Process Schedule Act. Getting new refinery projects sited and permitted is a challenge to energy developers, especially to new market entrants who could offer alternatives to today's overworked refineries.

The plain fact is that our country is losing its ability to refine oil into motor fuel. We are not only importing oil in ever-greater quantities, now we are importing gasoline by the shipload, too. The threat that we face today is not only to the price but also to the supply.

If you tried to buy gasoline at one of the stations that have run out of gas lately, you will remember the gasoline lines of 1970s. High prices are a hardship, but dry pumps are a disaster. As I pointed out earlier today, at the 7-Eleven station at Glebe Road and Second Street in Arlington, Virginia, when I went by this morning to get some gasoline, there was no gasoline to be had.

My Taurus that I am driving here in Washington is now literally on "E" and I hope I have enough to get to a station that has some gasoline later this evening when Congress recesses for the day.

The last American refinery to be built from scratch in this country was over 30 years ago, and I believe it was in Louisiana. We have shut down more refineries in the last 30 years than we have refineries in operation today in the United States. Most of those are clustered in the gulf coast region, which, as we know because of Hurricanes Katrina and Rita, are in harm's way if hurricanes continue to batter that part of the country.

Hurricane Katrina has taught us some very bitter lessons. One was do not put too many of your refinery eggs in one basket.

This bill does nothing to dictate new refinery locations. Only developers and local State governments can do that. But it will make certain that the Federal Government does its part to eliminate some of the needless, in my opinion, bureaucratic delay if somebody wants to build a new refinery or expand an existing refinery. And, in my opinion, we need to do that.

We consume about 21 million barrels of refined product in the United States every day. Our refinery capacity located domestically is less than 17 million barrels per day. That is a shortage of 4 million barrels a day in refining capacity for domestic demand for refined products from oil.

Are we trying to take a backseat to environmental protection? Nothing of the sort. Under this bill, while the EPA will be given priority to coordinate and consolidate the permitting process, we are not backing down on one permit that is required at the State or Federal level. The EPA and the Department of Energy under this bill would work together to consolidate and streamline the permitting process so that you can get a decision in a timely fashion.

The bill before us would put all agencies responsible for considering permitting applications for an oil refinery, a coal-to-liquid refinery, or a biofuel refinery, that they would have to sit down at the same table and hammer out a coordinated action schedule. They would put permitting schedules on parallel tracks and instill focus and teamwork in process.

The schedule will appear in the Federal Register for all stakeholders to see; and if an agency drags its feet and throws everyone else off schedule, you can go to court and a court can order to get that particular agency back on track. They cannot tell the agency how to rule, but it can require that they meet the schedule that has been agreed to by all of the other State and Federal agencies that have permitting authority under the current laws.

Public participation will go on exactly as it has in the past. All of the open records requirements will go on exactly as it has in the past. So we are not short-sheeting any environmental protection law under this pending legislation. All we are doing is saying, since we have a situation in the United States of America where we use 21 million barrels of refined products every day and we only have refining capacity for 17, it is about time that we do something to make it possible to build and expand existing refineries in the United States.

It takes a million dollars per thousand barrels of capacity. So we need 4 million barrels of new refinery capacity. That is somewhere between $40 billion and $60 billion. Nobody in their right mind is going to put up that kind of money to expand refinery capacity when it takes as long as 10 years just to get the permit to build or expand existing refinery.

The bill before us will make it possible to get a decision on the permits. The President has asked that we do it within 1 year. The bill before us does not set a 1-year timetable exactly, but we would hope that the consolidation process and the parallel-track process would shorten the permitting window. If we can get it down to a year or 18 months, I think the day would come very soon where we would see companies announcing new refinery projects, which would be good for the public in the form of lower prices.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire (Mr. BASS) manage the rest of the floor time on the majority side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in opposition to this bill and urge its rejection by the House.

Democrats are more than willing to work with the majority Republicans to write legislation which addresses constricted refinery capacity in a proper manner. But on the measure we are debating this morning, we were not consulted. In fact, no hearings have been held on the bill. No markup sessions have been conducted. There has been no consideration whatsoever of this measure by the House Committee on Energy and Commerce, which is the committee of jurisdiction. The bill was not even introduced until late last night or early this morning.

If the majority party is willing to work with us, we would make every effort to construct a thoughtful bill that addresses the refinery shortage in a constructive way and bring that bipartisan measure to the floor of the House within a matter of days or at most a matter of weeks. I hope the majority Republicans will consider and accept our offer.

But the bill before us is not constructive. According to testimony the Congress received last year, the bill would weaken environmental protections but do virtually nothing to encourage the construction of new gasoline refineries.

The bill before us repeals the law requiring the States and the Federal Government to work together to set deadlines and streamline the process for issuing permits for new refinery construction. That new requirement became law just last August. Rather than repeal it now, let us give it a chance to work.

The bill before us adds a new layer of Federal bureaucracy by creating a Federal coordinator to oversee State permitting actions, and States would be mandated to meet a Federal schedule for issuing refinery construction permits.

States that have legitimate environmental concerns would find their normal review process short-circuited under a mandated Federal schedule for permit issuance. And the bill proceeds from a deeply flawed assumption that the reason we have a refinery shortage is burdensome State permitting processes. The real reason we have a refinery shortage is that the companies that own refineries are profiting enormously from the present market structure, including the refinery bottleneck. In essence, they are making more money by refining less gasoline.

The real reason we do not have enough refineries is economic interest, not environmental constraints.

Here is what the oil company CEOs had to say about the regulations regarding the regulations citing new refineries.

Last November, the CEO of Shell testified to the Senate, "We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery."

Conoco's CEO testified, "At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

The record before the Congress is clear. It is devoid of any evidence that environmental permitting has delayed or prevented the construction of new refineries. In fact, the record clearly shows that environmental permitting is simply not a problem. And yet this bill weakens environmental permitting. It is the wrong answer for the problem that we face.

Let us reject this measure and begin working in a bipartisan fashion this afternoon in order to write a law that will make a genuine difference. If the Republicans are willing, Democrats pledge our best efforts to work with you to achieve that goal.

Mr. Speaker, I reserve the balance of my time.

Mr. BASS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in strong support of the pending legislation, and I urge my colleagues on both sides of the aisle to do likewise. As others have stated, it is clear that refinery capacity has not been able to keep up with demand. Although current refiners have been able to ramp up their production sometimes in excess of 100 percent, which is an interesting mathematical challenge, the fact of the matter is that our population has grown, our economy has grown, and the resulting demand for more energy across the board has created a situation where, when we have a disaster similar to the one we had last summer with Hurricane Katrina where refiners were clustered in one specific area of the country, they were running at full capacity, they were shut down for a period of time, we had a short-term crisis which we were able to get over, but it was not easy.

Historically, utilization has been much lower than it has for the last 20 or so years; and the reason for that is we have not built a new refinery.

I agree that this bill is not going to circumvent any of the procedural hurdles that need to be crossed in order to build a new refinery. But what it does do is something that is, in my opinion at least, is innovative and imaginative in that it establishes a coordinator that will help make sure that the process, although not shortened because you are circumventing any regulation, makes this process work coterminously rather than successively.

Nobody will lose the ability to have their voice heard. There will be no part of the process circumvented. But an investor, a developer, a refiner, will have the certainty of knowing that there is a master plan in place, that there is a Federal coordinator and that there is a process that can be more predictable.

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And I don't see how you can be against a process that uses the current system and all of its hurdles that need to be crossed but simply makes it run more efficiently. That is all this bill is trying do.

Now, there is a provision that allows the President to simply suggest that three base closures be identified for possible location. There is no requirement that it be done. And it also contains a provision that allows for the same expedited process to apply to biorefineries as well. And as one who comes from New Hampshire, we need to develop biorefinery capacity in this country. We are moving away from MTBEs as an oxygenate for gasoline, and I have as a high-priority project the development of an ethanol refinery from cellosic fiber, in other words, wood products somewhere in the northeast. And this process, although not circumventing, as I said before, any particular rule or regulation, will make the process go quicker.

And I understand my colleague's concern about not having enough hearings and so forth. But this bill simply speeds up the process. And if you want the process to last as long as possible and not have any new refinery capacity in this country, vote "no" on this bill. I understand that. But I believe in the process, but I believe that it should be quick and expedient but fair.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to a member of the House Energy and Commerce Committee, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in strong opposition to this bill. The bill will not increase refinery capacity. It will not bring down the price of gasoline, and it will not ensure any ability of the United States to refine its own gasoline.

The bill is based on a false premise. There is no evidence that refineries are being denied needed permits either for construction or expansion. In written testimony before the Senate, Chevron CEO stated, and I quote, "we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

The truth is that refiners do not want to expand existing or construct new refineries. The dirty secret is they are not going to make any money off of that.

The five largest oil companies reported a record $110 billion in profits in 2005, and three of the largest petroleum companies made more than $16 billion in the first quarter of 2006.

Existing law already provides for new permitting assistance; 1 year ago, in fact, this body passed the Energy Policy Act. Title 3, subsection H, of the Energy Policy Act allowed States to seek additional assistance from the Federal Government for permitting when it was needed.

Yet the legislation before us today repeals this provision and replaces it with less effective language. Last year Democrats brought a plan to this floor that would have set our Nation on the right course. It would have created a Strategic Refinery Reserve, giving the U.S. Government the ability to refine its own oil for use by military and first responders. The Strategic Refinery Reserve would have made that difference.

But rather than solve the problem, we are here with a plan that will not increase refinery capacity, will not bring down the price of gas and will not ensure any ability of the United States to refine its own gasoline.

I urge my colleagues to reject and give us the opportunity to take this action that will really make a difference for our constituents.

And I would also like to make reference to letters that we will be submitting later from the State Air Quality Program administrators and various environmental organizations.

Mr. BASS. Mr. Speaker, I include for the RECORD a letter dated May 3, 2006, from the National School Transportation Association, expressing their support for the pending bill.

NATIONAL ASSOCIATION FOR PUPIL TRANSPORTATION,
Albany, NY.

NATIONAL SCHOOL TRANSPORTATION ASSOCIATION,
Alexandria, VA, May 3, 2006.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND MINORITY LEADER PELOSI: On behalf of school transportation interests around the country (both public and private), I am writing to urge quick action on H.R. 5254, to increase the availability of reasonably priced fuel by streamlining the permitting process for new or expanded refineries and H.R. 5253, to ensure that the Federal government has the authority necessary to investigate price gouging by fuel suppliers. Our industry is struggling with staggeringly high fuel costs that are threatening our ability to provide low-cost, safe transportation for 25 million school children each day. Enactment of these two measures can help drive down the cost of fuel in the long-run and we support their approval by the House.

The nation's school bus fleet is the largest mass transportation fleet in the country, 2.5 times the size of all other forms of mass transportation including transit, intercity buses, commercial airlines and rail, combined. This system is also the safest way to transport children to and from school every day. The National Academy of Sciences has reported that there are approximately 800 fatalities per year among children who do not ride school buses, while the school bus related annual fatality rate is less than 20. Keeping our school buses running is vital to the safety of our children.

In the wake of instability in crude oil supplies, Hurricane Katrina and other factors, rising fuel costs have devastated the industry and now threaten to force the involuntary reduction of school bus transportation nationwide. In addition, today's diesel fuel prices are significantly higher than they were one year ago and are more than twice what they were four years ago. This is proving to be a burden to public and private operators alike.

Public school systems and their school transportation providers are not able to pass on the costs to the students they drive to and from school every day. Instead, many school districts have responded to this crisis by eliminating field trips and worse, reducing transportation to and from school, forcing students to find less safe and reliable ways to access their education or even temporarily closing schools. For example, in

Ohio school districts have eliminated school bus service to 80,000 school children a day and, just last week a local school system in Tennessee closed for two days due to the inability to provide school transportation due to the high cost of fuel for their buses.

We understand that there are no easy solutions to this problem, but are writing to ask for your help nonetheless. We ask that Congress act quickly to help increase supplies of fuel by ensuring that adequate refining capacity is available as quickly as possible and that any allegations of price gouging are fully investigated. We understand that the House is preparing to act on H.R. 5254 and H.R. 5253 later today. We welcome and support these initiatives and ask for broad, bipartisan action to enact these important measures as a way to help bring down prices for fuel as quickly as possible so that school children will continue to be able to have access to the safest possible mode of transportation. We also pledge to work with you to find and advance other solutions that might provide more immediate relief, such as H.R. 4158, legislation introduced earlier this year to provide grants to cover the cost of energy for financially strapped school districts.

Sincerely,

LEONARD BERNSTEIN,
President, National Association of Pupil Transportation.
JOHN D. CORR, Jr.,
President, National School Transportation Association.

Mr. Speaker, I yield 2 minutes to my friend from New York (Mr. BOEHLERT).

Mr. BOEHLERT. I rise in support of this bill, and I want to thank Chairman BARTON and the committee and particularly Mr. BASS for his leadership and for facilitating staff discussions and providing very helpful suggestions as we fashion this bill.

I think this bill will not do any harm, and it could do some good. While regulations have not prevented oil refinery expansion and while regulations are not the reason that new refineries have not been built, it can't hurt to help streamline the process, as long as streamlining is not a euphemism for weakening environmental protections. And in this bill, I think we have hit the right balance.

This bill is a far cry from the bill the House debated last fall. Some of the commentary I have heard from opponents of the bill on the floor address the old bill. In this bill, the Department of Energy, which isn't even involved in refinery permitting, would have been able to impose a schedule on other agencies and States, and that schedule was designed to speed the process at all costs.

In today's bill, the new bill, the Federal Government will bring together all the permitting authorities to agree on a permitting schedule acceptable to all of them, and that schedule must allow for the full, substantive and procedural review required by law.

In last fall's bill, any legal proceedings were to be biased in favor of the refineries, even going so far as paying their legal costs. In today's bill, while we still create a new cause of action, a court, the Federal district court must consider the behavior of all parties, including whether the refiner has been cooperating fully with regulators, and then the court can do nothing more than impose a new schedule. And this bill explicitly preserves every provision of current environmental law, including the right to bring citizen suits.

So I think we have struck the right balance, and I urge adoption of this measure.

Mr. BOUCHER. Mr. Speaker, I insert in the RECORD a letter dated May 3, 2006, from the State and Territorial Air Pollution Program Administrators, joined in that letter by the Association of Local Air Pollution Control Officials.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, May 3, 2006.

DEAR REPRESENTATIVES: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we write to you today to express the associations' concerns regarding the Refinery Permit Process Schedule Act.

First, we question the premise of this bill—namely, that environmental permitting requirements obstruct efforts to construct or expand refining capacity and contribute to escalating gasoline prices. We are aware of no evidence that such requirements, particularly those related to air pollution, have prevented or impeded construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

Second, it is unclear how this bill would expedite the issuance of permits. Rather, it appears that it could have the opposite effect. Subtitle H of Title III of the Energy Policy Act of 2005, approved by Congress last year to streamline the permitting of refineries, already provides states the ability to request special procedures to coordinate federal and state agency permitting actions for refineries. Repealing those provisions and replacing them with ones that insert a "Federal Coordinator" into the process and impose additional procedural requirements on states and localities—including a requirement to enter into judicially enforceable schedules—would almost surely delay the permitting process.

Third, we are concerned that this bill is moving directly to the floor of the House of Representatives, circumventing consideration by the House Committee on Energy and Commerce and open public debate during which state and local permitting authorities and other stakeholders could present their views.

STAPPA and ALAPCO understand the desire to take swift action of some kind to address fuel prices. Moreover, we recognize that this particular bill is an improvement over other refinery permitting legislation introduced in the past few years. Notwithstanding this, however, we firmly believe environmental permitting requirements have been wrongly targeted and, further, that the Refinery Permit Process Schedule Act could result in unintended, problematic consequences. Therefore, our associations oppose the bill.

Sincerely,

EDDIE TERRILL,
STAPPA President.
JOHN A. PAUL,
ALAPCO President.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I urge a "no" vote on this legislation.

As a member of the Energy and Commerce Committee, I am concerned that the Republicans are attempting to move legislation that would significantly alter Federal law regarding the refinery permitting process without a committee hearing, without a markup, without even allowing the bill to be amended on the floor.

This bill is a rerun of the Gasoline for America's Security (GAS) Act, which was only approved by the House by a vote of 212 to 210 after the Republican Leadership held the vote open for 45 minutes, twisted arms. That GAS Refinery bill was a bad bill then, and now this bill before us is even worse.

By pushing refinery legislation through the House without any hearings, debate, or amendments, we are doing the American public a disservice.

While the proponents of this legislation contend that oil companies are unable to improve their refinery capacity because of excessive regulation, the truth is, oil companies have intentionally reduced domestic refining capacity to drive up gas prices.

I have here internal memos from Mobil, Chevron, and Texaco, specifically advocating that these companies limit their refining capacity to drive up prices.

From September 2004 to September 2005, refineries profits increased by 255 percent.

During the first quarter of 2006, Valero Energy Corporation, the largest refiner in the United States, reported profits 60 percent higher than last year.

Obviously, complying with Federal regulations does not present these companies with a significant financial hardship.

I encourage my Republican colleagues to address real legislation that can help the American consumer at the pump, rather than legislation that provides additional hand-outs and free-rides for their friends in the oil industry.

Vote "no" on H.R. 5254.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to this bill. It is being rushed to the floor under expedited consideration with limited debate, no opportunity for amendments, no hearings, no markup. In fact, as of yesterday, the bill hadn't even been introduced. This is yet another example of the "ready, fire, aim" approach that passes for legislating in the Republican-controlled House.

Unfortunately, some communities in this country that are suffering the most right now are caught in the crossfire. They are the communities that are coping with a military base closed through the BRAC process. This bill resurrects the bad idea that communities with closed military bases become dumping grounds for refineries.

There is nothing, absolutely nothing in existing statutes or regulations that prohibits a local redevelopment authority from developing a closed base into a refinery complex. In fact, for some communities, a refinery may make sense. But that decision should be made by the local community, not by the President or the Secretary of Defense.

Proponents of this bill say they aren't forcing an LRA to build a refinery, only to consider one. But under current law, the Secretary of Defense has the final say about a reuse plan, and this bill requires an LRA to put a refinery into the reuse plan. Moreover, the Secretary has the power to transfer the land at little or no cost, if he chooses to do so.

So if Donald Rumsfeld wants to give away a closed military base in your community to ExxonMobil to build a refinery, there is nothing your community can do to stop it. Nothing. In fact, your community could have been forced to spend its own resources to draw up a plan to build a refinery, even if the community didn't want one.

The BRAC process has already punished these communities enough, including the town of Brunswick in my district. Congress should not add insult to injury by punishing them again.

I urge my colleagues to vote against this ill advised Republican refinery bill.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds.

I just want to correct the record if I could. It is my understanding that the bill only allows the President to identify a possible closed military base for a refinery location. It is only drawing attention, and it does nothing more than that.

Mr. Speaker, I yield 1 minute to my friend from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 5254 to streamline the permitting process of oil refineries.

My constituents in rural northern California are paying some of the highest gas prices in the Nation.

Red tape is stifling the construction of new and expansion of existing refineries and technology to make refineries cleaner and more efficient. In fact, America has not built a new refinery since the 1970s.

I am reminded today of what President Reagan said in 1981, "Government is not the solution. Government is the problem." We need to streamline government regulation and start expanding our oil refinery capacity.

Families and businesses throughout this country have to meet deadlines. The government should have to as well.

I urge my colleagues to support this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the Republican leadership has a problem. For 6 years, they have worked to give the big oil companies everything they could ever want, subsidies, environmental exemptions, loopholes and paybacks, and the results have been spectacular for the oil companies.

ExxonMobil just announced first-quarter profits of over $8 billion. They now make more in a single quarter than they used to make in an entire year. They rewarded their CEO with a retirement package totaling nearly $400 million.

Well, it is a different story for the American people. Gasoline prices have doubled. Home heating prices have soared. Natural gas prices have risen to unprecedented levels. And we are more dependent than ever on imported oil.

The Republican leadership has a problem. They want desperately to blame State and local governments, to blame environmental requirements for the cost of gasoline. That is the myth they want to create. But the facts are completely different.

Permits have been readily granted whenever refiners have applied for them. For instance, in Yuma, Arizona, permits have been issued not once but twice for the construction of a new refinery, but the oil industry refuses to actually invest and rebuild it. And recently, this project may have been dealt a death blow when the Mexican Government announced it would not supply the proposed refinery with crude oil.

To the extent there ever was a problem with permitting refineries, Energy Secretary Bodman has stated that the problem was solved in last year's energy bill.

Well, the State and Territorial Air Pollution Program Administrators delivered a letter to the House that said this legislation would have the opposite effect that is intended. It would almost surely delay the permitting process.

Mr. Speaker, we need to reject this legislation. It is based on a faulty premise, repeals a law that is said to be successful and replaces it with an approach that will delay the permitting process. And presumably, it does all this so that we can claim we have done something about gasoline prices.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds simply to say that it is interesting that my friend from California now is on the same side as ExxonMobil, which opposes this bill because they claim there is no need for new refinery capacity, and I would only point out that he makes a great argument for the passage of the bill, because what this bill does is take the argument that government red tape and bureaucracy is holding up the process completely off the table. And if that doesn't lead to more production, more construction after passage of this bill, I will be the first one to step forward and blast the industry for not creating more capacity.

So I appreciate the apparent support that my friend from California has for making sure that this process, permitting process, is sped up.

Mr. Speaker, I yield 3 minutes to my friend from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, just a brief part of good news. I just heard from Champion Laboratories that makes fuel filters that they are closing their Mexico plant and adding 100 jobs back in my district and developing a line. So the economy is moving forward. And that is good news. And sometimes we don't hear that.

A lot of focus of this debate is on crude oil and gas. And the fact that we import refined product, the fact that we import gasoline and not just crude oil, should make us all concerned, and that is really the premise of this debate.

☐ 1230

Two years ago, Chairman Alan Greenspan stated at the Economic Club in New York that we do not have any refineries, not just in the United States but we do not have any expanded refinery capacity in the world, especially as we are making fuel products. And I have the quote right here, but for time I will save that.

But I want to focus on another provision of this bill. If you do not like Big Oil, support this bill. If you do not like Big Oil, if you want a competitive to crude oil gasoline, support this bill. Why? Because the incentives to increase the refinery capacity will also apply to biofuels.

Twenty-nine new ethanol facilities are in Illinois. I drive an E85 flexible fuel vehicle, 10 to 15 cents less a gallon; and 2 years ago I did not have a single retail location in my district when I had a flexible fuel vehicle, Ford Taurus. Now I have over 20 locations. That is good; and if we want to incentivize new competitors to Big Oil, we need new biorefineries. That is in this bill. So all my ag friends need to look at this bill.

Secondly, and I have some here in this Chamber, my friends from the coal basin, another great way to defeat Big Oil is to get the rebirth of big coal. And Btu conversion, taking our coal fields, can you imagine this: a coal mine in Virginia, West Virginia, Kentucky, Ohio, Illinois; and on top of that coal mine, you put a refinery. Look at all the issues that we address. No longer dependent on foreign crude oil, no longer having refineries on the coast where they are subject to damage and destruction through hurricanes, diversified fuel refineries across this country. That is in this bill.

So for all my friends who want to beat up on Big Oil, this is your opportunity to do this. To incentivize renewable fuels, to incentivize coal to liquid, this is your opportunity. We will get a chance to count the votes later on.

I thank Mr. Bass for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I applaud the sentiments of my friend from Illinois with whom I have partnered on many coal-related issues over the years, and I certainly agree with him that we need to start rebuilding refineries that will turn coal into a liquid fuel. But, Mr. Speaker, we do not need this bill to do it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. Capps).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding to me.

I rise in strong opposition to this ill-conceived legislation, nothing more than a shameless attempt to blame public health and environmental protections for the shortage of refinery capacity and high gas prices.

First of all, public health and environmental laws are not impeding construction or expansion of refineries. My colleague, Mr. Boucher, already quoted the CEO for Shell saying on record that he is "not aware of any environmental regulations preventing us from expanding refinery capacity or siting a new refinery."

Also, this bill will do nothing to lower gas prices in the short term or the long term. What it will do, however, is lead to increased pollution at the expense of public health; and that is why both State and local officials, air pollution control officials, oppose this bill.

I have here the letter, which I know is being submitted to the Record. State and Territorial Air Pollution Program administrators and the Association of Local Air Pollution Control officials sent this letter in strong opposition to this bill. Specifically, they say the bill's new Federal coordinator position is certain to lead to more, not less, delay in permitting.

Mr. Speaker, the problem of high gas prices is serious. It affects businesses and families on a daily basis. I know that well.

Mr. BASS. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from New Hampshire.

Mr. BASS. The date of the letter?

Mrs. CAPPS. The date of the letter, May 3, 2006.

Mr. BASS. Thank you.

Mrs. CAPPS. Mr. Speaker, I know that because gas prices in my district are usually among the highest in the Nation; and right now they are way over $3 a gallon. But this bill does not do anything about that. It is, in fact, trying to distract the American people from a failed Republican energy strategy, a strategy that says if laws that protect public health or environment get in the way, then we should just waive them. This is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses and their health.

Over the past several years, we have had repeated chances to craft commonsense, effective energy legislation setting America on a more stable future. But this Republican Congress has failed to do that. This failure has resulted in this bill. We should vote this harmful legislation down.

Mr. BASS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Kirk).

Mr. KIRK. Mr. Speaker, I rise in support of this bill because it addresses one key problem, that the United States has not built a new refinery in America since the 1976 bicentennial, 30 years ago. Over 50 million Americans have moved to our country since then but no new refineries. We can expand gas supplies and lower prices at the pump while strengthening our environmental law through this legislation, and who doubts that we cannot make new refineries be cleaner than old refineries?

This bill stands for the principle that we should simply coordinate our laws, written in different decades by different Congresses, to yield environmental protection and more gasoline at the pumps.

The population of the United States is expanding. So should our ability to provide gasoline to Americans. We should do so, though, not at the expense of the environment; and this bill does not modify those statutes. It simply says the various Federal bureaucracies should all be coordinated in one place. It makes common sense and helps us reduce pressure at the pump.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Mr. Speaker, a recent General Accounting Office investigation in 2004, which I am holding in my hand, concluded that gasoline refineries have intentionally limited their capacity to keep gasoline prices high and their profits up.

You did not write this. I did not write this. This is the General Accounting Office. For the consumers, these higher energy costs are a disaster for their pocketbooks and further stagnates our economy.

Now there is a difference here between what your side approaching the problem will do and what our side will do. Question, who is going in the right direction? We have heard that a lot lately.

Former Energy Secretary Bill Richardson said that we are a 21st-century superpower with a third-world transmission grid. Remember that debate a few years ago on utilities and electricity and who got blamed for it? And then we finally discovered that the industry itself was fooling the market and manipulating the market, and those characters are on trial right now. A 21st-century superpower with a third-world refinery infrastructure, and that is what we have come to.

This refinery legislation, which I will vote against, which is before us right now is an effort to solidify our dependence on fossil fuel. On one side of our mouth, we are saying we are addicted to oil. On the other side of our mouth, we are saying let us build more refineries, make it easier for more refineries to be built so that we can produce gasoline.

You want to streamline the permitting because you want to produce more gasoline from fossil fuel. I must remind you that in a report presented by the Rocky Mountain Institute in 2004, it was very specific: America's energy future is a choice, not our fate. Oil dependence is a problem we need not have, and it is cheaper not to.

When the United States last paid attention to the oil efficiency problem was between 1977 and 1985. Oil use fell 17 percent; gross product went up 27 percent. During those 8 years, oil imports fell 50 percent and imports from the Persian Gulf fell by 87 percent. That exercise of market muscle broke OPEC's pricing power for a decade.

Look, the other side, in all due respect, you have made your bed. You have got to lie in it now. And you are trying to get out of it, but you are doing it in the wrong way. This bill does nothing to increase refinery capacity in the first place, and it certainly does not help in lowering gas prices.

We have done a disservice to the American people, and we only confuse the issue. We are either addicted to oil or we are not. And if we are, let us go in a different direction. Please join us.

Call it what you will: price-gouging, profiteering, or simple old fashioned greed.

Oil companies have the greatest corporate profits in history, yet they were able to stiff taxpayers over $7 billion in royalties that they owe us for drilling on public lands. But the jig is finally up.

Whether you are a Democrat or a Republican, whether you believe collusion is the cause of the high gas prices or not.

No matter how you define it, what we have witnessed in the past several months is the looting of the American public.

And don't take my word for it—a recent report by the Foundation for Taxpayer and Consumer Rights found that corporate markups are primarily responsible for price spikes, not crude oil costs or the national switchover to ethanol, as the industry has claimed.

In this crisis, we hear echoes of Enron—hotshot oilmen departing their companies with golden parachutes, while average Americans live on the edge, some so desperate they are intentionally breaking down on highways to receive a free tank of gas.

President Bush and the leadership in Congress don't have dismal approval ratings merely because they don't have skilled public relations flaks.

They have dismal approval ratings because the vast majority of Americans recognize that something has gone very wrong in this country.

Despite the recent political posturing, the Administration has dedicated its time in office to protecting the oil industry from any restrictions or oversight at all—and that is what has led us to where we are today.

We need to get serious about this issue. We cannot just clamor for change when gas prices are high, and return to a passive stupor if prices settle down again.

Remember, this is not only about our pocketbooks.

Americans have come to believe that we have fought one war too many in the Persian Gulf—at least partially to ensure a continuous supply of foreign oil.

Now is the time for leadership to get us started down the path of real energy independence.

Let us live up to our responsibility today—let's reign in the bloated oil companies and protect the public from economic catastrophe.

Let us invest in far-sighted renewable energy and conservation programs, so that we will never again sacrifice our precious blood and treasure to slake this terrible thirst for Middle Eastern oil.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds.

This is a very odd debate. One of the previous speakers said that this bill would do nothing to lower gasoline prices. If you increase refinery production, you are going to have more supply, and obviously more supply is going to lead to lower prices.

Another speaker said that this bill would somehow create more environmental pollution. It does absolutely nothing to change any existing environmental rule or regulation. It just increases the time. So if you want less supply, higher prices and the only reason you are against that is because you think that an additional refinery would create more pollution, then you should vote "no" on the bill.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is not an effective way to address the gasoline refinery shortage. It tramples on State environmental laws without solving the fundamental problem.

The CEOs of the refining companies have testified to the Congress that the permitting process is not burdensome. It has not prevented the construction of needed new refineries, and yet this bill addresses the permitting process.

For our part, Democrats are more than willing to work with our Republican colleagues and to do so on a bipartisan basis, to write a law that will make a difference, a law that will get the needed new refineries built. We could produce and bring to the floor a bipartisan bill within a matter of days or, at most, within a matter of weeks.

So what I would say to the Members of the House is reject this measure and then, beginning this afternoon, let us sit down in a bipartisan exercise to draft a bill that addresses the fundamental need for new refineries. We pledge to you our best efforts to achieve that goal, and we hope that you will accept this offer.

I urge a "no" vote on the measure.

Mr. Speaker, I yield back the balance of my time.

Mr. BASS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

I will match my environmental record in this Congress with anybody else's and certainly my record in supporting the development of alternative energy resources. And, quite frankly, this bill does just that because the expedited permitting process, which does not in any way change the requirements for the process at all but simply makes it more organized and more manageable, also applies to coal to liquid and biorefineries. And this is critical for my part of the country. We cannot afford to wait 5, 6, 7, 8, 9, 10 years to increase our supplies not only of traditional motor fuels but also these alternatives. We need to remove the uncertainty that a successive permitting process creates and the chilling effect that has on the ability of investors where large amounts of money are involved to stick with the process year after year after year.

There is nothing in this bill that will reduce in any fashion the ability of the Environmental Protection Agency, the States, or any other entity to go through the appropriate process in order to permit a new refinery. But what it does do is for the first time in 30 years is make it incrementally more possible that we will get more capacity.

So when your constituents call you and say that they are unhappy with the high cost of fuel, remember that part of that high cost is associated with the fact that we have a very, very tight inventory of fuel in this country. As the chairman of the committee said a few minutes ago, we are consuming considerably more gasoline in this country than we are producing domestically, so some of it is imported. Our refineries are clustered in one region of the country.

If you want to answer your constituents by saying that you voted against a bill that would not have any environmental impact but would simply make it possible for us to address this issue in a more timely, quicker fashion, that is your choice.

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But we are doing what we can quickly and expeditiously and incrementally to address the issue of refinery capacity in this country. I hope the House will adopt this bill, and I urge its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, the Refinery Permit Process Schedule Act sends the right message—more refinery capacity in this country is a good thing.

Unfortunately this legislation did not follow the Committee process, since the House leadership is struggling to appear like they are doing something about gas prices, which they know are beyond their control.

As a result, this legislation probably could be improved with hearings, amendment, and more careful consideration.

However, I will support the legislation because it does not alter or repeal any environmental rule, regulation, or law. The bill would just ensure that permits do not sit on any federal bureaucrat's desk for too long.

That is a worthy goal, and I believe that if Chairman BARTON could do this bill his preferred way, then he would have brought this legislation to the Committee for a hearing. But the American people are very angry with energy prices right now, and during these politically-charged times the House often operates differently than it should.

Many Americans and Members of the House are upset that we have not built a new refinery in this country in 25 years. That is true but that is also irrelevant, because it is much cheaper and more efficient to expand existing refineries than to build brand new refineries.

Since 1994, U.S. refiners added 2.1 million barrels of capacity, which is the equivalent of adding a larger than average refinery each year.

Over the next several years, capacity will increase another 1.2 million barrels per day. For example, here are some refinery expansions that have already been announced:

Chevron—80,000 barrels per day at its Pascagoula, MS, refinery.

CITGO in Lake Charles, LA—105,000 barrels per day.

Coffeyville Resources in Kansas—15,000 barrels per day.

Flint Hills Resources in Minnesota—50,000 barrels per day.

Holly Corp. in Artesia, NM—10,000 barrels per day.

Marathon Petroleum—180,000 barrels per day in Garyville, LA, and 26,000 barrels per day in Detroit, MI.

ConocoPhillips will spend $3 billion over four years on refinery expansion, which means tens of thousands of extra barrels per day.

Motiva Enterprises is considering doubling the capacity of its large refinery in Port Arthur, TX.

Sunoco recently announced plans to commit $1.8 billion over the next 3 years, leading to thousands more barrels per day.

Tesoro Petroleum Company will devote $670 million in the next year alone to refining facility expansions.

And the Nation's largest refiner, Valero plans to spend $5 billion to add over 400,000 barrels per day of new capacity nationwide.

So the debate about a lack of new refineries is a red herring. We should really focus on expansion projects, since that is where the action is.

If this legislation fails to gain the required ⅔ support by the full House, I hope we could revisit this legislation in Committee.

Mr. BARTON of Texas. Mr. Speaker, I ask that this exchange of letters be included in the RECORD during today's debate on H.R. 5254.

MAY 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 5254, a bill to set schedules for the consideration of permits for refineries.

I appreciate your willingness not to seek a referral on H.R. 5254. I agree that your decision to forgo action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

MAY 3, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 5254, a bill to set schedules for the consideration of permits for refineries, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 5254 that implicate the rule X jurisdiction of the Committee on the Judiciary. Specifically, section four of the bill contains a provision that implicates the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) ("the judiciary and judicial proceedings, civil and criminal).

The Committee takes this action with the understanding that by forgoing consideration of H.R. 5254, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5254 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Ms. LEE. Mr. Speaker, I rise in strong opposition to H.R. 5254.

This bill is a complete sham, and will do absolutely nothing to mitigate the high gas prices that our constituents are being forced to pay at the pump.

The fact is we did not get to $3 a gallon for gas because of our environmental and public health laws, and we shouldn't be gutting them In response.

The bottom line is that energy companies are not interested in expanding their refinery capacity because they want gas supply to remain tight so they can keep making record profits.

In a hearing last November in the other body, both the CEO's for Shell and ConocoPhillips indicated that they were not aware of any environmental regulation that was preventing them from building new refineries.

While in January representatives from Exxon indicated that they had no plans to build new refineries.

So what is the point of this bill if nobody wants it or needs it?

The real problem with high gas prices today boils down to two things:

1. The administration's deliberate decision to promote an energy policy developed by and for their cronies in the oil and gas industry at the expense of the American people.

2. The geo-political problems in the Middle East that have been exacerbated by the actions of this administration over the last six years.

Those are the issues we should be dealing with today.

Instead of gutting our Nation's environmental and public health laws and providing another giveaway to the energy industry we need to implement a strategy of energy independence.

We need to make immediate investments to expand energy efficiency and the use of renewable fuels, and we need to adopt a foreign policy that does not hold our constituents hostage to the latest political crisis in the Middle East.

I urge my colleagues to oppose this wrongheaded bill.

Mr. UDALL of Colorado. Mr. Speaker, we all know why this bill was rushed to the floor today, and why it is being considered under a shortcut process that limits debate and prevents any consideration of even a single amendment.

It's because the Republican leadership thinks they need to make a show of doing something about the price of gasoline.

But just because they are feeling some political heat does not mean that we should pass this bill, which I think does not deserve to be approved.

The bill would require State and local governments to comply with a new Federal schedule for approving permits to site, construct, or expand a refinery. To do that, it would repeal part of the brand-new Energy Policy Act of 2005 that gave the States the ability to request authority to trigger a process that would coordinate Federal and State actions on a refinery.

In other words, it is a new Federal mandate—and it probably would not do anything to speed up construction of any refineries, for several reasons.

First, more Federal bureaucracy and red tape means more delays, because heavy-handed Federal requirements—including judicially-enforceable deadlines—will bring exactly the resistance and litigation that the provisions in the Energy Policy Act were intended to forestall.

And, second, it's economics that controls decisions about refinery capacity.

That's why, as the Wall Street Journal recently reported, Exxon thinks building a new refinery would be bad for its long-term business even as it expands the capacity of is existing refineries.

Just last November, in fact, Shell's CEO testified in a Senate hearing that "[w]e are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery" and Conoco' s CEO echoed that, saying "we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

But, when the Republican leadership gets scared, who cares about the facts or wants to bother with thinking things through?

So here we are, rushing to take up a bill that was just introduced, on which there have been no hearings and no opportunity for anyone who will be affected—including the State and local governments—to have a chance to comment.

That's a bad way to do business, and this is a bad bill. I cannot support it.

Mr. HOLT. Mr. Speaker, I rise today in opposition to the Refinery Permit Process Schedule Act (H.R. 5254). This bill is based on a false premise—that requirements for environmental permits are to blame for the lack of refinery capacity. As many of my colleagues have expressed, oil companies have openly stated that environmental standards are not stopping them from building new refineries. In fact, the truth is that oil companies simply do not want to build more refineries. The solution that H.R. 5254 prescribes does not match the problem that our nation faces with energy. Instead of investing our efforts in sustainable energy sources to meet our growing energy needs, we remain stuck in our old ways.

I would like to take the opportunity to discuss one point of this bill that I find particularly disturbing. Section 5 directs the President to designate three closed military bases for new oil refining facilities. This section will ultimately force communities that have already suffered from the closure of a military base to welcome unwillingly an oil refinery in their backyards if the President and the Secretary of the Army deem it worthy of a refinery.

I recently joined with New Jersey Governor Jon S. Corzine, Representative FRANK PALLONE and other New Jersey state legislators for the signing of the Fort Monmouth Economic Revitalization Act, which creates a ten-member authority charged with overseeing the transition and revitalization of Fort Monmouth once it closes in or before 2011. Creating such an authority is an important step for communities to protect their interests as communities are revitalized following a base closure. What frightens me even more about this provision is that the Secretary of Defense can override any decision made by a local authority. The federal government can supersede a local decision. This is not just about Fort Monmouth in my district in Central New Jersey. This is about communities who are already dealing with the closure of a military base. This is about allowing the federal government to overrule what state and local authorities believe is best for their communities.

We owe it to our constituents to debate meaningful energy legislation that reaches the root of our growing energy problems, not something that tries to fix a problem that does not exist.

I urge my colleagues to vote no on this legislation because it does not address our growing energy needs and is unfair to local communities.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5254.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING NEED FOR PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORT FOR DESIGNATION OF NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 99) expressing the need for enhanced public awareness of traumatic brain jury and support for the designation of a National Brain Injury Awareness Month.

The Clerk read as follows:

H. CON. RES. 99

Whereas traumatic brain injury is a leading cause of death and disability among children and young adults in the United States;

Whereas at least 1.4 million Americans sustain a traumatic brain injury each year;

Whereas, each year, more than 80,000 of such Americans sustain permanent life-long disabilities from a traumatic brain injury, resulting in a life-altering experience that can include the most serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, one person in the United States sustains a traumatic brain injury;

Whereas at least 5.3 million Americans currently live with permanent disabilities resulting from a traumatic brain injury;

Whereas most cases of traumatic brain injury are preventable;

Whereas traumatic brain injuries cost the nation $56.3 billion annually;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's "silent epidemic";

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing public awareness of traumatic brain injury; and

Whereas the Brain Injury Association of America has recognized March as Brain Injury Awareness Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the life-altering impact traumatic brain injury may have both on Americans living with the resultant disabilities and on their families;

(2) recognizes the need for enhanced public awareness of traumatic brain injury;

(3) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(4) encourages the President to issue a proclamation designating such a month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 99, a resolution expressing the need for enhanced public awareness of traumatic brain injury and in support for designation of a National Brain Injury Awareness Month.

I want to thank the principal sponsors of this legislation, Congressman BILL PASCRELL from New Jersey and Congressman TODD PLATTS from Pennsylvania, who are the cochairs of the Congressional Brain Injury Task Force. I commend them for their leadership and hard work to increase the level of public awareness of this silent epidemic of traumatic brain injury.

Despite the fact that each year an estimated 1.4 million Americans sustain a traumatic brain injury, costing our society tens of billions of dollars and permanently altering the lives of countless people, too few people are aware of the dangers posed by these highly preventible injuries.

To help address this problem, House Concurrent Resolution 99 resolves that Congress, one, recognizes the life-altering impact traumatic brain injury may have both on Americans living with the resultant disabilities and on their families; two, recognizes the need for enhanced public awareness of traumatic brain injury; three, supports the designation of an appropriate month as National Brain Injury Awareness Month; and, four, encourages the President to issue a proclamation designating such a month.

Again, I commend Mr. PASCRELL and Mr. PLATTS for their leadership on this issue. I encourage my colleagues to adopt the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Centers for Disease Control and Prevention estimate that there are over 5 million Americans living with disabilities resulting from traumatic brain injury. Another 1.4 million of our fellow citizens sustain a traumatic brain injury every year.

In 1996, Congress recognized the severity of traumatic brain injury by passing the Traumatic Brain Injury Act, legislation that advances prevention and education and research and community living for people living with these injuries and for their families. But there is more to be done.

Every 21 seconds, someone in our country sustains a traumatic brain injury. While half of these injuries result in only short-term disabilities, for others, they are obviously far more serious.

Half a million of these Americans die, including 2,800 children less than 14 years of age. Another 80,000 Americans sustain severe long-term disabilities, costing our health care system something in the vicinity of $56 billion a year.

But many of those disabilities are preventible. The problem is that most Americans don't know when to classify an injury as a traumatic injury. It means they may not know to recognize the signs of a serious injury, which can be as simple as recurring headaches or feeling tired or having difficulty concentrating. They don't know to get themselves to a medical professional before there is actually permanent damage. Just because it only feels like a bump in the head, you have to be aware of how you are feeling and how you are acting. Your family and friends need to be able to recognize the signals that something is wrong. This is particularly important for children, who are less likely to recognize when they need to see a doctor.

H. Con. Res. 99, offered by my friend Mr. PASCRELL and others, will help increase America's awareness about the seriousness of traumatic brain injury and the importance of getting checked out by a health care professional after injury.

To help meet that goal, this resolution supports the creation of a National Brain Injury Awareness Month, an event around which patients and advocates and providers can organize to educate the public and bring needed attention to this issue. I am pleased to support the resolution.

Mr. DEAL of Georgia. Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from New Jersey (Mr. PASCRELL), the sponsor of this resolution.

Mr. PASCRELL. Mr. Speaker, to the chairman, my good friend from Georgia, I thank you for bringing this to the floor, and the ranking member.

I rise today, Mr. Speaker, in support of House Concurrent Resolution 99, legislation designed to bring attention to what I would call an American tragedy, a stealthy thief who can strike anyone at any time without warning and often with devastating consequences.

Traumatic brain injury, TBI, is a leading cause of death and disability among young Americans in the United States. As you have just heard, someone will sustain a traumatic brain injury every 21 seconds. We are talking about 1.5 million Americans every year. More than 1.4 million sustain brain injuries, more than the incidence of HIV/AIDS, spinal cord injury, even multiple sclerosis. Fifty thousand of those injured will die; 55 million Americans are living with TBI right now. Think about that, Mr. Speaker.

These injuries manifest themselves in a myriad of ways, from a small behavioral change to complete physical disability and even death. Traumatic brain injury costs the country an estimated societal cost of $60 billion every year and, currently, there is no cure. Most of these injuries are due to falls, motor vehicle traffic crashes or violence. Additionally, due to the changing nature of warfare, American troops are suffering TBI at an alarming rate.

Individuals with TBI account for 2 percent of the total United States population and represent nearly 10 percent of our Nation's disability population, 10 percent. Yet despite these staggering statistics, lack of public awareness is so vast that TBI remains a silent epidemic plaguing our Nation.

The good news is that traumatic brain injury is often preventable. That is why awareness and education are imperative.

The resolution before the House today, Mr. Speaker, to designate a National Brain Injury Awareness Month, will work toward enhancing public awareness and give this epidemic and its victims a voice.

Former Congressman Jim Greenwood from Pennsylvania and I formed the Congressional Brain Injury Task Force in 2001. Today, that task force, which I chair with my good friend Congressman PLATTS from Pennsylvania, works to further education and awareness of brain injury, its incidence, its prevalence, its prevention and treatment. The task force also supports funding for basic and applied research on brain injury rehab and the development of a cure.

It is my hope that this resolution will encourage Americans to learn more about the long-lasting effects of brain injury and its impact on both the civilian and military communities.

The Traumatic Brain Injury Act is the only legislation that specifically addresses issues faced by people who live with long-term disability as a result of traumatic brain injury. It has successfully provided a foundation for coordinated and balanced public policy for people living with TBI and their circles of support. This law is due to be reauthorized. I look forward to continued congressional support to make it happen.

Another important Federal program, Mr. Speaker, focused on TBI, traumatic brain injury, is the Defense and Veterans Brain Injury Center. For our Armed Forces, TBI is an important clinical problem in peace and war, and its consequences may extend for many years.

The Defense and Veterans Brain Injury Center was established in 1992 after Operation Desert Storm. Military doctors are naming traumatic brain injury as the result of a blast the signature wound of the war in Iraq.

Because soldiers are now equipped with state-of-the-art body armor, they are living through attacks that troops in past wars were unable to survive. Systemwide, the DVBIC has evaluated over 1,400 military personnel with TBI. Of those troops evacuated to Walter Reed Medical Center, 28 percent had traumatic brain injury.

The DVBIC trains combat medics, surgeons, general medical officers and Reservists in the recognition and best practices of TBI care and provides continuity of care from the battlefield to rehab and back to active duty or civilian life.

Continued congressional support is vital. Traumatic brain injury is a unique issue, an epidemic so vast it is almost overwhelming and so personal its effects defy definition. Passage of this resolution will confirm our commitment to awareness and education and prevention and research.

I encourage my colleagues to vote in favor of H. Con. Res. 99, to designate a National Brain Injury Awareness Month in support of our common goal, the eradication of traumatic brain injury as a debilitating, costly and deadly plague on humankind.

I must say in conclusion, Mr. Speaker, that what has happened over the past 5 or 6 years gives us a tremendous amount of hope in developing that part of the brain which has not been injured to compensate for that part which has been injured. We are truly living in great times.

Mr. PLATTS. Mr. Speaker, as a Co-Chair of the Congressional Traumatic Brain Injury Taskforce, I rise in strong support of House Concurrent Resolution 99. This resolution will help increase awareness for traumatic brain injury (TBI), the leading cause of death and disability among children and young adults in the United States.

Mr. Speaker, few Americans may understand the amount of devastation caused by TBIs every year. This year alone, over 1.4 million people will sustain a traumatic brain injury. Sadly, at least 80,000 of those individuals will remain permanently disabled from the trauma.

Falls, motor vehicle crashes, sports injuries, and violence are among the major causes of TBI, leaving every individual susceptible. Additionally, TBIs can manifest themselves in various ways, from a small behavioral change to complete physical disability, and even death. Brain injuries affect the whole family emotionally and financially, often resulting in huge medical and rehabilitation expenses.

It is now especially important that we promote awareness for TBI because military doctors are naming it the signature wound of the war in Iraq. Thanks to the state-of-the-art body armor with which our men and women overseas are equipped, they are able to survive violent attacks, while still receiving a blunt force to the head. Walter Reed Memorial Hospital found that over 60% of all soldiers wounded in an explosion, vehicle accident, or gunshot to the head or neck, sustained a Traumatic Brain Injury.

Mr. Speaker, because all of our fellow citizens have family, friends and neighbors who could fall victim to TBI at any time, I urge support from my distinguished colleagues for this resolution here today.

Mr. BROWN of Ohio. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time and urge the adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 99.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1300

SUPPORTING THE GOALS AND IDEALS OF NATIONAL NURSES WEEK

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 245) supporting the goals and ideals of National Nurses Week, as amended.

The Clerk read as follows:

H. RES. 245

Whereas since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when the importance of nursing in health care can be demonstrated;

Whereas well-trained health professionals are the cornerstone of the Nation's complex health system;

Whereas registered nurses ("RNs") represent the largest single component of the health care profession, with an estimated 2.7 million RNs in the United States;

Whereas nurses historically have provided hands-on patient care at the bedside, and will continue to do so;

Whereas nurses have a mandate to serve those in need, and to try to ease the suffering of those in pain;

Whereas nurses also are deeply involved in health education, research, business, and public policy;

Whereas nurses bear the primary responsibility for the care and well-being of hospital patients;

Whereas unfortunately, too few nurses are caring for too many patients in our Nation's hospitals;

Whereas according to a report from the Department of Health and Human Services, the United States currently has a nurse shortage of nearly 150,000 RNs and will have a shortage of more than 800,000 RNs by the year 2020;

Whereas cutting-edge technologies are useless without a staff of trained professionals to implement them; and

Whereas nurses are the unsung heroines and heroes of the medical profession: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 245, a resolution supporting the goals and ideals of National Nurses Week.

Nurses are an integral component of the health care system, and it is important that we recognize the over 2.7 million registered nurses for the significant work that they do. For the last 3 years, we have celebrated National Nurses Week. Beginning on May 6, we will once again have the opportunity to truly commend the nursing community for their contributions to our national health delivery system.

I thank Representative EDDIE BERNICE JOHNSON for introducing this resolution, and I encourage my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS), who is a nurse and also is one of the most outstanding members of the Commerce Committee specializing in the incredibly good work on public health.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I want to commend the chairman of the Health Subcommittee and Energy and Commerce, Mr. DEAL from Georgia, and also the ranking member, Mr. BROWN, both of you for your advocacy for nurses and for health care in general; and I also commend my friend and fellow nurse, EDDIE BERNICE JOHNSON from Texas, for introducing this resolution.

As we observe National Nurses Week May 6 through 12, our goal is to raise awareness about important issues facing the nursing community here in the United States. After all, the priorities of this Nation's nearly 2.9 million nurses do reflect the priorities of everyone when it comes to health care issues.

Nurses serve their patients in the most important capacities. We know that they serve as our first lines of communication when something goes wrong or when we are concerned about health. They check their vital signs and collect our patient histories. They are critical players in the performance of life and death surgery and procedures.

They attentively care for the most vulnerable patients in the ICU and the newborn nurseries and in our senior centers, and they serve as essential first responders in times of disaster.

Beyond that, it is nurses who sit patiently with their patients to educate them about important preventive and follow-through health care. They are there for patients and their families, giving them the moral support needed when faced with an ominous diagnosis. They are the ones who advocate on behalf of patients for quality health care.

Unfortunately, today our Nation is experiencing a crisis, a crisis in the nursing shortage. Currently, it is at 6 percent. That means 6 percent fewer nurses today at work, in hospitals, in public health, in clinics, than is needed for the health and safety of this country; and that number is surely going to grow unless we make some serious investments now.

For several years in a row, this administration has proposed flat funding of nurse education programs. Without enough nursing educators, those to train the next generation of nurses, we cannot deal with the shortage. At the same time, we are all aware of our budget deficit, which is the reason given for not funding nurse educator programs.

I come back to the fact, educating the next generation of nurses and nurse educators is something that cannot be compromised. I know, Mr. Speaker, that this message is getting through to my colleagues. This year, over 150 Members of Congress in a bipartisan way supported an appropriations request to increase nurse education funding.

To repeat, 150 Members of Congress supported an appropriations request to increase nurse education funding.

But we must build on this momentum now and ensure that funding is increased this year and next year. Investments in nurse education now will mean a greater ability to provide quality health care to Americans in years to come.

Studies have indicated there is a strong correlation between the shortages of nurses and morbidity and mortality rates in our hospitals. Other research studies today in America are revealing that Americans on average are less healthy than people living in other industrialized nations. Just this week, new research specifically revealed the greater incidence in which Americans suffer from illness than their counterparts in England.

Now, it is not my attempt to make assumptions about the reason for this. But I can tell you beyond a doubt that, by increasing our investments in nurses and providing better working conditions for nurses, we can improve the health of all Americans. So I urge my colleagues to support this resolution, support the goals of National Nurses Week.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the sponsor of this resolution, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), a nurse, also very involved in public health issues in Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this resolution supporting the goals and ideals of National Nurses Week, and I am indebted to my colleague from California for her scholarly presentation.

I started my career as a nurse and worked for more than 15 years as a psychiatric nurse, and it helps me here. I was the chief psychiatric nurse at the VA Hospital, Day Treatment Center, as well as the Day Hospital in Dallas, Texas.

Next week, May 6–12, is National Nurses Week; and it is fitting for this body to honor the millions of nurses in America.

Nurses are usually very, very dedicated individuals. In my personal experience, nurses tend to be intelligent, detail oriented. They tend to be ready to act at the spur of the moment, and with knowledge.

Their work touches all aspects of patient care, whether it is in the emergency room, in the operating room, in the doctor's office, at the neighborhood clinic, in the schools, and battlefields. Nurses stand at the forefront of many lines of our health care system, and they must make life and death decisions, often with little advance notice.

and they have frequent hands-on contact with the patient.

For these reasons, a caring attitude and compassionate heart are required for the hard work nurses do. In my years as a nurse, I have seen miracles and I have seen tragedies. At the VA, I worked with soldiers fresh from battle, as well as men and women who fought bravely years before. It was an honor to serve America's veterans, each one on his or her individual path to recovery of good health.

Nurses Week is really appropriate, because there hardly is anyone alive who will be born and finish life without contact with a nurse.

We have a severe shortage right now; and I would hope that we would be more open to attempting to get more nurses, American-educated nurses, so that we will not lose the care that the nurses give. They work very hard for their patients. The American public needs to know that Congress recognizes nurses for the great work they do.

I thank the leadership for its support of this bill. I would like to especially thank the two other Members of Congress who also are nurses for their collaboration and united stance in support of issues important to nurses. Both of them have been more active since than I have in nursing. But it is an old saying, once a nurse, always a nurse.

I commend this legislation to my colleagues and urge their support.

Mr. BROWN of Ohio. Mr. Speaker, I will close and yield myself such time as I may consume.

Mr. Speaker, I thank Ms. EDDIE BERNICE JOHNSON and Mrs. CAPPS for their commitment to public health and for bringing this resolution to the floor today.

Our health care system depends on the 2.7 million registered nurses who have dedicated themselves to providing the highest quality of care in our hospitals, in our clinics, in our long-term care facilities and our doctors' offices.

To recognize the dedication of these women and men, we celebrate their accomplishments during National Nurses Week held every year during the week leading up to the May 12 birthday of Florence Nightingale, the founder of modern nursing.

This year, National Nurses Week highlights nurses' strength, commitment and compassion. These qualities are rare, and they help explain why our health care system would falter without the contribution of registered nurses.

Nurses are the center of our efforts to improve the Nation's health. They are at the front lines administering care, educating the public, helping patients and the families cope with the challenges of injury and illness.

Unfortunately, as we hear too often, we are facing a serious shortage of nurses; and that shortage is growing, so much so that the Department of Health and Human Services recently predicted a shortage of more than 800,000 nurses, keep in mind we have 2.7 million nurses today, a shortage of 800,000 nurses by the year 2020.

With fewer and fewer trained hands and minds at the bedside and in the doctor's office, leaving overworked nurses to handle more and more patients, we can only expect the availability of quality health care to decline.

We need to invest in attracting and training a new generation of nurses and to foster retention for those who are already practicing. Resolution 245 honors the goals of National Nurses Week, raises the awareness of the vital role that nurses play in our health care system, and focuses attention on the unmet challenge that we face as the shortage of nurses intensifies.

Mr. Speaker, I thank the chairman and ranking member of the Energy and Commerce Committee for bringing this measure to the floor. I thank EDDIE BERNICE JOHNSON, and I am pleased to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I, too, would repeat my expression of appreciation for our colleague, Ms. JOHNSON, for bringing this resolution today and commend all of those in our society who have chosen the field of nursing as their profession and encourage others to do so and follow their example.

Mr. Speaker, it is appropriate that we honor them by this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 245, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material regarding H.R. 4975.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Is there objection to the request of the gentleman from California?

There was no objection.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4975.

☐ 1313

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was just listening to the debate on the last bill considered under suspension of the rules, and I saw a wonderful sense of bipartisanship as we were able to pass, I suspect we may have a vote on it, but I know it will pass overwhelmingly, the legislation by our good friend from Dallas, Texas, Ms. EDDIE BERNICE JOHNSON.

It is my hope that, as we proceed with this very important issue, that that same sense of bipartisanship can prevail. Because I believe that it is absolutely essential to dealing with the challenge that lies ahead.

Mr. Chairman, as you know very well, recent scandals involving elected representatives from both political parties have underscored the very urgent need for us to reform ethics and lobbying rules.

☐ 1315

The American people and Members of Congress are very correctly incensed about this. I believe that it is absolutely outrageous some of the things that we have seen from both political parties over the past several months.

Action, common-sense action, Mr. Chairman, is absolutely needed, and that is why I am very proud that Speaker Dennis Hastert 4 months ago stepped up to the plate and said this is exactly what we need to do, is we need to take strong action.

Republicans and Democrats have worked together tirelessly on this issue over the past 4 months. The goal is to strengthen and reform House rules, as well as that 1995 Lobbying Disclosure Act which we very proudly put into place when we won the majority back in 1994.

Our aim, our goal, is a Congress that is effective, a Congress that is ethical, and a Congress that is worthy of the public trust. Now, I know that the

American people should understandably have a healthy skepticism towards this institution. That is what Thomas Jefferson wanted. But, at the same time, it is very important that we do what we can to enhance the level of trust that the American people have in their elected representatives.

We know right after this began, at the beginning of this second session of the 109th Congress, we stepped right up and were able to take very bold action to bring about reform. On our very first day of legislative business we voted to level the playing field by ending the access to the House floor and gym by former Members of Congress who are registered lobbyists. This rule change was supported by 379 of our 435 Members.

At the beginning of the last month, we took a second step in the name of balance and fairness. In another bipartisan vote, the House closed an enormous loophole in campaign finance regulations. Integrity in our elections was a key focus of our reform efforts, and the 527 Reform Act makes sure campaign finance laws apply across the board.

Now we are considering the comprehensive reform package, H.R. 4975, the Lobbying Accountability and Transparency Act of 2006. Mr. Chairman, this legislation seeks to uphold the highest standards of integrity when it comes to Congress' interaction with outside groups.

I am very proud of the process and the results of this multi-month effort that we have seen. Anyone, anyone, Democrat and Republican alike, outside groups, academics, anyone who wanted to offer any suggestion, any proposal at all, make any comment on any part of the legislation has had that opportunity. This has been a very thorough and, again, a very bipartisan process.

Mr. Chairman, we already conducted a very spirited and worthwhile debate just last Thursday when we were considering the rule that allows us to consider this legislation; and, from that debate, it was very clear to me that there is a lot of confusion over H.R. 4975. Frankly, Mr. Chairman, as I have read editorials for a wide range of publications here in this town and across the country, there is an awful lot of confusion as to what this bill actually does. So I thought that I would take just a moment to summarize for our friends here in the House and for anyone who might be following this, any editorial writer out there, I would like to summarize what this legislation will and will not do.

Mr. Chairman, this legislation will enhance transparency and accountability in Congress through increased disclosure and tighter rules. No matter what anyone says, Mr. Chairman, this legislation does increase transparency and accountability through toughening up disclosure and tightening the rules.

Mr. Chairman, this legislation will fulfill the public's right to know who is seeking to influence their Congress.

This legislation will provide brighter lines of right and wrong and more rigorous ethics training so that everyone can understand what is right and what is wrong here. I was taught that as a kid, but obviously there has been some confusion and in the past there have been gray areas. This legislation creates that clear definition and provides an opportunity for greater training for Members and staff so they can have an understanding of it.

This legislation will significantly reform the earmark process to foster more responsible and accountable government spending.

I read one editorial in which they said this bill does not tackle the so-called Bridge to Nowhere issue. Well, Mr. Chairman, anyone who has followed this debate knows that full well that last week when we were debating the rule, the Speaker, the majority leader, I, the whip, others made have a very strong commitment, working with the Appropriation Committee, that the Senate has passed language which we think is very good.

It is language which says that when we look at the issue of earmark reform so we can have greater accountability when it comes to spending that it should not simply focus on the appropriations process. It should be universal and go across the board to the other committees as well. That commitment was made a week ago, and yet some people seem to think that we are not willing to take that on.

Mr. Chairman, this legislation will considerably increase fines and penalties for violating the transparency and accountability provisions.

This legislation will give a new authority to the House Inspector General to perform random audits of lobbyist disclosure forms and refer violations to the Department of Justice.

Now, Mr. Chairman, here is what this legislation will not do. It will not permit business as usual. It will not perpetuate the status quo.

Mr. Chairman, while this body is united in its desire for reform, we clearly have disagreements over some of the specifics. Some think that this bill goes too far; some think that this bill does not go far enough; and, frankly, I wish that this bill were stronger than it is. But we are getting ready to take this very important step to go into conference with the Senate; and, as we do that, I believe that we can come back with a stronger bill. This is what I am hoping will happen, but we must proceed with this measure so that we can make that happen.

Yet today we stand, as I said, on the starting blocks of our reform effort, and the single most important thing that we can do at this stage is to keep the process of reform moving. That is really what this is all about today, Mr. Chairman. We know full well that they are going to get a lot of people standing in the way, and yet we need to take this step forward, and that is what H.R. 4975 does.

There is no question whatsoever that this bill, regardless of what anyone says about it, that it represents progress. It is a move in the right direction, and a lot of us want to do more, but this is a bill that moves us in the right direction.

There is no question at all that it is a vast improvement over the status quo, and there is no question that it does put us on a path towards that very important conference that we will have with our friends in the other body.

Now, of course, Mr. Chairman, there are many up there who want to engage in nothing but criticism. They want to say no. They want to defeat this effort for real reform. They want to just criticize what it is that we are trying to do here when we have been able to fashion a bipartisan package. But to what end? To protect the current system? Because this is really what is going to happen. I mean, if we pass the previous question, if we defeat this legislation, all we will be doing is perpetuating the status quo because it will slow the process of reform. The same system that we have spent 4 months decrying, as we sought this reform, would be perpetuated.

It defies logic, Mr. Chairman, to criticize the current standards and then vote to keep them in place, because that is exactly what will happen. With their recommittal motion, that is exactly what will happen with any attempt to defeat this measure.

Mr. Chairman, Winston Churchill, I think said it very well, when he wrote: Criticism is easy; achievement is difficult.

Mr. Chairman, this is no time for us to recoil in our effort to bring about reform. By voting yes for this bill, the House will vote for achievement, for progress and for rebuilding the trust of the American people. A vote for H.R. 4975 is a vote for reform.

Mr. Chairman, after we pass this bill, let me tell you what is next on our agenda: more reform. The Republican party is the party of reform. The Republican party has and will continue to reach out to our Democratic colleagues who are reform-minded to continue down this road towards reform.

The drive for reform never stops. We have demonstrated that consistently in the past, and we will continue to do so in the future. It is a continuous, ongoing process that takes both perseverance and commitment.

Mr. Chairman, I believe that it is absolutely essential for us to continue down the road towards reform so that we can make this institution more effective and more respected.

Mr. Chairman, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

There is certainly an "Alice in Wonderland" quality to this debate already this afternoon where Alice could believe 90 possible things before breakfast, and to believe that we all worked together on this bill is absolutely not true. Democrats and Republicans have worked hard, but in different alleys, going in different directions.

To that end, I would like to submit for the RECORD at this point from The Post this morning an editorial entitled, "Kill this Bill," along with several others. Every editorial group and outside organizations have said this bill is a hollow sham.

[From washingtonpost.com, May 3, 2006]

Kill This Bill

"Bold, Responsible, common-sense reform of our current lobbying and ethics laws is clearly needed," House Rules Committee Chairman David Dreier (R-Calif.) told his colleagues on the House floor last week. "We owe it to our constituents. We owe it to ourselves. We owe it to this institution."

Very true—which is why House members should reject the diluted snake oil that Mr. Dreier and the GOP leadership are peddling as bold reform. Their bill, which is expected to come before the House for a vote today, is an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint. The procedures under which it is to be debated, allowing only meaningless amendments to be considered, are an insult also—to the democratic process.

At best the bill would marginally improve the existing arrangement of minimal disclosure, laxly enforced. Reporting by lobbyists would be quarterly instead of twice yearly and slightly more detailed (with listings of lobbyists' campaign contributions—already available elsewhere—along with gifts to lawmakers and contributions to their charities). Nothing would crimp lawmakers' lifestyles: Still allowed would be meals, gifts (skybox seats at sporting events, say) and cut-rate flights on corporate jets. Privately sponsored travel would be suspended, but only until just after the election.

The provisions on earmarks are similarly feeble. Lawmakers who insert pet projects in spending bills would have to attach their names to them—but that's all. If that happens, these provisions wouldn't be subject to challenge. Earmark reform that wouldn't allow a vote to stop future "Bridges to Nowhere" isn't real reform.

Matching the anemic measure is the undemocratic procedure under which it will be "debated" on the House floor. Nine amendments are to be considered, including such tough-love provisions as "voluntary ethics training" for members and holding lobbyists liable for knowingly offering gifts whose value exceeds the gift limit. (Not to worry: Legislators wouldn't be liable for accepting them.) The Rules Committee refused to permit votes on amendments to strengthen the measure, including proposals to establish an independent ethics office; to require lawmakers to pay full freight for chartered flights; or to double the waiting period for lawmakers to lobby their former colleagues from one year to two. Neither would the majority risk an up-or-down vote on the much more robust Democratic alternative.

Democrats tempted to vote for this sham because they're scared of 30-second ads that accuse them of opposing lobbying reform ought to ask themselves whether they really think so little of their constituents. As for Republicans willing to settle for this legislative fig leaf, they ought to listen to Rep. Christopher Shays (R-Conn.). "I happen to believe we are losing our moral authority to lead this place," Mr. Shays said on the House floor last week. He was generous not to have put that in the past tense.

[From USA Today, April 24, 2006]

Snow Job on Lobbying

Congress still doesn't get it. After more than a year of negative headlines about political corruption and money-soaked alliances with lobbyists, House leaders are weakening their already anemic excuse for reform.

They hope to pass the plan this week and then, with the glowing pride of grandees doling pennies to the poor, con the public into believing they're actually giving up enough of their prized perks to make a difference.

The plan—pushed by Rules Committee Chairman David Dreier and Majority leader John Boehner contains a few enticing illusions, such as modest changes in disclosure rules and pork-barrel spending restraints. But it's far from anything lobbyists might fear. In light of the tawdry political culture exposed by the sprawling case of super lobbyist Jack Abramoff, awaiting sentencing in Washington, the measure is most noteworthy for what it would fail to do:

Cushy travel paid for by private groups—a device lobbyists use to buy favors—would be banned, but only until after the election. Next year, it would be back to business as usual.

Lobbyists would be barred from flying on corporate jets with members of Congress, a response to calls to abolish this cozy form of special-interest access. But nothing would prevent executives who aren't registered lobbyists from continuing to do the same thing. And nothing would alter the practice of routinely making these planes available for members' political or personal trips at deeply subsidized fares.

There's no provision for creating a much-needed independent, non-partisan Office of Public Integrity to give credibility to probes of ethics complaints. Ethics committees of the Senate and House of Representatives have proven inadequate for the task.

House Republican leaders have dropped proposed requirements that lobbyists disclose which lawmakers and aides they have contacted and how they have raised money for politicians. As a result, lobbyists banned from paying $100 for a congressman's restaurant dinner would remain free to pay $25,000 or $50,000 to underwrite a fundraising party to "honor" the member.

Most rules allowing members of Congress and their staffs to accept gifts from lobbyists would remain unchanged.

The sorry record of this Congress cries out for real reform, not a toothless sham. One member has been sent to prison for extorting bribes from lobbyists and favor-seekers. Former House majority leader Tom Delay is under indictment on political money-laundering charges, two of his former aides have pleaded guilty to corruption charges, and he's quitting because he fears the voters' backlash. At least a half-dozen other members, from both parties, are under investigation by various federal agencies on everything from bribery to insider trading.

Not coincidentally, polls show public disillusionment with Congress at the highest levels in more than a decade. This is fueled in part by the lobbying and corruption scandals that show special interests and self-interest trumping the public interest.

If the self-righteous incumbents can't do better than this outrageous substitute for needed reform, they will deserve to be defeated in November.

[From the New York Times, Apr. 30, 2006]

Now You See It, Now You Don't

The inclusion of something termed "ethics training" in the House Republican majority's pending lobbying reform bill is the ultimate touch of drollery. It is a public relations kiss-off acknowledging growing concern about the appearance of scandalous money ties between Congressional campaigners and their claques of loyal lobbyists. At the same time, it is clear notice that this ethically challenged Congress has no intention of doing anything serious about reform. The House majority leader, John Boehner, conceded as much in observing, "The status quo is a powerful force."

As it is, Mr. Boehner has had to drag his members kicking and screaming to a vote this week on the cut-and-paste figments of reform that the House G.O.P. will be peddling to the voters this fall. The bill is even weaker than the Senate's half-hearted measure. Rather than banning gifts and campaign money from lobbyists, the bill embraces disclosure—the equivalent of price lists for the cost of doing business with a given lawmaker. A bipartisan attempt at true reform was squelched as non-germane, as if the need to create an independent ethics enforcement body is not obvious by now after the lobbyist corruption story of Jack Abramoff and his back-door power over lawmakers.

The Democrats are right to oppose the measure. Some Republicans, worried that it will be properly perceived as the Bill to Nowhere, did point out loopholes in the proposal to rein in the pork-barrel earmark gimmickry dear to lawmakers and lobbyists. But no credible fix was made.

[From the Houston Chronicle, Apr. 26, 2006]

Stillborn Reform

After tough jawboning about ethics reform in response to the scandal centered on convicted lobbyist Jack Abramoff, House Republican leaders have produced legislation that mocks its title, the Lobbying Accountability and Transparency Act of 2006.

In fact, the bill does little to increase accountability in the lawmaker-lobbyist relationship and is transparent only in its display of political showmanship and the absence of substance. Even after the conviction of a California congressman for bribery, the guilty pleas of two former aides to U.S. Rep. Tom DeLay and the widening net of the federal Abramoff probe, Congress, seems to be falling back into a "What, me worry?" posture.

The House version that might be voted on this week is even weaker than its Senate counterpart, which government watchdog groups criticized as toothless. Jettisoned from the proposal were strictures on gifts to elected officials and a requirement that legislators pay private charter rates for transportation on corporate jets. A ban on elected officials' acceptance of free junkets from private groups will extend only until after the next election, an indication that Congress lacks the resolve to give up a major perk.

Dropped by the wayside was a plan to invigorate the slumbering congressional ethics committees with an independent public integrity office. Also deleted were requirements that lobbyists disclose contacts with lawmakers and fund-raising efforts on their behalf, a system that allows lobbyists to funnel other people's campaign cash to buy influence with key officials. A spokeswoman for House Rules Committee Chairman David Dreier, R-Calif., told Roll Call the provision was removed because it "could have a chilling effect on lobbying."

Given the disproportionate influence of highly paid special interest advocates on the legislative process in Washington, we thought limiting lobbyist clout over lawmakers was the whole point of reform. Dreier is apparently more concerned with the health and welfare of lobbyists than his own legislative body's reputation.

In a letter to lawmakers, a coalition of pro-reform groups appealed for the defeat of the legislation and the enactment of tough measures to rein in the influence of lobbyists. According to the missive, "H.R. 4975 represents an effort by Members to have it both ways—holding on to the financial benefits and perks they receive from lobbyists and other special interests, while claiming that they have dealt with the lobbying and ethics problems in Congress. . . . The public will not be fooled by this phony game."

Democracy 21 President Fred Wertheimer said the House bill "is apparently based on the premise that you can fool all of the people all of the time." He points out the misleading language of the legislation, including "a section called 'Curbing Lobbyists' Gifts' that doesn't curb gifts from lobbyists, and a section called, 'Slowing the Revolving Door,' that contains no provisions to slow the revolving door."

How many more members of Congress, their aides and lobbyists have to be convicted of fraud, bribery and abuse of voter's trust before legislators get the message that the public is serious about ethics reform?

In pretending that their bill is something other than a self-serving sham, House leaders demonstrate just how out of touch they are. If it passes, the next chance for ethics reform may come at the polls in November.

[From Star-Telegram.com, May 3, 2006]

"ONE OF THE GREATEST LEGISLATIVE SCAMS THAT I HAVE SEEN"

(By Molly Ivins)

AUSTIN.—Either the "lobby reform bill" is the contemptible, cheesy, shoddy piece of hypocrisy that it appears to be . . . or the Republicans have a sense of humor.

The "lobby reform" bill does show, one could argue, a sort of cheerful, defiant, flipping-the-bird-at-the-public attitude that could pass for humor. You have to admit that calling this an "ethics bill" requires brass bravura.

House Republicans returned last week from a two-week recess prepared to vote for "a relatively tepid ethics bill," as The Washington Post put it, because they said their constituents rarely mentioned the issue.

Forget all that talk back in January when Jack Abramoff was indicted. What restrictions on meals and gifts from lobbyists? More golfing trips! According to Rep. Nancy L. Johnson of Connecticut, former chairwoman of the House ethics committee, passage of the bill will have no political consequences "because people are quite convinced that the rhetoric of reform is just political."

Where could they have gotten that idea? Rep. David Hobson, R-Ohio, told the Post, "We panicked, and we let the media get us panicked."

By George, here's the right way to think of it: The entire Congress lies stinking in open corruption, but they can't let the media panic them. They're actually proud of not cleaning it up.

The House bill passed a procedural vote last week, 216–207, and it is scheduled for floor debate and a final vote today—which gives citizens who don't like being conned a chance to speak. Now is the time for a little Cain-raising.

Chellie Pingree of Common Cause said, "This legislation is so weak it's embarrassing." Fred Wertheimer, president of Democracy 21 and a longtime worker in reformist vineyards, said: "This bill is based on the premise that you can fool all of the people all of the time. This is an attempt at one of the greatest legislative scams that I have seen in 30 years of working on these issues."

Come on, people, get mad. You deserve to be treated with contempt if you let them get away with this.

I'm sorry that all these procedural votes seem so picayune, and I know the cost of gas and health insurance are more immediate worries. But it is precisely the corruption of Congress by big money that allows the oil and insurance industries to get away with these fantastic rip-offs.

Watching Washington be taken over by these little sleaze merchants is not only expensive and repulsive—it is destroying America, destroying any sense we ever had that we're a nation, not 298 million individuals cheating to get ahead.

I'm sorry that these creeps in Congress have so little sense of what they're supposed to be about that they think it's fine to sneer at ethics. But they work for us. It's our job to keep them under control until we can replace them. Time to get up off our rears and take some responsibility. Let them hear from you.

[From the New York Times, Apr. 26, 2006]

THE LOBBYIST EMPOWERMENT ACT

The House Republican leaders managed a new feat of cravenness during the recent recess, hollowing out their long promised "lobbying reform" bill to meet the dictates of—who else?—Washington's power lobbyists.

During two weeks of supposed inactivity, the leadership bill was chiseled down at the behest of K Street to an Orwellian shell of righteous platitudes about transparency and integrity. The measure to be debated this week has been stripped of provisions to require full disclosure of lobbyists' campaign fund-raising powers and V.I.P. access in Congress. The measure buries all attempts at instituting credible ethics enforcement in the House.

The nation should not be fooled. The proposal is a cadaverous pretense that Congress has learned the corrupting lessons of Jack Abramoff, the disgraced superlobbyist; Representative Tom DeLay, the fallen majority leader; and Duke Cunningham, the imprisoned former congressman. It makes a laughingstock of the pious promises of last January to ban privately financed junketeering by lawmakers. Instead, these adventures in quid pro quo lawmaking would be suspended only temporarily, safe to blossom again after the next election.

The bill's cosmetic requirements for limited disclosure are overshadowed by the brazen refusal to plug the loopholes for lobbyists' gifts or to end their lavish parties for "honoring" our all too easily seduced lawmakers. The G.O.P. leaders can't even marshal the courage to rein in the shameful use of corporate jets by pliant lawmakers.

It's hard to believe that members of Congress mindful of voters' diminishing respect would attempt such an election-year con. One Republican proponent had the gall to argue that we mustn't "chill" the right of lobbyists, the ultimate insiders, to petition government.

The true measure of the debate will be whether the House continues to suppress a bipartisan package of vigorous reforms offered by Martin Meehan, the Massachusetts Democrat, and Christopher Shays, the Connecticut Republican. These measures would at long last galvanize ethics enforcement and crimp the disgraceful symbiosis of lobbyist and lawmaker on Capitol Hill.

[From the Washington Post, Apr. 25, 2006]

SHAM LOBBYING REFORM

Do you remember, back when the spotlight was on Jack Abramoff, how House Republican leaders pledged to get tough on lobbyists? Well, you may; apparently they don't. The House plans this week to take up the Lobbying Accountability and Transparency Act of 2006, a watered-down sham that would provide little in the way of accountability or transparency. If the Senate-passed measure was a disappointment, the House version is simply a joke—or, more accurately, a ruse aimed at convincing what the leaders must believe is doltish public that the House has done something to clean up Washington.

Privately paid travel, such as the lavish golfing trips to Scotland that Mr. Abramoff arranged for members? "Private travel has been abused by some, and I believe we need to put an end to it," said Speaker J. Dennis Hastert (R-Ill). But that was January; this is now. Privately funded trips wouldn't be banned under the House bill, just "suspended" until Dec. 15 (yes, just after the election) while the House ethics committee, that bastion of anemic do-nothingness, ostensibly develops recommendations.

Meals and other gifts from lobbyists? "I believe that it's also very important for us to proceed with a significantly stronger gift ban, which would prevent members and staff from personally benefiting from gifts from lobbyists," said Rules Committee Chairman David Dreier (R-Calif.) in—you guessed it—January. Now, Mr. Dreier's bill would leave the current gift limits unchanged.

Flights on corporate jets? No problem; the bill wouldn't permit corporate lobbyists to tag along, but other corporate officials are welcome aboard while lawmakers get the benefits of private jets at the cost of a first-class ticket.

Mr. Dreier's Rules Committee took an already weak House bill and made it weaker. From the version of the measure approved by the House Judiciary Committee, it dropped provisions that would require lobbyists to disclose fundraisers they host for candidates, campaign checks they solicit for lawmakers and parties they finance (at conventions, for example) in honor of members.

The bill would require more frequent reporting by lobbyists and somewhat more detail. Lobbyists would have to list their campaign contributions—information that's available elsewhere but nonetheless convenient to have on disclosure forms. And some additional information would have to be disclosed—meals or gifts that lobbyists provide to lawmakers, along with contributions to their charities. Some lawmakers want to strengthen the bill. But will the Rules Committee allow their proposals to be considered? Rep. Christopher Shays (R-Conn.) would require lawmakers to pay market rates for corporate charters. Mr. Shays and Rep. Martin T. Meehan (D-Mass.) would supplement the paralyzed House ethics committee with an independent congressional

> ethics office—needed now more than ever. House Democrats have a far more robust version of lobbying reform that deserves an up-or-down vote. Having produced a bill this bad, the Rules Committee ought at least to give lawmakers an opportunity to vote for something better.

Mr. Chairman, the sad thing I think here is that, as hard as we all worked, the Democrat amendments were not allowed. We had one out of the nine that are here today, and our package of rules changes and lobbying reforms were not allowed, but we will have a chance to vote for those on the motion to recommit, and I urge people to do that.

The esteemed Houston Chronicle columnist, Craig Hines, recently wrote that I and my Democrat colleagues are right to assail the lobbying reform bill last week, but he did not let us off the hook. There is one thing we did not do, Mr. Hines said, we should have been tougher, and he is right. There is no need to mince any words here. The issue at hand is just too important to allow for pleasantries.

This bill is a sham; and by promoting it as a real reform measure, Republicans are lying to the American people.

Consider what Mr. Hines said about it. "The bill," he wrote, "is designed to get the ruling Republicans past the November election. Period." He said that with this bill Republicans are hoping to "keep control of the House with a minimum change in the way the majority party has come to do business."

And he is not alone. Every major editorial board in the country has roundly denounced this legislation. Today's Washington Post calls it "deluded snake oil" and said that it "is an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint."

Last week's Roll Call said the bill "makes a mockery of its own title"; and the New York Times, calling it the "lobbyist empowerment act," noted that the Republicans have buried "all attempts at instituting credible ethics enforcement in the House."

The person who is head of the lobbying organization, when asked about it, he said, oh, that little thing, absolutely in his belief saying there is nothing here.

To my friends on both sides of the aisle, your constituents are watching. If you vote for this bill, you are telling them that you are not serious about ethics reform. You are saying that you accept the leadership that promotes dishonest legislation and one that brazenly lies what its bills will do.

Despite Republican proclamations to the contrary, the scope of what this bill does not do is nothing short of stunning.

In January, the Speaker of the House, Representative HASTERT, called for an end to privately funded travel, but this bill does not end it. It merely bans it until December, one month after the election, when the Ethics Committee is supposed to weigh in on the matter. Of course, Republicans have shut down the Ethics Committee for a year and a half, and I do not expect it to rule on anything significant anytime soon.

Back in January, my colleague on the Rules Committee, Representative DREIER, said we should institute a much stronger gift ban, but the bill does not do that either.

Last week in the Rules Committee, Republicans voted down 20 more commonsense Democratic amendments out of 21 submitted, and that is 95 percent. They rejected an amendment that would prohibit securities trading by Members and their staff based on nonpublic information. They vetoed a requirement that top officials report contacts that they have with private parties seeking to influence government action. They turned down a ban on gifts from lobbyists and an end to the inherently anti-Democratic K Street project.

Mr. Chairman, these endless omissions would be bad enough on their own, but the real reason why this legislation is such a disappointment, the real reason why it is such a missed opportunity to create the reform Americans are demanding is that it does nothing, nothing, to fix the battered and broken political process of this Congress.

□ 1330

The rules of the House and the procedures enshrined within it during our first two centuries as a Nation were conscientiously designed to be a vaccine against corruption in this body by maintaining an open and transparent legislative process, by allowing bills to be debated and amended, by permitting Members of Congress to actually read and reflect upon legislation before they are forced to vote on it. Through these means, Congress was supposed to be freed from the temptations of corruption that our Founding Fathers knew lurked in the shadows. But during the last 11 years of the Republican leadership, those shadows have spread, and today, it is hard to see the light anymore.

The results have been as outrageous as they have been predictable. Corruption has become commonplace. Members no longer need to fear public scrutiny of their actions because they work in secret, as do the lobbyists who court them and whom they court in return, all 35,000 of them. Nor do they need to forge agreements with others to get provisions through the House; they just slip them into large bills without telling anyone.

The system is broken, and as long as it is broken, it will remain corrupt. This bill was supposed to change this abysmal reality, but it will not change a thing. If we pass this legislation as it is written, secret last-minute perks and protections for big business will still be routinely added to the conference reports. The Rules Committee will still deny anyone not in the majority the right to amend legislation. Major thousand-page bills will still be dropped on the desk of Members only minutes before they have to vote for them. And when the time for the votes has come, the arm twisting and influence peddling on the very floor of this House will continue unabated, and it will go on 10 minutes, 20 minutes, an hour, even 3 hours after votes have officially ended, whatever it takes to jam the agenda of the majority through the gears of our deteriorating democracy.

None of these un-American shameful practices are even addressed in this bill, let alone prohibited. And then, as far as the majority is concerned, that will be that. The public cried out for reform after they realized the degree to which their trust and good will were being abused, and the Republicans promised change, but they have gone back on their word. This is the very opposite of a reform bill. It is instead a steadfast and cynical defense of an indefensible status quo.

Mr. Chairman, let me again address my friends on both sides of the aisle. Some of you may be afraid that a vote against this bill will be portrayed by your opponents back home as a vote against reform. But it does not have to be that way because you do have a choice here today. I will be offering a substitute in the form of a motion to recommit that will do everything the Republican bill does not and will deliver everything that the American people expect from lobbying reform: it will ban travel on corporate jets as well as gifts and meals from lobbyists. It will shut down the K Street Project. It will end the practice of adding special interest provisions to conference reports in the dead of night. It will increase transparency for all earmarks, toughen lobbyist disclosure requirements and, most importantly, set up a structure for real enforcement of lobbyist requirements.

Today is a moment of truth for this Congress. You can vote for the Republican bill before us and tell an entire Nation that you really do not care about what it thinks, or you can vote "yes" on the motion to recommit and pass the Democratic substitute. I urge my colleagues in the strongest possible words to do what is right for this Congress and for this Nation.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, let me just say that I have not been in Alice in Wonderland until I heard my colleague talk about it. So much for bipartisan comity. I am very proud to be working with Democrats on this important legislation, but as I listen to this mischaracterization of our strong bipartisan reform effort, I am somewhat stunned.

Mr. Chairman, I am very happy to yield 4 minutes to an individual who has worked as hard or harder than anyone on this issue of reform, the distinguished chairman of the Committee on Standards of Official Conduct, my Rules Committee colleague, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in strong support of H.R. 4975, the Lobbying Accountability and Transparency Act. Mr. Chairman, the American people have every right to expect the highest ethical standards here in the people's House.

In order to uphold the integrity of Congress as an institution, we must go a step further to enhance transparency and accountability with respect to lobbying activities. The Lobbying Accountability and Transparency Act does just that while preserving the right of Americans to petition their government.

Much like other bills that are brought to this floor, this bill is a compromise, and I would like to commend Chairman DREIER for seeking input from Members on both sides of the aisle, but especially for the long, hard work that he has worked on this issue since the turn of the year. This was no easy task. And as the chairman said, this is only the start of the process. But because this is a compromise, I believe that there are areas in which this bill can be improved. For that reason, I am pleased that we will have an opportunity to consider an amendment later today that I have cosponsored that will further improve the bill with regard to privately funded travel for Members of Congress.

Much concern has been raised in recent months over abuse of House rules that permit Members and staff to accept privately funded travel connected with the performance of their official duties. Upon passage by the House, the legislation before us today would temporarily suspend such travel and direct the Ethics Committee to propose to the House new rules for approving and disclosing privately funded travel.

As several of my colleagues will note later on, I am sure, and have noted in the past, privately funded travel often serves a very useful purpose, and the temporary suspension is not intended to signal that something is inherently wrong with these private trips. Instead, the temporary suspension recognizes that, until a new travel system can be put in place, Members taking such trips do so at considerable risk of public criticism that is in many instances unwarranted.

For that reason, the bipartisan Lungren-George Miller-Hastings-Berman-Cole amendment was proposed as a stop gap measure designed to protect Members and staff who have already made plans to travel during the 6 weeks between now and mid-June when the House is expected to act on recommendations for new travel rules to be proposed by the Ethics Committee.

Very simply, our amendment provides that privately funded travel may be accepted during this interim period whenever two-thirds members of the Ethics Committee vote to approve the proposed trip. This mechanism, which will be in place for only a relatively short period of time, will make it possible for worthwhile trips to go forward while ensuring that all privately funded travel is carefully scrutinized for compliance with applicable House rules.

I am pleased that several of my distinguished colleagues on both sides of the aisle, including the new ranking minority member of the Ethics Committee, Mr. BERMAN, have had a hand in crafting this interim travel approval mechanism. I look forward to working closely with Mr. BERMAN not only to ensure that this process runs smoothly but also on a bipartisan basis to develop clear and workable rules for approving privately funded travel that the Ethics Committee will communicate to all Members and staff.

Mr. Chairman, I urge adoption of the bill.

Ms. SLAUGHTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the bill because it does nothing to reduce corruption and lobbying.

Mr. Chairman, I had an amendment that was adopted in the Judiciary Committee. That language was subsequently stripped from the bill by the Rules Committee. That amendment would have simply required a study of the practice by which some lobbyists appear to be charging percentage contingent fees for obtaining earmarks in appropriations bills. Now, when you combine that idea with the K Street Project where you are supposed to be hiring a Republican lobbyist who is supposed to be contributing back to the legislators, you can see just how ugly a practice this can be. My amendment would have simply asked for a study of the prevalence of that practice.

Mr. Chairman, these kinds of contracts are illegal when lobbyists are representing foreign governments and are illegal in some activities involving the Executive Branch. They are illegal in 39 State legislatures. However, it does not appear to be illegal lobbying Congress under Federal law. The Congressional Research Service in a memorandum dated September 21, 2000 cites a legal treatise which says that these contracts furnish the strongest incentive to the exertion of corrupting and sinister influences and are utterly void against public policy.

Supreme Court Justice Oliver Wendell Holmes was cited in that same memorandum as saying that they have a tendency in such contracts to provide incentives towards corruption. In fact, an 1853 Supreme Court case said that common law will not lend its aid to enforce a contract to do an act which is inconsistent with sound morals or public policy, or which tends to corrupt or contaminate by improper influences the integrity of our social or political institutions.

Mr. Chairman, true lobbying reform ought to remove corruption from lobbying, and if we are going to be serious about that, we ought to at least study the prevalence of these contracts which everybody knows has a corrupting influence. By removing the amendment, it is clear that that was not the purpose of the bill, and I urge my colleagues to oppose the legislation.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, Sept. 21, 2000.

MEMORANDUM

Subject: Contingency Fees for Lobbying Activities.

From: Jack Maskell, Legislative Attorney, American Law Division.

This memorandum is prepared in response to requests from congressional offices for information about whether one may lawfully have a contingency fee arrangement for "lobbying" activities in which the fee for such lobbying activities is contingent upon the success of "lobbying" efforts in having legislation passed in the United States Congress.

There is no statute under federal law which expressly addresses the issue of contingency fees with respect to all lobbying activities generally before the Congress. Contingency fees may be expressly barred, however, under certain circumstances. There is in federal law an express prohibition against contingency fee arrangements with respect to seeking certain contracts with the agencies of the Federal Government. Activities which might generally or colloquially be called "lobbying," but which involve making representations on behalf of private parties before federal agencies to obtain certain government contracts, may thus be subject to the contingency prohibitions. The reason for such ban has been explained as follows: "Contractors' arrangements to pay contingent fees for soliciting or obtaining Government contracts have long been considered contrary to public policy because such arrangements may lead to attempted or actual exercise of improper influence ...."

Contingency fees are also prohibited for lobbying the Congress by persons who must register as agents of foreign principals under the Foreign Agents Registration Act. The prohibition is upon agreements where the amount of payment "is contingent in whole or in part upon the success of any political activities carried on by such agent." The covered "political activities" of such agents under the Foreign Agents Registration Act include any activity which the agent "intends to, in any way influence any agency or official of the Government of the United States ... with reference to formulating, adopting, or changing the domestic or foreign policies of the United States ...," and thus include the activities of "lobbying"

Members and staff of Congress on legislation or appropriations.

Although there is no general, express federal law barring all contingency fees for successful lobbying before Congress, there is a long history of judicial precedent and traditional judicial opinion which indicates that such contingency fee arrangements, when in reference to "lobbying" and the use of influence before a legislature on general legislation, are void from their origin (ab initio) for public policy reasons, and therefore would be denied enforcement in the courts. In some instances contingency fee arrangements based on the success of legislation have been upheld in a few courts, however, when the duties contracted for were professional services that did not involve traditional, statutorily defined "lobbying" or the use of personal influence before the legislature, or where the client had a legitimate claim or legal right to be asserted in a matter before the legislature (e.g., "debt legislation").

The concern of potential temptations from overzealousness and undue influences which certain "all or nothing" contingency arrangements might engender has also been the reason behind the public policy disfavoring contingency fees in the case of lobbying the legislature. As summarized in one legal treatise: "Agreements under which the compensation for procuring or influencing legislative action is made contingent upon the success of the undertaking furnish the strongest incentive to the exertion of corrupting and sinister influences to the end that the desired legislation may be secured, and there is a long line of cases which holds that if the agreement is one in which the compensation is contingent upon success in accomplishing the end sought, it is utterly void as against public policy."

The United Stats Supreme Court addressed the issue in Hazelton v. Sheckells, in 1906. In that case the Court refused specific performance of a contract to convey a deed as compensation for services where "the services contemplated as a partial consideration of the promise to convey were services in procuring legislation upon a matter of public interest, in respect of which neither of the parties had any claim against the United States." As established in the conveyance document, such agreement "was in substance a contingent fee," dependent upon the passage of legislation by the Congress. Justice Oliver Wendell Holmes, writing for the Court, explained that it was the "tendency" in such contract agreements to provide incentives towards corruption, and not necessarily any actual corrupt activity in a particular contract or case, that made these contingent arrangements void for public policy reasons. Thus, the Court found that even though the services in this case were legitimate, that "[t]he objection to them rests in their tendency, not in what was done in the particular case," especially since if there had been undue or improper influence "it probably would be hidden and would not appear." The Court stated that "in its inception" the contingency fee arrangement "necessarily invited and tended to induce improper solicitations, and it intensified the inducement by the contingency of the reward." The Court found that earlier Supreme Court precedent had established "that all contracts for a contingent compensation for obtaining legislation were void," and refused to enforce the contract in question.

The judicial disfavor expressed by the Supreme Court for contingency contracts for lobbying on general legislation dates back at least to 1853, when in Marshal v. Baltimore & Ohio R.R., supra, the Court with reference to secret contingent contracts explained:

"It is an undoubted principle of the common law, that it will not lend its aid to enforce a contract to do an act . . . which is inconsistent with sound morals or public policy; or which tends to corrupt or contaminate, by improper influences, the integrity of our social or political institutions. . . . Legislators should act from high consideration of public duty. Public policy and sound morality do therefore imperatively require that courts should put the stamp of disapprobation on every act, and pronounce void every contract the ultimate or probable tendency of which would be to sully the purity or mislead the judgments of those to whom the high trust of legislation is confided.

". . . Bribes in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are "proper means"; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or "careless" members in favor of his bill."

In a more recent federal case on this subject, a United States Court of Appeals in 1996, in Florida League of Professional Lobbyists, Inc. v. Meggs, upheld against a constitutional challenge on First Amendment grounds the State of Florida's specific legislative ban on contingency fee contracts for lobbying. The court there reaffirmed, albeit reluctantly, the long-recognized judicial precedents concerning the general public policy against such contingency fees for lobbying. The court noted that there was no direct precedent overturning the older Supreme Court cases directly on point on contingency fees and lobbying, but did seem sympathetic and responsive to the plaintiff's arguments that more modern cases on the First Amendment and compensation for advocacy might eventually warrant a different outcome on this issue:

"Florida points out that in cases decided well before the articulation of 'exacting scrutiny,' the Supreme Court specifically held that contracts to lobby for a legislative result, with the fee contingent on a favorable legislative outcome, were void ab initio as against public policy . . . [citations omitted]. The League does not contest the applicability of these older decisions to this case. And, we are persuaded that these decisions permit a legislature to prohibit contingent compensation. The League, however, suggested at argument that the extensive, interim developments of First Amendment law established conclusively that the Supreme Court today would strike a contingent-fee ban on lobbying.

"This prediction may be accurate, but we are not at liberty to disregard binding case law that is so closely on point and has been only weakened, rather than directly overruled, by the Supreme Court."

As to State statutory bans on contingency fees for lobbying, it should be noted that as of this writing most of the States (39) have existing in their state codes an express prohibition against such contingency fees for lobbying activities. See, for example, Alabama (§36-25-23(c), Michie's Ala. Code); Alaska (sec. 24.45.121 (a)(6), Alaska Statutes); Arizona (sec. 41-1233(1), Arizona Rev. Statutes); California (Government Code, §86205(f), Annotated Calif. Codes); Colorado (sec. 24-6-308, Colorado Rev. Statutes); Connecticut (§1-97(b), Conn. Gen. Statutes Ann.); Florida (§11.047 [legislature]; §112.3217 [executive branch], Florida Statutes Ann.); Georgia (sec. 28-7-3, Official Code of Georgia Ann.); Hawaii (sec. 97-5, Hawaii Rev. Statutes Ann.); Idaho (sec. 67-6621(b)(6), Idaho Code); Illinois (S.H.A. 25 ILCS 170/8); Indiana (sec. 2-7-5-5, Burns Ind. Statutes Ann.); Kansas (sec. 46-267, Kansas Statutes Ann.); Kentucky (sec. 6.811(9), Kentucky Rev. Statutes); Maine (Title 3, §318, Maine Rev. Statutes Ann.); Maryland (State Government, §15-706, Michie's Ann. Code of Md.); Massachusetts (Ch. 3, §42, Mass. Gen. Laws Ann.); Michigan (sec. 4.421(1) Mich. Compiled Laws Ann.); Minnesota (sec. 10A.06, Minn. Statutes Ann.); Mississippi (sec. 5-8-13(1), West's Ann. Miss. Code); Nebraska (sec. 49-1492(1), Revised Statutes of Neb.); Nevada (sec. 218.942(4), Nev. Revised Statutes Ann.); New Mexico (sec. 2-11-8, New Mexico Statutes); New York (Book 31, Legislative Law, §1-k, McKinney's Consolidated Laws of N.Y. Ann.); North Carolina (sec. 120-47.5(1), Gen. Statutes of N.C.); North Dakota (54-05.1-06, N.D. Century Code Ann.); Ohio (sec. 101-77, Page's Ohio Rev. Code Ann.); Oklahoma (Title 21, §334, Oklahoma Statutes Ann.); Oregon (sec. 171.756(3), Oregon Rev. Statutes); Pennsylvania (65 Pa. Cons. Statutes Ann. §1307(a)); Rhode Island (sec. 22-10-12, Gen. Laws of R.I.); South Carolina (§2-17-110(A), Code of Laws of S.C.); South Dakota (sec. 2-12-6, S.D. Codified Laws); Texas (Government Code, 305.022, Vernon's Texas Codes Ann.); Utah (sec. 36-11-301 (Utah Code Ann.); Vermont (Title 2, 266(1), Vt. Statutes Ann.); Virginia (§2.1-791, Code of Va.); Washington (§42.17.230(f), West's Rev. Code of Wash. Ann.); Wisconsin (sec. 13.625(d), Wise. Statutes Ann.).

As noted, the weight of judicial opinion has been either to uphold such restrictions against challenges, or in some cases in the absence of an express statute to judicially find such contingency fee arrangements void for public policy reasons. In one instance in the 1980's, however, a provision, enacted as a result of a state initiative, barring all contingency fees for legislative lobbying activities was struck down by a state court as an overbroad intrusion into the right to petition the government. The Supreme Court of Montana found the law "overbroad because it precludes contingent fee agreements that are properly motivated as well as those that are improperly motivated" and as such, the "ability of individuals and organizations to fully exercise their right to petition the government may be severely curtailed by this broad prohibition."

While the existing state of the law is clearly for most States to continue to expressly prohibit by law contingency fee agreements with respect to legislative lobbying on general legislation, and to have those prohibitions upheld (or to consider such contingency agreements void for public policy reasons where there is no express law, as is the case with respect to lobbying before Congress), other interpretations have permitted such arrangements where an agent, attorney or representative is seeking legislation based upon a claim or similar legal interest or right to be asserted against the government, or when such action involves conduct and activity that is done in the normal course of client representation by an attorney and is not expressly contemplated by the original contract.

1There have also been cases where legitimate professional services are contracted for, such as, for example, the drafting of legislative language, as opposed to merely engaging another's "influence" to "lobby," when such an arrangement for services, even if based on the contingency of the passage of legislation, has been permitted. Such cases have been described as related to contracts where the "services rendered thereunder did not partake of anything in the nature of lobbying...." Although relating to legislation, the services in question were not necessarily within a specific or narrow definition of "lobbying" in the sense that nothing that was contracted for involved any activities attempting to "exert private or personal influence with members of the legislature, or in interviewing or bringing pressure to bear on them...." In making arguments for allowing such contingent fees in cases of professional services rendered in relation to legislation where no undue influences are contemplated or used, and no traditional "lobbying" is conducted, it has been suggested that such permissibility of the fee arrangement would have no more "influencing" tendency than in the permissible instance of one representing oneself before the legislature (and thus having an even greater financial stake than an agent in the outcome), or if an agent or attorney represented a client before a judicial panel, i.e., a court.

JACK MASKELL,
Legislative Attorney.

Mr. DREIER. Mr. Chairman, I am very happy to yield 1½ minutes to my very good friend from Charleston, West Virginia, a hardworking member of the Rules Committee (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I would like to thank the chairman of the Rules Committee, Mr. DREIER, for his hard work and leadership in drafting the Lobbying Accountability and Transparency Act of 2006. It has been a tough job, and it has been a pleasure to work with him on this important reform legislation in the Rules Committee.

Mr. Chairman, we are all well aware of the recent scandals that have plagued the House of Representatives. The unscrupulous action of a few Members and staff has severely damaged this hallowed body that we are privileged to serve in. What is even more disturbing is that some see this as an opportunity for political gain. The recent scandals transcend political affiliation and ideology, and it is incumbent upon all Representatives to come together and restore the integrity of the House. This is not the time for catchy phrases and rhetoric. Rather, it is the time for each of us to step up and adhere to the duties as a Member of Congress.

I am especially pleased that this legislation includes language that I sponsored in the Rules Committee to strengthen and improve ethics training for staff and Members of Congress. This section would require all staff to attend an ethics training course or face severe penalty. It also requires that the Committee on Standards of Official Conduct will set up a similar program for Members and strongly encourages them to participate. I certainly plan to.

I realize that this may seem harsh to some, but my staff, who I require to have ethics training, now have benefited greatly from these training sessions, and I firmly believe that all staff should share in this experience. This measure ensures that all staff will receive this training.

This legislation also instructs the Standards Committee to report to the Rules Committee by no later than December 15 on the adequacy of the rules. The legislation is good progress. Thank you for granting me the time, and thank you for your leadership on this issue.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, all the American people really need to know about this lobbying bill is that our friends on the Republican side of the aisle want to clean up Congress the way teenagers want to clean up their bedrooms. Instead of socks and sweatshirts and whatnot strewn about the floor, we have lobbyists' money and special gifts and favors. And instead of really taking it out and putting it out of the body of this Congress, what they want to do is sweep it under of the bed, so when the public's attention is not looking, we can just call it right back out. This is a sham bill. It is not a real reform.

Let me point out two things that they did not address. This reform bill does nothing to give Members of Congress more time to read legislation. We offered an amendment that would have allowed 72 hours for Members and the public to read legislation. It was not even allowed to be brought up for debate. This amendment does not do anything to ban insider trading by Members of Congress or lobbyists. It is not illegal currently for Members of Congress to share information with lobbyists who then share it with investors who can make a fortune on this. It is illegal in the private sector, but the leadership on the Republican side refused to make it illegal for Members of this Congress. We are cleaning up Congress the way teenagers clean up their bedroom, and the result will be the same mess we started with.

Mr. DREIER. Mr. Chairman, may I ask of the Chair how much time is remaining on each side.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from California has 13 minutes remaining, and the gentlewoman from New York has 19 minutes remaining.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in opposition to the so-called Lobbying Accountability and Transparency Act. A poll released just last week found that the Congress had a dismal approval rating of just 22 percent. That is an unprecedented 10 percent drop from the last poll. With this closed rule and this bill, we can see why the American people have lost faith in their elected representatives. This is not real reform; it is a sham.

Congressman SHAYS and I tried to offer a package of amendments to bring transparency and credibility back to the ethics process. Our amendments would have created an office of public integrity, increased grassroots lobbying disclosure, increased general lobbying disclosure, required Members of Congress to pay charter costs for planes made available by corporations, and limited gifts.

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I have also worked with Mr. EMANUEL on two more amendments to strengthen this bill. Both were denied.

Instead of allowing an open debate on our proposals, the leadership proposed and decided that it would be business as usual.

What do I mean by "business as usual"? Well, I mean last year we voted an energy bill written by big oil companies loaded with $12 billion in tax breaks for the oil and gas industry. What was the result? Consumers are suffering with high gas prices at the pump today, over $3 a gallon for gasoline.

Recently, lobbyists for the pharmaceutical industry wrote a prescription drug bill that increased their profits and did nothing to help seniors. The result: seniors are stuck with a confusing prescription drug plan that does little to help them with their costs.

Today, the Republican leadership has chosen to continue to be an outlet for moneyed special interests that are not accountable to anyone. Real lobbying reform must end the practice of corporate lobbyists writing our laws. The so-called Lobbying Accountability and Transparency Act is neither accountable nor transparent. It does nothing to address the problems in the current lobbying system. This bill is not going to fool the public.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, corruption is rampant in Washington, and we are now in the fifth month of this congressional session. About the only action these Republicans have taken is to enact a harsh punishment. Yes, they have enacted a punishment on all of the fat cats. They have said that lawmakers-turned-lobbyists can no longer use the House gym. Apparently, the thinking here is that fat cats will no longer be entitled to skinny lobbyists.

Where the real sweating has actually taken place in these five months, where the real heavy lifting has occurred, is by Republicans who have been in a continual workout to create the impression they were doing something while actually changing nothing about the way this House operates. It was as if the idea was to have a press conference and give a few speeches and not expect anything to happen because that press conference announcing their legislation was the high-water mark. After that, as to each provision of the bill it was the weak getting weaker at every stage of this process.

How do you measure the cost of corruption to the American people that is occurring here? The cost is reflected in the experience that our seniors (and those who are helping them) are having right now with the prescription drug bill written for pharmaceutical manufacturers instead of the people that needed the help. The cost is reflected in the no-bid contracts, whether in Iraq or in response to Hurricane Katrina, and the price that the jobless, the homeless, and the hopeless are paying for the corruption of this Administration. The cost of a failed energy policy is reflected in the price we pay at the pump every time we fill up. That is the cost of corruption.

The bill before us today is not designed to curb the cost of corruption, just to deflect criticism from Republicans for doing nothing about it. The culture of corruption will not end in this city and in this country with one Member's conviction or resignation, and it certainly will not end when the Republican leadership is here today simply resigned to business as usual.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, who do our Republican friends believe they are fooling today with this so-called lobbying "reform" bill?

I submit: not a soul. Certainly not the American people and certainly not editorial writers who have examined this legislation.

The San Antonio New Express called the Republican bill "a disgraceful sham."

The Milwaukee Journal Sentinel calls it "miserable."

The Philadelphia Inquirer says, "The House is just playing pretend."

The New York Times calls it "an Orwellian shell of righteous platitudes about transparency and integrity."

And public interest groups have derided this Republican bill as a "complete joke," "a total scam," and "phony."

Let no one here be mistaken: this bill is not driven by a desire to address the most serious lobbying and ethics scandal this body has experienced in a generation. I have said before, and I repeat: the failure of ethics and honesty have been of conduct, not of rules. But rules can both inform of expectations and propriety.

The greed and flagrant abuses of convicted felons, former Republican Member Duke Cunningham and Republican lobbyist Jack Abramoff, hang over this House like a dark cloud.

The K Street Project, proudly promoted by Mr. DELAY and Senator SANTORUM and the Republican leadership, in which quid pro quo was the blatantly articulated standard of conduct, is the most flagrant example of the aptly named "culture of corruption."

This empty shell of a bill is driven by one thing: the majority's cynical calculation that it will not pay a price with voters this November for failing to take meaningful steps to end this culture of corruption.

The chairman of the Rules Committee was quoted as saying that the adoption of the reform package "would get this," meaning the repeated instances of rules violations and criminal conduct, "behind us."

The adoption of this bill or any bill will not do that. Only honest, ethical, principled behavior over a period of time will do that. But a strong reform package would have been a start. Sadly, that has not been an option before us today.

It does not diminish our moral responsibility, however, to demand and ensure ethical and honest behavior by all of us, not an endless political game of cross claims and allegations, but by an Ethics Committee that does not shun its responsibilities and sit moribund in the face of scandal after scandal. The people expect more of us. We should give it to them.

It may be fitting that this do-less-than-the-do-nothing Congress of 1948 Republican Congress is forcing Members to vote on this do-almost-nothing bill.

The American people see right through this ruse.

And they deserve better.

Lobbyists must be required to act honestly and ethically. But, it is Members who have sworn an oath before God and our fellow citizens to uphold the laws and protect the Constitution.

It is Members who bear the direct responsibility for the honest administration of the people's business. This Congress is not meeting that responsibility.

It is clear, Mr. Speaker, that the Republican leadership does not want a real debate on these issues.

Democrats offered a much stronger alternative, but the majority refused to allow it to be considered.

So much for openness, transparency and democracy.

I urge my colleagues: Vote against this Republican ruse.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond.

My friend said, if we have a small bill. We don't have a small bill. This is a very, very strong package that we have come forward with.

He has talked about outside organizations that have criticized this. I am very happy that three of the recommendations that outside organizations have provided to us are included in this. We have included input from a wide range of entities.

This is a package that does double the disclosure rate for lobbyists when it comes to their activities that relate to this institution. We have very strong reforms.

Mr. Chairman, I yield 1½ minutes to the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I commend the leadership for bringing this bill forward. We can beat up on lobbyists all day long. It is an easy thing to do. There has been a lot of it going on; and, in the end, it is neither here nor there, in my view.

What is important is what we do to reform this institution and our own behavior. Part of our behavior that needs reforming is earmarks. Over the past 10 years, we have seen earmarks explode from some 2,000 in all appropriations bills to more than 15,000 today. That is simply, simply unacceptable.

What this legislation does is put a Member's name next to every earmark and ensures that anyone in the House can challenge that earmark at any point in the process. That is real reform because what we need is accountability and transparency. This bill goes a long way toward doing that.

Could it go further in certain areas? Sure it could. We will see some of those in the amendment process. But it is a start, and it is something positive, and we ought to take it in particular regard to earmark reform.

Again, I commend the leadership for bringing it forward and plan to vote for it. I urge all Members to do so as well.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, last May, nearly a year ago, my colleagues Mr. MEEHAN, Senator FEINGOLD and I introduced the first lobbying reform legislation in the Congress. It has the support of Public Citizen, Common Cause, and non-partisan scholars like Norm Ornstein and Tom Mann, none of whom support the bill that is on the floor today.

We said then it would take bipartisan cooperation to get real reform. This legislation has chosen politics above progress, business as usual, rather than breaking the gridlock of the special interests.

Today, we are considering the incredible shrinking bill. With each passing day, it has become weaker and smaller. If we were going to vote on it tomorrow, it probably would be a blank page.

The Washington Post calls it a "watered down sham," "simply a joke," "diluted snake oil," and "an insult to voters who the GOP apparently believes are dumb enough to be snookered by this feint."

The New York Times called it a "laughingstock" and "an election year con."

Republican Congressman HEFLEY, the former chairman of the Ethics Committee representing the Republican

Caucus, said. "In terms of ethic process reform, I don't think we have much of that here. And I think actually we are missing an opportunity here."

Of the restrictive rule, he said, "The bottom line for me is why can we not have debate and vote on these issues and a number of others? I believe we need to defeat the rule and then do what my majority leader and the chairman have said: work on a bipartisan basis on a new bill, on new rules that will allow some debate."

He is upset because this bill does not offer an independent Office of Public Integrity. It does not ban gifts from lobbyists. It does not ban lavish junkets. It does not close the revolving door that allows Members of Congress and the administration to go to K Street and become lobbyists. In fact, there are more former Members who are lobbyists today in K Street than there are in either caucus; 270 former Members now lobby the institution. There is no disclosure of lobbyist contacts with members of the administration or disclosure of grass roots lobbying.

Mr. Chairman, we have an institutional problem; and it requires an institutional solution. Whether it is record gas prices, sky-high medical costs, out-of-reach tuition, the American people are paying a price for the House that Jack and Duke and Tom built; and they cannot afford much more.

When you guys came to Washington in 1994, you said you were going to change Washington; and Washington has changed you. It has become clear in the last 12 years, rather than have a contract with America, you have a contract with K Street.

When the gavel for the Speaker comes down, it is intended to open the people's House, not the auction house. When you look at the prescription drug legislation, you look at the energy legislation, you look at what they contributed, you see the results: $86 million for lobbying by Big Oil and $15 billion in taxpayer subsidies to Exxon and Mobil. There is $139 million in contributions and lobbying expenses by the pharmaceutical industry and $140 billion in additional profits by the pharmaceutical company. It is as plain as black and white.

What has happened here in Washington is as clear as night and day. You can either see it for what it is or accept it. This legislation does nothing to reform or change the business and the politics that is conducted here and the vicious circle between K Street and the administration and what happens here in the people's House.

This legislation was supposed to break that gridlock of that triangle. Instead, it reinforces and allows business as usual; and it allows the House that Tom and Jack and Duke built to continue.

You came here as revolutionaries. Rather than change Washington, Washington has changed you and all your principles. As Washington always says, you are firm in your opinion, it is your principles you are flexible on.

This time you have missed a historic opportunity to change Washington. What we have seen is the dominance of the special interests on the people's House. This election is about making sure that gavel returns to the American people and it does not open up this auction House but returns to the people's House.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia). The Chair admonishes all Members to direct their remarks to the Chair and not to another in the second person.

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Mr. DREIER. Mr. Chairman, that is exactly what I was going to say, what the Chair just said. I am sure that my colleague from Chicago, my very good friend, was not in any way impugning the integrity or motives of any of his colleagues in this institution.

And I should say that the legislation itself very specifically says that no Member may have any decision that is impacted that influences an outside hiring decision that another Member raises, and so that is raised in this.

Mr. Chairman, I yield 1½ minutes to my very good friend, a great reformer, the gentleman from Phoenix (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of this bill and commend the chairman for his hard work on it.

Witness after witness on the other side has stood up and said, well, this is wrong with it, and that is wrong with it, and this is wrong with it. I want to make the point that, in the course of this debate, while we have been here on the floor, the press has broken a story that a businessman just pled guilty to paying a $400,000 bribe to a Member of this institution.

Now, I am not going to mention that Member's name. I don't think we need to sink to that level. But it does yet, once again, in the midst of this debate, illustrate the need for this bill.

Of course you can always stand on the outside and criticize the efforts of those who are in the arena doing the job. But this bill does take steps forward.

My colleague on the other side just said it does nothing to change the policies that govern this institution. That is simply flat wrong. This bill, for example, enacts dramatic new earmark reform which has not existed prior to now, which will shine sunshine on earmarks so that if a Member tries to steer an earmark to their personal benefit, or any earmark, it can be seen.

I would have wished we would move quicker on this, and indeed, perhaps there are some things we could have done sooner. But it takes time to build a coalition. This bill ends the situation right now where a Member convicted of bribery may collect his pension funded by the American taxpayers after his conviction. If that doesn't create a different incentive in this institution, I don't know what it does.

I would reiterate the chairman's marks. You cannot oppose this legislation, vote against it and say you are voting for reform, because what you are doing is leaving in place the current rules which do not go far enough.

I include in the RECORD a letter from the Congressional Research Service referencing the loss of Federal pension annuity payments for conviction of certain crimes and contract issues.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, April 27, 2006.

MEMORANDUM

To: Honorable John B. Shadegg
From: Jack Maskell, Legislative Attorney, American Law Division.
Subject: Loss of Federal Pension Annuity Payments for Conviction of Certain Crimes and Contract Issues.

This memorandum is submitted in response to your request for a brief legal analysis of the permissibility of changing, by legislation, the annuity formula and availability of annuity payments under the federal retirement system for federal officers and employees, including Members of Congress, if those employees, officers or Members commit certain federal crimes in the future.

Constitutional considerations concerning the ex post facto clause of the United States Constitution counsel against an attempt to retroactively deprive former or current officers, employees, or Members of Congress their federal pensions, that is, based on a conviction of law for conduct that occurred before the current legislative changes proposed to the pension laws are enacted. A prohibited ex post facto law is one which makes criminal an action which when engaged in was innocent under the law or, as explained by the Supreme Court in 1798: "Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed. Chief Justice Marshall explained simply and clearly that an ex post facto law "is one which renders an act punishable in a manner in which it was not punishable when it was committed." Regarding specifically the pensions of federal officers and employees, a lower federal court in the celebrated Alger Hiss case found that the "Hiss Act" was, if applied retroactively to deny Alger Hiss his pension, punitive in nature and not regulatory, and was therefore a prohibited ex post facto law adopted by Congress after Hiss had engaged in the subject conduct:

> The question before us is not whether Hiss or Strasburger are good or bad men, nor is it whether we would grant them annuities if we had unfettered discretion in the matter. The question is simply whether the Constitution permits Congress to deprive them of their annuities by retroactive penal legislation. We conclude that it does not. We hold that as applied retroactively to the plaintiffs the challenged statute is penal, cannot be sustained as regulation, and is invalid as an ex post facto law prohibited by the Constitution.

Legislation which is prospective only, such as the provisions of the current proposed pension changes in H.R. 4975, 109th Congress, do not appear to offend the constitutional clause relating to ex post facto laws. The provisions of H.R. 4975 would apply the further penalty of loss of creditable service for one's federal annuities to those who are convicted of particular federal offenses (such as bribery, acting as an agent of a foreign principal, and conspiracy to commit such offenses) only after, that is, subsequent to, the enactment of the proposed legislation. It is not a violation of the ex post facto clause to increase by legislation the penalties of criminal offenses committed after the enactment of that legislation.

As to any future annuity payments affected, even those "earned" or expected prior to the commission of the particular crime in question, judicial precedents have provided a clear indication that future annuity payments to be provided by the Government for its officers, employees, veterans or others, do not create a current property right or interest in such future payments, but rather create a mere "expectancy" or "government fostered expectation" which may be modified, revoked or suspended by the authority granting it through subsequent legislation. That is, as specifically found by federal courts, "even where . . . there has been compulsory contribution to a retirement or pension fund the employee has no vested right in it until the particular event happens upon which the money or part of it is to be paid," and thus a "pension granted by the Government confers no right which cannot be revised, modified or recalled by subsequent legislation." There would appear to be no violation or abrogation of any specific "contract" by increasing the penalties for the violations of certain specific crimes to include forfeiture or partial forfeiture of anticipated federal annuity payments, even those future benefits which had accrued (or for which credit had been "earned") prior to the commission of the crime. It should be noted that the current provisions of the so-called "Hiss Act," originally adopted in 1954, operate in the manner questioned, that is, a federal officer's or employee's annuity payments, even those that were "credited" to him or her or "earned" over the course of many years with the federal government, may be forfeited upon the subsequent conviction of one of the particular national security-related crimes designated in the Hiss Act.

While there exists no current property interest or vested right in future benefits and payments under the federal retirement system, there are substantial arguments and indications that there does exist a current, vested property interest of federal employees in the contributions that the employees or officers themselves make to the retirement system. In a tax related case, a United States Court of Appeals found that an employee's contributions to the retirement system "represent valuable rights which were vested in him at the time . . ." and are therefore currently taxable income to the employee: "Present vesting of a right, even if its enjoyment is postponed to the happening of a future event, is an important aspect of gross income for income tax purposes." As to the employee contributions to and earnings in one's Thrift Savings Plan, the legislative history of the provisions establishing the Federal Employee Retirement System (FERS) indicates that Congress intended for such an account and its earnings to be a current vested property interest of the employee, which is not merely a promised future benefit, but rather "is an employee savings plan" where the "employee owns the money" which is merely being held "in trust for the employee and managed and invested on the employee's behalf . . . ." The United States Court of Appeals for the Federal Circuit has explained that where there is more than the mere expectation in future benefits, and where the employee's rights have already vested in certain amounts, then the retiree has a "protected property interest" in such amounts already vested.

There may thus be different legal and constitutional considerations concerning the denial of future annuity payments to federal employees, as opposed to the forfeiture of one's own contributions to the retirement system or to the Thrift Savings Plan. This is not to say, of course, that the Government may not by law provide for the loss or abdication of one's own "property" through fine, forfeiture or other such transfer of that money or property, but rather that legislation which would change the current law to require loss or forfeiture of vested "property" must meet certain constitutional criteria.

Ms. SLAUGHTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague, Ms. SLAUGHTER, for exposing this bill for the sham it is. It is an insult to voters around this country, an attempt to create a perception that we are making changes when, in fact, we are not. And not only is the bill snake oil, but the process by which this bill is passed is snake oil.

The previous speaker talked about those who are trying to criticize the process from the outside. Well, let me just tell you a little story. When this bill was before the Judiciary Committee, I offered an amendment. It was a simple amendment to require registered lobbyists to disclose contributions they solicit and transfer to Members of Congress in the course of doing their business. It was an attempt to shine a light on the pay-to-play culture that we have seen in Washington. That amendment passed this Judiciary Committee on a bipartisan vote of 28–4.

The Washington Post then wrote an editorial about it, and I would like to cite from that editorial because what the editorial said very clearly was this was a provision that exposed, more than any other provision, the way Washington does business. And they said in very prescient manner, we are afraid to shine the light on this issue for fear that it will be shot down all the more quickly. But, in fact, no other disclosure requirement would be more useful in explaining the way Washington does business than this one.

Well, what happened? A funny thing happened on the way to the Rules Committee from the Judiciary Committee. When people voted "yes" in the daylight, it was taken out in the middle of the night, and then the Rules Committee denied us an opportunity to vote on that very provision here on the floor of the House, a sham process for a sham bill.

Now, this is a lot more than just about golf trips for Members of Congress paid for by lobbyists. The fundamental issue for the American people is what it is costing them every day because we don't have better rules to shine the light on lobbyists.

And we should look at the current gas prices right now. This institution and the President has signed now two bills in the last several years on energy. Both were said to be a big provision to reduce the price of gas. Well, we all know what a sham those bills were. What one of those bills did was create billions of dollars of subsidies to the oil and gas industry at a time that industry has experienced record profits and people are seeing high prices at the pump.

We heard the other day this Band-Aid proposal from the Republican Senate, $100 rebate. What the American people are looking for is not chump change. They are looking for real change in the process in Washington so that we can change this country and take it in the right direction.

Mr. DREIER. Mr. Chairman, for a unanimous consent request, I yield to my good friend from Vienna, Virginia, my classmate (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I rise in opposition to H.R. 4975 because I do not believe it is truly reform.

I had looked forward to the day on the floor when the House by its actions could demonstrate to the American people that we take seriously the call for bold reforms in the wake of recent lobbying and ethics scandals.

In reviewing H.R. 4975, the Lobbying Accountability and Transparency Act, I am disappointed to say that today is not that day.

Last week I read in The Washington Post that some members are saying people don't care about lobby reform. Well, I care and I believe the American people care, too. A Washington Post-ABC News poll last month showed that 63 percent of Americans called "corruption in Washington" important to them.

Having worked in Washington for over three decades, I understand that lobbying is a part of everyday life in the nation's capital. Every day, good people walk the halls of Congress making the case for their constituency, advocating on any number of issues and causes with great passion and insight from cancer research to education reform to human rights awareness to environmental protection.

Yet something has gone terribly wrong with the general culture of Washington. Standards of conduct have shifted. What is acceptable today would not have been tolerated 20 years ago.

We must break the cycle of "Washington business as usual" which has impugned the honor and integrity of this institution.

The American people demand honesty and integrity in their government—as they should. Cosmetic changes will not suffice. Bold, sweeping reforms must be enacted.

Sadly, the bill before us today fails to meet that test, and I cannot support it.

I was encouraged when we began this process in early January and members were urged by the House leadership to provide ideas and suggestions on changes in lobby and gift rules. I sent a three-page letter with several recommendations which I believe should be a part of this debate. Several committees were then given the opportunity to come up with reforms under their jurisdiction.

But tinkering around the edges is not real reform. I believe this bill fails to fully acknowledge that the current system is broken, and it fails to offer genuine reform.

It pains me to say that we have reached the point where the ethics process in Congress has become paralyzed and unworkable. Bipartisanship and comity which used to be the norm have been replaced with partisanship and animosity. Rules with no enforcement are useless.

We had the opportunity through this legislation to establish an independent, non-partisan Office of Public Integrity to provide credibility in the ethics process and ensure fairness for every member on both sides of the aisle. But this bill has no provision to create that office.

While this legislation offers some increased lobbying disclosure reporting requirements and penalties for noncompliance, it doesn't go far enough.

With regard to the revolving door between congressional service and lobbying Congress, current law is a one-year cooling off period, and as I read it, this bill keeps the status quo, opening the door after a one-year ban—albeit with some added notification and disclosure requirements. To show real reform, we should be debating keeping the door closed for a much longer period of time, similar to the Senate bill which I understand is a two-year ban.

And it's not just Congress where the revolving door should be shut longer. I believe the executive branch needs scrutiny.

My amendment was made in order to restrict former ambassadors and CIA station chiefs from lobbying on behalf of the foreign nations where they have been stationed. Currently, an ambassador can leave the service of the United States one day and be hired the very next day as an agent of foreign nation where they had served. These officials see every decision the United States makes in relation to that country. They have access to intelligence, policy documents and other confidential information.

But under today's rules, the day they leave they have every legal right to use that same information on behalf of a foreign nation. Being an ambassador or CIA station chief is a high honor. That person becomes the face of our nation in the country where they are serving. We must safeguard the integrity of these positions.

Yet how can we debate subjecting certain executive branch officials to a five-year revolving door statute when this bill fails to extend the cooling off period for members leaving Congress or even allow debate on this matter? Therefore, I am withdrawing my amendment.

We also are supposedly here today considering legislation to tighten lobbying regulations in large part because of the lobbying scandal associated with former lobbyist Jack Abramoff and the information revealed about his ties to tribal casinos. The corruption which has been associated with the explosion of tribal gambling and political contribution is an issue I've been concerned about for nearly 10 years and one I have raised on this House floor numerous times.

These revelations have focused renewed attention on the need for Congress to thoroughly review the Indian Gaming Regulatory Act of 1988. We should have a provision in this bill to close the tribal contribution loophole that allows funneling of millions of dollars into campaign coffers.

How can we even begin to call this the Lobbying Accountability and Transparency Act without addressing the issues that initially fueled this debate?

Then we come to the issue of so-called earmark reform. True reform and transparency in the process of identifying how taxpayer dollars are being spent must be comprehensive reform. The spotlight has to shine on every committee—appropriating and authorizing including the tax writing committee. Lobbyists don't limit their work to appropriations issues. They lobby year round advocating for a myriad of issues across the committees of Congress—tax credits, defense programs, transportation projects. The narrow focus on only the appropriations process in the bill as written is not real reform. Real earmark reform must include projects in authorization bills like the "Bridge to Nowhere."

We had an opportunity today to make true, fundamental, substantive reforms in the way business is done in Washington and restore the confidence of the American people in this institution. This legislation before us and the few amendments allowed under the rule fail this institution and the American people. More amendments should have been allowed from members of both parties.

In a 1799 letter to Patrick Henry, George Washington said, "The views of Men can only be known, or guessed at, by their words or actions." Would our Founding Fathers think our actions today are the best we can do to restore integrity to this institution?

I think they would say we can and we must do better.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the very hardworking chairman of the Committee on Administration, our friend from Grand Rapids, Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I am very pleased to rise and defend the bill that is before us.

I am astounded at some of the debate I have heard here, including rising gas prices, which has nothing to do with this bill.

We hear a lot about a culture of corruption. That is utter nonsense. I am proud of my colleagues in this body, by and large, very hardworking, good people trying to do the people's business honestly and well.

The point is, we have to put in place some restrictions, some rules to deal with those few who stray and do something that shouldn't be done. That is what this bill is about. It is fair. It is reasonable. It will provide penalties for those who violate the rules of the House or the laws of this land, and that is precisely what we need, and it is important to pass that bill today. We cannot dilly dally with amendments that weaken it or with recommittals that change the intent of it.

We want a bill that will work. We want a bill that the Senate will look at and say, this is wonderful, let us pass it, too. We have to accommodate the principles of this body. We have to work and put in place all of the components of this bill which have been carefully worked out on both sides of the aisle, so that we will have a good bill, a fair bill. And I urge that we adopt this bill.

Ms. SLAUGHTER. Mr. Chairman, I did have some speakers on the way, but at this moment, they are not on the floor, so I will reserve.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Dallas (Mr. HENSARLING), a very hardworking reformer of this institution.

Mr. HENSARLING. Mr. Chairman, one cannot legislate morality, but one can legislate transparency.

But from listening to today's debate, it appears that Democrats are now against more transparency. Perhaps the recent ethical woes of several high-profile Democrats may help explain why.

My colleagues on the other side of the aisle have now said no to tax relief that created 5 million new jobs. They have said no to more domestic oil production, to lower gas prices, and now they are saying no to transparency for lobbying activities.

I say yes to this legislation because it has transparency where we need it, and that is on earmarking, earmarking which includes examples like the Bridge to Nowhere in Alaska, the $50 million for an indoor rainforest in Iowa, and $1 million for the Rock and Roll Hall of Fame, and the list goes on and on.

How Congress spends the people's money is where true reform is needed, and no one spends more of the people's money than Democrats.

Now, Mr. Chairman, I admit there are many good and useful earmarks. We are not eradicating them today. We are simply reforming them. And I congratulate Chairman DREIER for his work, and the gentleman from Arizona (Mr. FLAKE) for his leadership on this issue.

I urge passage.

Mr. DREIER. It appears again that my friends on the other side don't have any remaining speakers. I know you are waiting and want to reserve the balance of your time. Absolutely, in a bipartisan sense of comity, we want you to reserve the time.

I yield 1½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today in support of this legislation, and I congratulate the gentleman from California for your work.

It is critical that we scrutinize lobbying activities to help restore the confidence of the American people in their government. And this bill makes real progress addressing some recent high-profile scandals that have basically rocked American confidence in government. In fact, it includes one of the proposals I introduced several months ago requiring lobbyists to itemize their reports so we know how much money lobbyists spend on Members and their staff. You know, we do this in campaign finance, and the same openness should apply to these transactions. And I thank the gentleman for including that proposal in this package.

But, you know, looking at lobbyists and lobbying reforms is only part of the process. We have to look also at the way we behave as well in this House. In particular, Congress must address earmarks.

Now, Mr. Chairman, it is my fervent hope that we would not simply stop with earmark reform for appropriation bills. As authorization bills and tax bills often include infamous and egregious earmarks, we should seek to make these processes open and honest as well. Again, I am not opposed to earmarks in general. I think that the legislative branch has a role to play in this area. It is not simply an area for the executive branch to play. But it is an area where the transparency and the light of day should shine on all earmarks. Transparency will then make sure that the good ones rise to the top and actually will be passed and the other ones which are not so good will obviously fall by the wayside.

If I may add one other comment, Mr. Chairman. As this legislation goes through the process, I am a little bit concerned about GSEs and government-sponsored entities, and I would commend the gentleman to look as it goes through the process as we revisit this in conference.

Mr. DREIER. Mr. Chairman, for a unanimous consent request, I yield to our hardworking and very senior colleague from Davenport, Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, To be blunt, we can do better than this.

Congress is missing the big picture. Ethics cannot be legislated, but the role of lobbyists and their disproportionate, sometimes corrupting, power can. The issue is money in politics and the need for campaign reform.

There is nothing wrong with any of the proposals being considered today except that they do not do enough. Neither this, nor I suspect any Democrat substitute, includes what really matters.

What is too often lost in debates surrounding Congressional ethics is the notion of the public interest and concern for the public good. Instead, in our discussions, especially off the Floor, a desire is frequently expressed to appeal to one or the other political party's base. Interest groups make it clear that they expect to be attended to and rewarded for support provided.

Thus, to understand American politics and the ethics abuses that are spurring the legislation under consideration one needs to examine American campaigns. Interest group money is seldom given as a token concern for good government. It is too often disbursed in a quasi-contractual manner: quids to be followed by quos, to be matched in subsequent election cycles for those who follow the rules. Simply put, large contributions imply obligational contracts between a candidate and large donors.

In a cyclonic cycle, legislators are caught in dozens of swirls that buffet the fabric of balanced democratic judgment. Priorities become impossible to set, thus making deficit financing a virtual inevitability. The last point should be stressed—federal deficits and the economic problems they create are not unrelated to campaign financing abuses. Deficits begin with choices on federal spending and taxation and each begins in promises and obligations, and all this begins in the way campaigns are run, in politics as usual—in commitments to large donors.

Lord Acton, the British statesman, immortalized his public service with the observation that power corrupts, with absolute power tending to corrupt absolutely. It strikes me that a fitting corollary to the Acton dictum is the notion that even more corrupting than aspiring to power is the fear of losing it. This fear leads to timidity, if not complacency, on reform agendas.

Today, for instance, we face one of the most troubling scandals of modern times. It uniquely involves PACs, Members of Congress, relatives of Members, lobbyists, insider-controlled non-profit organizations, and K Street interest groups acting surreptitiously and in concert to advantage themselves at the expense of the public. It is the story of raising cash, disguising sources and buying influence.

The Jack Abramoff affair is a disgrace. But care must be taken to recognize that it may not be aberrational. There is a systemic element to the problem and it involves the sullying role of money in politics. A government of the people, by the people and for the people cannot be a government where influence is purchasable. The subordination of individual rights to indiscriminate moneyed influence is the subordination of representative democracy to institutional oligarchy. Kakistocracy is the end result.

To put recent events in context, the legend of the Ring of Gyges is instructive. In The Republic, Plato's brother Glaucon tells the story of a shepherd in Lydia who finds a magical ring. After an earthquake revealed a cave, the story goes, Gyges discovered a gold ring on an enthroned corpse inside and put the ring in his pocket. Later with his fellow shepherds, Gyges noticed that when he turned the collet of the ring to the inside of his hand, he became invisible. When he turned the ring the other way, he reappeared. Confident that the ring was indeed magical, he contrived to be chosen as a messenger sent to the court. Once there, he used his invisibility power to seduce the queen, kill the king and take the kingdom.

Glaucon's story suggests that when individuals are invisible—i.e., in a democracy out of sight of their constituents—it is difficult to resist enticement and act virtuously. The current Congressional scandals suggest that some actors may have thought they had gotten hold of Gyges' ring. That is why it is so important that new rules be applied to the political process. Transparency matters, but so do the rules that apply to conflicts of interest, many of which in the current system are quite legal.

What this body is considering today is a band-aid when surgery is required. We need to end political action committees and go to a system of small donations matched by federal funds. The public wants less expensive, less conflicted, less divisive politics. Public service, not political partisanship should be the goal.

Finally, with regard to the Abramoff scandal, it should be noted that one of the principal lobbying objectives of the gambling interests he represented was to block the kind of anti-internet gambling legislation that Representative GOODLATTE and I have been pushing for the past 8 years. Passing internet gambling enforcement legislation is the unfinished business of a Congress in disrepute. It should, as I suggested to the Rules Committee, be part of this bill, as should the campaign reform amendment I requested be considered. But as chagrined as I am that the legislation before us doesn't do more, I am obligated to register appreciation for the commitment of leadership to bring forth a serious bill on the internet gambling issue by the first week of June.

Ms. SLAUGHTER. Mr. Chairman, I continue to reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to our hardworking friend from Utah (Mr. BISHOP), a member on the Rules Committee.

Mr. BISHOP of Utah. Mr. Chairman, I tend to agree that this was probably a do-nothing bill, only in the respect that the vast majority of the people on both sides of this aisle will do nothing to violate the procedures and the proposals that we will have placed in front.

From my own personal perspective, I was the Speaker of the House in Utah before I came here. Of the 75 members, a far easier body to manage than this, 72 of them were the kind I knew would give the shirt off their back, a sight I hoped never to see, give the shirt off their back for the good of the State. There were three I always had to check on what they were doing. I thought that percentage of good to bad actors was fairly good for the State of Utah. But as I have been here in Congress, I think that same percentage applies to this body. It applies to large industrial groups. It applies to church groups. It applies to the lobbyist community. It probably applies to every group except maybe those who are incarcerated right now. Both sides of the aisle are good, decent people, and laws will not magically change the behavior that has been developed on those few bad actors that will be there.

So what purpose do we have in this? It is to establish a means of rules to clarify and certify who the good guys are.

I also was a lobbyist for that time between when I was a legislator and came here. And I want you to know that the laws that are proposed in here to change lobbyist laws are good ones. They are effective. They will make a difference, and they will add transparency to that particular group. I am very proud of those.

There is one other thing that I think is very important in this bill that is proposed, and that is the mandatory training aspect. It is important to try and make sure that we all understand what the rules of behavior are, the rules of procedure, so as to avoid problems ahead of time.

When my predecessor in this seat was the chairman of the Ethics Committee, he instituted the Office of Advice and Education; its goal was simply to make sure that everyone knows what is happening. This bill mandates that all staff will have training in what is considered ethical behavior and will encourage us to do the same thing so we know what is taking place.

I am grateful that the chairman, Mr. DREIER of California, has had an open process, has invited everyone to participate in here, because what we are dealing with are simply the guidelines established for those who are the good guys in this body, which is by far the majority of those on this side as well as the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on Judiciary.

Mr. CONYERS. Ladies and gentlemen of the House, we have got a number of problems, as you have heard with the proposal here for lobbying accountability and transparency.

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The main thing I want to bring to your attention is that, throughout the scandals that have illustrated how large sums of money were spent secretly to conduct lobbying campaigns, the current Lobbying Disclosure Act requires the disclosure of lobbying activities that involve direct contact with Members of Congress, but there is no disclosure requirement for professional lobbying firms that are retained to spend money on campaigns aimed at stimulating the public to lobby Congress, including multimillion dollar advertising campaigns. We need stronger revolving door provisions.

So I rise reluctantly against a Lobbying Accountability and Transparency Act that does not seriously reform the system. This bill really represents an effort for some to have it both ways, holding on to the financial benefits and perks they receive from lobbyists and other special interests, while claiming they have dealt with the lobbying ethics problems in Congress.

This Republican proposal is problematic because it does not address the problems that have given rise to the recent lobbying scandals and the falling confidence of Americans in the integrity of Congress.

The ban on privately sponsored travel, as you have heard, only exists through this year's elections. The corporate subsidized campaign travel and other officially related travel is still allowed. The current broken revolving door policy remains unchanged, and gifts are allowed.

So I come to you to tell you what it is we want: disclosure of the lobbying campaigns. We want stronger revolving door provisions. We want fundamental changes to gift, travel, and employment relationships among Members of Congress, the lobbying firms, and the lobbyists.

H.R. 4975, that is being handled so well by the gentlewoman from New York, in its current form is illusionary. There is not real lobbying and ethics reform.

So I urge my colleagues to reject this weak and ineffective legislation.

Mr. DREIER. Mr. Chairman, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there is no good reason for anybody to vote for this bill. As we said, practically every major newspaper and every good-government group has discredited it.

And let me tell you what it does not do:

It does nothing to prevent the abuses that regularly occur with conference reports, including the addition of secret, last-minute perks and protections for big business.

It does nothing to stop the majority leadership from jamming massive conference reports through the House before the ink is dry and before Members read the bill.

It does nothing to stop the majority from locking Democrats out of conference meetings and negotiations.

It does nothing to stop the majority from repeatedly waiving the rules on every bill that comes to the House floor.

It does nothing to stop the majority from shutting out Democrat amendments on the floor.

It does nothing to curb the practice of holding votes open on the floor to change the outcome of a vote.

It does nothing to keep lobbyists from writing major legislation behind closed doors.

It does not ban gifts from lobbyists.

It does not ban corporate travel.

It does not stop or slow the revolving door.

It does not do anything the majority says it does.

Voting for this bill violates the core principles of the Democratic Party and everything we have fought for in this Congress. No Member of this House should vote for this bill. It is not just a bad bill. It is a dishonest bill.

Mr. Chairman, I yield back the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I said at the outset, we have gone through a long, bipartisan, 4-month process to get to where we are. Speaker HASTERT began in January saying we need as an institution to step up to the plate and deal with the issue of lobbying and ethics reform, and that is exactly what we have done.

Again, we have worked with Democrats and Republicans, outside organizations; and, as I have listened to the debate and the statements made from my colleagues on the other side of the aisle, it is very obvious to me that they have failed to read this legislation.

Mr. Chairman, in virtually every single area that my friend from Rochester just addressed, this is addressed in the legislation. And if it is not actually addressed in the legislation itself, we have made commitments that we are going to, as we move this process forward, get into a conference with the Senate and address some of these issues of concern.

Critics seem to be absolutely intent on telling us what this bill is not. Everything that was said by my friend from Rochester was in the negative. Just imagine if we went through every single day lamenting what is not. Today is not Christmas; that is terrible. Today is not Thanksgiving, and that is terrible. Today is not my birthday, and that is terrible. But what does it get us? It does not get us a thing. Searching for storm clouds on a clear day is a recipe for inaction and defeatism.

Mr. Chairman, Speaker HASTERT and I and the leadership team here and the Republicans and, I am happy to say, some Democrats have indicated to me that they are interested in not defeatism: they are interested in pursuing vigorous reform.

As I listened to the litany of what this bill is not, I think it is very important again, as I have read some of these editorials which mischaracterize the legislation, as I listened to the rhetoric that mischaracterized this legislation, let us again look at the bill and just four simple things of what this bill is: This bill actually doubles the fines, doubles the fines, for lobbyists who fail to disclose. This bill adds the possibility of jail time for failing to comply with the Act. This bill adds oversight to make sure disclosure information is accurate. It gives the public full, online access to disclosure reports. It withdraws the government-funded pension for people who commit the crimes that we have outlined in the legislation.

So, Mr. Chairman, anyone who tries to say that they are supporting a recommittal motion, are going to vote against this legislation because it does not do enough is, in fact, standing in the way of reform.

Many people said we should get this thing out. The Speaker and I said we wanted this to pass by early March. Obviously, we needed more and more input from Members, from outside organizations, from academics, from our constituents who are concerned about this issue. And, Mr. Chairman, we extended beyond that early March date. Here we are now in early May, having listened to so many different people, and we have come up with a bill that I believe is strong. I believe it is bold. I hope we will be able to do more, but this is legislation that allows us to move forward in a positive way.

Mr. CARDIN. Mr. Chairman, this bill represents a missed opportunity for the House to address lobbying and ethics reform in a responsible manner. Our ethics process in the House of Representatives is broken, and the actions of some members and lobbyists have brought discredit to the reputation of this body. That is why I am so disappointed in the response of the House leadership in bringing this extremely weak bill to the floor today, using a partisan process which deliberately shuts out debate on the most pressing reform issues before this House.

I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I served as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former Speaker Gingrich. In 1997 the House leadership appointed me to serve as the Co-Chairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules which the House adopted. This was the last bipartisan revisions of House ethics procedures.

Our bipartisan legislative package in 1997 also included a provision which authorized non-members to file complaints against members, provided that the complaints were in writing and under oath. Unfortunately, the full House rejected this proposal, and for the first time the House closed its doors to the receipt of outside ethics complaints. In March I testified before the Rules Committee and urged them to allow consideration of my amendment, which I subsequently filed with the Committee. I am disappointed that the Committee would not even allow my amendment to come up for a vote in the full House, and that it also refused to allow the House to consider the alternative approach offered by Mr. SHAYS and Mr. MEEHAN to create an independent Office of Public Integrity (OPI) to receive and investigate complaints from non-members.

Our ethics process has broken down in the past. Indeed, when our task force was meeting and deliberating in 1997, the House took the extraordinary step of imposing a moratorium of the filing of new ethics complaints.

I am afraid we have reached a similar crossroads in the House today. Some members have recently talked about ethics "truces" in which the political parties have voluntarily agreed to place a moratorium on filing ethics complaints, regardless of the merits of the charges. The Chairman of the Ethics Committee was removed from his position, perhaps as retaliation for agreeing, on a bipartisan basis, to repeatedly admonish the former House Majority Leader for ethical misconduct and transgressions. Outside good government groups have repeatedly called for non-members to be permitted to file ethics complaints. In December 2004 the Congressional Ethics Coalition, a nonpartisan group which included Common Cause, Democracy 21, Judicial Watch, and Public Citizen, issued a statement which called on Congress to authorize non-members to file ethics complaints against members of Congress.

The Committee on Standards of Official Conduct is the only committee of the House with an equal number of Democrats and Republicans. The Committee can only work effectively in a bipartisan manner. In March the Senate passed strong ethics and lobbying reform legislation by a vote of 90 to 8, and I am disappointed that the House is not given the similar opportunity today to pass a strong bill. I will support the Motion to Recommit which would substitute the text of H.R. 4682, which I have co-sponsored, which would strengthen our ethics and disclosure standards.

I urge my colleagues to reject this legislation.

Mrs. MALONEY. Mr. Chairman, I rise in strong opposition to H.R. 4975, the so-called "Lobbying Accountability and Transparency Act."

The time is long past due for meaningful lobbying reform. We have seen scandal after scandal emerging in the past year that has demonstrated that the way business has been done in Washington must be changed.

The public deserves to have an open government with honest elected officials who are truly acting in the best interests of their constituents, not their own personal or financial interests.

It's time for the culture of corruption to end.

Yet the bill that has come to the floor today does little to reform the lobbying process. I am disappointed that the Rules Committee failed to make in order numerous Democratic amendments that would have enacted fundamental changes including a substitute amendment that contained provisions from the "Honest Leadership and Open Government Act" which I and many of my Democratic colleagues have cosponsored. This legislation, among other important provisions, would clean up the government contracting process, ensure that votes on the House floor are not held open for hours to twist arms, and ban gifts from lobbyists.

This is not a problem requiring only cosmetic solutions. This is a serious problem that needs fundamental reforms to restore the integrity not only of the political process, but of Congress.

We must act to restore the public's confidence in their House, the people's House.

I believe that true reform must include the proposals put forth in the "Honest Leadership and Open Government Act," and since the Majority has refused to let that happen, I will oppose the bill before us and I urge my colleagues to do the same.

Mr. MORAN of Virginia. Mr. Chairman, the House of Representatives will vote today on a bill that the authors think will help end the culture of corruption that exists in the Congress and restore the public's confidence in this body.

I will vote no on this bill, H.R. 4975, not because I believe we do not need to address these significant matters, but because the bill fails to provide any real reform at all.

We have an opportunity today to make significant changes in the way we perform the people's business and to help restore the people's confidence in their elected representatives. With this bill, the majority, who only a few months ago was shouting for reform, has failed to seize this opportunity. In fact, it has presented a bill that contains no significant reform at all.

Throughout the country, far too many people believe that Congress gives its vote to the highest bidder. This perception must be eliminated, but the minor changes in this bill will not do so.

Restoration of the people's respect of Congress requires one thing—that we change the way our political campaigns are financed. While our campaign finance rules have been strengthened over the years, they remain insufficient.

The time has come to take private money out of politics—entirely—and, in its place, provide limited public funding for all Congressional campaigns. This is real reform. And it is the only type of reform that will even begin to restore the respect and trust of the American people in Congress.

The bill before us today will not do this, and we must into fool ourselves into believing that it will.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 4975, the so-called Lobbying Accountability and Transparency Act of 2006.

With the massive corruption investigation of lobbyist Jack Abramoff, the bribery conviction of Rep. Randy "Duke" Cunningham and the additional inquiries into the actions of even more members of Congress, it had been my hope that the Speaker and Republican leaders of the House would act to erase the dishonor that has befallen this institution. Unfortunately, this is not the case. Instead the House Republican Leadership has brought before us a bill that insults the intelligence of the American people. This bill fails to slow the revolving door between congressional service and lobbying; it fails to require disclosure of Members' contacts with lobbyist, lobbyists' fundraisers and other events that honor Members of Congress. It delays real action on privately funded travel and gifts until after the November elections. It fails to crack down on pay-to-play schemes, and includes loophole-laden earmark provisions that would not have exposed the infamous "Bridge to Nowhere" and does nothing to prohibit dead-of-night special interest provisions.

I have always believed that public office is a public trust. I work every day to live up to the trust the people of North Carolina's Second Congressional District have placed in me. The recent Republican corruption scandals anger me because they threaten the bonds between the American people and their elected leaders.

The Speaker and Republican Leadership earlier this year promised real reform, but this is not it. I support the real lobbying reform in H.R. 4682, the Honest Leadership and Open Government Act of 2006. Our bill will require lobbying disclosure, including lobbyists' fundraisers and other events that honor Members and more. It will double the period in which former Members are prohibited from lobbying their former colleagues, from one year to two years; it will permanently ban travel, gifts and meals from registered lobbyists to Members of Congress, and prohibit Members from using corporate jets for officially connected travel and shut down the K Street project. In addition, the Democratic lobbying and ethics reform proposal will change the way Congress does business; allowing Members enough time to review bills, requiring earmark reform and mandating open conference committee meetings. These reforms and others would give the public full faith and confidence that Members of the U.S. House are operating honestly.

I will vote against H.R. 4975, a fig leaf of reform, and support meaningful lobbying reform by voting to recommit this bill to Committee and replace it with H.R. 4682, the Honest Leadership and Open Government Act of 2006, our stronger Democratic bill.

Mr. SMITH of Texas. Mr. Chairman, I am pleased that the Lobbying Accountability and Transparency Act is being considered today.

Accountability and transparency with respect to the lobbying profession is necessary to ensure public confidence in how Members and staff of this House interact with the outside world.

And I further believe that this legislation will help brighten the lines for Members and staff in terms of what is permissible behavior and what is not.

Consistent with this need to have such bright line, I want to make certain that some of the language in the bill is understood to mean what it says and nothing more.

Under Section 105(7), lobbyists would be required to disclose "the date, recipient, and amount of funds contributed by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C); (A) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official; or (B) to an entity established, financed, maintained, or controlled by a covered legislative official."

Members have a longstanding history, and one that I respect, of raising money for and being otherwise involved with charitable organizations.

This provision would apply to charities when such charity is named for a covered legislative branch official, or when a charity recognizes a covered legislative official.

It would also apply to a charity that is established, financed, maintained or controlled by a covered legislative official. It would not apply in any other circumstance.

It would not apply, for instance, when the spouse of a Member engages in such activity independent of his or her spouse's official position.

Mr. Chairman, this is good legislation.

The Republican record is long, and it is strong on the issue of lobbying reform.

Republicans have delivered on ethics reform time and time again.

In 1989, we enacted a Bush Administration proposal that included numerous ethics reforms.

We cleaned up the House banking and post office scandals.

When we became the majority in 1995, we instituted more reforms, including the first significant lobbying disclosure bill.

And remember it is a Republican Justice Department that is prosecuting the cases that have led to this legislation.

This reform package represents a great improvement over the current system.

It will deter wrongful behavior by giving the public a better view of what their elected officials are doing in Washington.

These reforms will shine a light on Congress by making lobbying disclosure reports more frequent, accurate and accessible to the public.

This legislation is a welcome change in the rules governing lobbying and ethics.

I thank Chairman DREIER and the Congressional leadership for their worthwhile efforts.

Mr. VAN HOLLEN. Mr. Chairman, I am here today to ask that you grant me the opportunity to reinstate an amendment to H.R. 4975 that had been added in the Judiciary Committee, but was somehow stripped out en route to the Rules Committee.

My amendment simply requires "registered lobbyists" to disclose the fact that they have "solicited and transmitted" a campaign contribution. Moreover, my amendment would require that lobbyists, who serve as campaign treasurers and chairman of political committees to disclose that as well. This amendment was added to the Lobbying Disclosure Act on April 5, 2006 by a vote of 28 to 4.

It is ironic that an editorial about this amendment in the Washington Post, on April 13, 2006, stated—"We are almost reluctant to flag this provision for fear that it will be shot down all the more quickly, but in fact no other disclosure requirement would be more useful in explaining the way Washington does business than this one."

I am not sure what appalls me more, the fact that the bill does precious little to address the problems that have created the culture of corruption on Capitol Hill or the fact that the few enhancements to the bill, added through the committee process, have been summarily deleted without a debate or vote. The irony is that the abuse of power that has taken place on the Hill, that undermines the confidence of the American people, is alive and well in the management of the bill that was originally designed to correct such abuses.

The bill before us today is a weak attempt to create the allusion of reform. It fails to address: the problems with the revolving door between public service and lobbying, the showering of benefits to Members of Congress by lobbyists who have business before them, the need to enhance a broken Ethics Committee process and the need to reform the campaign financing system that creates the dangerous intersection between congressional action and campaign fundraising.

The amendment that is before the Committee today, in my opinion, is a modest but important step in the direction to expose some sunlight on the activities where registered lobbyists have business before the Congress while at the same time soliciting and transmitting campaign contributions, in addition to serving as officers that run campaigns and political committees. I believe that these practices should be studied for the prospects of future regulation.

However, at the very least, I believe that we need to compel the disclosure of these activities to the American people. We need to create transparency around the campaign finance practices that a registered lobbyist performs, as well as, the business that they bring to Members of Congress. As Justice Brandeis has said, "sunlight is the best disinfectant". Moreover, this disclosure will allow the American people to see the whole picture, of lobbying activity, so that they may judge, for themselves, the propriety of the transactions that have become an everyday practice in Washington.

With public opinion of Congress at an all time low, we owe the American people a serious bill that is not a "reform bill" in name only. The culture of corruption that has plagued the 109th Congress is probably only rivaled, in infamy, by the Watergate era. The American people have seen Members of Congress: give appropriations earmarks in exchange for a Rolls Royce and lavish antiques; enjoy posh golf trips in Scotland at the expense of Native American tribes who were exploited by nefarious lobbyists, determine which lobbyists on K Street get the lucrative contracts, channel campaign finances to Members' spouse and children, and bend the House rules to allow the House leadership to bend the arms of Members to force a particular vote outcome.

The American people are shocked and appalled by these activities. However, the real shocker is the reality that many people do not see, i.e. the nexus between these conflicts of interest and the pocketbooks of the American people. The effects can be seen in the influence of the oil industry in gaining subsidies while gas prices are skyrocketing, as well as the impact that the pharmaceutical industry had in drafting the Medicare Part D bill that prohibits drug importation and the competition for price reduction.

We need to restore the trust of the American people. We need to start today by allowing this bill to be made into a real lobbying reform bill. I urge the Committee to rule my amendment in order so that I have the chance to add my amendment to this bill a second time.

REAL LOBBYING REFORM

A HOUSE COMMITTEE TACKLES THE NEXUS BETWEEN CAMPAIGN CASH AND LEGISLATIVE INFLUENCE

Don't hold your breath for this to turn up in the final version of lobbying reform, but the House Judiciary Committee approved an amendment last week that would help shed light on the symbiotic relationship between lobbyists and lawmakers. Offered by Rep. Chris Van Hollen (D–Md.), the provision would require lobbyists to report not just the campaign contributions they gave directly to lawmakers but also the campaign checks they solicit for or deliver to lawmakers—in other words, a measure of the real influence they wield. Astonishingly, this proposal passed the Judiciary Committee by a vote of 28 to 4—along with the underlying bill, a proposal that started out weak and was watered down from there.

We're almost reluctant to flag this provision for fear that it will be shot down all the more quickly, but in fact no other disclosure requirement would be more useful in explaining the way Washington does business than this one. That may help explain why, until now, it hasn't been a part of any of the major proposals. The central role that lobbyists play in hunting, gathering and delivering campaign cash—rather than the checks they write directly—is the true source of their power. But while both sides in the transaction are well aware of how much Lobbyist X has raised for Representative Y, the media and the public are—at least based on the required disclosures—in the dark.

Presidential candidates—first George W. Bush and after that Sen. John F. Kerry and other Democrats—have shown that it's feasible to provide information about the amounts bundlers have raised for them; their voluntary disclosure has added significantly to public understanding. If lawmakers are serious about effective reform, making certain the Van Hollen amendment survives would be a good way to demonstrate their commitment.

Mr. CONYERS. Mr. Chairman, the U.S. House of Representatives will vote on the "Lobbying Accountability and Transparency Act of 2006" (H.R. 4975) on Wednesday, May 3. The measure is a woefully inadequate response to the most significant ethics and lobbying scandals that have swept Capitol Hill in nearly three decades. Even lobbyists say so. When asked about the significance of the House lobbying reform bill by The Buffalo News, Paul Miller, president of the American League of Lobbyists answered: "That little thing?"

In fact, the measure is a ruse that fails to address any of the major problems with congressional ethics and lobbying that have surfaced over the past year. When it comes to lobbying reform, Congress is not up to the task.

H.R. 4975 takes a cynical approach to reforming lobbying disclosure and behavior on Capitol Hill and is opposed by Public Citizen and other reform groups. The bill fails to restrict campaign fundraising activities by lobbyists, fails to ban gifts from lobbyists, fails to curb revolving door abuses, and fails to create an independent oversight and compliance office. It bans privately sponsored travel—but only until after the next election. This legislation not only is inadequate, it makes a mockery of the lobbying reform drive.

To make matters worse, a very restrictive rule has been attached to the bill that prohibits floor consideration of any strengthening amendments, which means that the bill cannot be improved upon when the House considers it on Wednesday. Representative CHRIS SHAYS, MARTY MEEHAN and others have offered a package of strong reforms that are prohibited from consideration because of this rule.

A. SUMMARY OF H.R. 4975

An earlier package of lobbying reforms presented in January by House Speaker DENNIS HASTERT and Representative DAVID DREIER called for a ban on privately sponsored travel; prohibited gifts from lobbyists, including meals; and doubled the revolving door "cooling-off" period from 1 to 2 years, during which retiring Members of Congress and their staffs could not make direct "lobbying contacts" with their former colleagues.

But on Feb. 5, newly elected House Majority Leader JOHN BOEHNER said on "Fox News Sunday" that "[B]ringing more transparency to this relationship [with lobbyists], I think, is the best way to control it. But taking actions to ban this and ban that, when there's no appearance of a problem, there's no foundation of a problem, I think, in fact, does not serve the institution well." In the end, BOEHNER's reluctance for significant reform won out among the Republican conference.

The final legislative proposal speeding through the House does not include any of the earlier reform provisions. Instead, H.R. 4975 proposes the following:

1. Travel

Temporarily suspends privately sponsored travel for Members of Congress and their staffs until after the 2006 elections.

Permits corporate jets to be used to transport Members, reimbursed at first-class airfare rates, but does not permit lobbyists to travel with Members on these corporate jets. Lobbyists could, however, attend and participate in the rest of the travel junket.

Instructs the House Ethics Committee to develop by December 15 a new ethics policy regarding privately sponsored travel, which would likely emphasize pre-approval of trips by the Committee.

2. Gifts

Gifts to Members and their staffs would continue to be permitted under the existing gift limits ($50 per gift; $100 per year from any one source).

Unlike current ethics rules, lobbyists would be required to report to the Ethics Committee all gifts they give to Members and staffs.

Tickets to sporting events would be valued at face value rather than artificially set below face value, as is currently provided under House gift rules.

3. Revolving Door

Maintains the current 1-year cooling-off period, during which retiring Members and their staffs are prohibited from making direct lobbying contacts with their former colleagues. Retiring Members and their staffs may conduct all lobbying activities except for making lobbying contacts immediately after leaving public office.

Requires Members to disclose to the Ethics Committee when they are negotiating future private-sector employment that may pose a conflict of interest; the disclosure must be made within 5 days of negotiations for compensation. However, Members are not required to recuse themselves from official actions involving potential future employers.

4. Disclosure

Imposes quarterly, rather than semi-annual, reporting deadlines on lobbyists' financial reports.

Establishes electronic filing and disclosure of lobbyist reports.

Requires lobbyists to report their campaign contributions to candidates, committees and leadership PACs on lobbyist disclosure reports as well as to the Federal Election Commission.

5. Section 527 Organizations

Subjects federal section 527 political organizations to the reporting requirements and contribution limits of federal campaign finance law.

Applies a minimum 50–50 allocation ratio of hard and soft money for section 527 organizations involved in both federal and non-federal election activity, but caps soft money contributions for non-federal activity at $25,000 per year.

Repeals current limits on party coordinated expenditures with candidates.

6. Earmarks

Requires the disclosure of the names of members who sponsor earmarks in appropriations bills and conference reports.

Allows members to object to and remove specially targeted earmarks that were not disclosed in the original appropriations bills or conference reports under point of order rules.

By informal agreement, House leaders have pledged to expand the earmarking provision in conference committee to apply to all tax and authorizing bills as well as appropriations bills.

7. Forfeiture of Retirement Benefits

Cancels retirement benefits for members convicted of a crime related to their official duties in public office.

B. WHAT H.R. 4975 DOES NOT DO

H.R. 4975 does not address the most serious problems that gave rise to the recent spate of lobbying and ethics scandals. Indicted super-lobbyist Jack Abramoff could have done business as usual even if the "reforms" contained in H.R. 4975 had been in existence while he was working.

Several of the most serious problems that have not been addressed by this bill, nor by the Senate bill, include:

1. No meaningful enforcement mechanism is offered

The legislation leaves in place the failed and discredited system for enforcing House ethics and lobbying rules. The House ethics committee has been missing in action during all the scandals involving unmonitored lobbying activities, travel junkets and unregulated gifts. Even two years after news of the activities of Abramoff and his allies first came to light, there is no known congressional inquiry into allegations that lawmakers took improper or illegal actions on behalf of lobbyists. In fact, the House ethics committee didn't even meet in 2005—during the height of the scandal—and has met in 2006 just twice—once to squabble over its future direction and a second time to secretly approve H.R. 4975 and send it to the floor.

Regardless of the details of the law Congress passes, if no one is watching and no credible mechanism for enforcement exists, there likely will be little compliance with the law.

2. No effective steps are taken to break the corrupting nexus between lobbyists, money and lawmakers

While H.R. 4975 does require some additional disclosure requirements of contributions by lobbyists, the House bill does nothing to break the lobbyist-money-lawmaker nexus. Unlike state laws in California and Tennessee that prohibit contributions from lobbyists, H.R. 4975 does not impose any new limits on campaign contributions from lobbyists or fundraising done by lobbyists for members. Nor does it place any new limits on the ways lobbyists or their employers provide financial benefits to members, such as hosting fundraising events for members.

Not only does H.R. 4975 fail to slow the flow of money from lobbyists to lawmakers, but it does not even take the simple step of restricting lobbyists from controlling the purse strings of lawmakers. Lobbyists may still serve as treasurers of lawmakers' campaign committees and leadership PACs. The bill no longer even requires disclosure of lobbyist participation in fundraising events or parties honoring members.

3. The temporary travel moratorium is a slap in the face to anyone trying to curb the abuses of congressional travel junkets

While the bill provides a temporary suspension of privately funded trips for lawmakers, it does so in a way that raises deep concerns that these trips will be reinstated as soon as the 2006 congressional elections are over and the incumbents are re-elected. The legislation provides for the House ethics committee to recommend travel rules for members by Dec. 15, 2006, and sets the stage for establishing in future years an ineffective "pre-approval" system by the House ethics committee for members' privately funded trips. This approach would not end the travel abuses that have occurred, even if there was a publicly credible House ethics committee to approve the trips, which there is not. Under this approach, the temporary suspension of privately funded trips could end after the November elections without a direct vote on ending the suspension or on adopting travel rules for future years.

H.R. 4975 also allows members and staff to continue to be shuttled on corporate jets to faraway wonders of the world at the low, discounted rate of a first-class ticket (compared to charter rates). This is one of the business community's favorite means for subsidizing the campaigns and travel of lawmakers with the expectation of receiving something in return.

4. No effort is made to slow the revolving door.

Currently, 43 percent of retiring members of Congress—those who retire for reasons other than death or conviction—spin through the revolving door to become lobbyists. The current "cooling-off" period prohibits former members and staff only from making direct "lobbying contacts" with their former colleagues for one year after leaving public service. They can, and do, engage in all other lobbying activity, including planning lobbying strategy, supervising a team of lobbyists and making lobbying contacts with others in government who were not in the same branch of government or congressional committee. They are prohibited only from picking up the telephone and calling their former colleagues.

H.R. 4975 does not attempt to expand the coverage of the revolving door prohibition to include "lobbying activity" as well as "lobbying contacts." The bill does not even extend the one-year cooling-off period to two years.

Note: For a chart comparing Senate and House lobbying reform legislation, go to http://www.cleanupwashington.org/documents/LegCompare.pdf. For more links to information about lobbying reform, go to http://www.cleanupwashington.org/lobbying/page.cfm?pageid=24.

C. HOUSE FLOOR ACTION

H.R. 4975 cleared all the committee hurdles with almost no amendments in just one week. House Republican leaders clearly want fast action on the final bill, most certainly before any further indictments are issued in the widening corruption investigations. They have also closed off any chance for the full House to consider strengthening amendments by attaching a very restrictive closed rule to the bill.

The restrictive rule attached to H.R. 4975 was approved by a near party-line vote of 216–207 on April 27 during a tumultuous floor session. After a discombobulated performance on the House floor in the morning, in which the GOP leadership pulled the lobbying reform rule from the floor 24 minutes after it was introduced because they lacked the votes to pass it, the leaders whipped their colleagues into line by evening in a closed-door emergency session that lasted an hour and a half.

Many moderate House Republicans opposed the rule because the bill did not go far enough in reforming ethics and lobbying practices. For example, Representative JEFF FLAKE told The Washington Post: "You have one of your members in jail, others being investigated. To still take the position that we don't need reform—it's unbelievable."

Other Republicans, such as Appropriations Committee Chairman JERRY LEWIS objected that the earmarking provision applied only to the 11 appropriations bills, but not to the tax and authorizing bills of other committees, such as the transportation committee, which produced the "bridge to nowhere" earmark. House Republican leaders worked out a deal with the appropriators that the earmark provision would be extended to tax and authorizing bills in conference committee.

In the end, all Democrats and only 16 Republicans refused to support the restrictive rule. Republicans voted 216 in favor of the rule and 12 against, with three not voting. No Democrat voted in favor of the rule, while 194 voted against it and seven did not vote. One Independent voted against the rule.

Republicans who voted against the restrictive rule include: Reps. CHRIS SHAYS (R–Conn.), TODD PLATTS (R–Pa.) JIM RAMSTAD (R–Minn.), former House ethics committee chairman JOEL HEFLEY (R–Colo.), KENNY HULSHOF (R–Mo.), a former member of the panel, JEB BRADLEY (R–N.H.), WALTER JONES (R–N.C.), JIM KOLBE (R–Ariz.), CHARLES BASS (R–N.H.), STEVE CHABOT (R–Ohio), MARK GREEN (R–Wisc.) and JAMES SENSENBRENNER (R–Wisc.).

For a complete roll call vote on the restrictive rule, go to: www.CleanUpWashington.org/documents/vote4975rule.pdf.

The rule prohibits consideration of all but nine amendments among the 73 that were submitted for consideration. None of the amendments advocated by the reform community as strengthening amendments are allowed to be considered on the House floor. In addition, the rule:

Allows for one hour of debate, equally divided between the majority and minority parties;

Reinstates the provisions to regulate Section 527 political organizations as political committees subject to federal election contribution limits; and

Repeals current party coordinated expenditure limits; and

Removes a provision calling for the General Accountability Office to study contingency fees paid to lobbyists who secure earmarks.

Most of the amendments that are allowed for consideration would weaken the already weak bill. The nine permissible amendments are as follows:

SUMMARY OF ORDERED AMENDMENTS (LENGTH OF TIME PERMITTED FOR DEBATE)

(1.) Gohmert (Texas) #29. Strikes the current section 106 that establishes criminal penalties for violations of the law. (10 minutes)

(2.) Castle (Del.)/Gerlach (Pa.) #38. Requires that lobbyists be held liable for offering gifts that violate the gift ban. (10 minutes)

(3.) Lungren (Calif.)/Miller, George (Calif.)/Hastings (Wa.)/Berman (Calif.)/Cole (Okla.) #6. Modifies section 301 to allow privately sponsored travel during the temporary moratorium if pre-approved by the ethics committee. (10 minutes)

(4.) Sodrel (Ind.)/McGovern (Mass.)/Davis (Ky.) #47. Amends section 502 to add a voluntary ethics training program for members within 100 days of being sworn in to Congress. (10 minutes)

(5.) Jackson-Lee (Texas) #53. Modifies the extent to which pensions can be withheld from the spouse and family. (10 minutes)

(6.) Gingrey (Ga.) #14. Extends the prohibition on converting campaign dollars for personal use currently applicable to campaign committees to leadership PACs. (10 minutes)

(7.) Wolf (Va.) #7 [WITHDRAWN BY WOLF]. Prohibits former ambassadors and CIA station chiefs from acting as an agent of the foreign nation where they were stationed for five years after their service as ambassador or station chief is completed. (10 minutes)

(8.) Castle (Del.) #34. Requires that all registered lobbyists (not members of Congress) complete eight hours of ethics training each Congress. (10 minutes)

(9.) Flake (Ariz.) #17. Prohibits a person from directly or indirectly, corruptly giving, offering or promising anything of value to any public official with the intent to influence any official act relating to an earmark. Also prohibits a public official from corruptly demanding, seeking, receiving, accepting or agreeing to receive or accept anything of value in return for influence in the performance of an official act relating to an earmark. (10 minutes)

D. CONCLUSION: REJECT H.R. 4975 AND MAKE THE HOUSE ADDRESS GENUINE LOBBYING REFORM

H.R. 4975 is not real lobbying reform. It fails to address the most fundamental abuses of ethical behavior by lobbyists and members of Congress alike. The bill instead is being used as a vehicle for Republican leaders to claim that have dealt with lobbying abuses while avoiding sweeping changes. Republican leaders are betting that H.R. 4975 will be enough to dodge a voter backlash come November.

This sham reform legislation should be rejected and sent back to the House to be fundamentally rewritten. If the House refuses to deal with corruption and the perception of corruption in Congress, the issue should not be allowed to fade as the election nears.

Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. For more information, go to www.citizen.org.

Mr. HEFLEY. Mr. Chairman, I rise today in opposition to the lobbying reform bill because this legislation does not go far enough in reforming the rules of the House.

As the former House Ethics Committee chairman I feel H.R. 4975 does very little in providing comprehensive reform. This bill contains much needed changes to lobbying reform and I congratulate Chairman DREIER for putting together these much needed changes. Unfortunately, this bill is silent on reforming the rules of this institution to enhance the ethics process, which are equally as important as the lobbying changes.

We had an opportunity to implement comprehensive ethics reform in the House, but unfortunately we are not taking advantage of this opportunity. Real, meaningful reform in the House must include strengthening the Ethics Committee and the ethics process.

Representative HULSHOF and I introduced a bill last month to strengthen the ethics committee in ways this bill does not.

Our legislation would do three things this bill does not:

It would increase transparency across the board, it would increase oversight, and it would give the Ethics Committee the authority to aggressively investigate potential violations when necessary.

Our legislation includes broad and sweeping disclosure across the board for all gifts over $20, all privately funded travel, all lobbyist registrations, all passengers on corporate jets, and all member financial disclosure statements. All disclosure would be on the internet and all in real time.

Mr. Chairman, the bill we introduced would give the Ethics Committee broader subpoena power during informal investigations, which is when the key decisions are made regarding whether to fully investigate a potential violation.

Our legislation would strengthen the independence of the chair and ranking member by giving them presumptive six year terms like other chairmen.

Our bill would also strengthen the independence of the ethics committee staff by making this a career office, like the parliamentarians office, yet with the accountability all staff should have.

However, neither the Republican leadership nor the Democrat leadership have offered a solution that addresses what is important, the Ethics Committee.

I think we've missed a good opportunity to do some good things and I look forward to working with my colleagues in addressing further reforms in the future.

Mr. BLUMENAUER. Mr. Chairman, the legislation before us today is a missed opportunity to fix an area in great need of reform. The bill does little to reign in the activities of lobbyists and members and the restrictive rule prevented many viable alternatives from being considered.

There are a lot of things we can do through the Ethics Committee and the Rules Committee to improve our broken ethics system. But what we should and must do is have an independent process. My colleague from Oregon, GREG WALDEN, and I crafted an amendment that would deal comprehensively with accountability and oversight of Congress in a way that we cannot accomplish under the current system. Our amendment would have established an independent commission, composed of former Members of Congress, who would be able to govern Congress in a fair and transparent manner. The amendment also provided meaningful reporting and review requirements for both Members and lobbyists.

Our constituents will no longer stand for secretive legislative activity where the sponsor is not identified and the fingerprints are missing. Time must be allotted to digest proposals. There's no reason why there should not be a minimum of 3 days to examine something before it is voted on, unless there is a real emergency determined by a vote of the House.

I think we can, and must, do more if we are to restore voters' faith in both their representatives and the system in general. While it is true that some who broke the law were caught and are now being punished, it is clear that we must do better if we are to rekindle the trust of the American people in our work and our integrity.

Mr. PAUL. Mr. Chairman, the public outrage over the Jack Abramoff scandal presented Congress with an opportunity to support real reform by addressing the root cause of the corruption: the amount of money and power located in Washington, D.C. A true reform agenda would focus on ending federal funding for unconstitutional programs, beginning with those programs that benefit wealthy corporations and powerful special interests. Congress should also change the way we do business in the House by passing the Sunlight Rule (H. Res. 709). The Sunlight Rule ensures that members of the House of Representatives and the American public have adequate time to read and study legislation before it is voted upon. Ending the practice of rushing major legislation to the House floor before members have had a chance to find out the details of bills will do more to improve the legislative process and restore public confidence in this institution than will imposing new registration requirements on lobbyists or making staffers waste their time at an "ethics class."

I am disappointed, but not surprised, to see that Congress is failing to go after the root cause of corruption. Instead, we are considering placing further burdens on the people's exercise of their free speech rights. H.R. 4975 will not deter corrupt lobbyists, staffers, or members. What H.R. 4975 will do is discourage ordinary Americans from participating in the policy process. Among the ways H.R. 4975 silences ordinary Americans is by requiring grassroots citizens' action organizations to divulge their membership lists so Congress can scrutinize the organizations' relationships with members of Congress. The result of this will be to make many Americans reluctant to support or join these organizations. Making it more difficult for average Americans to have their voices heard is an odd response to concerns that Congress is more responsive to special interests than to the American public.

This legislation further violates the First Amendment by setting up a means of secretly applying unconstitutional campaign finance laws to "Section 527" organizations. This is done by a provision in the rule under which this bill is brought before us that automatically attaches the "527" legislation to H.R. 4975 if H.R. 4975 passes the House and is sent to the Senate for a conference.

H.R. 4975 also contains minor reforms of the appropriation process to bring greater transparency to the process of "earmarking," where members seek funding for specific projects in their respective district. I have no objection to increased transparency, and I share some of the concerns raised by opponents of the current earmarking process.

However, I would like to remind my colleagues that, since earmark reform does not reduce the total amount of spending, instead giving more power to the executive branch to allocate federal funds, the problem of members trading their votes in exchange for earmarks will continue. The only difference will be that instead of trading their votes to win favor with Congressional appropriators and House leadership, members will trade their votes to get funding from the Executive branch. Transferring power over allocation of taxpayer dollars from the legislative branch to the executive branch is hardly a victory for republican government. Reducing Congress's role in allocating of tax dollars, without reducing the Federal budget, also means State and local officials, to say nothing of ordinary citizens, will have less input into how Federal funds are spent.

Earmarks, like most of the problems H.R. 4975 purports to deal with, are a symptom of the problem, not the cause. The real problem is that the United States government is too big, spends too much, and has too much power. When the government has the power to make or break entire industries by changing one regulation or adding or deleting one paragraph in an appropriation bill it is inevitable that people will seek to manipulate that power to their advantage. Human nature being what it is, it is also inevitable that some people seeking government favors will violate basic norms of ethical behavior. Thus, the only way to effectively address corruption is to reduce the size of government and turn money and power back to the people and the several states.

The principals in the recent scandals where not deterred by existing laws and congressional ethics rules. Why would a future Jack Abramoff be deterred by H.R. 4975? H.R. 4975 is not just ineffective to the extent that it burdens the ability of average citizens to support and join grassroots organizations to more effectively participate in the policy process, H.R. 4975 violates the spirit, if not the letter, of the First Amendment. I therefore urge my colleagues to reject this bill and instead work to reduce corruption in Washington by reducing the size and power of the Federal Government.

Mr. HOLT. Mr. Chairman, it is an honor and a privilege to serve in the U.S. Congress. Having been entrusted by our constituents with the responsibility to serve their interests in this body, we hold a sacred trust to represent them openly, honestly, and selflessly.

Serving as a public official necessarily and rightly subjects an individual to heightened scrutiny of behavior. It is tragic that scurrilous actions perpetrated by Members of this body have further eroded the trust that Americans place in their electoral and representative system. Congress must act expeditiously and strongly to restore this trust.

Unfortunately, the legislation that we have before us today is nothing more than a sham. It is a feeble attempt to fool the public—a package of half-hearted cosmetic changes that merely nibble at the edges of a fundamentally flawed governing ethos.

H.R. 4975 falls far short of its two goals—fixing the systemic problems that have led to abuses of power, and restoring the faith of American citizens in the integrity of this institution.

Recent scandals prove that we need to do something to ensure that Congressional travel is legitimate. Domestic and international travel is an important way to inform our representation and see the effects of our decisions in different communities and countries. For example, Members of Congress should have the opportunity to travel to Israel, Burma, Greece, Brazil, or other destinations where the votes cast in this chamber have a real impact. Such trips are entirely different from golf junkets to Scotland. Nonprofits and educational agencies should continue providing this important service because it informs Members in a setting free of special interest lobbyists. However, H.R. 4975 does nothing to stop lobbyists from funding and arranging Congressional travel. Such travel should be permanently banned altogether. H.R. 4975 also fails because it imposes no restrictions on the use of corporate jets by Members, and does not require reimbursement of the flight's actual value.

Sunshine, as they say, is the best disinfectant, and H.R. 4975 does not do nearly enough to allow the public to know the interaction between elected officials and lobbyists. H.R. 4975 contains no meaningful disclosure requirements on lobbyist campaign finance activities on behalf of Members of Congress. We must let the public know about fundraisers, events "honoring" Members, or outright contributions that special interest lobbyists are lavishing upon elected officials. The bill has been stripped of any such requirements.

It is clear that the practice of "earmarking" is not the ideal way to fund the needs of the nation. Basing funding decisions not on merit, but on the influence and seniority of a Member of Congress inherently does a disservice to the nation. Earmarking needs to be severely restricted. At a minimum, each Member should be willing to fully disclose the requesting organization or person and explaining the purpose of the project publicly. Unfortunately, H.R. 4975 fails to achieve this goal. Its disclosure requirements apply only to appropriations bills—not to authorization or tax bills. It's a half-measure, at best, that would do nothing to stop wasteful and unnecessary projects like the "Bridge to Nowhere."

Sadly, the process by which this legislation comes before us has been fundamentally undemocratic. The Rules Committee disallowed the large majority of amendments that would improve this weak bill. It disallowed an amendment that would have required registered lobbyists to disclose lobbying contacts with Members of Congress and senior executive branch officials. It disallowed an amendment to increase the waiting period for Members and senior staff to lobby Congress. And it disallowed an amendment to require full payment and disclosure of charter flights.

The Democratic alternative is a better way. The Honest Leadership Open Government Act would address these shortcomings and more. It would prohibit special interest provisions from being inserted in legislation in the dead of night, before they can be adequately reviewed and debated. It would restore democracy in the House by prohibiting votes from being held open to twist arms and lobby Members on the floor, and would prohibit cronyism in key government appointments and government contracting. We would also permanently ban gifts and travel arranged or funded by lobbyists, mandate disclosure of lobbyist fundraising activities on behalf of Members, and close the revolving door between the public and private sector.

The Washington Post calls this bill, "a watered-down sham." USA Today calls it an "outrageous substitute for needed reform." Third party interest groups like Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and U.S. P.I.R.G. have all condemned this weak and inadequate effort to kick the can down the road. We have an historic opportunity to reform the way business is conducted in Washington, D.C., and we are poised to miss that opportunity.

I urge my colleagues to oppose H.R. 4975 and support real reform.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to this legislation.

The American people are losing their faith in the integrity of Congress. Today we had a real opportunity to curb the influence of the special interests and lobbyists, and to disburse the cloud of corruption hanging over this Congress as a result of the improprieties of a small minority who have disgraced its good name.

Yet this watered-down attempt at reform falls far short of what we need to do to restore confidence in the legislative process. This bill is reform in name only. Under this bill companies could continue to fly members in their corporate jets at discount rates. Members could continue to accept lobbying jobs shortly after drafting and advocating for industry-friendly legislation. Members could influence private employment decisions with the threat of taking or withholding official actions. And special interest provisions could continue to be slipped into legislation at the eleventh hour. Instead of developing a real policy to govern gifts and meals, this legislation defers that decision until after the elections in November. This bill also postpones adoption of a clear policy regarding special interest and lobbyist-sponsored private travel.

The bill before the House is not going to fool anyone. Across the country, newspapers are blasting the GOP lobbying reform bill for the farce that it is.

The Washington Post has called it "a watered-down sham that would provide little in the way of accountability or transparency." "Congress still doesn't get it," said USA Today. The New York Times writes "It's hard to believe that members of Congress mindful of voters" diminishing respect would attempt such an election-year con." And the Houston Chronicle asks "How many more members of Congress, their aides and lobbyists have to be convicted of fraud, bribery and abuse of voters' trust before legislators get the message that the public is serious about ethics reform?"

The Democratic reform plan, the Honest Leadership and Open Government Act, which I have cosponsored, would address each of these serious inadequacies, while further strengthening lobbyist disclosure requirements to shine some light into the relationship between campaign donors, lobbyists and Members of Congress.

Yet, in what has become a standard abuse of House Rules, Democrats were denied the opportunity to debate a number of substantive amendments seeking to improve and strengthen many components of the bill. Consideration of substitute legislation was blocked as well, denying Members the chance to vote on the actual reforms included in the Democratic Honest Leadership and Open Government Act.

The American people have seen the impacts resulting from the lax policies of this Republican Congress in many ways. Spiraling prescription drug costs, the skyrocketing cost of gasoline, waste, fraud and no-bid contracts in the Gulf Coast and Iraq, are all cases where a more open legislative process with reasonable oversight could have saved consumers thousands.

While this Republican Leadership may be perfectly content in perpetuating a clearly flawed status quo, sticking to business as usual regardless of the multiplying and increasingly brazen cases of misconduct, and promising more reform at some indefinite date in the future, I know the American people both demand and deserve a real response. This is simply a smoke screen by Members of the Majority to delay real action right here and right now.

Today Member after Member from the Republican Party came to the House floor not to extol the virtues of this legislation but to assure their colleagues that this was just a compromise, and that more would be done in conference and in the future. The American people do not want a compromise. They don't want to hear any more false promises of future action. The continuing cost of inaction has resulted in the loss of the confidence of the American people.

I will vote against this legislation today and support the Democratic motion to recommit to send the bill back to Committee with instructions to immediately report the measure back to the House with the text of the Honest Leadership and Open Government Act.

Mr. DINGELL. Mr. Speaker, I rise to oppose the legislation before us today. I oppose it, not because I oppose clean, open, and transparent government; or because I don't want the American people to have faith in their legislators.

I oppose it, quite simply, because all it does is put lipstick on a pig. It allows the Republican majority to give themselves a self congratulatory pat on the back and then proceed with business as usual. It allows those same Republicans, who have let K Street and corporate greed-heads to feast at the trough of American democracy, to proclaim their reborn innocence. It scolds the lobbying community for the sins of their membership, and does nothing to change the culture of corruption here in the Congress and in the Executive Branch other than making people fill out a couple more forms.

I have served in this beloved institution for quite a while now. I love it with all my heart. In my time here I have always tried to do right by the people. I have always tried to spend their money wisely. I have tried to make sure that their government responds to their concerns. I have tried to make sure that the Executive Branch, whether it was run by Democrats or Republicans, understood Congressional prerogatives. And the Congress, as a whole, used to respect these privileges as well.

Things have changed. They have changed, not because there's a thriving business for lobbyists—lobbyists thrived when Congress was honest—but because this Congress now sees K Street's interests as its own. Not only have we seen a rise in a culture of corruption, but we have also seen the withering of the culture of skepticism.

Too many people here in the Congress accept, without a moment's hesitation, the priorities of a lobbyist. No questions are asked, no criticisms are made. Doing K Street's bidding is not our job, representing the American people is. Until the Majority figures that out, no amount of reform and self-congratulations is going to change our image or restore the faith of the American people.

Mr. UDALL of Colorado. Mr. Chairman, I am disappointed and regretful that I must vote against this bill, for two reasons—first, because it fails to adequately address the need for real reform of the lobbying rules, and, second, because the Republican leadership has insisted on adding unrelated, unnecessary and undesirable restrictions on political speech.

The bill does include some good reform provisions, but they fall short of what is needed.

For example, it would add some transparency regarding appropriations earmarks. I support that, which is why I am cosponsoring H.R. 4964, the Earmark Transparency and Accountability Act of 2006, introduced by Representative FLAKE. That bill would require all earmarks to be included in the texts of bills, so they would be known and could be debated and also would bar consideration of a conference report unless it includes a list of all earmarks and the name of the Member who proposed each earmark and was available to the general public on the Internet for at least 72 hours before its consideration.

Unfortunately, the earmark provisions of this bill do not meet that standard.

Similarly, the bill takes a step toward greater ethics training for Congressional staff. I also support that, which is why I have joined my Colorado colleague, Representative HEFLEY, in sponsoring H.R. 4988, the House Ethics Reform Act of 2006. That bill not only would require mandatory annual ethics training for Members of the House and House officers, it also includes provisions that would strengthen the ethics committee and enable it to carry out the job of ensuring compliance with the House's rules and standards of conduct.

So, unfortunately, here too the bill falls short of what is needed.

Similarly, the bill would do nothing meaningful to tighten the current House gift rule or curb meals from registered lobbyists. It would do nothing meaningful to curb the abuse that can come from the availability of corporate jets for Members. And it would do nothing to slow the revolving door, retaining the current 1-year period in which former Members are prohibited from lobbying their former colleagues.

Those shortcomings would have been corrected by adoption of the motion to recommit, which would have added provisions from H.R. 4682, the Honest Leadership and Open Government Act, which I am cosponsoring. However, unfortunately, that motion was not adopted.

But the worst part of all is that the bill, already watered down, was corrupted by the addition of H.R. 513, dealing with so-called "527" organizations—a bill that I strongly opposed when the House considered it last month.

That legislation would bring independent groups under the jurisdiction of the Federal Election Commission (FEC) and subject them to the full scope of federal election law regulation—even though this not necessary to remove any appearance of public corruption—and it would restrict the freedom of speech of people who band together to express themselves about federal candidates and issues of national importance. It also would lift limits on coordinated expenditures, allowing national party committees to completely underwrite individual campaigns.

I cannot support these provisions—and so I cannot support the overall bill.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. PRICE of Georgia, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 359, by the yeas and nays;

H.R. 5253, by the yeas and nays:

H.R. 5254, by the yeas and nays.

Proceedings on House Resolution 781 will resume at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 359.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 359, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 114]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery

McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts

Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Buyer
Culberson
DeLay
Dingell

Evans
Green, Gene
Hall
Kingston
McCaul (TX)

Nussle
Osborne
Poe
Putnam
Sabo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1447

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 114 I was unavoidably detained at the White House. Had I been present, I would have noted "yea."

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 114 I was unavoidably detained at an energy meeting. Had I been present, I would have noted "yea."

FEDERAL ENERGY PRICE PROTECTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5253.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5253, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 34, not voting 9, as follows:

[Roll No. 115]

YEAS—389

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler

Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons

Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston

Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano

Neal (MA)
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw

Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—34

Akin
Burton (IN)
Campbell (CA)
Cannon
Conaway
Culberson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling

Hoekstra
Hostettler
Johnson, Sam
King (IA)
Kucinich
Lungren, Daniel E.
McHenry
Miller, Gary
Musgrave
Neugebauer
Otter

Paul
Pearce
Pence
Pitts
Poe
Rohrabacher
Sessions
Shadegg
Sullivan
Westmoreland
Wilson (SC)

NOT VOTING—9

Baker
Buyer
DeLay

Evans
Latham
Nussle

Osborne
Sabo
Turner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1457

Mr. HOEKSTRA changed his vote from "yea" to "nay."

Mr. KINGSTON changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Mr. Speaker, on rollcall No. 115, I was inadvertently detained. Had I been present, I would have voted "yea."

REFINERY PERMIT PROCESS SCHEDULE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5254, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 188, not voting 7, as follows:

[Roll No. 116]

YEAS—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Buyer
DeLay
Evans
Nussle
Osborne
Sabo
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1506

Mr. BOYD changed his vote from "nay" to "yea."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4975.

☐ 1507

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, with Mr. CHOCOLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

In lieu of the amendments recommended by the Committees on the Judiciary, Rules, and Government Reform now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Rules Committee print, dated April 21, 2006, modified by the amendment printed in part A of House Report 109–441, is adopted.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 4975

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Accountability and Transparency Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENHANCING LOBBYING DISCLOSURE

Sec. 101. Quarterly filing of lobbying disclosure reports.
Sec. 102. Electronic filing of lobbying registrations and disclosure reports.

Sec. 103. Public database of lobbying disclosure information.
Sec. 104. Disclosure by registered lobbyists of past executive branch and congressional employment.
Sec. 105. Disclosure of lobbyist contributions and gifts.
Sec. 106. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 107. GAO study of employment contracts of lobbyists.

TITLE II—SLOWING THE REVOLVING DOOR

Sec. 201. Notification of post-employment restrictions.
Sec. 202. Disclosure by Members of the House of Representatives of employment negotiations.
Sec. 203. Wrongfully influencing, on a partisan basis, an entity's employment decisions or practices.

TITLE III—SUSPENSION OF PRIVATELY-FUNDED TRAVEL; CURBING LOBBYIST GIFTS

Sec. 301. Suspension of privately-funded travel.
Sec. 302. Recommendations on gifts and travel.
Sec. 303. Prohibiting registered lobbyists on corporate flights.
Sec. 304. Valuation of tickets to sporting and entertainment events.

TITLE IV—OVERSIGHT OF LOBBYING AND ENFORCEMENT

Sec. 401. Audits of lobbying reports by House Inspector General.
Sec. 402. House Inspector General review and annual reports.

TITLE V—INSTITUTIONAL REFORMS

Sec. 501. Earmarking reform.
Sec. 502. Mandatory ethics training for House employees.
Sec. 503. Biennial publication of ethics manual.

TITLE VI—FORFEITURE OF RETIREMENT BENEFITS

Sec. 601. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—ENHANCING LOBBYING DISCLOSURE

SEC. 101. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "SEMIANNUAL" and inserting "QUARTERLY";

(B) by striking "45" and inserting "20";

(C) by striking "the semiannual period" and all that follows through "July of each year" and insert "the quarterly period beginning on the first day of January, April, July, and October of each year"; and

(D) by striking "such semiannual period" and insert "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Act (2 U.S.C. 1602(10)) is amended by striking "six month period" and inserting "3-month period".

(2) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6(6) of the Act (2 U.S.C. 1605(6)) is amended by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) REPORTS.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended—

(i) in paragraph (1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$1,000", respectively; and

(ii) in paragraph (2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 102. ELECTRONIC FILING OF LOBBYING REGISTRATIONS AND DISCLOSURE REPORTS.

(a) REGISTRATIONS.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ELECTRONIC FILING REQUIRED.—A registration required to be filed under this section on or after the date of enactment of the Lobbying Accountability and Transparency Act of 2006 shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The due date for a registration filed in electronic form shall be no later than the due date for a registration filed in any other form.".

(b) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) ELECTRONIC FILING REQUIRED.—

"(1) IN GENERAL.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The due date for a report filed in electronic form shall be no later than the due date for a report filed in any other form, except as provided in paragraph (2).

"(2) EXTENSION OF TIME TO FILE IN ELECTRONIC FORM.—The Secretary of the Senate or the Clerk of the House of Representatives may establish a later due date for the filing of a report in electronic form by a registrant, if and only if—

"(A) on or before the original due date, the registrant—

"(i) timely files the report in every form required, other than electronic form; and

"(ii) makes a request for such a later due date to the Secretary or the Clerk, as the case may be; and

"(B) the request is supported by good cause shown.".

SEC. 103. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in sections 4(b) and 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6(4) of the Act is amended by inserting before the semicolon the following: "and, in the case of a registration filed in electronic form pursuant to section 4(d) or a report filed in electronic form pursuant to section 5(d), shall make such registration or report (as the case may be) available for public inspection over the Internet not more than 48 hours after the registration or report (as the case may be) is approved as received by the Secretary of the Senate or the Clerk of the House of Representatives (as the case may be)".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of the Act, as added by subsection (a) of this section.

SEC. 104. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE BRANCH AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603(b)(6)) is amended by striking "2 years" and inserting "7 years".

SEC. 105. DISCLOSURE OF LOBBYIST CONTRIBUTIONS AND GIFTS.

(a) IN GENERAL.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(5) for each registrant (and for any political committee, as defined in 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with the registrant), and for each employee listed as a lobbyist by the registrant under paragraph (2)(C), the name of each Federal candidate or officeholder, and of each leadership PAC, political party committee, or other political committee to whom a contribution was made which is required to be reported to the Federal Election Commission by the recipient, and the date and amount of such contribution;

"(6) the date, recipient, and amount of any gift that under the Rules of the House of

Representatives counts towards the cumulative annual limit described in such rules and is given to a covered legislative branch official by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C); and

"(7) the date, recipient, and amount of funds contributed by the registrant or an employee listed as a lobbyist by the registrant under paragraph (2)(C)—

"(A) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official; or

"(B) to an entity established, financed, maintained, or controlled by a covered legislative branch official;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434).".

(b) FACTORS TO BE CONSIDERED TO DETERMINE RELATIONSHIP BETWEEN OFFICIALS AND OTHER ENTITIES.—Section 5 of the Act (2 U.S.C. 1604), as amended by section 102(b) of this Act, is amended by adding at the end the following new subsection:

"(e) FACTORS TO DETERMINE RELATIONSHIP BETWEEN OFFICIALS AND OTHER ENTITIES.—

"(1) IN GENERAL.—In determining under subsection (b)(7)(B) whether a covered legislative branch official directly or indirectly established, finances, maintains, or controls an entity, the factors described in paragraph (2) shall be examined in the context of the overall relationship between that covered official and the entity to determine whether the presence of any such factor or factors is evidence that the covered official directly or indirectly established, finances, maintains, or controls the entity.

"(2) FACTORS.—The factors referred to in paragraph (1) include, but are not limited to, the following:

"(A) Whether the covered official, directly or through its agent, owns a controlling interest in the voting stock or securities of the entity.

"(B) Whether the covered official, directly or through its agent, has the authority or ability to direct or participate in the governance of the entity through provisions of constitutions, bylaws, contracts, or other rules, or through formal or informal practices or procedures.

"(C) Whether the covered official, directly or through its agent, has the authority or ability to hire, appoint, demote, or otherwise control the officers or other decisionmaking employees or members of the entity.

"(D) Whether the covered official has a common or overlapping membership with the entity that indicates a formal or ongoing relationship between the covered official and the entity.

"(E) Whether the covered official has common or overlapping officers or employees with the entity that indicates a formal or ongoing relationship between the covered official and the entity.

"(F) Whether the covered official has any members, officers, or employees who were members, officers, or employees of the entity that indicates a formal or ongoing relationship between the covered official and the entity, or that indicates the creation of a successor entity.

"(G) Whether the covered official, directly or through its agent, provides funds or goods in a significant amount or on an ongoing basis to the entity, such as through direct or indirect payments for administrative, fundraising, or other costs.

"(H) Whether the covered official, directly or through its agent, causes or arranges for funds in a significant amount or on an ongoing basis to be provided to the entity.

"(I) Whether the covered official, directly or through its agent, had an active or significant role in the formation of the entity.

"(J) Whether the covered official and the entity have similar patterns of receipts or disbursements that indicate a formal or ongoing relationship between the covered official and the entity.".

(c) CONFORMING AMENDMENT.—Section 3 of the Act (2 U.S.C. 1602) is amended by adding at the end the following new paragraphs:

"(17) GIFT.—The term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(18) LEADERSHIP PAC.—The term 'leadership PAC' means, with respect to an individual holding Federal office, an unauthorized political committee (as defined in the Federal Election Campaign Act of 1971) which is associated with such individual.".

SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended—

(1) by striking "Whoever" and inserting "(a) CIVIL PENALTY.—Whoever";

(2) by striking "$50,000" and inserting "$100,000"; and

(3) by adding at the end the following:

"(b) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Whoever knowingly and willfully fails to comply with any provision of this Act shall be imprisoned not more than 3 years, or fined under title 18, United States Code, or both.

"(2) CORRUPTLY.—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this Act shall be imprisoned not more than 5 years, or fined under title 18, United States Code, or both.".

TITLE II—SLOWING THE REVOLVING DOOR

SEC. 201. NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.

Section 207(e) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(8) NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS.—After a Member of the House of Representatives or an elected officer of the House of Representatives leaves office, or after the termination of employment with the House of Representatives of an employee of the House of Representatives covered under paragraph (2), (3), or (4), the Clerk of the House of Representatives, after consultation with the Committee on Standards of Official Conduct, shall inform the Member, officer, or employee of the beginning and ending date of the prohibitions that apply to the Member, officer, or employee under this subsection, and also inform each office of the House of Representatives with respect to which such prohibitions apply of those dates.".

SEC. 202. DISCLOSURE BY MEMBERS OF THE HOUSE OF REPRESENTATIVES OF EMPLOYMENT NEGOTIATIONS.

The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by inserting after clause 13 the following new clause:

"14. (a) A Member, Delegate, or Resident Commissioner shall file with the Committee on Standards of Official Conduct a statement that he or she is negotiating compensation for prospective employment or has any arrangement concerning prospective employment if a conflict of interest or the appearance of a conflict of interest may exist. Such statement shall be made within 5 days (other than Saturdays, Sundays, or public holidays) after commencing the negotiation for compensation or entering into the arrangement.

"(b) A Member, Delegate, or Resident Commissioner should refrain from voting on any legislative measure pending before the House or any committee thereof if the negotiation described in subparagraph (a) may create a conflict of interest.".

SEC. 203. WRONGFULLY INFLUENCING, ON A PARTISAN BASIS, AN ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

The Code of Official Conduct set forth in rule XXIII of the Rules of the House of Representatives (as amended by section 202) is further amended by redesignating clause 15 as clause 16 and by inserting after clause 14 the following new clause:

"15. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not, with the intent to influence on the basis of political party affiliation an employment decision or employment practice of any private or public entity (except for the Congress)—

"(a) take or withhold, or offer or threaten to take or withhold, an official act; or

"(b) influence, or offer or threaten to influence, the official act of another.".

TITLE III—SUSPENSION OF PRIVATELY-FUNDED TRAVEL; CURBING LOBBYIST GIFTS

SEC. 301. SUSPENSION OF PRIVATELY-FUNDED TRAVEL.

Notwithstanding clause 5 of rule XXV of the Rules of the House of Representatives, no Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift of travel (including any transportation, lodging, and meals during such travel) from any private source.

SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON GIFTS AND TRAVEL.

Not later than December 15, 2006, the Committee on Standards of Official Conduct shall report its recommendations on changes to rule XXV of the Rules of the House of Representatives to the Committee on Rules. In developing such recommendations, the Committee on Standards of Official Conduct shall consider the following:

(1) The ability of the current provisions of rule XXV to protect the House, its Members, officers, and employees, from the appearance of impropriety.

(2) With respect to the allowance for privately-funded travel contained in clause 5(b) of rule XXV—

(A) the degree to which privately-funded travel meets the representational needs of the House, its Members, officers, and employees;

(B) whether certain entities should or should not be permitted to fund the travel of the Members, officers, and employees of the House, what sources of funding may be permissible, and what other individuals may participate in that travel; and

(C) the adequacy of the current system of approval and disclosure of such travel.

(3) With respect to the exceptions to the limitation on the acceptance of gifts contained in clause 5(a)—

(A) the degree to which those exceptions meet the representational and personal needs of the House, its Members, officers, and employees;

(B) the clarity of the limitation and its exceptions; and

(C) the suitability of the current dollar limitations contained in clause 5(a)(1)(B) of such rule, including whether such limitations should be lowered.

SEC. 303. PROHIBITING REGISTERED LOBBYISTS ON CORPORATE FLIGHTS.

The Lobbying Disclosure Act of 1995 is amended by inserting after section 5 the following new section:

"SEC. 5A. PROHIBITING REGISTERED LOBBYISTS ON CORPORATE FLIGHTS.

"If a Representative in, or Delegate or Resident Commissioner to, the Congress, or an officer or employee of the House of Representatives, is a passenger or crew member on a flight of an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire and that is owned or operated by a person who is the client of a lobbyist or a lobbying firm, then such lobbyist may not be a passenger or crew member on that flight.".

SEC. 304. VALUATION OF TICKETS TO SPORTING AND ENTERTAINMENT EVENTS.

Clause 5(a)(2)(A) of rule XXV of the Rules of the House of Representatives is amended by—

(1) inserting "(i)" after "(A)"; and

(2) adding at the end the following:

"(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket, provided that in the case of a ticket without a face value, the ticket shall be valued at the highest cost of a ticket with a face value for the event.".

TITLE IV—OVERSIGHT OF LOBBYING AND ENFORCEMENT

SEC. 401. AUDITS OF LOBBYING REPORTS BY HOUSE INSPECTOR GENERAL.

(a) ACCESS TO LOBBYING REPORTS.—The Office of Inspector General of the House of Representatives shall have access to all lobbyists' disclosure information received by the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995 and shall conduct random audits of lobbyists' disclosure information as necessary to ensure compliance with that Act.

(b) REFERRAL AUTHORITY.—The Office of the Inspector General of the House of Representatives may refer potential violations by lobbyists of the Lobbying Disclosure Act of 1995 to the Department of Justice for disciplinary action.

SEC. 402. HOUSE INSPECTOR GENERAL REVIEW AND ANNUAL REPORTS.

(a) ONGOING REVIEW REQUIRED.—The Inspector General of the House of Representatives shall review on an ongoing basis the activities carried out by the Clerk of the House of Representatives under section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605). The review shall emphasize—

(1) the effectiveness of those activities in securing the compliance by lobbyists with the requirements of that Act; and

(2) whether the Clerk has the resources and authorities needed for effective oversight and enforcement of that Act.

(b) ANNUAL REPORTS.—Not later than December 31 of each year, the Inspector General of the House of Representatives shall submit to the House of Representatives a report on the review required by subsection (a). The report shall include the Inspector General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Inspector General to—

(1) improve the compliance by lobbyists with the requirements of the Lobbying Disclosure Act of 1995; and

(2) provide the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

TITLE V—INSTITUTIONAL REFORMS

SEC. 501. EARMARKING REFORM.

(a) In the House of Representatives, it shall not be in order to consider—

(1) a general appropriation bill reported by the Committee on Appropriations unless the report includes a list of earmarks in the bill or in the report (and the names of Members who submitted requests to the Committee on Appropriations for earmarks included in such list); or

(2) a conference report to accompany a general appropriation bill unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list of earmarks in the conference report or joint statement (and the names of Members who submitted requests to the Committee on Appropriations for earmarks included in such list) that were—

(A) not committed to the conference committee by either House;

(B) not in the report specified in paragraph (1); and

(C) not in a report of a committee of the Senate on a companion measure.

(b) In the House of Representatives, it shall not be in order to consider a rule or order that waives the application of subsection (a)(2).

(c)(1) A point of order raised under subsection (a)(1) may be based only on the failure of a report of the Committee on Appropriations to include the list required by subsection (a)(1).

(2) As disposition of a point of order under subsection (a), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order.

(3) As disposition of a point of order under subsection (b) with respect to a rule or order relating to a conference report, the Chair shall put the question of consideration as follows: "Shall the House now consider the resolution notwithstanding the assertion of [the maker of the point of order] that the object of the resolution introduces a new earmark or new earmarks?".

(4) The question of consideration under this subsection shall be debatable for 15 minutes by the Member initiating the point of order and for 15 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

(d)(1) For the purpose of this resolution, the term "earmark" means a provision in a bill or conference report, or language in an accompanying committee report or joint statement of managers, providing or recommending a specific amount of discretionary budget authority to a non-Federal entity, if such entity is specifically identified in the report or bill; or if the discretionary budget authority is allocated outside of the normal formula-driven or competitive bidding process and is targeted or directed to an identifiable person, specific State, or congressional district.

(2) For the purpose of subsection (a), government-sponsored enterprises, Federal facilities, and Federal lands shall be considered Federal entities.

(3) For the purpose of subsection (a), to the extent that the non-Federal entity is a State or territory, an Indian tribe, a foreign government or an intergovernmental international organization, the provision or language shall not be considered an earmark unless the provision or language also specifies the specific purpose for which the designated budget authority is to be expended.

SEC. 502. MANDATORY ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) MANDATORY ETHICS TRAINING FOR HOUSE EMPLOYEES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Clause 4 of rule II of the Rules of the House of Representatives is amended by inserting the following new paragraph at the end:

"(d) The Chief Administrative Officer may not pay any compensation to any employee of the House with respect to any pay period during which the employee, as determined by the Committee on Standards of Official Conduct, is not in compliance with the applicable requirements of regulations promulgated pursuant to clause 3(r) of Rule XI. ".

(2) MANDATORY ETHICS TRAINING PROGRAM.—Clause 3 of rule XI of the Rules of the House of Representatives is amended by adding at the end the following:

"(r) The committee shall establish a program of regular ethics training for employees of the House and promulgate regulations providing for the following:

"(1)(A) Except as otherwise provided, all employees of the House are required to complete ethics training offered by the committee at least once during each congress. Any employee who is hired after the date of adoption of such rules is required to complete such training within 30 days of being hired.

"(B) Any employee of the House who works in a Member's district office shall not be required to complete such ethics training until 30 days after the district office has received a notice from the Committee on Standards of Official Conduct that the required ethics training program is available on the Internet.

"(2) After any employee of the House completes such ethics training, that employee shall file a written certification with the committee that he is familiar with the contents of any pertinent publications that are so designated by the committee and has completed the required ethics training.

"(3) As used in this paragraph, the term 'employee of the House' refers to any individual whose compensation is disbursed by the Chief Administrative Officer, including any staff assigned to a Member's personal office, any staff of a committee or leadership office, or any employee of the Office of the Clerk, of the Office of the Chief Administrative Officer, or of the Sergeant-at-Arms, but does not include a Member, Delegate, or Resident Commissioner.".

(b) ETHICS TRAINING FOR MEMBERS, DELEGATES AND THE RESIDENT COMMISSIONER.—Clause 3 of rule XI of the Rules of the House of Representatives is amended by inserting the following new paragraph at the end:

"(s) The committee shall establish a program of regular ethics training for Members, Delegates, and the Resident Commissioner similar to the program established in paragraph (r), and encourage participation in such program.".

SEC. 503. BIENNIAL PUBLICATION OF ETHICS MANUAL.

Within 120 days after the date of enactment of this Act and during each Congress thereafter, the Committee on Standards of Official Conduct shall publish an up-to-date ethics manual for Members, officers, and employees of the House of Representatives and make such manual available to all such individuals. The committee has a duty to keep all Members, Delegates, the Resident Commissioner, officers, and employees of the House of Representatives apprised of current rulings or advisory opinions when potentially constituting changes to or interpretations of existing policies.

TITLE VI—FORFEITURE OF RETIREMENT BENEFITS

SEC. 601. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

“(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

“(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

“(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

“(iii) The offense is committed after the date of enactment of this subsection.

“(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

“(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

“(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

“(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States) to the extent of any conspiracy to commit an act which constitutes an offense under clause (i) or (ii).

“(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

“(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

“(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

“(B) provisions under which the Office may provide for—

“(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

“(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

“(5) For purposes of this subsection—

“(A) the term ‘Member’ has the meaning given such term by section 2106, notwithstanding section 8331(2); and

“(B) the term ‘child’ has the meaning given such term by section 8341.”.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

“(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

“(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

“(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

“(C) The offense is committed after the date of enactment of this subsection.

“(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

“(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

“(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

“(B) provisions under which the Office may provide for—

“(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

“(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

“(5) For purposes of this subsection—

“(A) the term ‘Member’ has the meaning given such term by section 2106, notwithstanding section 8401(20); and

“(B) the term ‘child’ has the meaning given such term by section 8341.”.

The Acting CHAIRMAN. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

No further amendment to the bill, as amended, is in order except those printed in part B of House Report 109–441. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOHMERT

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 printed in House Report 109–441 offered by Mr. GOHMERT:

Strike section 106 and insert the following:

SEC. 106. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”;

(2) by inserting “, corruptly, and with the intent to evade the law” after “knowingly”;

(3) by striking “knowing”;

(4) by striking “of not more than” and all that follows through the end and inserting “as provided in subsection (b).”; and

(5) by adding at the end the following:

“(b) PENALTY.—The civil fine under subsection (a) shall be the following, depending on the extent and gravity of the violation:

“(1) For the first offense, not more than $100,000.

“(2) For the second offense, not more than $250,000.

“(3) For the third offense, not more than $500,000.

“(4) For the fourth or any subsequent offense, not more than $1,000,000.”.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Texas (Mr. GOHMERT) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I have this amendment to this bill. This is a bill that requires administrative reporting requirements. There are a myriad of things this bill requires, and we have chosen, apparently, to try to criminalize administrative conduct.

Innocent mistakes will allow people to be taken off in handcuffs and have to prove later down the road what effectively will be an affirmative defense that they did not willfully and knowingly make these kind of omissions. That is just a dangerous business to get into, to keep criminalizing things.

The way you fight things like this is, when you say it is the dollars or the problems, then you hit people with dollars, and so that is what this amendment does. It says, we are not going to talk about handcuffs; we are going to talk about immense fines.

The first violation would be up to $100,000; second up to $250,000; third up to $500,000; and the fourth up to $1 million. That gives all the incentive anybody needs to make sure they file properly. Those are extremely high fines, the highest I have ever heard of, but I put them there to give people a degree of comfort that there would be sufficient penalty for failing to comply with the requirements.

Now, what has come into play here is pure politics. On one side, people want to feel like, gee, we want to show that we are being tough, even though innocent people down the road will be hurt, and when that happens, "I told you so" will not be adequate to me because my heart will go out to people that are hurt unnecessarily.

I understand the Democrats are going to stand up and oppose this. And when their Members are taken out in handcuffs because of this bill, if it passes with criminal sanctions, when their people are carried out in handcuffs, they will look to them and say, You know what, we probably should not have criminalized that because that gave a prosecutor what they wanted.

I am just asking for a bipartisan way to handle this. The way to handle administrative errors is to punish with fines and not with dragging people out from their homes in handcuffs to try to make a political statement.

If people will be honest, they know that happens on both sides. And I would rather not see that happen as an old judge and chief justice. It can happen, and I would rather not see it happen to either side.

Mr. Chairman, I reserve my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

This amendment would further weaken an already appallingly weak bill by striking the criminal penalties for corrupt lobbyists that knowingly violate disclosure requirements. The amendment would strike out provisions in the bill that were agreed to by the Judiciary Committee that would hold lobbyists criminally responsible for violating the Lobbying Disclosure Act of 1995 by failing to disclose their contacts with Members of Congress with criminal intent and replace them with finds.

The provision in the base text establishes criminal penalties for whoever knowingly and willfully or knowingly, willfully and corruptly fails to comply with any provision of the bill. I do not see why we should object to this. These new criminal penalties are to lobbyists who knowingly and willfully or knowingly, willfully and corruptly lie on their disclosure forms. Is the lobbyist who corruptly lies in his disclosure form not deserving of the criminal sanction? This amendment would strike those tough criminal penalties and instead replace them with monetary fines.

We know from reading in the newspaper that Mr. Jack Abramoff made $66 million defrauding Indian tribal clients alone. Does anyone think that a $100,000 fine would deter Mr. Abramoff from making his $66 million corruptly? It is a drop in the bucket. In fact, this amendment is worsened by the fact that it adds a requirement to the intent element of the civil penalty of the Lobbyist Act, corruptly and with intent to evade the law, which is an almost impossible standard for the prosecutor to meet.

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The proponent of this amendment has argued that the language included in the current criminal provision is vague and undefined; we went through that in the committee. But I don't believe this argument is accurate. The term "corruptly" appears in title 18 at least 15 times, even appearing in the Federal Bribery Statute. Moreover, according to Black's Law Dictionary, the term "corruptly" means "to act knowingly and dishonestly with the specific intent to subvert or undermine the integrity of something." I do not think the definition can get any clearer than that.

This bill is already so weak and limited that it is virtually powerless to prevent future abuses. This amendment would remove one of the few tough deterrents in the bill. I would note that the provision for criminal penalties applies to lobbyists, not to Members of Congress, unless those lobbyists are former Members or acting in violation of the current rules on lobbying illegally.

So we do think that this amendment, although I am sure the gentleman is offering it with all good faith, is misguided, and we do oppose and urge our colleagues to oppose.

Mr. Chairman, I reserve the balance of my time.

Mr. GOHMERT. Mr. Chairman, my colleague across the aisle points to a $100,000 fine as not being adequate to deter Mr. Abramoff, and I would remind my colleague, he is going to prison. Mr. Cunningham has gone to prison. People who violate the law will go to prison.

Mr. Chairman, there are already bribery statutes. There are already corruption statutes. This reminds me a lot of the 1990s, when anytime someone did a violent act with a gun, the Clinton administration ran in and said, we need more gun control laws, never mind the fact that they already violated many gun control laws as it is. What is needed is just enforcement of the current laws.

Now, the lobbying reform bill will create some requirements of filing that will enable people to do their job, but apparently there is not a real knowledge of how the system works. Let me tell you how this will play out. Someday, heaven forbid but it will happen, there will be a politically motivated prosecutor, and he will go to a lobbyist, and he will say, You know, we have scoured through every report you have ever filed, and we finally found one entry you failed to make. Your accountant did not put this in, and you signed it, and by golly, you are going to go to prison for maybe 3 years. Now, we do notice you made a contribution to this Congressman over there. You know, and I am sure you can go to trial, and maybe, on your part of the case, you may be able to convince them it was not corrupt or willfully, knowingly. But you know what? If you just happened to remember that this Congress Member, Democrat or Republican, whoever they happen to be after, had asked for something in return or said they would do something in return for contribution, then we might just go away because that would show what good faith you are acting in, and maybe you really did not know and maybe this was not willful. That will happen someday because there are some prosecutors who are politically motivated.

Now, I do not think it will happen under this administration, but it will happen someday. And when it does, if this amendment goes down, you can be reminded that there was a Congressman who stood up to try to do the right thing, because we have plenty of corruption laws; it is a matter of reporting requirements that will be enhanced here. We do not need to criminalize administrative functions.

Mr. Chairman, with that, I would ask for Members to do the bipartisan thing and vote for this amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just note that the bill puts in new disclosure requirements and also tough enforcement of those requirements, which the gentleman's amendment would essentially remove.

I was a little surprised to hear the argument that the penalty invites suborning perjury on the part of prosecutors. I have never heard that argument advanced in the situation of any other criminal penalty, bribery or drug cases or any other kind of criminal penalty. And I must say that I have yet in my many, many years as an attorney run into a case where a prosecutor suborned perjury in the way described by the gentleman. Maybe he has run into a different situation in his State. But I think to suggest that prosecutors are going to engage in misconduct is misleading, and also it is revealing that that concern is only expressed when it is to protect corrupt lobbyists.

Let us remember that the standard that is being outlined in this bill is corruption. Knowingly, willfully and corruptly is the standard, and that has to be proven with evidence beyond a reasonable doubt. I think that is the due process protection that we generally rely on in our great country.

I would just note in concluding that recently a Roll Call editorial described this bill as, "This bill all but shouts to voters that the GOP is not serious about reform and that it values its ties to K Street more than the public's trust."

I would say that the gentleman's amendment is an elevation of that concern for K Street that this House should reject rather soundly.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 printed in House Report 109-441 offered by Mr. CASTLE:

Insert the following after section 106 and redesignate the succeeding section accordingly:

SEC. 107. PENALTIES FOR OFFERING GIFTS.

Section 7 of the Act (2 U.S.C. 1606), as amended by section 106, is amended by adding at the end the following:

"(c) PENALTIES FOR OFFERING GIFTS.—

"(1) IN GENERAL.—Any person who is—

"(A) a lobbyist registered under this Act,

"(B) a lobbyist who is an employee of an organization registered under this Act, or

"(C) the client of any such lobbyist or organization,

and who offers to a covered legislative branch official of the House of Representatives any gift, knowing that such gift violates the rules of the House of Representatives, shall, upon proof thereof by a preponderance of the evidence, be subject to a civil fine of not more than $50,000.

"(2) DEFINITION.—In this subsection, the term 'covered legislative branch official of the House of Representatives' means—

"(A) a Representative in, or Delegate or Resident Commissioner to, the Congress; and

"(B) an employee of, or any other individual functioning in the capacity of an employee of—

"(i) an individual described in subparagraph (A);

"(ii) a committee of the House of Representatives;

"(iii) the leadership staff of the House of Representatives;

"(iv) a joint committee of Congress; or

"(v) a working group or caucus organized to provide legislative services to individuals described in subparagraph (A).".

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to offer this amendment today with my colleague from Pennsylvania (Mr. GERLACH). The amendment is simple, so I will be relatively brief.

Let me take a moment to thank the chairman of the Rules Committee for his tremendous work in preparing this ethics legislation. I know the process he has been through; I have been to a lot of the meetings. There is a lot of disagreement even within his own party, including me on some issues, and I realize the difficulty of putting this together. I would just like to thank him for his great work on this particular piece of legislation.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I will simply say, I support the gentleman's amendment.

Mr. CASTLE. Mr. Chairman, maybe I should stop right there.

One way I think we can strengthen the laws governing gift giving from lobbyists to legislators and their staffs is to hold all individuals liable for knowingly breaking the law. Currently, Members and staff are responsible for making sure that they do not accept gifts or meals that violate the current gift limit of $50. Our amendment would also hold liable those individuals who knowingly offer gifts in violation of the law. It is simply common sense that anyone who intends to break the law should be held responsible. With this commonsense amendment, we bring intentional gift-giving violations under the civil penalties already established in the Lobbying Disclosure Act which are currently set at up to $50,000.

If there is a silver lining in the clouds surrounding the recent ethics problems in Congress, it is the opportunity to enact meaningful reform. Personally, I think the bill could go much farther by establishing greater disclosure and reporting requirements. I firmly believe that full transparency has the potential to minimize abuses of the system. Unfortunately, an individual who wants to violate the law will usually find a way no matter what we do here today.

Regardless, we have a responsibility to pass the strongest bill possible here today, and I think this amendment moves us in that direction. Personally, I believe in transparency. I believe in the education of everybody including lobbyists, staff members and Members of Congress. In terms of ethics laws, I believe in enforcement of the ethics laws as it involves all of us. And that is simply what this amendment does, is move in that direction.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed.

Mr. Chairman, I would note that laws already exist to prevent this activity and that to some extent this amendment is redundant and that the enforcement of current laws would solve the problem. And when it comes to lobbyists who are making the kind of money that Mr. Abramoff made, the $50,000 fine may well not be a deterrent.

Nevertheless, I think an additional deterrent to some lobbyists for violating the gift rules is useful. I would note that the primary responsibility falls upon Members of Congress for not accepting extravagant gifts. This amendment really looks to the gift giver instead of the guilty gift receiver.

Nevertheless, I think it is a useful component of a bill, and I do support it, and I believe that many on this side of the aisle do support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I agree with the gentlewoman from California. She is absolutely right. The greatest responsibility, in my judgment, is on us, Members of Congress, or on staff people or whatever. And it probably is slightly redundant, too. That is probably also correct.

But the point I am trying to make here is that if everybody is educated and everybody is aware of this and everybody can be responsible for it, maybe we can prevent some of the problems from happening. Maybe we can't, but I just hope that we can.

Mr. Chairman, I yield to the distinguished sponsor of the bill, the chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding, and I would like to, as I said a moment ago, support the amendment and say that I think this amendment is evidence of a strong bipartisan commitment to our dealing with the issue of reform.

Accountability is what this measure is all about, and MIKE CASTLE is someone who has demonstrated a very strong commitment to increased accountability, transparency and disclosure. And when we look at the issue of gifts, heretofore the responsibility has simply fallen on the shoulders of Members of Congress. We believe that when those who are out there are trying to shower gifts onto Members, that they in fact should have some responsibility.

That is exactly what the Castle-Gerlach amendment is getting at. I think it is a very good and very helpful addition to the legislation, and I would also like to join in congratulating Mr. GERLACH, who also is a very strongly committed reformer for this institution.

Mr. CASTLE. Mr. Chairman, finally, I would just say Mr. GERLACH and I presented almost identical amendments, and that is how it became the Castle-Gerlach, Gerlach-Castle amendment, because they were very similar.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just, in closing, note that this is not a bipartisan amendment, unless either Mr. CASTLE or Mr. GERLACH has made a party decision that we don't yet know about. However, we don't oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 printed in House Report 109-441 offered by Mr. DANIEL E. LUNGREN of California:

Section 301 is amended to read as follows:

SEC. 301. PRE-CERTIFICATION OF PRIVATELY FUNDED TRAVEL.

(a) ACCEPTANCE OF PRIVATELY FUNDED TRAVEL.—Notwithstanding clause 5 of rule XXV of the Rules of the House of Representatives, no Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift of travel related to his official duties (including any transportation, lodging, and meals during such travel) from any private source unless the private source first obtains a certification in writing from the Committee on Standards of Official Conduct that the gift of travel complies with all House rules and standards of conduct.

(b) REVIEW AND RECOMMENDATIONS.—(1) The Committee on Standards of Official Conduct may not issue any such certification until it reports its recommendations on changes to rule XXV to the Committee on Rules unless two-thirds of the Members of the Committee, present and voting in the affirmative, vote to issue such certification. The Committee on Standards of Official Conduct shall report its recommendations to the Committee on Rules not later than June 15, 2006.

(2) In developing such recommendations, the Committee on Standards of Official Conduct shall—

(A) survey public reports of registered lobbyist and registered foreign agent-related private travel, as well as public reports of late or inaccurate disclosure of private travel, and

(B) consider—

(i) The ability of the current provisions of rule XXV regarding travel to protect the House, its Members, officers, and employees, from the appearance of impropriety.

(ii) With respect to the allowance for privately-funded travel contained in clause 5(b) of rule XXV—

(I) the degree to which the privately-funded travel meets the representational needs of the House, its Members, officers, and employees;

(II) whether certain entities should or should not be permitted to fund the travel of the Members, officers, and employees of the House, what sources of funding may be permissible, and what other individuals may participate in that travel; and

(III) the adequacy of the current system of approval and disclosure of such travel. Section 302 is amended to read as follows:

SEC. 302. RECOMMENDATIONS FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON GIFTS.

The Committee on Standards of Official Conduct shall report its recommendations on changes to rule XXV of the Rules of the House of Representatives regarding the exceptions to the limitation on the acceptance of gifts contained in clause 5(a) of that rule to the Committee on Rules. In developing its recommendations, the Committee on Standards of Official Conduct shall consider the following:

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from California (Mr. DANIEL E. LUNGREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

This is one of those bipartisan moments in our consideration of a lobbying reform bill. Congressman GEORGE MILLER, Congressman HOWARD BERMAN, TOM COLE, DOC HASTINGS have joined me as cosponsors of this amendment, and Congressman JEFF FLAKE worked with us in crafting this proposal.

Mr. Chairman, if it is in order, I would ask unanimous consent that his name be added as a cosponsor to the amendment.

The Acting CHAIRMAN. The Chair would advise the proponent of the amendment that other Members whom he identified as supporters of the amendment are reflected in the RECORD, but there are no "cosponsors" of an amendment.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it is essential to those of us who have been elected to serve in this body to have confidence that the interests of the constituents are being served. The democratic process as well as the integrity of the people's House require no less.

As the Supreme Court recognized in Buckley v. Valeo, it is both corruption and even the appearance of corruption which threaten the public trust and warrant congressional regulatory action. The safeguards contained in this amendment will protect the integrity of the process by allowing private travel which has nothing to do with corruption and which in fact contributes to our ability to effectively represent those who have elected us.

This bipartisan compromise provides that the Ethics Committee shall have until June 15 of this year to develop a permanent plan governing future private travel. In the interim, private travel would be allowed if, after its review, two-thirds of the Ethics Committee approves the trip. That requires bipartisan approval.

□ 1530

Our amendment will protect legitimate travel which relates to our ability as Members of this body, and I ask for support of this amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would like to compliment the gentleman for his leadership on this issue.

Again, this is an indication of our ability to work in a bipartisan way to deal with a question that constantly came to me from Democrats on the other side of the aisle who talked about the notion of imposing a travel ban, and some Members on our side. I believe Mr. LUNGREN and all of those Members, Mr. BERMAN from California and Mr. COLE on the Rules Committee, have worked very diligently, and I look forward to accepting this amendment.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment; and I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), our colleague, and one of the authors of the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentlewoman for yielding; and I want to thank the cosponsors of this legislation and those who have worked on this from both sides of the aisle.

For the first time this amendment will give the Ethics Committee an opportunity to revise the rules and the standards of conduct for travel which Members of Congress engage in. This amendment embraces all travel that Members of Congress are confronted with, whether it is from the 501(c)(3) community or from the private community.

I happen to think that the Ethics Committee is going to have to make different determinations for different kinds of travel. But the fact of the matter is, because of this amendment, they will have that responsibility to bring greater transparency to that process. And hopefully Members will have to get pre-approval of that travel, and hopefully the Ethics Committee will have to approve that. They will make determinations about what is a legitimate itinerary, the attendance at the various conferences, the participants and the sources of funding.

The problem with travel in the past has not been the travel; it has been those who sought out deliberately to game the system. I believe that if the Ethics Committee meets its responsibility, people will not be able to game the system, to hide the sources of financing or hide the purposes of the trip; and Members will be able to deal with it forthrightly and take advantage of travel where it is helpful to their jobs as Members of Congress, to their constituents, and to the country.

Also, this will allow for the kind of disclosure and prior disclosure of the trips hopefully so constituents, the press and others can check out what the Ethics Committee has done and they can comment on it. The Members will defend it or not defend it if they want to take these trips and if they truly believe they are valuable.

This give us until June 15 for the Ethics Committee to come up with that process. If there is travel to take place prior to that, it requires a two-thirds vote, a strong bipartisan vote of the Ethics Committee to approve any travel prior to that day.

I think this is a big step to the reform of congressional travel in the House. I urge my colleagues to support this amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE), one of the cosponsors of this amendment.

Mr. COLE of Oklahoma. Mr. Chairman. I want to take a moment and thank my friends on the other side of the aisle, particularly Mr. MILLER and Mr. BERMAN, for working with us; and, of course, my friends on this side of the aisle, Mr. LUNGREN, whose leadership has been so critical on this, Mr. FLAKE, and, of course, Mr. HASTINGS, chairman of the Ethics Committee.

This really is a moment where we have come together and thought about what is best for the institution instead of trying to score political points against one another. I think we have taken a dramatic step.

I agree very much with my friend, Mr. MILLER. This offers the opportunity for real scrutiny and a real look at the entire travel issue; and I look forward to working with Mr. BERMAN and Chairman HASTINGS on the Ethics Committee, to come back with a scheme that both sides can have confidence in and the American people can have confidence in.

In conclusion, I thank the chairman, Mr. DREIER, and certainly the Speaker. This would not have happened without their help and without their active cooperation so we could resolve what was a knotty issue. They, too, deserve a great deal of credit for working in a bipartisan manner and allowing this to come about.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was in this body for 10 years and then out for 16. I have had a chance to look at the importance of travel as it adds to the information base that Members have. While we have had problems in certain areas of travel, we ought not to just throw them all out. This is a real effort to try and get transparency and to work on a bipartisan basis to make sure this works.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would like to say that I think it is very important for us to hear from our very good friend from California, Mr. BERMAN; and I hope he may be able to offer some comments on this as one of the lead authors on this important amendment.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask Members to support this worthy amendment, and I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from California (Mr. DANIEL E. LUNGREN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SODREL

Mr. SODREL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 printed in House Report 109-441 offered by Mr. SODREL:

Amend section 502(b) to read as follows:

(b) ETHICS TRAINING FOR MEMBERS, DELEGATES, AND THE RESIDENT COMMISSIONER.—Clause 3 of rule XI of the Rules of the House of Representatives is amended by inserting at the end:

"(s)(1) The committee shall establish a program of regular ethics training for Members, Delegates, and the Resident Commissioner similar to the program established in paragraph (r).

"(2) The committee shall publish a list of Members who have and have not completed such ethics training within the first one hundred calendar days after being sworn-in during each Congress. The committee shall update this list with the names of Members who complete the training after the deadline with the date on which the training was completed.

"(3) Publication of the list of Members who have and have not completed the ethics training shall be made available on the official website of the committee and published in the Congressional Record.".

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SODREL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer this amendment with my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Kentucky (Mr. DAVIS), to ensure that Members of Congress know the ethics rules and provide American voters with the information to hold their elected representatives accountable.

As with most jobs, there is a need to understand the rules that apply to your employment so you do not violate them. Before I was elected to this office, I was a business owner. When we hired an employee, we required individuals to receive training on the rules of the company as well as local and State laws. We required this training because we wanted to make sure our company employees did not break the laws. We kept a record that the employee had completed the training and was familiar with the rules and laws they were expected to comply with.

Our amendment does the same thing. It creates a voluntary program for Members of Congress to participate in an ethics training program within 100 days of being sworn into office. This program affords Members the ability to learn and understand the rules they are required to follow while serving in office.

This amendment also provides information to the electorate to help them assess their own representative by publicly disclosing who has and who has not completed this ethics training.

I believe this amendment is simple. We must know the rules for us to follow the rules, and we must demonstrate to our constituents that we will adhere to the laws while serving in Congress. I urge my colleagues to support the Sodrel-McGovern-Davis amendment, and urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, section 502 of the underlying bill establishes mandatory ethics training for staff and voluntary training for Members. This amendment would not change the voluntary nature of Members' ethics training, but it would require the Ethics Committee to post the names of Members who have not taken the training.

I guess the purpose of this amendment is a worthy one. Members and staff should certainly know the ethics rules and should go back and refresh their memory of the ethics rules every couple of years. We all support that proposition, and in my opinion most Members are conscientious and know the ethics rule and do their best to follow them. But if posting Members' name on a Web site will make them more likely to go and get the training, then that is a good result.

But let us be honest here. A couple of new ethics seminars are not going to solve this problem. A Wall Street Journal-NBC poll released today found that almost 80 percent of the American people disapprove of the job Congress is doing. The public has watched this Congress bend and break the rules over the past few years, and I think they have had it. It is going to take more than ethics seminars to convince these people that we are interested in cleaning up Congress.

Even if this amendment is adopted, and I believe it will be, this bill is not going to change anybody's mind that the majority, who are running this House, are serious about cleaning up the mess that is here.

With that, I would note that although many of us go in person for classes, those of us who come from places like Silicon Valley really do our reading over the Internet. For those Members who have not visited the Ethics Committee site, there is a wealth of information online and available and very easy to access from home at any hour of the day or night, and that is a very good alternative for Members whose schedules are very pressed.

Mr. Chairman, I reserve the balance of my time.

Mr. SODREL. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding, and I rise in strong support of this amendment.

Once again, we are demonstrating a very strong bipartisan commitment to dealing with the issue of institutional reform.

Mr. SODREL has come forward with a very creative and thoughtful idea to enhance our goal of accountability; and he is doing it in a bipartisan way by getting our Rules Committee colleague, the gentleman from Massachusetts (Mr. MCGOVERN), to join as a cosponsor, as well as the gentleman from Kentucky (Mr. DAVIS). I think that is a brilliant move on his part, and I think it will strengthen this piece of legislation as we aspire to the goals of once again creating a higher level of respect by the American people and is necessary for this great institution. I congratulate the gentleman from Indiana (Mr. SODREL).

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

Mr. SODREL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me close quickly by saying that we were elected to this body to serve our constituents to the best of our ability. The voters believe we had the character to represent them, and we take that trust seriously. I think this amendment demonstrates our commitment. I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SODREL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 109-441.

Amendment No. 5 is not offered.

AMENDMENT NO. 6 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 printed in House Report 109-441 offered by Mr. GINGREY:

Add at the end the following:

TITLE VII—LEADERSHIP PACS

SEC. 701. RESTRICTIONS ON DISPOSITION OF FUNDS BY LEADERSHIP PACS.

(a) RESTRICTIONS.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) USE OF FUNDS BY LEADERSHIP PACS.—

"(1) USES PERMITTED.—The funds of a leadership PAC may be used by the leadership PAC—

"(A) for otherwise authorized expenditures in connection with campaigns for election for Federal office;

"(B) for charitable contributions described in section 170(c) of the Internal Revenue Code of 1986; or

"(C) for transfers to a national, State, or local committee of a political party (subject to the applicable limitations of this Act).

"(2) LEADERSHIP PAC DEFINED.—In this subsection, the term 'leadership PAC' means a political committee which is directly or indirectly established, maintained, or controlled by a candidate for election for Federal office or an individual holding Federal office but is not an authorized committee of the candidate or individual, except that such term does not include any political committee of a political party.".

(b) CONFORMING AMENDMENT REGARDING CONVERSION OF FUNDS TO PERSONAL USE.—Section 313(c) of such Act (2 U.S.C. 439a(c)), as redesignated by subsection (a), is amended by inserting after "subsection (a)" the following: "or funds of a leadership PAC described in subsection (b)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after December 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me thank Chairman DREIER for this commonsense piece of legislation in regard to the Lobbying Accountability and Transparency Act. We worked diligently with three separate hearings in the Rules Committee, 12 to 14 hours of testimony; and I think we have struck the exact right balance in regard to this legislation. I am proudly supporting this bill.

I do have an amendment, and it is a very commonsense amendment. This was brought out during the course of these hearings, but basically what the amendment does is apply the same rules to leadership PACs as exist now in regard to campaign committee funds.

I think you all know, my colleagues, certainly Mr. Chairman knows that Members, when they leave this body, certainly as they are continuing to serve, cannot use any campaign funds for personal use. When they leave this body, if they happen to have a balance, which in some cases they do and have done in the past, then that cannot in any way, shape or form be converted to personal use.

But when this law was passed back in the early 1980s and sort of finalized in 1989, shortly after which a lot of Members left so they could be grandfathered and be able to keep those balances, there were not many leadership PACs. But we know today there are a lot of leaders in this place, and a lot of folks do have leadership PACs. In some instances we are talking about balances, cash on hand of six and maybe even seven figures.

□ 1545

So basically what this amendment does, and it is really quite simple, the same rules that apply to campaign committees would apply to leadership PACs. And I would commit that amendment to my colleagues and to the chairman and ask for its support.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I simply rise in support of the committee process itself.

I was not aware of the fact that Members who have leadership PACs would be in a position to convert those funds to personal use when they choose to leave this institution. And it was because of the three hearings that we held in the Rules Committee that it came to the surprise, I think, of virtually everyone that the law that was put into place two and a half decades ago preventing Members of Congress, or at least one and a half decades ago, preventing Members of Congress from converting their campaign funds to personal use once they leave this institution does not apply to the so-called leadership PACs.

And I simply want to congratulate my friend, Mr. GINGREY, who came forward with this very, very thoughtful idea that emerged from the hearing process itself, and has now offered this amendment, which I think should enjoy very strong bipartisan support. It once again will underscore in this legislation the accountability and the transparency that is very important for the American people to see in this place. And so I am in strong support of the Gingrey amendment, Mr. Chairman.

Mr. GINGREY. Mr. Chairman, reclaiming my time, again, I want to thank my chairman for his support on this amendment. And the amendment, I want to commit it to my colleagues on both sides of the aisle because it is in the spirit of this legislation, which is a bipartisan bill that we worked diligently on, and I again congratulate Chairman DREIER and my colleagues on the Rules Committee that brought forth this legislation. And I ask for support of the amendment.

I have no other speakers, Mr. Chairman. And I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to claim the time in opposition, at least until the ranking member of the House Administration Committee arrives.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I will support this amendment. I don't, frankly, know that this has ever been an issue that I have heard of or seen in the press that someone has converted a leadership PAC to personal use. It shouldn't happen and, therefore, I don't have a problem supporting the amendment.

To the extent that it is difficult for the FEC to make a judgment call on what is personal use and what is not, this doesn't compound it because they already have to make that judgment when it comes to re-election PACs.

I would just note that, like the rest of the bill before us, this is okay, but it really doesn't accomplish the real problem solving that the country is crying out for. I don't think that any of our Members on this side of the aisle oppose, but even approving this will not clean up the ethics swamp that the country is so very concerned about.

Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I thank the gentlewoman from California (Ms. ZOE LOFGREN) for supporting the amendment.

Mr. Chairman, I yield 1 minute to the distinguished chairman of the House Administration Committee, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I, for years, have always said we must ensure proper behavior of the Members of this body or the members of any State legislature I have been in. And I particularly want to thank the gentleman for this amendment because I was not aware that this prohibition did not apply to leadership PACs. Current law does prohibit conversion of campaign funds to personal use, but, unfortunately, we have never had occasion to say that it should also apply to leadership PACs because I am not aware of any instance where that has occurred.

Nevertheless, I totally agree with the gentleman from Georgia that we should close this loophole, and that we should not permit any Member under any circumstances to convert leadership PAC funds to personal use. And I, therefore, very strongly support his amendment and thank him for bringing this to our attention.

Mr. GINGREY. Mr. Chairman, I thank the gentleman from Michigan for supporting the amendment. And again, I have no additional speakers at this time. I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

As I mentioned earlier, we are supporting this amendment, even though it solves a problem that apparently has not yet come into play.

But what this amendment and this bill fail to do is to fundamentally reform a culture of corruption. It does not end the practice of lobbyists giving gifts to Members of Congress and their staffs. It does not end the practice of Members using corporate jets, does not require disclosure of lobbyists bundling contributions to Members of Congress. It does not end the practice of leaving votes open to twist arms and lobby Members on the floor of the House. It does not do anything to close the revolving door from government service to personal gain. It does nothing to clean up our campaign finance system, to take special-interest money out of politics.

The bottom line is that, although we are supporting this amendment, it really doesn't actually reform the system that has the American people so concerned and rightly so.

Mr. Chairman, I yield the balance of my time to the ranking member of the House Administration Committee, my colleague from California, the Honorable JUANITA MILLENDER-MCDONALD.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I am not opposing this amendment because of what the amendment does, but because of what the amendment doesn't do. And what the gentleman's amendment doesn't do is apply the same rule to other types of political entities. That is, it doesn't prohibit the conversion of political funds to personal use after such a political entity has concluded its electoral business. It closes a small loophole, but what we should be talking about in closing all loopholes in this lobbying bill. And so the amendment doesn't go far enough.

Mr. Chairman, the Republican leadership's restrictive procedures for consideration of this bill has shut out all amendments affecting not only this lobbying bill, but the 527 bill as well. So the gentleman's amendment fixes a loophole, which the Republican leadership thinks needs to be plugged—and that is why they allowed the House to consider this amendment today—but why haven't we applied this same principle to other political entities?

No one should be allowed to siphon off political contributions, and convert those contributions to personal use, irrespective of the type of political organization or entity.

So, Mr. Chairman, I oppose the gentleman's amendment, not for what it does, but for what it doesn't do in the same manner I oppose the underlying bill, because it doesn't go far enough.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

The Acting CHAIRMAN. The Chair is advised that amendment No. 7 will not be offered.

AMENDMENT NO. 8 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 printed in House Report 109-441 offered by Mr. CASTLE:

Add at the end of the bill the following:

TITLE VII—ETHICS TRAINING FOR LOBBYISTS

SEC. 701. ETHICS TRAINING FOR LOBBYISTS.

(a) TRAINING COURSE.—During each Congress, the Committee on Standards of Official Conduct of the House of Representatives shall provide an 8-hour ethics training course to persons registered as lobbyists under the Lobbying Disclosure Act of 1995.

(b) CONTENTS OF COURSE.—Training under subsection (a) shall cover information on the code of conduct and disclosure requirements applicable to Members, officers, and employees of the House of Representatives, including rules relating to acceptance of gifts (including travel and meals), and financial disclosure requirements under the Ethics in Government Act of 1978.

(c) PENALTIES FOR FAILURE TO COMPLETE TRAINING.—Any person who is registered or required to register as a lobbyist under the Lobbying Disclosure Act of 1995 and who fails to complete the training course under subsection (a) at least once during each Congress shall be subject to the penalties under section 7 of that Act to the same extent as a failure to comply with any provision of that Act.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to offer this amendment today. The way to prevent further abuses of power may not be readily apparent, but by adopting this commonsense amendment to require ethics training for lobbyists, we will be one step closer to achieving greater accountability and transparency.

My amendment would require that all registered lobbyists complete a mandatory 8 hours of ethics training each Congress. Ethics training would entail instruction by the Committee on Standards on the code of conduct and disclosure requirements applicable to Members, officers and employees of the House, including the rules relating to acceptance of gifts, travel and meals and financial disclosure requirements. Any registered lobbyist failing to complete ethics training each Congress would be subject to penalties.

If we have learned anything over these few years, we have learned that many people in many different capacities, from lobbyists to Members and even staff, abuse the laws and rules that govern this body. We are seeing high-level abuses of power, the exchange of favors and the neglect of basic ethical standards.

There is absolutely no reason that we shouldn't educate registered lobbyists on the rules and laws that we have written and adopted to govern the House of Representatives.

When a lobbyist registers, they are saddled with pamphlet after pamphlet of rules and regulations. What they can and cannot do is more often learned through word of mouth. Ethics training to clearly outline the rules would be welcome. With the adoption of this amendment, there will be no uncertainty about what the rules are and how to follow them.

Requiring ethics training for registered lobbyists helps us begin to repair a system that has failed to regain the confidence of the American people.

Mr. Chairman, I would just like to say, finally, before I yield to the chairman of the Rules Committee, that this just goes along with my whole thinking that if we can educate everybody as to precisely what these rules are, then maybe we can prevent some of the abuses. Some of them we are never going to prevent, but maybe we can prevent some of the abuses. And that is the reason for this amendment.

I yield to the chairman of the Rules Committee.

Mr. DREIER. Mr. Chairman, once again, we have seen our friend from Delaware charge towards a greater offer of enhancing this piece of legislation. One of the things that we have been saying time and time again is that brighter, clearer lines are imperative as we look at this legislation. And it seems to me that as we look at where it is that we are going, everyone who is impacted by this legislation should have an opportunity to understand it. That is exactly what the Castle amendment does. And I appreciate the fact that he has spent so much time and effort going through the legislation, working to improve it. So I strongly support the amendment and urge my colleagues to join in support of the Castle amendment.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I do not object to this amendment, but like the underlying bill, I think it fails to seriously address the scandals that have made so many Americans distrustful of this Congress.

Requiring mandatory ethics training for registered lobbyists is probably a good idea. But I didn't think that classes for lobbyists were the major issue facing the country.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman from California, and I thank her for service on the Ethics Committee.

I, too, believe that this is an amendment that certainly moves us forward, but it is not the panacea.

And I rise because I now understand that this is clearly a partisan bill because this is not a bill to really do anything. It is a bill to bash and to look like you are doing something.

I did not offer the Jackson-Lee amendment because I realized that, rather than doing real lobbying reform, the other side wants to bash innocent spouses and children. That is what they want to do. They wanted to make light of an amendment that I was offering to ensure the clarity of the fact that if you had no inside knowledge or benefit to the fact that your spouse or anyone else was involved in culpable behavior, that you, as an innocent spouse, and an innocent child, should not be, of course, the, if you will, the victim of that criminal behavior.

On the other hand, in the Judiciary Committee, when we had the right kind of amendment, Mr. VAN HOLLEN offered an amendment that would require additional quarterly disclosures by lobbyists, including disclosures of the names of Federal candidates and office holders, their leadership PACs or political committees for whom fundraising events are hosted by lobbyists, and information regarding payment for events honoring Members.

Guess what? That was eliminated from the final bill, even though it was passed successfully in the Judiciary Committee.

So this is not a serious attempt for lobbying reform. It is an attempt to eliminate amendments of Democrats. Bring one on the floor so that you can bash it, rather than looking seriously at the language that the Jackson-Lee amendment had, which was to clarify to make sure that we get those who are the true culprits.

If the spouse and the child is involved in the bad behavior, then eliminate all their benefits. If they are not, then you should protect them so that they are not the victims of this bad behavior.

But I see, Mr. Chairman, you are not interested in serious lobbying reform. All you are interested in doing is bashing other Members, bashing spouses, bashing children and representing that this is a bipartisan bill. It is not a bipartisan bill. You have eliminated all the amendments, and it is not a bipartisan bill.

I hope that we will be able to get on track and find our way in the real manner of collaborative work so that when Members try to go to the other side and speak intelligently about an amendment, they won't get the back hand of someone who thinks that they can just "diss" you just because you are on the minority.

We need to be working on this issue in a bipartisan manner. And I welcome some of the very progressive amendments. And I when I say progressive, don't think I am labeling you, but the very smart amendments that add more requirements.

And I think the idea of training certainly moves us forward. But as the gentlewoman from California said, we have left out an enormous amount of real reasonable response to this question.

☐ 1600

So I hope that in the final analysis that we will go back to the drawing board and be able to assess, if you will, the importance of real collaboration.

I will just simply say that this idea of using innocent spouses and children, opposing a proposed amendment, which I did not offer because I understood that this was going to be a scapegoat that would cause people not to see the true issue, which is to clarify those who had nothing to do with the bad behavior.

And to the American public and my colleagues, I think we can understand the concept in America of due process and innocent until proven guilty. Let us get to the bottom line of making sure that our house is in order, but when it comes to those innocent individuals, let us make sure that we have clear language to protect innocent children and spouses who are determined to be without fault.

The Office of Personnel Management is a regulatory agency, not a lawmaking body, as the Congress is; and I thought it was important for my amendment to have been offered and accepted to clarify the protection of families. But the majority was opposing it because they wanted sound bites not real enforceable legislation. It was not offered because I did not want political play to get in the place of serious legislation.

With that, Mr. CASTLE, let me say you have something that is a good idea, but we could clearly do more; and I ask my colleagues to vote against this false representation of lobbying reform, H.R. 4975.

Mr. Chairman, I appreciate the opportunity to explain my amendment. The need for the amendment I offer is not obvious at first glance but the harm it corrects would be apparent to all Members as soon as they have a chance to think about it.

I share the discomfort that comes with writing laws that govern ourselves, rather than laws that govern the Nation. However, we are legislators just as much as we are politicians. We must rise to the occasion, excel beyond expectations, and sensibly construct guidelines that will secure our honesty and accountability .

What will Americans read in the newspaper tomorrow, or see on the news this evening? We do not want to appear like a classroom of children turning out their pockets when we accuse each other of stealing candy. We want to stand together as a legislature and raise our own standard of conduct and value of ethics proudly, in a bipartisan manner, as colleagues.

Until this week, this lobbying reform bill was succeeding. Differences of opinion were discussed openly, language and subject matter was debated publicly, and compromises were made with the larger goal of improving and correcting the involvement of interest groups in legislative work.

However, without an open rule, it is difficult to continue asserting that this is a bipartisan effort, and it is impossible to say that this is a transparent process. If we are struggling to make lobbying more accountable and transparent, how can we create these laws in an unaccountable and nontransparent manner? The hypocrisy is as obvious as it is embarrassing.

I am pleased that the Rules Committee was open to consideration of each amendment, and I thank Chairman DREIER and every Rules committee member for the opportunity to offer my amendment preserving the rights of spouses and children to benefit from pensions without bearing the burden of disproving guilt by association.

However, I am disturbed by the abruptness and the brevity with which privately funded travel was discarded in the committee print of the bill. Although the Lungren/Miller amendment that will be in order today is better, I believe that stifling any Member's opportunity to grow and learn is myopic, and I believe that many of these trips are crucially educational.

We, as Members of Congress, have a duty to act as witnesses for human rights considerations, for foreign policy interests, and for domestic troubles. Travel can be vital continuing education.

We must put ethical guidelines in place, but not without thinking them through thoroughly. We all understand and agree that major changes must take place in lobbying reform. We must concentrate on what is most responsible, most practical, and most cogent.

Overall, I am disappointed in this bill, and disappointed that there are those among us who would sabotage the legislative process—such as subcommittee and committee hearings and markups and floor debates—in order to achieve their own ends. We need lobbying reform because we need to return the policy discussion to the American people, and take it out of the hands and pockets of over-privileged insiders and favor-traders.

We have a long history of lobbying reform, dating back to the passionate debates of the Federalist Papers. Interest groups, or "factions," to use the contemporary term, provided both an immeasurable value to democracy, and yet interest groups also bring the threat of undue influence. According to Madison:

> Liberty is to faction, what air is to fire, an ailment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency. (Federalist Paper #10)

I am inclined to agree. I urge my colleagues to allow the debate today to assist in building lobbying reform that will withstand criticism many years from now, and that we may look upon as noble, fair, and correct.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PETRI). Members should direct their remarks to the Chair and not to others in the second person.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Let me just say at the outset that what we have just heard essentially is about an amendment that was not presented, not this particular amendment, and perhaps about the bill; and I appreciate the support of the amendment by both sides here.

Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Chairman, I really was somewhat saddened. I am always pleased to yield to Members when they ask me for time, regardless of what side of the aisle they are on, because I am interested in rigorous debate.

As the chairman of the Rules Committee, I was very proud to make in order the Jackson-Lee amendment that would have allowed for a full debate and a discussion on the issue of spouses being the beneficiary of pensions. We in this legislation have provided flexibility to the Office of Personnel Management to ensure that they could, in fact, when a spouse, a victim, as my friend has described them, has potentially been in a position where they could lose their pension.

We are now in the midst of the Castle amendment, which is enjoying bipartisan support, as is virtually every other amendment that we have considered on the floor this afternoon. And yet I am talking about an amendment, the Jackson-Lee amendment, that I made in order in the Rules Committee and she chose not to offer that amendment; instead, stood up and said that I am not committed to reform. And I am happy that the Chair, in fact, admonished the Member to address the comments to the Chair.

We would not be here today, Mr. Chairman, were it not for the strong commitment of Speaker HASTERT and the Republican leadership to the issue of institutional reform; and we want to make sure that no one is victimized by abhorrent behavior that takes place by lobbyists or by individual Members. But we also believe strongly in the issue of accountability, and that is exactly what we are getting at by providing the flexibility to the Office of Personnel Management.

I think that, on the issue of accountability, once again, as I said, Mr. CASTLE has done a great job of ensuring that there is a clear understanding of exactly what the new definition will consist of when we pass this legislation.

I thank my friend for yielding, and I thank my friend from Houston for her thoughtful comments, and I still am, again, sorry that she would not yield to me. I would be happy, if Mr. CASTLE has the time, to yield to her at this time if she would like to respond to any of the comments that I have made.

The Acting CHAIRMAN. The gentleman from Delaware's time has expired.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 4975, the fake lobby regulation and transparency act.

This is an attempt to fool the American people into thinking that this body is doing something substantive to reform the way lobbyists and Congress do business.

This bill does no such thing.

This legislation does nothing to address the larger issues of ethics reform. It does not address corporate jet travel, tougher gift rules, or financial perks provided by lobbyists.

The temporary suspension of privately funded trips offered here today is not good enough. We should commit to ban private corporate travel. I understand there is some sentiment that we should wait for the Ethics Committee to issue rules on this issue. However, if we want a ban on corporate travel, then we should pass such a ban now.

Also, we've heard a lot of talk about strengthening gift rules, but there is no disclosure. We need to tighten gift rules to ensure that people abide by them.

The gift rule should address the sometimes extravagant receptions honoring Members of this body paid for by lobbyists and corporations. This bill does not require the disclosure of such events.

We could have started to address these issues had the Rules Committee allowed amendments on the Floor today that would have addressed these issues.

I offered an amendment to bring transparency to State governments using tax dollars to hire lobbyists here in Washington.

The State of Texas hired lobbyists for over $1 million and we have no idea what they have done to earn that money.

They have never called, e-mailed, or come by my office or any other Democratic Member's office from Texas in the years they have been under contract.

We have written Governor Perry twice asking what these lobbyists are doing and he has ignored our requests.

The bottom line is this bill does nothing to bring true lobbying reform to Congress and we owe the American people better than this.

The people of this country can not be fooled. They will not tolerate anything but real lobbying reform that contains true transparency of all lobbying transactions and an ethics system that works.

This Republican majority arbitrarily changed the House Ethics rules last year and removed the republican chair and Members who were trying to do their job.

Then, they terminated Ethics Committee staff members for partisan reasons. They do not want real lobby reform.

I urge my colleagues to vote against H.R. 4975 and support the motion to recommit.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding me this time.

But let me say to the distinguished gentleman, I did not have time to yield; and I thank you for your graciousness. But I think if we had had the gracious discussion that you offered now on the floor of the House previously where we could have discussed the idea of a full debate on this matter, there might have been a different response by myself the proponent of the amendment to protect innocent spouses and children shown to be without fault in any manner of corruption. I think we are all committed, as you have said, to the idea of getting the ones who are guilty, but the innocent we should protect.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 printed in House Report 109-441 offered by Mr. FLAKE:

Add at the end of the bill the following:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. BRIBERY.

Section 201(a)(3) of title 18, United States Code, is amended by inserting "including an earmark as defined in section 501(d) of the Lobbying Accountability and Transparency Act of 2006," after "controversy,".

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This amendment would simply clarify the application of criminal bribery and illegal gratuities statutes with regard to earmarks. Specifically, this amendment would bolster the bribery statute in the criminal code by adding earmarks, as defined by this bill, to the statute. This is the first time we have ever defined earmark in this bill, and so I think it is appropriate to ensure that we add it to the bribery statute.

This will mean that the law would prohibit a person from, directly or indirectly, corruptly giving, offering, or promising anything of value to any public official with the intent to influence any official act relating to an earmark.

The amendment would also prohibit a public official from corruptly demanding, seeking, receiving, accepting, or agreeing to receive anything of value in return for influence in the performance of an official act related to an earmark.

Recent bribery scandals have brought to light something that fiscal conservatives on both sides of the aisle have been talking about for years, that the number and dollar value of earmarks are out of control. Lobbyists, Members, earmarks, and campaign contributions have, unfortunately, been inextricably linked in the Duke Cunningham scandal. It was reported that Mr. Cunningham actually had a bribe menu on his congressional letterhead, that he actually offered earmarks in exchange for money. How many more stories are we likely to see unless Members realize that this is a serious matter?

It is my hope this amendment will bring more attention to this ongoing problem by adding earmarks to the bribery statute. I believe that this will bolster the already meaningful earmark reform in the underlying bill.

Again, I thank the Speaker, the majority leader, the chairman, and Chairman SENSENBRENNER, also, in the Judiciary Committee for help with this amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I believe that as we look at the issue of earmark reform, Mr. Chairman, it is very important for us to realize that our attempts to rein in the size and scope of the Federal Government is a high priority. My friend has worked on that, and I believe that this amendment itself goes right at that goal of especially the question of people seeing some sort of self-enrichment through the appropriations process here. I thank my friend for his contribution, and I am proud to strongly support the amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

Members should recognize that the amendment is redundant at best and really does not do anything to strengthen the lobby laws.

This amendment creates a redundancy in the U.S. Code by adding language that is already covered. Section 201(a)(3) already and currently prohibits receiving a personal benefit in exchange for "any decision or action on any question, matter, cause, suit, proceeding, or controversy." This amendment would add to that language "including an earmark as defined in section 501(d) of the Lobbying Accountability and Transparency Act," but earmarks are already covered under the current code because it is already a decision or action, and thus the language in the amendment is unnecessary. But, as I told my colleague on the Judiciary Committee, I do not oppose redundancies in the committee or on the floor.

I would note, however, that if those across the aisle wanted real reform in the way of earmarks, they would support a measure that would prohibit Members from offering or withholding an earmark to influence how another Member votes. And if those across the aisle wanted real reform, they would require real disclosure of earmarks.

I would note further that, in proof of the redundancy comment I made at the start of my comments, our former colleague from the 50th Congressional District in California is living proof that the statute works. He is in prison today for bribery. And I have often thought, although he was convicted of bribery, he actually took money to sell out the military; and, as far as I am concerned, that is treason as well. Our military has the right to expect the very best that we can buy for them by way of intelligence, equipment. They deserve the very best. What they do not deserve is a Member of Congress selling them out for money, and that is what happened in that case.

I would note that there were discussions of having some kind of earmark reform in this bill, and it is a measure of how discombobulated the majority is. I believe that the appropriators were unable to come to agreement with the authorizers, and what we have ended up with actually is a bill where you can sneak those earmarks in in the dead of night. You can sneak them in; and although it is a bribe that we are talking about, the real reform, the transparency that would prevent that, is missing from this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Dreier).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I think it is very important for us to note that last week, as we were prepared to consider the vote on this rule, a strong commitment was made by the Speaker of the House, the majority leader, and others on the leadership team; and I, as the author of this legislation, have been very pleased to make a commitment that, as we look at the issue of earmark reform, it should be broad. And we want to do everything that we can to ensure that the kind of abuse a number of people have talked about in the past does not take place.

It is important to note that we have seen a 37 percent reduction in the number of earmarks under the very able leadership of Chairman Jerry Lewis on this issue, and he is committed to further earmark reform. But we also are committed to dealing with this issue in a similar way to the way it has been addressed in the Senate, and that is to ensure that it is broad based and crosses from appropriators to authorizers as well. So I think that the conclusion that my very good friend from California has drawn is an inaccurate one.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I would just point out, Mr. Chairman, there is nothing wrong with redundancy, but this is more than that. This is the first time that we have actually defined earmark in this underlying bill, and it is appropriate when we have defined earmark to then apply a criminal statute to it, and that is what this is an attempt to do.

The point was made about Duke Cunningham. As I mentioned, he reportedly had a bribe menu on his congressional letterhead. My guess is that if there was a statute like this and earmarks defined like this that it would have given him second thoughts before he went down this road. I hope that is the case. That is the purpose of this amendment, and I am pleased there seems to be broad acceptance of it.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I would just note that we are today dealing with this rather small effort to do lobbying reform and missing, I guess, sort of "the check is in the mail" on earmark reform. I do not believe for a minute, and as a matter of fact, former Congressman Cunningham himself admitted that what he did was wrong, that he knew it was wrong. He sold his country. He sold his vote.

☐ 1615

The fact is that he was convicted of bribery, and he is in prison today. We need to have greater transparency on these earmarks. That is really a very serious issue that is completely missing.

I don't oppose the Flake amendment. It doesn't really do anything, but I don't oppose it. We would really accomplish something if we were to publish the earmarks, if we were to make sure that earmarks could not be included in the dark of night; if we were to make sure that this mess was cleaned up, then we would actually be yielding something for the American people. I don't believe that we are.

Mr. FLAKE. Mr. Chairman, will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would just point out that had any of us known Mr. Cunningham had been bribed for the earmarks he got, it is still unlikely we would have been able to go and challenge those earmarks. The underlying bill will at least make that possible, where his name would have been next to it and we would have had an opportunity during the House consideration of the bill and even perhaps in the conference process.

I thank the gentlewoman for yielding.

Ms. ZOE LOFGREN of California. Mr. Chairman, reclaiming my time, I would just like to note it is the entire system that is a problem here. It is a culture that leads to corruption that we are trying to correct here. I don't think the gentleman's amendment succeeds in that, although I am sure he is sincere in offering it, and the underlying bill does not succeed in cleaning up that swamp.

Again, I do not object to the amendment, but I wish this whole bill were a lot more than it is.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. Flake).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. Gohmert) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 320, not voting 4, as follows:

[Roll No. 117]

AYES—108

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Burgess
Burton (IN)
Cannon
Carter
Coble
Cole (OK)
Conaway
Cooper
Cubin
Deal (GA)
Delahunt
DeLay
Doolittle
Duncan
English (PA)
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Granger
Gutknecht
Hall
Hayes
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Istook
Jenkins
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Kolbe
Latham
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris
Miller (FL)
Miller, Gary
Murtha
Myrick
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Pearce
Pitts
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ryun (KS)
Sabo
Schwarz (MI)
Sessions
Sherwood
Shuster
Simpson
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—320

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen

Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—4

Buyer
Evans
Osborne
Scott (GA)

☐ 1646

Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mrs. JO ANN DAVIS of Virginia, Messrs. LoBIONDO, POMBO, LEWIS of Kentucky, FOLEY, MOLLOHAN, CAMPBELL of California, GIBBONS, HYDE, GRAVES, SODREL, CULBERSON, KELLER, PICKERING, CALVERT, Mrs. MUSGRAVE, Messrs. FORBES, GOODLATTE, BILIRAKIS and CANTOR changed their vote from "aye" to "no."

Miss McMORRIS, Mr. OTTER and Mr. ISTOOK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARRIS. Mr. Chairman, I am writing in regards to the Gohmert Amendment to the Lobbying Accountability and Transparency Act. During the vote on the amendment, roll No. 117, I inadvertently voted "no," but intended to vote "aye."

The Acting CHAIRMAN (Mr. PETRI). There being no other amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. PETRI, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4975) to provide greater transparency with respect to lobbying activities, and for other purposes, pursuant to House Resolution 783, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SLAUGHTER. Mr. Speaker, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Slaughter of New York moves to recommit the bill H.R. 4975 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendment:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Honest Leadership and Open Government Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CLOSING THE REVOLVING DOOR

Sec. 101. Extension of lobbying ban for former Members and employees of Congress and executive branch officials.
Sec. 102. Elimination of floor privileges and access to Members exercise facilities for former Member lobbyists.
Sec. 103. Disclosure by Members of Congress and senior congressional staff of employment negotiations.
Sec. 104. Ethics review of employment negotiations by executive branch officials.
Sec. 105. Wrongfully influencing a private entity's employment decisions or practices.

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

Sec. 201. Quarterly filing of lobbying disclosure reports.
Sec. 202. Electronic filing of lobbying disclosure reports.
Sec. 203. Additional lobbying disclosure requirements.
Sec. 204. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 205. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 206. Disclosure by registered lobbyists of past executive and congressional employment.
Sec. 207. Public database of lobbying disclosure information.
Sec. 208. Conforming amendment.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

Sec. 301. Ban on gifts from lobbyists.
Sec. 302. Prohibition on privately funded travel.
Sec. 303. Prohibiting lobbyist organization and participation in congressional travel.
Sec. 304. Prohibition on obligation of funds for travel by legislative and executive branch officials.
Sec. 305. Per diem expenses for congressional travel.

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

Sec. 401. Office of public integrity.
Sec. 402. Increased civil and criminal penalties for failure to comply with lobbying disclosure requirements.
Sec. 403. Penalty for false certification in connection with congressional travel.
Sec. 404. Mandatory annual ethics training for House employees.

TITLE V—OPEN GOVERNMENT

Sec. 501. Fiscal responsibility.
Sec. 502. Curbing abuses of power.
Sec. 503. Ending 2-day work weeks.
Sec. 504. Knowing what the House is voting on.
Sec. 505. Full and open debate in conference.

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

Sec. 601. Minimum requirements for political appointees holding public safety positions.
Sec. 602. Effective date.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

Sec. 701. Public availability of Federal contract awards.
Sec. 702. Prohibition on award of monopoly contracts.

Sec. 703. Competition in multiple award contracts.
Sec. 704. Suspension and debarment of unethical contractors.
Sec. 705. Criminal sanctions for cheating taxpayers and wartime fraud.
Sec. 706. Prohibition on contractor conflicts of interest.
Sec. 707. Disclosure of Government contractor overcharges.
Sec. 708. Penalties for improper sole-source contracting procedures.
Sec. 709. Stopping the revolving door.
TITLE VIII—PRESIDENTIAL LIBRARIES
Sec. 801. Presidential libraries.
TITLE IX—FORFEITURE OF RETIREMENT BENEFITS
Sec. 901. Loss of pensions accrued during service as a Member of Congress for abusing the public trust.

TITLE I—CLOSING THE REVOLVING DOOR

SEC. 101. EXTENSION OF LOBBYING BAN FOR FORMER MEMBERS AND EMPLOYEES OF CONGRESS AND EXECUTIVE BRANCH OFFICIALS.

Section 207 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking "One-year" and inserting "Two-year";

(B) in paragraph (1), by striking "1 year" and inserting "2 years" in both places it appears; and

(C) in paragraph (2)(B), by striking "1-year period" and inserting "2-year period;"

(2) in subsection (d)—

(A) in paragraph (1), by striking "1 year" and inserting "2 years"; and

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years"; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking "1 year" and inserting "2 years";

(B) in paragraph (2)(A), by striking "1 year" and inserting "2 years";

(C) in paragraph (3), by striking "1 year" and inserting "2 years";

(D) in paragraph (4), by striking "1 year" and inserting "2 years";

(E) in paragraph (5)(A), by striking "1 year" and inserting "2 years"; and

(F) in paragraph (6), by striking "1-year period" and inserting "2-year period".

SEC. 102. ELIMINATION OF FLOOR PRIVILEGES AND ACCESS TO MEMBERS EXERCISE FACILITIES FOR FORMER MEMBER LOBBYISTS.

(a) FLOOR PRIVILEGES.—(1) Clause 4 of rule IV of the Rules of the House of Representatives is amended to read as follows:

"4. (a) A former Member, Delegate, or Resident Commissioner; a former Parliamentarian of the House; or a former elected officer of the House or former minority employee nominated as an elected officer of the House; or a head of a department shall not be entitled to the privilege of admission to the Hall of the House and rooms leading thereto if he or she—

"(1) is a registered lobbyist or agent of a foreign principal as those terms are defined in clause 5 of rule XXV;

"(2) has any direct personal or pecuniary interest in any legislative measure pending before the House or reported by a committee; or

"(3) is in the employ of or represents any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Speaker may promulgate regulations that exempt ceremonial or educational functions from the restrictions of this clause.".

(2) Clause 2(a)(12) of rule IV of the Rules of the House of Representatives is amended by inserting "(subject to clause 4)" before the period.

(b) EXERCISE FACILITIES.—(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members of the House of Representatives to any former Member who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute. For purposes of this section, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this section.

SEC. 103. DISCLOSURE BY MEMBERS OF CONGRESS AND SENIOR CONGRESSIONAL STAFF OF EMPLOYMENT NEGOTIATIONS.

Rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 14 as clause 15 and by adding at the end the following new clause:

"14. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House covered by the post employment restriction provisions of title 18, United States Code, shall notify the Committee on Standards of Official Conduct that he or she is negotiating or has any arrangement concerning prospective private employment if a conflict of interest or the appearance of a conflict of interest may exist.

"(b) The disclosure and notification under subparagraph (a) shall be made within 3 business days after the commencement of such negotiation or arrangement.

"(c) A Member or employee to whom this rule applies shall recuse himself or herself from any matter in which there is a conflict of interest for that Member or employee under this rule and notify the Committee on Standards of Official Conduct of such recusal.

"(d)(1) The Committee on Standards of Official Conduct shall develop guidelines concerning conduct which is covered by this paragraph.

"(2) The Committee on Standards of Official Conduct shall maintain a current public record of all notifications received under subparagraph (a) and of all recusals under subparagraph (c).".

SEC. 104. ETHICS REVIEW OF EMPLOYMENT NEGOTIATIONS BY EXECUTIVE BRANCH OFFICIALS.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by inserting after "the Government official responsible for appointment to his or her position" the following: "and the Office of Government Ethics"; and

(B) by striking "a written determination made by such official" and inserting "a written determination made by the Office of Government Ethics, after consultation with such official,"; and

(2) in subsection (b)(3), by striking "the official responsible for the employee's appointment, after review of" and inserting "the Office of Government Ethics, after consultation with the official responsible for the employee's appointment and after review of"; and

(3) in subsection (d)(1)—

(A) by striking "Upon request" and all that follows through "Ethics in Government Act of 1978." and inserting "In each case in which the Office of Government Ethics makes a determination granting an exemption under subsection (b)(1) or (b)(3) to a person, the Office shall, not later than 3 business days after making such determination, make available to the public pursuant to the procedures set forth in section 105 of the Ethics in Government Act of 1978, and publish in the Federal Register, such determination and the materials submitted by such person in requesting such exemption."; and

(B) by striking "the agency may withhold" and inserting "the Office of Government Ethics may withhold".

SEC. 105. WRONGFULLY INFLUENCING A PRIVATE ENTITY'S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Wrongfully influencing a private entity's employment decisions by a Member of Congress

"Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

"(2) influences, or offers or threatens to influence, the official act of another;

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.".

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Wrongfully influencing a private entity's employment decisions by a Member of Congress.".

(d) HOUSE RULES.—Rule XXIII of the Rules of the House (as amended by section 103) is further amended by redesignating clause 15 as clause 16, and by inserting after clause 14 the following new clause:

"15. No Member, Delegate, or Resident Commissioner shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence, the official act of another.".

TITLE II—FULL PUBLIC DISCLOSURE OF LOBBYING

SEC. 201. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) by striking "Semiannual" and inserting "Quarterly";

(B) by striking "the semiannual period" and all that follows through "July of each year" and insert "the quarterly period beginning on the first days of January, April, July, and October of each year"; and

(C) by striking "such semiannual period" and insert "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3(10) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) REGISTRATION.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) ENFORCEMENT.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (6) by striking "semiannual period" and inserting "quarterly period".

(4) ESTIMATES.—Section 15 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) DOLLAR AMOUNTS.—

(A) Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 202. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Secretary of the Senate or the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall provide for public access to such reports on the Internet.".

SEC. 203. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

(a) DISCLOSURE OF CONTRIBUTIONS AND PAYMENTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (5), as added by section 204(c), by striking the period and inserting a semicolon; and

(2) by adding at the end the following:

"(6) for each registrant (and for any political committee, as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), affiliated with such registrant) and for each employee listed as a lobbyist by a registrant under paragraph 2(C)—

"(A) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution was made, and the amount of such contribution; and

"(B) the name of each Federal candidate or officeholder, or a leadership PAC of such candidate or officeholder, or political party committee for whom a fundraising event was hosted, cohosted, or otherwise sponsored, the date and location of the event, and the total amount raised by the event;

"(7) a certification that the lobbying firm or registrant has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation of clause 5 of rule XXV of the Rules of the House of Representatives;

"(8) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

"(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(9) the name of each Member of Congress contacted by lobbyists employed by the registrant on behalf of the client.".

(b) LEADERSHIP PAC.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended by adding at the end the following:

"(17) LEADERSHIP PAC.—The term 'leadership PAC' means an unauthorized multicandidate political committee that is established, financed, maintained, and controlled by an individual who is a Federal officeholder or a candidate for Federal office.".

(c) FULL AND DETAILED ACCOUNTING.—Section 5(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(c)(1)) is amended by striking "shall be rounded to the nearest $20,000" and inserting "shall be rounded to the nearest $1,000".

(d) NOTIFICATION OF MEMBERS.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended in paragraph (2) by striking "review, and, where necessary" and inserting "review and—

"(A) if a report states (under section 5(b)(9) or otherwise) that a Member of Congress was contacted, immediately notify that Member of that report; and

"(B) where necessary,".

SEC. 204. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end the following: "Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying."; and

(2) by adding at the end the following:

"(18) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

"(19) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—The term 'paid efforts to stimulate grassroots lobbying'—

"(A) means any paid attempt to influence the general public, or segments thereof, to engage in grassroots lobbying or lobbying contacts; and

"(B) does not include any attempt described in subparagraph (A) by a person or entity directed to its members, employees, officers or shareholders, unless such attempt is financed with funds directly or indirectly received from or arranged by a lobbyist or other registrant under this Act retained by another person or entity.

"(20) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

"(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

"(B) receives income of, or spends or agrees to spend, an aggregate of $50,000 or more for such efforts in any quarterly period.".

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in paragraph (1), by striking "45" and inserting "20";

(2) in the flush matter at the end of paragraph (3)(A)—

(A) by striking "as estimated" and inserting "as included"; and

(B) by adding at the end the following: "For purposes of clauses (i) and (ii) the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying.";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) GRASSROOTS LOBBYING FIRMS.—Not later than 20 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.".

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after "total amount of all income" the following: "(including a separate good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) striking "and" after the semicolon;

(2) in paragraph (4), by—

(A) inserting after "total expenses" the following: "(including a good faith estimate of the total amount relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) striking the period and inserting a semicolon;

(3) by adding at the end the following:

"(5) in the case of a grassroots lobbying firm, for each client—

"(A) a good faith estimate of the total disbursements made for grassroots lobbying activities, and a subtotal for disbursements made for grassroots lobbying through paid advertising;

"(B) identification of each person or entity other than an employee who received a disbursement of funds for grassroots lobbying activities of $10,000 or more during the period and the total amount each person or entity received; and

"(C) if such disbursements are made through a person or entity who serves as an intermediary or conduit, identification of each such intermediary or conduit, identification of the person or entity who receives the funds, and the total amount each such person or entity received."; and

(4) by adding at the end the following: "Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.".

(d) LARGE GRASSROOTS EXPENDITURE.—Section 5(a) of the Act (2 U.S.C. 1604(a)) is amended—

(1) by striking "No later" and inserting:

"(1) IN GENERAL.—Except as provided in paragraph (2), not later"; and

(2) by adding at the end the following:

"(2) LARGE GRASSROOTS EXPENDITURE.—A registrant that is a grassroots lobbying firm and that receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort, shall file—

"(A) a report under this section not later than 20 days after receiving, spending, or agreeing to spend that amount; and

"(B) an additional report not later than 20 days after each time such registrant receives income of, or spends or agrees to spend, an aggregate amount of $250,000 or more on paid efforts to stimulate grassroots lobbying for a client, or for a group of clients for a joint effort.".

SEC. 205. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Paragraph (2) of section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602) is amended to read as follows:

"(2) CLIENT.—

"(A) IN GENERAL.—The term 'client' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees.

"(B) TREATMENT OF COALITIONS AND ASSOCIATIONS.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), in the case of a coalition or association that employs or retains other persons to conduct lobbying activities, each of the individual members of the coalition or association (and not the coalition or association) is the client. For purposes of section 4(a)(3), the preceding sentence shall not apply, and the coalition or association shall be treated as the client.

"(ii) EXCEPTION FOR CERTAIN TAX-EXEMPT ASSOCIATIONS.—In case of an association—

"(I) which is described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, or

"(II) which is described in any other paragraph of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which has substantial exempt activities other than lobbying with respect to the specific issue for which it engaged the person filing the registration statement under section 4,

the association (and not its members) shall be treated as the client.

"(iii) EXCEPTION FOR CERTAIN MEMBERS.—

"(I) IN GENERAL.—Information on a member of a coalition or association need not be included in any registration under section 4 if the amount reasonably expected to be contributed by such member toward the activities of the coalition or association of influencing legislation is less than $500 per any quarterly period.

"(II) EXCEPTION.—Subclause (I) shall not apply with respect to any member who unexpectedly makes aggregate contributions of more than $500 in any quarterly period, and the date the aggregate of such contributions first exceeds $500 in such period shall be treated as the date of first employment or retention to make a lobbying contact for purposes of section 4.

"(III) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—No disclosure is required under this Act if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in this paragraph shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under this paragraph.".

"(iv) LOOK-THRU RULES.—In the case of a coalition or association which is treated as a client under the first sentence of clause (i)—

"(I) such coalition or association shall be treated as employing or retaining other persons to conduct lobbying activities for purposes of determining whether any individual member thereof is treated as a client under clause (i), and

"(II) information on such coalition or association need not be included in any registration under section 4 of the coalition or association with respect to which it is treated as a client under clause (i).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) coalitions and associations listed on registration statements filed under section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) after the date of the enactment of this Act, and

(B) coalitions and associations for whom any lobbying contact is made after the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any coalition or association to which the amendments made by this Act apply by reason of paragraph (1)(B), the person required by such section 4 to file a registration statement with respect to such coalition or association shall file a new registration statement within 30 days after the date of the enactment of this Act.

SEC. 206. DISCLOSURE BY REGISTERED LOBBYISTS OF PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)(6)) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official,".

SEC. 207. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) DATABASE REQUIRED.—Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is further amended—

(1) in paragraph (7) by striking "and" at the end;

(2) in paragraph (8) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable to the maximum extent practicable, including searchable and sortable by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6 of such Act is further amended in paragraph (4) by inserting before the semicolon at the end the following: "and, in the case of a report filed in electronic form pursuant to section 5(d), shall make such report available for public inspection over the Internet not more than 48 hours after the report is so filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6 of such Act, as added by subsection (a).

SEC. 208. CONFORMING AMENDMENT.

The requirements of this Act shall not apply to the activities of any political committee described in section 301(4) of the Federal Election Campaign Act of 1971.

TITLE III—RESTRICTING CONGRESSIONAL TRAVEL AND GIFTS

SEC. 301. BAN ON GIFTS FROM LOBBYISTS.

(a) IN GENERAL.—Clause 5(a)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)" and adding at the end the following:

"(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraphs (2)(B) or (3) of this paragraph.".

(b) RULES COMMITTEE REVIEW.—The Committee on Rules shall review the present exceptions to the House gift rule and make recommendations to the House not later than 3 months after the date of enactment of this Act on eliminating all but those which are absolutely necessary to effectuate the purpose of the rule.

SEC. 302. PROHIBITION ON PRIVATELY FUNDED TRAVEL.

Clause 5(b)(1)(A) of rule XXV of the Rules of the House of Representatives is amended by inserting "or from a nongovernmental organization that retains or employs registered lobbyists or agents of a foreign principal" after "foreign principal".

SEC. 303. PROHIBITING LOBBYIST ORGANIZATION AND PARTICIPATION IN CONGRESSIONAL TRAVEL.

(a) IN GENERAL.—Clause 5 of rule XXV of the Rules of the House of Representatives is amended by redesignating paragraphs (e) and (f) as paragraphs (g) and (h), respectively, and by inserting after paragraph (d) the following:

"(e) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept transportation or lodging on any trip that is planned, organized, requested, arranged, or financed in whole or in part by a lobbyist or agent of a foreign principal, or in which a lobbyist participates.

"(f) Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may accept transportation or lodging otherwise permissible under this paragraph from any person, such individual shall obtain 30 days before such trip a written certification from such person (and provide a copy of such certification to the Committee on Standards of Official Conduct) that—

"(1) the trip was not planned, organized, requested, arranged, or financed in whole, or in part by a registered lobbyist or agent of a foreign principal and was not organized at the request of a registered lobbyist or agent of a foreign principal;

"(2) registered lobbyists will not participate in or attend the trip; and

"(3) the person did not accept, from any source, funds specifically earmarked for the purpose of financing the travel expenses.

The Committee on Standards of Official Conduct shall make public information received under this paragraph as soon as possible after it is received.".

(b) CONFORMING AMENDMENTS.—Clause 5(b)(3) of rule XXV of the Rules of the House of Representatives is amended—

(1) by striking "of expenses reimbursed or to be reimbursed";

(2) in subdivision (E), by striking "and" after the semicolon;

(3) in subdivision (F), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(G) a description of meetings and events attended during such travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee works to jeopardize the safety of an individual or otherwise interfere with the official duties of the Member, Delegate, Resident Commissioner, officer, or employee.".

(c) PUBLIC AVAILABILITY.—Subparagraph (5) of rule XXV of the Rules of the House of Representatives is amended to read as follows:

"(e) The Clerk of the House shall make available to the public all advance authorizations, certifications, and disclosures filed pursuant to subparagraphs (1) and subparagraph (3)(H) as soon as possible after they are received.".

SEC. 304. PROHIBITION ON OBLIGATION OF FUNDS FOR TRAVEL BY LEGISLATIVE AND EXECUTIVE BRANCH OFFICIALS.

No Federal agency may obligate any funds made available in an appropriation Act for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire, taken as part of official duties of a United States Senator, a Member, Delegate, or Resident Commissioner of the House of Representatives, an officer or employee of the Senate or House of Representatives, or an officer or employee of the executive branch.

SEC. 305. PER DIEM EXPENSES FOR CONGRESSIONAL TRAVEL.

Rule XXV of the Rules of the House of Representatives (as amended by section 304(b) is further amended by adding at the end the following:

"(h) Not later than 90 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on House Administration shall develop and revise, as necessary, guidelines on what constitutes 'reasonable expenses' or 'reasonable expenditures' for purposes of this rule. In developing and revising the guidelines, the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.".

TITLE IV—ENFORCEMENT OF LOBBYING RESTRICTIONS

SEC. 401. OFFICE OF PUBLIC INTEGRITY.

(a) ESTABLISHMENT.—There is established within the Office of Inspector General of the House of Representatives an office to be known as the "Office of Public Integrity" (referred to in this section as the "Office"), which shall be headed by a Director of Public Integrity (hereinafter referred to as the "Director").

(b) OFFICE.—The Office shall have access to all lobbyists' disclosure information received by the Clerk under the Lobbying Disclosure Act of 1995 and conduct such audits and investigations as are necessary to ensure compliance with the Act.

(c) REFERRAL AUTHORITY.—The Office shall have authority to refer violations of the Lobbying Disclosure Act of 1995 to the Committee on Standards of Official Conduct and the Department of Justice for disciplinary action, as appropriate.

(d) DIRECTOR.—

(1) IN GENERAL.—The Director shall be appointed by the Inspector General of the House. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Director shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(2) STAFF.—The Director shall hire such additional staff as are required to carry out this section, including investigators and accountants.

(e) AUDITS AND INVESTIGATIONS.—

(1) IN GENERAL.—The Office shall audit lobbying registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of such Act by lobbyists and their clients.

(2) EVIDENCE OF NON-COMPLIANCE.—If in the course an audit conducted pursuant to the requirements of paragraph (1), the Office obtains information indicating that a person or entity may be in non-compliance with the requirements of the Lobbying Disclosure Act of 1995, the Office shall refer the matter to the United States Attorney for the District of Columbia.

(f) CONFORMING AMENDMENT.—Section 8 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607) is amended by striking subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in a separate account such sums as are necessary to carry out this section.

SEC. 402. INCREASED CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting " (a) CIVIL PENALTY.—" before "Whoever";

(2) by striking "$50,000" and inserting "$100,000"; and

(3) by adding at the end the following:

"(b) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

"(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.".

SEC. 403. PENALTY FOR FALSE CERTIFICATION IN CONNECTION WITH CONGRESSIONAL TRAVEL.

(a) CIVIL FINE.—

(1) IN GENERAL.—Whoever makes a false certification in connection with the travel of a Member, officer, or employee of either House of Congress (within the meaning given those terms in section 207 of title 18, United States Code), under clause 5 of rule XXV of the Rules of the House of Representatives, shall, upon proof of such offense by a preponderance of the evidence, be subject to a civil fine depending on the extent and gravity of the violation.

(2) MAXIMUM FINE.—The maximum fine per offense under this section depends on the number of separate trips in connection with which the person committed an offense under this subsection, as follows:

(A) FIRST TRIP.—For each offense committed in connection with the first such trip, the amount of the fine shall be not more than $100,000 per offense.

(B) SECOND TRIP.—For each offense committed in connection with the second such trip, the amount of the fine shall be not more than $300,000 per offense.

(C) ANY OTHER TRIPS.—For each offense committed in connection with any such trip after the second, the amount of the fine shall be not more than $500,000 per offense.

(3) ENFORCEMENT.—The Attorney General may bring an action in United States district court to enforce this subsection.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Whoever knowingly and wilfully fails to comply with any provision of this section shall be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both.

(2) CORRUPTLY.—Whoever knowingly, wilfully, and corruptly fails to comply with any provision of this section shall be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.

SEC. 404. MANDATORY ANNUAL ETHICS TRAINING FOR HOUSE EMPLOYEES.

(a) ETHICS TRAINING.—

(1) IN GENERAL.—The Committee on Standards of Official Conduct shall provide annual ethics training to each employee of the House which shall include knowledge of the Official Code of Conduct and related House rules.

(2) NEW EMPLOYEES.—A new employee of the House shall receive training under this section not later than 60 days after beginning service to the House.

(b) CERTIFICATION.—Not later than January 31 of each year, each employee of the House shall file a certification with the Committee on Standards of Official Conduct that the employee attended ethics training in the last year as established by this section.

TITLE V—OPEN GOVERNMENT

SEC. 501. FISCAL RESPONSIBILITY.

(a) Reconciliation.—Clause 10 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(d) It shall not be in order to consider any reconciliation legislation which has the net effect of reducing the surplus or increasing the deficit compared to the most recent Congressional Budget Office estimate for any fiscal year.".

(b) Application of Points of Order Under Congressional Budget Act to All Bills and Joint Resolutions Considered Under Special Orders of Business.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"7. For purposes of applying section 315 of the Congressional Budget and Impoundment Control Act of 1974, the term 'as reported' under such section shall be considered to include any bill or joint resolution considered in the House pursuant to a special order of business.".

SEC. 502. CURBING ABUSES OF POWER.

(a) Limit on Time Permitted for Recorded Electronic Votes.—Clause 2(a) of rule XX of the Rules of the House of Representatives is amended by inserting after the second sentence the following sentence: "The maximum time for a record vote by electronic device shall be 20 minutes, except that the time may be extended with the consent of both the majority and minority floor managers of the legislation involved or both the majority leader and the minority leader.".

(b) Congressional Integrity.—Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

"14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

"15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

"(1) the name of the Member, Delegate, or Resident Commissioner;

"(2) the name and address of the intended recipient of such earmark;

"(3) the purpose of such earmark; and

"(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

"(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

"(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.".

(c) Restrictions on Reporting Certain Rules.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(1) by striking "or" at the end of subparagraph (1);

(2) by striking the period at the end of subparagraph (2) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(3) a rule or order for consideration of a bill or joint resolution reported by a committee that makes in order as original text for purposes of amendment, text which differs from such bill or joint resolution as recommended by such committee to be amended unless the rule or order also makes in order as preferential a motion to amend that is neither divisible nor amendable but, if adopted will be considered original text for purposes of amendment, if requested by the chairman or ranking minority member of the reporting committee, and such rule or order shall waive all necessary points of order against that amendment only if it restores all or part of the text of the bill or joint resolution as recommended by such committee or strikes some or all of the original text inserted by the Committee on Rules that was not contained in the recommended version;

"(4) a rule or order that waives any points of order against consideration of a bill or joint resolution, against provisions in the measure, or against consideration of amendments recommended by the reporting committee unless the rule or order makes in order and waives the same points of order against one germane amendment if requested by the minority leader or a designee;

"(5) a rule or order that waives clause 10(d) of rule XVIII, unless the majority leader and minority leader each agree to the waiver and a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present; or

"(6) a rule or order that waives clause 12(a) of rule XXII.".

SEC. 503. ENDING 2-DAY WORK WEEKS.

Rule XV of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. It shall not be in order to consider a resolution providing for adjournment sine die unless, during at least 20 weeks of the session, a quorum call or recorded vote was taken on at least 4 of the weekdays (excluding legal public holidays).".

SEC. 504. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) Bills and Joint Resolutions.—

(1) In general.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).".

(2) Prohibiting waiver.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended by section 3(a), is further amended—

(A) by striking "or" at the end of subparagraph (5);

(B) by striking the period at the end of subparagraph (6) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(7) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.".

(b) Conference Reports.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking "2 hours" and inserting "24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after".

SEC. 505. FULL AND OPEN DEBATE IN CONFERENCE.

(a) Numbered Amendments.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "A motion to request or agree to a conference on a general appropriation bill is in order only if the House expresses its disagreements with the House in the form of numbered amendments.".

(b) Promoting Openness in Deliberations of Managers.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.".

(c) Point of Order Against Consideration of Conference Report Not Reflecting Resolution of Differences as Approved.—

(1) In general.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).".

(2) Prohibiting waiver.—Clause 6(c)(6) of rule XIII of the Rules of the House of Representatives, as added by section 3(c)(3), is

further amended by striking "clause 12(a)" and inserting "clause 12(a) or clause 13".

TITLE VI—ANTI-CRONYISM AND PUBLIC SAFETY

SEC. 601. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC SAFETY POSITIONS.

(a) In General.—A public safety position may not be held by any political appointee who does not meet the requirements of subsection (b).

(b) Minimum Requirements.—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position;

(3) has training and expertise in one or more areas relevant to such position; and

(4) has not, within the 2-year period ending on the date of such individual's nomination for or appointment to such position, been a lobbyist for any entity or other client that is subject to the authority of the agency within which, if appointed, such individual would serve.

(c) Political Appointee.—For purposes of this section, the term "political appointee" means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(d) Public Safety Position.—For purposes of this section, the term "public safety position" means—

(1) the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security;

(2) the Director of the Federal Emergency Management Agency, Department of Homeland Security;

(3) each regional director of the Federal Emergency Management Agency, Department of Homeland Security;

(4) the Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security;

(5) the Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security;

(6) the Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services;

(7) the Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency; and

(8) any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency's public website a current list of all public safety positions within such agency.

(e) Coordination With Other Requirements.—The requirements set forth in subsection (b) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(f) Definitions.—For purposes of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code);

(2) the terms "limited term appointee", "limited emergency appointee", and "noncareer appointee" have the respective meanings given them by section 3132 of such title 5;

(3) the term "Senior Executive Service" has the meaning given such term by section 2101a of such title 5;

(4) the term "competitive service" has the meaning given such term by section 2102 of such title 5; and

(5) the terms "lobbyist" and "client" have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

SEC. 602. EFFECTIVE DATE.

This title shall apply with respect to any appointment made after the end of the 30-day period beginning on the date of the enactment of this Act.

TITLE VII—ZERO TOLERANCE FOR CONTRACT CHEATERS

SEC. 701. PUBLIC AVAILABILITY OF FEDERAL CONTRACT AWARDS.

(a) Amendment.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by inserting after section 19 the following new section:

"SEC. 19A. PUBLIC AVAILABILITY OF CONTRACT AWARD INFORMATION.

"Not later than 14 days after the award of a contract by an executive agency, the head of the executive agency shall make publicly available, including by posting on the Internet in a searchable database, the following information with respect to the contract:

"(1) The name and address of the contractor.

"(2) The date of award of the contract.

"(3) The number of offers received in response to the solicitation.

"(4) The total amount of the contract.

"(5) The contract type.

"(6) The items, quantities, and any stated unit price of items or services to be procured under the contract.

"(7) With respect to a procurement carried out using procedures other than competitive procedures—

"(A) the authority for using such procedures under section 303(c) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or section 2304(c) of title 10, United States Code; and

"(B) the number of sources from which bids or proposals were solicited.

"(8) The general reasons for selecting the contractor.".

(b) Clerical Amendment.—The table of contents contained in section 1(b) of such Act is amended by inserting after the item relating to section 19 the following new item:

"Sec. 19A. Public availability of contract award information.".

(c) Effective Date.—The amendments made by this Act shall apply to contracts entered into more than 90 days after the date of the enactment of this Act.

SEC. 702. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.

(a) Paragraph (3) of section 303H(d) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended to read as follows:

"(3)(A) The regulations implementing this subsection shall prohibit the award of monopoly contracts.

"(B) In this subsection, the term 'monopoly contract' means a task or delivery order contract in an amount estimated to exceed **$10,000,000** (including all options) awarded to a single contractor.

"(C) Notwithstanding subparagraph (A), a monopoly contract may be awarded if the head of the agency determines in writing that—

"(i) for one of the reasons set forth in section 303(c), a single task or delivery order contract is in the best interest of the Federal Government; or

"(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work.".

(b) Section 303H(d)(1) of such Act is amended by striking "The head" and inserting "Subject to paragraph (3), the head".

(c) Subsection (e) of section 303I of such Act (41 United States Code 253i) is amended to read as follows:

"(e) Multiple Awards.—Section 303H(d) applies to a task or delivery order contract for the procurement of advisory and assistance services under this section.".

SEC. 703. COMPETITION IN MULTIPLE AWARD CONTRACTS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

"SEC. 303N. COMPETITION IN MULTIPLE AWARD CONTRACTS.

"(a) Regulations Required.—Not later than 180 days after the date of the enactment of this section, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

"(b) Content of Regulations.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of **$100,000** that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

"(A) waives the requirement on the basis of a determination that—

"(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) applies to such individual purchase; or

"(ii) a statute expressly authorizes or requires that the purchase be made from a specified source; and

"(B) justifies the determination in writing.

"(2) For purposes of this subsection, an individual purchase of goods or services is made on a competitive basis only if it is made pursuant to procedures that—

"(A) require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such goods or services under the multiple award contract; and

"(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

"(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

"(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

"(A) offers were received from at least three qualified contractors; or

"(B) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

"(5) For purposes of paragraph (2), fair notice means notice of intent to make a purchase under a multiple award contract posted, at least 14 days before the purchase is made, on the website maintained by the General Services Administration known as FedBizOpps.gov (or any successor site).

"(c) DEFINITIONS.—In this section:

"(1) The term 'individual purchase' means a task order, delivery order, or other purchase.

"(2) The term 'multiple award contract' means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3);

"(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K; and

"(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with two or more sources pursuant to the same solicitation.

"(d) APPLICABILITY.—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this section and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.".

SEC. 704. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

(a) CIVILIAN AGENCY CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303N, as added by section 703, the following new section:

"SEC. 303O. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.

"(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics.

"(b) DEFINITION.—No prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

"(1) has exhibited a pattern of overcharging the Government under Federal contracts;

"(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws; or

"(3) has an outstanding debt with a Federal agency in a delinquent status."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303N, as added by section 703, the following new item:

"Sec. 303O. Suspension and debarment of unethical contractors.".

SEC. 705. CRIMINAL SANCTIONS FOR CHEATING TAXPAYERS AND WARTIME FRAUD.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Criminal sanctions for cheating taxpayers and wartime fraud

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a Federal contract for the provision of goods or services, knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 10 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. Criminal Sanctions for Cheating Taxpayers and Wartime Fraud.".

(d) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1039," after "1032,".

(e) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1039".

(f) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: ", section 1039 (relating to Criminal Sanctions for Cheating Taxpayers and Wartime Fraud," after "liquidating agent of financial institution),".

SEC. 706. PROHIBITION ON CONTRACTOR CONFLICTS OF INTEREST.

(a) PROHIBITION.—An agency may not enter into a contract for the performance of a function relating to contract oversight with any contractor with a conflict of interest.

(b) DEFINITIONS.—In this section:

(1) The term "function relating to contract oversight" includes the following specific functions:

(A) Evaluation of a contractor's performance.

(B) Evaluation of contract proposals.

(C) Development of statements of work.

(D) Services in support of acquisition planning.

(E) Contract management.

(2) The term "conflict of interest" includes cases in which the contractor performing the function relating to contract oversight, or any related entity—

(A) is performing all or some of the work to be overseen;

(B) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(C) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(D) has a reverse role with the contractor to be overseen under one or more separate Government contracts; and

(E) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor's judgment.

(3) The term "related entity", with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.—An agency may not enter into a contract for the performance of inherently governmental functions for contract oversight (as described in subpart 7.5 of part 7 of the Federal Acquisition Regulation).

(d) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after the date of enactment of this Act.

SEC. 707. DISCLOSURE OF GOVERNMENT CONTRACTOR OVERCHARGES.

(a) QUARTERLY REPORT TO CONGRESS.—

(1) The head of each Federal agency or department shall submit to the chairman and ranking member of each committee described in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of audits or other reports issued during the applicable quarter that describe contractor costs in excess of $1,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of audits or other reports issued during the applicable quarter that identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to the Committee on Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and other committees of jurisdiction.

(b) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any of the committees described in subsection (a)(2), a full and unredacted copy of any audit or other report described in subsection (a)(1).

SEC. 708. PENALTIES FOR IMPROPER SOLE-SOURCE CONTRACTING PROCEDURES.

Section 303 of the Federal Property and Administrative Services Act (41 U.S.C. 253) is amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g) Any official who knowingly and intentionally violates Federal procurement law in the preparation or certification of a justification for a sole-source contract, in the award of a sole-source contract, or in directing or participating in the award of a sole-source contract, shall be subject to administrative sanctions up to and including termination of employment.”.

SEC. 709. STOPPING THE REVOLVING DOOR.

(a) Elimination of Loopholes That Allow Former Federal Officials to Accept Compensation From Contractors or Related Entities.—

(1) Paragraph (1) of section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)(1)) is amended—

(A) by striking “or consultant” and inserting “consultant, lawyer, or lobbyist”;

(B) by striking “one year” and inserting “two years”; and

(C) in subparagraph (C), by striking “personally made for the Federal agency—” and inserting “participated personally and substantially in—”.

(2) Paragraph (2) of section 27(d) of such Act (41 U.S.C. 423(d)(2)) is amended to read as follows:

“(2) For purposes of paragraph (1), the term ‘contractor’ includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of the contractor.”.

(b) Prohibition on Award of Government Contracts to Former Employers.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

“(i) Prohibition on Involvement by Certain Former Contractor Employees in Procurements.—A former employee of a contractor who becomes an employee of the Federal government shall not be personally and substantially involved with any Federal agency procurement involving the employee's former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor.”.

(c) Requirement for Federal Procurement Officers to Disclose Job Offers Made to Relatives.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after “that official” the following: “or for a relative of that official (as defined in section 3110 of title 5, United States Code),”.

(d) Additional Criminal Penalties.—Paragraph (1) of section 27(e) of such Act (41 U.S.C. (e)(1)) is amended to read as follows:

“(1) Criminal penalties.—Whoever engages in conduct constituting a violation of—

“(A) subsection (a) or (b) for the purpose of either—

“(i) exchanging the information covered by such subsection for anything of value, or

“(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

“(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.”.

(e) Regulations.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end of the following new subsection:

“(j) Regulations.—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

“(1) promulgate regulations to carry out and ensure the enforcement of this section; and

“(2) monitor and investigate individual and agency compliance with this section.”.

TITLE VIII—PRESIDENTIAL LIBRARIES

SEC. 801. PRESIDENTIAL LIBRARIES.

(a) In General.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository, shall submit to the Administration, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate on a quarterly basis, by not later than the applicable date specified in paragraph (2), information with respect to every contributor who, during the designated period—

“(A) with respect to a Presidential archival depository of a President who currently holds the Office of President or for which the Archivist has not accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period; or

“(B) with respect to a Presidential archival depository of a President who no longer holds the Office of President and for which the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $100 or more for the quarterly period.

“(2) For purposes of paragraph (1), the applicable date—

“(A) with respect to information required under paragraph (1)(A), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing; and

“(B) with respect to information required under paragraph (1)(B), shall be April 15, July 15, October 15, and January 15 of each year and of the following year as applicable to the fourth quarterly filing.

“(3) As used in this subsection, the term ‘information’ means the following:

“(A) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

“(B) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

“(C) If the source of such a contribution is an individual, the occupation of the individual.

“(D) The date of each such contribution.

“(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted in accordance with paragraph (1).

“(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

“(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

“(6)(A) It shall be unlawful for any organization described in paragraph (1) to knowingly and willfully submit false material information or omit material information under such paragraph.

“(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

“(7)(A) It shall be unlawful for a person to knowingly and willfully—

“(i) make a contribution described in paragraph (1) in the name of another person;

“(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

“(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

“(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act.

“(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.”.

(b) Applicability.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

TITLE IX—FORFEITURE OF RETIREMENT BENEFITS

SEC. 901. LOSS OF PENSIONS ACCRUED DURING SERVICE AS A MEMBER OF CONGRESS FOR ABUSING THE PUBLIC TRUST.

(a) Civil Service Retirement System.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(o)(1) Notwithstanding any other provision of this subchapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this subchapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8342(c), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

“(2)(A) An offense described in this paragraph is any offense described in subparagraph (B) for which the following apply:

“(i) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

“(ii) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(iii) The offense is committed after the date of enactment of this subsection.

"(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony under title 18:

"(i) An offense under section 201 of title 18 (bribery of public officials and witnesses).

"(ii) An offense under section 219 of title 18 (officers and employees acting as agents of foreign principals).

"(iii) An offense under section 371 of title 18 (conspiracy to commit offense or to defraud United States) to the extent of any conspiracy to commit an act which constitutes an offense under clause (i) or (ii).

"(3) An individual convicted of an offense described in paragraph (2) shall not, after the date of the final conviction, be eligible to participate in the retirement system under this subchapter or chapter 84 while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) For purposes of this subsection—

"(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8331(2); and

"(B) the term 'child' has the meaning given such term by section 8341.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(l)(1) Notwithstanding any other provision of this chapter, the service of an individual finally convicted of an offense described in paragraph (2) shall not be taken into account for purposes of this chapter, except that this sentence applies only to service rendered as a Member (irrespective of when rendered). Any such individual (or other person determined under section 8424(d), if applicable) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to service to which the preceding sentence applies.

"(2) An offense described in this paragraph is any offense described in section 8332(o)(2)(B) for which the following apply:

"(A) Every act or omission of the individual (referred to in paragraph (1)) that is needed to satisfy the elements of the offense occurs while the individual is a Member.

"(B) Every act or omission of the individual that is needed to satisfy the elements of the offense directly relates to the performance of the individual's official duties as a Member.

"(C) The offense is committed after the date of enactment of this subsection.

"(3) An individual finally convicted of an offense described in paragraph (2) shall not, after the date of the conviction, be eligible to participate in the retirement system under this chapter while serving as a Member.

"(4) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

"(A) provisions under which interest on any lump-sum payment under the second sentence of paragraph (1) shall be limited in a manner similar to that specified in the last sentence of section 8316(b); and

"(B) provisions under which the Office may provide for—

"(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, but only to the extent that the application of this clause is considered necessary given the totality of the circumstances; and

"(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

"(5) For purposes of this subsection—

"(A) the term 'Member' has the meaning given such term by section 2106, notwithstanding section 8401(20); and

"(B) the term 'child' has the meaning given such term by section 8341.".

Ms. SLAUGHTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York is recognized for 5 minutes in support of her motion.

Ms. SLAUGHTER. Mr. Speaker, let me make it clear at the outset that if our motion to recommit passes, it will simply substitute for a sham bill a real reform bill.

Mr. Speaker, an interesting new poll conducted by The Wall Street Journal and NBC News came out last week. One of its findings is that 78 percent of Americans disapprove of the job Congress is doing. That means that four out of every five people walking the streets today in America are not happy about what goes on here in this Capitol Building.

There are a lot of reasons Americans are not happy with Congress, Mr. Speaker, and let me list a few of them.

They are not happy that this Congress allowed their energy industry buddies to write a national energy policy that is earning the oil companies record profits and costing the rest of us more than $3 a gallon at the gas station.

They are not happy that special interests have been allowed into the back rooms to write legislation that benefits them but not the American people.

They are not happy that these days Members can get away with doing almost anything unless it is so bad it gets the attention of the Justice Department.

The Republican leadership can read the polls, too. They figured out they are in trouble, so they put together this so-called reform bill to show Americans that at long last they are ready to clean up their act.

But the problem is this is not a serious bill. For the past 2 weeks, commentators and newspapers have been calling this bill for what it is, and here is what they say about it: It is a "watered down sham," The Washington Post; an "anemic excuse for reform," USA Today; "an Orwellian shell of righteous platitudes" from the New York Times.

Mr. Speaker, the motion to recommit I have at the desk is a real reform proposal. It is a proposal that makes a serious effort at cleaning up this place, and there is good evidence that it is a real reform proposal, and the Republicans are afraid of it. They do not want it debated in the House. They do not want a vote on it, and that is why they blocked it from being considered on the floor.

My proposal will prohibit Members and staff in the House, Senate and executive branch from use of corporate jets. It shuts down the infamous K Street Project. It bans gifts and meals from lobbyists. It ends the practice of adding special interest provisions to conference reports in the dead of night and after the conference has finished. It takes pension benefits away from Members of Congress convicted of crimes; and it requires the public disclosure of all earmarks, not just those of the Appropriations Committee but authorizers and tax bills, and much, much more.

My colleagues are faced with a clear and a simple choice today: support the discredited Republican bill before us and prove to your constituents that you are not serious about reform but you rather prefer the status quo of corruption and cronyism and that you are satisfied with a bill that simply gets you by the election; or support a reform proposal that will really begin to clean this place up.

But I would warn my colleagues on both sides of the aisle that you cannot have it both ways. The integrity of this Congress is at stake here, and the time has come for all Members to choose their side in this debate. Either stand up and be part of the solution by supporting the proposal I have placed before the House, or remain a part of the problem and vote with the Republican leadership.

We know that the Democrat proposal is a tough one, Mr. Speaker, but that is what we have to do to drain this swamp. They want their Congress back out there in America, and so do I. They are sick and tired of a Congress that lavishes gifts on the special interests and then sends them the bill. Vote "yes" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. DREIER. Mr. Speaker, I would like to begin by saying that reform is very, very difficult work to do; and I yield to the gentleman from Missouri (Mr. HULSHOF), my very good friend, a lead reformer.

Mr. HULSHOF. Mr. Speaker, I appreciate the trust and confidence the chairman has put in me and allowed me a few moments here today, and I rise in opposition to the motion to recommit.

Mr. Speaker, I would like to speak to the larger point, because my soul is in torment. I think that we have turned the clock back to 1996 and 1997, when the entire ethics process was so politicized, where one side would file a complaint against a Member on the opposing side and then that side would file a complaint against a Member on the initiating side.

I resent the fact when you have privileged resolutions and Special Order speeches that Members of this body would single out the misdeeds or even criminal actions of a few and seek to indict or tarnish an entire party. I resent that.

I stood at that very spot a couple of years ago and was charged as an Ethics Committee member to prosecute one of our colleagues who had committed crimes of corruption, and the Chamber was full like it is. and this body had a very weighty decision, and that was shall we expel our colleague from Ohio. We did with one dissenting vote, and it never crossed my mind that I would take that incident in any sort of short-term political gain and to try to label everyone in Mr. Traficant's party as a culture of corruption.

I am troubled by the fact of what we read in the newspaper. It pains me because I know these individuals that these headlines are written about, and yet I believe that the short-term effort political gain is tarnishing the long-term goodwill of this institution.

Is the desire for political gain so powerful that Members are willing to indict an entire party? Is that recognition of short-term political gain, do you recognize how irreparably we are harming this institution?

The American people deserve a functioning ethics process: the American people deserve what our conscience demands: and, God willing, we will disappoint neither.

Mr. DREIER. Mr. Chairman, let me just say that this product we have here today, due to the leadership of Speaker DENNIS HASTERT, has been a 4-month-long process. We just heard very moving remarks from our friend from Missouri. It is absolutely imperative that we recognize that the motion to recommit is nothing but a sham that would slow the process of reform. It is imperative that we defeat this motion to recommit and pass this measure so that we can move on to the Senate to bring about real, meaningful reform.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken: and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 4975, if ordered, and on suspending the rules and agreeing to H. Res. 781.

The vote was taken by electronic device, and there were—yeas 213, nays 216, not voting 4, as follows:

[Roll No. 118]

YEAS—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown-Waite, Ginny
Buyer
Evans
Osborne

☐ 1719

Mr. DICKS and Ms. KAPTUR changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 213, not voting 3, as follows:

[Roll No. 119]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)

Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)

Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)

Saxton
Schmidt
Schwarz (MI)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel

Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner

Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez

Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver

Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—3

Buyer
Evans
Osborne

☐ 1731

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 783, the text of H.R. 513, as passed by the House, will be appended to the engrossment of H.R. 4975.

(For the text of H.R. 513, see proceedings of the House of April 5, 2006, at page H1516.)

CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 781.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 781, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 1, answered "present" 3, not voting 11, as follows:

[Roll No. 120]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd

Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin

Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)

Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Kucinich

ANSWERED "PRESENT"—3

Hinchey
Slaughter
Stark

NOT VOTING—11

Buyer
Cardin
Dicks
Evans
Granger
McCrery
McDermott
Murphy
Musgrave
Osborne
Poe

☐ 1741

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4975, LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. DREIER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4975, the Clerk be authorized to correct section numbers, spelling, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 789 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 789

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

The structured rule provides for 1 hour of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

☐ 1745

It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

This rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Homeland Security and makes in order only those amendments printed in the Rules Committee report accompanying the resolution.

It provides that the amendments printed in the report accompanying the resolution may be offered only in the order printed in the report and may be offered only by a Member designated in the report. They shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent. They shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides the minority with one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this balanced rule providing for consideration of the bipartisan Security and Accountability for Every Port, or SAFE Port, Act. The rule, which makes in order 10 Democrat amendments and five Republican amendments, will allow the House to begin its consideration of this bill, which has 80 bipartisan cosponsors, was approved unanimously through its subcommittee and full committee markups in the Committee on Homeland Security, and represents a responsible and thoughtful approach to providing security at our Nation's ports.

The SAFE Port Act improves cargo security first by enhancing security at United States ports. It requires the Department of Homeland Security to deploy nuclear radiological detection systems at 22 seaports by the end of fiscal year 2007, covering 98 percent of all incoming maritime containers. It provides risk-based funding through a dedicated Port Security Grant Program and requires the Secretary of Homeland Security to coordinate Federal, State, local, and private sector security activities by establishing a streamlined, integrated network of virtual and physical command centers.

Second, this legislation improves cargo security by tracking and protecting containers that are en route to the United States. This legislation will require the Secretary to develop uniform standards for sealing containers entering the United States and provide for the improved utilization of private sector advances in security, including research and development of new technologies and applications. It also improves the International Trade Data System and directs the Department to conduct additional research and testing on technology integration, access control, and data-sharing capacities.

Third, this legislation improves our port security by preventing threats from ever reaching the United States. It improves the Automated Targeting System by collecting enhanced cargo data from importers bringing goods through U.S. ports. It codifies the existing Container Security Initiative and requires the Secretary to refuse entry to high-risk cargo that the host nation does not inspect. It also authorizes the Department to lend detection equipment and provide training to host nations so that our closest trading partners can utilize the best technology available anywhere in the world. Obviously, that is meant to keep America and our trading partners safe.

Mr. Speaker, this legislation takes a responsible and bipartisan approach to protecting American citizens from the threat of terrorism being brought to our shores through our ports. It includes a provision that requires the Secretary of Homeland Security to continue his aggressiveness and ceaseless efforts to evaluate emerging detection and screening technologies and measure those technologies against real-world performance metrics before deploying them in the field to ensure that they are effective in protecting the American people.

I urge all of my colleagues to support this rule and the underlying legislation to improve our Nation's ports.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding me the time; and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this restrictive rule, which permits the House to consider only one half of the amendments which were brought to the Rules Committee last night. Under this rule, only 15 of the approximately 30 amendments offered by Members are made in order, while the remaining half are blocked from consideration.

I find it astonishing, though not surprising, that my friends in the majority, who just in the last hour were preaching ethics reform and civility here in the House, are coming to the floor again with a restrictive rule.

The rule, which was reported out of the Rules Committee along a straight party-line vote, mocks the public's call for reforming the way we go about doing business in the people's House. Clearly, the majority is good at talking the talk, but as the American people are beginning to understand, they are failing miserably to walk the walk.

In blocking these amendments from being considered by the House today, Republicans are sending a message loud and clear that protecting their political majority in the House is more important than protecting the American people in their own homes.

Dangerously, the rule prohibits the House from considering a Democratic amendment offered by Representatives NADLER, OBERSTAR, MARKEY, and others which requires that every single shipping container be scanned and sealed before being loaded onto a ship destined for the United States.

Today, barely 5 percent of all containers coming into the United States through our ports are scanned. Unfortunately, Republicans, again along a party-line vote, blocked this commonsense security-based amendment from being debated and considered by the full House. In doing so, they have signed their names on the dotted line that they do not at this time support inspecting 100 percent screening requirements at America's ports.

Mr. Speaker, as someone who represents a district which depends greatly upon three major international ports for economic activity, I take issue with the majority's not allowing this amendment being considered today. I take issue with their conscious decision to block the House from considering an amendment which will, without a doubt, make my constituents and the American people safer.

Sadly, the rule also fails to make in order an amendment which was offered by the ranking Democrat of the Homeland Security Committee, my good friend and trusted advisor on homeland security issues, Representative Bennie Thompson from Mississippi. The ranking member's amendment recognizes that we cannot continue asking Customs officials to do more with less.

I just had this, coming from an international flight, discussion with a fine gentleman in the Customs Department. Thirty-two years he has been there, and he indicates to me just how difficult it is for them to do more with less.

The amendment that Mr. THOMPSON offered authorized funding for U.S. Customs and Border Patrol to hire 1,600 more officers at America's seaports.

Representative LANGEVIN offered an amendment that authorized $117 million for the purchase of advanced radiation portal monitors at all our ports to ensure that Customs officials have the most up-to-date equipment to do their job.

I kept hearing all this stuff last night about they do not have this technology and everything. Well, I have seen this technology in Vilnius, Lithuania, as one example. In Rotterdam, I saw this technology. It worked. At the very least, what we need is whatever the state of art is at this point in the hopes that it will work and that we can improve it as time progresses.

Under this rule, however, both of these amendments, Mr. THOMPSON's and Mr. LANGEVIN's, and so many others are blocked from consideration.

Mr. Speaker, as I previously mentioned, I am proud to represent a region in our country which is home to some of our largest international seaports, Port Everglades, the Port of Palm Beach, and the Port of Miami, all within just minutes of my home. They have led the way in security improvements in America. The three, Port Everglades in particular, have all enjoyed national and international best-practices recognition.

So when I come to the floor today and consider the underlying legislation, I have to ask, does this legislation get our ports to where they need to be regarding security? The answer to this question is a resounding no.

I have traveled all over this world visiting international ports to learn about their operations and how they secure their cargo. Among the places that I visited have been Hong Kong, Singapore, Tokyo, Rotterdam, Lisbon, and others. These are some of the largest ports in the world outside of the United States, and all of them manage to inspect more cargo than we do without slowing down their port operations.

It was interesting to me, in the run-up to the Singapore Trade Agreement, we required in that agreement that Singapore inspect more of their cargo than we do in our own country. So I ask, if they can do it, why can we not?

The rhetoric from the other side of the aisle is at an all-time high. They talk about bipartisanship, but they shy away from working together. I give credit at least to the ranking member and Chair of this committee for trying. We give them opportunities to make good bills better, but then they block the House from considering our ideas. They talk about securing America, but then balk when it comes time to actually do something about it.

Mr. Speaker, we have an opportunity today to do something about a real problem which we all know exists at America's seaports. This is not about showing the terrorists our weaknesses, as some in the majority have suggested. Rather, it is about giving our Customs and Border Patrol officers the necessary tools and directives to do everything that they possibly can to stop attacks from happening here in the United States.

The sad thing is, Mr. Speaker, it may not be until an attack occurs that we will actually get this right.

This rule and the underlying legislation fails to meet the needs of our ports and the expectations of the American people, and I urge my colleagues to oppose this restrictive rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this fair and balanced rule is one that involves a bunch of cosponsors of Democrats and Republicans. It has been well thought out. It has required a lot of thought process. This afternoon you are going to hear from a number of Members on the Republican side who will articulate how balanced and wonderful and how we have taken time to make sure that we dealt with the minority, that we dealt with the administration, that we looked at other ports around the world, that we are trying to do those things that are best that will secure our ports and get them done as quickly as possible but will also present something that can be done in a balanced and proper way. I think that that is the argument you are going to hear today.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), a member of the Rules Committee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my dear friend, Mr. SESSIONS, for the time.

I rise today in strong support of the rule and the underlying legislation.

□ 1800

Chairman PETER KING has worked in an extraordinary fashion to create a piece of legislation with the help of his ranking member, Mr. THOMPSON, and the entire committee, that is worthy of our support. They are the first ones to admit it is not perfect, but it certainly moves us forward in an important way toward further port security.

For example, in the community that I am honored to represent, Mr. Speaker, the Port of Miami, that port alone, of course, is one of the largest in the country and in the world, and its annual operating security costs have increased from $4 million in 2001 to $16 million in the last year.

This legislation, for example, authorizes $400 million annually to be awarded to high-risk ports, such as the Port of Miami, in grants. It will be used precisely for purchasing and upgrading security equipment and enhancing terrorism preparedness.

There are amendments. We made 10 Democrat amendments in order and five Republican amendments in order. It is a fair rule. It is a fair rule that we bring forth today.

For example, the Bass amendment would allow State and local agencies to apply for reimbursement for operational expenses and overhead costs, such as, for example, waterborne patrols. Those are functions that used to be carried out and paid for by the Coast Guard. Now the ports have to pay for them. So it is taken care of by that amendment.

So it is a fair rule, bringing forth a very important piece of legislation, making in order twice as many Democrat amendments as Republican amendments. Nevertheless, it is still a good rule. I support the rule. I strongly support the underlying legislation and would ask all of our colleagues to support both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Florida says that they made 10 Democrat amendments in order and five Republican amendments, and that is true. But not a single one of those is more important than the three that you did not make in order.

Mr. Speaker, I yield 2½ minutes to my friend, the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the SAFE Port Act, because it is important for the security of our Nation, but I rise in reluctant opposition to this restrictive rule.

As a member of the Homeland Security Committee and an original cosponsor of the underlying legislation, I understand that port security is national security. We need this bill, Mr. Speaker, to keep America safe. However, this rule does not permit debate on an important amendment that I attempted to offer.

My amendment would strengthen our security by requiring the Domestic Nuclear Detection Office to develop a report back to Congress of a plan to purchase and deploy radiation portal detectors at our ports of entry. My amendment would also authorize additional funds to help pay for these detectors.

Our intelligence analysts tell us one of the greatest risks our country faces is the threat that a terrorist will smuggle nuclear material across our borders or through our ports and detonate a dirty bomb or a nuclear device in one of our cities. The technology, Mr. Speaker, exists to scan cargo for this radioactive material, and DHS is in the process of deploying it.

In addition, DHS is in the process of awarding a contract for the next generation of detectors, which will cost at least twice as much as the current generation. However, a recent GAO report determined that DHS needs an additional $300 million to purchase and deploy the 3,000 current generation monitors.

The report indicated that with current funding, DHS will be unable to deploy the monitors by its target date of 2009. In December I offered an amendment to require the full deployment of these monitors within 1 year. This amendment passed the Homeland Security Committee with bipartisan support. The amendment that I offered to the Rules Committee is a less drastic step but goes a long way towards keeping us safe. By requiring DHS to figure out what types of monitors they need at different locations, DHS will provide us with a better assessment of exactly how much this program will actually cost.

Mr. Speaker, we simply cannot afford to wait any longer. Defeating the previous question will allow the House to consider both my amendment and Ranking Member THOMPSON's important amendment to increase the number of port inspectors over the next 5 years.

Mr. Speaker, I urge my colleagues to join me in rejecting the previous question, voting to protect our ports and border crossings from nuclear material being smuggled across our borders and passing the SAFE Port Act.

Mr. SESSIONS. Mr. Speaker, I spoke about this fair and balanced rule. We have also spoken about how great the legislation is.

Mr. Speaker, I am very pleased at this time to yield 3½ minutes to the gentleman who is the chairman of the Committee on Homeland Security, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of the rule providing for House consideration of the SAFE Port Act.

Mr. Speaker, none of us will ever forget what happened on September 11, 2001. Certainly in my district, there were well over 100 people were killed. My district is very close to the Port of New York and New Jersey, and many Members of this House suffered similarly on September 11.

When I was seeking the position of Homeland Security chairman last year, I made it a point to emphasize how important it was that we address the issue of port security. I am proud to say that prior to the whole Dubai Ports controversy, Chairman DAN LUNGREN, Congresswoman JANE HARMAN, Ranking Member SANCHEZ began work on this port security bill. So we were ready to move, and the Dubai Ports controversy gave us the window of opportunity to move forward.

As a result of that, with very close consultation and cooperation throughout this process, both at the subcommittee level and the full committee level, we have legislation which passed unanimously out of the subcommittee and then passed unanimously by a 29–0 vote last week out of the full committee.

In saying that, let me pay special thanks to the ranking member of the full committee, Mr. THOMPSON, who, again, both he and his staff were exceptionally cooperative as this process went forward.

Now, we operated on the presumption that significant progress has been made in port security since September 11. However, we need to finish the job, to ensure that these programs and others provide a robust, risk-based system for securing our vital international supply chain through point of origin of goods until arrival here in U.S. seaports.

The SAFE Port Act addresses port security enhancements in three main areas: strengthening security measures at foreign ports and improving risk-based targeting of suspicious cargo; improving security of cargo in transit; and making much needed security upgrades at U.S. ports.

I must point out also, Mr. Speaker, the underlying bill includes an amendment offered in committee by the gentlewoman from Florida, Ms. GINNY BROWN-WAITE, which requires aggressive evaluation and deployment of the best available technology to screen incoming cargo. This amendment, offered by Congresswoman GINNY BROWN-WAITE, passed by a vote of 33–0.

Mr. Speaker, since 9/11, the House has repeatedly voted to support risk-based funding decisions with respect to Homeland Security. This legislation enhances this risk-based strategy that ensures our dollars are spent in areas that provide maximum security benefits.

I want to emphasize also how there was the spirit of cooperation at the subcommittee level, the committee level, and I think it is safe to say, in fact I would emphasize the fact that everyone on the Homeland Security Committee feels very, very strongly about protecting every American life by doing all we can to protect America's ports and indeed all of America from any future possible terrorist attack.

There can be differences about means. There can be differences about exactly how we achieve that. I feel very secure, very confident, very proud of the legislation that we passed. But it serves no purpose for anyone to be suggesting that there is anyone in the committee or House who is not absolutely dedicated to preserving every American life and doing all we can to enhance American security.

So I urge my colleagues to adopt this rule, reject any attempt to politicize the debate and move forward with this bipartisan bill.

Mr. HASTINGS of Florida. Mr. Speaker, if we had made one amendment in order, it would have been satisfactory on this side, the one that was offered by my good friend Mr. NADLER, who I yield 2½ minutes to.

Mr. NADLER. Mr. Speaker, this rule does not make in order an amendment that was defeated 18–16 on a practically party-line vote and is the key difference, and it is why this rule ought to be defeated.

The gentleman from New York says a risk-based strategy. Why should we risk the lives of millions of people by assuming that we know which container will contain the atomic bomb or the radiological bomb? We don't know that. We can't know that.

The only safety we can have is to inspect 100 percent of the containers, not in New York but in Hong Kong, before they are put on a ship bound for the United States. That is the essence of the amendment, the Nadler-Markey amendment that the Republicans won't accept and won't permit us to debate on the floor.

They say the technology doesn't exist. The technology most certainly exists. It is done in Hong Kong today. Mr. GINGREY spoke about a company in his district that wants to sell the tamper-proof seals that will tell us if the container, once scanned, is tampered with. But the Department of Homeland Security is not interested.

This bill contains a study, an amendment by Ms. GINNY BROWN-WAITE that the Department of Homeland Security should study whether it is feasible to have 100 percent scanning. We passed that amendment on this floor 2 years ago. It was the Nadler amendment. It is in the law. It said they should report back in 90 days, 90 days from 2 years ago. They haven't bothered reporting back, because they are not interested in this. This is another waste of time.

The fact is, a risk-based strategy, they will simply put the atomic bomb or the radiological bomb in a low-risk container from Wal-Mart. The greatest risk we face is that a good company will have a container with sneakers in Indonesia on the way to the port, and the driver will stop for lunch, and while he is stopping for lunch, some terrorist will take out the sneakers and put in a bomb and the bill of lading will be fine.

The people who say we can't do this are the same people who told us 2 years ago we couldn't get a bill of lading for every container 24 hours in advance, and they told us we couldn't get every person searched before he got on an airplane.

If we really want to make this country safer, we must debate on this floor this amendment, the Nadler-Markey amendment, to say, before any container gets put on a ship bound for the United States, it must be scanned electronically to see what is in it; it should be sealed with a tamper-proof seal that will tell us if it has been tampered with; and the results of the scan should be transmitted electronically to people in the United States who will look at that seal.

It is being done now in Hong Kong, except that because no one in the Department of Homeland Security is interested, the results of those scans are on tapes that are stored there because no one in this country has time to read those tapes.

For shame.

Mr. SESSIONS. Mr. Speaker, once again articulating this balanced rule and fair and wonderful legislation, we continue to talk about what the legislation stands for without attempting to scare people but rather to give the substance of what the bill is about.

Mr. Speaker, I yield 4 minutes to the chairman of the Economic Security, Infrastructure Protection and Cybersecurity Subcommittee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all, I would like to say that this is an attempt to have a balanced bill. I have worked as hard as I can with the gentlewoman from California (Ms. HARMAN) and with the ranking member on my subcommittee, Ms. LORETTA SÁNCHEZ, to try and respond to a true challenge that we have before us, and that is the challenge of terrorists attempting to do harm to our country by going through our ports.

The very nature of our ports, the very genius of our ports, which is the just-in-time delivery, the inventory that is basically carried on ships these days, instead of stationary in large buildings on land, the very easy transfer of them from ships to trucks to be able to get into the middle of our country within the shortest period of time, times that would have been unimaginable just years ago, that very ingenuity, that creativity, also creates the vulnerability.

It is true that, following 9/11, we focused, not exclusively but more than any other area, on our aviation system. Now we have an opportunity to try and put a greater emphasis on security for our ports.

I was gone from this place for 16 years; 9/11 was the event that compelled me to return. I grew up in the shadows of one of the great harbors of this country, Long Beach. I worked there one summer when I was in college.

□ 1815

I have been able to see the tremendous growth and the change in the way our ports operate. I am proud of our ports. I would do nothing, I would do nothing to try and put them at risk. And I would say this base bill is a very good bill.

When I hear some of the discussion about the rule, it reminds me of my prior service in the House when I served for 10 years as a minority Member, where we did not have a right to a motion to recommit. We were given an opportunity for a motion to recommit when the Rules Committee decided they would give it to us.

Under the Republican rules of the House, a motion to recommit is given to the minority on every major bill. So those elements of concern that have been expressed by the minority side of substance of amendments that are not allowed under this bill we know can be put into a motion to recommit.

Now, that does not mean I am going to support it, because I think good and sufficient arguments can be made against some of the amendments that wish to be presented here in the floor and in the substance of the motion to recommit. But I just hope in the discussion on this rule and the discussion on the underlying bill we do not lose that sense of bipartisanship that has really been a watchword of this attempt to provide us with the response to a true challenge in this country.

The very vote that we had, 29-0 coming out of our committee, the fact that we have more than 80 cosponsors from both sides of the aisle, gives the very indication of the bipartisan nature of this bill.

I get involved in partisan arguments from time to time, as you well know. But this institution does itself proud when it responds to the challenges that are out there facing our constituents. This committee, the Homeland Security Committee, has served this House well by its bipartisan approach under first our former chairman, Mr. COX, and now our current chairman, Mr. KING.

The Members on the Democratic side have worked very hard I think to work with us in a bipartisan way. So I hope the tenor of the debate tonight does not mislead people who may be listening into thinking we are not doing the peoples' business. We are doing the peoples' business. I am proud of the work that we are doing here. This is a good bill. We will debate some additional amendments. We will have a motion to recommit. And whatever comes out of that, this will still be a good bill.

Please support this rule and support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the distinguished ranking member of the Select Committee on Intelligence, my good friend, Ms. HARMAN from California.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me time. I commend him for his service on the Rules Committee and also on the Intelligence Committee.

Mr. Speaker, I rise in opposition to this rule but also in support of the comments that just were made by the bill's co-author, Mr. LUNGREN.

I support bipartisanship. To my marrow, I support bipartisanship. I think that this bill, which he and I have coauthored, is an excellent bill; and there will be plenty of time tomorrow to debate it. I hope that debate will be in a true bipartisan spirit.

My opposition to the rule, Mr. Speaker, is that there are missed opportunities. There are things we could have and should have done in this rule that we did not do. What is wrong with this rule is that the legislation will not have the benefit of several important provisions which, in fact, were in bills before us. I want to explain what I mean.

The Homeland Security SAFE Port Act did include a provision to accelerate the Coast Guard's Deepwater Program so that we can replace outdated planes and boats sometime before my new baby granddaughter graduates from college.

I doubt that a single Member of the House opposes modernizing the Coast Guard fleet. All of us know that this Federal agency has done more than any other, at least in my view, to defend America and stretch scarce dollars to the breaking point after 9/11.

However, in the manager's amendment made in order under this rule, we are deleting the Deepwater Program language. I think that is a mistake.

Secondly, we have already been talking about the issue of 100 percent scanning and sealing of containers. It is something that I strongly support. Identical language to language defeated in the Homeland Security Committee and not allowed to be presented on the floor, was included and reported in legislation by the Transportation and Infrastructure Committee.

My point here is that, on a bipartisan basis, at least one committee of this House has already approved this language. Now it is not in the version of the bill before us but also it is not made in order as an amendment to this bill. That language would help make a good bill a better bill.

The process to develop the bill is good. The process in the Rules Committee was bad. I urge a no vote on the rule.

Mr. SESSIONS. Mr. Speaker, once again continuing, the majority side, to present a fair and balanced rule with the substance of the bill, I yield 4 minutes to our next speaker, the gentlemen from Lehigh Valley, Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise today to speak in support of the rule and in support of the underlying bill, H.R. 4954, the SAFE Port Act of 2006.

This is a bipartisan bill, as has been stated, that takes a commonsense approach to improving the security of America's ports. The bill authorizes $821 million annually for port security programs. It requires the Department of Homeland Security to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007, an action that will cover 98 percent of incoming maritime containers.

Further, it makes sure that the people working at our port facilities are properly cleared and identified by forcing DHS to set deadlines for the implementation of the Transportation Worker Information Credential Program, or commonly called TWIC, a biometrically enhanced identification card system designed to make sure that those who would seek to commit acts of terrorism against us are not allowed to work within the U.S. port system.

Mr. Speaker, I am also happy to see that the bill codifies in law the establishment of the Domestic Nuclear Detection Office, or DNDO. Earlier this year, I had the opportunity to visit the DNDO facility at the Nevada test site.

Mr. Speaker, I am firmly convinced of the importance of maintaining the vitality of this organization. The DNDO has been one of the most important missions within the DHS, the detection and identification of nuclear materials. During my visit, I observed firsthand the testing of nuclear and radiological countermeasures, including detection devices designed to identify vehicles transporting nuclear explosive devices, fissile material, radiological material intended for illicit use.

The SAFE Port Act requires the DNDO to conduct testing of next-generation nuclear radiological detection equipment and to put forth a time line for completing installation of such equipment at all US seaports.

Finally, I am grateful to Chairman King for his willingness to accept my addition to section 1812 of the act, which appears in the manager's amendment. My addition to section 1812 allows contract logistics providers to be eligible for inclusion in the Customs-Trade Partnership Act Against Terrorism, or commonly known as C-TPAT, an important tool in the public-private sector alliance designed to make sure that goods shipped by manufacturers internationally are safe.

Contract logistics providers manage the movement and warehousing of goods and have access to critical information about the status of shipments throughout the supply chain. Given our goal of securing the entire supply chain, it is logical that companies providing services critical to the overall movement of goods should be allowed to voluntarily seek membership in C-TPAT.

For all of these reasons, I support the rule and underlying bill, H.R. 4954.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to advise each of us how much time remains.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 14 minutes remaining.

The gentlemen from Texas (Mr. SESSIONS) has 11½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON), my good friend.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentleman from Florida for allowing me to speak against this rule.

Mr. Speaker, I do not support this rule as it flies in the face of bipartisanship shown by the Homeland Security Committee. It is inexcusable to not allow an up or down vote on many of the amendments that appeared before the Rules Committee, including my amendment increasing the number of Customs inspectors assigned at seaports, the Nadler-Markey amendment advocating 100 percent phase-in screening of cargo, and the Langevin amendment on radiation portal monitoring.

Silencing debate on port security and not allowing Republican and Democrats of this House to consider those amendments on the floor keep all of us from doing our jobs constituents put us here to do.

If those who refuse to allow these amendments to be considered by the House did so because they were afraid that they were not going to pass, then I ask them to think about this: maybe these amendments would have passed because they are sound policy and the types of things that we need to do, serve and protect the American people.

If they were refused because the majority did not want to take hard votes that their constituents might disagree with, I implore those who make these decisions to put America's safety first before politics. We must remember that homeland security is not a Democratic or Republican issue, it is an American issue; and those in this House must treat it as so.

If our ports are attacked, if a cargo container is blown up, those affected will be all stripes, colors and political affiliations. It is about time this House started legislating as such.

Mr. Speaker, let us look at the amendments the Rules majority refused to give an up or down vote on.

First, my amendment authorized $67 million for 400 Customs and Border Patrol inspectors to be assigned at seaports over the next 4 years. With all of the talk of how we need to shore up our ports here and abroad, why not put our money where our mouth is and get enough people to do the job? One of the major deficiencies of our port security is that we do not have enough inspectors at U.S. and foreign seaports.

Second, the rule rejects Mr. LANGEVIN's amendment which increases radiation portal monitors, increases funding by $117 million. What is the majority afraid of? That the American people may discover that this country spends 57 times the amount of money on a missile defense system that does not work?

Finally, this rule does not include the amendment offered by Representatives NADLER, MARKEY and OBERSTAR, requiring 100 percent container scanning phased in over 5 years. Currently, only about 5 percent of that cargo is screened; 95 percent is not. This amendment would have fixed that.

Let's stop playing politics with America's security. Let's have an open exchange of ideas. It is about time that we stopped hiding behind rules that leave America less secure.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule and the substance that we are debating here is very important and one which, to support the balance that we have, the committee heard many of the amendments that had been discussed in subcommittees and in full committee. They were voted down twice as a result of substantive debate and all of the members of the committee being together.

The Rules Committees was aware of that. We took testimony, we heard from people, and we made a decision. Our rule, the one we are putting together, is fair: 10 Democrat amendments, 5 Republican amendments. We feel good about what we are doing. The substance of the bill is strong, the substance of the bill is balanced, and the substance of the bill aims directly at what our national self-interest is as it relates to protecting our ports.

Mr. Speaker, at this time I yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of the rule for H.R. 4954, the SAFE Port Act.

For too long we have been content with minimal upgrades to port security while vigorously bolstering our airports and borders. Do not get me wrong. These areas of security are vital, but so are our ports. As a Member from Florida, I am extremely conscious of the Nation's vulnerability in this area.

□ 1830

Florida has 14 ports, all of which are in desperate need of the grant funding that this bill provides for infrastructure, technology and security upgrades.

The SAFE Port Act pushes us leaps and bounds beyond our current security. We fund port of entry inspection offices, port security programs and port worker-identification systems.

I was especially proud to contribute an amendment in the Homeland Security Committee to move DHS toward advanced technology. I beg to differ with my colleagues on the opposite side of the aisle. This is not a study. As a matter of fact, the amendment requires the Secretary of Homeland Security to aggressively pursue new cargo screening technologies within 1 year. The Secretary must then work with foreign governments within 6 months to deploy such technology.

This amendment, and the underlying bill, does not falsely promise some fantastic pie-in-the-sky technology. Though the ICIS project of 100 percent screening in Hong Kong is promising, it is still too unproven that we would ever consider demanding immediate implementation of it. There are still density problems that exist. Cargo is being screened at some of the terminals, but no one is analyzing this data because of these problems prior to shipment. When the technology is in place, of course we will use it.

Every Member of this body on both sides of the aisle wants to make sure that our screening is adequate, more than adequate, that it is state-of-the-art. And when that technology is here, we certainly will use it.

In the meantime, I do not believe that we should waste taxpayer dollars on pie-in-the-sky promises. Instead, the bill requires DHS to implement realistic technology to increase our overseas cargo screening.

Our constituents require and deserve a secure America, and this bill pushes DHS further than ever to deliver that.

As a member of the Homeland Security Committee, I am committed to never allowing DHS to become complacent. This bill is not the end of port security legislation. Rather, it is a good starting line for us to begin the race, running faster than ever to secure America with realistic technology and real results.

I certainly want to thank Chairman KING as well as Congressman LUNGREN and Congresswoman HARMAN for the opportunity to work with them on this very significant legislation.

I urge all Members to vote in favor of the rule and, of course, the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My colleague, Mr. SESSIONS, my friend, related earlier that in full committee these matters were debated and were voted down. I would remind him that the Nadler amendment passed in the Transportation and Infrastructure Committee on a voice vote and that the Lungren amendment passed in the Homeland Security Committee, an appropriate jurisdiction.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida for his leadership.

In this debate, I have listened to the encouragement and the entreaties to be bipartisan, and let me say that I accept that call. In fact, I believe that we have made a step toward national security, but I am, like my good friend from Florida and a number of other of my colleagues, somewhat frustrated and distraught that, based upon the recent reflection of the former Inspector General of the U.S. Homeland Security Department; I want to remind my colleague that the IG's office is an independent office that is not to be tainted by any partisan politics. They indict in a bipartisan way. They criticize without partisanship. They call a spade a spade. They suggest what can be fixed, and they try to create an atmosphere in which we can improve the conditions in which that department operates.

The Inspector General of the U.S. Homeland Security Department has said that the container security initiative is a complete failure; it does not work. I think the American people need to know that.

So the frustration is that we were bipartisan in the committee, and I know our good friends know that by supporting the gentlewoman from Florida's amendment, but we could not get the Nadler-Markey amendment that a number of us are cosponsors on. I am an original cosponsor of that amendment.

The issue that Mr. MARKEY and Mr. NADLER have raised on a continuous basis, but more importantly, forget about Members who may be described as having some partisanship, if you will, underlying the backdrop, but the Inspector General is saying that we are near the precipice of another horrible incident, and that incident could include a tanker full of weapons of mass destruction or a container full, which is what the Nadler-Markey amendment suggests, 100 percent scrutiny and clearing of the containers coming to our ports.

Let me just conclude by saying, let us see if we can find a way, vote for the motion to recommit, but let me just say that, in addition, I am grateful for an amendment that talks about including the congested neighborhoods near ports in the disaster training, but I am disappointed that an amendment that focuses on providing opportunity for minority, women-owned and small businesses in doing this disaster fix-up was eliminated.

Let us hope we can make a better bill, and let us hope we do that as we move this bill forward.

Mr. Speaker, I rise today to comment on the significant step forward toward national security and safety for our seaports that this bill represents. I am proud of my colleagues who have crafted this bill to be inclusive of many issues that Members of the Committee on Homeland Security and other Members of the Congress have expressed over the last few years, and more intensely over the last few months.

However, I remain distraught and angered by the fact that the rule under which we consider this bill today prevents a true democratic debate to take place, and limits participation in crafting this bill to be relevant both to all stakeholders and all Americans.

There are 15 amendments accepted in order, and I am thankful that one of my amendments has been included in this list, including neighborhoods in at-risk areas surrounding a seaport.

However, this list should not be so exclusive. I find it hard to believe that the other 19 amendments were baseless enough to warrant exclusion from floor consideration.

I find it appalling that among the amendments declined was an amendment to preserve consideration of women- and minority-owned businesses in the Homeland Security grant program and an amendment that removes the restriction on the use of funds received through the Port Security Grant Program to pay for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan. Lastly, I am frustrated by the decision by the Rules committee to not allow debate on an amendment by Mr. MARKEY and Mr. NADLER that requires immediate attention and consideration.

Their amendment requires 100 percent of packages entering our Nation's ports to be scanned. We need to make sure the contents of a package are indeed what the paperwork says they are. While I support the Markey Amendment goal of 100 percent inspection of containers, I think it is also important for us to consider and pursue innovative technology and supplemental data gathering mechanisms to ensure that we are as informed as possible about the packages entering our country.

Nonetheless, this amendment was an opportunity to bring a crucial debate off the TV networks and out of the newspapers and onto the floor of the House of Representatives. I am disappointed that the Rules committee shut down this debate.

I urge my colleagues to vote against this rule which unfairly limits the involvement of fellow Members of Congress in protecting our seaports and preserving our homeland security.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Florida that the majority does not have any additional speakers at this time and that I would welcome any opportunity that he would have to utilize his time up with the knowledge that I then would close as appropriate.

Mr. HASTINGS of Florida. Mr. Speaker, I appreciate my friend for that. Would the Speaker advise how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. HASTINGS) has 8 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the most distinguished gentleman from Massachusetts (Mr. MARKEY), who has advanced this legislation in a meaningful way, whose amendment was not, I repeat, was not allowed.

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

Mr. NADLER, Mr. OBERSTAR and I requested an amendment to be put in order, and the Republicans said no. In the former Soviet Union, there is deadly nuclear weapons material that is still unsecured that al Qaeda could purchase, bring to a port in Europe, in Asia, in Africa, put it on a ship and bring it into the port of the United States and detonate a nuclear weapon without ever having been inspected.

Now, the amendment which we asked the Republicans to put in order was one that required all containers coming into the United States to be screened overseas before they are put on ships to come into American ports so that we can identify which ship has the nuclear weapon.

In the Homeland Security Committee, our amendment lost 18–16. The Republican majority refuses to allow the coastal representatives to vote on this issue.

We should have learned something from the Dubai debacle, the threat to our container ships coming into our ports. Our amendment says no deadly uranium bombs allowed in, no Dubais. The Republican majority says, we are not going to screen any containers coming into the ports of the United States.

It is dangerous. The least that we should be able to say when that nuclear weapon goes off is that we tried.

we really tried to prevent it from happening. The Republicans are not only not trying to stop it from happening; they are stopping us from having a debate on the floor of Congress on this issue.

This is the issue that is at the top of the al Qaeda terrorist target list, to bring a nuclear weapon into the port of an American city. And instead of allowing for this debate to take place, they are saying they cannot figure it out. They are going to study it for three more years. So that will mean we went from 2001 to 2009 studying this issue.

When the Soviet Union threatened the United States in 1961 with Sputnik, President Kennedy did not say, we are going to study it until 1969. He said, we will put a man on the Moon and bring him back to Earth; we will control the heavens, not the Communists.

What the Republicans with the Bush White House say is, they are going to study the issue of the greatest al Qaeda threat to our country, a nuclear bomb in a container in a port in the United States. They are going to study it for all 8 years, 2001 to 2009. President Kennedy said, rocket science, we will master it. The Republicans say, we cannot even figure out how to screen a container; we cannot even figure out how to put a tamper-proof seal on a container.

The price our country will pay will be too high a price. It will be the most horrendous event in the history of our Nation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), my good friend.

Mr. DEFAZIO. I thank the gentleman for the time.

This is "let's pretend" time. Let's pretend this is a fair process when a meaningful amendment that lost only by two votes in committee to screen 100 percent of the containers coming to America is not allowed. Are we afraid of the democratic process here on the floor?

Let's pretend that the unverified paperwork certification of shippers, C-TPAT and CIS, are meaningful and provide real security despite the numerous reports we have about their extraordinary failures, including the most recent one where a C-TPAT, CIS-based company and port provided 15 Chinese in a container delivered to the United States of America. That could have been 15 tactical nuclear weapons in that container instead of people attempting to sneak into the United States.

Here is how it works: you are a foreign company. You want to ship to the U.S. You go online on your computer. You fill out a form online. You immediately get the score of your products and your shipping reduced to the United States of America. It no longer is as much of a threat because you filled out a form online, whoever you might be; you might be Osama bin Laden in a cave, we don't know.

Okay. Well, then we are going to send someone around to certify you are who you said you are and you really have the paperwork plan you told us you have. Unfortunately, we do not have enough people to do that. It will be 1 to 3 years before either a U.S. inspector or a contractor comes by for one day, one time, to make sure you are not a bad guy and you might not ship bad things here.

That is quite a system. That is C-TPAT. It is a faith-based honor system. Here it is: they will send us a manifest. Now a manifest says 100 concrete bird baths, but what if it is 99 concrete bird baths and one tactical nuclear weapon? Well, they are in the C-TPAT program; they would not phony up a manifest. Of course, again, you have 6 months to adjust your manifest after your product arrives in the United States because you know everybody says manifests are not accurate.

We do not know who the people are, and the manifests are not accurate, but that's the security we have today.

The Deputy Secretary of TSA, Mr. Jackson, admits there is a risk. He says, well, they do not want to screen all the containers on the other side of the ocean, even though the technology exists. Despite what the gentlewoman from Florida said, it exists, it works and it does not unduly delay. You can drive by it at 10 miles per hour.

He says the vision of the Bush administration is, they are going to screen ultimately, with technology, 100 percent of the containers before they leave United States ports for the interior of the U.S., but they might contain threats. Now, wait a minute. We are going to put them in our ports, but we think they might have threats, but we will inspect them before they go inland? I guess the ports are sacrifice zones. I guess most of our ports are in blue States. No, Florida was a red State. I am not sure why they want to sacrifice those ports in those States.

This is extraordinary to me that we are not being allowed this one simple amendment, and let us pretend that they are not under unbelievable pressure from Wal-Mart and other shippers of goods to the United States to not do anything meaningful because it will cost a couple of bucks more per container.

☐ 1845

Mr. SESSIONS. Mr. Speaker, I have no further speakers at this point and would encourage the gentleman from Florida, if he would choose to close at this time, to do that.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will amend the rules so the House can vote on important amendments offered by Homeland Security Ranking Member THOMPSON and Representative LANGEVIN to increase security at our Nation's ports. Rules Committee Republicans rejected these amendments when we met last night.

The amendment would add 1,600 new Customs and Border Protection Officers at our Nation's ports. We cannot conduct more container inspections at our ports if we do not have more people. The goal of the Langevin amendment is to make sure that these Customs officials working in our ports are using the best available technology. It authorizes funds to speed up the installation of radiation portal monitors in domestic ports of entry.

Mr. Speaker, I ask unanimous consent to insert the text of these amendments and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, it just seems like common sense to me that if you want to make port facilities safer, you put more Customs officials on the ground and give them better equipment to detect and stop terrorist attacks. Unfortunately, the Rules Committee has decided that the House is not going to debate these ideas, and in my judgment, that is a shame. Members should be aware that a "no" vote will not prevent consideration of the SAFE Port Act, and it will not affect any of the amendments that are in order under this rule. But a "no" vote will allow us to vote for these responsible amendments to increase security at our Nation's ports. I urge my colleagues to vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida for articulating the Democrats' side this afternoon. Mr. Speaker, we understand what they are saying. We get it. As a matter of fact, there have been these debates now for several years, and this House, time and time again, has said that we support a risk-based funding approach. Risk-based.

We have already shown this where Democrats have voted. In the PATRIOT Act reauthorization, 44 Democrats voted for that; first responder authorization, 181 Democrats; Homeland Security appropriations bills, 194 Democrats; and then, on the conference report, 124 Democrats; and then in the 2004 intelligence reform bill, 183 Democrats.

Mr. Speaker, we do not say this bill is perfect. What we try and do is aim the resources, the precious resources combined with the technology and the desire that the United States of America has to support the efforts of protecting this country, not only in our ports, on our borders, in our cities, and in the intelligence that we do. And time in and time out, we have said we are going to be threat-based. Where the threat is, that is where we will put our resources. And a 100 percent check of all the cargo that goes in and out of our ports is simply unrealistic.

What is realistic, that overwhelmingly has been supported by this House, that I believe once again this House will be on record to support, is the thing that works, and that is to not chase our tail but to look at where the threat exists. That is what this committee has done. That is what the Rules Committee has done. I am proud to say that we have a fair and balanced rule. I am proud to say that the underlying legislation that has been supported by these two committees is threat-based, aims directly at a bipartisan approach and, more importantly, is something that will make us a little bit safer now and in our future.

Mr. Speaker, I am proud of what we have done today, and I think this House will support that. I urge all my colleagues to support this rule and the underlying legislation to give the Department of Homeland Security the tools and the direction it needs to keep America's shores free from the threat of terrorists.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

Previous Question for H. Res. 739—Rule on H.R. 4954—The SAFE Port Act

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution the two amendments specified in section 3 shall be in order as though printed after the amendment numbered 15 in the report of the Committee on Rules.

SEC. 3. The amendments referred to in section 2 are as follows:

An amendment offered by Representative Thompson of Mississippi or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled, by the proponent and an opponent.

Amendment to H.R. 4954, as Reported Offered by Mr. Thompson of Mississippi

Page 44, after line 9, insert the following new section:

SEC. 127. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS AT UNITED STATES SEAPORTS.

(a) IN GENERAL.—For the period beginning on the date of the enactment of this Act and ending September 30, 2010, the Secretary of Homeland Security shall hire approximately 1,600 additional Customs and border Protection officers for assignment at United States seaports.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $67,617,200 for each of the fiscal years 2007 through 2010 to carry out this section.

An amendment offered by Representative Langevin of Rhode Island or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

Amendment to H.R. 4954, as Reported Offered by Mr. Langevin of Rhode Island

Page 103, after line 11, insert the following new paragraphs:

"(4) ADDITIONAL REQUIREMENTS.—The Director shall make the following determinations in developing and executing the acquisition strategy under this subsection:

"(A) A determination of the ports of entry at which the detection systems will be deployed using a risk analysis of all United States ports of entry.

"(B) A determination of the types of detection systems to be deployed at the ports of entry determined under subparagraph (A), including—

"(i) radiation portal monitors;

"(ii) advanced spectroscopic radiation portal monitors;

"(iii) mobile radiation detection systems; and

"(iv) human portable radiation detection systems.

"(C) A determination of the cost of the detection systems described in subparagraph (B) and a timeline for the deployment of such systems.

"(D) A determination of the cost to implement the strategy.

"(5) REPORT.—Not later than 90 days after the date of the enactment of the Security and Accountability For Every Port Act, the Director shall submit to the appropriate congressional committees a report that contains the acquisition strategy developed pursuant to this subsection.".

Page 111, line 25, strike "$536,000,000" and insert "$653,000,000".

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SMITH of Texas. Mr. Speaker, I support this rule and the underlying legislation.

We all know that port security has been news across the United States in recent weeks, and it should be.

The U.S. ports are on the front lines of homeland security. My home state of Texas has several major seaports, including Galveston, Brownsville and Houston, that offer potential routes for dangerous cargo and terrorist weapons.

This bill, the SAFE Ports Act of 2005, will help ensure that Americans feel confident that the U.S. Government is protecting them from yet another threat.

It does so by imposing security requirements on overseas shippers and ports where cargo starts its journey to the United States, on cargo transportation while enroute to the United States, and at the ports within the United States—the last staging area before cargo makes its way into the country.

Also, this bill requires the Department of Homeland Security Secretary to employ standards for sealing all containers entering the Unites States within two years of enactment. It also requires the Secretary to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007.

These are good ways to ensure port security, and there are many more included in the bill.

I thank Chairman KING of Iowa, Chairman DANIEL E. LUNGREN of California, and ranking member HARMAN for their work on much-needed legislation, and urge my colleagues to support the Rule.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4881

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill H.R. 4881.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. LARSON of Connecticut. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Larson of Connecticut moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4297 be instructed—

(1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and

(2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Connecticut (Mr. LARSON) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today on behalf of my Democratic colleagues to offer a motion to instruct the House conferees on the tax cut reconciliation conference committee.

This motion has two simple yet important provisions. First, it closes over $5 billion in unneeded tax loopholes and subsidies for oil companies. It eliminates the "last in/first out," LIFO, accounting method for oil companies, which amounts to $4.3 billion over the next 10 years. It prohibits oil companies from writing off costs associated with oil and gas exploration, which is about $292 million over the next 10 years. It limits the foreign tax credit that companies receive for the taxes they pay to oil-producing countries.

This rollback amounts to, for oil companies, a mere $540 million a year and $135 million each quarter.

To put this in appropriate perspective, this represents approximately 1.6 percent of Exxon's first-quarter profits in 2006 alone. Second, it ends the extension of lower capital gains and dividends tax rates.

We offered this motion last week. The distinguished gentleman from Washington State put forward the amendment in the motion because of the way that Americans are being hit this time both at the gas pump and again because we hoped that the other side would join us in this effort. Unfortunately, only nine Republicans voted for the motion, and it failed 190–232.

We offer this again because the American people simply cannot understand why their government would hand billions in tax breaks and subsidies to an oil industry that by all measures is enjoying an unprecedented level of success. In fact, last week, President Bush discussed his plan to address the rising price of gas and oil.

During his remarks the President stated, "Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies do not need unnecessary tax breaks. I am looking forward to Congress to take about $2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up, taxpayers do not need to be paying for certain of these expenses on behalf of energy companies."

Now, if the President of the United States can call for this, it just seems logical to those of us on this side of the aisle that Congress ought to be able to join with the other body. This body ought to embrace what the Senate has already done and concluded, and be in harmony with the Senate and the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you know, talking about helping our companies, the energy bill that my opponent referred to was equally divided among oil, among chemical, among hydrogen, among all those renewable-type fuels so that we could bring this Nation into self-sufficiency. Today's Democrat motion to instruct conferees is just as bad as it was last week when it failed by a vote of 190–232.

Yes, gas prices are high, and I can't name anyone I know who is happy about having to pay $3 a gallon for fuel. But this motion is the wrong policy on any number of fronts. It is bad energy policy. It is bad economic policy, and it is bad tax policy.

The Democrats just do not want to understand the law of supply and demand. When supply is low and demand continues to rise, the price goes up. We are seeing continuing demand for gasoline both here in the United States and around the world. The demand for gasoline is growing leaps and bounds in developing economies such as China and India. We are not the only consumers of gasoline in the world, and we are sure not the ones in charge of supply. In the world, crude markets, the price of oil is bumping along at record prices. The worldwide demand for oil is chasing up the price of the basic commodity. This basic law of supply and demand is something that the Democrats think Congress can repeal, but they are sadly mistaken. This motion to instruct conferees is a reflection of this mistake.

The law of supply and demand for gas also has another component that my friends just want to complain about; that is on the supply of refined oil in the form of gasoline. They talk out of both sides of their mouth on the issue of price because they have refused to allow new refineries to be built since 1976. There are 148 refineries in America today, down from 324 in 1981. And last year, during the hurricane season, we saw that refining capacity damaged. This creates a choke point in supply regardless of the rising cost of crude. The ability to refine oil is itself a problem and a demand problem. We have a problem with refineries running close to capacity and some of them shut down due to damage and basic maintenance.

□ 1900

At this point in the year, refineries also have to start blending niche fuels due to clean air requirements.

I support clean air. We all do. We like to breathe clean air. My grandchildren like to breathe clean air. But the blending of special fuels for 17 particular markets hampers the ability of refineries to keep running at capacity as they switch from one fuel to another.

The pipelines that move fuel to terminals, the trucks that run from terminals to stations are not carrying generic fuel. They have to move boutique fuels. All of that adds costs and, more importantly, causes disruptions in supply so we end up seeing some gas stations without any fuel at all.

Yet our Democrat friends just want to complain about some big conspiracy and own up to no responsibility for creating these supply problems that then drive the price to $3 a gallon. It is easier to send out press releases that claim they are attacking Big Oil than it is to take a semester of Economics 101.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly think that the President of the United States understands the laws of supply and demand and has prevailed upon this Congress to take action with regard to this.

More importantly, back in my hometown, John Mitchell, the former Republican mayor of South Windsor, Connecticut, and past president of the Independent Connecticut Petroleum Dealers, says there is no correlation between what is going on in this country between the laws of supply and demand and what is happening with home heating oil and what is happening at our gas pumps. He says the only thing that is happening here is a matter of fear, speculation and greed.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DeLauro), someone who understands that and someone who has represented the State of Connecticut with distinction.

Ms. DeLAURO. Mr. Speaker, might I say to my colleague on the other side of the aisle on the issue of refineries, ExxonMobil has said that they will not build refineries, that it was not part of their business plan.

The issue of switching from MTBE to ethanol was something that was known a year and a half ago or more, and the decision, they knew it, they could prepare for it, they wanted it to happen, and they did not make the preparations to make that switch-over.

Mr. Speaker, as Americans struggle with $73 barrels of oil and gas prices that could reach $4 a gallon in the coming months, we have heard every excuse in the world for why these prices have skyrocketed.

We have been told that refineries are being victimized by overbearing environmental regulations and that Americans simply do not understand the laws of economics and that the market is simply responding to high demand.

Well, it does not take an economist to recognize that the oil companies are making out like bandits. In 2005 alone, ExxonMobil, the Nation's largest oil company, earned more than $36 billion in profits, profits that were 31 percent higher than the year before. Not far behind is Shell, with $22.9 billion of profit; BP, with $19.3 billion of profits; and Chevron, which took in $14.1 billion.

So what is this Republican majority proposing? To usher through more tax cuts for oil companies in their next round of corporate tax giveaways. This only hours after this House finally relented and voted to give the FTC the authority to investigate price gouging, something Democrats have been calling for for the last 8 months.

Why on earth we would be offering still more tax cuts to an industry that is enjoying record profits is beyond me.

Even the President has acknowledged that we should be paring these gifts to industry back. It is interesting to note that he did not know in the energy bill that he signed that they had $9 billion in the energy bill that he signed; and, in fact, his administration gave a $7 billion windfall to the oil companies by waiving their royalty payments to the Federal Government.

This majority is not doing what it should be doing in this bill. What they are providing is more tax cuts.

With the Larson motion, which would prohibit oil companies from using an accounting gimmick to reduce their tax obligations, we have an opportunity to say enough. No more financing $400 million executive retirement packages with taxpayers' dollars. With soaring budget deficits, war and a host of needs here at home, we have better things to do with the taxpayer money than to line the pockets of this majority's political friends and an industry reaping historic profits from American families. Let us get that process started by passing the Larson motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wonder how many people in this country have stocks in gas companies, ExxonMobil, for example. You are making a profit, too. Stop and think about it.

Ms. DeLAURO. If the gentleman would yield, I have no stock in oil and gas companies.

Mr. SAM JOHNSON of Texas. Well, I didn't understand her.

You claim you want to tax away the profits of oil companies, and yet they do not even come here with their tired old windfalls profit tax because they know it is a bogus policy that doesn't pass the laugh test. Instead, they come here convoluting tax items that sound intriguing in a 15-second sound bite.

The first of the items is to switch the way that oil companies account for their inventory. They claim to pick up on a Senate idea to move away from long-standing accounting rules for inventory. Well, what this motion would propose to do is go back in time to the 1930s to theoretical inventories still held by oil companies. We know darn well there is no oil inventories held by oil companies since the 1930s, yet the Democrats here propose that we go back that far to tax theoretical inventory, propose a one-time retroactive tax back to the 1930s.

Such a proposal is scary even for my friends on the other side of the aisle. They did not use some economic policy that was developed by a PhD. No, they simply decided how many billions of dollars they wanted to raise in taxes on oil companies, and with some simple division it came out to $18.75 for each layer of theoretical inventory for every oil company back to the 1930s.

This provision has no real policy behind it. It simply is a big ATM withdrawal from oil companies to punish them for following the laws of supply and demand. They couldn't pass the laugh test on the windfall profits tax, so instead they came up with a tax that is retroactive to the 1930s. We have to defeat this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to my distinguished colleague and good friend and learned man who everyone respects in this Chamber, it is the Republican-controlled Senate that passed these initiatives. It is the Republican President that has called for these rollbacks.

I said last week that the administration's policy seems to be "leave no oilman behind." Or as Thomas Freeman has pointed out in the New York Times, from an international perspective, it seems like the policy is "leave no mullah behind" because of what we end up exporting abroad and how that money in turn is used against us.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. McDermott), who articulated this position last week.

Mr. McDERMOTT. Mr. Speaker, I sometimes wonder when I am out here on the floor whether anybody ever listens to anybody.

The distinguished gentleman from Texas who opposes this motion acts like some kind of wild-eyed liberal. Left-wing bunch of environmentalists come up with this idea all by themselves. This came out of the Senate, I would tell my distinguished colleague. This came out of the Republican Senate. This is an idea that sprang from conservative Republican minds who understand that there is some reason to think that the oil companies have enough.

Now, as Yogi Berra used to say, "It's deja vu all over again." We are running the same script tonight as we ran about a week ago.

A week ago, the Republicans voted down my motion to stop the oil companies from legally cooking their books to avoid paying their fair share of Federal taxes. My distinguished colleague from Connecticut comes tonight with his motion.

The price tag for the oil industry is $5 billion, not by raising taxes, just by closing loopholes. But they would rather keep the money, inflate their profits and earn more money for buying bonds to finance our Federal deficit and charge the American people more at the pumps.

Now, for Big Oil, too much is not enough. That is all fine and good with this Republican leadership in the House, but it is not right with many of my Republican colleagues who know it. In fact, last week a handful of them were brave enough to vote with the Democrats and voted in favor of this motion. Now here we are, and we are going to give you a second chance.

Do we pave a road with gold for Big Oil? Do we allow them to continue to cook their books, to keep $5 billion that rightfully belongs to the American people? Even the Senate Republicans cannot buy that. My goodness, guys, come on. Even the Senate Republicans.

But, of course, the House Republicans are different. Your gas tank is empty. Your wallet may be empty. Your credit card debt may be rising with gas prices, but the party of 1 percent, which is really what the Republican Party is, does not care. Because Big Oil is part of the 1 percent of America that the House Republicans reward. They are going to pay for it by taking it out of the hides of 99 percent of the rest of America, the middle class.

I join gladly with my esteemed colleague from Connecticut to ask the House Republicans to act on the Senate Republican proposal which we support. They offered to buy you a tank of gas. That is what the leader in the other body said: we are going to give you a $100 rebate. Even industry turned that down. What good is it giving people two tanks of gas? That is simply not enough.

The American people deserve more than a Republican handout. They deserve a prescription to end America's addiction to oil. And in the weeks since the Republicans first voted down this motion, the price of gasoline has risen again.

You cannot seem to get the message. There is no surprise here. Net income of oil companies has nearly tripled since 2002, and the margins for oil refining have risen 700 percent. The answer to date from this administration and House Republicans is to give them all they want, and they want it all.

The American people are becoming a wholly owned subsidiary of Big Oil, and the House Republicans are going along for the ride. But with the enthusiastic report of the President, House Republicans are showing what their energy strategy really looks like. It is not about extracting oil. It is about extracting every dime from the American people for the oil companies. They are drilling in your wallet, and a gusher of consumer debt is paving a road of gold for Big Oil. That is the solution for our energy price for the party of 1 percent: supersize the price of a gallon of gasoline and let Big Oil get fat on the profits.

Their idea of energy independence is to dig deeper into your wallet. Democrats believe it is time to govern for the 99 percent of Americans that the Republicans have simply forgotten. It is time to stop Big Oil from cooking its books and frying the American people in the process. It is time we supersize renewable resources like wind and solar. It is time energy independence became a national policy, not a national advertising campaign by Big Oil paid for by the American people.

We can start now. We can pass this motion to instruct. We need to restore rational fiscal policy. The $5 billion would give us some money to do some of that and not endorse reckless financial tax holidays for Big Oil.

When Republicans talk about shared sacrifice, they have to prove they mean more than offering up the American people on the altar of corporate greed.

I urge all my colleagues to support the Larson motion. Just because the Democrats have the right policy on this issue does not mean the Republicans have to vote against it. You can vote with us once in a while. You will not die, nothing terrible will happen to you, and the American people will win. I urge adoption of this motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Last week, my colleague from Washington State submitted for the RECORD an article describing a draft economist paper that claims to find no positive effects from the 2003 dividend and capital gains tax cut. There is solid evidence to the contrary.

I would like to submit a column from Business Week magazine written by Robert Barro, an economist at Harvard University and nominee for the Nobel Prize in Economics. He sums up a paper published in the Quarterly Journal of Economics by saying the 2003 tax cuts enhanced incentives for work effort, saving and investment. The paper shows that tax policy can have substantial and rapid effects on economic behavior.

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I submit for the RECORD a list of seven academic papers that offer support that a dividend tax cut of 2003 had a positive effect on capital markets and the economy. These papers were written by a diverse group of prominent academic economists from such institutions as the University of California at Berkeley, the University of Michigan, the University of Illinois and the Federal Reserve Board, and they directly contradict the papers submitted by my colleagues across the aisle, that the dividend tax cut had no effect. In fact, according to the IRS, dividend income by taxpayers went up 22 percent in the year after the tax cut, and qualified dividend income went up 30 percent.

[From Business Week, Jan. 24, 2005]

HOW TAX REFORM DRIVES GROWTH AND INVESTMENT

(By Robert J. Barro)

Not since 1986, during President Ronald Reagan's second term, has the atmosphere in Washington been so promising for basic income-tax reform. Proposals are likely to include making permanent the tax changes of 2001 and 2003, flattening the tax-rate structure, and moving toward taxing consumption rather than income. The 2003 law gave a taste of what is to come by advancing the effective date for the 2001 marginal tax-rate cuts and by reducing rates on dividends and capital gains. The 2003 tax cuts enhanced incentives for work effort, saving, and investment. So I think it is no accident that the U.S. has enjoyed rapid growth rates in gross domestic product, investment, and productivity since early 2003. Employment also grew, albeit with a lag.

Because the sharp cut in dividend taxation was a centerpiece of the 2003 law, it is particularly interesting to see how companies' dividend policies changed. The anecdotal evidence suggests a strong positive response, highlighted by Microsoft Corp.'s initiation of a regular dividend in 2003. Other large companies that started regular dividends in 2003–04 include Analog Devices, Best Buy, Clear Channel Communications, Costco, Guidant, Qualcomm, and Viacom.

A broader picture comes from the recent National Bureau of Economic Research working paper, "Dividend Taxes and Corporate Behavior: Evidence from the 2003 Dividend Tax Cut," by Raj Chetty and Emmanuel Saez, economics professors at the University of California at Berkeley. The Chetty-Saez study analyzes dividends paid by the universe of publicly listed corporations from the first quarter 1982 through the second quarter 2004. The sample, designed for statistical reasons to include the same number of companies in each period, comprises roughly the 4,000 largest companies by market capitalization in each quarter.

The study documents a surge in initiations of dividends after the dividend tax cut was proposed in January, 2003, and enacted in May, 2003. The percentage of companies in the sample that paid dividends increased from 20% in fourth quarter 2002 to 25% in second quarter 2004. This increased propensity to pay dividends reversed a long-term decline.

The 2003 reform was also followed by increases in payouts by dividend-paying companies. In the Chetty-Saez sample, the number of companies that raised regular dividends by at least 20% rose from 19 per quarter in the period before the tax reform was implemented to 50 in the post-reform period. Another response was a surge in special, one-time dividends. This number rose from 7 per quarter pre-reform to 18 post-reform. The most celebrated special dividend was Microsoft's payout of $32 billion, announced in July, 2004.

The post-reform increases in dividends—new dividends, larger dividends, and special dividends—still apply when Chetty and Saez control for profits, assets, market capitalization, and cash holdings. In other words, the tax reform made companies more likely to pay a dividend and to pay a larger dividend.

In addition, dividend initiations did not increase among companies for which the largest institutional investor was a pension fund or other entity not affected by the tax change. Neither did dividend initiations rise for Canadian companies, which are not affected by U.S. tax changes.

The study also revealed the relationship between the concentration of company ownership and the propensity to pay dividends. After the reforms, dividend initiations were more likely if share ownership was heavily concentrated among executives or taxable institutions. The desire of these players to have larger dividends when the tax rate falls is particularly likely to be translated into corporate dividend policy.

There's also evidence that the tax cut particularly heightened the propensity to pay dividends among companies with low forecasted earnings growth. So tax reform may have efficiently taken cash out of companies with below-average prospective returns on investment.

The dividend study shows that tax policy can have substantial and rapid effects on economic behavior. The data highlight the importance of the current deliberations on tax reform. The Bush Administration should seize the moment and deliver a tax system that promotes economic growth.

The following seven academic papers offer evidence of the positive impact of the 2003 tax relief:

Hassett (AEI), Auberbach (UC Berkeley), The 2003 Tax Cut and the Value of the Firm: An Event Study, NBER Working Paper No. 11449, July 2005, http://elsa.berkeley.edu/users/auerbach/03divtax.pdf.

Chetty (UC Berkeley), Rosenberg (UC Berkeley), Saez (UC Berkeley), The Effects of Taxes on Market Responses to Dividend Announcements and Payments: What Can We Learn From the 2003 Dividend Tax Cut?, NBER Working Paper No. 11452, July 2005, http://papers.nber.org/papers/w11452.pdf.

Chetty (UC Berkeley), Saez (UC Berkeley), Dividend Taxes and Corporate Behavior: Evidence from the 2003 Dividend Tax Cut, Quarterly Journal of Economics, Vol. 120 issue 3, August 2005, http://elsa.berkeley.edu/~saez/chetty-saezOJE05dividends.pdf.

Chetty (UC Berkeley), Saez (UC Berkeley), The Effect of the 2003 Dividend Tax Cut on Corporate Behavior: Interpreting the Evidence, American Economic Review (forthcoming), Papers and Proceedings, Vol 92, issue 2, January 2006, http://elsa.berkelev.edu/~saez/chetty-saezAEA06.pdf.

Brown (University of Illinois at Urbana-Champaign), Liang (Federal Reserve Board), Weisbenner (University of Illinois at Urbana-Champaign), Executive Financial Incentives and Payout Policy: Firm Responses to the 2003 Dividend Tax Cut, Presented at 2006 Boston American Finance Association meeting, http://papers.nber.org/papers/w11002.pdf.

Richard Kopcke (Federal Reserve Bank of Boston), The Taxation of Equity, Dividends, and Stock Prices, Federal Reserve Bank of Boston Public Policy Discussion Paper No. 05–1, January 2005 http://www.bos.frb.org/economic/ppdp/2005/ppdp051.pdf.

House (University of Michigan) and Shapiro (University of Michigan), Phased in Tax Cuts and Economic Activity, NBER Working Paper No. 10415, April 2004, http://papers.nber.org/papers/w10415.pdf.

Selected quotations from outside, independent academic papers offering evidence of the positive impact of the 2003 tax relief:

"The immediate tax rate cuts under the 2003 law provided incentives for production and investment to rise substantially . . . These incentives likely contributed to the stronger economic performance in late 2003."—Christopher House, Matthew Shapiro, "Phased-In Tax Cuts and Economic Activity," NBER Working Paper 10415.

"We find strong evidence that the 2003 change in the dividend tax law had a significant impact on equity markets."—Alan Auerbach (DC Berkeley) and Kevin Hassett (AEI), "The Dividend Tax Cut and the Value of the Firm: An Event Study," NBER Working paper 11449, July 2005.

"An unusually large number of firms initiated or increased regular dividend payments in the year after the (2003 tax) reform. As a result, the number of firms paying dividends began to increase in 2003 after a continuous decline for more than two decades."—Raj Chetty and Emmanuel Saez (UC Berkeley), "Dividend Taxes and Corporate Behavior, Evidence for the 2003 Dividend Tax Cut," Quarterly Journal of Economics, August 2005.

"Fiscal policy along with monetary policy was an important factor in helping to restart the economic engine in this latest episode."—Federal Reserve Chairman Ben Bernanke, Testimony before the Joint Economic Committee, April 27, 2006.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN), whose State leads this Nation in ethanol production and certainly understands the importance of the need for energy and the need for us to roll back these costs.

Mr. CARNAHAN. Mr. Speaker, Republican policies continue in this Congress to favor the wealthy over middle-income Americans and without regard to the budget deficit that is expected this year to reach $370 billion.

In the Senate late last year, they had the good sense, common sense to block extension of special tax cuts. The argument was that they should not be extending these cuts to benefit the wealthy while our lawmakers were advancing a broad budget-cutting bill that mainly targeted programs for the poor such as Medicaid and welfare.

Our ranking Democrat on the Senate Budget Committee said, "You talk about completely detached from reality. That's this place."

Well, Mr. Speaker, on Tuesday, the AP reported that the average cost of unleaded gasoline was $2.92, up 35 cents from a month ago. Moreover, U.S. drivers are now paying about 14 percent more to fill their tanks than a year ago.

The energy bill passed by this Congress last year was a multibillion dollar giveaway to big oil companies. It picked the pockets of the American people and helped line the pockets of Big Oil. Those taxpayer funded special breaks for Big Oil could have much better been used for funding alternative fuels and getting us weaned off our dependence on foreign fossil fuels.

Despite the failure of this policy, the Republican tax bill gives even more to the big oil companies. It is time we stopped subsidizing the big oil companies who have made not just record profits but the biggest profits in the history of the world. This is why I rise in strong support of the motion to instruct, and I commend my colleague, Mr. LARSON from Connecticut, for offering it.

This motion would make three very important changes to close tax loopholes that are lining the pockets of Big Oil. First, it would eliminate accounting gimmicks that allow Big Oil to artificially inflate costs and reduce profits, thus reducing their tax liability, and continue on this course of record profits at the American public's expense.

Second, it would close the loophole that gives oil companies a tax break for taxes they pay for doing business in foreign countries.

And finally, the motion also eliminates the tax break for accelerating depreciation for oil companies that was given to them in the energy bill.

The Larson motion would eliminate a 2-year amortization treatment for certain expenditures, treatment that is wholly inconsistent with the way this type of expenditure would be treated by other businesses. It is not fair to other American businesses, Mr. Speaker. Even the Bush administration has acknowledged this is excessive.

It is time we end the Republican policy of giveaways to Big Oil, and I urge my colleagues to support the Larson motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Michigan (Mr. STUPAK), who has put forward legislation of his own and is here to speak and address this issue as he so often does and articulates it with such conscience and with such articulation.

Mr. STUPAK. Mr. Speaker, I rise in strong support of the Larson motion to instruct conferees on H.R. 4297. The motion to instruct conferees is to adapt the three Senate provisions affecting large integrated oil companies and would raise over $5 billion in additional revenue over 10 years.

Basically, what the Larson motion is doing is saying the same thing the President has said, once oil gets over $40 a barrel. Right now it is at $73 a barrel; why do we have to continue to give oil companies, big gas companies more tax breaks?

Look at these record profits. 2005: this is just ExxonMobil. It was like $36 billion, the most ever by a U.S. company. The whole industry in the last year was over $110 billion. But yet the policy of this country is, give them more tax breaks.

We have Mr. HIGGINS from New York who has the bill to say, take away the tax breaks. Take away those subsidies. If you are making this kind of money, why do you have to gouge us again? It is bad enough you gouge us at the pump. Now you are going to gouge us on April 15 and every day we pay taxes, and you are not paying any, with those record profits.

Or take Mr. MARKEY's legislation. You know, when they drill for oil and gas on Federal lands, you are supposed to pay a royalty. But they get suspended. They can't even pay a reasonable royalty to the American people for drilling on the lands you properly own. Why can't we have the Markey bill before this House? Why can't we have the Higgins bill before this House? Because we will cut into these record profits, that is why. Because the American people are with the Democrats on the issue in support of the Larson motion to take away these tax subsidies for the richest companies in the world.

Or how about the bill that we have been talking about for the last couple of weeks now, which is the PUMP Act that we have introduced, which is, prevent unfair manipulating of prices. Look, these old futures, as these prices go up, how do they get up there? How did we go from $40 a barrel to $73 or $75 a barrel? Through speculation, through greed and through fear.

So we start speculating on the price of oil, add a little fear, like we have lately. That is called Iran because they might suspend oil supplies, so that is going to have to bring it up, and then we can get more profit out of it.

Underneath the PUMP Act, what we are saying is, and currently, under current situation, only 25 percent of the oil futures are traded under NYNEX, the New York Mercantile Exchange. That means 75 percent are traded off-market. OTC they call them, over-the-counter.

All the experts tell us if we would only regulate the trading of oil futures through the Commodity Future Trade Commission, we could cut the price of a barrel of oil by $20. That would be one-third off at the pump. That would be like 90 cents off a gallon of gas if we could just regulate it.

If it is good enough for 25 percent of the oil traders to be regulated under the Commodities Future Trade Commission, why can't we do all of them? Just a fair question.

That is our legislation. Democrats came up with that one. Again, we can't bring it to the floor. Look, price gouging, that is what we have been getting right here. And here today we passed the so-called price gouging bill, the Wilson bill. I even voted for it, as weak a bill it was on price gouging. And it is at least a start. The Republicans acknowledge that there is gouging going on, so at least they brought a bill today; that was a start. But we want to improve it.

Why do we have to improve the Wilson price gouging bill that was passed by the House today? Just take a look at it. If you are going to start getting at the cost of energy, you have to start from the ground all the way to the gas pump. We know that, during September 2004 to September 2005, the cost of refining a gallon of gasoline went up 255 percent. That is price gouging. Of course, the Wilson legislation doesn't take that into consideration.

The Wilson legislation, the so-called price gouging legislation, doesn't consider natural gas, doesn't consider propane.

See what happens here with the Republican Party and the special interests: only special interests are given freeness. We don't tax oil companies. We don't tax gas companies. We don't include all types of energy in price gouging, even if it does go up 255 percent in 1 year. That is not price gouging. Let's give them a break.

Look, people are tired of being gouged at the pump or when they heat their homes. I have been for 8 months trying to bring up a reasonable piece of legislation on price gouging. It takes in all forms of energy from the ground to the pump.

We had the PUMP legislation, which will actually cut $20 off a barrel of oil. Why can't we do that? Why can't we take away the tax subsidies? Why can't they pay a royalty when they drill on Federal lands? Why are we protecting these record profits that you see right here? I think the American people know.

So I have been on this for the last 8 months. I am on the Energy and Commerce Committee. I have written to the chairman to have a hearing on my bill, because this winter, the Escanaba Senior Center got their bill. $7,000; next month it was over $13,000. Their energy assistance, LIHEAP, Low-Income Heating Energy Assistance Program, only gives $6,000 a year. They used it all up in 1 month.

And after they get done gouging us at the gas pump, they will be gouging us this winter as we heat our homes. Therefore, let's use common sense. Let's give something back to the American people who are being gouged at the pump, at the thermostat and every day by these oil and gas companies.

Pass the Larson motion. It is the least we can do to try to bring some sanity back to this industry which is totally out of control and being protected by the Republican majority.

Mr. SAM JOHNSON of Texas. Mr. Speaker, can I ask the gentleman, how many more speakers do you have?

Mr. LARSON of Connecticut. I don't believe we have any more speakers. I believe I have the right to close. I will reserve that right, and the gentleman can proceed.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

You can talk about price gouging all day, but it costs money to get oil out of the ground and get it delivered, and we have an excellent delivery system. And that oil doesn't come from just this country, because some of my friends over there have blocked us from drilling for oil or gas in the major parts of our country.

I think that another provision that our Democrat friends propose in their effort to repeal the law of supply and demand by reducing foreign tax credits, they are proposing to increase the capital cost of American oil companies when drilling in other countries. And they think this will somehow reduce the cost of oil.

Well, if you are scratching your head and wondering how increasing capital costs will then somehow be able to reduce the cost of a final product, join me in voting against this motion. This motion simply doesn't make sense.

The Democrat proposal to take away foreign tax credits when American oil companies are drilling in far off places like Africa, South America or Central Europe, the last time I looked, that is where a lot of oil is. Yet the part of the Democrat motion on the foreign tax credit does increase the cost of drilling in those countries.

Perhaps our Democrat friends would rather have China National Offshore Oil Company or Venezuelan companies winning these drilling contracts rather than American companies. I can assure you that the president of China National Offshore Oil Company and Hugo Chavez in Venezuela really don't care about the cost of a gallon of gasoline in suburban America.

To handicap American oil companies when drilling offshore would be to disadvantage American oil companies in these global drilling contracts and will ultimately harm Americans at the pump.

Again, Mr. Speaker, our friends on the other side of the aisle are aiming to repeal the law of supply and demand. Just like they can't repeal the laws of physics and have pigs fly, they can't repeal the law of supply and demand in the oil market. We should defeat this motion to instruct conferees.

Mr. Speaker, I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

And to my distinguished colleague from Texas, apparently, pigs have taken flight in the United States Senate because the Republican-controlled Senate has sponsored this very straightforward legislation that calls for these rollbacks.

And no one less than the President of the United States, and I will reiterate again, said "record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks."

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"I am looking forward to Congress to take about $2 billion of these tax breaks out of the budget over the next

10-year period. Cash flows are up. Taxpayers do not need to be paying for certain of these expenses on behalf of energy companies," the President of the United States.

But, you know, the real test here, I like to call it the Augie & Ray's test. Augie & Ray's is a little diner in my hometown of East Hartford. I go there frequently, and I have an opportunity to meet with people that are baffled by what is going on here in the United States Congress but surely astounded by the greed that exists in corporate America, especially as it relates to energy prices.

These are people, regular people, in the Northeast who have seen their moneys cut for low energy assistance to heat their homes. These are people that are paying huge prices at the gas pump that is chewing up all of the profits that a small businessman makes, and they are wondering aloud what the United States Congress is going to do about it. So the President of the United States, a Republican, and the Republican-controlled Senate call for this rollback that is modest at best; and yet our colleagues on the other side of the aisle persist in saying, oh, no, this is much-needed relief for oil companies that receive tax cuts on top of record-breaking profits, while we cut assistance to the poor.

People that have to make a decision between the food that they eat, heating and cooling their homes, and the prescription drugs that their doctors tell them to take want relief from their government. We have already made them refugees from their own health care system by sending them to Canada to get the kind of prices on their prescription drugs that they can afford, and now we are squeezing the middle class throughout the Northeast and senior citizens who have nowhere else to turn.

This is a modest, modest proposal that Mr. McDERMOTT submitted last week and I submit this week, that the Republican-controlled Senate has already passed.

We implore you to embrace this straightforward rollback in a time when oil companies and their executives have made unprecedented profits so that we can provide basic relief to American citizens. I implore my colleagues to vote for this motion.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the motion by Representative LARSON that calls for rolling back $5.4 billion in unjustified tax subsidies and loopholes for the oil industry. The Senate has voted to close these loopholes, and the House should do the same. We are here to represent the interests of American consumers, not the interests of the oil companies.

The average U.S. price for self-serve regular gas is $2.91 a gallon, or nearly 70 cents higher than it was at this time last year. This is the average cost. In many areas, the price of a gallon of gas is much higher. Some of this is due to higher oil prices and strong demand for petroleum, but some of the price hikes we are seeing simply cannot be explained away by supply and demand.

At the same time that consumers are facing pain at the pump, the oil companies are raking in record profits. Last week, the world's largest oil company, Exxon Mobil Corp., announced first-quarter profits of $8.4 billion, up 7 percent from a year ago. This gave Exxon the fifth-highest quarterly profits ever recorded by a publicly-traded company. Marathon Oil's profits more than doubled in the first quarter to $784 million. ConocoPhillips, the Nation's third-largest oil and gas producer, reported last week that its first quarter profit rose 13 percent. All told, the country's three largest U.S. petroleum companies posted combined first-quarter income of almost $16 billion, an increase of 17 percent from the year before.

Further, Exxon Mobil recently was able to give its former CEO one of the most generous retirement packages in history: nearly $400 million, including pension, stock options and other perks. The people I represent simply do not understand how the energy companies can keep posting sky-high profits, award $400 million golden parachutes to their executives, and keep raising the price of gasoline.

The very least Congress can do is to close some of the unjustified loopholes in the tax code that unfairly benefit big oil companies. Americans are watching what we are doing here. I am sure they noticed a plan floated by Senate Republicans last Friday to give consumers a $100 rebate check, paid for by a tax change on oil company inventory accounting. For most people, that would come out to about two or three tanks of gas. Consumers want us to fix the problem, not buy them off with a $100 check. But what's interesting here is how the proponents of the rebate plan quickly shelved their proposal just a few days later after oil companies waged an intense lobbying effort to block the closure of the inventory accounting loophole. This speaks volumes about who the Republican leaders of Congress listen to.

The motion before the House would roll back $5.4 billion over 10 years in tax subsidies and loopholes for the oil industry. That comes out to about $135 million a quarter, which comes out to be about 1.6 percent of Exxon's first-quarter earnings in 2006.

So there is a clear choice before the House today. We can stand with consumers who are struggling with these sky-high gas prices, or we can stand with the oil companies that are posting some of the highest profits in the history of the world.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LARSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(1) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(2) the managers on the part of the House shall insist that the definition of "covered employee" for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a "covered employee" within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(3) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker and Members of the House, my motion to instruct conferees on the pension conference that is now going on between the House and Senate is very simple. It says that any pension restrictions we impose on the Nation's hardest-working employees and retirees must also be applied to the Nation's CEOs and corporate executives. It says no more preferential treatment, legal loopholes, manipulation, or special exemptions for executives with the pensions of the various companies of this country.

Today, the Enron criminal trials are reminding us of how Ken Lay and his merry gang ran Enron into the ground through a vast criminal conspiracy of greed and arrogance, all at the expense of consumers, the investors, and tens of thousands of employees who lost billions of irreplaceable life savings.

Ken Lay and his cronies plundered the company by putting themselves above the law, beyond the rules, and shamelessly exploited legal loopholes that allowed them to walk away with tens of millions in golden parachutes and perks, while their employees were kept in the dark about the sinking ship of Enron. In fact, they were even advised by Mr. Lay to continue buying the stock while he and his family were selling the stock privately without telling the public or the employees.

During the pension debate, President Bush took notice of the preferential treatment for corporate CEOs and executives in pension law, and he said, "If the rules are okay for the sailor, they ought to be okay for the captain."

Well, the House pension bill ignores that admonishment. It sets up two sets of rules, one for the sailors and the other for the captains, one for the employees and those who are in the penthouses, one for the employees and those who are in the corporate offices. Two sets of rules, both working, both spending a career perhaps trying to make a company successful but treated differently when it comes to retirement.

Under the House pension bill, hardworking employees and retirees are punished when executives do not appropriately fund their pension plans, when the executives manipulate the pension plans to improve the bottom line, when the executives manipulate the pension plans so that they can get stock options so the company appears that it is doing better than it is, when they manipulate the pension plan so that they can terminate that pension plan. These employees then are denied the payouts. They are denied the benefit increases. They are denied the COLAs. That simply is not fair, and it is wrong, and this motion to instruct tells the conferees to stop it, to stop this privilege, to stop this discrimination against hardworking employees with their pensions.

Executives are exempt from these restrictions under the pension plan if their plans are underfunded between 60 and 80 percent. They can take a lump sum pension plan. They can take it and leave the company. They get their benefit increases. They get their COLAs. And they frequently have taken the money and run.

The House pension bill says that retiring ExxonMobil CEO Lee Raymond can take his $98 million pension in a lump sum and run. It says that Lee Raymond can take his golden parachute, his stock options, his cushy retirement package worth $400 million and run. He gets his lump sum. He gets his COLA. He gets his benefit increases. He gets his stock options, his pension increases, and his golden parachute. He gets all of that on top of the $686 million he earned from 1993 to 2005.

But what happens to the employees? If that pension plan is not funded above 80 percent, those employees do not get a lump sum payment. They are stuck in that plan. They cannot exercise that choice.

So here is old Mr. Raymond, Mr. Raymond of ExxonMobil. He gets to take $98 million out. Two of the pension plans are funded at about 60 percent. Mr. Raymond gets to take his money and go on his merry way.

The employees, the roughnecks, the people in the oil fields, in the refineries, in the offices, in the research centers, they are stuck. They are stuck. They cannot take a lump sum payment.

But it does not just apply to Exxon. This is just the most egregious case where they made a decision that he would walk away with $400 million in benefits, a $100 million lump sum payment, and the employees get none of that. But that is essentially what Ken Lay did, too. Ken Lay insured their pension plans. They take them off the books. They take them off the records so that, no matter what happens, when they go into bankruptcy, they are protected.

So here is what happens: we are paying over $3 a gallon for gasoline. That has made Mr. Raymond at Exxon a lot of money. Mr. Raymond has been earning an average of about $144,000 a day. He has a golden parachute worth $400 million; and the House bill says to Mr. Raymond, you go ahead and take your lump sum. It says to Ken Lay, you go ahead and take your lump sum. It says to the CEO of United Airlines, you go ahead and take your lump sum even though you are putting your pension plan into bankruptcy. You can do that. You can protect yourself.

Well, the President of the United States, he has not gotten a lot right, but he got this right. He said if it is good for the crew, it is good for the captain. And that is what this motion to instruct says. It says that we have got to stop manipulating these pension plans for the benefit of the employers, for the benefit of the corporate officers, for the benefit of those individuals, as opposed to the working people, the people who are building these companies every day around the world.

In the oil industry, people are working in hostile environments, in hostile situations all over the world. But when it comes time for their pension, they are treated as if it did not matter, as if they had nothing to do with the building of the wealth of a great company like Exxon or a great company like United. No. They go to court and they sever the social contract. They dispose of these people.

People lost billions of dollars in the United case. Those employees were in bankruptcy. They lost their pensions. But when Mr. Tilton, the CEO, woke up that morning, he was $15 million richer than when he went to bed that night. That is just what he got for taking the company into bankruptcy. That does not talk about his pension plans and the rest of the protections that he got.

The time has come, and I think America now sees it, that we have allowed the pensions of American corporations to be manipulated to provide these kinds of benefits. Pension plans have been used for every other purpose except providing a secure retirement to middle-income Americans who spend 25 to 30 years helping to build successful enterprises in this country. When it comes for their retirement, they are second-class citizens.

Vote for this motion to instruct and stop that kind of treatment of America's workers.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the late 1990s, Congress started down the road of providing workers more investment advice to help them safeguard their retirement security. And who led the way? The House Republicans.

Four years ago, after Enron and other corporate meltdowns, Congress started down the road of giving workers and retirees more freedom to diversify in their retirement plans while prohibiting senior corporate executives from selling company stock during blackout periods when workers are unable to change investments in their own plans. And who led the way? The House Republicans.

Several years ago, Congress started down the road of reforming the defined benefit pension system to benefit workers, retirees, and taxpayers alike. Who led the way? The House Republicans.

And just last year, as Congress finally moved on defined benefit reform for the first time in over 20 years, those efforts included proposals to address concerns over excessive executive compensation packages, even though many argue that this issue is more appropriately addressed within the context of corporate governance, not pension reform. And once again who led the way? House Republicans.

Today, as we debate this politically motivated motion to instruct and as our friends on the other side of the aisle try to tie the issue to gas prices or certain companies, they are leaving out an important fact. During each of the pension reform efforts I just described, including those addressing executive compensation, our colleagues on the other side of the aisle were late to the party, or entirely absent. Only now, in the heat of a political season, are they finally engaging on this issue. Unfortunately, this transparent exercise in partisan politics will do nothing to enhance workers' retirement security.

□ 1945

Last year, when the Education and Workforce Committee crafted the Pension Protection Act, we took aim at the unfair practice of awarding excessive executive compensation packages when worker and retiree pension benefits remained at risk. Our goal: to hold companies and their pension plan managers accountable to the workers and retirees who rely on the well-being of both.

Our bottom line was this: workers and retirees who are questioning the health of their pension plans deserve to know that their companies' executives don't have the option of using a golden parachute to escape financial hardship on their own. That is a philosophy that garnered the support of 70 of our Democrat colleagues last year when the Pension Protection Act passed here on the House floor.

We may hear from some of those Members today, and they may claim they supported the bill to move the process forward, in spite of some reservations. But the need to move the process forward is precisely the reason why we must vote down this politically motivated motion to instruct. The process is moving forward. We are in conference with the Senate on this bill, and executive compensation is one of the issues still to be addressed. To tie the hands of our conferees would circumvent that process and would hurt, not help, in our negotiations with the Senate.

Our colleagues may be interested to know that the executive compensation language included in the bipartisan Pension Protection Act is actually broader in terms of the number of executives it could impact than the language included in this politically motivated motion to instruct. That is right. The Pension Protection Act applies executive compensation limitations to a wider scope of executives who may currently have access to these golden parachutes, executives who are directly responsible for the well-being of both the company and the plan, while the Democrat motion would place restrictions on only a chosen few in each company. So if we are truly looking for good policy and not just politics, this motion to instruct represents a significant step backward.

Here is what the Pension Protection Act will do: it establishes strong, new protections that restrict the funding of executive compensation arrangements, either directly or indirectly, if an employer has a severely underfunded plan funded at 60 percent or less.

Moreover, the bill requires plans that become subject to these limitations to notify affected workers and retirees. In addition to letting workers know about the limits, this notice must alert workers when funding levels deteriorate and benefits already earned are in jeopardy.

So beyond simply tightening the grip on excessive executive compensation, the Pension Protection Act will require that workers are provided more information than ever before about the status of their hard-earned pensions.

Mr. Speaker, simply put, when the risk of losing pension benefits is imminent for rank-and-file workers, the Pension Protection Act requires executives to also experience the same risk; contains strong, new protections for workers, retirees and taxpayers; and it includes limitations on anti-worker executive compensation arrangements.

I urge my colleagues to vote "no" on the motion to instruct and reject this attempt to obscure progress on the pension reform.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from California for yielding, and I rise in support of his amendment.

I am one of the Members of the minority party that wanted to vote to move this bill forward, and I said when I did there were things we needed to fix. Well, this is one of them, and voting for Mr. MILLER's amendment is a great way to tell the conferees to fix it.

ExxonMobil made the highest profit in the history of corporate America. What a lot of people don't know about it is that in 2005, ExxonMobil's pension plan was only 72 percent funded. For every $100 they needed for pensions, they only had $72. They did, however, find the money to pay a $98 million pension payment to their departing CEO.

Now, this just doesn't seem right. A pension plan that is badly underfunded should not be making a huge payout of that description. So the majority set out to do something about it, and they did. Here is what the majority did. They said that if a plan is less than 80 percent funded, then the workers might have to give something up. They might have to give up their cost-of-living adjustment, they might have to give up the right to a lump sum payment when they retire. Just sort of spread the pain around. But the House provision also says that as long as the plan is at least 60 percent funded, you can do what was done for the CEO of ExxonMobil and pay him the Moon and the sky.

Think about that for a minute. It was almost as if this proposal was written with this gentleman in mind, because the Exxon plan was 72 percent funded in 2005. That means that it was low enough that you could go to the rank-and-file and restrict and reduce their pension benefits but high enough that you could still make the $98 million jackpot payment to the departing CEO. This is indefensible.

The Senate did something very different. The Senate said that what is good for the captain is good for the crew and vice versa. They listened to the President's admonition, and they have a provision that has a more precise and fair measure of equality. It says that if you are in a position where employee benefits have to be in some way restrained, and, by the way, those restraints are much less severe than those in the House bill, then so must there be restrictions on the executive.

What would have happened if the provision that Mr. MILLER supports and this House ought to support applied to ExxonMobil? Here is what would have happened: they would have said to the departing CEO: We are sorry. Because we haven't taken our record high profit and made our pension fund fully funded, you can't get your $98 million. So until the people who worked in the refineries and drove the trucks and put out the payroll and did all the things the rank-and-file does, until their pensions are taken care of, yours can't be either.

This is supposed to be a Congress that follows the principles of family values. In my family, pain is equally shared. As a matter of fact, it is not equally shared. Those who are strongest and most able bear more pain than those who are weakest and least able. This is a distorted version of those values.

So Mr. MILLER is asking for simple equality. He is reflecting a provision that nearly a unanimous Senate supported. So should we. Vote "yes" for Mr. MILLER's proposal, and bring back some sanity and justice to this system.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this motion to instruct, and I commend my colleague, Congressman MILLER, for filing this motion and bringing the pressing issue of worker and executive parity to the floor for debate.

Under the pension reform bill passed by the House, a pension plan that is less than 80 percent funded would not be allowed to increase benefits or establish new benefits for its workers, regardless of the reason for the underfunding. But as has been pointed out by

Mr. MILLER and Mr. ANDREWS, while worker pensions are held stagnant, executive pensions remain unrestricted until the plan is less than 60 percent funded. This is patently unfair to workers.

The American people can understand that when workers are being treated in a way that diverges from the people who run the companies and when the game is fixed to make sure that the CEOs receive incredible pensions, well, the workers are cheated. People can understand that.

Pension plans are administered and funded by companies, not workers. Yet, under H.R. 2830, the workers are punished for faulty management of plans. This restriction undermines workers' retirement security, and it is contrary to the purpose of ERISA.

The past decade is littered with examples of increasing executive pay and pensions while workers' pensions were underfunded or even terminated. In 2002, for example, U.S. Airways CEO Stephen Wolf received a lump sum pension of $15 million. Six months following that executive payout, U.S. Airways filed for chapter 11 bankruptcy. One eventual outcome of that bankruptcy was the termination of the pilots' pension plan. The CEO, $15 million; the workers, their pension plan is terminated.

Stories with a similar theme can be shared about United Airlines and Delta: executive receives a protected pension benefit or extra stock options while workers are left with terminated pension plans and a cut in benefits.

As has been said before, ExxonMobil's outgoing CEO, the same ExxonMobil that is gouging people at the pump, their CEO is going to get $98 million in a lump sum pension payment while the company's overall funding for workers and retirees remains only 72 percent funded. It is time for these disparities to end.

Although this motion to instruct is not going to be able to restore the pensions of those workers already harmed by executive abuse, it will make a difference to others. Pensions are not just investments to a worker. To a worker, a pension is a vital piece of retirement security.

Pension plans do not belong to the companies; they belong to the workers. They are the workers' money. They are the workers' futures. They are the property of the workers. We have a duty to ensure that workers' pensions are not subject to unfair restrictions while those controlling the plans receive bonuses.

Millions of American families are watching this debate, and they are wondering, whose side are we on?

Mr. McKEON. Mr. Speaker, I continue to reserve my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I am not sure it will take me 3 minutes to talk about a very basic value that I think we can all agree on, and that is fairness.

The majority's pension bill is unfair, frankly, to, workers. When a pension plan is underfunded, workers get penalized, but the corporate chief executive officers and the executives, the people that are actually at fault for the underfunding, they get a walk on this situation. They get a free ride. That is unfair. It is unfair that the companies treat their executives so well when rank-and-file members are suffering.

There is no way that Federal policy ought to sense that kind of activity or inequitable treatment. Our pension laws have to treat workers fairly.

Under the House bill, when funding levels fall on a tax-qualified pension below 80 percent, then workers can't get the benefit increases, can't get a cost-of-living adjustment, can't get a lump sum pension payment. But under the House bill, executives can continue to lavish themselves with benefits under the non-qualified plans with no restrictions.

Executives don't feel the pinch until funding levels drop below 60 percent. At that point, executives are prohibited from transferring corporate assets to executive compensation.

The Senate bill provides for more equitable treatment of executives and workers. Under that bill, workers do not lose their cost of living adjustments or their lump sum payment options at 80 percent. CEO pensions are restricted if pension plans fall to less than 80 percent of funding and the company is a credit risk.

Congress is the people's House. It ought to be about ensuring fairness, in the pension process as well as in other areas. It ought to be about leveling the playing field and making sure that workers and executives are subject to the same pension rules.

Mr. MILLER's motion directs the pension conferees to apply the same benefit restrictions to workers and CEOs. This motion to instruct is about fairness, it is about the very thing that this, the people's House, ought to be about. I think the people are going to be looking at this vote, and, just as Mr. KUCINICH said, they are going to be wondering, whose side are we on? We ought to be on the side of fairness, on the side of equity and on the side of the workers in this matter in treating everybody fairly and equitably.

Mr. McKEON. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of Mr. MILLER's motion to instruct. I supported H.R. 2830 when it was passed by the House in December, and I fully expected that an improved version would return from conference. One improvement we can make today addresses the concerns our constituents have about the inequitable treatment of retirement compensation for employees and executives.

□ 2000

Sadly, over the last few years, hundreds of thousands of hardworking Americans have had their company pensions severely cut, in some cases after 30 or 40 years of loyal service. Their companies have justified these pension cuts with the argument that cuts are necessary to remain competitive. But, at the same time, these same companies are providing lavish bonuses and compensation to their executives.

Well, I believe it is important for companies to offer competitive compensation packages to recruit the best executives. I do not believe executives should be rewarded because of or in spite of the cuts that they have made to the pensions of their employees and retirees. Instead, executives should be held accountable for the mismanagement and underfunding of their pensions.

When companies underfund or dump employees' pensions while handing out golden parachutes to their top executives, they are not demonstrating the kind of corporate citizenship American workers and taxpayers expect.

Mr. Speaker, that is why I urge you to join me in supporting the Miller motion to instruct. The Miller motion will promote parity between the compensation packages executives receive with the pensions employees have earned. By doing so, perhaps executives will finally be given the incentive needed to fully fund and protect the pensions of their employees. It is about time for pension parity and fairness.

Mr. McKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlemen from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, Lee Raymond, $400 million. He was not at ExxonMobil all that long. So it figures out to $135,000 a day in his pension payoff.

Now, remember, he can get a huge lump sum because he is an executive. But a worker cannot, because there is different standards that apply. For the execs, if they have funded 60 percent of their liability for their pension plan, big bonuses, $400 million. For a line worker, nah, sorry, you are not at 80 percent. You cannot get it. That is the way it is at ExxonMobil.

Let me give another example, what happens when the companies do go belly up. United Airlines. Talking to a flight attendant. She did not meet the cut. She was not age 50, although she had worked at the airline 28 years. So she did not meet the cut for the people to get a more generous accommodation. She is now 49 years old. If she works until age 65, at which point she will have 45 years in with the airline, 45 years, she will get $12,000 a year, $1,000 a month. But those execs who guided United into bankruptcy and then guided United back out of bankruptcy by shedding things like pension obligations get very huge bonuses. Is that not a great world?

Now, I just kind of figured it out. For her, you know, she will have worked about 17,000 days. And so if she lives 20 years, at $12,000 a year, she is going to get somewhere around a buck and a half a day pension.

Now this guy gets $135,000 a day for the time he put in. Is that fair? I do not think the American people think that is fair. It is not right. It has got to stop. And if you cannot vote for this, shame on you.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the important thing is not all of the talk, the important thing is the action. As I said earlier, the Republicans have led the action in bringing this bill to the floor. We are leading the action in getting the conference report done. We do not want to do anything to hold up that process.

It is important that we vote "no" on this motion to instruct and that we move forward on bringing this final pension conference to the bill so that we can save workers' pensions.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, this debate is quite fundamental. It is about fairness. I have worked in a lot of oil refineries. I have worked in very cold mornings and very cold nights, and I have worked at the top of cracking towers, and I have cleaned out tanks, and I have worked on the ships that moved the oil across the seas.

I thought every day I was working in those efforts I was working hard and trying to have that company be a success so they could pay me and I could support my family.

I am sure that is how many workers work, whether they work for Chevron or Exxon or IBM or anyone else. People in America take their work very, very seriously. It identifies them. It is important to them. They show up. They do their job.

Yet the system is structured against them, and this pension system is completely structured against them. Because whether it is Enron or whether it is Exxon or whether it is IBM, what we see is the constant manipulation of the pension plans of these workers to benefit the CEOs.

This amendment says a very simple thing. It says, you have to treat these workers the same. You do not get to put one worker in a trick box because you do not fund the pension at 80 percent, so, therefore, they cannot have the choice of a COLA or lump sum or an annuity plan.

But the CEO, if it is not funded, if it is only funded at 60 percent, they can run the gamut. They can take whatever choice they want. They can take their money now and leave. If they think the company is not going to do well, take a lump sum, secure yourself, go buy an annuity.

But the average worker does not get to do that, and that is why millions of American families now are feeling so terribly threatened about their retirement future, because they do not know whether or not this pension will continue to be manipulated.

And the fact of the matter is, the House bill, as it was reported, continues to let people manipulate the pensions of hardworking Americans for the benefit of the executives and the CEOs; and that is why we are saying we want a fairer bill like what was passed in the Senate that treats people similarly.

What is the incentive for the company to fund its pension plan above 80 percent so that these workers can get a COLA, so that these workers can get a lump sum payment? None. None. There is no price to be paid for being at 80 percent.

You get all of the benefits you want as the CEO, as the president of the company, as the executive secretary, as its executive vice president. You get all of your benefits. Life is fine for you. It is just the thousands of people who are working for you that make the company a success that get discriminated against.

You know, we have had a series of e-hearings where we talked to people whose pensions were threatened at United, at Delta, at Delphi, at all of those companies.

You are talking about the livelihood, the absolute livelihood of those people in terms of their retirement. You are talking about their hopes and their aspirations and their dreams for their retirement nest egg, what they were going to do with their life after years of hard work.

And all that can just evaporate through the manipulation of these plans by CEOs and executives. And it is all legal. It is all allowed under the law, and it is allowed under your bill. It is allowed under your bill, that kind of manipulation against hardworking people.

At some point, this House has to ask itself, is that fair? Is that just? Is that moral? And the answer is, it is not. When you see the turmoil, when you go home and talk to your constituents and they talk about the foreclosure of their plans and their dreams for their retirement, when they talk about the burden now of trying to take care of a sick spouse because their retirement has been reduced, their retirement has been eliminated, they have been given some measly payout, then you start to understand how unfair this pension system is in this country and how badly it has been manipulated.

It is not me that is saying that. A few months ago, the Wall Street Journal ran almost a full page article on the many, many, many ways that pension plans are manipulated to benefit the shareholders, to benefit the stock options, to benefit the compensation plans, to benefit the retirement plans of CEOs. So all of those benefits, to the detriment of the workers.

They are tricked up every year on assumptions of income, assumptions of interest rates, assumptions of payouts, assumptions of longevity. All of those things are used to manipulate the pension plans; and, generally, the result is that the worker is left holding the bag. It is one of the reasons we have so many plans that are underfunded.

Exxon has all of this profit. Think if they funded their plan from 72 percent to 80 percent. These employees would have a choice. But if they do not do that, they do not have to worry about these employees having a choice.

That is what is being addressed in the conference committee. It is about this fundamental fairness for hardworking people. When you lose your pension or a significant portion of your pension when you are 50, 53, 55, 58 years old, where do you go as a middle-class working person in this country to regather those assets so you can have the retirement that you were planning on and your spouse was planning on?

Where do you go to get that, to take care of your health care needs in your retirement years? To take care of your rising energy costs in a country without an energy policy? Where do you go to get those resources? The answer is you do not go anywhere.

Maybe you take a job after retirement, some part-time job because you lost what you were planning on, you lost what you were paid into because of this corporate manipulation. This amendment, this motion to instruct is simply about the fairness with which we are going to treat working people in this country.

And are we going to put an end to it? We would like to do it under the slogan of President Bush, who talked about the equity, how people should have been treated the same at Enron. But, no, that CEO was lying to those people on the bottom floor of that corporation and then running up to corporate penthouse and selling his stock secretly into a trust and then telling his son to secretly sell his stock.

They walked away with hundreds of millions of dollars at the time that the company was imploding. But they ran downstairs and they told the employees, it is a great company; we are on the verge of big breakthroughs; buy more stock. Jail is too good for those people.

And the lives that they have wrecked, we heard testimony in this Congress from those people who worked for that company who lost their future, who lost their life savings, who lost their retirement, who lost their plans.

Jail is too good for Ken Lay and his ilk. But we have got to stop it now when we have the opportunity in the rewrite of the pension bill. That is what this motion is about. I urge people in the name of fairness and decency, for working people in this country, to vote for the Miller motion to instruct.

Ms. WATERS. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees authored by my California colleague, Mr. GEORGE MILLER. While the underlying bill, H.R. 2830, purported to strengthen the defined benefit system, the numerous technical changes that were proposed for the funding rules that apply to defined benefit plans will change how the liabilities under the pension plan are valued and the accounting for contributions made. First of all, let me say that I fully opposed the bill that passed on December 15, 2005 by a vote of 294 to 132 because it would cause millions of Americans to receive reductions in their pension plan. Furthermore, its provisions would facilitate the freezing or complete termination of pension plans by corporate boards.

Under the so-called Pension Protection Act, if an employer funds a tax-qualified pension plan under 80 percent, then the covered workers cannot receive benefit increases, COLAs, or lump sum pension payments. Executives can continue to provide themselves lavish benefits under non-qualified plans without any restrictions. Only if funding drops below 60 percent, are executives prohibited from transferring corporate assets to executive compensation.

This Motion by the Gentleman seeks to fix a major source of these potential dangers to our hard-working constituents. It ensures that corporate heads do not profit at the peril of their workers—they will have to adhere to the same retirement rules as do their employees. The situation surrounding Exxon Mobil's outgoing CEO, R. Lee Raymond whereby he was slated to bail out of the corporation with a "golden parachute" of a $98 million in lump sum pension payment is a slap in the face of the notions of corporate ethics and duty to employees and shareholders. Raymond's total retirement package, including stock options and severance pay—is valued at $400 million. This is just one more example of out of control executive pay at American companies.

As the Motion to Instruct states, Conferees should craft its report to apply the same benefit restrictions between workers and CEOs and use the earlier effective date of the House bill, December 31, 2005.

Mr. Speaker, in my state of California, seven oil companies control more than 95 percent of the state's refining capacity. That translates to thousands of workers whose benefits will be jeopardized by this bill. We need to force corporations to institute fairness in their pension programs where employees are not treated like animals.

Mr. HOLT. Mr. Speaker, I rise in support of Mr. MILLER's motion to instruct the conferees on H.R. 2830, the so-called Pension Security and Transparency Act.

I opposed the Republican pension legislation that passed this body late last year because it will erode an employer's willingness to provide defined benefit plans and will close the loopholes that allow companies to dump their pension obligations onto taxpayers.

In addition to these effects, it offers insufficient protections to loyal workers and gives special treatment to executives for their compensation and pension packages. It is this specific problem that we are addressing today.

ExxonMobil's outgoing CEO, R. Lee Raymond recently secured a total retirement package valued at $400 million, including a $98 million windfall in the form of a lump sum pension payment. This is just one more example of huge executive compensation at the same time that workers are losing their retirement security and earned and needed benefits.

Under the House Republican pension legislation passed last year, if an employer allows a pension plan to become less than 80 percent funded, the covered workers cannot receive benefit increases, cost of living adjustments, or lump sum pension payments. The legislation holds executives to a different, and much cushier, standard. Executives can continue to pad their own compensation packages with corporate assets until plan funding drops below 60 percent.

We must establish fairness in the pension process and level the playing field so that CEOs and workers are subject to the same benefit rules. This motion would accomplish that goal, instructing conferees to apply the same benefit restrictions for workers and retirees, and CEOs. This is a vital step that we can take to restore a vital sense of fairness to the compensation and pension process.

I encourage my colleagues to support this motion.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to instruct on H.R. 4297, by the yeas and nays;

Motion to instruct on H.R. 2830, by the yeas and nays;

Ordering the previous question on H. Res. 789, by the yeas and nays;

Agreeing to H. Res. 789, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 4297, TAX RELIEF EXTENSION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 4297 offered by the gentleman from Connecticut (Mr. LARSON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 197, nays 224, not voting 11, as follows:

[Roll No. 121]

YEAS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi

Peterson (MN)
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blackburn
Buyer
Evans
Gingrey
Gordon
Hinojosa
Hoekstra
Jefferson
Osborne
Slaughter
Solis

□ 2040

Messrs. DELAY, BARROW, PICKERING, HOBSON, GUTKNECHT, PETERSON of Pennsylvania, and MCHUGH changed their vote from "yea" to "nay."

Mr. SMITH of Washington changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 299, nays 125, not voting 8, as follows:

[Roll No. 122]

YEAS—299

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—125

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boustany
Brady (TX)
Brown (SC)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gingrey
Gohmert
Granger
Graves
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Johnson, Sam
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes

Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shuster
Smith (TX)
Stearns
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—8

Buyer
Evans
Hinojosa
Hoekstra
Jefferson
Osborne
Skelton
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 2049

Mrs. CAPITO, Messrs. GILCHREST, FERGUSON, POE, TURNER, FOSSELLA, PORTER, PICKERING and Ms. PRYCE of Ohio changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 121 and rollcall No. 122, had I been present, I would have voted "yea" on 121 and "yea" on 122.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 90. Concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

WISHING THE HONORABLE RALPH HALL A HAPPY BIRTHDAY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the oldest Member of this institution is celebrating a birthday. He has been a Democrat, he has been a Republican, but I think he is loved by all of our colleagues.

Not many of you know the Boehner birthday song, but it is pretty simple: This is your birthday song. It doesn't last too long. Hey.

Now, my colleagues, the second verse is exactly like the first verse.

Mr. HALL. Let's don't sing it.

Mr. BOEHNER. This is your birthday song. It doesn't last too long. Hey. Happy birthday, RALPH.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4954, SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resoltuion 789 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 6, as follows:

[Roll No. 123]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Buyer
Evans
Hoekstra
Jefferson
Osborne
Slaughter

☐ 2059

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 196, not voting 6, as follows:

[Roll No. 124]

AYES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Buyer
Evans
Hoekstra
Jefferson
Osborne
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 2106

Mr. GUTIERREZ changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 121, 122, 123, and 124. Had I been present, I would have voted "yea" on rollcall vote 121, "yea" on rollcall vote 122, "nay" on rollcall vote 123, and "no" on rollcall vote 124.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4318

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4318.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HONORING JOHN "FOOTY" KROSS

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor and pay tribute to my good friend and constituent, John Kross, who is also known to those of us in south Florida as "Footy," the legendary morning radio host who will walk away from the microphone at the end of this week, ending more than 30 years as a morning radio personality.

The veteran on-air personality whose name is John Kross will host his final segment for the Y-100 Morning Show on Friday, May 5, 2006.

Footy has been helping south Florida wake up for more than 30 years and is a mainstay in the south Florida community. Footy is a passionate anti-drug crusader and an incurable chicken-wing junkie.

Originally, he created Footy's Wing Ding, a chicken-wing eating competition, as a fundraiser to aid Here's Help, a not-for-profit organization that assists adults and children with substance-abuse addictions.

Although the event began mainly as a competition to crown the maker of south Florida's best chicken wings, it evolved over the years into a popular spot for pop music's hottest stars.

Each year, Footy's Wing Ding brought a host of celebrities to south Florida to raise thousands of dollars for area charities, including Here's Help, the Sun-Sentinel/WB Television Channel 39 Children's Fund and many others.

While thousands of radio listeners will undoubtedly miss Footy's voice on their radios each morning, I am confident he has established a strong foundation that will help inspire generations of south Floridians to make a difference in their community.

It is my privilege to honor his service to our community in south Florida on the floor of the House of Representatives.

I ask my colleagues to join me in recognizing John for a lifetime of achievement in radio broadcasting and charity work to wish him and his family many years of happiness, success and new challenges in the years ahead.

HONORING THE ACHIEVEMENT OF MICHELLE PARKS

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I rise tonight to honor Michelle Parks and her contributions as a great American educator at Northstar Middle School in Eau Claire, Wisconsin. President Bush has honored Ms. Parks with the 2005 Presidential Award for Excellence in Mathematics and Science, the Nation's highest honor for teaching in these fields. In addition to the national recognition that comes with the award, Ms. Parks will receive a National Science Foundation Grant of $10,000.

Ms. Parks teaches eighth grade mathematics, and her colleagues and principal at Northstar Middle School regard her as crucial to the success of the school and the performance of her students. Admired for her enthusiasm, creativity and knowledge, Ms. Parks is one of the most dedicated educators in the State of Wisconsin and nationwide. She is an advocate and pioneer for many collaborative efforts, including the connected mathematics programs. This program creates a complete mathematics curriculum that helps students systematically develop a deeper understanding of elementary mathematical concepts.

Mr. Speaker, we are deeply indebted to teachers such as Ms. Parks, who are the leaders in sustaining our Nation's innovation and competitiveness with our students. And on behalf of a grateful Nation, but especially on behalf of her students, we thank her for her many years of dedication and congratulate her here this evening.

Mr. Speaker, I rise today to honor Michelle Parks and her contributions as a great American educator at Northstar Middle School in Eau Claire, Wisconsin. President Bush has honored Ms. Parks with the 2005 Presidential Award for Excellence in Mathematics and Science, the Nation's highest honor for teaching in these fields. In addition to the national recognition that comes with the award, Michelle Parks will receive a National Science Foundation grant of $10,000.

Ms. Parks teaches 8th grade mathematics, and her colleagues and principal at Northstar Middle School regard her as crucial to the success of the school at the performance of her students. Admired for her enthusiasm, creativity and knowledge, Ms. Parks is one of the most dedicated educators in the State of Wisconsin and nationwide. She is an advocate and pioneer for many collaborative efforts, including the Connected Mathematics Program. This program creates a complete mathematics curriculum that helps students systematically develop a deeper understanding of elemental mathematical concepts.

Ms. Parks believes that letting her students be successful in front of their peers is the key to getting them to take risks to succeed. Further, she finds unique approaches to teaching and problem solving and encourages critical thinking in her students. Making learning fun, according to Ms. Parks, is the key to bringing math and science closer to students. In addition to this award, Ms. Parks has also been recognized by the Kohl Teacher Fellowship.

I am very pleased to recognize Ms. Parks today before the U.S. Congress for her hard work and dedication to the families and students of Northstar Middle School. Being one of a hundred 7th–12th grade teachers nationwide to receive the award, Michelle Parks exemplifies excellence that should be the goal of all educators in the United States. Our Nation has long been the global leader in scientific research and development. In order to maintain that edge and strengthen America's competitiveness, it is critical that we make the necessary investments to educate and train the next generation of scientists, researchers, and innovators.

As a Member of the Education and the Workforce Committee, I have introduced legislation to establish a competitive undergraduate grant program to improve opportunities for education and job training in math, science, engineering, and technology. Further, during reauthorization of the Higher Education Act, I, along with Chairman McKeon and Representatives Ehlers and Holt, included an amendment in the Higher Education Act that will provide additional resources and assistance for students choosing to study in these fields.

Mr. Speaker, we are deeply indebted to teachers such as Ms. Parks who are the leaders in sustaining our Nation's innovation and competitiveness with our children.

On behalf of a grateful Nation, I more importantly, on behalf of the many students who have benefited by having Ms. Parks as their math teacher, I say congratulations and thank you.

COMMENDING RICHMOND COUNTY NATIVE AND AMERICAN IDOL CONTESTANT BUCKY COVINGTON

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr RYAN of Wisconsin. Mr. Speaker, I yield my time to the gentleman from North Carolina (Mr. Hayes).

Mr. HAYES. Mr. Speaker, today I want to congratulate Rockingham, North Carolina, native and "American Idol" contestant Bucky Covington for pursuing his dream and using his God-given talent to sing. Bucky is returning home, but he quickly established himself as a rising star and a contestant to watch. It's easy to understand why Bucky's strong vocals and love for Country and Southern Rock clearly defined his success each week as Americans tuned in to the most popular show on television. Bucky will be returning home to Richmond County in North Carolina, a true idol to many for his extraordinary singing voice and the charisma he personified in front of millions as he represented his community, family and friends. Bucky, we wish you the best, and I know that great opportunities lie ahead for you.

MENTAL HEALTH SERVICES FOR RETURNING VETERANS

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, the Department of Veterans Affairs has underestimated the need for mental health services for returning veterans.

The Kansas City Star recently reported that the number of troops back this year from Iraq and Afghanistan who will seek care far post-traumatic stress disorder from the VA will be five times higher than the VA projected.

Earlier this year the VA reported that it anticipated 2,900 new PTSD cases from returning veterans for fiscal year 2006. But in just 3 months, in fiscal year 2006, VA had already seen 4,700 new cases of possible PTSD.

I am very concerned that the VA will not have the staff and programs to help the new combat veterans and to meet the need of veterans from past wars. VA may be forced to ration care. This is wrong. This issue needs to be addressed.

Mr. Speaker, I ask that the article of David Goldstein from the April 30 issue of the Kansas City Star be inserted in the Record.

[From the Kansas City Star, April 30, 2006]

Number of Troops Needing Help Threatens to Overwhelm Veterans Administration

(By David Goldstein)

Washington.—The number of troops back this year from Iraq and Afghanistan with post-traumatic stress disorder could be five times higher than the Department of Veterans Affairs predicted.

Instead of 2,900 new cases that it reported in February to a veterans advocate in Congress, the increase could be 15,000 or more, according to the VA.

At the Kansas City VA Medical Center, only nine vets from current combat were diagnosed with PTSD in 2004.

Last year, it was 58. In just the first three months of fiscal 2006, the hospital saw 72.

"It's absolutely incredible," said Kathy Lee, at the Missouri Veterans of Foreign Wars.

A former Army nurse in Vietnam who works at the hospital, Lee said, "Every single Iraq vet who comes in, I give them a list and say, 'How many of these (PTSD) symptoms do you have?' It's almost nine out of 10."

A top VA mental health official said it was difficult to predict the number of new PTSD cases because of unknown factors like the troop discharge rate and how many veterans will use the VA.

But Laurent Lehmann, associate chief consultant for mental health, disaster, post-deployment and post-traumatic stress disorder, acknowledged that 2,900 new cases "would be an underestimate." He said the VA hoped recent increases in funds and new programs "would catch" unanticipated cases.

"Are we ahead of the curve?" Lehmann said. "That's the question I don't think I can answer except to say we're going to be monitoring our heads off on this."

John Baugh, who attends a PTSD support group at the Kansas City VA Medical Center, said many soldiers still in combat zones are suffering from the disorder.

"They think that the numbers are high right now," said Baugh, 31, a former driver for an Army construction battalion in Iraq. "Wait until those guys get out and try to start functioning in the civilian world. There's going to be hell to pay."

The miscalculation on PTSD echoes last year's underestimation by the Bush administration of how many Iraq and Afghanistan veterans would need medical treatment. It had underfunded VA health care by $1 billion, despite assurances to Congress that the department had enough money.

Congress subsequently added $1.5 billion to the VA's budget, but money problems still loom.

"They're going to be short and they're going to be playing catch-up," Cathy Wiblemo, deputy director for health care at the American Legion, said of the VA's PTSD treatment. "They're not going to have the money, and the waiting list will grow."

PTSD is an anxiety disorder that can follow combat or other traumatic experiences. Symptoms include survivor's guilt, flashbacks, nightmares, depression and irritability. It can lead to drug abuse and even suicide.

The war in Iraq presents a higher PTSD risk than other wars, said Robert Ursano of the Department of Psychiatry at the Uniformed Services University of the Health Sciences.

"Since it's a terrorist war, one could be under attack in any spot," he said. "There is an enduring sense of a lack of safety."

Among the half million veterans who have served in Iraq or Afghanistan, more than 144,000 have gone to the VA for health care. Nearly a third have been diagnosed with mental disorders, with nearly half of those PTSD, according to the VA.

The White House asked for $80.6 billion in 2007 for the VA, including $3.2 billion for mental health programs. But Rep. Michael Michaud, a Maine Democrat on the House Committee on Veterans Affairs, said the VA would need more, sooner.

"What's going to happen is unless we give added resources, they're going to have to start rationing care," Michaud said. "It's going to have to start pitting veterans against veterans."

Jeff Schrade, a spokesman for Sen. Larry Craig, an Idaho Republican and chairman of the Senate Veterans Affairs Committee, said Craig was unhappy over the VA's botched estimates on health care last year.

Congress now requires quarterly budget reports, which Schrade said show that VA's budgeting appears to be on track.

"What concerns us is they're seeing a lot more patients than they anticipated," he said.

The VA's contradictory estimates on PTSD surfaced in February. Prior to a Capitol Hill budget hearing, the agency replied to written questions from Rep. Lane Evans of Illinois, ranking Democrat on the House VA panel.

Asked about the need for mental health services, the VA told Evans that it expected to see 2,900 new cases in fiscal 2006, which began Oct. 1 and ends Sept. 30.

A week later, the agency issued its latest quarterly report on use of the VA by Iraq and Afghanistan veterans.

The numbers indicated it had diagnosed 4,711 possible cases just from October through December—more in the first three months than it told Evans to expect over the entire fiscal year.

VA spokesman Jim Benson said the estimate of 2,900 cases was based on earlier data. The latest quarterly numbers were still in the draft stage at the time of the hearing, he said, and VA officials stuck with the earlier data because trying to explain "would be more challenging and perhaps more confusing."

"The reason they felt it was OK to do that was that, although the numbers are increasing" due to more troops being discharged and seeking help, Benson said, "the rate of PTSD is staying relatively constant."

But critics said that even if the annual PTSD rate was constant, the number of cases was rising nonetheless.

"They continue to downplay the severity and the real size of the problem," said Paul Rieckhoff, executive director of the Iraq and Afghanistan Veterans of America and a platoon leader during the war.

VA officials also had at the time of the February budget hearing a report from the department's Special Committee on Post-Traumatic Stress Disorder. It warned that the VA was unable handle services to new combat veterans as well as survivors of past wars, saying: "We can't do both jobs at once within current resources."

Most of the PTSD cases the VA sees involve veterans from earlier conflicts, primarily Vietnam.

Baugh of Kansas City won't talk much about his Iraq deployment because it triggers bad memories. But when he returned home in 2004, he couldn't escape them.

"I was jumpy, angry, irritated, sleeping one, two hours a night," Baugh said. "I was totally worn out. I'd drink and drink and drink just to shut the memories down and the nightmares. "

His wife pushed him to get help. Baugh said he'll "jump through the ceiling" if she drops a frying pan. The clattering of kids skateboarding down his street sounds just like "gunfire in the distance: kack-kack-kack-kack."

Joshua Lansdale knows about nightmares and noises, too. A 23-year-old veteran from Kansas City, North, he spent 11 months in the Sunni Triangle as a firefighter and emergency medical technician with the Army Reserve's 487th Engineer Detachment.

"It was a pretty hot zone," he said. "We took a lot of mortar fire, IEDs, car bombs, saw a lot of helicopter crashes and worked the UN embassy bombing. I dragged a lot of people out of burning buildings, cars, motorcycle wrecks and explosions."

Back home, Lansdale was diagnosed with PTSD and joined a support group at the VA hospital. He predicted that returning troops would overrun the VA.

"A third of all soldiers are seeking help," he said. "Do we have the capability of treating all those soldiers? I don't think we do."

HONORING THE LIFE OF SERGEANT MIKE STOKELY

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Mr. Speaker, Sergeant Mike Stokely joined his fellow soldiers in the National Guard in Iraq, turning down a service opportunity that would have allowed him to stay home in Georgia.

Last year Sergeant Stokely married his high school sweetheart. Then, 1 week later, he answered his Nation's call to duty and headed to Iraq as part of the 48th Brigade.

Sergeant Stokely's work in the Army fulfilled his lifelong dream. According to his father, Coweta County Solicitor Robert Stokely, from the time Sergeant Stokely was in middle school, he cared more about seeing his name on dog tags than seeing his name on a driver's license. As a rising senior high school star, he chose to spend his fleeting days of youthful freedom at a Fort Benning boot camp.

In early August of last year, Sergeant Stokely called his family from Iraq and told them that if the time came to make the ultimate sacrifice for his Nation, he was ready. Then on August 16, 2005, after having been on duty for more than 30 hours, Sergeant Stokely volunteered for another mission. Sergeant Stokely stood guard as his best friend and another soldier checked a suspicious location. An IED exploded, and Sergeant Stokely died in his best friend's arms. It happened 3 months after his wedding day.

The father of this American hero told me, "As much as I hurt for the loss of my older son and the memories we will never have, I am thankful for the 23 years we had and a son who knew his purpose in life, and his dreams were fulfilled."

I want to commend Sergeant Stokely and his family for his honor and service and his dedication to duty.

□ 2115

OUR MEN AND WOMEN ON THE FRONTLINES OF IRAQ AND AFGHANISTAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me just reflect on what we owe the men and women on the frontlines of Afghanistan and Iraq. I think we owe them the best equipment, the best leadership, and the best minds. So I was disturbed as I read the article in the USA Today that indicated that more soldiers were being killed in the utilization of Humvees in 2005 and 2006 than had been in the years past in the war in Iraq.

Mr. Speaker, it is important and imperative that an immediate reaction be given and an action be taken by the Department of Defense to help save the lives of our young men and women on the frontlines, the reinforcement of

Humvees, new technology in body armor, new technology in head gear. Our children are dying. They are without the proper body armor and Humvees, and that is insufficient for a country of this size.

Finally, it is imperative that a full accounting be given about the dollars that have been spent in Iraq as to what they have been spent for, why they have been spent, and, of course, an accounting that shows that no corruption has taken place.

HONORING DODIE DITTMER OF THE COMMUNICATION WORKERS OF AMERICA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I rise to honor my friend Dodie Dittmer of the Communication Workers of America for her 43 years of service. She started at Ohio Bell in Dayton back in 1963.

Dodie Dittmer has always been there for workers and, in the great tradition of the labor movement, always been there for her community. She was always a good soldier, a private in her humility as she was willing to pitch in on every task and a general in her leadership. She was always a good soldier in the battle for social and economic justice. For that, we are all thankful to Dodie Dittmer.

REDUCING CLASS SIZE

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, I come to the floor today to announce that last Friday a bipartisan coalition of 20 State senators, all 14 Democrats and 6 Republicans State senators, came together to protect the people of the State of Florida as it relates to smaller class sizes.

The people of Florida in 2002 voted and approved class size limits in Florida to make sure that the State pays for smaller class sizes and not local districts. Floridians said three things: Public education is a high priority, classrooms packed with students are unacceptable, and that Floridians want tax dollars to provide a quality education for all of Florida's children. But some State officials tried to undercut that decision made by the voters for Florida's children.

Today, I want to enter the names of those senators and those State representatives that put forth their vote to make sure that we protect those that are in public education now in the State of Florida and those that are yet unborn. They should be commended and their names placed into the CONGRESSIONAL RECORD for future generations.

State Senators Nancy Argenziano, Dave Aronberg, Larcenia Bullard, Walter Campbell, Jr., M. Mandy Dawson, Paula Dockery, Rodolfo Garcia, Jr., Steven Geller, Anthony Hill, Dennis Jones, Ron Klein, Alfred Lawson, Jr., Evelyn Lynn, Gwen Margolis, Les Miller, Nan Rich, Gary Siplin, Rod Smith, Alex Villalobos, and Frederica Wilson.

State Representatives Bruce Atone, Loranne Ausley, Dorothy Bendross-Mindingall, Kim Berfield, Mary Brandenburg, Phillip Brutus, Susan Bucher, Edward Buller, Faye Culp, Joyce Cusack, Terry L. Fields, Anne M. Gannon, Dan Gelber, Audrey Gibson, Kenneth Gottlieb, Ron Greenstein, Bob Henriquez, Wilbert Holloway, Ed Homan, and Arthenia Joyner.

State Representatives Charles Justice, Will Kendrick, Marcello Llorente, Richard Machek, Matthew Meadows, Frank Peterman, Juan-Carlos Planas, Ari Porth, John Quinones, Curtis Richardson, Julio Robiana, Yolly Roberson, Timothy Ryan, Franklin Sands, John Seiler, Irving Slosberg, Christopher Smith, Eleanor Sobel, Dwight Stansel, Priscilla Taylor, and Shelley Vana.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise tonight to address the most pressing problem facing our country and the health care system of our country: the growing number of uninsured.

Since 2000, the number of uninsured has grown by more than 10 percent as an additional 1 million Americans have joined the ranks of the uninsured each year. The Robert Wood Johnson Foundation recently reported that the number of individuals without health insurance in this country rose to 46 million this year. This is a problem that we literally cannot afford not to address.

In my State of Texas, we have the unfortunate distinction of ranking number one in the country for our level of uninsured, which has reached crisis proportions. Twenty-five percent of Texans are uninsured, compared with 15.7 percent of Americans nationwide. Twenty-two percent of children in our State are uninsured, compared to 12 percent of American children nationwide.

The increase in the number of uninsured is due in part to the changing nature of health care in this country. Gone are the days when we could rely on our employers to provide comprehensive health insurance for us and our families. While more than 90 percent of firms with more than 50 employees still offer employer-sponsored coverage, many smaller firms have found they simply cannot afford to offer their employees health insurance. In fact, only 47 percent of firms with fewer than 10 employees offer employer-sponsored coverage.

We are proud that Texas is a small business State, but an unintended consequence is that many of our small business employees do not have access to affordable health insurance. The result is that many Texans, and folks throughout our Nation, have few choices for health insurance other than the individual market.

For American families near the poverty level, the cost of health insurance has to compete with the cost of putting food on your table or a roof over your heads, which is really no choice at all. The typical family of four at the poverty level brings home $20,000 a year. Given that private health insurance cost $9,000 a year in 2005, it is no surprise that more than half of Americans below the poverty level spent at least some or part of each year uninsured.

The plight of the uninsured should worry all Americans, as the uninsured have less access to care, become sicker, and impose tremendous costs on our health care system. The uninsured are less likely to seek preventative health care and only get care once their health problems reach emergency proportions. A recent study by the Institute of Medicine estimated that 2,500 Texans die each year as a result of being uninsured. In fact, nearly 50 percent of the uninsured adults have postponed seeking health care because they could not afford it. Only 15 percent of individuals with health insurance have postponed care for this reason. The difference can literally be life or death.

For example, uninsured women with breast cancer have a 30 to 50 percent higher risk of dying from the disease than breast cancer patients with insurance, 30 percent higher than people with health insurance. Uninsured auto accident victims with trauma are 37 percent more likely to die from their injuries than their insured counterparts.

Everyone can agree that something must be done to stem the tide of the uninsured. Yet it is important that we put in place policies that not only increase the number of Americans with health insurance but also ensure that they have quality and comprehensive insurance.

Unfortunately, the health savings plans and association health plans supported by the administration and our Republican colleagues are not a silver bullet. The success of any health insurance plan lies in its ability to spread the risk. However, both the Health Savings Accounts and the AHP models would separate out the healthy and wealthy, leaving sicker and poorer

Americans to fend for themselves in an individual health insurance market that is already out of reach for low-income Americans. This is not the way to ensure our citizens are healthy and productive members of society.

The Federal Government needs to renew its commitment to the most vulnerable members of our society. Faced with record levels of uninsured, we should be adding people to the Medicaid and S-CHIP rolls, not dropping them. We should expand the S-CHIP program to include parents of CHIP kids. That option alone would provide health insurance to 67 percent of CHIP parents in Texas.

We should restore funding for the Healthy Community Access Program, which in my community has helped enroll an additional 250,000 individuals in Medicaid and CHIP, while also directing the uninsured away from the ERs and toward a more appropriate health care home.

These are the programs that work, not HSAs and the AHPs that will place additional burdens on those who need help the most.

Mr. Speaker, if we are going to get this country's health care system out of the ditch, we have to first stop digging.

HONORING BILL WHITEHEART

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor one of my constituents, Mr. Bill Whiteheart, for being named the 2006 "Small Business Champion" for North Carolina by the National Federation of Independent Business, NFIB.

Mr. Whiteheart is the owner of Whiteheart Outdoor Advertising in Lewisville, North Carolina. He is also a Forsyth County Commissioner, a cattle farmer, a real estate broker, and the owner of several other successful companies including Tobacco Transport, Atlantic Storage Trailer Rental Company, Yadkin Valley Traders, Incorporated, and TFG Turf.

Mr. Whiteheart is a successful small businessman who has given a great deal back to his community through his work in organizations like Habitat for Humanity and the Lewisville Civic Club. He is an outstanding role model for other entrepreneurs in our State and is a great spokesperson for small business issues.

Mr. Whiteheart serves as the chairman of NFIB's North Carolina Leadership Council and helps the organization to support and recruit pro-small business candidates.

The National Federation of Independent Business is North Carolina and the Nation's largest small business advocacy group. It is quite an honor for Mr. Whiteheart to be named "Small Business Champion" by this outstanding organization, and I congratulate him for his achievements.

WORLD PRESS FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, today is World Press Freedom Day, a time set aside to honor the work and sacrifice of journalists around the world. I believe that freedom of the press is vital to American national security and to our democracy here at home.

Today, my colleague from Indiana, Mr. PENCE, and Senators CHRIS DODD and RICHARD LUGAR joined me in launching a new bipartisan, bicameral caucus aimed at advancing press freedom around the world. The Congressional Caucus for Freedom of the Press creates a forum where the United States Congress can work to combat and condemn media censorship and the persecution of journalists around the world. The launch of this new caucus sends a strong message that Congress will defend democratic values and human rights wherever they are threatened.

This evening, Mr. PENCE and I hosted an event here in the Capitol to celebrate World Press Freedom Day. We were honored by the presence of Musa Klebnikov, the widow of murdered American journalist Paul Klebnikov, the editor of Forbes Russia who was gunned down on a Moscow street in July of 2004. A Moscow court is due to hand down a verdict against the alleged triggermen tomorrow, and Mrs. Klebnikov spoke movingly about continuing her late husband's work of helping the Russian people by working with them to build an independent press.

In launching this new caucus, we have been encouraged by the wide range of organizations and individuals such as Reporters without Borders, Freedom House, and the Committee to Protect Journalists, which have all enthusiastically endorsed this effort. But I was most gratified to receive a letter of support this morning from Walter Cronkite, the longtime CBS News anchor who is not only an American icon but a living symbol of the positive force that journalists can have in shaping our lives.

Freedom of the press is so central to our democracy that the Framers enshrined it in the first amendment of our Constitution. At the time, there was little in the way of journalistic ethics; and newspapers were filled with scurrilous allegations leveled at public figures. Even so, our Founders understood its importance to advancing our experiment in democracy.

Throughout our history, journalists have jealously guarded their rights and American courts have, in the main, carved out broad protections for the press. In the United States, the press operates almost as a fourth branch of government, the Fourth Estate, as it is called, independent of the other three and positioned as watchdogs of our freedom.

The United States, as the world's oldest democracy and its greatest champion, has a special obligation to defend the rights of journalists wherever and whenever they are threatened. A free press is one of the most powerful forces for advancing democracy, human rights, and economic development, so our commitment to these larger objectives requires active engagement in the protection and the promotion of this freedom.

These are difficult and dangerous days for reporters around the world. According to the New York-based Committee to Protect Journalists, 47 journalists were killed in 2005, most of whom were murdered to silence or punish them. While last year's death toll was lower than the 57 deaths in 2004, they were well above the yearly average over the last two decades. But too many have paid the ultimate price just for doing their jobs.

Daniel Pearl was the Wall Street Journal's South Asia bureau chief and was on his way to an interview with a supposed terrorist leader when, on January 23, 2002, he was kidnapped by a militant group that claimed that he was a spy. For weeks, speculation persisted about his fate, until his decapitated body was found in a shallow grave outside Karachi in late February.

In Algeria, Mr. Mohamed Boualem Benchicou, the former editor of Le Matin, was given a 2-year prison sentence for being too outspoken.

□ 2130

He has been held in El Harrach prison for the past year as his health deteriorates and members of his newspaper staff are routinely subject to interrogation by Algerian authorities and also to judicial harassment.

Raul Rivero Castaneda is one of Cuba's best known dissident journalists. Over the years, Mr. Rivero has paid dearly for his commitment to providing Cuban citizens with independent, unbiased information. In March 2003, Rivero was arrested and charged with "acting against Cuban independence and attempting to divide Cuban territorial integrity," writing "against the government," organizing "subversive meetings," and collaborating with U.S. diplomats. Sentenced to 20 years in jail, he served 8 months before being allowed to seek asylum in Spain in April 2005.

These are just some of the journalists that our caucus will highlight and profile to bring attention to those brave, committed members of the press around the world who are fighting for the freedom of all of us and to highlight those countries where press freedom is under attack. We welcome all of your membership in this caucus.

THE INVASION OF AMERICA—TEXAS SPEAKS

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I have received numerous correspondence in the last 24 hours regarding the unlawful invasion into the United States. Here is what some Texans are saying.

Heather Pritchett in Humble, Texas, says: "Illegal immigrants should be sent home and required to follow the same immigration laws as legal immigrants have faced. It is wrong to give illegal immigrants legal status, even with several requirements such as learning English, essentially it says it is okay to ignore the law. An open door immigration policy is one of the wonderful things about this country and it should continue, but please close the windows."

Jeffrey Kendrick of Spring, Texas, writes: "Why do we allow illegals to choose what laws are okay to disregard? As an American citizen who served our country for over 10 years in active military duty, this makes my blood boil. Why aren't we enforcing the laws that are already on the laws? Are there other laws that are okay to break? Why should our representatives in Washington allow our country to be overrun with people who have no regard for the law? Stand up for our country. I have always respected your record and valued your opinion. Don't let the country be sold out to whining liberals who are afraid of what illegal aliens may think of them. Who cares what they think? Go after companies that employ them illegally, enforce the law, preserve the American way of life."

Robert Arnold in Atascocita, Texas, writes: "It is amazing to see so many people mock our government while breaking the American law. As a citizen, as a veteran, I would like to know what plan is on the drawing board to stop the inflow of illegal activities at the borders. At the very least, make those people pay taxes. I don't even care about the $3 a gallon gasoline, but work to get this immigration issue under control."

Zine Strong of Humble, Texas, writes: "I am appalled at what is happening in our country where it appears that illegal immigrants have more rights than American citizens. I see daily on television the plight of those who live at the border. Their properties are vandalized, their lives are threatened by those crossing the border illegally. Our school and health systems are stretched to the limit and the jails are filled with people who have no right to be here in the first place.

"I am an immigrant myself who was blessed to have the privilege of becoming an American citizen. I came to this country legally many years ago with my two small daughters. As soon as we arrived, my daughters were enrolled in a school so they could learn English and we spoke only English at home. My sister, who had sponsored us, took us to McDonald's and told my daughters they could not be Americans unless they ate hamburgers and drank Coca-Cola. Five years later we became American citizens.

"We are Brazilian by birth and Americans by choice, but we did it legally. We never demanded any rights because we didn't have any until we became U.S. citizens. We pay our taxes. We obey the law. We love America with its traditions and all it stands for, and we do not wish to see it destroyed or changed.

"It is with horror that I see thousands of illegals take to the streets and shout for their rights. Their sense of entitlement is offensive, and politicians in Washington who write legislation protecting them are saying to American young people that laws are to be broken and you will be rewarded if you do break the law.

"The American people have had enough. For me, the last insult was to see our National anthem being not only translated into Spanish, but having our words changed to serve someone else's interests. The anthem is sacred. Can you imagine if immigrants in France did the same thing with the French anthem? They probably would be shot.

"I urge you to protect our borders. Do whatever is needed to stop the invasion. Yes, we are a nation of immigrants, but the immigrants who built our Nation came here legally. Furthermore, they came to give to this country. They learned the language, followed the laws and were assimilated into the United States. The people who are coming now want to change the country. To begin with, they don't even learn the language.

"In 2004, I had to go to the emergency room at a local hospital. I was there 7½ hours because the waiting room was full of illegals who, according to the law, have to be taken care of. I pay taxes, they don't. Where are my rights? The civil rights of American people are being violated to protect illegals.

"To the politicians who say we are a generous people who should help those who come here looking for a better way of life, I say, well, where does that end? The Mexicans are no more deserving than other people. What about the Africans, the Haitians and all other nationalities? Should we open our borders to accommodate the whole world? If those folks want a let better life, let them demonstrate against the Mexican government and fight for their rights in their own country. Otherwise, if we make an exception for them, then in the name of fairness we will have to do it for all nations. What I see now on the borders is anarchy."

Lastly, Milton Chance of Nederland, Texas, briefly states: "I am against illegal immigration. We need to secure the boarders. My son-in-law is Mexican and I have two wonderful grandchildren so I am not prejudiced at all. This statement by a former President of the United States sums up the way I feel. 'In the first place, we should insist that an immigrant who comes here in good faith and becomes an American and assimilates himself to us, he shall be treated with the exact equality as everyone else. It is an outrage to discriminate against any person because of creed, or birthplace, or origin. But this is predicated upon the person's becoming in every facet an American and nothing but an American. There can be no divided allegiance here. Any man who says he is an American but does something else isn't an American at all. We have room but for one flag, the American flag. We have room but for one language, and that is the English language. We have room for but one sole loyalty, and that is the loyalty to the American people.'' Signed Teddy Roosevelt, 1907.

Mr. Speaker, I hope Congress is listening to the people of this country. And that's just the way it is.

ONE-SIZE-FITS-ALL TRADE AGREEMENTS DON'T WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, does anyone here or watching at home wear one-size-fits-all clothing? It never fits right. It never looks good. What works for one person doesn't work for another. When it comes to trade agreements, a one-size-fits-all approach does not work either.

So then why are we negotiating trade agreements that take a one-size-fits-all approach to very different countries? Electronic comparison of the labor chapter in CAFTA versus the same chapter in Oman and Peru FTAs shows that Peru's FTA text is word-for-word identical to CAFTA. The Oman text contains only four syntax changes that do not alter the underlying meaning.

The labor chapter simply requires that each country enforce its existing labor laws. It does nothing to require countries to improve their laws to reflect fairness to working people.

There are also no safeguards in the agreement to prevent countries from weakening their labor laws. This is the same failed CAFTA approach: Squeeze it into one-size-fits-all clothing and slap it on to two different countries, Peru and Oman.

In Peru, the United States State Department has indicated that child labor remains a serious problem. It is estimated that 2.3 million children between the ages of 6 and 17-years-old are engaged in work. In Oman, the revised 2003 law remains in serious violation of the International Labor Organization's most important and fundamental rights, the freedom of association and the right to organize and bargain collectively.

The Sultan of Oman allows for no independent unions in the country. Whatever worker representative committees exist in the country, they are also subject to the government's approval. Such committees may not discuss wages, hours or conditions of employment. Needless to say, these are flawed agreements. They borrow weak labor rules from CAFTA and apply them to the countries that are in dire need of better labor standards for their workers. They do nothing to improve the lives of the work or the working conditions of these people. And, make no mistake, what is bad for them is also bad for us here in the United States.

Any vote for the Oman or Peru FTA must take into account the broader economic reality that we are facing here today. Our trade deficit hit a record shattering $726 billion last year. We have lost more than 3 million manufacturing jobs since 1998. Average wages have not kept pace with inflation this year, despite healthy productivity growth. The number of people in poverty continues to grow, and the real median family income continues to fall.

Offshore outsourcing for white collar jobs is increasingly impacting highly educated, highly skilled workers. RECORD trade and budget deficits, unsustainable levels of consumer debt, stagnant wages, all paint a picture of an economy living beyond its means, dangerously unstable in a volatile global environment.

These trade deals are not working for us. They aren't working for this country or for the countries we trade with either.

I urge all Members of the House to send our new United States Trade Representative an important message: All future agreements must make a real departure from a failed NAFTA and CAFTA model in order to succeed.

American workers are willing to support increased trade if the rules that govern are fair, if they stimulate growth, create jobs and protect fundamental rights, both in America and abroad. I am committed to fighting for better trade policies that benefit U.S. workers and the U.S. economy as a whole.

We simply cannot afford more of the same, one-size-fits-all clothing, because what you will get is a wolf in sheep's clothing.

THE PROBLEM OF AMERICANS WITHOUT HEALTH INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise tonight to raise awareness of a problem that is plaguing our health care system, and that is the number of uninsured Americans. It has been estimated that more than 45 million lack health insurance. However, it is important for understand for us to understand better who the individuals are that make up that 45 million.

A census taken in 2003 reveals that almost one-third of the uninsured, 15 million, live in households with annual incomes above $50,000. 7.6 million of these individuals live in households with incomes of more than $75,000. Moreover, Mr. Speaker, 18 million of the uninsured are between the ages of 18 and 34.

Obviously, many of these are uninsured as a matter of choice. They choose not to have coverage, because health insurance in this country is prohibitively expensive and it is not a purchase they wish to make, either because they are young and healthy or because they are willing to roll the dice and take their chances, or, if their employer cannot afford to offer insurance, the regulations on the individual insurance market make purchasing a policy on their own prohibitively expensive.

Fortunately, Mr. Speaker, the Republican leadership of this House has shown the American people how health care can be made more affordable in this country. There are three fundamental avenues that take significant steps toward allowing all Americans to be able to afford health insurance.

The first is Association Health Plans, or AHPs. The House of Representatives last year passed H.R. 525, the Small Business Health Fairness Act. This bill will reduce the cost of health benefits for small businesses and the self-employed by establishing new national Association Health Plans. AHPs currently exist, but they are severely hampered by the administrative burden and high costs of having to comply with 50 different sets of State insurance mandates and regulations. These barriers have made it virtually impossible to start new plans and have forced many of these plans to close, thus greatly limiting the availability of affordable health insurance to our small businessmen and women.

H.R. 525 will strengthen health insurance markets by creating greater competition and more choices of health plans for small businesses. Greater competition will benefit consumers by bringing premiums down and expanding access to coverage. The bill provides AHPs with the opportunity to offer fully insured health plan options under a uniform set of rules across State lines so it will actually expand opportunities for insurance companies to serve these small businesses.

□ 2145

Mr. Speaker, the second avenue that will allow more Americans to purchase health insurance are through health savings accounts.

They were established by the Medicare Modernization Act of 2003. Health savings accounts allow Americans to put aside tax-free dollars with a maximum annual contribution to pay for their health care needs.

These accounts are combined with high-deductible health insurance policies that cover both preventative services as well as catastrophic coverage; and these accounts, Mr. Speaker, grow with the miracle of compound interest.

In 2 years, over 3 million individuals have enrolled in HSAs; and the number of Americans projected to enroll by the year 2010 increases to, get this, 29 million. In addition, more than one-third of HSA purchasers last year actually had incomes under $50,000; and one-third of individual HSA purchasers last year were previously in the rolls of the uninsured.

In his State of the Union Address, President Bush announced his plans to build and expand upon those early successes by giving Americans who purchase HSAs the same tax advantage given to employer-sponsored health insurance plans. This is a huge boost for those Americans who are self-employed, unemployed, or they work for companies that do not offer health insurance. It levels the playing field and increases the number of individuals and families with coverage.

Mr. Speaker, the last solution of reducing the number of uninsured Americans is called community health centers. They are vital to enhance medical care in poor communities, where access to regular care is often hardest to come by and where basic primary and preventative services can do an enormous amount to raise standards of living and well-being.

With the support given by the Federal Government over the last several years, our community health centers now have capacity to serve more than 3.5 million additional Americans, with nearly 2 million more served in the next 2 years.

So, Mr. Speaker, it is not national health insurance that we need; and I think I heard one of my colleagues on the other side at the start of these 5 minutes describe that and recommend it. But, as can you see, the leadership in the House of Representatives, we take seriously our responsibility to allow all Americans to purchase health insurance. But our job is not done until all Americans enjoy the comfort and the security of health care insurance.

OMAN-PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, a year ago in this body, we were talking about this Central American Free Trade Agreement or CAFTA's terrible labor provisions.

At that time, Member after Member raised serious concerns about CAFTA's failure to protect working people here in the United States and abroad. However, the Bush administration ignored every single one of those serious flaws with the CAFTA trade deal. Now the Bush administration is asking this House to consider the Oman and Peru Free Trade Agreements.

I would call it a new deal, except there is nothing new about it. I have looked at the labor provisions in the deal, Mr. Speaker, and they are identical to those in CAFTA. The administration has changed nothing, absolutely nothing at all.

So, Mr. Speaker, again I need to say that there is a message we need to send to the President. The message is very simple: No on the CAFTA model, no to inadequate labor protections, and no to the Oman and Peru agreements.

If you want to protect workers' rights, if you stand for labor protection, if you want to halt job losses in this country, then say no to the CAFTA model, say no to inadequate labor protection, and say no to the Oman and Peru agreements.

The CAFTA model hurts hardworking people here in the United States, in Oman and in Peru. Not surprisingly, the Oman and Peru trade deals will hurt U.S. workers in the same industries that were alienated by CAFTA. It is not a surprise to anyone that I am talking about textiles and sugar production.

The labor standards in Oman and Peru are simply not acceptable. As recently as last year, the Bush administration's very own State Department publicly stated that Oman has an unacceptable standard for the trafficking of people into involuntary labor.

The same was formally acknowledged regarding Peru, including a special note that child labor was a serious problem there.

Honestly, I do not understand this administration. At the same time that the administration negotiated these agreements, it also published a report detailing the extensive labor problems in both of these countries. Even children working in a factory making bricks in Lima, Peru, do not have the legal right to, and I quote the administration's report, "remove themselves from potentially dangerous situations".

We need to say no to the Oman and Peru agreements, not just to protect our labor rights here in the United States but also, importantly, to set the global standard for labor rights around the world.

It was not so long ago that many in this House rejected and argued against CAFTA. Guess what? The arguments against the Oman and Peru agreements are the exact same ones, because it is the exact same agreement.

I ask my colleagues not to be fooled. Do not believe that this is a new approach for trade, because absolutely nothing has changed.

I, for one, am going to stand up again for labor rights here in the United States and abroad, and I encourage my colleagues to do the same.

HONORING JAMES CAVENDER

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I rise to honor a great East Texas man who has realized the American dream the old-fashioned way, through a lifetime of hard work and dedication to his family, to his community, and to his craft.

James Cavender began his business career by opening a Dairy Mart in Pittsburgh, Texas, 4 years after I was born there. He opened his business in 1957.

Eight years later, Mr. Cavender took another chance and opened a retail western wear business for men and boys. Thirty-five years, 40-plus stores, and some 800 employees later, Cavender's Boot City, Cavender's Western Outfitters has become synonymous with the Texas cowboy.

Mr. Cavender's success is built on the following motto, "take care of the customer and everything else takes care of itself".

James Cavender is a family man. His company's operation reflects that. His wife, Pat, sons, Joe, Mike, Clay, are all involved in the day-to-day business of Cavenders. The family remains in tune with their customers by continuing to live a ranch lifestyle.

On May 9, Junior Achievement will honor the business success and community service of James Cavender. Junior Achievement is a volunteer organization that teaches children how they can impact the world around them as businesspeople.

Our young people who are interested in impacting the lives of others by entering the business world will find no better role model than James Cavender, a man who through honesty, determination, has attained great success as a businessman, but, more important, as a citizen of East Texas, of Texas and of these United States.

We honor James Cavender. God bless you, and God bless America.

IRAQ—THREE YEARS AND COUNTING

Ms. KAPTUR. Mr. Speaker, I rise to claim Mr. PALLONE's time to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, a little over 3 years have passed since the invasion of Iraq, and it seems that we are no closer to victory than we were the day U.S. troops rolled into Baghdad.

So where are we in Iraq? This is a question many are asking. Just this morning, a suicide bomber attacked police headquarters in Fallujah, killing 15 and wounding 30 others. According to AP reports, 13 of those killed were Iraqi recruits and two were Iraqi police.

In Baghdad over the past 2 days, 34 bodies have been discovered throughout that city. The hands of the men had been bound. All showed signs of torture, and all had been shot in the head.

Another 12 bodies, all Sunni Arabs, were found in the streets over the weekend.

This is appalling news, Mr. Speaker; and, sadly, it is simply a continuation of the sectarian violence sparked by the February bombing of the holy Askariya Mosque in Samara. The elevated violence has claimed hundreds of lives, and many experts and scholars worry if this is deteriorating into a full-out civil war.

We can only hope that will not be the case, Mr. Speaker, but the signs are troubling, and insurgents are targeting Iraqis as well as U.S. troops. Iraqis are attacking other Iraqis, and no one seems to know how to stop the violence.

It is clear that the administration's pre-war intelligence was finagled or flubbed, and war efforts are being bungled. Constant miscalculations and inability to view the situation for what it really is continues to place our troops in harm's way every minute of every day.

Is it any wonder that well-respected military officers out of a sense of patriotic duty feel compelled to speak out against Secretary Rumsfeld and others in this administration, drawing light to the constant bungling?

In March, military General Paul Eaton, retired, said, "Mr. Rumsfeld has put the Pentagon at the mercy of his ego, his cold warrior's view of the world and his unrealistic confidence in technology to replace manpower. As a result, the Army finds itself severely undermanned."

Retired military General Paul Eaton: "Secretary Rumsfeld has shown himself incompetent strategically, operationally and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down."

Retired Lieutenant General Greg Newbold: "Secretary of State Condoleezza Rice's recent statement that we made the right strategic decisions but made thousands of tactical errors is an outrage," he says. "It reflects an effort to obscure gross errors in strategy by shifting the blame for failure to those who have been resolute in fighting. The truth is our forces are successful in spite of the strategic guidance they receive, not because of it."

Major General John Batiste in April said, "the current administration repeatedly ignored sound military advice and counsel with respect to the war plans. I think the principles of war are fundamental, and we violate those at our own peril."

And Central Command Commander General Anthony Zinni in April said, "I think we are paying the price for lack of credible planning, or the lack of a plan. We are throwing away 10 years of planning, in effect, for underestimating the situation we were going to get into and for not adhering to the advice that was being given to us by others."

Mr. Speaker, all of these are troubling remarks. All of those men speak from personal experience at ground level. Their concerns and protestations were ignored by higher-ups in the Pentagon and in the Oval Office.

The price for speaking the truth in public? Ask General Shinseki. He got fired for daring to speak out on the number of troops that would be a needed to maintain the peace once major combat operations were under way.

So, thus far, we have 2,404 U.S. soldiers who have died in Iraq and another 17,762 injured; 27,000 Iraqi civilians have died, and the world does not even know how many there have been injured.

From my own State of Ohio, 107 brave soldiers have died, and 664 have been injured. And the only thing this administration sees fit to do is throw money at the problem and wait for a new President to figure it out sometime after 2008's elections are over.

Our esteemed colleague from the other body, JOSEPH BIDEN, this week suggested that he agreed with some experts who have proposed decentralizing Iraq, similar to what was done in Bosnia in the mid-1990s. He writes, "America must get beyond the present false choice between staying the course and bringing the troops home now and choose a third way that would wind down our military presence responsibly while preventing chaos. The idea, as in Bosnia, is to maintain a united Iraq by decentralizing it, giving each ethno-religious group, Kurd, Sunni Arab and Shiite Arab, room to run its own affairs while leaving the central government in charge of common interests."

Mr. Speaker, is it not time to at least consider a new direction to stem the rising violence?

□ 2200

CONGRATULATING DODIE DITMER ON HER RETIREMENT FROM THE COMMUNICATIONS WORKERS OF AMERICA

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, it is with great pleasure that I rise here on the floor of the people's House to congratulate Dodie Ditmer on her retirement from the Communication Workers of America after over 43 years of service to the union and to our Nation.

Dodie was born in Clairfield, Tennessee. She was one of eleven children. She later married Gregory Kent Ditmer, and together they have one daughter, Tamara Kaye, and one granddaughter, Emily.

On February 13, 1963, Dodie became an operator at Ohio Bell in Dayton, Ohio. She became a member of CWA Local 4311 on that same day. She was appointed as a steward in the union in 1964, going on to be elected local president from 1973 through 1988. On May 1, 1988, Dodie was appointed to CWA staff representative. Dodie also has the distinction of becoming the first woman to be appointed as assistant to the vice president of district 4 in October of 1994. She also served the union as director of education and the COPE political director.

Dodie returned to Dayton, Ohio, in August of 2005 to work with the IUE-CWA and various other locals. Dodie has served the membership extensively on various union, community and political boards and committees.

I have had the great privilege of working with Dodie across the years. Together, we have fought and won many battles on behalf of working men and women, and I have always appreciated her thoughtfulness, her candor and her good humor. I am confident that she will not retire quietly, but I think that she will continue to be an active person in her community.

Ohio has many outstanding citizens, and Dodie Ditmer is certainly one of Ohio's finest. I congratulate her tonight on her retirement, and I wish her Godspeed in the days, weeks and months to come.

PROPOSED TRADE AGREEMENTS WITH COLOMBIA, PERU AND OMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

Mr. LYNCH. Mr. Speaker, I rise tonight to address the House on the matter of the three proposed trade agreements that we are about to consider, namely, Colombia, Peru and the Sultanate of Oman trade agreements.

Every Member of this body knows or should know the history of job loss in this country, and you would think, as my colleague from Texas said, that when you find yourself in a hole, you would stop digging, but not us. Here we go again.

Just like the other so-called free trade agreements, the Colombia, Peru and Oman trade agreements contain no meaningful language or effective labor or environmental standards for workers in those countries. These so-called free trade agreements seek to reinforce the status quo in the host countries.

Mr. Speaker, what we have here is identical language to the problematic and inadequate language that was contained in CAFTA and NAFTA before that.

Instead of enforceable labor provisions with teeth, these free trade agreements suggest only that those Nations adopt and enforce their own labor laws. They offer no assurance that existing labor problems will be resolved, and they allow labor laws to be weakened or eliminated in the future, with no possibility of recourse.

Now, some may wonder why the President and the administration chose these three countries for the next round of free trade agreements. It seems to me, after looking at the agreements, the Bush administration went out to the nations with the very worst examples of labor laws, protections and enforcement in the world, and some of the well-documented and more troubling aspects of these agreements consist. First of all, in Colombia, in 2004, over 200 trade unionists were killed, making it the most dangerous country in the world for workers seeking to exercise their freedom to form unions. More than 3,000 union members have been killed in Colombia since 1985, and only five people have been indicted in those cases.

In Peru, the U.S. State Department has indicated that child labor remains a serious problem. This is our own U.S. State Department. They estimate that 2.3 million children between the ages of 6 and 17 are engaged in work in that country. Now, when we talk about free trade, that is not free trade. That is asking the American worker to compete with children who are being paid very low wages and being exploited in these other countries.

In Oman, their 2003 labor laws remain in serious violation of the International Labor Organization's most important and fundamental rights: freedom of association and the right to organize and bargain collectively.

There are no independent unions in that country.

Mr. Speaker, while trade sanctions and serious remedies are granted to the commercial trade and investment provisions of these free trade agreements, the labor and environmental standards are totally ineffectual.

It is interesting to me that the negotiators can get good protections for intellectual property rights and other commercial rights, but when it comes to labor and environmental standards, it is just not happening.

I want to address the House especially within the context of the immigration problem that we are running up against in recent days. We have folks that are tunneling into our country from Mexico. They are swimming across rivers. They are hiding in containers from foreign countries and dying in the process of trying to get here, number one, to get out of the countries that they are in because they are in a troubled state and they know they have got no rights; secondly, to give their families hope in coming here.

It seems to me, if we wanted to stop some of the immigration problems, we could include in our trade agreements provisions that protect those workers in their own countries. Then maybe they would not be lining up to come to this country with hopes of getting out of that situation.

Secondly, we also talk a lot that we have got a major effort in Iraq, and the President of the United States has described it in many cases as an effort to export democracy. Well, I have got news for you: you do not export democracy through the Defense Department.

This is where you export democracy, in our trade agreement, through our Commerce Department. Democracy is all about opportunity, and we should in our trade agreements give these foreign workers an opportunity to stay in their own country, to buy goods from us that would create a good dynamic by creating jobs in this country. Democracy is about opportunity, and if we are really serious about exporting democracy, it starts right here. It starts with our free trade agreements.

This is just a terrible series of trade agreements. It offers no opportunities to these foreign workers. We are going to exacerbate the immigration problem because, as long as these people do not have a right to earn a decent living and have decent working conditions in their own country, they are still going to be coming here.

So we can help on two fronts by adopting fair labor standards in our trade agreements, and I urge my colleagues to reject the Peru, Colombian and Oman trade agreements.

LOCKOUT AT MERIDIAN AUTOMOTIVE PLANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I first of all commend my colleagues, LINDA SÁNCHEZ of California, Mr. LYNCH, Mr. STRICKLAND, for continuing the fight for free trade in this country, fighting for jobs, fighting to protect American jobs and protect American communities. There are not nearly enough voices in this Chamber for fair trade policies, and I thank them for their courage and their outspokenness.

Two nights ago, I stood on Route 32 in Jackson, Ohio, a small community in southeast Ohio, with more than a dozen workers outside a plant where many of them had worked for more than two decades. Husbands stood with wives; mothers and fathers joined the group. Some people brought their children. Generations of steelworkers from southern Ohio gathered to talk about their community and to talk about their family values and to talk about change.

That night, we talked about their families and the children they have raised on a steelworker's union salary. We talked about the retirement security they helped invest in over the years and always assumed would be safe with the company that they thought they could trust, and we talked about the uncertain future they now face as they stood by the side of the road outside of the plant.

The workers at the Meridian Automotive Plant in Jackson, Ohio, are not standing there tonight on Route 32 because they are on strike. They did not walk off the job.

Despite being the most productive Meridian workers in three countries, in any of their plants in the U.S., in Michigan and Ohio and North Carolina and Mexico, these Ohio workers have been locked out of their jobs, abandoned by flawed trade policy, betrayed by their management, whom they trusted, and victimized by failed leadership in Washington, some of whom they have voted for.

After NAFTA, the North American Free Trade Agreement, a dozen years ago opened the door to cheap labor in Mexico, corporations like Meridian shipped jobs to countries where they could cheat foreign workers of good health benefits and a retirement plan, and now they want to lower labor standards in Ohio.

Meridian has tossed hardworking Ohioans on to the street literally along the road on Route 32 in Jackson to deny them health care and retirement plans that they have been investing in for decades.

The CEO of Meridian lives in a $2 million mansion. His most productive workers in his company stand alongside of Route 32.

Current U.S. trade policy rewards the outsourcing of Ohio jobs, encourages the exploitation of workers overseas and promotes the profiting of CEOs on the backs of workers and small businesses throughout our country.

For too long, they have been told American jobs must fall victim to the necessary evils of globalization. We have been led to believe that our future is not in our hands. I do not buy that, and those workers alongside the road in Jackson, Ohio, do not buy that.

That night, the workers and I talked about family values and the merits of hard work. We talked about their children. Some are in college. Some are about to go to college. Most thought they could go to college before the lockout. Some may not be able to go now.

We talked about a steelworker's mother who had worked for years, who was part of the bargaining committee for the steelworkers, had deferred income so they would have a comfortable retirement, and that retirement is about to be taken away.

We noted the parade of honking horns in support of the workers and the proof that the community in Ohio actually means something.

They told me that people in the community brought food, brought water and, most importantly, brought with them encouragement for the locked out workers that wanted to be inside the plant working.

That night, we talked about change. We talked about changing economic policies that allow management to pit worker against worker. We talked about changing trade policy that sells out our values for CEO mansions and private planes.

We talked about the Exxon CEO who makes $18,000 an hour. These locked out workers have to figure out how to get anywhere on $3 a gallon of gas. We talked about a drug company executive whose stock plummeted 40 percent since he was CEO but who took an $80 million package out the door with him.

We agreed that it is time to change the future of Ohio by fighting for workers and families. It is time that an honest day's work in this country means a good day's pay. It is time to invest again in American workers and American small businesses and American communities. It is time to fight for family values.

□ 2215

COMPARING THE STATISTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half of the time before midnight as the designee of the majority leader.

Mr. KING of Iowa. As always, I profoundly appreciate the opportunity to address you, Mr. Speaker, and in doing so addressing this Chamber; and the echo of the voice that comes here echoes to the American people all across this continent, and indeed and in fact across the world.

Mr. Speaker, as I listen to the dialogue here in this deliberative body and listen to some of the statistics and some of the opinions that were presented here several speakers ago, primarily by the gentlewoman from Ohio speaking in opposition to our operations in Iraq and the concern that she has about the loss of life, which I share, but also the advice and the admonitions that came through that were not supportive of our Secretary of Defense, not supportive of the strategy. I think, though, that her remarks were made all in good spirit and I think in a fashion that she believes is the best course for this country to take. So I don't take issue with the motive, Mr. Speaker, but I just have a different opinion and I have a different viewpoint on a number of the statistics, so I will try to illuminate this issue a little bit.

The statement was made by the gentlewoman that there have been 27,000 civilians that have been killed in Iraq since the beginning of our operations there, and that date for me would be March 22, 2003. That, indeed, may be the number, and I don't take issue with the specificity of that number of 27,000 civilians killed. I would point out, though, that there have been now 3 years and a little more than a month go by, so one would need to divide that down to take a look at it from an annual perspective, and that would take that down to about 9,000 civilians a year.

Mr. Speaker, it occurs to me as I sit here in this Chamber and evaluate this that not too long ago I was down in South America on a trade mission through Brazil and also Argentina and a couple of other smaller countries briefly, and there in Sao Paulo, a large city in the southern part of Brazil, they informed me that they had an annual number of murders in that city of 10,000 people that died violent deaths at the hands of murderers in Sao Paulo, Brazil. Now, whether you want to measure that that city is the compressed inner city with a lower population or the city and its suburbs with a larger population, and perhaps that could go as many as 16 million or maybe even larger for the size of the city, Mr. Speaker, that is still an astonishing number to think of 10,000 people in a single city that are murdered in a single year, a high level of violence.

So when I came back, I took a look at some statistics to try to get a handle on this, to try to put it in perspective. And one of the ways we can do that is we look at the communities that we know that we live in where we see the crime figures day by day on the front page of the paper, and sadly often they don't make the front page of our paper, and look also at other countries where we are paying intense attention. So I pulled those statistics together for a number of countries.

Of course, Iraq would be number one on that list. And the statistics are given on many web pages and easily available to all, Mr. Speaker, but the number of murder victims, deaths due to violent acts, murder victims per 100,000. So you take it down into that number per 100,000, it puts it in a balanced perspective, it is apples to apples, and it will give a person an idea of about what kind of a violent society we might be dealing with.

So as I look at these numbers, Mr. Speaker, I actually didn't come up with the numbers for Brazil and I couldn't find the numbers for the city of Sao Paulo, but I did find the numbers for Iraq. For Iraq, the victims of violence, and in that we include the bombing victims, of civilians and those that are victims also of murder in Iraq, it comes down to 27.51 deaths per 100,000 per year; 27.51 is the number. So if you are living in a city of exactly 100,000 people, statistically there would be 27.51 of them who would die a violent death in any given year. That is the statistical number. And, of course, we know there are anomalies, and we know there are concentrations of tragedies, and we know there are long terms of peacefulness that go on in other parts of the country. But this helps us understand how a country like Iraq can continue to move forward with the kind of violence that we see on television. It makes me wonder, Mr. Speaker, if we aren't seeing almost all of the violence that goes on in Iraq on television because we are seeing those high levels of violence continually in front of our faces every day. I think it is sometimes intentional and strategic rather than news; 27.51 fatalities per 100,000 in Iraq.

Now, how does this compare across the rest of the world? Well, one might look at a country, say, like Venezuela, 31.61 violent deaths per 100,000. So Venezuela is slightly more dangerous to live in than Iraq is.

And Jamaica, 32.40 violent deaths per 100,000 compared to the 27.51 in Iraq. Jamaica is slightly more dangerous to live in than Iraq.

And then you have South Africa. It jumps all the way up to 49.60.

Now, we are starting to see some numbers here that take us up to almost twice the rate, it is a little less than twice the rate of Iraq's fatality rate; 49.60 in South Africa per 100,000.

But we do have some numbers that go over twice the rate. One of those would be Colombia. Iraq, 27.51 deaths per 100,000; Colombia, 61.78 violent deaths per 100,000, more than two times as many deaths there. It is more than twice as dangerous to be a civilian living supposedly in peace and harmony in Colombia than it is to be a civilian living in the middle of this chaos in Iraq that I hear is intolerable.

Mr. Speaker, I would point out that if it is intolerable to face that kind of violence as a percentage of the population in Iraq that is unsustainable and that somehow we should pull out of there and wash our hands and give up or cut and run or maybe split the country up into three different sections, and then imagine what kind of violence we would have if we pitted those three factors against each other. But, instead, I will submit that we are being treated with a relentless drum beat of television violence in Iraq that, even though it is honestly represented in those significant instances, we don't have our television cameras lined up on the emergency rooms in the United States. We don't have them lined up here in the emergency rooms in Washington, D.C. or Detroit or Baltimore or New Orleans or Atlanta or St. Louis.

Mr. Speaker, speaking of those cities, I would point out that there is a way also to draw a measure, a measure that Americans will have a different feel for when I lay out the casualty rates for violent deaths in our cities in America. And it occurs to me when I look at these statistics that it is far more dangerous for my wife to live here in Washington, D.C. than it would be if she were living as an Iraqi civilian citizen in a random place in Iraq. Now, we know there are places with higher violent rates, but 27.51 deaths per 100,000 in Iraq per year.

I am going to go to Washington, D.C.; 45.9 deaths per 100,000, Mr. Speaker, compared to the 27.5 in Iraq per 100,000.

Detroit, 41.8. It is getting a little safer in Detroit than it is in Washington, D.C., but still far more dangerous in Detroit than it is in Iraq to be a civilian.

Baltimore, 37.7; Atlanta, 34.9; St. Louis, 31.4. We are getting down there closer to the fatality rate to live in St. Louis rather than living somewhere in Iraq at 27.51.

So what city might be comparable, a city that we would be familiar with that would have a violent death rate that one would compare to the equivalent of being a civilian in Iraq? Well, Mr. Speaker, if there are people out there that are sitting in Oakland, California, tonight and they are thinking about how they are living safe in their living room, they are just slightly safer in their living rooms living in the community of Oakland, California, than they are living in a random community in Iraq. The Oakland fatality rate for a violent death is 26.1 compared to the 27.51 in Iraq.

Mr. Speaker, I think this makes the point very well that we can be delivered a constant drum beat of violence, and then we begin to think that it is an intolerable violence and something that is such a high level that it can't continue, that a civil society just simply can't sustain that kind of an onslaught, when, truthfully, the violent level in Iraq is well less than half of the violent level in Colombia, and they sustain themselves although not so well. Slightly higher than half the rate of South Africa; they sustain themselves.

We go to Jamaica because it is a wonderful place to visit, but the violence level there is a little more violent than Iraq, slightly less violent than Oakland, California.

Venezuela, I mentioned.

The one that I left off was New Orleans. Thinking in terms of 27.51 deaths per 100,000 violent deaths in Iraq; New Orleans before Katrina, 53.1, almost twice the violent deaths in New Orleans as there is in Iraq.

So that gives us a sense, I think, Mr. Speaker that this is a manageable violence rate. And although we abhor all violence and as much as we have struggled to bring a civil society and order there, there is still the insurgency. There are still the people who believe that they will gain their power back if they keep attacking Americans, if they keep attacking Iraqis.

But we heard today from the Secretary of Defense that there are 254,000 Iraqis in uniform defending Iraqis. Those numbers are going up. They are heading towards 325,000. And each day that goes by, we have more Iraqi troops in uniform, better trained, better equipped, taking on more and more of the security tasks that are there. Yes, some are being led by Americans; many are being advised by Americans. They have taken over 30 of the bases, the Iraqi troops. These are the good guys on our side, taking over 30 of the bases there to manage. They are performing well, they are engaging in battle, they are not cutting and running, and we are standing up a military in Iraq that can more than face down these insurgents.

Mr. Speaker, the point of all of this, and I think it is a point that needs to be made, is we have been engaged in a war on terror, and we continue to be in this global war on terror, the operations that go on globally and primarily in Afghanistan and in Iraq. I don't hear complaints from this side of the aisle about the operations in Afghanistan. They are essentially universally acclaimed as a tremendous military accomplishment. But you can't have a sustainable military accomplishment unless you have also an effective political accomplishment. There has to be a political solution to follow every military operation and accomplishment, or it cannot be sustained, and behind that political solution needs to be an economic solution. Afghanistan is on the way.

Iraq has been a more difficult struggle, but it is essentially the same equation with a couple of important differences. One is that Iraq is surrounded by countries who have been funding, equipping and sending insurgents in, our enemies. That consistent supply of munitions and equipment and people has made it a relentless insurgent effort in Iraq. We will get a handle on that, especially the more the Iraqis step up, the more tips they get, the more they are able to come in and, with special forces, knock out the leadership of al Qaeda. There have been several times that Zarqawi has been within a few minutes of coming under the control of coalition forces. In fact, he was at one time under the control of the Iraqi forces, and they didn't realize who they had, and had they realized that, that part would be over. But the effort that is going on in Iraq is more complicated; it has a more organized opposition.

But the rewards on the other side, Mr. Speaker, also can be more substantial than the rewards in Afghanistan, and for a couple of important reasons. One of those reasons is the strategic location of Iraq. It is surrounded by Syria on the one side and Iran on the other side, in close proximity of course by Kuwait and in close proximity to Saudi Arabia. The image that comes from a successful and prosperous Iraq emanates into those countries and into all Arab countries. And if this military solution in Iraq, which is nearly at its completion, and now that we have an opportunity watching the politics in Iraq with our new prime minister and I should say their new prime minister whom they selected, Jawad al Maliki, the new prime minister of Iraq, they now are in the process and forming a truly legitimate government. It has taken them 4 months, but they are putting in place people now, and the minister will soon be seated. And when that happens, this government that I hoped would be up 3 months ago could likely be up in just a few weeks, up and running and functioning, giving order to the country, giving direction to it, carrying on command-and-control operations from the top down, sending out the payroll to the people that are working within government, getting supplies out, fixing the infrastructure, keeping the flow of goods and commerce and munitions and essential supplies to the people of Iraq, giving order.

Mr. Speaker, when that order comes, the insurgents will realize something, and I think that what they will need to realize is what the losers in every war have to conclude. And that is, a war is never over until the losing side realizes that they have lost. They have got to get to that point where they don't have the hope any longer, they don't have the ability any longer to carry out war.

Von Clausewitz wrote, his most common summary of his quotes on his book on war, that, "the object of war is to destroy the enemy's will and ability to conduct war." I put it down into simple terms. I say, "War is never over until the enemy realizes they have lost." And so that message is getting through to the other side, and I think that Zarqawi is desperate.

□ 2230

As they beat the drum and put more information out through the media, we are not seeing the kind of activity that would indicate to me that they have an ability to carry on this war very much longer. As the Iraqis step up in uniform and go from 254,000 on their way to 325,000, they will be in a position to occupy, to control order, and they can penetrate any operation going on in Iraq. The day will come not too far from now when the enemy has to realize that the object of war has been reached by the Coalition Forces and that they have lost.

Now there is another thing that happens here when you are engaged in a war, especially when you are in a free country, a constitutional republic with constitutional rights, freedom of speech, press and assembly. You cannot control the freedom of speech, press and assembly that goes on in the United States of America. So we sometimes do the foolish thing: We sometimes have people who are tools of the enemy. We sometimes have people who utter words and phrases, people who are viewed as quasi leaders of the United States who undermine our effort.

I have with me here a poster.

Mr. Speaker, this is a poster of the senior Senator from Massachusetts; and he says this back on April 6, 2004, "This was made up in Texas. This whole thing was a fraud. Iraq is George Bush's Vietnam." April, 2004.

What does this mean to the people who are fighting against us? What does this mean to the insurgents who are sitting in their hovel somewhere, making a bomb, trying to get the courage to plant and detonate that bomb? It encourages the enemy.

If one does not think so, I thought I would go to the Vietnam archives and see what I could learn about what kind of message did they get during the Vietnam War. I came across a quote that came from a 1995 interview with a North Vietnamese colonel, Colonel Bui Tin. He was the colonel that received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the People's Daily, the official newspaper of Vietnam. He now lives in Paris where he immigrated after becoming disillusioned with the fruits of Vietnamese communism. He has a viewpoint different than when he was fighting for communism.

But when asked, when Colonel Tin was asked this question, how did Hanoi intend to defeat the Americans, he replied, by fighting a long war which would break their will to help South Vietnam.

Ho Chi Minh said: "We do not need to win military victories. We only need to hit them until they give up and get out."

The follow-up question: Was the American anti-war movement important to Hanoi's victory? Colonel Bui Tin responded, "It was essential to our strategy. Support of the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American anti-war movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark," who has not given up his tactics yet, Mr. Speaker, "gave us confidence we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she with ashamed of American actions in the war and that she would struggle along with us."

And another question of Colonel Bui Tin: "Did the Politburo pay attention to these visits?"

"Keenly."

"Why did they pay keen attention?

His response: "Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power into our favor. America lost because of its democracy. Through dissent and protest, it lost the ability to mobilize a will to win."

Mr. Speaker, that statement bears repeating in part. He answered, "Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor."

Does it sound like some of the voices we have heard today coming from the other side of the aisle, Mr. Speaker? And is it the same sentiment and will it be the same result? Or will we have the courage and the fortitude and the foresight and the will to stand up for truth, to stand up for this mission, to stand up with our troops that have put their lives on the line for us and for our freedom and for the free destiny of America?

Can we let Bui Tin make a point that a democracy, because it has freedom of speech and we allow people who are seen as the leaders to speak without consequence, sending a message out to all of the people in this country and the people across the world that want to listen that we do not have the resolve to continue this fight and win this fight and leave a new legacy that puts aside the old legacies of Vietnam, the legacies of Mogadishu and the legacies of Lebanon? It is up to us.

As I think about a meeting I had with General Casey in Baghdad last August, he said to me, the enemy cannot win if the politicians stay in the fight. We discussed on the way back did he mean Iraqi politicians or American politicians, and I concluded that he meant both. It is essential that both the Iraqi politicians and the American politicians stay in the fight. It is our job to do that.

I stood in a mess hall in Iraq more than a year ago. There was a soldier, a Captain Richards. He shook my hand and looked into my eyes and said, I am proud to fight for my country and serve my country, but why do I have to fight the United States news media, too?

My answer is, you should not have to fight the news media. That is my job. It is my job, and it is the job of the Members of Congress to make sure that the truth comes out and we stand up for the people who are defending our freedom. Use the freedom of speech to defend freedom, not the freedom of speech to undermine freedom.

I have more illustrations, Mr. Speaker.

Mr. Speaker, this is the gentleman who has been in the news lately, Zawahiri. He heard the message from Vietnam that came from the senior Senator from Massachusetts. When the senior Senator said Iraq is George Bush's Vietnam, here is the words that came out of the mouth of Zawahiri: "The collapse of American power in Vietnam, they ran and left."

We think that does send a message to all of our future enemies when we pull out of an operation, an operation that, when that happened, it cost perhaps as many as 3 million lives in Southeast Asia when the power structure collapsed, and it happened because we lost the will in this country.

This operation in Iraq is nothing like Vietnam, not in its severity, not in its casualties. It does not have any jungles or mountains. It is a barren desert. There is no place for the enemy to hide. Zarqawi said that in his letter that he wrote a year ago last April. There is no place to hide, and the Iraqis that are willing to take them in are as rare as red sulfur. I do not know how rare red sulfur is in Iraq, but I think it is on the order of as rare as hen's teeth.

Another message, Muqtada al-Sadr. He has been in the news also a lot lately. I saw this image and heard this voice as I sat in a hotel room in Kuwait waiting to go into Iraq the next day. I was watching al-Jazeera TV. That is always a good thing to do when you are in a foreign country, turn on the TV and see the images that they portray. You can get a sense of what people are focusing on, even if you cannot understand the language. This was in Arabic audio, but the crawler underneath was in English.

As I watched that mouth go up and down, this is what I heard: If we keep attacking Americans, they will leave Iraq the same way as they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu.

Sound familiar? I think so. I think Muqtada al-Sadr is getting his lessons the same way. He is listening to the American left. He is being encouraged by the voices that are quasi leaders in this Congress, both in the House and the Senate, the people who keep predicting defeat and saying before the operation begins that we cannot win.

Some people from the United States House of Representatives went to Iraq to surrender before the operations ever began. Yet our military went in there and in record time went in and invaded and liberated and occupied the largest city ever in the history of the world. They traveled across more miles of desert than anybody had before. And that is the most powerful message. He is listening to the voice that comes out.

We need to understand when we are talking here we need to talk about our resolve and staying the course, finishing the job, and sticking with our military.

And what does our military say? When I visit them in the hospital or visit them in Iraq or when they come back home, they want to finish this fight. Those that are wounded want to get better and go back and get into the fight. They feel a little guilty sometimes that they might have been able to avoid getting injured, and they want to get back in the fight and rejoin their troops. That is the patriotic American way. We need to stand and defend that.

We have another voice here that I think we need to hear. It is another voice of the defeatist left, the chairman of the Democrat Party, Howard Dean. "The idea that we are going to win in Iraq is just plain wrong." That was December, 2005.

What kind of message does that echo through the hovels in Iraq where the insurgents live and plan and plot to attack Americans? Does that make them think that the United States has lost its resolve? If they are reading the quotes from Bui Tin and General Japp and Ho Chi Minh, don't they think that the lack of will in the United States today would be comparable to the lack of will during the Vietnam War?

It is not the same war, the same time or the same people. If we pulled out of Iraq and let that nation break down into chaos, the consequences for this country, the consequences for freedom, the consequences that we would have to face in this global war on terror would be catastrophic. I do not think a reasonable person can really contemplate the idea of pulling out or backing off to the horizon and disengaging and only going in when there is a real, real crisis, or the idea that we should provide for separating Iraq into three different geographical areas.

Where did that come from, Senator? That discussion should have been taken place long ago. To sit back and throw a Monday morning quarterback recommendation out there throws more instability into the Middle East and makes it harder for our diplomats, Secretary of State, Secretary of Defense, and harder for our President to try to lend a sense of calm and support.

The Iraqis are committed to one Iraq. I have asked the same question about what would happen if Iraq were divided. I asked that question quietly of people that know. And every time I ask that question, I get an answer: Don't talk about it; don't think about it, don't try it. We are Iraqis and we are Iraqis first; and we are Kurds, Shiites, and Sunnis after that. I am going to stand with one Iraq. That is the organization that is there. We have to stick with that. Anything else undermines it.

Mr. Speaker, that is the situation in Iraq. We can stand together on this, and we will. Our troops are not going to blink. Our leadership is not going to blink.

Our Secretary of Defense has done an outstanding job. He is reorganizing our military right in the middle of combat operations. They are reorganizing it into brigade combat teams.

Some of generals who have been critical of our Secretary of Defense are the ones who are not supporting a reorganization of the military, especially the Army. They are some of those traditional ways diehards.

Of all of the thousands of generals that we have, we have found six that disagree with the Secretary of Defense. That is hardly a movement. That is hardly something that I think should cause us to rearrange our entire military thinking. But you can always find a dissenter. You can always find a critic. Time will help us fix this.

There are three phases of the operations in Iraq. There is a military security phase. Hopefully, we are reaching the end of that, where we hand that over to the Iraqis. It will require our presence and advisers there for a long time, but they will get a handle on the violence.

The second phase in the political phase. Now with a new prime minister and a government that is in the process of being properly formed, this will be the first government in Iraqi. Of all of the elections that they have had there and all of the people who have been involved, from our CPA and Paul Bremer, this is the first government that has been formed to govern, not simply to be an interim government to get to a constitution and then to be able to get to an election.

□ 2245

So progress can be made every day as soon as they are squared away and in shape.

The next phase is the economic solution in Iraq. And they have so much more opportunity than Afghanistan. But the oil that is so rich there, up around Kirkuk and down around Basra, and the natural resources in this country are tremendous. And so I am hopeful that the Iraqi will realize that they own those natural resources. They are theirs. The United States has taken the pledge that we are not in there for the oil, except that we are going to want to buy some oil from them. But they need to have capital invested so they can sink more wells, put in more pipelines, build more refineries, upgrade the refineries that they have and be able to get oil flowing out of that country and cash flowing in.

And I might point out, Mr. Speaker, that it might not be too bad an idea to build enough refineries there that they could refine some oil that might come from Iran. Those folks over there, they are busy processing uranium so that they can have nuclear power in Iran, supposedly to produce electricity. And at the same time, they are not refining their oil, to the point where they have to import gas to burn in Iran; a very odd thing to think that you don't have refineries to refine all the crude oil that you have, but you have to go out and have nuclear reactors to generate electricity in Iran when you have got plenty of oil, plenty of fuel and yet you are not refining it. If it is science that they want, they are going after, I think, the wrong science.

But no one really believes them, Mr. Speaker. They have made plenty of noises about going down the path of establishing nuclear weapons and the means to deliver them, and they have made a lot of threatening noises, and they have threatened to annihilate Israel. And they have said if the United States does anything evil, they are going to attack Israel. They don't define evil, except they define us as evil. And so the odds of being able to resolve the issue with Iran gets slimmer and slimmer each day.

What we know is we cannot tolerate a nuclear Iran. The threat and the risk of that, the destabilization in the Middle East, not just what it does to the oil supply, but having a nuclear missile aimed at Tel Aviv, realizing that they would take Tel Aviv out in a heartbeat if they could, and that capability would destroy the only democracy in the Middle East, and we know that Israel can't tolerate that, and we know that we do not want to have Iran threatening the rest of the world with missiles that will reach out there at 2,500 kilometers. And it won't take long for them to get larger missiles that can go further yet.

So we have to turn pressure on Iran. And in the end, they must understand that they will not have a nuclear weapon, and they will not have a delivery capability, and we will have to make sure that they do not by using every means at our disposal before the military option is required.

Those are two of the situations here, Mr. Speaker. And then as some other things flow through my mind, and I look at the situation here in the United States, we are quite a country. And we have had a lot of people pour into the streets of America over the last several weeks. It has been rather astonishing to watch the foreign flags unfurled in the streets, the American flags flown upside down, the Mexican flag flying on top of the flag pole at a high school in California with an upside-down American flag right underneath there.

It is interesting to watch the second wave of demonstrations, when they seemed to take the coaching a little bit better and put on white shirts and flew more American flags. Of course the foreign flags were also in their midst although in significantly fewer numbers.

And then on May 1, the International Workers Day, the day where the socialists and communists around the world take to the streets to march and demonstrate, that was the day that it appeared that the movement for advocating for illegal aliens in America apparently was co-opted by the socialist communist movement in the world. Some of the descendents of the Workers World Party, the Communist party front, I will say, here in the United States and also ANSWER, Act Now to Stop War and End Racism, those organizations, socialist organizations at best, more akin to Marxist organizations, are bringing people to the streets to demonstrate in the United States.

What a concept, Mr. Speaker, to get people to walk off their jobs, to walk out of their schools and plug the streets and refuse to do business with anybody that is, I will say, a non-Hispanic American, and then argue that this is a day for all immigrants, when they are seeking to punish their employers and punish the merchants that they would normally do business with and by walking out the schools, somehow figure that they are punishing the schools instead of the students. Not a very rational approach. And I dubbed it Biting the Hand That Feeds You Day. Because the punishment, if there was any, was to be delivered to the people that were most inclined to be supportive of illegals in this country.

And so, perhaps a million, 1.1 million, 1.3 million people took to the streets on Monday of this week to send a message all across America that they are demanding that they get a path to citizenship and hopefully a fast path to citizenship.

And I would argue, Mr. Speaker, that, you know, they came into this country and did so illegally. They argue that they are not criminals. But in fact, it is a crime to enter the United States today. Passing the law that makes it a felony makes it a penalty greater than, it is 6 months in jail and deportation if you enter the United

States illegally today. And if the House Resolution 4437 should pass the Senate with the President's signature on it, it would make it a felony. That would be a year and a day penalty instead of 6 months. But regardless, it is still a crime to enter the United States. It is a crime to go to work in the United States illegally. And it isn't that they are not criminals. They break the law every day they go to work.

But I fault, Mr. Speaker, not just the illegals. In fact, I put it in this opposite order. I fault the government of the United States, the Federal Government. For the last 20 years, the enforcement effort has diminished incrementally year by year for the last 20 years. And the Federal Government has the first responsibility to defend our shores, defend our borders, defend our national security. But they let the situation get out of hand to the point where there are 3 to 4 million illegals who poured across our southern border within the last year. The Border Patrol stopped 1,159,000. That would be for 2004. For 2005, that number would be about 1,188,000. Now, they adjudicated for deportation in 2004, 1,640 was all. And some of those out of that 1.2 million or so that they did stop, some of those were taken to the border and sent back through the turnstile. Some were released on their own recognizance because it wasn't a logistically feasible thing to do to send them back.

Well, some of them come back the next day. Some of them come back within hours of the time that they are sent back to their home country.

This number keeps growing and it keeps ballooning, Mr. Speaker, and we must do something. And I think Democrats and Republicans agree that we need to control our borders.

As Congressman GINGREY says, when you are in an emergency room in a hospital and you get a patient that comes in and they are bleeding all over the place, you don't stop and debate about what you are going to do, how you are going to clean up the mess; you stop the bleeding first and you stabilize the patient. And that is what we sought to do here in this House with H.R. 4437. Stop the bleeding, stabilize the patient, get control of our laws, enforce them, and then begin a debate on what to do about how to get the patient rehabilitated again, after we get this patient stabilized. We can't do both of these things at once, Mr. Speaker. But we do need to do some things to pull this country together.

Mr. Speaker, again, it is important for us to bring some stability to this immigration issue. It is a national security issue. This is a national security issue as much as the global war on terror is a national security issue. And the statistics that I have looked at tell me that we have a slow-motion terrorist attack going on in the United States that comes across our southern border.

Now, some will say that if I point out the crimes of anyone coming into the United States, that somehow I am labeling everyone who illegally comes into the United States as a violent criminal. And of course, we know that is not true.

About 11,000 illegals cross our southern border every day. If they were all murderers, we would double our murder rate practically just with 1 day's supply. No, that is not the case. But the crimes that are committed by those who enter this country illegally are in significantly greater numbers than the crimes that are committed by American citizens, to the extent that 28 percent of the inmates in our prisons in the United States are criminal aliens, 28 percent. And that includes our city, our county, our State and our Federal penitentiaries. And they vary only 1 or 2 percent above or below, but they average 28 percent. And it costs us $6 billion a year to provide for the incarceration of the criminal aliens, and that is just the Federal dollars to speak of. And once we reach down into the cities, into the counties, there are other numbers out there that would grow that greater and greater. It is a minimum of $6 billion. And these numbers that I have come from, their SCAAP funding, the State Criminal Alien Assistance Plan. And all States don't apply for SCAAP funding. So we know that these numbers are low numbers, not high numbers. But it is certain that there are more. I am just not certain how many more. But I can stand on 28 percent.

Now, that means then that criminal aliens are committing 28 percent of the crimes in the United States. And so that means 28 percent of the murders, 28 percent of the rapes, 28 percent of the violence and the assaults and battery, first- and second-degree murder and also manslaughter attacks are committed by criminal aliens.

Now, I think that is one of the reasons that I believe the illegal population in America is greater than those numbers that we are seeing. And I can't imagine how, if 3 to 4 million come into the United States, and we may be direct, we tell over a million, 1.2 million, go home, but we don't have any verification that they actually go home or stay home. Some we do verify they went home, but we can't verify that any of them stayed home; this population is growing.

The Border Patrol would say that there is another 2 to 3 million that get by that don't get stopped every year compared to the million that get stopped. So if this number in the United States is 3 million or more extra every year, some will die, yes, and some will go back home. That is true. And some will become citizens by hook or by crook, but there will still be a significant increase in the United States. And I think that number increases substantially, perhaps 2.5, maybe even as much as 3 million a year. That would take us on up to 20 million or more in this country, not 11 or 12 million. That is a more reasonable number. And if you think that the numbers could be 20 million or more, then it is easier to understand how you could have 28 percent of our criminal aliens in the penitentiaries. So this problem is a lot larger than most people think. And it comes down to this: If we had enforced our borders, if we hadn't allowed any illegals to come into the United States, if we would have enforced our domestic laws so when people violated immigration laws internally, domestically; if we did those things, then we wouldn't have illegal aliens in America to commit the crimes. And that would equate and extrapolate down to 12 fewer murders every day, 13 fewer people that die at the hands of negligent homicide, primarily the victims of drunk drivers, at least 8 little girls that are victims of sex crimes on a daily basis, and that number could be well higher than that because the average predator, perpetrator commits and is convicted on at least 3.6 victims. And that is the ones we find out about. There are many others that are not reported. In fact, they statistically say that there might be only 10 percent that are actually reported. These numbers are small numbers. They are the conservative side of the numbers, not the larger side of the numbers.

This is a slow-rolling, slow-motion terrorist attack on the United States costing us billions of dollars and, in fact, thousands of lives, and we have an obligation to protect the American people, and that means seal and protect our borders. And if we are able to do that, down the road a few years, once it is established, we could have a legitimate discussion about whether we could have a guest worker plan, whether we could open the greencards. But today we haven't demonstrated that there is going to be enforcement. And without that demonstration of enforcement, I am not willing to go a step further and to insist that there will be enforcement.

But in this country, Mr. Speaker, we need to have cultural continuity. We need to pull together as a people. We need to pull together under our civilization, under a common cause, a common sense of history, a common language. And a common language is essential to any country.

□ 2300

In fact, I went through the World Book Encyclopedia. I went to the almanac and looked up all the flags of all the countries in the world, set it down beside the World Book Encyclopedia, looked them all up to see what is the official language. Every country that is registered in the almanac with a flag, what is their official language? Every single country in America has at least one official language, except the United States of America. We do not have an official language. We just have a common language called English. All the rest of the countries saw the wisdom of binding and tying any country together with a common language.

The Israelis, when they established their country in 1948, and I believe that anniversary was just yesterday or the day before, they established it from 1948 until 1954. In 1954, they established Hebrew as their official language, and they did so because they needed a common language to bind them together, a common form of communications currency, if you will, Mr. Speaker.

So people have understood that throughout the ages. That is something that has been known since Biblical times, how powerful a common language is.

Mr. Speaker, I propose that we move that kind of legislation and that we establish an official language here in the United States and do so for the purposes of pulling our people together.

We are being fractured by worshipping at the alter of multiculturalism. When that first came forward and I dealt with it, however many years ago, 30 years ago, perhaps, or more, when I first began to hear the term multiculturalism diversity, I really actually thought, fine, this sounds good, gives us an opportunity to recognize other cultures, other civilizations. People have things to be proud of. It is constructive. It is positive. And I went my merry way as kind of an endorser of multiculturalism and diversity.

As the years unfolded, Mr. Speaker, I came to a different conclusion. I came to the conclusion that identity politics were tearing America apart. Our rights come from God, and they are guaranteed to individuals, not to groups. God blesses us all equally and creates us all in His image; and He does not draw distinctions between us based upon skin color, ethnicity, or any other characteristics that we might want to be part of. And yet we insist upon dividing ourselves up and calling it "diversity." And I think "diversity" really stands for "division."

So I did a little experiment. I went on the Web page at home, Iowa State University, typed in "multiculturalism" and looked up the student organizations that are there. It is quite an interesting list, all identity politics. It starts with African Students Association, and there are 50 of them, and it ends with Zeitgeist. And in the middle of that you will see the Identifying as M.E., the Multi-Ethnics. That is one of my favorites. They could not come up with a label, so they called themselves Multi-Ethnics.

But you have Amnesty International, Asian Pacific American Awareness Coalition, Benefiting the Education of Latinas in Leadership Academics and Sisterhood, Black Graduate Student Association; and before you can get there, you need to be part of the Black Student Alliance, the Brazilian-Portuguese Association, the French Club, the Iowa State Ukrainian Club, the Japanese Association, the Kenya Students Association, Latino Heritage Month. The list goes on and on and on, Mr. Speaker, 50 strong, identity politics, all of them viewing themselves as somehow disenfranchised, not having the same kind of access or the same kind of privileges or opportunities or rights maybe as someone else. Except for those that identify themselves as the Identifying as M.E., which stands for Multi-Ethnic. So they finally found one that was generic.

Perhaps I fit in there also, Mr. Speaker. But I thought, well, that is Iowa State and they are a Midwestern fairly conservative institution.

So what about Berkeley? So we typed in Berkeley and did a little search on student organizations there. The University of California, Berkeley, they came up with 118 of these identity politics groups on campus there.

We are using up our resources supporting organizations that are designed to identify the differences in us, not the commonalities, designed to divide us, not to pull us together, Mr. Speaker. And it is in the end going to pull us apart, pull us irrevocably apart, if we do not pull ourselves together and provide for some cultural continuity.

So I will submit, Mr. Speaker, that we need to establish English as the official language of the United States. We need to stand up together and say, enough of this identity politics, enough of this division politics, enough of the idea that you cannot be an American unless somehow you are part of this beautiful multicultural mosaic with a particular identifier on you.

It was good enough for Teddy Roosevelt to be just an American. In fact, he insisted upon it, Mr. Speaker. And I insist upon it as well, that we must pull together in that fashion. And if we fail to stay in touch with our Constitution, with our history, with our commonalities, if we fail to pull together in the same harness, Mr. Speaker, then shame on us. This country will be weaker; and this country, in fact, may not survive the attacks that are upon it.

So, rather than go into the balance of the solutions for America, Mr. Speaker, I just would conclude with this, that they are doing great work in Iraq. We are committed there. We must follow through and finish the task, whatever it takes. We have the resolve to do that.

We are watching as millions pour across our Southern border, and we are establishing some policy here in this city over the next few weeks that will establish the destiny of America. If we do not have the will to establish our border and control our border, we cannot be a Nation, if we let people come into America illegally and then they are the ones that are establishing our immigration policy, not us here in this Congress.

The Constitution gives Congress the authority, Congress the responsibility, to establish immigration law. We need to do that. We need to do that after a national debate.

But we will hear story after story after story of how people have put down their roots and now we cannot ask them to go back. But I will submit, Mr. Speaker, that what we need to do is seal the border, build a fence to do that, build it as tight as we need to to make it effective. We need to end birthright citizenship that is creating these anchor babies.

We need to shut off the jobs magnet by applying employer sanctions, by passing my legislation, which is called New IDEA, H.R. 3095, which is the New Illegal Deduction Elimination Act, that lets the IRS remove the deductibility of wages and benefits paid to illegals. When that happens, it will take the cost of a wage from, say, a $10 wage to an illegal, by the time the taxable component are factored in, take it on up to $16 an hour. That gives the American a chance to do the work or someone on a legal green card, rather than someone who is here illegally.

This is the United States of America, Mr. Speaker. We need to stand on defending our borders. We need to seal the border. We need to build a fence. We need to end birthright citizenship. We need to shut off the jobs magnet, pull ourselves together as a Nation in unity, and people will go back home when their job opportunities start to dry up here. We will not have to make that decision for them. The decision will be made. They got here on their own. They can go back on their own. It is not a matter of trying to deport 12 million or 22 million people.

But I would submit, Mr. Speaker, that if the Senate passes and this House should pass and the President should sign a guest worker program that might well have 22 million people who have a fast track to citizenship, they will also be able to invite in their immediate family. If each one of them invites just simply four of their immediate family in, a father, a spouse, and a couple of children, just four, that means 88 million new ones that are not calculated here. Add that to the 22 million or so that are here, and you have the entire population of Mexico brought into the United States in a single generation. If that is our intent, we ought to have the will to stand on the floor of this Congress, Mr. Speaker, and say so, rather than do this in some kind of way that opens the gate and lets the American people find out about it after it is too late.

With that, I thank the Speaker for his indulgence.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to address the House; and, as you know, we are here once again with our 30-Something Working Group.

I am so glad to be joined here tonight by my good friend and colleague, Mr. BILL DELAHUNT, who is part of the something of the 30-Somethings. I will be joining him soon come September. Also, Mr. RYAN from the great State of Ohio has joined us tonight; and others will be joining us as we work on the issues that the American people really care about.

As you know, here in the 30-Something Working Group, Mr. Speaker, we come to the floor to not only share with the Members but also with the American people on what is going on here under the Capitol dome and also what is not going on. I think the whole reason why we come to the floor is to be able to share not only what Democrats are doing here under the dome. Sometimes we are able, when we are lucky, Mr. Speaker, to get some Members on the Republican side of the aisle to come and work on some of the issues that we are working on, issues that we care about not as Democrats but as Members of Congress, what we should be doing to make sure we spend the taxpayers' dollars wisely.

This is happening time after time again as we look at this whole issue of price gouging, as we look at oil prices. On the Democratic side of the aisle, not 2 months ago, not 3 months ago, not even 4 months ago, but last year the Democrats on this floor, and prior to last year, have had amendment after amendment shot down by the Republican majority who have been hand in hand with the oil companies that have been standing with them and making sure that they had a bill, an energy bill, that they felt comfortable with, from the beginning to the end, to the well-documented strategy meetings in the White House with the Vice President. And this is not what I am saying. This is what the news reports have said, and this is what the White House has admitted to and oil companies have admitted to, that they had an opportunity to sit down and outline the energy policy in this country that would benefit them.

When we had legislation on the floor that we will be pointing out here tonight, third-party validators out of the CONGRESSIONAL RECORD that talked about it time after time, when we had real price gouging legislation on this floor, not because our bills were able to make it to the floor but in the forms of amendment, the Republicans shot it down on partisan votes time after time. I am talking about criminal penalties for oil companies when they gouge Americans, fines up to $3 million when they are caught gouging Americans. But the Republican majority shot it down on a partisan vote.

But before I yield to Mr. DELAHUNT, I just want to say once again I would like to thank our Democratic leadership for allowing us to have this hour once again on the floor like we do almost every night or every night, sometimes twice a night, when we have the opportunity to come to the floor, Mr. Speaker: our democratic leader, Ms. NANCY PELOSI; also our whip, Mr. STENY HOYER; Mr. JIM CLYBURN, who is our chairman; and Mr. LARSON, who is our vice chairman; and all the Democratic ranking members and other folks that work every day, Mr. DELAHUNT, and you know, offering amendments in committees. Like Mr. RYAN and I just left our Armed Services Committee, offering amendments that would not only help our men and women in uniform but the American people in general.

I will be happy to yield to Mr. DELAHUNT at this time.

Mr. DELAHUNT. Mr. Speaker, towards the end of the hour this past hour, my good friend from Iowa spoke about a variety of different subjects; and he made mention of what we ought to have done in terms of immigration and other issues. In part I agree, and in part I disagree.

But I think what is important and it cannot be stated often enough, whatever the problem is, whether it be the mismanagement of the reconstruction phase in Iraq, whether it be the price of gas at the pump, whether it be illegal immigration into this country, it comes back to one basic fact: that over the course of the past 6 years, 6 years now, this country has been presided over by a Republican administration. President George W. Bush was elected in the year 2000. It is now 2006.

Back in 1994, Mr. MEEK and Mr. RYAN, this House saw for the first time in 40 years a Republican majority. Across this Capitol building, the Senate has been controlled for most of the past 10 years and is currently controlled by the Republican Party.

So what I really cannot understand is why have all these things not been addressed? What has happened to our borders? There are laws on the books now. We have had waves of illegal immigration coming across our borders for the past 6 years.

□ 2315

My friend from Iowa was talking about how many come across daily. Where has this administration been? Where has this Congress been? Are they just waking up? This is not a recent problem. Because the truth is, they can talk about Democrats. They can talk about problems that are out there that are real and that are serious. But they are Washington. They own this town. They run this institution. They run this government. If there is a problem with the price of oil, or if there is a problem with immigration, or if there is a problem with health care or the environment, they had the power to address it.

What I would suggest is that they have failed. They have failed. They have been unable to get their act together. They could build fences. They could have kept the price of gas down. They didn't have to get us into this mess in Iraq.

But that is what they have done. That is the legacy of this White House, confirmed with the stamp of approval by this Congress.

Mr. RYAN of Ohio. I think the overall point, as you stated, is exactly correct. But when the time came, Mr. DELAHUNT, Mr. MEEK, when the time came for the Republican Party to muster up enough votes to make sure a person making $10 million——

Mr. DELAHUNT. But, Mr. RYAN, they are in charge here. They have to muster up the votes. Where were they? With all due respect to my friend from Ohio, they are in charge of the border. They are in charge of immigration. They are in charge, period. And what have they done? They have failed.

Mr. MEEK of Florida. Mr. DELAHUNT, you know what they have done? Anything the President said he wanted, they rubber-stamped it. Anything that the oil industry said that they wanted, they rubber-stamped it. Any problem where the American people says, why is the card stacked against me policy-wise, whether it be health care, whether it be prescriptions, what have you, they have rubber-stamped it.

If you watched The Today Show just this morning, Mr. DELAHUNT, Mr. RYAN, Matt Lauer had the CEO of ExxonMobil on. Let me give credit to the CEO of ExxonMobil, because the other oil companies would not comment.

One of the questions was, do you feel that the Republican majority in the Congress have turn-coated on you now? Have they switched on you now? Now they are running politically scared. Now they are willing to take windfall profits away from you. Now they are willing to go forth on price gouging legislation. Do you think they turned on you?

The ExxonMobil CEO never answered the question. But it is very obvious, like you said, they are in charge. It is almost like the old saying, "the buck stops here." The Republican majority doesn't want to admit to that now.

Now they are writing letters saying, maybe we need to do this and maybe we need to do that. But these are the same individuals, our colleagues on the majority side of the aisle, that put all of this in motion. Now they are trying to act like they had nothing to do with it. "Oh, my God, the oil prices are horrendous. We need to do something about it."

They were a part of making it happen.

Mr. RYAN, since we are talking about The Today Show, we don't want to even get into what happened with Tim Russert effort this past weekend about the oil prices and individuals admitting the reasons why they are where they are.

I would say this: If we were in charge, if we were in charge, Mr. Speaker, there would be a line outside of this door of Republican Members of Congress coming to the floor saying what the Democrats are not doing.

Now, on oil and gas, we tried to correct this situation long ago. The question of price gouging, or can we investigate oil companies or not, would not even be on the table, because we would have price gouging legislation on the books that are criminal, that are criminal, and have $3 million fines.

Right now, individuals investing in oil companies, they are getting paid. They are getting their money. Meanwhile, the headlines in the Today, this was actually Wednesday, today, May 3, here is this lady thinking about how much she can pump in. I guarantee you she cannot even fill her tank up, because the gas prices are so high.

So I am going to go through what I said last week. If you are a Republican and you are the head of the Republican club, or whatever it may be in your local community, you have to have a problem with this. If you are a Republican, you have to have a problem with the record-breaking borrowing we are taking out from foreign countries. You have to have a problem with the hand-in-hand relationship this administration and Republican Congress has had with big oil. You have to have a major problem with it. Independents, I know that you are just done with this Republican majority.

Mr. DELAHUNT. If the gentleman would allow me, the energy bill that passed this Congress just about a year ago, in June 2005, Mr. MEEK, Mr. RYAN, Mr. Speaker, that was a bill that was passed by the Republican majority. It was passed with only minimal support from Democrats.

Do you know what the cost of a gallon of gas was when you pulled up at that gas station back in June of 2005 when this House passed and the President signed the Republican energy bill, Mr. MEEK, Mr. RYAN? It was around $2 a gallon. Let me answer my own question.

Now, do you know what? It is just about a year later, and the fact is a year after this Republican majority passed their bill, their energy act, gas is now $3 a gallon. $3 a gallon. They run this institution. They pass the laws here. This is their bill. This is their $3 a gallon problem. It is all of our problem, but the consequences of what they have done for the oil and gas industry in this country translates into a problem for all Americans.

Mr. RYAN of Ohio. This reminds me of when a football team or a basketball team hires a new coach. They get a coach and usually give him a 5-year contract and give the coach a chance to go out and get their recruits and get them into the system. If you are not winning by the time you have your system in place and your players on your team or your draft picks on your team, by the fifth year, done. You go. Right? You had your chance.

That is exactly what my friend from Massachusetts was saying: This Republican Congress has been in charge since 1994. The President has been in since 2000. The Senate is controlled by Republicans and has been for at least 10 years, with a brief period of Democratic control, barely. They have had a chance to make their implementations, put their policies into place, energy, immigration, taxes, whatever the case may be.

It hasn't worked. It is time to get new coaches, time to get new players, time for a new draft. In November of 2006, we have a draft. What we are saying is here is our agenda. Here are the plays we are going to run, the innovation agenda, the energy agenda, the real security agenda.

I can guarantee you, there is going to be nobody on the Democratic side when we take over this House in November of 2006 that you are going to be able to put in place of the President here holding hands with one of the most powerful oil leaders in the entire world. Mr. MEEK.

Mr. MEEK of Florida. Mr. RYAN, Mr. DELAHUNT, I did jot down a couple of notes here before we came to the floor.

Mr. Speaker, I just want to share a little bit with the Members of the facts, not fiction.

I am not a Member with a conspiracy theory, but I am here to say that we know that Republicans, I am going to point out where they, Mr. DELAHUNT, have blocked Democratic efforts to deal with the price gouging situation. Now they are running for political cover and scrambling to join Democrats. That is actually an article in the Washington Post from May of 2006. The Democratic ideas about energy independence, conservation and efficiency that benefits all of Americans, they are now trying to pick up those ideas and trying to run with them. But it is not a good faith effort, because the oil industry will not allow them to do so. We know about the Vice President CHENEY's secret energy task force/working group with big oil to write the Bush-Cheney and Republican Congress energy plan.

That was in the Washington Post, Mr. Speaker, in case the Members want to get a copy of it, 11–16–05.

Bush-Cheney and the Republican colleagues gave their backing to big oil, $20 million in royalty fees for drilling. That is the New York Times, 2–14–06. Also the New York Times, 3–29–06. You can get these articles if you want to read up on them.

Last year, $9.5 billion in subsidies in last year's energy bill went to the oil companies—$9.5 billion—$16 billion first quarter profits for the top three oil companies. That is the Washington Post, 4–28–06.

Record CEO salary pack packages. Look this up if you want to. This is not the Kendrick Meek report. This is what is being reported on ABC News, 4–14–06.

Big oil companies have given to Bush-Cheney and Republicans more than $20 million in campaign contributions. Congressional Daily a.m., that is 4–28–06. I will be happy to share this, and this will be on the Web site later.

More than $70 million to Bush and his Republican colleagues since 2000. Republican Daily, a.m., that is the local magazine here that is printed here in the Capitol, 4–28–06.

Eighty-four percent of big oil and gas campaign contributions went to Republicans in the last 24 months, Congressional Daily a.m., 4–28–06.

This is not put out by the Democratic Party or the DNC or any of these groups. These are news organizations that are just reporting on what is going on here in the Capitol.

Bush-Cheney got more than $2.6 million in '04 from the oil companies, Congressional Daily a.m. 4–28–06.

The cost of corruption to the American people, when you talk about this kind of influence that is going on here, this unprecedented giveaway to the big oil companies, $3 per gallon, the oil price doubled since 2001. Almost $75 per barrel of oil, up from $44 a year ago. That was reported on 5–3–06.

I think it is also important, I just want to point out, when folks talk about, okay, you are reporting news that we might have already read, Republicans voted against the tough penalties we talked about and price gouging, $100 million on corporations, as well as up to $1 million in fines or 10 years in prison or both for individuals. That was CQ vote 500, H.R. 3402, 9–28–05. Republicans rejected that.

They rejected another one where we came back with even tougher penalties, up to $3 million with the same penalties, vote 517, H.R. 3893, and that was 10–7–05. It goes on with other votes they rejected. Another one on 10–7–05. We tried it time after time again, Mr. Speaker. The Republican majority has blocked these measures that we have tried to put forth.

There is no question, Mr. DELAHUNT, if we were in the majority, we wouldn't be on the floor talking about what was blocked.

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We will be on the floor talking about what we passed. Maybe just maybe, Mr. RYAN and Ms. WASSERMAN SCHULTZ, that question of price gouging, the question of preying on the backs of the American people who are just trying to drive their kids to school, trying to go to work, trying to be a part of the American dream, small businesses are scratching their heads saying, do we have to go up on a per-unit cost in the hardware store because of the fuel prices?

Maybe just maybe it would not be a discussion if this special interest did not have the Republican majority blocking for them and legislating on their behalf. So when we see those letters that are written by the Republican majority in the House or the Senate to the President saying, well, maybe we need to do this, and maybe we need to do that.

People that do not have power write those kind of letters, not the individuals that are in power. I am going back to your point, Mr. DELAHUNT, because you are saying if you are in charge, I am not talking about if you just picked up power last year. I am talking about double digit years, a majority in this House, a Republican President that has been in office since 2000. Now it is 2006.

Because I guarantee you, if this was 2002, Mr. DELAHUNT, they would be talking about, well, this is Bill Clinton's fault. But they cannot say it with a straight face. So I am going back to your original point, Mr. DELAHUNT. And I know you have a couple of articles to share with us tonight. I am really looking forward to those articles because I think it is important that we continue to bring out the third party validators.

I think that is the reason why, Mr. Speaker, that the 30 Something Working Group, we get the nod from people here in this Capitol, be it Republican, Democrats or Independents who work here. They are saying, we appreciate, Ms. WASSERMAN SCHULTZ, what you all do on the floor, of sharing with folks of what is happening here in this Capitol building.

Because I can tell you that at no other time in the history of this country did we have the kind of over spending, the borrowing, the reach of the private sector into this great country, this democracy of ours, and having the kind of influence that they have and having this lady here, who is just trying to make her way out of nowhere, putting gas in her tank.

She is probably squeezing the pump saying, I cannot go over $30 because I am already outside of my budget. Meanwhile, there are folks running around here with suits being driven in black limos with $4 million pension plans, $150,000 a day in a pension plan. And then we got folks out in Mr. RYAN's district that are being laid off that do not even know if they are going to have a pension when it is all over.

Mr. DELAHUNT. Mr. Speaker, I guess the question is to the majority in this House and to this administration, where have you been? What have you done? Well, you passed last year the so-called Energy Policy Act. And that basically provided welfare to Big Oil. It produced in excess of $14 billion of tax incentives and subsidies to Big Oil. All the while their industry, Big Oil, is experiencing record, record profits.

In 2001, the five major oil companies in the aggregate had $34 billion of profit. In 2005, as a result of the Republican energy policy, the oil companies recorded historic profits in the amount of, can you help me, Mr. MEEK, read that? Does that say $113 billion?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is a pleasure to join my 30 Something colleagues once again.

Mr. DELAHUNT. Is that 113 billion?

Ms. WASSERMAN SCHULTZ. That is $113 billion in 2005.

Mr. DELAHUNT. So in 2002 it was $34 billion of profits for Big Oil. And in the space of 4 years, actually 3 years, that has trebled to $113 billion.

Now, maybe I am simple minded. But why would this Republican Congress and the White House feel the need to pass an energy bill that was all about protecting the subsidies to the oil companies while there are record, historic profits?

Mr. Speaker, can somebody please explain that to me? And do not tell me about, you cannot drill here and you cannot do that, and you cannot do this. And if Democrats only whatever, fill in the blank. This is the Republican policy.

This is the Republican House of Representatives. This is the Republican White House. The consequences of that policy, the consequences of that policy is the $3 plus per gallon price to the average American as he or she goes into that gas station. That is what it translates into. And Democrats have had nothing to do with it because you are Washington, Mr. Speaker, you are Washington.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as I pointed out before, I have only been here 14 months, 15 months now. And a few things have happened that have just absolutely floored me. One of the things that has occurred was the two votes we had last year on energy legislation, energy legislation that the Bush energy department predicted would raise gas prices. And it did.

But if you recall, we had an opportunity as Members to have a briefing from the cabinet officers, by the cabinet officers of the President in this chamber just last year.

And if you recall, we had the Secretary of Energy stand in front of us. And when asked a question about why were they not doing anything about gas prices, and what were they going to do to bring down the cost of oil, he said, "Well, we really cannot do anything". I mean, that was his point blank answer.

Now, when we are talking about prices at the pump, I do not understand why our Republican colleagues are not pumping up the volume on prices. I mean it is just incomprehensible that last year we would have a bill on this floor that not only gave money to the oil companies, to the oil companies gave them money, forgave taxes. And we have talked about these things before.

The United States Government owns the land and the rights underneath where the oil companies are given permission to drill. We give them permission. And in exchange for that permission, they are supposed to pay us taxes. They are supposed to pay the United States Government for those drilling rights. Yet in the legislation last year, we forgave those taxes. We basically gave them the oil that they drilled for for free, and now we are letting them sell it to us and our constituents for ungodly amounts of money so that they can make ungodly amounts of money.

On top of that, it is not even like it was a breeze to pass it. You know, you had Republicans here who were not allowed to vote their own conscience because from what I have noted, they all check their consciences at the door there and leave them out before they come in this room, so that there arms can be pressed behind their backs.

And the board up here, it shows how we are voting, it is like a Christmas tree. It goes from red to green, green to red. Really I am not sure where their moral conviction is, because it certainly is not in this room when they are voting. They held one of those votes open on the Energy Bill that we did, I think this was last summer, for 40 minutes, if you recall, so that they could ensure that they gave that gift to the oil companies.

It was unbelievable. And we were already in the middle of a summer of high gas prices. And we have here another chart. And I think we have another one as well that shows the evolution of gas prices.

But, we are now paying 100 percent more for gas than when President Bush first took office. 100 percent more. The rubber stamp Republicans, our rubber stamp Republicans right there, you cannot call it any other thing other than what it is. Literally last summer they let themselves be led off a cliff, led by the nose to do whatever it is that the leadership decided they were going to do for the oil industry.

Mr. DELAHUNT. I do not even want to explore the motivation. I mean, clearly there is a perspective. But I think what is necessary is to put the facts out in very simple form. And that is really dramatic. The story is told in very dramatic terms by that chart.

The result of the Republican energy policy is when President Bush, working with a Republican Congress, came, was elected, was inaugurated as the President of the United States. By that chart, and I am sure it is well documented, the price of gas was $1.45. And today it is double. It is $2.91.

That is understandable. And what is also irrefutable is that during that time the House, the Senate, and the White House were in power. And the consequences, the consequences of their energy policy, the Republican energy policy, has been a doubling in the price of gasoline at the pump.

Huge increases in the cost of heating ourselves in our homes during the winter, and similarly dramatic increases in the cost of cooling ourselves in the summer, and for those particularly who live in the southern part of our country.

That is the energy policy. But part of that energy policy is to ensure that Big Oil in this country reaps record profits, and simultaneously receives corporate welfare. That, let me suggest to my friends, is the Republican energy policy, period.

Now they are panicked. Let us be honest. Now they are running around. I think it was the majority leader in the Senate. You know, they obviously are polling. It is an election year. And what is clear is that the American people are waking up and are demonstrating their anger.

So they come in with not proposals that would, for example, increase the miles per gallon of our motor vehicles, but let us give everybody, every voter a $100 rebate if they own a car.

I mean, that is laughable. That is really laughable. And how are they going to get the $100, Mr. Speaker, to give to every voter? They are going to go and they are going to borrow the money. They are going to borrow the money from somewhere. OPEC. China. Japan. Korea. So in a difficult political situation, with elections looming, they are going to buy off the voter with $100.

Mr. RYAN of Ohio. And that will cost $10 billion just to pay for it.

Mr. DELAHUNT. That is a $10 billion bill. And we do not have the money, Mr. Speaker, to do that. We do not have the revenue to do it. We have to go into the financial markets and borrow that money. And this administration has established another record which is that more than 80 percent of the money that we have borrowed comes from overseas, Mr. Speaker, from the Chinese, from OPEC nations.

And you have the chart right there, Mr. MEEK. So we go and we borrow the money from foreign central banks, from foreign investors, to buy off the American voter at $100 per, because the American people are angry as a result of the Republican energy policy that has created a potential disaster for our economy.

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Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to take this back down for a second because I think we talk about the deficit and the debt a lot, and some of the things we talk about on the floor are a little hard to wrap your mind around in terms of the things the people deal with every day. So, when we boil it down to what people deal with themselves every day, which is what a tank of gas costs, what a gallon of gas costs, this is the evolution of what has happened under the Bush administration and their energy policy.

In 2002, the summer gas price of a gallon of gas was average of $1.39. Then in 2003, it went to $1.57. Then in 2004, it went to $19.0. In 2005, it went to $2.37, and you know what, in April it was $29.1. It is now over $3. I just paid $3.05 at home, and it cost me $56 to fill up my minivan.

So, when we are talking about what goes on up here and how disconcerting and disappointing it is that we have no leadership on the other side and no interest or ability for them, who clearly are in charge of this country and who could make this change, at the snap of their fingers if they wanted to, they can stand and say they cannot do anything to affect oil prices, but the President's been in office 6 years. He had the ability to start right from the get-go and begin investing in alternative energy and trying to actually move the ball down the field when it comes to changing oil prices, but let us look at the timeline of what truly has resulted from the Bush and Republican energy plan.

You have this White House energy plan that was submitted on May 16, 2001, just about 5 years ago now, and you can see as you move up that timeline that, with each phase of the plan that has been implemented, this is the increase in gas prices. There is a significant correlation between the implementation of their energy plan and the increase in the cost of a gallon of gas.

May 17, 2002, the Energy Secretary announces an effort to implement their energy plan under existing law. Gas prices go higher.

Go a little further down the road, and it is December 10, 2004, 75 percent of their energy plan that was hatched in that secret meeting, which they refuse to reveal who was part of it, 75 percent of the energy plan is implemented, and now we are at almost $2 a gallon, actually a little bit more than $2 a gallon.

Then you go over to March 9 of last year, 95 percent of their energy plan is implemented, and we are approaching $3 a gallon.

August 8, 2005, President Bush signs the energy legislation into law, and that is when gas literally in some places hits over $3 a gallon. Now, it has fluctuated back and forth. We are at over $3 a gallon again.

The chart does not lie. It is very clear that their plan raised gas prices. You have an administration infected with former closely affiliated representatives of the oil industry, all the way up to the two people who run this country. I mean, it does not take a brain surgeon or a rocket scientist to figure it out. I mean, come on.

Mr. RYAN of Ohio. Talk about a picture speaking a thousand words. Why do we have high gas prices? Why do we have the problems?

Ms. WASSERMAN SCHULTZ. You want to hear the statistic I heard today.

As far as boiling it down what this means for people, $56 to fill up my minivan. We have not raised the minimum wage since 1997 in this country, and at the current minimum wage, a minimum wage worker has to work 38 minutes before they can even afford 1 gallon of gas. 38 minutes. I mean, that is just over the top outrageous. I mean, it really is.

Mr. RYAN of Ohio. If I can make a comment, thinking about the war and where we are right now with the whole war situation, that was all done in secrecy. No one knew what was going on. The intelligence was screwed up. Look where we are now.

The energy plan, secrecy, closed doors. You are not allowed in, and people even from these big companies were denying that they were even there, and then we find out from a White House document a week or so ago that they were there. All done in secrecy, the success of our democracy over the years.

Mr. DELAHUNT. Can I just add one other. The prescription drug benefit, so-called part D, there was information——

Mr. RYAN of Ohio. To the point where we did not know what the total cost was going to be.

Mr. DELAHUNT. There was information available to the White House that was not provided to the Congress in terms of the costs, and now we are faced with profound problems in terms of the execution and the implementation of that plan. Seniors are frustrated and confused. The so-called donut hole is going to be a stone wall that many seniors are going to run into.

But the head of the Medicare trust fund told the actuary that was in possession of the White House estimates of the costs of the program, that if he disclosed those figures to this Congress, that he would lose his job. In other words, do not tell anybody anything.

It just supports your point about an administration that is shrouded in secrecy, that refuses to be straight with the American people and, I might add, refuses to indulge or to engage, rather, in genuine consultations with the Congress and particularly Democrats. We are kept out of any thoughtful, legitimate, genuine interaction in forming policy.

That is why, Mr. Speaker, when you are talking about the energy policy, it is the Republican policy. It is the Republican $2.91 a gallon at the pump, up from $1.45 four years ago. It is your price per gallon. It is not Democrats. So please do not even suggest that Democrats had anything to do with the price that is breaking the average American family.

Mr. MEEK of Florida. Mr. RYAN.

Mr. RYAN of Ohio. He just articulated exactly what I was going to say, much more eloquently than I ever could. So maybe I will just point to this picture again, but I think Mr. DELAHUNT did make the point.

If I could, the strength of our democracy over the years in a bicameral legislature is the debate of the minority party and the majority party in the House and coming to some reasonable solutions that have been debated through the committee process and vetted and studied and looked at, and then over to the Senate, and let that happen and then come together with the administration and make something happen.

When you try to govern in secrecy, you are incapable. FEMA, energy, you know, education costs, all this stuff, there is no debate. It is just rule with an iron fist.

Mr. MEEK of Florida. I am going to yield to Mr. DELAHUNT, but first, well, that kills the whole thing.

When you are doing a back-room deal, you do not come out under the lights. You do not share how we should mold policy in front of the public. You do a back-room deal.

Mr. RYAN of Ohio. Right.

Mr. MEEK of Florida. That is what this country is suffering from right now, a back-room deal, and the American people are paying for it.

Mr. RYAN of Ohio. The end result is that chart you have right there behind Ms. WASSERMAN SCHULTZ. It is the $3 a gallon in gas. It is the no vision for energy down the line. It is high tuition costs. It is health care costs spiraling out of control for how many years. That is the end result of the back-room deals that you are talking about.

Mr. DELAHUNT. Let me just add another illustration.

What it comes down to is that let me go back to the Medicare reform issue, the so-called prescription drug, just to remind our colleagues and the American people that there was no consultation with Democrats about the prescription drug benefit. In fact, there was a so-called conference committee that should have brought Democrats and Republicans together to discuss the proposal, but Republicans in this House chose not to even inform the Democrats on that committee where the conference committee was meeting. They were shut out. They were shut out on that. They are shut out on energy. They are shut out on consultations in terms of the war, what led up to the war.

I mean, this is a problem of our institutions being eroded because of the proclivity of this administration and this Republican Congress to operate behind closed doors and keep out the bad news from the American people and other important policy-makers in our government in our democracy.

Mr. MEEK of Florida. We have a couple of minutes left.

Ms. WASSERMAN SCHULTZ. The only thing I want to add in closing is that it is just such a sorry excuse to say we cannot do anything about gas prices. I mean, their argument is you cannot snap your fingers and make a difference overnight. If they cared at all, if the President meant what he said when he said we should end America's addiction to oil, like he said in his State of the Union address, then he would have embarked on a plan that would actually do that from the get-go, but that statement was so disingenuous and so far from what their goals are, as evidenced by their action that, you know, over the next 6 months, with election after election, whether it is a special election in California or the elections we had last night in Ohio, people will let folks know here what they think of the policies that are being established.

Mr. MEEK of Florida. If Mr. DELAHUNT would take Mr. RYAN's responsibility, and give the Web site to the Members, please.

Mr. DELAHUNT. Sure. Our e-mail address is www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Mr. Speaker, I thank Mr. DELAHUNT. Your contributions tonight have been well-noted, and I want to tell you that it is a pleasure being here on the floor with you and Mr. RYAN and Ms. WASSERMAN SCHULTZ once again.

Mr. Speaker, we would like to let not only the Members of the House but definitely the Democratic leadership echo the message that has been given out here tonight. We are ready to lead, we are ready to work in a bipartisan way in putting this country back on the track, heading in the right direction, making sure that our children have a great future, making sure that small businesses are able provide jobs and making sure that families can afford health care.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today after 6:00 p.m. and May 4.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GENE GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, May 9.

Mr. BISHOP of Utah, for 5 minutes, May 4.

Mr. MACK, for 5 minutes, May 4.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1003. An act to amend the Act of December 22, 1974, and for other purposes; to the Committee on Resources.

S. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige; to the Committee on Government Reform.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, May 4, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7184. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; Pesticide Tolerance [EPA-HQ-OPP-2005-0056; FRL-7770-4] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7185. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2005-0299; FRL-7759-9] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7186. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flonicamid; Pesticide Tolerance [EPA-HQ-OPP-2004-0321; FRL-7769-1] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7187. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropimorph; Pesticide Tolerance [EPA-HQ-OPP-2005-0105; FRL-7761-3] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenhexamid; Pesticide Tolerance [EPA-HQ-OPP-2004-0328; FRL-7769-6] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7189. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Maine: Determination of Adequacy for the State Municipal Solid Waste Landfill Permit Program [FRL-8024-2] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7190. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [EPA-R08-OAR-2005-ND-0002; FRL-8011-1] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7191. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection [EPA-R08-OAR-2005-CO-0002; FRL-8010-2] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7192. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Oregon; Portland Carbon Monoxide Second 10-Year Maintenance Plan [Docket #: EPA-R10-OAR-2005-OR-0001; FRL-8015-3] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7193. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee; Nashville Area Second 10-Year Maintenance Plan for the 1-Hour Ozone National Ambient Air Quality Standard; Correction [R04-OAR-2005-TN-0006-200510(c); FRL-8023-5] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Christian County, Kentucky, Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2005-KY-0001-200521(f); FRL-8023-8] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; New Source Performance Standards for Montana; Final Rule [EPA-R08-OAR-2004-MT-0001, FRL-8012-9] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7196. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule [EPA-R08-OAR-2005-MT-0001, FRL-8012-5] received January 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7197. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Recordkeeping and Reporting Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels [EPA-HQ-OAR-2005-0131; FRL-80157-5] (RIN: 2060-AM46) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7198. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Qaulity [EPA-R09-OAR-2006-0227; FRL-8054-8] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7199. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination to Stay and/or Defer Sanctions, Arizona Department of Environmental Quality [EPA-R09-OAR-2006-0227, FRL-8054-9] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2006-0171; FRL-8053-2] received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Notice 20 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-8050-9] (RIN: 2060-AG12) received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuel and Fuel Additives; Gasoline and Diesal Fuel Test Methods [EPA-OAR-2005-0048; FRL-8052-1] (RIN: 2060-AM42) received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7203. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2005-0482; FRL-8050-2] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7204. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration (PSD) [EPA-R07-OAR-2006-0122; FRL—8040-5] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7205. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definitions of Volatile Organic Compounds [EPA-R03-OAR-2006-0151; FRL-8051-6] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7206. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendment to the Control of VOC

Emissions from Yeast Manufacturing [EPA-R03-OAR-2005-MD-0014; FRL-8051-7] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7207. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Polychlorinated Biphenyl (PCB) Site Revitalization Guidance Under the Toxic Substance Control Act (TSCA); Notice of Availability [EPA-HQ-OPPT-2004-0123; FRL-7687-9] received April 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: S/V ESMERALDA Port Visit—Boston, Massachusetts [CGD1-05-051] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Celebrate Revere Fireworks—Revere, Massachusetts [CGD01-05-083] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Labor Day, Schooner Festival Fireworks—Gloucester, Massachusetts [CGD01-05-086] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; City of Boston Fireworks—Boston, Massachusetts [CGD01-05-089] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone: President of Zambia Levy Mwanawasa Visit, Boston, Massachusetts [CGD01-05-090] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone: [CGD05-05-086] (RIN: 1625-AA987) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; [CGD05-05-092] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Nansemond River, Suffolk, VA [CGD05-05-095] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Susquehanna River, Havre de Grace, MD [CGD05-05-109] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones; Chesapeake Bay, Approaches to Baltimore Harbor, Baltimore, Fort McHenry and Upper Chesapeake Channels, MD [CGD05-05-111] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Naval Air Station Patuxent River "Air Expo '05," Patuxent River, MD [CGD05-05-115] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Potomac River, Washingotn, DC [CGD05-05-116] (RIN: 1625-AA00) Recieved March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7220. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Georgetown Channel, Potomac River, Washington, D.C. [CGD05-05-118] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7221. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display, Chesapeake Bay, Cape Charles, VA [CGD05-05-119] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7222. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chrysler Jeep Superstores APBA Gold Cup, Detroit River, Detroit, MI [CGD09-05-084] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7223. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; City of Harbor Beach Fireworks, Lake Huron, Harbor Beach, MI [CGD09-05-085] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7224. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Graduation of Fire, Detroit River, Grosse Ile, MI [CGD09-05-086] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7225. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Muskegon Air Fair, Mona Lake, Muskegon, MI [CGD09-05-087] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7226. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; HMCS TORONTO, Chicago, IL [CGD09-05-092] (RIN: 1625-AA87) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7227. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Million Dollar Producer Celebration, Lake Michigan, Chicago, IL [CGD09-05-096] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7228. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Clair River Classic, St. Clair River, St. Clair, MI [CGD09-05-097] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7229. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Big Fat Greek Festival Fireworks, Muskegon, MI [CGD09-05-098] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7230. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Oswego Harborfest Air Show, Oswego, NY [CGD09-05-099] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7231. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Antique Boat Show, Clayton, NY [CGD09-05-103] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7232. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Private Party Fireworks Display, Lake Huron, Tawas, MI [CGD09-05-104] (RIN: 1625-AA00) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7233. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines for the Award of Monitoring Initiative Funds under Section 106 Grants to States, Interstate Agencies, and Tribes [FRL-8051-3] received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK (for himself, Mr. LANTOS, Mr. PENCE, and Mr. ROTHMAN):

H.R. 5278. A bill to amend the Foreign Assistance Act of 1961 to assist Palestinian refugees in the West Bank and Gaza to move to post-refugee status, and for other purposes; to the Committee on International Relations.

By Mr. CONYERS (for himself, Mr. CHABOT, Ms. ZOE LOFGREN of California, Mr. BROWN of Ohio, Mr. SCHIFF, Mr. MEEHAN, Mr. HINCHEY, Ms. LEE, and Mr. HONDA):

H.R. 5279. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes; to the Committee on the Judiciary.

By Mr. UPTON (for himself and Mr. LARSEN of Washington):

H.R. 5280. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEACH:

H.R. 5281. A bill to amend the Federal Election Campaign Act of 1971 to provide matching funds for candidates in elections for the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. LEWIS of California:

H.R. 5282. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Southern California Desert Region Integrated Water and Economic Sustainability Plan; to the Committee on Resources.

By Mrs. MUSGRAVE:

H.R. 5283. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Resources.

By Mr. PALLONE:

H.R. 5284. A bill to establish an interagency task force to develop a national strategy to combat the increase in infertility in the United States; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California:

H.R. 5285. A bill to provide a highway fuel tax holiday funded by the repeal of certain production incentives, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H.R. 5286. A bill to improve the "NEXUS" and "FAST" registered traveler programs; to the Committee on Homeland Security.

By Mr. SWEENEY:

H.R. 5287. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H. Con. Res. 398. Concurrent resolution expressing the sense of the Congress that the United States Fish and Wildlife Service should incorporate consideration of global warming and sea-level rise into the comprehensive conservation plans for coastal national wildlife refuges, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, Mr. ABERCROMBIE, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONILLA, Mrs. BONO, Mr. BOSWELL, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASTLE, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. COSTA, Mr. CRAMER, Mr. CRENSHAW, Mr. CROWLEY, Mr. CUELLAR, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. DREIER, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. GIBBONS, Mr. GOODE, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GUTKNECHT, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HERGER, Mr. HIGGINS, Mr. HINCHEY, Mr. HOBSON, Mr. HOLT, Ms. HOOLEY, Mr. HONDA, Mr. HOYER, Mr. HULSHOF, Mr. INSLEE, Mr. ISSA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KIND, Mr. LAHOOD, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of California, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LUCAS, Ms. MATSUI, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCCRERY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. GARY G. MILLER of California, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. NADLER, Mr. NORWOOD, Mr. NUNES, Mr. OBERSTAR, Mr. OBEY, Mr. OTTER, Mr. PASCRELL, Mr. PASTOR, Ms. PELOSI, Mr. POMBO, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. RANGEL, Mr. RAHALL, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SHERMAN, Mr. SKELTON, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. WALSH, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, Mrs. CUBIN, Mr. ROHRABACHER, Mr. BEAUPREZ, Ms. HART, Mr. GARRETT of New Jersey, Mrs. MYRICK, and Mr. HASTINGS of Washington):

H. Con. Res. 399. Concurrent resolution recognizing the 30th Anniversary of the victory of United States winemakers at the 1976 Paris Wine Tasting; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. WOLF, Mr. ROHRABACHER, and Mr. PITTS):

H. Res. 794. A resolution recognizing the 17th anniversary of the massacre in Tiananmen Square, Beijing, in the People's Republic of China, and for other purposes; to the Committee on International Relations.

By Mr. TOM DAVIS of Virginia (for himself, Mr. ISSA, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. BAIRD, Mr. MCDERMOTT, and Ms. WATSON):

H. Res. 795. A resolution condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. COBLE, Mr. VAN HOLLEN, Mr. BACHUS, Mr. FEENEY, Mr. JENKINS, Mr. HYDE, Mr. MCDERMOTT, Mr. ROGERS of Alabama, Mr. HOYER, Mr. BISHOP of Georgia, Mr. AL GREEN of Texas, Ms. WATSON, Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Ms. CARSON, Ms. MCKINNEY, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. MEEKS of New York, Mr. PAYNE, Mr. FORD, and Mr. CASE.

H.R. 128: Mr. KENNEDY of Rhode Island, Mr. BISHOP of New York, and Mr. ALEXANDER.

H.R. 303: Ms. FOXX.

H.R. 376: Mrs. JO ANN DAVIS of Virginia.

H.R. 517: Mr. JOHNSON of Illinois.

H.R. 550: Mr. SHAYS and Mr. CAPUANO.

H.R. 752: Mrs. EMERSON, Mr. LARSEN of Washington, and Mr. SALAZAR.

H.R. 867: Ms. MOORE of Wisconsin.

H.R. 877: Ms. BERKLEY.

H.R. 939: Mrs. MCCARTHY.

H.R. 951: Mr. COOPER, Mr. HONDA, and Ms. ZOE LOFGREN of California.

H.R. 995: Mr. BARROW.

H.R. 1050: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1108: Mr. CLAY.

H.R. 1175: Mr. CARNAHAN.

H.R. 1229: Ms. HART.

H.R. 1298: Mr. ACKERMAN and Mr. SHIMKUS.

H.R. 1302: Mr. THOMPSON of California, Ms. MATSUI, Mr. BUTTERFIELD, Mr. MICHAUD, and Ms. DEGETTE.

H.R. 1358: Mr. CASE, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. MCDERMOTT, and Mr. YOUNG of Alaska.

H.R. 1366: Mr. MCGOVERN.

H.R. 1370: Mr. MILLER of Florida and Mr. TANCREDO.

H.R. 1384: Mr. KING of Iowa, Mr. WICKER, and Mr. YOUNG of Alaska.

H.R. 1386: Mr. MATHESON.

H.R. 1438: Mr. WICKER.

H.R. 1498: Mr. ROSS.

H.R. 1548: Mr. CAMP of Michigan, Mr. DAVIS of Illinois, Mr. FILNER, Mr. NEUGEBAUER, Mr. TURNER, Mr. ETHERIDGE, and Mr. FLAKE.

H.R. 1554: Mr. VAN HOLLEN.

H.R. 1578: Mr. SALAZAR.

H.R. 1582: Mr. LARSEN of Washington.

H.R. 1589: Mrs. MALONEY, Mr. CLAY, and Mr. ROTHMAN.

H.R. 1671: Mr. REHBERG.

H.R. 1697: Mr. STRICKLAND.

H.R. 1704: Mr. FRANK of Massachusetts.

H.R. 1849: Mr. UPTON.

H.R. 1850: Mr. BISHOP of New York.

H.R. 1951: Mr. MCGOVERN.

H.R. 2047: Mr. UDALL of Colorado, Mr. LEWIS of Kentucky, Mr. OWENS, and Mrs. NAPOLITANO.

H.R. 2071: Mr. DAVIS of Illinois.

H.R. 2088: Mr. MURTHA, Mr. WICKER, and Mr. YOUNG of Alaska.

H.R. 2178: Mr. LANTOS, Mr. ORTIZ, Mr. MEEHAN, Mr. CARDOZA, Mrs. MCCARTHY, Mr.

LARSEN of Washington, Ms. ZOE LOFGREN of California, Ms. DELAURO, and Mr. FRANK of Massachusetts.

H.R. 2238: Mr. WAXMAN, Ms. GRANGER, and Mr. CUELLAR.

H.R. 2526: Ms. HART.

H.R. 2684: Mr. WALSH.

H.R. 2694: Mr. CONYERS, Mr. CARDIN, and Ms. ZOE LOFGREN of California.

H.R. 2792: Mr. KUCINICH.

H.R. 2828: Mr. HINCHEY.

H.R. 2841: Mr. GRIJALVA.

H.R. 2861: Mr. LARSEN of Washington.

H.R. 3139: Mrs. MUSGRAVE.

H.R. 3183: Mr. BACHUS and Mr. CONYERS.

H.R. 3248: Mrs. JONES of Ohio, Ms. ESHOO, and Mr. MOORE of Kansas.

H.R. 3352: Mr. FOSSELLA, Mr. SMITH of Washington, Mr. GREEN of Wisconsin, Mr. HOYER, Mr. LEWIS of California, and Ms. PELOSI.

H.R. 3380: Mr. EMANUEL.

H.R. 3416: Mr. BEAUPREZ.

H.R. 3427: Mr. WALSH, Ms. SLAUGHTER, and Mr. BOEHLERT.

H.R. 3544: Mr. OBERSTAR.

H.R. 3547: Mr. OWENS.

H.R. 3612: Mr. UPTON.

H.R. 3628: Mr. RUPPERSBERGER.

H.R. 3658: Mr. AL GREEN of Texas, Ms. MCKINNEY, Mr. BERMAN, and Mr. FATTAH.

H.R. 3795: Mr. DENT, Mr. MICHAUD, Mr. CHANDLER, Mr. PRICE of North Carolina, Mr. BISHOP of Utah, and Mr. FRANK of Massachusetts.

H.R. 3875: Ms. DEGETTE, Mr. SCOTT of Georgia, Mr. CAMP of Michigan, Mr. PRICE of Georgia, and Mrs. BONO.

H.R. 3888: Mr. LEWIS of Georgia.

H.R. 3936: Mrs. LOWEY, Mr. HONDA, Mr. MILLER of North Carolina, Mr. KENNEDY of Rhode Island, and Mr. BERMAN.

H.R. 3949: Mr. MCHUGH.

H.R. 4045: Mr. REYNOLDS.

H.R. 4188: Mr. CROWLEY, Mr. PAYNE, Mr. OWENS, and Mr. BASS.

H.R. 4211: Mr. KUCINICH, Mr. CONYERS, and Mr. FATTAH.

H.R. 4315: Mr. POMEROY.

H.R. 4318: Ms. HERSETH and Mr. BRADY of Pennsylvania.

H.R. 4325: Mrs. JO ANN DAVIS of Virginia.

H.R. 4341: Mr. KENNEDY of Minnesota, Mr. JOHNSON of Illinois, and Mr. GIBBONS.

H.R. 4355: Mr. CASE and Mr. PETERSON of Minnesota.

H.R. 4357: Mr. WALSH and Mr. FORTENBERRY.

H.R. 4372: Ms. MATSUI.

H.R. 4392: Mr. NADLER.

H.R. 4423: Mr. CLAY, Mr. MOORE of Kansas, Mr. KENNEDY of Minnesota, and Mr. SCOTT of Virginia.

H.R. 4452: Mr. CUMMINGS, Mr. HONDA, Mr. BAIRD, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4479: Mr. BERMAN and Mrs. NAPOLITANO.

H.R. 4480: Mr. HOEKSTRA.

H.R. 4560: Mr. SAXTON.

H.R. 4600: Mr. CLAY, Ms. BALDWIN, and Mr. RANGEL.

H.R. 4622: Mr. FATTAH and Mr. HINOJOSA.

H.R. 4623: Mr. GREEN of Wisconsin, Mrs. KELLY, Mr. LIPINSKI, Mr. LEWIS of Georgia, and Mr. ROGERS of Alabama.

H.R. 4650: Ms. WOOLSEY and Mr. CALVERT.

H.R. 4680: Mr. FOSSELLA.

H.R. 4751: Mr. ROSS.

H.R. 4755: Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. MURTHA, Mr. BARTON of Texas, Mr. CAMP of Michigan, Mr. GEORGE MILLER of California, Mr. OLVER, and Ms. ROYBAL-ALLARD.

H.R. 4761: Mr. BURTON of Indiana, Mr. LUCAS, and Mr. RADANOVICH.

H.R. 4768: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. WELDON of Pennsylvania, Mr. KANJORSKI, Mr. MURTHA, and Mr. DOYLE.

H.R. 4772: Mr. BISHOP of Georgia.

H.R. 4790: Mr. WELLER.

H.R. 4806: Ms. ZOE LOFGREN of California.

H.R. 4822: Mr. WAXMAN.

H.R. 4843: Mr. CHANDLER.

H.R. 4876: Mrs. WILSON of New Mexico.

H.R. 4894: Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. PRICE of Georgia.

H.R. 4927: Mr. TOM DAVIS of Virginia, Mr. VAN HOLLEN, and Mr. KENNEDY of Rhode Island.

H.R. 4946: Ms. DELAURO.

H.R. 4949: Ms. HOOLEY, Mr. LATOURETTE, and Mr. OLVER.

H.R. 4963: Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Mr. HENSARLING, Ms. WATERS, Mr. FEENEY, Mr. COBLE, and Mr. RANGEL.

H.R. 4981: Mr. CALVERT.

H.R. 4985: Mr. TERRY and Mr. SHAW.

H.R. 4992: Mrs. CAPITO.

H.R. 5013: Mr. GINGREY, Mr. BARROW, and Mr. ALEXANDER.

H.R. 5033: Ms. ZOE LOFGREN of California and Mr. BERMAN.

H.R. 5037: Ms. NORTON, Mr. GIBBONS, Mr. ISRAEL, Mr. MORAN of Virginia, Mrs. MALONEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 5039: Mr. YOUNG of Alaska.

H.R. 5050: Mr. WU.

H.R. 5051: Mr. SCHWARZ of Michigan.

H.R. 5058: Mr. EVANS, Mr. BISHOP of New York, and Mr. MICHAUD.

H.R. 5072: Mr. HINOJOSA and Mr. FORTENBERRY.

H.R. 5081: Mr. MILLER of Florida, Mr. HALL, Mr. PUTNAM, Mr. FARR, Mrs. BONO, Mrs. WILSON of New Mexico, Mr. MCCOTTER, Ms. PRYCE of Ohio, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. FRANKS of Arizona, and Mr. MURPHY.

H.R. 5092: Mr. BOUCHER, Mr. ROGERS of Alabama, Mr. HAYES, Mr. YOUNG of Alaska, Mr. ENGLISH of Pennsylvania, Mr. BURTON of Indiana, Mr. CANNON, Mr. RAHALL, and Mr. GERLACH.

H.R. 5113: Mr. BISHOP of New York, Mr. DINGELL, Mr. DOGGETT, Mrs. NAPOLITANO, and Mr. SERRANO.

H.R. 5134: Mr. MCCOTTER and Mr. EHLERS.

H.R. 5139: Mr. GORDON.

H.R. 5140: Mr. GORDON and Mr. OWENS.

H.R. 5141: Mr. VAN HOLLEN.

H.R. 5143: Mrs. JOHNSON of Connecticut, Mr. FEENEY, and Mr. WICKER.

H.R. 5180: Mr. HUNTER.

H.R. 5201: Mr. CASTLE.

H.R. 5204: Mr. LIPINSKI, Mr. KUCINICH, and Mr. RAHALL.

H.R. 5230: Mr. BURTON of Indiana, Mr. PEARCE, Mr. TANCREDO, Mr. PITTS, Mr. TIAHRT, and Mr. NEUGEBAUER.

H.R. 5236: Mr. SCOTT of Virginia, and Mr. VAN HOLLEN.

H.R. 5248: Mr. HONDA and Mr. WATT.

H.R. 5249: Mr. ISSA and Ms. LORETTA SANCHEZ of California.

H.R. 5252: Mr. SCOTT of Georgia.

H.R. 5253: Mr. CHABOT, Mr. MCCAUL of Texas, Mr. PORTER, Mr. SIMMONS, Ms. HARRIS, Mr. JOHNSON of Illinois, Mr. RENZI, Mr. PUTNAM, Mr. CASTLE, Mr. SOUDER, Mrs. JO ANN DAVIS of Virginia, and Mr. FRELINGHUYSEN.

H.R. 5254: Mrs. MUSGRAVE, Mr. RENZI, Mr. ISTOOK, and Mr. SOUDER.

H.R. 5273: Ms. PELOSI, Mr. WAXMAN, Ms. BALDWIN, Mr. MCDERMOTT, and Ms. WATSON.

H. Con. Res. 3: Mr. EVANS.

H. Con. Res. 99: Mrs. DAVIS of California.

H. Con. Res. 222: Mr. CALVERT.

H. Con. Res. 278: Mr. CONYERS and Mr. CAPUANO.

H. Con. Res. 336: Mrs. CAPPS, Mr. FATTAH, and Mr. HONDA.

H. Con. Res. 367: Mr. WELDON of Pennsylvania.

H. Con. Res. 380: Mr. CROWLEY, Mr. BERMAN, Mr. PUTNAM, and Mr. FEENEY.

H. Con. Res. 391: Mr. FATTAH and Mr. LARSON of Connecticut.

H. Res. 76: Ms. HERSETH.

H. Res. 127: Ms. ZOE LOFGREN of California.

H. Res. 222: Ms. HART.

H. Res. 295: Mr. BISHOP of New York and Mr. ALEXANDER.

H. Res. 466: Mr. SESSIONS.

H. Res. 498: Mrs. CAPPS, Mr. WALSH, Mr. MORAN of Kansas, and Mr. HONDA.

H. Res. 521: Ms. SCHWARTZ of Pennsylvania.

H. Res. 635: Ms. SOLIS.

H. Res. 638: Mr. SHAYS.

H. Res. 688: Mr. EVANS, Mr. DOGGETT, and Mr. JONES of North Carolina.

H. Res. 690: Mr. MACK, Mr. JONES of North Carolina, and Mr. FORTUÑO.

H. Res. 753: Mr. HOBSON, Mr. PAUL, Ms. HARRIS, Mr. CALVERT, Mr. BERRY, Mr. HAYWORTH, Mr. UDALL of Colorado, and Mr. CASE.

H. Res. 759: Mr. VAN HOLLEN.

H. Res. 763: Mr. WESTMORELAND, Mr. MURPHY, Mrs. BIGGERT, Mr. PLATTS, Mr. PENCE, Mr. ISSA, Ms. FOXX, Mr. FOLEY, Mrs. JONES of Ohio, Mr. HYDE, Mr. REYNOLDS, Mr. KUHL of New York, Mr. LINDER, Mr. GRAVES, Mr. PRICE of Georgia, Mr. JINDAL, Ms. ROS-LEHTINEN, Mr. GOODE, Mr. SMITH of New Jersey, Mrs. BONO, Mr. DEAL of Georgia, Mr. SHIMKUS, Mrs. KELLY, Mr. COLE of Oklahoma, Mr. HAYWORTH, Mr. KELLER, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. LAHOOD, Mrs. CUBIN, Mrs. WILSON of New Mexico, Mr. BOOZMAN, Mrs. MILLER of Michigan, Mr. FORBES, Ms. HARRIS, Mr. MORAN of Virginia, Mr. DENT, Mr. ROYCE, Mr. SHAYS, Mr. GARY G. MILLER of California, Mr. WELDON of Pennsylvania, Mr. PORTER, Mrs. BLACKBURN, Mr. TOWNS, Mr. MICA, Mr. CASTLE, Mr. FORTENBERRY, Mr. SESSIONS, Mrs. SCHMIDT, and Mr. MOORE of Kansas.

H. Res. 773: Mr. RUPPERSBERGER, Mr. CHABOT, Mr. FITZPATRICK of Pennsylvania, Mr. GARRETT of New Jersey, Mr. DENT, Mr. PENCE, and Mr. EMANUEL.

H. Res. 779: Mr. MCHUGH.

H. Res. 780: Mr. MCGOVERN, Mr. EVANS, and Mr. SCHIFF.

H. Res. 782: Mr. LINCOLN DIAZ-BALART, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, and Mrs. DRAKE.

H. Res. 784: Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. HYDE, Mr. SMITH of Washington, Mr. ENGEL, Mr. MCCOTTER, Mr. BURTON of Indiana, Ms. WOOLSEY, Mr. LYNCH, Mr. SHERMAN, Mr. DELAHUNT, Ms. LEE, Mrs. NAPOLITANO, and Ms. HARRIS.

H. Res. 788: Mr. BAIRD, Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Virginia, Mrs. NAPOLITANO, and Mr. NEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4318: Mr. MEEHAN.

H.R. 4881: Mr. SAM JOHNSON of Texas.

EXTENSIONS OF REMARKS

RECOGNIZING JONATHAN M. NELSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jonathan M. Nelson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many scout activities. Over the many years Jonathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jonathan M. Nelson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A NEW GUN ARGUMENT—MAYORS TURN THE POLITICAL ISSUE TO SAVING LIVES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. RANGEL. Mr. Speaker, I rise today to praise New York City Mayor Michael R. Bloomberg for taking the initiative of bringing the issue of gun violence to the forefront. This is truly an important topic for discussion. Mayor Bloomberg is aware of the many problems caused by gun violence and he knows first hand the commitment needed to adequately address it.

Mayor Bloomberg knows just how serious this issue has become in major cities across America. As a result, just this past week, he called for a conference in New York City of a few big city mayors in what was labeled "national leadership in the war on gun violence". Gun violence in many of our nation's cities is on the rise, and will continue to be if no serious action is taken. Mayor Bloomberg feels that since neither the White House nor Congress has taken any real steps toward addressing the issue, it must fall to state and local governments to handle.

I want to stress the fact that this responsibility should not fall solely on state and local governments, but equally on us in the Congress. Congress needs to see what can be done to assist those in our home districts dealing with gun violence. Have we forgotten about them? We should be able to provide our cities with any type of assistance that they need, especially on an issue so vital.

Congress needs to reinstate the assault weapons ban act of 1994 which sadly expired in September of 2004. Allowing this law to expire does not show our resolve on gun trafficking and I believe that it renders us irrelevant. Mayor Bloomberg is a Republican and has teamed up with Democratic mayors in particular Mayor Menino of Boston and has in essence left the partisanship at the door for the sake of the people they were elected to serve.

Mayor Bloomberg and Mayor Thomas Menino of Boston have made the case that this is in no way an attack on the culture of hunting, a sport practiced by many in this country. However, they realize that "it's a difference in how guns are used". In rural areas, guns are used for collection and hunting, but in inner cities, guns are "used almost entirely to threatened or kill other human beings".

I enter into the RECORD the opinion editorial by E.J. Dionne, Jr. published by the Washington Post for the new insight it presented and acknowledgment of various big city mayors for the efforts to control guns. The mayors are leading the way toward stronger gun control and we must find ways to support this growing movement.

[From the Washington Post, Apr. 28, 2006]

A NEW GUN ARGUMENT—MAYORS TURN THE POLITICAL ISSUE TO SAVING LIVES

(By E.J. Dionne, Jr.)

NEW YORK.—Have you noticed that Washington politicians have given up on thinking about new solutions to gun violence? New York Mayor Michael Bloomberg has noticed, and he's angry. Good for him.

Bloomberg is a Republican, if hardly a partisan sort, and it may take a Republican to restart a debate that many Democrats have fled after a careful examination of the electoral map—and years of exhaustion from demagoguery on the issue.

Teaming up with Boston's Democratic mayor, Thomas Menino, Bloomberg brought 13 other big-city mayors together here on Tuesday to call for "national leadership in the war on gun violence."

"If the leadership won't come from Congress or come from the White House, then it has to come from us," said Bloomberg.

The mayors, Menino said, do not want to meddle with the rights of hunters. They are concerned about the trafficking of illegal guns and the powerlessness of individual cities to enforce their own weapons laws because of loopholes in federal rules and because criminals can easily obtain weapons in jurisdictions with looser regulations.

Our dysfunctional political system has become especially dysfunctional on gun violence. The National Rifle Association regularly says that we don't need new laws and should simply enforce the regulations on the books. But if many of the existing laws are unenforceable, that statement is meaningless.

Opponents of even modest gun regulation win the upper hand rhetorically by invoking two words: freedom and elitism. None of us is really free, the argument goes, unless all of us have essentially unfettered access to weapons, and any new gun laws are seen as leading down a slippery slope to a total ban on gun ownership. Supporters of gun regulations are always cast as metropolitan highbrows lacking in respect for the way of life of law-abiding country folks.

At a structural level, Congress has a deep bias in favor of the rural point of view because the Senate is stacked in favor of rural states. Idaho, Wyoming and Montana have two senators each, and so do California, New York and Illinois.

According to the latest Census Bureau estimates, the six senators from those three rural states represent 2,874,060 people. The six from the three states that include big urban and suburban populations represent 68,150,148 people. By these figures, you might calculate the rough odds against gun regulations at 24 to 1.

Changing the political argument is easier than changing the Senate. Mayors—joined soon, Menino hopes, by suburban county executives—are the right people to start the work.

Yes, there is a cultural difference between big cities and rural areas, but it's a difference in how guns are used. Rural people treasure their guns mostly for hunting and recreation, and as collectors. In inner cities, guns—especially handguns—are used almost entirely to threaten or kill other human beings.

"There are neighborhoods where if you say 'duck,' people get out of the way because they're worried they'll be shot," Milwaukee Mayor Tom Barrett said in an interview. "But there are other parts of the country where if you say 'duck,' people will grab their rifles to go duck hunting."

We desperately need a new politics of gun regulation in which law-abiding gun owners see the fight for tougher laws not as a form of disrespect for their culture but as an acknowledgment that if our gun rules are an unenforceable hodgepodge, illegal guns will inevitably get into the hands of kids and criminals in the cities and suburbs.

"I'm fighting for freedom, too," said Barrett. "I'm fighting for the freedom of a grandma to sit on her front porch and not get hit when there's a drive-by shooting. I'm fighting for the freedom of kids to play in the park without being caught in a crossfire."

The mayors have to act for another reason: Democrats have lost their nerve on the gun issue. Barrett traces this to the passage of the assault weapons ban in 1994. (Congress let it expire in September 2004.) Many Democrats who supported the ban were defeated in that fall's election.

"So Democrats who might be inclined to do something are now inclined to stay away from the issue," said Barrett, a Democratic member of Congress at the time. "And most Republicans aren't inclined to do anything at all."

Railing against this state of affairs is useless. Better that a savvy group of mayors takes the lead in the difficult struggle to change the underlying politics by reminding

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Americans that this issue is about saving the lives of innocent kids—and of grandmas in their rocking chairs.

CONGRATULATING ALMA BERLOT WHO WAS SELECTED AS "WOMAN OF THE YEAR" BY THE WYOMING VALLEY WOMAN'S CLUB

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Alma Berlot of Nanticoke, Pennsylvania, who was chosen as Woman of the Year by the Wyoming Valley Woman's Club for the year 2006.

Mrs. Berlot is affectionately known as the coal miner's daughter because of the dedicated work she did to spearhead the drive to place a statue of a coal miner at the intersection of East Main Street and Kosciuszko Street in Nanticoke. Mrs. Berlot did that to immortalize the sacrifices made by her father and thousands of other mine workers who labored deep underground in often dangerous conditions to support their families and to invigorate the regional economy.

Mrs. Berlot is now working to get a postage stamp that will honor the coal miners for their courage and bravery.

Mrs. Berlot's father, Ed Salvadore, lost his life in the mines. Her mother, Elizabeth Tulli, was killed in a car crash by a drunken driver. In tribute to her parents, Mrs. Berlot subsequently organized a talented group of children and young adults who entertain at nursing homes, veteran's gatherings, etc. The group is called "Make Someone Happy."

Over the years, Mrs. Berlot has received many awards from two State hospitals for her work with the mentally challenged and also the Special Olympics.

Mrs. Berlot is married to Alvin Berlot and the couple has four children: Dr. Alvin Berlot, Attorney Melissa McCafferty, Gina Bunchalk, RNBSRN and Madonna Trombetta, RN.

The Wyoming Valley Woman's Club gives its "Woman of the Year" award annually to a worthy woman for her outstanding contributions to the Wyoming Valley. The selection committee is composed of past award winners including Doris J. Merrill, chairperson, Nanticoke; Anna Cervenak, Kingston; Rose Marie Panzitta, Wilkes-Barre; Judith Ellis, College Misericordia; Rose Mary Sigmund, Luzeme; Martha Elko, Kingston and Ann MacFarland, president, Wilkes-Barre.

Mr. Speaker, please join me in congratulating Mrs. Berlot on the occasion of this outstanding achievement. Mrs. Berlot's devotion to community service is well known and it is fitting that she should receive this award.

COMMENDING NETTIE PAULSON

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to commend Ms. Nettie Paulson of New Ulm, Minnesota, for her service to the Gillette Children's Hospital and her dedication to making the patients more comfortable as a member of the Friends of Gillette group.

The Friends of Gillette are volunteers devoted to the children being treated at the Gillette Children's Hospital and their families. The Friends of Gillette have raised more than $2 million in medical assistance for families and they also donate items, such as knitted quilts and hats, to patients in an effort to bring comfort and warmth to the patient's hospital stay.

Ms. Nettie Paulson's dedication to the children and families of Gillette Children's Hospital has been felt for over 50 years. Through the Friends of Gillette program, Ms. Paulson has now donated 1,000 of her hand-made quilts to Gillette patients over the years. She has touched the lives and hearts of thousands of children and their families with her constant kindness.

Mr. Speaker, Ms. Paulson is a great example of one who is willing to share her talents to help those in need. I commend Ms. Nettie Paulson for her decades of service to the children and families of Gillette Children's Hospital.

IN HONOR AND RECOGNITION OF HOSPITAL CORPSMAN THIRD CLASS VICTOR L. LEWIS OF THE UNITED STATES NAVY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of United States Navy Hospital Corpsman Third Class Victor L. Lewis, Company L, 3rd Battalion, 25th Marine Regiment, Combat Team 2, Marines Expeditionary Forces, upon his recognition by the United States Navy with a Bronze Star Medal for his heroic actions while serving in Iraq on April 4, 2005.

Hospital Corpsman Third Class Victor L. Lewis is a firefighter in Cleveland, Ohio. His courage and conviction exceeded his excellent training and experience as a firefighter, when his platoon came under fire last year. During a mission in Haqllnayah, Iraq to locate an enemy weapons cache, Hospital Corpsman Third Class Victor L. Lewis and his platoon came under attack by a well-coordinated enemy ambush. The platoon was bombarded by heavy machinegun fire, mortars and rocket-propelled grenades. When a fellow Marine fell wounded, Corpsman Lewis ran forty meters through heavy gunfire, administered first aid and moved him to safety.

When a second Marine was wounded, Hospital Corpsman Third Class Victor L. Lewis ran to his aid, again through the smoke and blast of heavy gunfire, rendered first aid, then lifted him up and carried him to safety. His efforts to save the lives of others while placing his own life in grave danger reflects courage and heroism of the highest level.

Mr. Speaker and colleagues, please join me in honor, recognition and gratitude to Hospital Corpsman Third Class Victor L. Lewis, whose bravery and unwavering devotion to the members of his platoon will forever stand as a testament to the spirit and strength of the human heart to face down fear and run through the fires of war to save the lives of his friends. Our community and our Nation will be forever grateful.

RECOGNIZING CHRISTOPHER K. WILLIAMS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher K. Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his Troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Christopher K. Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

STOP THE GENOCIDE IN THE DARFUR REGION OF SUDAN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, this past Sunday, April 30, 2006, hundreds of thousands of Americans gathered in cities across the U.S. to rally to stop the murder, end the suffering and call for action to stop the genocide in the Darfur region of Sudan.

As many as 400,000 children, men and women have been murdered in Darfur by the Janjaweed militia with direct support from the Government of Sudan. More than 2 million people have been displaced both inside Sudan as well as into the neighboring nation of Chad. Villages have been burned, rape and sexual violence has been used as a terrorist weapon against women and girls. The terror, horror, and evil perpetrated in Darfur is an ulcer on humanity that must be treated immediately. If not, the terrorist tactics used by the Janjaweed and their state sponsors will be a model for rogue nations and their non-state allies in every corner of the world. Ending the genocide in Darfur, providing on-going humanitarian assistance and protection to the victims, and bringing the perpetrators—both the Janjaweed terrorists and their government sponsors—to justice requires the U.S. and the world to act. Action is what citizens across our country are calling for.

I attended the rally in St. Paul, MN and I want to express my sincere appreciation to all of the organizations that worked hard to sponsor the rally and raise awareness regarding an international issue that speaks to our very humanity. It was a rainy day but those in attendance had warm hearts and their presence was a reflection of the fact that we are a free people—free from the fear, the misery and the horror facing our brothers and sisters in Sudan and Chad. Their calls to ensure that Congress, the White House and the world are held accountable for allowing the killing in Darfur to continue were heard and I hope these voices continue to speak out for action until the day arrives when peace in Darfur triumphs over violence.

We must have the courage of our convictions to stop the genocide in Darfur—this is a test of our humanity and we are failing the test. I have had the privilege to travel twice to Darfur—to meet with the survivors of the genocide in January 2005 and again in January 2006. The women and children I spoke with have escaped the killing but continue to suffer and struggle for survival. Their courage is an inspiration and it humbles me. And, as a citizen of the riches, most powerful nation on earth, it is shameful to meet survivors of genocide and know we are watching as this horror continues.

It is shameful to know that for 3 years the U.S. and other free nations around the world have not had the political courage or the military will to stop the mass murder. World leaders continue to say "genocide, never again," and yet the genocide continues. The murder and rapes continue. The terrorism and ethnic cleansing continues. The genocide by starvation and disease continues. Darfur is a horror the world knows about, a horror we all watch on television. So why are our leaders not acting to end the genocide?

I am outraged to say that one reason the world is not acting is because governments are collaborating with the perpetrators of genocide. China wants Sudan's oil and therefore the genocide in Darfur does not concern them. They stand in the way of the United Nations Security Council taking strong action to end the violence.

The U.S. government rightly condemns the genocide. But on April 28, 2006, the Bush administration released its annual report on terrorism and commended, that's right, commended, the Government of Sudan. Let me quote from this official report, "Sudan continued to take significant steps to cooperate in the global war on terror."

Excuse me President Bush, the victims of bombs, bullets, machetes, and rapes, the victims burned alive, are these citizens of Sudan, these victims of genocide, not also the victims of terrorism? The Government of Sudan is officially designated a state sponsor of terrorism by the U.S. Department of State. Why is the U.S. cooperating with a government committing genocide?

We should all be outraged that our government is cooperating with the Government of Sudan as it sponsors terrorism and commits genocide against its own citizens.

Unfortunately, this counterterrorism collaboration with the terrorist Khartoum regime is not new. On May 12, 2005, in a hearing before the House International Relations Subcommittee on International Terrorism and Nonproliferation, I had the opportunity to question the Honorable Philip D. Zelikow, Counselor, U.S. Department of State, who testified regarding the release of last year's Country Reports on Terrorism. The following exchange from that hearing is insightful for Americans who believe ending genocide in Darfur is not separate from the war on terrorism. Yet it appears that the genocide does not deter the U.S. intelligence community's ability and desire to collaborate in the shadows with the regime in Sudan.

Ms. MCCOLLUM. Thank you, Mr. Chair. Well, I had some questions that I had prepared. They are based on a statement that was made in the testimony about Libya and Sudan, offering significant cooperation in the war on terrorism, therefore, they were being given kudos for having improved their behavior. I found this offensive and outrageous. Is the janjaweed militia committing acts of terrorism in Sudan? The answer is yes, unless you want to argue that they are not. Are they a terrorist organization? Yes. Is the janjaweed including excursions into Chad out of Sudan as part of their war on terrorism? The answer would be yes. Is Sudan a state sponsor of terrorism when they send in airplanes and helicopter gun ships to murder women and children? The answer would be yes.

Our country has used the term genocide in what is going on in Sudan. We just spent $4 million providing relief to the victims of genocide in Darfur. Up to 300,000 people have been murdered in Sudan, with two million displaced refugees, and yet we are giving them glowing reports for cooperating on the war on terrorism. I think we do need a definition, because other than that, we are being hypocrites in this room, talking about fighting the war on terrorism.

Mr. ZELIKOW. Congresswoman, I am sympathetic to your concern. We have spent a lot of time in the last few weeks and months actually working on the problems of Darfur and the North-South Peace Accords and trying to get help to combat just the kinds of horrific depredations that so trouble you. They trouble us, too.

Question: Is Sudan a state sponsor of terrorism? Yes, and it is so designated by the United States Government. Question: Do we regard the acts committed by the janjaweed militia as terroristic? Yes, we do. And therefore, we believe that action including forceful, violent action needs to be directed by the international community to curb those abuses and mitigate the suffering that they have caused.

The problem that we confront, the dilemma that we confront, is, in fact, in the intelligence world; in the netherworld where a lot of counterterrorism work goes on, Sudan actually—one part of the Sudanese Government actually has done a number of cooperative things with us in that world. And so then you have to figure out how do you acknowledge that fact, which has helped us, and it has helped us with people who are targeting us outside of Sudan. How do you acknowledge that fact without appearing to turn a blind eye to the horrors that so trouble you and trouble us? And that is the dilemma that we are trying to balance and that is why I have approached your question the way I have.

Ms. MCCOLLUM. Well, I am very concerned when we have government officials saying that they are cooperating on the war on terrorism. Whose war on terrorism? I am very concerned about the safety of Americans. I take an oath of office to protect that. I take it very seriously, but we also have human rights hearings and try to hold ourselves up to a high standard and we slip and fall down sometimes. But when we are saying, well, because they are with us on the war on terrorism against who we are fighting with, we are going to say that they are moving forward on the war on terrorism, when horrific acts that are state-sponsored are taking place. I think at a minimum, if you are going to describe what is going on in Sudan, it would only be respectful to the people who have been murdered and displaced, to recognize in the same breath that there are significant problems out there. And then the question becomes, whose side are we on?

Mr. ZELIKOW. Right, no, it is a fair point—

Mr. Speaker, this is not the time to look for excuses that allow our government to collaborate with a nation that is complicit in murdering hundreds of thousands of its own citizens. The hour is late, people continue to die, but it is still not too late for action in Darfur that will save lives and bring peace. We don't need more words and feigned gestures of concern. A superpower's impotence in the face of genocide is a signal to every dictator, terrorist and militia leader who seeks power or wealth through murder and mayhem that the U.S. will condemn with words, but take no action to stop the cleansing of entire families, villages and entire regions of a country.

It is time for the world, including the United States, to stop watching this horrific genocide and start using our collective political will and military power to protect lives. Americans care deeply about human rights, human dignity and our brother and sisters in Sudan. We must commit ourselves to hold our government accountable to act to end this genocide. Laws are important, but they are only words if there is no action.

The time is now for action—action to stop the killing, start the healing and ensure justice is achieved for the people of Darfur.

CONGRATULATIONS TO SPRINGFIELD TECHNICAL COMMUNITY COLLEGE'S WOMEN'S SOCCER TEAM ON WINNING THE NJCAA DIVISION III NATIONAL CHAMPIONSHIP

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a moment today to congratulate the members of the outstanding women's soccer team at Springfield Technical Community College (STCC) who have recently won the National Junior College Athletic Association Division III National Championship. What an honor!

This team of 14 women from Greater Springfield beat colleges from New Jersey, Maryland, and finally Texas to achieve this title. Two of the championship games went beyond overtime into penalty kicks, and the game was won by STCC on the last penalty kick.

These young women have distinguished themselves have and made all of us in Western Massachusetts so very proud of them. Their athletic talent and skill, and their qualities of courage, determination, teamwork, and leadership are among those that America holds highest. Each has demonstrated the qualities of teamwork in achieving this honor, and today I would like to honor them by inserting their names into the CONGRESSIONAL RECORD to forever be recorded in history: Christa Blair, Sarah Levesque, Crystal Dube, Jess Luszc, Hillary Flanders, Le Nguyen, Monica Gunn, Jackie Peloquin, Nora Healy, Chrissy Pikula, Stefiny Knight, Lindsey Pobieglo, Marianne Laford, and Kara Trzasko.

Congratulations also to the outstanding coaching staff: Head Coach Bob Fuqua, Assistant Coach Brewster Renn, as well as former Head Coach Martino Naglieri and Assistant Jim LaPlante for bringing this team together and achieving this national title. I would also like to make a special note of the contributions of STCC Athletic Director J. Vincent Grassetti, and his predecessor Willie Manzi for their efforts in building such a fine athletics program.

SPRINGFIELD TECHNICAL COMMUNITY COLLEGE LADY RAMS 2005 WOMEN'S SOCCER ROSTER

The NJCAA Division III National Champions, November 13, 2005, in Herkimer, NY, against Cedar Valley College of Dallas, Texas.

Sarah Levesque, goalkeeper, Ludlow High School.

Christa Blair, forward, Gateway Regional High School.

Stefiny Knight, midfielder, Ludlow High School.

Crystal Dube, midfielder, South Hadley High School.

Marianne Laford, defense/midfield, Springfield Central High School.

Kara Trzasko, defense, Gateway Regional High School.

Nora Healy, forward, Chicopee High School.

Chrissy Pikula, defense/midfield, High School of Science & Technology.

Jess Luszcz, midfielder, Ludlow High School.

Le Nguyen, defense, High School of Science & Technology.

Lindsey Pobieglo, midfield/forward, Palmer High School.

Jackie Peloquin, defense, Chicopee High School.

Monica Gunn, midfielder, Palmer High School.

Hillary Flanders, forward, Sabis International Charter School.

Head Coach: Bob Fuqua.

Assistant Coach: Brewster Renn.

Athletics Director: J. Vincent Grassetti.

TRIBUTE TO TERESA SHOCKLEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate second grade teacher Teresa Shockley, who received the Missouri State Teacher's Association (MSTA) Southwest Region Elementary Educator of the Year award.

On April 10, 2006, Mrs. Shockley received the award for the southwest region of Missouri for her innovation in the classroom. Mrs. Shockley teaches using hands-on lessons three to five times a week. Currently, her students are growing tadpoles and plants and preparing for a musical. She also has the children in her class create mini-economies, in which the students set up counties, cities, and city councils.

Mrs. Shockley has been teaching for twelve years, the last three of which she has taught second grade at Conway, Missouri's Ezard Elementary School. After she graduated from Conway High School in 1989, she attended Southwest Missouri State University. Mrs. Shockley earned her Master's degree from Southwest Baptist University while teaching fifth grade at Joel E. Barber School near Lebanon, Missouri. She has written various grants including, "Time Travel Through Literature," and "Consumers in Training." She also stays active in the community through her involvement in the Community Teacher's Association and the Professional Development Committee at Ezard Elementary School.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating Mrs. Teresa Shockley and in thanking her for her commitment to education.

TEXAS MADD CANDLELIGHT VIGIL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. POE. Mr. Speaker, as you know, April 23–29 was designated as "National Crime Victims' Rights Week." In conjunction with crime victims' rights week, the Texas Chapter of Mothers Against Drunk Driving, MADD, held a statewide candlelight vigil on Monday, April 24, 2006, in Austin, Texas. I had the privilege to attend, as well as speak, at the vigil. The candlelight vigil was held to recognize, remember, and honor all of the victims of crime, throughout the Great State of Texas. It is only fitting that we pay tribute the Texas Chapter of MADD for their dedication and commitment to educating, preventing, and ending drunk driving, and its devastating consequences, in Texas and throughout the United States.

The National MADD Organization was established in 1980 by Candy Lightner, whose 13 year old daughter, Cari, was struck and killed by a drunk driver, while she was walking to a school carnival. All of MADD's 10 presidents have been victims and/or lost a loved one to a drunk driver. MADD's current president, Glynn Birch became the first male president of the organization in 2005. Since its inception, MADD has grown from a single chapter to nearly 600 chapters nationwide, with the number of supporters in the millions. MADD has been responsible for raising the federal drinking age to 21 years of age, lowering the legal threshold for intoxicated driving to .08, launching countless public service and media ad campaigns alerting teens to the dangers of drinking and driving, and celebrating its 25th Anniversary with the theme—"MADD Celebrates Life."

The Texas Chapter of MADD has been recognized for its efforts throughout the state in promoting the goals and principals of the National MADD Organization. The Texas MADD was the recipient of the 2002 Heart of MADD Award—honoring Texas' efforts in building strong victim service programs and outreach to victims of drunk driving crime. The Texas MADD has also been recognized by the National MADD organization for their work regarding their efforts to combat underage drinking in Texas, passing the .08 blood alcohol concentration in the Texas State Legislation, and for their contribution to a video for teens showcasing the danger of teenage alcohol consumption. The Texas Chapter of MADD has also supported countless pieces of Texas state legislation which protects its fellow Texans from drunk drivers, as well as making sure the offenders are adequately punished.

The Texas Chapter of MADD, as well as the National MADD Organization, has made it their mission to protect our roadways and educate our citizens to the negative consequences of drunk driving. They are also responsible for caring for the victims from these senseless acts of violence, to ensure their voices are heard and not forgotten. The Texas Chapter of MADD truly deserves this recognition. That's just the way it is.

RECOGNIZING MATTHEW SCHANUEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Schanuel, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Matthew Schanuel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A WAVE'S FIRST STRIKE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. RANGEL. Mr. Speaker, I rise today in acknowledgment of a recent opinion editorial in the Washington Post and an editorial in the

New York Times which called for comprehensive immigration reform and the fair treatment of undocumented immigrants in this country. It is clear to me that this is only the beginning and that much more is coming.

On May 1st there was a Latino national strike in which tens of thousands of people did not show up for work in support of their cause. Strikes took place in cities such as New York, Chicago, Denver, Atlanta, and Los Angeles. Millions are taking to the streets to make sure that their voices are heard.

They want to make Americans nationwide understand that they are not here to harm anyone, but to work and support their families alike. These are people with values like our own and who also share our ethics of working hard to support oneself. Many in this country are not willing to take the necessary time to assess the struggle that immigrant families go through. Why is it that their contributions to our society are often ignored while their exploitation goes unnoticed? These are the people that make our meals, trim our hedges and construct our buildings, yet will we continue to regard them forever as second-class citizens? We must no longer continue on this dangerous path.

The op ed in the Washington Post noted that, "something important is happening—something that goes beyond the debate on Capitol Hill about immigration reform", and that statement has never been more valid than now. There is a serious desire of immigrants to become members of our community, through hard work and patriotism, fundamental principles we all hold close to our hearts. The goal of this government should not be to erect barriers that hinder people from contributing and achieving the American Dream, but to help those who seek our assistance so that they can become productive members of our society.

We must take decisive action to ensure a fair and equitable immigration policy. We must make it so that no one in this country feels like a second-class citizen. We must make it so that everyone has a equal footing for advance and prosper. This movement should be a way to bring our minority communities together, especially the African American community. We should see this as an opportunity to help others who have experienced something we all have in common, discrimination.

I enter into the RECORD, these opinion editorials by Eugene Robinson and the New York Times editorial for their different perspectives on such a controversial topic. This is truly an issue that has started to divide our country instead of unite it. We must come to this issue of immigration with a clearer view, one that does not include our cultural biases and hatred for those different than ourselves. The editorial asks if the message has sunken in yet with the American people. We are hearing their message and I hope that it starts to sink in.

[From the New York Times, May 2, 2006]

A WAVE'S FIRST STRIKE

(By Eugene Robinson)

The construction sites I drove past on my way to work yesterday were abnormally quiet, almost tranquil, without the usual bustle of organized chaos. Every once in a while, a crane indolently traced its arc; every once in a while, a truck arrived or departed. But the basic activity involved in putting up an office building—picking stuff up and carrying it from here, where the crane or the trucks left it, to there, where it's needed—went largely undone.

In Washington's Mount Pleasant neighborhood, long a magnet for Latino immigrants, it felt almost like a Sunday morning. Few people were out and about, and only about half the local businesses were open. On the padlocked doors of a pharmacy, a dental clinic, a barbershop, a wire transfer office where immigrants send money home to their families, and other offices were taped identical fliers, with a notice in Spanish and English: "We will be closed on Monday May 1st in support of the Latino national strike."

Two middle-aged women who identified themselves as Maria and Sonia (neither would give a last name) strolled past, pointing out all the closed businesses. "This action is a good idea, a very good idea, because we have to support all the people who are here without papers," said Maria, who, like her friend, is from El Salvador. "We came here to work hard, not to harm anyone. Salvadorans are hard workers. We're not criminals."

All morning local Spanish-language radio hummed with urgent news and advice. There would be a demonstration in the afternoon at Malcolm X Park. This was to be a day of peaceful solidarity. No one should jeopardize his or her job: if you have to go to work, join the demonstration later.

It's too early to judge the impact of yesterday's nationwide "Day Without Immigrants" protest, but it's past time to recognize that something important is happening—something that goes beyond the debate on Capitol Hill about immigration reform. At this point it's harder to say just what this nascent Latino movement is than to point out what it is not. It's certainly not a monolith. There has been spirited internal debate, for example, over "Nuestro Himno," the Spanish-language version of "The Star-Spangled Banner" that was released by an all-star chorus of Latino recording artists last week. Some heard a genuine expression of patriotism; others heard an unnecessary and unwise provocation.

Maybe it was neither. Maybe "Nuestro Himno" was a step in forging and tempering a stronger pan-Latino identity and political consciousness. Black people have skin color as a factor to unite us; Latinos, who can be of any race, have Spanish.

But let me be clear: We can also say that the movement whose birth we are witnessing is not a clone or even a descendant of the civil rights movement that won for African Americans our place in this society. There's just no way to compare a group of people whose ancestors were brought here in chains, forced to work as slaves and then systematically classified as second-class citizens for more than a century with another group of people, however hard-working or well-meaning, who came to the United States voluntarily.

That said, I am convinced that the nation's two biggest minorities are natural allies, not rivals, and that a crucial task over the coming months and years will be to find ways for African Americans and Latinos to work together. Our histories may be different, but we have at least one big thing—discrimination—in common.

For the two groups to fight over low-skilled, low-wage jobs would be a tragic waste of time and effort. The issue is how both African Americans and Latinos can claim a fair share of this nation's vast wealth and opportunity, not how we can wrestle the scraps from one another. The issue is who gets to occupy the corner office during working hours, not who gets to clean it at night.

Congress may do something reasonable on immigration, giving the estimated 12 million people already here without papers a chance to become citizens or legal residents, but there's no guarantee. It may be that there's no common ground among the president, the House and the Senate—at least not in an election year. But if you take the long view, I'm not sure that Capitol Hill is where the real news is happening.

Yesterday the news was happening at construction sites, where it was demonstrated that steel, lumber and glass will not move from here to there on their own.

[From the Washington Post, May 2, 2006]

THEY ARE AMERICA

Warnings of a crippling immigrant boycott did not come true yesterday. The economy survived. But what may not survive—we hope—is people's willful misunderstanding of the nature of the immigrant-rights movement.

The worst among our citizens and politicians are eager to depict illegal immigrants as criminals, potential terrorists and alien invaders. But what we saw yesterday, in huge, peaceful rallies in Los Angeles, Las Vegas, Chicago, Denver, New York, Atlanta and other cities, were regular people: the same types of assimilation-minded moms, dads and children we wistfully romanticize on holidays devoted to, say, St. Patrick and Columbus.

If these extraordinarily positive events were a protest of anything, it was the idea of the immigrant as temporary and unwelcome guest worker. The marches flew in the face of theories that undocumented workers want nothing but to labor unnoticed and separate from the nation that employs them to make its meals, trim its hedges and slaughter its beef.

These immigrants, weary of silent servitude, are speaking up and asking for something simple: a chance to work to become citizens, with all the obligations and opportunities that go with it.

Our lawmakers, to their discredit, have erected barriers within barriers, created legal hurdles and bureaucratic hoops, and dangled the opportunity for lowly guest-worker status without the citizenship to go with it. It is an invitation to create a society with a permanent underclass deprived of any ladder to something better. It is a path to creating a different, and lower, vision of our country and ourselves.

It is not only the border-obsessed Minutemen who should be shamed by yesterday's joyous outpouring. Lawmakers who have stymied comprehensive immigration reform with stalemated name-calling and cold electoral calculation should listen up. A silent, shadow population is speaking with one voice. The message, aimed at Washington but something the whole country should hear, is clear: We are America. We want to join you.

It's a simple message. It should be sinking in by now.

HONORING THE CHURCH OF THE ASCENSION ON THE OCCASION OF ITS 100TH ANNIVERSARY CELEBRATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Ascension Church in Mocanaqua, Luzerne County, Pennsylvania, as parishioners prepare to celebrate the 100th anniversary of their church's founding on June 11.

In May of 1906, a group of Slovak men formulated plans to raise funds and build a church to accommodate the needs of their families and neighbors.

Land was purchased and the cornerstone was laid in October, 1906. The church was formally dedicated in October, 1907, by the Most Rev. Michael J. Hoban, then bishop of the Scranton Catholic Diocese. He was assisted by Right Rev. John S. Sobota, Rev. Matthew Jankola and Rev. Joseph Murgas. The church cemetery was purchased and blessed in 1915.

Monsignor Sobota, then pastor at St. Joseph's Church, Nanticoke, served the Church of the Ascension from 1907 to 1926 when Rev. Daniel Gregga was named the first resident pastor. Parishioners bought a lot and built a rectory which was replaced by a new rectory in 1930.

Other pastors who served the Church of the Ascension include Rev. Andrew Sporinsky, Rev. Andrew Liktor, Rev. Joseph Gavenda, Rev. Aloysius Baloga, Rev. Michael Krupar, Rev. Joseph Podskoc, Rev. Cyril Frankovich, Rev. Stephen Yaneka, Rev. John Zipay, Rev. John Fabian, Rev. Edward Liptock, Rev. Stephen Medwick, Rev. Louis Garbacik, Rev. Francis Skitzki, Msgr. John Balberchak, Rev. Carl Prushinski, Rev. Gerald McGlone, Rev. Thomas Skotek, Rev. Michael Zipay, Rev. Anthony Generose and Rev. Joseph Kakareka.

Over the years, the parish properties have seen many improvements and expansions. In 1999, the church underwent major renovation. Central air conditioning was installed, the sanctuary was disassembled and rebuilt, new carpeting was laid, the church was rewired, pews were renovated, the church interior was repainted and handicapped access was made available.

In the latest restructuring in 2005, the Church of the Ascension now shares its pastor, Rev. Kakareka, with two other nearby parishes.

Mr. Speaker, please join me in congratulating the parishioners of the Church of the Ascension, both past and present, for their fortitude and devotion that has resulted in the continuous existence of a proud parish for the past century. It is the faith, integrity and dedication of people like those who belong to the Church of the Ascension that has contributed to making this Nation great. And we are thankful to them for that wonderful gift.

CONGRATULATING STEVEN BENSON

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Mr. Steven Benson of Owatonna, Minnesota on receiving the 2005 Presidential Award for Excellence in Mathematics and Science Teaching.

This award was established in 1983 by an Act of Congress and is administered for the White House by the National Science Foundation. The award recognizes teachers who are both role models for colleagues and encourage talented individuals to become and remain teachers. Outstanding math and science educators are nominated each year from the United States and four other jurisdictions. Teachers may be nominated by faculty, students, parents or members of the community. After advancing through an intense selection process at both state and national levels, the final winners are announced by the President of the United States.

Mr. Steven Benson has proven himself as a dedicated and outstanding educator. Mr. Benson believes in making his math classes more relevant to everyday life to generate greater interest in his students and encourage their success. By creating a personal connection to the content, Mr. Benson shows students how math significantly affects and influences their hobbies, activities, and future plans. For this commitment to his profession and to his students, Mr. Benson will receive The Presidential Award for Excellence in Mathematics and Science Teaching—the highest honor a teacher of mathematics or science can receive.

I extend my sincere congratulations to Mr. Steven Benson for receiving the 2005 Presidential Award for Excellence in Mathematics and Science Teaching. Quality math teachers, like Mr. Benson, inspire our students' inquisitive nature to explore new challenges, innovative career paths, and the future of ideas. His steadfast professionalism and abilities in the classroom are a standard for which all educators should aim.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KUCINICH. Mr. Speaker, I rise today to honor the nation of Greece on its triumphant 185th anniversary of winning independence. Throughout its glorious history, Greece has proven to be an inspiration to the United States and to nations around the world.

The birthplace and cradle of democracy, Greece's long history of promoting the ideals of justice and freedom now serves as a standard against which we measure all other nations. The legacy of antiquity is still felt throughout the streets of Athens today. It was the ancient Greeks who first realized that the right of self-governance was an essential foundation of any civilized society. Although such principles seem elementary today, their ideas were revolutionary in their own time. We cannot discount the influence that ancient Greece has had on our Nation.

In the founding of our Nation, Greece served as a model by which the framers of the constitution structured our government. After helping to author our Constitution, Thomas Jefferson referred to Greece as "the light, which led us out of Gothic darkness." That same light, still shining from the distant memories of ancient Greece, guides our Nation today.

Mr. Speaker and Colleagues, please join me in honoring the nation of Greece, on the 185th anniversary of their independence. Much like our own Fourth of July, Greek Independence Day is a time for people to come together and celebrate a shared vision. For the past six years, the organizers of the Greek Independence Day Committee have worked to create a wonderful community and family event that is enjoyed and shared by Clevelanders of all ethnic backgrounds. This year, it is important for all Americans to remember the history of independence and to remember where the roots of our Nation originate. It is a time to honor all people who join in the struggle for liberty and justice.

RECOGNIZING JOEL R. HERNDON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joel R. Herndon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Joel has been very active with his troop, participating in many scout activities. Over the many years Joel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Joel R. Herndon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING SOUTH ST. PAUL HIGH SCHOOL GIRLS' HOCKEY PROGRAM

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, it is with great pride that I rise today to congratulate the South St. Paul High School

Girls' Hockey Program—the 2006 Minnesota State Class A Champions! With this win, South St. Paul finished the season 22–6–1.

In an exciting a 3–2 overtime win, the Packers' won their fourth State title in five years. In fact, this year marks the Packers' eighth appearance at the State tournament, which is a record for the South St. Paul Girls' Hockey Program. I am confident that these young women will continue to reach for new challenges and break old records.

As an alumna of South St. Paul High School, it is exciting to see how far women's athletics has come. These young women played and won their championship on the same ice that the men's National Hockey League plays. Young women today have greatly benefited from the landmark legislation that, among other provisions, ensures equality in athletics for female athletes—Title IX. Because of Title IX young women today have more opportunities—to practice, to play, to win championships—than the women of earlier generations.

Over the past 30 years, many doors have opened for women and girls in this country, and we must continue to ensure that our sisters are offered equal athletic opportunities at all levels of their abilities. As the mother of a young woman who has participated in athletics, I am proud to see that this law has enabled more young women to participate in the athletic activities that young men have enjoyed for so many years.

Congratulations Packers! I join with the residents of South St. Paul in their celebration of your success and look forward to the celebration of future successes!

SINAI TEMPLE 75TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize on the House floor that 2006 marks the seventy-fifth anniversary of the Sinai Temple in Springfield, Massachusetts. I congratulate the members and leaders of the temple for the important role it plays in the Jewish community throughout the Springfield area. I hope the spiritual services and community cohesion the temple brings to its members will continue well into the future. I would like to insert into the RECORD a brief history of the Sinai Temple that honors its founders and leaders throughout the years.

A BRIEF HISTORY OF SINAI TEMPLE

Sinai Temple began in 1931 when newlyweds Samuel and Helen Simons decided that Springfield, Massachusetts needed an alternative to the Orthodox and Conservative synagogues in the area. The last major congregation to have been founded in the community was Temple Beth El, which came into being in 1910. Although Sam Simons had grown up in Springfield without a Reform presence, Helen had grown up in a large Reform congregation in West Hartford. She and Sam wanted to bring that kind of religious opportunity to Springfield.

Services began in individual homes. After that a home was purchased on Sumner Avenue and remodeled to serve as home for the growing congregation. During the beginning years of the congregation, Rabbis David Eichhorn, Judah Cohn, and Hershel Levin led the congregation. Then, with the arrival of Rabbi Herman Elliot Snyder in 1947, a building drive led to the purchase of land at what was then the "outskirts" of Springfield. Ground was broken for the building Sinai now occupies on August 15, 1949. The building at 1100 Dickinson Street was completed in 1950. Not too long after that, the other Jewish institutions of Springfield followed Sinai so that they are now familiar landmarks at the Dickinson Street/Converse Street intersection: The Jewish Community Center, Jewish Geriatric Services, Heritage Academy plus Temple Beth El and Congregation Bnai Jacob.

Rabbi Snyder's era, from 1947 to 1970, saw the congregation grow from 100 families to 450 families. With that growth came a Religious School, Hebrew and Bar/Bat Mitzvah instruction, a Cantor and choir, a well stocked library, and a commitment to community.

When Rabbi Snyder became Rabbi Emeritus, Rabbi Bernard Cohen guided the congregation through a year of transition. He was followed by Rabbi Stanley Davids (1971–1977), Rabbi Howard Kaplansky (1977–1983), and Rabbi Bernard Bloomstone (1983–1988). In 1979, Emily Sleeper Mekler came to the congregation as Cantor.

In 1988, Rabbi Mark Dov Shapiro arrived in our community. Rabbi Shapiro brought enthusiasm, a can-do spirit, along with a heartfelt traditional way of embracing Judaism, tzedakah, Torah, and social action. Rabbi Shapiro has overseen the beautification of the Temple; the establishment of a second endowment fund; the enrichment of our Religious School and the expansion of our social action programming. The Rabbi is also devoted to Torah Study and offers a weekly Shabbat morning class. During the Rabbi's tenure at Sinai, many innovations have also taken place in the style of our worship.

Sinai Temple has also been blessed with excellent lay leadership, both male and female. Throughout the years, each president and his or her Board of Trustees have contributed much to the tenor and health of the Temple.

We hope you'll want to learn more about Sinai. Call us, please. We are eager to welcome you into our community.

TRIBUTE TO BURTON HOFFMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize Mr. Burton Hoffman of Nevada, Missouri. Born on August 7, 1903, Mr. Hoffman celebrates his 103rd birthday this year.

Mr. Hoffman has lived a very full and productive life. He married his late wife in 1925 and remained devoted to her until her death in 1999. He was a long-time employee of Farm and Home Savings and Loan in Nevada, Missouri. Mr. Hoffman joined Osage Lodge 303 of the Ancient Free and Accepted Masons in February 1934 and was raised to the level of Master Mason on April 20, 1934. He is also a member of the Elks lodge. In 2004, Mr. Hoffman was presented with a 70-year pin from the Missouri Grand Master, Stanley Thompson, and he was honored by the Elks in 2005.

Mr. Speaker, I am certain that my colleagues will join me in wishing Mr. Burton Hoffman all the best in the days to come.

ELAINE STOLTE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. POE. Mr. Speaker, there are thousands of individuals who make it their life's work to help our Nation's most vulnerable victims—our kids. One of the best is my dear friend, Elaine Stolte. I have known Elaine for what seems like forever. She was my District Court Coordinator for 17 years while I was a judge in Harris County, Texas. Throughout all of these years, I have watched Elaine crusade tirelessly for children who have been subjected to the worst circumstances of sexual abuse and help them to cope, recover, and prosecute the offenders. Due to Elaine's dedication to child victims, she was recently awarded the "Ed Stout Memorial Award for Outstanding Victim Advocacy" by the Congressional Victim's Rights Caucus on April 21, 2006. For this reason, Elaine is being recognized.

Elaine Stolte is the Executive Director of the Children's Assessment Center (CAC) in Houston, Texas. The Center was established in 1991 to protect and serve sexually abused children in a professional, compassionate, and coordinated manner. Elaine began serving as the Executive Director of the CAC in August of 2001, after previously serving for a year as the CAC's Assistant Director.

Elaine's primary duties require the management of the CAC, which is a collaboration of 35 partner agencies that include Federal, State, and city staff, academic institutions, and non-profit organizations. She has worked vigorously with numerous criminal justice, medical, educational, and government practitioners in creating policy initiatives, and raising community awareness, on child sexual abuse. She has also been instrumental in training the practitioners of the role and necessity of the CAC.

Elaine has not only dedicated her professional time to victim advocacy, but is involved in many community programs as well. She has been a conference presenter for the National Children's Alliance, a graduate of the FBI's Citizen Academy, a member of the Federal Review Team for the Department of Family and Protective Services, is on the Board of Directors for the Children's Advocacy Centers of Texas—State Chapter, a mentor with the CAC Texas Mentor Program, the appointed commissioner for the Joint City/County Commission on Children, is on the Board of Directors for the Substance Abuse and Mental Health Services Administration, is the CAC representative for the Harris County (TX) Children's Protective Services, is an executive representative for the Harris County (TX) Youth and Family Services Division, a member of the Harris County (TX) Child Fatality Review Team, a member of the Child Abuse

Task Force, an administrative chair of the CAC Partner Council, a member of the Child Sexual Abuse Review Team, a member of the Mayor's Victim's Memorial Committee, and a lifetime member of the Friends of the CAC. These are just a portion of the organizations privileged to have Elaine participate in; the list goes on and on.

On April 21, 2006, Elaine was awarded the Congressional Victim's Rights Caucus' "Ed Stout Memorial Award for Outstanding Victim Advocacy." The award honors the memory of Ed Stout; the Director of Aid for Victims of Crime of St. Louis, MO, one of the Nation's three oldest victim assistance organizations, who died in 2005 following a 30+ year career of inspiring crime victims and those who serve them. The recipient of the award is a professional or volunteer whose effects directly benefit victims and survivors of crime. The award recognizes innovations in victim assistance and crime victim services in the areas of program development, public, or agency policy development, community and public awareness, and collaboration among community, and justice-based organizations that serve victims of crime.

Elaine's achievements with the CAC and in the community far surpass these qualifications. As Founder of the Congressional Victim's Rights Caucus, I had the honor of presenting her with this award. Elaine's innovation, determination, and compassion for the CAC, and for its child victims, are inspirations to us all and makes her one of the best child advocates in the Nation. I am truly blessed to consider her one of my dearest friends and to provide her the recognition she deserves.

That's just the way it is.

RECOGNIZING DANIEL EDWARD ESHNAUR FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Daniel Edward Eshnaur, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Daniel Edward Eshnaur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CHRISTENSEN URGES MANAGED HEALTH CARE EXECS TO HELP CLOSE DISPARITY GAP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD an article submitted by the Congressional Black Caucus entitled "Christensen Urges Managed Health Care Execs to Help Close Disparity Gap" which addresses the disparities in health care as experienced by minorities in this country.

On April 20, 2006, during the Capitol Summit: Politics in Healthcare event, Congresswoman DONNA CHRISTENSEN, in her role as the chairperson for the Congressional Black Caucus's Health Braintrust, addressed a group of managed health care executives to discuss the challenges facing health care organizations. Congresswoman CHRISTENSEN focused on the disparities in care for all ethnic minorities in this country.

As you will see as you read the submission, there are many challenges to overcome to ensure quality health care for all Americans. Ms. CHRISTENSEN's statements are not all inclusive; they actually touch on the tip of the iceberg. We need to engage in much more dialog to keep this issue in the forefront and to make sure these messages reach not only corporate executives but everyone, particularly those who can directly affect a more positive outcome.

To quote member CHRISTENSEN: "Lack of insurance and the resulting poor health undermines everyone else's health care". I strongly agree that progress can be made through reinforcement of prevention and comprehensive care initiatives. We must all do our part to ensure that "wellness is within the reach of everyone living in this country."

CHRISTENSEN URGES MANAGED HEALTH CARE EXECS TO HELP CLOSE DISPARITIES GAP

(April 20, 2006—Washington, D.C.)—Joining the efforts to reduce disparities in health care should be the business of all businesses big and small, according to Congresswoman DONNA M. CHRISTENSEN, who chairs the Congressional Black Caucus's Health Braintrust. Christensen addressed a gathering of managed health care executives on Thursday afternoon at the Capitol Summit: Politics in Healthcare event where executives examined and discussed the challenges facing healthcare organizations today including persistent disparities in the care that ethnic minorities receive in this country. "Businesses can help to reduce their costs if they launch efforts to reduce and eliminate racial and ethnic health disparities," Christensen said. "When employees receive inadequate or lower quality health care, costs are assumed by companies and businesses in increased rates of absenteeism or being sick at work, which results in lower rates of productivity, as well as in increased health care costs. "

Christensen applauded the group for including the issue of health disparities on their agenda. "I am hopeful that your interest and the pressures that you are under regarding the provision of health care and its increasing costs will be the impetus for the change we need not just to heal our minority populations but the entire country," she said. "Industry is coming to realize ahead of policy makers that early detection and management of some chronic and acute conditions may reduce the amount of health care needed and improve quality of life and improve outcomes." Christensen commended some businesses that have "looked at health disparities among your own employees and the costs of care and are beginning to institute programs to improve both their health and your costs."

Christensen said that it should be a matter of conscience that "in the richest, most technologically advanced and supposed humanitarian country in the world . . . there are an estimated 100,000 annual preventable, premature, excess deaths in African Americans." Similar statistics exist in the Hispanic, Native American and Asian and Pacific Islander communities. "For years politicians, community activists, advocates and organizations have been calling for an appropriate response to such devastating but preventable disease, disability and death in communities of color," she said. "We have argued on the humanity of it, on the right and God-fearing thing to do."

Christensen pointed to the role that un-insurance and underinsurance play in the persistence of health disparities and the effect that it has had on the wider community. She pointed to the fact that many communities, including her district of the U.S. Virgin Islands have struggled to determine the fairest way to provide coverage for employees in businesses large and small. "Lack of insurance and (the) resulting poor health undermines everyone else's healthcare," she said, emphasizing that it is only through "prevention and comprehensive care for which providers are adequately compensated that the rising cost of health care will be controlled and reduced." She urged the executives to "use their corporate influence" to ensure that "wellness is within the reach of everyone living in this country."

Other speakers on the Summit's agenda included former Secretary of State Colin Powell, former Senator John Breaux, author Glenn Hubbard and members of the McGlaughlin Group.

(For more information contact Monique C. Watson at 202-226-7973 or Britt Weinstock at 202-226-7974)

CONGRATULATING THE COMMISSION ON ECONOMIC OPPORTUNITY ON THE OCCASION OF ITS 40TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Commission on Economic Opportunity, located in the City of Wilkes-Barre, Pennsylvania, for 40 years of exemplary community service.

Created on November 3, 1966, pursuant to the Economic Opportunity Act of 1964, CEO was designated by the Luzerne County Board of Commissioners which included Edmund C. Wideman Jr., James Post and William Goss.

The mission of the agency has always been to empower the less fortunate in our community by providing the resources needed to improve the quality of their lives. Over the years, CEO has developed an array of services to assist people. The weatherization program has had great success helping people with older housing stock insulate their homes in order to save money on heating fuel. The Chore program has given older citizens and low-income individuals the opportunity to repair essential elements of their homes at affordable prices.

CEO came to the aid of senior citizens in the wake of the devastating Flood of 1972 by developing Washington Square Towers, an apartment complex for the elderly. For nearly 20 years, CEO operated a successful senior citizens market that enabled the elderly to save significant sums on basic food items. Today, CEO's Weinberg Food Bank provides staple food items to those who meet income guidelines.

Indeed, over the years, CEO has fostered several community services that eventually became independent entities. These include Legal Services, Rural Health Corporation, Maternal and Family Health Services, Child Development Council, Luzerne County Human Resources Development Department and Head Start.

The original incorporators of CEO included Gottfried Csala, Mrs. Horace Kramer, George Troy, Carlo Poerio and Raymond Batow.

Today, CEO's board of directors officers include Monsignor Andrew J. McGowan, president; Attorney David Aikens, vice president; John Namey, vice president; Gary F. Lamont, treasurer; and Marie McCormick, secretary.

The board also includes Peter D. Aula, Jollene Bradford, Attorney Joseph Cannody; William Cherkes, Attorney David Glassberg, Judge Hugh F. Mundy, George Nicholson, Michael Pasonick Jr., Rev. Wallace Smith and Estelle Stryjewski. CEO's professional staff operates under the continued leadership of Gene Brady, who was appointed executive director of CEO in 1978.

Mr. Speaker, please join me in congratulating CEO on 40 years of remarkable achievements that have touched the lives of tens of thousands of residents in northeastern Pennsylvania.

CONGRATULATING DEBRA LAS

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate Ms. Debra Las of Rochester, Minnesota on receiving the 2005 Presidential Award for Excellence in Mathematics and Science Teaching.

This award was established in 1983 by an Act of Congress and is administered for the White House by the National Science Foundation. The award recognizes teachers who are both role models for colleagues and encourage talented individuals to become and remain teachers. Outstanding math and science educators are nominated each year from the United States and four other jurisdictions. Teachers may be nominated by faculty, students, parents or members of the community. After advancing through an intense selection process at both state and national levels, the final winners are announced by the President of the United States.

Ms. Debra Las teaches eighth grade science at John Adams Middle School in Rochester, Minnesota where she utilizes the school's diversity to connect to her students. Viewing diversity as a strength rather than a weakness, Ms. Las believes that both staff and students alike need to spend the time and the energy to learn about each other. For this commitment to her profession and to her students, Ms. Las will receive The Presidential Award for Excellence in Mathematics and Science Teaching—the highest honor a teacher of mathematics or science can receive.

I extend my sincere congratulations to Ms. Debra Las for receiving the 2005 Presidential Award for Excellence in Mathematics and Science Teaching. Quality science teachers, like Ms. Las, inspire our students' inquisitive nature to explore new challenges, innovative career paths, and the future of ideas. Her steadfast professionalism and abilities in the classroom are a standard for which all educators should aim.

RECOGNIZING SAMUEL A. BRANDT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Samuel A. Brandt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Samuel A. Brandt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE AMERICAN DREAM ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. RANGEL. Mr. Speaker, I rise today in recognition of an article published in the New York Carib News urging passage of the "American Dream Act". This act has bipartisan support in Congress and it needs much more support so that it can be passed in the House. The act enables U.S.-raised immigrant students to go to college which will put them on the correct path toward citizenship.

The National Council of La Raza (NCLR) is the largest national Hispanic civil rights and advocacy organization in the U.S., has expressed a great amount of support for this very important piece of legislation. There are many students in the country who have little to look forward to after high school. The article points out that every year 65,000 young people who are brought to the U.S. by their parents cannot seek higher education after high school due to their status as immigrants. That fact of life hinders them from further enjoying the wealth and opportunity of our Nation.

I fully support the passage of this bill in the House. Passage of this bill will allow for talented students to have access to higher education, something they otherwise would not have. This will show our strong-willed commitment to offering the best opportunities for those that work hard. Everyone deserves an equal chance for an education.

We cannot delay any longer the passage of this bill since graduation is just around the corner for many students. We need to further encourage our young people to achieve more and to better their lives and the lives of their families. Americans must understand that the power of the American Dream is that it is extended to all those who seek it. It shall be available today just as it was for their forbearers' centuries ago.

I enter into the RECORD this article for highlighting the importance of an effective and comprehensive immigration reform policy. This country is about allowing all those who wish to work hard to advance their status the opportunity to do so. It should be in the best interest of our nation and the people to provide education to the children of immigrant families and to extend the same assistance that we would want extended to us in time of need.

NCLR SUPPORTS "THE AMERICAN DREAM ACT" AND URGES NEW LEGISLATION TO IMPROVE ACCESS TO COLLEGE

WASHINGTON, DC—The National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the U.S., expressed strong support to "The American Dream Act" recently introduced in the U.S. House of Representatives by Representatives Lincoln Diaz-Balart (R–FL), Howard Berman (D–CA), and Lucille Roybal-Allard (D–CA) . . . This bipartisan legislation will enable U.S.-raised immigrant students to go to college and start on the path to citizenship.

"This bill will give thousands of young people who have worked hard in school and have demonstrated a willingness to contribute to this country the chance to follow their dreams to college," stated Janet Murguia, NCLR President and CEO. "We are pleased that Republicans and Democrats on the Senate Judiciary Committee came together to include the language of the 'DREAM Act' (S. 2075), which also broadens access to college, as part of the immigration legislation now under debate. We urge the House to follow the Senate's lead and approve 'The American Dream Act' as soon as possible."

Every year, 65,000 young people whose parents brought them to the U.S. as babies or toddlers graduate from American high schools. While they have the academic credentials to pursue a higher education, their immigration status bars them from opportunities that make a college education affordable—in-state tuition rates, loans and grants, most private scholarships, and the ability to work legally to earn their way through college. "The American Dream Act" and its companion legislation in the Senate will significantly increase access to college for talented young people who otherwise would not be able to seek higher education.

"With graduation around the corner, Congress cannot delay in passing this bill. Otherwise, high school will be the end of the road for thousands of students who have worked hard in school and aspire to contribute to our society as productive, tax-paying workers. These young people are certain to add to the great abundance and economic vitality of this country. Congress must not fail these students and their families by continuing to keep the doors to college and the American Dream closed to them," concluded Murguia.

CONGRATULATING HICKORY STREET PRESBYTERIAN CHURCH ON THE OCCASION OF ITS 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Hickory Street Presbyterian Church in Scranton Pennsylvania, which was founded Jan. 28, 1856, and is now celebrating its 150th anniversary.

At the time of its founding, the church was known as the German Presbyterian Church. It was renamed the Hickory Street Presbyterian Church in 1931.

The church has been served by 11 pastors, four of whom have served tenures in excess of 20 years. In 1993, Hickory Street Presbyterian Church and Petersburg Presbyterian Church merged.

Hickory Street Presbyterian Church has been a community leader in many ways over the years. It has been a passionate supporter of many charitable agencies including Bread Basket of Northeastern Pennsylvania, Safety Net, Exodus Prison Ministries, St. Francis of Assisi Kitchen and the Bethel AME Homeless Shelter.

Hickory Street Presbyterian Church is the largest Presbyterian Church in Scranton and one of the largest Presbyterian Churches in the region.

Many of the church's members are active in the community and have served as judges, physicians, councilmen, teachers, neighborhood leaders, bankers, lawyers, firemen and police officers. Eight Hickory Street church members have been called into the professional ministry.

Hickory Street Presbyterian Church has a rich history of youth ministry that has carried out mission trips to Maine, Virginia, Tennessee, Washington, DC and Montana.

The church structure is a landmark in Scranton that has received awards from the Architectural Heritage Society.

Mr. Speaker, please join me in congratulating the Hickory Street Presbyterian Church on this auspicious occasion. More than anything, Hickory Street Presbyterian Church has spread the love of Jesus Christ through its mission and ministry, through its local, national and world outreach and through the devotion and love of its people.

PAYING TRIBUTE TO THE MEN AND WOMEN OF THE JOINT PUBLIC AFFAIRS SUPPORT ELEMENT IN SUFFOLK, VIRGINIA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the men and women of the Joint Public Affairs Support Element (JPASE). JPASE stood up in early 2005 at the Joint Warfighting Center in Suffolk, Virginia.

JPASE is instrumental in providing public affairs training, counsel, doctrine and personnel in military exercises to better prepare joint force commanders and their staffs with media operations and outcomes when real world operations begin. Members of JPASE are trained to be able to be rapidly deployed in support of regional combatant commander's needs.

Under the direction of JPASE's active duty leader, Army Colonel Stephen Campbell and its reserve director Navy Captain Ken Braithwaite, JPASE is already actively fulfilling its mission at home and abroad.

Members of the JPASE team were among the thousands of responders to Hurricanes Katrina and Rita. And last October, when Pakistan was shook by an earthquake that resulted in enormous damage and loss of human life, active duty and reserve members of JPASE again were on the scene.

Members of JPASE worked tirelessly to ensure the support of U.S. military was known here in America and throughout Pakistan. According to polls taken throughout Pakistan, their work highlighting the support of American forces clearly won the hearts and minds of the Pakistani people.

Mr. Speaker, I want to extend my thanks and appreciation to the JPASE members who were part of that mission: Captain Robert D. Newell, Commander Nicolas Balice, Major Jeffrey K. Sammons, Major Donald L. Langley, Major William M. Manley, Lieutenant Kevin Stephens, and Master Sergeant Greg A. Deimel. Additionally, I would like to thank a group of reserve JPASE members who relieved their active duty counterparts earlier this year and just recently returned home: Captain Ken Braithwaite, Commander Gary Kirchner, Lieutenant Cory Schultz and Senior Chief Heidi Wasson.

Mr. Speaker, I am honored to have the Joint Warfighting Center in my district but more important, I am very proud of the men and women who serve there, the work they do, and the exemplary manner in which they represent our nation throughout the world.

RECOGNIZING ELISHA T. WOODS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Elisha T. Woods, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 460, and in earning the most prestigious award of Eagle Scout.

Elisha has been very active with his troop, participating in many scout activities. Over the many years Elisha has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Elisha T. Woods for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING INTERNATIONAL ADVOCATES FOR CHILDREN

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KINGSTON. Mr. Speaker, I wish to commemorate the International Advocates for Children (IAC) on the services they provide to millions of underprivileged children.

Since its establishment in 2001, the International Advocates for Children, has become an important overseer for orphaned and abandoned children worldwide. IAC strives to guard the fundamental needs of this disadvantaged population by engaging in advocacy, education, problem analysis, and the development of solutions.

For the over 145 million orphaned and abandoned children, the most vulnerable in our world society, achieving these goals of providing love, healthcare, and shelter is even more critical. There is no time to lose because this population increases each day and time is of the essence to having their needs met.

IAC has created momentum by building a world community singularly focused on creating awareness, dialogue, research and knowledge-exchange on the needs of children without parental care. Through its continued efforts IAC will unite and facilitate countries, NGO's and thought leaders in a strong international coalition of child placement professionals.

TRIBUTE TO THE LATE REPRESENTATIVE ELFORD ALBIN CEDERBERG

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. CAMP of Michigan. Mr. Speaker, I rise today to pay tribute to the honorable Elford Albin "Al" Cederberg, a distinguished former member of this House, a dedicated public servant, and a beloved family man.

Al Cederberg passed away on April 17, 2006, at the age of 88. His story is one that should be shared with every young child. Growing up on and working on a dairy in his younger years, the Cederberg family delivered milk in Bay City, Michigan throughout the depression and never skipped a house even if they weren't able to pay that week, or was already behind. Compassion for people was a trait learned early and well by Al Cederberg, and one for which he will long be remembered.

Enlisting in our Armed Forces in 1941, Al Cederberg's participation in the Normandy invasion and following battles into France and Germany earned him the rank of Captain, five battle stars and the Bronze Star. He was a hero.

Like so many of the "Greatest Generation," Al Cederberg's commitment to his community and country did not end with the close of World War II. Returning home to Bay City he was urged to run for Mayor and clean-up corruption at City Hall. Victory at the local level turned into a successful run for Congress, where he ably represented mid-Michigan for 26 years. Rising to the level of ranking member on the Appropriations Committee, Al Cederberg was a force for his party, close ally of Republican presidents and a respected foe of Democrat leaders.

His term of service was long; his accomplishments were many; and, his impact was profound.

On behalf of the Fourth Congressional District I represent, which includes a vast portion of Mr. Cederberg's former territory, let me say: May God welcome home His tireless servant, Elford Albin Cederberg.

TRIBUTE TO CONGRESSMAN AL CEDERBERG

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KILDEE. Mr. Speaker, I am honored to join my Congressional colleagues from Michigan to pay tribute to the life and service of former Congressman Elford Albin 'Al' Cederberg. Congressman Cederberg, a Republican who represented mid-Michigan in Congress from 1953 through 1978, passed away on Monday, April 17, 2006 at the age of 88.

Born in Bay City, Michigan, March 6, 1918, Congressman Cederberg attended public schools and Bay City Junior College from 1935–1937. He entered the United States Army in April 1941 and was commissioned a second lieutenant in July 1942, and later a captain in 1943. Assigned to the Eighty-third Infantry, Cederberg participated in the Normandy invasion and fought in France and Germany.

After returning home from Europe at the end of World War Two, Congressman Cederberg served as manager of Nelson Manufacturing Co. of Bay City, Michigan from 1946–1952, and he was elected mayor of Bay City from 1949–1953.

In 1952, Cederberg was elected to the U.S. House of Representatives to the Eighty-third Congress and to the twelve succeeding Congresses. During his tenure in the U.S. House of Representatives, he rose to the distinguished position of Ranking Republican Member of the Appropriations Committee. He and former President, and former House Minority Leader Gerald Ford, were close personal friends who stayed in contact long after both had left public service.

Mr. Speaker, I am honored to have known and served with Congressman Cederberg here in the U.S. House of Representatives. His integrity and his sense of decency were admired by all who came in contact with him. His love for his country, for his State of Michigan and for his hometown of Bay City were well known. Without a doubt, Mr. Speaker, our nation, our state, and our communities are better places in which to live because of the stellar public service of Congressman Elford Albin 'Al' Cederberg. The Members of this Congress could greatly benefit from the shining example of Elford Albin 'Al' Cederberg.

RECOGNIZING THE CITY OF CARROLLTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the city of Carrollton, Missouri. The city of Carrollton was chosen as the recipient of the 2005 All-America City Award administered by the National Civic League. Carrollton is the county seat of Carroll County and the home to 4,122 outstanding citizens. The city of Carrollton was chosen to receive this award as a result of their commitment to civic excellence in which the citizens, government, businesses, and nonprofit organizations of Carrollton have demonstrated successful resolution of critical community issues. This community cooperation is credited with the creation of a new library, development of downtown business district management, renovation of an historic trolley car, and the construction of a skatepark.

This is an important milestone not only for Carrollton, but also for northern Missouri as a whole. This remarkable achievement by the city of Carrollton proves to me that our belief in our small towns and Missouri values grows stronger by the day. Faith, family, friends, and hard work are the values that draw us together, and I am pleased to see that those values are embodied by the citizens of Carrollton, the community and business leaders, and Mayor Sharon Metz.

Mr. Speaker, I proudly ask you to join me in recognizing the achievement of the city of Carrollton in obtaining the All-America City Award. I wish to extend my warmest regards and congratulations on this momentous occasion. It is an honor and a privilege to represent such a fine community in the U.S. Congress.

PAYING TRIBUTE TO ELFORD ALBIN CEDERBERG

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to former Representative Elford Albin Cederberg, who passed away on April 17th at the age of 88. During the 26 years Representative Cederberg served in the House, he and I grew very close and I always considered him an ally in fighting for the people of Michigan. Not only was Representative Cederberg a friend and fellow politician, but also a family man married for almost 50 years to his late wife, Marguerite, and a veteran of World War II decorated with five campaign battle stars and the Bronze Star. Whether he was storming the beaches of Normandy or fighting for his beliefs as the ranking member on the Appropriations Committee, he always exhibited strong leadership and a deep appreciation for our community.

A native of Bay City, Michigan, Representative Cederberg began his career of public service by joining the Army. He was assigned to the 83rd Infantry Division during World War II. Not long after the war, he entered politics as the mayor of Bay City and in 1950 proceeded to unsuccessfully run for Congress. However, Representative Cederberg was determined, sharp and passionate; it was no surprise that 2 years later he successfully won election to represent the 10th District of Michigan in this great House. He went on to serve for 13 consecutive terms.

A strong advocate of the auto industry and Michigan at large, his accomplishments will be remembered and his legacy will continue to impact us. His companionship and great character are already sorely missed by all.

I would ask all my colleagues to join me in extending our heartfelt condolences to Representative Cederberg's children, Marilyn and Tom, and the rest of the Cederberg family.

His passion for Michigan and for this great institution will not be forgotten.

FEDERAL ENERGY PRICE PROTECTION ACT OF 2006

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. STEARNS. Mr. Speaker, as every American knows, fuel prices around the country have begun to rise with the beginning of the summer driving season, when demand is at its peak, and during a time when growing economies like China and India are consuming more and more of the world's available petroleum supply. To make matters worse, nuclear ambitions in Iran, the fourth largest oil producer, and tensions in Nigeria, the twelfth, have created the perfect storm for a precipitous rise in gasoline and other fuel prices. Our problem back home is how to manage those global issues so that they have as little impact at home on the average American who just wants to take his family on that planned vacation under tight budget or maintain his delivery business without taking out an additional loan. I am very happy that we are taking up H.R. 5253, the "Federal Energy Price Protection Act of 2006." This bill deals directly and aggressively with the need to stabilize the price of fuel in an uncertain world market and ensure that greed and opportunism don't worsen those challenges by gouging the customer at the pump. H.R. 5253, for the first time, allows the FTC, at any time, to prosecute price gouging. This bill takes aim at those in the wholesale and retail markets for gasoline, diesel fuel, crude oil, home heating oil, and biofuels who prey on their customers for their own unjust enrichment. The FTC is directed to define what price gouging actually is. And a very important point—this legal recourse and its enforcement provisions against gouging are always available, not just in times of natural or energy emergency. Mr. Speaker, this bill's hammer is triggered by consumer rip-offs, not bureaucratic proclamations. In addition, state attorneys general will be empowered to bring cases under the federal law and those cases can lead to extremely strong civil and criminal penalties in the multiple millions of dollars and the possibility of a visit to the nearest correctional facility. This is a very aggressive piece of legislation targeted at a problem that weakens this country not only in dollars but in what it does to the every day lives of all Americans—vacations missed, budgets broken, and business stretched thin. Mr. Speaker, I urge my colleagues to pass H.R. 5253, the Federal Energy Price Protection Act of 2006 and once and for all make it clear that we are serious about solving our energy challenges at home so we can be more successful in solving them abroad. This bill will serve us and our children well.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, May 2, 2006. As a result, I was not recorded for rollcall votes #111, #112 and #113. Had I been present, I would have voted "yea" on rollcall votes #111, #112 and #113.

RECOGNIZING THE ARTISTIC TALENTS OF GEORGE BLAKE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. DOYLE. Mr. Speaker, I rise today to recognize the tremendous artistic ability of a young man from my Congressional District, George A. Blake of Woodland Hills High School. George is the winner in the 2006 14th Congressional District of Pennsylvania's High School Art Competition, "An Artistic Discovery."

George's piece, a self portrait, is an impressive portrait in acrylic paint of a young man's face.

George's artwork was selected from a number of outstanding entries to this year's competition. I am certain that his family is proud of his artistic talents as well as this accomplishment.

It gives me great pride and pleasure that George's painting will be representing the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be set up in the United States Capitol in the coming weeks. The winners of the Congressional Art Competitions held in each Congressional District will be displayed in that exhibit.

I encourage my colleagues as well as any visitor to Capitol Hill to view George's artwork, along with all of the other winning artwork that will be on display throughout the next year. It is truly amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country.

I would also like to recognize all the other participants in this year's 14th Congressional District High School Art Competition, "An Artistic Discovery." I would like to thank these impressive young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular.

I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

TRIBUTE TO HAL DAVID

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. BERMAN. Mr. Speaker, it is my pleasure to rise in recognition of Hal David on the occasion of his 85th birthday. Hal's philanthropic work in Los Angeles has made him a great asset to our community, and his professional career has touched the lives of countless people across the world.

You may not know his name, and you may not know his face, but you all know Hal David. Hal is the lyrical mastermind behind countless musical hits. His lyrics include hits like "Raindrops Keep Falling on My Head," "What the World Needs Now Is Love, Sweet Love," "Always Something There to Remind Me," and "Do You Know the Way to San Jose". If you're not already humming along, I'm sure you will be soon. The words are simple but the songs are moving and memorable.

Hal says a lyricist must learn "not to fall in love with his own lines." If that's true, then he's in a very small minority. Hal's lyrical genius is widely recognized by both music aficionados and amateurs like me. His talent has earned him countless awards: four Academy Award nominations, with an Oscar for "Raindrops" in the movie Butch Cassidy and the Sundance Kid; several Grammys, with three songs in the Grammy Hall of Fame; 20 gold records, the Grammy Trustees Award, and more. He has also been elected to the Songwriter's Hall of Fame, and currently serves as their Chairman of the Board.

His songs span genres and generations. He is the author of lyrics to the film scores of Alfie, What's New Pussycat, A House is not a Home, The Man Who Shot Liberty Valance, and Moonraker. His songs also appear in countless other movies, from Forest Gump to Runaway Bride. Not limited to the screen, Hal's Broadway show Promises, Promises was nominated for a Tony Award and received a Grammy.

Aretha Franklin, the Beatles, Frank Sinatra, Isaac Hayes, Patti LaBelle, Smoky Robinson, the Carpenters, Willie Nelson and Julio Iglesias are just some of the musical legends who have sung Hal David's lyrics. Hal's impact on the music world is truly immeasurable and his many accomplishments are too numerous to list in full.

Hal's notable achievements don't stop with his musical career. He also donates generously of his time and effort to charitable organizations. He and his wife are founders of the Los Angeles Music Center, which lists him as a "Distinguished Patron of the Arts." He is also a member of the Cedars Sinai Medical Center Board of Governors in West Los Angeles and a member of the Board of Directors of the American Society of Composers, Authors, and Publishers, which he formerly served as President. There he is known for his work on intellectual property protection and preservation of artists' rights.

Please join me in wishing him a very happy birthday and many happy returns.

PUBLIC SERVICE RECOGNITION WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. MORAN of Virginia. Mr. Speaker, this week marks "Public Service Recognition Week," offering our Nation the dual opportunities to reflect on the richness of the public workforce and the upcoming challenges that it must confront.

The landscape of our Nation is not just dotted, but layered with the work and faces of our public servants. It is easy to forget, but Americans are served every single day by public servants at the Federal, State, county and city levels, The efforts of teachers, laborers and police officers blend into the fabric of our lives seamlessly, The bravery of our Coast Guard saving people from rooftops, doctors guarding us against the advancement of epidemic disease and the men and women in the military protecting our Nation stand out as acts of true heroes. These people are all contributing to a common vision of making our Nation a better place to live. They are all public servants.

While this week is a celebration of the public servant, it would be a lost opportunity not to use this focus to address an ominous problem. Our public workforce is aging quickly and in the next 10 years all sectors will face a great "retirement tsunami." In the Washington, DC region, 60 percent of the Federal workforce will be eligible for retirement with ninety percent of its senior executives reaching retirement age. Across the Nation, State and local governments are experiencing similar retirement forecasts.

The race to replenish these lost workers and their institutional experience is proving formidable. Alarming statistics suggest that the next generation of American workers is turning a blind eye to public service. Just 27 percent of young people say that someone has asked them to consider government employment, an 11-point decrease since 2002. Further, only 3-in-10 young Americans say that they would work in the public sector rather than the private sector. While we have begun to acknowledge the cliff we are preparing to walk off, I'm not certain we understand its true depth.

This challenge requires a new appeal to the American worker. A revival of public service is necessary, one that flows through corporate boardrooms and college hallways. President John F. Kennedy summoned a generation of people to give of themselves to the common good. Now is the time to seek a similar commitment.

I believe in public service and in people who contribute to an effort greater than themselves. As we progress deeper into this new century facing new and sometimes unforeseen challenges, our Nation will have to rely heavily upon the strengths of our public servants. We must be ready to answer that call.

TRIBUTE TO THE NEW JERSEY ARYA SAMAJ MANDIR'S FIRST ANNUAL "ARYA SWARANJALI"

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PAYNE. Mr. Speaker, I ask my colleagues to join me as I recognize the New Jersey Arya Samaj Mandir's first annual special event, the "Arya Swaranjali", which will take place on Sunday June 4, 2006 in Jersey City, New Jersey, my Congressional District. The "Arya Swaranjali" will be a time when the New Jersey Arya/Hindu community will gather together to showcase the works of talented artists in order to raise awareness and resources for less fortunate children in the South American country of Guyana.

Arya Samaj, which means a Society of Noble People, is a global community of organizations whose mission, based on the ten Vedic principles, is to improve the physical, spiritual and social well-being of mankind. The New Jersey Arya Samaj Mandir, incorporated in 1987, is an organization that provides cultural, educational, religious, charitable and social links between the Arya/Hindu immigrant community and the United States.

However, the New Jersey Arya Samaj community understands that ". . . to whom much is given, much is required . . ." Under the leadership of Pandit Suresh N. Sugrim, the "Arya Swaranjali" will help Guyanese children who are unfortunately without parents. Due to their beneficence, many orphans will be afforded an improved quality of life which includes better food and clothing, comprehensive education and full medical care.

Mr. Speaker, I applaud the New Jersey Arya Samaj Mandir, Inc. for their support of the Arya/Hindu community. Specifically, I would like to commend them on the "Arya Swaranjali" and the good works they will achieve through this event. I am proud to have them in my Congressional district and wish their organization never-ending success in their future endeavors.

IN SPECIAL RECOGNITION OF JASON C. SHANK ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Jason C. Shank of Pemberville, Ohio, has been offered an appointment to attend the United States Air Force Academy at Colorado Springs, Colorado.

Jason's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet class of 2010. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. It is one of the most challenging and rewarding undertakings of their lives.

Jason brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Eastwood High School in Pemberville, Ohio, Jason attained a grade point average which placed him at the top of his class. While a gifted athlete, Jason has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Jason has been a member of the National Honor Society, Honor Roll and has earned awards and accolades as a scholar and an athlete.

Outside the classroom, Jason has distinguished himself as an excellent student-athlete by earning letters in varsity track, basketball and golf where he served as the captain of his varsity team. He has also remained involved in his community by actively participating in 4–H Club, his church youth group and Fellowship of Christian Athletes. I have no doubt that Jason will employ the lessons of his student leadership as he excels among the leaders at the United States Air Force Academy.

Mr. Speaker, I ask my colleagues to join me in congratulating Jason C. Shank on his appointment to the United States Air Force Academy at Colorado Springs. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Jason will do very well during his career at the United States Air Force Academy and I ask my colleagues to join me in wishing him well as he begins his service to the Nation.

CONGRATULATING DR. BILLY CANNADAY ON HIS SELECTION TO BE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE COMMONWEALTH OF VIRGINIA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FORBES. Mr. Speaker, I rise today to commend Dr. Billy Cannaday on his selection to be State Superintendent of Public Instruction for the Commonwealth of Virginia and for his dedicated service to the people of Virginia's Fourth District.

I have had the fortunate opportunity to work with Dr. Cannaday on numerous occasions and have seen first-hand the tremendous work he has accomplished as Superintendent of Chesterfield County Public Schools. Since 2000, Dr. Cannaday has transformed Chesterfield schools from having less than half of its 59 schools being fully accredited by the State to 100 percent receiving full accreditation. With his leadership and commitment to respect, responsibility, honesty and accountability, over 80 percent of Chesterfield schools' graduates continue their education.

Prior to his service to Chesterfield schools, Dr. Cannaday served as Director of Secondary Education, Assistant Superintendent of Instruction, and Superintendent of Schools for Hampton City Schools. He also served as principal of Huntington Middle School that was awarded a National Blue Ribbon Award for Excellence under his guidance. In 1972, Dr. Cannaday earned a B.A. in Health and Physical Education and a Doctorate in Educational Administration in 1990 from Virginia Polytechnic Institute and State University. He also holds a Masters in Educational Administration from Hampton University in 1980.

Dr. Cannaday's accomplishments include being named the 2005 Virginia Superintendent of the Year, 2005 Region 1 Superintendent of the Year, 2000 Region 2 Superintendent of the Year and the 2000 William & Mary Professional Educator of the Year. He was also a recipient of the 2004 Leadership in Arts Instruction award by the Virginia Board of Education.

Dr. Billy Cannaday has shown remarkable commitment and devotion to the education of the students he serves. Today we recognize him for his heralded leadership, integrity and desire for excellence.

Mr. Speaker, please join me in honoring Dr. Billy Cannaday.

HONORING RECIPIENTS OF MENTOR'S SPOTLIGHT AWARD

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mrs. McCARTHY. Mr. Speaker, I am proud to honor mentor Charmaine Robin, and her mentee, Chris John Garcia, who have received as Spotlight Awards from MENTOR. This mentoring pair was nominated by Baldwin School District, in my district in Baldwin, New York. They were selected from nearly two hundred nominations from across the country. For more than a decade, MENTOR/National Mentoring Partnership has been working to expand the world of quality mentoring. The idea is that with the help and guidance of an adult mentor, each child can discover how to unlock and achieve his or her potential. The mentoring program provides an answer to the many students who feel that no one cares about them and that they are cut off from our economic system.

Prior to being matched with Charmaine, Chris was not participating in activities in schools, and was not making future goals for himself. With the help and advice of his mentor Charmaine, Chris became involved in many school activities, such as Future Business Leaders of America and Varsity Track, and has challenged himself with honors and advanced placement courses. Chris plans to pursue a career in Physical Therapy.

MENTOR determined Charmaine and Chris are a truly an outstanding match and that they demonstrate the positive impact mentoring can have on a young person's life. I agree, and I could not be more thrilled to commend Charmaine and Chris for receiving the Spotlight Award, and for their achievements.

JAMES H. WITTER OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor a World War II veteran and proud American patriot, James H. Witter of Homosassa, Florida. A Distinguished Flying Cross honoree, Mr. Witter unfortunately passed away earlier this year before he could receive his honor.

As all Americans are aware, the men and women who fought in World War II were truly deserving of the term, the "Greatest Generation." James Witter was no exception to this brave and honorable group of individuals.

Serving in the European Theatre during World War II, Mr. Witter was part of a bombing run over Leipzig, Germany on February 20, 1944. Coming under fire from German anti-aircraft guns, the ball turret gunner was hit and severely wounded.

Taking charge of the situation, Mr. Witter pulled the gunner, Victor Ray, out of his seat to examine the wound and administer first aid. Finding a severed artery, Mr. Witter knocked out Mr. Ray, closed off the artery with needle nose pliers and parachute cord and saved Mr. Ray's life. All this took place while under continued attack from German anti-aircraft guns.

Recommended at the time to receive the Distinguished Flying Cross, Mr. Witter went more than 60 years without seeing the results of his bravery that winter day high above Germany.

I am proud to present his Distinguished Flying Cross to his widow Evelyn Witter, who was his loving wife for many years. While Mr. Witter did not live to receive this great honor, his family will long remember his bravery and fortitude in battle and how he saved the life of gunner Victor Ray.

Mr. Speaker, true American heroes like James Witter should be honored for their service to our Nation and for their commitment and sacrifices in battle. Mr. Witter is truly one of America's Greatest Generation.

PAYING TRIBUTE TO RYAN REGNELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor National Park Service Ranger Ryan Regnell for his heroic actions that helped save eight lives and to commend him for receiving the U.S. Department of the Interior Valor Award.

On July 25, 2003, Ranger Ryan Regnell was on boat patrol in the Boulder Basin of Lake Mead when 50-mile-per-hour winds and four-to-six foot waves formed. He observed a boat in distress and went to their aid. When he arrived he found three adults, three children and two infants in a vessel that was taking on water and in danger of sinking. Recognizing the seriousness of the situation, Ranger Regnell attached a tow line to the boat and towed the troubled vessel to Lake Mead Marina. He then called for back-up from Nevada Division of Wildlife. En route to the marina, the tow line snapped twice due to the extreme marine conditions and the heavy load. Due to Ranger Regnell's skill, courage and decisive action, the boat and all eight occupants were safely delivered to shore.

Mr. Speaker, I am proud to honor Ranger Ryan Regnell for his heroic actions, courage and professionalism. I further congratulate Ranger Regnell for receiving the U.S. Department of the Interior Valor Award. I thank him for his distinguished service and wish him the best in all of his future endeavors.

TRIBUTE TO AMOS PACHECO FOR HIS 80TH BIRTHDAY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GONZALEZ. Mr. Speaker, it is with great pride that I rise today to honor Amos Pacheco, a World War II veteran who recently celebrated his 80th birthday.

Mr. Pacheco enlisted in the U.S. Army in August 1944. After basic training, he joined General George S. Patton's Third Army as it raced into Germany. Serving in Company I, 358th Infantry, 90th Division of the 3rd Army, Corporal Pacheco participated in some of the fiercest battles on the Western front. While the Germans were retreating, resistance was stiff. American soldiers were fighting an enemy that might have been beaten but wasn't ready to surrender.

In April 1945, as Allied forces were making the final push towards Berlin, Mr. Pacheco was wounded in action on the Rhine River. A grenade exploded and wounded him, which left shrapnel in his hip. After a period of convalescence, he returned to active duty and was stationed in Europe until 1946.

Unfortunately, as each year passes, we have fewer World War II veterans among us. Men like Amos Pacheco witnessed and participated in the events that changed the world for the better.

This Greatest Generation led our Nation into the American century. They lifted America out of the Great Depression and committed our Nation anew to our founding ideals of liberty. Brave Americans like Mr. Pacheco fought and defeated the Nazi and Japanese regimes, and in the process, secured freedom for millions here and abroad. But their work was not done.

Even after winning World War II, the Greatest Generation had another war to fight: the Cold War. An Iron Curtain descended across Europe, and President Truman articulated a policy of containment to make sure the sacrifices we had made during World War II were not in vain.

Ultimately, freedom and liberty triumphed again, and it was thanks to people like Amos Pacheco, who had returned to San Antonio in 1946 and started working at Kelly Air Force Base. There, thousands of civilian employees worked long hours to repair and equip the planes our Air Force used to safeguard our nation.

I was honored to have attended the celebration of Mr. Pacheco's 80th birthday, where his granddaughter, Chriselda, presented him with replicas of the medals he earned for his service.

Mr. Pacheco has been a father figure to Chriselda, whom he adopted when she was just five years old. Out of love and appreciation for her grandfather, she purchased and presented to him replicas of the medals that were lost over the years. Chriselda gave her grandfather a Purple Heart for the wounds he received and a Bronze Star, which had been awarded to all World War II veterans. It was touching to watch Chriselda and the entire family honor and show their love for Mr. Pacheco. It still humbles me to think they wanted me to be present.

And to my great surprise and pleasure, Mr. Pacheco's 80th birthday party was the second time our two families had crossed paths. After the presentation of the medals, Chriselda showed me a photo of her and my father, Rep. Henry B. Gonzalez. More than 20 years ago, Dad had attended a tree planting ceremony at Sarah S. King Elementary School where he met Chriselda, who was a student. Someone snapped a picture of Dad and Chriselda standing next to the tree, and Chriselda still had the photo. I know Dad would have been honored that she had kept this picture all these years.

It was an honor to help celebrate this signal moment in Mr. Amos Pacheco's life. He is one of San Antonio's heroes, a beloved husband, father and grandfather.

HONORING THE CITY HONORS SCHOOL FOR RECOGNITION BY NEWSWEEK AS THE #4 SCHOOL IN THE NATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate the City Honors Magnet School in Buffalo, New York, which has been recognized for its excellence in education, having been ranked the number four public school in the United States by Newsweek Magazine.

City Honors is a Magnet school, part of the program started in 1975 to afford advanced educational opportunities to academically gifted and talented high school students. Since then, the program has expanded to include grades five through eight and has distinguished itself as a premier academic institution.

Newsweek has recognized that City Honors stands alone as the pre-eminent public institution in the region and the state. In addition, I would like to recognize and thank the teachers and administrators without whom the stimulating academic environment found at City Honors would not be possible.

Public education as exemplified by City Honors has created an environment that instills a love for learning in every student. The value of public education for creating an informed, enthusiastic and responsible citizenry cannot be overstated. Civic duty is an integral part of the American experience and City Honors has inculcated this virtue, encouraging students such as my intern, Samuel Sanders, to dedicate time and effort to the important duty of public service. This recognition by Newsweek reinforces that which I already knew, that Western New York has some of the best schools and students in the nation.

Mr. Speaker, it is with great pleasure that I stand here today to recognize the accomplishment of the City Honors School of Buffalo. Its commitment to academic excellence in public education has improved, and continues to improve, the life of every student enrolled, and the environment and education it provides promotes the civic and intellectual values we as a society hold dear.

CELEBRATING THE GRAND OPENING OF CROWLEY CITY HALL

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. BOUSTANY. Mr. Speaker, on Thursday, April 27th, the city of Crowley celebrated the grand opening of a newly renovated City Hall during a community open house event attended by citizens, elected officials, civic and business leaders. Crowley City Hall is a totally renovated facility which not only contains city offices but also features the Rice Interpretive Center, the J.D. Miller Recording Studio, and the Ford Dealership Museum.

Crowley earned the title "Rice Capital of America" by milling more rice annually than all other rice-producing countries in the world combined. Also, contributing to its title is the large number of rice mills that line Mill Street. The new building incorporates this heritage with the Rice Interpretive Center, where visitors can take a driving tour down the "rice trail."

At the celebration, Crowley Mayor Isabella delaHoussaye gave the attendees a history of the building and described the renovation and restoration efforts. "This is Crowley pride at its best. We should all be very proud of this accomplishment for our city," said delaHoussaye.

I ask my colleagues to join Mayor delaHoussaye in applauding the citizens of Crowley for constructing this great facility. Construction of the new City Hall building will be marked as a significant milestone in Crowley's long history.

HONORING COMMUNITY ALTERNATIVES KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize Community Alternatives Kentucky, an exceptional organization in my Congressional District that delivers community-based supportive services to persons with disabilities.

The noble mission of Community Alternatives Kentucky is to enhance the lives of the individuals they serve by helping them become active members of their communities and realize their personal goals. They provide a wide range of day-to-day residential and employment services to assist disabled individuals with health needs, personal care, physical and speech therapy, transportation, housekeeping, recreation and other personal management services.

Community Alternatives of Kentucky advocates self determination, civil rights, and community inclusion for people with special needs and developmental disabilities. They play an important role in local communities, promoting an inclusive quality of life that allows all people, regardless of personal challenges, to reach their potential as happy and productive members of society.

I applaud Community Alternatives Kentucky, particularly their wonderful support staff, for all that they do to assist disabled individuals and their families. On behalf of so many in Kentucky's Second Congressional District, I would like to express my profound appreciation for their service and for the many contributions to our communities from the people they serve. Together, they are a true inspiration to us all.

It is my great privilege to recognize Community Alternatives Kentucky today, before the entire U.S. House of Representatives, for their achievements as advocates for disabled citizens. Their unique compassion and dedication to the happiness and well-being of all people make them outstanding citizens worthy of our collective honor and respect.

A FALL RIVER PRINCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, I have had the pleasure during my years of representing Southeastern Massachusetts to work with Fernando Garcia. Fernando Garcia is a leader in the business community of Southeastern Massachusetts, and has been particularly active in affairs of the large Portuguese-American Community that contributes so much to that part of the state and indeed to the state as a whole. I had the pleasure a few years ago of visiting the Azores in the company of Mr. Garcia and the then Mayor Fred Kalisz of the City of New Bedford, and I have worked with Mr. Garcia on a number of occasions since then on matters of particular interest to the Portuguese-American Communities. At a time when we are talking about immigration, it is important to note that Mr. Garcia, like so many others who have been such important contributors to the life of Southeastern Massachusetts, is an immigrant who was born in the city of Sao Miguel, in the Azores. I note that he knew no English when he arrived here at the age of 11, and like the overwhelming majority of immigrants, strove to become proficient to the point where he is now a significant community leader—in English while of course retaining his facility in Portuguese.

Mr. Speaker, the sort of civic activity that Fernando Garcia exemplifies is a very important asset and I was pleased to read the excellent article about him in the Fall River Herald News, appropriately in the Business section since as the owner of Fall River Ford he is a significant leader in that segment of the life of his community.

Mr. Speaker, as an example of the important positive contribution made by immigration to this country, I ask that the article from the Fall River Herald News about Fernando Garcia be printed here.

[From the Herald News, Apr. 14, 2006]

A FALL RIVER PRINCE

(By Kathleen Durand)

Fernando Garcia said it's easy to be a good corporate citizen in a wonderful environment and community like Fall River.

The owner of Fall River Ford, Garcia will be recognized by the Prince Henry Society tonight for his many acts of charity and service to the community. The Fall River chapter as its Portuguese-American of the year. Similar honors will be bestowed on Thomas Alves, a plumber, by the New Bedford chapter, and Joseph de Melo, an attorney, by the Taunton chapter. The three will receive their awards at a dinner at the Century House in Acushnet.

Garcia said the Prince Henry Society is made up of people of Portuguese heritage, including both immigrants and native-born Americans. The primary function of the society is to promote education, he said, and it has given hundreds of scholarships worth thousands of dollars to deserving students.

A member of the Fall River chapter, Garcia said he was totally surprised to learn it has named him Portuguese-American of the year. "Every member of the chapter is deserving of the award. It's a small chapter but it gives constantly," he said. "It's the first chapter that has women members who have added to the vision of the society and made it better by their input and views."

Garcia came to New Bedford from Sao Miguel, Azores, in 1957 at age 11. He said he knew no English. "One of the things I've tried to do over the years is to never forget the hardships and sacrifices immigrants must make," he said. "We try to instill that in others and make their journey easier by avoiding the pitfalls we had."

The New Bedford schools had no bilingual program at that time, so Garcia learned English at Our Lady of Mount Carmal School. After four years there he said he was able to navigate through the public schools. He went on to the University of Massachusetts Dartmouth, where he was president of his class as a sophomore and a junior. He majored in business and foreign languages and his class, the Class of 1969, was the first to graduate from the Dartmouth campus.

"Then it was out into the business world, and I haven't stopped since," he said.

In October 1998 he said he saw a great business opportunity in Fall River. Ford Automotive Co. was about to close a dealership due to prior failures. Garcia said with proper management and dedicated employees, he was able to restructure it so that it now ranks in the top 10 Ford dealerships in New England, employs about 100 people and generates annual sales of more than $75 million.

"I'm delighted with the growth I've been in the 7½ years I've been here," Garcia said. "There are so many good people. I find it impossible to say no to worthy causes."

In business and in life, Garcia said he believes in integrity, character and in always keeping his word.

Garcia said Fall River Ford is most grateful for the courtesy and patronage of the community.

"I am very proud to be Portuguese," he said. "On the day I received my citizenship papers I was as equally proud to be a Portuguese-American."

Garcia is involved in numerous activities aimed at improving the quality of life in this region. He is chairman of the Executive Business Council at Charlton Memorial Hospital, a member of the board of the President's Council at the hospital, a member of the board of the local chapter of the American Heart Association, a member of the community advisor board of the Diabetes Association and a board member of the development council for HealthFirst Family Care Center.

Before he bought Fall River Ford, Garcia was a national sales manager for Rusty Jones, an automotive appearance maintenance program. He than founded All-Neads Insurance of New Bedford. When he bought Fall River Ford, he gave his co-workers at All-Neads the opportunity to buy the business. Without them, he said, the business would not have achieved the success it did.

PAYING TRIBUTE TO SERGEANT JEFFREY A. STONE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Sergeant Jeffrey A. Stone in recognition of his heroic act performed at the Bureau of Reclamation's Hoover Dam resulting in the saving of a life and to commend him for receiving the U.S. Department of the Interior Valor Award.

On October 14, 2005, Sergeant Stone displayed outstanding dedication and commitment to the Hoover Dam Police Department when he assisted a fellow officer in preventing a suicide. While on duty at the entrance to the Nevada Spillway Lot, Sergeant Stone observed a man standing on the wall overlooking the face of Hoover Dam. Suspecting the man was a possible suicide he radioed Corporal Russell Balbirona for help. While waiting for Corporal Balbirona to come, Sergeant Stone approached the man and demanded he get down from the wall. The man told him he was going to end his life.

Sergeant Stone offered him words of encouragement, but the man still refused to get down. Working in unison with Corporal Balbirona who had then arrived, Sergeant Stone continued talking to the man to distract him while Corporal Balbirona approached the man from behind. When the man reached for a cigarette that Sergeant Stone had offered him, Corporal Balbirona grabbed the man around the waist and safely removed him from the wall. As the two men were falling to the ground, Sergeant Stone immediately assisted Corporal Balbirona. After the man was subdued and taken into police custody, he was transported to Boulder City Hospital for a psychological evaluation. Prior to being transported to the hospital the man thanked the officers for saving his life and apologized for creating a disturbance.

Mr. Speaker, I am proud to honor Sergeant Jeffrey A. Stone for his exceptional display of courage, quick reaction, and heroic actions carried out in this life-saving incident. I further congratulate Sergeant Stone for receiving the U.S. Department of the Interior Valor Award. I thank him for his distinguished service and wish him the best in all of his future endeavors.

TRIBUTE TO BENNYE CAROL FRAZIER

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today, to honor a lovely woman from San Antonio, who passed away recently. I rise to honor Bennye Carol Frazier, a person dedicated to serving others and causes bigger than anyone person. Sadly, she left us recently, but she never stopped fighting. In fact, despite her kind and gracious manner, she fought hard her entire life for the causes she believed in.

Bennye believed in the power of education to transform lives. She taught in San Antonio schools for many years, and she chose to teach high school students who had the highest risk of dropping out. These are the students most in need of encouragement and reinforcement that obtaining an education is something everyone can do and that the goal is within their grasp. There are, I'm sure, many people in San Antonio who would have quit had it not been for Bennye's encouragement. She fought to keep students in school and on track for graduation.

Bennye also fought to improve schools and treatment of teachers. She served as President of the San Antonio Teachers Council for two terms as well as for the local affiliates of the National Education Association and the Texas State Teachers Association, and the Texas Industrial Vocational Association.

As was her nature, Bennye was also a leader in the community. She served as President for both the San Antonio Calligraphers Guild and the Harp and Shamrock Society and as a member of the S.A. Conservation Society and paper chair of Night In Old San Antonio (NIOSA.)

Bennye worked at the local level of politics, an area often overlooked despite its importance. As Speaker Tip O'Neill used to say "All politics is local," and Bennye knew this. It's at this level that small gestures and kindnesses matter more than policy differences. Bennye was unfailingly kind and helpful in many ways, and many in the Democratic Party recall her tireless assistance.

Bennye would support local candidates in whatever fashion she could. She served as Secretary and Treasurer of the Bexar County Democratic Party. She was named interim Chair of the Bexar County Democrats, often a thankless task, but she dispatched those duties with the same kindness, enthusiasm and efficiency she performed all other tasks. Even while suffering the illness that would lead to her death, Bennye continued to work for the Democratic Party.

Democrats in San Antonio could count on Bennye to keep us focused on the goal of helping people. She was dedicated to the mission of our party at its finest, the mission of Democrats like President Franklin Delano Roosevelt, Speaker Sam Rayburn or President Lyndon Baines Johnson.

Of course, Bennye was a wife, mother and grandmother. She and her husband, Tom, were married for 50 years. I am amazed how Bennye found time for her career, her family and her activities.

My thoughts and prayers go out to her husband, her family, and those whose lives she touched. She will be sorely missed.

HONORING THE LATE HOWARD ZERANGUE, SR.

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. BOUSTANY. Mr. Speaker, it is always difficult to inform my colleagues when a constituent of mine passes away. It is especially hard when we have to say goodbye to a distinguished public servant such as Sheriff Howard Zerangue of Opelousas, LA, who died Thursday, April 27, 2006 following a long battle with a blood disorder.

Mr. Speaker, Howard Zerangue was Opelousas. His life and career will forever be defined by his devoted service to his city, as well as his neighbors in St. Landry Parish, where he served more than 25 years as Sheriff. Prior to his seven consecutive terms in the Sheriffs office, Howard Zerangue also served on the Opelousas Board of Aldermen from 1966 to 1974, and as Opelousas Police Chief from 1974 to 1980. Throughout his service in law enforcement, Howard Zerangue was known for making significant technological improvements for his staff despite having to deal with tight budgets. He is also credited with starting programs to fight drugs, and to provide transportation services for the elderly and disabled.

Despite the lofty titles he held, Howard Zerangue never forgot where he came from. His jobs outside of law enforcement, including as a Volkswagen salesman in the 1970's and as a bouncer at the Southern Club, allowed him to relate to the people he served everyday. His friends always appreciated his loyalty and his duty. As the Opelousas Daily World noted in their commentary: "He had a strong sense of duty. He could be counted upon to be there when the chips were down. He stood up for those things—and people—that he believed in. He was dedicated to his job and to his vision of it as a way to help others." One could only hope to be remembered in such a way. Despite our loss, Howard Zerangue's memory lives on in the streets of Opelousas and St. Landry, which he worked to keep safe for most of his life.

Mr. Speaker, I ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to the memory of Howard Zerangue and in offering our deepest condolences to his wife, Ruth Manuel Zerangue; his mother, Winnie Meche Zerangue; his daughters, Mona Manteris and Debbie Sealy; his sons, Howard Jr., Keith, Neal, Harold and Darryl Zerangue; 21 grandchildren; and five great-grandchildren.

HONORING STEPHAN L. WALTERS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to give well-deserved recognition to Stephan Walters, an extraordinary soldier, teacher and citizen from my Congressional District.

Stephan is currently serving on active duty with the U.S. Army Reserves at Fort Knox, Kentucky. As Captain, he is responsible for training and mentoring a full brigade. He also serves as an officer for community outreach, equal opportunity, safety and soldier retention. Prior to his current assignment, Captain Walters served for three years as a member of the 3rd U.S. Infantry, also known as the Presidential Honor Guard, performing a range of ceremonial duties at the White House, Pentagon, and Arlington National Cemetery.

Captain Walters has also distinguished himself in civilian life, earning a bachelor degree in social studies and a masters degree in secondary education from the University of Kentucky, graduating from both programs with honors. Walters was a five-year member of the University of Kentucky's football team, earning numerous awards and honors for his academic and athletic achievements.

Upon graduation, he accepted a position at Jeffersontown High School in Louisville, KY teaching history and coaching football and track. In 2004, he was nominated by his colleagues for the History Teacher of the Year Award, a special honor he later received from the Kentucky Historical Society.

It is my great privilege to honor Stephan Walters today, before the entire U.S. House of Representatives, for his distinguished service to his country and his community. His unyielding sense of duty and sacrifice represent the very best of what it means to be an American soldier. His achievements as a civilian, especially his dedication to developing young minds in the classroom and on the athletic field, are further marks of personal greatness. He is a man of exemplary leadership and dedication worthy of our collective respect and appreciation.

COVER THE UNINSURED WEEK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. LEE. Mr. Speaker, I rise today to join my colleagues in bringing attention to our Nation's uninsured.

As we commemorate Cover the Uninsured Week, I would like to say that it is criminal that there are over 45 million uninsured people in this country, 8 million of them children.

For a Nation that boasts about being the wealthiest in the world and claims liberty and justice for all, the fact that we have even one person without health insurance is a contradiction and a shame.

Every single year an estimated 18,000 people die because they are uninsured and cannot get the medical care they need. 18,000 lives lost solely because we as a Nation fail to provide a basic human right to those living in this country.

And instead of addressing this crisis head on, this Administration and Republican leadership have contributed to increasing numbers of uninsured people.

Mr. Speaker, during the Bush Administration the number of uninsured has risen by 6 million people. More people are now without health insurance than at any point since the Census began collecting comparable data in 1987.

The Republicans prefer politics and profit over vulnerable people. It is obvious that consumer driven health plans and cuts to Medicaid are not the answer to this problem. Health Savings Accounts and Association Health Plans provide benefits only to those who are rich and healthy. They will do nothing to decrease the number of uninsured who are typically lower-income and have more health problems.

The increase in the number of uninsured in this country also continues to disproportionately affect racial and ethnic minorities.

Of the over 45 million uninsured, 32.7 percent are Hispanic; 19.7 percent are Black; and 16.8 percent are Asian. Furthermore, over 25 percent of the Native American population is uninsured.

Despite this devastating crisis in our Nation, we do have a solution. It is universal access to quality health care and we must demand it for our people and make it a priority of this Congress.

The United States is the only industrialized Nation that does not provide some form of universal access.

As a co-chair of the National Health Insurance Caucus, I have fought in Congress for universal access. That is why I have sponsored H.R. 3000, the Josephine Butler United States Health Insurance Act and support my colleague JOHN CONYERS' universal health care bill, H.R. 676.

The goal of our legislation is so simple—to ensure that all individuals have access, guaranteed by law, to the highest quality and most cost effective healthcare services regardless of their employment, income, or healthcare status.

While I promote universal coverage, I also support the Family Care Act, the Medicare Early Access Act, and the Small Business Health Insurance Promotion Act, 3 bills that, if enacted, would provide health insurance to half of the uninsured.

If this nation fails to take action right now, the number of uninsured will only continue to increase. Currently, national health care spending is rising by more than 7 percent per year. We all know that as health costs rise, more and more people lose their health insurance either because their employer can't afford it or they can't pay for it.

Mr. Speaker, two out of every five or 41 percent of working-age Americans with incomes between $20,000 and $40,000 were uninsured for at least part of the past year. This is a dramatic and rapid increase from 2001 when just over one-quarter or 28 percent were uninsured.

In fact, only 19 percent of the uninsured are from families with no connection to the work force. That means 80 percent of the uninsured are working people. People who go to work, but cannot afford to obtain health care. We can not continue to spread the belief that employment guarantees access to health insurance.

If we don't acknowledge health care as a basic human right soon, it will be too late for some, and our societies most vulnerable will continue to suffer.

These are the Americans who are too often ignored. The uninsured have lived a campaign of survival, and deserve a voice today and every day on this floor.

These 45 million people are calling out for their government to put people before profit. They realize that access to quality health insurance or universal health care is essential in impacting health outcomes.

Over 40 percent of the uninsured have no regular source of health care and utilize emergency care due to avoiding high cost regular visits.

This situation creates an ongoing cycle of adults and children skipping the key preventive medicine steps, like routine check-ups, recommended tests, and low-cost treatments.

By ignoring preventive treatments and not addressing the sky-high health costs; we are creating sicker people.

It is a fact that the uninsured are more likely than those with insurance to be hospitalized for conditions that could have been avoided.

We are putting our uninsured in the position of choosing between dealing with an illness at its early and most treatable stage or feeding their family.

Mr. Speaker, the message we must send is that universal access to quality health care should be provided without discrimination to all.

We must make health care accessible! Make health care affordable! Make health care a guarantee!

I encourage all of my colleagues to support legislation that will put people before profit in our health care system.

PAYING TRIBUTE TO PATTY, DANNIE AND GREG "GREASER" BASHAW

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Patty, Danny and Greg "Greaser" Bashaw for their continued support of the Marine Corps Junior ROTC program of Basic High School in Henderson, Nevada.

The Bashaw family has long been supporters of Basic High School's Marine Corp Junior ROTC program. Several years ago, Patty and Greg became involved in the Junior ROTC program through their son, Danny, who was then enrolled. To assist in the fund raising efforts of the program, Patty and Greg had the ingenious idea of starting a car show, an idea that proved to be very successful. Their personal belief in the goals and objectives of the program and their son, Danny, joining the Army reserve after high school has prompted the Bashaw family to continue supporting the program in such an outstanding fashion.

The Bashaw family has a distinguished record of service to their country and community. Their dedication to their country is most evident by the fact that Greg served in the Vietnam War and subsequently became an active member of the Veterans of Foreign Wars Post #3848. Their son, Danny, is currently keeping America safe by serving in Iraq.

Mr. Speaker, I am proud to honor Patty, Danny and Greg "Greaser" Bashaw for their efforts on behalf of the Basic High School Marine Junior ROTC program and their dedication to country and community. The Bashaws are truly great Americans who epitomize civic pride in their country and a willingness to give themselves to furthering the ideas of our founding fathers by volunteering to help others.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. PRYCE of Ohio. Mr. Speaker, I was unable to vote during the following rollcall vote. Had I been present, I would have voted as indicated below:

Rollcall 101, H.R. 4709, the Telephone Records and Privacy protection Act (4–27–06), I would have voted "yea."

TRIBUTE TO DR. WILLIAM K. EMERY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. UPTON. Mr. Speaker, I rise today to recognize and pay tribute to Dr. William K. Emery. Dr. Emery today will receive the Friend of Public Health Award from the Berrien County Health Department for his many decades of dedicated service.

A caring and compassionate third-generation physician, Dr. Emery served as a family practitioner and as medical director for Whirlpool Corporation for more than 30 years. Dr. Emery, his father and grandfather have provided more than a century of care to the residents of Southwest Michigan. After retiring from his practice, Dr. Emery continued to serve his community as a member of the Berrien County Board of Health.

Dr. Emery is a man of vision and leadership, and brought those skills to bear as a member of the Berrien County Board of Health. He believes that the key to good health is knowledge and prevention. Dr. Emery was the driving force behind the Health Department's mission of preventing disease, prolonging life, protecting the health of the community, and promoting a better quality of life for everyone.

A 1942 graduate of St. Joseph High School, Dr. Emery received his medical degree from the University of Michigan in 1949 and joined the family practice in 1951.

While his colleagues are recognizing him today for his years of service, Dr. Emery's exemplary service continues. He has been named the first Health Board Member emeritus by the Berrien County Board of Commissioners, and he is volunteering at a local health care facility library.

Southwest Michigan is a healthier and better place because of Dr. William K. Emery.

CELEBRATING THE 75TH ANNIVERSARY OF ST. BERNADINE MEDICAL CENTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to congratulate the medical staff and administration of the St. Bernadine Medical Center for providing 75 years of top quality medical care to the residents of San Bernardino County, California.

When local doctors and community leaders laid plans for a new hospital in 1929, they intended it to be modeled after St. Mary's Hospital in Rochester, Minnesota, home of the Mayo Clinic. Led by Dr. Philip Savage and Father Patrick Dunn of St. Bernadine Catholic Church, they approached the Sisters of Charity of the Incarnate Word in Houston, and the Sisters agreed to support a new hospital, providing a $550,000 investment to get it started. A local fund drive brought another $100,000, and St. Bernadine Hospital was created.

During the early years of operation in the midst of the Depression, the Sisters often would take payment for medical services in the form of fruits, nuts and chickens. The original 125 beds, five surgical rooms, operating theatre and other support facilities served the community until the 1950s, when a series of expansions began.

In the past 50 years, the medical center has grown to a 463-bed acute-care facility providing the nearly 2 million residents of San Bernardino County with some of the most advanced technologies and practices in the nation. The 1,400 employees serve thousands of patients a year, including 43,000 in the Emergency Department alone. The Five-Star maternal-child health center handles 2,600 births a year.

Most recently, the medical center has established the Inland Empire Heart Institute, which is ranked as one of the top two hospitals in Southern California for heart surgery volume. Blue Shield has designated it a Center of Excellence. The Medical Center is also rated as the best in the region for orthopedic care.

Although it is still sponsored by the Sisters of Charity, the medical center is now part of Catholic Healthcare West. From Mother Sebastian, the hospital's first administrator in 1931, to current president Steven Barron and board chairman Wilfrid Lemann, the leadership of St. Bernadine Medical Center has showed devotion to providing the very best health care for our community.

Mr. Speaker, I ask that you and my colleagues join in congratulating St. Bernadine Medical Center on their 75-year legacy of top-quality medical care, and wish the medical staff and administration further success in the years to come.

IN RECOGNITION OF DR. NED DOFFONEY, PRESIDENT OF FRESNO CITY COLLEGE FOR HIS DEDICATION AND SERVICE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. COSTA. Mr. Speaker. I rise today to recognize Dr. Ned Doffoney, President of Fresno City College for his dedicated service and invaluable commitment to his students and his community.

Dr. Doffoney has had an extensive career as leader of numerous community colleges. He hails from Louisiana where he was the founding President and Chancellor of the South Louisiana Community College. Following his time in Louisiana, he moved to Southern California where he held notable positions in various colleges. For over 4 years, Mr. Doffoney served as the President of Saddleback College of South Orange Community College District; he was the Dean of Academic Affairs at Los Angeles Southwest College as well as the Dean of Admissions; and he served as the Assistant Dean of Admissions and Financial Aid at Los Angeles Trade-Technical College. In addition to his administrative positions, he was also a teacher at California State University, Dominguez Hills. On July 1, 2002, Fresno City College welcomed Dr. Doffoney as its new President.

With a wide variety of leadership experience, Dr. Doffoney has received numerous recognitions and has earned the respect of many education institutions. In 2003, he was invited to participate in the National Community College Working Group organized by the U.S. Department of Education's Office of Vocational and Adult Education. Dr. Doffoney was the only community college representative from California who was invited to join a distinguished group of 15 community college Presidents and Chancellors that were given the task of discussing issues and opportunities that affect the community college mission. He was a strong advocate for students with disabilities and was able to provide the group with insight into historic measures made to service those with disabilities in California.

Aside from being a strong advocate for students with disabilities, Dr. Doffoney has also worked tirelessly to promote the role of community colleges as a portal to higher education for California's ethnic majority. His efforts earned him the 2004 New California Media "Exceptional Communicator Award," highlighting the shared values of ethnic media and representing the interest of people from all of the various ethnic communities in the Valley. Dr. Doffoney is a proud recipient of this award and continues to bring new opportunities for education to the millions of underserved people in California.

Dr. Doffoney acknowledges the role of college education in his life and has worked to help those who are also in need of support; through his encouragement of the crucial role of education in shaping the lives of individuals. This work has earned him the 2005 TRIO Achievers Award where he was honored for his leadership and dedication in establishing and promoting effective and powerful learning environments. He continuously exemplifies the benefits of education to the Fresno City College community.

In addition to his dedicated service to Fresno City College, Dr. Doffoney has also made it a priority to establish a presence in community organizations. "As we continue to grow, my top priority is to find new ways to serve the needs of our community. It is our mission to help communities learn and find innovative ways to engage learning at all levels," he says. He is a member of the Rotary Club of Fresno and a board member for the Fresno Metropolitan Museum and Commission on Athletics. He has also recently served as a board member for the Public Safety Commission, Fresno Fire Chiefs' Foundation and Break the Barriers.

Dr. Ned Doffoney continues his quest for excellence and has established a core philosophy of student service at Fresno City College. He has stated, "This is a time to dare to be great. Although higher education faces many challenges, we must be undaunted in our task to provide the best educational experience to our students." Dr. Doffoney's dedication in the promotion of education and his invaluable service to Fresno City College and its surrounding communities are accomplishments worthy of honor and recognition.

IN HONOR AND RECOGNITION OF THE CUYAHOGA VALLEY SCENIC RAILROAD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KUCINICH. Mr. Speaker, I rise in appreciation of the Cuyahoga Valley Scenic Railroad for its stewardship of the historic rail line through the Cuyahoga River Valley.

For thousands of years Indians used the Cuyahoga River and Valley in northern Ohio as a north-south transportation corridor. Later the Ohio and Erie Canal provided the early settlers a slow but easy way to move bulk goods and people. In 1880, the first steam engine chugged its way down the new Valley Railway, signaling an era of progress and prosperity for the Cuyahoga Valley residents. Primarily built to transport coal from south of Canton to Cleveland's growing industries, the Valley Railway also served the farmers, merchants and factories along its route. Depots piled high with farm produce dotted the valley section of the railroad line.

Financial difficulties in 1894 led to the Valley Railway's acquisition by the Cleveland Terminal & Valley Railroad (CT&V). The Baltimore and Ohio Railroad bought the CT&V in 1915 and continued to provide freight and passenger service between Akron and Cleveland. However, the popularity of the automobile caused a decline in passenger traffic on the line. Passenger service ended in 1963. The last freight train operated by the Chessie System ran in 1985.

Today, the historic rails are owned by the National Park Service as part of its goal to preserve the significant cultural resources in the Cuyahoga Valley. The CVSR operates the excursion train through the Cuyahoga Valley National Park in cooperation with the National Park Service.

Mr. Speaker, I ask that my colleagues join me in recognizing the CVSR, which is holding its annual fundraising event this weekend, the "All Aboard Ball." Recognition is due not only for this railroad's history, but also for its current enhancement of the Cuyahoga American Heritage River and its role in perpetuating passenger rail and excursion rail in Ohio's 10th Congressional District and nationwide.

RESTRICTIONS TO TAIWANESE PRESIDENT CHEN SHUI-BIAN'S TRAVEL IN THE U.S.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. ANDREWS. Mr. Speaker, as you may know, this morning, the democratically elected president of Taiwan, Mr. Chen Shui-bian finally received permission to stop in Anchorage—but not spend the night—on his way to South America. This is quite a change in plans for President Chen, who had hoped to meet with Members of Congress in New York on his way to Paraguay and Costa Rica, but whose trip was delayed for a day because the administration at first refused even this brief stopover. If you have been following this case, you would probably agree with me that this is no way to treat the democratically elected president of one of our staunchest allies in the Pacific.

There are no laws or regulations that prevent leaders from Taiwan visiting the United States, but simply a policy of the administration that forbids President Chen and other Taiwanese officials from officially visiting the United States. What is the source of this restriction? Concern that the Chinese government will be displeased by any welcome of a Taiwanese official on our soil. However, this most recent self-imposed restriction goes even further than the previous policy I have spoken against.

Last week, the Chinese urged us NOT to allow President Chen to land in the United States at all. I suppose that we can therefore view this Alaskan stop as a victory for U.S. sovereignty and relations with Taiwan. However, in the past President Chen has been allowed stops in Los Angeles, Houston, and New York. The final agreement allowed him to touch down and refuel in Alaska, but not even get off the plane—what an insult to a friend and partner of the U.S.A.

I understand that President Chen will be allowed to pass through Honolulu, HI, next week on his way home from South America. I mean no disrespect to the fine States of Hawaii and Alaska, but the symbolism of keeping President Chen as far away from Washington, DC, as possible is unmistakable.

Mr. Speaker, I believe that this is no way to treat the elected president of one of our fellow democracies which happens to be one of our best friends in the region.

Last month we invited the unelected leader of China to the White House. We presented with a 21 gun salute, and laid out the red carpet for him. But the democratically elected President of Taiwan we do not even let set foot on U.S. soil.

What is wrong with this picture?

I believe that we should work towards lifting all restrictions on high level visits from Taiwan including the President. This would have several benefits for both the United States and our friend Taiwan. First, we would for once and for all eradicate the necessity of complex, lengthy and, truly, humiliating-for-Taiwan negotiations about where and when President Chen would be able to refuel or travel in the United States. Secondly, being able to hear first-hand from Taiwanese officials would promote a balanced understanding of both sides of the Taiwan Strait issue for Congress, the Administration and the American public. Thirdly, we would reduce the ability of Beijing to politicize our valid relations with Taiwan. Finally, and perhaps most importantly, we would extend to the President of Taiwan—and thus to the people of Taiwan—the respect and dignity they deserve.

Next week, when President Chen travels home to Taiwan, I hope the administration will change its plans and allow President Chen to make a stopover in New York as he initially planned.

It is my sincere belief that the United States needs to do a better job in nurturing and protecting the fragile democracy in Taiwan. We can do that by communicating directly with President Chen about how he sees the role of his country in promoting democracy around the world.

HONORING THE LIFE OF CELIA BELL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of the late Celia Bell, a constituent and friend, who passed away just two weeks ago.

Celia Bell was born in Philadelphia, Pennsylvania on May 3, 1915. She was born a twin and weighed only one and one-half pounds. Doctors had little faith the babies would survive, and indeed, one did not. But Celia not only survived, she thrived and went on to live a very full life, passing away on April 17, 2006 just a couple of weeks shy of her 91st birthday, which would have been today.

Celia married Max Kauffman on December 22, 1935 and they raised three children together: Fred Kauffman (spouse Bobbie), Hedy Goldberg (spouse Bob), and Brenda Hoelzle (spouse Bob). These three wonderful children blessed Celia and Mac with 8 grandchildren: Bret Kauffman (spouse Madie), Mark Kauffman (spouse Tracey), Eric Kauffman (spouse Debbie), Lee Hoelzle, Bryan Hoelzle (spouse Sharon), Karen Caltune (spouse Todd), and Lewis and Ellen Goldberg. When she passed away, Celia was the great-grandmother of 8 wonderful greatgrandchildren: Andrew, Michelle, Max, Brennan, Aaron, and Joshua Kaufman, and Matthew and Jarett Hoelzle. Max and Celia were married for 53 years until Max's passing in 1989.

Celia Kauffman never worked outside of her home, but always kept busy, sewing, knitting, and crocheting. In the late 1970's, Celia and Max moved to South Florida where she continued to be active in her community by volunteering her services. She bowled until the age of 85 when her arthritis forced her to stop. However, at the age of 89, she was still doing volunteer work as the water exercise instructor at her condominium pool and crocheting lap robes which were donated to nursing homes and children's services.

It gives me great pride today to honor this great American, whose legacy lives on in her children, grandchildren, great-grandchildren, and friends.

INTRODUCTION OF THE "OIL AND GAS INDUSTRY ANTITRUST ACT OF 2006"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. CONYERS. Mr. Speaker, today I am introducing the "Oil and Gas Industry Antitrust Act of 2006," legislation that prohibits oil and gas companies from unilaterally withholding supply with the intent of raising prices or creating a shortage and subjects the OPEC nations to the U.S. antitrust laws. I am joined by Representatives CHABOT, LOFGREN, BROWN (OH), MEEHAN, SCHIFF, LEE, and HINCHEY.

In recent days, the price of crude oil has reached an all-time high of $75 per barrel, more than twenty percent higher than the price at the start of the year. This increase is directly felt by American consumers, who consume over 40 percent of the world's gasoline and are forced to pay exorbitant prices at the pump. The average price of gasoline is now near $3 a gallon or more and is only expected to rise further during the summer months as supply dwindles.

There are two parts of this equation—the oil side and the refinery side—and both must be addressed for consumers to see a difference at the pump.

The Oil Problem: The group of eleven nations comprising OPEC is a classic definition of a cartel, and these nations hold all the cards when it comes to oil and gas prices. OPEC accounts for more than a third of global oil production, and OPEC's oil exports represent about 55 percent of the oil traded internationally. This makes OPEC's influence on the oil market dominant, especially when it decides to reduce or increase its levels of production. Just recently, OPEC ministers announced that they would not increase production or even offer their spare oil capacity to respond to rapidly increasing oil prices. While OPEC is in a unique position to respond to and alleviate this crisis, its nations will instead stand by while our oil and gasoline prices go through the roof.

The Refinery Problem: Refining costs are the second largest chunk of the cost of a gallon of gasoline. And while companies like ExxonMobil are posting first-quarter profits that are up 7 percent from a year ago, the cost of gasoline continues to rise. In this climate—and with increasing reliance on foreign oil—we must be particularly vigilant in safeguarding consumers from potential exploitation.

The Solution: This comprehensive legislation, the "Oil and Gas Industry Antitrust Act of 2006," is simple and effective, and has already been passed by a U.S. Senate Committee. It:

Amends the Clayton Act to prohibit oil and gas companies from unilaterally withholding supply with the intent of raising prices or creating a shortage.

Directs several studies, including a Justice Department/FTC study of mergers in the oil and gas industry, and a GAO study of whether government consent decrees in oil mergers have been effective.

Directs the Attorney General and FTC Chairman to establish a joint federal/state task force with state AG's to investigation information sharing among oil companies.

Exempts OPEC and other nations from the provisions of the Foreign Sovereign Immunities Act to the extent those governments are engaged in price-fixing and other anticompetitive activities with regard to pricing, production and distribution of petroleum products. (OPEC currently claims sovereign immunity by saying its actions are "governmental activity," which is protected, rather than "commercial activity," which is not.)

Makes clear that the so-called "Act of State" doctrine does not prevent courts from ruling on antitrust charges brought against foreign governments and that foreign governments are "persons" subject to suit under the antitrust laws.

Authorizes lawsuits in U.S. federal court against oil cartel members by the Justice Department.

We do not have to stand by and watch gas prices continue to climb without taking action; we should protect consumers from any anticompetitive behavior that might be occurring. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

AN AMERICAN WORKER'S STORY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KILDEE. Mr. Speaker, my constituent Steve Grandstaff is shop Chairman of the United Auto Workers (UAW) Local 651, which represents hourly workers at Delphi East in my hometown of Flint, Michigan.

For the RECORD I would like to read an excerpt of the electronic testimony that Steve wrote for the Education and the Workforce Committee e-hearing on the impact of the Delphi bankruptcy filing:

> I am the Shop Chairperson of UAW Local 651 in Flint, servicing Delphi Flint East and representing 2800 hard working people. Early on in this whole saga I had a realization what the whole issue boils down to.
>
> I refer to it as the promise; the promise was part of the deal. The deal was that you came to work and did your job for 30 years and at the end of that time you could have

the opportunity to go on your way with a somewhat comfortable pension to see you through your later years.

The workers end of the promise was that they worked the off shifts for the first decade of employment. This meant working the hot days in the summer and the cold ones in the winter. That in itself meant that you were at work when your family and your friends were working normal hours and enjoying life.

The promise meant that you worked in the grimy, dangerous conditions. You did boring monotonous jobs. You suffered the labeling by society because you worked in a factory.

You would work the extra hours so that you could get the nice things that life offered. The things that seemed to come easier to other people but in your case you had to do a little extra to get them. . . .

Over the years many of us had the opportunity to make a decision, should I stay or should I move on to something else. Many, many people stayed on because of the promise.

They made decisions not to go to a new career because they were many years into the equation of which the promise weighed oh so heavily.

The promise was always out there.

The company always reminded anyone that would listen about how they were funding our pensions and used that as a bargaining chip when our wages or benefits were on the table.

It was always figured in as a benefit cost even though now some wonder if the company ever really intended to fulfill the promise.

Now here we are near the end of our careers, not as young as we used to be, many of us broken. When so many of us are so close to being able to cash in on the promise the company is attempting to take it away from us. . . .

Mr. Speaker, this Congress has failed to protect American workers while focusing on protecting the privileged few.

It is time for these workers' stories to be heard and I am pleased to have this opportunity to share one of these stories.

RECOGNIZING THE ARMENIAN YOUTH FEDERATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to share with my colleagues a wonderful speech made by Nanor Harutunian of the Armenian Youth Federation at a recent event that I attended in New York City to commemorate the 91st anniversary of the Armenian Genocide.

The speech reads:

Your eminence Archbishop Oshagan Choloyan, Reverend Clergy, Government Officials and Honored Guests.

In the words of Martin Luther King Jr.: "Our lives begin to end the day we become silent about things that matter." Silence, is a spoken language in itself. Silence may often speak louder than words. Silence, verbalizes fear, ignorance, tacit agreement, carelessness, and defeat. What it does not portray is anger, persistence, perseverance, knowledge, and strength. The Armenian Youth Federation will never be silent. We will continue to speak for justice and truth.

As the Armenian Youth, the AYF was built on the endurance and determination of its ancestors. Determination to keep our nation and our country united, free and independent. It is this determination that we possess when we hold the Turkish government accountable for the Genocide of the Armenian people 91 years ago. We stand united not only as an organization but as a people to honor the memory of over one and a half million Armenians killed at the hands of the Ottoman Empire. It is by educating ourselves that we become empowered. It is through this education that we can make a difference. We are the children, grandchildren, and great grandchildren of those Armenians who were forced out of their homeland, of those Armenians who perished. We have worked and will continue to work with other communities to raise awareness of crimes against humanity. We have held protests, rallies, vigils and memorials in the name of justice and honor.

Dr. King also said "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." If one is afraid to stand up for what he or she believes in, then it is not worth believing in anything at all. We stand for recognition and reparations. Our ancestors had their families, homes, culture, and country taken away from them. The Armenian Youth Federation calls for the atrocities of the past to be recognized. Only by first recognizing the past, can we truly recognize our future.

PAYING TRIBUTE TO THE ORDER OF THE SILVER ROSE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Linda and Luz Arellano. They are responsible for awarding the Order of the Silver Rose Medal and Award to our veterans in Nevada.

The Order of the Silver Rose was established in 1997 by Mary Liz Marchand. Her father, Chief Hospital Corpsman Frank Davis, died from illnesses resulting from the use of Agent Orange in the Vietnam War. Mary Liz's friend brought a silver rose to Chief Davis while receiving treatment in Salt Lake City. Upon his death Mary Liz established the Order of the Silver Rose for the victims of Agent Orange.

Linda and Luz Arellano have started the Order of the Silver Rose Nevada chapter in an effort to bring honor and recognition to the veterans of the Vietnam War. On April 26, 2006, Linda and Luz, on behalf of the Nevada Chapter of the Order of the Silver Rose, honored fifteen veterans from Nevada and recognized them for their service and sacrifice during the Vietnam War. I would like to share the names of those noble veterans, they are; Ronald G. Smith, Edward Fizer, William Siebentritt, David Gilmartin, Joseph C. Marrs, William T. Anton, Dennis Sitzler, Harold Williams Jr., Carlos Cepeda, Charles E. Johnson, Donald Welchold, Robert F. McHale, George S. Nagy, Leon Walker, and Arturo Garingan.

Mr. Speaker, I am proud to honor Linda and Luz Arellano as well as the veterans they recognized with the award of the Silver Rose. On behalf of Nevada, I thank these brave veterans for their service and sacrifice.

54TH ANNIVERSARY OF THE NATIONAL DAY OF PRAYER

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. JINDAL. Mr. Speaker, whereas, the historical record of the United States, as acknowledged by the highest court in our land, reveals a clear and unmistakable pattern woven throughout our Nation's history; America was founded upon the principles and truths revealed in the Holy Scriptures; and

Whereas, as a Nation with a Judeo-Christian heritage, prayer has been and remains an essential element of our national conduct as we seek divine direction and blessing; and

Whereas, our Nation's leaders, beginning with our first president, George Washington, to our current president, George W. Bush, have called upon Americans to individually and corporately pray for and seek God's divine blessing upon our Nation in both times of peace and in times of conflict; and

Whereas, in times of great crisis we have been prompted by officially proclaimed days of prayer to ask for God's guidance; and

Whereas, Holy Scripture instructs in 1 Samuel 2:30 to give God honor; and

Whereas, in 2006, on the 54th Anniversary of the National Day of Prayer, America once again finds herself in the midst of danger and uncertainty making it essential that we as a people seek God's direction through prayer so that our world might enjoy peace.

Now Therefore, I encourage all of the citizens of Louisiana to participate in honoring God by seeking His blessing both upon our State and our Nation.

HONORING THE BUDD LAKE VOLUNTEER FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Budd Lake Volunteer Fire Department, in the Township of Mount Olive, New Jersey, a patriotic community that I am proud to represent! On June 24, 2006 the good citizens of Budd Lake and Mount Olive will celebrate the Fire Company's 75th Anniversary with special festivities.

The Budd Lake Volunteer Fire Department was formally incorporated in 1931 with approximately twenty-three members. A history compiled by the department says the first purchased piece of equipment was a Baby Grand Chevrolet, which the department utilized as a chemical truck. In 1934 the department was granted permission to move from a garage behind Mockler's Tavern into the Municipal Building (which is now the Country Store). The first pumper owned by the department was a Ford purchased by the Township Committee in 1935.

A new firehouse was constructed in 1968 to house all of the department's equipment and a large room for department meetings and fundraising activities. Additions were completed in 1972 and 1987. The latter included two new equipment bays, allowing one piece of apparatus per bay. Prior to this addition, great agility was required to park three large fire trucks, a brush truck and an equipment van in three bays!

Currently, the Fire Department, led by Fire Chief Ken Nelson, has about 40 members. Last year they responded to over 500 alarms.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Budd Lake Fire Department on the celebration of 75 years of protection of one of New Jersey's finest municipalities.

HONORING SANTA CLARA COUNTY SUPERIOR COURT JUDGE LEONARD EDWARDS ON HIS RETIREMENT FROM THE BENCH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to honor and commend Santa Clara County Superior Court Judge Leonard Edwards who is retiring in May after nearly 26 years on the bench.

Former Governor Jerry Brown first appointed Edwards to the bench after he had established himself in San Jose, California as a lawyer specializing in juvenile law and criminal defense.

Through the years, Edwards regularly ranked among the highest in local bar association surveys of the judges; and as his speeches and writings spread across the country, his reputation extended well beyond his chambers in San Jose.

In 2004, Judge Edwards received the prestigious William Rehnquist award from the National Center for State Courts, which heralded him as one of the "most effective and progressive trial judges in America." This honor is especially hard won in a court system whose primary purpose lies with complex and emotionally-charged issues of homes in crisis, juvenile offenders and victims of abuse and violence.

While most judges choose to move as quickly as possible through the assignment of handling juvenile matters, Judge Edwards advocated innovative changes to the system. He fashioned new programs to unify families, deal with domestic violence, improve foster care and reform the approach to both dependents and delinquents in juvenile matters. Edwards is a judge who strongly promoted transparency in an otherwise secretive juvenile court system.

In 1999, Judge Edwards established one of the country's first dependency drug treatment courts. He also founded the Juvenile Court Judges Association of California and was cofounder of the Santa Clara County Domestic Violence Council.

Judge Edwards' innovations in juvenile justice made him an expert sought out by courts across the country. Although he is retiring from the bench, he will continue to focus on important social justice issues. Judge Edwards hopes to serve as a regular juvenile justice consultant for the California Administrative Office of the Courts and will continue to travel the country to provide expertise to juvenile courts elsewhere.

Judge Edwards is also the son of my predecessor in office, the longtime San Jose Democratic congressman Don Edwards. Former Congressman Don Edwards served San Jose honorably in Congress for three decades and was a true mentor to me when I worked for him prior to my election to the seat he occupied after his retirement. San Jose has been blessed by these two men who clearly served its citizenry well.

PAYING TRIBUTE TO CORPORAL RUSSELL W. BALBIRONA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Corporal Russell W. Balbirona in recognition of his heroic act performed at the Bureau of Reclamation's Hoover Dam resulting in the saving of a life and to commend him for receiving the U.S. Department of the Interior Valor Award.

Corporal Balbirona displayed outstanding dedication and commitment to the Hoover Dam Police Department when he assisted a fellow officer in preventing a suicide:

On October 14, 2005, Corporal Balbirona responded to a radio call from Sergeant Jeffrey Stone reporting an individual standing on the wall overlooking the Dam. When Corporal Balbirona arrived at the top of the Dam he observed Sergeant Stone demanding that the man get down. The man told Sergeant Stone he was going to jump. Corporal Balbirona approached the man from behind and motioned to Sergeant Stone to distract the man by talking to him. Even with Sergeant Stone's word of encouragement, the man refused to get down.

As the man was reaching for a cigarette that Sergeant Stone offered, Corporal Balbirona took this opportunity to rush towards him, grabbing him around the waist and pulling him to safety. After both fell to the sidewalk, the man continued to resist but with Sergeant Stone's assistance he was subdued and taken into custody. Prior to being transported to the hospital, the man thanked the officers for saving his life and apologized for creating a disturbance.

Mr. Speaker, I am proud to honor Corporal Russell W. Balbirona for his exceptional display of courage, quick thinking, and the heroic actions carried out in this life-saving incident. I further congratulate Corporal Balbirona for receiving the U.S. Department of the Interior Valor Award. I thank him for his distinguished service and wish him the best in all of his future endeavors.

INTRODUCTION OF UNRWA INTEGRITY ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. KIRK. Mr. Speaker, I am introducing the UNRWA Integrity Act of 2006 with Congressman Tom Lantos (D-CA). This bill ensures that American taxpayers are not funding terrorism through contributions to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA).

UNRWA was created in 1949 as a temporary agency to provide relief services to Palestinian refugees. It is the only United Nations agency dedicated to one specific group of refugees. The United States is the UNRWA's largest donor, contributing more than $2 billion since 1950. In 2005 alone, the United States donated $108 million, constituting nearly a fourth of UNRWA's annual budget.

Yet, there is a startling lack of accountability over UNRWA's financial activities. An analysis of UNRWA's most recent internal audit performed by the United Nations Board of Auditors finds vague summary totals. Account after account in this audit describe line items as "Cash Assistance" or "Unearmarked Contribution." At least $43 million of UNRWA's budget is undefined. As American taxpayers, we are entitled to better accounting standards.

With Hamas' rise to leadership of the Palestinian Authority, we must ensure that contributions to UNRWA do not end up in the hands of terrorists. This is no idle concern. UNRWA was suspected in terrorist activity involving terrorists using UNRWA ambulances to transport weapons. Furthermore, UNRWA employees use their posts to run for office on Hamas' ticket. When questioned on Hamas candidates working for UNRWA, the Commissioner General refused to comment.

The UNRWA Integrity Act ensures money designated for humanitarian assistance does not fall into the hands of terrorists. The bill requires the President must certify to Congress that UNRWA is subject to comprehensive financial audits by an internationally recognized, independent auditing firm; does not knowingly provide employment, refuge, assistance or support of any kind to members of foreign terrorist organizations; and is not an impediment to finding a lasting solution for Palestinian refugees in the West Bank and Gaza. The bill also calls upon the State Department to assess the prospect of phasing out services provided by UNRWA, and examine anti-Semitic bias in UNRWA's educational material.

Tying future U.S. assistance to UNRWA to an independent, internationally recognized expenditure audit will ensure U.S. taxpayer money does not support terrorist organizations like Hamas. I want to thank my good friend Congressman TOM LANTOS for being the lead co-sponsor of this legislation. I look forward to working with him and my other colleagues on this bill to bring accountability to UNRWA. By doing so, we can take positive steps towards solving the refugee problem without allowing U.S. dollars to fall into the hands of terrorists.

CONGRATULATING OUTSTANDING HIGH SCHOOL ARTIST FROM THE 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers to raise young men and women. I rise today to congratulate and honor 45 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2006 Annual Congressional Arts competition, "An Artistic Discovery." Their works, of art are exceptional!

We have 45 students participating. That is a tremendous response, and I would very much like to build on that participation for future competitions.

Mr. Speaker, I would like to congratulate the three winners of our art competition. First place was awarded to Sara Gilbert from West Morris Mendham High School for her work entitled "Vacancy." Second place was awarded to Lucy Tan from Livingston High School for her work entitled "1930's Icon." Third place was awarded to Snena Ganguly from Bridgewater Raritan High School for her work entitled "Woods."

Mr. Speaker, I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official Record. Home schooled: Phyllis Schlafly's "Circle of Light."

Madison High School: Joey Mottola's "A look into deep Blu," Chloe Unger's "Reflection," Philip Hinge's "Self Portrait," and Pam Dughi's "Self."

Mount Olive High School: Sophia Sobers's "Loss of Innocence," Andrew Schweighardt's "Omas Pickled Peppers," Jessica Masterson's "FLIP," and Meghan Marvin's "There Goes the Neighborhood."

Ridge High School: Wyatt Regan's "Burning Bush," Alan Yang's "Flight of the Mind," Jenna Buesser's "Detained Debris," and Hannah Barkley's untitled work.

Dover High School: Erick Szentmiklosy's untitled work.

Morris Hills High School: Brandon Rodleewitz's "Partners in Peace," and Krupa Patel's "Visions."

Morris Knolls High School: Lindsay Mehringer's "coucher de soleil," Tanya Groszew's "Odds and Ends," Cheryl Brown's "The telephone Call," and Tiffany Chao's "Lake Tahoe."

Boonton High School: Jennifer Hitchings" "Profile," Wyatt Sikora's "Mind Mesh," Sarah La Placa's "unexpected," and Karinya Santiago's "Mom."

Bridgewater Raritan High School: Allison Boucher's "Zoom In," Snena Ganguly's "Woods," and Amanda Ayod's "What's in My Purse."

Roxbury High School: Mark McDevitt's "Still Life # 3," Dana Windt's "Morris Study # 5," Deborah Brooks" "Proverb # 5," and Amanda Baratta's untitled work.

Livingston High School: Lucy Tan's "1930's icon," Stacey Berson's "B Minor," Genna Cherichello's "Mannequin in Orange and Blue," and Tanya Goldberg's "Complementary Expressions."

Montville High School: Yi Ming He's "Central Perc," April Ennis's "Springtime Enchantment," Joyce Chung's "Checkmate," and Kaitlin Michaud's "Little Sister."

Millburn High School: Albert Choi's "Self Portrait," Ann Trocchia's "Self Portrait Ann," and Erica Sutton's "Self—Portrait."

West Morris Mendham: Sara Gilbert's "Vacancy," David Brunell-Brutman's "Juggernaut," and Heather Schultz's "Relative Motion."

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Every time a vote is called, I walk through that corridor and am reminded of the vast talents of our young men and women.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Mr. Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

TO COMMEND THE HONORABLE JAMES R. GRUBE FOR HIS WORK AT THE UNITED STATES BANKRUPTCY COURT IN THE NORTHERN DISTRICT OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to honor and commend the Honorable James R. Grube upon his retirement from an almost 18-year career on the bench serving the United States Bankruptcy Court in the Northern District of California.

Judge Grube was appointed to the bench on August 12, 1988 after practice as an attorney specializing in bankruptcy and general insolvency matters. Prior to his practice of law, Judge Grube served in the United States Army as a Captain with the 11th Light Infantry Brigade in Vietnam. In 1987, shortly before his appointment to the bench, Jim was elected to the 500 Best Lawyers in America in recognition of the quality of his legal work in the field of bankruptcy.

During Judge Grube's tenure he has led the court in a number of areas to improve cost and delay reduction in the courts. In the mid 1990's, Judge Grube led the implementation of a telephonic hearing system that reduced the cost of litigation in the San Jose, California Court by approximately $300,000 per month. This system allows attorneys to make court appearances from their offices by telephone on all routine matters as well as other matters of their choosing. The system has become widely used by the bar and saved thousands of dollars in billable hours for clients.

Judge Grube is the author of numerous procedural and substantive guidelines adopted throughout the District and nationwide that provides guidance to counsel and reduce unnecessary legal expense. He is also recognized as an outstanding and frequent lecturer. In 2000 he spoke nationwide about the technology bankruptcies that are typical in Silicon Valley and because of the unique caseload of bankruptcy courts in Silicon Valley, he has authored many ground-breaking opinions in the intellectual property field.

As a strong advocate of education, Jim served on the Ninth Circuit Bankruptcy Education Committee. He has imparted his experience and wisdom by being a mentor to his law clerks and has stood as an example to other lawyers in methods to approach legal problems.

Judge Grube participated in establishing the Don Edwards Inn of Court and has promoted civility and professionalism in the community through his leadership. Judge Grube has also participated in both the San Jose Rotary Club and the Hollister Rotary Club.

I know I join many others in Santa Clara County in thanking Judge Grube for his contributions and wish him well upon his retirement from the bench.

BUSINESS LEADERS TO BE RECOGNIZED BY NORTH CENTRAL OHIO ENTREPRENEURIAL HALL OF FAME

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. OXLEY. Mr. Speaker, it is my privilege to recognize the outstanding accomplishments of three distinguished Ohioans being honored by the North Central Ohio Entrepreneurial Hall of Fame on May 5.

Shirley Monica began her career with the McDonald's organization in 1978, when she and her husband invested in three stores in the Mansfield area. In 1980, despite a dismal economy, Shirley listened to her instincts and opened a store on her own—silencing her detractors a year later when the store was named the highest-volume store in the United States. Today, Shirley and her family own nine McDonald's franchises in north central Ohio. Her stores have repeatedly been recognized for their service speed, quality, and overall operational excellence.

Shirley has made her career about more than simply developing restaurants. Her coworkers and employees speak of Shirley fondly as a leader, mentor, and friend. Her drive for perfection and faith in people make Shirley truly worthy of induction into the Hall of Fame.

Also being inducted is Bill Burgett, a longtime friend who founded the Kokosing Construction Company in 1950. Based in Fredericktown, Kokosing is a regional leader in the construction of industrial plants, road bridges, and underground utility systems. Last year, the company ranked 67th in a listing of the top 400 national contractors. Employing more than 2,500 Ohio workers, Kokosing operates five divisions and five subsidiary companies.

Bill has conducted his entire career with dedication to integrity and excellence. All five of his children have voluntarily joined the company, which says even more about Bill's character than the numerous community awards he has garnered over the years. His hard work and entrepreneurial spirit make him an obvious choice for induction.

This year, the Hall of Fame is also paying tribute to a 2005 inductee: Michael M. Vucelic of Ideal Electric in Mansfield. Ideal employs nearly 500 people at its Mansfield and Minneapolis facilities.

Mike acquired a passion for engineering while flying gliders during his youth in Yugoslavia. This fascination with mechanics led him to Germany—where he served as a design engineer for Mercedes-Benz and the Ford Motor Company—and then to the United States, where he worked for Cessna.

By the age of 30, Mike was in charge of overseeing 300 NASA engineers on the Apollo program; Mike himself was at the control panel for both the Apollo 8 and Apollo 13 missions. Mike left NASA in 1975 for a 20-year career at Rockwell International, where he rose from engineering manager to corporate vice president.

In 1986, Mike purchased the nearly bankrupt Ideal Electric Company, quickly transforming it into the industry leader for diesel engines and medium-power generators. His ingenuity and selfless labor make him worthy of this recognition.

I know my colleagues join me in honoring these three exceptional business leaders as they are recognized by the North Central Ohio Entrepreneurial Hall of Fame.

WE THE PEOPLE: THE CITIZENS AND THE CONSTITUTION PROGRAM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. HOLT. Mr. Speaker, I rise today to honor the students of East Brunswick High School for winning the national finals of the 2006 We the People: The Citizen and the Constitution program. Their unwavering commitment to mastering of our nation's most sacred document is truly laudable.

The students from East Brunswick traveled a long road before claiming national victory. They developed their knowledge of a wide range of topics, from the philosophical origins of the Constitution to its modern-day interpretations. They spent long hours studying primary and secondary sources. On April 29 through May 1, they appeared on Capitol Hill before simulated Congressional committees made up of constitutional scholars, lawyers, journalists, and government leaders, who tested their knowledge of both historical and contemporary constitutional issues.

As the foundation upon which our great democracy rests, the Constitution is a document that all Americans should understand, appreciate, and defend. I applaud the students from East Brunswick High School for acting on these values. They are indeed our future leaders, and have proven that they are able to defend and nurture our democracy and our Constitution. While I certainly admire their wealth of knowledge, I admire even more their passionate dedication to our American ideals.

The participating students competed against more than 1,500 students from 49 other high schools. Since its founding by the Center for Civic Education in 1987, over 28 million students have participated in this program, whose goal is to educate high school students on the importance of continued civic involvement. East Brunswick High School won last year's competition, and it is a great achievement to have defended their title.

I would like to congratulate each of the students of East Brunswick High School: Brian Boyarksy, David Chu, Nelson Chu, Dana Covit, Megan DeMarco, Ben DeMarzo, Craig Distal, Deborah Elson, Dana Feuchtbaum, Munira Gunja, Melinda Guo, Shelby Highstein, Evan Hoffman, Jayasree Iyer, Ryan Korn, Michael Martelo, Carol Ann Moccio, Jeffrey Myers, Ari Ne'eman, Daniel Nowicki, Aditya Panda, Sherwin Salar, Gil Shefer, Aaron Sin, Lauren Slater, Eric Smith, Merichelle Villapando, Amy Wang, and Jason Yang. Congratulations also go to their teacher, Alan Brodman, for inspiring his students to excel in their study of the Constitution.

I am proud to have such fine Constitutional scholars in my district, and I am myself inspired by their dedication our nation's most sacred ideals. I wish them the best of luck in their future endeavors.

HONORING THE BOROUGH OF MENDHAM COMMUNITY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Borough of Mendham in Morris County, New Jersey, a vibrant community I am proud to represent. On May 15, 2006 the good citizens of Mendham Borough are celebrating the Borough's Centennial Anniversary.

Mendham Borough, a country village some 6 miles square, was once a stop for stagecoaches traveling on the old Washington Turnpike. The area is hilly, well wooded and its springs and small brooks are feeders for the Passaic and Raritan rivers.

The Borough of Mendham was created out of an urgent need to install a public water distribution system to fight fires and protect the lives and the property of its citizens. This it has done for 100 years, since its establishment as an incorporated municipality on May 15, 1906. Before incorporation, it was part of Mendham Township. The borough's village center (largely unchanged from the 1800s) serves as the hub of commercial activity for the Mendhams.

Mendham Borough is the site of five Historic American Buildings and a registered National Historic District. The leading landmark building and the borough's icon is the classic Federalist style Phoenix House, a former genteel and fashionable roadhouse. Most famous amongst its regular guests was GEN Abner Doubleday, best known as the inventor of baseball. This majestic building, recently restored, serves as the Borough Hall.

Today, Mendham Borough is comprised of modest homes, small estates, and individual retail stores with some remaining open space. Its population exceeds 5,000.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the residents of Mendham Borough on the celebration of 100 years of rich history of one of New Jersey's finest municipalities.

HONORING 5TH AND 6TH GRADE STUDENTS AT LAKE HARGROVE ELEMENTARY SCHOOL

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize an amazing group of students. The fifth and sixth graders of Lake Grove Elementary School in Lake Oswego, Oregon, have taught us all a lesson about helping those in need.

When these students learned about that many people around the world, and right in our own backyards, go hungry every day, they decided that they wanted to do something about it. They spearheaded an event called the Empty Bowl Project to raise awareness about hunger in their community and to benefit the Oregon Food Bank.

The idea behind the Empty Bowl Project is simple. Participants create ceramic bowls, and then serve a meal of soup and bread. Guests choose a bowl to use that day and to keep as a reminder that there are always Empty Bowls in the world. In exchange for a meal and the bowl, the guest gives a donation to a local hunger organization.

The Empty Bowl Project at Lake Grove consists of three parts. The fifth and sixth graders led their schoolmates in a food drive that has collected over 1,500 food items. Each class from pre-Kindergarten through sixth grade designed their own empty bowl to be raffled at the Soup Supper. And the culminating event will be held tonight with the fifth and sixth graders serving a meal of bread, soup, and water so that people gain a better understanding of what a real soup kitchen is like.

I want to take this opportunity to honor these students for the efforts that they have made on behalf of the hungry of Oregon. With students like these, the future in Oregon is bright indeed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 4, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 5

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2007.
SR–222

MAY 8

3 p.m.
Energy and Natural Resources
To hold hearings to examine issues associated with the implementation of the provisions of the Energy Policy Act of 2005 addressing licensing of hydroelectric facilities.
SD–366

3:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.
SD–342

MAY 9

9:30 a.m.
Environment and Public Works
To hold hearings to examine inherently safer technology in the context of chemical site security.
SD–628

Judiciary
To hold hearings to examine understanding the financial and human impact of criminal activity.
SD–226

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine proposed reform of Longshore Harbor Workers' Compensation Act.
SD–430

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine CAFE standards.
SD–562

2 p.m.
Judiciary
To hold hearings to examine an introduction to the expiring provisions of the Voting Rights Act and legal issues relating to reauthorization.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine Department of Transportation's notice of proposed rulemaking.
SD–562

4 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

MAY 10

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine economic development.
SR–485

Judiciary
To hold hearings to examine modern enforcement of the Voting Rights Act.
SD–226

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the sugar provisions of the Farm Security and Rural Investment Act of 2002.
SR–328A

Finance
To hold hearings to examine progress achieved and challenges ahead for America's child welfare system.
SD–215

Foreign Relations
To hold hearings to examine the nominations of Earl Anthony Wayne, of Maryland, to be Ambassador to Argentina, David M. Robinson, of Connecticut, to be Ambassador to the Co-operative Republic of Guyana, and Lisa Bobbie Schreiber Hughes, of Pennsylvania, to be Ambassador to the Republic of Suriname.
SD–419

Joint Economic Committee
To hold hearings to examine the next generation of health information tools for consumers.
SD–106

11:30 a.m.
Energy and Natural Resources
Business meeting to consider the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.
SD–366

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 906, to promote wildland firefighter safety, S. 2003, to make permanent the authorization for watershed restoration and enhancement agreements, H.R. 585, to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and H.R. 3981, to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California.
SD–366

MAY 11

10 a.m.
Veterans' Affairs
To hold hearings to examine pending health care related legislation.
SR–418

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine Department of Agriculture's national response plan to detect and control the potential spread of Avian Influenza into the United States.
SR–328A

MAY 16

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Transportation Worker Identification Credential.
SD–562

Health, Education, Labor, and Pensions
Retirement Security and Aging Subcommittee
To hold hearings to examine naturally occurring retirement communities.
SD–430

MAY 17

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian youth suicide.
SR–485

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
Room to be announced

MAY 18

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

MAY 23

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine price gouging related to gas prices.
SD–562

MAY 24

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of construction on the Capitol Visitor Center.
SD–138

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine 2006 hurricane forecast and at-risk cities.
SD–562

MAY 25

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian education.
SR–485

10 a.m.

Commerce, Science, and Transportation

To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.

Room to be announced

Veterans' Affairs

To hold hearings to examine pending benefits related legislation.

SR-418

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine Pacific Salmon Treaty.

SD-562

JUNE 8

10 a.m.

Commerce, Science, and Transportation

Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.

Room to be announced

JUNE 14

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

JUNE 15

10:30 a.m.

Commerce, Science, and Transportation

Fisheries and Coast Guard Subcommittee

To hold hearings to examine the Coast Guard budget.

SD-562

HOUSE OF REPRESENTATIVES—*Thursday, May 4, 2006*

The House met at 10 a.m.

Canon Andrew White, Anglican Vicar of Iraq, offered the following prayer:

Lord God, on this national day of prayer, give to this House wisdom and mercy. As its Members lead this great Nation, give them eyes to see Your majesty and ears to hear Your guidance and knowledge to know Your ways.

May they be aware of Your presence with them as they provide leadership to the world. And may they know Your love for them and Your care for all they do.

May Your glory fill this House and Your presence direct all its Members. May Your will be done on earth as it is in heaven. And may God bless and protect America. In the name of the God of Abraham, Isaac and Jacob. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair at this time will entertain up to five 1-minutes on each side.

HELP SMALL BUSINESS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, the more we help small businesses, the more jobs they create for local residents across the country. That is why we passed the Jobs and Growth Tax Relief Act in 2003.

The economy has been growing ever since. More than 5 million new jobs have been created. But we need to do more. Small business owners in my district in New York's Hudson Valley tell me they feel overwhelmed by excessive taxes. We need to give them more tax relief and more incentives to continue hiring new workers.

We should extend and make permanent the small business tax relief provisions that have been critical to economic growth. We need to increase small business expensing limits so small businesses can continue growing their businesses and creating new jobs. And we should pass the Small Business Tax Relief Act. We should phase out the Alternative Minimum Tax that is especially harmful to small business owners.

Mr. Speaker, some have suggested letting tax cuts expire, which would amount to a major tax increase on America's small businesses. Raising taxes on small businesses would reverse this trend of economic growth and job creation. We must continue our economic policies that are working and continue developing new ways to help our small businesses.

FALCONBRIDGE/INCO

(Mr. MICHAUD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAUD. Madam Speaker, last fall, Canadian nickel producers Inco and Falconbridge merged. Canadian regulators have approved the deal, and decisions from both the United States and EU regulators are pending.

However, a minority shareholder of Falconbridge, Xstrata, is trying to scuttle the deal to maintain its control in the market. The controlling shareholder behind Xstrata is the secretive Swiss commodities trader Glencore.

Last year, a CIA report raised allegations that Glencore paid millions in illegal kickbacks to Saddam Hussein's regime. Glencore was founded by Marc Rich, a man who faced jail for tax fraud, racketeering and arms trading. His influence and personnel are still involved in Glencore.

Whatever one's view on the Inco-Falconbridge merger, when it comes to this commodity that is important for our military and to our commercial interests, the actions of Glencore clearly raises concerns that regulators and this House should monitor.

DEMOCRATS IN DENIAL

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, when it comes to our economy, denial is alive and well on the other side of the aisle. The Commerce Department reported Friday that the economy grew at 4.8 percent in the first quarter of 2006. This is the fastest pace in more than 2 years, and the economy has now grown for 18 straight quarters. The Conference Board's Index of Consumer Confidence also increased to the highest level since May, 2002.

These reports indicate that the great news of our thriving economy has reached the American people. Despite the efforts of House Democrats to paint a gloomy picture, Americans are spending their money and thoroughly enjoying the success of our economic boom.

Not only is our economy growing at a record pace, but in the past year the number of first-time jobless claims has fallen 6.5 percent, while the number of continuing claims is down 8 percent. Jobs were created in 48 States between March, 2005, and March, 2006, while jobless rates were down in 43 States.

Madam Speaker, the good economic news is flowing in like a river, and it will continue as long as we pursue Republican pro-growth tax policies. And as hard as Democrats try, they just can't deny that.

COVER THE UNINSURED WEEK

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, I rise today to call on Congress to address our Nation's health care crisis without further delay. Nearly 46 million Americans live without health insurance every day. In my State, more than 1.4 million people, that is one in five North Carolinians under the age of 65, do not have health insurance.

This is not just a policy debate; it is a challenge to our Nation. If we cannot develop a means to deliver affordable health care to everyone, we are failing in providing the most basic of protection to our citizens.

I think the key to a strong community is to have healthy individuals and families. We need everyone, labor, business, health care professionals, seniors and others, working together to develop solutions to make it work.

This Congress must pass legislation that provides adequate reimbursement rates for medical providers, that helps small businesses and the self-employed to have affordable health care insurance, and that provides our community

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

health centers with the funding that they need. We must defeat proposed budget cuts in Medicare and Medicaid that will hurt American families.

We must all keep fighting until affordable quality health care is no longer a privilege for some but the right of all.

ECONOMIC GOOD NEWS CONTINUES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, another month has passed and good economic news continues to roll in. Last month, the U.S. economy added 211,000 jobs. That marks 31 consecutive months of job growth. Thirty-one straight months. The unemployment rate is now 4.7 percent. Thirty-one months of small and large businesses expanding, hiring, and investing.

And Americans know that things look bright. So what do they do? They take that confidence and they invest. On Tuesday, the Dow Jones Industrial Average closed at a 6-year high.

America's economy is thriving, Madam Speaker, across the board. Homeownership is up, the number of minority owned businesses is up, and the job market for today's college graduates is the best it has been in over 5 years. These numbers don't lie, and they are very clear to see. The American economy is alive and well.

Madam Speaker, this is good news. Americans know this, and I encourage my colleagues to recognize this as well.

□ 1015

KEEP ILLEGAL DRUGS ILLEGAL

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Madam Speaker, for the third day in a row I planned to come to the floor of Congress and strongly criticize the Mexican Government for voting for a new law to legalize drugs. For the past 2 days, I pointed out that as a result of this pathetic new law, millions of American young people who travel to Mexico for summer vacation would now legally be able to use cocaine, heroin, ecstasy, and marijuana.

When President Fox announced Tuesday he was going to sign this new drug legalization law, I came to the House floor and asked: Who is advising this guy, Courtney Love?

Well, a miracle happened last night. President Fox reversed course and announced that he would not sign the law, effectively vetoing and killing the legislation. He said he was sensitive to the opinions of those who oppose legalizing drugs and he would make it absolutely clear that the possession and use of drugs in Mexico will remain a criminal offense. Bravo, President Fox. I applaud your commonsense decision and your willingness to listen to our concerns. It is a positive step forward for U.S.-Mexico relations.

BUSH ECONOMIC POLICIES

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Madam Speaker, last week's economic news underscored major flaws with the Bush economic policies. The economy is growing and productivity is high, but the benefits of growth are showing up in the bottom lines of companies, not in the paychecks of American workers.

Last Friday, while the Commerce Department reported a rebound in GDP from a weak fourth quarter, the Labor Department reported that a key measure of the compensation paid to workers failed to keep up with increases in the cost of living. The typical family is seeing its economy squeezed by rising costs of gasoline, health care, and college educations.

The President and his colleagues on the other side of the aisle are more interested in fiscal policies that worsen the budget deficit than in addressing the real economic challenges that are facing America's working families.

LONE STAR VOICE ON IMMIGRATION

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, a high school senior in Texas writes about the illegal entry into the United States. She says, "I am a senior in the Klein School District. I am also the daughter of an immigrant family. I have the highest regard for the government and the rules placed before those who want to share this American dream. I see my family struggling each day to be sure to be by the books by following the limits and regulations set by the government. Unfortunately, there are others who are not.

"I can relate to those who want to be here, but when you allow these illegals to continue to cross the borders, there is a stereotype that is placed on the rest of us who diligently strive to follow the law. I know it is possible to come to the United States legally, and I know that it is difficult, but we need to tighten the borders.

"We all know there are many good and decent people who have a desire to work in the United States, but what about those who are mingling with the good people, bringing with them drugs and coming with a desire to do harm? There are many murders, rapes and vandalisms that will never be solved because many of those responsible return to their homeland. Protect me, my family and the good people of Texas by strengthening the Border Patrol. Also, be more stringent on the INS to be vigilant in maintaining order in the influx of outsiders that are coming to this country."

Madam Speaker, this high school senior has it right. Secure the borders or America will suffer. And that's just the way it is.

REPUBLICANS OFFER NO REAL ENERGY SOLUTION

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Madam Speaker, Washington Republicans realize they have a credibility problem with the American people when it comes to their cozy relationships with the oil industry.

For 5 years now, President Bush has stacked his administration with energy executives. Shortly after he took office, Newsweek commented that "not since the rise of the railroads more than a century ago has a single industry placed so many foot soldiers at the top of the new administration."

Two-thirds of the Department of Energy and its transition team worked for the energy industry, including Enron's Ken Lay, who is now on trial for manipulating energy markets. It is no wonder that the Nation's three largest petroleum companies, ExxonMobil, Chevron and Conoco Phillips, posted combined quarter profits of almost $16 billion last week.

Rather than really address price gouging or the outrageous tax breaks that these companies continue to receive. House Republicans offer more of the same failed policies that have not worked for 5 years.

Madam Speaker, it is time Republicans realize that these companies are gouging the consumer. It is time that we pass the tough Democratic price gouging bill consumers deserve, no less. Price gouging is wrong. It's wrong, it's wrong, it's wrong.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4954.

The SPEAKER pro tempore (Mr. POE). Is there objection to the request of the gentleman from New York?

There was no objection.

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 789 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4954.

□ 1020

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, with Mrs. CAPITO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes, and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Madam Chairman, I yield myself such time as I may consume.

At the outset before we begin this debate, which will be a very positive debate, let me express my thanks to the ranking member, Mr. THOMPSON, for the tremendous cooperation he has given throughout deliberations on this bill, and also to the ranking member, Ms. LORETTA SANCHEZ, and to Ms. HARMAN for working so closely with all the Members, especially Chairman DAN LUNGREN who is the prime sponsor of this legislation.

I also want to mention other Members such as Chairman REICHERT and the ranking member, Mr. PASCRELL, for the important amendments that they introduced during the committee markup which have made this a very significant bill.

Madam Chairman, on September 11 all of us pledged that we would do all we could to prevent another terrorist attack from occurring in this country. One of the areas where we are most vulnerable is our ports. There are 11 million containers that come into our ports every year from foreign countries. Much progress has been made since September 11 in protecting our ports and improving the inspection process, the screening process, the scanning process; but the reality is that more has to be done.

I strongly believe that the SAFE Ports Act is a major step in the direction of giving us that level of protection that we need. For instance, it provides $400 million a year in risk-based funding for a dedicated port security grant program.

It mandates the deployment of radiation portal monitors which will cover 98 percent of the containers entering our country and then going out into the country.

It mandates implementation of the TWIC identity cards, and it sets up port training between the employees at the ports and first responders. It also requires more cargo data to be given to improve our automated targeting system.

And as far as the Container Security Initiative, CSI, it mandates that the Secretary of Homeland Security will not allow any container to be loaded onto a ship overseas unless that container is inspected at our request. In the past, we have had a number of countries that refused to make these inspections. There have been 1,000 containers that have entered this country unexamined, uninspected because the overseas ports would not carry out the inspection. In the future, that will not be allowed to happen.

Also, we require DHS to continually evaluate emerging radioactive detection and imaging technology. We also increase the number of inspectors by 1,200. All of these are part of the layered response and the layered system of defense that we need to significantly and dramatically upgrade the level of protection in our ports.

This is a bill which I believe warrants the support of the entire House. It passed out of the subcommittee unanimously, and it passed out of the full committee by a vote of 29–0, and I will be urging its adoption today.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first, I would like to thank Chairman KING and Chairman LUNGREN for working with me and other members on the committee to produce the bill before us today.

I especially want to commend my colleagues, Ms. LORETTA SANCHEZ and Ms. HARMAN, for their hard work on this bill and on port security in general. Many provisions in this bill came from legislation they have introduced over the last 2 years, and for that I thank them. They have been leaders on this issue, and we need to give them credit before we discuss the full ramifications of this bill.

Madam Chairman, this bill represents an important step toward improving our port security, but it is only a step. We need to do more to get it right. I could talk about the good things in the bill; but with this limited time, I would like to focus on what is not in the bill. These are the things that are going to keep us up at night after today's votes are over.

Yesterday during Rules, it was said by folks on the other side that we need to look at where threats exist and do something that makes us a little safer. "A little safer" is simply not good enough after 9/11, and the threats left undone by this bill are significant.

I worry that unsecured nuclear materials, and there is a lot of that wandering around the Russian countryside, will be shipped here hidden in a cargo container that sails into Miami, New York, Houston, New Orleans, Los Angeles or Oakland. From there, the cargo container will be put on a train or truck headed to places like Chicago, St. Louis, Austin, Milwaukee, or Detroit. As the train or truck passes by our schools, homes, or who knows what else, what is going to stop a terrorist from detonating it. If this happens, what will my colleagues across the aisle recommend Congress tell Americans, we didn't know it would happen?

After 9/11 when terrorists surprised us by using our own airplanes against us, we cannot say we did not expect the unexpected. We must do better. It is our job to prevent disaster from happening, not react after the fact. We had the opportunity to do that today.

We could have voted on my amendment increasing the number of Customs and Border Patrol officers at our ports, but the amendment was not allowed on the floor. All the talk on border and port security means little if we do not have the boots on the ground to check what is coming into our Nation before it arrives here or before it leaves a foreign port.

And we could have ensured that more than the 5 percent of our cargo entering the country is scanned by voting on the Markey-Nadler amendment on cargo screening.

Madam Chairman, 5 percent does not make America a little safer; but the 95 percent of cargo left unchecked leaves us a lot less safe. This is not rocket science, Madam Chairman. Technology exists to scan cargo. It is being used in Hong Kong as we speak. It can be bought over the counter, and the amendment offered by my colleagues would have given DHS up to 5 years to get it right.

This bill is a good first step, but we need to start making giant steps to keep up with the terrorists.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I include for the RECORD letters of jurisdiction.

HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Judiciary Committee's jurisdictional interest in H.R. 4954, the SAFE Port Act. The bill was introduced on March 14, 2006, and referred to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and reported it on April 28, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Judiciary Committee does not waive any jurisdiction it may have over H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 3, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, House of Representatives, HOB, Washington, DC.

DEAR CHAIRMAN KING: In recognition of the desire to expedite consideration of H.R. 4954, the "SAFE Port Act," the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 4954 that implicate the Rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by forgoing consideration of H.R. 4954, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4954 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 3, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Ways and Means Committee's jurisdictional interest in H.R. 4954, the SAFE Port Act. The bill was introduced on March 14, 2006, and referred to the Committee on Homeland Security. The Committee on Homeland Security marked up the bill and reported it on April 28, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Ways and Means Committee does not waive any of its jurisdictional prerogatives it may have over H.R. 4954. I also acknowledge my commitment regarding conference proceedings as reflected in your letter. I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

I will include a copy of your letter and this response as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 3, 2006.

Hon. PETER T. KING,
Chairman, Committee on Homeland Security, Adams Building, Washington, DC.

DEAR CHAIRMAN KING: I am writing concerning H.R. 4954, the "SAFE Port Act," which the Committee on Homeland Security reported on April 28, 2006.

As you know, the Committee on Ways and Means has jurisdiction over trade and customs revenue functions. A range of provisions in H.R. 4954 affects the Committee's jurisdiction, including provisions that specifically mandate the use of customs duties for port security grants; authorize the Secretary of Homeland Security to ban certain imports of containerized cargo; establish protocols for resuming international trade; require changes to government international trade data systems; authorize the Department of Homeland Security (DHS) to lessen requirements for continuous entry bonds to secure customs duties and the scoring of imports for inspection for customs duties; establish new confidentiality and advance filing requirements for trade import data; and impose new U.S. requirements and call on the Secretary of Homeland Security to establish international standards regarding imports shipped in containers. All of these provisions significantly impact the trade and customs revenue missions of DHS.

I am pleased to acknowledge the agreement between our Committees to address various issues, including changes you have included in the Manager's Amendment to the bill. I would like to specifically highlight and confirm your commitment that in the conference on this legislation: (1) Any language related to the use of customs duties to fund programs will be stricken from the bill; (2) language in section 202 of the bill or any similar language authorizing DHS to refuse to accept cargo will be modified to clarify that DHS's existing "do not load" authority would be used to enforce the provision; and (3) the Committee on Ways and Means will be represented in all conference activities and discussions on the provisions noted in this letter and all others related to trade and customs revenue functions.

Thus, in order to expedite this legislation for floor consideration, the Committee on Ways and Means agrees to forgo action on this bill based on the agreement reached by our Committees. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4954, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 3, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Government Reform's jurisdictional interest in H.R. 4954, the "SAFE Port Act," and your willingness to forego consideration of H.R. 4954 by the Government Reform Committee.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 4954 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 4954. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 3, 2006.

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On April 28, 2006, the House Committee on Homeland Security reported H.R. 4954, the "SAFE Port Act." As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 28, 2006.
Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Science Committee's jurisdictional interest in H.R. 4954, the "SAFE Port" Act. The Bill was introduced on March 14, 2006, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the Bill and ordered it reported on April 26, 2006.

I appreciate your willingness to waive further consideration of H.R. 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Science Committee does not waive any jurisdiction it may have over H.R. 4954. In addition, I agree that if any provisions of the Bill are determined to be within the jurisdiction of the Science Committee, I will support representation for your Committee during conference with the Senate with respect to those provisions.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security's Report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 28, 2006.
Hon. PETER T. KING
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 4954, the Security and Accountability for Every Port or SAFE Port Act. The Science Committee has particular jurisdictional interest in the sections listed below based on the Committee's black letter jurisdiction over the "National Institute of Standards and Technology (NIST) and the standardization of weights and measures." (Rule X(o)(7). In addition, the Department of Homeland Security Science and Technology Directorate ("DHS S&T") facilitates and funds the development of standards for container security. The Science Committee has jurisdiction over both the S&T Directorate and other DHS research and development based on the plain language of Rule X(o)(14) which grants the Science Committee jurisdiction over "Scientific research, development, and demonstration, and projects therefore."

1. Title I, Subtitle B, Section 112, Port Security Training Program—Section 112 adds a new section 802 to the Homeland Security Act of 2002. The Science Committee is interested in Section 112 but has particular interest in the language dealing with National Voluntary Consensus Standards which directs the Secretary to "support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training" and to ensure that training provided is consistent with such standards.

2. Certain Items Contained in Title I, Subtitle C, Section 201—Section 201 adds a new title to the Homeland Security Act of 2002. Within that title (Title XVIII), the Science Committee is interested in the following:

a. Section 1801, Strategic Plan To Enhance the Security of the International Supply Chain—Subsection 1801(d) on International Standards and Practices encourages the Secretary, as appropriate, "to establish standards and best practices for the security of containers moving through the International Supply Chain."

b. Section 1803, Plan To Improve the Automated Targeting System—Section 1803 requires the Secretary to develop and implement "a plan to improve the Automated Targeting System for the identification of high-risk containers moving through the International Supply Chain." This section contains a number of research and development pieces with the clearest example being the language on the "Smart System," which requires the incorporation of "smart features, such as more complex algorithms" instead of relying solely on rule sets. Such an effort to move away from a system solely based on rule sets would necessitate the need for research, development, testing and evaluation of these "smart features," including the more complex algorithms mentioned, This is clearly DHS research and development and would be carried out in coordination with DHS S&T.

c. Section 1804, Container Standards and Verification Procedures—Section 1804 requires the Secretary "to review the standards and procedures established" and "enhance the security standards and procedures, as appropriate, based on tests of technologies as they become commercially available." In addition, the Secretary "is encouraged to promote and establish international standards for the security of containers."

d. Section 1831, Research, Development, Test and Evaluation Efforts in Furtherance of Maritime and Cargo Security—Section 1831 directs the Secretary to conduct maritime and cargo security research, development, test, and evaluation activities and to consider demonstration projects. It also specifies that the Secretary, acting through the Under Secretary for Science and Technology, will coordinate these efforts within the Department.

e. Section 1832, Grants Under Operation Safe Commerce—Section 1832 directs the Secretary to provide grants "to test physical access control protocols and technologies" and "establish demonstration projects."

f. Section 1833, Definitions—Section 1833 provides definitions and other administrative language relating to the prior sections.

3. Title II. Subtitle C, Section 202, Next Generation Supply Chain Security Technologies—Section 202 directs the Secretary to "evaluate the development of nuclear and radiological detection systems and other inspection technologies" and to "determine if more capable commercially available technology exists" and meets technical requirements.

4. Title II, Subtitle C, Section 206, Study and Report on Advanced Imagery Pilot Programs—Section 206 directs the Secretary to "conduct a study of the merits of current container inspection pilot programs" and to conduct "an assessment of the impact of technology." The test and evaluation of technologies required to fulfill this section are an element of technology development and a responsibility of DHS S&T.

5. Title III, Directorate for Policy, Planning, and International Affairs—This title amends the Homeland Security Act of 2002 and establishes a new directorate at the Department, the position of Under Secretary for Policy and several Assistant Secretary positions. Several provisions in this title are of particular interest to the Science Committee, including language directing the Under Secretary for Policy "to analyze, evaluate, and review the completed, ongoing, and proposed programs of the Department." In addition, the Under Secretary for Policy is directed to promote "the exchange of information on research and development on homeland security technologies," "to plan and participate in international conferences [and] exchange programs (including the exchange of scientists, engineers and other experts)," and "to represent the Department in international negotiations, working groups, and standards-setting bodies."

6. Title IV, Office of Domestic Nuclear Detection—This title amends the Homeland Security Act of 2002 and authorizes the Office of Domestic Nuclear Detection ("DNDO") at the Department. This amendment transfers from the Under Secretary of Science and Technology to the Director of DNDO "all Department programs and projects relating to nuclear and radiological detection research, development, testing and evaluation." These activities remain within the Science Committee's jurisdiction.

The Science Committee acknowledges the importance of H.R. 4954 and the need for the legislation to move expeditiously. Therefore, while we have a claim to jurisdiction over at least the sections of the bill listed above, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the Congressional Record when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, April 28, 2006.
Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Energy and Commerce Committee's jurisdictional interest in H.R. 4954, the "SAFE Port" Act. The Bill was introduced on March 14, 2006, and referred solely to the Committee on Homeland Security. The Committee on Homeland Security marked up the Bill and ordered it reported on April 26, 2006.

I appreciate your willingness to waive further consideration of H.R 4954 in order to expedite proceedings on this legislation. I agree that by not exercising your right to request a referral, the Energy and Commerce Committee does not waive any jurisdiction it may have over H.R. 4954. In addition, I agree that if any provisions of the Bill are determined to be within the jurisdiction of the Energy and Commerce Committee, I will support representation for your Committee during conference with the Senate with respect to those provisions.

As you have requested, I will include a copy of your letter and this response as part of the Committee on Homeland Security's Report and the Congressional Record during consideration of the legislation on the House Floor.

Thank you for your cooperation as we work towards the enactment of H.R. 4954.

Sincerely,

PETER T. KING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 28, 2006.

Hon. PETER KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN KING: I understand that you will shortly bring H.R. 4954 as reported by the Committee on Homeland Security, the SAFE Port Act, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 4954. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4954 or similar legislation.

I request that you include this letter in legislative report and the Congressional Record during consideration of H.R. 4954. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

Mr. KING of New York. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL), chairman of the Subcommittee on Investigations.

Mr. MCCAUL of Texas. Madam Chairman, I would like to thank Chairman KING, Ranking Member THOMPSON, and Representatives LUNGREN and HARMAN for their hard work in bringing this vital and bipartisan piece of legislation to the floor.

I rise today in support of this crucial bill that will build upon existing initiatives to improve port and cargo security both abroad and here at home.

In my home State of Texas, the Port of Houston operates as the United States' top port for foreign tonnage and our second largest for total tonnage, so I know how important this bill is for the protection of the American people.

Madam Chairman, the House of Representatives has repeatedly supported measures that provide for risk-based funding for homeland security. The SAFE Port Act does just that. It will create a risk-based strategy for securing America's ports and will make sure that we are using the best technology available to law enforcement today.

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Equally important, this bill will provide $400 million per year in risk-based funding through a dedicated Port Security Grant Program to harden U.S. ports against terrorist attacks. This kind of funding strategy is smart, effective and responsible for our national security because it gets the required funding to the ports that are most at risk for terrorist attack.

Unfortunately, right now, it is economically impossible for Customs and Border Protection to inspect every container entering U.S. ports. However, the SAFE Port Act would require DHS to deploy nuclear and radiological detection systems at 22 U.S. seaports by the end of fiscal year 2007. This means that 98 percent of all incoming maritime containers would be screened without stopping our economy in its tracks.

In addition to securing ports in our homeland, we must also look overseas at what we can do to prevent dangerous or threatening cargo from ever reaching American soil. The SAFE Port Act will do this by improving our tracking system for shipping containers overseas and by requiring DHS to examine high-risk maritime cargo at foreign seaports. If we can catch them before they reach our shores, we can begin to ensure 100 percent security at America's ports.

The SAFE Port Act is a commonsense, responsible and effective piece of legislation that is needed for the security of our Nation, and I urge my colleagues to vote "yes" on the bill.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 4 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the ranking member of the Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity, who did a lot of work on this bill, particularly the section improving the C–TPAT process. Many of the provisions in this bill also come from a provision introduced by the gentlewoman, H.R. 4355, introduced in the 108th Congress.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I thank Mr. THOMPSON for yielding me the time; and I would like to thank Chairman KING and you and also Chairman LUNGREN for working with me and the other members of the Committee on Homeland Security to develop this SAFE Port Act, to move it through the committee, and to bring it to the floor in a very bipartisan manner. It shows that we can accomplish many things when we work together.

I am an original cosponsor of H.R. 4954, the SAFE Port Act, a product of years of work on the issue of port security; and I am proud that many of the important reforms that were originally in the SECURE Coast Act that I introduced in the 108th Congress are in this legislation that we are considering today.

The SAFE Port Act will make a number of significant port security enhancements and reforms. We had somebody before our committee, retired Chief Cunningham of the port system out there in Los Angeles, and he said we really need to worry about two things in particular, one, who has access to our ports; and, two, what is in the box, what is in the container.

The SAFE Port Act has requirements for issuing Transportation Worker Identification Cards, or TWICs, regulations and implementing the cards by the end of 2008, so we will know who is at our ports.

It also has standards for container seals. It has a pilot program to examine the security of empty containers at the port.

It requires Customs and Border Patrol to review and update, if necessary, the minimum requirements for participation in Customs-Trade Partnership Against Terrorism program, or the C–TPAT, at least once a year.

And it establishes a pilot program to allow C–TPAT member companies to use DHS-approved third-party validators in the validation process.

What is in the box? These are all issues important to what is in the container that goes through your city on that truck.

I am pleased that all these items are included in the bill. But still more needs to be in this port bill.

I am disappointed at several amendments offered by my Democratic colleagues that were not made in order today. These included providing adequate staffing levels at the ports, we can't catch things if we don't have people doing that work; modernizing the Coast Guard fleet through the Deepwater program; and increasing the acquisition of radiation portal monitors for seaports.

It is my hope that our committee will continue to work on these issues as this bill moves forward and as we move forward in this year.

In addition, I will be offering an amendment today to make a critical improvement to the C–TPAT program by stopping the current practice of granting C–TPAT member companies risk score reductions, letting them cut to the front of the line to get their cargo through before their security measures have been validated.

We should not give these companies a free pass to our ports unless we have validation that the security measures they told us they were going to do are actually in place.

I urge my colleagues to vote for this amendment today which will make this great bill even better.

Mr. KING of New York. Madam Chairman, I continue to reserve.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN) who is one of the original co-authors of this bill and has worked tirelessly to get us to the floor here today.

Ms. HARMAN. Madam Chairman, I thank the gentleman for yielding. I want to praise him for his enormous leadership on this issue and praise Ms. SANCHEZ, the ranking member on the subcommittee, for her contributions to the issue of port security.

I also want to thank the chairman for letting me speak out of order. I think that is what he just did, and express my gratitude to him and to the subcommittee chairman, Mr. LUNGREN, for their enormous effort.

I am the co-author of this bill with Mr. LUNGREN. It is a bipartisan product through and through. In fact, it is a bicameral, bipartisan product. Many of the ideas came from the House and many of the ideas came from the other body.

One of its grandparents no longer serves here, Representative Doug Ose, who contributed the notion that we should dedicate a portion of Customs revenues to fund multi-year port security improvements. The reason he felt this way, and I surely agree, is that Customs revenues, or most of them, are collected at our ports. Should our ports close, our ability to collect those revenues ends. So I thought his was an inspired idea.

I co-sponsored the Ose bill some years back. It became an integral part of this bill, as did Ms. SANCHEZ's ideas, as did Mr. LUNGREN's, and as did some of the ideas of Senators SUSAN COLLINS and PATTY MURRAY, who are the co-authors of the GreenLane bill in the Senate.

Their bill is moving. Our bill is moving. Within months, just maybe we will accomplish what I would call a legislative miracle in this session of Congress which has only met 27 days since the beginning of the year. We have had 125 days or so of this year, but only 27 days of legislative business on the floor of Congress. And this, I would proclaim, is the best day, by a lot, that we have had.

Let me mention that even before the legislation is passed, one of the critical issues we address is already generating action. The Department of Homeland Security is moving ahead with name checks against terrorist and immigration lists of individuals with access to our ports and with the transportation worker identification credential, so-called TWIC. These are critical ways we can make our ports safer, and it is a good thing that the administration is listening. In addition, as Ms. SANCHEZ said, to knowing what is in the box, we need to know who is at our ports.

It has been said over and over again, but let me stress one more time, that this bill provides a strategy as well as dedicated funding for the critical issue of port security.

The ports of L.A. and Long Beach, where my district is, handle over 14 million 20-foot containers annually, representing almost half of the Nation's total. That port complex is the fifth busiest in the world, the first in the Nation. In addition to containers, the complex handles over 1 million cruise passengers, half a million autos and over 50 percent of California's oil each year.

At a time of incredibly rising oil and gas prices, let us understand that Southern California will run out of oil in 2 weeks if those ports close. One out of 24 jobs in southern California relates to the ports.

So, Madam Chairman, the two most important things about this legislation are that it outlines a layered strategy for port security and that it creates dedicated, multi-year funding for port security projects.

Let's just look at Katrina. This speaks to an issue all of us worry about. We didn't have a plan before. We didn't respond during, and we are still struggling to recover now. This bill calls for protocols on the resumption of trade if our ports are attacked. A shutdown of West Coast ports would cost between 1 to $2 billion a day. We saw that 2 years ago.

Since 9/11, the L.A.-Long Beach port complex has only received $58 million in port security grant funding out of $220 million requested.

This bill provides the funding, the strategy, the bipartisan, bicameral support. I urge its passage. This is the first great day of the 2006 legislative calendar.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I join the lady in the commemoration of the greatness of this day. And with that, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the chairman of the Subcommittee on Management Integration Oversight.

Mr. ROGERS of Alabama. Madam Chairman, I rise today in strong support of H.R. 4954, the SAFE Port Act. And first I would like to commend the gentleman and the gentlewoman from California, Mr. LUNGREN and Ms. HARMAN, for their leadership on this strong, bipartisan bill.

Also, thanks to the effective leadership of Chairman KING, the committee passed this bill on April 26 by a vote of 29-0.

Madam Chairman, this bill is a comprehensive proposal and helps safeguard our ports, all without disrupting commerce. For example, the bill authorizes the Container Security Initiative. This effort would identify and examine high-risk containers at foreign ports before they are loaded onto ships bound for the U.S.

The bill also contains provisions which would help track and protect containers on the way to our shores.

The bill also establishes a new Directorate for Policy, Planning and International Affairs at DHS.

This provision, which is a product of my subcommittee, implements one of the findings of Secretary Chertoff's top-to-bottom review. In particular, the new Directorate would, A, review all departmental cargo, security programs, policies and initiatives; B, develop department-wide cargo security policies; and, C, coordinate departmental cargo security programs with other Federal departments and agencies.

Madam Chairman, port security is especially critical in my home State of Alabama, where the Port of Mobile has an economic impact of at least $3 billion per year on my State. It is the 12th busiest port in the U.S. and employs more than 118,000 Alabamians. Last year alone, this facility imported and exported 42,000 containers and 50 million tons of cargo. It is also the largest coal import terminal in the country and is expected to process 144,000 cruise ship passengers this year alone.

The SAFE Port Act is a good bill. It is a bipartisan solution for helping strengthen the security of our country, and I urge my colleagues to support it.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Chairman, there have been a lot of acronyms thrown around on the floor this morning, C-TPAT, CSI, TWIC. But there is no real technology based security being applied to containers being shipped to the United States of America. Less than 5 percent are inspected. No one is going to shoot a missile at us, but if they can get ahold of a nuclear weapon they will put it in a container and ship it here.

Let's look at the great C-TPAT program they are waxing on about. It is an honor system. You fill out an on-line form and your containers automatically are ranked less of a threat.

Now, sometime, 1 to 3 years later, the U.S. might send an inspector by, with prior notice, 1 day to look at your factory. That day you shoo all the al Qaeda people out and say don't come in tomorrow; the U.S. is sending a guy by for 1 day. And then you go back to business. This is an incredibly ridiculous program that does not provide real security.

Is there a threat? Well, I think there is a threat because the Deputy Secretary of Homeland Security says the goal of this administration and the Republican majority is not to inspect containers before they leave foreign ports. His goal, at home, our goal is to have 100 percent inspection of all containers as they depart a U.S. port headed into our country. The ports are sacrifice zones is what they are telling us here, because they might contain a threat. So we have to inspect them before they go from Seattle inland to somewhere in the Pacific Northwest but not before they get to Seattle.

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The place to inspect is on the other side of the ocean, and it can be done without disturbing commerce. It has been proven in Hong Kong. They will say it is not technologically feasible. If that is so, then why do we endorse this same technology, these same bureaucracies, for the CSI program and the Megaports program? The Bush administration's bureaucracy says the technologies do work.

They say the technologies do not work. They say they will delay cargo. They are being used in Hong Kong. You can drive a truck past at 10 miles per hour.

They say, well, no one is reading the data. Why is no one reading the data? Because the U.S. will not assign people to read the data.

This is incredible. This loophole-ridden system has to stop. We need real security. You should have allowed an amendment. Why are you afraid to vote on an amendment for 100 percent screening?

Mr. KING of New York. Madam Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), the chairman of the Subcommittee on Prevention of Nuclear and Biological Attack.

Mr. LINDER. Madam Chairman, I thank the gentleman for yielding. I thank the subcommittee chairman for bringing this to the floor with Ms. HARMAN.

I rise in support of H.R. 4954. While this legislation contains many important provisions, it also includes the language of H.R. 5029, a bipartisan proposal I introduced earlier this year to authorize the Domestic Nuclear Detection Office. DNDO is tasked with the job of developing a multi-layered global nuclear detection architecture designed to detect and prevent a nuclear attack before it gets here.

Madam Chairman, this is not an easy task. Despite claims by some to the contrary, we have heard numerous times in hearings and briefings by experts that existing technologies do not fully or effectively detect nuclear material. It is not available yet. And yet we are trying to insist that 100 percent of them be checked for nuclear material. The technology we have today will detect bananas, kitty litter, and tile, just as it does low-level radioactive material. There is new technology on the scene.

This bill includes support for a transformational research and development program to bring major improvements in the technology detection and the cost and ease of use. I also want to point out that this bill directs DNDO to deploy successfully tested technologies to ports of entry within 1 year of certification.

The key to next-generation systems is the likelihood that they will produce lower false alarm rates, thus minimizing disruptions to port operations. Rather than disrupting the flow of commerce to pull open a container of kitty litter, we ought to have the new technology, and we have got to be patient for it to be here.

I want to reiterate that this legislation takes a significant step forward in our Nation's efforts to counter nuclear and radiological threats. As such, I urge my colleagues to join me in supporting it.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chairman, I thank the gentleman for yielding me this time.

I rise in support of the SAFE Port Act, and I applaud Mr. DANIEL E. LUNGREN of California, Ms. HARMAN, Ms. LORETTA SANCHEZ for their tireless work on this critical endeavor. I also want to commend my good friends and their kind remarks this morning, Chairman KING and Ranking Member THOMPSON, for the exemplary leadership they have displayed in navigating this bill through the legislative maze that is Capitol Hill, and it is a maze.

The urgency of securing our ports cannot be overstated. As the 9/11 Commission noted in their report: "While commercial aviation remains a possible target, terrorists may turn their attention to other models. Opportunities to do harm are as great, or greater, in maritime or surface transportation."

Let us heed the warning. Let this quote linger in our minds as we proceed with our debate today.

While this measure wisely addresses a variety of concerns that others have noted, there are several provisions within the bill that are of particular interest, I think. For example, in March, Congressman FRANK LOBIONDO and I introduced H.R. 4880, the Maritime Terminal Security Enhancement Act. Components of our bill are now included in the SAFE Port Act. We require a port security operator to resubmit a facility security plan for approval upon transfer of ownership or operational control of that facility. Remember that debate a few weeks ago? This is significant. Having this in place will afford the Coast Guard the needed opportunity to question entities, foreign and domestic, on any changes in security they intend to put into effect at the terminals they intend to purchase.

Likewise, we have included the requirement that facility security operators and officers are United States citizens, unless the Secretary offers a waiver based on a complete background check and a review of terrorist watch lists. The FSO, the facilities security officer, is the individual with the legal responsibility for all aspects of security at each port. We need to do everything we can to make sure that we have the right people in place for these enormously important and sensitive positions. This language helps in this regard.

I am pleased that two amendments I offered with Congressman DAVE REICHERT were accepted when the Homeland Security Committee marked up this legislation last week. This bill now requires the Department of Homeland Security to establish a training program for local port employees on seaport security force operations, security threats and trends, and evacuation procedures.

We have also required DHS to establish an exercise program to test and evaluate the capabilities of Federal, State, local, and foreign governments. Both provisions will enhance our safety and strengthen our security.

This legislation by and large is an enormous step in the right direction. The unfortunate part of it, and we have talked to the Chair and we have talked to the ranking member about this, is what happened to the Markey-Nadler amendment mandating 100 percent screening.

I hope in the near future that we can come to agreement on this issue. It is sensitive enough, it is important enough that we bring the same bipartisanship that we worked with on this bill to a conclusion and resolution of that most important and specific thing.

I hope we can get a commitment from the chairman that we will try to work to that end.

Mr. KING of New York. Madam Chairman, I am privileged to yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the former attorney general of California and the sponsor of the bill.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, this day is the reason that I decided to come back to the Congress. An effort to work together on a bipartisan basis to solve one of the great challenges affecting America, that is what this place is all about. There are a lot of cynics and skeptics out there who say that the Congress of the United States is incapable of doing the work that it should do. This day is a refutation of that suggestion. Today is an indication that we can work together. And I want to thank Chairman KING for the work that he has done and the broad flexibility that he granted to our subcommittee to put this bill together. I want to thank my ranking member, LORETTA SANCHEZ, for the work she has done; the ranking member on the full committee, Mr. THOMPSON; and, of course, JANE HARMAN, my chief co-author on this bill.

This is the best of bills: legislation written to make a law, not to make a political statement. Yes, there are political statements that will be made about this bill, but the fact of the matter is we are moving forward in an effective way to solve a challenge that is out there that the American people recognize and that we recognize.

In response to 9/11, the natural response was for us to look at where we were attacked and to focus most of our attention and energy in that direction. That is why we have had, if you will, a heavy response in the area of aviation safety. But that does not mean we can ignore the other areas.

As I said on the floor yesterday, the greatness of our ports as an integral part of our international trade, the fact that we are leaders in the world in international trade, the fact that we benefit from it more than anybody else, but we do so because it is so different than it was 30, 40, 50 years ago. The instantaneous communication. The ability to deliver products within a short period of time. The fact that inventory is carried on rail, on trucks, in ships, rather than sitting static in a warehouse somewhere. The world has changed and we have been the leaders in changing the world, and we should be pleased and proud of the tremendous contribution that our ports make to our economy and to our everyday living.

But the very things that make that possible make us vulnerable to those who would destroy everything we stand for. The terrorists do not want to see international trade. The terrorists do not want to see an exchange of ideas. The terrorists do not want to see cultures mixing together. The terrorists do not want to see America shown at its best. And that is what we do, as we Americans live every single day with the benefits of the trade. It is not the totality of what we do, but it is an essential part of what we do. And this bill responds to the attack that those would have on us through this very much shining star in our constellation of America. So I thank the Members for work on this.

I would say we are going to have a debate about 100 percent inspection, and I would say we all would hope for that day. But I would just direct people's attention to the National Journal of this last Friday on the inside page where they have something called the "Reality Check" and they refer to this effort to have 100 percent container inspection. They say, and this is the National Journal, that "it is a nice idea but not very feasible with current technology. Eleven million containers are shipped to U.S. ports each year. Of those, U.S. Customs and border protection personnel physically screen only about 6 percent, 660,000. 'It is a noble impulse, but as a practical matter, it can't be accomplished right now,' said Jack Riley, homeland security expert with RAND."

The key to being able to carry this out in the future is better equipment that stands faster; and that requirement, that impulse, is in this bill as a result of an amendment adopted that was presented by the gentlewoman from Florida. We are attempting to make us safer. Let us rejoice in this day and let us support this bill.

Mr. THOMPSON of Mississippi. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chairman, I thank my friend for yielding.

I rise in support of H.R. 4954, the Security and Accountability for Every Port Act.

Let me commend the sponsors for their hard work: Representative HARMAN; Representative DANIEL E. LUNGREN of California; Representative LORETTA SANCHEZ, ranking member; and the chairman for their foresight in the drafting of this piece of bipartisan port security legislation.

Although it is a good start, this bill does not go nearly far enough to protect our ports. I am very disappointed that the leadership has denied the American people the opportunity to debate and vote on an amendment that requires the scanning of 100 percent of the containers entering this country. This outrageous high-handedness by the Republican leadership endangers Americans by continuing the wink-and-nod approach of container inspection.

I will vote for H.R. 4954 because it makes modest progress toward safer ports in America. Every farmer, every business person, and every consumer in America relies on the products that come through our Nation's ports. And it is the responsibility of Congress to ensure that our country's maritime commerce is cost-effective; efficient; and above all, safe. I hope, as this legislative process moves forward, Congress can take a more meaningful action to strengthen our port security.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT), the former sheriff of King County and chairman of the Subcommittee on Emergency Preparedness.

Mr. REICHERT. Madam Chairman, I thank the chairman for yielding.

Madam Chairman, as a member of the Homeland Security Committee and cosponsor of H.R. 4954, the SAFE Port Act, I am pleased to rise in support of this bipartisan legislation.

My district is home to two of our Nation's most critical seaports, the ports of Seattle and Tacoma. Ensuring their security is one of my highest priorities. The SAFE Port Act is a comprehensive approach that strikes a balance between security and commerce. Unlike other approaches to port security, the SAFE Port Act does not impose technically impossible solutions and mandates.

□ 1100

I was pleased that during committee markup of this legislation, the two amendments that I offered were included in this legislation. These amendments, which were drafted with my good friend from New Jersey, Mr. PASCRELL, will create a Port Security Exercise and Training Program.

As the chairman of the Subcommittee on Emergency Preparedness, I have repeatedly heard from first responders across our Nation about the importance of conducting exercises and training. The exercise portion of this legislation requires that the Secretary of Homeland Security establish a Port Security Exercise and Training Program for the purpose of testing and evaluating emergency capabilities of personnel at our Nation's ports.

The value of exercises cannot be understated. The success or failure of our response to acts of terrorism or catastrophic natural disasters depends on effective coordination and cooperation. As a former law enforcement officer of 33 years, I know the importance of training. The Port Security Training Program will use multiple mediums to provide validated training at the awareness, performance and planning levels to first responders and commercial seaport personnel and management to ensure that they are able to do those things and more.

I would like to thank Chairman KING, Ranking Member THOMPSON, Chairman LUNGREN, Representative HARMAN and Ranking Member SANCHEZ for their bipartisan work on this important legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I am pleased to yield 2 minutes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who, as has been noted by several of the speakers, has made an extraordinary contribution by her amendment at the full committee level.

Ms. GINNY BROWN-WAITE of Florida. Thank you, Mr. Chairman, for yielding me time.

Mr. Chairman, I rise today in support of the bill before us, the SAFE Port Act.

As a Member from Florida, I am extremely conscious of our Nation's vulnerability in the area of port security. As a former New Yorker, I still am concerned about the ports there. I have several friends who worked for at that time just Customs, who had always expressed a concern about the security at the ports.

The SAFE Port Act certainly pushes us leaps and bounds beyond our current security system. We fund port of entry inspection offices, a port security grant program and port worker identification cards.

I was especially proud to contribute an amendment in committee that does require DHS to aggressively pursue new technology out there for screening within 1 year. Once that is there, the Secretary must work with foreign governments within 6 months to deploy such technology.

This amendment and the underlying bill does not falsely promise some fantastic pie in the sky technology. When the technology is in place, everyone wants to use it. Members of both sides of the aisle want to make sure that we do have it there.

In the meantime, it would be very imprudent to waste taxpayer dollars on an unproven technology. Instead, this bill does require the Department of Homeland Security to implement realistic technology to increase our overseas cargo screening. The bill is the starting line in the race that we are running faster than ever to secure America with realistic technology for real results.

I certainly want to thank Chairman KING as well as Congressman LUNGREN and Congresswoman HARMAN for the opportunity to work with them on this very significant legislation. I urge all Members to support the SAFE Port Act.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE) for the purpose of a colloquy.

Mr. CASTLE. Mr. Chairman, I appreciate the opportunity to enter into a colloquy with the chairman of the Homeland Security Committee.

Chairman KING, I support your efforts to enhance security at our Nation's seaports. The Port of Wilmington in my home State of Delaware is among our Nation's busiest terminals, and this legislation truly is a comprehensive approach for improving port security. I commend your determination in taking on this challenge.

Unfortunately, Mr. Chairman, we still have not had success in developing a comparable strategy for securing our nation's rail systems. In the wake of attacks on rail lines in London and Madrid, it is clear that terrorist organizations are intent on disrupting surface transportation and mass transit systems around the world.

Despite these continuing threats, we have not made adequate progress in developing a comprehensive national rail security plan. The Federal efforts to bolster rail security have been sporadic and unfocused, while funding for rail and transit security grants in the annual Homeland Security Appropriations bill have remained stagnant.

Since the 2001 terrorist attacks, our government's transportation security efforts have consistently been described as "fighting the last war." Clearly, Congress must change course and get a few steps ahead, rather than constantly reacting to incidents and attacks once they have already occurred. We are very lucky that an attack on rail systems has not taken place in this country, and we now have a great opportunity to be proactive and pass real rail security legislation before it is too late.

I have introduced legislation to begin the process of addressing rail security in this country, and I know we share an interest in fixing this extremely inconsistent and flawed system.

I would appreciate the chairman's thoughts on this.

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. KING of New York. Mr. CASTLE, I share your concerns. The legislation under consideration today is only one part of an aggressive campaign to bring common sense to our homeland security efforts. Rail security has been one of my highest priorities, certainly coming from New York, which has one of the largest subway systems in the world. The terrorist attacks on the rail systems in London and Madrid were very grim reminders that our enemies are not above exploiting civilian targets.

In the next few weeks, we will be moving TSA reform legislation that has provisions designed to enhance rail and transit security. This matter is a priority for the committee, and I thank the gentleman for his leadership in this area.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I thank the gentleman from New York for his comments. I appreciate his consideration of these very important and timely concerns and obviously share his determination to pass effective rail security legislation.

Since becoming chairman, the gentleman from New York has demonstrated strong support for surface transportation security; and I look forward to working with him on this matter.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today I rise in strong support of the SAFE Port Act. As a member of the Homeland Security Committee and an original cosponsor of this legislation, I understand that port security is national security.

Nearly all the foreign imports that enter this country come through our seaports and we must know who is handling cargo and what goods are being shipped. The port of Providence is located in my district in Rhode Island, and every year a wide variety of goods come through the port, including machinery, lumber and steel products. It is essential to my constituents that our port is secure to prevent unauthorized materials from being smuggled into our country. The SAFE Port Act adds the needed protections and resources to keep us safe.

I am pleased that this bipartisan legislation requires the Secretary of Homeland Security to develop a strategy for cargo and maritime security. This plan will help us prepare for any scenario, as well as create a plan for quickly resuming commerce in the event of an attack.

The legislation doubles the authorized level of port security grants to $400 million. By creating a dedicated funding stream, our ports will no longer be competing with other critical infrastructure for scarce resources.

The bill also establishes new security standards for all cargo containers entering the U.S. Unfortunately, the bill does not go as far as I would like in this area. I am disappointed that the Nadler-Oberstar-Markey amendment was not made in order the rule.

I urge my colleagues to support the motion to recommit to ensure the scanning of every cargo container at foreign ports and make this good bill even better.

As the Ranking Member of the Subcommittee on the Prevention of Nuclear and Biological Attack, I'm pleased that this legislation authorizes the Domestic Nuclear Detection Office for the first time. This important office will oversee the country's global nuclear detection efforts and ensure that the best technology is deployed to find nuclear materials before they enter our borders.

I still believe there is more work to be done, and I will continue working with my colleagues to ensure that DNDO has the funds needed to fully deploy radiation detectors at our borders and ports as soon as possible. We cannot afford to wait any longer.

Overall, this bipartisan legislation is an important step towards securing our ports, and I urge my colleagues to join me in supporting the SAFE Port Act.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the balance of my time to the author of the Markey amendment, the gentleman from Massachusetts (Mr. MARKEY), a champion for 100 percent cargo screening here in this Congress.

Mr. MARKEY. Mr. Chairman, I thank the gentleman.

This bill has a fatal flaw. It relies upon paperwork checks. If you went to the airport with your bags, showed up, showed the person your ticket and your ID, and then the person just waived you on to the plane with another 150 people and all the bags went on as well, with no scanning, no screening, you would sit petrified in your seat.

Well, that is what is going to happen, unless the recommittal motion which Mr. NADLER and I are going to make later on today is in fact voted upon successfully.

The Republican leadership has refused to allow a debate on 100 percent screening of cargo containers coming into the United States.

Now, why is that important? It is important because of all of the unsecured nuclear material in the former Soviet Union that al Qaeda can purchase, take to a port in Europe, in Asia, in Africa, and then, with a piece of paper and an ID, waive on a 10,000 or 20,000 or 30,000 pound container and, with the nuclear bomb inside of it, send that ship, that container, right to a port in the United States, to New York, to Boston, to California, to any other city in America, without being screened.

President Kennedy took on the Soviet Union technologically in the 1960s. He put a man on the moon in 8 years. The Republicans are saying they can't figure out in 8 years, 8 years, from 2001 to 2009, how to screen cargo containers coming into the United States and how to put tamper-proof seals on them, knowing that al Qaeda has said that bringing a nuclear weapon into the United States is their highest goal, to kill hundreds of thousands of Americans.

So this vote that we have later on today will decide whether or not this fatal flaw in the Republican bill is allowed to stand, if the Bush administration is allowed to turn a blind eye to the number one threat that al Qaeda poses to our country.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we went through a very long and productive, bipartisan process in arriving at this point today. It trivializes the debate, it demeans the process, to be suggesting that anyone, anyone at all in this body, certainly anyone on this committee, is not absolutely committed to the protection of every American life. Those of us who came from districts who lost large numbers of people on September 11 perhaps have even a more acute interest in doing all we possibly can.

But we also don't want to do the most cruel thing of all, and that is hold out a false hope. The worst thing of all is to adopt legislation which is symbolic rather than real. We want results. We are not looking for sound bites, we are not looking for headlines, we are not looking for the evening news, we are not looking for the tabloids. We are looking to get results to save American lives and to make America safer.

That is exactly what this legislation does, through layers of defense, through layers of security, through well-thought-out processes and urging as quickly as possible the advancement and the use of technology that can be done. Not technology that might work or might not work, but technology that can work and will work and can be implemented in an effective way.

That is what this is about. That is what the debate should be about. As the late morning and early afternoon goes forward, I am sure the American voters who are watching this will see that there are those of us who do want to maintain the level of debate on both sides of the aisle, and that level is going to bring about American security.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to compliment Mr. KING in the efforts here and Mr. LUNGREN and, yes, even the minority in this case, on working on this legislation.

I was somewhat taken back by the comments even made by the gentleman from Massachusetts, because this should not be a partisan issue. This should not be railing against the Republicans or should not be railing against Bush. If you want to make headlines, go outside and stand on your head. That is the best way to make headlines.

What we are trying to do, as Mr. KING said, is try to make our ports secure and we are trying to make them secure in a proper time fashion.

We have already done some of this work that should have been done through the Transportation Committee. The Maritime Transportation Security Act does a lot of what is in this bill, and we are implementing it right now. The ports are more secure than what people will say and what you read in the newspapers.

Yes, we can do better and we will. But Members keep in mind that what we are faced with today is how do we do it and do it in a fashion which continues to allow us to have a commerce circle. Without commerce, this country will fail.

Now, I can suggest respectfully that there is a way and we will continue to do it, if the ports wish to do so, that they will unload their ships that have been screened thoroughly 100 percent overseas at point of origin.

□ 1115

It will not take long for those shipping companies to make sure that the containers are screened 100 percent. Keep in mind what I said, that which has been screened will be first unloaded. I guarantee it will happen in the very near future.

But what we have done here under this bill is try to make the right step forward, a good step forward, and to accomplish I believe what is correct, that is, eventually total security for our ports.

I have some concern in the bill, and I have expressed to Mr. LUNGREN and Mr. KING there are, and I understand why; but I hope as we go through this conference that there will be a recognition that the smaller ports will be recognized as much as the larger ports.

Because under this legislation it primarily concentrates on the larger ports. And I do not believe that is what we are seeking. I think we should consider all ports that receive cargo containers from whatever origin they may be. And if they are not screened, they should not be allowed in.

So I am saying the smaller ports should also be recognized. They are not under this bill. And we have to, as time goes by through the conference, try to recognize that those smaller ports have equal concern as well as the larger ports.

And, lastly, I would suggest I have a deep concern about the grant program. We already have a grant program for port security. It is already on the books. It is already down in Homeland Security. And I will say in defense of the committee, the Homeland Committee, that there is in fact a lack of action through the Department itself.

But I am hoping that we do not duplicate, that we do not do something that costs more money but gets less results. We can work this out through the conference, so we will have an opportunity to make sure either the Port Security Act itself, Maritime Transportation Security Act, which has a grant program in it, that if it is not being implemented correctly, that we rectify that, or in fact we might eliminate that so there are not two bills on top of one another causing more confusion and less real security within our ports.

Again, Mr. Chairman, I am somewhat comfortable with this legislation in the sense that it has been well thought out. Again, I want to compliment the minority side and Mr. LUNGREN, Mr. KING, for bringing this to the floor in time. I wish to say, if I can, I am a little concerned. I have been here probably longer than eight other people, and I do not like what I hear in these debates. Because it seems like everybody is saying the other guy is the bad guy, and we are the good guys. I thought we were here to solve some problems. This is a problem. I think this bill does it. I think we ought to keep our eye on the ball and protect our people and provide a flow of commerce, which is necessary.

Mr. Chairman, I urge the people to consider this bill in total. If there would be a recommit, vote against the motion to recommit, and let us get forward and get this job done.

If you only listen to the press outcry over the Dubai Ports World now-aborted takeover of certain U.S. port operations, you would not know that significant actions have been taken since 9/11 to improve the security of U.S. ports.

Nonetheless, congress and the administration have taken important steps towards making our ports safer. These port security initiatives may not be as thorough and complete at this point as we would hope, and the press may choose to only cover the remaining gaps, but significant progress has been made.

In 2002, congress enacted the Maritime Transportation Security Act (MTSA). This legislation originated in the Transportation and Infrastructure Committee and significantly strengthened our ability to prevent and respond to maritime security incidents.

MTSA required U.S. port facilities and the vessels calling at those facilities to prepare and submit detailed security plans to the Coast Guard. Those plans have been submitted and approved by the Coast Guard. This is the first nationwide effort to assess the state of port security and plan for improvements in that security. These plans are required for each and every U.S. port facility and each and every vessel that visits those facilities.

Recently the administration has also completed the long awaited National Maritime Transportation Plan which was mandated by MTSA. In conjunction with the national strategy for maritime security, there is now a meaningful framework for assessing, planning for, preventing and responding to maritime transportation security incidents.

Of course, all the planning in the world is worthless unless real assets are put in place to back up and carry out those plans. Such assets are being put in place, some more quickly than others.

The Administration estimates that spending on maritime security has increased 700 percent since 2001. The Coast Guard has dramatically increased their security-related patrol hours and established 13 maritime safety and security teams as authorized in MTSA.

Congress and the administration have committed to a 20 year rebuilding of the Coast Guard's ships, planes, and communications infrastructure. These new and upgraded assets will greatly improve the service's ability to carry out its maritime law enforcement missions, including port security.

There are still portions of MTSA that have not been implemented in as timely a manner as I would wish. Transportation worker identity cards are still a work in progress, and virtually no progress has been made by the government on implementing long range vessel tracking.

H.R. 4954, the Safe Port Act, makes some improvements to MTSA. At the request of the Coast Guard sub-committee chairman, Mr. LOBIONDO, and the Transportation and Infrastructure Committee, the bill requires that the facility security officers identified in the security plans be U.S. citizens and that facility security plans be resubmitted when facilities change ownership.

The bill also sets up a temporary system for verifying the identity of individuals with access to secure areas of seaports, and develop timelines for the implementation of transportation worker identification credentials. Perhaps most importantly, it authorizes maritime security command centers. These interagency facilities which already exist at several ports are crucial to coordinated Federal, State and local port security prevention and response efforts.

Concerns remain about the safety of cargo entering the United States. We can all agree that the cargo must be secured at the earliest possible time and monitored throughout its journey.

By the time it reaches our shores, it is too late to find out what is in a container and decide whether it is safe. Much of the Safe Port Act is designed to address these cargo supply chain safety concerns, and I comment Chairman KING for his efforts in this area.

There is one are in which I strongly disagree with the Safe Port Act. The bill removes the existing port security grant program from the Maritime Transportation Security Act and replaces it with a less focused grant program that is accessible only to very few ports—ironically those that have the greatest resources available to pay for port security improvements.

The Maritime Transportation Security Act of 2002 (MTSA), established a grant program to make Federal funding available to assist ports, terminal facilities, and State and local governments meet maritime security requirements imposed by the act.

This port security grant program is designed to address vulnerabilities that are identified through Coast Guard inspections, area maritime transportation security plans, and facility security plans that are all carried out under the MTSA.

The Safe Port Act removes the port security grant program from the MTSA port security framework. If any changes are made to the program, those changes should enhance the connection between the existing maritime security framework under the MTSA and federal assistance.

I hope that as we move towards conference on this bill that we will continue to work together to strengthen the existing port security grant program.

I also disagree with the bill's proposal to restrict federal port security grants to only select ports or select projects.

I do agree that we need to have criteria and a competitive process to determine which ports and projects should receive the funding; however, I object to the idea that any of our ports should be excluded outright from competing for this federal funding.

Each of our Nation's 361 ports is connected to every part of this Nation through our intermodal transportation system.

If we fail to implement real port security at any of our ports, we are failing in our efforts to secure our Nation from threats in the maritime domain.

Under the MTSA, each port is required to operate under the same maritime security standards regardless of size or location.

As a result, dedicated funding in the form of federal port security grants should be available to address security vulnerabilities at each of our Nation's 361 ports.

In order to allow this important bill to move on an expedited schedule, I have decided not to offer an amendment that would return fairness, equity and effectiveness to the port security grant program.

However, I look forward to working with Chairman KING and the other conferees to make these necessary changes as we move to conference on this important bill.

We can improve the grant program without reinventing the grant program.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I concur in the remarks of the distinguished chairman of the full committee of Transportation and Infrastructure, the gentleman from Alaska. He has got his eye on the ball, his eye on the mark. We need more cooperation. We need more sharing and mutual understanding than finger-pointing and sloganeering.

I think left up to him, the Rules Committee would have made in order an amendment. It seems to me that the Rules Committee, maybe the House leadership, fears more our amendment than a container loaded with a potential bomb. What harm is there in debating an amendment that we did debate, we had discussion with in the Transportation Committee?

Why could we not have a debate on it? That does not mean it is going to be accepted. We ought to at least put it in play and have a discussion on it. So now we will put this into the motion to recommit and have a debate there, which is less satisfactory than having a much broader debate.

I am concerned about security in our ports in the maritime arena because of the years that I have spent on aviation security. Eighteen years ago, Pan Am 103 was blown out of the sky nearly on Christmas Eve, December 21, 1988.

I served on the Pan Am 103 Commission, requested by President Bush I, along with our former colleague John Paul Hammerschmidt, Senators Alfonse D'Amato and FRANK LAUTENBERG, and three public members.

As we stood at the abyss in Lockerbie, a trench 14 feet deep, 20 feet wide, 40 feet long, 259 people aboard the aircraft and 11 people on the ground were incinerated in a fire ball that went 10,000 feet into the sky, we vowed we would make aviation safe.

And all it took to bring a 747 down was that much Semtec, stored in a cassette tape recorder, in a suitcase that should never have been forwarded on to the 727 in Frankfurt, after it left Malta, and then on to London. It should never have gotten on the 747. But it did. And with a barometric pressure device and a timer, it blew up over land in Lockerbie, Scotland.

The threat is, yes, to our ports; but it is also to our inland cities. The bomb that could be similarly contained in a TEU could be timed to go off in Boise, Idaho or St. Louis, Missouri.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. LOBIONDO) control the remaining amount of my time.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. LoBIONDO. Mr. Chairman, how much time do we have left on our side?

The Acting CHAIRMAN. The gentleman from New Jersey has 5½ minutes remaining.

Mr. LoBIONDO. Mr. Chairman, I rise in strong support of this legislation. I want to thank Mr. KING, Mr. LUNGREN, Mr. OBERSTAR, Mr. THOMPSON, all of those involved in helping to make this happen. I think it is a very good step in the right direction.

Mr. Chairman, it makes several additions to our Nation's maritime security program that enhances the law that we passed a couple of years ago. I am very pleased that the bill in the manager's amendment includes several provisions that I and Representative PASCRELL from New Jersey worked on that will help enhance maritime security.

These provisions will amend the law to require American citizens to be in charge of security at each of our ports, require the Coast Guard to reexamine each port terminal security plan when the facility undergoes a change in ownership, and require the periodic reevaluation of security at foreign ports. This will also establish deadlines for the implementation of important maritime security programs that we included in the original bill, including the Transportation Worker Identification Credential program, which the Department has been woefully behind on.

It enhances identification credentials for foreign mariners calling on U.S. ports and also a long-range vessel tracking system to improve our awareness of activities.

These programs will dramatically enhance our ability to protect our ports, will help the Department, and help the Coast Guard. I want to again thank all of the Members responsible.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in very tepid support of this bill. It is a very nice bill. It has some nice provisions. None of it matters very much if we do not at least electronically scan every container before it is put on a ship bound for the United States. All it would take is one atomic bomb, one radiological bomb, to make 9/11 look like a fire cracker, to kill hundreds of thousands of people, to cost hundreds of billions of dollars, to bring commerce to a total halt for weeks or months while every ship, every container is not scanned, but searched, inspected by hand before they are allowed to proceed into this country, because that is what will happen if there is, God forbid, a disaster in this country.

We have no protection against that now. Even with this bill, we depend on risk-based analysis, on paper as Mr. MARKEY said, to defend us. What the motion to recommit does is to say that no container can be put on a ship bound for the United States until it is scanned for radiation and for density, until the result of that scan is transmitted electronically in real-time to American inspectors in the United States, and until a tamper-proof seal that will tell us whether that container has been tampered with after it is scanned is put on that container.

We are told this is not feasible. Mr. KING says the technology does not exist. But it is done in Hong Kong today. It is done in Hong Kong today. The two biggest terminals in Hong Kong have this. Of course, nobody bothers reading the scans because the Department of Homeland Security cannot be bothered. They are on a hard drive in Hong Kong.

It is relatively cheap, $6.50 per container, 10 seconds per container, no delay. But the DHS has no urgency. Mr. GINGREY, a Republican of Georgia at the Rules Committee, said that he had a company in his district that makes those tamper-proof seals that can talk to the global positioning satellite; but he cannot get DHS to talk to them, they are not interested.

The motion to recommit we are told is irresponsible and partisan. It is, in fact, word for word identical as the amendment that was agreed to by the chairman of the Transportation Committee and adopted unanimously by a bipartisan vote in the Transportation Committee. But suddenly when it comes to the floor, it is a partisan amendment.

The Republicans on the Transportation Committee understood the necessity for protecting our homeland. The Republicans on the Homeland Security Committee apparently do not, nor does the Republican leadership, because they will not agree to this obvious thing to do that everyone, bipartisan, on the Transportation Committee agreed to do.

Mr. Chairman, the main risk comes from the so-called low-risk containers, not the high-risk containers. Wal-Mart ships a shipment of sneakers from a factory in Indonesia. And on the truck on the way to the port, the truck driver goes to lunch. And while he is at lunch, someone takes out a package of sneakers and puts in an atomic bomb. The bill of lading is fine. It is a reliable company. It is low-risk, and there is an atomic bomb on that container, and no one sees it because that container is not scanned.

Maybe it is scanned under this bill in Boston or in Los Angeles. It is too late to look at it in Los Angeles if there is an atomic bomb on board.

Mr. Chairman, this motion to recommit, which I hope Members will vote for on the merits, not vote party line against it because it is a procedural motion or some such nonsense, makes this a worthy bill, and makes this a bill that will really protect Americans.

Without the motion to recommit, despite what Mr. KING says, this bill does a number of things that are nice, but does nothing really to protect the United States.

Mr. LoBIONDO. Mr. Chairman, how much time do we have remaining on our side?

The Acting CHAIRMAN. The gentleman has 4 minutes remaining.

Mr. LoBIONDO. Mr. Chairman, I yield 2 minutes to my colleague from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the SAFE Port Act, and I commend Chairman KING and Chairman LOBIONDO, Chairman LUNGREN, Chairman YOUNG for all of their work, and certainly the ranking member.

Members of Congress from New York and New Jersey know better than most the horrors of September 11, 2001. We would hate to ever have that wrought again on so many of our citizens who lost their lives. So it is important we get about supporting this legislation.

The SAFE Port Act authorizes programs that will protect the safety of American ports, the personnel literally, hundreds of thousands of people who operate those ports, and the goods that move through them.

In our home State of New Jersey, the Port of New York and New Jersey is literally the commercial gateway to the east coast. This bipartisan legislation takes steps to make sure that the ports security initiatives are as strong as its economic stability.

This bill recognizes the importance of implementing the recommendations of the 9/11 Commission and recommendations of the President and Department of Homeland Security, and, finally, legislation I introduced that port security grants be distributed based on risk.

This legislation is an important step to achieving that version, to ensure port resources are spent wisely and efficiently. This legislation adheres to the need to create a risk-based or a threat-based port security grant program.

This grant program will distribute over $400 million a year to the most strategically significant and economically important ports facing the greatest threats.

Thanks to a 700 percent increase, and I serve on the House Appropriations Committee in port security funding since 9/11, our U.S. Customs and Border Protection offices are now using several interlocking initiatives and new cutting-edge technology to better defend our homeland and protect our citizens.

The SAFE Port Act puts in place a multi-layered port and cargo security strategy that builds upon these programs which Congress has already established. I urge strong support for this bill.

□ 1130

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of our time.

I spoke earlier about our experience with Pan Am 103, the report that the Commission issued, the 63 recommendations of the Commission that did not sit on a shelf gathering dust but were enacted into law by the Committee on Transportation and Infrastructure.

We wanted all checked bags to be screened for explosives, but we did not get it. We did not get it worked out in the operation of the law. So, over the next 13 years, under both Democratic majority in the committee and Republican majority in the committee, we passed bill after bipartisan bill requiring that all checked baggage be screened for explosives, but we did not impose statutory deadlines.

FAA tried to move ahead with the requirements we imposed upon them through the law, but the airlines interceded again and again and again to effectively kill implementation: Technology was too expensive, too high a false alarm rate, caused delays in the baggage handling.

So on the eve of September 11, 2001, there was only limited screening of checked baggage. There was only limited requirement and prohibition on types of materials permitted to board aircraft, such as box cutters. The red flags were gone.

Then came September 11, and no one wanted to get aboard an airplane unless we had better security, and it did not take long for legislation to be passed requiring that all checked luggage be screened. It did not take long for us to get a Federal screener workforce in place. It was a matter of months to get it done.

It was not partisan. It was bipartisan. This was American. This was American security that we were all seeking to improve.

By December 28, 2004, all checked and carry on baggage was screened going aboard aircraft, tougher standards, higher standards.

What we have in this bill, pilot project, studies, exhortations, is a slow road to good security. The lesson of Pan Am 103, of aviation security in general, was to push the borders of protection further out from our shores overseas, to check airplanes, passengers, luggage before it goes on the plane so that does not come into this country to destroy us, harm us here at home.

The same principle is included in our port security act that our committee and the gentleman from New Jersey, the chairman, who was part of shaping that bill, moving it through conference, getting it to signature by the President 3 years ago, well, we did not have in that bill the one element that is missing that we want to include in, and that is mandatory screening.

The Democratic motion to recommit will require that all screeners be scanned before loading. Vote for this. This is your only opportunity. Vote for it.

Mr. LOBIONDO. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, whatever the merits of the recent controversy surrounding the proposed acquisition of American port terminals by Dubai Ports World, one very good thing came out of that controversy, and that was an enhanced focus on the needs to better defend America's ports.

We recognize that the incredible amount of cargo that passes through our ports could serve as an entry point to be used by terrorists to smuggle in weapons to harm Americans. Of particular concern are nuclear or radiological substances or devices.

During the DP World debate, many came to the erroneous conclusion that we were actually outsourcing port security. Nothing could be further from the truth.

Let me just tell you about a company in my district called Burtek. This is an American company and American workers who are doing great work to enhance our port security.

Burtek is producing something called Mobile Radiation Portal Monitors, the first of which they delivered to the Customs and Border Protection Agency just last week. These devices will be placed at our ports and allow CBP to scan containers quickly and efficiently for any radioactive cargo.

An American company and skilled American workers supplying a very important device to American security personnel to protect America's ports. We are not outsourcing this job to anyone, Mr. Chairman, and the great workers of my district are doing their part to defend our Nation.

I urge my colleagues to support this very important legislation and to continue the effort to better secure our Nation's ports.

Mr. LOBIONDO. Mr. Chairman, in closing, again, I would like to thank Chairman KING for being so open to so many ideas and Congressman LUNGREN also, to again thank Mr. OBERSTAR for all of his help and Mr. YOUNG of Alaska for the hard work in putting this together.

These are serious issues that we are making great progress on, and there is not a Member in this House that would not like to guarantee the American public that we can completely assure everyone that everything is totally 100 percent safe. It is an impossibility to do that.

We are moving forward. This is an extremely good bill. We should move forward with it, and I am asking every Member to please support it.

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in support of the SAFE Port Act.

My colleagues, this bill is a good start, and I will support it, but it is not a comprehensive solution to port security.

Last year, customs officials screened only five percent of the 11 million cargo containers entering the United States. That rate is both unacceptable and dangerous to our national and economic interests.

I represent the Port of Philadelphia, and I know firsthand the important role that ports play in the national and global economy. I have also seen how simple accidents can have devastating impacts on the port system.

Just 24 days after I was elected to the House of Representatives, an oil tanker struck a submerged object and spilled 265,000 gallons of oil into the Delaware River. This spill halted commerce, temporarily shut down a nuclear power plant, and put area drinking water at risk. All of this was caused by an inanimate and rusty anchor sitting at the bottom of the river.

All told, this incident cost an estimated $150 million. In contrast, the damage and destruction caused by smuggling a weapon of mass destruction into a port could cost as much as $1 trillion.

Democrats have a proposal that would prevent such a devastating device from ever entering U.S. waters or a U.S. port. Under our plan, every cargo container—100 percent—would be screened prior to arrival in the United States.

We put this proposal on the table months ago and, today, the Republican Leadership has refused to embrace it—jeopardizing security at 361 U.S. ports and putting at risk 75 percent of the international trade entering our country.

But we must take a step forward, and the bill under consideration will improve many elements of security at our ports, which I have actively supported such as establishing a risk-based port security grant program and setting deadlines for a mandatory security identification card for port employees.

For this reason, I urge a "yes" vote on the bill. And, I will keep working to ensure security at all American ports.

Mr. CUMMINGS. Mr. Chairman, as a cosponsor of H.R. 4954, I rise today to express my support for the security improvements that this measure would require.

In particular, this bill would require the Department of Homeland Security to develop a strategic plan to resume trade in the event of some type of terrorist attack that disrupted international shipping to the United States.

In addition to providing for national planning, this measure would also strengthen the Coast Guard's oversight of port facility security plans by requiring the Coast Guard to verify the effectiveness of each port's plan at least twice each year.

Further, this measure would significantly increase funding for the federal grants that ports use to meet federal requirements for physical security on terminals, including perimeter security.

Since 9/11, more than $20 billion in federal funding has been directed to aviation security while just over $630 million has been directed to port security. I am therefore pleased that H.R. 4954 would also increase the funding for port security grants by $200 million per year.

Unfortunately, despite the improvements it would make, H.R. 4954 does not do all that could or should be done at this point to increase security at our ports.

The recent discussion over the proposed sale of a terminal operating firm working at several U.S. ports—including the Port of Baltimore—to a firm owned by the government of Dubai has raised awareness across our nation of the inadequacy of our current regime for inspecting cargo—particularly containerized cargo.

At the present time, our nation physically inspects only 5% of the nearly 11 million containers that come into our nation each year. This means that more than 10,400,000 containers enter the U.S. without having been physically inspected—and without any physical proof that the contents of the container are truly those described on the container's manifest.

The motion to recommit that will be offered by my Democratic colleagues would require that all containers destined for the U.S. be scanned before they are loaded on a ship—and that they be sealed in a way that would immediately show if the container had been tampered with prior to its arrival in the United States.

The adoption of this motion to recommit would immeasurably enhance the underlying bill—and would close one of the most significant gaps in our homeland security regime that we have continued to leave open since 9/11.

I therefore urge my colleagues to adopt the Democratic motion to recommit to ensure that H.R. 4954 will truly make our ports SAFE.

Mr. SMITH of Washington. Mr. Chairman, I rise today in support of H.R. 4954, the SAFE Port Act. I am proud to be an original cosponsor of this comprehensive, bipartisan legislation which will address one of the most significant challenges identified by the 9/11 Commission: an attack at our ports. I commend my colleagues for working together to bring forth this important piece of legislation that will enhance our security, improve the efficiency of trade and provide necessary funding for the critical missions of our Coast Guard, Customs and Border Agents, and others involved in the maritime industry.

The Puget Sound region has a long maritime history. As we've moved towards a global economy, Washington state had responded accordingly and has become an important global partner in facilitating and improving international commerce. It is estimated that 95 percent of U.S. trade flows through the nation's 361 ports, equaling almost $1 trillion annually.

As trade with Asia continues to grow, west coast ports, like the Port of Tacoma, are playing an ever larger role. I am proud to have the Port of Tacoma located in my district. It is the nation's sixth largest port by cargo container volume, it handled over 2.1 million containers last year and continues to be a major economic engine in the South Sound region. In addition to its growing capacity, the Port of Tacoma is also one of the nation's strategic military ports, helping to transport Fort Lewis-related cargo overseas in support of our troops. I commend the Port of Tacoma for taking the necessary steps to tighten facility security and continue to serve the vital role in the national homeland security efforts.

With the Port of Seattle to the north and the Port of Olympia to the south, the Port of Tacoma works collaboratively with its sister ports and takes a regional approach to improve the security in and around the facilities. In fact, the Port of Tacoma and Port of Seattle worked together in Operation Safe Commerce, a federal program designed to create the knowledge base required for international standards for containerized shipping. Both ports are actively working with private and public entities to identify supply chain vulnerabilities and develop improved methods and technologies to ensure the security of cargo entering and leaving the United States. Many lessons were learned in working with manufacturing and shipping partners and this knowledge will help us improve our efficiency while protecting our citizens and critical infrastructure. I am pleased to see that additional funds are available in this legislation to continue this important program.

The SAFE Port Act takes many critically important steps to prevent another terrorist attack on U.S. soil. This bill strengthens our domestic and international security efforts by making improvements to high-risk cargo targeting and tracking systems. The bill requires the Department of Homeland Security to deploy nuclear and radiological detection systems to our major ports by the end of next year. Ports will also have the much needed resources they need through the Port Security Grant Program to improve facility security.

Screening containers prior to its arrival at our U.S. ports is critical and I am pleased to see that the Department of Homeland Security is working to evaluate new radiological and other detection devices for use at foreign seaports. I believe these new technologies will arm our security officers with improved information and allow us to better protect our critical infrastructure. The bill also includes improvements to our international screening programs: the Container Security Initiative (CSI) and the Customs-Trade Partnership Against Terrorism (C–TPAT).

The important role that our ports play in security and commerce has too often not received the appropriate level of priority. As a result, funding for the security of our ports has been sorely inadequate. This legislation moves forward in the right direction. We must do all we can to protect our communities, our critical infrastructure and our homeland. I hope my colleagues will join me in supporting the SAFE Port Act today.

Mr. STARK. Mr. Chairman, H.R. 4954, the SAFE Port Act, falls far short of what's needed. Because the Republican majority operates largely as a subsidiary of the U.S. Chamber of Commerce, they refuse to take the only step that will ensure the safety of our ports: 100 percent scanning of containers. Instead, this bill mandates more reports that will tell us what hundreds of experts already have: you can't ensure safety if you don't verify the contents of every container. The studies, further reorganization of the Department of Homeland Security, and micromanaging of port operations in this legislation are a paltry substitute for real security.

Apparently the Majority feared that common sense would prevail, as they won't even allow a vote on a Democratic amendment to scan 100 percent of containers within five years, following the model set by Hong Kong's successful Integrated Container Inspection System, which has operated since 2005 without significantly increasing costs or causing delays. The shipping industry itself admits that the maximum cost of 100 percent scanning would be $125 per container. It could be as low as $6.50 per container. Either way, it's a small price to pay for security when compared to the $4,000 cost of shipping a container from Asia.

I will vote in favor of this bill because it is an improvement over the current system and sends more federal money to ports to improve their security. However, unlike my Republican colleagues, I will not claim "mission accomplished" on port security until we know what's in every container entering this country.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to address the ongoing debate of whether our port system can accommodate 100 percent screening of shipping containers headed through United States ports.

The case for 100 percent screening is not hard to make. Approximately 95 percent of our nation's trade, worth nearly $1 trillion, enters or leaves through our seaports. Foreign vessels carry the bulk of the approximately 800 million tons of goods that come into our country. In fiscal year 2005 alone, more than 11 million containers arrived on American soil by sea, and this number is growing at a rate of over 10 percent a year. Given this enormous amount of traffic the need to ensure our nation's security is considerable.

Any assertion that technology does not exist to screen 100 percent of the cargo coming to the United States is simply incorrect. For several years, innovative small businesses have been busy improving upon existing technology. Just this month in my district, TMC Services, a small company located in Los Alamos, unveiled a prototype of an advanced spectroscopic radiation detection system. This mobile platform is designed to provide for 100 percent screening without unduly affecting port operations. The mobile and versatile system provides drive-through or drive-over inspection of containers and is intended for integration into the global detection network connected to a centralized nuclear data analysis center which is being developed by the Domestic Nuclear Detection Office (DNDO) at the Department of Homeland Security.

Mobile Point of Needs Detector System (MPONDS) is a unique systems engineered solution to the container screening problem and ahead of its time in terms of looking at all the pieces necessary to put together a coherent and effective port protection system. I saw first-hand a demonstration of the technology and believe this technology has the potential to contribute to our goal of detecting cargo which would harm the United States.

I believe we should not be focusing on whether 100 percent screening is achievable, as it clearly is, but rather on how rapidly we can deploy this new, existing, advanced technology at all U.S. ports. I was greatly disappointed to learn that the restrictive rule for today's debate of H.R. 4954 did not make in order an amendment offered by Representative NADLER to require that every shipping container be scanned and sealed before being loaded onto a ship destined for the U.S. It is unfortunate that the majority leadership of the Rules Committee continues to ignore the strong need for debate and action on this issue, and I would strongly urge my colleagues to take the responsible step of insisting that the U.S. government protect its citizens by screening all of the cargo entering the United States ports.

Mr. ORTIZ. Mr. Chairman, as a member of the House Armed Services Committee and a representative of a coastal district in South Texas, I rise in support of the SAFE Port Act.

I also want to make a particular point today. This Congress has promised all manner of border security and port security to the tune of billions of dollars . . . yet we have—to date—funded our promises for port security at only $900 million. That's quite a distance between what we say and what we actually do.

I'm for the bill before us today; but more than that, I am for actually spending the bill's $7.4 billion for port and cargo security programs. Many members, including myself, are disappointed that the bill did not contain language to have 100% of port cargo screened. I will support the amendment to add the requirement to screen 100% of port cargo.

Over the last five years, the Administration and the majority in Congress have appropriated less than $900 million for port security grants—despite the Coast Guard's determination that $5.4 billion is needed over 10 years. Over the last five years, the Presidential budget has never requested dedicated funding for port security.

In South Texas, we understand how vital port security is and we fear the day a weapon of mass destruction could be brought into a U.S. port in a container and cause hundreds of thousands of casualties. We cannot continue to tolerate the vulnerabilities in our port system. U.S. seaports handle more than 95 percent of our nation's foreign trade—with millions of containers arriving in our ports each year.

We should include a comprehensive global container scanning system that scans the contents of every single container bound for the United States before it leaves an overseas port. The proposal of 100% scanning of containers is not unrealistic; it is endorsed by two experts in port security—Stephen Flynn, a former commander in the Coast Guard, and Adm. James Loy, the former head of the Coast Guard.

Two of the busiest terminals in the world—both in Hong Kong—scan 100% of cargo containers. Cmdr. Flynn and Adm. Loy wrote in an op-ed in the New York Times in February saying, "This is not a pie-in-the-sky idea. Since January 2005, every container entering the truck gates of two of the world's busiest container terminals, in Hong Kong, has passed through scanning and radiation detection devices. Images of the containers' contents are then stored on computers so that they can be scrutinized by American or other customs authorities almost in real time. Customs inspectors can then issue orders not to load a container that worries them."

If Hong Kong terminals can do it, certainly America can require other terminals to do it. The Hong Kong pilot program has shown that 100% scanning can work without slowing down commerce. If two of the busiest terminals in the world have been successful at 100% scanning, it is time that Congress insists on it for those who wish to ship to our ports—it is what we must do to protect the lives of all Americans.

Mr. HOLT. Mr. Chairman, I rise today in support of Security and Accountability for Every Port (SAFE Port) Act, H.R. 4954. In the wake of the Dubai Ports World controversy, it is long past time to seriously address the issue of port security.

The ports of the United States are an economic gateway to the rest of the globe. They are vital to our economy and to our national security. Today, seaports handle 95 percent of our nation's foreign trade valued at over $1 trillion. This is an issue that is important to my constituents and to all citizens of New Jersey. The security of Port Newark-Elizabeth Marine Terminal, which is the 15th busiest port in the world, is something we need to address.

Yet, five years after the terrible attacks of September 11th, our nation's seaports remain remarkably vulnerable and real security concerns persist. Only 5 percent of the cargo containers that enter the United States are inspected despite the potential presence of dangerous cargo, including nuclear weapons. This national security risk is a result of the failure of the current Administration to seriously address this essential issue. This bill takes important steps necessary to help secure out nation's ports and prevent dangerous materials from entering our country.

However, the bill is far from perfect. The Republican Majority wants to play word games with port security rather than provide real security to all Americans. Today they will try to convince Americans that 100 percent of all cargo containers are screened. But, it is important to notice that they are only talking about screening, meaning a review of the paper manifest of the cargo container—not a physical inspection. I support the inspection of 100 percent of all containers, and tragically we only inspect 5 percent of all cargo containers entering the United States today. That means that 95 percent of the cargo containers entering our country could contain nuclear, biological or chemical weapons but because we have not inspected them we would never know. This needs to change.

Hong Kong has successfully implemented a 100 percent inspection program at its ports. Unfortunately, my Republican colleagues denied Democrats the opportunity to offer an amendment that would require the United States to implement a similar program with 100 percent inspection of containers coming in to our country. Americans want real security, not word games.

The 9/11 Commission recently gave the Administration and Republican-controlled Congress a "D" for cargo screening. Still, the Congress has only appropriated a total of $883 million for port security despite the Coast Guard's stated need of $5.4 billion over 10 years to adequately secure our seaports. Last year, I voted for the Democratic Homeland Security substitute that would have appropriated an additional $400 million for port security funding for Fiscal Year 2006, but it was rejected by the Republican Majority, who is more interested in giving tax breaks the wealthiest Americans. We can and must do better for the security of the American people.

That is why I am glad that the SAFE Port Act would authorize $400 million annually for port security grant programs to be distributed based on risk. This money is desperately needed by our nation's ports to ensure that terrorist do not smuggle dangerous materials in to our country. Further, this bill requires the Department of Homeland Security to hire an additional 200 port-of-entry inspectors every year for the next six years. These additional employees will help ensure that high risk containers are actually inspected.

The SAFE Port Act represents a bipartisan and thoughtful effort to address the important issue of port security. I am pleased that this bill authorizes approximately $5 billion over six years to improve port and cargo security programs. This bill requires the Department of Homeland Security to finally develop a plan to deploy radiation detection systems at all American ports. It also strengthens the Container Security Initiative. Further, it authorizes almost $2 billion for the Coast Guard to upgrade and replace its deteriorating equipment and ships.

The SAFE Port Act is a good bill and I urge my colleagues to support it. But we need more work remains to be done. We need to require 100 percent inspection of all cargo coming in to the United States. Anything less jeopardizes the security of the American people.

Ms. WATERS. Mr. Chairman, I rise in strong support of H.R. 4954, SAFE Ports Act. Port Security has been on everyone's lips for the past two months with the proposed sale of the six major U.S. ports to the Dubai World Ports, a state-sponsored company backed by The United Arab Emirates. However, we all realize that port security was not really addressed by the outcome on that deal. What we still have at our ports is the free movement of cargo from just about every place in the world. Something must be done to establish security at our American ports. Today, we have an opportunity to do just that by supporting, H.R. 4954, SAFE Ports Act.

The major provisions of the bill address a number of issues that became even more relevant after the Dubai debacle. One, the bill establishes security standards for all cargo containers entering the U.S. after six months of enactment. This is long overdue, since containers represent the major device being handled by our Ports. The Port of Los Angeles handled 7.3 million containers in 2005, and is expected to handle even more this year, setting new records. The bill also authorizes a study of the current radiation and nuclear detection scanning technology. It came to light that this type of technology in this country is not up to par with many of our trading partners. Moreover, the bill creates a dedicated stream of funding for port security, which is necessary to maintain the level of security recommended by our own Coast Guard.

In addition, the bill would establish a Port security worker training and exercise program. This would ensure the readiness of these workers, particularly in a changing threat environment. Port security personnel must be prepared for these threats. The bill also accelerates the U.S. Coast Guard Deepwater program. Further, the bill established maritime command centers to ensure a coordinated response to our Port security needs.

Similar measures have advanced in the Senate, where Senators STEVENS and INOUYE have introduced S. 1052, the Transportation Security Improvement Act of 2005, and Senators COLLINS and MURRAY the Greenlane Maritime Act, S. 2008. These bills require marine terminal operators to comply with Coast Guard regulations to secure cargo and terminal facilities at all of our nation's ports, regardless of who operates them.

Inspections of all containers and security measures like the security IDs are important to security. Port Security is a major issue in the State of California, and of major concern to me is security at the Port of Los Angeles, one of the nation's busiest ports. The Port of Los Angeles is the largest container complex operating in the U.S., and the 8th busiest container port in the world. When combined with the Port of Long Beach the two ports rank as the 5th busiest in the world. The Los Angeles Port handles 162 million metric tons of cargo (7.3 million containers) in 2005, representing approximately $150 billion.

What is astounding is that the Los Angeles Port covers 7500 areas, 8300—water and—4200 land. This means that the Port of Los Angeles has 43 miles of water front facilities to secure. The City of Los Angeles cannot provide adequate security alone for the Port, but in cooperation with the federal government we can begin to address the concerns of workers, port and terminal operators, and others, by supporting this bill.

Mr. KING of New York, Mr. Chairman, I have discussed this issue with the ranking member, Mr. THOMPSON, and it is important to note today, as we consider the SAFE Port Act, that the Committee on Homeland Security is concerned that the list of criminal offenses that will initially disqualify a worker from holding a maritime transportation security card includes vague and overly broad crimes. The proposed list of disqualifying offenses appears to go significantly beyond the already existing mandate of exclusion and we hope that TSA and the Coast Guard, as it finalizes its rules, will narrow and limit the list of disqualifying criminal offenses to more accurately identify individuals that pose a terrorism security risk and who are therefore unworthy to hold a maritime transportation security card.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, 5 years after the September 11th attack, our nation remains vulnerable to an attack, an attack that could come through our ports. Our maritime system consists of more than 300 sea and river ports with more than 3,700 cargo and passenger terminals nationwide. Additionally, thousands of shipments to the United States originate in the ports of nations that may harbor terrorists. Although Customs and Border Protection analyzes cargo and other information to target specific shipments for closer inspection, it still physically inspects only a small fraction of the containers under its purview.

We cannot allow the threat that our current port security system allows to continue. Terrorists have already attacked our Nation once. There is every reason to believe that they will try again—possibly with a weapon of mass destruction; a weapon that could be smuggled into our ports. That is why I support the three tiered approach H.R. 4954, the "SAFE Port Act of 2006" takes to address port security.

We must secure our ports and the containers that travel through them at home, abroad and in transit to the United States. H.R. 4954 takes important strides to accomplish this by requiring the Department of Homeland Security to deploy nuclear and radiological detection systems at 22 important seaports by the end of FY07. Additionally, this legislation puts an emphasis on training—a key component to readiness. Our port police, local law enforcement, and longshoremen need an established training program with set guidelines from Homeland Security to deal with security breaches and terrorist attacks. This bill will create one.

For containers in transit to our shores, this legislation requires the Secretary of Homeland Security to develop standards for sealing containers en route to the United States. The SAFE Ports Act boosts private sector investment into security by devoting $25 million a year to forge private/public partnerships to bring new technologies and techniques to market faster.

For overseas ports, this bill realizes that our homeland security does not end at our borders. Instead, we need to take a global approach to the way we protect our nation, including our ports. This legislation requires DHS to gather more information from cargo importers. It codifies the existing Container Security Initiative which enables DHS to examine high risk maritime cargo at foreign ports.

H.R. 4954 represents an important step in enhancing our homeland security systems. As a representative from Southeastern Pennsylvania whose lies within an hour's distance or less from the ports of Philadelphia, and Newark. Additionally, my own district is home to a deepwater port that is badly in need of enhanced security measures. I am voting for this act so that my backyard and the backyards of my constituents will not become the site of the next terrorist attack. I call on my colleagues to support this legislation.

Ms. CORRINE BROWN of Florida. Mr. Chairman, the bill we have on the floor today is a good start to protecting our ports and waterways, but until this Congress has the fortitude to demand total cargo scanning and to dedicating real dollars to fully securing our ports, the American people remain vulnerable to a terrorist attack via our ports.

This legislation should have been on the floor on September 12, 2001, not May 4, 2006. Like so many other security needs of this country, this is too little too late. If we're not scanning cargo before it gets to this county, were closing the barn door long after the horse gets out.

I hear the complaints that scanning all cargo will slow commerce, but I would ask what these people think a nuclear bomb going off in a U.S. port would do to the flow of commerce. The shipping industry would be stopped in its tracks the way the aviation industry was after September 11th.

To me, nowhere is additional port security funding more important than in my home state of Florida, whose 14 major ports are the gateway to the United States. These ports play a crucial role in transporting ammunitions, supplies, and military equipment to our men and women fighting all over the world. In fact, ports serve as the main economic engine for many of the areas in which they're found, making an attack not only extremely dangerous for local citizens, but economically disastrous for the local economy as well.

Unfortunately, the administration's concentration of terrorism prevention funding on the aviation industry has jeopardized the safety of other modes of transportation. Last year TSA spent $4.4 billion alone on Aviation security, while spending only $36 million on all Surface Transportation security programs. Even after the rail bombings in Madrid and London we're still failing to provide adequate funding to protect our rail infrastructure. I just don't understand why it takes a tragedy in this county for us to react to security deficiencies.

I am hopeful that the Administration and this Congress will start to provide real dollars for the protection of our port ,and waterways. The citizens of this nation. deserve no less.

Ms. LEE. Mr. Chairman, I rise in support of H.R. 4954, the SAFE Port Act, and I want to thank the Chairman and Ranking Member for their work on this bill, as well as my colleagues from California Mr. LUNGREN, Ms. HARMAN, and Ms. LORETTA SANCHEZ.

As a member of the Port Security Caucus and as an original co-sponsor of this legislation I have been consistently fighting for a massive increase in funding and focus to secure our Nation's ports.

The fact of the matter is that over the last 4 years we have done far too little to secure our Nation's ports.

Since 2002 we have barely spent $700 million on port security grants throughout the country even though our ports have already identified and applied for over $3.8 billion worth of security improvements and even though the Coast Guard estimates that at least $5.4 billion is needed through 2010.

Instead of spending $320 billion to mislead us into a war in Iraq, the administration could have hired nearly 5 million inspectors to ensure that all cargo that enters our country is inspected.

This year this administration has even proposed to roll all critical infrastructure security grants into one pool, forcing ports, rail and other critical infrastructure to compete for scarce security dollars. That just doesn't make any sense.

The SAFE Port Act rejects the administration's wrongheaded proposal and increases the authorization for port security funding to $400 million per year.

Although this bill does make a number of very good steps in the right direction to secure our ports, I am disappointed that it does not go far enough to screen foreign cargo before it enters U.S. ports.

If we had adopted the Markey-Nadler amendment requiring 100 percent container scanning prior to shipment from foreign ports, we could have ensured that any potential threat would be identified and dealt with before it entered the United States.

If even one incident occurs that compromises a single container of a known shipper, our current screening system will fall apart. Mr. Chairman, I believe that 100 percent screening is our only option because in this day and age we cannot afford the risk of even one incident.

But we haven't even been given the option to vote on the Markey-Nadler amendment.

I'm also disappointed that the bill does not contain enough funding for the Coast Guard's deepwater program, or the radiation portal monitoring program that was first successfully launched at the Port of Oakland in my district last year.

We can and we must increase funding for both these programs and provide a comprehensive and integrated approach to port security that includes 100 percent screening. Until we do so, our job remains unfinished.

Ms. ROYBAL-ALLARD. Mr. Chairman, while I would have preferred a more proactive and comprehensive plan such as that proposed by the Democratic "Real Security Agenda", I rise today in support of H.R. 4954, the Security and Accountability For Every (SAFE) Port Act because it is a step in the right direction.

As a member of the Homeland Security Appropriations subcommittee, I am well aware of the vulnerabilities of our nation's ports. In fact, the 9/11 Commission report concluded that terrorists have the "opportunity to do harm as great or greater in maritime and surface transportation" than the September 11 terrorist attacks.

Our nation's seaports handle over 95 percent of our foreign trade, more than $1 trillion annually. The ports of Los Angeles/Long Beach near my district form the largest container port complex in the nation. These ports processed more than 35,000 cargo containers a day in 2005, and accounted for some 40 percent of all container traffic nationwide.

Given the volume of our shipping trade, a terrorist attack against the ports of Los Angeles/Long Beach, or any major commercial seaport for that matter, would freeze commercial shipping business, close all seaports for an indefinite time, and have a devastating impact on our national economy. This is not a wild estimate or an exaggeration for effect. We have only to look at the work stoppage at the LA/Long Beach ports in 2002 that directly impacted businesses across the country and cost the national economy approximately $1 billion a day.

When approved, the SAFE Port Act will make progress toward protecting the physical infrastructure of our seaports as well as our national economy which is so clearly dependent on the commercial shipping business.

I believe the following three provisions in the bill are particularly important.

First, the bill requires the development of plans to address supply chain security and the resumption of trade in the aftermath of a terrorist attack. Securing the supply chain against cargo-tampering is critical to decreasing the likelihood that weapons of mass destruction make it aboard ships bound for the United States. Ensuring that our ports can resume trade operations as soon as possible following any terrorist will mitigate the economic cost of any such attack.

Second, the bill also mandates that Transportation Worker Identification Cards to be issued to port workers. Standardizing identification cards will better enable us to determine who should have access to sensitive areas at our ports and it will make it more difficult to counterfeit the ID cards.

Lastly, the bill more than doubles present funding for the successful port security grant program to $400 million At the current rate of funding, securing the physical infrastructure of our ports would take decades to complete.

Despite these and other important provisions, I continue to be disappointed that the rule for this bill did not allow consideration of amendments by my Democratic colleagues that would have further enhanced the protection of our ports and our economy.

For example, the Thompson Amendment would have added 1600 new Customs and Border Protection officers at our Nation's ports. Having adequate staff to inspect incoming cargo is a basic first step toward securing incoming cargo.

Additionally, the Langevin Amendment would have accelerated the installation of radiation detection monitors at our seaports. This is important because inspection of every incoming cargo container isn't realistic given the volume of trade. We are foolish not to maximize and expedite the full use of technology to scan containers for radiation that may reveal weapons of mass destruction.

Lastly, Democrats sought to mandate 100 percent screening overseas, of cargo containers bound for U.S. seaports to protect the homeland from hidden shipments of weapons of mass destruction.

Democratic proposals were common sense improvements to the bill and would have better prepared us for the increased security concerns facing our country. The House should not have been denied the opportunity to openly debate these important issues.

The additional inspection officers, scanning equipment, and mandated cargo screening that these amendments proposed are not inexpensive plans and would have required significant investments. However, we cannot afford to not make these necessary investments and risk a far greater cost in terms of our economy and loss of American lives.

Mr. Chairman, port security is national security. This bill is a good step in the right direction toward securing our ports, our economy, and our Nation. However, I hope the conference committee will improve the bill further by addressing the issues of customs inspection officers, radiation detection monitors, and cargo screening that the Democrats proposed.

The Acting CHAIRMAN (Mr. PUTNAM). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Accountability For Every Port Act" or "SAFE Port Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

Sec. 101. Definition of transportation security incident.
Sec. 102. Protocols for resumption of trade.
Sec. 103. Requirements relating to maritime facility security plans.
Sec. 104. Unannounced inspections of maritime facilities.
Sec. 105. Verification of individuals with access to secure areas of seaports.
Sec. 106. Clarification on eligibility for transportation security cards.
Sec. 107. Long-range vessel tracking.
Sec. 108. Maritime security command centers.

Subtitle B—Grant and Training Programs

Sec. 111. Port security grant program.
Sec. 112. Port security training program.
Sec. 113. Port security exercise program.
Sec. 114. Reserve officers and junior reserve officers training pilot project.

Subtitle C—Miscellaneous Provisions

Sec. 121. Increase in port of entry inspection officers.
Sec. 122. Acceleration of Integrated Deepwater System.
Sec. 123. Border Patrol unit for United States Virgin Islands.
Sec. 124. Report on ownership and operation of United States seaports.
Sec. 125. Report on security operations at certain United States seaports.
Sec. 126. Report on arrival and departure manifests for certain commercial vessels in the United States Virgin Islands.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

Sec. 201. Security of the international supply chain.
Sec. 202. Next generation supply chain security technologies.
Sec. 203. Uniform data system for import and export information.
Sec. 204. Foreign port assessments.
Sec. 205. Pilot program to improve the security of empty containers.
Sec. 206. Study and report on advanced imagery pilot programs.

TITLE III—DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

Sec. 301. Establishment of Directorate.

TITLE IV—OFFICE OF DOMESTIC NUCLEAR DETECTION

Sec. 401. Establishment of Office.
Sec. 402. Nuclear and radiological detection systems.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Maritime vessels are the primary mode of transportation for international trade and they

carry over 80 percent of international trade by volume.

(2) In 2004, maritime vessels carried approximately 9,700,000 shipping containers into United States seaports at an average of 27,000 containers per day.

(3) The security of the international container supply chain and the maritime transportation system is critical for the prosperity and liberty of all countries.

(4) In its final report, the National Commission on Terrorist Attacks Upon the United States noted, "While commercial aviation remains a possible target, terrorists may turn their attention to other modes of transportation. Opportunities to do harm are as great, or greater in maritime or surface transportation.".

(5) In May 2002, the Brookings Institution estimated that costs associated with United States port closures from a detonated terrorist weapon could add up to $1 trillion from the resulting economic slump and changes in our Nation's inability to trade. Anticipated port closures on the west coast of the United States could cost the United States economy $1 billion per day for the first five days after a terrorist attack.

(6) Significant steps have been taken since the terrorist attacks against the United States that occurred on September 11, 2001:

(A) Congress passed the Maritime Transportation Security Act of 2002 on November 14, 2002.

(B) The Coast Guard issued a comprehensive set of port security regulations on October 22, 2003.

(C) The International Maritime Organization adopted the International Ship and Port Facility (ISPS) Code in December 2002.

(D) The White House issued Homeland Security Presidential Directive-13 in September 2005 which lays out requirements for a comprehensive maritime security policy.

(7) Through both public and private projects, the private sector in the United States and overseas has worked with the Department of Homeland Security to improve the security of the movement of cargo through the international supply chain.

(8) Despite these steps, security gaps in the maritime transportation system remain, resulting in high-risk container systems not being checked overseas or domestically and ports that are vulnerable to terrorist attacks similar to the attack on the U.S.S. Cole.

(9) Significant enhancements can be achieved by applying a multi-layered approach to supply chain security, in a coordinated fashion. Current supply chain programs within the Federal Government have been independently operated, often falling short of gains which could have been made if such programs were operated in a coordinated manner with clear system standards and a framework that creates incentives for security investments.

(10) While it is impossible to completely remove the risk of a terrorist attack, security measures in the supply chain can add certainty and stability to the global economy, raise investor confidence, and facilitate trade. Some counterterrorism costs are integral to the price that must be paid to protect society. However, counterterrorism measures also present an opportunity to increase the efficiency of the global trade system through international harmonization of such measures. These efficiency gains are maximized when all countries adopt such counterterrorism measures.

(11) Increasing transparency in the supply chain will assist in mitigating the impact of a terrorist attack by allowing for a targeted shutdown of the international supply chain and expedited restoration of commercial traffic.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(3) INTERNATIONAL SUPPLY CHAIN.—The term "international supply chain" means the end-to-end process for shipping goods from a point of origin overseas to and from the United States.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

TITLE I—SECURITY OF UNITED STATES SEAPORTS

Subtitle A—General Provisions

SEC. 101. DEFINITION OF TRANSPORTATION SECURITY INCIDENT.

Section 70101(6) of title 46, United States Code, is amended by inserting after "economic disruption" the following "(other than economic disruption caused by acts that are unrelated to terrorism and are committed during a labor strike, demonstration, or other type of labor unrest)".

SEC. 102. PROTOCOLS FOR RESUMPTION OF TRADE.

(a) IN GENERAL.—Section 70103(a)(2)(J) of title 46, United States Code, is amended—

(1) by striking "(J)" and inserting "(J)(i)"; and

(2) by adding at the end the following new clause:

"(ii) The plan required by clause (i) shall include protocols for the resumption of trade in the event of a transportation security incident that necessitates the suspension of trade through contingency and continuity planning that ensures trade lanes are restored as quickly as possible. The protocols shall provide for—

"(I) coordination with appropriate Federal, State, and local agencies, the private sector, and appropriate overseas entities in developing such contingency and continuity planning;

"(II) coordination with appropriate Federal, State, and local agencies and the private sector on law enforcement actions, inter-modal rerouting plans, and identification and prioritization of goods that may enter the United States; and

"(III) designation of appropriate Federal officials to work with port authorities to reestablish the flow of cargo by prioritizing shipments based on appropriate factors, including factors relating to public health, national security, and economic need.".

(b) EFFECTIVE DATE.—The Secretary of Homeland Security shall develop the protocols described in section 70103(a)(2)(J)(ii) of title 46, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 103. REQUIREMENTS RELATING TO MARITIME FACILITY SECURITY PLANS.

(a) FACILITY SECURITY PLANS.—The Secretary of Homeland Security shall require that a security plan for a facility required under section 70103(c) of title 46, United States Code, shall be resubmitted for approval upon transfer of ownership or operation of such facility.

(b) FACILITY SECURITY OFFICERS.—

(1) IN GENERAL.—The Secretary shall require that the qualified individual having full authority to implement security actions who is required to be identified under section 70103(c)(3)(B) of title 46, United States Code, for a facility described in section 70103(c)(2) of that title shall be a citizen of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watchlists to ensure that the individual is not identified on any such terrorist watchlist.

(c) FACILITY SECURITY ACCESS.—Section 70103(c)(3)(C)(ii) of title 46, United States Code, is amended by adding at the end before the semicolon the following: ", including access by individuals engaged in the surface transportation of intermodal containers in or out of a port facility".

SEC. 104. UNANNOUNCED INSPECTIONS OF MARITIME FACILITIES.

Subparagraph (D) of section 70103(c)(4) of title 46, United States Code, is amended to read as follows:

"(D) verify the effectiveness of each such facility security plan periodically, but not less than twice annually, at least one of which shall be an inspection of the facility that is conducted without notice to the facility.".

SEC. 105. VERIFICATION OF INDIVIDUALS WITH ACCESS TO SECURE AREAS OF SEAPORTS.

(a) IMPLEMENTATION OF REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

(1) not later than July 15, 2006, issue a notice of proposed rulemaking for regulations required to implement section 70105 of title 46, United States Code;

(2) not later than November 15, 2006, issue final regulations required to implement that section; and

(3) begin issuing transportation security cards to individuals at seaports facilities under subsection (b) of that section in accordance with the schedule contained in subsection (b)(2) of this section.

(b) TRANSPORTATION SECURITY CARDS.—

(1) MANAGEMENT.—Final regulations issued under subsection (a)(2) shall provide for Federal management of the system for issuing transportation security cards.

(2) SCHEDULE FOR ISSUING TRANSPORTATION SECURITY CARDS AT SEAPORTS.—

(A) Not later than May 15, 2007, the Secretary shall begin issuing transportation security cards to individuals at the first 25 seaport facilities listed on the facility vulnerability assessment issued by the Secretary under section 70102 of title 46, United States Code.

(B) Not later than November 15, 2007, the Secretary shall begin issuing transportation security cards to individuals at the next 30 seaport facilities listed on that assessment.

(C) Not later than November 15, 2008, the Secretary shall issue transportation security cards to individuals at all other seaport facilities.

(c) INTERIM VERIFICATION OF INDIVIDUALS.—

(1) TERRORIST WATCH LIST COMPARISON AND IMMIGRATION RECORDS CHECK.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(A) complete a comparison of each individual who has unescorted access to a secure area of a seaport facility (as designated in an approved facility security plan in accordance with section 70103(c) of title 46, United States Code) against terrorist watch lists to determine if the individual poses a threat; and

(B) determine whether each such individual may be denied admission to the United States, or removed from the United States, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CONTINUING REQUIREMENT.—In the case of an individual who is given unescorted access to a secure area of a seaport facility after the date on which the Secretary completes the requirements of paragraph (1) and before the date on which the Secretary begins issuing transportation security cards at the seaport facility, the Secretary shall conduct a comparison of the individual against terrorist watch lists and determine whether the individual is lawfully present in the United States.

(3) INTERIM FINAL REGULATIONS.—In order to carry out this subsection, the Secretary shall issue interim final regulations to require submission to the Secretary of information necessary to carry out the requirements of paragraph (1).

(4) PRIVACY REQUIREMENTS.—Terrorist watch list comparisons and immigration records checks under this subsection shall be carried out in accordance with the requirements of section 552a of title 5, United States Code.

(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

(A) RESTRICTION ON DISCLOSURE.—Information obtained by the Secretary in the course of comparing the individual against terrorist watch lists under this subsection may not be made available to the public, including the individual's employer.

(B) CONFIDENTIALITY; USE.—Any information constituting grounds for prohibiting the employment of an individual in a position described in paragraph (1)(A) shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. The Secretary may share any such information with appropriate Federal, State, local, and tribal law enforcement agencies.

(6) TERRORIST WATCH LISTS DEFINED.—In this subsection, the term “terrorist watch lists” means all available information on known or suspected terrorists or terrorist threats.

(d) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing information on—

(1) the number of matches made in conducting terrorist watch list comparisons, and the number of individuals found to be unlawfully present in the United States, under subsection (c);

(2) the corresponding seaport facilities at which the matches and unlawfully present individuals were identified; and

(3) the actions taken as a result of the terrorist watchlist comparisons and immigration records checks under subsection (c).

(e) TREATMENT OF INDIVIDUALS RECEIVING HAZARDOUS MATERIALS ENDORSEMENTS.—

(1) IN GENERAL.—To the extent the Secretary determines that the background records check conducted under section 5103a of title 49, United States Code, and the background records check conducted under section 70105 of title 46, United States Code, are equivalent, the Secretary shall determine that an individual does not pose a risk warranting denial of a transportation security card issued under section 70105 of title 46, United States Code, if such individual—

(A) has successfully completed a background records check under section 5103a of title 49, United States Code; and

(B) possesses a current and valid hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations.

(2) LIMITATIONS.—Notwithstanding paragraph (1), the Secretary may deny an individual a transportation security card under section 70105 of title 46, United States Code, if the Secretary has substantial evidence that the individual poses a risk to national security.

(3) REDUCTION IN FEES.—The Secretary shall reduce, to the extent practicable, any fees associated with obtaining a transportation security card under section 70105 of title 46, United States Code, for any individual referred to in paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for fiscal year 2007 to carry out this section.

SEC. 106. CLARIFICATION ON ELIGIBILITY FOR TRANSPORTATION SECURITY CARDS.

Section 70105(c)(2) of title 46, United States Code, is amended by inserting “subparagraph (A), (B), or (D) of” before “paragraph (1)”.

SEC. 107. LONG-RANGE VESSEL TRACKING.

(a) REGULATIONS.—Section 70115 of title 46, United States Code is amended in the first sentence by striking “The Secretary” and inserting “Not later than April 1, 2007, the Secretary”.

(b) VOLUNTARY PROGRAM.—The Secretary of Homeland Security may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under subsection (a) of such section.

SEC. 108. MARITIME SECURITY COMMAND CENTERS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 70122. Maritime security command centers

“(a) ESTABLISHMENT.—The Secretary shall establish an integrated network of virtual and physical maritime security command centers at appropriate United States seaports and maritime regions, as determined by the Secretary, to—

“(1) enhance information sharing;

“(2) facilitate day-to-day operational coordination; and

“(3) in the case of a transportation security incident, facilitate incident management and response.

“(b) CHARACTERISTICS.—Each maritime security command center described in subsection (a) shall—

“(1) be regionally based and utilize where available the compositional and operational characteristics, facilities and information technology systems of current operational centers for port and maritime security and other similar existing facilities and systems;

“(2) be adapted to meet the security needs, requirements, and resources of the seaport and maritime region the center will cover; and

“(3) to the maximum extent practicable, not involve the construction of new facilities, but shall utilize information technology, virtual connectivity, and existing facilities to create an integrated, real-time communication and information sharing network.

“(c) PARTICIPATION.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a):

“(1) The Coast Guard.

“(2) U.S. Customs and Border Protection.

“(3) U.S. Immigration and Customs Enforcement.

“(4) Other appropriate Federal, State, and local law enforcement agencies.

“(d) RESPONSIBILITIES.—Each maritime security command center described in subsection (a) shall—

“(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103;

“(2) implement the transportation security incident response plans required under section 70104;

“(3) carry out information sharing activities consistent with those activities required under section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) and the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

“(4) conduct short- and long-range vessel tracking under sections 70114 and 70115; and

“(5) carry out such other responsibilities as determined by the Secretary.

“(e) SECURITY CLEARANCES.—The Secretary shall sponsor and expedite individuals participating in a maritime security command center described in subsection (a) in gaining or maintaining their security clearances. Through the Captain of the Port, the Secretary may identify key individuals who should participate. In addition, the port or other entities may appeal to the Captain of the Port for sponsorship.

“(f) SECURITY INCIDENTS.—During a transportation security incident involving the port, the Coast Guard Captain of the Port designated by the Commandant of the Coast Guard in a maritime security command center described in subsection (a) shall act as the incident commander, unless otherwise directed by the President.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the normal command and control procedures for operational entities in the Department, unless so directed by the Secretary.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $60,000,000 for each of the fiscal years 2007 through 2012 to carry out this section and section 108(c) of the Security and Accountability For Every Port Act.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 701 of title 46, United States Code, is amended by adding at the end the following:

“70122. Maritime security command centers.”.

(c) IMPLEMENTATION PLAN AND BUDGET ANALYSIS.—The Secretary of Homeland Security shall submit to the appropriate congressional committees a plan for the implementation of section 70122 of title 46, United States Code, as added by subsection (a), and a budget analysis for the implementation of such section, including additional cost-sharing arrangements with other Federal departments and agencies and other participants involved in the maritime security command centers described in such section, not later than 180 days after the date of the enactment of this Act.

Subtitle B—Grant and Training Programs

SEC. 111. PORT SECURITY GRANT PROGRAM.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by redesignating the second section 510 (as added by section 7303(d) of Public Law 108–458 (118 Stat. 3844)) as section 511; and

(2) by adding at the end the following new section:

“SEC. 512. PORT SECURITY GRANT PROGRAM.

“(a) GRANTS AUTHORIZED.—The Secretary shall establish a grant program to allocate Federal financial assistance to United States seaports on the basis of risk and need.

“(b) PRIORITIZATION PROCESS.—In awarding grants under this section, the Secretary shall conduct an assessment of United States seaports to develop a prioritization for awarding grants authorized under subsection (a) based upon—

“(1) the most current risk assessment available from the Department;

“(2) the national economic and strategic defense considerations of individual ports; and

“(3) any other factors that the Secretary determines to be appropriate.

“(c) APPLICATION.—

“(1) IN GENERAL.—Any entity or facility subject to an Area Maritime Transportation Security Plan required under subsection (b) or (c) of section 70103 of title 46, United States Code, may submit an application for a grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

“(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

“(A) a comprehensive description of—

“(i) the purpose of the project for which the applicant seeks a grant under this section and why the applicant needs the grant;

“(ii) the applicability of the project to the Area Maritime Transportation Security Plan and other homeland security plans;

“(iii) the methodology for coordinating the project into the security of the greater port area, as identified in the Area Maritime Transportation Security Plan;

"(iv) any existing cooperation or mutual aid agreements with other port facilities, vessels, organizations, or State, territorial, and local governments as such agreements relate to port security; and

"(v) a capital budget showing how the applicant intends to allocate and expend the grant funds;

"(B) a determination by the Captain of the Port that the project—

"(i) addresses or corrects port security vulnerabilities; and

"(ii) helps to ensure compliance with the Area Maritime Transportation Security Plan.

"(3) PROCEDURAL SAFEGUARDS.—The Secretary, in consultation with the Office of the Inspector General and the Office of Grants and Training, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

"(A) grant funds are used for the purposes for which they were made available;

"(B) grantees have properly accounted for all expenditures of grant funds; and

"(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

"(d) USE OF FUNDS.—Grants awarded under this section may be used—

"(1) to help implement Area Maritime Transportation Security Plans required under section 70103(b) of title 46, United States Code;

"(2) to remedy port security vulnerabilities identified through vulnerability assessments approved by the Secretary;

"(3) for non-Federal projects contributing to the overall security of a seaport or a system of United States seaports, as determined by the Secretary;

"(4) for the salaries, benefits, overtime compensation, and other costs of additional security personnel for State and local agencies for activities required by the Area Maritime Transportation Security Plan for a seaport area if the Secretary—

"(A) increases the threat level under the Homeland Security Advisory System to Code Orange or Code Red; or

"(B) raises the Maritime Security level to MARSEC Level 2 or 3;

"(5) for the cost of acquisition, operation, and maintenance of equipment that contributes to the overall security of the port area, as identified in the Area Maritime Transportation Security Plan, if the need is based upon vulnerability assessments approved by the Secretary or identified in the Area Maritime Security Plan;

"(6) to conduct vulnerability assessments approved by the Secretary;

"(7) to purchase or upgrade equipment, including computer software, to enhance terrorism preparedness;

"(8) to conduct exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks;

"(9) to establish or enhance mechanisms for sharing terrorism threat information;

"(10) for the cost of equipment (including software) required to receive, transmit, handle, and store classified information;

"(11) for the protection of critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

"(A) \$1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the grant; and

"(12) to conduct port-wide exercises to strengthen emergency preparedness of Federal, State, territorial, and local officials responsible for port security, including law enforcement personnel and firefighters and other first responders, in support of the Area Maritime Security Plan.

"(e) PROHIBITED USES.—Grants awarded under this section may not be used to—

"(1) supplant State or local funds for activities of the type described in subsection (d);

"(2) construct buildings or other physical facilities;

"(3) acquire land; or

"(4) make any State or local government cost-sharing contribution.

"(f) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in subparagraph (A) or (B) of paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

"(2) EXCEPTIONS.—

"(A) SMALL PROJECTS.—The requirement of paragraph (1) shall not apply with respect to a project with a total cost of not more than \$25,000.

"(B) HIGHER LEVEL OF FEDERAL SUPPORT REQUIRED.—The requirement of paragraph (1) shall not apply with respect to a project if the Secretary determines that the project merits support and cannot be undertaken without a higher rate of Federal support than the rate described in paragraph (1).

"(3) IN-KIND CONTRIBUTIONS.—Each recipient of a grant under this section may meet the requirement of paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, as determined by the Secretary, including any necessary personnel expenses, contractor services, administrative costs, equipment, fuel, or maintenance, and rental space.

"(g) MULTIPLE PHASE PROJECTS.—

"(1) IN GENERAL.—The Secretary may award grants under this section for projects that span multiple years.

"(2) FUNDING LIMITATION.—Not more than 20 percent of the total grant funds awarded under this section in any fiscal year may be awarded for projects that span multiple years.

"(h) CONSISTENCY WITH PLANS.—The Secretary shall ensure that each grant awarded under this section—

"(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

"(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

"(i)- COORDINATION AND COOPERATION.—The Secretary—

"(1) shall ensure that all projects that receive grant funding under this section within any area defined in an Area Maritime Transportation Security Plan are coordinated with other projects in such area; and

"(2) may require cooperative agreements among users of the seaport and seaport facilities with respect to projects funded under this section.

"(j) REVIEW AND AUDITS.—The Secretary shall require all grantees under this section to maintain such records as the Secretary may require and make such records available for review and audit by the Secretary, the Comptroller General of the United States, or the Inspector General of the Department.

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated \$400,000,000 for each of fiscal years 2007 through 2012 to carry out this section.

"(2) SOURCE OF FUNDS.—Amounts authorized to be appropriated under paragraph (1) shall originate from duties collected by U.S. Customs and Border Protection.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by inserting after the item relating to section 509 the following:

"Sec. 510. Procurement of security countermeasures for strategic national stockpile.
"Sec. 511. Urban and other high risk area communications capabilities.
"Sec. 512. Port security grant program.".

(c) REPEAL.—

(1) IN GENERAL.—Section 70107 of title 46, United States Code, is hereby repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70107.

SEC. 112. PORT SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by adding at the end the following new section:

"SEC. 802. PORT SECURITY TRAINING PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall establish a Port Security Training Program (hereinafter in this section referred to as the 'Program') for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

"(b) REQUIREMENTS.—The Program shall provide validated training that—

"(1) reaches multiple disciplines, including Federal, State, and local government officials, commercial seaport personnel and management, and governmental and nongovernmental emergency response providers;

"(2) provides training at the awareness, performance, and management and planning levels;

"(3) utilizes multiple training mediums and methods, including—

"(A) direct delivery;

"(B) train-the-trainer;

"(C) computer-based training;

"(D) web-based training; and

"(E) video teleconferencing;

"(4) addresses port security topics, including—

"(A) seaport security plans and procedures, including how security plans and procedures are adjusted when threat levels increase;

"(B) seaport security force operations and management;

"(C) physical security and access control at seaports;

"(D) methods of security for preventing and countering cargo theft;

"(E) container security;

"(F) recognition and detection of weapons, dangerous substances, and devices;

"(G) operation and maintenance of security equipment and systems;

"(H) security threats and patterns;

"(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

"(J) evacuation procedures;

"(5) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

"(6) is evaluated against clear and consistent performance measures; and

"(7) addresses security requirements under facility security plans.

"(c) National Voluntary Consensus Standards.—The Secretary shall—

"(1) support the development, promulgation, and regular updating as necessary of national voluntary consensus standards for port security training; and

"(2) ensure that the training provided under this section is consistent with such standards.

"(d) Training Partners.—In developing and delivering training under the Program, the Secretary shall—

"(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management; and

"(2) utilize, as appropriate, training courses provided by community colleges, public safety academies, State and private universities, and other facilities.

"(e) Consultation.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with—

"(1) a geographic and substantive cross section of governmental and nongovernmental emergency response providers; and

"(2) commercial seaport personnel and management.

"(f) Commercial Seaport Personnel Defined.—For purposes of this section, the term 'commercial seaport personnel' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.".

(b) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by inserting after the item relating to section 801 the following:

"Sec. 802. Port security training program.".

(c) Vessel and Facility Security Plans.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (E), by striking "the training, periodic unannounced drills, and"

(2) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) provide a strategy and timeline for conducting training and periodic unannounced drills for persons on the vessel or at the facility to be carried out under the plan to deter, to the maximum extent practicable, a transportation security incident or a substantial threat of such a transportation security incident;".

SEC. 113. PORT SECURITY EXERCISE PROGRAM.

(a) In General.—Subtitle A of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by section 112, is further amended by adding at the end the following new section:

"SEC. 803. PORT SECURITY EXERCISE PROGRAM.

"(a) In General.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Port Security Exercise Program (hereinafter in this section referred to as the 'Program') for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, the private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at commercial seaports.

"(b) Requirements.—The Secretary, acting through the Assistant Secretary for Grants and Training and in coordination with components of the Department with maritime security expertise, including the Coast Guard, the Transportation Security Administration, and U.S. Customs and Border Protection, shall ensure that the Program—

"(1) consolidates all existing port security exercise programs administered by the Department;

"(2) conducts, on a periodic basis, port security exercises at commercial seaports that are—

"(A) scaled and tailored to the needs of each port;

"(B) live in the case of the most at-risk ports;

"(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

"(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

"(E) evaluated against clear and consistent performance measures;

"(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, seaport personnel and management; governmental and nongovernmental emergency response providers, and the private sector; and

"(G) followed by remedial action in response to lessons learned; and

"(3) assists State and local governments and commercial seaports in designing, implementing, and evaluating exercises that—

"(A) conform to the requirements of paragraph (2); and

"(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

"(c) Remedial Action Management System.—The Secretary, acting through the Assistant Secretary for Grants and Training, shall establish a Remedial Action Management System to—

"(1) identify and analyze each port security exercise for lessons learned and best practices;

"(2) disseminate lessons learned and best practices to participants in the Program;

"(3) monitor the implementation of lessons learned and best practices by participants in the Program; and

"(4) conduct remedial action tracking and long-term trend analysis.

"(d) Grant Program Factor.—In evaluating and prioritizing applications for Federal financial assistance under section 512, the Secretary shall give additional consideration to those applicants that have conducted port security exercises under this section.

"(e) Consultation.—The Secretary shall ensure that, in carrying out the Program, the Office of Grants and Training shall consult with—

"(1) a geographic and substantive cross section of governmental and nongovernmental emergency response providers; and

"(2) commercial seaport personnel and management.

"(f) Commercial Seaport Personnel Defined.—For purposes of this section, the term 'commercial seaport personnel' means any person engaged in an activity relating to the loading or unloading of cargo, the movement or tracking of cargo, the maintenance and repair of intermodal equipment, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when a vessel is made fast or let go, in the United States or the coastal waters thereof.".

(b) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135), as amended by section 112, is further amended by inserting after the item relating to section 802 the following:

"Sec. 803. Port security exercise program.".

SEC. 114. RESERVE OFFICERS AND JUNIOR RESERVE OFFICERS TRAINING PILOT PROJECT.

(a) In General.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the "Secretary") may carry out a pilot project to establish and maintain a reserve officers and a junior reserve officers training program in locations determined by the Secretary.

(b) Criteria for Selection.—The Secretary shall establish and maintain a training program under this section in each Coast Guard District, preferably in a location that has a Coast Guard district headquarters. The Secretary shall ensure that at least one program is established at each of an historically black college or university, an hispanic serving institution, and a high school with majority-minority population.

(c) Program Requirements.—A pilot program carried out by the Secretary under this section shall provide students—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills that are useful and appropriate for a career in the Coast Guard.

(d) Provision of Additional Support.—To carry out a pilot program under this section, the Secretary may provide—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(e) Employment of Retired Coast Guard Personnel.—

(1) In general.—Subject to paragraph (2), the Secretary may authorize a selected college, university, or high school to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary.

(2) Authorized pay.—

(A) In general.—Retired members employed pursuant to paragraph (1) may receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty with the Coast Guard during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) Payment to the school.—The Secretary shall pay to a selected college, university, or high school an amount equal to one half of the amount described in subparagraph (A), from funds appropriated for that purpose.

(f) Authorization of Appropriations.—To carry out this section there is authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2010.

Subtitle C—Miscellaneous Provisions

SEC. 121. INCREASE IN PORT OF ENTRY INSPECTION OFFICERS.

(a) In General.—The Secretary of Homeland Security shall increase by not less than 200 the number of positions for full-time active duty port of entry inspection officers of the Department of Homeland Security for each of the fiscal years 2007 through 2012.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a) the following amounts for the following fiscal years:

(1) $20,000,000 for fiscal year 2007.
(2) $40,000,000 for fiscal year 2008.
(3) $60,000,000 for fiscal year 2009.
(4) $80,000,000 for fiscal year 2010.
(5) $100,000,000 for fiscal year 2011.
(6) $120,000,000 for fiscal year 2012.

SEC. 122. ACCELERATION OF INTEGRATED DEEPWATER SYSTEM.

In addition to any other amounts authorized by law, there is authorized to be appropriated to the Secretary of Homeland Security $1,892,000,000 for the acquisition and construction of vessels, aircraft, shore and offshore facilities and other components associated with the Integrated Deepwater System in accordance with the report required by section 888 of the Homeland Security Act of 2002 (116 Stat. 2250).

SEC. 123. BORDER PATROL UNIT FOR UNITED STATES VIRGIN ISLANDS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 124. REPORT ON OWNERSHIP AND OPERATION OF UNITED STATES SEAPORTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains—

(1) the name of each individual or entity that leases, operates, manages, or owns real property or facilities at each United States seaport; and

(2) any other information that the Secretary determines to be appropriate.

SEC. 125. REPORT ON SECURITY OPERATIONS AT CERTAIN UNITED STATES SEAPORTS.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study on the adequacy of security operations at the ten United States seaports that load and unload the largest amount of containers.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).

SEC. 126. REPORT ON ARRIVAL AND DEPARTURE MANIFESTS FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED STATES VIRGIN ISLANDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the impact of implementing the requirements of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221) (relating to providing United States border officers with arrival and departure manifests) with respect to commercial vessels that are fewer than 300 gross tons and operate exclusively between the territorial waters of the United States Virgin Islands and the territorial waters of the British Virgin Islands.

TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

SEC. 201. SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

"TITLE XVIII—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

"Subtitle A—General Provisions

"SEC. 1801. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

"(a) STRATEGIC PLAN.—The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop and implement, and update as appropriate, a strategic plan to enhance the security of the international supply chain.

"(b) REQUIREMENTS.—The strategic plan required under subsection (a) shall—

"(1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private sector stakeholders that relate to the security of the movement of containers through the international supply chain;

"(2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);

"(3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;

"(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

"(5) build on available resources and consider costs and benefits;

"(6) provide incentives for additional voluntary measures to enhance cargo security, as determined by the Secretary;

"(7) consider the impact of supply chain security requirements on small and medium size companies;

"(8) include a process for sharing intelligence and information with private sector stakeholders to assist in their security efforts;

"(9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

"(10) provide a plan for the expeditious resumption of the flow of legitimate trade in accordance with section 70103(a)(2)(J)(ii) of title 46, United States Code;

"(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs; and

"(12) expand upon and relate to existing strategies and plans, including the National Strategy for Maritime Security and the eight supporting plans of the Strategy, as required by Homeland Security Presidential Directive-13 (September 2005).

"(c) UTILIZATION OF ADVISORY COMMITTEES.—As part of the consultations described in subsection (a), the Secretary shall, to the extent practicable, utilize the Homeland Security Advisory Committee, the National Maritime Security Advisory Committee, and the Commercial Operations Advisory Committee to review, as necessary, the draft strategic plan and any subsequent updates to the strategic plan.

"(d) INTERNATIONAL STANDARDS AND PRACTICES.—In furtherance of the strategic plan required under subsection (a), the Secretary is encouraged to consider proposed or established standards and practices of foreign governments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Organization for Standardization, as appropriate, to establish standards and best practices for the security of containers moving through the international supply chain.

"(e) REPORT.—

"(1) INITIAL REPORT.—The Secretary shall submit to the appropriate congressional committees a report that contains the strategic plan required by subsection (a).

"(2) FINAL REPORT.—Not later than three years after the date on which the strategic plan is submitted under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains an update of the strategic plan.

"(f) DEFINITION.—In this section, the term 'transportation security incident' has the meaning given the term in section 70101(6) of title 46, United States Code.

"SEC. 1802. TRANSMISSION OF ADDITIONAL DATA ELEMENTS FOR IMPROVED HIGH RISK TARGETING.

"(a) REQUIREMENT.—The Secretary shall require transmission to the Department, through an electronic data interchange system, of additional data elements for improved high risk targeting, including appropriate security elements of entry data, as determined by the Secretary, to be provided as advanced information with respect to cargo destined for importation into the United States prior to loading of such cargo on vessels at foreign seaports.

"(b) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. In promulgating such regulations, the Secretary shall adhere to the parameters applicable to the development of regulations under section 343(a) of the Trade Act of 2002 (19 U.S.C. 2071 note), including provisions relating to consultation, technology, analysis, use of information, confidentiality, and timing requirements.

"SEC. 1803. PLAN TO IMPROVE THE AUTOMATED TARGETING SYSTEM.

"(a) PLAN.—The Secretary shall develop and implement a plan to improve the Automated Targeting System for the identification of high-risk containers moving through the international supply chain.

"(b) CONTENTS.—

"(1) TREATMENT OF RECOMMENDATIONS.—The Secretary shall include in the plan required under subsection (a) a schedule to address the recommendations of the Comptroller General of the United States, the Inspector General of the Department of the Treasury, and the Inspector General of the Department of Homeland Security with respect to the operation of the Automated Targeting System.

"(2) INFORMATION SUBMISSIONS.—In developing the plan required under subsection (a), the Secretary shall consider the cost, benefit, and feasibility of—

"(A) requiring additional nonmanifest documentation for each container;

"(B) adjusting the time period allowed by law for revisions to a container cargo manifest;

"(C) adjusting the time period allowed by law for submission of entry data for vessel or cargo; and

"(D) such other actions the Secretary considers beneficial for improving the information relied upon for the Automated Targeting System and any other targeting systems in furthering the security and integrity of the international supply chain.

"(3) OUTSIDE REVIEW.—The Secretary shall conduct, through an independent panel, a review of the Automated Targeting System. The results of this review shall be included in the plan required under subsection (a).

"(4) SMART SYSTEM.—The Secretary shall consider future iterations of the Automated Targeting System, which would incorporate smart features, such as more complex algorithms and real-time intelligence, instead of relying solely on rule sets that are periodically updated. The Secretary shall also consider how the Automated Targeting System could be improved through linkages with targeting systems in existence on the date of the enactment of the Security and Accountability For Every Port Act for travel security and terrorism finance programs.

"(c) New or Expanded Information Submissions.—In considering any new or expanded information submission requirements, the Secretary shall consult with stakeholders and identify the need for such information, appropriate confidentiality requirements with respect to such information, and appropriate timing of the submission of such information, in the plan required under subsection (a).

"(d) Secure Transmission of Certain Information.—All information required by the Department from supply chain partners shall be transmitted in a secure fashion, as determined by the Secretary, so as to protect the information from unauthorized access.

"(e) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.

"SEC. 1804. CONTAINER STANDARDS AND VERIFICATION PROCEDURES.

"(a) Establishment.—

"(1) In general.—The Secretary shall establish minimum standards and verification procedures for securing containers in transit to the United States relating to the sealing of containers.

"(2) Deadline for enforcement.—Not later than two years after the date on which the standards and procedures are established pursuant to paragraph (1), all containers bound for ports of entry in the United States shall meet such standards and procedures.

"(b) Review and Enhancement.—The Secretary shall regularly—

"(1) review the standards and procedures established pursuant to subsection (a); and

"(2) enhance the security standards and procedures, as appropriate, based on tests of technologies as they become commercially available to detect container intrusion and the highest consequence threats, particularly weapons of mass destruction.

"(c) International Cargo Security Standards.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

"(d) International Trade and Other Obligations.—In carrying out this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under this section do not violate international trade obligations or other international obligations of the United States.

"SEC. 1805. CONTAINER SECURITY INITIATIVE (CSI).

"(a) Authorization.—The Secretary is authorized to establish and implement a program (to be known as the 'Container Security Initiative' or 'CSI') to identify and examine maritime containers that pose a risk for terrorism at foreign ports before the containers are shipped to the United States.

"(b) Assessment.—Before the Secretary designates any foreign port under CSI, the Secretary, in consultation with other Federal officials, as appropriate, shall conduct an assessment of the port, including—

"(1) the level of risk for the potential compromise of containers by terrorists or terrorist weapons;

"(2) the volume of regular container traffic to United States ports;

"(3) the results of the Coast Guard assessments conducted pursuant to section 70108 of title 46, United States Code;

"(4) the commitment of the host nation to cooperating with the Department in sharing critical data and risk management information and to maintain programs to ensure employee integrity; and

"(5) the potential for validation of security practices by the Department.

"(c) Notification.—The Secretary shall notify the appropriate congressional committees prior to notifying the public of the designation of a foreign port under CSI.

"(d) Inspections.—

"(1) Requirements and procedures.—The Secretary shall—

"(A) establish technical capability criteria and standard operating procedures for the use of nonintrusive inspection and nuclear and radiological detection systems in conjunction with CSI;

"(B) require each port designated under CSI to operate nonintrusive inspection and nuclear and radiological detection systems in accordance with the technical capability criteria and standard operating procedures established under subparagraph (A); and

"(C) continually monitor the technologies, processes, and techniques used to inspect cargo at ports designated under CSI.

"(2) Consistency of standards and procedures.—The Secretary shall ensure that the technical capability criteria and standard operating procedures established under paragraph (1)(A) are consistent with such standards and procedures of any other department or agency of the Federal government with respect to deployment of nuclear and radiological detection systems outside the United States.

"(3) Foreign assistance.—

"(A) In general.—The Secretary, in consultation with the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies, shall identify foreign assistance programs that could facilitate the implementation of cargo security antiterrorism measures at ports designated under CSI and foreign ports not designated under CSI that lack effective antiterrorism measures.

"(B) Acquisition.—The Secretary is authorized to loan or otherwise assist in the deployment of nonintrusive inspection or nuclear and radiological detection systems for cargo containers at each designated CSI port under such terms and conditions as the Secretary determines to be appropriate and to provide training for foreign personnel involved in CSI.

"(e) Prohibition.—

"(1) In general.—The Secretary shall issue a 'do not load' order to each port designated under CSI to prevent the onload of any cargo that has been identified as higher risk by the Automated Targeting System unless the cargo—

"(A) is scanned with a non intrusive imagery device and nuclear or radiological detection equipment;

"(B) is devanned and inspected with nuclear or radiological detection equipment; or

"(C) is determined to be of lower risk following additional inquiries by appropriate personnel of U.S. Customs and Border Protection.

"(2) Rule of construction.—Nothing in this subsection shall be construed to interfere with the ability of the Secretary to deny entry of any cargo into the United States.

"(f) Report.—The Secretary shall submit to the appropriate congressional committees not later than March 1 of each year a report on the status of CSI, including—

"(1) a description of the security improvements gained through CSI;

"(2) the rationale for the continuance of each port designated under CSI;

"(3) an assessment of the personnel needs at each port designated under CSI; and

"(4) a description of the potential for remote targeting to decrease the number of personnel who are deployed at foreign ports under CSI.

"(g) Authorization of Appropriations.—There are authorized to be appropriated $196,000,000 for each of the fiscal years 2007 through 2012 to carry out this section.

"SEC. 1806. INFORMATION SHARING RELATING TO SUPPLY CHAIN SECURITY COOPERATION.

"(a) Purposes.—The purposes of this section are—

"(1) to establish continuing liaison and to provide for supply chain security cooperation between Department and the private sector; and

"(2) to provide for regular and timely interchange of information between the private sector and the Department concerning developments and security risks in the supply chain environment.

"(b) Secure System.—The Secretary shall develop a secure electronic data interchange system to collect from and share appropriate risk information related to securing the supply chain with the private sector entities determined appropriate by the Secretary.

"(c) Consultation.—In developing the system under subsection (b), the Secretary shall consult with the Commercial Operations Advisory Committee and a broad range of public and private sector entities likely to utilize the system, including importers, exporters, carriers, customs brokers, and freight forwarders, among other parties.

"(d) Procedures.—The Secretary shall establish uniform procedures for the receipt, care, and storage of supply chain security information that is voluntarily submitted to the Department through the system developed under subsection (b).

"(e) Limitations.—The voluntary information collected through the system developed under subsection (b) shall be used exclusively for ensuring security and shall not be used for determining entry or for any other commercial enforcement purpose. The voluntary information submitted to the Department through the system developed under subsection (b) shall not be construed to constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

"(f) Participants.—The Secretary shall develop protocols for determining appropriate private sector personnel who shall have access to the system developed under subsection (b). Such personnel shall include designated security officers within companies that are determined to be low risk through participation in the Customs-Trade Partnership Against Terrorism program established pursuant to subtitle B of this title.

"(g) Confidentiality.—Notwithstanding any other provision of law, information that is voluntarily submitted by the private sector to the Department through the system developed under subsection (b)—

"(1) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

"(2) shall not, without the written consent of the person or entity submitting such information, be used directly by the Department or a third party, in any civil action arising under Federal or State law if such information is submitted in good faith; and

"(3) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this section, except—

"(A) in furtherance of an investigation or other prosecution of a criminal act; or

"(B) when disclosure of the information would be—

"(i) to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee thereof or subcommittee of any such joint committee; or

"(ii) to the Comptroller General, or any authorized representative of the Comptroller General, in the course of the performance of the duties of the Comptroller General.

"(h) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal, State, or local, government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

"(i) PENALTIES.—Whoever, being an officer or employee of the United States or of any department or agency thereof, knowingly publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law, any supply chain security information protected in this section from disclosure, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both, and shall be removed from office or employment.

"(j) AUTHORITY TO ISSUE WARNINGS.—The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning, the Secretary shall take appropriate actions to protect from disclosure—

"(1) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

"(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

"Subtitle B—Customs-Trade Partnership Against Terrorism (C-TPAT)

"SEC. 1811. ESTABLISHMENT.

"(a) ESTABLISHMENT.—The Secretary is authorized to establish a voluntary program (to be known as the 'Customs-Trade Partnership Against Terrorism' or 'C–TPAT') to strengthen and improve the overall security of the international supply chain and United States border security.

"(b) MINIMUM SECURITY REQUIREMENTS.—The Secretary shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

"SEC. 1812. ELIGIBLE ENTITIES.

"Importers, brokers, forwarders, air, sea, land carriers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

"SEC. 1813. MINIMUM REQUIREMENTS.

"An applicant seeking to participate in C–TPAT shall—

"(1) demonstrate a history of moving commerce in the international supply chain;

"(2) conduct an assessment of its supply chains based upon security criteria established by the Secretary, including—

"(A) business partner requirements;

"(B) container security;

"(C) physical security and access controls;

"(D) personnel security;

"(E) procedural security;

"(F) security training and threat awareness; and

"(G) information technology security;

"(3) implement and maintain security measures and supply chain security practices meeting security criteria; and

"(4) meet all other requirements established by the Secretary.

"SEC. 1814. TIER ONE PARTICIPANTS.

"(a) BENEFITS.—The Secretary may offer limited benefits to C–TPAT participants whose security measures and supply chain security practices have been certified in accordance with the guidelines established pursuant to subsection (b).

"(b) GUIDELINES.—The Secretary shall update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section.

"SEC. 1815. TIER TWO PARTICIPANTS.

"(a) IN GENERAL.—Not later than one year after a C-TPAT participant has been certified under section 1814, the Secretary shall validate, directly or through third party entities certified in accordance with section 1817, the security measures and supply chain security practices of that participant. Such validation shall include assessments at appropriate foreign locations utilized by the participant as part of the supply chain.

"(b) CONSEQUENCES FOR FAILED VALIDATION.—If a C–TPAT participant's security measures and supply chain security practices fail to meet the validation requirements under this section, the Commissioner of U.S. Customs and Border Protection may—

"(1) deny the participant benefits under C–TPAT on a temporary or permanent basis; or

"(2) suspend or expel the participant from C–TPAT.

"(c) RIGHT OF APPEAL.—A C–TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner's decision under subsection (b)(1) to deny benefits under C–TPAT or under subsection (b)(2) to suspend or expel the participant from C–TPAT.

"(d) BENEFITS.—The Secretary shall extend benefits to each C-TPAT participant that has been validated under this section, which may include—

"(1) reduced examinations; and

"(2) priority processing for searches.

"SEC. 1816. TIER THREE PARTICIPANTS.

"(a) IN GENERAL.—The Secretary shall establish a third tier of C-TPAT that offers additional benefits to C-TPAT participants that demonstrate a sustained commitment beyond the minimum criteria for participation in C-TPAT.

"(b) ADDITIONAL CRITERIA.—The Secretary shall designate criteria for C-TPAT participants under this section that may include criteria to ensure—

"(1) cargo is loaded on a vessel with a vessel security plan approved under section 70103(c) of title 46, United States Code, or on a vessel with a valid International Ship Security Certificate as provided for under part 104 of title 33, Code of Federal Regulations;

"(2) container security devices and related policies and practices that exceed the standards and procedures established by the Secretary are utilized; and

"(3) cargo complies with any other requirements determined by the Secretary.

"(c) BENEFITS.—The Secretary, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, may provide benefits to C-TPAT participants under this section, which may include—

"(1) the expedited release of tier three cargo into destination ports within the United States during all threat levels designated by the Secretary;

"(2) reduced or streamlined bonding requirements that are consistent with obligations under other applicable provisions of law;

"(3) preference to vessels;

"(4) further reduced examinations;

"(5) priority processing for examinations;

"(6) further reduced scores in the Automated Targeting System; and

"(7) streamlined billing of any customs duties or fees.

"(d) DEFINITION.—In this section, the term 'container security device' means a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusion of containers.

"SEC. 1817. CONSEQUENCES FOR LACK OF COMPLIANCE.

"(a) IN GENERAL.—If a C–TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this subtitle, the Secretary may deny the participant benefits in whole or in part under this subtitle.

"(b) FALSE OR MISLEADING INFORMATION.—If a C-TPAT participant intentionally provides false or misleading information to the Secretary or a third party entity during the validation process of the participant under this subtitle, the Commissioner of U.S. Customs and Border Protection shall suspend or expel the participant from C-TPAT for a period of not less than five years.

"(c) RIGHT OF APPEAL.—A C–TPAT participant described in subsection (a) may file an appeal with the Secretary of the Secretary's decision under subsection (a) to deny benefits under this subtitle. A C-TPAT participant described in subsection (b) may file an appeal with the Secretary of the Commissioner's decision under subsection (b) to suspend or expel the participant from C-TPAT.

"SEC. 1818. VALIDATIONS BY THIRD PARTY ENTITIES.

"(a) IN GENERAL.—In conducting the pilot program under subsection (f), and if the Secretary determines to expand the use of third party entities to conduct validations of C-TPAT participants upon completion of the pilot program under subsection (f), the Secretary shall—

"(1) develop, document, and update, as necessary, minimum standard operating procedures and requirements applicable to such entities for the conduct of such validations; and

"(2) meet all requirements under subtitle G of the title VIII of this Act to review and designate such minimum standard operating procedures as a qualified anti-terrorism technology for purposes of such subtitle.

"(b) CERTIFICATION OF THIRD PARTY ENTITIES.—

"(1) ISSUANCE OF CERTIFICATE OF CONFORMANCE.—In accordance with section 863(d)(3) of this Act, the Secretary shall issue a certificate of conformance to a third party entity to conduct validations under this subtitle if the entity—

"(A) demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with standard operating procedures and requirements (or updates thereto) designated as a qualified anti-terrorism technology by the Secretary under subsection (a); and

"(B) agrees—

"(I) to perform validations in accordance with such standard operating procedures and requirements (or updates thereto); and

"(ii) to maintain liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 of this Act; and

"(C) signs an agreement to protect all proprietary information of C-TPAT participants with respect to which the entity will conduct validations.

"(2) LITIGATION AND RISK MANAGEMENT PROTECTIONS.—A third party entity that maintains liability insurance coverage at policy limits and in accordance with conditions to be established by the Secretary pursuant to section 864 of this Act and receives a certificate of conformance under paragraph (1) shall receive all applicable litigation and risk management protections under sections 863 and 864 of this Act.

"(3) RECIPROCAL WAIVER OF CLAIMS.—A reciprocal waiver of claims shall be deemed to have been entered into between a third party entity that receives a certificate of conformance under paragraph (1) and its contractors, subcontractors, suppliers, vendors, customers, and contractors and subcontractors of customers involved in *the use or operation of the validation services of the third party entity.*

"(c) INFORMATION FOR ESTABLISHING LIMITS OF LIABILITY INSURANCE.—A third party entity seeking a certificate of conformance under subsection (b)(1) shall provide to the Secretary necessary information for establishing the limits of liability insurance required to be maintained by the entity under section 864(a) of this Act.

"(d) ADDITIONAL REQUIREMENTS.—The Secretary shall ensure that—

"(1) any third party entity under this section—

"(A) has no beneficial interest in or any direct or indirect control over the C-TPAT participant that is contracting for the validation services; and

"(B) has no other conflict of interest with respect to the C-TPAT participant; and

"(2) the C-TPAT participant has entered into a contract with the third party entity under which the C-TPAT participant agrees to pay all costs associated with the validation.

"(e) MONITORING.—

"(1) IN GENERAL.—The Secretary shall regularly monitor and inspect the operations of a third party entity conducting validations under this subtitle to ensure that the entity is meeting the minimum standard operating procedures and requirements for the validation of C-TPAT participants established under subsection (a) and all other applicable requirements for validation services under this subtitle.

"(2) REVOCATION.—If the Secretary finds that a third party entity is not meeting the minimum standard operating procedures and requirements, the Secretary shall—

"(A) revoke the entity's certificate of conformance issued under subsection (b)(1); and

"(B) review any validations conducted by the entity.

"(f) PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a pilot program to test the feasibility, costs, and benefits of utilizing third party entities to conduct validations of C-TPAT participants. In conducting the pilot program, the Secretary shall comply with all applicable requirements of this section with respect to eligibility of third party entities to conduct validations of C-TPAT participants.

"(2) REPORT.—Not later than 30 days after the completion of the pilot program conducted pursuant to paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains—

"(A) the results of the pilot program; and

"(B) the determination of the Secretary whether or not to expand the use of third party entities to conduct validations of C-TPAT participants.

"SEC. 1819. REVALIDATION.

"The Secretary shall establish a process for revalidating C-TPAT participants under this subtitle. Such revalidation shall occur not less frequently than once during every 3-year period following the initial validation.

"SEC. 1820. NON-CONTAINERIZED CARGO.

"The Secretary may consider the potential for participation in C-TPAT by importers of noncontainerized cargoes that otherwise meet the requirements under this subtitle.

"SEC. 1821. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $75,000,000 for each of the fiscal years 2007 through 2012 to carry out this subtitle.

"Subtitle C—Miscellaneous Provisions

"SEC. 1831. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS IN FURTHERANCE OF MARITIME AND CARGO SECURITY.

"(a) IN GENERAL.—The Secretary shall—

"(1) direct research, development, test, and evaluation efforts in furtherance of maritime and cargo security;

"(2) encourage the ingenuity of the private sector in developing and testing technologies and process innovations in furtherance of these objectives; and

"(3) evaluate such technologies.

"(b) COORDINATION.—The Secretary, in coordination with the Undersecretary for Science and Technology, the Director of the Domestic Nuclear Detection Office of the Department, and the heads of other appropriate offices or entities of the Department, shall ensure that—

"(1) research, development, test, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated to avoid duplication of efforts; and

"(2) the results of such efforts are shared throughout the Department and other Federal, State, and local agencies, as appropriate.

"SEC. 1832. GRANTS UNDER OPERATION SAFE COMMERCE.

"(a) IN GENERAL.—The Secretary shall provide grants, as part of Operation Safe Commerce, to—

"(1) integrate nonintrusive imaging inspection and nuclear and radiological detection systems with automatic identification methods for containers, vessels, and vehicles;

"(2) test physical access control protocols and technologies to include continuous tracking devices that provide real-time monitoring and reporting;

"(3) create a data sharing network capable of transmitting data required by entities participating in the international supply chain from every intermodal transfer point to the National Targeting Center of the Department; and

"(4) otherwise further maritime and cargo security, as determined by the Secretary.

"(b) SUPPLY CHAIN SECURITY FOR SPECIAL CONTAINER AND NONCONTAINERIZED CARGO.—In providing grants under subsection (a), the Secretary shall establish demonstration projects that further the security of the international supply chain, including refrigerated containers, and noncontainerized cargo, including roll-on/roll-off, break-bulk, liquid, and dry bulk cargo, through real-time, continuous tracking technology for special or high-risk container cargo that poses unusual potential for human or environmental harm.

"(c) COMPETITIVE SELECTION PROCESS.—The Secretary shall select recipients of grants under subsection (a) through a competitive process on the basis of the following criteria:

"(1) The extent to which the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the activities authorized under this section.

"(2) The applicant's capability to provide leadership in making national and regional contributions to the solution of maritime and cargo security issues.

"(3) The extent to which the applicant's programs, projects, and activities under the grant will address highest risk priorities as determined by the Secretary.

"(4) The extent to which the applicant has a strategic plan for carrying out the programs, projects, and activities under the grant.

"(5) Any other criteria the Secretary determines to be appropriate.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) PROHIBITION ON DUPLICATION OF EFFORT.—Before providing any grant under subsection (a), the Secretary shall coordinate with other Federal departments and agencies to ensure the grant will not duplicate work already being carried out with Federal funding.

"(2) ACCOUNTING, REPORTING, AND REVIEW PROCEDURES.—The Secretary shall establish accounting, reporting, and review procedures to ensure that—

"(A) amounts made available under a grant provided under subsection (a)—

"(i) are used for the purpose for which such amounts were made available; and

"(ii) are properly accounted for; and

"(B) amounts not used for such purpose and amounts not expended are recovered.

"(3) RECORDKEEPING.—The recipient of a grant under subsection (a) shall keep all records related to expenditures and obligations of amounts provided under the grant and make such records available upon request to the Secretary for audit and examination.

"(4) REVIEW.—The Secretary shall annually review the programs, projects, and activities carried out using amounts made available under grants provided under subsection (a) to ensure that obligations and expenditures of such amounts are consistent with the purposes for which such amounts are made available.

"(e) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary shall submit to the appropriate congressional committees a report detailing the results of Operation Safe Commerce.

"(f) DEFINITION.—In this section, the term 'Operation Safe Commerce' means the research, development, test, and evaluation grant program that brings together private sector shareholders, port officials, and Federal, State, and local representatives to analyze existing security procedures for cargo and develop new security protocols that have the potential to increase the security of cargo shipments by monitoring the movement and integrity of cargo through the international supply chain.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated $25,000,000 for each of fiscal years 2007 through 2012 to carry out this section.

"(2) EFFECTIVE DATE.—Paragraph (1) shall be effective beginning on the date on which the Secretary submits to the appropriate congressional committees a report on the implementation and results of grants provided under Operation Safe Commerce before the date of the enactment of the Security and Accountability For Every Port Act.

"SEC. 1833. DEFINITIONS.

"In this title, the following definitions apply:

"(1) AUTOMATED TARGETING SYSTEM.—The term 'Automated Targeting System' means the rules-based system incorporating intelligence material and import transaction history, established by U.S. Customs and Border Protection to target high risk shipments of cargo.

"(2) EXAMINATION.—The term 'examination' means a physical inspection or the imaging and radiation screening of a conveyance using nonintrusive inspection (NII) technology, for the presence of contraband.

"(3) INSPECTION.—The term 'inspection' means the comprehensive process used by U.S. Customs and Border Protection for assessing goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. This process may include screening, conducting an examination, or conducting a search.

"(4) INTERNATIONAL SUPPLY CHAIN.—The term 'international supply chain' means the end-to-end process for shipping goods from a point of origin overseas to and from the United States.

"(5) NUCLEAR AND RADIOLOGICAL DETECTION SYSTEM.—The term 'nuclear and radiological detection system' means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

"(6) SCREENING.—The term 'screening' means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine or assess the threat of such cargo.

"(7) SEARCH.—The term 'search' means an intrusive examination in which a container is opened and its contents are de-vanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by adding at the end the following:

"TITLE XVIII—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN

"Subtitle A—General Provisions

"Sec. 1801. Strategic plan to enhance the security of the international supply chain.
"Sec. 1802. Transmission of additional data elements for improved high risk targeting.
"Sec. 1803. Plan to improve the Automated Targeting System.
"Sec. 1804. Container standards and verification procedures.
"Sec. 1805. Container Security Initiative (CSI).
"Sec. 1806. Information sharing relating to supply chain security cooperation.

"Subtitle B—Customs-Trade Partnership Against Terrorism (C-TPAT)

"Sec. 1811. Establishment.
"Sec. 1812. Eligible entities.
"Sec. 1813. Minimum requirements.
"Sec. 1814. Tier one participants.
"Sec. 1815. Tier two participants.
"Sec. 1816. Tier three participants.
"Sec. 1817. Consequences for lack of compliance.
"Sec. 1818. Validations by third party entities.
"Sec. 1819. Revalidation.
"Sec. 1820. Non-containerized cargo.
"Sec. 1821. Authorization of appropriations.

"Subtitle C—Miscellaneous Provisions

"Sec. 1831. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.
"Sec. 1832. Grants under Operation Safe Commerce.
"Sec. 1833. Definitions.".

(c) EFFECTIVE DATES.—The Secretary of Homeland Security shall—

(1) submit to the appropriate congressional committees the report required by section 1801(e)(1) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of enactment of this Act;

(2) promulgate regulations under section 1802(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than one year after the date of the enactment of this Act;

(3) develop and implement the plan to improve the Automated Targeting System under section 1803(a) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act,

(4) develop the standards and verification procedures described in section 1804(a)(1) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(5) begin exercising authority to issue a "do not load" order to each port designated under CSI pursuant to section 1805(e) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(6) develop the secure electronic data interchange system under section 1806(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than one year after the date of the enactment of this Act;

(7) update guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under section 1814(b) of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of the enactment of this Act;

(8) develop a schedule and update guidelines for validating a C-TPAT participant's security measures and supply chain security practices under section 1815 of the Homeland Security Act of 2002, as added by subsection (a), not later than 180 days after the date of enactment of this Act;

(9) provide appropriate benefits described in subsection (d) of section 1816 of the Homeland Security Act of 2002, as added by subsection (a), to C-TPAT participants under section 1816 of such Act beginning not later than two years after the date of the enactment of this Act; and

(10) carry out the pilot program described in section 1818(f) of the Homeland Security Act of 2002, as added by subsection (a), beginning not later than one year after the date of the enactment of this Act for a duration of not less than a one-year period.

SEC. 202. NEXT GENERATION SUPPLY CHAIN SECURITY TECHNOLOGIES.

(a) EVALUATION OF EMERGING TECHNOLOGIES.—While maintaining the current layered, risk-based approach to screening, scanning, and inspecting cargo at foreign ports bound for the United States in accordance with existing statutory provisions, the Secretary of Homeland Security shall evaluate the development of nuclear and radiological detection systems and other inspection technologies for use at foreign seaports to increase the volume of containers scanned prior to loading on vessels bound for the United States.

(b) EMERGING TECHNOLOGY.—Not later than one year after the date of the enactment of this Act, the Secretary shall, having evaluated emerging technologies under subsection (a), determine if more capable, commercially available technology exists, and whether such technology—

(1) has a sufficiently low false alarm rate for use in the supply chain;

(2) is capable of being deployed and operated at ports overseas;

(3) is capable of integrating, where necessary, with existing systems;

(4) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(5) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

(c) CONTINGENT IMPLEMENTATION.—If the Secretary determines the available technology meets the criteria outlined in subsection (b), the Secretary, in cooperation with the Secretary of State, shall within 180 days of such determination, seek to secure the cooperation of foreign governments to initiate and maximize the use of such technology at foreign ports to scan all cargo possible.

(d) INTERNATIONAL COOPERATION.—If the Secretary determines that a proposed technology meets the requirements of subsection (b), but cannot be implemented as a result of a foreign government's refusal to cooperate in the phased deployment, the Secretary may refuse to accept containerized cargo from that port.

(e) REPORT.—The Secretary shall submit to the appropriate congressional committees on an annual basis a report on the evaluation performed under subsections (a) and (b), the status of any implementation initiated in accordance with subsection (c), and a detailed assessment of the level of cooperation of foreign governments, as well as any actions taken by the Secretary under subsection (d).

(f) DEFINITION.—In this section, the term "nuclear and radiological detection system" means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

SEC. 203. UNIFORM DATA SYSTEM FOR IMPORT AND EXPORT INFORMATION.

(a) ESTABLISHMENT.—The President shall establish and implement a single, uniform data system for the electronic collection, dissemination, and sharing of import and export information to increase the efficiency of data submission and the security of such data related to border security, trade, and public health and safety of international cargoes.

(b) PRIVATE SECTOR CONSULTATION.—The President shall consult with private sector stakeholders in developing uniform data submission requirements, procedures, and schedules under the system established pursuant to subsection (a).

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the schedule for full implementation of the system established pursuant to subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent any Federal department or agency from collecting import and export information under any other provision of law.

SEC. 204. FOREIGN PORT ASSESSMENTS.

Section 70108 of title 46, United States Code, is amended by adding at the end the following:

"(d) PERIODIC REASSESSMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than every 3 years.".

SEC. 205. PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a one-year pilot program to evaluate and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) REPORT.—Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

(1) the results of pilot program; and

(2) the determination of the Secretary whether or not to expand the pilot program.

SEC. 206. STUDY AND REPORT ON ADVANCED IMAGERY PILOT PROGRAMS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Commissioner of U.S. Customs and Border Protection, shall conduct a study of the merits of current container inspection pilot programs which include nuclear or radiological detection, non-intrusive imagery, and density scanning capabilities.

(2) REQUIREMENTS.—The study required under paragraph (1) shall include, at a minimum—

(A) an evaluation of the cost, personnel, and infrastructure required to operate the pilot programs, as well as the cost, personnel, and infrastructure required to move the pilot programs into full-scale deployment to screen all cargo imported from foreign ports;

(B) an evaluation of the cost, personnel, and infrastructure required by U.S. Customs and Border Protection to validate the data generated from the pilot programs;

(C) a summary of best practices and technological advances of the pilot programs that could be integrated into the Container Security Initiative and other container security programs; and

(D) an assessment of the impact of technology or processes utilized in the pilot programs on improving cargo operations and security.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains—

(1) the results of the study required under subsection (a); and

(2) recommendations to improve container security programs within the Department of Homeland Security.

TITLE III—DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

SEC. 301. ESTABLISHMENT OF DIRECTORATE.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI as title XIX, and moving such title so as to appear after title XVIII, as added by section 201;

(2) by striking the heading for such title and inserting the following:

“TITLE XIX—MISCELLANEOUS PROVISIONS”.

(3) by redesignating section 601 as section 1901; and

(4) by inserting after title V the following new title:

“TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

“SEC. 601. DIRECTORATE FOR POLICY, PLANNING, AND INTERNATIONAL AFFAIRS.

“(a) ESTABLISHMENT.—There shall be in the Department a Directorate for Policy, Planning, and International Affairs.

“(b) UNDER SECRETARY FOR POLICY.—

“(1) IN GENERAL.—The head of the Directorate shall be the Under Secretary for Policy, who shall be appointed by the President.

“(2) QUALIFICATIONS.—No individual shall be appointed Under Secretary for Policy under paragraph (1) unless the individual has, by education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning.

“(c) RESPONSIBILITIES OF UNDER SECRETARY.—

“(1) POLICY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the policy responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To serve as the principal policy advisor to the Secretary.

“(B) To provide overall direction and supervision of policy development for the programs, offices, and activities of the Department.

“(C) To establish and implement a formal policymaking process for the Department.

“(D) To analyze, evaluate, and review the completed, ongoing, and proposed programs of the Department to ensure they are compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

“(E) To ensure that the budget of the Department (including the development of future year budgets and interaction with the Office of Management and Budget and with Congress) is compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

“(F) To represent the Department in any development of policy that requires the Department to consult with another Federal agency, the Office of the President, a foreign government, or any other governmental or private sector entity.

“(G) To supervise and oversee policy development undertaken by the component agencies and offices of the Department.

“(2) STRATEGIC PLANNING RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the strategic planning responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To conduct long-range, strategic planning for the Department.

“(B) To prepare national and Department strategies, as appropriate.

“(C) To conduct net assessments of issues facing the Department.

“(3) INTERNATIONAL RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the international responsibilities of the Under Secretary for Policy shall be as follows:

“(A) To promote the exchange of information and the sharing of best practices and technology relating to homeland security with nations friendly to the United States, including—

“(i) the exchange of information on research and development on homeland security technologies;

“(ii) joint training exercises of first responders in coordination with the Assistant Secretary for Grants and Training; and

“(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

“(B) To identify any homeland security-related area in which the United States and other nations and appropriate international organizations could collaborate to improve capabilities and to encourage the exchange of information or sharing of best practices and technology relating to that area.

“(C) To plan and participate in international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities with friendly nations

“(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

“(E) To oversee the activities of Department personnel operating in other countries or traveling to other countries,

“(F) To represent the Department in international negotiations, working groups, and standards-setting bodies.

“(4) PRIVATE SECTOR.—

“(A) To create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the United States.

“(B) To advise the Secretary on the impact on the private sector of the policies, regulations, processes, and actions of the Department.

“(C) To create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary—

“(i) to advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

“(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

“(D) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

“(E) To identify private sector resources and capabilities that could be effective in supplementing functions of the Department and State and local governments to prevent or respond to acts of terrorism.

“(F) To coordinate among the Department's operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries.

“SEC. 602. OFFICE OF INTERNATIONAL AFFAIRS.

“(a) ESTABLISHMENT.—There is established within the Directorate of Policy, Planning, and International Affairs an Office of International Affairs. The Office shall be headed by an Assistant Secretary, who shall be appointed by the Secretary.

“(b) DUTIES OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall have the following duties:

“(1) To promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security. Such exchange shall include the following:

“(A) Exchange of information on research and development on homeland security technologies.

“(B) Joint training exercises of first responders.

“(C) Exchange of expertise on terrorism prevention, response, and crisis management.

“(2) To identify areas for homeland security information and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

“(3) To plan and undertake international conferences, exchange programs, and training activities.

“(4) To manage international activities within the Department in coordination with other Federal officials with responsibility for counter-terrorism matters.

“SEC. 603. OTHER OFFICES AND OFFICIALS.

“(a) IN GENERAL.—The Under Secretary for Policy shall establish the following offices in the Directorate for Policy, Planning, and International Affairs:

“(1) The Office of Policy, which shall be administered by an Assistant Secretary for Policy.

“(2) The Office of Strategic Plans, which shall be administered by an Assistant Secretary for Strategic Plans and which shall include—

“(A) a Secure Border Initiative Program Office; and

“(B) a Screening Coordination and Operations Office.

“(3) The Office of the Private Sector, which shall be administered by an Assistant Secretary for the Private Sector.

“(4) The Victim Assistance Officer.

“(5) The Tribal Security Officer.

“(6) Such other offices as considered necessary by the Under Secretary for Policy.

“(b) DIRECTOR OF CARGO SECURITY POLICY.—

“(1) IN GENERAL.—There shall be in the Directorate for Policy, Planning, and International Affairs a Director of Cargo Security Policy (hereinafter in this section referred to as the ‘Director’), who shall be subject to the direction and control of the Under Secretary for Policy.

“(2) RESPONSIBILITIES.—The Director shall—

“(A) advise the Assistant Secretary for Policy regarding all aspects of Department programs relating to cargo security;

“(B) develop Department-wide policies regarding cargo security; and

“(C) coordinate the cargo security policies and programs of the Department with other Federal departments and agencies, including by working with officials of the Department of Energy and the Department of State, as appropriate, in negotiating international agreements relating to cargo security.”.

(b) CONFORMING AMENDMENTS.—Section 879 of the Homeland Security Act of 2002 (6 U.S.C. 459) is repealed.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to section 879;

(2) by striking the items relating to title VI and inserting the following:

“TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

“Sec. 601. Directorate for Policy, Planning, and International Affairs.

"Sec. 602. Office of International Affairs.
"Sec. 603. Other offices and officials.";
and

(3) by inserting after the items relating to title XVIII the following:

"TITLE XIX—MISCELLANEOUS PROVISIONS

"Sec. 1901. Treatment of charitable trusts for members of the armed forces of the United States and other governmental organizations.".

TITLE IV—OFFICE OF DOMESTIC NUCLEAR DETECTION

SEC. 401. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

"TITLE XX—OFFICE OF DOMESTIC NUCLEAR DETECTION

"SEC. 2001. DOMESTIC NUCLEAR DETECTION OFFICE.

"(a) IN GENERAL.—There shall be in the Department of Homeland Security a Domestic Nuclear Detection Office.

"(b) PURPOSE.—The purpose of the Office shall be to protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material against the United States.

"(c) DIRECTOR.—The Office shall be headed by a Director of Domestic Nuclear Detection, who shall be appointed by the President from among individuals nominated by the Secretary.

"(d) LIMITATION.—This title shall not be construed to affect the performance, by directorates and agencies of the Department other than the Office, of functions that are not related to detection and prevention of nuclear and radiological terrorism.

"SEC. 2002. FUNCTIONS OF DIRECTOR OF THE DOMESTIC NUCLEAR DETECTION OFFICE, GENERALLY.

"(a) IN GENERAL.—The Secretary shall vest in the Director the primary responsibility in the Department for—

"(1) administering all nuclear and radiological detection and prevention functions and assets of the Department, including those functions vested in the Department before the enactment of the Security and Accountability For Every Port Act; and

"(2) for coordinating such administration with nuclear and radiological detection and prevention activities of other Federal departments and agencies.

"(b) TRANSFER OF FUNCTIONS.—The Secretary shall transfer to the Director the authority to administer, or supervise the administration of, all functions, personnel, assets, and liabilities of all Department programs and projects relating to nuclear and radiological detection research, development, testing, and evaluation, and nuclear and radiological detection system acquisition and deployment, including with respect to functions and assets transferred by section 303(1)(B), (C), and (E) and functions, assets, and personnel transferred pursuant to section 2010(c).

"SEC. 2003. GLOBAL NUCLEAR DETECTION ARCHITECTURE.

"(a) IN GENERAL.—The Director shall coordinate the Federal Government's implementation of a global nuclear detection architecture.

"(b) FUNCTIONS OF DIRECTOR.—The Director shall, under subsection (a)—

"(1) design a strategy that will guide deployment of the global nuclear detection architecture;

"(2) implement the strategy in the United States; and

"(3) coordinate Department and Federal interagency efforts to deploy the elements of the global nuclear detection architecture outside the United States.

"(c) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Director under this section shall not affect an authority or responsibility of any other department or agency of the Federal Government with respect to the deployment of nuclear and radiological detection systems outside the United States under any program administered by that department or agency.

"SEC. 2004. RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Director shall carry out a research and development program to achieve transformational and evolutionary improvements in detection capabilities for shielded and unshielded nuclear explosive devices and radiological dispersion devices.

"(b) HIGH-RISK PROJECTS.—The program shall include funding for transformational research and development projects that may have a high risk of failure but have the potential to provide significant benefits.

"(c) LONG-TERM PROJECTS.—In order to reflect a long-term commitment to the development of more effective detection technologies, the program shall include the provision of funding for projects having a duration of more than 3 years, as appropriate.

"(d) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Director shall coordinate implementation of the program with other Federal agencies performing similar research and development in order to accelerate the development of effective technologies, promote technology sharing, and to avoid duplication, including through the use of the interagency coordination council established under section 2013.

"SEC. 2005. SYSTEM ASSESSMENTS.

"(a) IN GENERAL.—The Director shall carry out a program to test and evaluate technology for detecting nuclear explosive devices and fissile or radiological material.

"(b) PERFORMANCE METRICS.—The Director shall establish performance metrics for evaluating the effectiveness of individual detectors and detection systems in detecting nuclear explosive devices or fissile or radiological material—

"(1) under realistic operational and environmental conditions; and

"(2) against realistic adversary tactics and countermeasures.

"(c) PROVISION OF TESTING SERVICES.—

"(1) IN GENERAL.—The Director may, under the program, make available testing services to commercial developers of detection devices.

"(2) FEES.—The Director may charge fees, as appropriate, for performance of services under this subsection.

"(d) SYSTEM ASSESSMENTS.—

"(1) IN GENERAL.—The Director shall periodically perform system-wide assessments of the global nuclear detection architecture to identify vulnerabilities and to gauge overall system performance against nuclear and radiological threats.

"(2) INCLUDED ACTIVITIES.—The assessments shall include—

"(A) red teaming activities to identify vulnerabilities and possible modes of attack and concealment methods; and

"(B) net assessments to determine architecture performance against adversary tactics and concealment methods.

"(3) USE.—The Director shall use the assessments to guide deployment of the global nuclear detection architecture and the research and development activities of the Office.

"SEC. 2006. TECHNOLOGY ACQUISITION, DEPLOYMENT, SUPPORT, AND TRAINING.

"(a) ACQUISITION STRATEGY.—

"(1) IN GENERAL.—The Director shall develop and, subject to the availability of appropriations, execute a strategy for the acquisition and deployment of detection systems in order to implement the Department components of the global nuclear detection architecture developed under section 2003.

"(2) USE OF AVAILABLE CONTRACTING PROCEDURES.—The Director shall make use of all contracting procedures available to the Secretary to implement the acquisition strategy.

"(3) DETERMINATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGY.—The Director shall make recommendations based on the criteria included in section 862(b) as to whether the detection systems acquired pursuant to this subsection shall be designated by the Secretary as anti-terrorism technologies that qualify for protection under the system of risk management set forth in subtitle G of title VIII. The Undersecretary for Science and Technology shall consider the Director's recommendations and expedite the process of determining whether such detection systems shall be designated as anti-terrorism technologies that qualify for such protection.

"(b) DEPLOYMENT.—The Director shall deploy detection systems for use by Department operational units and other end-users in implementing the global nuclear detection architecture.

"(c) OPERATIONAL SUPPORT AND PROTOCOLS.—

"(1) OPERATIONAL SUPPORT.—The Director shall provide operational support for all systems acquired to implement the acquisition strategy developed under subsection (a).

"(2) OPERATIONAL PROTOCOLS.—The Director shall develop operational protocols for detection technology acquired and deployed to implement the acquisition strategy, including procedures for alarm resolution and notification of appropriate response agencies in the event that illicit nuclear, radioactive, or fissile materials are detected by such a product or service.

"(3) TECHNICAL REACHBACK.—The Director will ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed to implement the global nuclear detection architecture.

"(d) TRAINING.—The Director shall develop and distribute training materials and provide training to all end-users of technology acquired by the Director under the acquisition strategy.

"(e) SOLICITATION OF END-USER INPUT.—In developing requirements for the research and development program of section 2004 and requirements for the acquisition of detection systems to implement the strategy in subsection (a), the Director shall solicit input from end-users of such systems.

"(f) STATE AND LOCAL SUPPORT.—Upon request, the Director shall provide guidance regarding radiation detection technology acquisitions to be made by State, territorial, tribal and local governments and emergency response providers.

"SEC. 2007. SITUATIONAL AWARENESS.

"(a) DETECTION INFORMATION.—The Director—

"(1) shall continuously monitor detection information received from foreign and domestic detection systems to maintain for the Department a situational awareness of all nuclear threats;

"(2) shall gather and archive—

"(A) detection data measurements taken of benign activities in the normal flows of commerce; and

"(B) alarm data, including false alarms and nuisance alarms.

"(b) INFORMATION SHARING.—The Director shall coordinate with other governmental agencies to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to all

appropriate Federal response agencies including the Attorney General, the Director of the Federal Bureau of Investigation, the Secretary of Defense, and the Secretary of Energy.

"(c) Incident Resolution.—The Director shall assess nuclear threats communicated by Federal, State, tribal, or local officials and provide adequate technical reachback capability for swift and effective incident resolution.

"(d) Security.—The Director shall—

"(1) develop and implement security standards and protocols for the control and protection of all classified or sensitive information in possession of the Office; and

"(2) ensure that relevant personnel of the Office have the required security clearances to properly handle such information.

"SEC. 2008. FORENSIC ANALYSIS.

"The Director shall perform all research, development, and acquisition activities of the Department pertaining to forensic analysis and attribution of nuclear and radiological attacks.

"SEC. 2009. THREAT INFORMATION.

"(a) Threat Assessments.—The Director shall utilize classified and unclassified nuclear and radiological threat assessments in designing the global nuclear detection architecture under section 2003, prioritizing detection system deployments, and testing and optimizing system performance of that architecture, including assessments of—

"(1) smuggling routes;

"(2) locations of relevant nuclear and radiological material throughout the world;

"(3) relevant terrorist tradecraft and concealment methods;

"(4) relevant nuclear and radiological threat objects in terms of possible detection signatures.

"(b) Access to Information.—The Secretary shall provide the Director access to all information relating to nuclear and radiological threats, including reports, assessments, analyses, and unevaluated intelligence, that is necessary to successfully design, deploy, and support the operation of an effective global detection architecture under section 1903.

"(c) Analytical Support.—The Director shall request that the Secretary provide to the Director, pursuant to section 201(d)(18), the requisite intelligence and information analysis support necessary to effectively discharge the Director's responsibilities.

"(d) Analytical Expertise.—For the purposes of performing any of the assessments required under subsection (a), the Director, subject to the availability of appropriations, may hire professional personnel who are analysts with experience in performing nuclear and radiological threat assessments.

"(e) Collection Requests.—The Director shall recommend to the Secretary consultation that should occur pursuant to section 201(d)(10) regarding intelligence collection to design, deploy, and support the operation of the global detection architecture under section 2003.

"SEC. 2010. ADMINISTRATIVE AUTHORITIES.

"(a) Hiring.—In hiring personnel for the Office, the Secretary shall have hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105-261). The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before granting any extension under subsection (c)(2) of that section.

"(b) Detail of Personnel.—In order to assist the Director in discharging the Director's responsibilities, personnel of other Federal agencies may be detailed to the Office for the performance of analytic functions and related duties.

"(c) Transfer of Science and Technology Functions, Personnel, and Assets.—

"(1) Transfer Required.—Except as provided in paragraph (2), the Secretary shall transfer to the Director the functions, assets, and personnel of the Department relating to radiological and nuclear countermeasures, including forensics of contaminated evidence and attack attribution.

"(2) Exceptions.—The Secretary shall not transfer under paragraph (1) functions, assets, and personnel relating to consequence management and recovery.

"(3) Elimination of Duplication of Effort.—The Secretary shall ensure that to the extent there are complementary functions vested in the Directorate of Science and Technology and the Office with respect to radiological and nuclear countermeasures, the Under Secretary for Science and Technology and the Director coordinate the programs they administer to eliminate duplication and increase integration opportunities, particularly with respect to technology development and test and evaluation.

"SEC. 2011. REPORT REQUIREMENT.

"The Director shall submit to the appropriate congressional committees an annual report on the following:

"(1) The global detection strategy developed under section 2003.

"(2) The status of implementation of such architecture.

"(3) The schedule for future detection system deployments under such architecture.

"(4) The research and development program of the Office.

"(5) A summary of actions taken by the Office during the reporting period to counter nuclear and radiological threats.

"SEC. 2012. ADVISORY COUNCIL ON NUCLEAR DETECTION.

"(a) Establishment.—Pursuant to section 871 of this Act, the Secretary shall establish within the Office an Advisory Council on Nuclear Detection, which shall report to the Director (in this section referred to as the 'Advisory Council').

"(b) Functions.—The Advisory Council shall, at the request of the Director—

"(1) advise the Director on recommendations for the global nuclear detection architecture developed under section 2003(a);

"(2) identify research areas for development of next-generation and transformational nuclear and radiological detection technologies; and

"(3) and have such additional responsibilities as the Director may assign in furtherance of the Department's homeland security mission with respect to enhancing domestic and international nuclear and radiological detection capabilities.

"(c) Membership.—The Advisory Council shall consist of 5 members appointed by the Director, who shall—

"(1) be individuals who have an eminent knowledge and technical expertise related to nuclear and radiological detection research and development and radiation detection; and

"(2) be selected solely on the basis of their established record of distinguished service; and

"(3) not be employees of the Federal Government, other than employees of National Laboratories.

"(d) Conflict of Interest Rules.—The Advisory Council shall establish rules for determining when one of its members has a conflict of interest in a matter being considered by the Advisory Council, and the appropriate course of action to address such conflicts of interest.

"SEC. 2013. INTERAGENCY COORDINATION COUNCIL.

"The President—

"(1) shall establish an interagency coordination council to facilitate interagency cooperation for purposes of implementing this title;

"(2) shall appoint the Secretary to chair the interagency coordination council; and

"(3) may appoint the Attorney General, the Secretary of Energy, the Secretary of State, the Secretary of Defense, and the heads of other appropriate Federal agencies to designate members to serve on such council.

"SEC. 2014. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title—

"(1) $536,000,000 for fiscal year 2007; and

"(2) such sums as may be necessary for each subsequent fiscal year.

"SEC. 2015. DEFINITIONS.

"In this title:

"(1) The term 'Director' means the Director of the Domestic Nuclear Detection Office.

"(2) The term 'fissile materials' means materials capable of sustaining a nuclear chain reaction.

"(3) The term 'global nuclear detection architecture' means a multi-layered system of detectors deployed internationally and domestically to detect and interdict nuclear and radiological materials intended for illicit use.

"(4) The term 'nuclear and radiological detection system' means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

"(5) The term 'Office' means the Domestic Nuclear Detection Office.

"(6) The term 'radiological material' means material that emits nuclear radiation.

"(7) The term 'nuclear explosive device' means an explosive device capable of producing a nuclear yield.

"(8) The term 'technical reachback' means technical expert support provided to operational end users for data interpretation and alarm resolution.

"(9) The term 'transformational' means that, if successful, will produce dramatic technological improvements over existing capabilities in the areas of performance, cost, or ease of use.".

(b) Conforming Amendments.—

(1) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended by adding at the end the following:

"(5) A Director of the Domestic Nuclear Detection Office.".

(2) Section 302 of such Act (6 U.S.C. 182) is amended—

(A) in paragraph (2) by striking "radiological, nuclear,"; and

(B) in paragraph (5)(A) by striking "radiological, nuclear,".

(3) Section 305 of such Act (6 U.S.C. 185) is amended by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology".

(4) Section 308 of such Act (6 U.S.C. 188) is amended in each of subsections (a) and (b)(1) by inserting "and the Director of the Domestic Nuclear Detection Office" after "Technology".

(c) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (116 Stat. 2135) is amended by adding at the end the following:

"TITLE XX—OFFICE OF DOMESTIC NUCLEAR DETECTION

"Sec. 2001. Domestic Nuclear Detection Office.
"Sec. 2002. Functions of Director of the Domestic Nuclear Detection Office, generally.
"Sec. 2003. Global nuclear detection architecture.
"Sec. 2004. Research and development.
"Sec. 2005. System assessments.
"Sec. 2006. Technology acquisition, deployment, support, and training.
"Sec. 2007. Situational awareness.
"Sec. 2008. Forensic analysis.
"Sec. 2009. Threat information.
"Sec. 2010. Administrative authorities.
"Sec. 2011. Report requirement.

"Sec. 2012. Advisory Council on Nuclear Detection.
"Sec. 2013. Interagency coordination council.
"Sec. 2014. Authorization of appropriations.
"Sec. 2015. Definitions.".

SEC. 402. NUCLEAR AND RADIOLOGICAL DETECTION SYSTEMS.

(a) Deployment.—Not later than September 30, 2007, the Secretary of Homeland Security shall deploy nuclear and radiological detection systems at 22 United States seaports. To the extent feasible, the Secretary shall deploy the next-generation radiation portal monitors tested in the pilot program under subsection (d) at such United States seaports.

(b) Strategy.—Not later than 90 days after the date of the enactment of this Act, the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall submit to the appropriate congressional committees a strategy for the deployment of nuclear and radiological detection systems at all remaining United States seaports.

(c) Contents.—The strategy submitted under subsection (b) shall include—

(1) a risk-based prioritization of United States seaports at which nuclear and radiological detection systems will deployed;

(2) a proposed timeline of when nuclear and radiological detection systems will be deployed at each of the seaports identified under paragraph (1);

(3) the type of systems to be used at each of the seaports identified under paragraph (1);

(4) standard operating procedures for examining containers with such systems;

(5) the Department policy for using nuclear and radiological detection systems;

(6) a classified annex that details plans for covert testing; and

(7) a classified annex that outlines the risk-based prioritization of seaports used under paragraph (1).

(d) Safety Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan that—

(1) details the health and safety impacts of nuclear and radiological detection systems; and

(2) describes the policy of U.S. Customs and Border Protection for using nuclear and radiological detection systems.

(e) Pilot Program.—

(1) In general.—Not later than January 1, 2007, the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall initiate a pilot program to deploy and test the operational performance of next-generation radiation portal monitors at one or more United States seaports with a high-volume of containerized cargo.

(2) Report.—Not later than March 31, 2007, the Secretary shall submit to the appropriate congressional committees a report that contains—

(A) a description of the next-generation radiation portal monitors deployed at United States seaports under the pilot program;

(B) a description of the operational characteristics of the pilot program at selected United States seaports; and

(C) an evaluation of the operational performance of the next-generation radiation portal monitors, including nuisance alarm rates, and a description of the standards used in such evaluation.

(f) Deployment of Next-Generation Radiation Portal Monitors.—

(1) In general.—If the Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, determines that the operational performance of the next-generation radiation portal monitors under the pilot program carried out under subsection (e) has met the standards described subsection (e)(2)(C), the Secretary shall deploy next-generation radiation portal monitors, in fixed or other configurations, at all United States seaports with a high-volume of containerized cargo to improve cargo screening capabilities at such seaports not later than September 30, 2007.

(2) Congressional notification.—If any deployment of next-generation radiation portal monitors is deemed by the Secretary to be operationally infeasible or would result in ineffective, inefficient, or otherwise wasteful use of resources, the Secretary shall notify the appropriate congressional committees and recommend alternative actions.

(g) Enhancing Overseas Detection Capabilities.—The Secretary, acting through the Director of the Domestic Nuclear Detection Office of the Department, shall work with appropriate Federal departments and agencies to coordinate the installation of nuclear and radiological detection systems at foreign seaports.

(h) Definitions.—In this section:

(1) Next-generation radiation portal monitors.—The term "next-generation radiation portal monitors" means non-intrusive, containerized cargo examination technologies that possess radionuclide isotope identification capabilities.

(2) Nuclear and radiological detection system.—The term "nuclear and radiological detection system" means any technology that is capable of detecting or identifying nuclear and radiological material or explosive devices.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–450. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–450 offered by Mr. King of New York:

Page 6, after line 23, insert the following new paragraphs:

(12) International trade is vital to the Nation's economy and the well-being and livelihood of United States citizens.

(13) The Department of Homeland Security's missions, including those related to United States and international borders, involve both building security for United States citizens and facilitating legitimate trade that is critical to the Nation.

(14) In creating the Department of Homeland Security, Congress clearly mandated in section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) that the customs revenue functions described in paragraph (2) of such section shall not be diminished.

Page 9, strike line 11 and all that follows through line 5 on page 10 and insert the following new subsections:

(a) Facility Security Plans.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) in the case of a security plan for a facility, be resubmitted for approval of each change in the ownership or operator of the facility that may substantially affect the security of the facility.".

(b) Facility Security Officers.—Section 70103(c) of title 46, United States Code, is amended by adding at the end the following:

"(8)(A) The Secretary shall require that the qualified individual having full authority to implement security actions for a facility described in paragraph (2) shall be a citizen of the United States.

"(B) The Secretary may waive the requirement of subparagraph (A) with respect to an individual if the Secretary determines that it is appropriate to do so based on a complete background check of the individual and a review of all terrorist watchlists to ensure that the individual is not identified on any such terrorist watchlist.".

Page 16, after line 19, insert the following new section (and redesignate subsequent sections of subtitle A of title I of the bill, and conform the table of contents of the bill, accordingly):

SEC. 107. ENHANCED CREWMEMBER IDENTIFICATION.

Section 70111 of title 46, United States Code, is amended—

(1) in subsection (a) by striking "The" and inserting "Not later than May 15, 2007, the"; and

(2) in subsection (b) by striking "The" and inserting "Not later than May 15, 2007, the".

Page 18, strike line 13 and all that follows through line 21 and insert the following new subsection:

"(c) Participation.—

"(1) Federal participation.—The following entities shall participate in the integrated network of maritime security command centers described in subsection (a):

"(A) The Coast Guard.

"(B) U.S. Customs and Border Protection.

"(C) U.S. Immigration and Customs Enforcement.

"(D) Other appropriate Federal agencies.

"(2) State and local participation.—Appropriate State and local law enforcement agencies may participate in the integrated network of maritime security command centers described in subsection (a).".

Page 24, line 8, insert at the end before the semicolon the following: "or the vessel or facility security plans required under section 70103(c) of title 46, United States Code".

Page 39, strike line 1 and all that follows through line 14 on page 41.

Page 42, strike line 9 and all that follows through line 18.

Page 44, after line 9, insert the following new section:

SEC. 127. CENTER OF EXCELLENCE FOR MARITIME DOMAIN AWARENESS.

(a) Establishment.—The Secretary of the Homeland Security shall establish a university-based Center for Excellence for Maritime Domain Awareness following the merit-review processes and procedures that have been established by the Secretary for selecting university program centers of excellence.

(b) Duties.—The Center shall—

(1) prioritize its activities based on the "National Plan to Improve Maritime Domain Awareness" published by the Department of Homeland Security in October 2005;

(2) recognize the extensive previous and ongoing work and existing competence in the field of maritime domain awareness at numerous academic and research institutions, such as the Naval Postgraduate School;

(3) leverage existing knowledge and continue development of a broad base of expertise within academia and industry in maritime domain awareness; and

(4) provide educational, technical, and analytical assistance to Federal agencies with responsibilities for maritime domain awareness, including the Coast Guard, to focus on the need for interoperability, information sharing, and common information technology standards and architecture.

Page 51, beginning on line 4, strike "appropriate confidentiality requirements" and insert "provide safeguards that ensure confidentiality".

Page 51, line 6, insert "identify" before "appropriate timing".

Page 52, line 23, strike "to" and insert "and".

Page 62, line 2, after "carriers," insert "contract logistics providers,".

Page 65, beginning on line 5, strike "and related policies and" and insert ", policies, or".

Page 84, beginning on line 3, strike "uniform data system for import and export information" and insert "international trade data system".

Page 84, line 6, after "implement" insert "the International Trade Data System,".

Page 84, line 8, insert a comma after "export information".

Page 90, after line 6, insert the following new subparagraph:

"(H) To provide for the coordination and maintenance of the trade and customs revenue functions of the Department.".

Page 93, after line 17, insert the following new paragraph:

"(5) TRADE AND CUSTOMS REVENUE FUNCTIONS.—The Under Secretary for Policy shall—

"(A) ensure that the trade and customs revenue functions of the Department are coordinated within the Department and with other Federal departments and agencies, and that the impact on legitimate trade is taken into account in any action impacting these functions; and

"(B) monitor and report to Congress on the Department's mandate to ensure that the trade and customs revenue functions of the Department are not diminished, including how spending, operations, and personnel related to these functions have kept pace with the level of trade entering the United States.".

Page 95, line 25, strike "section" and insert "subsection".

Page 96, after line 15, insert the following new subsection:

"(c) DIRECTOR OF TRADE POLICY.—

"(1) IN GENERAL.—There shall be in the Directorate for Policy, Planning, and International Affairs a Director of Trade Policy (hereinafter in this subsection referred to as the 'Director'), who shall be subject to the direction and control of the Under Secretary for Policy.

"(2) RESPONSIBILITIES.—The Director shall—

"(A) advise the Assistant Secretary for Policy regarding all aspects of Department programs relating to the trade and customs revenue functions of the Department;

"(B) develop Department-wide policies regarding trade and customs revenue functions and trade facilitation; and

"(C) coordinate the trade and customs revenue-related programs of the Department with other Federal departments and agencies.".

Page 96, after line 15, insert the following new section:

"SEC. 604. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

"(a) IN GENERAL.—The Secretary and the Under Secretary for Policy shall consult with representatives of the business community involved in international trade, including seeking the advice and recommendations of the Commercial Operations Advisory Committee (COAC), on Department policies and actions that have a significant impact on international trade and customs revenue functions.

"(b) COAC CONSULTATION AND NOTIFICATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall seek the advice and recommendations of COAC on any proposed Department policies, initiatives, actions, or organizational reforms that will have a major impact on trade and customs revenue functions not later than 45 days prior to the finalization of the policies, initiatives, actions, or organizational reforms.

"(2) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any proposed Department policies, initiatives, actions, or organizational reforms prior to the provision of advice and recommendations described in paragraph (1), the Secretary shall—

"(A) seek the advice and recommendations of COAC on the policies, initiatives, actions, or organizational reforms not later than 30 days after the date on which the policies, initiatives, actions, or organizational reforms are finalized; and

"(B) to the extent appropriate, modify the policies, initiatives, actions, or organizational reforms based upon the advice and recommendations of COAC.

"(c) CONGRESSIONAL CONSULTATION AND NOTIFICATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall consult with and provide any recommendations of COAC received under subsection (b) to the appropriate congressional committees not later than 30 days prior to the finalization of any Department policies, initiatives, actions or organizational reforms that will have a major impact on trade and customs revenue functions.

"(2) EXCEPTION.—If the Secretary determines that it is important to the national security interest of the United States to finalize any Department policies, initiatives, actions, or organizational reforms prior to the consultation described in paragraph (1), the Secretary shall—

"(A) consult with and provide any recommendations of COAC received under subsection (b) to the appropriate congressional committees not later than 45 days after the date on which the policies, initiative, actions, or organizational reforms are finalized; and

"(B) to the extent appropriate, modify the policies, initiatives, actions, or organizational reforms based upon the consultations with the appropriate congressional committees.".

Page 97, after line 2, insert the following new section:

SEC. 302. STUDY AND REPORT ON CUSTOMS REVENUE FUNCTIONS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study evaluating the extent to which the Department of Homeland Security is meeting its obligations under section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) with respect to the maintenance of customs revenue functions.

(2) ANALYSIS.—The study shall include an analysis of —

(A) the extent to which the customs revenue functions carried out by the former U.S. Customs Service have been consolidated with other functions of the Department (including the assignment of non-customs revenue functions to personnel responsible for customs revenue collection), discontinued, or diminished following the transfer of the U.S. Customs Service to the Department;

(B) the extent to which staffing levels or resources attributable to customs revenue functions have decreased since the transfer of the U.S. Customs Service to the Department; and

(C) the extent to which the management structure created by the Department ensures effective trade facilitation and customs revenue collection.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report on the results of study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "customs revenue functions" means the functions described in section 412(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)(2)).

Page 99, line 11, after "implement" insert "Department components of".

Page 99, line 21, strike "outside the United States".

Page 101, beginning on line 12, strike "commercial".

Page 101, line 13, strike "devices" and insert "technologies".

Page 101, line 13, add at the end the following new sentence: "The results of the tests performed with services made available under this subsection shall be confidential and may not be disclosed to individuals or entities outside of the Federal government without the consent of the developer for whom the tests are performed.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the manager's amendment makes technical changes, adds several new findings on the importance of maintaining vibrant international trade, clarifies that port security funds can be used to address vulnerabilities in vessel and facility plans in addition to maritime security plans, and clarifies that the Domestic Nuclear Detection Office is responsible for implementing Department of Homeland Security requirements under the Global Nuclear Architecture and that any private testing performed by DNDO will be confidential.

Additionally, the manager's amendment includes two provisions at the request of Chairman LoBIONDO to set deadlines for the enhanced crew member identification cards so that the rollout is on the same expedited schedule as the Transportation Worker Identification Credential, TWIC, in the base bill. The second provision is the establishment of a Center of Excellence for Maritime Domain Awareness.

The base bill represents the work of the Homeland Security Committee and also input from several other committees: Science, Ways and Means, Transportation and Infrastructure, Government Reform and others. The manager's amendment also includes several changes to the base bill at the request of our colleagues from other committees.

Specifically, given that H.R. 889, the Coast Guard Authorization Bill Conference Report, is complete and likely to be considered on the floor in the near future, the amendment removes two provisions accepted during full committee consideration that relate to the Coast Guard. The first establishes a pilot program for training Coast Guard reserve officers and, two, the funding for the acceleration of Deepwater. Finally, the manager's amendment establishes a Director of Trade Policy in the Department of Homeland Security's Office of Policy.

The changes and additions made in the manager's amendment are consistent with the overall goals in the base bill and represent perfecting changes at the requests of several of our colleagues. I ask my colleagues for their support for the amendment and the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Mississippi is recognized to control the 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. The provisions on trade and maritime domain awareness it contains are strong improvements to the bill.

However, I must express my deep disappointment with one provision in the bill removed by this amendment. In committee, we included language that would have assured that the Coast Guard did not have to use bubble gum, bailing wire, and buckets in the coming years. This language was stripped out of the bill, meaning that we are going to have to make the Coast Guard spend the next two decades fighting a 21st century war on terror with assets built during the Vietnam War.

The Deepwater Program must be accelerated if our ports and coastlines are going to be safe. I know that if Chairman KING had had his way this would have stayed in, and I thank him for that.

I am a strong supporter of this program. As a conferee on the last two Coast Guard authorization bills, I supported more funding for the Deepwater Program each year.

At one time during Hurricane Katrina, the Coast Guard used 78 Deepwater assets in Hurricane Katrina relief to save 33,000 people. One would think that the administration would be asking for more money for this type of equipment, not less.

The Commandant of the Coast Guard, ADM Thomas Collins, told me in February of this year that the Coast Guard can accelerate the completion of the Deepwater Program if given the funding, and that it would result in a large savings to the taxpayers.

I hope this Congress will reconsider accelerating Deepwater in the conference on this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LoBIONDO. Mr. Chairman, I would like to thank the gentleman from Mississippi and assure him that we strongly support the acceleration of the Deepwater Program, but we are very concerned with the way this provision is written. As written, the language would require any new ships, aircraft and communications equipment procured under the Deepwater Program to be used to support the Coast Guard's homeland security mission only.

As my colleagues know, the Coast Guard is a multimission service. Their assets need to be multimission. If, in fact, there is a national emergency that is unrelated to homeland security, they need to be able to use their assets for that.

I assure my colleagues that when the Committee on Transportation and Infrastructure meets to mark up the 2007 Coast Guard authorization bill in a few weeks that I will be offering an amendment, as I have each year since I have been subcommittee chair, to significantly increase the funding for Deepwater.

This critical program needs to be accelerated. Current Coast Guard assets are rapidly aging and failing, as has been noted, under intense operation tempos. The Coast Guard is forced to sink more and more funding into obsolete legacy assets. We need to increase funding and get these critically needed new and more capable assets into the hands of our men and women in the Coast Guard as soon as possible, but this provision would tie their hands behind their back.

I look forward to working with my colleagues to accelerate Deepwater as the Committee on Transportation and Infrastructure moves forward with the 2007 authorization bill, and I look forward to support from all of my colleagues to see Deepwater accelerated.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Mississippi, the ranking member, for yielding, and I rise in support of H.R. 4954 but to raise some concerns about this amendment.

I also want to thank him and the chairman of the Homeland Security Committee, Chairman King, for their support of two amendments that I proposed during consideration of this bill in the committee: One, the establishment of a border patrol unit for the Virgin Islands; and the other, a study for the impact of the Advanced Passenger Information System on the owners and operators of small charter boats in the Virgin Islands, which are very important to my constituents and to me.

While I am pleased that these two amendments continue to be in the base bill, I am very disappointed that the third amendment that I offered was removed from it by the Rules Committee and not in the manager's amendment, even though it was approved by the Homeland Security Committee by a voice vote.

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This amendment to authorize an additional $1.8 billion to accelerate funding for the Coast Guard's integrated Deepwater program was unfortunately not made in order under the rule. This program was designed to replace the Coast Guard's aging fleet of cutters and aircraft and enable them to operate with the speed and agility required to protect our ports from terrorist attacks as well as better perform their other missions.

Accelerating Deepwater would also strengthen the Coast Guard's Homeland Security mission by giving those cutters and aircrafters the surveillance capability needed to detect and intercept suspicious vessels before they reach our shores and harm us.

America witnessed the heroism of the Coast Guard during Hurricane Katrina. They should be rewarded for that heroism by ensuring that they don't have to wait two decades or more to have modern cutters and aircraft.

My amendment was removed from the bill and not made in order because of questions raised about the ability of the Coast Guard to utilize this additional funding. But, Mr. Chairman and Members, the Commandant of the Coast Guard indicated in response to a question at a subcommittee hearing that, based on this very comprehensive report to the Congress of the feasibility of accelerating the integrated Deepwater system, that they would be able to spend that additional money if they received it as well as receive additional benefits and savings through the acceleration.

I am also very concerned that the Markey amendment that would have provided 100 percent of cargo screening within a time certain was not adopted or made in order, and I am sure our fellow Americans share that concern as well as the one about the funding on Deepwater.

In spite of this, it is not a perfect bill, but it is a good bill. I commend the chairman of the subcommittee, Mr. LUNGREN, and ranking member, Ms. SANCHEZ, for crafting this bipartisan bill; and I urge support of H.R. 4954.

Mr. KING of New York. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIRMAN. The gentleman from New York has 1½ minutes remaining. The gentleman from Mississippi has 1 minute remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, in support of the amendment, I would like to compliment our chairman on really pulling together a good bill. Even though there were differences, we did the best we could to work those differences out in what I consider a very fair and reasonable manner; and I want to compliment him for that. I was able to in the course of this discussion go to New York and look at some of the fine things going there. So, Mr. Chairman, thank you very much.

The gentleman from New Jersey has indicated support for the Deepwater Program, additional monies for the assets. I look forward to supporting that effort.

The Coast Guard, as we know, serves a wonderful purpose. We need to make sure they have the assets to get the job done. So I look forward to working with him on that.

Mr. Chairman, I yield back the balance of the time.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at the outset, let me thank the gentleman from Mississippi for his very kind and generous remarks, and I want to again return the compliment by saying it has been an outstanding privilege to work with him as the bill has worked its way to this present stage.

I also want to thank the gentleman from New Jersey for once again reaffirming his support of the Deepwater Program and pledging to work to get the necessary funding for the Coast Guard. All of us saw the outstanding job in Katrina, the outstanding job. They were the true heroes of Katrina, certainly from the Federal level. So I think we stand as one in urging full funding for the Coast Guard.

Mr. Chairman, I thank the gentleman for his support of the amendments.

Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KING).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. RUPPERSBERGER

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–450 offered by Mr. RUPPERSBERGER:

Page 87, after line 12, insert the following new section:

SEC. 207. REPORT ON NATIONAL TARGETING CENTER.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study to assess the activities of U.S. Customs and Border Protection's National Targeting Center (NTC).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that contains—

(1) the results of the study conducted under subsection (a); and

(2) recommendations to improve and strengthen the activities of NTC.

The Acting CHAIRMAN. Pursuant to House Resolution 783, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I commend Chairman KING, Ranking Member THOMPSON, Congressman LUNGREN, and Congresswoman HARMAN for their hard work on this legislation. Their work has brought this very important issue to the forefront here in Congress.

This amendment requires the Department of Homeland Security to conduct a study and to provide recommendations to make sure that the National Targeting Center is doing all it can to protect our country. I am a co-chair of the Congressional Port Security Caucus and represent the Second District of Maryland that includes the Port of Baltimore. The Baltimore Port is one of the biggest economic engines in the State of Maryland. It employs more than 30,000 and generates more than $1.5 billion in revenue each year.

There are 539 ports in this country, and I believe Congress must work to keep our Nation's ports safe while keeping commerce flowing.

In November, 2001, Congress created the National Targeting Center. The NTC has been operating around the clock collecting and analyzing intelligence information, everything from Customs logs to crew manifests to preventing a terrorist attack. The NTC conducts counterterrorism, it collects targets and identifies potentially dangerous cargo at the ports of embarkation. The Center flags high-threat cargo for further examination and physical inspection.

The NTC is also working on a demonstration project that will analyze scanned images of cargo like the noninvasive screening that is under way at the Port of Hong Kong.

I believe actually analyzing these images is an important step in preventing a terrorist attack. Identifying potentially dangerous cargo when it is loaded on a ship at the foreign port is one of the best ways to protect our families and our communities.

The NTC is working well right now, but we live in a world where threats change every day. This amendment requires the Department of Homeland Security to conduct a study and provide recommendations to make sure that the NTC is using all of its resources and manpower in the most effective way to catch terrorists before they strike. We must ensure that the NTC is using the latest in technology and employing the best and brightest in the field.

The NTC goes a long way to protect our country and our Nation's ports, but we could always do better. We must always keep improving our security operations to be prepared for the future. I believe this study and its recommendations will help us do that. I ask that my colleagues support this amendment, and let us make sure the National Targeting Center is ready for the threats of today as well as the threats of tomorrow.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York will control the 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I want to thank the gentleman from Maryland for proposing a study of an important Customs and Border Protection initiative. The study of the NTC will assist Congress in determining whether the NTC in its current form is accomplishing its mission of better coordinating CBP field operations and communications.

Improving ATS is essential for a robust container security regime. As the home to ATS, the National Targeting Center must have appropriate resources and management to sufficiently operate the system. As stated, I thank the gentleman for offering his amendment, and I am willing to accept it.

Mr. Chairman, I yield back the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I would urge my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. RUPPERSBERGER

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-450 offered by Mr. RUPPERSBERGER:

Page 17, line 12, after "The Secretary" insert ", in consultation with appropriate Federal, State, and local officials,".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Maryland (Mr. Ruppersberger) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

This bill is a good start that will help America in securing their ports. This amendment will strengthen the bill and make our seaports safer.

The legislation before us today instructs the Secretary of the Department of Homeland Security to create maritime security centers. These centers will bring together the Coast Guard, Customs, and Border Patrol and, in many cases, the Navy, National Guard, and State and local law enforcement. These centers integrate the technologies and personnel of these agencies into one system.

This amendment directs the Secretary to consult with Federal, State, and local officials on where these centers should be placed and what should be the appropriate level of coordination. This provides a critical link and an open dialogue with DHS.

Historically, there has been a lack of communication not only between government agencies and the private sector but between various levels of government. We can't let the lack of communication stop us from securing our ports.

My concern is that this bill allows the Secretary of DHS to solely determine where and to what level coordination must occur. He alone will decide where the command centers will be located and who should be a part of that team. My fear is that DHS will treat our 539 ports the same.

The Port of Baltimore, which has not had a naval presence, does not need the same amount of coordination with the Navy as the Port of L.A.-Long Beach, with their large military deployments. DHS must gather input from Navy, Coast Guard, Customs, Border Patrol, National Guard, and local and State law enforcement. This amendment provides for and requires this coordination.

Mr. Chairman, these maritime security centers should be created, but they should be organized in a way that makes sense. A blanket policy or a one-size-fits-all approach is not the best solution. This amendment will bring all of the critical players to the table to determine where these centers should be placed and how integrated they should be. All ports do not need the same level of integration.

Mr. Chairman, we should be asking the Coast Guard, the Navy, Customs, Border Patrol, the FBI, and every other group with a hand in port security how they currently interact with other agencies and how we can make improvements for the future. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

I want to thank my friend from Maryland for all his efforts in relation to this amendment and to his commitment to the establishment of maritime security command centers.

These centers will be vital tools in the war on drugs, will assist in preventing illegal immigration, and will monitor possible terrorist activity in each region by tracking shipping movements.

I agree that the close cooperation and coordination between the Federal, State, and local governments is an integral part of a successful command center structure, and I will be pleased to accept the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. Debbie Wasserman Schultz).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, we cannot overestimate the importance and vulnerability of the maritime domain. Maritime security involves hundreds of ports, thousands of miles of coastlines, tens of thousands of commercial and private craft, and millions of shipping containers. In addition, many major population centers and critical infrastructure are in close proximity to U.S. ports or accessible by waterways.

In the 20th District of Florida that I represent, our ports, including Port Everglade in Ft. Lauderdale and the Port of Miami, serve as an entryway to millions of tons of cargo and people each year. It is clear that our country still needs an adequate overarching approach to the challenges of maritime security.

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That is why I am standing today in support of the Ruppersberger amendment. Security command centers are vital to the protection of our ports and to the safety of all Americans. This amendment would help make these centers more efficient, better organized, and promote better coordination among the various entities responsible for security.

This amendment just makes sense. Why wouldn't the Secretary of Homeland Security seek input and advice from those most intimately familiar with the specific mission and needs of a seaport? We must have a broad and comprehensive maritime security strategy, and this amendment is one step to help us get closer to that goal.

I urge my colleagues to support the Ruppersberger amendment on security command centers. I am pleased that the chairman of the committee is in favor of it as well.

Mr. RUPPERSBERGER. Mr. Chairman, I yield back the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PUTNAM). The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. RUPPERSBERGER

Mr. RUPPERSBERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-450 offered by Mr. RUPPERSBERGER:

Page 8, line 12, insert after "as quickly as possible." the following new sentence: "The protocols shall be developed by the Secretary, in consultation with appropriate Federal, State, and local officials, including the Coast Guard Captain of the Port involved in the transportation security incident, and representatives of the maritime industry.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Maryland (Mr. RUPPERSBERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise in support of an amendment that requires the Secretary of DHS to consult with State and local agencies to create a system to reopen the port. Congress should do everything possible to prevent an incident from occurring at our seaports.

A major event would endanger countless Americans and stop commerce for weeks. An attack on a U.S. port would result in economic damages ranging from $58 billion to $1 trillion. The U.S. Coast Guard estimates that for every month just one American port is closed, $60 billion in revenue could be lost. We must do everything in our power to prevent accidents and attacks on our ports.

This amendment brings all of the parties involved, the State and local governments, the U.S. Coast Guard and the maritime industry, to the table to create a plan for how to get our ports up and running again in the case there is a terrorist attack or at any time commerce is stopped at our ports.

Historically, there has been a lack of communication between government agencies and the private sector, and also between various levels of government. The security of our ports is too important to allow that kind of limited information sharing. Congress needs to ensure that all critical players, those players who know their ports best, have a say in how to get the ports back in operation.

The bill currently allows for protocols to be established to determine how Federal, State, and local agencies should work together. But DHS is the only agency in the room making those decisions. There is no representation from any other Federal agency other than DHS, no State or local input, no input from the Coast Guard or those whose livelihoods depend upon this maritime industry.

Currently, all the agencies and organizations and industries will be under the sole direction of the Secretary of Homeland Security. They will have to rely on the Secretary and hope that he will know their agencies and industries well enough to know how and when they should work together.

Mr. Chairman, I do not want to leave port security up to just the DHS Secretary. It makes sense that all the partners who have a vested interest in getting the ports up and running sit down and determine how they should work together before a crisis occurs.

This amendment plays a critical role in ensuring that the Secretary of Homeland Security works together as a team with the appropriate Federal, State, and local officials. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition to the amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I rise to speak on this amendment and also the previous amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER), the co-chair of the Port Security Caucus.

I strongly believe that security command centers are a vital piece of the blueprint for the future of port security for our Nation.

I am proud to represent the Port of Charleston, South Carolina. It is the fourth largest port in the Nation, and it is growing every day. Within the Port of Charleston, we have our own security command center called Project Seahawk.

Project Seahawk has brought Federal, State, and local officials into the process to work together for a common cause, which is the safety of the Port of the Charleston. Project Seahawk has proven to be a tremendous success, and has helped eliminate the turf wars between the many Federal, State, and local officials that have jurisdiction over port security.

I strongly encourage my fellow colleagues to vote in favor of this amendment sponsored by the gentleman from Maryland. I believe that by incorporating security command centers as part of a broader port security policy, we will have a strong plan for the future of how we secure our Nation's ports.

Mr. RUPPERSBERGER. Mr. Chairman, first, I want to acknowledge and thank the gentleman from South Carolina (Mr. BROWN) for his involvement as the co-chair of the Port Security Caucus. I again urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield the balance of our time to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I speak in support of this amendment as a member of the Port Security Caucus.

There is a port in my district, the Port of Beaumont, that ships out one-third of the military cargo that goes to Iraq and Afghanistan. Also, that port is largely responsible for 11 percent of the refinery capacity in the United States.

Due to those concerns and the expertise of the people that run the refineries, the people that run the port facilities, I think it is imperative that we have input from local officials on how to secure the safety of our ports. So I support this amendment in its entirety.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. RUPPERSBERGER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–450 offered by Mr. CUELLAR:

Page 44, after line 9, insert the following new section:

SEC. 127. REPORT ON SECURITY AND TRADE AT UNITED STATES LAND PORTS.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study on the challenges to balance the need for greater security while maintaining the efficient flow of trade at United States land ports.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the results of the study required by subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all I want to thank the chairman of the Homeland Security Committee and the ranking member, Mr. THOMPSON, for allowing me to present this particular amendment. I believe this amendment is acceptable to both gentlemen.

Ensuring national security and promoting economic trade is critical to our Nation's future. Balancing security aspects while maintaining the efficient flow of trade at the United States land ports is critical.

My amendment provides that the Secretary of Homeland Security look at the challenges for implementing border security programs while not hindering or negatively impacting the flow of trade and business at land ports. This is critical to land ports because in 2004, for example, the top 10 U.S. land ports for land trade with Canada and Mexico totaled over $635 billion. Land ports handle more than 20,000 containers coming through international ports of entry every day.

The Port of Laredo in my hometown, for example, is the fourth busiest port overall in the United States, and the Nation's busiest inland port with $131 billion worth of goods and merchandise processed in 2004 alone.

The Transportation Bureau of Statistics report for Laredo for 2004 reveals crossings of over 1.4 million commercial trucks, 3,400 trains with 317,000 containers, 38,000 buses, 4.5 million pedestrians, and 6.7 million private vehicles that cross the Laredo area.

These statistics show the urgent need to examine and address the unique security challenges faced at land ports. H.R. 4954 is a good bill, and I certainly support this bill. I hope we can add this amendment, which is acceptable to both the chairman and the ranking member.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset let me thank the gentleman from Texas for introducing this amendment and doing it in such a spirit of bipartisanship. To me, it typifies what this issue should be about: good people from both parties working together to resolve one of the most serious issues facing our country today.

I agree that such a study is necessary primarily because of the sharp increase of trade that the United States has experienced through its ports in recent years. All forecasts seem to indicate this trend will continue.

While this debate largely focuses on seaports, our land ports play a vital role in our economy. Therefore, a comprehensive strategy is needed to address the challenges of efficient trade and land port security. The balance between trade efficiency and adequate security is central to the future success of the United States economy. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CUELLAR. Again, Mr. Chairman, I want to thank Chairman KING and Mr. THOMPSON, also, for working in a bipartisan approach. I ask for approval of my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–450 offered by Mr. RYUN of Kansas:

Page 82, line 12, add at the end the following new sentence: "In carrying out this section, the Secretary's evaluation shall include an analysis of battery powered portable neutron and gamma-ray detection devices that can be inexpensively mass produced.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Kansas (Mr. RYUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that will help us find ways to identify and stop shipping containers that contain nuclear material.

Section 202 of this bill requires the Secretary of Homeland Security to evaluate emerging technologies for container security. My amendment simply stipulates that as part of the Secretary's evaluation of emerging technology, he should analyze portable battery powered nuclear detection devices that can be mass produced inexpensively.

We have a clear need to know what is in the containers coming into our country. Many of the available technologies to screen nuclear devices, however, are difficult and are very expensive.

To my knowledge, the Department of Homeland Security has focused on detection devices that are large, expensive, use a large amount of energy, and cannot easily be placed in or on a shipping container. These technologies may work, but it may not be easy for them to be used, and it may not be possible to procure enough of these types of devices to examine shipping containers headed into our ports. That is why we need to review emerging technology, including portable devices.

I know this type of technology exists because Kansas State University in my district is doing some exciting research in this area. In fact, they have developed nuclear detection devices that are the size of a dime which they believe they can produce for about $20 each. These types of devices are easily placed in shipping containers, and can be used to detect nuclear material before it enters any port.

For this reason, it is prudent to ask the Secretary to thoroughly review this type of technology. We all know that rogue nations and terrorist cells may try at some point in the future to send nuclear materials to our shores. In fact, Iran's pursuit of nuclear materials makes the need to secure our shipping containers even more urgent.

This is a simple amendment that only asks the Secretary of Homeland Security to examine portable nuclear detection devices when he evaluates emerging technology. I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Again, Mr. Chairman, I ask unanimous consent to control the time even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Including mobile detection capabilities in the evaluation process is vital and will aid search capabilities. Also, these potentially cheap sensors will allow for more widespread application. This detection equipment will be considered under the same criteria and measured against the same real-world performance criteria before they are deployed.

The gentleman's amendment raises responsible questions that must be addressed prior to asking our allies to deploy new inspection equipment or for domestic use.

I appreciate this thoughtful addition to the bill offered by the gentleman from Kansas, and I am prepared to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

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Mr. RYUN of Kansas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109–450 offered by Ms. HOOLEY:

Page 66, beginning on line 5, strike "detect unauthorized intrusion of containers." and insert "positively identify containers and detect and record unauthorized intrusion of containers. Such devices shall have false alarm rates that have been demonstrated to be below one percent.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman of the committee and the ranking member.

Container Security Devices, or CSDs, represent a "today" solution to secure the 14 million containers in circulation worldwide. The technology has been developed in conjunction with Customs and Border Protection and has been extensively tested and determined to be reliable.

Container Security Devices are a vast improvement over the bolt seal, which is the low-tech guard against tampering used today.

In addition to guarding against unauthorized container intrusions, many CSDs will be able to provide a wealth of additional data to U.S. Customs and DHS officials at U.S. ports. They can provide data on where a container has traveled from, the ports it has traveled through, and provide a unique, encrypted container ID.

Throughout its journey, the status of a CSD, tampered with or not, can be verified.

The amendment I am offering today is simple and straightforward. Currently, the bill, as written, simply defines a Container Security Device as a "mechanical or electronic device designed to detect unauthorized intrusion of containers."

My amendment changes that definition of a Container Security Device so it accomplishes three things. It will require a CSD positively identifies the container; that it detect and record any unauthorized intrusion of the container; have a false alarm rate that is demonstrated to be below 1 percent. Now, this is a minimum requirement. As written right now, this bill doesn't put a minimum requirement for the performances of container security devices.

Over the past year, DHS has conducted tests on multiple technologies from multiple vendors that would be capable of tracking, monitoring and securing containers against compromise. The Department has been very clear that, before incorporating these devices into government-sponsored programs, the device must meet a strict 1 percent false-positive threshold.

In addition to DHS, a coalition of industry groups supports this minimum requirement. The group includes the U.S. Chamber of Commerce, Worldwide Shipping Council, National Customs Brokers and Forwarders Association of America, Business Alliance for Customs Modernization, and the American Trucking Association.

In the comments the coalition submitted to Senator COLLINS and Senator MURRAY of the Senate Committee on Homeland Security on the GreenLane Maritime Cargo Security Act, the companion bill to the SAFE Port Act, they explicitly state, "Only Container Security Devices that meet the Department of Homeland Security's 99 percent false-positive and overall reliability requirements should be deemed qualified under this legislation."

I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I seek to obtain the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in reluctant opposition because of some lack of clarity on this amendment, and perhaps I can be relieved of my concern.

The gentlewoman, in her comments, suggested that the World Shipping Council and the Pacific Maritime Association were in support of this amendment. And yet I have a letter with a contrary conclusion, not based on the fact that they object to the objective of the gentlewoman's amendment but rather some concern that the gentlewoman's amendment would be too restrictive in bringing us to the point of having the best technology available as soon as possible.

As I understand the gentlewoman's amendment, it changes the definition of Container Security Device from "a mechanical or electronic device designed to, at a minimum, detect unauthorized intrusions of containers" to, "a mechanical or electronic device designed to, at a minimum, positively identify containers and detect and record unauthorized intrusion of containers", and then goes on to say, such devices shall have false alarm rates that have been demonstrated to be below 1 percent.

In the letter that we received from the Coalition for Secure Ports, they were concerned that the 1 percent false alarm rate may be unacceptable, in that we have between 11 and 12 million containers coming into the United States per year. If you had this device on all of them, a 1 percent false alarm rate would create as many as 120,000 false security alarms in U.S. ports.

My concern is whether we are straitjacketing the Secretary into accepting a device, if, in fact, it reached that 1 percent false alarm rate, or whether it would be at least 1 percent false alarm rate that is the intention of the author.

Secondly, the question is whether or not the gentlewoman's language requiring this to be a, "device that positively identifies containers," whether that would restrict this to RFID, or Radio Frequency Identification, systems and not allow, for instance, optical character recognition or similar systems.

If that is the gentlewoman's intent and if that is, in fact, the impact of this amendment, I would have to oppose it, because it seems to me it would restrict us to one particular type of device. And I don't have the technology background to understand whether that one device is the silver bullet in this area.

I understand that one manufacturer, GE, uses it. They think it works well. But, as I understand, there are other manufacturers that are trying to work in other areas.

So those are the concerns I have.

And with that, I would reserve the balance of my time.

Ms. HOOLEY. Mr. Chairman, if I may, I would like to answer the gentleman's question.

First of all, there is a definition in this bill.

Secondly, it doesn't have a minimum standard.

Now, the 1 percent is what the Department of Homeland Security asked for, that it is 99 percent accurate. However, it can be more than that. It can be 99.2, 99.5. That is the very minimum that has to happen. So it can go well beyond that.

Again, it is trying to make sure that you can take into account anything that has either been developed or on the market today or will be on the market so you have some flexibility and some competition amongst the companies.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. So your intent in using the language "positively identify containers" is not to eliminate the possibility of optical character recognition or similar systems in meeting this particular demand.

Ms. HOOLEY. No, it doesn't mandate that it needs to be an RFID device. It doesn't mandate that.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I would just say that, with that understanding that they do not have those limitations of which I have concern, I would not object to this amendment. But I want to make it clear that the record reflect, number one, that if the Secretary believes we have to have a standard that is more precise than a 1 percent false alarm rate, that he have the discretion to do that.

Ms. HOOLEY. Absolutely.

Mr. DANIEL E. LUNGREN of California. And, secondly, that we are not limiting this to RFID systems or similar systems to RFID, that other systems of technology could also meet the gentlewoman's amendment.

Ms. HOOLEY. Correct.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, with that I yield back the balance of my time.

Ms. HOOLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Mr. Chairman, I ask unanimous consent to offer the Stupak amendment at this time.

The Acting CHAIRMAN. The gentleman may rise as the designee for the Stupak amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109-450 offered by Mr. THOMPSON of Mississippi:

Page 25, beginning on line 10, after "including" insert the following: "communications equipment that is interoperable with Federal, State, and local agencies and".

Page 25, line 17, insert at the end before the semicolon the following: "and to ensure that the mechanisms are interoperable with Federal, State, and local agencies".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I support this amendment which will ensure that port security grant funds be used by ports to purchase communication equipment that is interoperable with Federal. State and local communication systems.

I have been in countless hearings in the Department of Homeland Security Committee where first responders have told us how year after year they have not been able to communicate with each other.

I have also heard testimony from the operators of critical infrastructure such as hospitals affected by Hurricane Katrina who also still cannot communicate with government officials in an emergency.

We have not yet had a terrorist attack on a port in the United States, but I do not want to wait until one occurs to find out whether port operators face similar challenges.

Allowing port security grants funds to be used by ports to build interoperable communication systems will ensure that if an attack does occur at a U.S. port we are ready for it.

As a result, Mr. Chairman, I support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment even though I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Mr. Chairman, as the chairman of the Subcommittee of Emergency Preparedness, Science and Technology, I rise in support of this amendment.

When I came here to Washington and first participated in one of many hearings on interoperability and operability, I learned from one of witnesses that this has been a struggle that Congress has been mulling over and struggling with more 10 years. And I interrupted the witness and said, this has been a problem that first responders have been struggling with for over 30 years.

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As a new police officer in 1972, interoperability and operability was a huge problem for us and still is today. It is intolerable that first responders are still struggling with this issue.

The current language in the bill provides that grants may be used to purchase or upgrade equipment and to establish or enhance mechanisms for sharing terrorism threat information. This amendment supplements that language by providing that all equipment purchased be interoperable with Federal, State, and local agencies. Additionally, this amendment ensures mechanisms for sharing terrorism threat information, that they be interoperable with all Federal, State, and local agencies.

The Department of Homeland Security has already spent $2 billion in moving this country forward to become interoperable. It is time that we make this commitment.

I congratulate Mr. STUPAK for bringing this amendment to the floor, and I support it.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank both the subcommittee Chair and ranking member for taking care of this matter for me as I was trying to get here from a committee as we are dealing with high fuel prices, energy prices, gas prices. I just did not make it in time, but I appreciate the assistance of the ranking member and chairman.

Mr. Chairman, I rise to offer an amendment that would add to the Congress's efforts to strengthen communications interoperability.

The SAFE Port Act creates a new Port Security Grant Program. These grants may be awarded for twelve different purposes, including purchasing equipment and creating threat information systems.

My amendment makes two simple improvements to the bill. The amendment requires that communications equipment authorized for purchase under the Grant Program is interoperable with local, state, and federal governments.

Second, my amendment would require that the "mechanisms for sharing terrorism threat information" funded under these grants are also interoperable with local, state, and federal agencies.

We know that the problem of interoperability has plagued this country for too long. The lack of interoperability contributed to the death of 121 firefighters on September 11th. It contributed to the chaos after Hurricane Katrina.

Our ports are vulnerable targets for attack. As we work to give our ports the tools they need to prevent and respond to attacks, we must ensure that port systems are interoperable with the federal, state, and local agencies that work everyday with these ports.

Adding an interoperable standard to the equipment and threat information systems authorized under these grants is consistent with efforts by the Administration and Congress.

An interoperable communications standard is already required under the Urban Area Securities Initiative, the State Homeland Security, and the Law Enforcement Terrorism Prevention Grant Programs.

I fear without this amendment we may have every port in the United States purchasing equipment that does not communicate with local, state, and federal officials on the ground. What good does this do the next time there is a terrorist attack or natural disaster involving a U.S. port?

I urge my colleagues to support my amendment to add an interoperable standard to the equipment and threat information systems authorized under these grants.

This is a good bill that would be made better with the adoption of my amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109–450 offered by Mr. SHAYS:

Page 87, after line 12, insert the following new section:

SEC. 207. INTEGRATED CONTAINER INSPECTION SYSTEM PILOT PROJECT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a pilot project at an overseas port similar to the Integrated Container Inspection System being tested at the port in Hong Kong.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

The amendment I have introduced would require the Department of Homeland Security to conduct a pilot project at an overseas port similar to the Integrated Container Inspection System, ICIS, in Hong Kong.

In Hong Kong, the second busiest port in the world behind Singapore, the ICIS program scans every container of cargo at the two terminals of the facility with advanced radiation and gamma-ray screening.

In Hong Kong, container trucks pass under two giant portals. The first portal scans for radioactivity. The second portal uses gamma-ray imaging to check for odd-sized objects that might conceal weapons. An optical scanner retrieves the ID numbers on the container while a computer integrates data into a database that could be accessed by ports worldwide.

Since late 2004, this program has generated 1.4 million digital profiles of outbound containers at the port. The ICIS system can scan nearly 400 container trucks an hour and provide real-time data to help identify suspicious cargo, all the while keeping detailed records of what passes through the port.

It is not my intention, I want to point out, to limit this pilot program to one company. I understand that Science Applications International Corporation designed the ICIS program currently being run in Hong Kong, but other companies have begun to develop similar technology. In the text of my amendment, the language states the program must be similar to the ICIS program, but it does not mandate that it be the program developed by Science Applications International.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I thank Mr. SHAYS for offering his amendment, and I support his efforts to enhance our Nation's ability to detect the movement of illicit nuclear material at foreign ports before it reaches the United States.

Also, like the gentleman, I believe in testing and validating a detection system's performance before we fund a large-scale deployment, as a great deal of money can be wasted on systems that do not work as advertised.

I believe the gentleman's amendment could be improved if we stipulate that the technology tested in the pilot program goes beyond that which has been used in the ICIS program in Hong Kong. We should look to validate the performance of other more advanced systems, which I should note is the goal of the language for a radiation detection pilot program for high-volume domestic ports, which is already in this bill.

My hope is that the foreign pilot program in this amendment will be strengthened by incorporating next-generation technology and that coordination of this amendment with the domestic pilot program will be considered during conference. This approach would, I believe, build confidence among our foreign partners in the technology and help us expand our detection capabilities around the globe.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. LINDER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would just like to thank him for his keen work on the subcommittee that oversees a good part of the issue and to say that it would clearly be the intention of this amendment to do that. I certainly will be advocating that the conference committee do it. I know the chairman would and the main sponsor of this whole bill. So I think we all agree it needs to happen, and I thank the gentleman for pointing that out.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank the gentleman from Connecticut for yielding me the time.

Mr. Chairman, I support the amendment. Many Democrats on the Homeland Security Committee have been asking for a long time why DHS is not more seriously looking at the ICIS system, and we have never gotten an answer from them.

The ICIS system proves that we can scan every container leaving for the U.S. without interrupting the flow of commerce. The Markey-Nadler amendment would exactly use technology like this if it had been allowed to have been debated here today. Unfortunately, we could not.

We cannot accept anything less than 100 percent container screening coming into this country. So I am in support of Mr. SHAYS's amendment. This at least moves us forward. It is unfortunate that we have to take baby steps rather than giant steps. But for the sake of moving forward, we support the amendment, and I compliment the gentleman from Connecticut for offering the amendment.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

I rise in support of the gentleman from Connecticut's amendment. The type of technology to which he is referring certainly has extraordinary promise. The measured approach he is proposing here, I believe, is the way we should go forward. I understand the Department of Homeland Security may have some concerns, but the fact is, I think, all of us agree the government does not always have the right answer to a particular problem. I believe that the gentleman from Connecticut should be commended for pushing this matter forward and for using his energies and abilities to bring that about.

I know that this technology is said to have limitations, but a thorough operational test by independent evaluators will enable us to look at it much more objectively.

So with that, I strongly urge the adoption of the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

I want to thank Mr. KING, the chairman of the committee, for working with both sides of the aisle and even working with members within his own committee who sometimes have disagreements. He has done an extraordinary job.

I also want to thank his staff that has been very patient in working with all of us and then to particularly thank Mr. LUNGREN, who has kind of taken this bill and marshaled it all along the way, has provided opportunities for us to cosponsor and also to provide input into the bill, to which he has allowed a tremendous amount of input, and I thank him for that as well.

This is an excellent bill, and I think Congress should be proud of it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109–450 offered by Mr. BASS:

Page 26, after line 9, insert the following new subsection:

"(e) REIMBURSEMENT OF COSTS.—An applicant for a grant under this section may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BASS. Mr. Chairman, I yield myself such time as I may consume.

I thank Chairman KING and his staff of the Homeland Security Committee and my own staff person, Jennifer Warren, for help on this.

This amendment would add another use of funds received under the new port security grant program created in H.R. 4954. I fully support the new grant program and want to emphasize that my amendment does nothing to change the prioritization in which awards are granted for port security that is based on risk and national economic strategic defense considerations.

What my amendment would do is to allow a State or local agency to petition the Secretary of the Department of Homeland Security to use Federal funds from this program for any port security activity relating to prevention, detection, preparedness, responsiveness, or recovery from acts of terrorism that is a Federal duty usually performed by a Federal agency.

Additionally, an agreement between the State and local organizations and Federal agency would have to exist in order for the cost of activities to be eligible for reimbursement. This proposed change would allow State and local agencies to petition for reimbursement of expenses such as salaries, overtime, maintenance, and other overhead costs that a State or local agency is spending to perform the Federal port security duties that would otherwise not be covered by the existing language in the bill we have before us today.

I think it is really critical in ensuring that funds under this new program will be eligible to go to more resources than just Federal agencies. I will give you an example: in my home State of New Hampshire, the Port of Portsmouth, it is a busy port. Although small, it is busy. There is a nuclear power plant nearby, and the New Hampshire Marine Patrol does a considerable amount of surveillance and spends over $200,000 annually in additional costs relating to the port security duties that would otherwise not have to be covered by the U.S. Coast Guard. This is just one example.

The Port of Miami apparently has seen an increase in their responsibilities of almost $12 million per year over the past 5 years in annual operating security costs and has been advised by the U.S. Coast Guard that they now may be responsible for waterborne surveillance. So we do have situations in which those other than Federal agencies do actually perform these responsibilities and should be eligible for compensation under this bill.

So I hope that the committee will see fit to accept the bill and that it will be made a part of this legislation. I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I ask unanimous consent to control the time in opposition even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

Mr. KING of New York. Mr. Chairman, let me just say that I commend the gentleman from New Hampshire for his proposal. It is something that is needed. It fills a very vital need, and I urge the adoption of his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BASS. Mr. Chairman, I want to thank the chairman again for his support, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. MILLENDER-MC DONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–450 offered by Ms. MILLENDER-McDONALD:

Page 26, line 3, strike "and".

Page 26, line 9, strike the period and insert "; and".

Page 26, after line 9, insert the following new paragraph:

"(13) to establish or enhance truck inspection stations for seaports and communities with a high percentage of container traffic in coordination with ports, States, and local governments to enable seaport and highway security around seaports.".

Page 29, line 6, add at the end the following new sentence: "Of the amount appropriated pursuant to the authorization of appropriations under this paragraph for a fiscal year, up to $20,000,000 is authorized to be made available to provide grants for activities described in subsection (d)(13).".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from California (Ms. MILLENDER-McDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MS. MILLENDER-MC DONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I ask unanimous consent to modify my amendment.

The Acting CHAIRMAN. The Clerk will report the modification.

MODIFICATION OFFERED BY MS. MILLENDER-McDONALD

Strike line 1 and all that follows and insert in lieu thereof the following:

(13) for the purpose of enhancing supply-chain security at truck inspection stations in or near high volume seaports in coordination with States and local government.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Ms. MILLENDER-McDONALD. Mr. Chairman, at this time let me thank Chairman LUNGREN, the subcommittee Chair, as well as the full committee Chair, Chairman KING, for accepting this amendment and its modification, along with the ranking member, Congressman BENNIE THOMPSON, for his guidance and advice during the process of all of this.

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I am happy that this bill has language that was in a port security bill that I had for the past 2 years that speaks to the multi-level funding for larger port security projects.

Mr. Chairman, I offer this amendment because I do represent the region that has the largest port complex in the country and the third largest in the world, and it is important that we enhance truck inspection facilities located on trade corridors that lead to port complexes that support a heavy volume of cargo containers.

In 2005, 11.4 million containers entered our country and traveled along our interstate highway system. On average, that is an increase of 500,000 containers annually entering our country. In the Ports of Los Angeles and Long Beach, 80 percent of goods that come into this country from the Pacific rim come through these ports, and 45 percent of containerized goods come through these ports. So, Mr. Chairman, it is important that we recognize the vital components in our efforts to secure these ports, our trade corridors and our communities. It is another layer of security. It is about securing the entire supply chain.

In our ongoing efforts as a Nation to establish and maintain a security infrastructure, this amendment does make sense. Truck inspection facilities have the potential to integrate new technology that will make our supply lines safer as well as more secure and efficient. In short, truck inspection facilities have the potential to be high-tech weight stations. More importantly, this is another tool in the toolbox in ensuring that our ports and supply chains are secure.

Many of you have come out to the Ports of Los Angeles and Long Beach and seen the Alameda Corridor. When trucks go down that Alameda Corridor, we have to make sure they are secure and that the goods that are being moved from that point to the point of distribution are safe and secure. This is why this amendment is extremely important.

I will say that while I cannot go on as a cosponsor at this time, given that I would have wanted to, this particular bill is extraordinarily important for us and I support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask unanimous consent to obtain the time in opposition even though I do not oppose this amendment.

The Acting CHAIRMAN (Mr. PUTNAM). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to congratulate the gentlewoman from Southern California for working with us to modify the language of her original amendment so it achieves the purpose to which she intends and is not objectionable in any way.

There is no doubt that we want to make sure that we have layers of security, starting at the foreign ports, through the period of time in which the containers are shipped, to just outside our ports, in our ports, and then as the containers leave our ports.

One of the things we have to do in this entire effort is to insert a notion of uncertainty in the minds of would-be terrorists. One the ways we do that is having layers of security all across the globe.

The gentlelady has suggested that we be explicit in our language with respect to the possibility of utilizing another tool in our toolbox, as she suggests, where we might be able to devise certain programs that utilize facilities that may exist just outside the port for purposes of looking at trucks for safety purposes, and we might be able to incorporate the terrorist security review at that point as well. If in conjunction with the authorities, local and state authorities, this kind of a grant request is made, we want to make sure that the Department of Homeland Security can, in fact, take a look at it. If it seems to serve the purpose to which we are all dedicated, then it would be allowed under this bill.

So I congratulate the gentlelady for introducing the bill. I also congratulate her for representing my hometown, the place I was born and lived in for 42 years.

Mr. Chairman, I yield back the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, it is great to have my friend who once served so admirably in the southern California area now being a part and parcel of this bill that is just so vital. He knows, as I know, that our California Highway Patrol commissioner is also amenable to this bill as well.

Mr. Chairman, truck inspection stations will be a consolidation and coordination of seaports, community and trade corridors, and both local and state representatives are all in favor of this. I am very pleased about this important amendment. I thank all of those, the chairmen and the ranking members, for accepting this.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109–450 offered by Ms. JACKSON-LEE of Texas:

Page 32, line 11, strike "and".

Page 32, line 13, strike the period and insert "; and".

Page 32, after line 13, insert the following new paragraph:

"(8) educates, trains, and involves populations of at-risk neighborhoods around ports, including training on an annual basis for neighborhoods to learn what to be watchful for in order to be a 'citizen corps', if necessary.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, allow me to offer my appreciation to the chairman of the full committee and the ranking member of the full committee and Ms. SANCHEZ, Ms. HARMAN and Mr. LUNGREN of California for the work that they have done on this legislation. My good friend, Mr. REICHERT from Washington, let me thank you very much as we have had an opportunity to work together.

This bill is about port security. In securing the ports, the reason is to prevent a horrific tragedy from occurring similar to the tragedy of 9/11. We have come to understand that through containers, or ships that are carrying containers, weapons of mass destruction, nuclear materials, can be inserted into these particular items coming into our ports and a horrific act of terror can occur, killing thousands.

Mr. Chairman, this chart shows an example of the Nation's ports, a port that is surrounded by population, thriving neighborhoods, neighborhoods which understand that they are surrounding a local asset and a national asset. But they, too, deserve security and deserve protection.

My amendment today, which I urge my colleagues to support, includes communities in disaster preparedness by providing for an annual update to the Homeland Security Training Program described in this bill. The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against and recover from threatened or actual acts of terrorism, natural disasters and other emergencies.

What I would say to you is, having visited a number of ports, including the port in Washington, I am aware of its treasure to the community and to the Nation, but I am also aware that it looks just like this, populations surrounding our ports. So a danger to ports and port security is a danger to our neighborhoods.

The amendment I offered today extends this training program to include communities and neighborhoods in proximity to the seaports by educating, training and involving populations at risk, neighborhoods around the ports, including training on an annual basis, and, of course, collaboration with our local authorities.

This is to include our neighborhoods in somewhat of a neighborhood watch concept, continuing the idea of the citizen corps. It is a moral public safety and public health imperative that we assist the public to prepare for disasters in order to help facilitate response and relief.

The point is to be prepared. Local responders are not the only ones who can help in time of need. They need help, and we are here to help with them in the idea of collaborating with the port and our local first responders.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report that they have a neighborhood plan for disasters. Nearly two-thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

The Port of Houston, for example, is a 25-mile-long complex of public and private facilities located just a few hours sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce and second in total tonnage and sixth in the world. The Port of Houston is made up of the Port Authority and the 150-plus private industrial companies along the ship channel. Altogether, the Port Authority and its neighbors along the ship channel are a large, vibrant community.

I say that, because of this vibrant community, there is a great need, if you will, to provide this nexus in this bill to ensure this kind of safety plan. I ask my colleagues to look and see this as a port in your neighborhood and to join me in supporting the Jackson-Lee amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, even though I do not oppose it.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. REICHERT. Mr. Chairman, I would like to thank the gentlelady for offering this amendment during committee markup last week on the underlying legislation. The committee added language that would establish a port security training program.

Training is essential to our Nation's success in the war on terror. It is imperative that our Nation's first responders, longshoremen, seaport management and those in the private sector and others learn and master the skills necessary to respond to a terrorist attack in our Nation's ports, especially those involving weapons of mass destruction.

This current amendment will provide for the education and training of persons in neighborhoods surrounding at-risk ports to learn what to be watchful for in order to be a citizen corps, if necessary.

As a former law enforcement officer for over 33 years and the current Chair of the Subcommittee on Emergency Preparedness, Science and Technology, I certainly appreciate the intent of this amendment.

While I generally support this amendment and am willing to accept it, I do have a few reservations. I have concerns that this amendment could potentially divert funds and training away from ports in favor of establishing an ad hoc citizen corps. No determination has been made that developing a citizen corps would be a more effective use of resources. Moreover, unlike the port personnel, a proposed citizen corps would not be a full-time service but only a used-as-necessary service.

The amendment lends no guidance as to the level of training that would be necessary, the function of the citizens corps or the circumstances under which a citizens corps would be necessary.

While I believe port authorities should undoubtedly perform outreach to affected neighborhoods, where appropriate, I am concerned about the amendment that requires the training of citizens at the expense of most crucial training for port personnel.

In addition, local law enforcement are currently responsible for conducting outreach plans and for training and educating local businesses and communities around our Nation's ports. While local law enforcement currently work in coordination with our ports, this amendment would take some authority away, I believe, from the local law enforcement in conducting community outreach.

I therefore ask to work diligently with the gentlelady as we move forward in this process to ensure communities surrounding our ports are adequately involved without taking resources away from the training of port personnel.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Mississippi (Mr. THOMPSON), the distinguished ranking member.

Mr. THOMPSON of Mississippi. Mr. Chairman, I appreciate the gentlelady allowing me to speak in support of her amendment. We absolutely need to work with communities around ports. Those communities, just like other communities, are at risk, not only to what comes into those communities but also many of the people who live in the communities.

So we are happy to support the gentlelady's amendment. Citizen preparedness is what we should be about. It is absolutely important. We support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member, Mr. REICHERT. Let me just say we want a seamless connection on security and port security, working with local law enforcement, working with the neighborhoods around the poverty and working with port security. I look forward to working with you to ensure that it is collaborative and that the resources are spent in a balanced way for the port personnel but also in very effective outreach methods that I have seen utilized around the country with effective neighborhood and citizens corps, local first responders, as you have served for a number of years, and, of course, port security. I ask my colleagues to support it.

Mr. REICHERT. Mr. Chairman, I look forward to working with the gentlewoman, and certainly agree we need a seamless operation when it comes to protecting this Nation's borders and ports. I think the training and exercises in and around our port areas, including our communities, is essential to the protection and the safety of the citizens that live there, and again look forward to working with you and appreciate you offering this amendment.

□ 1300

Ms. JACKSON-LEE of Texas. We will work together. I ask my colleagues to support this amendment to protect the neighborhoods that surround our ports. Port security and secure neighborhoods.

Mr. Chairman, I rise today to urge my colleagues to support an amendment I am offering that includes communities in disaster preparedness by providing for an annual community update to the Homeland Security Training program described in this bill.

The Port Security Training Program is designed for the purpose of enhancing the capabilities of each of the Nation's commercial seaports to prevent, prepare for, respond to, mitigate against, and recover from threatened or actual acts of terrorism, natural disasters, and other emergencies.

The amendment I offer today extends this training program to include communities and neighborhoods in proximity of the seaports by educating, training, and involving populations of at-risk neighborhoods around ports, including training on an annual basis to learn what to watch for.

Many communities across the country also have a "Neighborhood Watch" program that teaches citizens to watch for suspicious activity or other signs of danger. This amendment provides for a similar "citizens corps" preparation in anticipation of a national security threat. The intent is to mimic the Citizen Corps initiative begun by the White House and the Department of Homeland Security in 2002.

It is a moral, public safety and public health imperative that we assist the public to prepare for disasters in order to help facilitate response and relief.

The point is to be prepared. Local responders are not the only ones who can help in a time of need.

While 44 percent of Americans say their neighborhood has a plan to help reduce crime, only 13 percent report having a neighborhood plan for disasters. Nearly two thirds of respondents, 63 percent, believe it is important for neighborhoods to have a way to work together on emergency preparedness.

The Port of Houston is a 25-mile-long complex of public and private facilities located just a few hours' sailing time from the Gulf of Mexico. The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world.

The Port of Houston is made up of the port authority and the 150-plus private industrial companies along the ship channel. All together, the port authority and its neighbors along the Houston Ship Channel are a large and vibrant component to the regional economy.

About 200 million tons of cargo moved through the Port of Houston in 2005. A total of 7,057 vessel calls were recorded at the Port of Houston during the year 2003.

Economic studies reveal that ship channel-related businesses support more than 287,000 direct and indirect jobs throughout Texas while generating nearly $11 billion in economic impact. Additionally, more than $649 million in state and local tax revenues are generated by business activities related to the port. Approximately 87,000 jobs are connected with the Port of Houston itself, and over 80 percent of those people live in the Houston metropolitan area.

Centrally located on the gulf coast, Houston is a strategic gateway for cargo originating in or destined for the U.S. West and Midwest. Houston lies within close reach of one of the nation's largest concentrations of consumers. More than 17 million people live within 300 miles of the city, and approximately 60 million live within 700 miles.

The danger is very real that we may be escorting a weapon of mass destruction to its target. For every mile along the Houston Ship Channel that dangerous cargo passes, an additional 2000 people are at risk. Clearly, once the cargo reaches the city, the risk is greatest.

In 2002, the Department of Homeland Security established the Citizens Corps initiative, and in 2004, over 1,000 communities around the country, encompassing 40 percent of the U.S. population, had established Citizen Corps Councils to help inform and train citizens in emergency preparedness and to coordinate and expand opportunities for citizen volunteers to participate in homeland security efforts and make our communities safer.

Fifty-two States and territories have formed state level Citizen Corps Councils to support local efforts.

Maybe before the next disaster, our citizens can be aware and trained to react effectively and timely, and perform as local responders themselves. Support this amendment, and include the neighborhood in disaster preparedness.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109-450 offered by Mr. WEINER:

Page 29, after line 2, insert the following new subsection:

"(k) QUARTERLY REPORTS REQUIRED AS A CONDITION OF HOMELAND SECURITY GRANTS.—

"(1) EXPENDITURE REPORTS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the grant recipient to submit quarterly reports to the Secretary that describe each expenditure made by the recipient using grant funds.

"(2) DEADLINE FOR REPORTS.—Each report required under paragraph (1) shall be submitted not later than 30 days after the last day of a fiscal quarter and shall describe expenditures made during that fiscal quarter.

"(3) PUBLICATION OF EXPENDITURES.—

"(A) IN GENERAL.—Not later than one week after receiving a report under this subsection, the Secretary shall publish and make publicly available on the Internet website of the Department a description of each expenditure described in the report.

"(B) WAIVER.—The Secretary may waive the requirement of subparagraph (A) if the Secretary determines that it is in the national security interests of the United States to do so.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from New York (Mr. Weiner) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I won't take the full balance of my time.

Mr. Chairman, we create in this bill a port grant program which provides allocation to go to States and localities to take steps to ensure homeland security around ports.

But frankly without this amendment, we will not really have any good way of knowing how the moneys are being spent. We have learned through grant programs in other elements of the homeland security bill that we are finding that once States and localities get the money for these grants, they are not spending them in a very wise way.

For example, when Converse, Texas, got funds for homeland security, they used it to spend $3,000 for a trailer which was used to transport lawn mowers to lawn mower drag races in that county.

We found that in Columbus, Ohio, over $7,000 was used to purchase bulletproof vests for dogs. In fact, when the Department of Homeland Security Inspector General looked at one State, Indiana, to try find out if the funds were being spent prudently, they found that the county emergency preparedness coordinator had purchased a $30,000 emergency hazardous material trailer truck that he was using as a commuter vehicle back and forth to work.

We found out about a lot of these things not because the process was transparent, but because often States and localities bragged about them. My amendment would simply say, once we give the money, we have to hear back from the States and localities how they spent it, allow transparency to be the best disinfectant for boondoggles.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I ask unanimous consent to control the time in opposition to the amendment, even though I am not opposed.

The Acting CHAIRMAN (Mrs. Biggert). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Chairman, I would like to raise several points. I want to commend my good friend from New York for offering the amendment. Obviously, more oversight is needed. This amendment serves that purpose.

I did have some concerns about the danger of potential national security information being listed. But the language of the amendment does provide an exception on that. There is also some concerns about whether or not this could prove burdensome on some local governments.

I just want to work with him to ensure the amendment does not impose unnecessary burdens on State and local governments.

Madam Chairman, I yield the balance of my time to the gentleman from New York (Mr. Fossella).

Mr. FOSSELLA. I thank the gentleman for yielding. I will be very brief in support of the amendment, but also the underlying legislation which I think is a natural extension of where this country has gone over the last several years as we seek to ensure the safety and security of the American people.

We know that the most fundamental responsibility of our Federal Government is to ensure the safety of its people and to protect and ensure our National security. And clearly port security has been left in limbo.

But not until today have we seen a more comprehensive and in a way bipartisan approach that acknowledges that indeed we are vulnerable in our ports. And events over the last couple of months obviously have catapulted this to the top of the headlines, if you will.

But for someone who represents Staten Island and Brooklyn, proudly, the mouth of New York-New Jersey Harbor, practically every cargo container that comes and finds its way into the northeastern region goes underneath the Verrazano Bridge. And I want to know, as much as I can, that the people that I represent are safe and secure.

We recognize the importance of commerce. We recognize the importance of jobs and what that cargo means to consumers across the country, especially in New York and New Jersey and Connecticut and the northeast. But that does not mean we have to keep safety at the door.

So I commend Chairman King and all of those Members who have worked so diligently over the last couple of months to bring this bill to the floor. I think, as I say, this is a natural extension to let those who want to or are contemplating ways to wreak havoc on the American people know that we are serious about protecting its people here, and that we are going to do everything possible to ensure that cargo that comes into our ports is safe and nonthreatening.

Mr. KING of New York. Madam Chairman, I yield back the balance of our time.

Mr. WEINER. Madam Chairman, I would point out to my colleagues that under this legislation we are going to be considering, containers will continue to come under all of the bridges in New York and the New Jersey area unchecked, uninspected.

We had an opportunity in this House to have a discussion about whether or not that was a desirable state of affairs, and we chose not to have it. There is no reason, none whatsoever, why we should not have it as the law of the land: any container, of the millions and millions of containers that come here, should not be prescreened in their home country before they arrive here.

We chose not to do it. We made a decision. It is not because the technology does not exist. It is not because the desire does not exist. It is not because of anything except our decision in this House not even to have a discussion on it.

You know, there are concerns that have been raised. Is the technology ready? The answer is, yes. Is it overly burdensome in cost? The answer is, no. But that is what we have this Chamber for, to have a discussion of these issues.

If there is one thing that makes Americans scratch their head about port security, it is, are we leaving ourselves vulnerable to a contaminated container with fissionable material, with nuclear material, with just a bomb in there? And they say, check it. And we are saying here, not only will we not do it, we will not even have a discussion about whether we are going to do it.

And I think that is most regrettable. I think we should have had a chance here today to vote up or down, should we screen containers or not? And I think the answer would have been a bipartisan "yes."

But then again, the people who control this House say they will not even debate it. So maybe, there were going to be people on that side. We have to assume then that they were going to vote "no."

But irrespective of that, this is too important an issue at least not to debate in the context of this important bill.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Weiner).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109–450 offered by Mr. FLAKE:

Page 21, line 5, insert "**REPEAL OF**" before "**PORT SECURITY GRANT PROGRAM**".

Page 21, strike line 6 and all that follows through line 14 on page 29.

Page 29, strike line 15.

Page 29, line 16, redesignate paragraph (1) as subsection (a).

Page 29, line 18, redesignate paragraph (2) as subsection (b).

Page 37, strike line 23 and all that follows through line 2 on page 38.

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, in 2005, the Ports of New York and New Jersey received $6.7 million for port security. Seattle-Tacoma received $7.3 million, and the State of California received $33 million.

The Long Beach-L.A. port received $24.2 million alone from Homeland Security. All of these came from Homeland Security grants. These funds are also in addition to the funds raised by security fees charged by these ports on shipping to pay for port homeland security costs.

This is a mechanism that the ports can use to cover their costs if they need additional money. No major U.S. shipping port is not in compliance with Coast Guard security requirements.

If $400 million is not to get them in compliance, I think we really need to ask, what is it for? Now, the White House has some ideas on this. They just released the "Statement of Administration Policy." And the White House says: "Given the significant resources dedicated to port security today, and requested in the budget, the administration believes that a new grant authorization would duplicate existing authorities and may inhibit the administration's ability to target resources most effectively to the sectors of the Nation's infrastructure that face the highest risk."

Rather than creating a new Federal homeland security grant program, we need to first get control over the grant programs that we have. The gentleman from New York (Mr. WEINER) just listed some of the grants that have been issued.

And it is simply appalling to see how this money is often being spent. In Kentucky, an anti-terror grant was awarded to the State to probe bingo halls. Over $500,000 was spent so that the Town of North Pole, Alaska, could get security rescue and communications equipment.

In my home State of Arizona, the town of Peoria got a homeland security grant to buy a tactical robot. In my own district, the City of Apache Junction received nearly $300,000 for 19 traffic preemption devices which are remote controls that change a street light from green to red or red to green.

Madam Chairman, I am not saying that these things are not needed, but I am saying that we ought to question whether it is the Federal Government's responsibility to fund them or if this money ought to be spent in areas with a greater threat.

I would submit that if we create this new program without first getting ahold on the grant programs that we have, we are going to see the same problems in port security. We are going to see grants frittered away on things that we do not need, rather than things that are truly a threat.

I simply do not believe there has been a clear case made as to why the taxpayers should pay $400,000 for this new program given the existence of all of the other programs as well.

Let me just restate. All major ports are in compliance with Coast Guard security requirements. The President says that it is duplicative and unnecessary and that $173 million has yet to be awarded from 2006 grants. The fiscal year 2007 budget includes $600 million for targeted infrastructure protection grants which include ports.

Also I point out again that ports charge fees to the shippers. If they believe and if they need to increase their security to come into compliance, they can charge extra fees, as it should be. Then the users are actually paying rather than the taxpayers as a whole and the money will be far better spent.

Madam Chairman, I believe that we need this amendment. We ought to have this amendment to have a little fiscal responsibility. Some may say, this is just an authorization. It is not saying that we will appropriate it. But as soon as we authorize it, then if we do not fully appropriate for it, then we are accused of not fully funding the program.

We are bitten by that all the time. I would say, let's step back now and say, let's be as fiscally responsible as we can.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I rise to claim the time in opposition to the amendment, and I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Chairman, I oppose the Flake amendment to eliminate the port security grant program in this bill. The third largest port in the United States, Long Beach-Los Angeles, in the first year after 9/11, the Federal Government actually spent $1.8 million to help them with their security.

The fact of the matter is that that local port, those two cities, put up their money to fortify, to study, to think about, and to do something about port security. The Federal Government basically was not even there. $1.8 million.

Now I remind my colleagues in the House, we spend $1.5 billion a week in Iraq. We have not stood up and done the right thing and protected our critical infrastructure. That port when it is shut down, because we have seen it, is about $2 billion worth of commerce a day. It is thousands of jobs. It affects every city and every State in our Nation. We need to have moneys directly going to port security.

Mr. FLAKE. Madam Chairman, in response to that, the Long Beach Port received $24.2 million, I believe, the following year from the Federal Government. This is in addition to the moneys that they receive by charging a fee on shipping.

The money that the Federal Government pays is minuscule compared to that amount that comes charged by fee. What this amendment is about is saying that as the President has said, as the White House has said, let us target our homeland security money where it is actually needed.

When we continue to dole out money, these kinds of grants, the kind of formula grants that we have, we continue to see the money spent in ways like buying fitness facilities for fire departments or whatever else.

We simply have higher priorities. And heaven knows, we have got a tight budget and we ought to prioritize here.

☐ 1315

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I just say in response to the gentleman from Arizona, we have taken into consideration concerns that he has expressed. We have implemented in this bill an at-risk, that is a risk-based, assessment for grant programs. Not everybody gets something.

Secondly, I would assure the gentleman that Apache Junction will not get a grant under this program, nor any landlocked city in Kentucky. This is a port bill.

The third thing I would say is this is based on the assessment by the Coast Guard of what is necessary for the capital investment improvements from a security standpoint for all the ports in the United States. As a matter of fact, we only provide funds for half of the amount that has been identified by the Coast Guard.

This is not one of those grant programs that lasts forever. We have a 6-

year sunset on this, and we have a specified revenue stream in this bill to take care of it. So I would suggest that we have looked at the complaints that the gentleman has, but this is a particular area of national security.

Mr. FLAKE. Madam Chairman, I like sunsets, everybody in Arizona likes sunsets; but if we truly believe that this is really going to be sunsetted, then we are kidding ourselves, and if we spend $400 million on a grant program that the President even says that we do not need here, then the sun has set on fiscal responsibility.

Madam Chairman, I yield back.

Mr. KING of New York. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), the coauthor of the legislation.

Ms. HARMAN. Madam Chairman, I thank the gentleman for yielding and want to say to the amendment sponsor how much I admire him, how much I agree with his point that growing debt and deficits are irresponsible; but in this case, the dollars we are talking about are much smaller than he may believe.

First of all, we are replacing an annual grant program that was appropriated for $175 million last year. Second of all, we are using existing Customs revenues, not new money, to fund what we are talking about.

As he knows, our ports are vulnerable. Al Qaeda attacks us asymmetrically. I admire his intent, I truly do, but I think he should focus on programs that, in the end, will net out as less important and will not cost America and American commerce the amounts of money that it will cost if one of our ports has an explosion or one of our containers contains a radioactive bomb.

I reluctantly oppose the amendment.

Mr. KING of New York. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I understand what the gentleman from Arizona is attempting to do as far as imposing a sense of fiscal order, but the fact is you know sometimes the price of everything, but the value of nothing. I cannot imagine any potential target in this country which would have more of an economic impact on us than our ports. A nuclear attack in one of our major ports could cost up to $1 trillion in loss to our economy.

The gentleman refers to money that has definitely been wasted in certain projects around the country under the rubric of homeland security. The fact is, we passed legislation in this House last year, H.R. 1544, which would base funding on threat and risk analysis. It is that exact same philosophy that applies to this port security bill. It is based on threat and risk.

As the gentleman from California said, the Coast Guard estimates it would cost over $5 billion for the targeted ports to receive the proper amount of security which they need. This funds slightly less than half of the amount that is required. There is matching money required from the ports.

The fact is we are at war, and we cannot be applying the same green eyeshade philosophy to protecting our National home as we do to other projects.

I agree that nothing is worse than having $1 of homeland security funding wasted. That is why we passed the legislation last year, that is why we are passing this port security, this bill, this time this year to ensure that money will go where it is needed; but it is only going to be based for security. It is not going to be wasted, and to me, this is clearly money well spent. It will also save human lives.

As someone who comes from a district next to the Port of New York and New Jersey, who saw the thousands of people who were killed on September 11, this is a war we cannot afford to hold back in any way. It is essential we go forward. This money is money which is absolutely necessary; and as the gentlewoman from California said, we are taking away the $176 million, adding this. It is money well spent, and I urge defeat of the amendment.

The Acting CHAIRMAN (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 15 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109–450 offered by Ms. LORETTA SANCHEZ of California:

Page 63, line 8, insert at the end the following new sentence: "Such benefits may not include reduced scores in the Automated Targeting System.".

The Acting CHAIRMAN. Pursuant to House Resolution 789, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. Madam Chairman, my amendment is a very small and simple refinement to this piece of legislation, but I think it is a very important refinement and will dramatically strengthen the Customs-Trade Partnership Against Terrorism program, or what we call C–TPAT.

Currently, there are about 5,000 companies that have submitted written security plans that Customs Border Protection has reviewed and certified. This certification qualifies shippers to be fast-tracked through our ports.

Here is the problem: of those 5,000 companies, only 1,200 have had their plans validated, meaning that the Customs has actually gone to those sites to ensure that what the company wrote they were doing about security measures has actually been implemented.

Based on that practice, that means that there are 3,800 companies whose security measures have not been validated, looked at, et cetera; but they are receiving a lowered risk score, and this score is used to determine whether containers will be subject to additional screening or inspection.

There has been a lot of talk today about not giving ourselves and the American people a false sense of security, but that is exactly what we are doing. We are letting containers into our ports with a low probability of inspection when we do not have the slightest idea that the shipper has any real security measures in place.

The Sanchez amendment would stop the current practice of granting risk score reductions for nonvalidated C–TPAT companies.

Now, some would argue that the C–TPAT members should receive a benefit for just turning in a plan and that taking away the reduced risk score for this nonvalidated member would take away their incentive to participate in the program.

Well, think of it as you are driving along and you come to a toll road and everybody's backed up to pay in cash and there is the fast track. What is the incentive? You would definitely decide to purchase if you are going to do this all the time every day, to take that lane. So you would sign up for that program and put your money in the bank so you can whiz by. It is the same thing. There is an incentive. The incentive is that we get our Customs people to review your plan, and then you get to go through the fast lane. We should not let these companies have their cargo go through the fast lane when we have never even checked if they have got a fence around, if they I have done background checks on their people, if al Qaeda people are there or not, et cetera. We need to go and take a look at that.

A reduction in their score is unacceptable until we have actually visited and validated that their security measures are actually happening. We need to trust C–TPAT companies; but as Ronald Reagan always said, we must trust but we must verify.

C–TPAT is a security program, and security does not come from a written rubber stamp plan. So I urge my colleagues to support this.

Madam Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, with all due respect, I rise in opposition to this amendment. Ms. Sanchez and I have worked together on this bill. We have reached accommodations on a number of different issues. We support the idea of the C–TPAT program. I certainly support her efforts to try and strengthen the C–TPAT program. I certainly have supported and incorporated in my bill the recommendation on her part that we allow for third-party validators so that we can get the manpower necessary to do the validations that are necessary in this program. However, I do oppose her amendment because I think it would cut down on the participation in this program.

One must understand that the C–TPAT program, Customs-Trade Partnership Against Terrorism program, is one that leverages industry cooperation to increase the security of the global supply chain. It has three tiers: tier 1 being the lowest, tier 3 being the highest.

The gentlewoman suggests that any benefits that are recognized under tier 1 to someone who has begun to participate in the program is unnecessary and somehow undercuts the credibility of the program. I would suggest that that is not true.

The conditions for obtaining the C–TPAT tier 1 status include that prior to an importer being certified, the importer must complete a comprehensive self-assessment of their current security practices, gauged against the clearly defined and published minimum security criteria.

If the security self-assessment completed by the importer reveals any security deficiencies and requires a corrective action plan, admission to the program and no benefits whatsoever are obtained unless those deficiencies are addressed to the satisfaction of the Department.

Third, with the security self-assessment completed, and initially identified deficiencies addressed, the Department again reviews for sufficiency with the minimum security criteria and also vets the importer through the law enforcement and trade databases, as well as through the El Paso Intelligence Center, EPIC, for linkage to DEA and other law enforcement databases. If the importer's security profile demonstrates that the company is meeting the criteria, has positively passed vetting, and has a successful importing record, only then will the importer be certified as tier 1 and given a limited ATS score reduction.

In response to the concerns raised by the gentlewoman from California, we have incorporated into this bill penalties if, in fact, it is shown that they did not participate in the process completely and honestly; and, in fact, if they have had any misleading or false information in their application, they are mandatorily barred from participation in the program for 5 years. The reason why they get a small benefit in terms of the rating by beginning in the program with their application before they are fully certified is to give encouragement to get them into the program to begin with. It is more than just saying they are handing in a piece of paper. It is, in fact, a document that requires a good deal of work on their part; and we want to encourage participation in this program rather than discourage it.

C–TPAT is one of the layers, not the only one, but one of the layers that we have of security in our multi-layered approach, and so I would urge people to reject this amendment.

Madam Chairman, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield myself such time as I may consume.

Aside from the risk reduction score that C–TPAT companies get without us verifying what they do and what they said they would do, there are a whole lot of a series of other positives they get. They do not sit in line for secondary inspections. That means they are not idling and wasting their gas, et cetera. They get a lot, but the risk reduction to the score I believe is too much.

Yes, we have a layered approach. We do not have a 100 percent look at what is in those containers. So we should make sure that each layer is done to the best of our ability, and we can do that by making this small change.

As far as catching them afterwards, well, that is like telling my teenage son that if he gives me a plan about how he is going to take the driver's written test and a plan about how he is going to then after he does that take the driving test, but he does not get around to that for 2 years for the company to check, meanwhile he is on the highway driving without ever having taken a test.

☐ 1330

It is the same thing. We haven't verified what we are doing, and this terrorism issue is too important for us to ignore. I hope that my colleagues will vote for the Sanchez amendment.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, again I would suggest that it is important for us to retain the program as it exists, for the Department to retain the discretion reward a small benefit to the Tier 1 members by reducing their ATS score. They do not move to the head of the line; they get to move up just a little bit. It is an encouragement to participate in the program.

The only way I can help the gentlewoman by suggesting that penalties do work is to suggest that deterrence does work. It is recognized in just about every other aspect of our lives, including the criminal justice system; and I don't know why she does not believe it will not work here.

As a matter of fact, in response to the GAO report that she referred to, the Department did reduce the amount of the ATS score reduction for Tier 1 members, so they have responded to some concerns that they were moving too far up the line. Not in front of the line, but too far up the line.

They get a small, small benefit at the present time. It is an incentive to participate in a voluntary program, which ultimately gives us more information, has more people working with greater security than they had before, and it helps us our a multi-layered approach.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 125]

AYES—195

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Andrews
Evans
Frank (MA)
Lewis (GA)
Miller, George
Osborne
Slaughter

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1355

Messrs. BOREN, PICKERING and Otter changed their vote from "aye" to "no."

Messrs. CUELLAR, BERMAN, OBERSTAR, RUPPERSBERGER and Ms. SCHWARTZ of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KLINE) having assumed the chair, Mrs. BIGGERT, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes, pursuant to House Resolution 789, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Nadler moves to recommit the bill H.R. 4954 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendments:

Page 51, strike line 16 and all that follows through line 25 on page 52.

Page 80, strike line 10 and all that follows through line 14.

Redesignate sections 202 through 206 of the bill as sections 203 through 207, respectively.

Page 81, after line 23, insert the following new section:

SEC. 202. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

"(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

"(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

"(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

"(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

"(C) REVIEW AND REVISION.—The Secretary shall—

"(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

"(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

"(I) identify the place of a breach into a container;

"(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning given the term 'Exclusive Economic Zone' in section 2101(10a) of this title.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2007 through 2012.

(c) REGULATIONS; APPLICATION.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—The Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 120 days after the date of the enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the enactment of this section, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) PHASED-IN APPLICATION.—

(A) IN GENERAL.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

(i) the end of the 3-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

(ii) the end of the 5-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in any other country.

(B) EXTENSION.—The Secretary may extend by up to one year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

(i) finds that the scanning equipment required under section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, is not available for purchase and installation in the port; and

(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I offer this motion to recommit with the gentleman from Massachusetts (Mr. MARKEY), and I thank him for his efforts on this issue.

This is a reasonable bill, but none of it matters much if we don't at least electronically scan every shipping container. All it takes is one atomic or radiological bomb to make 9/11 look like a firecracker, to kill hundreds of thousands of people, to cost hundreds of billions of dollars, to bring commerce to a total halt for weeks or months while every ship is searched by hand because we don't have in place the means to scan every container.

□ 1400

That is what this motion is about. If we really want to make this country safer, we must demand that before any container is put on a ship bound for the United States it must be scanned electronically in the foreign port. It is too late if we find a nuclear bomb in Los Angeles or New York.

The container must then be sealed with a seal that will tell us if it is tampered with after it is scanned, and the results of the scan must be transmitted electronically to people in the United States for examination.

This motion is identical to an amendment that was unanimously agreed to by Chairman YOUNG and the entire Transportation Committee a month ago. This is not a partisan issue, unless you choose to make it so by voting "no."

They say the technology doesn't exist. The technology most certainly does exist. It is installed right now in Hong Kong. The technology is installed in Hong Kong now, except that the results of those scans are stored on disks because no one at the Department of Homeland Security can be bothered to read them.

The people who say we can't do this are the same people that told us 2 years ago that we couldn't get a bill of lading for every container 24 hours in advance, the same people who told us that if we searched every passenger, the airports would be gridlocked, the planes would never take off. Scanning every container is feasible, it is relatively cheap, and it will not delay global commerce.

If we continue to rely solely on so-called risk-based strategy, the terrorists will simply put the atomic bomb in a low-risk container from Wal-Mart. The real risk is that a good company will have a container with sneakers on a truck in Indonesia. On the way to a port, the driver will stop for lunch; and while he is at lunch terrorists will take out some sneakers and put in a bomb. And the bill of lading will be fine.

The question on this motion is, do we or do we not want to risk American cities and American lives on the chairman's confidence in Wal-Mart's paperwork?

Mr. Speaker, I yield now to a leader on this issue, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman from New York for his great leadership on this issue.

This recommital motion deals with the fatal flaw in the Republican bill. They have refused to allow a vote on this House floor on this issue. This is now the time for the Members to go on record to get real about cargo security.

The threat is that, in the former Soviet Union, with all of the loose nuclear material, that al Qaeda purchases a nuclear device, brings it to a port in Asia, in Africa, in Europe, places it upon a ship. Using the screening which the Republican party supports, the screening would be a piece of paper. Oh, you look okay. You can bring it on to the ship. No inspection, no scanning. That is what their bill does.

The Democratic substitute says that no container can be placed on a ship coming to the United States which is not scanned for uranium, for nuclear materials, for a nuclear bomb, for weapons of mass destruction.

The screening must be done overseas, and we must seal those containers. We must scan and seal overseas so that we do not have to duck and cover here in the United States. That is the risk that al Qaeda has said they pose to us at the very top of their terrorist target list.

The Republicans are basically saying they are going to put a "Beware of Dog" sign out on the lawn but not purchase a dog, never do the screening, never do the inspection, use a paperwork inspection instead.

This bill has a loophole big enough to drive a cargo container filled with nuclear weapons material through it. This is an historic moment.

Here is the seal which the Republicans are still approving to be placed upon a cargo container. This can be cut by a child's scissors, ladies and gentlemen.

This is what should be placed upon each one of the containers after they have been scanned, after they have been sealed, to make sure that if it is tampered with an electronic signal goes to the Department of Homeland Security.

The Republican party says no. The Republican party says they will use paperwork instead of real, physical scanning of each and every cargo container, knowing that it could have a nuclear weapon, knowing that these nuclear materials have not been secured in the former Soviet Union.

Vote "aye" on the recommital motion and protect the security of our country from the single greatest threat that is posed to it. Vote "aye" on the recommital motion.

Mr. KING of New York. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Speaker, I yield to the gentleman from California (Mr. DANIEL E. LUNGREN), the author of the legislation.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I came to this body with many of you to make sure that we did what was necessary to protect our constituents. I brought this bill to the floor, through the subcommittee, committee and to the floor with that promise in mind.

This is not, as the gentleman from Massachusetts said, a Republican bill. This is, in fact, a bipartisan bill. Eighty cosponsors. Passed our committee 29–0.

There is a dispute with respect to this particular technology, and I might just refer you to the National Journal of this last week talking about this very issue. It said, nice idea, but not very feasible with current technology.

Eleven million containers are shipped to the U.S. ports each year. Of those, U.S. Customs and Border Protection personnel physically screen, that means inspect, only about 6 percent, or 660,000.

It is a noble impulse, but, as a practical matter, it can't be accomplished right now, said Jack Riley, Homeland Security expert with Rand.

The key to being able to carry this out in the future is better equipment that scans faster. That is what our bill does. It asks us to accelerate our investigation into new technology. It mandates that the Secretary, if, in fact, he finds that to be usable, practical, adaptable, that he then negotiate with foreign countries to immediately put it into place and, if they refuse, gives our President and our Secretary the right to refuse to allow their cargo into the United States. We don't put a time limit on it. We said as soon as it is feasible to do it.

So as a great political philosopher, Don Meredith, once said, "If ifs and buts were candy and nuts, every day would be Christmas."

We don't bring you a hope that cannot be fulfilled. We bring you a promise that can be fulfilled in this bill. Please vote down this motion to recommit.

Mr. KING of New York. Mr. Speaker, let me at the outset commend Ranking Member THOMPSON, Chairman LUNGREN, Ranking Member SANCHEZ, Ms. HARMAN for the truly bipartisan job they did in putting this together.

Let me also commend our staff, Mandy Bowers, Mark Klaassen, Mike Power, Joe Vealencis, Coley O'Brien, Dr. Diane Berry for working together in a solid way to get a real port security bill.

I am proud of how bipartisan this was, right up till a few moments ago. Just this afternoon we adopted nine Democratic amendments on this bill.

The reality is, though, this is an outstanding port security bill. I came from a district which lost more than 150 friends, neighbors and constituents on September 11. Unlike Mr. MARKEY, I don't need visual aids to remind me of what happened on September 11.

Mr. MARKEY. Will the gentleman yield?

Mr KING of New York. No, I will not yield. I did not interrupt you.

Mr. MARKEY. Mohammed Atta started in Boston, my friend. There were Bostonians on that plane.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. KING of New York. Amazing how the truth hurts.

I don't need visual aids to remind me what happened on September 11. I can go to my district office and see a woman working at the front desk who lost two cousins. I can talk to another member of my staff who lost a son, or another member who lost two brothers on that day. I can go to church on Sunday and see 10, 15 families who lost people.

This is an issue where every Member on both sides of the aisle is committed to doing the right thing. And it is wrong when people on the other side say the Republicans are not trying to stop another nuclear attack. Do they really believe that? Do they so demean the process of debate in this House that they are willing to do anything to get elected, do anything to make points on evening news, the sound bites, the cable TV?

The fact is this bill is a real bill. It does not send a false or misleading hope. It is not a cruel hoax. It does what is real. It does what can be done, and that is why I am so proud of this bill.

We adopted amendments by Ms. GINNY BROWN-WAITE, by Mr. SHAYS. And, by the way, the language in our bill is far similar to the amendment adopted on a bipartisan basis sponsored by a member of the opposition party in the Senate yesterday than anything Mr. MARKEY or Mr. NADLER have introduced today.

So I say, do what is right. Stand for real port security, stand for a really strong America. Vote down the motion to recommit and vote for the underlying bill that will bring about real safe ports in this country and we can all be proud of it.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 222, not voting 8, as follows:

[Roll No. 126]

YEAS—202

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson

Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Evans
Frank (MA)
Lewis (GA)
Miller, George
Osborne
Oxley
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1429

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KING of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 9, as follows:

[Roll No. 127]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Flake
Markey

NOT VOTING—9

Andrews
Evans
Frank (MA)
Gutknecht
Lewis (GA)
Miller, George
Osborne
Oxley
Slaughter

☐ 1438

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall votes 125, 126, and 127. Had I been represent, I would have voted "aye" for 125, 126, and 127.

PARLIAMENTARY INQUIRIES

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the minority party offers a motion to recommit on a bill and the Speaker asks the Member if they are opposed to the bill and the Member announces to the House that they are opposed to the bill and then votes for the bill on final passage, is that a violation of the rules?

The SPEAKER pro tempore. As Members are aware, the first element of priority in recognition for a motion to recommit is whether the Member seeking recognition is opposed to the main measure. Under the practice of the House exemplified in Cannon's Precedents, volume 8, section 2770, the Chair accepts without question an assertion by a Member of the House that he is opposed to the measure in its current form.

Mr. LAHOOD. Mr. Speaker, I have a further parliamentary inquiry.

Mr. Speaker, I just want to note for the record that one of the Members who was on the motion to recommit, the gentleman from Massachusetts, voted against the bill. The Member that offered the motion to recommit voted for the bill, and I assume that then that is a violation of the rules.

The SPEAKER pro tempore. The Chair takes a Member at his word when he says he is opposed to the bill in its current form.

The gentleman from Illinois's statement is noted.

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, if the Speaker takes the Member at their word, obviously we are dealing with either confusion or some other circumstance.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, this is the second week in a row that it is my perception that the motivations and intentions of a Member are being put in question. Now it is being put as a question of parliamentary procedure. Particularly the second speaker who spoke on this clearly implied that and meant to imply it.

First of all, I would say, Mr. Speaker, if Members' amendments were made in order, if in a democratic fashion these amendments could be on the floor, if in fact you were to subject yourself to debate and a fair vote on these issues, perhaps this issue would never come up.

Secondly, I would say, Mr. Speaker, as I said last week when another Member's actions were questioned, whether they were within the ambit of the rules or whether they were being honest in their representations, the fact of the matter is that a Member's view of a bill does in fact change in light of the action on a previous amendment or a motion to recommit or some other action that might occur.

So, as I said to the gentleman last week, the situation substantively changes. It may be the same bill, but it is a bill that has been subjected to an alternative amendment.

Then the Member who is opposed to the bill at that time without that amendment being considered, that amendment fails, the Member is put in a different position. He or she then has to make a judgment, do I support or oppose this bill as it now is and as I have failed to perfect it with an amendment.

So I suggest to the gentleman, who has now raised it a second time in a row, and I frankly thought it had been resolved, that he is wrong in his premise, he is wrong under the rules, and I would hope that we could put this behind us.

I would certainly hope, and the gentleman who chairs the Rules Committee is on his feet, that we could allow these amendments; that we could allow, as the gentleman so often when he was in the minority asked to have done, allow these amendments to be considered in a fair and open debate and subject them to a vote. So that in a democratic body, in the People's House, they could be voted on up or down.

I suggest, Mr. Speaker, that the gentleman was fully within the rules and fully within his rights and did exactly the only thing that he was given the opportunity to do in order to raise an important issue in this democratic forum.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, it is sort of interesting that, as I have stood here earlier this week during debate, I have had my intentions questioned by Members on the other side of the aisle throughout this week. Throughout hours of debate yesterday, people were questioning my intentions as we were looking at the issue of lobbying and ethics reform.

Having said that, I think it is very important to note that when we were in the minority, about which my friend is speaking, we were often denied even an opportunity to offer a motion to recommit on legislation. Time and time again that happened. When we won the majority in 1994, we provided a guarantee that members of the minority would be able to offer a motion to recommit.

We knew full well this opportunity would come forward, and Mr. LAHOOD was simply asking of the Chair whether or not under the precedents it is appropriate for a Member to stand up, state their opposition to a measure that is about to be voted on, and then offer a motion to recommit. Those precedents were stated.

Mr. HOYER. Mr. Speaker, reclaiming my time, the Speaker indicated it was within the rules and within the precedents. In fact, the precedents were numerous times that Republicans rose and did exactly the same thing for exactly the same reasons.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5018

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5018.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT PROCESS FOR H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of May 8 to grant a rule which could limit the amendment process for floor consideration of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. The Committee on Armed Services ordered the bill reported on Wednesday, May 3, and is expected to file its report with the House on Friday, May 5.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee up in room H–312 of the Capitol by 12 noon on Tuesday, May 9. Members should draft their amendments to the bill as ordered reported by the Committee on Armed Services, which will be available on the Web sites of both the Committees on Armed Services and Rules by Friday, May 5.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1445

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time to inquire of the majority leader the schedule for the week to come. I yield to my friend, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, I appreciate my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Tuesday at 12:30 for morning hour and 2 p.m. for legislative business. We will have several measures under suspension of the rules, a list of which will be sent to Members' offices by the end of the week. Any votes on those measures on Tuesday will be rolled until 6:30 p.m.

On Wednesday and the balance of the week, the House will likely consider H.R. 5122, the National Defense Authorization Act for fiscal year 2007 from the Armed Services Committee. As Mr. DREIER just mentioned, the committee reported the bill yesterday, and I expect this to be considered on Wednesday and Thursday.

Now, there will be no votes next Friday, but Members should be aware that Thursday we could go well into the evening. And so while Friday is already scheduled for a day in session, I think we can complete our work on Thursday, and that will be our goal.

Mr. HOYER. I thank the majority leader for that information for our Members.

Mr. Leader, do you expect any energy bills on the floor next week dealing with any facet of the crisis that confronts our citizens?

Mr. BOEHNER. We expect that H.R. 5143, the hydrogen relief bill, which was reported by the Committee on Science, could be up next week. And we can expect additional energy votes in the coming weeks.

Mr. HOYER. I thank the gentleman for that information.

Let me ask you further, Mr. Leader, do you expect the telecom bill to be ready for floor consideration next week?

Mr. BOEHNER. I would have hoped it would have been up this week, but there is a jurisdictional dispute that is being sorted out; and until it is, we are unable to schedule it for floor action.

Mr. HOYER. I thank the gentleman for that information.

With respect to the budget, the fiscal year 2007 budget, we are now 3 weeks beyond the point when we should have had a conference report adopted under the rules. Yet we have not had the House version of the budget on the floor yet. Do you expect the budget to be on the floor anytime in the near future?

Mr. BOEHNER. I hope so.

Mr. HOYER. I know you hope so. But my question was, do you expect so?

Mr. BOEHNER. I hope so. We are continuing to work with our Members, some of whom want to spend more money, some of whom want to spend less money. And until we come to some resolution of those talks, I cannot give you any further information on when the budget resolution will be up.

Mr. HOYER. We hope that you can come to some agreement in the near term.

Mr. BOEHNER. I do too.

Mr. HOYER. Mr. Leader, the tax reconciliation conference and the pension conference, we have heard something about the tax reconciliation conference perhaps having reached agreement.

Can you tell me the status of those two conferences and when we might expect to consider the tax reconciliation conference and/or the pension conference?

Mr. BOEHNER. Mr. Speaker, there is a tentative agreement on the tax reconciliation bill between the House and the Senate, tentative to an agreement on a second bill that would consider the extender items, issues that clearly would not fit within the tax reconciliation bill. There is no agreement on that second bill, and so all of this is still under discussion.

There was a meeting of the principals, both Democrat and Republican, members of the conference on pensions last night. We are continuing to work on that, and it is my hope in the next several weeks that both of those issues will be ready for floor action.

Mr. HOYER. I thank the gentleman. I am glad. I did not know that the principals had met. I know you and I had had a discussion previously about the conference meeting with all of the conferees present, or at least both sides present, both the Democratic side and the Republican side, the majority side present as well. We hope that occurs. The leader said that would occur. We appreciate that.

Clearly you and I in particular, and I know you in particular, are very concerned about the pension conference. You have spent a lot of time working on that piece of legislation, know it well. Clearly many, many people in America, many businesses, many individuals are very focused on that, are very concerned about the status of their pensions.

So we are hopeful that particular bill can move in a positive way in the near term.

Mr. BOEHNER. I think the gentleman realizes that I have spent about 6 years trying to bring real pension reform to protect American working men and women's pensions. And the House and Senate have acted. There have been several months of conversations that have yielded, frankly, little results.

Now, I remain very optimistic that there will be a bill, but some of the principals involved are also involved in the tax reconciliation and the tax extenders conference which is complicating a lot of the discussions on the pension bill.

But I do expect, over the next couple of weeks, a lot of this to be sorted out.

Mr. HOYER. I thank the leader. I know that all of us hope that the leader's optimism is justified by results. I thank the gentlemen.

Mr. BOEHNER. The glass is always half full.

Mr. HOYER. I thank the gentleman for not singing today.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 796) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 796

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON SCIENCE.—Ms. Matsui.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, I just wanted to notify the House and you, Mr. Speaker, that when the rules are violated, when it is very clear that the rules are violated, I intend, on a regular basis, to make note of that for the record.

I take the point that the gentleman from Maryland makes. And he and I talked about it. And I take the point that I have talked to the Parliamentarian about this. I think his point is a good point. I think if there are Members who feel that they didn't get an opportunity to offer an amendment, or to have their say on a bill, then maybe we ought to change the motion to recommit to an opportunity for any Democrat Member to stand up and offer an amendment on the bill.

But my point is, we have rules. And we are being criticized and lectured to every day around here about the fact that people don't like the way the Rules Committee operates, or about the rules. And my point is, if we have rules, we should abide by them. All Members should.

So I want the Members of the House, and I want you, Mr. Speaker, to know that I am going to continue to pursue this. But I am also going to pursue, at the beginning of the next session, a way to change the rules to reflect an opportunity for the minority party to have their say on a bill.

But until that happens, I believe we should follow the rules. I have no doubt that the gentleman from Maryland, who is a man of the House and understands the rules, would want us to abide by the rules.

I will be happy to yield.

Mr. HOYER. I thank the gentleman for yielding.

I want to assure him that when we are in the majority next January, we are going to consider very carefully your proposal. The fact of the matter is that when I said both Republicans and Democrats have pursued this procedure, and when the Chair has ruled that they are acting within the rules, as the Chair has now done both times that the gentleman raised the issue, that we will understand, and perhaps better than we did in 1994, having served in the minority now for 12 years, we will better understand the frustration that is engendered by the failure to give to the minority its full opportunity to place on the floor and have debated fully and having a vote on an alternative that they believe is superior to the bill offered by the majority.

We better understand that frustration, but I will tell you that the gentleman from California, the chairman of your Rules Committee, rose and said he complained bitterly as a member of the minority. You remember that. I remember that. We have been here for some period of time. We understand that frustration.

But we also understand that repeatedly members of your party pursued the same process and were, as our members have been, held to have been in order. And for you to repeatedly raise this, raises, I tell my friend, and he is my friend, it raises the issue of the integrity of the Member making the order.

We believe it is within the rules. We have been ruled in order. I think that continuing to pursue this simply raises the motivation of the Member. I know you don't believe that. I know you are not raising that. That is not your intent. But it seems to me that is its effect.

I thank the gentleman for yielding. I would hope we could resolve this and move on.

Mr. LAHOOD. Mr. Speaker, my final point is this: when I raise this point of order, in no way do I impugn the motives of any Member. I have respect for every Member here, and I think Members know that.

And I do. They are freely elected. They can come to the floor. My point is, we have rules. We should abide by them. When we don't, I am going to raise a point. I thank the Chair.

ADJOURNMENT TO MONDAY, MAY 8, 2006, AND HOUR OF MEETING ON TUESDAY, MAY 9, 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 9, 2006, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the United States Delegation of the Canada-United States Interparliamentary Group:

Mr. MANZULLO, Illinois, Chairman

Mr. MCCOTTER, Michigan, Vice Chairman

Mr. DREIER, California

Ms. SLAUGHTER, New York

Mr. PETERSON, Minnesota

Mr. ENGLISH, Pennsylvania

Mr. GUTKNECHT, Minnesota

Mr. SOUDER, Indiana

Mr. TANCREDO, Colorado

Mr. BROWN, South Carolina

Mr. LIPINSKI, Illinois

NATIONAL DAY OF PRAYER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, today on Capitol Hill and in churches large and small across America, our Nation, many of our citizens, are huddled in the National Day of Prayer remembrances.

The Bible tells us that the effective and fervent prayer of a righteous man availeth much. And what is true of a man is true of a nation. And I am confident that the prayers offered today all across this land on behalf of the men and women, Democrats and Republicans, liberals and conservatives in this institution, and who serve in this great city and this great Nation are reaching the Throne of Grace.

The first time I saw President Bush after 9/11, I told him I was praying for him, by name, just about every day on my knees. He looked at me and he said, "Mike, keep it up. It matters."

And so I say humbly to all of those millions of Americans who are remembering the likes of us on this day, keep it up. It matters. And thank you on this National Day of Prayer.

CONGRATULATING SOUTH TEXAS ISD

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, I rise today to congratulate the staff, the administration, and the students and families of the Science Academy of South Texas and the South Texas High School For Health Professions in my hometown of Mercedes, Texas. I congratulate them on being named among the Newsweek magazine's "Best High Schools in America for 2006."

This year, our science academy ranked 11th and our health professions high school ranked 91st. As you can tell, my heart swells with pride for our magnet schools. Both these schools are located in a community that possesses some of the highest rates of poverty and the lowest levels of education attainment in the Nation.

These schools serve as a shining example to our Nation that when students are provided with the right opportunities they can and they will excel despite whatever socioeconomic challenges they must overcome.

I congratulate these institutions and their students for their successful efforts and commend their parents, faculty, administration and staff. I hope that their story will provide our Nation with added inspiration to continue to forge the best educational system possible for our youth.

Mr. Speaker, I rise today to congratulate the staff, administration, students, and families of the Science Academy of South Texas and the South Texas High School for Health Professions in my hometown of Mercedes, TX on being named among Newsweek magazine's "Best High Schools in America for 2006." This year, our Science Academy ranked 11th and our Health Professions High School ranked 91st. As you can tell, my heart swells with pride for our magnet schools.

Both these schools are located in a community that possesses some of the highest rates of poverty and lowest levels of education attainment in the Nation. These schools serve as a shining example to our Nation that when students are provided with the right opportunities they can excel despite whatever socioeconomic challenges they must overcome.

A quality, comprehensive and challenging education is the most valuable gift we can give to our children. This is the third time schools from the South Texas Independent School District have received this prestigious recognition, and it solidifies their standing as a model of excellence and a community that crafts exemplary institutions. The teachers and administrators of this district are truly committed to educating and encouraging our future leaders.

As the country continues to move forward into the 21st century, the need for mathematicians, doctors, scientists, nurses, engineers and the leaders of tomorrow continues to be of the utmost importance, and a high school diploma is the first step to becoming a successful contributor to society.

The programs of study at these high schools ensure that students graduate ready to succeed in college, and more importantly they help students secure the building blocks that lead to successful lives and careers. Their story is truly inspiring.

I would also like to congratulate Superintendent Marla Guerra, as well as the members of the school board of trustees, the faculty, students, parents and alumni on 40 years of achievement. This school district demonstrates a regional commitment to excellence. The recognition that these two high schools have received is just one of many accolades earned by the South Texas Independent School District.

My involvement in establishing the magnet high school system for South Texas is one of my proudest achievements. Over 20 years ago, as a member of the Texas State Board of Education, I led a delegation from South Texas to Houston to visit that city's highly regarded magnet schools.

We knew that we wanted that caliber of opportunity for our students. However, we were told that such a program could not work in South Texas. We were told that we did not have the financial resources and that we could not find the students. But we did not believe the nay-sayers. We knew it could be done.

Today, two South Texas magnet high schools, with student populations that are almost 80 percent Hispanic and over 50 percent eligible for free or reduced priced lunches, are among the most elite high schools in the Nation. Every day, they bring students and observers closer to realizing the vast potential of our community. They are a model of what is possible when we invest in our children and demand the very best.

I ask all of my colleagues to join me in congratulating the Science Academy of South Texas and the South Texas High School for Health Professions on a job well done.

☐ 1500

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HUGO CHAVEZ'S ASSAULT ON PRIVATE PROPERTY

Mr. MACK. Mr. Speaker, I ask unanimous consent to claim Congressman GINGREY's time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MACK. Mr. Speaker, around the world, freedom is under attack every day; and many in this body have heard me express my strong concerns to one of freedom's greatest enemies, Venezuelan President Hugo Chavez.

I have spoken at length about the Chavez government's systematic elimination of freedom and liberty; and his recent assaults on private property, particularly the energy markets, in Venezuela serve as another reminder that Hugo Chavez is doing all he can to force his countrymen to live in a socialist state similar to his mentor Fidel Castro's Cuba.

In recent years, Hugo Chavez has become a prime example of how crude prices have sparked a resurgence of petro-nationalism around the world. He has squeezed more money out of American companies by raising taxes and royalties, imposing fines, strengthened the hand of OPEC countries by pushing for higher prices, and threatening to cut off the flow of oil to the United States.

As Chavez continues to march towards socialism, he seems determined to wipe out free enterprise, drive out private investment and wreck the economy in order to establish iron-fisted control of Venezuela's economy, just as Fidel Castro in Cuba.

Venezuela and Hugo Chavez are flush with record-high oil revenues, but Chavez is threatening to kill the oil-drenched golden goose.

Just last month, the Venezuelan oil minister showed up at two oil fields run by European companies in order to reclaim them on behalf of the Venezuelan government and Hugo Chavez. Hoisting the Venezuelan flag over the fields, he said the move symbolized the return to state control.

This dramatic move is proof, as if more is needed, that Chavez is putting Venezuela on a path to a nationalized energy industry. These moves, and his saber-rattling military buildup and crackdowns on freedom at home, continue to roil the international oil markets and are enabling Chavez to help keep crude prices high.

Venezuela supplies the United States with about 15 percent of our oil imports; and few Americans probably realize that Venezuela's state oil company owns Citgo Petroleum, which owns refineries that are geared to handling the heavy Venezuelan crude, together with a network of thousands of independent gas stations.

Chavez's radical strategy to nationalize his energy industry is being felt across Latin America. Just this week in Bolivia, newly-elected President Evo Morales nationalized the country's natural gas industry, ordering foreign companies to give up control of fields and accept much tougher operating terms or leave the country. Morales even ordered soldiers to commandeer many fields across the nation.

The move solidifies Morales' role alongside Chavez and Castro in Latin America's new axis of socialism united against American interests and free people everywhere. Make no mistake, the images of soldiers toting automatic weapons outside refineries and gas fields is reminiscent of military dictatorships past.

Chavez has been promising to build a Bolivarian axis of like-minded, anti-American governments throughout Latin America. Only recently, few people took him seriously. Not anymore. Just this past weekend, Chavez and Morales signed a free trade agreement with Castro.

Mr. Speaker, history has proven that no nation with a state-controlled economy can prosper, and anyone who lives in such a nation lives without the freedom and liberty they deserve.

A Venezuela with President Hugo Chavez at the helm is a nation doomed to repeat the failures of history and a people who will be forced to live without the freedom, security and prosperity they once had but still deserve.

THE OIL CRISIS AND HIGH PRICES OF ENERGY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, let us talk about the energy crisis and the high prices of energy.

The oil man in the White House and the Vice President and the Republican majority say it is just market forces at work. Let us talk about the market forces.

First off, the crude oil market, unlike every other commodity in America, is virtually unregulated. About 75 percent of the crude oil marketed here is sold off the books, and they are doing trades that would be illegal if it was a regulated market, and of course they do not want to regulate it. One trader will sell to another who will sell back, they sell back, they sell back, they sell back until, guess what, they have raised the price and made a lot of money.

Now, unfortunately, someone is going to pay for that. So it is the consumer. In crude oil trading, we have seen a 46 percent increase over 1 year in the margins there. Quite simply, if we just subjected crude oil to the same market controls that are used for all other commodities traded in the United States of America, if we took away this exemption for big oil, then we could drive down the price, it is estimated, 20 to 25 percent immediately at the pump. That would be quite an economic stimulus for this country and do more for the American people than all of George Bush's tax cuts have done for average people, of course, not for the millionaires and billionaires.

Then they say, guess what, prices are high because we do not have enough refineries in America. That is interesting. The American Petroleum Institute circulated a memo just about 10 years ago this day saying, hey, guys out there, they mostly are all guys, guess what, there is too much refinery capacity in this country; if you could squeeze down refinery capacity, you could drive up profits.

Have they done that?

Of the three bucks you are paying for a gallon of gas, the increase in the margin for the refiners has gone up 255 percent in 1 year; and, guess what, there are no new refineries under construction.

Now they want to pretend it is those darn environmentalists. Well, no, it was not the environmentalists. Of the 55 refineries closed in America in the last 10 years, they were all closed for economic reasons, mostly oil company mergers. Not a single one was closed for environmental purposes or objections.

So they are doing a wonderful thing here. Valero, fastest-growing, biggest energy refiner, who had a very small company just a few years ago, their chief operating officer, when asked about building more refineries, he said, why would we want to do that? It is working quite well the way it is. Artificial shortage of refinery capacity.

So perhaps we could impose a windfall profits tax on the likes of ExxonMobil, $36 billion of profit last year, largest corporate profit for anybody in the history of the world in 1 year, $100 million a day of profit.

Now they did give away 4 days of profit to their CEO when he retired. He got a $400 million retirement, but they had the rest of that money to spend elsewhere.

What did they spend it on? New refinery capacity? No. Exploring for new oil? No. They bought back a bunch of their stock to increase the value of the stock options of the other executives at ExxonMobil. So about a windfall profits tax on money that they make that they do not invest in new refineries, new production capacity or alternative fuels, but the rest of it, it should be taxed at a very high rate to stop their price gouging and excess profit-taking.

Now the Republican answer has been that they want to give everybody a $100 rebate. Is that not nice? Well, except we are running a deficit. So they would borrow the money, obligating American taxpayers today and their kids and grandkids because we will pay it off over 30 years. They would borrow the money to give everybody a measly $100 rebate. Because God forbid that we should ask the oil companies to rein in the profiteering and the speculation in crude oil, that we should have them stop creating a false refinery capacity squeeze which has driven up their profits tremendously.

But they do want to investigate price gouging. It was in a bill that passed the House last year. Guess who they think is price gouging? These little guys down here, the distributors and retailers.

I just met with the independent distributors today. They are getting six cents a gallon. Five years ago, they got six cents a gallon. Five years ago, that was 6 percent. Today that is 2 percent. So it is not the distributors and retailers here, with the exception of some of the company-owned stations, that are making that big profit.

It is right up here. It is big oil. It is the artificial refinery shortage that they have created, and it is this profit-sharing and hot money speculation in crude oil. We could take significant steps here to fix it, but, guess what, they get a little too much money from them at campaign time. It ain't going to happen.

THE ROLE OF THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the unallocated time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, from the beginning of this country, there has always been some confusion or at least debate over what is the role of the Federal Government vis-a-vis the State government.

It was President Andrew Jackson who actually derailed the Mayes Bill Road, claiming that it was wrong for the Federal Government to actually spend Federal dollars on road projects.

In the post-Civil War time is when the Federal Government started giving more and more grants to States, especially for land grant colleges, which is why so many schools have Aggies, especially in the West.

But it was in the 1960s when the Federal Government significantly increased the kinds of programs and the amount of money that was given to cash-starved States, and we ramped up ever since that time with more and more funds and more and more money that have been given to States.

Now, I was a State legislator and I understand the problems with the process if you are trying to establish a budget by the State with a four- or five- or six-to-one match, so the States can put a dollar in, and they will get $4 or $5 or $6, even in some cases $10, of Federal money back. States could easily provide services without having to raise State tax money at the same time. It is an easy thing to do.

However, once that situation took place and the States accepted the Federal money, then the requirements came in.

I still understand that we have somewhere in the State of Utah the computer system back when they were very expensive that the Federal Government required us to buy even though we did not want it, we did not need it and we did not use it, but it was a requirement for us to get vocational education funds coming to the State of Utah. As the old cliche goes, the only thing worse than an unfunded mandate is a funded mandate to the States.

Now we can simply say to the States, well, the simple answer is, quit taking the Federal money, which is like asking an addict to go cold turkey after they are hooked on the system.

State budgets have been built on Federal money. States bristle at the requirements placed upon them unfairly by the Federal Government. The Federal Government is in a constant quandary of what we do to try and control the rampant spending that we have, and all of us seem to be caught in this same financial trap.

As one of the former leaders of this House once said, sometimes if you want to get out of a trap you have to let go of the cheese.

Well, Mr. Speaker, tonight several of us would like to talk about one proposal that may indeed do that, one proposal that would turn back the power to the States the ability to have some control over their destiny, and hopefully with creativity.

As one of the NCSF task force co-chairs said about one of our education programs being mandated by the Federal Government, that it stifles State innovation, we believe the Federal Government's role has become excessively intrusive in the day-to-day operations of public education. States that once were pioneers are now captive of a one-size-fits-all education accountability system.

Now one of those things we need to do is simply go about and review the process in which we have found ourselves. States need to have the opportunity of going back and discovering if they really do want this type of money with the accountability and requirements that are attached to it.

Our good friend from Texas (Mr. CULBERSON) has introduced a bill which talks about this concept of State rights or, more appropriately, called Federalism. It would require States to take a proactive position on issues of whether they wanted to have the Federal requirements and the Federal money going at the same time.

□ 1515

It would slowly have a choice or chance of having States to reinvigorate themselves and to judge for themselves whether this is the road they wish to go on, whether this is the proper approach to be, and it would allow us to reinvigorate ourselves to see if these are the types of programs we really do want to fund in the future. It would allow us for the first time to have a clear and decisive debate on the proper role of State and Federal Governments and not simply react to happenstance that has grown up over 40 years of casual and sometimes nonthoughtful behavior.

I appreciate the gentleman from Texas who will be addressing us in a few minutes on his effort to try and come up with a bill that puts this all in perspective and does exactly that by restoring the role and balance between State and Federal Governments, allowing States, if they wish to be involved in the Federal Government, to make it as a proactive, positive statement of principle they wish to do.

On the Constitution Caucus as chaired by the gentleman from New Jersey, who will also be addressing us, it is our prime effort and our indeed pleasure to be able to introduce this particular bill as one of those things we think Congress needs to address in this particular time at this particular session.

HONESTY IN BUDGETING

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, we heard a lot of talk out here a little earlier about honesty in motions on the floor. I want to report that there has been some honesty not in the floor but to the press by the majority leader. The majority leader has finally run up the white flag. The Republicans have capitulated; they have given up. Today's Roll Call says, the majority leader says we will be here until Christmas.

Now, that is from someone who is in charge of the House that has not passed the tax reconciliation bill from the last budget that started on October 1, 2005. That is 7 months ago. And the Republicans can't run a two-car funeral. They can pass the cuts, but they can't deal with the tax bill. If you look on the list that they offer for the next session next week, possible legislation, the Tax Reconciliation Act.

Every year starts the same here. January 1, we have until April 15 to pass a budget. Then the Budget chairman goes over there, and he did it again this year, and they had this big hoo-haw and they have all kinds and they flap their arms, but they haven't passed a budget.

The law says the budget has to be in place by April 15. Well, we are about 3 weeks past that now, and if you look in the orders for next week, there it is: possible legislation, possible budget resolution.

This country is running without a budget. The Republicans do not want a budget because they don't want people to really know what this is costing. Well, what about the hole that they are digging for the American people and their children and their grandchildren? In the 6 years that the Republicans have been in charge of this House, we have raised the debt limit $3 trillion.

These are fiscal conservatives. You know, they are very careful with nickels and dimes. They are spending like they had all the money in the world and they never had to think about paying their credit card. Well, obviously they don't intend to pay with their credit card because they can't put the tax reconciliation bill, together which is how you pay for the credit card. No, they are going to pass it on to their children and their kids.

Now, if the average citizen in this country had a credit card and said, "You know, I am just going to spend on this credit card and spend on it, and I am never going to pay on it. What I am going to do is, when I die, I am going to will it to my son or my daughter, or my grandchildren," we would think they were the most irresponsible human beings imaginable. And yet that is what the majority leader is admitting for his party by saying we are not going to get done, we are going to have to wait until after the election.

Now, what you don't read between these lines is: If we win the election, we will have to come back and do something, because there will be a Presidential election coming in 2 years. Or, if we don't win the election and the Democrats are in charge, it is their problem.

The majority leader is admitting on behalf of all his conferees they have no plan to run this country in a systematic way.

The bill that is going to come up possibly next week, the tax reconciliation bill from October 1, 2005, has in it major tax breaks. Twice this week, once by me and once by Mr. LARSON of Connecticut, we tried to take back $5 billion of those tax breaks away from the oil companies. The Republicans said, oh, no, no, we can't take any money away from oil companies. The country will come apart, I guess.

The profits of oil companies in the last 2 years and certainly in the last 6 months have been astronomical. They have really been obscene. Gasoline in my district, you can't find it right now for under $3.25, and it is easy to find it for $3.40, and yet the people on the other side say we have got to keep letting the gasoline companies, big oil, make as much money as possible at the expense of the ordinary person. The Republicans ought to get out their rubber stamp and do what the President wants, because that is the only hope they have got.

INTRODUCTION OF H.R. 3499, RETURNING CONTROL OF PUBLIC EDUCATION TO THE STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Mr. Speaker, I am proud to follow my good friend from Utah and join with my colleagues from New Jersey and North Carolina tonight to speak in support of Federal legislation to restore the single most important part of our Constitution, the 10th amendment.

We all know from English class the beginning and the end of a document are the most important, and why our Constitution begins with, "We, the People," and why the Founders wrote at the very end of the Constitution a declaration that they believed was as self-evident as saying the sky is blue: That all power not specifically delegated to the Federal Government in the Constitution was reserved to the People and the States.

The 10th amendment has been forgotten largely, and all of us as Republicans are committed to doing everything that we can to try to preserve and protect the power of the States and individuals. The way I often express it to my constituents is, I am a Republican because I want to get the Federal Government out of our lives and free us from the income tax, the most intrusive possible tax, to go to a national consumption tax to restore local control over public education, which is what we are here to talk about tonight, legislation that I filed with my colleague from Utah (Mr. BISHOP), with other colleagues here tonight from New Jersey and North Carolina.

H.R. 3499 will return control over public education to the States using a very simple concept that I can really actually best illustrate by using these three glasses of water.

If you imagine that this first glass represents we the people and the water within it all the rights, powers, and privileges given to us as individuals directly from the hand of God, the way our constitutional system works is that we the people, and I will use Texas as the example. When we the people of Texas created the Republic of Texas, we only agreed in the creation of the Republic of Texas in our constitution to give the Republic of Texas maybe that much power and reserve the rest to we the people.

When the Republic of Texas became a State at midnight December 29, 1845, and this is true of every other State in the Union, when Texas joined the Union in 1845, the State of Texas only agreed to give the Federal Government maybe about that much power. Very limited and specific.

But as a result of the war between the States, the assassination of Abraham Lincoln, the Radical Reconstruction Congress, the concentration of power in Washington, Congressmen who love to pass bills that are tough on crime and who want to protect the schools and the little children, and FDR and the New Deal, and judges like William Wayne Justice in Texas, who took over our prison system, all power today is concentrated in Washington.

There is really very little, if anything, left in the States; and certainly we wonder how much individual freedom we have left.

However, what Congress can take away by statute we can restore by statute. And there is so much Federal law governing the way our public schools work that these two books, Mr. Speaker, represent the two public education titles. Title XX of the U.S. Code, and that is the other half of Title XX. Those Federal statutes that send about $13 billion out to the States in Federal education grants are sent to the States primarily through the education bureaucracies.

I, like Mr. BISHOP, came to the State legislature. We would meet in Texas every other year. And when we would return, we would discover that the Texas Education Agency had signed us up for some new Federal education grant program that we knew nothing about. But we now, as State legislators, had the responsibility to pay for that program. And often it was an underfunded or completely unfunded Federal mandate which we then had to come up with new money, like Mr. BISHOP mentioned for the computer.

I have been looking for a way to design a Federal law that operated automatically, like a computer virus, transferring authority over public education over these Federal grant programs automatically back to the States, transferring, and using the water glasses again, the Federal glass, by statute, control back to the States over public education automatically.

H.R. 3499 does that. It states very simply that all Federal education grant programs, other than IDEA, the Individuals with Disability Education Act, and Federal grants, for example, to Indian nations or military bases, that all other Federal education grant programs, about $13 billion worth, go away in your State unless the State legislature passes a law and says, yes, we want the money with all the strings attached and we surrender State sovereignty or State control over public education to the extent that State law is inconsistent with Federal law.

This would do several things: First of all, obviously, it would save a lot of money, for the money that the States walk away from saying that there are too many strings. But H.R. 3499 is in the Education Committee, and I deeply appreciate the support of my colleagues in helping to bring it to the floor for a vote to restore 10th amendment control over our schools.

STATE CONTROL OF PUBLIC EDUCATION

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, I am a very, very proud cosponsor of H.R. 3499. I served for 12 years on a school board in Wataugwa County in North Carolina and often felt very oppressed by Federal rules and regulations. When I was on the school board, and even after that, I have checked and double-checked and about 7 percent of the money that North Carolina schools get comes from the Federal Government, but about 99 percent of the rules and regulations that come into the school system come from the Federal Government.

I think passing H.R. 3499 would be one of the best things this Congress or any Congress could do. It would force State legislatures and thereby force school boards and county commissioners to make a decision as to whether or not they want to take the Federal money and the rules and regulations that go along with it.

□ 1530

It would take us out of the business of saying that they have to do this. I think that it is high time that we change the way we do business between the Federal Government and the State governments.

I want to just remind us, and my colleague has paraphrased the words of the Constitution, but I do not think that we can repeat the Constitution too often. I know there are a lot of young people in the audience and some not so young people in the gallery today. I hope you will take the time to read your Constitution at least once a year, and probably more often than that.

I want to read the preamble because my colleague from Texas keeps mentioning the first three words, "we the people." That is extremely important.

I am so proud that my grandson recently has memorized this. He is only in the third grade, but I am so pleased that his teacher has encouraged that.

This is what the preamble says: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now there are lots of important words. Every word in this Constitution is important. Every single word is important, and the Framers were extremely careful about how they wrote the Constitution. But the important words to me in terms of the 10th amendment are "provide for the common defense." That is the number one goal and the number one role of the Federal Government.

That is what we are here for, to provide for the common defense. It is our job to make sure that this country stays free. If we do that, everything else will fall into place.

Now, what the 10th amendment says is the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

Now I am not reading anything in between and I am not reading afterwards, but you will not find that the Constitution gave any power to the Federal Government for education. There is no role for the Federal Government in education except as has been alluded to, to make sure that we take care of persons who are disabled, and some people might even argue with that issue.

But I think it is extremely important that we return to the way it used to be in this country and that is localities were very much in charge and in power regarding what happens with education.

I am a person who came up through the public education system, as poor as any person you can imagine, but I got an excellent education. There was not unlimited dollars there when I came through school, but I got a good education.

It is my contention that part of the problem with our educational system is we have too much Federal Government intervention. We need extremely high-quality education in this country if we are going to compete with the rest of the world, and we are competing with the rest of the world. And I believe we can do a great deal to restore high-quality education at the local level if we get the Federal Government out of education at the Federal level, or we insist that the States and the localities make not just conscious decisions to take the Federal money but very deliberate decisions to take Federal money.

I applaud the gentleman from Texas (Mr. CULBERSON) for introducing this bill and for allowing me to sign on as a cosponsor and say we need to pass H.R. 3499.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). Members are reminded to refrain from references to occupants of the gallery and to address their comments to the Chair.

CONGRESSIONAL CAUCUS CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor tonight and I begin by commending the gentleman from Utah for his efforts every week as we take part in the process of bringing back to the American people the importance of the U.S. Constitution as part of the Constitution Caucus.

At this point I would like to yield to the gentleman from Texas to make a point with regard to his very important legislation that he was referring to, H.R. 3499.

Mr. CULBERSON. Mr. Speaker, I rise only to make the point, because I ran out of time earlier, that the legislation that we have coauthored together would give the decision to the locally elected State representatives to enter a contract with Federal elected representatives so that the only control the Federal Government would have over State public education would be the control that the State locally elected officials agree to. It would be a contract between the State legislature and the Federal legislature; and other than what they agree to, there is no Federal control over public education, as the Founders intended.

Mr. Jefferson always said if you apply core Republican principles, the knot will always untie itself. That is true here, and it would continue to be true if we would just remember it.

Mr. GARRETT of New Jersey. Mr. Speaker, I will try to remember that expression of Mr. Jefferson. Mr. Jefferson addressed the issue of education. One of the points of the Constitutional Caucus is to take a look at what does the Constitution actually say as to what the role of the Federal Government is.

As we discuss education, we should ask: Is the role of the Federal Government in the area of education? I would hazard a guess it is not. Thomas Jefferson was asked that question as a Founding Father of this country. He was asked the question: Why is it the Federal Government is not involved in education?

His response to that question was: as soon as the Constitution is amended to include language giving us that power, we will be involved in education. Of course, the Constitution has never been amended to allow the Federal Government to involve itself in education. Neither the word "education" nor "school" is anywhere in the U.S. Constitution.

With that being said, no one here, not the gentleman from Utah, the gentleman from Texas, nor the gentlewoman from North Carolina would ever make the statement that education is not important. We all agree about the importance of quality education in all 50 States. We just believe there is a better way, and that is return control of education to the local authorities, local school boards, and to the parents.

One of the problems when we look at the issues out there, people put a test of importance on the issue. Just because an issue is important, does that mean that the Federal Government should become involved? Again, I would look back to what the Founders said. There was never a test of importance by the Founding Fathers as far as the Constitution is concerned. They did not say if something is important, therefore the Federal Government should become involved. Rather, is it constitutional?

Each night here, when we pull out our card to vote, we should ask ourselves: Is it in the Constitution? Is it constitutional?

In the area of education, it is not. We have lost control of education from the State level to the Federal level. Lest anyone think that we are doing a better job of this, I refer them back to the 1960s when the ESEA, Elementary Secondary Education Act, was first put into place, when education standards in this country were some of the highest. Since that time, the Federal Government's role has increased dramatically, and we have seen where that has brought us. The level of education in this country, unfortunately, has gone down.

That is why I am a proud supporter of H.R. 3499. It will return control to the people who are in the best position to exercise that authority: parents, local school boards, localities, and the States. I know also when you talk to those people who are on the front line, they will tell us of all of their frustration they have dealing with Federal mandates and with all of the Federal strings and controls.

In New Jersey, I asked exactly how much money are you getting from the Federal Government. In our State, I don't know how it is in other States, we get around three cents on the dollar from the Federal Government. In return for those three pennies, the Federal Government is basically exercising all of this control, all of this regulation that the local school board must comply with or else. And that is why H.R. 3499 is so important. H.R. 3499 will return that authority back to the local school board.

They will be in the position to say do we have to comply with these Federal regulations or not. I would hazard to guess in many instances local school boards will tell their legislators, we do not want to have to comply with all these Federal regulations. We do not want the legislation to go in that direction.

I conclude by reminding this House and the Federal Government that we should look to the U.S. Constitution for direction, is it constitutional in the area of education, and leave it to the appropriate parties. I again commend the gentleman from Texas for his excellent work in moving in that direction.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 2006.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

These designations shall remain in effect for the 109th Congress or until modified by me.

With best wishes, I am,
Sincerely,

KAREN L. HAAS,
Clerk of the House.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the order of the House providing the gentleman from North Carolina (Mr. MCHENRY) a 5-minute Special Order speech is vacated.

There was no objection.

ISSUES FACING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCHENRY. Mr. Speaker, tonight I think it is important that we reflect on what is happening here in Washington, D.C. Here in this House we have enormous issues that are facing us as a legislative body.

Mr. Speaker, I believe as American people and their representatives, we are still wrestling with those issues that every American is wrestling with. There are a lot of challenges. We want to keep our economy moving, and I think there is agreement here in Washington, D.C. as the people's representatives that we want to make sure that we have governmental policies that aid in that, not hinder that.

Mr. Speaker, we also have an enormous debate about energy and the rising cost of energy facing every American. I drive my automobile just like everyone else drives their automobile, and I still pay at the pumps. I guess some Americans would laugh and think I guess these highfalutin Members of Congress do not even pump their own gasoline, but we do. I do.

I face the same burden that all Americans are facing with the high price of gasoline, the high price of electrical energy, the high price of natural gas. And it has a ripple effect on the economy in terms of jobs and job creation. It has a ripple effect on what the American people think about the direction of our country based on what we pay at the pumps, what we pay for energy. And we here in this Congress are wrestling with that issue, as well as how to get energy prices down for the American people.

There are a lot of other issues we are wrestling with, but there is a clear difference between the philosophies of those on my side of the aisle, the Republican side of the aisle, the majority in the House, and the philosophy that governs those on the other side of the aisle, the liberals, the Democrats, those in the minority.

We have a clear difference of opinion on how to tackle these tough issues, and so let us first begin with economic policy.

President Bush came to office and during the late stages of 2000, the economy turned down. We had a recession. We had a recession in late 2000 through early 2001. As President Bush came to office, the economy was in recession and the President made a bold statement, a commitment to the American people, that he would cut taxes to reinvigorate the economy. He did just that.

President Bush's tax cuts of 2001 and again in 2003 after the devastating attacks of 9/11, these two tax cuts were the biggest since Ronald Reagan's first term. As a result, 109 million American taxpayers have seen their taxes decline by an average of $1,544 per individual, per worker. That is, 109 million Americans are paying less in taxes to the tune of $1,544 a person. That is a positive effect; and as a result, the economy began to move.

A family of four making $40,000 received tax relief of $1,933: nearly $2,000 of tax reduction on a family of four making $40,000.

☐ 1545

Now that is not a tax cut for the rich. That is a wonderful impact on working men and women that are trying to provide for themselves and for their children. It enables them to actually pay for school uniforms, enables them to pay for their children's education. Forty-two million families with children received a tax cut of $2,067. That is positive. One hundred and twenty-three million elderly individuals received a tax cut of $1,795. Lots of numbers to talk about. But what does this do for the economy?

Let me tell you, Mr. Speaker, here we have a chart showing that tax relief has spurred business investment. You can see the negative investment of late 2000 through 2003, and that is because of the recession. Businesses were not able to reinvest.

What happened with the tax cuts of 2001 and again in 2003, you see a very strong stimulus on business investment. When businesses invest, more people are employed. When businesses invest, there are more taxes paid into the government. And when people are employed, they don't take from government. They don't require government assistance. They actually pay income taxes.

So let's see what the tax cuts have done to job growth.

Here again, you see unemployment go down with this red line, and job growth go up because of President Bush's stimulus package we put in place. Twenty-five million small business owners saved, on average, $2,800; 4.7 million new jobs created in the last 29 months; 17 straight quarters of economic growth; and an unemployment rate under 5 percent. Now that is a stronger unemployment rate than all the '90s, all of the '80s, all of the '70s, all of the '60s. That is a very positive thing.

Over 60 percent of Americans that received dividends and capital gains, they are under $100,000-a-year earners. That is not a sop to the rich. It is middle-class individuals that received this stimulus package and this benefit that we Republicans, and our President, put in place.

In my State of North Carolina, in the next 6 years, we are projected to grow 22,000 new jobs; and in my home district, unemployment has been reduced significantly in the last 5 years.

Now we still have our challenges in the 10th District of North Carolina, Mr. Speaker, but we are seeing savings grow. We are seeing people going back to get the training they need to compete in a new job. We are seeing a real turnaround in the economy, and it is because people get to keep more of what they earn instead of paying it into the government.

Mr. Speaker, it is a very basic concept that we, as conservatives, believe and that is that individuals can make better choices. Individuals can stimulate the economy. Government does not. Therefore, the more money we allow people to keep, the more of their own hard-earned dollars that they are able to keep, the more they can do in their communities, the more they are able to do to benefit their schools, Mr. Speaker.

But, you know, there are those on the other side of the aisle, the Democrats in this institution, that don't want to continue President Bush's tax cuts. They say, roll back the Bush tax cuts. That is what they scream. The government needs more money.

Well, I will tell you, the receipts to government have gone up in the last 5 years because more people are working, businesses are growing, businesses are investing in individuals, and you are seeing a turnaround in our economy. And the turnaround in our economy leads to more government income.

And you know what? If we do not continue the Bush tax cuts and make them permanent, you will see job losses. You will see a hundred billion less in economic output next year, and you will see slower wage growth and salary growth. And you will also see low-income workers have to pay more in taxes.

President Bush cut the tax rate of the lowest earners from 15 percent to 10 percent. And if we roll back the Bush tax cuts, what we will do is increase their taxes by nearly 50 percent, because they will have to go back up to the 15 percent rate. By 50 percent, I should say.

Taxpayers with children will lose 50 percent of the child tax credit under their plan, and you will see the Federal death tax being reinstated after 2011.

That is their economic policy. It is a big no to our optimistic version of reality. We view America as being better and brighter the less Americans have to pay in taxes. We see Americans being able to do better things with their money than a bureaucrat in Washington, D.C., can do.

But what is the Democrats' plan when it comes to energy? I will show you the Democrat plan when it comes to energy. The Democrats' agenda on energy is right here outlined on this white sheet of paper. That is the Democrat plan when it comes to energy policy in the United States. Nothing. They have nothing to offer. They have offered nothing except demagoguery. That is all they have offered.

As Republicans put forth serious energy policies, the Democrats have voted no. As Republicans have tried to come up with a compromise so that we can increase production here at home so we are not more dependent on foreign oil, the Democrats have said no. This is the Democrat plan when it comes to gas prices. This is the Democrat plan when it comes to energy policy. Nothing.

But let's look at their votes. Let's look at their votes, Mr. Speaker. Here we see the Energy Policy Act of 2004, to enhance energy conversation and research and development and provide for security and diversity in our natural resource and natural energy supply. The roll call vote, 152 Democrats voted no. We still passed the legislation.

One hundred and twenty-four Democrats voted against the Energy Policy Act of 2005 conference report, the final product, to provide $14.5 billion in tax incentives to improve energy production so that we could actually have more, larger energy supply as consumers, to improve the transportation of energy to the marketplace so we could actually consume it, and the efficiency of energy production so we could have more of it again. They voted no; 124 voted no. Well, that is a pickup of a few, at least. But still not a responsible vote.

One hundred and fifty-four Democrats voted against the Energy Conservation, Research and Development Bill in 2003. We have a series here of votes in 2003, 2004 and 2005, and the Democrats said no. That is their energy policy, a big no.

Let's also continue with this stream of consciousness here.

Democrats voted against the Energy Conservation Research and Development Act of 2003, 157 votes. A different vote. But they again said no.

One hundred and seventy-two Democrats voted against Securing America's Future Energy Act in 2001 to foster conservation, improve energy efficiency, increase domestic energy production and expand the use of renewable energy sources.

Do we see a theme here? We can go back 5, 6 years, just in this decade. The Democrats have repeatedly said no to an energy policy for the United States.

One hundred and sixty-six Democrats voted against ANWR exploration.

Now, look, 2001, 2002, 2003, 2004, 2005, I can show you these in the charts. They have repeatedly said no to an energy policy here in the United States; and, as a result, we were not able to enact an energy law, an energy act for this country until just last year. Over their objections, over that party's objections, the liberals' objections, we passed an energy policy that was far, far, far and away a reasonable approach to get more energy production on-line, to increase the supply and, therefore, lessen the burden of expense on every American. You see that they said no repeatedly to an energy policy.

What do we have today? We have oil that costs $73 per barrel and going up. We have refineries that can't meet the demands the American people need to fuel their automobiles. We have high natural gas prices. We have a Senator in the other Chamber from Massachusetts who says that we cannot have wind energy production in his State because he doesn't like the way it looks.

Then we have those that say, do not explore for new natural resources. They are all part of the left wing agenda of the opposition party in this Chamber. They want to say no to energy production. They want to say no to refining. They want to say no to exploration.

And then what do we have as a result? High energy prices.

I go back to originally what I said. The Democrat agenda, nothing.

Maybe I am wrong, though. Maybe they do have an energy policy. Maybe they do have a tax policy. The tax policy is pretty simple. We want you to pay more, Americans. We want more money for the Federal Government. Maybe their energy policy is we want you to pay more. That is how their votes have lined up.

When Republicans come forward and say we have alternative energy that we are trying to push through tax incentives, they said, no, it is a sop to the energy companies. No, it is an incentive for research and development of alternative energies so we are not more dependent on foreign oil.

When we come forward and say let's explore for natural resources, for oil here at home, what do they say? No.

Do you see where I am going, Mr. Speaker, with this?

Their policy is no. If not no, then more. We want you to pay more.

It was about a decade ago that Senator KERRY said that he looked forward to the day when gas cost $3 a gallon. I thought it was surprising then. Perhaps his votes line up with his philosophy. Perhaps his votes line up with his goal. Because we are there. We have gas at $3 a gallon.

I will tell you, Mr. Speaker, it is very disheartening when you see the Democrats consistently vote against reasonable approaches to increase the supply of energy for Americans. Because all Americans know that the law of supply and demand is a very strong force. It is the basis of our economy. And when the supply is constricted and the demand keeps rising, the prices rise with the demand.

The Democrats' policies have constricted oil production and refining, energy production and marketing; and, therefore, as the demand goes up, the cost naturally follows the demand. So when you talk about the oil companies raising the price of gasoline, the refineries raising the price of refining, the only reason why they are able to do that is because of a market economy that we have here in the United States.

□ 1600

And that market economy relies on supply and demand to dictate price. And when we put in place government policies that say that we cannot take oil out of the ground that we know is there or natural gas that is in the ground and we know is there, that we cannot actually produce refineries to refine that fuel, when we cannot put on more nuclear reactors and nuclear energy production on line, naturally by constricting that supply, the prices will go up.

And as a conservative, my alternative is pretty simple: we get more production online, we get more competition in the energy marketplace through alternative fuels, through alternative energy, through incentives to move to alternative energy, you will see the oil companies begin to compete for our dollars. Right now because the supply is so constricted, they can charge us whatever they possibly can, whatever they think they can get away with. So my answer is pretty simple. As a public policymaker, if we put another tax on the oil companies, the oil companies will pass it right on to us as consumers because that is what corporations do with taxation and regulatory burdens. They pass that expense to the consumers.

So my philosophy is pretty simple: you get more competition in the marketplace, you open up the supply, and that cost will come down. And that is what we are trying to do with a coherent energy policy here in the United States, and that is what Republicans are trying to do here in Congress.

So I ask my colleagues on the other side of the aisle to join with us to increase that supply of energy into the marketplace, to increase research, to increase development of alternative energy sources as well, but to also listen to the American people and their demands. And their demands are very clear: we want relief and we want it now.

Well, I have got news, Mr. Speaker, for the American people. We Republicans in Congress are taking on this challenge, and we will get more production online. We will relieve the regulatory burden for getting new energy sources into the marketplace, but we also will continue economic growth here in the United States. And the way we do that is by getting the government off the backs of the American people, the working Americans, that are trying to help their families, trying to grow their communities, and trying to do what is right on the local level.

Mr. Speaker, I will tell you, there is a lot of rhetoric going on here in Washington, DC that the other side of the aisle refers to as "a culture" here in Washington, DC. And there is a culture. It is a culture of more spending, higher taxes, left-wing environmentalist groups writing policy for our United States Government. And we are trying to break that as conservatives, as Republicans. We are trying to break that cycle, that culture, here in Washington.

The Democrats want to take us back. They do not want to look at new ways of doing things. They want to take us back to how they ran this institution for 40 years, how they kept increasing the size and scope of government over decades. Well, the American people want an optimistic alternative, a positive agenda. They actually want an energy policy. They actually want a pro-growth economic policy as well that allows people to keep more of what they earn. They also want a government that is responsive and not intrusive. And that is what we are trying to provide as conservatives. I think that is what the American people want.

And I am very proud to be part of the majority party, very proud to be a Republican, working hard for the American people to do what is right, to do what is necessary to make sure that we are safe, secure, energy independent, economically independent, and a dominant factor in this world that we live in that is dangerous, highly competitive, but ever changing. And we are trying to embrace those changes and compete in this tough world that we live in.

Mr. Speaker, we Republicans have an agenda, an optimistic agenda, about how to change America, how to reduce the size and scope of government, how to enable people to keep more of what they earn and make us independent in terms of our energy policy.

The Democrats, they have a simple alternative, and it is their agenda here: nothing. They have yet to put out an agenda. They have yet to talk in proactive ways. They have yet to lead.

Mr. Speaker, I am proud that we Republicans are leading to make America safe, secure, and economically strong.

MEMBERS OF THE HOUSE TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of December 18, 2005, the Chair announces that the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 109th Congress:

Mr. ENGLISH, Pennsylvania
Mr. LUCAS, Oklahoma
Mr. LINCOLN DIAZ-BALART, Florida
Mrs. BLACKBURN, Tennessee
Mr. SIMPSON, Idaho
Mr. BONNER, Alabama
Mr. BACHUS, Alabama
Mr. CRENSHAW, Florida
Mr. LATHAM, Iowa
Mr. WALDEN, Oregon

THE EFFECTS OF MULTICULTURALISM AND ILLEGAL IMMIGRATION ON OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to come to the floor of this Congress, as always, an opportunity to say a few words to you and a few words to the American people at the same time.

We have completed a fair amount of our work here in this Congress this week, and some folks are on their way home and some are on their way to other points around the globe to get better informed about some of the locations so that we can do a better job of doing our jobs here. We will, many of us, gather information over the weekend, come back and speak up. And you will hear next week, Mr. Speaker, the voices from all across this Nation as it was envisioned by our Founding Fathers, that we represent the people from our districts, we listen to them.

They did not envision that we would be going home as many weekends as we do because they had not had the advent of air travel when they constructed this Constitution and envisioned this great deliberative body that we have the profound blessing to serve in.

But they did envision that we would be the ear that would listen to the people. And we owe them our best judgment. We owe them our due diligence. We owe them 100 percent of our responsibility to listen, learn, think, reason, rationalize, and establish the framework of a belief system, that the issues and the opinions of the people in our districts would ask for us to reflect of their character as well, and then bring the specifics here to this Congress and, with due diligence, try to shape a policy that can be agreed upon here by a majority vote, most of the time a majority vote in this Chamber, although sometimes we do have a suspension calendar that takes a two-thirds majority to pass.

This Nation, Mr. Speaker, is involved in a very intense national debate on what some will say is the issue of immigration, but those people are really trying to obfuscate the issue because the issue really is illegal immigration.

I have not heard debate in this Congress, Mr. Speaker, about legal immigration. In fact, we seem to be universal in our support of legal immigrants who come here to the United States. They do it the right way. They follow the legal channels, those people that want to come here for a better life, and understand that the welcome mat that has always been rolled out here in America is rolled out for legal immigrants today. We encourage them to come, and we encourage them to engage in American life and to throw themselves into it with all their heart and all their soul and to assimilate into this American way of being. And the more quickly it can happen, the more effective they can be. The more quickly they learn the English language, the more quickly and effectively they can access this economy and be a more productive member of this economy and this society, Mr. Speaker. And that is the way it has been since the beginning of this Nation, as people came here searching for their dream.

Some came as indentured servants. I think it would be my great, great, great, great, great grandfather, if I track it correctly. Five greats, Mr. Speaker, who came over here as an indentured servant in 1759. And he owed, I believe, 7 years of work in the stables that he had signed up to work in to pay for his passage and the privilege to be here on this continent, not really as an American at that point but as a subject of the British Crown. And not that many years later after that 1759 or perhaps it was 1757 year date, the United States of America issued the Declaration of Independence, and we at that point became a free Nation and he became a free person. Raised 17 children here. They started out in Baltimore, Maryland, and they grew and scattered out across this country all the way across America. And their legacy is there today: hard work, integrity, Christian values, and a sense of family and decency.

He was part of the original foundation of this great American culture that we have. The great American culture that has this belief that, yes, we believe in the foundational principles of our Constitution and the right to life, liberty, and the pursuit of happiness that are in our Declaration, and we believe that those rights do come from God and they are in our Declaration of Independence. That is the guarantee as they pass through our Declaration. We have a sacred covenant with our Founding Fathers, who essentially codified those rights that are granted to us from God, put it in the Declaration, and transferred those rights over to the Constitution of the United States and set a standard for the world that had never been matched before, Mr. Speaker.

And so those standards began on the Mayflower. They began with the earliest settlers here in America. And the shape and the character of America took place, and they created in those years the beginnings of this great American culture, this great American civilization.

And I sometimes go before high school groups and middle school groups and I will ask them the question: Do you believe that the United States of America is the unchallenged greatest nation in the world?

Very few of them raise their hands and say, yes, I believe that, because they have been conditioned to believe that all cultures are equal, that there is a multiculturalism belief and a diversity belief that you do not set yourself up above anyone else.

And I will argue, Mr. Speaker, that we are not in the business of downgrading anyone or being critical of anyone. We are in the business of trying to upgrade ourselves. And if we are going to upgrade ourselves as an American civilization, then we have got to realize who we are, we have got to realize how we came about being these people we are, and we have got to then take a look at where do we stand on this spectrum of the different civilizations and cultures in the world, not just contemporarily around the globe, Mr. Speaker, but also throughout history. Where do we stand as a culture and are we a people that have risen to a point where we are the unchallenged greatest nation in the world?

We are the world's only superpower, and I think that is inarguable. But what about our character? What about our culture? What about our civilization? What has made us great?

And that question came to me, and it came to me about 10 years as I was serving in the Iowa senate and I happened to be reading through the Iowa code, and in there, there is a chapter on education. I read through that chapter, and I would not recommend just reading through any State code or the Federal code, for that matter. It is like reading the phone book of New York City. But I was doing that, and I came across a chapter on education. And in there it said each child in Iowa shall receive a nonsexist, multicultural, global education. Well, that all sounds really good. It sounds good to the ear today, and it sounded good to most ears back then in about 1997 when I first raised this issue.

But as I read that, it occurred to me that we had put into the law in the State of Iowa that we were going to teach political correctness to all of our children that went to our accredited schools in the State. That included our public schools and our accredited parochial schools, or religious schools, that each child shall receive a nonsexist, multicultural, global education.

□ 1615

Now, I am not advocating that we teach a non-global, non-multicultural sexist education. I am arguing that there is another viewpoint here not being exposed to our children. And it came to me last night as I sat at a table with five college students and began to discuss some of these issues with them. The ideas that I think are endemic in our civilization and culture, the ideas that made us great seem to be foreign to them.

The value system, not that they are not good people, they are good people and I really like this generation, but their education isn't grounded in the same things that my education was grounded in.

So as I looked at that section in that chapter of education in the code, multicultural, non-sexist global education, it occurred to me we didn't need to be impelling and compelling that to be taught to our children.

So what would I like them to be taught? I took out a bill draft form and I struck a line through there to strike out the "multicultural non-sexist" global, because I didn't want that to be a mandate. I wanted room there to teach other things as well. You can't teach multiculturalism and teach this American civilization in a way you understand them both if you are going to exclude one.

So I wanted to find a way that we could teach that perspective that was more objective than the one that was proscribed in the Iowa code. So I drafted a piece of legislation that today I call "The God and Country Bill." And it says like this: Each child in Iowa, we strike that language out, each child in Iowa shall be taught that the United States of America, of which Iowa is a vital constituent part, is the unchallenged, greatest Nation in the world, and that we derive our strength from Christianity, free enterprise capitalism, and Western Civilization.

Now, Mr. Speaker, that might sound like an arrogant statement for a State code to have in it, but I put those words out there for a reason. I wanted to challenge people to come with maybe a competing idea. Instead, I filed the bill and they didn't come with a competing idea, they came with name calling. So I sat there at my desk and I wrote down each one of the names that they called me and typed them up and laminated them and put them in my desk, and I have those names to this day. And they are all printable names, but none of them are constructive and I won't put them into this CONGRESSIONAL RECORD.

But I would just state I will stand on that statement. I would maybe expand the statement that our first value is our Christian values, I might say our Judeo-Christian values, and that doesn't exclude the contributions of other religions, but what it does say is this is the predominant philosophy that shaped the American culture, is our Judeo-Christian values, the foundation of our beliefs that are in the Bible, in the Old and in the New Testament, and our belief that when we commit a sin against mankind, we should confess that sin and repent and ask forgiveness. That is part of our culture.

If we wrong our neighbor, what is the best thing to do? What if one of our children was playing baseball in the backyard and they hit the ball through the neighbor's window? We would send them over there and say, you need to go over there and confess that you broke the window, and you need to also ask forgiveness, and you have got to repent. So you say I broke your window, and repent, you say I am sorry. Then you say can I make it right with you. Will you forgive me.

That is a Christian value, Mr. Speaker. That is as clear an example as we can have of a Christian value. It is the core of the character of the American people today, and many of the things we do. We know what is right. What is right is in our culture. We don't always do what is right, but we know what is right. That foundation, the free enterprise capitalism foundation and the Western Civilization foundation.

But to explain this and to explain what kind of a nation we are and how we came about being this great Nation we are comes back to these core values of Judeo-Christianity, free enterprise capitalism, Western Civilization.

I would argue it this way, Mr. Speaker, that in the beginning of Western Civilization, you had during the Greek period of time, when they had the Age of Reason, and during the Age of Reason the Greeks took great pride in being able to rationalize their way through. They set up the hypothesis. They set up the theorem. They set up a means to be rational in a deductive reasoning approach so that they could begin to establish science and begin to establish technology. The Greeks took great pride in that.

They sat around and reasoned. Some of them sat around in their cloaks and reasoned all day long, and the philosophy that grew from that was the foundation of Western Civilization.

So civilization began to make progress because they weren't any longer just a group of people that were moving because they had an emotion that drove them or an irrational emotional button that was pushed. That was part of the Greek civilization, too.

And a little aside on this, Mr. Speaker, is that the Greeks did have as pure a form of democracy as the world had seen, at least at that time, and our Founding Fathers rejected that form of pure democracy. Because what they saw was in the Greek city states, where every man of age could vote, they gathered together in the coliseum, or in the city hall you might say today, and they debated the great issues over the day. And some of the great orators had the ability to sway massive numbers of people. And if they were so compelling in their oration that they could move people perhaps in a direction that wasn't good for the city state, of, say, Sparta, for example, or Athens, and so the people in those communities understood that they didn't always do the thing that was right because they were sometimes led by emotion.

So the Greeks being, in the Age of Reason, so rational, that they identified the folks that led them wrongly by emotion rather than rightly by reason and those people were identified as demagogues. And a demagogue who was leading a city state down the wrong path was occasionally put up for a vote, for a black ball. And if any of you have been involved in Greek life on campus, that black ball still exists today on campus. And if that demagogue received three black balls from three members of the community, they said we need you to leave, he would be banished from the city state for 7 years, couldn't come back, couldn't be there to give any great oratorical speeches, couldn't get them to charge like lemmings into the sea and do things that were irrational, not in the great Age of Reason of the beginnings of Western Civilization in the Greek city states. That is one of the little side notes that happens.

But the rationale that came from Western Civilization, the deductive reasoning that came from Western Civilization, grew from a real commitment to be logical, to be rational, and to also always build for an a greater good.

This Western Civilization then that flowed and grew out of Greece began to travel through the known world at that period of time, and it migrated its way over into Western Europe and arrived there at the Age of Enlightenment.

The Age of Enlightenment then, and I have to give the French some credit because they seem to be the center of the Age of Enlightenment, that is when technology took hold, building upon Western Civilization, on the Western Civilization foundation of the Age of Reason, was built the Age of Enlightenment. And that Age of Enlightenment was the foundation for the industrial era.

As the industrial era grew, so did the population over in the 13 original colonies here in the United States on this soil that we stand on today, Mr. Speaker.

We are the beneficiaries on this continent of two great movements in history, the Western Civilization and the Age of Enlightenment. Those two things coupled together, the Western Civilization that flowed through the Age of Enlightenment, the leg of this three-legged stool, found its way here on the new world, North American continent, where we had unfettered free enterprise capitalism, where you could come over here and invest a dollar, invest your sweat equity, you could have an idea, you could take a chance, you could go out and blaze a trail into the wilderness, and if you wanted to trade for furs or cut some timber or start a farm or trade with Native Americans or maybe get a job, as George Washington did, surveying some of this land, all of those opportunities were open in this new world.

And there wasn't a limitation on the potential, there was no restriction, there was no class system that restrained us. This land had, aside from the Native Americans, that did not really fight over the land, but believed that land ownership for the most part wasn't their province, the land had not been fought over as a piece of property like a commodity like Europe had been. So the legacy of that friction and resentment didn't exist either.

But what did exist here in this land that we stand on and in the 13 original colonies and then growing to the West in manifest destiny was a belief in Western Civilization, deductive reasoning, the Age of Enlightenment, free enterprise capitalism, many times no taxation, many times no regulation, unfettered free enterprise.

What a dynamic team to have, Mr. Speaker, Western Civilization coupled with the Age of Enlightenment at the beginning of the industrial age, coupled with this unfettered free enterprise capitalism with low taxes and low regulations, in fact no taxes and no regulation in many cases. Binded together, it was the most dynamic economy that the world had ever seen.

And the vision of manifest destiny began to blaze the trails out across the west and settled this continent clear to the Pacific Ocean. As this country grew and we believed in manifest destiny and reached out, this dynamic organism of the United States of America would have become, in my opinion, one of the most aggressive, unrestrained, imperialistic nations ever in the history of the world if we weren't constrained by our Judeo-Christian values.

But the Judeo-Christian values functioned as a governor on us, a governor like on an engine that keeps it from racing too fast, running too many RPMs and blowing the engine up eventually. This governor was our moral values, our faith.

And this Nation that was founded on the faith, the Judeo-Christian and mostly the Christian faith, believed that we had a moral obligation to our fellow man. It believed that we needed to help ourselves up the ladder and help others up the ladder with us, the idea to reach out and lend a hand and teach a man to fish and each one of us to stand on our own two feet and reach out and help the others. A means to reach across to, in this case it would be to the aisle, reach across to your neighbor and offer them a helping hand, but demand from them the things that they could provide, their responsibilities for work, their responsibilities to contribute to this society.

We had some socialist experiments on this continent too and they didn't do too well. Some of those socialist experiments, in fact, all of them at one point or another, reached their end because in the end, we realized here in smaller experiments rather than going to large experiments like the Soviet Union or Communist China, that the sum total of the strength of a nation is, at least in part, the individual productivity of all of its people added up one person at a time. All of the productivity of us all together represents the strength of a nation, and people produce better and more productively if they are doing that for themselves.

And the people in this country are the most generous people anywhere on the globe, because they work hard, they earn what they have, but they are glad to share it with people in need. That is also our religious foundation, our Christian faith, our Judeo-Christian values that tie that altogether.

So I hope, Mr. Speaker, that I have described how this worked, this unfettered free enterprise capitalism that grew from Western Civilization in the science and the technology and the Age of Enlightenment and the industrial revolution era with this voracious appetite to grow and produce and explore manifest destiny, but controlled by the most powerful and profound moral values that come to any civilization in the history of the world, our Judeo-Christian faith, rooted in the Bible, reflected in our Declaration of Independence, and those values that show up in the Constitution, even though they aren't specifically listed within the Constitution.

So, this great Nation that we are a part of, this legacy, this history, needs to be taught to our young people. And the American people have to think about who we are. How did we get here? What are we formed from? What are we shaped from?

I have described some of that, Mr. Speaker, in the God and country bill, Judeo-Christian values, free enterprise capitalism, Western Civilization. This combination, coupled on this land, a land that didn't have a legacy of bloodshed for the land, joined together with these wonderful natural resources from sea to shining sea, that is America.

When I see the Statue of Liberty, I know it has been a beacon for people across the world. And as they see that statue and the image that is there, you will not find a country anywhere on the globe where you don't have significant numbers of people who want to come here, want to live here, want to make their future here in the United States. And that image is this image of freedom, this image of opportunity, that has existed for more than 200 years, and it continues to exist in different forms.

But sometimes we lose track of who we are. Sometimes we lose track of how we got here. We have an ongoing debate in this country continually of what is giving us strength, what has made us strong.

I, Mr. Speaker, have tried to define that so that it is an understandable analysis. Others will say well, no, we really aren't the greatest Nation in the world. We really have a lot of things we ought to apologize for, because we have been violent and we have sent our military around the world and we should feel guilty about that because we did it for selfish purposes. And then that is when the debate begins.

But I don't think we have anything to apologize for. Wherever we have gone in the world, we have left a peaceful legacy and we have left a positive legacy and we have been proud enough of who we are that we left a way of life there that has been beneficial to the people who have been visited by our soldiers and our Marine Corps.

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And one of those examples would be in the Philippines. I recall a speech that was given here in Washington, D.C. a couple of years ago by the President of the Philippines, President Arroyo. And I do not think she knew that she was speaking to at least one Member of Congress in that scenario.

But she said to the group that was gathered in the hotel here in Washington, D.C., she said, thank you America. Thank you for sending the Marine Corps to the Philippines in 1898. Thank you for liberating us.

Thank you for teaching us your way of life. Thank you for sending the priests over there to teach us your religion. Thank you for sending 10.000 American teachers over to the Philippines to teach us all of the academics that you did, to teach us your way of life, and to teach us the English language.

Thank you for the English language, because today we speak English in the Philippines, as a result of the Spanish-American War, 1898, and today they have 1.6 million Filipinos who go anywhere in the world that they choose to go, they can get a job there, they can work there, and they send their money back to the Philippines, creating a significant portion of the gross domestic product.

Another example would be, last night I had the great privilege to sit down and have dinner with a group, a delegation from the Japanese legislature. We have an exchange program that has gone on here, and this is my fourth year to have the privilege to sit down with them.

It is interesting to me that I sat down for the first time I met Minister Ono here in this city. And at the time he was the Minister of Defense for Japan.

My father spent 2½ years in the South Pacific and came back home from there weighing 115 pounds; not on a very good ration, is the way he put it. It was quite interesting to me that I had the privilege more than 60 years later to sit down and have dinner with the Minister of Defense for Japan.

If there was a hatchet there to be buried, it has been buried a long time ago. And there was a hatchet to be buried. And we are joined together now not as allies for strategic purposes, which we are, but we are trading partners and we are friends. And, yes, we have our disagreements, and so do brothers and sisters and mothers and fathers and fathers and sons and mothers and daughters.

We have our disagreements, but we are trading partners and we are friends; we are good for each other's economy. They have a way of life. They have a constitutional system in Japan, and their result in the aftermath of World War II has been that they have become a modern nation with high productivity. They moved into the modern world.

They are a developed nation today; and no one questions a developed nation, because they have had a good work ethic, they have had a good constitution to work under, and they have a strong belief system, and much of this was structured by General MacArthur after World War II. Another American legacy.

I also point out, Mr. Speaker, that if you look around the world, and ask yourself, where has the English language traveled? And we can see nations, I mentioned a couple of them, and you might look also into India where the English language is prevalent there. You can look across in places in Europe where you sit down at the roundtable in Brussels where now 25 nations of the European Union sit.

The language of debate and discussion at the roundtable, and I have engaged in that debate and discussion, is English. And the documents that are printed by the European Union are predominately English, although there are some exceptions. I think the French language usage there has gone from 57 percent down to about 7 percent of the documents now are in French.

But if you look at the history of the English-speaking peoples, as Winston Churchill did when he wrote his epic novel, "The History of the English Speaking Peoples," as you read that document, it occurs to me, and I do not think he quite says it in the book, but the documentation does as you sum it up, as you read through, wherever the English language has gone, and it has been either Americans or the British people that have taken it around the world, but wherever the English language has been planted, there you will find freedom.

Without exception, I cannot come up with a single nation that speaks English then but does not have freedom, that does not have a representative form of government. And I think that the English language has become a precursor to freedom. In fact, I think that there is not really, some people will say you cannot understand the Bible unless you can understand it in Hebrew or you can understand it in Latin, or you can understand it in Greek, because there are different definitions and connotations that come from different languages.

I will say that I speculate that it might be difficult, in fact it could be impossible to thoroughly understand freedom if you do not understand the English language, because English is the language of freedom. It is the language that has taken freedom throughout the world.

It is the language that has identified these principles that we hold so dear in this Chamber, Mr. Speaker. And it is essential to this country that we bind ourselves together with one common language.

Also when I look around the globe, and I did this test some years ago, I went to an almanac and looked up the flags of all of the nations in the world. And identified all of the nations. Then I went to the "World Book Encyclopedia," which is what I had available to me, and I looked up every one of those nations, because the "World Book" will give a list, but it will show what the official language is of each country; you have to look them up one at a time.

I looked up every country in the world. And I wrote down the language, or sometimes languages, the official languages of these countries. And of every country in the world, there by that analysis, every single nation had an official language and probably to this day does under that analysis.

Until I got to the United States of America. We do not have an official language here in the United States; we have a common language, English, but we do not have an official language.

But the rest of the world has understood this. The rest of the world has understood that the most powerful unifying force known to humanity throughout all of history is a common language, a common language that binds everyone together, a language that allows everyone to communicate together quickly and efficiently and precisely without miscommunication, without misunderstanding.

And if it happens your language is Spanish or if it happens to be Swahili, or if it happens to be French or German or whatever it might be, if that language is the language of your country, that is the language that ties you together.

And we have understood that here. And we promoted assimilation for that reason. And we have encouraged the learning of the English language. And the printing of the documents here has been, other than interpretations that run to other countries and for other reasons, has been in English. We have committed to that in this country, as a practice but not as a matter of law.

And I wonder why not. I wonder why it would be that all of the other nations in the world understand that the most powerful unifying force of any civilization is a common language, a common form of communications currency. I used to carry a euro around in my pocket, Mr. Speaker, a 5 euro bill.

Because that is a way to define how they thought they were going to pull together the European Union, print a currency. Well, if you can print a currency and everybody has to do business in that currency, you pull your center together because you identify by the currency that is coming out of your billfold.

And that is the direction that they have been working to go in the European Union is to establish the United States of Europe. They have had some setbacks of late. But yet that idea of tying people together on that common currency was a unifying philosophy.

It did not matter that today with computers you can do the exchange rate instantaneously; you can set up the automatic exchange with your credit card and never have to pay attention to the difference. What mattered was to have that currency, to be able to look at that, to be able to pass that on to the person you are doing business with, and that identifies you as someone from the European Union, whether you are from the Czech Republic or from Ireland or Italy or the Isle of Malta or whatever it might be.

They recognize that, and they tie themselves together in their debate with English as their debate language. But another example would be the Israelis. And they established their nation in 1948, and the U.N. endorsed them, and they fought a war to establish their freedom in 1948.

Their anniversary just came up this week; I believe it was Monday if I am not mistaken. And there, by 1948, and 1954, they concluded they needed to establish an official language of Israel. And so they deliberated, had their debates. They could have chosen English, they could have chosen Russian, they could have chosen German, they could have chosen French, they could have chosen Italian. They had people in that country that spoke all of the languages that we know of or that I know of at least that I can quote to you from this floor, Mr. Speaker.

But they came together and resurrected a language that had not been used as a conversational language or a business language, but only a language of prayer, for the last 2,000 years. They chose Hebrew as the official language of Israel.

And I asked the ambassador from Israel, why did do you that? What brought you to this conclusion? And he said to me, we looked at the United States. And in 1954 we saw the successful model that you were of having a common language that tied you all together, English being that common language. And we learned from that wonderful assimilation success that was established very well in the United States of America.

And we adopted Hebrew as our official language. But they had to resurrect the language, and they had to get it in print, and they had to start to use it, and they actually had to teach themselves how to use Hebrew in conversation and in business aside from the use of Hebrew in prayer.

And it has been a successful experiment. And as I meet with people over in Israel and ask them questions about how it works, when they bring in new immigrants from foreign countries, they bring them in to kind of an apartment complex camp that is there, and they teach them Hebrew.

If they are young enough and if they are literate in their own language, in 6 months they will have enough Hebrew that they can say, good job, now you are ready to go out into the world and make your living here in Israel.

And they send them out. If they come from a country where they are illiterate in their home language, they do not read or write in their home language, then they have great difficulty teaching them Hebrew. So they will teach them to read and write in their own language and then transfer them over into Hebrew.

That takes about 18 months. If you are 45 or 50 years old, you get 18 months to learn Hebrew, and you are out into the world, go ahead and make a go of it. People do that. They are successful. And it has been extraordinarily successful to tie the Israeli people together.

If you remember the raid on Entebbe, when things needed to happen fast and you needed to identify a fellow countryman, even if it is in the dark, if you yelled to somebody to get down in Hebrew, they are going to hit the deck, and it is likely going to save their life; and I believe it did under the circumstances.

So Israel learned from the United States' lesson. All of the other countries in the world had an official language. Israel chose one. They chose Hebrew. We have English here. If it happened to be some other language, I would be for that other language being our official language.

I received some disagreements from the Catholic Church in that we did not need to move forward with establishing an official language in the United States. And so I went ahead to my "World Book Encyclopedia." And I looked up the Vatican. And I found out in the Vatican that there are two official languages there, Latin and Italian.

They seem to get along just fine with official languages in the Vatican. And we can get along better with an official language here in the United States.

I would submit that that is part of our debate, Mr. Speaker, and I believe that we should bring that forward and establish English as the official language of the United States of America to uncomplicate our future, to pull us together as a people, to reduce the divisions between us, to put incentives in place for people to learn English so that they have an opportunity to succeed in this society, and to send the message to the world that we are one people with one cause and one history, bound together by a common history, by a common experience, bound together by a common official language, that official language of English.

One of the reasons that we have not been able to accomplish this as a matter of policy here in this Congress is, in my belief, Mr. Speaker, that there has been this division that I mentioned in the early part of this discussion, the division that grows from multiculturalism and diversity, that grows from the idea that we cannot set our culture our civilization up above anyone else's.

Well, as I look around the world, there are societies that are in far worse condition than we are in. Why is everyone looking at us for help, for some type of salvation? Could it be that we have some dynamics here within this culture and this civilization that really do set us above and beyond? It does not mean we have to walk around with our noses in the air. It does not mean that we have to be the ugly American.

In fact, we have a greater responsibility and a greater duty to reach out to the rest of the world and try to teach them to fish and try to share with them our values, a rule of law, our Judeo-Christian values, that work ethic that we have, the way that we pull together and respect this rule of law, the foundation of our Constitution and the rights, the freedoms, the freedom of speech, religion, press, assembly.

The right to keep and bear arms in this country, and that right is such an essential right, it seems to be the only place in the world where it is sacrosanct. It must be and it must remain so.

Those values that bind us together to make us great as a people are the values that we can export to the rest of the world. We need to be proud of who we are in order to do that.

And if I look at the operations going on over in Iraq, and I see the configuration that has been recommended to them by the State Department, and I question whether we had confidence in who we are when we encouraged the Iraqis to establish the voting districts that they have there in Iraq. And so what we have are representatives there who are defined as representatives who are Kurds, representatives who are Shiias, representatives who are Sunnis, then there is a 25 percent requirement that 25 percent of all the candidates elected shall be female.

And so putting that configuration in there and not allowing just regions to be defined without regard to religion or ethnicity, or sex for that matter, and not allowing them to be defined that way sets up representatives. And they know that there are only six categories, if you are represented in the newly seated parliament of Iraq. I am grateful that we finally watched the Iraqis choose a prime minister.

And I am looking forward to Prime Minister Talabani pulling together that government and naming his cabinet. But they know that they represent, they are either a Kurd, a Kurdish female, a Sunni, or a Sunni female, or a Shiia, or a Shiia female. That is the six categories.

They know they are there to represent their ethnic group. And I have to believe that the women who are there know that they are there to represent women. And I would like to think that if they would have just simply carved up Iraq into representative districts without regard to religion, without regard to ethnicity, without regard to what sex, and let people run for office and guarantee them equal opportunity as individuals, like we do here in America, I have to believe that there would have been a different kind of mix in the parliament.

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I know from my own experience that in the district that I represent there are people that are on the right and people that are on the left. I have sat down and talked with both of them, reasoned with both of them, compromised those disagreements that come, and come with a policy and come to this Congress as a voice for all the people in my district. So if there is a conflict that needs to be resolved, it is more likely to get resolved back in the 5th District of Iowa than it is to be brought here and create more disagreement here in this Congress.

If I simply were a representative of the conservative wing of the party representing the 5th District of Iowa, I would not have an ear then for the people on the other side of the aisle. If I were a representative of, say, for example, the Catholic church in the 5th District of Iowa, and that is the viewpoint that comes if you are a Shi'a or if you are a Sunni, then you know which wing of Islam that you come from. You are there to represent that wing of Islam.

So if I came here as a Catholic conservative and did not listen to anyone else and I had a full constituency base that was always chosen just to support me, my position is going to be more aggressive than it would be if I had to go home and meet all the groups and answer to all of the different divisions of viewpoints.

In Iraq, it is segregated now, and the voices in that parliament will be more partisan than they would have been otherwise. It will be more divisive than it would have been otherwise, because they configured them based upon religion, ethnicity and also sex rather than upon the geography that might have done a better job to put more moderation into their parliament.

We have our values here in this country, and we exported them to places like the Philippines and places like Japan, but I wonder if we had enough confidence in who we are as a people, Mr. Speaker, to export those values to places like Iraq or did we retreat from that? Did we lose our self-confidence? Are we afraid to teach the English language, the language of freedom, in Iraq? Are we afraid to bring our free enterprise capitalism there? Are we afraid to bring our Western civilization values and give Iraq an opportunity to learn from Americans?

I gave a speech to the Baghdad Chamber of Commerce late last summer. As I walked into the room, they were introducing me to give the speech; and it was a bit of a hurry. I said, hold it, because I wanted to be introduced through my interpreter first. They said, you do not have an interpreter, so we are going to introduce you. I said, well, I do not speak Arabic. They said, it is not necessary; all of the people here in the Baghdad Chamber of Commerce speak English.

They did, and I could tell, because they laughed at the right times, they responded at the right times, they applauded at the times I would say was appropriate.

Afterwards, they crowded around with their business cards. They could not get enough conversation with a Westerner, with an American with some business background who had come to Baghdad to wish them well and to help guide them. They were looking for advice, listening carefully.

We have a lot to give, a lot to offer, and they are a sponge to absorb it, and they will pick up a lot of these values.

The American Chamber of Commerce that is over there actively are doing great things. We just need more people to be involved in the people business. We need to be more proud of who we are, Mr. Speaker, and yet we have so little confidence in what has made us great that we cannot bring ourselves to do some of the simple things like enforce our immigration laws.

I have watched since 1986 when President Reagan signed the amnesty bill, and first they said it was maybe 1.3 million people. Now we hear they really amnestied about 3 million people or about 3.5 million people. And the argument was, well, we cannot find these 1.3 or maybe 3 million people. We cannot find them. We do not know what to do about it. We cannot get them out of the shadows and into a bus to go back to their home countries. So what we need to do is have stepped-up enforcement for those that will try to come afterwards, and we will just give them amnesty. That solves the problem.

President Reagan, in one of the few times he let me down, signed the amnesty bill in 1986 with a great big hard promise of enforcement.

I remember the fear of that enforcement. I was hiring employees at the time. I took their I-9 form and I watched them fill it out carefully and asked them for their identification, for their driver's license and Social Security-card at least, as a minimum, and I put that on the copy machine. I scrutinized it. I put it on the copy machine, took a copy of the driver's license, Social Security number, asked them a series of questions about their origins and who they were and where they had come from and took that I-9 form, put that copy in there, and I carefully filed it with their job application form if we put them on and hired them. Because I was just sure that around the corner was an INS agent, Immigration and Naturalization Service agent, who would be there to audit my books to take a look at the nationalities of the employees that I hired in the construction business and to see if we had done everything exactly right.

I had fear of enforcement of the INS in 1986, and I still had it in 1987, 1988. Maybe by 1990, by then I had just about forgotten about the idea that there was a threat that there would be an INS audit because I had not heard of any out there.

Now there were some back in those days, but I will say, Mr. Speaker, that from 1986 when the amnesty bill was signed, and they called it amnesty, from that point on there was an accelerated enforcement. From that point on, that enforcement went down, diminishing over 20 years where we get to this point in 2006 up until just a few weeks ago, there was zero enforcement. No employers were sanctioned under penalty of law in 2004. There were some allegations there were three in 2005. I cannot identify which companies those are, and I am not sure whether it is truth or rumor. If it only averages 1.5 companies a year in a Nation of 283 million people, then I would submit that that is not enforcement at all.

So we are not enforcing employer sanctions, and we are not enforcing domestic enforcement. People can go out on the streets and not be questioned as to their lawful presence in the United States. We have city after city in America that are passing sanctuary policies that forbid their law officers from inquiring into the lawful presence of the people that they stop in traffic stops and accidents or that they incarcerate for other crimes. We have news of people in this country who are incarcerated in our prisons without any idea whether they are citizens or whether they are not. No one wants to ask the question.

We are so intimidated by somehow or another this civilization of guilt that because America is a nation of immigrants that we cannot have a rational immigration policy. But I would submit, Mr. Speaker, that America is a nation of immigrants. I would ask the question of Americans. Name a nation that is not a nation of immigrants.

In fact, as I had a discussion with a historian, a Japanese historian, last evening, he talked about how they have a better understanding of the migration that came into Japan and the ethnic groups that make up the very homogeneous Japanese people today, but they come from, some of them, different origins, and they have been blended together on that island as a homogeneous people, but still they are immigrants, some generations, many generations ago.

The same goes for here in the United States. The same goes for Native Americans who came across the Bering Strait, by most accounts, perhaps 12,000 years ago. They were immigrants then, Mr. Speaker, and they were here first, yes.

But I do not think anybody asked Christopher Columbus when he discovered America, did you just consider touching bases there on the continent and then pulling back out of there and decided to leaving the Western hemisphere to be, let us say, preserved for indigenous people or what was Western civilization to do with this huge twin land masses and resources that we have?

It defies logic to think that somehow Western civilization would have just pulled off, said, hands off, no, we found indigenous people here. They migrated here a time ahead of us. We are not going to challenge that or try to use the resources. We are just going to make it a big preserve for Native Americans to live here happily ever after.

That was not going to be the case. The forces of history defined this Nation, and the alternatives can be argued plus or minus along the way. The result might have been configured a little bit differently, but there was going to be population growth. There was going to be a modern civilization built here, and if it had to be built by somebody, who better than the descendants of Western Europe, who better than the people who believed in free enterprise capitalism, Western civilization and Judeo-Christian values so that we could build this great Nation out of these strengths? Who better, I would submit, Mr. Speaker?

So this great Nation has been built from those values, and we are a nation of immigrants, as all nations are nations of immigrants. We should be proud of who we are. We should be proud of our heritage. We should welcome people into this society in a legal fashion, and we should ask them, we should compel them to join in this great experience and this great experiment that we are by assimilating into this society and into civilization.

For to come here to America and move into an ethnic enclave and not learn the English language and not move out of that enclave into the broader society but simply to live there for generation after generation is not being an American at all. That is the transplant of the donor culture to the host culture in the form of an enclave, and it is not constructive to the broader society.

It does not mean you have to give up your culture. I mean, we know that. We appreciate the great variety of subcultures we have here in America, and it is an ever-growing and changing thing.

And I would say also, Mr. Speaker, that we have an extra blessing. The filter system that we have had here in America for immigrants is something we do not talk about very much. But, by and large, throughout history, the people who came to the United States legally came here and I think knew why they came here. They knew what they wanted to leave. They wanted to leave the tyranny of the Kaiser, for example; they wanted to access religious freedom; they wanted opportunity; they appreciated the privilege of freedom of speech, religion and the press, all of those values. And sometimes the poverty, sometimes the potato famine, sometimes the fear, sometimes the persecution of a family or the political persecution of a belief or a persecution of their religious beliefs, those reasons drove people, and poverty is another motivator, to come to the United States.

They took great chances to come to this country. They staked their claim on this soil. They built their future here. They were grateful for the hospitality, grateful for the opportunity, but they also were the vigor of the donor societies. The cream of the crop often came to the United States, and that vitality that we have is much the product of voluntary immigration, who sacrificed a lot and took great risks to come here.

We find ourselves today in a little bit different kind of scenario. We have rolled out a red carpet across our southern border, and we refuse to enforce our border on the south, and we have immigration laws. We ask people to respect our laws, but 58 percent of the people on the south side of the border believe they have a right to come to the United States. They believe they have a right to come here. And if they believe that, Mr. Speaker, then we are not doing a very good job of conveying our sovereignty.

We have become a Nation without a southern border. An average of 11,000 people a day pour across our southern border, and our border patrol manages to stop perhaps a fourth of them, maybe on a good day as many as a third of them, but they reported for 2004 that they stopped on our southern border 1,159,000. For 2005, that number comes out to somewhere in the area of this statistical extrapolation of 1,188,000.

Now, most of them were told to go back home, go to their home country. Many were taken down to the port of entry and said go back. Some, and I will say also many others, were caught and released on their own recognizance, released perhaps on a promise to go back to their home country, Mr. Speaker.

But that is no border enforcement. The last time I went to the border, I was advised that the catch-and-release plan meant we catch them up to seven times before we adjudicate anybody if they do not have some other crime. So we will stop that same person six times, and on the seventh time then we will forcibly put them under control and perhaps take them back to their home country.

I have gotten reports that as many as 20 times there will be a single individual that is caught and released, as much as 20 times. There is smuggling that goes across our border, this huge human haystack, 4 million strong, pouring across our southern border in a given year; and out of that 4 million, our administration's policy is we are going to sort the needle out of that haystack, and needles will be the criminals and the terrorists and the people that threaten our American safety and way of life.

So with good border control and with good surveillance and with a virtual fence that the administration talks about, we are going to somehow shine a spotlight on this huge haystack of 4 million humans, and in there we are going to try to pick out these needles that represent the drug dealers and the rapists and the murderers and the terrorists.

□ 1700

Well, I just can't imagine sorting out those needles out of a haystack while the hay is being picked out of my hair. That is what we are asking the Border Patrol to do, Mr. Speaker. It cannot work. It cannot be effective. We must shut off this human tide at the border, we must enforce our border, we must seal it up tight and then have ports of entry where we have good control and good surveillance in order to keep our trade open with Mexico, in order to have good relationships there.

Good fences make good neighbors. We can build a good fence on the border, and we can do so so that it is effective. When people say, no, fences don't work, I argue that fences don't work because, after all, we have seen pictures of people jumping over them and we have seen tunnels that have been tunneled underneath them, Mr. Speaker, but we also know people can fly over them in airplanes and go around them in boats. But if you can increase the transaction cost, if you raise the level of difficulty, you are going to find that there will be many people that won't try and fewer people will be successful.

Before barbwire was invented, cowboys rode their herds. They were out there making sure that they kind of kept the cattle turned in the same direction so they didn't get split up and taken out by predators and they didn't lose them in the process. So as the cattle moved across the range, they would go out and just ride herd and nudge them back in so they could keep a head count on them and keep them together.

Then somebody invented barbwire, and those cowboys that loved to ride their horses, they got down on their cowboy boots with post hole diggers and they set posts and they strung wire and they drove staples and they built fences. And not because they liked building fences better than herding cattle or better than they liked riding their horses. They built fences because it was efficient and effective. And then they rode the fence instead of riding the herd.

We can do the same thing on the southern border. We can get the Border Patrol to ride the fence instead of out there chasing around in the desert for 11,000 people a day scattered across in the night trying to bring them together.

We need to build a fence, Mr. Speaker; and we need to end birthright citizenship. This chain migration grows and cannot be controlled if we do not. There are 300,000 to 350,000 babies born in this country to mothers who are illegal in America, that do not have a lawful presence here. But we, by practice, grant them birthright citizenship; and the chain migration begins. That baby then, when it reaches age, can petition for mother and father and siblings to come into the United States.

Now let me submit that I believe that there are not 12 million illegals in this country, because I have been counting the noses of those coming across the southern border. I believe that number has been increasing by as many as 3 million a year for at least the last 3 years, but it is accelerating. So if we have been saying that it has been 11 million people for 3 years, but the number has been accelerating by 3 million a year for the last 3 years, we are at 20 million.

This thing has gone on longer than that. It has gone on longer than 3 years. The 11 million was never an accurate number. You cannot count people who live in the shadows. It is impossible to do so. But let us just say that population today is 11 million, plus 9 million, plus a couple million more, and I will take you up to about 22 million. That is the number I think is the right number of illegals that are here.

If the Senate passes their version of guest worker, this guest worker/temporary worker plan that has three levels of being illegal instead of right and wrong, if they do that and grant a path to citizenship, they are going to grant a path to citizenship to however many might be able to qualify under the standards they set. They are not going to put a quota in there and say, well, if you have been here 5 years or more and we think there are, oh, 3 million of you, we are going to give you a fast path to citizenship.

And what will they do if there are 6 million that show up and say I have been here 5 years or more? They will grant that fast track to citizenship for all those people whatsoever.

If it is 12 million that show up, they will grant that. If it is 22 million that show up, they will grant that. Because the legislation will simply set the criteria. They don't have the foggiest idea of what the numbers are.

Let us just pick my number for extrapolation purposes. Let us say 22 million people here illegally. Their first act was to break the law in the United States. The second act, when they went to work, they broke the law again. It isn't a matter of making criminals out of people that are here illegally because we want to make them felons and we voted to do so in this Congress. They are already criminals by virtue of committing a criminal misdemeanor by violating the immigration laws by coming into the United States illegally. The next act is to get a job, and that is also a crime.

So we have 22 million is my number. We grant them fast track amnesty to citizenship. Those 22 million access citizenship in, say, 5 to 6 years, or whatever it is the Senate might decide. And of course that doesn't mean we will agree in this House, Mr. Speaker, but if that happens, think of 22 million people lined up looking around at their family thinking, well, mom is down here with dad. I am going to invite them both to come and bring the chain migration for mom and dad. And I have my two sisters down here and my brother over here, and I left my 8 year old down in my home country.

I can add this all up, but I don't need to add all these extended families. I just say, try to imagine any one of them not having four family members that they would like to bring here to the United States under chain migration.

Now, take 22 million, multiply it times four, and you have 88 million additional entrants into the United States by virtue of the chain migration that comes from this fast track to citizenship that the Senate wants to give to America. So you add the 22 million to the 88 million and you have, Mr. Speaker, emptied Mexico. You have taken everybody that wants to come from there and brought them here. The people that will be left will be the people that are too senile to travel, too old to work, and people that will asking for a check to be sent down there to take care of them.

Some of them are living like that now, and some of the communities down there have been virtually emptied out of the working-age people. Senior citizens only sitting there waiting for the giant ATM America to zap a portion of the $20 billion that goes to Mexico or the overall $30 billion that goes to Mexico and Central and parts of South America. That is $30 billion out of the wages earned here that are wired down there, and some to be saved in banks for retirement, as they plan on returning back, and some to be spent to maintain the senior citizens that are there, the parents and the extended family members.

What does this do for Mexico if we set up a policy here that draws or magnetizes and attracts every willing person in Mexico and in Central America to come to the United States and empties out their communities and drains them of the flower of their youth and the productivity and the vitality of their Nation? What future then does that country have, particularly Mexico, with the vast natural resources, with the huge quantity of oil, much of it not developed to the extent it should be? This Nation would sit there on a massive supply of natural resources without the human energy, without the skills, without the education, without the technology to develop it.

Nature abhors a vacuum. Something, Mr. Speaker, will fill that vacuum. We have the Chinese that are in Central America today, and they are involved in drilling for oil offshore of Cuba, between Cuba and Florida. They are involved in the Panama Canal. They are looking, I am convinced, at potentially filling a vacuum that could be created.

I submit that we shut off the jobs magnet. I submit that, when we do so, there will be people making a decision to go back to their home country because that opportunity they came for is no longer here. If that happens, Mr. Speaker, we can send back to their home country a very skilled and educated group of people who can transform Mexico and take them into the 21st century.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEORGE MILLER of California (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 9, 10, and 11.

Mr. BASS, for 5 minutes, May 9.

Ms. FOXX, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, May 9, 10, and 11.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, May 8, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7234. A communication from the President of the United States, transmitting notification of His decision to take no action to suspend or prohibit the proposed acquisition of Ross Catherall US Holdings Inc., pursuant to 50 U.S.C. 2170; to the Committee on Financial Services.

7235. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Solar and Wind Technologies for Hydrogen Production Report to Congress," pursuant to Public Law 109-58, section 812; to the Committee on Energy and Commerce.

7236. A letter from the Secretary, Department of Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

7237. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 13313 of July 31, 2003, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

7238. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-23, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

7239. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an Accountability Review Board report and recommendations concerning serious injury, loss of life or significant destruction of property at a U.S. mission abroad, pursuant to 2 U.S.C. 4831 et seq.; to the Committee on International Relations.

7240. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2004 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307 (a) of the Foreign Assistance Act, pursuant to 22 U.S.C. 2227(a); to the Committee on International Relations.

7241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-369, "Tenant Evictions Reform Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7242. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-368, "Scrap Vehicle Title Authorization Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7243. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-367, "Child Support Guideline Revision Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7244. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-366, "Uniform Family Support Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7245. A letter from the Director, Contracts and Acquisitions Management, Department of Education, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Department's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

7246. A letter from the Director, Office of Science, Department of Energy, transmitting a letter regarding the upcoming competition for the contract to manage and operate the Argonne National Laboratory; to the Committee on Government Reform.

7247. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7248. A letter from the Inspector General, Department of the Interior, transmitting the Department's FY 2005 inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Government Reform.

7249. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting the Department's inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Government Reform.

7250. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for FY 1999 through FY 2005 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Government Reform.

7251. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's FY 2005 Annual Report on EEO Complaints Activity, in compliance with Section 203 of the No FEAR Act; to the Committee on Government Reform.

7252. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7253. A letter from the Director, Office of Personnel Management, transmitting the Office's 2005 Federal Activities Inventory Reform Act Inventory and Inventory Summary; to the Committee on Government Reform.

7254. A letter from the Coordinator, Forms Committee, Federal Elections Commission, transmitting revisions to the Instructions for FEC Form 3X, Report of Receipts and Disbursements for Other Than An Authorized Committee), and the Instructions for FEC Form 9, 24 Hour Notice of Disbursements for Electioneering Communication; to the Committee on House Administration.

7255. A letter from the Assistant Attorney General, Department of Justice, transmitting in accordance with Section 645 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on the Judiciary.

7256. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a status report on the American River Watershed, California (Folsom Dam and Permanent Bridge) project as required by Section 128(f) of the Energy and Water Development Appropriations Act of Fiscal Year 2006; to the Committee on Transportation and Infrastructure.

7257. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Fleet Week Fireworks Displays, San Francisco Bay, CA [CGD11-05-030] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7258. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; San Francisco Bay Navy Fleet Week Parade of Ships and Air Show Demonstration, San Francisco Bay, CA [CGD11-05-032] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7259. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Corporate Party Fireworks Display, San Francisco Bay, CA [CGD11-05-033] (RIN: 1625-AA08) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7260. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; 2005 MTV Video Music Awards, American Airlines Arena, Port of Miami, Miami, FL [CGD07-05-104] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7261. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; San Francisco Tall Ships Event, San Francisco Bay, CA [CGD11-05-016] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7262. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; City of Richmond Fireworks Display, San Francisco Bay and Richmond Inner Harbor, CA [CGD11-05-021] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; Corporate Anniversary Fireworks Display, San Francisco Bay, CA [CGD11-05-024] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Event; American Pyrotechnics Association Convention Fireworks Display, San Francisco Bay, CA [CGD11-05-025] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7265. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Green Day Concert Finale Fireworks Display, San Francisco Bay, CA [CGD11-05-026] (RIN: 1625-AA08) received March 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7266. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Town Creek Channel, Pearman Bridge, Charleston, South Carolina [COTP Charleston 05-133] (RIN: 1625-AA97) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7267. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulations, East Waterway, Port Gardner, Puget Sound, Washington [CGD13-05-139] (RIN: 1625-AA00) April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7268. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Canaveral Entrance Channel to Trident Basin, Port Canaveral, FL [COTP Jacksonville 05-128] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7269. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Trident Basin, Port Canaveral, FL to 12 nautical miles from the mouth of the Port Canaveral Entrance Channel [COTP Jacksonville 05-129] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7270. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port Canaveral Entrance Channel to Trident Basin, Port Canaveral, FL [COTP Jacksonville 05-131] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7271. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Trident Basin, Port Canaveral, FL to 12 nautical miles from the mouth of the Port Canaveral Entrance Channel [COTP Jacksonville 05-132] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7272. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; San Francisco Bay, CA [COTP San Francisco 05-009] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7273. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Moving and Fixed Security Zone; South Coast, Bahia de Tallaboa Channel, Puerto Rico USA [COTP San Juan 05-147] (RIN: 1625-AA87) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7274. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Savannah River, Savannah, GA [COTP Savannah-05-148] (RIN: 1625-AA00) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7275. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone for St. Petersburg; Tampa Bay, FL. [COTP St. Petersburg 06-034] (RIN: 1625-AA00) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7276. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD13-06-011] (RIN: 1625-AA00) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7277. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-006-007] (RIN: 1625-AA00) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7278. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Regulations: Boot Key Harbor, Marathon, FL. [CGD07-05-063] (RIN: 1625-AA09) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7279. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, New York City, NY [CGD01-06-006] (RIN: 1625-AA09) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7280. A letter from the Assistant Secretary for Legialtive Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of Nicaragua and Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy, pursuant to to the Committee on Ways and Means.

7281. A letter from the Secretary, Department of Homeland Security, transmitting the Department's notification of the Director of Managment and Budget approval of the recommendation that an additional five million doses of Anthrax Vaccine Adsorbed (AVA) be procured with the Special Reserve Fund, authorized by the Project BioShield Act of 2004; jointly to the Committees on Energy and Commerce and Homeland Security.

7282. A letter from the Under Secretary, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund (CSRDF) and the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period, pursuant to 5 U.S.C. 8438; jointly to the Committees on Government Reform and Ways and Means.

7283. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to authorize the Secretary of Agriculture to dispose of certain National Forest System lands and retain receipts; jointly to the Committees on Resources and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4200. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes; with an amendment (Rept. 109–451, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Under clause 2 of rule XII, the Committees on Agriculture and Transportation and Infrastructure discharged from further consideration. H.R. 4200 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII. public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN (for himself, Mr. Carnahan, Mr. Doggett, Mr. Waxman, Mr. Brown of Ohio, Ms. Baldwin, Mrs. Capps, and Ms. Schakowsky):

H.R. 5288. A bill to establish a small business health benefits program; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Illinois (for himself, Mr. Hastert, Mr. Boyd, Mr. Boren, and Mr. Costello):

H.R. 5289. A bill to provide institutions of higher education with a right of action against entities that improperly regulate intercollegiate sports activities; to the Committee on Education and the Workforce.

By Mr. BAIRD (for himself and Ms. Zoe Lofgren of California) :

H.R. 5290. A bill to provide that the false claims provisions of title 31, United States Code, include claims for Iraqi property or money administered or in the custody of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. REICHERT (for himself and Mr. Kirk):

H.R. 5291. A bill to require the Attorney General to develop a national strategy to eliminate the illegal operations of the top three international drug gangs that present the greatest threat to law and order in the United States; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Davis of Florida, Mr. Pallone, Ms. Corrine Brown of Florida, Mr. Foley, Mr. Fortuño, Ms. Harris, Mr. Boyd, Mr. Shaw, Mr. Miller of Florida, Mr. Mack, Mr. Burton of Indiana, and Ms. Wasserman Schultz):

H.R. 5292. A bill to exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; referred to the Committee on the Judiciary, and in addition to the Committees on International Relations, Financial Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself and Mr. Hinojosa):

H.R. 5293. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CRENSHAW (for himself and Mr. Boyd):

H.R. 5294. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Kentucky (for himself, Mr. Kirk, and Mr. Kuhl of New York):

H.R. 5295. A bill to protect students and teachers; to the Committee on Education and the Workforce.

By Mr. DAVIS of Tennessee:

H.R. 5296. A bill to amend the Internal Revenue Code of 1986 to extend certain energy tax credits; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 5297. A bill to amend title XVIII of the Social Security Act to extend by one year the initial enrollment period for Medicare prescription drug benefits and for Medicare Advantage plans, to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs, and to express the sense of Congress that the Secretary should conduct activities to improve outreach and educational efforts with respect to such benefits; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 5298. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself and Mr. Renzi):

H.R. 5299. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY (for himself, Mr. Hastings of Florida, Mr. Markey, Mr. Inslee, Mr. Moran of Virginia, Mr. Blumenauer, Mr. Sanders, Mr. McDermott, Mr. Stark, Mrs. Maloney, Mr. McGovern, Mr. Larson of Connecticut, Mr. Schiff, Mr. Grijalva, Mrs. Capps, Mr. Oberstar, Mr. Rahall, Mrs. McCarthy, Mr. Rangel, Mr. George Miller of California, Mr. DeFazio, Mr. Meehan, Mr. Wexler, Ms. DeLauro, Ms. Woolsey, Mr. Towns, Mrs. Lowey, and Mr. Stupak):

H.R. 5300. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. ISRAEL:

H.R. 5301. A bill to provide for the establishment by the Secretary of Energy of a program of Federal support for local governments and school districts that establish comprehensive clean energy plans; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. KENNEDY of Minnesota (for himself, Mr. Miller of Florida, Mr. Gerlach, Mr. Ramstad, Mr. Doolittle, and Mr. English of Pennsylvania):

H.R. 5302. A bill to amend the Internal Revenue Code of 1986 to suspend the highway fuels taxes, to provide for suspension of royalty relief, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. McKINNEY:

H.R. 5303. A bill to require the suspension of the use, sale, development, production, testing, and export of depleted uranium munitions pending the outcome of certain studies of the health effects of such munitions, and for other purposes; referred to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY (for himself, Mr. Simmons, Ms. Hart, and Mr. Carter):

H.R. 5304. A bill to amend title 18, United States Code, to provide a penalty for caller ID spoofing, and for other purposes; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself and Mr. Beauprez):

H.R. 5305. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; referred to the Committee on Resources, and in addition to the Committees on Agriculture, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 5306. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; referred to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 5307. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. Bass, Miss McMorris, and Ms. Kilpatrick of Michigan):

H.R. 5308. A bill to amend the Internal Revenue Code of 1986 to allow residents of border States a deduction for passport application fees; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. Tanner, Mr. Hayworth, Mr. Weller, Mr. Foley, Ms. Hart, and Mr. Chocola):

H.R. 5309. A bill to amend section 1862 of the Social Security Act with respect to the application of Medicare secondary payer rules to workers' compensation settlement agreements and Medicare set-asides under such agreements; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mr. LoBiondo, Mr. Simmons, Mr. Gerlach, Mr. English of Pennsylvania, Mr. LaHood, Mr. McHugh, Mr. Walsh, Mr. Weldon of Pennsylvania, Mr. Boehlert, Mr. Schwarz of Michigan, Mr. Murphy, and Mr. McCotter):

H.R. 5310. A bill to amend the National Labor Relations Act to establish deadlines for the National Labor Relations Board to render decisions, and for other purposesi to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself and Mr. Mollohan):

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

By Mr. CLYBURN:

H. Res. 796. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. BEAN (for herself and Mr. Shays):

H. Res. 797. A resolution directing the Clerk to post on the public Internet site of the Office of the Clerk a record, organized by Member name, of recorded votes taken in the House, and directing each Member who maintains an official public Internet site to provide an electronic link to such record; to the Committee on House Administration.

By Mr. FATTAH:

H. Res. 798. A resolution recognizing and celebrating students who overcome immeasurable adversity to excel academically; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. Wexler, Mr. Weldon of Pennsylvania, Ms. Kaptur, and Mr. Levin):

H. Res. 799. A resolution congratulating the people of Ukraine for conducting free, fair, and transparent parliamentary elections on March 26, 2006, and commending their commitment to democracy and reform; to the Committee on International Relations.

By Mr. MANZULLO:

H. Res. 800. A resolution expressing the support of the House of Representatives for the goals and ideals of National Internet Safety Month; to the Committee on Energy and Commerce.

By Mr. WALSH:

H. Res. 801. A resolution expressing support for the restoration of multi-party democracy, prevention of Maoist conquest, re-establishment of security, government services, exercise of political rights, and respect for human rights in Nepal; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mrs. Myrick.

H.R. 552: Mr. Forbes.

H.R. 575: Mr. Hinchey.

H.R. 583: Ms. McCollum of Minnesota.

H.R. 772: Mr. Kucinich.

H.R. 791: Mr. Gordon.

H.R. 807: Mr. Clay.

H.R. 808: Mr. Cuellar and Mrs. Bono.

H.R. 998: Mrs. Cubin.

H.R. 1131: Mr. Coble and Mr. Moore of Kansas.

H.R. 1227: Ms. Hart, Ms. McKinney, Ms. Pryce of Ohio, Mrs. Tauscher, Mr. Reynolds, and Mr. Doyle.

H.R. 1290: Mr. Clay.

H.R. 1356: Mr. Meeks of New York, Mr. Gerlach, and Ms. Hooley.

H.R. 1548: Mr. Ruppersberger, Ms. Zoe Lofgren of California, and Mr. Hefley.

H.R. 1554: Mr. Kennedy of Rhode Island.

H.R. 1578: Mr. Michaud.

H.R. 1951: Mrs. Johnson of Connecticut.

H.R. 2072: Mr. Filner.

H.R. 2073: Ms. Matsui and Mr. Filner.

H.R. 2121: Mr. Shadegg and Mr. LaTourette.

H.R. 2178: Mr. Moran of Virginia.

H.R. 2206: Ms. Matsui, Mr. Towns, and Ms. Woolsey.

H.R. 2350: Mr. Thornberry.

H.R. 2421: Mr. Renzi and Mr. Ackerman.

H.R. 2533: Mr. Salazar.

H.R. 2562: Ms. Slaughter.

H.R. 2617: Mrs. Capps, Mr. Snyder, Mr. Bishop of Georgia, and Mrs. McCarthy.

H.R. 2735: Mr. Gerlach.

H.R. 2794: Ms. Loretta Sanchez of California.

H.R. 2841: Mr. English of Pennsylvania.

H.R. 2870: Mr. McNulty.

H.R. 3427: Mr. Sweeney.

H.R. 3479: Mr. Brown of Ohio.

H.R. 3547: Mr. Davis of Alabama.

H.R. 3795: Mr. English of Pennsylvania.

H.R. 3817: Mr. Simpson.

H.R. 3861: Mr. Davis of Tennessee and Mr. Kanjorski.

H.R. 3949: Mr. Peterson of Minnesota, Mr. Wexler, and Ms. Baldwin.

H.R. 4106: Mr. Schwarz of Michigan.

H.R. 4140: Mrs. Napolitano, Ms. Schakowsky, Mr. Larson of Connecticut, and Mr. Payne.

H.R. 4188: Mr. McNulty.

H.R. 4215: Mr. Bishop of Georgia.

H.R. 4298: Mr. Schwarz of Michigan.

H.R. 4416: Mr. Inslee, Ms. Roybal-Allard, Mr. Cuellar, Mr. Moore of Kansas, Mr. Rush, Mr. Baca, Mr. Moran of Virginia, Mr. Bass, Mr. Wexler, Mr. Pallone, Mr. McHugh, Mr. Van Hollen, Mr. Clay, Mr. Kucinich, Mr. Engel, Ms. Hart, Ms. Zoe Lofgren of California, Mr. Larsen of Washington, Mr. Gerlach, Ms. Kilpatrick of Michigan, Mr. Hinchey, and Mr. Sherman.

H.R. 4480: Mr. Upton.

H.R. 4547: Mrs. Capito.

H.R. 4560: Mr. Case, and Ms. Bean.

H.R. 4562: Mrs. Bono, Mr. King of New York, Mr. Johnson of Illinois, Mr. Jefferson, Mrs. McCarthy, Mr. Cardin, Mrs. Capps, Mr. Moore of Kansas, Mr. Rohrabacher, Mr. Coble, Mr. Tom Davis of Virginia, Mr. Kildee, Mrs. Davis of California, Ms. DeLauro, Ms. Waters, Mr. Hinchey, Mr. Rangel, Mr. Langevin, Mr. Gonzalez, Mr. Kolbe, Mr. Smith of New Jersey, Ms. Baldwin, Mr. Scott of Georgia, Mr. George Miller of California, Ms. Wasserman Schultz, Ms. Berkley, Mr. Boswell, Mr. Butterfield, Mr. Capuano, Ms. Carson, Mr. Michaud, Mr. Thompson of Mississippi, and Mr. Boucher.

H.R. 4666: Mr. Blumenauer.

H.R. 4681: Mr. Spratt, Mr. Miller of Florida, Mr. Langevin, Mr. Carter, Ms. Eddie Bernice Johnson of Texas, Mr. Gibbons, and Mr. Honda.

H.R. 4703: Mr. McCotter, Mrs. Kelly, Mr. Wilson of South Carolina, Mr. Kennedy of Minnesota, and Mr. Gallegly.

H.R. 4722: Mr. Murtha.

H.R. 4740: Mr. Tiahrt.

H.R. 4753: Mr. Grijalva and Mr. Pallone.

H.R. 4755: Ms. Jackson-Lee of Texas.

H.R. 4761: Mr. Ortiz and Mr. Hostettler.

H.R. 4822: Mr. Gordon.

H.R. 4824: Ms. Hart.

H.R. 4867: Mr. Baird.

H.R. 4904: Mr. Nadler.

H.R. 4917: Ms. Millender-McDonald.

H.R. 4949: Mr. Young of Florida and Mr. Clay.

H.R. 4962: Mr. Bishop of New York.

H.R. 4963: Mr. Neal of Massachusetts and Ms. Millender-McDonald.

H.R. 4974: Mr. Jackson of Illinois, Mr Price of Georgia, Mr. Sessions, and Mr. McCaul of Texas.

H.R. 4982: Ms. Herseth, Ms. Harman, Mr. Cardoza, Mr. Pomeroy, Mr. Chandler, Mr. Ross, and Mr. Cooper.

H.R. 4993: Mr. Sweeney and Mr. Simmons.

H.R. 5005: Mr. Gary G. Miller of California.

H.R. 5007: Ms. Herseth.

H.R. 5013: Mr. Young of Alaska, Mrs. Capito, and Mr. Wicker.

H.R. 5035: Ms. Solis.

H.R. 5037: Mr. Dreier, Mr. Etheridge, Mrs. McCarthy, Mr. Young of Florida, Mr. Holt, and Mr. Baker.

H.R. 5051: Mr. Cardin, Mr. English of Pennsylvania, Mr. Paul, and Mrs. McCarthy.

H.R. 5099: Mr. Costello and Mr. Cramer.

H.R. 5113: Mr. Schiff.

H.R. 5120: Mr. Andrews and Mr. Gallegly.

H.R. 5143: Mr. Doolittle.

H.R. 5151: Mr. Waxman, Ms. McCollum of Minnesota, Ms. Wasserman Schultz, Mr. McGovern, Mr. Holt, Mr. Emanuel, Mr. Thompson of California, Mr. Weiner, Mr. Van Hollen, Mr. Payne, Mr. Inslee, Mr. Honda, Mr. Shays, Mr. Pallone, Mr. Case, Mr. Frank of Massachusetts, Mr. Kucinich, Mr. Sanders, Mr. Allen, Mr. Carnahan, Mr. Price of North Carolina, Mr. Farr, Mr. Doggett, Ms. Woolsey, Mr. Larsen of Washington, Mr. Pastor, Mr. Ackerman, Ms. Zoe Lofgren of California, Mr. Davis of Illinois, Mr. Israel, Mr. Cummings, Mr. Delahunt, and Ms. Berkley.

H.R. 5161: Mr. Gonzalez, Mr. Doggett, Ms. Jackson-Lee of Texas, Mr. McDermott, and Mr. Wexler.

H.R. 5166: Mr. Castle, Mr. Weldon of Pennsylvania, Ms. Ginny Brown-Waite of Florida, Mr. Shimkus, Mr. Graves, Mr. Gillmor, Mr. Lucas, Mr. Petri, Mr. Sessions, Mr. Regula, Mr. Weldon of Florida, Mr. DeFazio, Mr. Murtha, Mr. Holden, Mr. Kanjorski, Mr. Doyle, Mr. Udall of New Mexico, Mr. Wu, Mr. Meek of Florida, Mr. Taylor of North Carolina, Ms. Harman, Mr. Hastings of Florida, Mr. Putnam, and Mr. McGovern.

H.R. 5170: Mr. Forbes and Mr. English of Pennsylvania.

H.R. 5182: Mr. Pickering, Mr. Miller of North Carolina, Mr. Davis of Alabama, Mr. Cuellar, Mr. McHugh, Mr. Osborne, Mr. Goode, Mr. McGovern, Mr. Farr, Mr. Butterfield, Mr. Gohmert, and Mr. LoBiondo.

H.R. 5199: Mr. Brady of Pennsylvania, Mr. Crowley, Mr. Blumenauer, and Mr. Kennedy of Minnesota.

H.R. 5201: Mr. Gillmor and Mr. Price of North Carolina.

H.R. 5206: Mr. Lewis of Georgia, Ms. Linda T. Sánchez of California, and Mr. English of Pennsylvania.

H.R. 5230: Mr. Gutknecht.

H.R. 5234: Mr. Frank of Massachusetts, Mr. McGovern, and Ms. Berkley.

H.R. 5262: Mr. PORTER, Mr. JINDAL, and Mr. RYAN of Wisconsin.

H.R. 5272: Mr. CROWLEY.

H.R. 5278: Mr. CARTER.

H.R. 5279: Mr. ROTHMAN.

H. Con. Res. 172: Mrs. NAPOLITANO.

H. Con. Res. 348: Mr. STARK and Mr. GILCHREST.

H. Con. Res. 380: Mrs. BONO.

H. Con. Res. 391: Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. DELAHUNT.

H. Con. Res. 393: Mr. GRIJALVA.

H. Res. 453: Mr. RAMSTAD.

H. Res. 498: Mr. SHUSTER.

H. Res. 521: Mr. BAIRD.

H. Res. 721: Mr. WYNN.

H. Res. 723: Mr. GRIJALVA, Ms. DELAURO, Mr. FILNER, Mr. PETERSON of Minnesota, Ms. HERSETH, Mr. DELAHUNT, Mr. GEORGE MILLER of California, and Mr. MEEHAN.

H. Res. 753: Ms. WOOLSEY, Mr. SMITH of Washington, and Mr. WALDEN of Oregon.

H. Res. 763: Mr. MCHUGH.

H. Res. 773: Mr. MEEKS of New York, Mr. FERGUSON, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5018: Mr. MCGOVERN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Anthony D. Weiner, Robert E. Andrews, Robert Wexler, Steven R. Rothman, and Chris Van Hollen.

Petition 7 by Ms. HERSETH on House Resolution 568: Tim Holden, Marion Berry, David E. Price, Elijah E. Cummings, Adam B. Schiff, and Emanuel Cleaver.

Petition 12 by Ms. MARKEY on House Resolution 4263: John Conyers, Jr. and Julia Carson.

SENATE—*Thursday, May 4, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, fill us with Your power and might. Give us pure hearts that will drive out evil thoughts. Give us power to overcome sin and to conquer temptations. Empower the Members of this body with strength for the complex challenges they face. Infuse them with a love that banishes bitterness and creates a servant's heart. Remind them to forgive others as You have forgiven them. Guard their hearts and purify their speech.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we have set aside the first hour for a period of morning business. After that time, there will be 20 minutes allocated to the chairman and the ranking member of the Appropriations Committee for their closing remarks on the emergency supplemental. We will then vote on the Thune amendment on VA medical facilities, to be followed by a vote on passage of the bill. Senators can expect those votes to begin sometime around 11 o'clock this morning.

We are also working to clear some nominations that are on the Executive Calendar, including two district judges that will require rollcall votes this afternoon. I will have more to say on the schedule for this afternoon and tomorrow after discussions with the Democratic leader over the course of the morning.

NATIONAL DAY OF PRAYER

Mr. FRIST. Mr. President, today marks the 55th National Day of Prayer, as established in 1952 by President Truman. All across America, in homes and churches and small towns and crowded cities, millions of people of many faiths will gather together to pray for the peace, prosperity, and protection of our Nation. They will pray for their leaders—and goodness knows we need those prayers—and they will thank the Creator for blessing us with a nation that recognizes the God-given dignity and worth of each and every person and our basic fundamental right to be free.

America is a nation forged in prayer. The very first official act of the Continental Congress was a call for prayer. Two years later, the fledgling body called for a national day of fasting and prayer.

From the very first settlers who arrived at Jamestown to each morning here—as we just did—in the Senate when the Chaplain opens each and every day with a prayer, faith has always been at the heart of the American project. That is because at the heart of the American idea of liberty is belief—belief that our freedom springs not from the state or the benevolence of men but from the one true Creator whose love is boundless.

It is so fundamental, so essential to our founding principles that, in the words of the Founding Fathers, it is "self-evident."

Our first President, George Washington, was a profoundly religious man. He began and ended each day with a prayer. As President, he would go to his library and humbly kneel before an open Bible to ask for guidance and grace. In his Thanksgiving proclamation, President George Washington told his fellow citizens with words that ring out to us today:

> It is the duty of all nations to acknowledge the Providence of Almighty God, to obey His will, to be grateful for His benefits, and to humbly implore His protection and favor.

America has faced dark and grave moments, but in these moments, prayer has united us and given us strength.

I recall the startling image of 9/11, those crossbeams being lifted up by the New York City firemen amidst the rubble and ruin of the Twin Towers. All around was destruction. But in that one iconic symbol of hope—hope and a prayer that though the wounds of 9/11 may never heal and though we will always carry with us the grief of that terrible day, as people and as a nation we will endure.

So today, on our National Day of Prayer, we thank our Creator for our liberty. We ask Him for His grace and His guidance.

And on behalf of my Senate colleagues, I thank my fellow Americans for the prayers they are sending out to us. God bless you and God bless America.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

THE CHAPLAIN

Mr. REID. Mr. President, I very much appreciate the statement of the distinguished majority leader. We are very fortunate in the Senate to have as our Chaplain a man who has certainly earned the right to pray for our country, an admiral in the Navy, head of the chaplain service in the United States Navy, Dr. Barry Black.

I try to be here every day, as the majority leader, to listen to the prayers Dr. Black has prepared for the Senate and the country. They are always very good. I am grateful to him for what he pronounces through his prayers for us. Again I appreciate the statement of the majority leader today.

STEM CELL RESEARCH

Mr. REID. Mr. President, growing up in the little town of Searchlight, there are a number of things that stand out in my mind. One is I remember so vividly a man by the name of Elwin Kent. Elwin was a friend of my father's. They grew up together. But Elwin as a little boy was stricken with polio. Elwin was very deformed. He walked with a very significant limp, and he had on his back a huge hump. I don't know, but it was at least a foot. It stuck out his back about a foot. He was a very handsome man, but he was terribly handicapped.

I came as a boy to realize how he got sick because when I was growing up, the scourge was Elwin's disease, polio. Infantile paralysis we called it. I worried about that as most young people

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of my age did. In Searchlight, as I was growing up we had no cases, but that didn't prevent my worrying about the disease.

My wife and I a short time ago—a matter of a month or so ago—were surprised when we got in the mail a letter sent to me in Searchlight, NV. I opened the letter, and it was from a girl I had heard about from my wife, in our conversations, with whom she had spent her early days. That was maybe in the second grade. Two little girls. My wife used to tell me about her red-haired friend Gail and how much she cared about her.

Gail found out where Landra, my wife, had gone. She learned that I was serving in the Senate, and she heard that I was from Searchlight and took a chance and wrote that letter.

The reason I mention that letter, which was such a surprise and made my wife feel so good, is that one of the things Landra remembers about Gail, in addition to her bright red hair, is the fact that as a little girl she had polio and was taken out of school and placed in a hospital, as my wife remembers, in an iron lung. So, of course, my wife growing up worried about that. But Gail was gone, and she didn't really know how her life turned out.

Without belaboring the point, these two women who had known each other 50 years ago were able to spend time on the telephone. It was as if they had never been separated.

So Elwin Kent and Gail Randolph growing up contracted infantile paralysis. It was there. It was something we worried about, as did all people of our vintage.

Today is different. We have been able, through science, to eradicate polio in most every place in the world, but I still receive letters in my Senate offices from people who are concerned about other issues. I will read three of these letters addressed to me:

> . . . My son 22 years old was in a diving accident just two weeks after graduating from high school and is now a quadriplegic. So instead of heading off to college on a soccer scholarship that autumn, he found himself being fitted for a wheelchair and a life of total dependency on others. . . . while they [stem cells] may not cure him to the point of walking again, they will certainly provide him with an opportunity to improve the quality of his life. He wants to be able to feed himself, brush his own teeth, wash his hands and face when he wants to . . . I know you support stem cell research, but I just wanted to give you my support and the support of our entire family as you fight the fight for those who can't fight for themselves. . . .

Mr. President, I want the record to reflect that I will use leader time so I don't take time from Senators on this side of the aisle. So I am using leader time.

The PRESIDENT pro tempore. It is so noted.

Mr. REID. Mr. President, I have another letter from Yerington, NV. Here is what it says:

> I am asking you again to do your best for my son and the millions of others who need a cure for diabetes. . . . My son was in the hospital yesterday. . . . I can't tell you how hard and painful it is to see your son like that. . . . my wife and I would give our lives to ensure that our son can beat diabetes. . . . The Senate will soon vote on the stem cell bill that you still support. Please try to change the minds of those that are not for it.

Then one final letter from a man in Las Vegas:

> I have amyotrophic lateral sclerosis (ALS). . . . my family doesn't want me to leave them. At the least, my family wants some hope that science will be allowed to use all means available to them, to try to find some treatment that will extend life until a cure is found. I would like to have those people who are opposed to federal assistance for embryonic stem cell research for therapeutic purposes, explain to my family why they are being denied hope that might be available if the federal government funds all reasonable medical research for my illness and those other illnesses that today provide no hope for the future.

Mr. President, these families are not asking for anything except hope—hope—for a better future for them and their loved ones.

Stem cell research holds a promise for medical breakthroughs. As former First Lady Nancy Reagan said so clearly, vividly, and who watched with great courage as her husband's Alzheimer's overtook this good man, she said:

> I just don't see how we can turn our backs on this . . . We have lost so much time already. She gave this statement in 2004:

I just really can't bear to lose any more time.

Unfortunately, more than 2 years have passed since Nancy Reagan said this, and this Republican-controlled Congress has been unable and unwilling to reach agreement on how to expand the President's restrictive stem cell policy that is hindering scientific progress toward possible cures and treatments for a wide variety of diseases and conditions.

We are rapidly approaching the 1-year anniversary of the date of the House of Representatives passing H.R. 810, the Stem Cell Research Enhancement Act. This act would expand President Bush's 2001 policy for Federal funding for stem cell research and permit Federal researchers at NIH, the National Institutes of Health, which has the capability of the strongest oversight in the world, to finally explore the many possibilities stem cell research holds for America.

Over the past year, I have repeatedly asked the majority leader to find time to consider this bill which has a bipartisan majority of the Senate supporting it. My request for action has been met by delay and inaction. One year may not seem like a lot to people, especially in the Senate—we seem to have our days, weeks, months, and years run together—but 1 year is an eternity if someone you love is suffering from a condition where stem cell research, according to the experts, can offer help.

There are a number of very important issues this body ought to consider this session. I say, Mr. President, none—none—even though we have deficit problems, problems with our environment, education, health care, the war in Iraq—I say nothing is more important to the American people than legislation that could provide medical breakthroughs that would benefit millions—millions—of Americans. We can certainly do better than what we have done. We can do better for the Nevadans whose letters I have read.

I can see in my mind a man who was the chief executive officer of Nevada Power, the largest power company in Nevada, who contracted Lou Gehrig's disease. This young man lived 18 months—very difficult months. People are counting on the promise of this groundbreaking research. The passage of the House stem cell bill on May 24 of last year was a rare victory for bipartisanship here. It is my hope that we will embrace the same spirit of bipartisanship in the Senate and pass this legislation.

Immediately after the House passed its stem cell bill, I spoke with the majority leader about the need to take up this crucial legislation as soon as possible. At that time, Dr. FRIST assured me that we would consider the stem cell bill in the Senate by July of last year. By the end of July of last year, the majority leader still hadn't scheduled debate on the stem cell bill. So I moved to take up and pass the House bill by unanimous consent. Dr. FRIST objected to this request but delivered a courageous speech the next day in which he expressed support for Federal funding for expanded embryonic stem cell research.

In that statement, the majority leader said, "The potential of stem cell research to save lives and human suffering deserves our increased energy and focus." Yet when we returned after the August recess of last year, the majority leader still could not find time to debate this important legislation. He found time for the Republicans, as the leaders of American churches have said, for a moral budget, he found time for drilling in the Arctic Wildlife Refuge and more deficit spending, but still no time for keeping hope alive with the promise of stem cell research.

In December, just 5 months ago, the majority leader asked consent to take up and pass the House cord blood bill. Well, these were supposed to be joined together. We reluctantly said OK. We said we will do this and then we will move to the bill that we want, the one that passed the House. Well, at that time he expressed—he meaning Senator

FRIST—again his commitment to the stem cell bill. Once again, we were not allowed to move to that bill. Instead, we passed the cord blood bill in exchange for a commitment to consider the stem cell bill early in this session.

Three months after he made that commitment, I raised the issue again, and I asked that he schedule time for the Senate to consider this issue prior to the 1-year anniversary passage of the House bill. Unfortunately, this request met the same fate as my previous requests.

Two months have passed since my last exchange with Senator FRIST, and he has yet to provide the Senate with an opportunity to pass this important legislation. Even as he announced his plans for a Health Week in the Senate sometime this month, he made it clear that stem cell research would not be part of his plan. Today is May 4, and we are fast approaching the 1-year anniversary of the House passing H.R. 810 and the start of Health Week. Still, no stem cell legislation.

For all of these reasons and many more, I am sending the majority leader a letter signed by 40 Democrats asking the majority leader to make H.R. 810 a priority during this Health Week. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 2, 2006.

Hon. WILLIAM FRIST, M.D.,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR DR. FRIST: Nearly a year ago, the House of Representatives approved important legislation to end the restrictions that have kept stem cell research from fulfilling its potential to save lives and alleviate suffering. We understand that you are planning a week of Senate debate on legislation related to health. We urge you to bring the Stem Cell Research Enhancement Act of 2005 (H.R. 810) to the Senate floor for consideration during this "Health Week".

Stem cell research has vast potential for curing diseases and saving lives. We know you recognize the enormous potential of this research for discovering new cures and therapies for diseases such as diabetes, Parkinson's disease and spinal cord injuries, and commend the strong support you have expressed for approval of the House-passed bill. By allowing H.R. 810 to be brought to a vote, you can bring hope and help to millions of American patients and families suffering from these and other serious illnesses.

The House passed H.R. 810 in May 2005—yet the Senate has failed to take action for nearly a year. Further delay will mean more lost opportunities for new cures and new treatments. The Senate should mark the anniversary of the House vote with action, not more inaction. We therefore urge you to bring H.R. 810 to the Senate floor for debate and a vote during "Health Week". Millions of patients and their families across the nation cannot afford to wait any longer for enactment of this urgently needed legislation.

Sincerely,

Harry Reid, Dianne Feinstein, Tom Harkin, Ted Kennedy, Joe Lieberman, Barack Obama, Daniel Inouye, Jack Reed, Tom Carper, Russ Feingold, Herb Kohl, Paul Sarbanes, Frank R. Lautenberg, Debbie Stabenow, Bill Nelson, Maria Cantwell, Mary L. Landrieu, Jeff Bingaman, Max Baucus, Robert Menendez, Chuck Schumer, Byron L. Dorgan, Tim Johnson, Barbara Boxer, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Jim Jeffords, Ken Salazar, Barbara A. Mikulski, Joe Biden, Evan Bayh, Patrick Leahy, Carl Levin, Mark Dayon, Dick Durbin, Blanche L. Lincoln, Daniel K. Akaka, Ron Wyden.

Mr. REID. Mr. President, if we are truly committed to lowering the cost of health care in our country, we need to invest in medical research that has the potential to combat life-threatening and chronic diseases. Stem cell research shows tremendous promise. Federal funding of embryonic stem cell research will allow our Nation to lead the world in this research and ensure that stem cell research is conducted with the strongest oversight in the world. When it comes to the possibility of finding cures, we cannot leave our best and brightest researchers with their hands tied, and we cannot deny Americans the hope of eventually finding a cure for a wide range of illnesses.

The House dealt with this issue, and we should do the same. I hope the majority leader will find this legislation important enough to consider as part of Health Week, and I will work with him in any way possible to schedule this to move forward before May 24, the 1-year anniversary of the passage by the House of this most important bill, a bill which gives hope to millions of Americans who, as indicated in these letters, are losing hope.

The PRESIDENT pro tempore. There is 30 minutes under the control of the minority leader or his designee.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Democratic leader, Senator REID, for bringing this issue to the floor. This is something we have talked about a lot in our private meetings: stem cell research. It is a matter of great frustration, frustration because we understand there are literally millions of Americans who are counting on us, the Senate, to assume our responsibility and take up a bill that was passed by the House of Representatives almost 1 year ago.

Senator REID came to the Senate floor and for the last few moments told us of his own personal commitment to this issue, and I share it. He read letters from his constituents and talked about his life experience. He then presented a letter that we have sent to Senator FRIST asking him to use his power to bring this issue to the floor.

This morning across America, people got up, started their day, many of them as healthy as can be but some suffering from illness and others with members of their families suffering from serious illness. Many of the people keep going because there is the hope, just the hope, that something might come along—a treatment, a medicine—something that might give them a chance to have a full life. That is what stem cell research is all about.

When President Bush decided to announce that it would be the policy of the United States of America to restrict scientific research involving stem cells, he ended up closing off opportunities for people to live without fear, without disease, without the shortcomings of the illnesses from which they suffer. It was a Government-mandated decision which would stop that medical research here in the United States. Across the country, some States have said: We are going to lead if the Government won't. The State of California, my State of Illinois, and others have stepped up and said: We will fund stem cell research because we believe it is so critically important. Sadly, this administration refuses. Now it will take congressional action. The House has done its job. It has passed this bill and sent it to the Senate. We have waited.

It has been 346 days since the House of Representatives passed this important stem cell legislation. In just short of 2 weeks, it will be 1 year—1 year—since they sent us this bill. Sadly, in that period of time, despite his promises, as Senator REID has told us, Senator FRIST will not call up the stem cell research bill.

I was so encouraged—and many others were as well—when Senator FRIST came to the Chamber and said publicly that he was going to support this bill. It gave hope to people, that finally we would have a bipartisan effort that would grow here in the Senate to the point where a majority would pass this legislation. But for reasons I can't explain, so many other things are of greater importance when it comes to the Senate agenda.

Mr. REID. Mr. President, would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. REID. The Senator from Illinois and I are about the same age. Do you remember as a boy being worried about polio?

Mr. DURBIN. Absolutely.

Mr. REID. And do you remember the relief that was given to us as boys, young boys, when a cure was found? They could give us a shot. We knew we wouldn't go into an iron lung or have a hump on our back like my friend Elwin, whom I love almost like an uncle—not almost, like an uncle.

Does the Senator acknowledge that all these people who suffer from Lou Gehrig's disease and Parkinson's and diabetes and all of these other diseases, that they have been told by the foremost scientists around the world that there is hope for them, that they would have the same relief we had when we learned there was a cure for polio?

Mr. DURBIN. Mr. President, I would say in response to the Senator from Nevada the name Jonas Salk, a name no one ever heard of until this great researcher came up with a vaccine for polio. When we were in grade school as children and saw our fellow students crippled by polio, in fear that it could strike us, Jonas Salk, this researcher, came forward with that vaccine and he changed our lives. He took a burden off of our lives and the lives of our parents who worried about whether their kids would contract polio.

Why can't we give the same hope and same promise to a new generation of Americans with stem cell research? Why is our Government, why is this administration, why is the President blocking this research, and why won't the Senate Republican leadership bring this bill to the floor?

If this is about National Health Care Week, shouldn't we be talking about medical research? Shouldn't we be talking about new cures and new opportunities so people can have a better life? Unfortunately, we are not.

Mr. REID. Mr. President, will the Senator yield for another question?

Mr. DURBIN. I am happy to yield.

Mr. REID. Does the Senator acknowledge that Jonas Salk and others doing this research had the full support of the Federal Government every step of the way on this very delicate, deliberate, tough path they followed to find a cure?

Mr. DURBIN. That is exactly the point we should remember when it comes to stem cell research. How much better would our research be if this Government stood behind efforts to find cures instead of creating these obstacles?

When President Bush made his announcement—and I believe it was in August of 2001—about stem cell research, he did not take an absolute position saying he was opposed to stem cell research because it was immoral or for some other reason; he said he would allow stem cell research to continue along certain stem cell lines that currently exist. But in making that announcement, he restricted the opportunity to expand that research in our country. It was a Government decision to restrict the research into stem cells that could save lives and change lives dramatically. So I would say that what we face in the Senate is a moral imperative. Will we step forward now, 1 year after the House has passed this legislation? Will we put the bill on the floor and vote it up or down?

I can tell you, in the city of Chicago and in the State of Illinois, I have traveled around and met with many people who are counting on us.

I had a little gathering in Chicago at the Chicago Rehab Institute, one of the best in America, and we had people come in who were interested in this issue. We had folks from the American Diabetes Association who believe stem cell research may offer the opportunity for a cure for some forms of diabetes. As more and more people are stricken with this disease, as their lives are compromised and changed, can we deny them this opportunity?

Others came in suffering from Parkinson's. Parkinson's is a disease which I know a little bit about personally because of one of my closest friends in Congress, Lane Evans, the Congressman from Rock Island, IL. He and I came to the Congress in the same year of 1982. In 1996, I was out campaigning with Lane in a parade in Galesburg, IL. I didn't realize it at the time, but Lane felt that day that something was wrong with him. He wasn't sure what it was. He said he had lost the feeling in his hand. He didn't say anything that day, and it wasn't until several years later that the diagnosis was made that he suffers from Parkinson's. He has been a real profile in courage. He has stood up and represented the people of his district, and he has been very honest about his disease and how it has limited his life.

We were all saddened just a few weeks ago when Lane made the public announcement that he couldn't continue, that he would have to withdraw his name from the ballot this year. This young man—this young man—is going to have his life changed dramatically because of Parkinson's. Can we do anything less than push for medical research for those who may be suffering from Parkinson's or threatened by it? Does it make us a better or more moral people to withhold this research that can hold such promise for these people?

The same thing is true with Alzheimer's. As more and more Americans advance in age, Alzheimer's is more prevalent. We find more instances of people in nursing homes who need special care. There is a chance, there is a good chance, that stem cell research may open some doors and some avenues to at least ameliorating the negative aspects of this Alzheimer's disease and maybe someday find a cure. How long can we wait? How long can we wait for the political leaders in the Senate to wake up to reality? The American people are counting on us.

If we wonder why the American voters are cynical, whether they question if this Congress has any value in their lives, take a look at this issue. For a year we have been sitting on a bill the majority leader in the Senate says he supports. He won't call up the stem cell research bill. I could go through a long list of other bills he has called, some that I consider just plain wrong, and others insignificant. They have taken the place of stem cell research. Why? Next week we are going to deal with Health Care Week. I salute Senator ENZI, the Senator from Wyoming. He wants to talk about health insurance. I don't agree with his approach. I have an alternative. I salute him for coming to the Senate floor and pushing this forward. Why can't we get the same leadership from the Republican leader of the Senate when it comes to stem cell research? How can we have a National Health Care Week and not deal with medical research after we promised over a year to do so?

I take a look at the people who came to that meeting in Chicago and remember so well a young man, a very young man in a wheelchair suffering from Lou Gehrig's disease, a handsome fellow with a beautiful young wife. He broke down in tears because he could barely speak. He was losing control of his body even as he sat there, telling me how critically important medical research was. Anyone who has seen a victim of Lou Gehrig's disease, whether it was the late Senator Jacob Javits of New York or, of course, the late Lou Gehrig himself, as we saw his baseball career come to an end, understands how devastating this can be. The only thing that keeps many going is the hope, the chance that a cure will be found. Where is that hope? Where is that cure? It is buried in the calendar of the Senate. It is buried in the calendar of the Senate because the leadership will not call up stem cell research for a vote.

Instead, Senator FRIST is going to bring the issue of medical malpractice to the floor again next week. It has been brought over and over again. After days have been devoted to debate, it has been stopped because many believe this is an issue of State responsibility and not an issue for the Federal Government. Yet he wants to take up several days on the Senate calendar, several days which may ultimately lead to no conclusion on the issue of medical malpractice. Wouldn't it be better to devote those days, 3 of those days, to stem cell research?

Think about it. As we avoid our responsibility in stem cell research, the medical challenges are still there. All across the United States, loving couples who were unable to conceive a child have turned to in vitro fertilization. Beautiful young babies have resulted, children who are loved and cherished because of the advances of science.

But during the course of this in vitro fertilization, spare fertilized eggs are produced. What will happen to those eggs? In many instances they will be thrown away, destroyed on the spot. Instead of destroying them, wouldn't it be better to take the embryonic stem cells from those same eggs and use them to find a cure for Alzheimer's, for Parkinson's, for diabetes, for Lou Gehrig's disease, to see if we can regenerate spinal cord injuries and give people who are crippled and paralyzed a chance?

Let me tell you the story of one of those people right now. He is from Germantown, IL, which I know pretty well, down around my home area of East St. Louis. His name is Matt Langenhorst. Matt was 31 years old. He was a picture of health, a 6-foot-4-inch police officer. In the year 2001, he and his wife were hit by a car. Matt is now paralyzed from the neck down. His wife is his full-time caregiver.

Today, Matt moves his wheelchair by blowing into a tube. Simple things that we take for granted take Matt minutes and hours to accomplish. Almost everything in his life requires assistance.

When he was injured, Matt and his family were certain that research was promising that he would walk again. They were counting on medical research. That was 5 years ago—5 years paralyzed.

His family was in my office this week asking why we have not done more. They wanted to know what we were doing about stem cell research. This bill passed the House of Representatives with Democrats and Republicans. What are we waiting for?

I can't answer that question. I don't know what could be more important from the Republican majority point of view than to move forward with this critical stem cell research. I think the Senate should pass H.R. 810 as quickly as possible. Perhaps we should set aside some of the other pets and favorites for a few moments and address this issue of medical research. So many people are counting on us.

When we look at the budget that the President has just sent us, sadly I am afraid medical research is not the priority it once was. I was here when, on a bipartisan basis, Congressman John Porter, Republican from Illinois; Senator ARLEN SPECTER, Republican from Pennsylvania; Senator TOM HARKIN, Democrat from Iowa, all agreed we would double the budget for the National Institutes of Health so that they could find more cures. there would be more money to be invested in research.

What happened last year? We froze the budget. We decided not to increase it. In this year's budget, sadly, the President did the same thing. This year's budget from President Bush to Capitol Hill cuts funding for 18 of the 19 institutes at the National Institutes of Health.

What does that mean? It means 642 fewer research projects will be undertaken, 642 projects trying to find cures for cancer, heart disease, stroke, muscular dystrophy, and so many other terrible disorders. What greater priority is there for this country than medical research? What can we possibly think is more important than advancing research?

I met recently with some scientific investigators who said: You know, I am worried, worried if we don't invest in research the young people who should be developing the expertise will not have the incentive to do it. They will be afraid the NIH won't be able to fund the important projects they can devote their lives to.

The President has decided first to stop stem cell research, to limit it to a very small number of stem cell lines that are inadequate to the task of developing cures for disease, and then to cut the budget for medical research at the National Institutes of Health. The President does this at the same time that he is calling for tax cuts for the most wealthy people in America, people who have not even asked for a tax cut. Why in the world would we build up the debt of America and cut back on essentials such as medical research and education and health care to provide a tax cut for the wealthiest people in America? The priorities are just wrong. The Bush policies, when it comes to medical research. are wrong. They are moving America in a wrong direction. They are moving us away from finding cures and bringing hope to those who are afflicted with disease.

Sadly, we have to change that direction. We have to say to the President we don't accept this Bush policy. It is wrong when it comes to medical research, and that decision and that statement has to be made right here on the Senate floor with 100 men and women elected from across the United States to speak for the people who are waiting in hope, people like those I have described—people like that couple in Germantown, IL, the Langenhorsts, Matt and Erika. I don't know if they are following this debate. I hope they are. More important, I hope this debate leads to something positive.

Next week, when Senator FRIST wants to bring up national health care, we are going to make an effort on the floor of the Senate to bring up stem cell research. It is about time he faces the reality. We can't put this off any longer. He has promised time to deal with so many issues—immigration and so many other things. He said he wants to set aside a certain piece of our schedule and devote it to a debate on gay marriage, a constitutional amendment on gay marriage. We want to spend a week or so talking about gay marriage.

What is more important? Stem cell research and medical research to find cures. that we spend the time to get that done, or 4 or 5 days on gay marriage? Honest to goodness, when it comes down to the priorities and values of the Republican leadership, I don't understand it.

They also want to consider a constitutional amendment on flag burning. You know, I have not noticed an epidemic of flag burning across America. I love our flag like every other American, but we are going to devote 3 or 4 or 5 days to talk about another constitutional amendment to ban flag burning? I would much rather see us put as a first priority medical research and stem cell research.

We are prepared to challenge Senator FRIST. Every time he comes up with a clearly political issue designed strictly for votes in November rather than for the needs of this Nation, we are going to challenge him. We are going to challenge him to bring up the issues that count, issues like stem cell research, issues like the energy costs across America that have to be addressed here and now, issues like the cost of health insurance, which not only threatens families but threatens the future of many businesses, particularly small businesses. Those are the real issues. Those are the things that people care about.

Instead, we fritter away our time, we waste our time on virtually insignificant issues such as this political posturing for the next election. This stem cell research issue is a bipartisan issue. There are Republican and Democratic Senators who support it. It is a chance for us to stand up once as an institution and be proud that we have a bipartisan solution to advance medical research in America. But, unfortunately, we have not been able to prevail. Unfortunately, for 346 days now we have waited for Senator FRIST to call the bill on stem cell research.

That is his responsibility. That is the responsibility of the Republican majority. I hope they accept that responsibility. Senator FRIST, more than any other Member of the Senate, understands the importance of medical research. He is an honored cardio surgeon, a transplant surgeon who brings his special expertise to the floor of the Senate. When he announced he was for stem cell research, it was a breakthrough. It was a breakthrough that on the Republican side, a man of his stature would say that he supports it. Now that he has made that commitment almost a year ago, it is time for us to act, and act now. We need to make sure we restore the budget for the National Institutes of Health. We need to move this bill forward.

If we start cutting the NIH budget, advances that have saved lives in heart disease and Leukemia, cystic fibrosis, and so many other areas, those advances will slow down. It is just that simple. Medical research is slow. It takes time, and it costs money. But it saves lives. It means a mom or dad with an incurable disease can live long enough so their kids will remember them.

Between the prohibition on stem cell research and the cuts to NIH funding, lifesaving medical research under the Bush administration in this country is sadly on the ropes. We can do something about it. We can pass H.R. 810. We can tell President Bush that his budget priorities are wrong, that we are going to put the money into stem cell research.

There are unused embryonic stem cells in eggs donated voluntarily by couples who no longer need them, which can be used for this valuable research. Otherwise they will be discarded, thrown way. Estimates suggest there are 400,000 of these unused embryonic stem cells currently available for research. What is stopping those cells from moving from storage in these frozen environments to laboratories where they may find cures? The decision of the President of the United States to stop the research. When we lift this restriction on Federal research dollars, it will provide stem cells that medical science tells us have the ability to change lives and save lives and to transform into almost every type of cell and tissue. Research will show us how to harness that ability to heal and repair damage done by disease.

We owe it to the families of those who are affected by disease and disability. The stem cell issue will not go away. I urge Senator FRIST to show the same leadership today that he showed last year when he announced his support for stem cell research by announcing when he will schedule this for a vote, give us a time certain, do not leave the floor of the Senate today without a time certain on a vote on stem cell research. We owe it to the millions of families across America who are counting on us.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today I come to the Senate floor to speak briefly about stem cell research and the hope it holds for millions of Americans in the years ahead.

Hope is one of the qualities of spirit that make us human. Hope allows us to dream of a better life for our children, our community, and our world, especially for loved ones now suffering or in pain.

Hope is what stem cell research holds for the parents of children with diabetes, who dream of a day when their constant fears for their children's well-being are things of the past.

Hope is what stem cell research brings to those with Parkinson's disease, who think of the time when the tremors of that disease are banished forever.

Hope is what stem cell research brings to millions of Americans who seek better treatments and better drugs for cancer, diabetes, spinal injury, and many other serious conditions.

Hope cannot be extinguished or destroyed but it can be frozen. And it has now been frozen for 5 long years, ever since President Bush shut down the stem cell research program begun in the Clinton administration, and imposed arbitrary and unwarranted restrictions on this lifesaving research, based on ideology, instead of science.

For 5 years, we have watched as America has abdicated its global leadership in this important new field, by keeping our best scientists on the sidelines.

In those 5 years, we have squandered the opportunity to set strong ethical guidelines for this research through the oversight that NIH funding can bring. Through NIH, we have made progress consistent with our values in new fields of in as recombinant DNA research, which once also seemed strange and controversial. We can do the same for stem cell research but only if NIH is allowed to become a leader in this new field.

Hope soared anew a year ago, when the House of Representatives set aside partisan differences and courageously approved legislation to end those restrictions, and give our scientists the tools they need to make progress in the fight against disease.

The same strong bipartisan support exists in the Senate for ending the unwarranted restrictions on stem cell research.

There is no one in the Senate with stronger pro-life credentials than Senator HATCH, but he knows that supporting stem cell research is the pro-life position to take.

There is no greater supporter of medical research in the Senate than Senator SPECTER, and he feels strongly that stem cell research is one of the great breakthroughs of modern medicine.

There is no one with a greater depth of conscience than Senator SMITH, and he has searched his heart and prayerfully decided that support for stem cell research is the moral choice.

Bipartisan legislation was passed by a vote of 238 to 194 in the House of Representatives on May 24, 2005, a year ago this month. It was ordered placed on the Senate Calendar on June 6, where it has remained stalled ever since. If the House bill was put to a Senate vote today or tomorrow or next week, it would pass by a solid bipartisan majority in the Senate too.

Why? Because the Republican Senate leadership stands in the way. Summer came and went with no action in the Senate, then the winter, then the spring, and now we are about to reach an anniversary none of us ever wanted to see. On May 24, it will be 1 year since the House acted, and the Senate still refuses to act.

Let us vow that we will not mark this anniversary with yet more inaction and indifference.

The Senate has had a busy schedule, but in that schedule we have found time for all manner of giveaways to those who already have much in the way of wealth and power.

Now, it is time to turn our attention to those who need our help the most. And that includes the millions of Americans who have seen their hopes blocked by the administration's cruel policies and the Senate's shameful inaction.

The Senate leadership has scheduled a Health Week for later this month. Will we use this opportunity to debate the flawed Medicare drug program? Or the soaring number of the uninsured? Will we do what we need to do to unlock the vast potential of stem cell research? Sadly, the answer to each of these questions is probably no. These and many other major priorities for the Nation will remain unaddressed.

I urge my colleagues to join me in asking the Senate leadership to schedule a vote on House Resolution 810, the House-passed stem cell research bill, during the coming Health Week and to do so before May 24, the first year anniversary of its approval by the House of Representatives.

Millions of patients and their families look with hope to stem cell research, and they should not have to tolerate any greater delay or any further failures.

I yield the floor.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. The majority time is 19 minutes 10 seconds.

NORTH KOREAN REFUGEES

Mr. BROWNBACK. Mr. President, I will draw attention to two topics today. I will address the comments made about stem cell research because we have exciting things happening in that field that I will report to my colleagues.

First though, there is breaking news, with Reuters, the Associated Press, and several other outlets reporting that shortly we may have a group of North Korean refugees formally accepted by the United States for the first time since the Korean peninsula was divided by war over half a century ago. This is being reported by a couple of news outlets. I ask unanimous consent to have printed in the RECORD the news report and a related article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, May 3, 2006]

OFFICIALS: U.S. ASSISTS N. KOREAN REFUGEES

(By Foster Klug)

WASHINGTON.—The Bush administration is working to bring a group of North Korean refugees to the United States and could have them in the country within two weeks, a State Department official said Wednesday.

The group would be the first from North Korea given official refugee status since passage of the North Korean Human Rights Act in 2004, officials say.

The State Department official, who spoke on condition of anonymity because of the issue's sensitivity, said the refugees are in a Southeast Asian nation, and if bureaucratic hurdles can be cleared, they could be in the United States soon.

A separate U.S. government source said the six refugees include several women who were sold into sexual slavery or forced marriages. The source, who also spoke on condition of anonymity, has been in contact with a person who helped shepherd the refugees into the Southeast Asian nation and who has had regular contact with them.

Both officials would not identify the nation, saying they were worried the refugees or their families could be harmed by North Korean agents. Officials also worry that publicity could slow down or scuttle the painstaking bureaucratic process that must be completed before the refugees can leave the Southeast Asian nation for the United States.

The issue of North Korean human rights has gained attention in Washington as international diplomatic efforts to rid the North of its nuclear weapons programs have stalled.

Lawmakers and human rights activists have expressed frustration at the State Department's slow pace in helping North Korean refugees settle in the United States; part of the North Korean Human Rights Act specifies that the department make it easier for North Koreans to apply for refugee status.

The U.S. special envoy on North Korean human rights, Jay Lefkowitz, told a congressional hearing last week: "We need to do more—and we can and will do more—for the North Korean refugees."

"We will press to make it clear to our friends and allies in the region that we are prepared to accept North Korean refugees for resettlement here," he said.

President Bush appointed Lefkowitz last year.

North Korea long has been accused of torture, public executions and other atrocities against its people. Between 150,000 and 200,000 people are believed to be held in prison camps for political reasons, the State Department said in a report last year.

Human rights activists have said that U.S. Embassy workers in Asian countries have refused to help North Korean refugees.

Last year, Timothy Peters, founder of Helping Hands Korea, told lawmakers at a hearing that embassy officials in Beijing rebuffed him when he tried to arrange help for a 17-year-old North Korean refugee.

"I thought to myself, 'Is this the State Department's implementation of the North Korean Human Rights Act?' " he said.

NORTH KOREA: POLICY CHANGES MAY FOSTER NEW HUNGER

SEOUL, May 4, 2006.—Recent decisions by the North Korean government to suspend the operation of the World Food Programme, ban the private sale of grain, and fully reinstate the discredited Public Distribution System could lead to renewed hunger for North Korea's already poor and destitute people, Human Rights Watch said in a new report released today.

The 34-page report, "A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger," examines recent worrisome developments in North Korea's food policies, its marginalization of the World Food Programme (WFP), its refusal to allow adequate monitoring of food aid, and the implications of the government's new policies. Human Rights Watch noted that only a decade ago, similar policies led to the famine that killed anywhere from 580,000 to more than 3 million, according to independent researchers and nongovernmental organizations (NGOs).

"While most international discussion of North Korea is about nuclear weapons, hunger remains a serious problem," said Brad Adams, Asia director at Human Rights Watch. "Regressive policies from a government that doesn't allow free expression or independent observers to monitor the situation could someday lead to a repeat of the food crisis of the 1990s."

In October 2005, North Korea reversed some of its most applauded economic reforms by banning the private buying and selling of grain, the main source of nutrition for most North Koreans. The government asked the WFP, which had been feeding millions of the nation's most vulnerable people for a decade, to end emergency food aid. The agency believes the request is premature, and proposed a new, considerably smaller aid package. The North Korean government had not formally accepted the offer as of the end of April.

The government also announced in October that it was fully reinstating the Public Distribution System (PDS), which provided coupons for food and consumer goods to North Koreans through their places of work or study. During the food crisis of the 1990s, millions of people who depended on their PDS rations died from starvation. Many more suffered severe malnutrition and hunger as the system broke down. The crisis ended by massive amounts of international food aid and the tolerance of private markets, helped in recent years by improved harvests.

"Forcing the World Food Programme to radically reduce its food shipments and monitoring, and making it illegal for ordinary North Koreans to buy and sell grain, is a recipe for disaster," said Adams.

Recent news reports suggest that North Koreans in many parts of the country were not receiving rations, six months after the authorities announced they were fully reinstating the PDS. A Chinese man of Korean descent who recently visited his relatives in the northeastern part of North Korea told Human Rights Watch that none of the five homes he visited had received any rations since November 2005. "They received half a month's worth of corn for the months of October and November, but that was it," he said. "And that, I heard, was only for working men, and nobody else in the families."

The South Korean NGO Good Friends also reported in the April edition of its monthly newsletter, North Korea Today, that residents of Pyongyang received only 10 days of food rations in April. Citing an unnamed official at Pyongyang's food management administration, the report said that in May there would be no rations at all.

North Korea has a long history of providing food on a priority basis, feeding the preferred class, such as Workers' Party members and high-ranking military, intelligence and police officers, while discriminating against the so-called hostile class. If past patterns hold true this year, the government will first send food to "war-preparation storage" and preferred citizens, and only then to the general public through the PDS, leaving many North Koreans hungry.

Until the famine in the 1990s, food rationing was perhaps the single most important way of controlling the population in North Korea. As people could receive rations only from their place of work or study, the system largely kept the population immobile and obedient, so that they wouldn't risk losing their only source of food.

"The government is apparently trying to turn back the clock to regain some of the control lost when it allowed people greater freedom to move around and buy grain," said Adams. "The government should reverse its new policies, which make it harder for hungry people to find the food they need to survive and stay healthy."

The government should prioritize assisting the vulnerable population by providing aid to those who can't obtain food through their work. North Korea should allow international monitors unfettered access to beneficiaries. Major food donors, including China and South Korea, should monitor distribution of their aid in a way that meets international standards as employed by the WFP.

Human Rights Watch urged the North Korean government to:

Allow international humanitarian agencies, including the WFP, to resume necessary food supply operations and to properly monitor aid according to normal international protocols for transparency and accountability;

Ensure its distribution system is both fair and adequately supplied, or permit citizens to obtain food in alternative ways, through direct access to markets or humanitarian aid; and

End discrimination in the distribution of food in favor of high-ranking Workers' Party officials, military, intelligence and police officers, and against the "hostile" class deemed politically disloyal to the government and Party.

Human Rights Watch takes no position on whether countries should have market or command economies. But it is clear from the devastating famine and pervasive hunger of the past—well documented by the United Nations and NGOs—that the PDS and the country's official food industry have miserably failed North Korean.

"Millions of North Koreans died painful deaths from starvation while the rationing system was in place," said Adams. "There is little reason to believe the North Korean government is now capable of providing enough food to all its citizens."

Mr. BROWNBACK. I certainly hope and pray the reports are true. I hope that the six to eight refugees being referred to in the articles will soon have a chance to be welcomed by thousands of Americans who have worked hard for their freedom, especially those of Korean heritage in this country.

I particularly recognize the Korean Church Coalition and a number of people who risked their own lives to form an underground railroad of sorts—reminiscent of what happened in my State and many other places across this country years ago—along the Korean-Chinese border. We have a fairly open border between Korea and China. You can get from North Korea into China, but you cannot get out of China. The Chinese have, to date, not been very cooperative in allowing North Korean refugees to pass. They have even captured North Korean refugees and sent them back to North Korea to an uncertain future and possible death, and in many cases, as well as a lot of persecution and mistreatment in a North Korean gulag, of which we have satellite photographs. I have held hearings on gulags containing, we believe, around 200,000 North Koreans. We also believe, over the last 15 years, approximately 10 percent of the North Korean population has died, primarily of starvation, although also from the gulags and at political prisoner camps.

The people are walking out of North Korea. They are walking into China. We do not know how many, but the estimates have been as many as 100,000 to 300,000. They are now living off the land there in an illegal status, in great difficulty, and in harm's way in China.

If we get these refugees coming into the United States, they will be the first refugees coming into the United States. It is built on the North Korean Human Rights Act, which this Senate and this Nation passed a year and a half ago, allowing these refugees from North Korea to enter into the United States.

The act basically builds on what took place toward the Soviet Union before it had collapsed where we were in negotiations on nuclear talks, we were not getting anywhere, and we raised human rights issues of what took place regarding two Soviet dissidents in the Soviet Union.

We said it was not fair how they are treating their own people. The same thing is happening in North Korea in how North Korea is treating their own people, to the point this oppressive regime of Kim John is trying to build weapons of mass destruction; they are a weapon of mass destruction on their own people, killing, as I noted, we believe around 2 million North Koreans through starvation. This is abhorrent.

If the refugees do come to the United States, this is a moment of celebration, even though it is only a few. It is a statement by this country that we will not tolerate the mistreatment of people taking place in North Korea. I applaud this effort.

I applaud the administration for working on this particular topic, and particularly Jay Lefkowitz, the special envoy from the administration on human rights in North Korea.

If reports this morning from Reuters and the Associated Press as well as various other news outlets prove to be accurate, we may shortly have a group of North Korean refugees formally accepted by the United States for the first time since the Korean peninsula was divided by war over half a century ago.

I hope and pray that these reports are true, and I hope that the six to eight refugees referred to in the articles will soon have a chance to be welcomed by the thousands of Americans who have worked so hard for their freedom, especially by those of Korean heritage.

A year and a half ago, Congress passed and President Bush signed into law the North Korean Human Rights Act. It was the first significant piece of legislation dealing with that nation's dictatorial regime since the cessation of hostilities in July 1953. The act called for a U.S. policy on North Korea based on a commitment and respect for human rights and human dignity, and fundamental freedoms, including the freedom of thought, conscience religion or belief. By referring in the act to core Helsinki principles adopted in 1975 that informed and animated our dealings with then Soviet Union and its eventual dissolution and the resulting freedom for millions without a single shot being fired, the act similarly commits the United States to pursue in North Korea the same devotion to human dignity and human rights.

Yet since the passage of the North Korean Human Rights Act, the negotiating approach has been to subordinate the human rights and human dignity of the North Korean people. Instead, what we have done is to pin our hopes on the possibility of another framework agreement in which the parties would be coerced yet again into tossing more lifelines to a fragile but oppressive regime in Pyongyang in exchange for the possible exchange of yet another promise not to use weapons of mass destruction.

In none of these negotiations have we been able to engage in talks—either in the multiparty context or even unofficial bilateral discussions—on issues that promote and do justice to both American and universal ideals. Rather than focusing the debate on the regime's policies of persecution and starvation and to the massive failure of its economic policies that in the mid-90s directly resulted in the deaths of millions of North Koreans, the parties have done little to strengthen democracy and promote human rights in North Korea.

I appreciate that there are strong political pressures especially from our allies to negotiate over the North Korean regime's so-called "peace for security" demand. And in the interest of searching for a diplomatic solution, the President and Secretary Rice have done precisely that. In fact, the recent rounds of six party talks were the most sustained effort by the United States.

But the President himself has also done much more, in both word and deed. In the past 2 months, the President released two of the most remarkable statements of his presidency. Last month, the President called to attention China's treatment of a North Korean refugee named Kim Chun Hee. Missing since December, when Miss Kim was arrested in China and deported back to North Korea, it isn't known whether she is dead or alive. As the President's envoy for North Korean Human Rights Jay Lefkowitz said of Miss Chun in a Wall Street Journal editorial, "Every movement needs heroes. . . . Either she will be a living figure in a jail somewhere or, God forbid, she'll be a martyr." As far as I know, we have no word from the Chinese Government and certainly not from the North Koreans on the fate of Miss Chun.

The President also issued a statement after a meeting that he himself called one of the most moving of his presidency. He spoke of a grieving mother and brother who yearned to be united with her daughter and his sister, Megumi, who was only 13 when she was abducted by the North Korean regime more than 30 years ago; he met with a young child of 6 named Han Mee Lee who with her family were at the center of an international controversy created by vivid video footage of their valiant struggle for freedom at the gates of an embassy in China; and he met with a former North Korean soldier who defected to South Korea in pursuit of what his conscience and his heart told him were his inalienable and God-given right to liberty and freedom.

I ask unanimous consent at this time that this statement by the President be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON CHINA'S TREATMENT OF KIM CHUN-HEE BY THE PRESS SECRETARY

The United States is gravely concerned about China's treatment of Kim Chun-Hee. Despite U.S., South Korean, and UNHCR attempts to raise this case with the Chinese, Ms. Kim, an asylum seeker in her thirties, was deported to North Korea after being arrested in December for seeking refuge at two Korean schools in China. We are deeply concerned about Ms. Kim's well-being. The United States notes China's obligations as a party to the U.N. Convention relating to the Status of Refugees and its 1967 Protocol, and believes that China must take those obligations seriously. We also call upon the Government of China not to return North Korean asylum seekers without allowing UNHCR access to these vulnerable individuals.

Mr. BROWNBACK. Last July, the President also met with Kang Chol Hwan, whose book the Aquariams of Pyongyang, chronicled Mr. Kang's life as a 9-year-old gulag inmate to his eventual freedom. Just as Natan Scharansky was Reagan's symbol of what freedom from the Soviet communist system meant to free people everywhere, Kang is Bush's symbol of what freedom means to North Koreans.

History will record these acts by President Bush to unilaterally broaden the narrow agenda of the Six-Party Talks as among the wisest and humane—acts that trump and negate the false perception that the President is indifferent to concerns about human rights in North Korea. These bold and compassionate acts will figuratively place on the bargaining table—if the Six Party Talks are to ever resume—

the faces and names of North Koreans who have suffered and continue to do so.

By so publicly raising human rights issues to the highest level, the Oval Office of the President no less, President Bush is merely following the examples set by President Reagan and Pope John Paul during their struggles with a much larger and more threatening nuclear power.

We may now have an opportunity—if the press reports are accurate—to take an additional but necessary step to demonstrate not just by words but by action what human rights mean. We need to accept North Korean refugees into the United States as provided by the North Korean Human Rights Act.

That it appears to have taken more than a year and half for the possibility of officially accepting North Korea refugees has been troubling to Members of Congress on both sides of the aisle. In a bipartisan letter to Secretary Rice, Congressman FRANK WOLF and others called on the administration to do more. And last year, both Congressman WOLF and I wrote to Secretary General Kofi Annan to pressure China into allowing UNHCR, the U.N. agency for refugees, into Yanji Province near the North Korean border and other affected areas to assess the situation with respect to the North Korean refugees.

I was disappointed to learn that the first report required under the North Korean Human Rights Act was issued with the statement that no progress had been made on accepting refugees. As the act makes clear, admission would be conditioned upon a thorough vetting process by DHS and other appropriate agencies. But without any action by us, it is difficult for us to demand that the Chinese should also change its policies, and it presents a problem for us in asking other countries to do the right thing if we have not been able to do the same. If the U.S. cannot admit what may be less than 10 refugees in total if the press reports are correct, then the whole premise of the act itself is unsustainable.

I am hopeful that this may be changing and I hope it is changing. The hopes and prayers of thousands in the faith community and among Korean American communities are vested in this possibility of the first admission of North Korean refugees into the United States.

If and when these people come, it will offer hope to millions and put American on the right side of history. Such an act is consistent with the bold steps that Ronald Reagan took and Pope John Paul urged during the years of the cold war, and in the process made the world a better place.

If ever there were huddled masses yearning to be free, it's the North Koreans, whether hiding out in the forests of China or working as trafficked victims in brothels or as orphans prowling marketplaces for crumbs.

If these refugees are granted refuge in the United States, it would constitute one of the great acts of compassion by this nation.

And I hope we take this opportunity to lift our lamps and show a way out of the darkness for the North Korean refugees.

STEM CELLS

Mr. BROWNBACK. Mr. President, another topic I will discuss is embryonic stem cell and adult stem cell research. I will show two books because we have a lot going on regarding stem cells and in stem cell research.

I ask unanimous consent to have printed in the RECORD a chart on Federal funding of stem cell research.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FEDERAL TAXPAYER FUNDING TOTAL NIH STEM CELL RESEARCH FY 2002–FY 2006

[Dollars in millions]**

	FY 2002 Actual			FY 2003 Actual			FY 2004 Actual			FY 2005 Actual		
	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total
Human, subtotal	170.9	10.1	181.0	190.7	20.3	211.0	203.2	24.3	227.5	199.4	39.6	239.0
Nonhuman, subtotal	134.1	71.5	205.5	192.1	113.5*	305.6	235.7	89.3*	325.0	273.2	97.0	370.2
NIH, total	305.0	81.6	386.6	382.9	133.8*	516.6	439.0	113.6*	552.5	472.5	136.7	609.2

*Decrease from FY03 to FY04 is the result of a change in methodology used to collect nonhuman embryonic funding figures. This methodology change also contributed to an increase in nonhuman non-embryonic.

**Numbers may not add due to rounding.

Mr. BROWNBACK. Mr. President, noting for the record the actual spending in 2005 on embryonic stem cell research, the U.S. Federal Government spent nearly $40 million on human embryonic stem cell research. We spent $97 million on nonhuman embryonic stem cell research, for a total of $136 million the Federal Government spent on embryonic stem cell research.

That is a fair investment. We also spent $472 million in nonembryonic. What did we get for $136 million in embryonic stem cell research? Here is the folder that contains the human clinical trials of embryonic stem cell research in humans, treating and healing humans. This is the list of research results we have from a nearly $40 million Federal investment last year of human clinical trials with embryonic stem cell research. This is research where a young, embryonic human life is destroyed and stem cells harvested and taken out and applied.

I note that this folder is empty. This is the list of research results we have from embryonic stem cell research on humans.

We also invested in adult and cord blood stem cell research. The cord between the mother and child is rich in stem cells that can be used in a lot of treatment areas, along with adult stem cells. You have stem cells in your body and I have them in my mine. They are akin to a repair kit.

I ask unanimous consent to have printed in the RECORD the listing of 69 different human illnesses being treated by adult and cord blood stem cells.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

69 CURRENT HUMAN CLINICAL APPLICATIONS USING ADULT STEM CELLS

ANEMIAS & OTHER BLOOD CONDITIONS

Sickle cell anemia, sideroblastic anemia, aplastic anemia, red cell aplasia (failure of red blood cell development), amegakaryocytic thrombocytopeia, thalassemia (genetic [inherited] disorders all of which involve underproduction of hemoglobin), primary amyloidosis (a disorder of plasma cells), diamond blackfan anemia, Fanconi's anemia, chronic Epstein-Barr infection (similar to mono)

AUTO-IMMUNE DISEASES

Systemic lupus (auto-immune condition that can affect skin, heart, lungs, kidneys, joints, and nervous system), Sjogren's syndrome (autoimmune disease w/symptoms similar to arthritis), myasthenia (an autoimmune neuromuscular disorder), autoimmune cytopenia, scleromyxedema (skin condition), scleroderma (skin disorder), Crohn's disease (chronic inflammatory disease of the intestines), Behcet's disease, rheumatoid arthritis, juvenile arthritis, multiple sclerosis, polychondritis (chronic disorder of the cartilage), systemic vasculitis (inflammation of the blood vessels), alopecia universalis, Buerger's disease (limb vessel constriction, inflammation)

CANCERS

Brain tumors—medulloblastoma and glioma, retinoblastoma (cancer), ovarian cancer, skin cancer: Merkel cell carcinoma, testicular cancer, lymphoma, non-Hodgkin's lymphoma, Hodgkin's lymphoma, acute lymphoblastic leukemia, acute myelogenous leukemia, chronic myelogenous leukemia, juvenile myelomonocytic leukemia, cancer of the lymph nodes: angioimmunoblastic lymphadenopathy

Multiple myeloma (cancer affecting white blood cells of the immune system), myelodysplasia (bone marrow disorder), breast cancer, neuroblastoma (childhood cancer of the nervous system), renal cell carcinoma (cancer of the kidney), soft tissue sarcoma (malignant tumor that begins in the muscle, fat, fibrous tissue, blood vessels), various solid tumors, Waldenstrom's macroglobulinemia (type of lymphoma), hemophagocytic lymphohistiocytosis, POEMS syndrome (osteosclerotic myeloma), myelofibrosis

CARDIOVASCULAR

Acute heart damage, chronic coronary artery disease

IMMUNODEFICIENCIES

Severe combined immunodeficiency syndrome, X-linked lymphoproliferative syndrome, X-linked hyper immunoglobulin M syndrome

LIVER DISEASE

Chronic liver failure

NEURAL DEGENERATIVE DISEASES & INJURIES

Parkinson's disease, spinal cord injury, stroke damage

OCULAR

Corneal regeneration

WOUNDS & INJURIES

Limb gangrene, surface wound healing, jawbone replacement, skull bone repair

OTHER METABOLIC DISORDERS

Sandhoff disease (hereditary genetic disorder), Hurler's syndrome (hereditary genetic disorder), osteogenesis imperfecta (bone/cartilage disorder), Krabbe leukodystrophy (hereditary genetic disorder), osteopetrosis (genetic bone disorder), cerebral X-linked adrenoleukodystrophy

ADULT & NON-EMBRYONIC STEM CELL RESEARCH

ADVANCES & UPDATES FOR APRIL 2006

Highlight of the Month—Stem Cell Hope for Liver Patients: British doctors reported treatment of 5 patients with liver failure with the patients' own adult stem cells. Four of the 5 patients showed improvement, and 2 patients regained near normal liver function. The authors noted: "Liver transplantation is the only current therapeutic modality for liver failure but it is available to only a small proportion of patients due to the shortage of organ donors. Adult stem cell therapy could solve the problem of degenerative disorders, including liver disease, in which organ transplantation is inappropriate or there is a shortage of organ donors."—Stem Cells Express, Mar. 30, 2006

ADVANCES IN HUMAN TREATMENTS USING ADULT STEM CELLS

Buerger's Disease: Scientists in Korea using adult stem cell treatments showed significant improvement in the limbs of patients with Buerger's disease, where blood vessels are blocked and inflamed, eventually leading to tissue destruction and gangrene in the limb. Out of 27 patients there was a 79% positive response rate and improvement in the limbs, including the healing of previously non-healing ulcers.—Stem Cells Express, Jan. 26, 2006

Bladder Disease: Doctors at Wake Forest constructed new bladders for 7 patients with bladder disease, using the patients' own progenitor cells grown on an artificial framework in the laboratory. When implanted back into the patients, the tissue-engineered bladders appeared to function normally and improved the patients' conditions. "This suggests that tissue engineering may one day be a solution to the shortage of donor organs in this country for those needing transplants," said Dr. Anthony Atala, the lead researcher.—The Lancet, Apr. 4, 2006; reported by the AP, Apr. 4, 2006

Lupus: Adult Stem Cell Transplant Offers Promise for Severe Lupus—Dr. Richard Burt of Northwestern Memorial Hospital is pioneering new research that uses a patient's own adult stem cells to treat extremely severe cases of lupus and other autoimmune diseases such as multiple sclerosis and rheumatoid arthritis. In a recent study of 50 patients with lupus, the treatment with the patients' adult stem cells resulted in stabilization of the disease or even improvement of previous organ damage, and greatly increased survival of patients. "We bring the patient in, and we give them chemo to destroy their immune system," Dr. Burt said. "And then right after the chemotherapy, we infuse the stems cells to make a brand-new immune system."—ABC News, Apr. 11, 2006; Journal of the American Medical Assn, Feb. 1, 2006

Cancer: Bush policy may help cure cancer—"Unlike embryonic stem cells . . . cancer stem cells are mutated forms of adult stem cells. . . . Interest in the [adult stem cell] field is growing rapidly, thanks in part, paradoxically, to President George W. Bush's restrictions on embryonic-stem-cell research. Some of the federal funds that might otherwise have gone to embryonic stem cells could be finding their way into cancer [adult]-stem-cell studies."—Time: Stem Cells that Kill, Apr. 17, 2006

Heart: Adult stem cells may inhibit remodeling and make the heart pump better and more efficiently. Researchers in Pittsburgh have shown that adding a patient's adult stem cells along with bypass surgery can give significant improvement for those with chronic heart failure. Ten patients treated with their own bone marrow adult stem cells improved well beyond patients who had only standard bypass surgery. In addition, scientists in Arkansas and Boston administered the protein G–CSF to advanced heart failure patients, to activate the patients' bone marrow adult stem cells, and found significant heart improvement 9 months after the treatment.—Journal of Thoracic and Cardiovascular Surgery, Dec, 2005; American Journal of Cardiology, Mar., 2006

Stroke: Mobilizing adult stem cells helps stroke patients—Researchers in Taiwan have shown that mobilizing a stroke patient's bone marrow adult stem cells can improve recovery. Seven stroke patients were given injections of a protein—G–CSF—that encourages bone marrow stem cells to leave the marrow and enter the bloodstream. From there, they home in on damaged brain tissue and stimulate repair. The 7 patients showed significantly greater improvement after stroke than patients receiving standard care.—Canadian Medical Association Journal Mar. 3, 2006

Mr. BROWNBACK. What did we get for our research investment in adult and cord blood in human clinical trials? This is the folder—it is getting heavy—of what we have discovered in human clinical trials with adult and cord blood stem cell research: real people being treated for real diseases such as bladder disease, lupus, cancer, heart, strokes, immunodeficiency areas, liver disease, neuro degenerative diseases, ocular, wounds and injuries, autoimmune diseases, anemias and other blood conditions, metabolic disorders, 69 human diseases being treated with adult and cord blood stem cells.

For my money on this, I would rather treat people—get real human treatments—than in this area of embryonic stem cell research where we are getting no cures. We are seeing a lot of cancer cells growing out of the embryonic stem cell areas and treatments.

Let's go for what is real. And let's do what is real. I further note, as I close, there is no prohibition in this country on embryonic stem cell research. None. No prohibitions. Yet why do the private companies not go into funding more embryonic stem cell research? It is because they are getting no results with embryonic stem cells. Nothing is happening results wise. Let's invest our money in adult stem cell research where we can actually treat people. That is important.

I yield the floor.

GASOLINE

Mr. BURNS. Mr. President, there has been a lot of concern around the country about the escalating fuel prices. Americans get concerned whenever we see spikes in energy costs. No one is more concerned than we are in agriculture. We have a unique situation in agriculture. We sell wholesale, buy retail, and pay the freight both ways. Every one of those stages involves energy, drives energy and drives prices.

It seems to me we are concerned about the traffic around Washington, DC, trying to get into work. I could take care of the gas prices and the traffic all in one fell swoop. All we have to do is pass a law that you cannot cross the 14th Street bridge with a car that is not paid for. That would help a lot. There would be a lot of folks finding other means.

This has been a wakeup call to all in this country. We are dealing with a worldwide commodity that is driven by emerging economies as well as our own demand for transportation fuels. The demand has outstripped our ability to move crude, natural gas or coal to the processing plants and refineries.

I tell my colleagues that in Montana we are producing more oil than in the history of our State. Yet we cannot get it on a pipeline because we have not built a pipeline for quite a while. We have also not built a new refinery in this country for over 30 years. There are a variety of reasons, the majority of which is the ability to permit and to site a plant. So we find ourselves not being able to produce enough product for the market. Anybody who took economics 101 will tell you, when demand outstrips production, then you are going to have the price go up.

Now, I would imagine this will drive us in another direction. It will drive us in the direction of alternative fuels and, of course, renewable energy. No other administration in our Government's history has spent more money on research as far as alternatives and renewables. We are on the cusp of cellulosic ethanol, which helps my State. Also in this business of alternative fuels is biodiesel, which will be one of the great renewables. Coal to liquids or coal to diesel will also be one of our great fuels. This technology is as old as World War II. Since then it has been refined and affords another source for developing resources where we have great deposits of coal. In Montana we are the "Saudi Arabia" of coal and we have the process and technology to easily get this done.

Now, if we can do that, and we can also increase farm income, and solve the problem of being dependent on foreign oil, who can oppose that?

Does that give us relief in the near term? No, it does not. There is nothing the Government or anybody else can do in the near term to prevent these kinds of spikes in a time of high demand.

So we will say that necessity is the mother of invention. We will be forced to drive less, to drive slower. We will not jump in our car and go down and buy a loaf of bread. The trip has to be necessary. And you will probably have a little sticker in the middle of your steering wheel saying: Is this trip necessary? The necessity will also drive us to alternatives and other ways of powering our car.

The demand for oil seems little affected by high prices. If it doesn't change our behaviors, then it is wrong to say prices are too high. Maybe we do not like it, but we all like to sell our product for as much as we can get for it. And that is how the market actually works and sometimes it becomes very painful.

No, it is not good. It is not good for my agriculture because that affects the price you are going to pay for food in the grocery store. There is no part of our economy that is not affected by what we are experiencing in this country right now.

But Americans have imagination. They have great ingenuity. And I am satisfied we will take this little spike in the market and make good use of it and start using our brains to power America.

If anybody thinks if you beat up on the companies—beat up all you want to—but part of the problem lies within this body because we have said "no"—resoundingly no—to a multitude of programs and projects that could have partly prevented this.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is 1 minute remaining in morning business, at which time it will end and we will proceed under the regular order.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

> Thune amendment No. 3704, to provide, with an offset, $20,000,000 for the Department of Veterans Affairs for Medical Facilities.
>
> Vitter/Landrieu modified amendment No. 3728, to provide for flood prevention in the State of Louisiana, with an offset.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the Senator from Mississippi, Mr. COCHRAN, and the Senator from West Virginia, Mr. BYRD, will be recognized for up to 10 minutes each.

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

I thank the distinguished and very able chairman of the Senate Appropriations Committee, Mr. COCHRAN, for all of his hard work on this bill. He has worked hard. He has again proved himself to be a very able chairman, very knowledgeable of the contents of the bill.

The President has asked the Congress to approve over $92 billion of emergency spending—man, that is a lot of money; $92 billion of emergency spending—including $72.5 billion for the wars in Iraq and Afghanistan and $19.8 billion for the Federal response to the terrible hurricanes that struck the Gulf States in August and September of 2005.

The Appropriations Committee held several hearings on the request, and we have now debated the bill for nearly 2 weeks. It is a good bill. It is a good bill. I am proud to recommend it to the Senate.

But, regrettably, the President has threatened to veto the bill based on his assertion that it is too expensive. In a Statement of Administration Policy that has been made a part of the RECORD, the administration threatens that the President will veto the bill if it exceeds $94.5 billion. OK. Have at it. Have at it, Mr. President. Currently, the bill totals $108.9 billion. The President complains that the Senate has added funding for purposes other than the wars in Iraq and Afghanistan and for assisting the victims of Hurricanes Katrina and Rita.

Nowhere—nowhere—is it written in stone, nowhere is it etched in brass, on golden pillars, that this supplemental—which is likely to be the only supplemental considered for this fiscal year—has to be limited to the costs of the war and Hurricane Katrina. Nor is it etched in stone that the Congress must approve a bill that is below $94.5 billion.

The Senate has added funding for a number of critical programs. Despite the administration's rhetoric about securing our borders and providing a layered defense of our ports, the President did not request a dime—not one thin dime—for border security or port security. He did not request a dime for making the coal mines safer for our coal miners. He did not request a dime for our farmers who have been hit with drought and hurricanes, despite the fact that 78 percent of all U.S. counties were designated as primary or contiguous disaster areas by the Secretary of Agriculture or the President in 2005. He did not request a dime for compensating potential victims of pandemic influenza vaccines. The President's request for Katrina victims is inadequate and leaves critical gaps in housing and education.

The Senate recognized the weaknesses of the President's request in these areas and judiciously added funds. When the bill is in conference, I will urge the conferees to approve these items. You bet.

The conferees should send to the President a bill that meets the needs of this country. That is our duty. If the President wants to veto a bill that funds the troops, if he wants to veto a bill that funds victims of Hurricane Katrina, if he wants to veto a bill that provides critical resources for combating a potential avian flu, if he wants to veto a bill that secures our borders and our ports and helps our farmers to recover from disaster and makes our coal mines safer, have at it, have at it. That is his right under the Constitution. But the Congress should not be bullied by the President into neglecting its responsibility, our responsibility, to provide required funds to meet priority national needs.

Because my State of West Virginia is often hit by floods and other damaging disasters, such as the recent accidents in our coal mines, I am quite sensitive to the ability of our Federal Government to prepare for—and respond to—disasters promptly and with competence, which is what our citizens need and what our citizens deserve. Sadly, many of our Federal agencies are no longer up to these fundamental tasks. But this bill includes resources to help Federal agencies restore their capabilities.

I am especially grateful to and I especially thank the chairman for including, at my request and the request of others, an amount of $35.6 million for improved mine safety and health programs. In the wake of 18 coal-mining deaths in the State of West Virginia this year—18 coal-mining deaths in the State of West Virginia this year—and another 16 mining deaths in other States, it is imperative that the Congress act immediately to ensure that an adequate number of safety inspectors will be provided for our Nation's mines and to expedite the introduction of critical safety equipment.

This week, we have heard testimony from the families of those killed in the Sago explosion in January. We have heard from the coal operators. We have heard from experts. In all of this testimony, one truth is clear: Lives can be saved when the Federal Mine Safety and Health Administration places miners' safety and health at the very top of its priority list. We must have more inspectors on the job, yes. We must have better rescue teams trained and equipped and ready to go at a moment's notice. We must have pre-positioned oxygen and emergency supplies in our coal mines. And we must have ways to communicate with trapped miners. It just has to be. We have to do these things. It is simply inexcusable that our miners have oxygen canisters that last only 1 hour, only 60 minutes, when miners may be trapped under the ground for several days, or that the miners may not have emergency communications equipment that can reach the surface in the event of an extended rescue effort. The chairman has my genuine appreciation for including these funds in the committee-reported bill. I also thank Senator SPECTER, Senator HARKIN, and Senator JAY ROCKEFELLER for their support of the initiative.

The bill before the Senate also includes a provision to extend the Abandoned Mine Land authority through fiscal year 2007. The AML Program and combined benefits fund are very important programs that are needed by retired coal miners and their families and coalfield communities throughout this country. I thank Chairman COCHRAN and I thank Senator SPECTER and I thank Senator DOMENICI for supporting me in this effort.

Finally, the Senate, by a vote of 94 to 0, approved my amendment encouraging the President to budget for the cost of the wars in Iraq and Afghanistan. You can't fund these wars on the cheap. Upon passage of this supplemental bill, the total amount appropriated for the war in Iraq, including the cost of reconstruction, will be approximately $320 billion—that is $3.20 for every minute since Jesus Christ was born; think of it, that is a staggering figure—virtually all of it funded through ad hoc emergency supplemental appropriations. And the costs continue to grow and grow.

The President refuses to include a realistic estimate of the cost of the wars in his annual budget request.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Would the Chair repeat?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I ask unanimous consent to proceed for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. He continues to rely on ad hoc, poorly justified emergency supplemental requests that he expects the Congress to rubberstamp. As a result, there is virtually no debate about how our country is going to pay for these massive bills. Nobody seems to be minding the store when it comes to controlling the escalating costs of the wars in Iraq and Afghanistan. The failure of the President to heed the repeated calls by the Senate to budget for the wars in Iraq and Afghanistan has resulted in more unnecessary spending that is hidden from public view. Until the President begins to include a real estimate of the cost of the wars in his annual budget, American taxpayers will continue to see billions of dollars spent without any true measure of accountability.

The Senate has given its strong support to this amendment five times, and the President continues to disregard this direction by the Senate. I hope the 94-to-0 vote on an amendment that encourages the President to include the full cost of the wars in the budget finally, finally, finally gets his attention.

I urge adoption of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I first thank very sincerely the distinguished Senator from West Virginia for his good help and assistance, his guidance and his leadership in the development and passage of this bill. We have been called upon, as he points out, to provide emergency supplemental funding for war costs, providing the Department of Defense and the Department of State with funding in accounts that have been devoted to that cause and that effort. It is very important to the protection of the security interests of the people of the United States. So this is an important measure we are taking up today and moving to final passage.

Under the order that was entered last evening, there would be 10 minutes allocated to the Senator from West Virginia and to this Senator, and then there would be consecutive votes on or in relation to two amendments, one which is being offered by the Senator from South Dakota, Mr. THUNE, the other by the Senator from Louisiana, Mr. VITTER, as modified, without intervening action or debate, and that following those votes, the bill be read a third time and the Senate proceed to a vote on passage of the bill without intervening action or debate. So the order provides for no debate today but just votes on the final two amendments that have been held for votes now.

There have been several other amendments which have been cleared, but I am going to ask unanimous consent that each Senator who has an amendment that has not been considered—Senator THUNE and Senator VITTER—be given 2 minutes each to describe their amendments and that the managers of the bill likewise be given 2 minutes each on each amendment, if comments are needed, by the managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, if I understand the chairman's request, it is to get 4 minutes of additional time on their side. I ask unanimous consent, then, for an additional 4 minutes on our side for comment only.

Mr. COCHRAN. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Senator for her comments. Let me also point out how helpful Senator MURRAY has been in the handling of this legislation. She has served at the request of the Senator from West Virginia as the floor manager during much of the consideration of this bill and has done a truly outstanding job in helping to explain the provisions of the bill, as reported by the committee, and debating amendments and helping guide this measure to the point of passage where it is right now.

Before yielding the floor to those who have amendments, let me use the remainder of my 10 minutes by presenting to the Senate some amendments that have been cleared on both sides of the aisle.

AMENDMENT NO. 3753

I ask unanimous consent that it be in order to call up and consider amendment No. 3753 on behalf of Ms. LANDRIEU regarding hurricane disaster-related housing assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. LANDRIEU, proposes amendment numbered 3753.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide project-based housing assistance to repair housing damaged as a result of Hurricane Katrina and other hurricanes of the 2005 hurricane season)

On page 198, line 18, strike "Provided further, That" and all that follows through "assistance:" on page 199, line 1, and insert the following: "Provided further, That no less than $100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding, and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season or new structures supported under the low income tax credit program: Provided further, That previously assisted HUD project-based housing and residents of such housing shall be accorded a preference in the use of such project-based assistance, except that such funds shall be made available for 4,500 project-based vouchers for supportive housing units for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)), elderly families, or previously homeless individuals and families: Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to such funds:"

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3753.

The amendment (No. 3753) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3677

Mr. COCHRAN. I ask unanimous consent that it be in order to call up and consider amendment No. 3677 on behalf of Mr. VOINOVICH regarding Rickenbacker Airport in Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. VOINOVICH, proposes an amendment numbered 3677.

Mr. COCHRAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio)

On page 253, between lines 19 and 20, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. ____. The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3677) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3819

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3819 on behalf of Mr. VITTER regarding fishery finance program loans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. VITTER, proposes amendment numbered 3819.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 140, strike from line 8 "$10,000,000" through line 15 "years:", and insert in its place on page 140, line 8, after "appropriated" the following: "$30 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area."

AMENDMENT NO. 3819, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 3819), as modified, is as follows:

(Purpose: To provide hurricane assistance to certain holders of fishery finance program loans)

On page 140, strike from line 8 "$10,000,000" through line 16 "50,000,000", and insert in its place on page 140, line 8, after "appropriated" the following: "$66 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area: *Provided further*, That of the total amount appropriated, $14,000,000".

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 3819), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3860

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider an amendment on behalf of Mr. BYRD regarding the availability of previously appropriated funds to the Health Resources and Services Administration. The amendment has been sent to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BYRD, proposes amendment numbered 3860.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the availability of certain funds appropriated in Public Law 106–554)

At the appropriate place, insert the following: *Provided further*, that unexpended balances for Health Resources and Services Administration grant number 7C6HF03601-01-00, appropriated in P.L. 106–554, shall remain available until expended.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this is a technical amendment. It costs no additional funds. It simply fixes a mistake in a grant notice. The fiscal year 2001 Labor-HHS bill included funding for West Virginia University for construction of the neurosciences building. The HHS grant documents sent to the university mistakenly stated that the funds would be available until September 30, 2009, and that was incorrect. The money is expiring on September 30, 2006. This amendment would make the funds available consistent with the grant documents.

Mr. COCHRAN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3860) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3592

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3592 on behalf of Mr. REED regarding Fox Point Hurricane Barrier, RI.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. REED, proposes amendment numbered 3592.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency funding to upgrade the Fox Point hurricane barrier in Providence, Rhode Island)

On page 162, between lines 12 and 13, insert the following:

FOX POINT HURRICANE BARRIER

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, $1,055,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. REED. Mr. President, two important lessons we learned from Hurricane Katrina are that our Nation's infrastructure to protect Americans from flooding and hurricanes is inadequate and upfront investment in this infrastructure can save lives and is a sound investment of taxpayers' money in order to prevent costly reconstruction.

The Fox Point Hurricane Barrier in Providence, RI protects the city and adjoining communities from the catastrophic effects of hurricane storm surge in Narragansett Bay and torrential rains with the Providence River basin. Built in the 1960s, as a joint flood control project by the city and the Army Corps of Engineers, the barrier employs three 35-foot high gates, an electrically driven pumping station, and dikes to protect tens of thousands of people and approximately $5 billion worth of property. The hurricane barrier is a one-half mile long structure that extends from Allens Avenue to India Point Park. It was the first structure of its type in the United States to be approved for construction.

The Hurricane of 1938 and Hurricane Carol in 1954 devastated communities in Rhode Island. The Hurricane of 1938 generated a storm surge of 16 feet that traveled up Narragansett Bay and flooded downtown Providence under 10 feet of water. Two hundred and seven Rhode Islanders were killed, and damage totaled $125 million—more than $1 billion in today's dollars. Hurricane Carol in 1954 flooded Providence, leaving the city under 8 feet of water and destroying 4,000 houses.

The Corps and city built the Fox Point Hurricane Barrier to keep a storm surge from flowing into downtown Providence. Since its construction, sea levels have risen 9 to 10 inches. In addition, Rhode Island has lost wetlands and tidal flats that could help mitigate a storm surge. According to Jon Boothroyd, a geologist at the University of Rhode Island, the filled land will force water into a narrower area, causing a higher storm surge. The loss of marshes and fields behind the barrier will further exacerbate the problem as water could also move faster downstream to the barrier. For these reasons, it is imperative that the barrier and pumps work if and when they are needed.

In recent years, the Army Corps of Engineers and the city of Providence have evaluated the barrier and determined that the electromechanical control system for the barrier's pumps must be replaced. The Corps has reported that during several inspections, the pump motors have occasionally failed to start because of faulty relays or other related electrical problems. In a letter dated December 7, 2003, Richard C. Carlson with the New England Director of the Army Corps of Engineers stated that "During the past several inspections the pump motors have occasionally failed to start because of faulty relays or other electrically related problems. This is symptomatic of the age and condition of the electrical components, most of which are original." The electromechanical control system has been in service for 40 years, and due to its age repair parts are nearly impossible to obtain.

We have been lucky as New England has not had a strong hurricane in 50 years, but that could mean that our luck is running out. The city and I are concerned that failure of the system during an actual storm could result in the flooding of Providence's downtown business district and thousands of residences. The Fox Point Hurricane Barrier is a project authorized by the Water Resources Development Act, and the Federal Government should fulfill its obligation to provide a safe, structural sound barrier that operates when necessary. For this reason, I filed an amendment to the supplemental appropriations bill, H.R. 4939, to provide $1,055,000 to complete upgrades to the Fox Point Hurricane Barrier. I am pleased that the Senate accepted my amendment for this funding. Senator CHAFEE and I also sponsored an amendment to the bill to turn over responsibility for the annual operations and maintenance of the hurricane barrier to the Army Corps of Engineers. I am glad that the Senate also decided to accept this amendment. I will work with my colleagues to maintain these amendments as this bill moves through conference.

AMENDMENT NO. 3592, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 3592), as modified, was agreed to.

On page 253, between lines 19 and 20, insert the following:

SEC. . FOX POINT HURRICANE BARRIER.

The Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, $1,055,000, to remain available until expended: from within available funds of "OPERATIONS AND MAINTENANCE" under the heading "CORPS OF ENGINEER: CIVIL" of Title I of the Energy and Water Development Act, 2006 (Public Law 109–103).

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3592), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3729

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3729 on behalf of Mr. CHAFEE regarding Fox Point Hurricane Barrier, RI.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. CHAFEE, proposes an amendment numbered 3729.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

On page 253, between lines 19 and 20, insert the following:

FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

SEC. 7 . (a) In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c)(1) The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3729) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3761

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3761 on behalf of Mr. BAUCUS regarding transportation contract authority.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BAUCUS, proposes amendment numbered 3761.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 253, between lines 19 and 20, insert the following:

CONTRACT AUTHORITY

SEC. 70 . (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking "$10,000,000" each place that it appears and inserting "$12,500,000"; and

(2) by adding at the end the following:

"(c) CONTRACT AUTHORITY.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $50,000,000 is rescinded.

Mr. COCHRAN. I ask unanimous consent that Senator BURNS be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3761) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3805

Mr. COCHRAN. Finally, I ask unanimous consent that it be in order to call up and consider amendment No. 3805 on behalf of Mr. BENNETT regarding sign repair and replacement.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BENNETT, proposes an amendment numbered 3805.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow nonconforming signs damaged by an act of God to be repaired or replaced under certain conditions)

At the appropriate place insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. ___. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is damaged, destroyed, abandoned, or discontinued as a result of an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign.

AMENDMENT NO. 3805, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment (No. 3805), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SIGN REPAIR OR REPLACEMENT

SEC. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by state law, a nonconforming sign that is or has been damaged, destroyed, abandoned, or discontinued as a result of a hurricane that is determined to be an act of God (as defined by state law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign, and said sign is located within a state found within FEMA Region IV or VI. The provisions of this section shall cease to be in effect thirty-six months following the date of enactment of this Act.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3805), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, that concludes the requests for consideration of amendments by the Chair. There are two remaining amendments to be considered, one by Senator THUNE and one by Senator VITTER. I am happy to yield the floor to them to describe their amendments. I will have a comment about Mr. THUNE's amendment. It is my hope that we can adopt the Vitter amendment on a voice vote. I know of no objection to it. The Thune amendment does have objections and will require a recorded vote. So that is for the information of Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3728, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3728, as modified, for consideration.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3728, AS FURTHER MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent that this amendment be further modified to reflect the changes which have been submitted to the desk.

The PRESIDING OFFICER. Is there objection to the modification? The amendment is so further modified.

(The amendment (No. 3728), as further modified, is as follows:

Strike line 22, page 160 through line 23 on page 165 and insert:

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,299,000,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds appropriated under this heading, $200,000,000 shall be used for section 2401; $530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; and $1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and vicinity project and the existing West Bank and vicinity project to improve the performance of the systems: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to those hurricanes and other disasters, $17,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That the Secretary, acting through the Chief of Engineers, is directed to use funds appropriated under this heading for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: *Provided further*, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, including a designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

GENERAL PROVISIONS—THIS CHAPTER

FLOOD PROTECTION, LOUISIANA

Sec. 2401.(a) There shall be made available $200,000,000 for the Secretary of the Army (referred to in this section as the "Secretary") to provide, at full Federal expense—

(1) removal of the existing pumping stations on the 3 interior drainage canals in Jefferson and Orleans Parishes and realignment of the drainage canals to direct interior flows to the new permanent pump stations to be constructed at Lake Pontchartrain;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(4) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(5) Not later than 60 days after the date of enactment of this act the Secretary in consultation with Plaquemines Parish and the state of Louisiana shall submit to Congress a report detailing a modified plan regarding levels of protection for lower Plaquemines Parish, Louisiana, relating to hurricane protection with a focus on—

(A) protecting densely populated areas;

(B) energy infrastructure;

(C) structural and nonstructural coastal barriers and protection;

(D) port facilities; and

(E) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River, not including the Mississippi River-Gulf Outlet.

(6) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(A) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(B) the portion of that depreciation that is attributable to the application of new storm data that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(7)(e) The Secretary of the Army, acting through the Chief of Engineers, shall use $3,500,000 within the funds provided in Sec. 2401(a) to develop a comprehensive plan, at full Federal expense, to, at a minimum, deauthorize deep draft navigation on the Mississippi river Gulf Outlet established by Public Law 84—455 (70 Stat. 65, chapter 112) (referred to in this matter as the "Outlet)", extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community for incorporation into the interim plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments for incorporation into the interim plan: *Provided further*, That, not later than 6 months after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading "INVESTIGATIONS" under the heading "CORPS OF ENGINEERS—CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103, 119 Stat. 2247; Public Law 109-148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 05 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, for the projects identified in the report on the Mississippi River Gulf Outlet due by December 2007, required by this section, the Secretary shall submit such reports to the Senate Environment and Public Works Committee and House Transportation and Infrastructure Committee: *Provided further*, That upon adoption of a resolution authorizing the project by each committee, the Secretary shall be authorized to construct such projects.

(8)(f) The amounts provided under this heading ar designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2402. USE OF UNEXPENDED FUNDS.

(a) In General.—Nothwithstanding any other provision of law, amounts made available to the State of Oklahoma or agencies or authorities therein (referred to in this section as the "State") before the date of enactment of this act for general remediation activities being conducted in the vicinity of the Tar Creek Superfund Site in northeastern Oklahoma and in Ottawa County, Oklahoma that remain unexpended as of the date of enactment of this Act are authorized to be used by the State to assist individuals and entities in removal from areas at risk or potential risk of damage caused by land subsidence as determined by the State.

(b) Use of Unexpended Funds.—the use of unexpended funds in accordance with subsection (a)—

(1) shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(2) may include any general remediation activities described in section (a) determined to be appropriate by the State, including the buyout of 1 or more properties to facilitate a removal described in subsection (a).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

United States Coast Guard

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $90,570,900, to remain available until September 30, 2007, of which up to $267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to $470,000 may be transferred to "Research, Development, Test and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $191,844,000, to remain available until expended: *Provided*, That such amounts shall be available for major repair and reconstruction projects for facilities that were damaged and for damage to vessels currently under construction, for the replacement of damaged equipment, and for the reimbursement of delay, loss of efficiency, disruption, and related costs: *Provided further*, That amounts provided are also for equitable adjustments and provisional payments to contracts for Coast Guard vessels for which funds have been previously appropriated: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Federal Emergency Management Agency

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $71,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response, and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $10,400,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. VITTER. Mr. President, this amendment has been worked on quite a bit. An agreement has been reached with all relevant Members, particularly the chairs and ranking members of all of the relevant committees. It doesn't increase the cost of the bill. It addresses a number of urgent flood protection needs in Louisiana and, again, represents a very solid compromise which I am proud to sponsor.

With that, I ask that Members agree to the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3728), as further modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the Chair for yielding time on this amendment.

This amendment would provide an additional $20 million for veterans health care, offset by striking $20 million that would be appropriated under this supplemental for the Americorps program. The Americorps program has already received $900 million in appropriations for fiscal year 2006, according to the committee report on this bill.

In 2005, the VA transferred $452 million from its Medical Facilities account to its Medical Services account. I would like to replenish the VA Medical Facilities account a little, if it's possible to do in a fiscally responsible way. This amendment provides the opportunity to do so, by taking money from an ineffective and mismanaged program—the Americorps National Civilian Community Service Corps program—and providing it for veterans health care.

Mr. President, my amendment would make some resources available to carry out the Secretary's Capital Asset Realignment for Enhancement Services, or CARES, decision, which mandated that 156 priority community-based clinics be established by 2012.

As I said, talking about AmeriCorps, Senator **MIKULSKI** has described the overall AmeriCorps Program as "like Enron's nonprofit."

What has been said by GAO—they described it as they have been living on the edge, with tracking based on projections instead of real accounts.

My amendment simply helps us understand that the budget process is about making choices, about setting priorities, and that providing assistance for this program under the VA health care and using as an offset to pay for it this AmeriCorps Program, which has already been funded at $900 million this year, and, as I have described, has been described by many, including those on the other side of the aisle, as a program that has serious management problems, serious financial accounting and tracking problems.

So I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, the Thune amendment will reduce the funding for the National Civilian Community Corps by $20 million. These funds are needed to pay the expenses of training and subsistence for those who have volunteered to provide emergency assistance in the gulf coast region, to help disaster victims recover from the destruction caused by Hurricanes Rita and Katrina.

There have been over 1,600 National Civilian Community Corps members in my State of Mississippi since August 30, the day after Hurricane Katrina struck our coast. They continue to provide essential assistance. The State of Mississippi put our State office of the National Civilian Community Corps in charge of the emergency 24-hour call center, as well as supply distribution centers. To date, the National Civilian Community Corps has assisted 1,140,000 people; cleaned out 1,500 homes; contributed nearly 2,000 tons of food and 2,790 tons of clothing; served 1 million meals; refurbished 732 homes; supported 654 emergency response centers; and completed 1,730 damage assessments.

The volunteers of the National Civilian Community Corps receive about $4,000 for college expenses. They are modestly housed, fed, and provided with health care and uniforms. They remain available at a moment's notice for deployment to any emergency in the country. The Federal Emergency Management Agency, the Red Cross, and others depend upon this group of professionally trained volunteers for assistance and support.

The thousands of volunteers who are helping care for children and helping the gulf coast recover and rebuild are the backbone of the progress being made in the hurricane-damaged region of our country. They give hope to our families, and I urge the Senate to reject the Thune amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, as we gather this morning, our troops in Iraq and Afghanistan need our support, families on the gulf coast need help rebuilding their lives, and communities all across this country need help moving forward. And now it is down to us. Will we provide that support? Will we provide that critical help? Or will we leave our troops unfunded, our gulf coast in ruins, and our communities stalled? This is the bill that determines whether we move forward as a country or whether we make it harder for our troops, for hurricane victims, and for American families to make progress. That is the choice before us.

I am on the floor this morning—as I have been all week—saying we need to move our country forward by passing this emergency supplemental bill. I do want to address some of the concerns that have been raised about this bill.

For years, this White House has been playing games to hide the cost of war. We know we have tremendous expenses in Iraq and Afghanistan. Everyone knows that. But when it's time to write the budget—suddenly this White House develops amnesia. It somehow "forgets" to include the cost of war in the regular budget process. On the day the administration sends us its budget—the ongoing cost of war is somehow unknowable. But a few weeks later—when it sends up an emergency supplemental—suddenly we have got this huge document that lists the costs of war. It is a fiction, a sham, a game. And for too long—this Congress has been going along with it. We don't include the war in the budget. We don't fund the war through the Defense Appropriations bill, we just expect to pay for it through emergency supplementals, and that is not honest. Moreover, it means that real emergencies—unanticipated natural disasters and our own homeland security needs—are pushed aside and rendered "less important" than ongoing war costs.

All year I have been on the floor saying that if we are not realistic with our budgets, we are going to have to make up the difference in emergency spending—and that is where we find ourselves today.

Mr. President, I want to walk through how the size of the supplemental has changed to remind my colleagues that it didn't just grow mysteriously. Members of both parties added critical priorities to the supplemental, and members have stood up for those critical investments.

When the Senate Appropriations Committee gathered in early April to mark up this bill, several amendments were adopted that added to the cost of the bill. They included bipartisan amendments to address the agricultural disasters that we have witnessed across the country. That amendment was championed by Senator DORGAN and Senator BURNS.

Senator HARKIN added an amendment to make sure that there will be adequate funds to finance the administration's preparations to deal with a pandemic flu outbreak.

With the support of Senator BOND, I added an amendment to address the backlog of claims for highway emergency relief that still haven't been paid for recent declared disasters across the country; including: Hurricane Ivan, Hurricane Dennis, the San Simeon Earthquake, Hurricane Ophelia, Tropical Storm Gaston, and the tragic floods in Hawaii that we debated yesterday evening.

The gulf coast Senators on the committee, including Senators HUTCHISON, SHELBY, LANDRIEU, and, of course, Chairman COCHRAN, also presented amendments to better address the needs of the gulf coast region in its efforts to recover from Hurricane Katrina and the other gulf coast hurricanes.

These amendments were all offered to address the real needs of our communities here at home.

The Appropriations Committee reported this bill to the Senate Floor by a vote of 27 to 1. When we brought the bill to the floor, we received a statement of administration policy from the Bush white house. That statement said that the President would veto any bill that exceeded the level of $94.5 billion. Soon after, the Senate was given an opportunity to vote on the President's position.

My friend, Senator THOMAS of Wyoming, offered an amendment to delete all of the provisions that were not in the administration's original request—thus bringing the size of the bill down to the level acceptable to the President. That amendment failed overwhelmingly, by a veto-proof margin of 72 to 26.

Just hours later, my friend from Nevada, Senator ENSIGN, made a motion to recommit the bill back to the Appropriations Committee with instructions that it be cut back to the level President Bush said he would support. That amendment also failed by a veto-proof margin of 68 to 28.

Why did those amendments fail, even in the face of the President's veto threat? Because Senators from across the country on both sides of the aisle recognized that the investments that this bill makes here in America are needed.

Indeed, in the face of those embarrassing votes, the Senate Republican leaders frantically scurried around to get enough signatures on a letter to the President saying they would uphold the President's veto. They were desperate to get that letter out to the media because it was clear from the votes on the Senate floor that the Members of the Senate—Republican and Democrat alike—were not prepared to ignore our needs here at home, even if President Bush is prepared to do so.

That is how this supplemental developed—one amendment at a time—Senators from both parties voted to address critical needs. Senators have stood by those investments, and now it is time to pass this bill.

Mr. President, we have critical needs in our war effort and here at home that we must address. Those needs have not been addressed through the regular budget, so we must address them through this bill. Let's pass this supplemental and make sure our troops and our communities have the support they need. And as we move forward—let's get real about the budget process—let's get real about the cost of war—or we are going to find ourselves back here time and again passing emergency spending.

We have heard a lot about the size of the bill, and I want to address that. This supplemental is big because the budgets we have passed over the years have been unrealistically small.

Let me say that again: This bill is big because the budgets we have passed have been unrealistically small. Time and again, the White House has proposed budgets that do not come close to meeting our domestic needs—and that completely ignore the costs of war. Those budgets have been works of fiction. And if we are not going to be realistic in the regular budget process—if we are not going to include the cost of war in the regular budget, we are going to have to face reality during this supplemental.

That is where we find ourselves today. So any Member who is troubled by the size of this bill should tell the White House it is time to get real and send us budgets that include the cost of war and that address our domestic needs—or we are going to find ourselves dealing with emergency spending time and time again.

But we can't miss the big picture—either we pass this bill and help our troops an our country, or we make it harder for America to move forward. Let's have the wisdom to make the right choice.

Before I go any further, I want to acknowledge the tremendous leadership that Senator BYRD has provided throughput this process. He knows this body better than anyone. And, more importantly, he brings with him a deep commitment to doing the right things not only for the Senate, but for the country, and for the families we all represent.

I also want to thank Chairman COCHRAN for his leadership and hard work on this bill. He has shown extraordinary patience throughout this debate, and I appreciate how he has worked with all of us to keep this bill on track.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the Thune amendment No. 3704.

Mr. COCHRAN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3824

Mr. OBAMA. Mr. President, thank you very much for recognizing me. I ask unanimous consent to call up amendment No. 3824.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator restate the number.

Mr. OBAMA. Amendment No. 3824.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for Mr. VOINOVICH, for himself and Mr. OBAMA, proposes an amendment numbered 3824.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.

(a) IN GENERAL.—Of the unobligated balances available for "OPERATION AND MAINTENANCE" under the heading "CORPS OF ENGINEERS–CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2250), $400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, $750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

The PRESIDING OFFICER. Is there further debate on the amendment?

AMENDMENT NO. 3824, AS MODIFIED

Mr. OBAMA. Mr. President, I ask that the amendment be modified.

The PRESIDING OFFICER. Is there objection to the modification? If not, the amendment is so modified.

The amendment (No. 3824), as modified, reads as follows:

At the appropriate place insert the following:

SEC. . CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.

(a) IN GENERAL.—Of the unobligated balances available for "OPERATION AND MAINTENANCE" under the heading "CORPS OF ENGINEERS–CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2250), $400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3824, as modified.

The amendment (No. 3824), as modified, was agreed to.

Mr. OBAMA. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3732

Mr. GRASSLEY. Mr. President, I ask unanimous consent to call up amendment No. 3732.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, we have no objections on this side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 3732.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer funds from the Disaster Relief fund to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season)

On page 186, after line 22, add the following:

SEC. 2704. Of the funds made available under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" in chapter 5 of this title, $38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. GRASSLEY. Mr. President, the supplemental appropriations bill includes $27 billion for disaster-related expenses. But, no money, other than a nominal amount for the Inspector General, was provided for the Social Security Administration. This amendment would correct this omission.

This amendment would provide $38 million to the Social Security Administration, SSA, to reimburse costs incurred as a result of Hurricane Katrina and other hurricanes of the 2005 season.

The Social Security Administration performed a remarkable job in response to these recent disasters.

They assisted more than 528,000 persons in FEMA Disaster Recovery Centers and shelters and helped many others who came to SSA field offices. Altogether these activities cost the agency $38 million: $6 million to acquire and outfit temporary space and renovate offices damaged by the storm, including costs for computers, furniture and supplies; $12 million for processing immediate payments, changing addresses, confirming Social Security numbers, and taking new claims that resulted from the hurricanes; $7 million to pay for the travel and per diem expenses for employees; $12 million for costs related to unprocessed workloads—claims, hearings, etc.—due to the storms' disruptions; $1 million for salaries of those SSA workers who volunteered to work for FEMA in the affected areas.

SSA cannot easily absorb this $38 million because its budget is already $300 million below the President's request for fiscal year 2006. SSA is already experiencing reductions and delays in service. This $38 million would allow an increase in overtime hours to begin to address these backlogs.

Finally, the cost of this amendment is offset by a $38 million reduction in the FEMA disaster relief fund. This reduction in FEMA would come from the $2.4 billion that is designated for "other needs." This designation refers to money that has been made available for unspecified, potential future activities. It would not affect any specific project or activity in this bill.

I urge my colleagues to support this amendment.

Mr. BAUCUS. Mr. President, I rise to speak in favor of the bipartisan amendment that Finance Committee Chairman GRASSLEY has just offered. As ranking Democrat on the Finance Committee, I have worked with Chairman GRASSLEY to develop this amendment. The amendment provides $38 million to the Social Security Administration, SSA—fully paid for—to reimburse the costs SSA incurred as a result of Hurricane Katrina and other hurricanes of the 2005 season.

The supplemental appropriations bill, as reported by the Senate Appropriations Committee, would appropriate $106.5 billion, including $ 67.7 billion for the wars in Iraq and Afghanistan, $4.5 billion for foreign assistance programs, and $27.1 billion for relief needed because of last season's hurricanes. In contrast, no funding for SSA to make up for its costs from Katrina and the other hurricanes is currently provided in the supplemental.

The Social Security Administration performed superbly in the aftermath of these hurricanes. SSA assisted more than 528,000 persons in FEMA Disaster

Recovery Centers and shelters and helped many others who came to its field offices. To provide such assistance, SSA urgently invoked emergency procedures and issued approximately 85,000 immediate payments for displaced beneficiaries and those who could not access their bank or other financial accounts. In addition, SSA changed the addresses of displaced beneficiaries, provided individuals who had lost their identification documents with confirmation of their Social Security numbers, and took applications from many people from the affected areas who had become newly eligible for Social Security disability or survivors benefits or benefits from the Supplemental Security Income program. SSA even passed along messages to beneficiaries from worried family members. Finally, some SSA employees drove hours to provide relief to overstretched field offices, sometimes sleeping on air mattresses set up in the offices because there were no other places to stay.

Together, these activities caused SSA to redirect $38 million from funding for its normal tasks and obligations. There were costs to SSA of $6 million to acquire and outfit temporary space and renovate offices damaged by the storm, including costs for computers, furniture and supplies. SSA estimates that there were $12 million in costs for new workloads, including processing immediate payments, changing addresses, confirming Social Security numbers, and taking new claims that resulted from the hurricanes. It cost SSA $7 million to pay for the travel and per diem expenses for employees who came to the affected areas from other regions to help, as well as for employees who were forced to relocate because of damaged or destroyed homes and offices and who continued to work in other offices. Costs related to unprocessed work include $12 million for SSA workloads, such as claims, hearings, that were not processed as a result of the storms' disruptions. Nearly $1 million was spent to pay the salaries of those SSA workers who volunteered to work for FEMA in the affected areas, and thus were not doing their regular SSA work.

Unfortunately for SSA, it had already had its funding cut by a total of $300 million below the President's request for fiscal year 2006. Rather than being able to absorb the $38 million caused by the hurricanes, SSA found its $300 million shortfall being exacerbated by these additional $38 million of costs.

The Social Security Administration could make very good use of an additional $38 million of funding for fiscal year 2006 at this time by increasing overtime hours. This would allow SSA to make up for a small piece of the reductions and delays of service to its normal applicants and beneficiaries.

In the Senate-passed supplemental, many Federal agencies are reimbursed for costs arising from these hurricanes. Surprisingly, that is not the case for the Social Security Administration. This is especially ironic in view of the efforts of the Social Security Administration and its employees to help the gulf coast and its citizens, including some efforts that were above and beyond the call of duty.

This bipartisan amendment will address this funding shortfall for the Social Security Administration by providing it with an additional $38 million for the current fiscal year. The amendment is fully paid for. As reported by the Appropriations Committee, the supplemental appropriations bill provides $10.6 billion to FEMA for disaster relief from Hurricane Katrina and other hurricanes of the 2005 season. Of this amount, according to the committee report, $2.4 billion is provided for "other needs." Although the report provides some examples of such "other needs," there is no list of specific projects and activities whose costs total $2.4 billion. This amendment increases SSA's funding for fiscal year 2006 by $38 million and reduces the $10.6 billion appropriated for the FEMA Disaster Relief account in this bill. The $2.4 billion provided by this bill for "other needs" is part of the $10.6 billion appropriated for the FEMA Disaster Relief account in the bill. This amendment will not result in the loss of any specific project or activity provided for by this bill. Nor will it cause this bill to result in any additional costs to the Federal Government.

This amendment will restore the loss of resources for the Social Security Administration that has resulted from the 2005 season's hurricanes. I believe this is the right thing to do. I urge my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3732.

The amendment (No. 3732) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3704

Mr. BYRD. Mr. President, I rise today in opposition to the amendment from the Senator from South Dakota. This is not an amendment designed to help our veterans. It is an amendment designed to cut funding for the National Civilian Community Corps, NCCC, that the sponsor of the amendment apparently thought would be more likely to pass if the funds were allocated to veterans health care facilities.

The Senator is proposing to strike from the bill the entire $20 million allocated to support the NCCC effort to help Katrina victims. NCCC members deployed to the gulf within 24 hours of Katrina making landfall and have been there ever since. In total, nearly 1,600 NCCC members have provided 320,000 hours of volunteer service. These young people are 18 to 24 years old. They muck out homes, remove debris, rebuild schools and community centers, coordinate the work of episodic volunteers, help families and senior citizens rebuild their homes and lives, and support other needs.

The $20 million in the supplemental will support 800 NCCC members who will provide more than 1.2 million hours of service in the gulf coast hurricane recovery effort. Among NCCC's gulf coast accomplishments so far: assisted 1,063,000 people, mucked out 1,500 homes, distributed 1,714 tons of food, distributed 2,790 tons of clothing, served 1,000,000 meals, refurbished 732 homes, supported 542 emergency response centers, leveraged 7,715 volunteers, and completed 1,325 damage assessments.

It is important to fund health care for our veterans. That is why I voted for the Akaka amendment to add $430 million to the bill for that purpose. I am pleased that it passed, and I hope the President requests the funds.

Veterans deserve every penny of the $430 million added to this bill, but those who have had their lives turned upside down by Hurricane Katrina also deserve the support of the young men and women of the national Civilian Conservation Corps. We should not rob Peter to pay Paul. Therefore, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I rise in opposition to Senator THUNE's amendment and to set the record straight on my ongoing and passionate support for AmeriCorps and the National Civilian Community Corps, NCCC. The Senator from South Dakota said that I described the overall AmeriCorps program as, "It's like Enron's gone nonprofit." Senator THUNE was absolutely wrong to say that is the way I describe AmeriCorps. I love AmeriCorps. I love what they do for communities. I love what they do for America.

Senator THUNE took that quote totally out of context. I made that statement back in 2002 when a bureaucratic boondoggle led to the overenrollment of 20,000 volunteers. When that happened, I led the efforts to organize the national service groups and to strengthen AmeriCorps. Along with Senator BOND, I introduced and passed the "Strengthen AmeriCorps Program Act of 2003" which established new accounting procedures for AmeriCorps. I urged the President to appoint a new CEO for the Corporation of National Service—a CEO with the management skills necessary to restore confidence in the Corporation's abilities to make a real difference to our volunteers—and in our communities. I also asked for a reinvigorated Board of Directors that would take greater oversight and responsibility and I have consistently called for increased funding so that AmeriCorps could support 75,000 volunteers each year.

AmeriCorps is stronger than ever. Since its creation, over 300,000 volunteers have served in communities and earned education awards to go to college or to pay off student debt. To date, 7,500 Maryland residents have earned education awards. The NCCC program, which has a campus in Perry Point, MD, is a full-time residential program for 18 to 24 year olds designed to strengthen communities and develop leaders through team-based service projects. Each year, approximately 1,100 participants reside in its five campuses nationwide. The Perry Point campus houses 200 AmeriCorps members every year, and since 1994 its residents have logged more than 350,000 service hours. Most recently, NCCC members have provided more than 250,000 service hours valued at $3.8 million to projects in the Gulf Coast region, which reflects their critical service during every American natural disaster since the program started.

The funds that Senator THUNE wants to cut are specifically dedicated to support volunteer recovery activities in the gulf and would pay for 800 NCCC members who will provide more than 1.2 million hours of service in the gulf coast hurricane recovery effort. These teams will rebuild schools and community centers, remove debris, and help senior citizens rebuild their homes and lives. This funding demonstrates the Senate's commitment to keeping this valuable program alive, despite President Bush's efforts to cut the Federal funds it needs to survive.

I fought to create AmeriCorps, I fought to strengthen AmeriCorps, and I will fight to save AmeriCorps. Today's Federal investment, like these fine volunteers, are needed now more than ever. I strongly encourage my Senate colleagues to make sure this money is included as a part of this emergency spending package, and I urge them to oppose Senator THUNE's amendment which would divert these critical funds away from NCCC.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3704. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—39

Allard
Allen
Brownback
Burns
Burr
Chambliss
Coburn
Collins
Cornyn
DeMint
DeWine
Dole
Ensign
Enzi
Frist
Gregg
Hagel
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lott
Lugar
Martinez
McConnell
Nelson (FL)
Pryor
Roberts
Sessions
Snowe
Stabenow
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—59

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Bunning
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Conrad
Craig
Crapo
Dayton
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Grassley
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Reed
Reid
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Specter
Stevens
Wyden

NOT VOTING—2

Hatch
Rockefeller

The amendment (No. 3704) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

Ms. LANDRIEU. Mr. President, I know we are getting ready to go to final passage, but I ask unanimous consent to go to amendment No. 3851, as modified.

The PRESIDING OFFICER. The Senate is not in order.

AMENDMENT NO. 3851, AS MODIFIED

Ms. LANDRIEU. Mr. President, I know we are getting ready to go to final passage. I know it is unanimous consent. But I am asking unanimous consent to bring up amendment No. 3851, which has been cleared on both sides by four committees. It has to do with a definition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Reserving the right to object, I will not object if the Senator from Louisiana will add to that unanimous consent request that this will be the last amendment considered?

Ms. LANDRIEU. I will be happy to.

The PRESIDING OFFICER. Senators should be informed that this is a second-degree amendment.

Mrs. MURRAY. Mr. President, reserving the right to object, is the amendment that has been sent to the desk the modified amendment?

The PRESIDING OFFICER. Is the amendment modified to be a first-degree amendment?

Mr. ENZI. Mr. President, this is under the jurisdiction of the Education Committee. We have taken a look at it. FEMA just has a different definition that needs to be changed from what other schools have. It clears up some language. It is not any problem.

Mr. REID. Mr. President, we cannot hear what is going on.

The PRESIDING OFFICER. The Senate will be in order.

Is there objection to the amendment as modified? Without objection, it is so ordered.

The amendment (No. 3851), as modified, is as follows:

AMENDMENT NO. 3851, AS MODIFIED

(Purpose: To provide a complete substitute)

On page 165, line 23 after "fiscal year 2006" insert the following:

Provided further, That any charter school, as that term is defined in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 722(i)), regardless of whether the facility of such charter school is privately or publicly owned, shall be considered for reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita.

Provided further, That if the facility that houses the charter school is privately owned, then such facility shall reimburse FEMA for any improvements or repairs made to the facility that would not otherwise have been reimbursed by FEMA but for the existence of the charter school, if such charter school vacates such facility before the end of 5 years following completion of construction and approved inspection by a government entity, unless it is replaced by another charter school during that 5-year period.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3851), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SALMON SPAWNING

Mr. SMITH. Mr. President, last week I proposed an amendment to the supplemental appropriations bill that would provide relief to individuals facing an unfolding economic crisis along the Oregon and California coast.

For the third consecutive year, the number of naturally spawning Klamath River Chinook salmon is expected to fall below the conservation floor called for in the fishery management plan. As a result, the Pacific Fishery Management Council undertook a careful review of the stock status as well as the economic needs of local communities.

After conducting its review, the Council voted to recommend to the Secretary of Commerce the use of an emergency rule to allow for a severely restricted salmon season along 700 miles of the Oregon and California coast.

Last week, Secretary Gutierrez approved the council's recommendation for an emergency rule. While this limited season is helpful, it will not be enough to sustain Oregon's rural, fishery-dependent economies. It is estimated that the impact to Oregon and California coastal communities could exceed $100 million. Many of the communities affected by these fishery restrictions are still recovering from the devastation caused by the collapse of the timber economy in 1990s.

The funding provided in my amendment would help fishermen and supporting businesses in Oregon weather what will certainly be a very trying year. However, because this crisis is the result of a regulatory action rather than a natural disaster, I have been told that my amendment is not germane to the bill that is before us now. This parliamentary hair-splitting is lost on my constituents.

I would like to engage the Chairman of the Appropriations Committee in a brief colloquy. I realize that we are facing tight budgetary times and numerous disasters, many of which receive assistance under the current bill. Will you agree to work with me to secure funding or reprogram funds to address the pending crisis on the Oregon coast?

Mr. COCHRAN. The Senator is certainly right that these are very difficult budgetary times. Funds for nondefense discretionary programs are particularly constrained, while the demand for those funds has not slackened one bit. Having said that, I appreciate the Senator acquainting me with the challenges facing fishing communities on the Oregon coast, and I will work with him and the subcommittee Chairman SHELBY and try to identify an appropriate federal response for affected communities.

Mr. SMITH. I thank the Chairman. I yield the floor.

AVIAN FLU

Mr. LIEBERMAN. Mr. President, I thank my distinguished colleagues from North Carolina and Kansas, Senators BURR and BROWNBACK, for their commitment to avian flu preparedness and to putting in place an effective system for the surveillance of wild birds, which is instrumental to our capacity to prepare for the outbreak of an avian flu pandemic. I am happy to support the amendment of my distinguished colleague from North Carolina.

Mr. BURR. Mr. President, my amendment builds upon work Senator LIEBERMAN and Senator BROWNBACK undertook last year in the fiscal year 2006 Defense appropriations bill, which also included the first avian flu supplemental. It enhances our domestic capacity to undertake wild bird surveillance coming into and across the United States by utilizing the expertise of the Smithsonian Institute to support our Federal agencies.

Mr. BROWNBACK. Mr. President, indeed, there is growing concern that wild birds can carry the avian flu virus, which has now spread from Southeast Asia to China, Europe, Africa, and to the Middle East. Wild birds are one of the key vectors for spreading the virus to domestic animal populations or carry it to wild bird markets, where the virus is further propagated. At this time, the virus does not spread easily from birds to humans and there are limited reports of human to human transfer. Importantly, the virus has not yet entered the United States to our knowledge. We must understand how this virus moves to prepare communities in its path.

At the same time we work to develop a vaccine and procure antivirals, we can also track the movement of the virus in wild birds. GAINS can track wild birds in the same way the National Hurricane Center tracks hurricanes. By analyzing, storing, and reporting using a real time computerized data mapping system and interface, we can see the viral strains wild birds carry, where they are carrying the virus along migratory routes, and how the virus is genetically evolving. This will make it possible for us to develop vaccines more quickly using the most recent strain available and will help us warn vulnerable populations in wild bird flight paths should the avian flu strain turn deadly.

Mr. BURR. I agree that avian flu surveillance is critical to our ability to protect public health. Mr. President, I ask Senator LIEBERMAN, is the global program he supported in the fiscal year 2006 appropriations process for international surveillance currently up and running? The Smithsonian Institute and the domestic surveillance program they are working on and his international surveillance program will be important partners. We urge all parties to begin their activities immediately.

Mr. LIEBERMAN. It is. USAID and CDC have partnered with the Wildlife Conservation Society to establish the Wild Bird Global Avian Influenza Network for Surveillance or GAINS. GAINS is a smart and targeted investment in the U.S. Government's fight against avian flu. CDC and USAID are investing $6 million from fiscal year 2006 avian flu supplemental appropriations to establish GAINS. GAINS comprises 5 million conservation, wild bird, poultry, health, and vaccine experts and builds upon the robust international network of the Wildlife Conservation Society, or WCS, which through partnerships has presence in virtually every key country related to Avian Influenza—56 in all. The Wildlife Conservation Society, founded in 1895 and headquartered at the Bronx Zoo has a long history in the wild bird surveillance field around the world. They were the organization that first diagnosed West Nile virus when it arrived on U.S. shores, and the human avian flu vaccine we are currently working on is partially derived from wild migratory bird samples, WCS wild bird samples collected in Mongolia.

Of course, the GAINS relates to robust sampling of wild birds—alive and dead—in the wild and in captivity, and even in markets, but most importantly GAINS will display the results of sampling on a user-friendly real time computerized data mapping system so that wherever you are in the world, public officials will be able to warn populations at risk and scientists will have a powerful tool to fight this virus.

I am confident that the Smithsonian's domestic efforts will be fully compatible with GAINS.

Mr. BURR. The Smithsonian has agreed to provide the samples and the data it collects to United States agency partners without delay. In turn, we will count on the DOI, USDA, HHS, and any other agencies to negotiate the full coordination and integration of the Smithsonian domestic component, the GAINS network, and any other ongoing effort into a public database. This way we know samples will be stored and shared between governmental and nongovernmental organizations and that data will work with additional efforts in the future.

Mr. BROWNBACK. I am glad we agree that we should all work together. We cannot have efforts that are not collaborative and coordinated domestically and internationally. We will build on the GAINS infrastructure by boosting our domestic capacity through the Smithsonian Institute and ensuring all partners work together and share data in a compatible manner using the GAINS system.

Mr. BURR. I understand that Senator Lieberman has an amendment related to GAINS.

Mr. LIEBERMAN. Yes I do. The current GAINS program is underfunded by $4,000,000 in year one and year two will require an additional $10,000,000 to be fully functional. Our amendment specifies GAINS as a particular program for CDC to fund in its domestic and global surveillance efforts, which in general is receiving robust funding thanks to your foresight and that of your health subcommittee. Such an effort as we have discussed must include animal surveillance because of its relation to human health.

Mr. BURR. An international avian flu surveillance component is an important investment and I hope HHS and CDC recognize the need to enhance our surveillance capabilities. I encourage the Appropriations Committee and Chairman COCHRAN to give it full consideration.

Mr. LIEBERMAN. Senator BROWNBACK and I thank the Senator from North Carolina for this. I personally thank you Senator BURR for working with us on this important issue, which I always say is the big bird in the room that few people are looking at. It always feels better to wrap our arms around problems on a bipartisan basis. The leadership of the Senator from North Carolina on this issue and in general is noticed and laudable.

Mr. BURR. Mr. President, I thank my colleagues.

Mr. BROWNBACK. I thank my colleagues.

Mr. LIEBERMAN. I thank my colleagues for their commitment to these activities.

CUSTOMS AND BORDER PROTECTION

Mr. LEVIN. I would like to enter into a colloquy with my friend from New Hampshire, Senator GREGG, and my friend from North Dakota, Senator CONRAD, regarding funds that have been included in this bill for customs and border protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, none of the other three sites have yet been stood up, leaving large portions of our Northern Border unpatrolled from the air. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe an adequate portion of the funds included in this bill for air and marine interdiction, operations, maintenance, and procurement should be used by customs and border protection to complete the remaining assessments, evaluations, and other activities necessary to prepare and equip the Michigan, North Dakota, and Montana NBAW sites with appropriate CBP air and marine assets.

This bill requires that DHS submit an expenditure plan to the appropriations committee before any of the funds may be obligated. I urge DHS to include in their plan the funds necessary to stand up, equip, and begin operations at the three remaining northern border air wing sites in Michigan, North Dakota, and Montana.

Mr. CONRAD. I agree with my friend from Michigan. The fiscal year 2006 DHS appropriations bill included a small amount of funds to begin initial preparations for a NBAW site in my home state of North Dakota, but more funds are needed for the site to become operational. Secretary Chertoff has told us that the establishment of the three additional northern border air wings will be complete in fiscal year 2007.

A small portion of the air and marine interdiction funds in this bill would go a long way toward meeting this deadline and the goal of securing our long and currently porous northern border. I join Senator LEVIN in encouraging the DHS to include funds sufficient to stand up and equip the North Dakota, Michigan, and Montana sites.

Mr. GREGG. My friends from Michigan and North Dakota raise important points. I agree the establishment and equipping of the three remaining northern border air wings is a priority. The northern border has long been neglected compared to the southern border. As my colleagues are aware, funds were appropriated in the fiscal year 2006 Department of Homeland Security Appropriations Act to initiate funding of the third northern border air wing in North Dakota. I am committed to seeing that the establishment of the remaining northern border air wings is accomplished as expeditiously as possible.

EMERALD ASH BORER

Mr. LEVIN. Mr. President, I ask if the chairman of the Appropriations Subcommittee on Agriculture is aware of my amendment regarding the urgent need for additional funding for combating the Emerald Ash Borer, and if he is open to accepting the amendment by unanimous consent.

Mr. BENNETT. I would say to the Senator from Michigan that I am aware of his amendment, but unfortunately cannot support any amendment to the agriculture title of the supplemental appropriations bill which does not have an adequate offset. It is my understanding the amendment Senator LEVIN has introduced with Senators STABENOW, DEWINE, VOINOVICH and DURBIN does not contain any offset for the $15 million requested.

Mr. LEVIN. The Senator from Utah is correct in that I was not able to offset the costs of the amendment as the funding in that title is very tight. I would ask my friend though if he is aware that there is a need in my State alone of over $30 million to combat and contain this invasive species that has destroyed virtually all of Southeast Michigan's ash stock?

Mr. BENNETT. I have been advised of the urgent need for funds in the Midwest.

Mr. LEVIN. During consideration of the fiscal year 2006 Agriculture Appropriations Act, Senators STABENOW, DEWINE and I had a similar amendment seeking additional funds for the Animal and Plant Health Inspection Service at the USDA. We decided not to offer the amendment as we received assurances that the chairman and ranking member of the subcommittee would push for the House approved level of funding of $14 million. Unfortunately the final bill contained only $10 million to deal with the Emerald Ash Borer epidemic.

Mr. BENNETT. I say to my friend that we did indeed work with our House counterparts in crafting the final 2006 appropriation, but unfortunately were only able to allocate $10 million in the end.

Mr. LEVIN. I thank the Senator from Utah for all of his help over the years in seeking funding for this problem. I hope that he and the ranking member would be mindful of the urgent need of Ohio, Indiana and Michigan for funding for Emerald Ash Borer eradication efforts when crafting the fiscal year 2007 Agriculture Appropriations Act over the coming months.

Mr. BENNETT. I tell my friend from Michigan that I will do all I can, in consultation with Members from the affected states and the Department of Agriculture, to craft an appropriations bill which contains adequate funding to combat the Emerald Ash Borer.

Mr. LEVIN. I thank the chairman and know that my colleagues appreciate his support as well.

Ms. STABENOW. I thank my colleague, Senator BENNETT, for his continued work to help Michigan, Ohio, and Indiana battle this invasive pest that has devastated our states. Senator BENNETT worked closely with us last year during consideration of the Agriculture Appropriations bill, and I appreciate his commitment to working with us during the fiscal year 2007 appropriations bill.

Mr. DEWINE. Mr. President, I would like to associate myself with the comments of my friends from Michigan. Ohio is home to more than 3.8 billion ash trees and the Emerald Ash Borer is causing destruction to trees in northwest Ohio and the Columbus area. I would appreciate your help in the future to prevent the spread of the Emerald Ash Borer to southern Ohio.

Mr. VOINOVICH. Mr. President, I thank my colleagues and the chairman of the Appropriations Subcommittee on Agriculture for providing this colloquy. As my colleagues know, the Emerald Ash Borer poses an enormous threat, and I wish to be associated with their remarks. This is important for this Senator from Ohio because nearly 4 billion ash trees are threatened in my State alone. The Ohio Department of Agriculture and the Ohio Department of Natural Resources call the Emerald Ash Borer the most serious forest health issue facing Ohio's forests today. They remain highly concerned and vigilant, but we must provide them with sufficient resources to eradicate this problem. According to the Ohio Department of Natural Resources, the potential economic impact of EAB to Ohio citizens over the next 10 years could possibly reach $3 billion. Again, I thank my friend from Michigan for his leadership on this issue, as well as the Senator from Utah, Senator BENNETT, for his indulgence in entering into this colloquy.

Mr. COBURN. Mr. President, in the past week, the Senate has voted to reduce the overall cost of H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, now totaling nearly $110 billion by a mere $15 million. I am delighted that President Bush has pledged to veto this bill because Congress has, once again, been unable to resist the temptation to load up a must-pass bill with pork.

I offered several amendments to eliminate nonemergency items in this bill. I appreciate the patience of my colleagues. I am very pleased and encouraged that this body is increasingly willing to depart from our business-as-usual practices.

That is good because the American people are paying attention to this process. In a recent Wall Street Journal/NBC poll, the American people said that ending earmarks should be the No. 1 priority for Congress this session. Thirty-nine percent said that members should be prohibited from "directing federal funds to specific projects benefiting only certain constituents." It is interesting to note that ending earmarks was ranked ahead of immigration reform, which was cited as the No. 1 priority by 32 percent of Americans.

I hope that these results, combined with polls showing a 22-percent approval rating for Congress, will encourage conferees to avoid a confrontation with President Bush over spending. I would hope that when conferees look for items to remove from this bill they take a close look at my amendments that lost by a narrow margin as well as those I withdrew.

I believe that in this time of war and disaster recovery the American people expect us to make hard choices about spending. Taxpayers want us to be serving in a spirit of service and sacrifice, not searching for new ways to raid the public Treasury.

Congress is raiding the Treasury in two ways with this bill. First, many of the items in this bill should be considered in the regular appropriations process and through the regular order. The war on terror is no longer a surprise. We are entering our fifth year of this war. It shouldn't come as a surprise to Congress that we have needs related to this effort. We have also developed a good understanding about many of the priorities in the gulf coast that could have been addressed in the regular budget process.

Congress has also added billions of dollars for items that have no connection to the war on terror and the gulf coast recovery. Again, few of these items are true emergencies. The American people deserve to understand what defines a true emergency. According to the budget resolution for fiscal year 2006 all of the following five criteria must be met to be considered an emergency: necessary, essential, or vital; sudden, quickly coming into being, and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

Designating a project as an "emergency" excuses Congress from paying for a project. The result of abusing the "emergency" designation is an even greater emergency. Our Nation's debt is nearly $8.4 trillion. Each American's share of this debt is $27,964.86. Our national debt is increasing by an average of $1.95 billion per day. Social Security, Medicare and the standard of living of future generations of Americans are in jeopardy as a result of decades of fiscal irresponsibility and rationalizations for spending more money today without considering the consequences tomorrow.

The Social Security trustees reported this week the program will exhaust its trust fund and begin running annual cash deficits in 2040. A year ago, that prediction was 2041, effectively meaning 2 years have been lost by a refusal to act. The trustees reported Social Security's unfunded liability is $13.4 trillion.

Of course, the real problem with Social Security and Medicare is much worse because the Federal Government uses an Enron-style accounting scheme. We habitually borrow or, more accurately, steal money from these trust funds to pay for more spending today.

When the 77 million baby boomers begin to retire in 2011, our Nation will be faced with the greatest economic challenge in our history. If we continue to indulge in earmarks, the gateway drug to spending addictions, we will never address these complex challenges, particularly if we can't resist the urge to abuse the earmark process on a bill designed to address the emergency needs of our troops and displaced people in the gulf coast.

Another reason we must act today to rein in wasteful spending is because our ability to influence world events is diminished by our debt to other nations. We now have the distinction of being the world's largest debtor nation, and this bill will add to that debt. Many serious economists are warning that our excessive borrowing from foreign sources could cause the value of the dollar to collapse, which would lead to a disaster for our economy. It is incredibly shortsighted for this body to sell Treasury bills to countries such as China so we can finance economic development programs and other pet projects while, at the same time, we hope to encourage China to be more aggressive in terms of discouraging Iran from developing nuclear weapons. This is not just a numbers game. The future vitality of our nation is at stake. We are slowly but surely whittling away our national power and ability to leverage other nations away by our refusal to make hard choices about spending.

Many of the items in this bill are obviously not emergencies, which is why this bill will be vetoed by President Bush if it is sent to him in its current form. Again, I hope conferees do not force the President to take this step. I am confident the President will veto this bill. He understands that it is more important to secure the next generation rather than the next election.

Past Presidents and Congresses have made hard choices during difficult times. Between 1939 and 1942, Congress and FDR cut spending for nondefense programs by 22 percent. In 1950, President Truman and Congress cut nonmilitary spending by 28 percent. I suggest to my colleagues that if we want to be here past 2006, we better do the same.

Still, I agree with my colleagues who say that the President's priorities don't come down from heaven. I suggest, however, that we are all subject to the judgment that comes down from the taxpayers. If we flippantly disregard the President's insistence that we make hard choices, the judgment of the taxpayers will not be kind to any of us.

Families across this country are faced with hard choices every day in order to live within their budget. They have elected us to make hard choices. Our refusal to do this only reinforces the perception that we are disconnected from the priority-setting reality that governs the rest of the country.

It is wrong, for example, for this body to fund pork projects such as grape research in the State of California force the taxpayers in my State and every other State to pay for a so-called emergency project that has been ongoing for the last 46 years and has already received more than $130 million from the American taxpayer. Where this body sees an emergency the taxpayers often see a series of misplaced priorities.

The State of California received 549 Federal earmarks this year totaling $733 million. That included $10 million in Federal resources alone for museums. Is it more important to protect the residents at risk from flooding by the Sacramento River or to fund grape research? Congress is spending over $3.6 million on a grape research center in California this year. We are spending another $1 million on a pedestrian walkway project in Calimesa and a half million on pedestrian/bike improvements on Tower Bridge in Sacramento? What is more important for Sacramento? Why can't we prioritize today so future generations are not forced to make even tougher choices between massive tax hikes, drastic cuts to Medicare and Social Security, or the defense of our Nation?

Martin Luther King Jr. once said, "Cowardice asks the question—is it safe? Expediency asks the question—is it popular? Vanity asks the question—is it popular? But conscience asks the question—is it right?"

I plead with my colleagues. Do what is right. Our Nation is on an unsustainable course, and that course correction must begin today, not when it is too late.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words but with deeds. We must do right by our troops and their families. This strong emergency supplemental appropriations bill helps us do just that. This supplemental also provides needed funds to the victims of the devastating hurricanes that hit our gulf coast last summer.

In this bill we have provided $15.6 billion to fix or replace equipment that has been damaged during combat operations and to buy additional force protection equipment desperately needed by our brave men and women on the battlefield.

To help protect our troops from deadly improvised explosive devices, IEDs, this bill creates the joint improvised explosive device defeat fund and provides the fund with nearly $2 billion to develop and field the necessary tactics, equipment, and training to defeat these deadly weapons.

Another way we can support our troops is to make our intentions in Iraq clear to the Iraqis and the international community. To this end, I supported the amendment introduced by Senator BIDEN that prohibits the building of any permanent military bases in Iraq. This will send a clear message to the Iraqi people—we are committed to withdrawing our troops once their mission is accomplished.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional $1.15 billion for the defense health program. This money ensures that we can continue to provide world-class services including rapid aero-medical evacuation to our most severely wounded soldiers.

The veterans health care system is stretched to the limit at a time when more and more veterans are turning to VA. That is why I cosponsored an amendment by Senator AKAKA to increase veterans funding by $430 million to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans.

The rank-and-file employees of the Federal Government are the unsung heroes of this country. Unfortunately, they are often required to work in substandard or often hazardous conditions. It was recently reported that employees within this very building are forced to enter tunnels full of asbestos and on the verge of collapse. That is why I cosponsored an amendment by Senator ALLARD that provides over $27 million for critical emergency structural repairs to the Capitol Complex utilities tunnels. I will continue to fight for our Federal workforce to ensure they have safe working environments and proper safety equipment.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job.

Many patriotic employers and State governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The reservist pay security amendment, which I worked on with Senator DURBIN, will ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves.

Mr. President, last year, we provided emergency relief for the victims of the horrible tsunami in Asia. Today with this bill, we are providing over $27 billion in support to our own citizens so badly hurt by the devastating hurricanes that hit the gulf coast last year. This money will not only help with the rebuilding of New Orleans, but will provide a host of economic incentives and subsidies to help the people of Louisiana, Mississippi, Texas, and Alabama get back to work and rebuild their lives following the destruction of Hurricanes Katrina and Rita. Additionally, this bill provides emergency funding to help immediately rebuild the levees and install flood control equipment that will help prevent another terrible tragedy from occurring when this year's hurricane season arrives in less than 4 weeks.

After 9/11 we realized that our borders were not secure. Since then, we have waged the war on terror and made great strides at protecting our homeland. We have made significant investments in law enforcement and security; however, the infrastructure that supports our border security has been allowed to crumble. To counter this, I supported an amendment proposed by Senator GREGG which adds $2 billion for border security initiatives to include buying additional vehicles, airplanes, helicopters, and ships. It also builds state of the art facilities for use in ensuring the security of our borders.

We have all seen the devastating effects of natural disasters and terrorism and are working hard to prevent future occurrences from affecting our Nation and the world. We have recently learned of another potential threat: a worldwide flu epidemic that could cost millions of lives if we are unprepared. In response to this threat, this bill provides $2.3 billion to prepare for and respond to an influenza pandemic. Making this money available now will help expand the domestic production capacity of influenza vaccine, and will help develop and stockpile the right vaccines, antivirals, and other medical supplies necessary to protect and preserve lives in the event of an outbreak.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined Senator BYRD's call for the President to fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After 4 years in Afghanistan and 3 years in Iraq, we should not be funding these operations as if they were surprise emergencies.

Mr. President, this bill is a Federal investment in supporting our troops and their families and providing relief for those impacted by the devastating hurricanes.

We support our troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring they are cared for with the best possible medical system when they are injured or ill.

With this bill, we are also helping our neighbors rebuild their homes, their communities, and their lives, and I am proud to give it my support.

Mr. AKAKA. Mr. President, today I will cast my vote in favor of H.R. 4939, the fiscal year 2006 supplemental appropriations bill. This bill takes the important step of supporting disaster relief efforts and helps fund our ongoing military and intelligence operations in Iraq and Afghanistan. I support the intent of this bill, but I have some significant reservations regarding the growing cost of the war and how it is being funded.

In supporting our troops, I believe we must do what is necessary to ensure that the men and women risking their lives for our country have everything they need to carry out their mission. I do not support the administration's policy of funding the war in Iraq through emergency supplemental bills. According to a Congressional Budget Office report, in 2005 the Department of Defense obligated $83.6 billion—nearly $7 billion per month—for the global war on terror, much of which was appropriated through emergency supplemental funding. This is a fiscally irresponsible approach that masks the true magnitude of the war's costs. Therefore, I voted in favor of an amendment offered by my colleagues, Senators BYRD and CARPER, which expresses the sense of the Senate that any request for funds after fiscal year 2007 for military operations in Iraq and Afghanistan should be included in the President's annual budget. I was encouraged that the amendment passed with a vote of 94 to 0. I urge the administration to heed the Senate's resolution and commit to making the costs of the Iraq war more transparent.

I also believe that the administration must be held accountable for progress in the Iraq war. As a member of the Senate Armed Services Committee and ranking minority member of the Readiness Subcommittee, I am committed to finding a way to bring our soldiers home as soon as possible. I do not believe that we should leave before the Iraqi people are equipped with the tools necessary to support a stable democratic society, but we must ensure that progress is being made. Toward that end, I support the plan outlined in the amendment submitted by my colleague Senator CARL LEVIN, ranking member of the Senate Committee on Armed Services, which establishes clear reporting requirements regarding the political situation in Iraq. According to this plan, the President is required to submit a report to Congress every 30 days outlining Iraq's progress toward the formation of a national unity government. The plan also requires the administration to inform Iraqi political, religious and tribal leaders that meeting their own deadlines with regards to amending the Iraqi Constitution is a condition for the continued presence of a U.S. military force in Iraq. While the Senate did not consider Senator LEVIN's amendment due to germaneness, this is an important issue that Congress must address.

Notwithstanding my concerns regarding the continued use of emergency supplementals to fund the conflict in Iraq, there are a number of provisions in this bill that I wholeheartedly support. In particular, I was pleased to see that we did not forget our Nation's veterans during consideration of the emergency supplemental. Our returning soldiers and sailors have earned the right to the best health care that this Nation can provide, and I believe we should strive to carry out this obligation to our servicemembers. With the backing of my Senate colleagues, I successfully passed an amendment to the emergency supplemental adding $430 million to the Department of Veterans Affairs, VA. These funds will be specifically used to supplement direct health care, mental health care, and prosthetics services at VA. As the ranking member on the Veterans Affairs Committee, I am pleased that the Senate took this important step of supporting our Nation's veterans.

Another appropriate use of the emergency supplemental was appropriations for disaster relief. Our Nation has been hit hard by many significant natural disasters that could not have been planned for in advance. I believe that we, as Government leaders, should continue to provide assistance to help those devastated by natural disasters including the severe flooding that deluged Hawaii earlier this year.

On May 2, 2006, President George W. Bush declared that a major disaster exists in the State of Hawaii that Federal funds to help the people and communities recover. I am pleased that the Senate Appropriations Committee included $33.5 million in the emergency supplemental for disaster assistance in Kauai and Windward Oahu, and $6 million for sugarcane growers in the State whose crops were destroyed by the floods earlier this spring.

In March, I introduced S. 2444, the Dam Rehabilitation and Repair Act of 2006. This bill would amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams. I also supported Senator INOUYE's efforts to include an amendment to H.R. 3499 to provide $1.4 million to assess the security and safety of critical reservoirs and dams in Hawaii, including monitoring dam structures. I am extremely disappointed that this amendment did not pass because the failure of Kaloko Dam on Kauai led to the severe flooding and loss of life. I am hopeful that my colleagues will recognize the importance of addressing the dam problem for the sake of Hawaii and our Nation and that my bill will receive floor consideration.

Senator INOUYE also introduced a timely amendment that provides $1 million for environmental monitoring of waters in and around Hawaii. In March of this year, I had the opportunity to visit the hardest hit areas of our State and meet victims, emergency responders, and State officials. To date, the situation for many of our residents remains very grave. With hundreds of homes and businesses damaged or destroyed, critical infrastructure crippled, and many hours spent engaged in search and rescue activities, the resources of our State have been severely strained. I supported this amendment, and I am encouraged that this amendment passed. It is clear that Hawaii will not be able to fully recover without substantial Federal assistance.

Mr. President, I wish to reiterate that a clear distinction needs to be made for true emergencies and natural disasters such as Hurricane Katrina and the floods in Hawaii, which could not have been anticipated.

It is fiscally irresponsible for the current administration to continue to treat this war as an emergency in order to hide the true cost of the war and circumvent the normal budgeting and oversight process. If the current administration continues to refuse to make hard choices and insist on a policy of funding the war through emergency appropriations, succeeding generations of Americans will face even more difficult choices.

Mr. DODD. Mr. President, I had intended to offer an amendment, No. 3755, to this Emergency Supplemental Appropriations bill to provide for full funding of the Help America Vote Act. However, once cloture was invoked, my amendment would have been ruled nongermane and consequently, I will not call it up.

But the parliamentary circumstances of this bill do not change the fact that we have reached a critical juncture in the ability of States to be prepared for Federal elections this November.

The amendment I intended to offer would have ensured that States have the resources necessary to conduct fair and accurate elections this fall. It would have fulfilled the promise made by Congress to be a full partner in the funding of Federal election reform by providing full funding for payments to State governments to meet the election reform requirements mandated by Congress over 3 years ago under the Help America Vote Act, HAVA.

HAVA was overwhelmingly enacted by Congress and signed into law by President Bush on October 29, 2002.

HAVA mandates that by the Federal elections this year, States must implement certain minimum requirements for the administration of Federal elections. These requirements were phased in over roughly a 2-year period with the final requirements mandated to be in place by this year.

To ensure that the States could meet these requirements, Congress authorized nearly $4 billion to pay for 95 percent of the costs of HAVA implementation. In order to receive Federal funding, States had to provide 5 percent matching funds.

All 50 States, the District of Columbia, and the territories have raised their 5 percent matching funds under this Federal-State partnership.

Only the Federal Government is coming up short on its end of the deal. To date, Congress has appropriated only $3.1 billion of the nearly $4 billion it promised the States in funding. That means the States are short nearly $800 million in promised Federal funds needed to implement these reforms.

With 2 Federal primary elections already over and with 10 upcoming primaries scheduled in May, there is precious little time left to get these needed funds to the States in time to ensure that the Federal elections this year are conducted in compliance with Federal law.

This amendment would provide full funding for HAVA. Arguably, this is the last opportunity we may have to ensure that the States have the promised funds in time to meet the 2006 deadlines for reform.

The amendment would fund the balance of the requirement payments to

States under section 251 of HAVA in the amount of $724 million. It would also make up the shortfall of $74 million in funding to date for disability access grants and protection and advocacy payments to serve the voting needs of persons with disabilities.

It is simply unconscionable that Congress has not kept up its end of this funding bargain. As Thomas Paine observed, the right to vote for representatives is the primary right by which other rights are protected. That statement is still true today. The right to vote in a democracy is the fundamental right on which all others are based.

As we witnessed in the Presidential election debacle of 2000, the confidence of the American public in our system of elections was shattered after witnessing hanging chads, confusing ballots, missing names on voter lists, malfunctioning machines, and different standards to recount ballots.

Congress responded with the first ever comprehensive requirements for the administration of Federal elections.

The HAVA requirements effective for the 2004 Federal elections provided that all States offer provisional ballots to any voter challenged, for any reason, at the polls as ineligible to vote. Because of the HAVA requirement, 2 million more ballots were counted in the 2004 elections than would have otherwise been counted.

In 2004, States also had to have in place measures designed to ensure the identity of certain first-time voters who registered by mail. States had to ensure voter education by posting certain voter information in the polling place.

But the most far-reaching, and arguably most expensive reforms, must be in place for the Federal elections this year. Effective January 1, 2006, all voting systems used in Federal elections must meet the following minimum voting system standards:

> Provide all voters with the right to verify their ballot, before it is cast and counted, to ensure that it accurately reflects his or her choices;
>
> Provide a permanent paper record with a manual audit capacity, which can be used as an official record in the case of a recount;
>
> Provide full accessibility to persons with disabilities, including the blind and visually impaired, allowing for the same privacy and independence as other voters;
>
> Provide alternative language accessibility to language minorities, consistent with the requirements under the Voting Rights Act;
>
> Meet current machine error rates; and
>
> Establish a standard for defining what constitutes a vote and what will be counted as a vote.

In the aftermath of the November 2000 election, there were allegations that voter registration lists contained numerous irregularities and errors, including multiple registrations and the names of deceased individuals. Registration lists were also subject to questionable purges by State and local governments, conducted in a manner inconsistent with the National Voter Registration Act.

HAVA addressed those concerns with a balanced response by requiring each State to implement a computerized voter registration list for use as the official list of registered voters. For many, this requirement is the single most important reform for ensuring the accuracy and integrity of elections.

But it is a significant, and expensive, task when you consider there were more than 142 million registered voters in the United States in 2004.

Depending upon the data used, that number represents between 65 percent to 85 percent of the total eligible voters. With more than 15 percent of Americans moving every year, it is crucial that State registration lists remain current and accurate in order to ensure the public's confidence in the outcome of Federal elections.

The 2006 reforms are absolutely critical to the successful implementation of HAVA nationwide and to achieving our twin goals of making it easier to vote and harder to defraud the system.

This amendment that I filed to this bill is supported by a broad coalition of organizations, lead by the Leadership Conference on Civil Rights and the National Association of Secretaries of State, representing the civil rights and voting rights communities, disabilities groups, State and local governments and election officials.

The LCCR/NASS letter, dated April 20, 2006, notes, and I quote:

> Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates.

I will ask that this letter appear in the record following my remarks.

I am grateful to the LCCR and NASS for their continuing leadership on this issue and for their support of full funding of the HAVA requirements. It would have been my preference that 100 percent of the HAVA costs be covered by the Federal Government, but I agreed to a 95 to 5 split to ensure that the States became vested in reform. All of the States and the District of Columbia and the territories are vested—they have met their required 5-percent match. Only the Federal Government appears to be less than committed to reform.

Unless and until we can assure the American public that we have done all that we can to ensure the accuracy and access to the ballot box for all eligible voters, there will be a cloud hanging over the final results of any given Federal election. That is not productive for democracy and undermines the very authority of our system of elected government.

Congress enacted HAVA in response to the crisis in confidence of the American electorate following the 2000 Presidential elections. We promised the States we would be a full partner in funding those reforms.

To help restore the public's confidence in the results of our Federal elections, Congress intended that HAVA ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted.

Without the promised funding, Congress has created an unfunded mandate and State governments have indicated they will not be able to fully implement the requirements on time. This amendment would have ensured that the minimum Federal requirements would be implemented on time nationwide.

Since Congress mandated that these requirements be effective by January 1, 2006, it is critical that Congress now provide these funds no later than fiscal year 2006 in order to ensure that the statutory requirements are met.

It is past time to live up to our promise. While my amendment may not be in order to this bill, I am serving notice that I will continue to look for ways to ensure that Congress makes good on its promise to be a full partner in funding election reform.

I ask unanimous consent that the before-mentioned letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 20, 2006.

MAKE ELECTION REFORM A REALITY—SUPPORT IMPLEMENTATION AND FULL FUNDING FOR HAVA

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include the remaining $798 million of authorized funding in the upcoming Emergency Supplemental legislation. Of that amount, $724 million is for the federally-mandated processes and equipment that state and local governments must have in place for federal elections in 2006 and $74 million is for assisting state and local governments in making all polling places accessible. It is imperative that the states and localities receive all of the funding they were promised so they can fully implement these important requirements of HAVA.

State and local governments have worked hard on these reforms such as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database, training poll workers and educating voters on new procedures and new equipment. State and local election officials have always had a difficult struggle when competing for the funding necessary to effectively administer elections and they were counting on the funding promised by Congress to ensure that all the new federal mandates were implemented effectively.

To help state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. Between FY03 and FY04, it was clear that Congress saw the importance of fully funding HAVA and provided $3 billion of the $3.9 billion for HAVA implementation. Unfortunately, in FY 05 and

FY 06 no federal funds were appropriated for states to implement the HAVA requirements.

State officials incorporated the federal amounts Congress promised when developing their required HAVA budgets and plans. Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back their voter and poll worker education initiatives and on voting equipment purchase plans, all of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission. States, localities and civic organizations can utilize the work products of the EAC to effectively implement the requirements of HAVA i.e., the voting system standards, the statewide database guidance, and the studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State or Rob Randhava of the Leadership Conference on Civil Rights, or any of the individual organizations listed below.

Sincerely,

ORGANIZATIONS REPRESENTING STATE AND LOCAL ELECTION OFFICIALS

International Association of Clerks, Recorders, Election Officials and Treasurers.
National Association of Counties.
National Association of Election Officials.
National Association of Secretaries of State.
National Association of State Election Directors.
National Conference of State Legislatures.

CIVIL AND DISABILITY RIGHTS ORGANIZATIONS

Alliance for Retired Americans.
American Association of People with Disabilities.
Asian American Legal Defense and Education Fund.
Asian Pacific American Labor Alliance.
Brennan Center for Justice.
Common Cause.
Dēmos: A Network for Ideas & Action.
FairVote.
Leadership Conference on Civil Rights.
League of Women Voters of the United States.
Mexican American Legal Defense and Educational Fund (MALDEF).
National Association for the Advancement of Colored People (NAACP).
National Disability Rights Network.
Paralyzed Veterans of America.
People For the America Way.
The Arc of the United States.
United Auto Workers.
United Cerebral Palsy.
U.S.
PIRG.

Mr. SESSIONS. Mr. President, first, let me acknowledge the work of Chairman COCHRAN, Senator SHELBY, and the Appropriations Committee in crafting this bill.

I would also like to commend Dr. COBURN, Senator MCCAIN, Senator ENSIGN, and so many a number of my colleagues who have been out on the floor discussing the need for fiscal restraint.

As much good as there is in this bill, and it is mostly good, I will be voting against it.

We must stop the practice of using emergency spending designations to meet needs that can be met in the normal budget process.

This supplemental has some important provisions in it related to the war on terror and the Hurricane Katrina recovery.

For example, in relation to the war on terror, $10.2 billion is allocated for the Department of Defense's military personnel; $39 billion is allocated for operation and maintenance accounts in support of Operation Iraqi Freedom and Operation Enduring Freedom; $15 billion for procurement for various accounts; and $8 billion for various other defense-related expenses.

Other war related expenditures: $82 million for the FBI operations in Iraq and Afghanistan, $5 million for the DEA's Intelligence Program, and $4 million for ATF's costs in Iraq.

These are all important programs that should be funded to help fight terrorists abroad.

The bill provides needed funds for Hurricane Katrina.

It provides $2 billion for border security, fully offset, which was included in Senator GREGG's amendment.

That being said, there are a number of items in this bill that do not belong in an emergency supplemental appropriations bill.

Many of these are very important projects that have merit.

Many of these programs are worthy of Federal funding, and, when the regular appropriations season gets underway, I will work to see if there is a way we can fund them.

But the question before us today is not whether they have merit because undoubtably most do.

The question is not even whether they should receive Federal funding.

Here is the question we must ask with respect to each of the needs that are being funded in this bill: Are they emergencies?

The Senate version of the appropriations supplemental bill is $106.49 billion, over $14 billion more than the President's request of $92.22 billion.

Because these are designated as "emergency funds," they are not factored into the budget.

As far as Washington is concerned, they "don't count."

But they do count.

There is no magic pot of money that can be tapped for emergency needs.

This is straight deficit spending.

There are times when emergency spending is justified, but if we abuse it, we might as well not even have a budget.

What is emergency spending?

The emergency appropriations process is set up to be an exception to the normal appropriations cycle so that money can be spent for unexpected occurrences that come up throughout the year, such as additional war costs or unexpected disasters.

This money is not factored into the regular budget.

The other body exercised fiscal restraint when they took up the supplemental bill and actually managed to bring the bill's top line number down from the Presidents's request to $91.95 billion.

However, during the Senate markup, the bill expanded rapidly.

According to the National Journal, money was added at a rate of more than $80 million per minute during the 2-hour markup.

Of course, it is not important how fast the money was added or how much is in the bill.

The only things that matter are:

Are these meritorious programs?

Are they Federal responsibilities?

Are they emergencies?

Senator GREGG, a distinguished member of the Appropriations Committee and my chairman on the Budget Committee, wrote a piece in the Wall Street Journal on April 18 entitled "The Safety Valve Has Become a Fire Hose."

The piece gives an excellent explanation of the problem with abusing the emergency spending process.

While Senator GREGG and I disagree with regard to 2-year budgeting, we have no disagreement on the proposal he outlines in his article, which is 1-year budgeting, which means, let's live under the budget we have now and have a sequester if we exceed it.

In the piece, Senator GREGG states:

> there are two sets of books, and [only] one is subject to the budget controls.

Adding superfluous spending to the emergency supplemental is a way to cheat the system and get around having to actually pay for the money we spend.

Here are a few of the most egregious provisions in the bill:

First, some of the funds in this bill are spent as far out as fiscal year 2010 and beyond.

Money being spent 5 years from now is not an emergency, and can be allocated and paid for through the regular budget process each year.

If we need money to start these projects, we can give money for the first year. But all other money should be subject to the oversight of an authorizing committee and the regular budget process.

Secondly, $594 million allocated for the Federal Highway Administration to go to projects on "the current FHWA ER backlog table," which lists storms back to 1999.

Our budget specifically outlines the criteria for emergency spending. It is as follows:

> (A) necessary, essential, or vital (not merely useful or beneficial);
>
> (B) sudden, quickly coming into being, and not building up over time;
>
> (C) an urgent, pressing, and compelling need requiring immediate action;
>
> (D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and
>
> (E) not permanent, temporary in nature.

If funds are in fact needed to meet needs from a hurricane in 1999 or an ice storm in 2001, that should have been reasonably foreseen in 2005, when we were drawing up this year's budget.

The backlogged highway repairs for these storms could have been paid for through the regular appropriations process or the $286 billion transportation bill that passed last year.

Emergency supplementals are for unanticipated costs, not costs anticipated 5 years ago.

Emergency spending should be an exception to the appropriations process—not the rule.

There are ways to pay for emergencies, and there are ways to pay for past emergencies.

The items on this chart that predate the last fiscal year are not emergencies and should not be treated as such in the appropriations process.

They should be paid for, just like the relief efforts on all other past emergencies.

According to National Taxpayers Union President John Berthoud, since 1996 the Federal Government has spent over $450 billion under the "emergency" designation—an extra $1,500 for every person in America.

Nearly all of our 50 States maintain emergency, contingency, reserve, or "rainy day" funds to help cover unanticipated spending needs. This would not only help to smooth out spikes in deficit spending but also help to prevent politicians from taking advantage of urgent situations to grow other Government programs.

We need to better prepare for these type expenses, like our States do.

The President in the Statement of Administration Policy on this bill drew a clear line in the sand. Let me read from the SAP:

> However, the Senate reported bill substantially exceeds the President's request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline.
>
> Accordingly, if the President is ultimately presented a bill that provides more than $92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The statement could not be clearer.

The day after he sent up the SAP, I sent a letter to the President, which was signed by 35 other Senators, committing to sustain any veto of this bill which violates the principles outlined in the SAP.

I have every confidence that our congressional leadership and our President, and their ability, working with the distinguished chairman of the Appropriations Committee, can find a way to make a good bill fit within the numbers outlined by the President.

This supplemental debate highlights a larger issue.

We need budget process reform.

We need a line-item veto. Senator FRIST's bill, S. 2381, Provides that rescissions packages submitted by the President shall be treated with fast-track authority. But this bill is just the beginning.

We need to reform Congressional Budget Office scoring in the following ways:

Dynamic scoring. Senator ENSIGN's bill, S. 287, addresses this issue. Changes in tax law will be scored to take into account real-life effects on the economy.

Tax/spending parity. CBO scores should treat tax expirations and spending expirations the same.

Long-term scoring. We should require CBO scores to have more detailed estimates for long-term costs of authorizations and direct spending.

Database of authorizations. We should require CBO to produce a database with a comprehensive catalog of all authorized spending, user-friendly, searchable and sortable by expiration date and category, and total authorized amounts, appropriated amounts. Database should be available online, searchable, sortable, and provide overall total amounts.

We also ought to move to a 2-year budget.

Senator DOMENICI has been spearheading this issue. His bill, S. 877, is an excellent bill. Under his bill, all budgeting and appropriating occurs in first year of a Congress. The second session focuses on oversight.

Database for Federal grantees. We should require the creation of a database of Federal grantees so taxpayers can log on and find out who is spending their money and how.

Government shutdown protection. This provision would provide that if appropriations bills are not enacted by the beginning of the fiscal year, programs continue at previous year's level.

Spending firewall. We should create four firewalled categories of Federal spending: defense, international, domestic, and homeland, which would be binding and in the budget. This would ensure that security needs would be met and could not be raided during the appropriations process to pay for social spending.

Pay-go for emergency spending. Automatic across-the-board reduction in spending for emergencies. Provide that emergency spending automatically triggers an across-the-board rescission in all spending. Senator GREGG mentioned a program like this in his Wall Street Journal piece.

Mutiyear caps. We should provide that 302(a) discretionary caps carry over for the life of a budget resolution, including the ability for the Appropriations Committee to issue 302(b) suballocations. Currently, if we have no budget, we have a top-line discretionary cap but no way to enforce it. We should provide a mechanism for the Appropriations chairman to issue suballocations in the event that a budget is not passed.

Commission on Accountability and Review of Federal Agencies. Senator BROWNBACK's bill, S. 1155, takes the concept of BRAC and applies it to wasteful domestic spending programs.

Efficencies. We should allow up to 2 percent of any Department to be transferred to pay down the national debt if efficiencies are found. The current system requires bureaucrats to be inefficient. We give them a big pot of money and say: You must spend this. We should encourage, not discourage, frugality.

Entitlement commission. We should provide for a commission to review entitlements, provide recommendations for reform, and provide fast-track consideration for reform proposals.

Earmark reform. Finally, we need to finish the process we started on the lobbying reform package, which is earmark reform. Senators MCCAIN and LOTT have led on this important issue.

I look forward to consideration of budget process reform later this year.

Mr. FEINGOLD. Mr. President, I am extremely disappointed that the Senate did not get the chance to vote on my amendment to strengthen the oversight and monitoring of over $1.6 billion included in this supplemental for Iraq reconstruction. This amendment, designed to extend the oversight of the Special Inspector General for Iraq, SIGIR, over reconstruction funding in the supplemental, would have helped the SIGIR continue its valuable work in ensuring that U.S. taxpayer dollars are being used efficiently and effectively.

We should not be spending money on Iraqi reconstruction without ensuring there is appropriate oversight and auditing. My amendment would have strengthened the capabilities of the Special IG to monitor, audit, and inspect funds made available for assistance for Iraq in both the Iraq Relief and Reconstruction Fund, IRRF, and in other important accounts. It is frankly baffling to me that anyone would oppose this amendment being included in the supplemental.

As we continue to pour tens of billions of dollars in to Iraq, I believe that we must not lose oversight of U.S. taxpayer dollars. American taxpayers deserve to know where their money is going in this costly war and that it is being used effectively and efficiently and ending up in the right hands.

The Iraq IG's work to date has been extremely valuable to the U.S. Government and to Congress. The Iraq IG has now completed 55 audit reports, issued 165 recommendations for program improvement, and has seized $13 million in assets. In its latest report, released over the weekend, the Iraq IG indicated that it has completed 29 audits and released 58 recommendations for program improvement in this quarter alone. Overall, the SIGIR estimates that its operations have resulted in saving $24 million. Throughout 2005, the Iraq IG provided aggressive oversight to prevent waste, fraud, and abuse in the at-times lethal operating environment in Iraq. Its emphasis on real-time auditing—where guidance is provided immediately to management authorities upon the discovery of a need for change—provides for independent assessments while effecting rapid improvements.

In its January report to Congress, the SIGIR concluded that massive unforeseen security costs, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity. The Iraq IG's work has resulted in the arrest of five individuals who were defrauding the U.S. Government, and it has shed light on millions of dollars of waste. It is this kind of investigation and reporting that helps shape the direction of reconstruction funding and ensures that the money is being used and allocated as transparently and effectively as possible.

Mr. President, I originally drafted legislation to create the Special Inspector General for Iraq, known as SIGIR, in order to ensure that there is critical oversight of the Iraq Relief and Reconstruction Fund, IRRF, allocated for Iraq reconstruction projects. I believed then, and I believe now, that it is crucial that we have an effective oversight capability over American taxpayer dollars spent in Iraq. Last year, I fought to extend the life of this office, which has been recognized by the Department of State and Defense as a valuable and necessary office. I do not intend to let this week's setback prevent me from pushing for continued transparency and accountability in the administration's policies in Iraq.

Mr. SALAZAR. Mr. President, over the March recess, I joined the leaders of the Senate Armed Services Committee, Senator JOHN WARNER of Virginia and Senator CARL LEVIN of Michigan, on a trip to Iraq to hear the on-the-ground perspective of our military leaders, our troops in the field, and Iraqi officials. I returned to the United States as always overwhelmed by my pride and admiration for our service men and women, who continue to work with commitment and professionalism even in the most difficult circumstances. I cast my vote in support of this supplemental package before us because I am completely committed to providing our men and women in uniform with the support they need to continue their excellent work. Toward that end, I am very pleased that an amendment I authored calling for regular reports on the Pentagon's efforts to train our troops in methods of detecting and defeating improvised explosive devices has been added to this bill.

I also cast this vote today because when it comes to funding our service men and women, right now this supplemental is the only game in town. And because the administration refuses, year after year, to incorporate the costs of ongoing operations in Iraq into the regular budget, we have no choice but to fund these efforts through these emergency supplementals—essentially putting hundreds of billions on our national tab. The Senate voted overwhelmingly in support of Senator BYRD's amendment urging the administration to stop these irresponsible budget games. I hope the President heeds that message.

In addition to reaffirming my admiration for our military, my recent trip to Iraq also gave me a deeper understanding of the importance of success in Iraq and the truly daunting nature of the challenges ahead.

In addition to the extremely serious fiscal issues confronting us, we have the even more serious policy issue to consider—how should U.S. policy proceed in Iraq?

A failed Iraqi state would threaten our national interests, destabilizing an already volatile region and creating a lasting haven for terrorists. Our national security imperatives mandate our commitment to Iraq's success.

Success in Iraq is dependent on several factors: controlling violence, creating a stable government of national unity, delivering basic services and the promise of economic development to the Iraqi people, and establishing strong and supportive relations between Iraq and its neighbors in the region. If any of these pillars are missing, Iraq's future becomes uncertain and unstable.

America can help, but ultimately the Iraqis must achieve these goals on their own. The Iraqi people and Iraqi security forces have made significant strides, but much more remains before Iraq can govern and protect Iraqis. And Iraq's neighbors, who know the region best and will suffer most from a failed state in their midst, must step up to the plate to help end the political deadlock in Iraq.

We all recognize that U.S. forces cannot and should not remain in Iraq indefinitely. The U.S. military presence in Iraq should depend upon Iraqi leaders promptly making the compromises necessary to achieve the broad-based, sustainable, political settlement necessary to form a government of national unity and defeat the insurgency. We need partners within Iraq and outside its borders who are committed to stability and sharing power in order to achieve the mission of a truly democratic Iraq, and to share in that success with Iraq's people.

We also need to ensure that the magnitude of the challenge before us in Iraq does not distract all our attention from the vitally important, ongoing mission in Afghanistan. This bill also provides much needed support for that mission. We have made tremendous progress, working with the Afghan people, in helping to turn Afghanistan from a state sponsor of terrorism to a stable, responsible member of the international community. But our work is by no means complete, and the American troops and Afghani leaders I met with in Kabul just weeks ago underscored how important it is that we continue our strong support for the stabilizing mission.

This bill also provides support for the communities devastated by last year's hurricane season. I am afraid that, thus far, the story of the Government's response to Katrina has been a story of failure not only in the preparations for the storm and in the midst of the crisis but also in the recovery effort. Too many promises have not been kept, and too many American families continue to live in an atmosphere of uncertainty. The provisions in this bill will help, but our commitment does not end here. Congress needs to make sure that the gulf region has the necessary resources to recover from last year's hurricanes and respond to future storms, but it must also make sure that the administration has fixed the incompetence at FEMA and DHS which disturbed so many Americans. I look forward to continuing to work on these important issues in the upcoming months.

Over the past 6 years, Colorado has suffered from ongoing natural disasters including drought. Unfortunately, many areas in Colorado continue to suffer from ongoing extreme weather conditions including drought, hail, and frost. In particular, Colorado wheat producers are estimating that this will be the fifth below-average wheat crop in 6 years.

In addition, many Colorado farmers and ranchers are suffering from economic losses due to continually rising gas prices. And what is true in Colorado is true in many other States across the country. That is why I am an original cosponsor of Senator CONRAD's emergency agriculture disaster assistance package, and I am so pleased that it was included as part of this supplemental bill. Toward that end, I especially thank Senators CONRAD and COCHRAN, who worked very hard on these important provisions. I am so pleased that the Senate has voted to provide immediate assistance to producers across the country who have been devastated by a variety of natural disasters.

While, overall, we are lucky in Colorado that this has been a better year for many of our farmers and ranchers who have suffered from continuing natural disasters over the past several years, many producers in southern and eastern Colorado have been hit by drought conditions once again.

It has been downhill for the 2005 Colorado winter wheat crop since last May. In fact, estimates show that it will be the fifth below-average winter wheat crop in 6 years—with potential losses to producers of over $60 million.

In addition, increasing gas prices have hit our rural communities hard, making it virtually impossible for many producers to cover the unexpected additional costs. During harvest, agricultural producers are some of the largest fuel consumers in the United States and producers are facing enormous fuel costs. Farm fuel has increased by 79 percent from $1.40 per gallon in September of 2004 to around $2.60 per gallon in September 2005. Colorado wheat producers have told me that it would take a 40-bushel average yield per acre and an average price of $4.00 per bushel to cover all of these additional costs and break even. Unfortunately, the average yield in 2005 was 24 bushels per acre, and the average price is projected at $3.34 per bushel.

Finally, Mr. President, I wish to express again how pleased I am that the Senate adopted my amendment to provide an additional $30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System. In the West, the seasonal wildfire potential outlook map shows above-normal fire danger across the Western United States and several Southern States, too, have increased fire dangers. One of the most alarming factors in the wildfire outlook this year is insect infestation. For example, my State of Colorado has over 1.5 million acres that have been infested by bark beetles. After these infestations come through a forest, they leave behind entire stands of trees—sometimes thousands of acres—that are more susceptible to fire due to the dried-out conditions and increased fuel loads in those forests. Just today, I learned from the U.S. Forest Service that Colorado has 280,000 acres of approved hazardous fuel reduction projects that are awaiting treatment, with Forest Service funding only sufficient to conduct about a quarter of those projects under the best circumstances. This situation represents a true emergency, and I am relieved that we were able to address it in this bill.

Mr. FEINGOLD. Mr. President, I am voting for this legislation because it provides important funding for our troops and for the people recovering from the devastation caused by last year's hurricanes. Unfortunately, I do so with great reluctance because of two fundamental problems with this measure.

First, this bill continues the administration's fiscally irresponsible practice of funding our Iraq and Afghanistan operations outside of the regular budget process. That problem is compounded by the administration's failure to enunciate a clear policy for how we will conclude our military mission in Iraq. Our country needs a new vision for strengthening our national security, and it starts by redeploying U.S. forces from Iraq and refocusing our attention on the global terrorist threats that face us. As I noted earlier in the week, when I was prevented from offering an amendment that would have required redeploying the bulk of our troops in Iraq by the end of the year, we should not be appropriating billions of dollars for Iraq without debating—and demanding—a strategy to complete our military mission there. Not when the lives of our soldiers and the safety of our country are at risk.

Second, this bill has become the most recent vehicle for the explosion of unauthorized spending that is finding its way onto appropriations bills. In addition to providing funding for military operations in Iraq and Afghanistan, this bill was supposed to be limited to addressing the very real needs arising from Hurricane Katrina and other disasters.

Unfortunately, there seems to be an attitude in Congress that is reflected in the comments of one former Member of the other body, who was especially skilled at advancing spending items: "I never saw a disaster that wasn't also an opportunity."

Regrettably, this bill has provided just such an opportunity to interests seeking to circumvent the scrutiny of the authorizing committees or of a competitive grant process. As a result, this measure is larded up with spending for unauthorized programs. Worse, none of this spending is paid for. It is all added to the already massive tab we are leaving our children and grandchildren.

I supported efforts on the floor to strip some of the funding that does not belong in the bill. I opposed efforts to table an amendment by Senator THOMAS and a motion by Senator ENSIGN that would have forced the Senate to consider a bill with a smaller, and more reasonable price tag. I also supported several amendments offered by Senator COBURN and Senator MCCAIN to eliminate funding in the bill for projects that, while they might have some merit, do not necessarily warrant emergency spending. If we are going to pass emergency appropriations bills that aren't offset, we should be sure that the spending in those bills is fully justified.

A portion of the floor debate on this legislation was devoted to skyrocketing energy prices. While significant increases in fuel costs have affected all Americans, they have put the American farmer in an especially tough situation. Unfortunately, I have serious concerns with how this problem has been addressed in this bill.

Under this bill, growers of program crops—rice, feed grains, oilseeds, wheat, cotton and peanuts—who are only about a quarter of farm income receive $1.5 billion or 90 percent of assistance, while only $74.5 million is provided for specialty crops, dairy and livestock producers through a block grant to States. Moreover, only the producers of program crops will receive assistance directly. The remaining 75 percent of farmers will not receive direct assistance, nor will they be assured that any funds will find their way to them since those funds can also be used for nutrition programs or marketing. Clearly there is a disconnect between the avowed purpose of this farm assistance and the details of how the program will operate, which is why I supported Senator MCCAIN's amendment to strike a portion of this program.

I urge my colleagues in conference to take a close look at the details of this program. If the program's intent is to help all farmers with their spiraling fuel-related costs, the proposal falls seriously short. Even the modest step of placing a payment limit on the $1.5 billion for direct payments could provide hundreds of millions of dollars for both a more equitable program and savings for taxpayers.

I am pleased that a compromise was reached among my colleagues regarding the K–12 educational funding for schools that have taken in displaced students. Schools across the country, including some in Wisconsin, have opened their doors to the hundreds of thousands of students who were displaced by Hurricanes Katrina and Rita. I strongly support continued efforts to assist the schools that are educating these students. I am glad that this funding will be provided through title V of the Elementary and Secondary Education Act, which allows local school districts to provide specific educational services to the schools, rather than direct funding to private schools. This agreement will best serve our educators and students as they continue to recover and heal from the devastation wrought by the hurricanes.

This legislation also includes significant funding to address critical foreign policy concerns. An amendment introduced by Senator BIDEN sets aside funding for a special envoy for Sudan. A special envoy is desperately needed to help bring peace to Darfur and to help ensure that the peace agreement between the north and south is adhered to. This bill also includes key funding needed for strengthening a peacekeeping mission in Darfur to help bring an end to what has become one of the world's greatest tragedies.

This bill also includes funding for Liberia's fragile postelection period, and support for Haiti's tentative transition to a democracy and for the Democratic Republic of the Congo's upcoming elections. This funding is needed urgently to help these countries make the much-needed transition to peace and democratic rule.

I have noted some of the important measures funded in this emergency supplemental and there are many more. Emergency supplemental spending measures are needed at times to deal with true emergencies. However, to borrow a line from the President, this Congress is addicted to supplementals. I am glad that the Senate adopted Senator BYRD's sense-of-the-Senate amendment insisting that future war costs be included in the regular budget. With this bill, total war-related funding paid for through supplementals will reach approximately $440 billion. That is an enormous sum of money and that does not even include the nearly half trillion dollar annual defense budget. I hope the Senate will stand firm on this issue and insist that any future spending for the Iraq war goes through the regular budget process.

Mr. President, I will vote for this measure with the hope that the administration will work with conferees to eliminate the unjustified spending slipped into this bill, and with a renewed determination to make sure that this body fully debates and votes on my proposal to redeploy our troops out of Iraq by the end of the year, and refocus our resources on the fight against terrorism.

Mr. DURBIN. Mr. President, I rise today to speak in support of the provisions in the supplemental spending bill to assist agricultural producers suffering from Hurricanes Katrina and Rita, drought, wildfires, and other natural disasters. I would like to thank Chairman COCHRAN and Senator BYRD for their work on this bill, as well as my colleagues who have worked with me on this matter since last summer's Midwest drought.

This has not been an easy year for our Nation's farmers and ranchers. Hurricanes Katrina and Rita wreaked havoc on producers throughout the gulf coast. Losses to livestock and crop production in the gulf coast total in the hundreds of millions of dollars. Many farmers in that part of the country will not even have the opportunity to plant their crops this season due to saltwater intrusion on their lands.

In addition, for farmers outside the gulf coast, the hurricane brought about higher fuel prices and increased the cost of shipping as the Port of New Orleans was temporarily closed. In my home State of Illinois, producers have suffered one of the worst droughts since 1895. The period from March 2005 to February 2006 was the third driest March to February period since 1895. Even with some very fortunate late rains, these drought conditions significantly lowered both yields and the value of the year's harvest.

According to the USDA's National Agricultural Statistics Service, NASS, the value of Illinois' corn crop decreased by more than $1.1 billion, or about 25 percent, from 2004 to 2005 even as corn acreage increased. At least 10 counties in northeast and western Illinois sustained greater than 20 percent losses in corn yields. Unfortunately, farmers and ranchers are not expecting this crop year to reverse last year's trend. USDA's Economic Research Service, ERS, expects net farm income to drop 23.2 percent this year, from $72.7 billion to $56.2 billion, due in large part to stagnant crop prices and rising energy costs.

To make matters more difficult, the price of diesel fuel has doubled since the summer of 2004. Fertilizer prices have taken off as well, increasing by more than 30 percent per acre since 2001. Even with increased efficiency, these rising prices are hurting our Nation's farming families.

Because farmers use so much energy running their tractors and combines, applying fertilizers, and hauling their products by truck to buyers and markets, these prices are squeezing the already thin profit margins of our Nation's producers. Especially when we keep in mind that commodity prices have stayed fairly level over the past 2 years we can see why these natural disasters and high energy costs may be putting our farmers at risk of losing their farms.

The provisions that some of my colleagues and the Bush administration seek to strike would provide assistance to producers who suffered crop losses due to natural disasters such as the drought in the Corn Belt and flooding in various parts of the country, and to those who lost livestock, such as Texas ranchers in this year's wildfires. The measures that are under attack here would also provide a direct payment to producers who are struggling to keep their heads above water due to the rapidly increasing cost of fuel and other inputs.

This is what surprises me most—at this trying time for our Nation's farmers and ranchers, Members of Congress are actively working to prevent this much needed assistance from reaching our farmers and ranchers. The Bush administration has even gone so far as to say that there has been no disaster at all, even though the Secretary of Agriculture designated 101 of 102 counties in Illinois as disaster areas. Well, the Bush administration budget crunchers aren't talking to their own disaster experts, let alone farmers in western Illinois or ranchers in Texas or anyone who is trying to pay rising energy costs while growing the wheat, corn, and soybeans that keep our people fed.

Now is not the time to turn away from the thousands of farmers who will depend on this assistance to purchase equipment and stay in business this season. I ask my colleagues to join me in expressing their support for these important provisions that will provide some much needed relief for our nation's agricultural producers. I hope the Senate will insist that agricultural assistance be included in the final supplemental spending bill, notwithstanding the misguided positions of the White House and House on this important matter.

Mr. LEAHY. Mr. President, yesterday I spoke on the floor about amendment 3662 filed by Senator FEINGOLD and cosponsored by myself and Senators BYRD, SALAZAR, LIEBERMAN and COLLINS, concerning the Special Inspector General for Iraq.

In that statement I pointed out that because of the administration's decision to request funds for Iraq reconstruction under traditional Foreign Operations accounts even though the funds would be used to continue many of the same activities previously funded under the Iraq Relief and Reconstruction Fund, it would end the Special IG's oversight of these funds.

The Feingold amendment would have ensured that the Special IG's oversight continued, but the Majority opposed his amendment.

As a result, we now have only the State Department Inspector General to oversee these funds, even though that office has no people in Iraq and no capacity to undertake a job of this size and complexity any time soon.

I understand that my friend from Wisconsin went to the floor prior to the vote on cloture and waited for an opportunity to offer his amendment, but he was unable to obtain floor time. After cloture was invoked his amendment was ruled nongermane, and he was out of luck as far as getting a vote on his amendment.

The Special IG has uncovered widespread waste, fraud and abuse. Shocking sums have been wasted by unqualified contractors who spent the taxpayer's money as if it grew on trees, with little to show for it. Many projects that have absorbed millions or tens of millions of dollars will never be completed.

The Special IG has not won any popularity contests with the agencies whose performance he is responsible for overseeing, nor with some in the majority in Congress. However, they have never offered a substantive explanation for ending his oversight of the Iraq reconstruction funds.

I do want to correct one of my statements yesterday, when I said that members of the majority party, in opposing the Feingold amendment, were "acting on behalf of some in the Pentagon and the White House who want to shut down the office of the Special IG."

I am informed that members of the majority party were not acting on behalf of the Pentagon and the White House. It was not my intention to impugn the integrity or character of my friends in the majority who I respect and have worked closely with for years, but rather to convey my strong disagreement and disappointment with their opposition to the Feingold amendment and to the continued oversight of these funds by the Special IG.

Mr. DODD. Mr. President, today I wish to speak about the emergency supplemental bill and about the amendments related to the ongoing conflict in Iraq and other pressing issues of the day.

For example, I am deeply disappointed that Senator LEVIN and others who had Iraq-related amendments were not allowed to offer them postcloture. I would have supported the Levin amendment, just as I supported the underlying emergency supplemental earlier today.

Having said that, I think there is something very wrong with a process that doesn't allow for full and open debate on the emergency funding for Iraq and Afghanistan just passed by this body. That is why I voted against cloture on the underlying bill earlier this week.

Indeed, the Senate just approved more than $67 billion in emergency supplemental funding for our combined military engagements in Iraq and Afghanistan. But because of the special rules of the Senate related to the consideration of appropriations matters, most amendments which would have spoken to United States policy in Iraq or Afghanistan were ruled out of order and never received an up-or-down vote, or even an opportunity for full debate. This fact has done a real disservice to the American people and, I believe, left the false impression that Congress is fully on board with our current policies.

By limiting debate on this bill, I'm afraid this body has also missed an important opportunity to address other issues of serious concern to the American people, including, importantly, the high prices Americans are paying at the pump for gas. The energy issue, I would add, is central in our efforts not only to promote a strong economy and supplies for Americans at home, but to our global efforts to secure U.S. national security interests.

Since 2000, the price of a gallon of gas has more than doubled, even when adjusted for inflation. In my home state of Connecticut, the average price for a gallon of gas hit $3.04 last weekend. In some parts of the country, prices are even higher. And this winter, only mild weather kept people in colder parts of the country like New England from seeing record increases in their heating bills.

Anyone who drives a car, buys or sells anything shipped by truck or plane, or turns on the heat when it's cold, is paying record prices for energy and enduring serious financial hardship.

At current prices, the average driver can expect to spend about $1,440 more on transportation this year than they did just a year ago. That's a big chunk of money coming out of consumers' wallets and businesses' bottom line. It's also a real cause for concern for the overall economy—it has the potential to create inflation and act as a drag on economic growth.

Meanwhile, while consumers are paying more, a few large oil companies continue to reap record profits. Let me be clear that I do not begrudge a company—any company—from making a profit. The ability to earn a profit is central to our capitalist system and the American spirit of entrepreneurship. But there is a big difference between profits and profiteering. And in the opinion of many, the big oil companies—who control the market for their products—have been engaging in profiteering on the backs of the American consumer.

Regrettably, by invoking cloture on this bill, this body chose not to consider measures that would have provided timely relief to American consumers and would have strengthened our ability to prevent profiteering at the expense of American families and businesses.

I was ready to offer one such measure with my colleague, the junior senator from North Dakota. Many of my other colleagues were planning to offer measures of their own that also deserved consideration by this body. The senior senator from Oregon, for one, held the floor for several hours last Thursday asking for a vote on his amendment, only to be refused by the majority.

America has an energy policy that is rooted in the 19th century. We depend on fossil fuels that are increasing in cost and limited in supply; that contaminate our air, water, and food supplies; and that are found predominantly in parts of the world that are politically unstable. Meanwhile, global demand is growing as countries like China require greater fuel supplies to power their increasingly modern economies.

This antiquated policy is having many adverse effects on our national security. Frankly, if the industrialized world had a secure alternative supply of energy, we would likely better be able to address any number of major international security crises—including the genocide in Sudan and Iranian nuclear ambitions. Serious action to address either issue is being stymied by nations reliant on other nations' oil exports.

We cannot keep running away from this problem. By failing to act on—or even consider—any of the measures that were ready to be offered this week and last week, this body missed an important opportunity to provide tangible energy policy solutions for the American public, and an important opportunity to strengthen U.S. national security. And the end result, in my view, is a great disservice to the American people and to U.S. national security.

I will vote for the emergency supplemental bill because while our troops are in harm's way, I believe that we need to provide them with every necessary resource so they can come home safely. But I frankly think that having more time to debate these issues and amendments would have done much to ensure the safety and security of our troops and all Americans in the years to come.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to address the impact of amendment No. 3810 proposed by the distinguished Senator from Illinois, Mr. OBAMA. Strengthening competition in the Hurricanes Katrina and Rita reconstruction contracts is a worthy goal. Along with my Senate colleagues from both sides of the aisle, I have watched with disappointment the rush of Federal agencies such as the Department of Homeland Security, DHS, and the Federal Emergency Management Agency, FEMA, to award hundreds of millions in no-bid contracts. Since last fall, my Committee held three oversight hearings on the Gulf Coast hurricane response and reconstruction efforts. Testimony at these hearings clearly established that small businesses have often been the victims of no-bid reconstruction contracting. We received strong commitments from the Army Corps of Engineers, the Department of Homeland Security, and the Small Business Administration to work hard to remedy this problem.

In response to the efforts of my committee and our counterpart committee in the House, positive results are already starting to show for small contractors. As recently as March 31, 2006, the SBA and FEMA jointly announced 36 contracts valued at $3.6 billion which will be set aside for small and small disadvantaged businesses, aimed at maintenance and deactivation of roughly 150,000 housing units. Priority for award of these contracts would go to local businesses. Federal agencies are also beginning to award disaster relief contracts to small businesses located in Historically Underutilized

Business Zones, HUBZones, as called for by the Office of Management and Budget Guidelines for Using Emergency Procurement Flexibilities. The Senate fully supported these efforts by unanimously passing amendment No. 3627 cosponsored by myself and Senators VITTER, KERRY, LANDRIEU, and LOTT to make the gulf coast area a HUBZone and to waive a law prohibiting small business set-asides in certain industries. All these acquisition strategies enlarge the Federal Government's supplier base, and are mandated by the Federal Acquisition Regulation when qualified small businesses are available. It is my understanding that amendment No. 3810 was not intended to prohibit spending on these and similar efforts. I ask whether my distinguished colleague, the sponsor of the amendment, Senator OBAMA, had the same understanding?

Mr. OBAMA. I thank the distinguished Chair of the Senate Committee on Small Business and Entrepreneurship for the opportunity to discuss this issue. I believe small businesses are the heart of the American economy and I am committed to expanding opportunities for small businesses to compete for Federal contracts.

One of the reasons I offered the amendment was my concern that noncompetitive contracts have shut out small, local and disadvantaged businesses from contracting opportunities in the gulf coast. If we are serious about restoring the gulf coast, we must ensure that small and disadvantaged businesses have the tools and opportunities necessary to create the local jobs and provide the local services that are essential to a quick and sustainable recovery. The SBA has an important role to play and should be actively using its authority to promote small business growth and competitiveness.

I want to be clear that it was not the intent of the amendment to interfere with small business set-aside programs that use appropriate competitive procedures in the awarding of contracts. I have been troubled by reports of outrageous overhead charges going to large firms that just end up subcontracting the work anyway to small businesses. It is important to preserve Federal Acquisition Regulations that require contracts to be directed to small businesses where responsible small firms are available to provide the government with quality products and services at fair prices.

My amendment is directed at large Government contracts and seeks to prevent no-bid deals that deprive all of us of the benefits of fair competition. My amendment should not limit Federal funds for contracts legitimately set aside for competition among small business concerns. Small businesses help competition and competition helps small businesses. When a conference committee gets appointed on this bill, I will communicate this understanding to the conferees.

Again, I thank the distinguished leader of the Senate Committee on Small Business and Entrepreneurship, and I look forward to continuing to work with her to strengthen small businesses and to expand opportunity throughout the American economy.

Ms. SNOWE. I thank the distinguished Senator from Illinois for his clarification and his support of small business contracting.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. COCHRAN. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 77, nays 21, as follows:

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

[Rollcall Vote No. 112 Leg.]

YEAS—77

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—21

Alexander
Allard
Bunning
Burr
Chambliss
Coburn
Craig
Crapo
DeMint
Ensign
Enzi
Frist
Graham
Gregg
Hagel
Inhofe
Isakson
McCain
Sessions
Sununu
Thomas

NOT VOTING—2

Hatch
Rockefeller

The bill (H.R. 4939), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. INHOFE. Mr. President, on rollcall No. 112, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. McCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mrs. MURRAY. Mr. President, I wanted to take a minute to express my deep gratitude to Chairman COCHRAN who, as I stated earlier, has demonstrated extraordinary patience over the past 2 weeks we have been debating this supplemental bill.

I also want to express my thanks to the ranking member, Senator BYRD, who has continued to demonstrate his strong and resolute leadership on this bill.

I also want to thank the many members of our Appropriations Committee staff who have worked very hard.

First and foremost, I thank our staff director and deputy staff director on our side, Terry Sauvain and Chuck Kieffer.

I also thank the majority staff director, Keith Kennedy, and his staff, Clayton Heil and Les Spivey.

I want to make special mention of the extraordinary hard work of B.G. Wright, Kate Fitzpatrick, and Rachael Taylor. They have been keeping us all on track on this side as to which of the hundreds of filed amendments have been cleared and which have not.

Finally, I thank Peter Rogoff who has dedicated his life on the Senate floor for the last 2 weeks above and beyond the call.

I thank all our staff and floor staff for being here many long hours for the completion of this bill.

I yield the floor.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Washington for her kind remarks and for her leadership and assistance in getting this bill prepared by our committee, and for handling the duties of managing the bill on the floor of the Senate.

Senator BYRD, of course, the senior Democrat on the committee, has been an inspiration to me and a true leader in every sense of the word in our committee and in the Senate for a long time. He continues to be a very important friend to me. I am very grateful for that friendship. I join Senator MURRAY in commending our staff. But, first of all, I think I should mention my appreciation for the majority leader, BILL FRIST; and HARRY REID, the Democratic leader, for giving us the latitude and the authority to manage this bill on the floor of the Senate for the Committee on Appropriations to help ensure that every Senator had an opportunity to speak and offer amendments, to be a part of the passage of this bill in every sense of the word. We appreciate the leaders giving us that authority and for not trying to manage the bill from their offices. I really appreciate that.

Also, I have to commend the staff members on our side: Keith Kennedy, staff director, who has been working in the Senate for the Appropriations Committee for a good many years. He has a lot of experience. He is a person of great integrity, and I am very fortunate that he has agreed to serve as staff director of this committee and continue to provide guidance and supervision for all of the members of the staff of the Committee on Appropriations.

We are very proud of all of the staff. Those who have been particularly helpful to me during the handling of this bill, in addition to Keith, include Clayton Heil, our counsel for the committee, who has been on the floor of the Senate for much of the handling of the bill; Les Spivey, who is also a member of the full committee staff, he does a good job as well. I guess you could say he is our token Mississippian who is on the first team of the committee staff.

Terry Sauvain has been someone with whom I have enjoyed working for a number of years. He has worked closely with Senator BYRD for a good many years. We appreciate Terry's continued good assistance, particularly in the handling of this bill.

Chuck Keiffer and Peter Rogoff—Peter works for Senator MURRAY on the committee staff and has a lot of experience. He has been very helpful to us as we have managed this bill in the Senate.

I thank David Schiappa, Laura Dove, and Jodie Hernandez. They have been at the desk keeping up with all of the amendments, colloquies, and order of business, and keeping people advised through cloakroom telephones and answering Member's questions when they come onto the Senate floor. They go to that spot and ask for the pending business or what the order of amendments may be. They have been absolutely professional and diligent and helpful in every way.

On the Democratic side, I thank Marty Paone and Lula Davis for helping to keep up with things for the Democrats and helping to provide advice and counsel to all of us who have been involved in the handling of this bill. We are deeply grateful for their assistance.

UNANIMOUS CONSENT AGREEMENT EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that at 2:15 today, the Senate proceed to executive session for consideration en bloc of the following nominations: No. 617, Brian Cogan, to be U.S. district judge for the Eastern District of New York; No. 618, Thomas Golden, to be U.S. district judge for the Eastern District of Pennsylvania.

I further ask consent that the following Senators then be recognized to speak: Senator SPECTER for 5 minutes; Senator LEAHY for 5 minutes; Senator SANTORUM for 5 minutes. Further, following the use or yielding back of time, the Senate proceed to votes on the confirmation of the nominations in the order listed above; provided that following the votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

Mrs. MURRAY. There is no objection on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALEXANDER. On behalf of the leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 10 minutes.

RECITING OR SINGING STATEMENTS OF NATIONAL UNITY IN ENGLISH

Mr. ALEXANDER. Mr. President, I am here today because I may have misunderstood the actions on the other side of the aisle. Something rather surprising has occurred. It would appear from their actions that my colleagues in the Democratic Party seem to believe that we ought to sing the national anthem, say the Pledge of Allegiance, and take the oath of citizenship in this country in something other than our common language, English.

Here is why I say that. On Monday, along with several other Senators, I introduced a very simple resolution, a resolution affirming that statements of national unity, especially the Pledge of Allegiance and the national anthem, ought to be recited or sung in our common language, English. That is all it says.

Let me read the relevant part of the resolution. It says:

> Now, therefore, be it
>
> Resolved, that the Senate affirms that statements or songs that symbolize the unity of the Nation, including the National Anthem, the Oath of Allegiance sworn by new United States citizens, and the Pledge of Allegiance to the Flag of the United States, should be recited or sung in English, the common language of the United States.

This is not a resolution about what we are free to do in the United States; this is about what we ought to do in the United States. It is very straightforward. It does not infringe on anyone's right to free speech, or prohibit translation. It does not say Americans should not learn a second language. In fact, I encourage our children to learn a second language or even a third language to better compete in this global economy.

The resolution does say that we believe that we Americans ought to recite the pledge and sing "The Star-Spangled Banner" and other statements and songs that unite us as a Nation in the language that unites us as a Nation, English.

Last Monday, every Senate office received a request for the resolution to be passed by unanimous consent. I would not expect this resolution to just be bipartisan, I would expect it to easily be unanimous. That request was agreed to by every Republican, but on the other side someone objected.

Should I assume that the Democratic side objected because they believe we Americans should, at least some of the time, sing our national anthem in Spanish or some other foreign language? Do they believe we should recite the Pledge of Allegiance in Chinese, which is the second most spoken foreign language in the United States?

This is important. It is important enough that we inscribed in this Chamber, above the Presiding Officer, our original motto for this country: "One from many." It is not "Many from one." Our greatest accomplishment as a country is not our diversity, which is a magnificent achievement; our greatest accomplishment is we have taken all of this diversity and made it into one country. And we have a few things that unite us: our common history, the principles of our founding documents, and our common language. If we should lose that, we would be a United Nations, not the United States of America.

This is important because this is the emotion which underlies most of the immigration debate we are having. The concern among many Americans, other than the rule of law which has to do with securing the border, is to make sure that those who come to our country become Americans. And we do not do that by race, we do not do that by ethnicity, we do not do that by what country an immigrant comes from, we do it by a few simple uniting ideas: our founding documents, our common history, and our common language.

This has been true for a long time in our country. When a legal immigrant comes to the United States—and this has been the law for 100 years—and he or she applies to become a citizen, he or she must, by law, demonstrate an eighth grade level of understanding of the English language.

It was 150 years ago we founded common schools. We call them public schools today. Albert Shanker, the former head of the American Federation of Teachers, said the reason for the common school was so we could teach mostly immigrant children to read and write in English, to do math, and what it means to become an American, with the hope they would go home and teach their parents.

We have always known it is important as Americans to have a common language because that is how we can communicate with one another. Immigrants to our country understand this. That is why they come here. They want to be part of our country that shares the values of liberty and equal opportunity. They want to contribute to our history of striving toward those values. They want to learn our common language, and usually do, as evidenced by long waiting lists for a number of English as a second language adult education courses across our country. That is why this Senate, just a few weeks ago, passed an amendment to the immigration bill by a vote of 91 to 1 to help legal immigrants learn English and to allow those who become fluent in English to become American citizens 1 year faster.

We value our common language. It isn't an argument that is hard to understand. In fact, when I first announced this resolution, the first supportive e-mail I received in my office came from Mr. Ramon L. Cisneros, the publisher of La Campana, a Spanish-language newspaper in Nashville with 18,000 subscribers.

He wrote:

> . . . Thank you for this resolution. We are Hispanic Americans and sometimes we write in Spanish for the benefit of those newcomers who are in the process of learning English. However, our common language as Americans is and will always be English. And our national symbols should always be said and sung in English.

I didn't ask Mr. Cisneros to write to me, but I am glad he did. He is proud of his Hispanic heritage. He performs an important service for Hispanics in the Nashville area, which is a growing part of our State, but he is also a proud, patriotic American. Our country is enriched by citizens like Mr. Cisneros.

I am puzzled by the reaction from some of my colleagues in the Democratic Party who seem to want to endorse the idea that we should sing the national anthem in some other language and recite the Pledge of Allegiance in some other language. We salute the American flag. We pledge allegiance to the United States, and we speak in our common language. That is how we unite ourselves.

Also, we might do a little bit better if we taught more U.S. history and civics in our public schools, which is another subject I have been working on with strong support on the Democratic side from Senator KENNEDY, from Senator REID, and especially from Senator BYRD.

I might note that in the House of Representatives, some Democrats have already chosen to cosponsor this same identical resolution. It has been offered by Congressman RYUN of Kansas. I have a hard time understanding why Democrats in the Senate are not supportive. Maybe I just made a mistake. Maybe I misunderstood what has happened. So let me try once again.

I ask unanimous consent that S. Res. 458 be discharged from the Judiciary Committee; further, that the Senate proceed to its consideration. I further ask that the resolution and preamble be agreed to and the motion to reconsider be laid upon the table.

Mrs. MURRAY. Mr. President, on behalf of other Democratic Members, I will object.

The PRESIDING OFFICER. The objection is heard.

Mr. ALEXANDER. I think that makes my point. Apparently, I did not misunderstand. Apparently, the Democratic Party in the Senate does not agree that we should say the Pledge of Allegiance, sing the national anthem, and take the oath of citizenship in our common language, English. That is a grave misunderstanding of our country's greatest accomplishment. Our diversity is a magnificent achievement, but our greater achievement is that we have taken all of this diversity and formed it into one country so that we are the United States of America. It is a central part of becoming American.

I am extremely disappointed by this objection.

The PRESIDING OFFICER. The Senator from North Dakota.

ENGLISH IN AMERICA

Mr. CONRAD. Mr. President, let me say that Democrats and Republicans are perhaps not all of one mind on the question the Senator just raised.

I personally believe it is absolutely essential to the strength of America that we encourage and insist that people who come to this country speak in English. A common language is absolutely essential to the unity of a nation. I look to our neighbors to the north and see the incredible traumas they have been through because they are speaking in two different languages.

My own strong belief is we ought to say the pledge in English, we ought to sing the national anthem in English. That doesn't prevent someone else from singing it in another language. That does not offend me. But I do think that it is absolutely essential for the strength and the unity of our Nation that those who come here, those who become citizens, are able to speak English.

I come from a proud tradition of immigrants. We are sort of the North Dakota melting pot. I am part Danish, I am part Swedish, I am part Norwegian, I am part German, I am part Scots-Irish, I am part French. So many of the people of my State came here from Scandinavian and German countries. They are intensely proud of their traditions. Many of them continue to speak the languages they came to this country with, but almost without exception they made a priority of learning English, speaking in English. I believe that is essential to our common heritage, that we have a common language.

I personally certainly believe that in any official setting, we ought to sing the anthem in English, we ought to say the pledge in English. If someone wants to, at some other setting, sing in some other language, that does not offend me, but in any official setting and in terms of what we ask and insist people do who are going to be part of our country, it is absolutely imperative they learn English. That is not just for the good of the country, although it is certainly that, it is also for their own good.

My wife's family came here from Italy. My wife told me many times about growing up in that family. Her grandfather for a time came and lived with them. There was an insistence in their family on speaking English even though the grandfather who lived with them spoke no English.

I find many who come from an immigrant background—as did I, as did my wife and her family—in our families, there was an understanding that the first order of business was to learn English, to speak English if we were going to be part of this country of which we are so proud.

I hope very much this is not presented as a partisan matter. I don't think it is. As one person on this side of the aisle, I believe it is imperative that we take the pledge in English, that we sing the anthem in English, that we insist that people who come to be part of this country learn English. I believe it is absolutely essential that English clearly be the official language of our Nation. That is absolutely imperative for us as a country.

I also believe it is absolutely in the interest of the people who come here. That is certainly the lesson learned in my family, of people coming from all over the globe. My relatives who came from Denmark, my relatives who came from Sweden, my relatives who came from Norway, and my relatives who came from Germany were so proud to be part of this country. And they recognized that it was in their interest and it was their responsibility as a first order of business to learn English.

SUPPLEMENTAL APPROPRIATIONS AND AGRICULTURE DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, I rise to talk about the legislation we have just passed and to say to my colleagues there are provisions in the legislation for agriculture disaster that have been ridiculed in some circles. I would say that those who have ridiculed the notion of disaster assistance for our Nation's farmers are way off base, and they really do not know what they are talking about.

I was extremely disappointed in the Secretary of Agriculture, who has suggested the only problem that farmers have is in the gulf of this country. Look, we recognize that no part of the country was harder hit by Hurricanes Katrina and Rita than the gulf region. And these legislative proposals that are in this bill will first and foremost help them because these are national provisions, these are not provisions just for one section of our country.

But to suggest that nobody else in the country has had serious problems, that reflects an ignorance that ill becomes the Secretary of Agriculture, ill becomes a man who is supposed to be the spokesman for this Nation's farmers and ranchers.

Yes, Hurricanes Rita and Katrina devastated the gulf, and they deserve first-priority consideration. But they were not the only ones hurt. Here are the headlines out of North Dakota: "Rain Halts Harvest;" "North Dakota Receives Major Disaster Declaration;" "Heavy Rain Leads To Crop Diseases;" "Beef Crop Could Be The Smallest In 10 Years;" "Crops, Hay Lost To Flooding;" "Rain Takes Its Toll On North Dakota Crops;" "Area Farmers Battle Flooding, Disease."

Those were the headlines all across my State last year.

Shown on this chart are the number of counties in my State—they are the counties in yellow—that were given disaster designations by the President—by the President—last year. They are the counties in yellow. I say to the Presiding Officer, you will notice every single county was designated a disaster. Why? Because we had rainfall 250 percent of normal. I do not know what is happening. Some say it is global climate change. Some say it is a weather cycle. I do not know. But I do know the result.

The result is this, as shown in this picture: The result is farms all across North Dakota that looked like they were in the middle of lakes last year. This is what eastern North Dakota looked like last year, when we had a million acres of land that was even prevented from being planted—a million acres.

The Secretary of Agriculture said there is no problem outside the gulf. Where has he been? Who is he listening to? Does he not do even the least amount of homework before he makes these statements? We need a new Secretary of Agriculture, if that is what he reports to the President.

These are the acres prevented from being planted in North Dakota last year—over a million acres that could not even be planted—and this Secretary of Agriculture says there is no problem outside the Gulf States?

Mr. Secretary, you ought to get with it. You ought to inform yourself before making such ridiculous statements.

As shown in this picture, this is North Dakota last year. These are tractors stuck in the mud. They could not plant. And in hundreds of thousands of additional acres where they were able to plant, they got dramatically reduced production. In those places they got production, when they went to the elevator, they got dramatically discounted prices. Why? Because of a disaster of enormous consequence—no, not as severe as Hurricanes Katrina and Rita, where there was loss of life, which we mourn along with those who lost loved ones. We absolutely respect that they had, by far, the biggest catastrophe. And this legislation will primarily help them.

I am the author of this legislation. I had 27 cosponsors, on a bipartisan basis, in the Senate. When it was offered in the Appropriations Committee, it passed on a unanimous vote. When there was an attempt to take out this assistance on the floor of the Senate, 72 Senators said: No, we are not going to take out disaster assistance for our Nation's farmers and ranchers. That was the right decision. And, yes, this should be national in scope because everyone who is an American who suffered a natural disaster deserves some assistance.

Not only did farmers and ranchers suffer egregiously in different parts of the country from different types of natural disasters, but they were also hit with a second blow, and that was a dramatic runup in agricultural energy inputs. Every part of agriculture is dependent on inputs that are based on petroleum—whether it is fuel, with the cost up $3 billion; fertilizer, with the cost up $1.4 billion; marketing, storage, and transportation, with the cost up $400 million; electricity, with the cost up $200 million—with total energy-related costs up $5 billion in one year in agriculture.

That had a devastating effect in my State. I just had a series of farm meetings in which farmers brought to me their operating statements—the difference between last year and this year—and income was cut in half—cut in half—in 1 year because of natural disasters, because of discounted prices, because of a failure to even be able to plant, and, on top of that, because of dramatically escalating energy prices.

And we have a Secretary of Agriculture who says there is no problem outside the Gulf States? Excuse me, Mr. Secretary, where have you been? Shame on you for providing that kind of false statement to the American people.

Here, shown on this chart, are the agricultural groups that endorsed the legislation, the disaster assistance that we passed—22 groups—the broad spectrum of American agriculture saying: Yes, disaster assistance is essential.

Mr. President, I ask unanimous consent to have this material printed in the RECORD listing the 22 groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 25, 2006.

Hon. SAXBY CHAMBLISS,
Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN,
Chairman, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. TOM HARKIN,
Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CHAMBLISS AND CHAIRMAN COCHRAN, SENATOR HARKIN AND SENATOR BYRD: On behalf of the below signed organizations, we are writing to urge you to oppose any efforts to delete the agricultural disaster assistance provisions from the FY06 Emergency Supplemental Appropriations bill when it is considered by the full Senate.

Virtually every state in the nation has been impacted by significant weather related and disaster losses. About 80 percent of U.S. counties were declared disaster or contiguous disaster counties last year due to devastating hurricanes, fires, floods, excessive moisture and severe drought. Besides heavy crop and livestock losses and increased production costs associated with rapidly escalating input costs, many producers also face contaminated fields and infrastructure losses that pose serious, long-term challenges to economic recovery.

We appreciate recent supplemental assistance offered to help some of the victims of the 2005 hurricane season. Unfortunately, this assistance is not available to all farmers and ranchers who suffered devastating losses due to hurricanes. Furthermore, none of the supplemental assistance is available to producers who suffered significant economic losses to crop and livestock operations as a result of fires, flooding, drought, excessive moisture and the record-high energy costs brought on by natural disasters.

Because of the urgent need for disaster assistance and the widespread losses which span the country, we believe the provisions in the supplemental appropriations measure are crafted in a manner that offers producers the combination of supplemental direct assistance and production loss assistance that is both timely and tailored to meet all disaster-related losses. Many producers need assistance within weeks to repay loans and secure new financing in time for spring planting, so prompt action on this measure is vitally important given that traditional production loss assistance can take up to six months.

Thank you for your consideration of our views.

Sincerely,

Agricultural Retailers Association.
Alabama Peanut Producers Association.
American Beekeeping Federation.
American Farm Bureau Federation.
American Sheep Industry Association.
American Soybean Association.
American Sugar Alliance.
Farm Credit Council.
Florida Peanut Producers Association.
Georgia Peanut Commission.
Independent Community Bankers of America.
National Association of Wheat Growers.
National Barley Growers Association.
National Corn Growers Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Farmers Union.
National Sorghum Producers.
National Sunflower Association.
Southern Peanut Farmers Federation.
USA Dry Pea and Lentil Council.
USA Rice Federation.
US Canola Association.
US Rice Producers Association.
Western Peanut Growers.

Mr. CONRAD. Maybe the Secretary of Agriculture might want to inform himself of what has been said.

Finally, I have a letter from the State agriculture commissioners telling us, unanimously, disaster assistance was necessary and needed.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL ASSOCIATION OF
STATE DEPARTMENTS OF AGRICULTURE,
Washington, DC, April 20, 2006.

MEMBERS OF THE U.S. SENATE.

DEAR SENATOR: I am writing on behalf of the state commissioners, secretaries and directors of agriculture to express our strong support for emergency disaster assistance for farmers and ranchers as agreed to by the Senate Appropriations Committee in H.R. 4939, the FY 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery (report 109-230) Assistance is necessary to help farmers, ranchers and their communities recoup from financial losses due to-hurricanes, drought, fires, tornadoes, floods, and other natural disasters.

Nearly all states have been affected by natural disasters and in turn many farms and ranches across this country have suffered losses and damages. About 80 percent of U.S. counties were declared disaster or contiguous disaster counties in the last year. While there are risk management programs, such as crop insurance, disaster loans, and emergency grazing; the relief needed greatly exceeds the levels these programs can provide. Supplemental assistance is being offered to farmers and ranchers harmed by the 2005 hurricane season, however, not all producers will be able to attain the necessary levels of assistance to return to viable production levels.

In addition, the weather-related damages and losses in agriculture have significantly affected specialty crop producers and nursery businesses. States appreciate the provision that also provides grants to states that can be used to provide economic assistance to agricultural producers, and gives priority to the support of specialty crops and livestock. This section demonstrates how the federal government and states can partner with one another in directing assistance to those who need it most.

We understand that the Senate will consider this legislation when they return from the Easter Recess NASDA strongly urges your prompt action and support of this emergency assistance. We look forward to working with you and your staff on this issue so important to agriculture.

Sincerely,

J. CARLTON COURTER, III,
Commissioner, NASDA President.

Mr. CONRAD. Mr. President, I hope the Secretary of Agriculture gets the message—gets the message—disaster assistance is needed in this country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I would like to speak in morning business and ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL CARE ACCESS PROTECTION ACT

Mr. ENSIGN. Mr. President, yesterday, I introduced the Medical Care Access Protection Act to address our Nation's medical liability crisis.

High medical liability insurance premiums are threatening the stability of our Nation's health care delivery system. These rates are forcing many doctors, hospitals, and other health care providers to move out of high-liability States, limit the scope of their practices, and even close their doors permanently.

The crisis is affecting more and more patients and is threatening access to reliable quality health care services in many States across our country.

Because of unaffordable medical liability insurance premiums, it is now common for obstetricians to no longer deliver babies, and for other specialists to no longer provide emergency calls or provide certain high-risk procedures.

Ask yourself this question: What if you were in need of an emergency procedure? What if you were the woman who had a high-risk pregnancy and could not find a specialist to provide you with the care you needed? The medical liability crisis is threatening access to reliable quality health care services this is happening to patients all over America.

Additionally, some emergency departments have been forced to temporarily shut down in recent years. In my home State of Nevada, our level I trauma center closed for 10 days in 2002. This closure left every patient within a 10,000 square mile area unserved by a level I trauma center.

Jim Lawson, unfortunately, was one of those in need of the trauma unit at that time. Jim lived in Las Vegas, and was just one month shy of his 60th birthday. He had recently returned from visiting his daughter in California. When he returned, he was injured in a severe car accident.

Jim should have been taken to University Medical Center's level I trauma center, but it was closed. Instead, Jim was taken to another emergency room, where he was to be stabilized and then transferred to Salt Lake City's trauma center. Tragically, Jim never made it that far. He died that day due to cardiac arrest caused by blunt force from physical trauma.

Why was Nevada's only level I trauma center closed? A simple fact: Medical liability premiums could not be afforded by the doctors, and there were not enough doctors to provide care. The State had to actually step in and take over the liability to reopen the trauma center.

More than 35 percent of neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. This means that patients with head injuries or in need of neurosurgical services must be transferred to other facilities, delaying much needed care.

An example of this problem was brought to my attention by Dr. Alamo of Henderson, Nevada. Dr. Alamo was presented with a teenager suffering from myasthenia gravis. She was in a crisis and in need of immediate medical treatment. Because of the medical liability situation, there was no emergency neurologist on call to assist this young woman. Dr. Alamo called several in the area, and none of them wanted to take her case because of the medical liability situation. So Dr. Alamo had the young woman transported to California by helicopter to receive the medical care she needed.

These kinds of situations should not happen and should not be forced to happen because of the medical liability crisis we have in America today. Stories such as these are becoming all too common across our country.

I recently heard of seven patients who died in Chester County, Pennsylvania, because they did not have access to neurosurgical care. These patients were transported to neighboring counties instead of being treated locally where there was no available neurosurgeon. Some of these patients died during transport, and others died while on the operating table. This is unacceptable.

Women's health care is also in serious jeopardy. In Pennsylvania, the legal climate caused nine maternity wards to close over the past several years. And hundreds of OB/GYNs have left the State, retired, or limited their services. This story is being repeated all over America.

The bottom line is that patients cannot get the health care they need when they need it most. By definition, I believe this is a medical crisis. This crisis is affecting more and more patients, and it is threatening access to care.

To address the growing medical liability crisis in my State of Nevada, legislation was enacted that includes a cap on noneconomic damages and a cap on total damages for trauma care.

In order to control health care costs and make health care more readily available, we must extend similar protections to other States.

Our entire Nation needs serious medical liability reform now.

Without Federal legislation, the exodus of these providers from the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed care. This is not a Republican or Democratic issue; this is a patient issue. Simply put, patients cannot find access to care when they need it most in many areas.

I introduced the Medical Care Access Protection Act to address the national crisis our doctors, hospitals, and those needing health care face today. My legislation is a comprehensive medical liability reform measure. The bill sets reasonable limits on noneconomic damages, while also providing for unlimited economic damages.

The Medical Care Access Protection Act is a responsible reform measure that includes joint liability and collateral source improvements, and limits on attorney fees according to a sliding award scale.

My legislation also includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called "professional witnesses" who are used to further abuse the system and further drive up medical costs.

My bill also preserves States' rights by keeping the State medical liability statutes in place and by allowing States that enact medical liability reform bills in the future to supersede the Federal limits on damages.

The Medical Care Access Protection Act uses the Texas style of caps on noneconomic damages which has brought real reform to the Texas liability system. This provides a cap of $250,000 for a judgment against a physician or a health care professional. In addition, the patient can be awarded up to $250,000 for a judgment against one health care institution. Judgments against two or more health care institutions cannot exceed $500,000, with each institution liable for not more than $250,000. Thus the noneconomic damages can total $750,000.

The Texas style of caps on noneconomic damages is working. Patients are experiencing better access to health care, and Texas communities are finding it easier to recruit new doctors. At least 3,000 new doctors have established practices in Texas since the law's passage in 2003. Many of these doctors are serving in medically underserved areas of the State. Some counties, such as Cameron County along the Texas-Mexico border, are experiencing unprecedented success in physician recruitment—the opposite of what is happening in Pennsylvania.

The number of medical specialists in Texas is also growing. Patients have access to more specialists and emergency room physicians. Since 2003, Texas has gained a total of 93 orthopedic surgeons and more than 80 OB/GYNs.

Insurance costs have decreased significantly for doctors and hospitals. Medical liability rates, which had been out of control, have been going down. Physicians' insurance rates had risen by as much as 54 percent in the last few years. But with medical liability reform, physicians in Texas have seen their rates drop by a significant amount. More than 4,000 Texas physicians have opened new professional liability policies. Some of these doctors are new to the State.

The medical liability structure in Texas is working. These types of outcomes should be shared by every State and ultimately every patient in America. The American Medical Association has removed Texas from its list of States experiencing a medical liability crisis. It should be our goal that every State in America be removed from the crisis list.

Let's put an end to this crisis once and for all. Let's enact meaningful medical liability reform today.

The Medical Care Access Protection Act is not a battle of right versus left; it is a battle of right versus wrong. This bill is the right prescription for patients. We need to secure patient access to quality health care services when they need it most.

Let's make sure expectant mothers have access to OB/GYNs and trauma care victims have access to necessary services in their hour of most critical need. And let's make sure we continue to provide patients with the opportunity to receive affordable, accessible, and available health care for years to come.

The Medical Care Access Protection Act is substantially different from legislation we have brought to the Senate floor in previous years, and it warrants serious consideration.

We are going to have a vote on whether to even debate this bill next week. The American people need to contact their Senators. They need to say: Let's bring the bill to the floor and have an open and honest debate on this measure. Are you going to stand with the trial lawyers, or are you going to stand with the patients in America? That is the question we have to ask ourselves. It is time for us to stand with the patients. If the people of America want change, they will have to contact their legislators. This has to be a grassroots effort that rises up from across the country.

I believe the time for action is now. As we consider this bill, I hope Senators will put aside partisan differences and political alliances and will put the patients of America first.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

BRIAN M. COGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. According to the previous order, the Senate will go into executive session.

The clerk will report the first nomination.

The legislative clerk read the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. All time is yielded back.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I endorse the nomination of Brian Mark Cogan for the U.S. District Court for the Eastern District of New York. Mr. Cogan graduated from the University of Illinois in 1976, and received a law degree from Cornell in 1979. He is admitted to the bar in both New York and Florida. From 1979 to 1980, he was a law clerk for Judge Aronovitz in the U.S. District Court for the Southern District of Florida, and he was an associate and later a partner and general counsel for the law firm of Stroock & Stroock & Lavan.

Mr. Cogan possesses the qualifications to be an outstanding Federal judge. He had a hearing before the Judiciary Committee, which I chair, and we voted him out unanimously.

Based on his record, I urge my colleagues to support his confirmation today.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, this afternoon the Senate will confirm two more lifetime appointments to the Federal judiciary, Thomas Golden of Pennsylvania and Brian Cogan of New York. These confirmations will bring the total number of Senate-confirmed judicial appointments since January 2001 to 240, including the confirmations of two Supreme Court Justices and 43 circuit court judges.

Democrats in the Senate have been cooperative in considering and confirming consensus nominees. In fact, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate compared to only 140 judges in the other 45 months under Republican control.

This morning, the Senate Judiciary Committee reported out another five judicial nominees unanimously. When they are considered and confirmed by the Senate, we will not only reach 245 judicial confirmations, but we will equal the number of judicial nominations considered in the entire session in the election year of 1996 when a Republican Senate controlled consideration of President Clinton's nominations. In session not a single nomination to the court of appeals was considered, not one. Of course this year we have already joined in confirming Judge Michael Chagares to the Third Circuit and I expect Democratic Senators to join in confirming the nomination of Milan Smith to the Ninth Circuit when that nomination is scheduled by the majority leader.

Unfortunately, the Senate Republican leadership is again bent on seeking to use nominations to score partisan points. Our job is to fulfill our duty under the Constitution for the American people so that we can assure them that the judges confirmed to lifetime appointments to the highest courts in this country are fair to those who enter their courtrooms and to the law, rather than to advance a partisan agenda. Regrettably, this is not the first time the Republican leadership in the Senate has chosen to pursue a partisan agenda using judicial nominees. Sadly, published reports during the last couple of weeks indicate that the Senate Republican leadership is, instead, preparing to cater to the extreme rightwing faction that is agitating for fights over judicial nominations. We will see that when they insist on confrontation over such controversial nominations as Judge Terrence Boyle, Norman Randy Smith or Brett Kavanaugh. Despite Democratic cooperation in the confirmation of scores of nominees and the undeniable fact that we have treated this President's nominees more fairly than Republicans treated those of President Clinton, they seem intent on using controversial judicial nominations to stir up their partisan political base.

Rather than address the priorities of Americans by focusing on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to passing comprehensive immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations. One of the nominations that the Republicans want to rubberstamp is that of Judge Terrence Boyle to the U.S. Court of Appeals for the Fourth Circuit. We have learned from recent news reports that, as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. In at least one instance, he is alleged to have bought General Electric stock while presiding over a lawsuit in which General Electric was accused of illegally denying disability benefits to a longtime employee. Two months later, he ruled in favor of GE and denied the employee's claim for long-term and pension disability benefits. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench. Certainly, they should not be rewarded with a promotion. They should be investigated.

The Republican leadership would rather have the Senate be a rubberstamp for rewarding this administration's cronies with lifetime appointments to high Federal courts. They have tried before. If the White House had its way, we would already have confirmed Claude Allen to the Fourth Circuit. He is the former Bush administration official who recently resigned his position as a top domestic policy adviser to the President. Last month we learned why he resigned when he was arrested for fraudulent conduct over an extended period of time. Had Democrats not objected to the White House attempt to shift a circuit judgeship from Maryland to Virginia, someone now the subject of a criminal prosecution for the equivalent of stealing from retail stores would be a sitting judge on the Fourth Circuit confirmed with a Republican rubberstamp.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation of Thomas Golden to be a district court judge in Pennsylvania, 21 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State except California.

With this confirmation, President Bush's nominees will make up 21 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 49 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's will now sit in 18 of the 36 judgeships.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Republicans denied votes to nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records that showed these to be well-qualified nominees, these nominations were blocked from Senate consideration.

So while I congratulate Thomas Golden and his family on his confirmation, I remember those who were not treated so fairly by Senate Republicans.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York?

On this question; the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—95

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—5

Bayh
Boxer
Bunning
Hatch
Rockefeller

The nomination was confirmed.

NOMINATION OF THOMAS M. GOLDEN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to recommend to my colleagues the confirmation of Thomas M. Golden to the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Golden graduated from Penn State University in 1969, and received a law degree from Dickinson School of Law in 1972. Thereafter, he has been in the practice of law with Stevens & Lee, first as an associate and then as a partner. And from 1979 to the present, he has owned his own firm, Golden Masano Bradley and serves as managing partner in that capacity.

Mr. Golden enjoys an excellent reputation for academic achievement, for lawyerly skills, for integrity, and for community service. Alvernia College awarded Mr. Golden a doctorate of human letters for service to the community and legal profession in 2003. He is past president of the Pennsylvania Bar Association and the Berks County Bar Association.

Holding those positions is demonstrative of active community service, taking on responsibilities to promote the public welfare beyond his work as a private practicing attorney.

The American Bar Association gave Mr. Golden a unanimous "well-qualified" rating. In my years on the Judiciary Committee and now as chairman of the committee, I have seen many nominees, and I believe Tom Golden has outstanding potential for the Federal district court. I urge my colleagues to support him.

Mr. SANTORUM. Mr. President, it is a pleasure for me to come to the floor of the Senate to give good words of encouragement to my colleagues to support Tom Golden for the Eastern District of Pennsylvania judgeship. This is a vacancy that the Office of Administration at the U.S. Courts has determined is a judicial emergency, so it is high time that we get this vacancy filled. Tom Golden has proven to be just the right medicine for us to be able to move this process very quickly in the Senate.

On April 27 he was moved out of committee by a voice vote, so I guess, from all reports at least, unanimously. Certainly there were no vocal objections. He now comes to the floor for confirmation. I congratulate him in anticipation of a strong positive vote today on his successfully negotiated, what can be tough shoals in the Senate when it comes to judicial nomination.

The record speaks for itself. This is a man of great legal ability, as well as someone who is a fine member of his community and citizen of this country. He started out with great potential. He graduated from Penn State University, which happens to be my alma mater, and also graduated from the Dickinson School of Law, which happens to be my alma mater. He has a fine background and education, and he has come forward from that education to work at a law firm in Reading, PA. He is from Berks County. Berks County is one of the larger counties in our State. It has not had a judge there for some time, even though there is a courthouse in Reading. We are quite excited. Folks in the Eastern District are rather exited about the opportunity of having their cases heard and their filings be filed before judges and motions be heard in Reading as opposed to having to travel all the way to Philadelphia to have their cases proceed.

This is not just a good moment for Tom Golden, but it is a good moment for all of the litigants in the western part of the Eastern District, to be able to have their cases heard in a much more convenient fashion.

Aside from a variety of involvements in charitable organizations and specific organizations, I want to mention the fact that Tom was very active in the bar association. In fact, not only is he in the House of Delegates at the ABA, and has been since 2002, he was the president of the Pennsylvania Bar Association from 2003 to 2004 and served, as you can imagine, often as chair leading up to his election to the presidency in 2006. He has been active in the Berks County Bar Association and a whole lot of other legal areas.

He was rated "well-qualified," not surprisingly, by the bar association. He is coming here with the highest recommendations from the legal community, as well as the community at large in Berks County.

It is a pleasure to come here with a noncontroversial nomination, someone who has the highest character, as well as great legal ability, and someone who, I am confident, will do a fine new job as judge on the Eastern District of Pennsylvania.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Golden, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer

Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Boxer
Bunning
Hatch
Rockefeller

The nomination was confirmed.

Mr. DEMINT. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The PRESIDING OFFICER. The Senator from South Carolina.

MORNING BUSINESS

Mr. DEMINT. Mr. President, I ask unanimous consent that the time until 5:30 p.m. be equally divided between the two leaders or their designees in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask to be recognized for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE AND MEDICAL MALPRACTICE

Mr. DEMINT. Mr. President, next week this Senate is going to consider one of the most important issues that we will consider as a Congress and as a nation, and that issue is health care. All of us know that the cost of health care, the cost of health insurance, and, in many cases, access to doctors around the country is becoming a serious problem. Many are uninsured. It is an issue we talk about a lot in the Senate, but it is an issue we haven't done a lot about.

This is like some other issues, I am afraid, where our tongue doesn't exactly match our action. We heard a lot of talk on the Senate floor about jobs and jobs going overseas, but when the proposals come up to make America the best place in the world to do business, to lower the cost of doing business in this country, to continue investment tax credits, to put some caps on frivolous lawsuits, to reduce the costly and unnecessary regulations, and even to do things that make energy less expensive so we can manufacture in this country, I am afraid my colleagues, particularly my Democratic colleagues, block those actions and, again, unfortunately, pit business against people and profits against jobs. What we know and most Americans know is that people have jobs with businesses, and businesses that don't have profits don't create jobs.

Our rhetoric needs to match our action. We need to stop blocking legislation that needs to be done and blaming other folks when it doesn't get done.

We have seen the same thing happen with energy, unfortunately. For the last several decades, my Democratic colleagues have blocked the development of America's energy supplies, blocked our own energy independence, even back in the seventies, when President Carter stopped the development of nuclear power generation and our European allies moved on to where now 80 percent of their electricity comes from clean and efficient nuclear power. Even the founder of Greenpeace has come back and said it was a mistake to stop that. Yet today we make electricity with natural gas, which is increasing the demand for natural gas and has raised the prices so that many of our manufacturers can no longer compete because of the high cost of energy in this country. And the price keeps going up.

We have seen the same thing happen with oil and gas where for years we blocked the development of our own energy supplies, our own oil supplies, and now we are down here trying to blame the President and others for the high cost of gasoline.

If we track what happens on many of the votes—I know I have heard on this floor that the oil reserves in Alaska wouldn't make that big a difference. But we know that only a 2- or 3-percent increase in our supply at this time would dramatically reduce the cost of gasoline. Yet on all of these dates over the years, going back to 1991, consistently our Democratic colleagues have voted to block the development of oil reserves in ANWR, and we see the price of gasoline going up consistent with those votes.

I have heard on this floor for a number of years that the 5-percent additional supply that would be provided by ANWR would make no difference in the cost of gasoline. Yet we saw during Katrina, when we lost 5 percent of our supply, what it did to the cost of gasoline and what it is doing today.

We can't continue to block what needs to be done and then blame other people when we have problems because it doesn't get done.

Today I wish to talk particularly about health care because we have gotten word from our Democratic colleagues that they are going to block several important provisions that we are going to try to get on the floor for debate next week.

One of those is medical malpractice. A very important component in the cost of health care is the fact that we are suing doctors out of business. We have 20 States now that are considered in crisis because of medical liability. We have another 24 that show warning signs, which means the loss of doctors, the loss of access to care, and less insurance available. South Carolina is in that group.

Let me share some statistics that should get folks' attention: 59 percent of physicians believe that the fear of liability discourages discussion and thinking about ways to reduce health care costs. The costs of defensive medicine are estimated to be between $70 billion and $126 billion a year. I think I need to say that again. The cost of defensive medicine is up to $126 billion a year to try to cover doctors from liability because of unlimited lawsuits against doctors. Blue Cross, a major insurer, when surveyed said it is already a serious problem as far as adding to the cost of health insurance premiums.

There are many things we can do to fix that, but folks need to understand the real costs because I know my Democratic colleagues will say that it is not a factor.

The only people getting rich from medical malpractice are the personal injury lawyers. Keep these things in mind during our debate next week: More than 70 percent of the claims against doctors or hospitals are dropped or dismissed before they reach a verdict, but even if they are dismissed, the claims costs are $18,000 in legal expenses. In 2004, medical liability costs that were settled—when cases are settled—the legal costs were $60,000. In the cases where they actually went to trial but the doctor or hospital won, the average cost jumped to $94,000.

The Wall Street Journal points out a number of facts like these, but one of them should really hit home. They were using Texas as an example because Texas has made some reforms that we will be considering for our country that have made a big difference.

Hospital premiums to protect against lawsuits more than doubled in Texas between 2000 and 2003. But I think probably the most disheartening statistic I have seen is that between 1999 and 2002, the annual per-bed cost for litigation protection for nursing homes went from $250 to $5,000. That is what nursing homes have to pay just for liability coverage for malpractice lawsuits. That is at a time when we have a new and large wave of retirees whom we need help when it comes to nursing homes. Yet we are suing them out of their hospital beds.

We know we can fix this. Part of the problem, I am afraid, is right here in Congress. As I said before, the only people really getting rich from the system we have now are personal injury lawyers. One statistic to remember is between 2003 and 2004, personal injury lawyers gave $102 million to House and Senate candidates. They got a good payback. In fact, it was a 10,000-percent rate of return because during that same period, over $18 billion in malpractice awards were given during 1 year—over $18 billion. We cannot continue to allow this to be a part of our health care system and then come down here and complain about the cost of health care.

We know that many doctors are leaving rural areas and no longer delivering babies. This is a fact. This is not political rhetoric. We know that in many places around the country, if someone is injured badly with a head injury in a car accident and they go to an emergency room, there are no neurologists there because they won't take calls because they are likely to get paid very little from Medicaid or another insurance company, but they could lose millions of dollars because of lawsuits.

There are some commonsense things we can do, and we have seen this happen in Texas with their reforms that we will be looking at next week. I implore my colleagues to consider what Texas did, and before we get into all the misrepresentations, the malpractice bills we are going to talk about next week do not put any limits on economic damages and allow up to $750,000 for pain and suffering. So a person who is injured could get their salary for life, all their health care paid for, and up to $750,000 additional money for pain and suffering in Texas. What that has done in just 1 year is cut their lawsuits in half. The cost of liability insurance has been reduced almost 20 percent in just a short period of time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I won't object assuming there will be 2 additional minutes on this side.

The PRESIDING OFFICER. Time is equally divided.

Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I will conclude again with the hope and the request that we can debate this honestly. Certainly we do not want patients being hurt and not being compensated, but we also don't want many more patients not finding a doctor, not being able to afford their health care or to get health insurance. These are things we can fix if we work together.

If you notice on my chart, I don't accuse this of being Republican or Democrat. It is just an issue we need to address. We need to do something commonsense with medical malpractice. Please, let us put the bill on the floor next week for debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, is the Senator from Massachusetts seeking recognition for a unanimous consent request?

Mr. KENNEDY. I am. I was going to make comments for 2 or 3 minutes and then make a consent request.

Mr. LEAHY. I was going to proceed for about 5 minutes, but if the Senator from Massachusetts wishes to go first, that is fine.

Mr. KENNEDY. I will wait.

MEDICAL MALPRACTICE

Mr. LEAHY. Mr. President, it is interesting to hear the statistics being tossed around. I am sure the distinguished Senator did not mean by his chart to suggest somehow bribes have been offered to people in how they vote.

Mr. President, we have States without caps on medical malpractice recoveries. They have 14 percent more practicing physicians than those with caps. We hear about the increasingly burdensome medical malpractice premiums and, indeed, they are. Health care providers pay onerous amounts to be insured. That is why I have introduced a bill directed specifically toward medical malpractice insurance reform because, after all, there is no correlation between malpractice claims and rising insurance premiums. Between 2000 and 2004, insurers increased premiums 134 percent, even though payments remained flat.

They say this legislation drastically reduces insurance rates. Of course, the American Insurance Association has said we have not promised price reductions for tort reform. They have been quoted as saying: We wouldn't tell you or anyone the reason to pass tort reform would be to reduce insurance rates. In fact, a majority of States that have enacted caps have seen no reductions. In fact, on average, doctors in States with caps pay more for insurance than they do in States without caps.

The fact is, there is one place that makes money. Claims go down and insurance premiums go up. It is like the rising gas prices and the record oil company profits. Maybe we ought to be asking medical malpractice insurers exactly why their premiums are so exorbitant? If it is not because they are paying an increasing amount of claims. They are not doing that. Rates are going up much faster than any claims. It could be a soft stock market, bad investments, or greed. That is what we ought to ask about. In my State, without caps, we increased the number of doctors. So don't use this argument that somehow in rural areas, in rural States, we are going to lose doctors. We are gaining doctors. We should ask the insurance companies why their rates go up, even though the payments are flat.

We should also remember that America's courts belong to the American people, not to the special interests of the insurance companies. These bills are bad public policy. They are ill-timed.

We ought to be debating the priorities of the American people, not debating ways to make greater profits for the insurance companies. We ought to talk about energy policy and skyrocketing gas prices. Wouldn't it be good to have a real debate on the fiasco in Iraq today, a real debate about what has gone wrong in the war in Iraq? That could take a couple of months just to list them. A lot has gone wrong since the President announced: "Mission Accomplished."

We ought to be talking about the comprehensive immigration bill or stem cell research. What about the horrific genocide in Darfur?

So I am disappointed that the majority leader has decided instead that the Senate's and the public's valuable time should be taken up with these bills. I am also disappointed that he has decided to bypass any consideration of these bills. Instead, the insurance companies, and probably some of the large medical companies, have a special interest bill that benefits the insurance companies at the expense of patients with legitimate injuries coming straight to the floor.

These are real people. I will give you one example in my own State of Vermont. On April 7, 2000, Diana Levine had a severe migraine headache. She went to a health center. Ms. Levine was a musician. She received a painkiller, along with an injection of another sedative. That caused complications and she had two amputation surgeries of her left arm. A musician. She sued the corporate giant, Wyeth, for improper guidelines on the sedative because it didn't warn about these dangerous combinations. They knew about it, but they didn't warn anybody. She said:

> I never expected to sue anyone in my life. . . . Sometimes it takes something like this to make it known when a drug is not being used right.

After a full trial, knowing that her career as a musician was gone, the jury said she deserved $2.4 million for past and future medical expenses and, of course, $5 million for the daily pain she is suffering. Most of that would have been cut out under this bill. That makes me think this bill is political and doesn't go to the root cause of medical malpractice.

Let's not forget that medical errors happen to 100,000 people each year. One out of over 100 hospitalized patients suffers negligent care. Just turn on the news every night and we hear about it. More people die as a result of medical errors than automobile and workplace accidents combined. More die from that than automobile accidents and workplace accidents combined, but only 3 percent of them even file a claim. These statistics tell us there is not so much a malpractice lawsuit problem as a medical safety problem.

I fail to see how arbitrarily limiting the rights of citizens addresses this serious problem, particularly because in many cases the judicial system is the only forum in which such an error is brought to light. Rather than looking for ways to limit our citizens' access to justice, we should look for ways in which we can encourage the medical community to strive for the highest standards in the delivery of its services. It is in our interest as citizens, and it is certainly in the interest of all the dedicated and caring people in the medical profession whose oath commands them to do no harm. My wife Marcelle dedicated her career to the care of others through nursing, and I know how seriously those in the medical profession take their solemn responsibilities. The best place for positive change to occur is from within the medical profession, not from within our courtrooms.

The bills on the floor today favor the interests of insurance companies over patients, the interests of profit over sound health care, and they provide illusory promises of lower insurance rates for doctors, while addressing none of the underlying causes of medical malpractice. This is not the fix that is needed.

We hear numerous complaints from politicians about the harm malpractice lawsuits cause to patient access and the medical profession. We hear claims about doctors practicing defensive medicine at the expense of innovation and aggressive treatment. We hear claims about doctors fleeing communities. We hear claims about the reluctance of our young people to enter the medical profession. We hear claims about pregnant women who cannot find obstetricians to provide care throughout pregnancy and birth. There might be some merit to this legislation if these claims we routinely hear were true. They are not.

The myths associated with medical malpractice lawsuits have virtually all been discredited. Two of the primary arguments in favor of capping noneconomic damages are lowering insurance premiums and preventing doctors from leaving their State or their profession. The available data suggests that these arguments are unfounded.

In my home State of Vermont, the most recent data show that the number of physicians practicing in the State has risen steadily from 1,918 doctors in 1996, to 2,589 doctors in 2004. The number of OB-GYNs in Vermont is also higher today than it was in 2000. Today Vermont residents benefit from 113 OB-GYNs, compared with 91 in 2000.

This trend exists nationally as well: The number of physicians nationally has risen between 1996 and 2004. We also now have more physicians under the age of 35 today than we did in 1996. The number of doctors per capita in this country has been steadily increasing since 1965. It is hard to understand how these trends can be characterized as the loss of people from the medical profession. There is also no correlation between a State damages cap and the number of doctors practicing in the State. Nationally, States without caps have 14 percent more practicing physicians.

As we consider the majority leader's bills, I urge other Senators to help expose the myths associated with the legislation we address today. In fairness to the American people, we should be debating the facts, not the myths. If we acknowledge that the real problem is medical malpractice and the injuries and deaths that result, and not the lawsuits that seek to remedy these harms, I know we can go a long way to helping the medical profession work from within to assure that doctors meet the highest possible standards and strive to prevent medical errors. After all, those in the medical profession are in the best position to understand what changes must occur, and how best to make sure that needed changes occur. As an example of this I want to highlight the efforts of anesthesiologists, who accomplished a nearly sevenfold reduction in anesthesia-related errors through cooperative changes to their systems and practices. Not surprisingly, when anesthesia-related errors decreased, so did insurance premiums. This should be our model of how to effectively address medical malpractice. If we work together, between needed reforms in the insurance industry, and by supporting medical professionals in improving the critical work they do, I know we can tackle this problem effectively.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I thank my colleague and friend from Vermont for his excellent statement and comments. I look forward to joining with him on the debate of that issue when we have a chance on Monday and Tuesday next. I share the disappointment of the Senator from Vermont that we will not have an opportunity to address the stem cell issue on the floor of the Senate, which can offer such extraordinary hope to so many families in this country.

We are in the life science century. We have seen this enormous progress that has been made with the mapping of the human genome, with imaging, nanotechnology—breathtaking advances—and stem cell research offers a very similar kind of opportunity. We have legislation that is on the calendar that was approved in a bipartisan way in the House of Representatives, and it has been on the calendar now for about a year. I think most of us were heartened when we heard our majority leader indicate his general support—a change in position—his general support for the items which are in the House bill that is on the calendar now before the Senate. Evidently, though, we will not have an opportunity next week to consider that stem cell bill.

When I think of the stem cell legislation, I think of the possibilities of hope for families who are facing Alzheimer's disease or cancer, Parkinson's disease, diabetes because the possibilities in research are virtually unlimited. There are no assurances of the outcome, no absolute assurance that we are going to come up with cures, but for those who are on the cutting edge of basic and applied research in the science area or in the health area believe that this stem cell research offers enormous possibilities. I wish that had been included in the agenda for next week's discussion about health care, but it has not been.

HATE CRIMES

Mr. KENNEDY. Mr. President, I share the disappointment of many that the Republican leadership has delayed calling up the sex offender registration bill. The House passed its version last September and the Senate Judiciary Committee reported a much improved version to the full Senate last October.

When the House passed its bill, it approved an amendment to improve the Federal hate crimes laws as well. The Senate bill does not include that provision, but many of us had hoped to add it as an amendment. I urge my colleagues to support it.

The inclusion of the Federal hate crimes law is not inconsistent with the goals of the legislation to stop crimes against children. We can clearly do more to protect our communities and encourage them to do so. Hate crimes are a violation of everything our country stands for. These are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded, and they have a major impact on children. The vast majority of Congress agrees.

Last year, Senator SMITH and I offered our hate crimes bill as an amendment to the Defense Authorization Act, and it passed by a bipartisan vote of 65 to 33. The House passed a nearly identical hate crimes amendment by a vote of 223 to 199, which made it part of its sex offender registration bill. The substantial majority of both Houses of Congress have now voted in favor of the hate crimes proposal, and the time is long overdue to pass these protections into law.

The hate crimes bill is supported by a broad coalition. Over 200 law enforcement and civil rights groups, including the National District Attorneys Association, the National Sheriff's Association, and the National Association of Chiefs of Police, the Anti-Defamation League, and the U.S. Council of Mayors.

A strong Federal role in prosecuting hate crimes is essential for both practical and symbolic reasons. In practical terms, the bill will have a real world impact on the actual criminal investigations and prosecution. The symbolic value of the bill is equally important. Hate crimes target whole communities, not just individuals. Attacking people because they are gay, African American, Arab or Muslim or Jewish, or any other criteria is bigotry at its worst. We must say loudly and clearly to those inclined to commit them that they will go to prison if they do.

The vast majority of us in Congress recognize the importance of passing a hate crimes bill. This year we can make the statement even clearer by turning it into law.

UNANIMOUS CONSENT REQUEST—S. 1086

Mr. KENNEDY. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Democratic leader, but no later than May 25, 2006, the Senate proceed to the consideration of Calender No. 251, S. 1086, and that it be considered under the following limitations:

That there be 1 hour of debate on the bill, with the time equally divided and controlled by the two leaders or their designees; the only amendment in order, other than the committee-reported substitute amendment, be a Kennedy-Smith hate crimes amendment on which there will be 2 hours of debate with the time equally divided and controlled in the usual form; that upon the use or yielding back of time on the amendment, without further intervening action or debate, the Senate proceed to vote in relation to the amendment; that upon disposition of the Kennedy-Smith amendment and the yielding back of time on the bill, the committee substitute, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. In my capacity as a Senator from Minnesota, at the request of leadership, I object.

Objection is heard.

Mr. KENNEDY. Mr. President, I regret that the Republican leadership has blocked our efforts to have a vote on this amendment. I expect that they will move forward on the immediate passage of the underlying bill. We should also get a vote on hate crimes. It is long overdue. It is clear that the Republican leadership will do anything to stop our hate crimes bill. I don't think it is right to delay consideration of the Senate bill on sex offenders, so the battle on hate crimes must continue. Given today's objections, let's move ahead on S. 1086.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TORT REFORM AND RELATED ISSUES

Mr. BURNS. Mr. President, next week should be a week of looking at our health care system and debating on the direction that I think the policy should go in that area. Not only do we have tort reform that has been suggested by the leader, but also the ability of small business to band together across States to lower the cost of insurance, especially small business owners who have less than 10 employees, and sole proprietors, and even individuals, to band together and do something about lowering their costs of insurance.

Today, I want to open minds and start setting the framework of what this debate is all about that will occur next week.

It is about the unrestrained escalation of jury awards that are driving up the cost of many medical procedures. Consequently, many of our best and brightest in the medical field are limiting services, retiring early, or move to States where liability premiums are stable in order to carry out their Hippocratic Oath. The true victims of this disturbing trend are the vulnerable and sick among us whose access to quality care becomes more restricted with each day that this crisis is not addressed. It is time for responsible legislators to do what is right for our health care system and the medical community and pass S. 22, the Medical Care Access Protection Act of 2006 and S. 23, the Healthy Mothers and Healthy Babies Act.

The consequences of this trend fall hardest on women and children. Contrary to what the other side may say, the exploding cost of liability insurance has limited access to OB/GYNs. It has caused women to receive less prenatal and preventive health care, and many low-income women to lose critical access to community clinic services.

This is not happening because of a sudden increase in physician negligence. It is happening because of the ever increasing number of lawsuits filed against health care providers each day. By and large, these are meritless suits filed by trial lawyers who seek to take advantage of the justice system in order to enrich themselves. I urge members of the Senate not to fall prey to the influence of these trial lawyers, and we know they have it. Every time this issue has come before this body, the trial lawyer lobby has flexed its muscle to put a stop to its progress. If we work together we can come to a plan to address this situation.

Who is it that these trial lawyers are opposing? It is not only the pleas for help from doctors, who overwhelmingly support reform, it's also the will of the American people, who support medical liability reform at a rate of 75 percent. And the reason they support it is not because they think those who have been harmed by a doctor's negligence shouldn't be compensated, it's because they know how these trial lawyers are hurting them, their families and neighbors. They see the commercials from these so called law firms on late-night television offering to sue any doctor over anything and everything possible. Or they or someone they know has had difficulty finding an OB/GYN to deliver a baby.

In fact, to give this issue even more of a human face, my daughter had to give up delivering babies because she could no longer afford the crushing burden of inflated insurance costs imposed upon her by these trial lawyers bringing frivolous lawsuit after frivolous lawsuit against OB/GYNs.

Of course, insurance companies—we have heard they make all kinds of money. I tell you, in my State of Montana I think only a very few companies offer any kind of medical liability. While the trial lawyers' bank accounts have continued to grow, the number of doctors able to perform one of the most important acts a doctor can perform has gone down and patients are the ones being hurt.

Given the choice between siding with doctors and patients or the legal community, I think I will take the side of the doctors and the patients every time.

That is not to say if a person has been wronged or harmed by negligence, they shouldn't be able to recover their economic loss. It is time for us to step up to the plate and set the policy and finally do something to ease this cost of not only insurance but our total health care system.

Those who would oppose medical liability reform will say there is no problem, there are no frivolous lawsuits, and these reforms only harm those who have been hurt by doctors' negligence. Those assertions are simply false. No two ways about it. Let's look at the facts. On any given day there are nearly 125,000 lawsuits pending against health care providers, and 75 percent of these will close with no payment.

Some would say that is not bad, there is no harm. 75 percent will close with no payment—so what? The cost comes to the medical community when you have to pay for and provide a defense. Statistics show that of cases that do go to trial, 86 percent of the doctors will be found not liable. Still, the cost of defending the case is very costly. Consequently, the doctors who are targeted by these lawsuits will spend an average of $90,000 to defend themselves. That is added into the cost of our health care, not only for providers but also into our insurance premiums.

More striking is the impact these suits have on American access to quality medical care. One in seven obstetricians no longer delivers babies due to the fear of being sued; 30 percent to 50 percent of high-risk specialists are sued every year. That is a high number. How would you want to spend all this time in medical school, all this time and money, and then fall into a category that, once you go into practice, you have a 30- to 50-percent chance of being sued every year while you are in practice?

Mr. President, 79 percent of physicians practice defensive medicine. What is that? It is ordering costly and unnecessary tests due to the fear of being sued, of not covering all the bases—not only covering all the bases but maybe covering them twice. This adds between $83 billion and $151 billion per year in added costs to patients and their physicians.

The impact on my State of Montana and other rural States has been even more disturbing. Today there are only 104 obstetricians practicing in Montana. The population of Montana is 900,000. Over the past decade, liability premiums for many hospitals, including many nonprofit critical access hospitals in Montana, have risen nearly 1,000 percent.

I am a big proponent of rural health in order to maintain smaller hospitals, critical access hospitals, and delivery of health care services closer to the people. I think I have 12 or 13 counties that have no doctors at all—none, zip. That concerns me. People who live in those counties should have access to health care providers. Right now those of us in rural America simply cannot afford this. Right now, in Montana, we are very thin in those low populated counties that are remote from a bigger city that may have a larger medical corridor. As a result, many in my State travel hundreds of miles to see a doctor, sometimes all the way to cities such as Seattle and Minneapolis, Salt Lake City, or Denver, CO, for specialized care. I fear this situation will only worsen if we do not act now.

We can't continue to sit back and allow this to go on, and allow this situation to damage our health care system. Our doctors cannot afford it and, more importantly, our loved ones who rely on access to affordable health care cannot afford it, either.

I urge my colleagues to pass both of these bills, S. 22 and S. 23. These bills bring a fair and reasonable reform to medical liability systems, the system that will work. In fact, the model we are sort of patterning this one after is working in Texas. Since the enactment of similar laws in the State of Texas, the largest liability carrier has dropped its premium by 22 percent, competition in the health care liability market is increasing, premiums are stable or down, and access to health care is up. I think that is what we want to see happen.

Clearly this approach is working to the benefit of doctors and patients and, more importantly, I want to put the emphasis on patients. The only people hurt by these commonsense reforms are the folks who make a living in frivolous lawsuits. So I call upon this body to reject their money, their influence, and do what is right for the American people, especially young mothers, and for healthy babies.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL LIABILITY CRISIS

Mr. BURR. Mr. President, some in this institution suggest that there is no liability crisis in health care in America. I am here today to say that I don't think anyone in America believes that. They may believe it in this institution. As a Senator from North Carolina, I can state no one from North Carolina believes it.

Not only has the out-of-control litigation in health care over the last decade inflated the cost for every American, it has now begun to affect the access we have to health care services.

Doctors across the State in North Carolina report they have been forced to reduce the coverage of critical medical services, especially in obstetrics, neurosurgery, orthopedics, plastic surgery, and primary care because of the sharp increase in the cost of medical malpractice insurance coverage. It has gotten so high they cannot afford the coverage.

Hospitals are concerned about the potential reduction in their services to their communities in the future as a result of the current crisis in medical liability insurance where premium increases and declining reimbursements continue. Hospitals report that the insurance crisis is making it increasingly more difficult for their medical staff to obtain adequate insurance coverage, and more importantly, at affordable prices.

The crisis is real. We can no longer in this institution act like an ostrich, put our head in a hole in the ground, and believe because we cannot see it, it does not exist.

Some nursing homes in North Carolina this year have no choice but to operate without liability insurance in order to stay open. The oldest and the frail in this country would not have the facilities to live in but for the brave decision of some owners that forego the insurance they can't afford.

Other long-term care facilities, faced with the huge increase in premiums, have been forced to reduce staff hours, freeze wages and reduce residents' activities. Those are things we do not want to see happen to that population.

North Carolina faces a medical liability insurance crisis. I had a friend who graduated from Wake Forest with me and was lucky enough to go to medical school. Today he is a nephrologist. I don't even know what a nephrologist is. I am not sure that too many people in America know what a nephrologist is. But I can tell you that he tells me nephrologists rarely get sued. In the last 3 years, his liability insurance has increased 300 percent. He has had a 300-percent increase in his cost to continue to practice medicine in a specialty that rarely sees lawsuits.

North Carolina hospitals have experienced medical liability insurance premiums increasing from 400 to 500 percent for the past 3 years, with small rural hospitals experiencing the greatest increases.

According to two recent studies, North Carolina's nursing homes are experiencing a tremendous increase in their medical liability premiums. Premiums for some nursing homes in North Carolina have skyrocketed by as much as 1,800 percent since 1995. But some in this institution suggest there is not a liability crisis in health care in America.

The U.S. Department of Health and Human Services has concluded that the leading cause of the national liability insurance crisis is the recent explosion in multimillion dollar litigation awards and the resulting instability this creates in the medical liability insurance market.

The U.S. Department of Health and Human Services cited that North Carolina is tied with Nevada for the most mega malpractice awards in recent years. But some in this institution suggest that there is not a medical liability crisis in America.

Not only is it a crisis, health care services are out of the realm of the average American. It is driving doctors out of the profession of delivering medical services. In medical schools across the country this year, just as last year and the year before, many students will make a decision as to the specialties they choose for their entire medical profession based upon the likelihood of being sued in a court versus where their interests and their love might exist in health care. But some suggest there is not a liability crisis in America.

In North Carolina today we have a shortage of OB/GYNs, we have a shortage of neurosurgeons, we have a shortage of thoracic surgeons. When you look at the demographic shift that is happening in America, the Census Bureau projects that in North Carolina alone we will have a 53-percent increase in the State's population over the next 20 years. We will be the seventh most populated State. The OB/GYNs better move there because without OB/GYNs we are not going to deliver new babies. If they move there for retirement, which is probably our largest growth area, they may find out that they are moving to a State that has a tremendous health care infrastructure but the state does not have the specialists in neurology, in neurosurgery, and thoracic surgery available for their age group, and then they will have not made the wisest decision. But some suggest there is no crisis.

Lawsuits today are the leading cause of liability insurance increases. Changes are needed to protect patient access to health care. States that have enacted comprehensive common sense liability reforms have experienced much lower increases in medical liability insurance premiums compared to States such as North Carolina and Nevada because we have yet to adopt such reforms.

It is imperative this institution accept the national responsibility to end this crisis in health care, to make sure that the next students in our medical schools make decisions based upon where they want to practice and who, in fact, they want to help and not based upon where their fear exists of where the trial bar is most likely to target for the next lawsuit.

Over the years, I have heard from a lot of folks in North Carolina. I received this letter from a doctor in Greensboro, NC, in the month of April. It says:

> As an orthopaedic trauma surgeon, I urge you to pass medical liability reform this year. Each year, reform legislation passes the House of Representatives, but stalls in the Senate. Special interests are standing in the way of reform.

I can say that special interests are not the patients across this country, it is not the patient who is looking for the specialist in North Carolina.

The letter goes on to say:

> I can tell you from the point of view of someone on the front line of medicine that America's (and North Carolina's) medical liability crisis has to be solved. Medical lawsuit abuse and unpredictable and huge verdicts are forcing good doctors out of practice. Fewer young doctors are entering important, but high risk specialties, including orthopedics, obstetrics, and emergency medicine. Others are cutting back on critical, but risky procedures, leaving patients to wonder where they will get care when they most need it.

The cost of defensive medicine alone is staggering. I see it all the time: doctors ordering tests and referring patients to specialists more out of fear of lawsuits than because doctors believe the tests or extra visits are medically indicated. These costs are dragging down our health care system and our economy, and they ultimately increase out-of-pocket patient costs. It is time we fix this broken system.

I am not sure that anyone summed up the crisis in America in a one-page letter better than this doctor, this doctor who said that he is on the front line of medicine in America and in North Carolina. He put his finger on the point that if we don't solve it today, fewer young doctors will be entering the profession. That means less choice. Fewer doctors doing high-risk procedures in trauma care, something that doctors perform because they are trying to save a life.

Others are cutting back on critical but risky procedures, leaving patients to wonder who will be there to do these procedures.

In this institution, we fight cost and access. In America, we fight cost and access. Many times the decisions we make as Americans, such as choosing to move to a particular area because the schools are good, also includes the big component that there is a major medical facility available for us and our family.

The realities are, as this goes on, those major medical areas are going to be more and more important because in rural America there will not be doctors. And if there are no doctors, we know today, based upon what doctors tell us, there won't be OB/GYNs. We will have to tell pregnant women, let us know when you think you are going to go in labor because it is a 2-hour drive to the nearest facility that delivers babies. Or, as we have seen in some places, no natural child births, only Caesarian, because there is a risk of litigation to natural delivery that does not exist with the procedure of Caesarian birth. But some suggest in this institution that the liability crisis does not exist in America.

We come to the Senate to debate how we change health care policy so that health care is accessible and affordable for all Americans. We understand today how many Americans, or we think we do, go without insurance, without coverage, without the security at night of knowing that whatever happens to them, they have a policy to take care of.

If we did not solve this problem, it does not matter what the policy says. If the doctor is not there, where is our level of security? Where is the level of security of an American today that lives in a rural market where their hospital is closed? Not just their doctor left, but because of an 1,800-percent increase in the cost of liability insurance, they have decided to close the doors.

The burden falls on the payer—us—on insurance companies to try to raise the reimbursements big enough to make the payments for liability coverage. Why? Because of mega-awards, because of the influence those mega-awards have, in fact, had on the insurance product itself.

Dr. Handy was not the only one who wrote me. I had an interesting note from a doctor in Fayetteville, a member of a four-person neurology practice that cannot attract physicians to join the practice because of the inhospitable liability environment that exists. She and her husband are both neurosurgeons. They want to stay in North Carolina, but they may need to move and are actively looking elsewhere because they cannot even attract a neurologist to come into an existing practice.

They realize, as two neurosurgeons, if your practice cannot grow based on today's reimbursement structure, there is no way they can survive. Increases in their costs of insurance have limited their ability to deliver charity care. They have also decreased their participation in workers' comp. Their practice writes off more than $1 million a year in uncollectible accounts. There are currently only four neurosurgeons in Fayetteville, NC—the pentagon of the Army, Fort Bragg, NC, where over 55,000 men and women in the U.S. Army call home.

But some still suggest there is not a crisis. You see, it is easy to suggest that something does not exist because I think there is a tendency in our system that until it directly affects us, it really does not exist.

The reality is that every day we meet in this incredible, historic institution, there are people across this country who do not have access to a doctor, who cannot afford the services, who have been affected by the fact that the liability crisis in America is, in fact, real and has affected them.

Well, the challenge for this Senate, as we move forward, is to make sure our voices are louder than those who suggest there is not a crisis, to make sure the human face of those around America—who are affected directly and indirectly by the liability crisis that exists in medicine today—to make sure their voice is heard, their face is seen, that in this institution, as we talk about solutions, we look around the country and say: What have others done?

Well, that is what we are getting ready to do next week. We have looked around the country and seen who has been successful. And we are going to adopt a model that exists in Texas. It is not one that tightens as much as

California. California, usually not necessarily the one that looks at Washington and says: Limit something for us—California woke up and said: There may not be a liabilities crisis in America, but there is a liability crisis in California, and we are going to put caps in, we are going to bring some sanity to the system, we are going to bring in the parameters that drive price's down and encourage doctors to practice here in, yes, obstetrics, in neurology, in neurosurgery, and thoracic surgery.

California thrives today. What was California's comment about what we might do in Washington? It was: My gosh, don't make us raise our caps to what you are going to establish in all the States. We are below that today. I never thought I would say: California does something right. Let's mirror it. But that day has come in the Senate but at a time where some still suggest there is not a crisis.

What do we want to do? Replicate what, in fact, States have replicated to address the high cost of health care, the lack of access, the flight of doctors, the need for specialists. We want to adopt that nationally. It is as simple as that.

Next week, people will come to the floor of the Senate and they will, in an incredible way, suggest there is not a crisis in America. I want those in the Chamber today to remember next week not just the doctors who say there is a crisis, and it is real, but to remember the patients out there who are directly affected by our inability to solve this problem. They are the ones for which the safety net is supposed to be there to protect them. But the safety net only works if the infrastructure is there. This is not about cost by itself today. This is about access. And when access goes away, our ability to address it with a safety net is gone.

I urge my colleagues to stay engaged. I look forward to next week's debate.

I thank the Presiding Officer for the time, and I yield back.

The PRESIDING OFFICER (Mr. BURR). The time of the majority has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL LIABILITY REFORM

Mr. CORNYN. Mr. President, I come to the floor to add a few words to the eloquent words spoken by the Senator from North Carolina about a national crisis in access to good quality health care.

Some have said we do not so much have a health care system in America today as a sick care system. We know there is a lot we can do to change that and improve that. But we, at bottom, need to make sure everyone in this country has access to good quality health care.

One of the ways we do that is by making it less onerous for health care providers—doctors and hospital workers—to practice their chosen profession. But right now—because of soaring costs of medical liability insurance, because of our unpredictable, some might say, litigation lottery system in this country—we need to come up with some practical ways to solve that problem, to help bring down those costs, to make it possible for doctors and health care providers to practice their profession. In the end, that is the only way we are going to be able to follow through on this promise of universal access to good quality health care in this country.

Now, we, fortunately—as Louis Brandeis described the States, he called them laboratories of democracy. And we know, as Americans, not all good ideas come from Washington, DC. Indeed, an awful lot of bad ideas come out of Washington, DC. What we need to do is to look for good models and good examples of success stories and to try to emulate those on a national basis.

Now, three times in the 108th Congress we brought to the floor legislation designed to modestly limit runaway damages—not for economic damages; that is, lost wages, medical bills, and the like—but, rather, to provide some reasonable caps on what are called noneconomic damages, things such as pain and suffering, punitive damage awards, and the like.

Three times we brought proposals to this floor to provide modest caps, to try to emulate the success stories in States across this Nation, to try to lower health care costs and increase access to health care, but we were denied an opportunity to have an up-or-down vote on those reforms.

We brought forward a bill limited to obstetricians and gynecologists because of the lack of doctors to deliver babies for pregnant women. We were told no. We then brought forward a bill limited to emergency room physicians, again, to try to deal with the crisis and the lack of access to well-trained emergency room physicians. Again, we were told no by the other side of the aisle.

But I have learned one thing in the short time I have been in the U.S. Congress; and that is, perseverance pays off. So if at first you do not succeed, try, try again, because, hopefully—hopefully—circumstances will have changed, people will reconsider. Hopefully, constituents, whom Members of the Senate represent, are talking to their Senators and saying: We need reform. We need change. And so here we are again to make another try.

Just 2½ years ago, the voters in my State, the voters in Texas, passed proposition 12, a referendum that paved the way for medical liability reform and helped to stem the tide of frivolous and expensive litigation that had for so long plagued our civil justice system.

The result: Decreased costs and increased numbers of physicians. And with it, better access to good quality health care for the people of my State.

Consider the following: All major physician liability carriers in Texas have cut their rates since the passage of the reforms, most by double digits. Texas physicians have seen their liability rates cut, on average, 13.5 percent. Roughly half of Texas doctors have seen their rates slashed a quarter, producing roughly $49 million in annualized premium savings for Texas physicians.

Let me make clear, this is not just about saving doctors money. That is not what this is about. This is about patient access because when the costs of doing business go so high, doctors who have practiced a long time, who are nearing retirement, say: Do you know what, I think I am going to retire early. Or when young, smart men and women are deciding what careers to pursue—if they look at a career where the overhead costs of practicing their chosen profession are so high that the rate of return on this investment they have made will be so low—they will decide to do something else.

That is why we have had a lack of access to health care in my State and in this country and why this issue of liability insurance rates coming down is so important to the ultimate goal of increased access to good quality health care.

In my State, since the reforms were passed, five carriers have announced double-digit rate cuts, and recently Medical Protective, a company that writes medical liability insurance coverage, announced a 13-percent rate cut in February—their third announced rate cut within a span of 11 months.

The largest underwriter, Texas Medical Liability Trust, has cut premiums almost 21 percent, resulting in $86 million in savings, plus a $10 million dividend for its policyholders.

Competition is also increasing. With the passage of these reforms, Texas has added three new regulated carriers, 20 unregulated carriers, and now Texas physicians can competitively shop for their medical liability insurance policies.

But that is not the only good news. By far, the most encouraging results of these reforms has been a flood of new physicians coming to Texas. So there are more people to treat my constituents, the patients of Texas.

Since proposition 12 passed, this medical liability reform, Texas has added somewhere in the order of between 3,000 and 4,000 new physicians. The Texas medical board is anticipating a record 4,000 applications for new physician licenses just this year, which is twice last year's total, and 30 percent more than the State's single greatest growth year.

After a net loss of 14 obstetricians between the years 2001 and 2003, Texas has now seen a net gain of 146 obstetricians. Texas experienced a net loss of nine orthopedic surgeons from 2000 to 2003. Since these reforms were passed, the State has experienced a net gain of 127 orthopedic surgeons. And those who need it most are the ones who are benefiting, as physicians move to jurisdictions where there has been a woeful lack of available health care.

Sadly, in my State, the parts of the State that need access to health care the most are the ones that have been the least hospitable and, indeed, the most hostile to the health care providers because they have been the areas where medical liability lawsuits have run amok. This, in fact, has helped rein that in and bring some common sense to the system.

For example, Cameron County, along the Texas-Mexico border, is experiencing the greatest ever increase in numbers of physicians. Jefferson County, which is Beaumont, Nueces County, which is Corpus Christi, and Victoria County, which is Victoria, saw a net loss of physicians in the 18 months before these reforms were passed, but currently all three counties are producing impressive gains, adding much needed specialists and emergency room physicians. As a result, the people of those areas have benefited enormously. Each of the medically underserved communities of Corpus Christi and Beaumont now has a neurosurgeon that they did not have before the passage of the reforms.

Sometimes lost in the numbers are the real benefits that are realized, the day-to-day improvements in the lives of the people who are affected. After the passage of these reforms, two obstetricians in the small town of Fredericksburg, TX, announced their return with an advertisement in the local newspaper that said: "We're Back." One of these obstetricians, a Dr. David Cantu, had been working for more than 10 years with no claims, but he and his partner had to quit practicing their profession of obstetrics and gynecology because of the cost of insurance. Dr. Cantu's overhead was hitting 100 percent. In other words, everything he was earning was going to overhead, and he had a 3-month stretch of time when he could not draw down any pay whatsoever.

As soon as Dr. Cantu stopped delivering babies, the practice saw an immediate decrease in their insurance costs, but the patients were negatively impacted because they then had to travel miles away to have their babies delivered. This was doubly difficult for them considering that a full 70 percent of Dr. Cantu's patients were Medicaid patients and 40 percent were Spanish-speaking patients.

With this reform, Dr. Cantu and his partner are now able to deliver babies once again. When asked why proposition 12 in Texas helped him, Dr. Cantu said:

> Because now I come out ahead instead of paying to be an obstetrician. Prop. 12 made the practice of obstetrics affordable.

After 4 years of searching for a neurosurgeon in Corpus Christi, the community successfully recruited Dr. Matthew Alexander from a Wisconsin residency program. Dr. Alexander told the Corpus Christi Caller-Times he would not have come to Texas had the reforms not passed. As a result, patients are now getting procedures previously unavailable to them.

Consider, for example, high school principal and triathlete Travis Longanecker, who was a recipient of an artificial disc in his back, the first procedure of its kind in south Texas. The surgery has alleviated his pain and allowed him to return to a normal life—again, a procedure that could not have previously been performed because Corpus Christi was having a difficult time recruiting a neurosurgeon to actually come practice there. Or consider George Rodriguez, who had a spinal abscess and arrived at the hospital paralyzed from the waist down. He had been in a paralyzed state for roughly 24 hours. Dr. Alexander again successfully performed the necessary procedure. But had the surgery been delayed for as little as 1 hour, George Rodriguez would have been paralyzed for life.

These stories are not about theory. This is not about actuaries and about insurance policies and premiums. These stories are not the stuff of academic journals, and these stories at bottom boil down to basic issues of life and death and quality of life. These are real-life examples. These are real people whose lives are much better as a direct result of the relief provided after the people of Texas took to the polls, took action, and passed these reforms.

While I am very proud of the reforms passed by Texas and the great strides we have been able to make in that State of 23 million people toward a better health care system, the fact is, we now have an opportunity to extend those benefits to all of the people in this country by passing nationwide legislation which would build on that Texas model and accomplish these reforms. I hope our colleagues who previously have blocked our ability to have an up-or-down vote on this important legislation will reconsider. The proof is as plain as the nose on your face. It is there for anyone and everyone to look at and to learn from. I hope those who have previously blocked our ability to address this important issue will have learned and will reconsider.

Obviously, health care is so important to all of our families and all of our lives. I am pleased that we will also be bringing to the floor the Health Insurance Marketplace Modernization and Affordability Act of 2005. That is a long title, but basically it is about giving small businesses and other individuals an opportunity to pool together to try to make health insurance coverage more affordable and accessible so more people can have health insurance. We can use this to build on some of the great reforms we passed as recently as 2003 which allow people to create such things as health savings accounts, which has given rise to the whole notion of consumer-driven health care.

Someone pointed out to me not too long ago that we know more about the used cars we buy than we do about the health care services we purchase because we can find out about quality, we can find out about price, and we can compare. The fact is, the American consumer is largely denied that opportunity, and we need to provide that sort of transparency so that patients can compare and make the best decision for their needs and their family, and which, not coincidentally, will help bring down the price of health care services because people will be able to then pay out of their health savings account. Obviously, that will have an impact on utilization rates as well.

I thank the Chair for his patience and willingness to assume that position so I could say these few words both out of pride for my State and for the successful experiment we have conducted in Texas which has now served as a wonderful model for the United States going forward to try to address a true crisis. But not only a crisis, it is something that, once we address this and hopefully pass this medical liability legislation, Senator ENZI's health care bill which will provide greater access to health insurance and provide people with a better life, that we will ultimately have done something good that the American people can say: I know my Senator and my Congressman are up in Washington, and they are actually listening to what we are saying. They are actually dealing with the great issues that affect the quality of my life and my family's life, and that we will have done something of which we can be very proud.

I yield the floor.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In December, 2004, a 30-year-old man was beaten outside a restaurant in downtown Seattle, WA. The man received a concussion, split lip, loose teeth, a black eye, and bruises from being kicked while on the ground. The victim believed his assailants beat him up because they thought that he was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

35TH ANNIVERSARY OF AMTRAK

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 35th anniversary of Amtrak. When the first Amtrak Clocker train left New York, bound for New Jersey and Philadelphia, on May 1, 1971, it ushered in a new era of passenger rail travel in the United States. Millions of passengers from every corner of America can attest to the fact that Amtrak remains a vital part of our nationwide transportation network, and I firmly believe it's imperative that we not just preserve our nation's passenger rail system, but also develop it.

Amtrak's transformation from a tiny initiative with only 25 workers and widespread expectations of failure, to a successful national corporation with 19,700 employees in nearly every state, is one of the great success stories I've witnessed during my many years in the Senate. Every day approximately 68,000 travelers rely on Amtrak as an effective alternative to the hassles and delays of air travel, and the increasingly prohibitive gas costs and traffic congestion associated with highway travel.

Amtrak remains enormously important to my home State of New Jersey. Last year, for instance, over 3.4 million people boarded or exited an Amtrak train at the six rail stations in New Jersey, and nearly 1,700 New Jersey residents worked for Amtrak during this same time period. Approximately 110 Amtrak trains travel through my home State every day; this service, combined with the many rail lines that New Jersey Transit, SEPTA, PATH, and PATCO operate, truly makes New Jersey a national leader in passenger rail. I am immensely proud of this distinction—as all New Jerseyans are—and it would not be possible without Amtrak. The benefits of such a system are immense; without rails, our State would suffocate under extreme highway and airport traffic congestion. On Amtrak's Northeast Corridor service between Washington, DC, and Boston, MA, which stops at several points in New Jersey, the trains carry as many people as 75,000 fully loaded Boeing 757 jets each year. By contrast, there are only 102 flights between downtown Washington, DC, and the three New York City-area airports on an average weekday.

On December 11, 2000, the first Acela Express service began on the Northeast Corridor. As one of the leading proponents of high-speed rail in the Congress, it has been a marvel to see the success of this train and its example of how high-speed rail can be successful in our country. I am a frequent rider of the Acela Express between New Jersey and Washington, and I appreciate the service for the same reasons that many others do: it is efficient, it is comfortable, it is cost-effective, and it is convenient. Most tellingly, the Acela Express's operations do not require a subsidy, and I expect its ridership to continue to grow as others discover the advantages of this remarkable train.

Mr. President, it is unfortunate that despite the great successes of Amtrak, it is necessary for the many defenders of the system myself included to fight for its survival at every turn. There are many within the Bush administration—and within the House and Senate—who would like nothing better than to see Amtrak wither and die, stranding millions of travelers in the process. We cannot let this happen, and as long as I am a member of the Senate, I will not let this happen. I will continue to work with a diverse set of colleagues on both sides of the aisle who realize the advantages of providing options for travelers and having a balanced national transportation system.

In short, Mr. President, I salute Amtrak for its achievements, and I extend the railroad and its employees, who are the backbone of the railroad's operation, warmest wishes for continued success through the next 35 years.

VOTE EXPLANATION

Mr. HATCH. Mr. President, due to the untimely loss of my beloved sister, Marilyn "Nubs" Hatch Kuch, I have been necessarily absent for a portion of the debate and votes on Wednesday, May 3 and Thursday, May 4, 2006.

Concerning the votes I missed, if I were present I would have voted as follows: nay for amendment No. 3616, striking funding to States based on their production of certain types of crops, livestock and/or dairy products; nay for amendment No. 3673, providing funds for assessments of critical reservoirs and dams in the State of Hawaii; nay for amendment No. 3601, allocating $1,000,000 for the monitoring of waters off the coast of the State of Hawaii; yea for amendment No. 3704, allocating $20,000,000 from the AmeriCorps program to the Veterans Health Administration for medical facilities; yea for final passage of H.R. 4939, the Fiscal Year 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery; yea for Executive Calendar No. 617, the nomination of Brian M. Cogan of New York to be the U.S. District Judge for the Eastern District of New York; and yea for Executive Calendar No. 618, the nomination of Thomas M. Golden of Pennsylvania to be the U.S. District Judge for the Eastern District of Pennsylvania. None of these votes would have changed the final outcome.

SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

Mr. SUNUNU. Mr. President, I rise to speak on legislation I introduced yesterday, the Small Public Housing Authorities Paperwork Reduction Act. This legislation is an important step toward alleviating some of the burden placed on our Nation's smallest public housing authorities. PHAs play an important role in meeting the housing needs of the Nation's low-income individuals, families, seniors, and the disabled. Unfortunately, they face a challenge when balancing the housing needs of those they serve with the, oftentimes, consuming and duplicative reporting requirements placed upon them. The legislation I am introducing today seeks to address just one annual report that will free up a significant amount of time and resources, allowing housing authorities to focus more attention on the individuals they serve.

Specifically, this legislation would exempt PHAs with 500 or fewer public housing units and any number of section 8 vouchers from the requirement of submitting an annual plan to the Department of Housing and Urban Development. The 1992 Public Housing Reform Act required PHAs to submit separate 5-year and annual plans to HUD. The redundancy of the annual plan process creates an undue burden for small PHAs by requiring them to provide identical information to HUD every 12 months. For example, an annual plan outlines a PHA's goals, policies, eligibility guidelines, and other information that is unlikely to change from year to year. Under this bill, small PHAs would only be required to submit their 5-year plan—a more appropriate timeline for reevaluating their goals and policies—to better allow them to use scarce human and financial resources to directly serve the needs of their communities. Additionally, this bill would only exempt those PHAs that have demonstrated compliance with HUD regulations. PHAs that have been designated by HUD as troubled would not be exempted from the annual plan.

It is also important to note that PHAs would still be required to conduct an annual meeting in which residents and community members are included in the planning and development of a housing authority's objectives and priorities. My legislation makes certain that residents have an opportunity to comment on any changes to the goals, objectives, and policies of the agency. Housing authorities are also required to notify tenants of any proposed changes at least 45 days before the public hearing occurs. The annual public meeting, in combination with State and local public meeting requirements, will continue to ensure that any changes made to a PHA's policies are well vetted, with particular attention paid to resident concerns.

PHA directors in my State and across the country contend that this legislation is a significant step toward reducing the excessive paperwork and reporting requirements that burden their agencies. I agree, that by mitigating some of this burden, we will allow PHAs to focus more time and energy for their mission-driven service to their housing residents. Not all PHAs have the time, staff, or resources available to complete these annual plans. Some PHAs have had to hire outside consultants to complete the plans, a costly expense for these agencies. Given the fiscal constraints PHAs are facing, it is more important now than ever to give housing authorities the flexibility needed to work within these budget constraints. This legislation is one simple way Congress can assist in providing needed relief to PHAs.

My colleague, Congressman RANDY NEUGEBAUER, has introduced similar legislation which passed in the House of Representatives on December 13, 2005, by a vote of 387 to 2. The overwhelming support in the House for such an initiative makes very clear the need for this type of relief. I am hopeful my colleagues in the Senate will also see the value of providing paperwork reduction for those agencies that have demonstrated their ability to comply with current regulations.

Finally, I am pleased to have the support of the New Hampshire Housing Finance Authority and local agencies across my State in this effort. New Hampshire's PHAs continue to do an exceptional job of providing for the housing needs of those who need it most. State and local housing agencies perform an invaluable community function by securing housing for families and individuals in need. I remain committed to working further with them throughout this legislative process and to reducing unnecessary federal regulatory burdens for housing.

COVER THE UNINSURED WEEK

Mr KOHL. Mr. President, this week has been designated Cover the Uninsured Week. It is week that we mark every year to spur our Nation to act to address the growing number of Americans who lack health insurance. Sadly, that this has become an annual event shows that we have made little progress. I hope this year will be different, and that the administration and the congressional leadership will finally make health care a priority.

The U.S. Census Bureau estimates that more than 45 million Americans lack health insurance—that is one out of every six people. Wisconsin fares slightly better with 11 percent of our population without health coverage.

These numbers have increased every year since 1999. All across the country, families and businesses are struggling to afford basic health care, and too many are losing the battle.

Government joined the fray, with some success, in the past. In 1997, Congress created the State Children's Health Insurance Program, which led to the BadgerCare program in Wisconsin. Since SCHIP's inception, the program has provided medical coverage and care to millions of children throughout the Nation who otherwise would have gone without. In addition, States have stepped in to provide a safety net for the poorest of the poor through Medicaid and high-risk insurance pools.

Despite these gains, many working families still need help. According to a report by the nonpartisan Commonwealth Fund, 41 percent of working-age Americans with incomes between $20,000 and $40,000 a year were uninsured for at least part of 2005. This is a dramatic increase from 2001, when just 28 percent of those with moderate incomes were uninsured.

This is an alarming statistic but not surprising. Skyrocketing health care costs have rendered insurance unaffordable to most families and businesses. In 1996, annual premiums for employers grew by 0.8 percent; by 2003, that growth averaged 13.9 percent. Last year, the average premium jumped 9.2 percent, and some areas of Wisconsin saw increases of as much as 24 percent.

All employers struggle with the costs of health care, but none more than the small employer. Many have stopped offering health insurance altogether, swelling the number of uninsured full-time workers.

Congress could help employers to continue providing health insurance by passing the Small Employers Health Benefits Program Act, which I cosponsored. The legislation, modeled after the health insurance system available to Federal workers, allows small employers to band together to purchase health insurance for their employees and negotiate better prices. It also gives employers a refundable tax credit to help with the costs of providing insurance for low-income employees.

Helping employers afford health care premiums is only part of the answer; we also must tackle the problem of escalating health care costs driven largely by the rising cost of prescription drugs. Americans pay the highest prices in the world for medicines sold in other countries for a fraction of the cost. I support reforms such as allowing Americans to purchase less expensive prescription drugs from Canada and other countries with strong protections to ensure the safety of those medicines. I have also cosponsored legislation to speed to market generic drugs, which cost much less than their brand-name counterparts. And I believe we must allow Medicare to negotiate directly with drug companies for lower prices for seniors participating in the new Medicare drug benefit.

America is the leader of the world in health care innovation. We have the highest per-capita spending on health care of any developed nation, but we rank at the bottom when it comes to health insurance coverage.

That is inexcusable. For too long we have said the right things, but failed to take concrete action. Let's make the next year different. Next year, we should spend this week celebrating real progress rather than lamenting another year of inaction. Another year of empty rhetoric and pointing fingers will get us no closer to the goal of ensuring all Americans reliable, affordable health coverage. I stand ready to work with those on both sides of the aisle who are interested in making a real difference in the coming year.

ADDITIONAL STATEMENTS

RECOGNIZING TAFT HIGH SCHOOL

• Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of the Taft High School Academic Decathlon Team on becoming this year's 2006 National Champions.

Each year, the U.S. Academic Decathlon tests our Nation's best and brightest in a host of subjects including calculus, writing, impromptu speaking, music, and art history. The competition is consistently among the most rigorous in the country.

Amassing an outstanding 51,659 points out of a possible 60,000, Taft High School earned one of the most sweeping and significant victories in recent decathlon history. As one decathlon official noted, "I've never seen anything like this."

These students could not have achieved this memorable accomplishment without the tremendous support and encouragement from their dedicated teachers and parents.

I commend the team coach Dr. Arthur Berchin and Taft High School faculty and administrators for their invaluable guidance, and I applaud the participants' parents for their unwavering dedication and commitment to helping these students reach their full potential.

I would also like to recognize team members Zachary Ellington, Michael

Farrell, Farhan Khan, David Lopez, David Novgorodsky, Julia Rebrova, Atish Sawant, Dean Schaffer, and Monica Schettler for their tremendous poise and determination. I encourage them to continue the hard work and perseverance that have brought them this victory. They are wonderful examples of true scholarship, and have made Taft High School, the county of Los Angeles, and the State of California very proud.

What is more extraordinary is that each Taft High School team member placed first, second, or third in all ten of their individual events, totaling 43 medals and capturing 7 of the top 9 awards for individual performance.

Equally important, the Taft High School Academic Decathlon Team is one strengthened by diversity, including students from Russia and Bangladesh. Good schools, like good societies and good families, celebrate and cherish diversity.

Many of these students have decided to take their scholastic successes to the next level, and will attend a myriad of prestigious colleges and universities in the fall. All participants have already taken undergraduate-level courses, and their passionate pursuit of academic excellence is indeed noteworthy.

Once again, I would like to honor the entire Taft High School Academic Decathlon Team on a well-deserved victory. Each of these students holds wonderful promise and I applaud them for their many achievements. Their futures are bright and their performance will continue to serve as an inspiration to us all.●

HAL DAVID CELEBRATES HIS 85TH BIRTHDAY

● Mr. KENNEDY. Mr. President, May 25th marks the 85th birthday of an extraordinary American artist—Hal David. Hal is one of America's most prolific and beloved lyricists, and I congratulate him as he celebrates this birthday and a lifetime of memorable songs.

Hal David's music has been entertaining millions for generations. His collaborations with Burt Bacharach on songs performed by Dionne Warwick are legendary. He has won the hearts of music lovers of all ages, and has earned 20 gold records, several Grammys, and an Academy Award.

Over the years he has also earned the immense respect of his colleagues nationally and internationally. He was elected to the Songwriter's Hall of Fame and awarded their prestigious Johnny Mercer Award. He received the Grammy Trustee Award from the Academy of Recording Arts and Sciences, and the Ivor Novello Award from the British Performing Rights Society.

He has written film scores including "The April Fools" and "A House is Not a Home." His brilliant works for the theater include "Promises, Promises," which received a Grammy Award and a Tony Award nomination.

Hal has been an inspiring advocate for young songwriters as well. He is a member of the board of directors of ASCAP and formerly served as its President. He is also chairman of the board of the National Academy of Popular Music.

It is worth pointing out, as we debate immigration reform, that Hal wrote the song, "America Is," which was the official song of the Liberty Centennial campaign for the restoration of the Statue of Liberty and Ellis Island.

Many of us are privileged to know Hal personally. He is a remarkable artist and an outstanding humanitarian. Hal wrote the famous "What the World Needs Now is Love," and in so many ways, Hal has always expanded that love with his magnificent songs that have enriched all of our lives. I congratulate him on this special birthday, and I wish him many more beautiful years. As my mother would have said, "Tell that nice young Hal David not to worry about turning 85—he won't slow down for another 10 or 15 years." May the raindrops keep falling on your head, Hal, and keep nourishing your special genius.●

RECOGNITION OF AN OUTSTANDING MASSACHUSETTS CORPORATION

● Mr. KERRY. Mr. President, I am honored to recognize iRobot Corporation, an outstanding Massachusetts company that develops cutting edge technology, and to congratulate the board, management team and staff on the quality products they provide to our armed services.

Minimizing troop casualties is an endless task for both our civilian and military leaders, and I am proud to represent a State that hosts some of the country's leading thinkers in addressing that challenge. I had the pleasure of visiting such a company recently and I was deeply impressed by the commitment and perseverance of the people at iRobot.

Founded in 1990 by three roboticists from the Massachusetts Institute of Technology—Helen Greiner, Colin Angle and Rodney Brooks—iRobot designs behavior-based, artificially intelligent robots. These robots are built to perform dangerous duties that would otherwise risk the lives of our soldiers in Afghanistan and Iraq. Their economic impact on our state is considerable. As a homegrown Massachusetts business, iRobot brings in millions of dollars in revenue to the State's economy, and it is the only publicly traded company dedicated solely to this emerging industry.

I recently had the opportunity to see firsthand an extraordinary piece of equipment developed by iRobot—the PackBot Tactical Mobile Robot. The PackBot is a lightweight robot designed to disarm IEDs. There are currently more than 300 PackBot robots deployed in Iraq, Afghanistan, and around the world. Since mobilization, PackBot robots have performed thousands of missions and in the process saved countless soldiers' lives.

I applaud iRobot's efforts to develop 21st century technology to help our troops accomplish their missions, and I am very proud that such an exemplary company calls Massachusetts home.●

CONGRATULATING THE STUDENTS OF EAST BRUNSWICK HIGH SCHOOL

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate the students of East Brunswick High School in New Jersey for winning the 2006 "We the People: The Citizen and the Constitution" competition. The breadth of knowledge displayed about our government should serve as an inspiration to all Americans.

The road to the national championship was not an easy one. The students spent months researching different constitutional topics, ranging from the philosophical underpinnings of the Constitution to issues currently being debated on the Senate floor. Participants then participated in mock congressional hearings where they were questioned by state judges, professors, lawyers, and journalists.

East Brunswick first won the New Jersey state competition to earn the right to participate in the national finals here in Washington, DC. In three days of intense competition, the students competed against more than 1,500 other students from every State and the District of Columbia. This is East Brunswick's third consecutive win in this prestigious competition.

I would like to congratulate each member of the East Brunswick High School team: Brian Boyarksy, David Chu, Nelson Chu, Dana Covit, Megan DeMarco, Ben DeMarzo, Craig Distel, Deborah Elson, Dana Feuchtbaum, Munira Gunja, Melinda Guo, Shelby Highstein, Evan Hoffman, Jayasree Iyer, Ryan Korn, Michael Martelo, Carol Ann Moccio, Jeffrey Myers, Ari Ne'eman, Daniel Nowicki, Aditya Panda, Sherwin Salar, Gil Shefer, Aaron Sin, Lauren Slater, Eric Smith, Merichelle Villapando, Amy Wang, and Jason Yang. Congratulations also to their coaches Barbara Maier and Joyce Lentz, and their teacher Alan Brodman.

I am confident the Senate will join me in wishing all the members of this team congratulations and much success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4700. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

H.R. 5253. An act to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

H. Con. Res. 359. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4700. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 4, 2006, she had presented to the President of the United States the following enrolled bill:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6701. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "College Scholarship Fraud Prevention Act of 2000 Annual Report to Congress—May 2006"; to the Committee on Commerce, Science, and Transportation.

EC–6702. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Fundamental Properties of Asphalts and Modified Asphalts—II"; to the Committee on Commerce, Science, and Transportation.

EC–6703. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Safe Routes to School (SRTS) Task Force Report; to the Committee on Commerce, Science, and Transportation.

EC–6704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (55)—Amdt. No. 460" ((RIN2120-AA63)(Docket No. 30486)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (16)—Amdt. No. 459" ((RIN2120-AA63)(Docket No. 30477)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 500, 501, 550, S550, 551, and 560 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-53)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 Helicopters" ((RIN2120-AA64)(Docket No. 2005-SW-10)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-152)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC 155B and B1 Helicopters" ((RIN2120-AA64)(Docket No. 2004-SW-46)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-108)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-207)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MT-Propeller Entwicklung GmbH Propellers" ((RIN2120-AA64)(Docket No. 2004-NE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747SP, 747SR, 747-100, -100B, -100B SUD, -200B, -200C, -200F, and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2001-NM-213)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2000-NE-

42)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2004-NE-26)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-185)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40 and -50 Series Airplanes, and Model DC-9-81 and DC-9-82 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-128)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Model Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-181)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200C, -200F, -400, -400D, and -400F Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-187)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-008)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-210)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 720 and 720B Series Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-031)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64) (Docket No. 2006-NM-020)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines" ((RIN2120-AA64) (Docket No. 2005-NE-48)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120-AA64) (Docket No. 2006-CE-07)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Wenatchee, WA" ((RIN2120-AA66) (Docket No. 05-ANM-06)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the St. Louis Class B Airspace Area; MO" ((RIN2120-AA66) (Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Palm Springs, CA" ((RIN2120-AA66) (Docket No. 05-AWP-14)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kennett, MO" ((RIN2120-AA66) (Docket No. 05-ACE-32)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gothenburg, Quinn Field, NE" ((RIN2120-AA66)(Docket No. 06-ACE-1)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scott City Municipal Airport, KS" ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Beatrice, NE" ((RIN2120-AA66)(Docket No. 05-ACE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the St. Louis Class B Airspace Area; MO; Correction" ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scott City Municipal Airport, KS" ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Beatrice, NE" ((RIN2120-AA66)(Docket No. 05-ACE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the St. Louis Class B Airspace Area; MO" ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Norton Sound Low, Woody Island Low and 1234L Offshore Airspace Areas; AK" ((RIN2120-AA66)(Docket No. 05-AAL-38)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Offshore Airspace Areas: Gulf of Alaska Low and Control 1487L; AK" ((RIN2120-AA66)(Docket No. 05-AAL-32)) received on April 28, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Chignik, AK" ((RIN2120-AA66)(Docket No. 05-AAL-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Toksook Bay, AK" ((RIN2120-AA66)(Docket No. 05-AAL-36)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nicholasville, KY" ((RIN2120-AA66)(Docket No. 05-ASO-12)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Holy Cross, AK" ((RIN2120-AA66)(Docket No. 05-AAL-34)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Koyuk Alfred Adams, AK" ((RIN2120-AA66)(Docket No. 05-AAL-14)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Sand Point, AK" ((RIN2120-AA66)(Docket No. 05-AAL-39)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enroute Domestic Airspace, Vandenberg AFB, CA; Correction" ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enroute Domestic Airspace, Vandenberg AFB, CA" ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; David City, NE" ((RIN2120-AA66)(Docket No. 05-ACE-34)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area 2507E; Chocolate Mountains, CA" ((RIN2120-AA66)(Docket No. 04-AWP-6)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Colored Federal Airways; AK" ((RIN2120-AA66)(Docket No. 05-AAL-31)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States" ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States; Correction" ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (31); Amdt. No 3152" ((RIN2120-AA65)(Docket No. 30478)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (91); Amdt. No 3156" ((RIN2120-AA65)(Docket No. 30482)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (33); Amdt. No 3157" ((RIN2120-AA65)(Docket No. 30483)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (22); Amdt. No 3158" ((RIN2120-AA65)(Docket No. 30484)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (30); Amdt. No 3159" ((RIN2120-AA65)(Docket No. 30485)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (40); Amdt. No 3160" ((RIN2120-AA65)(Docket No. 30487)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (23); Amdt. No 3161" ((RIN2120-AA65)(Docket No. 30488)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (50); Amdt. No 3162" ((RIN2120-AA65)(Docket No. 30489)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (11); Amdt. No 3163" ((RIN2120-AA65)(Docket No. 30490)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6761. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, Report and Order and Third Order on Reconsideration" (FCC 06-42) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6762. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encino, Texas; and Steamboat Springs, Colorado)" (MB Docket Nos. 05-100 and 05-153) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6763. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Portage and Stoughton, Wisconsin)" (MB Docket No. 04-239) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6764. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Coalgate, Oklahoma and Silver Springs Shores, Florida)" (MB Docket Nos. 05-274 and 05-275) received on April 28 , 2006; to the Committee on Commerce, Science, and Transportation.

EC–6765. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Paint Rock and Big Lake, Texas)" (MB Docket No. 05-31) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6766. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dover and North Canton, Ohio)" (MB Docket No. 04-377) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6767. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Abilene and Burlingame)" (MB Docket No. 05-133) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6768. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Franklin, Addis, and Eunice, Louisiana)" (MB Docket No. 05-291) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6769. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hallettsville, Meyersville, San Antonio and Yoakum, Texas)" (MB Docket No. 05-246) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6770. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Aquila, Apache Junction, Buckeye, Glendale, Peoria, Wenden, and Wickenburg, Arizona)" (MB Docket No. 05-270) received on April 28, 2006; to the Committee on Commerce, Science , and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit.

Renee Marie Bumb, of New Jersey, to be United States District Judge for the District of New Jersey.

Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey.

Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey.

Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN:

S. 2709. A bill to temporarily suspend the duty on muzzles for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2710. A bill to temporarily suspend the duty on dog leashes; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2711. A bill to temporarily suspend the duty on harnesses for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2712. A bill to temporarily suspend the duty on collars for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2713. A bill to temporarily suspend the duty on certain reception apparatus; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2714. A bill to temporarily suspend the duty on certain reception apparatus; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2715. A bill to temporarily suspend the duty on certain clock radio combos; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2716. A bill to temporarily reduce the duty on floor coverings and mats of vulcanized rubber; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2717. A bill to temporarily reduce the duty on manicure and pedicure sets; to the Committee on Finance.

By Mr. ENSIGN:

S. 2718. A bill to require full disclosure by entities receiving Federal funds, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida:

S. 2719. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 2720. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. CRAPO, Mr. JOHNSON, Mr. THUNE, Mr. DEMINT, and Mr. ALLEN):

S. 2721. A bill to simplify the taxation of business activity, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON):

S. 2723. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ALEXANDER, Mr. CHAFEE, Mr. GREGG, Mr. DODD, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 2724. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, and Mr. OBAMA):

S. 2725. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2726. A bill to suspend temporarily the duty on Acid Blue 80; to the Committee on Finance.

By Mr. REED:

S. 2727. A bill to extend the temporary suspension of duty on Solvent blue 124; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2728. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2729. A bill to suspend temporarily the duty on Pigment Brown 25; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2730. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2731. A bill to suspend temporarily the duty on Pigment Yellow 213; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2732. A bill to suspend temporarily the duty on Pigment Yellow 219; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2733. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2734. A bill to suspend temporarily the duty on Pigment Blue 80; to the Committee on Finance.

By Mr. BOND (for himself and Mr. AKAKA):

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2736. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2737. A bill to extend the temporary suspension of duty on benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2738. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2739. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2740. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2741. A bill to extend the temporary suspension of duty on Solvent blue 104; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2742. A bill to extend the temporary suspension of duty on 4-amino-2,5-dimethoxy-Nphenylbenzene sulfonamide; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2743. A bill to extend the temporary suspension of duty on 1-oxa-3, 20-Diazadispiro [5.1.11.2] Heneicosan-21-one 2,2,4,4-Tetramethyl, reaction products with Epichloro-hydrin, hydrolyzed and polymerized; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2744. A bill to suspend temporarily the duty on isobutyl parahydroxybenzoic acid and its sodium salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2745. A bill to suspend temporarily the duty on phospinic acid, diethyl-, aluminum salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2746. A bill to suspend temporarily the duty on Phosphinic acid, diethyl-, aluminum salt along with synergists and encapsulating agents; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CHAFEE, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2747. A bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LUGAR, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote energy production and conservation, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. KYL, and Mrs. HUTCHISON):

S. 2749. A bill to update the Silk Road Strategy Act of 1999 to modify targeting of assistance in order to support the economic and political independence of the countries of Central Asia and the South Caucasus in recognition of political and economic changes in these regions since enactment of the original legislation; to the Committee on Foreign Relations.

By Mr. DEMINT:

S. 2750. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. DOMENICI):

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2752. A bill to amend titles II and XVIII of the Social Security Act to limit the service of a member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund serving as a member of the public to one four-year term and to require the President to consult with the chairman and ranking member of the Committee on Finance of the Senate prior to nominating an individual to serve as such a member; to the Committee on Finance.

By Mr. AKAKA:

S. 2753. A bill to require a program to improve the provision of caregiver assistance services for veterans; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. FRIST):

S. Res. 465. A resolution expressing the sense of the Senate with respect to childhood stroke and designating May 6, 2006, as "National Childhood Stroke Awareness Day"; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. TALENT, Mr. DEWINE, Mr. REID, and Mr. BROWNBACK):

S. Res. 466. A resolution designating May 20, 2006, as "Negro Leaguers Recognition Day"; considered and agreed to.

By Mr. THUNE (for himself and Mr. FRIST):

S. Res. 467. A resolution expressing the sense of the Senate that the President should use all diplomatic means necessary and reasonable to influence oil-producing nations to immediately increase oil production and that the Secretary of Energy should submit to Congress a report detailing the estimated production levels and estimated production capacity of all major oil-producing countries; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 468. A resolution supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 22, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 23, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

S. 811

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Louisiana (Mr. VITTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 930

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1015

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1015, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 1046

At the request of Mr. KYL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1086

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1086, supra.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1555

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1555, a bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1741

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2025

At the request of Mr. BAYH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2302

At the request of Mr. LOTT, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2418

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2418, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

S. 2419

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2566

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2652

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2652, a bill to amend chapter 27 of title 18, United States code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2697

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2697, a bill to establish the position of the United States Ambassador for ASEAN.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2703, supra.

AMENDMENT NO. 3704

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 3704 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3717 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3718

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3718 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3728

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 3728 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 3728 proposed to H.R. 4939, supra.

AMENDMENT NO. 3729

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3732

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 3732 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3761

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3761 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3851

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 3851 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 2718. A bill to require full disclosure by entities receiving Federal funds, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ENSIGN. Mr. President, the American taxpayers are fed up. They are tired of the pork projects and the billions of dollars being spent on unaccountable, unnecessary, and wasteful Federal spending. Whether spending is a result of earmarks, or the often unsupervised process of Federal agencies awarding grants, spending is out of control.

Americans work hard every day, and they struggle to meet the heavy tax burden that Washington imposes on them. Despite their struggle and sacrifice, Washington has failed to ensure that Americans' tax dollars are being spent wisely. The American public believes, and they are right, that Congress has lost sight of the fact that every dollar we spend here in Washington belongs to them. These are dollars that could have been spent by the people who earned them to care for their own families.

The American taxpayers have had enough. They are frustrated and disgusted. And I join them in their frustration and disgust. Congress has not done a very good job of oversight. It is time for Congress to empower the American people so that government is more accountable to them. That is why I am introducing new legislation—the Website for American Taxpayers to Check and Help Deter Out-of-control Government Spending—or the WATCHDOG Act.

This bill will give our constituents the tools they need to become citizen watchdogs. Americans will be able to see for themselves how their tax dollars are being spent. This bill will greatly improve transparency and help eliminate wasteful, fraudulent, duplicative, and unnecessary spending. It will give the American people the tools to monitor how Congress uses the earmarks process and how the bureaucrats, who spend billions of dollars a year in unsupervised grants, spend their tax dollars.

Americans are aggravated because too often when they learn about wasteful spending it is too late for them to do anything about it. They learn about spending by reading their morning papers after the legislation has been signed into law or the grant money has been awarded. Sometimes that is how members of Congress learn about them as well. It's time to remove the cloak of secrecy that surrounds the earmarking and grantmaking processes. We need to shine a very bright light on how spending decisions are made.

In this case, that bright light will be a publicly searchable online database that provides information on every organization receiving Federal funds. The Office of Management and Budget would be required to make all Federal grant and loan recipient data available to the public.

The data must include information on Federal grant awards, including an itemized breakdown by agency and program. The database must also list all subgrantees of an organization that receives Federal funds. This bill also reforms and streamlines the grant process by requiring organizations that apply for Federal funding to use a single source application number, which they would use for requesting funding from any Federal agency.

Those projects that are using Federal funds efficiently and with positive results will become obvious, and those programs that are duplicative, fail to show results, squander their funding, or act fraudulently will also become obvious.

Here in Washington we have done a dismal job when it comes to cutting out unnecessary spending. By shining a light on this process, the American public will have a chance to help us eliminate billions of dollars in wasteful Federal funding. We owe it to the taxpayers and to future generations to clean up our act. This legislation gives taxpayers an important tool to hold Congress' feet to the fire.

By Mr. NELSON of Florida:

S. 2719. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that this bill "To designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the 'Earl D. Hutto Post office Building' " be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARL D. HUTTO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, shall be known and designated as the "Earl D. Hutto Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Earl D. Hutto Post Office Building".

By Mr. BAUCUS:

S. 2720. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, on October 4, 1957, an object the size of a basketball shot into space. And history changed.

The Soviet Union had launched Sputnik. And Americans reacted with fear. That fear quickly turned to determination to win the race to space.

Just one month later, the Russians launched Sputnik II with one precious passenger: a Russian mutt named Laika. Laika became the first living being to orbit earth. Today, a dog in space might seem like a good start for a Disney film. But in 1957, American scientists worried that these events foreshadowed Soviet military and strategic advantage.

By the following summer, Congress had created NASA. Sputnik's launch had provided the catalyst. For years before, scientific organizations and even the White House had declared the exploration of space as a priority. It took Sputnik to move us to action.

Half a century later, we find ourselves waiting for the next Sputnik. Report after report has outlined the risk that America runs by not doing more in research and education. A recent report entitled "Waiting for Sputnik" cautions that our workforce must include a greater percentage of "knowledge workers"—including scientists and engineers—if we are to maintain our technological lead in defense capabilities. And another recent report, "Rising Above the Gathering Storm," expresses fear that America's lead in science and technology can be abruptly lost and difficult or impossible to regain.

What these reports and others are telling us is one thing: We cannot wait for the next Sputnik. We must recognize that our advantage is fleeting. We must begin today with more science, more education, and more commitment to research to prepare for the future.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

China's commitment to research, at $60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Over the last few months, I have offered a series of proposals to improve America's competitiveness. Today, I am pleased to introduce the Research Competitiveness Act of 2006. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through Federal spending. But I am not addressing those areas today.

First, my bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, my bill would create a simpler 20 percent credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years.

And just as important: The bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 10 times. Congress even allowed it to lapse during one period.

The credit expired again just last December. And another short-term extension is pending in both tax reconciliation bills in conference. Last year, the experts at the Joint Committee on Taxation wrote: "Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature." Joint Tax went on to say, "A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed."

Currently, there are two different ways to claim a tax credit for qualifying research expenses. First, the "traditional" credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the "alternative incremental" credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. My bill replaces these with a new credit, known as the "Alternative Simplified Credit," based on research spending without reference to gross receipts. The current formula hurts companies that have fluctuating sales. And it hurts companies that take on a new line of business not dependent on research.

The Senate has passed this alternative formula as an optional credit several times. It is now pending in both versions of the tax reconciliation bill. It has not yet been enacted, though, even on a temporary basis.

I support the 2-year extension of the R&E credit contained in the Senate version of the tax reconciliation bill. That is why this new simpler formula in my bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. And it creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. And is still an incremental credit, so that companies must continue to increase research spending over time.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than $20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

My research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for research performed for the taxpayer by other parties count as qualifying research expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, my bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. And it benefits the companies or individuals who donate to them. My bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research "for the advancement of science with no specific commercial objective"—is even more complex that the regular traditional R&E credit. Because of this complexity, this credit costs less than one-half of 1 percent of the cost of the regular R&E credit. It is completely under-utilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capital, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of the National Nanotechnology Initiatives. In a report, they wrote: "To enhance the transition from basic to applied research, the committee recommends that industrial partnerships be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments."

To further that goal, the third major area this bill addresses is fostering the creation of research parks. This part of the bill would benefit state and local governments and universities that want to create research centers for businesses incubating scientific discoveries with promise for commercial development.

Stanford created the Nation's first high-tech research park in 1951, in response to the demand for industrial land near the university and an emerging electronics industry tied closely to the School of Engineering. The Stanford Research Park traces its origins to a business started with $538 in a Palo Alto garage by two men named Bill Hewlett and Dave Packard. The Park is now home to 140 companies in electronics, software, biotechnology, and other high tech fields.

Similarly, the North Carolina Research Triangle was founded in 1959 by university, government, and business leaders with money from private contributions. It now has 112 research and development organizations, 37,600 employees, and capital investment of more than $2.7 billion. More recently, Virginia has fostered a research park now housing 53 private-sector companies, nonprofits, VCU research institutes, and state laboratories. The Virginia park employs more than 1,300 people.

The creation of these parks would seem to be an obvious choice. But it takes a significant commitment from a range of sources to bring them into being. To foster the creation and expansion of these successful parks, my bill will encourage their creation through the use of tax-exempt bond financing. Allowing tax-exempt bond authority would bring down the cost to establish such parks.

Foreign countries are emulating this successful formula. They are establishing high-tech clusters through government and university partnerships with private industry.

Back in 2000, a partnership was formed to foster TechRanch to assist Montana State University and other Montana-based research institutions in their efforts to commercialize research. But TechRanch is desperately in need of some new high-tech facilities. It could surely benefit from a provision such as this. I encourage my Colleagues to visit research parks in their States to see how my bill could be helpful in fostering more successful ventures.

A related item is a small fix to help universities that use tax-exempt bonds to build research facilities primarily for federal research in the basic or fundamental research area. Some of these facilities housing federal research—mostly NIH and NSF funded projects—are in danger of losing their tax-exempt bond status. Counsel have notified some state officials that they may be running afoul of a prohibition on "private use" in the tax code, because one private party has a superior claim to others in the use of inventions that result from research.

The complication comes from a 1980 law. In 1980, Congress enacted the Patent and Trademark Law Amendments Act, also known as the Bayh-Dole Act. The Bayh-Dole Act requires the Federal Government to retain a non-exclusive, royalty-free right on any discovery. In order to foster more basic research through Federal-State-university partnerships, we need to clarify that this provision of the Bayh-Dole act does not cause these bonds to lose their tax-exempt status. And my bill directs the Treasury Department to do so. I understand that the Treasury Department is aware of this significant concern. Whether or not Congress enacts my legislation, I hope that the Treasury Department will clarify the situation later this year.

The fourth major area that my bill addresses is innovation at the small business level. Recently, representatives of a number of small nanotechnology companies came to visit me. They told me that their greatest problem was surviving what they called the "valley of death." That's what they called the first few years of business, when an entrepreneur has a promising technology but little money to test or develop it. Many businesses simply do not survive the "valley of death." I believe that Congress should find a way to assist these businesses with promising technology.

Nanotechnology, for instance, shows much promise. According to one recent report, over the next decade, nanotechnology will affect most manufactured goods. As stated in Senate testimony by one National Science Foundation official earlier this year, "Nanotechnology is truly our next great frontier in science and engineering." It took me a while to understand just what nanotechnology is. But it is basically the control of things at very, very small dimensions. By understanding and controlling at that dimension, people can find new and unique applications. These applications range from common consumer products—such as making our sunblocks—better to improving disease-fighting medicines—to designing more fuel-efficient cars.

So, to help these small businesses convert their promising science into successful businesses, my bill would establish tax credits for investments in qualifying small technology innovation companies. These struggling start-up ventures often cannot utilize existing incentives in the tax code—like the R&E tax credit—because they have no tax liability and may have little income for the first few years. They need access to cheap capital to get through those first few research-intensive years.

The credit in my bill would be similar to the existing and successful New Markets Tax Credit. The New Markets Credit has provided billions of dollars of investment to low-income communities across the country. In my bill, entities with some expertise and knowledge of research would receive an allocation from Treasury to analyze and select qualifying research investments. These investment entities would then target small business with promising technologies that focus the majority of their expenditures on activity qualifying as research expenses under the R&E credit.

In sum, my bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and non-profits alike.

There is no clear answer to how to address the concerns raised in the "Waiting for Sputnik" report. But the answer is clear that we must try—and soon.

A noted environmentalist once said: "Every major advance in the technological competence of man has forced revolutionary changes in the economic and political structure of society." From telephones to rockets to computers, I believe that this is true.

Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can we ensure that it is.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, today I rise to discuss legislation that designates the United States Post Office Building in Patchogue, New York as the "Lieutenant Michael P. Murphy Post Office Building."

Almost a year ago, Navy LT Michael P. Murphy was reported missing in the mountains of Afghanistan while on a covert reconnaissance mission in search of Taliban and al-Qaida insurgents. Reports indicate Lieutenant Murphy and the three other members of his Navy SEAL team came under heavy attack by Taliban insurgents soon after they were inserted by helicopter into their position. The military creed of "never leaving a fallen comrade behind" was never more appropriate as this American hero's body was recovered on the Fourth of July, our Nation's Independence Day. Michael Murphy was only 29 years of age at the time of his passing, but as his father recalls, "He squeezed more life into 29 years than I will ever see."

Lieutenant Murphy attended Patchogue-Medford High School on Long Island, where he was a National Honor Society student and a varsity football athlete. After graduating high school he attended Penn State University where he majored in political science and excelled academically. At the time of his graduation, he decided to fulfill a lifelong dream of becoming a Navy SEAL. While realizing this would be a formidable challenge, Michael was determined to serve our country. Michael was engaged to be married, and he planned to attend law school after his military service.

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, and Mr. OBAMA):

S. 2725. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the "Standing with Minimum Wage Earners Act". This legislation will raise the minimum wage over the next two years and link future increases in the minimum wage to Congressional raises.

Today, working parents earning the minimum wage are struggling to make ends meet and to build better lives for their children. The Federal minimum wage is currently $5.15 an hour, an amount that has not been increased since 1997. Sadly, during that time, Congress has given itself eight annual pay raises. We can no longer stand by and regularly give ourselves a pay increase while denying a minimum wage increase to help the more than 7 million men and women working hard across this nation. At a time when working families are struggling to put food on the table, it's critically important that we here in Washington do something. If Members of Congress need an annual cost of living adjustment, then certainly the lowest-paid members of our society do too.

There are currently 13 million American children living in poverty across this country, and this number is increasing every day. Families work hard and yet cannot make enough money to support themselves. More families are falling into poverty every day, and these families are working 40 hours a week. This is unacceptable.

Minimum wage workers have not had a raise in nearly a decade. The reality is a full-time job that pays minimum wage just does not provide enough money to support a family today. A single mother with two children who works 40 hours a week, 52 weeks a year earns only $10,700 a year. This amount—$10,700 a year—is almost $6,000 below the Federal poverty line for a family of three. We have a responsibility to help families earn a living wage.

My legislation will benefit all minimum wage earners, and it would especially benefit women who represent a disproportionate number of low-wage workers. 61 percent of minimum wage earners are women, even though women only comprise 48 percent of the total workforce. And almost one-third of these working women are raising children.

The women in my State of New York would feel the effects of a minimum wage increase most dramatically. New York is one of the top five States with the greatest number of low-wage women workers.

In addition to helping America's hardest working families, raising the minimum wage will also narrow the dramatic income gap between the haves and the have-nots across the country. The average income of the richest fifth of New York State families is 8.1 times the average income of the poorest fifth. Nationwide, families in the top fifth made 7.3 times more than those in the bottom fifth. This discrepancy needs to be fixed and my bill would be a step in the right direction towards fairness for America's hard-working families.

My legislation would increase the minimum wage first to $5.85 an hour, then to $6.55 an hour, and ultimately to $7.25 an hour within the next two years. In addition, my legislation then ensures that every time Congress gives itself a raise in the future that Americans get a raise too. This is the right and fair thing to do for hardworking Americans.

I would like to recognize my cosponsors Senators KENNEDY, JEFFORDS, LEAHY, HARKIN and OBAMA and thank them for joining me in this effort.

The "Standing with Minimum Wage Earners Act" has letters of support from Service Employees International Union (SEIU), the American Federation of Labor—Congress of Industrial Organization (AFL-CIO) and the Coalition for Human Needs.

I ask my colleagues to recognize the moral aspect of this issue. It is simply wrong to pay people a wage that they can barely live on. And it is shameful to continue to give ourselves raises as millions of American families struggle to survive. We should raise the Federal minimum wage so that working parents can lift their children out of poverty. It is past time to make this investment in our children and families.

By Mr. BOND (for himself and Mr. AKAKA):

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, my distinguished colleague Senator AKAKA and I are introducing legislation today to reauthorize the National Dam Safety and Security Program. The goal of this program, administered by FEMA, has been to advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels.

Over the last several months we have seen in both my home State of Missouri and my colleague's State of Hawaii, how critically important proper regulation, inspection and safety training is for maintaining our Nation's dams. The National Dam Safety Program Act provides much needed assistance to State dam safety programs, which are responsible for regulating 95 percent of the 80,000 dams in the U.S.

The States receive training assistance for their dam safety engineers and State grant assistance based on the number of dams in the State. The National Dam Safety Program, currently administered by FEMA within DHS, expires in September 30, 2006 and needs to be reauthorized.

I am proud to introduce this legislation along with my colleague Senator AKAKA in order to strengthen the protection of our citizens and critical infrastructure from dam failures through the Dam Safety and Security Program.

Mr. AKAKA. Mr. President, I rise today, along with my colleague, Senator CHRISTOPHER BOND, to introduce the Dam Safety Act of 2006. This legislation is designed to help prevent such tragic failures as the collapse of the privately owned Ka Loko Dam in Kauai last March in which seven people died.

The legislation complements legislation that I introduced with Senator INOUYE, S. 2444, the Dam Rehabilitation and Repair Act of 2006, which assists in securing and repairing publicly owned dams. Both of these bills are critical to preventing the type of devastating collapse which occurred on Kauai.

This legislation is vitally important not only to my State but to every State. There are approximately 79,000 dams registered in the National Inventory of Dams. However, there are many more dams that are small and unregulated. This bill provides funding for State dam safety programs to enhance their oversight and support abilities.

The Dam Safety Act of 2006 reauthorizes the National Dam Safety Program, NDSP, which was first established as part of the Water Resources Development Act of 1996 Public Law 104–303. In 2002, the NDSP was reauthorized for another 4 years by the enactment of the Dam Safety and Security Act of 2002 Public Law 107–310. It expires at the end of this fiscal year, so its reauthorization is imperative.

The National Dam Safety Program delivers vital Federal resources to State governments to improve their dam safety programs by providing funds for training, technical assistance, research, and support. Federal incentive grants are awarded to States to enhance their dam safety programs. In addition, funds have been used to hire staff for inspections, pay for specialized training, and develop specialized mapping in the event that a dam failure necessitates evacuation.

Of the approximately $12 million authorized for each fiscal year, $8 million is divided among the States to improve safety programs and $2 million is allocated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, $700,000 is available for training assistance for State engineers, and $1 million is used for the National Inventory of Dams.

The costs of failing to maintain dams properly are extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than $200 million in property damages. The failure of the Silver Lake Dam in Michigan in 2003 caused more than $100 million in property damage. A December 2005 dam collapse in Missouri injured three children and destroyed several homes. People caught in the path of a dam collapse are often helpless to escape.

Such was the tragic situation in Hawaii when, in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai suddenly collapsed during heavy rains, killing seven people. When a dam collapses, destruction is often swift and uncontrollable. In the case on Kauai, local, State, and Federal officials quickly responded to the tragedy, assisting citizens while engineers from both the State Department of Land and Natural Resources and the U.S. Army Corps of Engineers inspected the over 50 dams on Kauai. Neighbors worked together to help neighbors, and our Governor quickly requested more funds, which the legislature approved, for cleanup and additional inspections.

While most of the responsibility is at the State and local level, there is a role for the Federal Government in supplementing State resources and developing national guidelines for dam safety. The funds Hawaii receives under the program help the State's staff to acquire and maintain equipment and software to assess dam safety. It is a small amount but vitally important to my State and to every State.

I urge my colleagues to join Senator BOND and me in supporting the reauthorization of the National Dam Safety Program.

I ask unanimous consent to insert in the RECORD at this point a letter from the Dam Safety Coalition endorsing this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAM SAFETY COALITION,
Washington, DC, May 4, 2006.

Hon. KIT BOND,
Russell Senate Office Building,
Washington, DC.
Hon. DANIEL AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOND AND SENATOR AKAKA: We would like to commend you for your commitment to dam safety and to the reauthorization of the National Dam Safety Program.

Dams are a vital part of our nation's aging infrastructure and provide enormous benefits to the majority of Americans—benefits that include drinking water, flood protection, renewable hydroelectric power, navigation, irrigation and recreation. Yet, these critical daily benefits provided by the nation's dams are inextricably linked to the potential consequences of a dam failure if the dam is not maintained, or is unable to impound water, pass large flood events or withstand earthquake events in a safe manner.

The Dam Safety Coalition is proud to highlight the achievements of the National Dam Safety Program, administered by the Federal Emergency Management Agency (FEMA). Specifically, the program has fostered significant improvements in state dam safety programs, provided critical training to state engineers and established unprecedented cooperation between federal dam safety agencies and state dam safety programs. It requires FEMA to provide assistance to states in establishing, maintaining and improving dam safety programs.

Dams in the United States are aging, downstream development below dams is increasing dramatically and many older dams do not meet current dam safety standards. Dam failures are largely preventable disasters.

In 2005, the American Society of Civil Engineers published the Report Card for America's Infrastructure giving the condition of our nation's dams a grade of D, equal to the overall infrastructure grade. States have identified 3,500 unsafe or deficient dams, many being susceptible to large flood events or earthquakes. It is a reasonable expectation of every American to be protected by our government; including protection from preventable disasters such as dam failures.

To contact the Dam Safety Coalition please call Brian Pallasch if we can be of assistance.

We look forward to working with you to enact the National Dam Safety Act in the 109th Congress.

Sincerely,
BRIAN T. PALLASCH,
Co-Chair, Dam Safety Coalition.
LORI C. SPRAGENS,
Executive Director, ASDSO.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2736. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I seek floor recognition to introduce legislation to create a series of Amputation and Prosthetic Rehabilitation Centers in the Department of Veterans Affairs.

As many of you are aware, VA already operates numerous specialty care centers for the treatment of veterans with spinal cord injury, traumatic brain injury, and visual impairment. However, at this moment, VA does not operate any similar centers of care for the treatment of veterans with amputations.

I do not mean to suggest that VA does not provide excellent care and services to those veterans who have unfortunately lost a limb or part of limb. But, there's always room for improvement in the care VA delivers and, just as importantly, there is room for improvement in the prosthetic services and devices that help those men and women with their physical restoration.

Many of us have spoken personally with service members who are recuperating from injuries at Walter Reed Army Medical Center or Bethesda Naval Hospital. Today's extraordinary battlefield medicine is bringing back to our shores service members from Iraq and Afghanistan who would never have lived through their injuries in previous wars. Thanks to the best health care facilities the military has to offer and the wonders of modern medicine, these brave Americans will eventually leave the hospital. Then, most will start the difficult process of reintegrating into civilian life. For those whose injuries resulted in an amputation, that process is just a little more difficult.

My hope with this bill is that these centers will be the lynchpin of a fully integrated Prosthetic Service Network; similar to those I mentioned at the outset of my remarks for the care of spinal cord injury, traumatic brain injury, and blindness. They would be fully responsible for the system-wide coordination of all of the Physical and Occupational Therapy and Prosthetics care provided to this new generation of severely wounded veterans. In addition, they will provide a new level of service to those who have long lived with amputations caused during previous wars or conflicts.

Further, it is my hope and expectation that these centers will house and drive much of the prosthetic and amputee related research and development projects conducted by VA. I believe that by gathering under one roof specialists, who have dedicated their medical practice to caring for and rehabilitating those who have lost limbs, we will drive the marketplace of ideas and develop the best treatment in the country. There is no limit to what modern technology, American ingenuity, and a great cause can accomplish.

Just the other day, my Committee held a hearing on VA's research program. At that meeting, I had the opportunity to speak with a VA clinician who, along with many of his colleagues, has created a proto-type prosthetic for someone who had lost part of a hand, but still had wrist control. In just a few moments time, I was able to wire the equipment to my own arm and with a little practice pick up a glass of water, hold it in the prosthetic hand, and then return it to the table and remove the hand from it without spilling a drop. It was nothing short of amazing. It was also a small glimpse of where we can go.

Of course, discoveries and inventions, like that hand, do not just remain in the VA vacuum. Once created, tested and approved, the R&D will leave the VA world and almost immediately benefit the civilian population of amputees. By combining the resources of our government and the needs of our veterans, we can improve the American medical system for all of our citizens.

With the right technology, the best health care services, and a little personal drive, many of our amputees will return to active lives. They will play tennis, basketball, go kayaking, and even climb mountains. And while I am not suggesting that these centers will cause all of that to happen, I believe they will create the environment in which those things can happen.

I hope all of my colleagues will join me in supporting this bill now. And I hope to report it out of my committee and bring it to the floor for a vote later this summer.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMPUTATION AND PROSTHETIC REHABILITATION CENTERS FOR VETERANS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish not less than five centers to provide rehabilitation services to veterans with amputations or prosthetic devices.

(2) PURPOSE.—The purpose of each center established pursuant to paragraph (1) are—

(A) to provide regional clinical facilities of the Department of Veterans Affairs with special expertise in prosthetics, rehabilitation with the use of prosthetics, treatment, and coordination of care for veterans who have an amputation of any functional part of the body; and

(B) to provide information and supportive services to all facilities of the Department of Veterans Affairs concerning the care and treatment of veterans with a prosthetic device.

(3) DESIGNATION.—Each center established pursuant to paragraph (1) shall be known as an "Amputation and Prosthetic Rehabilitation Center" (in this section referred to as a "Center").

(b) GEOGRAPHIC DISTRIBUTION.—In identifying appropriate facilities for the location of the Centers established pursuant to subsection (a), the Secretary shall ensure, to the maximum extent practicable, that such Centers are geographically located so as to be accessible to as many veterans as possible in the United States.

(c) STAFF AND RESOURCES.—Each Center shall include the following:

(1) A modern, well-equipped, and appropriately certified laboratory facility capable of providing state-of-the-art and complex prosthetic devices to all veterans with an amputation, including veterans with an amputation incurred in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Certified and experienced prosthetists, including prosthetists with certifications in new fabrication techniques.

(3) An accredited Physical Medicine and Rehabilitation (PM&R) service with staff who are well-trained in current prosthetic services and emerging trends for treatment of amputations.

(4) A modern gait laboratory, permanently located within such Center.

(d) NO DUPLICATION OF SERVICES OF POLYTRAUMA CENTERS.—

(1) IN GENERAL.—The Secretary shall, to the extent practicable, ensure that the services provided by the Centers established pursuant to subsection (a) do not duplicate the services provided by the polytrauma centers of the Department of Veterans Affairs designated as Tier I or Tier II Polytrauma centers.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed to prohibit the location of a Center so as to facilitate the ready support of a polytrauma center, referred to in that paragraph.

Mr. AKAKA. Mr. President, today I rise with my good friend and colleague, Senator CRAIG from Idaho, to introduce legislation to establish at least five Amputation and Prosthetic Rehabilitation Centers within the Department of Veterans Affairs (VA). Through progressive and specialized expertise in the area of prosthetics and rehabilitation, the visible reminders of the sacrifices made by our wounded warriors will become less evident and hopefully less of a factor in their everyday lives.

Specialty care for amputees has become an even more pressing concern because of the types of injuries our brave soldiers have sustained in Operation Iraqi Freedom and Operation Enduring Freedom. Many would agree that this is not the same kind of war that other generations of veterans have fought. The use of body armor and improvements in battlefield medicine have saved more lives, but in many cases have left our soldiers with traumatic injuries. Servicemembers in the current conflicts have suffered from twice as many amputations as those who fought in past wars. Unfortunately, the incidence of multiple amputations from bomb blasts is higher in this war.

The VA health care system has only begun to see the men and women from Operation Enduring Freedom and Operation Iraqi Freedom who are in need of long-term rehabilitation. Indeed, these veterans are young and plan on being active for a long time. VA is well poised to take on this challenge. An ongoing study at the Providence VA hospital is looking at "biohybrid" limbs which are implanted into tissue and later become an integral part of the patient.

We cannot, however, forget about the war our current veterans continue to fight everyday against time and their health. Veterans struggling with diseases such as diabetes are often faced with amputation. The establishment of the Amputation and Prosthetic Rehabilitation Centers will provide advanced care to those who have endured the loss of a limb, which will help them regain full function and a better quality of life.

The centers will provide VA regional clinical facilities with cutting edge expertise in prosthetics, rehabilitation with the use of prosthetics, treatment, and coordination of care for a veteran with an amputation. By placing these centers in locations with the highest concentrations of veterans, those in need will truly benefit from these specialized services.

VA has always been a leader in progressive treatment and care. These centers will maintain VA as a leader by providing the tools and staff necessary to do so. The legislation requires that the centers must have a well-equipped and appropriately certified laboratory facility necessary to provide the most state-of-the-art and complex prosthetic devices.

With experienced prosthetists trained and certified in the area of new techniques, an accredited Physical Medicine and Rehabilitation service with trained staff in the most current prosthetic services, and a permanent modern gait laboratory located within each center, veterans are sure to receive the most advanced treatment and care.

A critical part of this legislation is that these centers will serve as resources for smaller VA hospitals which may not have all of the expertise but will certainly have the patients.

As Ranking Member of the Committee on Veterans' Affairs, I urge my colleagues to join Chairman CRAIG and myself in support of providing treatment to those in need so they can stand on their own.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CHAFEE, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2747. A bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LUGAR, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote energy production and conservation, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce two energy bills: the Enhanced Energy Security Act of 2006; and the Enhanced Energy Security Tax Incentives Act of 2006.

All of us know that we face a challenging energy situation in this country in both the short term and the long term. The world market price of crude oil is above $72 per barrel. We have seen gasoline prices above $3 per gallon in many parts of the country. In my home State of New Mexico, these prices are a real hardship to the many New Mexicans who are forced to drive long-distances to work, without the prospect of car pooling or public transportation. The steep rise in the price of gas at the pump is putting a nearly unbearable squeeze on family budgets in New Mexico and all across America.

So, we have a major national problem and not much time left in this Congress to make progress on it. The question is, what can we do in the remaining weeks of this Congress that would be bipartisan, that could be signed into law by the President, and that would hold out the prospect of eventually helping to moderate the price of gasoline at the pump?

I have thought for some time that the most effective way of approaching the real issues driving the high prices that consumers find unacceptable is through a four-part strategy focusing on 1. increasing consumer protection, 2. increasing supply, 3. increasing efficiency of oil and gas use, and 4. providing incentives for forward-looking energy choices in the market.

A fair number of bills have already been introduced that deal with the first two parts of that strategy. What has been lacking is a bipartisan path forward to consensus on increasing energy efficiency and on stimulating forward-looking investments in energy efficiency and renewable energy technologies.

Today's bills are intended to fill that gap. Each of these two bills is designed to go to a single committee with jurisdiction over most, if not all, of its contents.

The first bill, the Enhanced Energy Security Act of 2006, is comprised of provisions that generally fall in the jurisdiction of the Committee on Energy and Natural Resources.

The second bill, the Enhanced Energy Security Tax Incentives Act of 2006, is comprised solely of provisions in the jurisdiction of the Senate Finance Committee.

Some of the provisions in these two bills have been drawn from other bills, including S. 2025, the Vehicles and Fuels Choices for American Security Act, which was introduced last year by Senators BAYH, COLEMAN, LIEBERMAN and BROWNBACK along with others. I appreciate their leadership and their support for this effort. What is newsworthy here today is that we are putting a large body of good policy ideas in a form that will facilitate committee action here in the Senate.

Relying on the Energy and the Finance committees to do the necessary homework to come up with bipartisan solutions to our energy challenges is the best way for us to make progress in this Congress. Both committees have leaders, in Senators DOMENICI and Senator GRASSLEY, who demonstrated their commitment to bipartisan engagement on energy issues during the enactment of last year's Energy Policy Act of 2005. I am looking forward to working with both Committee Chairs to move forward with the ideas in these bills on a bipartisan basis.

The basic idea behind the first bill, which is coming to the Energy Committee, is that if we want, in the long term, to moderate the prices that consumers are seeing in today's markets from oil and natural gas, we need to focus more strongly on increasing energy efficiency, and particularly increased efficiency of our use of oil and natural gas.

That's an area where we were unable to do much in the last Energy bill. But, there is a lot that needs to be done.

Among the most important provisions we are taking from S. 2025 and putting in the new bill, is an emphasis on an expanded plan for economy-wide oil savings. The President is to come up with a plan that will cut our oil use, from projected levels, by 2.5 million barrels of oil per day by 2016, 7 million barrels of oil per day by 2026, and 10 million barrels of oil per day by 2031.

The new bill, also like S. 2025, includes a number of initiatives designed to reduce our nearly total reliance on petroleum products in the transportation sector. These include: programs that will speed the development of new vehicle technologies such as "plug-in hybrids" and the use of advanced light weight materials in vehicles; expanding the authority of the Secretary of Energy to provide loan guarantees and competitive grants to auto manufacturers and parts manufacturers for converting existing facilities or building new facilities for manufacturing fuel-efficient vehicles and vehicle components; increasing the availability of alternative fuels, such as E85, across the country by providing funding for alternative fuel fueling stations; and providing incentives for the production of cellulosic ethanol—including loan guarantees and a reverse auction for production payments.

The new bill will also include a number of provisions aimed at relieving demand and price pressure on natural gas. These include: strengthening the Federal purchase requirement for renewable energy; the 10 percent renewable portfolio standard that has passed the full Senate 3 times in the past 4 years; encouraging States to strengthen their programs on demand-side management; and better educating consumers about energy efficiency measures that they can take.

The basic idea behind the second bill, the Enhanced Energy Security Tax Incentives Act of 2006, is to create fiscal incentives that help forward-looking energy technologies to enter the market. As is often the case with technological advancements, many of the energy technology alternatives that are poised to enter the marketplace will not be able to successfully compete without some transitional help.

The first set of provisions in the bill extends, through 2010, the various alternative fuel, efficiency and renewable energy tax provisions we passed last year. These existing tax incentives will work best if investors, manufacturers and consumers know that the government is committed and that they can plan for these tax incentives being there for a few years. The tax provisions we are extending include provisions to encourage the purchase of energy efficient housing and office materials, as well as the generation of electricity from alternative sources such as biomass, fuel cells, the wind and the sun. It will be nearly impossible for Congress to create a comprehensive national energy policy if important energy tax incentives such as these are in a perpetual state of uncertainty over the long term. If we extend these tax incentives through 2010 now, we will see a great increase in their usefulness in an industry that needs a few years lead-time to plan and build major energy projects.

The second set of provisions in the new tax bill will create new incentives to encourage our country to move towards more fuel efficient vehicles, such as hybrids. It accomplishes this in several ways.

First, as the President has suggested, we lift the current cap on the number of vehicles per manufacturer that are eligible for a consumer tax credit. This proposal was also part of the package unveiled last week by Senators DOMENICI and FRIST. Under the bill I will be introducing, this modified version of the tax credit will be also extended until 2010.

Next, we create a 35 percent tax credit for manufacturers on the expenses involved in retrofitting or setting up manufacturing facilities to make these fuel efficient vehicles.

To encourage businesses with fleets of vehicles, we create a 15 percent tax credit for the purchase of more than 10 fuel efficient vehicles in a year.

In order to encourage alternative fueling stations, we expand the current 30 percent tax credit to 50 percent and allow it to be operative until the end of 2010.

Finally, we create a 25 percent tax credit for the purchase of qualified idling reduction equipment so that vehicles currently on the road are not running their engines any more than necessary.

While this is a rather large expansion of the currently available tax incentives for fuel efficient vehicles, it is what is going to be necessary to get our vehicle policy headed in the right direction.

The legislation also contains new provisions to encourage the purchase of fuel efficient technologies for residences and businesses. It creates a 10 percent tax credit for the purchase of energy efficient combined heat and power units as well as provides for three year depreciation on the purchase price for "smart meters." These provisions have broad support in the Senate but were regrettably dropped in last year's conference on the Energy Bill. I think is important that we look at these provisions anew.

A question that usually arises when you talk about expanding tax incentives is whether they are going to be paid for. Many of us here in the Senate are worried about the deficit, so the tax bill that I am describing contains several revenue offsets, such as the provisions contained in last year's reconciliation tax bill that get rid of tax benefits in the oil and gas industry that are unnecessary and a waste of taxpayer dollars. This legislation would also close the SUV tax loophole that provides a windfall for the purchasers of inefficient cars at a time when the nation needs to be discouraging this activity.

I look forward to working with the Chairman and Ranking Member of the Finance Committee on both these new tax incentives but also on ways of paying for them, so that we are acting in a way that is fiscally responsible.

I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Enhanced Energy Security Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—NATIONAL OIL SAVINGS PLAN AND REQUIREMENTS

Sec. 101. Oil savings target and action plan.
Sec. 102. Standards and requirements.
Sec. 103. Initial evaluation.
Sec. 104. Review and update of action plan.
Sec. 105. Baseline and analysis requirements.

TITLE II—FEDERAL PROGRAMS FOR THE CONSERVATION OF OIL

Sec. 201. Federal fleet conservation requirements.
Sec. 202. Assistance for State programs to retire fuel-inefficient motor vehicles.
Sec. 203. Assistance to States to reduce school bus idling.
Sec. 204. Near-term vehicle technology program.
Sec. 205. Lightweight materials research and development.
Sec. 206. Loan guarantees for fuel-efficient automobile manufacturer and suppliers.
Sec. 207. Funding for alternative infrastructure for the distribution of transportation fuels.
Sec. 208. Deployment of new technologies to reduce oil use in transportation.
Sec. 209. Production incentives for cellulosic biofuels.

TITLE III—FEDERAL PROGRAMS FOR THE CONSERVATION OF NATURAL GAS

Sec. 301. Renewable portfolio standard.
Sec. 302. Federal requirement to purchase electricity generated by renewable energy.

TITLE IV—GENERAL ENERGY EFFICIENCY PROGRAMS

Sec. 401. Energy savings performance contracts.
Sec. 402. Deployment of new technologies for high-efficiency consumer products.
Sec. 403. National media campaign to decrease oil and natural gas consumption.
Sec. 404. Energy efficiency resource programs.

TITLE V—ASSISTANCE TO ENERGY CONSUMERS

Sec. 501. Energy emergency disaster relief loans to small business and agricultural producers.
Sec. 502. Efficient and safe equipment replacement program for weatherization purposes.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—NATIONAL OIL SAVINGS PLAN AND REQUIREMENTS

SEC. 101. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this title as the "Director") shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to section 102 that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under section 105—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis of—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

SEC. 102. STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—On or before the date of publication of the action plan under section 101, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in subsection (b).

(b) AUTHORITIES.—The head of each agency described in subsection (a) shall use to carry out this section—

(1) any authority in existence on the date of enactment of this Act (including regulations); and

(2) any new authority provided under this Act (including an amendment made by this Act).

(c) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in subsection (a) shall promulgate final versions of the regulations required under this section.

(d) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be designed to achieve at least the oil savings resulting from the regulation under the action plan published under section 101; and

(2) be accompanied by an analysis by the applicable agency describing the manner in which the regulation will promote the achievement of the oil savings from the baseline determined under section 105.

SEC. 103. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section 105.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 101, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 102.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 104. REVIEW AND UPDATE OF ACTION PLAN.

(a) REVIEW.—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section 101;

(2) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section 101; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(b) INADEQUATE OIL SAVINGS.—If the oil savings are less than the targets established under section 101, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 102.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

SEC. 105. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this title, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled "Annual Energy Outlook 2005";

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

TITLE II—FEDERAL PROGRAMS FOR THE CONSERVATION OF OIL

SEC. 201. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) IN GENERAL.—Part J of title IV of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—The Secretary shall issue regulations for Federal fleets subject to section 400AA requiring that not later than October 1, 2009, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

"(2) PLAN.—

"(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction level.

"(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

"(i) the use of alternative fuels;

"(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles;

"(iii) the substitution of cars for light trucks;

"(iv) an increase in vehicle load factors;

"(v) a decrease in vehicle miles traveled;

"(vi) a decrease in fleet size; and

"(vii) other measures.

"(C) REPLACEMENT TIRES.—The regulations shall include a requirement that each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

"(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum through the use of practices such as—

"(A) telecommuting;

"(B) public transit;

"(C) carpooling; and

"(D) bicycling.

"(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of the General Services Administration, the Director of the Office of Personnel Management, and the Secretary of the Department of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

"Sec. 400FF. Federal fleet conservation requirements.".

SEC. 202. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) DEFINITIONS.—In this section:

(1) FUEL-EFFICIENT AUTOMOBILE.—The term "fuel-efficient automobile" means a passenger automobile or a light-duty truck that has a fuel economy rating that is 40 percent greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to the passenger automobile or light-duty truck.

(2) FUEL-INEFFICIENT AUTOMOBILES.—The term "fuel-inefficient automobile" means a passenger automobile or a light-duty truck manufactured in a model year more than 15 years before the fiscal year in which appropriations are made under subsection (f) that, at the time of manufacture, had a fuel economy rating that was equal to or less than [20?] miles per gallon.

(3) LIGHT-DUTY TRUCK.—

(A) IN GENERAL.—The term "light-duty truck" means an automobile that is not a passenger automobile.

(B) INCLUSIONS.—The term "light-duty truck" includes a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002-85 of title 40, Code of Federal Regulations.

(4) STATE.—The term "State" means any of the several States and the District of Columbia.

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the "National Motor Vehicle Efficiency Improvement Program," under which the Secretary shall provide grants to States to operate voluntary programs to offer owners of fuel inefficient automobiles financial incentives to replace the automobiles with fuel efficient automobiles.

(c) ELIGIBILITY CRITERIA.—The Secretary shall approve a State plan and provide the funds made available under subsection (f), if the State plan—

(1) except as provided in paragraph (8), requires that all passenger automobiles and light-duty trucks turned in be scrapped, after allowing a period of time for the recovery of spare parts;

(2) requires that all passenger automobiles and light-duty trucks turned in be registered in the State in order to be eligible;

(3) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that the passenger automobiles and light-duty trucks are turned in;

(4) restricts automobile owners (except not-for-profit organizations) from turning in more than 1 passenger automobile and 1 light-duty truck during a 1-year period;

(5) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(6) subject to subsection (d)(2), provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in; and

(7) provides appropriate exceptions to the scrappage requirement for vehicles that qualify as antique cars under State law.

(d) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this section in that State.

(2) ADDITIONAL STATE CREDIT.—In addition to the payment under subsection (c)(6), the State plan may provide a credit that may be redeemed by the owner of the replaced fuel-inefficient automobile at the time of purchase of the new fuel-efficient automobile.

(e) ALLOCATION FORMULA.—The amounts appropriated pursuant to subsection (f) shall be allocated among the States on the basis of the number of registered motor vehicles in each State at the time that the Secretary needs to compute shares under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

SEC. 203. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

SEC. 204. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term "battery" means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term "electric drive transportation technology" means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term "engine dominant hybrid electric vehicle" means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel;

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) NONROAD VEHICLE.—The term "nonroad vehicle" has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(6) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term "plug-in hybrid electric vehicle" means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(c) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency batteries;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) GOALS.—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

SEC. 205. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 206. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE MANUFACTURER AND SUPPLIERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking "grants to automobile manufacturers" and inserting "grants and loan guarantees under section 1703 to automobile manufacturers and suppliers".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

"(8) Production facilities for the manufacture of fuel-efficient vehicles or parts of such vehicles, including hybrid and advanced diesel vehicles.".

SEC. 207. FUNDING FOR ALTERNATIVE INFRASTRUCTURE FOR THE DISTRIBUTION OF TRANSPORTATION FUELS.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the "Alternative Fueling Infrastructure Trust Fund" (referred to in this section as the "Trust Fund"), consisting of such amounts as are deposited into the Trust Fund under subsection (b) and any interest earned on investment of amounts in the Trust Fund.

(b) PENALTIES.—The Secretary of Transportation shall remit 90 percent of the amount collected in civil penalties under section 32912 of title 49, United States Code, to the Trust Fund.

(c) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall obligate such sums as are available in the Trust Fund to establish a grant program to increase the number of locations at which consumers may purchase alternative transportation fuels.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary may award grants under this subsection to—

(i) individual fueling stations; and

(ii) corporations (including nonprofit corporations) with demonstrated experience in the administration of grant funding for the purpose of alternative fueling infrastructure.

(B) MAXIMUM AMOUNT OF GRANTS.—A grant provided under this subsection may not exceed—

(i) $150,000 for each site of an individual fueling station; and

(ii) $500,000 for each corporation (including a nonprofit corporation).

(C) PRIORITIZATION.—The Secretary shall prioritize the provision of grants under this subsection to recognized nonprofit corporations that have proven experience and demonstrated technical expertise in the establishment of alternative fueling infrastructure, as determined by the Secretary.

(D) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds provided in any grant may be used by the recipient of the grant to pay administrative expenses.

(E) NUMBER OF VEHICLES.—In providing grants under this subsection, the Secretary shall consider the number of vehicles in service capable of using a specific type of alternative fuel.

(F) MATCH.—Grant recipients shall provide a non-Federal match of not less than $1 for every $3 of grant funds received under this subsection.

(G) LOCATIONS.—Each grant recipient shall select the locations for each alternative fuel station to be constructed with grant funds received under this subsection on a formal, open, and competitive basis.

(H) USE OF INFORMATION IN SELECTION OF RECIPIENTS.—In selecting grant recipients under this subsection, the Secretary may consider—

(i) public demand for each alternative fuel in a particular county based on State registration records indicating the number of vehicles that may be operated using alternative fuel; and

(ii) the opportunity to create or expand corridors of alternative fuel stations along interstates or highways.

(3) USE OF GRANT FUNDS.—Grant funds received under this subsection may be used to—

(A) construct new facilities to dispense alternative fuels;

(B) purchase equipment to upgrade, expand, or otherwise improve existing alternative fuel facilities; or

(C) purchase equipment or pay for specific turnkey fueling services by alternative fuel providers.

(4) FACILITIES.—Facilities constructed or upgraded with grant funds under this subsection shall—

(A) provide alternative fuel available to the public for a period not less than 4 years;

(B) establish a marketing plan to advance the sale and use of alternative fuels;

(C) prominently display the price of alternative fuel on the marquee and in the station;

(D) provide point of sale materials on alternative fuel;

(E) clearly label the dispenser with consistent materials;

(F) price the alternative fuel at the same margin that is received for unleaded gasoline; and

(G) support and use all available tax incentives to reduce the cost of the alternative fuel to the lowest practicable retail price.

(5) OPENING OF STATIONS.—

(A) IN GENERAL.—Not later than the date on which each alternative fuel station begins to offer alternative fuel to the public, the grant recipient that used grant funds to construct the station shall notify the Secretary of the opening.

(B) WEBSITE.—The Secretary shall add each new alternative fuel station to the alternative fuel station locator on the website of the Department of Energy when the Secretary receives notification under this subsection.

(6) REPORTS.—Not later than 180 days after the receipt of a grant award under this subsection, and every 180 days thereafter, each grant recipient shall submit a report to the Secretary that describes—

(A) the status of each alternative fuel station constructed with grant funds received under this subsection;

(B) the quantity of alternative fuel dispensed at each station during the preceding 180-day period; and

(C) the average price per gallon of the alternative fuel sold at each station during the preceding 180-day period.

SEC. 208. DEPLOYMENT OF NEW TECHNOLOGIES TO REDUCE OIL USE IN TRANSPORTATION.

(a) FUEL FROM CELLULOSIC BIOMASS.—

(1) IN GENERAL.—The Secretary shall provide deployment incentives under this subsection to encourage a variety of projects to produce transportation fuel from cellulosic biomass, relying on different feedstocks in different regions of the United States.

(2) PROJECT ELIGIBILITY.—Incentives under this subsection shall be provided on a competitive basis to projects that produce fuel that—

(A) meet United States fuel and emission specifications;

(B) help diversify domestic transportation energy supplies; and

(C) improve or maintain air, water, soil, and habitat quality.

(3) INCENTIVES.—Incentives under this subsection may consist of—

(A) loan guarantees under section 1510 of the Energy Policy Act of 2005 (42 U.S.C. 16501), subject to section 1702 of that Act (22 U.S.C. 16512), for the construction of production facilities and supporting infrastructure; or

(B) production payments through a reverse auction in accordance with paragraph (4).

(4) REVERSE AUCTION.—

(A) IN GENERAL.—In providing incentives under this subsection, the Secretary shall—

(i) issue regulations under which producers of fuel from cellulosic biomass may bid for production payments under paragraph (3)(B); and

(ii) solicit bids from producers of different classes of transportation fuel, as the Secretary determines to be appropriate.

(B) REQUIREMENT.—The rules under subparagraph (A) shall require that incentives be provided to the producers that submit the lowest bid (in terms of cents per gallon) for each class of transportation fuel from which the Secretary solicits a bid.

(b) ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADJUSTED FUEL ECONOMY.—The term "adjusted fuel economy" means the average fuel economy of a manufacturer for all light duty motor vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for a credit shall be considered to be equal to the average fuel economy for the weight class of the vehicle for model year 2002.

(B) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term "advanced lean burn technology motor vehicle" means a passenger automobile or a light truck with an internal combustion engine that—

(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel;

(ii) incorporates direct injection; and

(iii) achieves at least 125 percent of the city fuel economy of vehicles in the same size class as the vehicle for model year 2002.

(C) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty motor vehicle that—

(i) is a hybrid motor vehicle or an advanced lean burn technology motor vehicle; and

(ii) meets—

(I) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(II) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(III) at least 125 percent of the base year city fuel economy for the weight class of the vehicle.

(D) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(E) HYBRID MOTOR VEHICLE.—The term "hybrid motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system.

(F) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(i) specially designed for advanced technology vehicles; and

(ii) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(2) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this subsection to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(A) reequipping or expanding an existing manufacturing facility in the United States to produce—

(i) qualifying advanced technology vehicles; or

(ii) qualifying components; and

(B) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(3) PERIOD OF AVAILABILITY.—An award under paragraph (2) shall apply to—

(A) facilities and equipment placed in service before December 30, 2017; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(4) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this subsection during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty motor vehicles of the manufacturer for model year 2002.

SEC. 209. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking "$250,000,000" and inserting "$200,000,000 for each of fiscal years 2007 through 2011".

TITLE III—FEDERAL PROGRAMS FOR THE CONSERVATION OF NATURAL GAS

SEC. 301. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) RENEWABLE ENERGY REQUIREMENT.—

"(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

"Calendar year:	Minimum annual percentage:
2008 through 2011	2.55
2012 through 2015	5.05
2016 through 2019	7.55
2020 through 2030	10.0

"(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

"(A) generating electric energy using new renewable energy or existing renewable energy;

"(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

"(C) purchasing renewable energy credits issued under subsection (b); or

"(D) a combination of the foregoing.

"(b) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

"(1) IN GENERAL.—Not later than January 1, 2007, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (a)(1) to satisfy such requirements by purchasing sufficient renewable energy credits.

"(2) ADMINISTRATION.—As part of the program, the Secretary shall—

"(A) issue renewable energy credits to generators of electric energy from new renewable energy;

"(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (g));

"(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section; and

"(D) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt).

"(3) DURATION.—Credits under paragraph (2)(A) may only be used for compliance with this section for 3 years from the date issued.

"(4) TRANSFERS.—An electric utility that holds credits in excess of the amount needed to comply with subsection (a) may transfer such credits to another electric utility in the same utility holding company system.

"(5) EASTERN INTERCONNECT.—In the case of a retail electric supplier that is a member of a power pool located in the Eastern Interconnect and that is subject to a State renewable portfolio standard program that provides for compliance primarily through the acquisition of certificates or credits in lieu of the direct acquisition of renewable power, the Secretary shall issue renewable energy credits in an amount that corresponds to the kilowatt-hour obligation represented by the State certificates and credits issued pursuant to the State program to the extent the State certificates and credits are associated with renewable resources eligible under this section.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTIES.—Any electric utility that fails to meet the renewable energy requirements of subsection (a) shall be subject to a civil penalty.

"(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of 1.5 cents (adjusted for inflation under subsection (g)) or 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

"(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility. The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

"(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

"(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish, not later than December 31, 2008, a State renewable energy account program.

"(2) DEPOSITS.—All money collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection. The State renewable energy account shall be held by the Secretary and shall not be transferred to the Treasury Department.

"(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

"(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

"(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

"(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

"(B) to State programs to stimulate or enhance innovative renewable energy technologies.

"(e) RULES.—The Secretary shall issue rules implementing this section not later than 1 year after the date of enactment of this section.

"(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

"(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

"(2) in Hawaii.

"(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (b)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

"(h) STATE PROGRAMS.—Nothing in this section shall diminish any authority of a State or political subdivision thereof to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

"(i) RECOVERY OF COSTS.—

"(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

"(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

"(j) DEFINITIONS.—In this section:

"(1) BASE AMOUNT OF ELECTRICITY.—The term 'base amount of electricity' means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

"(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

"(B) electricity generated through the incineration of municipal solid waste.

"(2) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

"(3) EXISTING RENEWABLE ENERGY.—The term 'existing renewable energy' means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2003, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

"(4) GEOTHERMAL ENERGY.—The term 'geothermal energy' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

"(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

"(A) IN GENERAL.—The term 'incremental geothermal production' means for any year the excess of—

"(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

"(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

"(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment of this section shall commencing with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

"(6) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

"(7) NEW RENEWABLE ENERGY.—The term 'new renewable energy' means—

"(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

"(i) solar, wind, or geothermal energy or ocean energy;

"(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

"(iii) landfill gas; or

"(iv) incremental hydropower; and

"(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

"(i) the additional energy above the average generation in the 3 years preceding the date of enactment of this section at the facility from—

"(I) solar or wind energy or ocean energy;

"(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

"(III) landfill gas; or

"(IV) incremental hydropower.

"(ii) incremental geothermal production.

"(8) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.

"(k) SUNSET.—This section expires on December 31, 2030.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

"Sec. 610. Federal renewable portfolio standard.".

SEC. 302. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by striking subsection (a) and inserting the following:

"(a) REQUIREMENT.—The President, acting through the Secretary, shall ensure that, of the total quantity of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

"(1) Not less than 5 percent in each of fiscal years 2008 and 2009.

"(2) Not less than 7.5 percent in each of fiscal years 2010 through 2012.

"(3) Not less than 10 percent in fiscal years 2013 and each fiscal year thereafter.".

TITLE IV—GENERAL ENERGY EFFICIENCY PROGRAMS

SEC. 401. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) FINANCING FLEXIBILITY.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

"(E) SEPARATE CONTRACTS.—In carrying out a contract under this title, a Federal agency may—

"(i) enter into a separate contract for energy services and conservation measures under the contract; and

"(ii) provide all or part of the financing necessary to carry out the contract.".

(c) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

"(C) the sale or transfer of electrical or thermal energy generated on-site, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

(d) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term "nonbuilding application" means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term "secondary savings" includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 402. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term "energy savings" means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term "high-efficiency consumer product" means a covered product to which an energy conservation standard applies under section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), if the energy efficiency of the product exceeds the energy efficiency required under the standard.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2006, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) Forms of Awards.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

SEC. 403. NATIONAL MEDIA CAMPAIGN TO DECREASE OIL AND NATURAL GAS CONSUMPTION.

(a) In General.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign for the purpose of decreasing oil and natural gas consumption in the United States over the next decade.

(b) Contract With Entity.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) Use of Funds.—

(1) In general.—Amounts made available to carry out this section shall be used for the following:

(A) Advertising costs.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) Administrative costs.—Operational and management expenses.

(2) Limitations.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) Reports.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil and natural gas consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil and natural gas consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SEC. 404. ENERGY EFFICIENCY RESOURCE PROGRAMS.

(a) Electric Utility Programs.—Section 111 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. 2621) is amended by adding at the end the following:

"(e) Energy Efficiency Resource Programs.—

"(1) Definitions.—In this subsection:

"(A) Demand baseline.—The term 'demand baseline' means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

"(B) Energy efficiency resource programs.—The term 'energy efficiency resource program' means an energy efficiency or other demand reduction program that is designed to reduce annual electricity consumption or peak demand of consumers served by an electric utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

"(2) Public hearings; determinations.—

"(A) Public hearing.—As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each electric utility over which the State has ratemaking authority) and each nonregulated electric utility shall, after notice, conduct a public hearing on the benefits and feasibility of carrying out an energy efficiency resource program.

"(B) Energy efficiency resource program.—A State regulatory authority or nonregulated utility shall carry out an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

"(i) benefit end-use customers;

"(ii) be cost-effective based on total resource cost;

"(iii) serve the public welfare; and

"(iv) be feasible to carry out.

"(3) Implementation.—

"(A) State regulatory authorities.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

"(i) require each electric utility over which the State has ratemaking authority to carry out an energy efficiency resource program; and

"(ii) allow such a utility to recover expenditures incurred by the utility in carrying out the energy efficiency resource program.

"(B) Nonregulated electric utilities.—If a nonregulated electric utility makes a determination under paragraph (2)(B), the utility shall carry out an energy efficiency resource program.

"(4) Updating regulations.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

"(A) continued;

"(B) modified; or

"(C) terminated.

"(5) Exception.—Paragraph (2) shall not apply to a State regulatory authority (or a nonregulated electric utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.".

(b) Gas Utilities.—Section 303 of the Public Utilities Regulatory Policy Act of 1978 (15 U.S.C. 3203) is amended by adding at the end the following:

"(e) Energy Efficiency Resource Programs.—

"(1) Definitions.—In this subsection:

"(A) Demand baseline.—The term 'demand baseline' means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

"(B) Energy efficiency resource programs.—The term 'energy efficiency resource program' means an energy efficiency or other demand reduction program that is designed to reduce annual gas consumption or peak demand of consumers served by a gas utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

"(2) Public hearings; determinations.—

"(A) Public hearing.—As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each gas utility over which the State has ratemaking authority) and each nonregulated gas utility shall, after notice, conduct a public hearing on the benefits and feasibility of carrying out an energy efficiency resource program.

"(B) Energy efficiency resource program.—A State regulatory authority or nonregulated utility shall carry out an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

"(i) benefit end-use customers;

"(ii) be cost-effective based on total resource cost;

"(iii) serve the public welfare; and

"(iv) be feasible to carry out.

"(3) Implementation.—

"(A) State regulatory authorities.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

"(i) require each gas utility over which the State has ratemaking authority to carry out an energy efficiency resource program; and

"(ii) allow such a utility to recover expenditures incurred by the utility in carrying out the energy efficiency resource program.

"(B) Nonregulated gas utilities.—If a nonregulated gas utility makes a determination under paragraph (2)(B), the utility shall carry out an energy efficiency resource program.

"(4) Updating regulations.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

"(A) continued;

"(B) modified; or

"(C) terminated.

"(5) Exception.—Paragraph (2) shall not apply to a State regulatory authority (or a nonregulated gas utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.".

TITLE V—ASSISTANCE TO ENERGY CONSUMERS

SEC. 501. ENERGY EMERGENCY DISASTER RELIEF LOANS TO SMALL BUSINESS AND AGRICULTURAL PRODUCERS.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) ENERGY DISASTER LOANS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days that correspond to the trading days described in clause (ii) in each of the most recent 2 preceding years;

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month'; and

"(iii) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) LOAN AUTHORITY.—The Administrator may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

"(C) INTEREST RATE.—Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

"(E) DISASTER DECLARATION.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administrator that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administrator may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) CONVERSION.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ", a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene," after "civil disorders"; and

(B) by inserting "other" before "economic".

(c) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking "aquaculture operations have" and inserting "aquaculture operations (i) have"; and

(ii) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary";

(B) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(C) in the fourth sentence—

(i) by striking "or natural disaster" each place that term appears and inserting ", natural disaster, or energy emergency"; and

(ii) by inserting "or declaration" after "emergency designation".

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by paragraph (1) to meet the needs resulting from natural disasters.

(d) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue guidelines to carry out subsections (b) and (c), respectively, and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act, as added by this section.

(e) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under subsection (d)(1), and annually thereafter, until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added by this section, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (d)(1), and annually thereafter, until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this section, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(f) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator under subsection (d)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (c) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (d)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

SEC. 502. EFFICIENT AND SAFE EQUIPMENT REPLACEMENT PROGRAM FOR WEATHERIZATION PURPOSES.

(a) IN GENERAL.—Part A of title IV of the Energy Conservation and Production Act is amended—

(1) by redesignating section 422 (42 U.S.C. 6872) as section 423; and

(2) by inserting after section 421 (42 U.S.C. 6871) the following:

"SEC. 422. EFFICIENT AND SAFE EQUIPMENT REPLACEMENT PROGRAM FOR WEATHERIZATION PURPOSES.

"(a) Establishment of Program.—The Secretary shall establish, within the Weatherization Assistance Program, a program to assist in the replacement of unsafe or highly inefficient heating and cooling units in low-income households.

"(b) Administration.—

"(1) In general.—Except as otherwise provided in this subsection, the Secretary shall administer the program established under this section in accordance with this part.

"(2) Exemption for high-efficiency heating and cooling equipment expenditures.—Assistance for high-efficiency heating and cooling equipment under this section shall be exempt from the standards established under section 413(b)(3) and from section 415(c).

"(3) Identification of heating and cooling system upgrades.—Assistance for system upgrades under this section shall be based on a standard weatherization audit and appropriate diagnostic procedures in use by the program.

"(4) Weatherization of home receiving new heating or cooling system.—Assistance may be perceived for a home receiving a new heating or cooling system under this section regardless of whether the home is fully weatherized in the year that the home received a new heating system.

"(5) Fuel.—The Secretary shall make no rule prohibiting a grantee from installing high-efficiency equipment that uses a fuel (including a renewable fuel) most likely to result in reliable supply and the lowest practicable energy bills, regardless of the fuel previously used by the household.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $40,000,000 for fiscal year 2006;

"(2) $50,000,000 for fiscal year 2007; and

"(3) $60,000,000 for fiscal year 2008.".

(b) Table of Contents Amendment.—The table of contents of the Energy Conservation and Production Act (42 U.S.C. prec. 6901) is amended—

(1) by redesignating the item relating to section 422 as an item relating to section 423; and

(2) by inserting after the item relating to section 421 the following:

"Sec. 422. Efficient and safe equipment program.".

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Enhanced Energy Security Tax Incentives Act of 2006".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of Code; table of contents.

TITLE I—EXTENSION OF INCENTIVES

Sec. 101. Extension of credit for electricity produced from certain renewable resources.
Sec. 102. Extension and expansion of credit to holders of clean renewable energy bonds.
Sec. 103. Extension of energy efficient commercial buildings deduction.
Sec. 104. Extension and expansion of new energy efficient home credit.
Sec. 105. Extension of nonbusiness energy property credit.
Sec. 106. Extension of residential energy efficient property credit.
Sec. 107. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 108. Extension of business solar investment tax credit.
Sec. 109. Extension of alternative fuel excise tax provisions, income tax credits, and tariff duties.
Sec. 110. Extension of full credit for qualified electric vehicles.

TITLE II—INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

Sec. 201. Consumer incentives to purchase advanced technology vehicles.
Sec. 202. Advanced technology motor vehicles manufacturing credit.
Sec. 203. Tax incentives for private fleets.
Sec. 204. Modification of alternative vehicle refueling property credit.
Sec. 205. Inclusion of heavy vehicles in limitation on depreciation of certain luxury automobiles.
Sec. 206. Idling reduction tax credit.

TITLE III—ADDITIONAL INCENTIVES

Sec. 301. Energy credit for combined heat and power system property.
Sec. 302. Three-year applicable recovery period for depreciation of qualified energy management devices.
Sec. 303. Three-year applicable recovery period for depreciation of qualified water submetering devices.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 402. Elimination of amortization of geological and geophysical expenditures for major integrated oil companies.
Sec. 403. Modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers.

TITLE I—EXTENSION OF INCENTIVES

SEC. 101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) (relating to qualified facilities) is amended by striking "2008" each place it appears and inserting "2011".

SEC. 102. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) In General.—Section 54(m) (relating to termination) is amended by striking "2007" and inserting "2010".

(b) Annual Volume Cap for Bonds Issued During Extension Period.—Paragraph (1) of section 54(f) (relating to limitation on amount of bonds designated) is amended to read as follows:

"(1) National limitation.—

"(A) Initial national limitation.—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of $800,000,000.

"(B) Annual national limitation.—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of $800,000,000.".

(c) Effective Date.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 104. EXTENSION AND EXPANSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) Extension.—Section 45L(g) (relating to termination) is amended by striking "2007" and inserting "2010".

(b) Inclusion of 30 Percent Homes.—

(1) In general.—Section 45L(c) (relating to energy saving requirements) is amended—

(A) by striking "or" at the end of paragraph (2),

(B) by redesignating paragraph (3) as paragraph (4), and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) certified—

"(A) to have a level of annual heating and cooling energy consumption which is at least 30 percent below the annual level described in paragraph (1), and

"(B) to have building envelope component improvements account for at least ⅓ of such 30 percent, or".

(2) Applicable amount of credit.—Section 45L(a)(2) is amended by striking "paragraph (3)" and inserting "paragraph (3) or (4)".

(3) Effective date.—The amendments made by this subsection shall apply to qualified new energy efficient homes acquired after the date of the enactment of this Act.

SEC. 105. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT.

Section 25C(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 106. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 107. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) (relating to termination) are each amended by striking "2007" and inserting "2010".

SEC. 108. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) (relating to termination) are each amended by striking "2008" and inserting "2011".

SEC. 109. EXTENSION OF ALTERNATIVE FUEL EXCISE TAX PROVISIONS, INCOME TAX CREDITS, AND TARIFF DUTIES.

(a) Biodiesel.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "2008" and inserting "2010".

(b) Alternative Fuel.—

(1) Fuels.—Sections 6426(d)(4) and 6427(e)(5)(C) are each amended by striking "September 30, 2009" and inserting "December 31, 2010".

(2) Refueling property.—Section 30C(g) is amended by striking "2009" and inserting "2010".

(c) Ethanol Tariff Schedule.—Headings 9901.00.50 and 9901.00.52 of the Harmonized

Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking "10/1/2007" each place it appears and inserting "1/1/2011".

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2007.

SEC. 110. EXTENSION OF FULL CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30(e) is amended by striking "2006" and inserting "2010".

(b) Repeal of Phaseout.—Section 30(b) (relating to limitations) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(c) Credit Allowable Against Alternative Minimum Tax.—Paragraph (2) of section 30(b), as redesignated by subsection (b), is amended to read as follows:

"(2) Application with other credits.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the sum of the regular tax for the taxable year plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A and section 27.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE II—INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

SEC. 201. CONSUMER INCENTIVES TO PURCHASE ADVANCED TECHNOLOGY VEHICLES.

(a) Elimination on Number of New Qualified Hybrid and Advanced Lean Burn Technology Vehicles Eligible for Alternative Motor Vehicle Credit.—

(1) In general.—Section 30B is amended by striking subsection (f) and by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) Conforming amendments.—

(A) Paragraphs (4) and (6) of section 30B(h) are each amended by striking "(determined without regard to subsection (g))" and inserting "determined without regard to subsection (f))".

(B) Section 38(b)(25) is amended by striking "section 30B(g)(1)" and inserting "section 30B(f)(1)".

(C) Section 55(c)(2) is amended by striking "section 30B(g)(2)" and inserting "section 30B(f)(2)".

(D) Section 1016(a)(36) is amended by striking "section 30B(h)(4)" and inserting "section 30B(g)(4)".

(E) Section 6501(m) is amended by striking "section 30B(h)(9)" and inserting "section 30B(g)(9)".

(b) Extension of Alternative Vehicle Credit for New Qualified Hybrid Motor Vehicles.—Paragraph (3) of section 30B(i) (as redesignated by subsection (a)) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 202. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

"(a) Credit Allowed.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $75,000,000.

"(b) Qualified Investment.—For purposes of this section—

"(1) In general.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

"(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

"(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

"(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

"(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

"(2) Attribution rules.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

"(c) Advanced Technology Motor Vehicles and Eligible Components.—For purposes of this section—

"(1) Advanced technology motor vehicle.—The term 'advanced technology motor vehicle' means—

"(A) any qualified electric vehicle (as defined in section 30(c)(1)),

"(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

"(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

"(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

"(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

"(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

"(2) Eligible components.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

"(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

"(i) electric motor or generator,

"(ii) power split device,

"(iii) power control unit,

"(iv) power controls,

"(v) integrated starter generator, or

"(vi) battery,

"(B) with respect to any hydraulic new qualified hybrid motor vehicle—

"(i) hydraulic accumulator vessel,

"(ii) hydraulic pump, or

"(iii) hydraulic pump-motor assembly,

"(C) with respect to any new advanced lean burn technology motor vehicle—

"(i) diesel engine,

"(ii) turbocharger,

"(iii) fuel injection system, or

"(iv) after-treatment system, such as a particle filter or NOx absorber, and

"(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

"(3) Electric drive transportation technology.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

"(d) Engineering Integration Costs.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

"(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

"(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

"(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

"(4) validating functionality and performance of components and subsystems for a specific vehicle application.

"(e) Eligible Taxpayer.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

"(f) Limitation Based on Amount of Tax.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of—

"(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

"(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

"(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

"(g) Reduction in Basis.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(h) No Double Benefit.—

"(1) Coordination with other deductions and credits.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

"(2) Research and development costs.—

"(A) In general.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

"(B) Costs taken into account in determining base period research expenses.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

"(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

"(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

"(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 30D(g).".

(2) Section 6501(m) is amended by inserting "30D(k)," after "30C(e)(5),".

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Advanced technology motor vehicles manufacturing credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

SEC. 203. TAX INCENTIVES FOR PRIVATE FLEETS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48B the following new section:

"SEC. 48C. FUEL-EFFICIENT FLEET CREDIT.

"(a) GENERAL RULE.—For purposes of section 46, the fuel-efficient fleet credit for any taxable year is 15 percent of the qualified fuel-efficient vehicle investment amount of an eligible taxpayer for such taxable year.

"(b) VEHICLE PURCHASE REQUIREMENT.—In the case of any eligible taxpayer which places less than 10 qualified fuel-efficient vehicles in service during the taxable year, the qualified fuel-efficient vehicle investment amount shall be zero.

"(c) QUALIFIED FUEL-EFFICIENT VEHICLE INVESTMENT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified fuel-efficient vehicle investment amount' means the basis of any qualified fuel-efficient vehicle placed in service by an eligible taxpayer during the taxable year.

"(2) QUALIFIED FUEL-EFFICIENT VEHICLE.—The term 'qualified fuel-efficient vehicle' means an automobile which has a fuel economy which is at least 125 percent greater than the average fuel economy standard for an automobile of the same class and model year.

"(3) OTHER TERMS.—The terms 'automobile', 'average fuel economy standard', 'fuel economy', and 'model year' have the meanings given to such terms under section 32901 of title 49, United States Code.

"(d) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means, with respect to any taxable year, a taxpayer who owns a fleet of 100 or more vehicles which are used in the trade or business of the taxpayer on the first day of such taxable year.

"(e) TERMINATION.—This section shall not apply to any vehicle placed in service after December 31, 2010.".

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) the fuel-efficient fleet credit.".

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the basis of any qualified fuel-efficient vehicle which is taken into account under section 48C.".

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new item:

"Sec. 48C. Fuel-efficient fleet credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 204. MODIFICATION OF ALTERNATIVE VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Subsection (a) of section 30C is amended by striking "30 percent" and inserting "50 percent".

(b) CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.—Paragraph (2) of section 30C is amended to read as follows:

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

"(A) the sum of the regular tax for the taxable year plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A and sections 27, 30, and 30B.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 205. INCLUSION OF HEAVY VEHICLES IN LIMITATION ON DEPRECIATION OF CERTAIN LUXURY AUTOMOBILES.

(a) IN GENERAL.—Section 280F(d)(5)(A) (defining passenger automobile) is amended—

(1) by striking clause (ii) and inserting the following new clause:

"(ii)(I) which is rated at 6,000 pounds unloaded gross vehicle weight or less, or

"(II) which is rated at more than 6,000 pounds but not more than 14,000 pounds gross vehicle weight.",

(2) by striking "clause (ii)" in the second sentence and inserting "clause (ii)(I)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 206. IDLING REDUCTION TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45N. IDLING REDUCTION CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the idling reduction tax credit determined under this section for the taxable year is an amount equal to 25 percent of the amount paid or incurred for each qualifying idling reduction device placed in service by the taxpayer during the taxable year.

"(b) LIMITATION.—The maximum amount allowed as a credit under subsection (a) shall not exceed $1,000 per device.

"(c) DEFINITIONS.—For purposes of subsection (a)—

"(1) QUALIFYING IDLING REDUCTION DEVICE.—The term 'qualifying idling reduction device' means any device or system of devices that—

"(A) is installed on a heavy-duty diesel-powered on-highway vehicle,

"(B) is designed to provide to such vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary,

"(C) the original use of which commences with the taxpayer,

"(D) is acquired for use by the taxpayer and not for resale, and

"(E) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce long-duration idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

"(2) HEAVY-DUTY DIESEL-POWERED ON-HIGHWAY VEHICLE.—The term 'heavy-duty diesel-powered on-highway vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration.

"(3) LONG-DURATION IDLING.—The term 'long-duration idling' means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

"(d) NO DOUBLE BENEFIT.—For purposes of this section—

"(1) REDUCTION IN BASIS.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (a), the basis of such property shall be reduced by the amount of the credit so determined.

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

"(e) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2010.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit) is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting ", plus", and by adding at the end the following new paragraph:

"(31) the idling reduction tax credit determined under section 45N(a).".

(c) Conforming Amendments.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45M the following new item:

"Sec. 45N. Idling reduction credit".

(2) Section 1016(a), as amended by this Act, is amended by striking "and" at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting ", and", and by adding at the end the following:

"(39) in the case of a facility with respect to which a credit was allowed under section 45N, to the extent provided in section 45N(d)(A).".

(3) Section 6501(m) is amended by inserting "45N(e)," after "45D(c)(4),".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(e) Determination of Certification Standards by Secretary of Energy for Certifying Idling Reduction Devices.—Not later than 6 months after the date of the enactment of this Act and in order to reduce air pollution and fuel consumption, the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall publish the standards under which the Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, will, for purposes of section 45N of the Internal Revenue Code of 1986 (as added by this section), certify the idling reduction devices which will reduce long-duration idling of vehicles at motor vehicle rest stops or other locations where such vehicles are temporarily parked or remain stationary in order to reduce air pollution and fuel consumption.

TITLE III—ADDITIONAL INCENTIVES

SEC. 301. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) In General.—Section 48(a)(3)(A) (defining energy property) is by striking "or" at the end of clause (iii), by inserting "or" at the end of clause (iv), and by adding at the end the following new clause:

"(v) combined heat and power system property,".

(b) Combined Heat and Power System Property.—Section 48 is amended by adding at the end the following new subsection:

"(d) Combined Heat and Power System Property.—For purposes of subsection (a)(3)(A)(v)—

"(1) Combined heat and power system property.—The term 'combined heat and power system property' means property comprising a system—

"(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

"(B) which has an electrical capacity of not more than 15 megawatts or a mechanical energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

"(C) which produces—

"(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

"(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

"(D) the energy efficiency percentage of which exceeds 60 percent, and

"(E) which is placed in service before January 1, 2011.

"(2) Special rules.—

"(A) Energy efficiency percentage.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

"(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

"(ii) the denominator of which is the higher heating value of the primary fuel sources for the system.

"(B) Determinations made on Btu basis.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

"(C) Input and output property not included.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

"(D) Certain exception not to apply.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to combined heat and power system property.

"(3) Systems using bagasse.—If a system is designed to use bagasse for at least 90 percent of the energy source—

"(A) paragraph (1)(D) shall not apply, but

"(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.

"(4) Nonapplication of certain rules.—For purposes of determining if the term 'combined heat and power system property' includes technologies which generate electricity or mechanical power using back-pressure steam turbines in place of existing pressure-reducing valves or which make use of waste heat from industrial processes such as by using organic rankin, stirling, or kalina heat engine systems, paragraph (1) shall be applied without regard to subparagraphs (C) and (D) thereof .".

(c) Effective Date.—The amendments made by this section shall apply to periods after December 31, 2006, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 302. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) In General.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified energy management device.".

(b) Definition of Qualified Energy Management Device.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

"(18) Qualified energy management device.—

"(A) In general.—The term 'qualified energy management device' means any energy management device which is placed in service before January 1, 2011, by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) Energy management device.—For purposes of subparagraph (A), the term 'energy management device' means any meter or metering device which is used by the taxpayer—

"(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

"(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 303. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED WATER SUBMETERING DEVICES.

(a) In General.—Section 168(e)(3)(A) (defining 3-year property), as amended by this Act, is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) any qualified water submetering device.".

(b) Definition of Qualified Water Submetering Device.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by inserting at the end the following new paragraph:

"(19) Qualified water submetering device.—

"(A) In general.—The term 'qualified water submetering device' means any water submetering device which is placed in service before January 1, 2011, by a taxpayer who is an eligible resupplier with respect to the unit for which the device is placed in service.

"(B) Water submetering device.—For purposes of this paragraph, the term 'water submetering device' means any submetering device which is used by the taxpayer—

"(i) to measure and record water usage data, and

"(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.

"(C) Eligible resupplier.—For purposes of subparagraph (A), the term 'eligible resupplier' means any taxpayer who purchases and installs qualified water submetering devices in every unit in any multi-unit property.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

TITLE IV—REVENUE PROVISIONS

SEC. 401. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 402. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

SEC. 403. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

By Mr. BROWNBACK (for himself, Mr. KYL and Mrs. HUTCHISON):

S. 2749. A bill to update the Silk Road Strategy Act of 1999 to modify targeting of assistance in order to support the economic and political independence of the countries of Central Asia and the South Caucasus in recognition of political and economic changes in these regions since enactment of the original legislation; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I rise to introduce the Silk Road Strategy Act of 2006. Joining me as original cosponsors are Senators KYL and HUTCHISON. I would like to extend my thanks to both of my colleagues and their staff for their assistance and guidance on many of the provisions in the bill.

The original Silk Road Strategy Act of 1999 saw the countries of the Caucasus and Central Asia—specifically, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan—as a distinct region bound by history and common interests with a shared potential that was of critical importance to the United States.

The goals of that legislation were as follows: to promote independent, democratic government; to promote the protection of human rights, tolerance, and pluralism; to aid in the resolution of conflicts and support political, economic, and security cooperation in order to foster regional stability and economic interdependence; to promote financial and economic development based on market principles; to aid in the development of communications, transportation, health and human services infrastructure; to promote and protect the interests of U.S. businesses and investments.

These basic policy goals have not changed; however, historic events since 1999 have had a significant impact on the region's political systems, economic conditions, and security situation which affect U.S. perceptions of and interests in the region. These changes include: the September 11, 2001 terrorist attack on the United States, which clarified the nature and source of the key threats facing this country; the Operation Enduring Freedom in Afghanistan and the removal of the Taliban regime; the series of "colored revolutions" in Georgia, Ukraine and Kyrgyzstan; Deteriorating relations between the U.S. and certain regional leaders, especially Uzbekistan's President Islam Karimov, and the closure of the U.S. base in that country; the growing influence of regional powers, namely Russia and China; greater U.S. oil and gas interests in the Caspian region; and the threat posed by Iran, which is seeking to develop a nuclear potential.

In light of these changes, the Silk Road Act needs to be updated and revised to better address some of the new challenges the U.S. faces in its relations with Central Asia and the Caucasus.

The U.S.'s vital interests in the Caspian region include: ensuring the independence and security of Azerbaijan and Georgia, through which critical oil and gas pipelines transit; containing Iran; ensuring access to oil and gas reserves; maintaining good relations with Kazakhstan; promoting peaceful resolution of conflicts; and keeping Russian geopolitical ambitions in check.

Further East, U.S. interests include: helping Kyrgyzstan to make its Tulip Revolution a success; the political stabilization of Afghanistan and enhancement of its security by defeating the Taliban and Al Qaeda and its satellite organizations; political reform and liberalization in the countries of Central Asia to neutralize radical Islamic movements, such as Hizb-ut- Tahrir al-Islami, HUT—Islamic Army of Liberation; reduction of drug production and exports; creation and/or support of the U.S. military base network; and social and economic development in the states of Central Asia.

To these ends, among other priorities, this bill emphasizes the importance of East-West gas and oil pipelines, such as the Baku-Tbilisi-Ceyhan pipeline, BTC. BTC ensures Azerbaijan's security and economic future, and binds the country with neighboring Georgia and Turkey, anchoring Azerbaijan in the network of Western states and institutions.

The bill also includes Afghanistan as a Silk Road country and promotes the integration of Afghanistan with neighboring Central Asian states in terms of security, trade, infrastructure and energy grids.

In all the states of Central Asia and the Caucasus, it is critical to promote democratic development. Among this bill's initiatives are calls for supporting independent media outlets, especially electronic media, and also for satellite TV programming, to provide authoritative news and more diverse opinions than are otherwise available. Specifically, it supports satellite TV broadcasting into Uzbekistan, Turkmenistan and Iran and the activities of their diasporas in the United States. Furthermore, the bill offers assistance for the establishment of civil service institutes to train civil servants at all levels in the rule of law, conduct of elections, respect for citizens' rights, and the needs of a market economy.

No less important is the need to accelerate and broaden economic reform and modernization in the Silk Road countries. Accordingly, this bill provides assistance in the privatization of state enterprises and deregulation of the economy.

The bill also calls for assistance with the establishment of the Caspian Bank of Reconstruction and Development, CBRD, to help Silk Road states address problems caused by increased revenues from energy exports, and dangers to macroeconomic stability and overheating of the economy infrastructure, as well as promote development in the region.

In light of Trans-Caspian Oil and Gas Pipelines, this bill encourages the governments of Azerbaijan, Kazakhstan and especially Turkmenistan to improve their business climate and investor confidence by fully disclosing their internationally audited hydrocarbon reserve.

The bill strongly supports activities that promote the participation of U.S. companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

Furthermore, the bill would assist in the removal of legal and institutional barriers to continental and regional trade and the harmonization of border and tariff regimes, including improved mechanisms for transit through Pakistan to Afghanistan and the rest of Central Asia.

With respect to the World Trade Organization, the bill offers support to Silk Road countries seeking WTO accession, providing assistance in reform as needed. Recognizing that PNTR status, through graduation from the Jackson-Vanik Amendment of 1974 Trade Act, and WTO membership have been extended to Armenia, Georgia and Kyrgyzstan, the bill calls for extending the same status to the other two most advanced economies of the region, Azerbaijan and Kazakhstan, by graduating them from the Jackson-Vanik Amendment, extending PNTR status and aiding in WTO accession. But before that support is offered, it is important for the two countries to demonstrate that they are capable of dealing with the demands of a vibrant economy in a democratic setting.

A detailed examination of this bill will reveal many more initiatives. But as you can see, Mr. President, the Silk Road Strategy Act of 2006 takes a comprehensive approach to the region, encompassing security, economic development, democratic governance and human rights. I believe it targets the key issues that U.S. policymakers must address in our ever more important effort to establish solid, long-lasting relationships with the countries of the Silk Road. I hope my colleagues will support this bill and I look forward to discussing it with them.

By Mr. DEMINT:

S. 2750. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Finance.

Mr. DEMINT. Mr. President, I rise to introduce legislation to strengthen our nation's emergency departments, which are the backbone of our health care safety net.

Events of recent years—9/11, Hurricanes Katrina and Rita—have allowed all of us to see our emergency departments in action, 24 hours a day, 7 days a week. With every natural disaster or terrorist attack, emergency physicians, on-call specialists and nurses are on the front lines. Many times, it's their expertise that recognizes a problem. For example, it was the diagnosis and prompt communication of the incidence of anthrax that prevented more deaths a couple years ago here in D.C. Likewise, should we face pandemic influenza, it is likely to be discovered first in our emergency rooms.

Federal law requires that each person who comes to an emergency department be stabilized. Yet health plans are paying less and less of this cost, and many of the 45 million patients without health insurance can't pay at all. In fact, more than one-third of all emergency department patients are uninsured or are Medicaid or SCHIP enrollees. This results in huge amounts of uncompensated care in our nation's emergency departments, which threatens their viability and everyone's access to emergency care.

Unfortunately, America's emergency patients are suffering because emergency departments are not supported well enough to handle day-to-day emergencies, let alone a pandemic flu or terrorist attack. Patients wait hours to see physicians, "boarding" sometimes for days in emergency departments and diverted in ambulances to other hospitals. This gridlock threatens access to emergency care for everyone—both insured and uninsured.

Emergency departments are underfunded and suffer from severe staffing shortages. A new study just released by the Robert Wood Johnson Foundation and the American College of Emergency Physicians found that three-fourths of emergency medical directors reported inadequate on-call specialist coverage, compared with two-thirds in 2004: a sure sign that a bad situation is getting even worse.

Frivolous lawsuits and the nation's broken medical liability system are also driving up the costs of health care for everyone and threaten to leave already disadvantaged patients without access to necessary health care services.

But, even in the best of times, the number of visits to emergency departments continue to increase, while the number of emergency departments in hospitals continue to decrease. In fact, we've even seen a number of emergency departments have to close their doors.

Surprisingly, there are no standard measures to report the extent of overcrowding in emergency departments. During the last Congress, the Government Accountability Office (GAO) surveyed hospital emergency departments and reported back to Congress—providing us with the data needed to begin to address these issues.

The GAO report told Congress that patient "boarding" in the emergency department was the most common factor associated with overcrowding. The term "boarding" refers to those patients who have been admitted to the hospital but have not yet been moved from the emergency department to an inpatient hospital bed. When these patients remain in the emergency department long after the decision to admit them is made (at times on gurneys in halls and elsewhere)—it diminishes the space to care for other patients, and adversely impacts the staff and other resources.

My bill requires Medicare to establish regulations to reduce or eliminate overcrowding and boarding of emergency department patients. We have the data to recognize this problem. Hopefully, national standards coupled with incentive payments for those hospitals implementing the standards and documenting improvement will improve the quality of care in this country.

My legislation, the "Access to Emergency Medical Services Act," directly addresses the issues of low reimbursement, emergency department overcrowding, and increasing medical liability insurance costs.

First, my bill expands the current liability protection granted to commissioned officers and employees of the Public Health Service to include Medicare participating hospitals or emergency departments subject to the Emergency Medical Treatment and Labor Act (EMTALA). This would also cover physicians and physician groups employed by, under contract, or on-call for duty to stabilize an individual with an emergency medical condition. This safeguard does not prevent someone from taking legal action. Rather, the bill requires that any tort or medical liability case must be brought against the United States, which in turn must defend any civil action or proceeding. Awards for malpractice judgments would be paid from a specific fund established for this purpose.

Second, my bill increases physician payments by 10% for services provided to Medicare beneficiaries in the emergency department of a hospital or critical access hospital. EMTALA is an unfunded federal mandate. Current law does not require health insurance companies, governments or individuals to pay for services that have been provided. As a result, emergency physicians bear the brunt of uncompensated care. This increased reimbursement recognizes and funds this mandate, and I hope it will go a long way toward improving physician recruitment and retention.

Finally, my bill provides financial incentive payments to hospitals that meet standards for prompt admissions of emergency department patients requiring inpatient hospital services. The bill would increase payments to these hospitals by 10 percent for Medicare beneficiaries' emergency department visits. The payments would be made only if the hospital certifies, subject to audit, that it met the standards for prompt admission.

The issues addressed by my bill impact each one of us. When you, or a family member, need the emergency room, you don't want to worry about it being crowded, closed, under-funded, or not having the staff it needs.

Emergency physicians, nurses and on-call specialists are the heroes in America's hospitals, working under incredibly difficult conditions on patients who need critical attention. Congress needs to step up and take action. The "Access to Emergency Medical Services Act" is an important first step to address these issues.

By Mr. NELSON of Nebraska (for himself and Mr. DOMENICI):

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation that would establish the "National Integrated Drought Information System" (NIDIS) within the National Oceanic and Atmospheric Administration (NOAA) for purposes of improving drought monitoring and forecasting capabilities.

Over the last decade, several severe and long-term droughts have occurred in the United States. Recent severe drought conditions across the Nation and in particular in the West have created life-threatening situations, as well as financial burdens for both government and individuals.

Extremely dry conditions have led to numerous forest and rangeland fires, burning hundreds of thousands of acres of land, destroying homes and communities, and eliminating critical habitats for wildlife and grazing lands for livestock. The subsequent ash and sediment loading threatens the health of our streams. In addition to the millions of board-feet of timber lost, these fires have cost hundreds of millions of dollars to fight and have put thousands of lives at risk.

The droughts have caused shortages of grain and other agricultural products resulting in soaring prices that will be passed on to consumers. In addition, deteriorating soil conditions and lack of forage are devastating the farm and ranching communities. The droughts have negatively affected livestock market prices and caused the premature selloffs of herds.

The droughts have threatened municipal water supplies, causing many communities to develop new water management plans which institute water restrictions and other water conservation measures. Drought causes social, economic and environmental consequences including negative effects on commerce and industry, tourism, air, water and other natural resources, and quality of life for our citizens, ranging from limits on recreational opportunities to loss of employment.

The fiscal impacts of drought on individuals and governments are significant. According to NOAA, the federal government spends on average $6–8 billion per year on drought. The most devastating of these was the 1988 drought in the central and eastern U.S. which caused severe losses to agriculture and related industries totaling $40 billion and an estimated 5,000–10,000 deaths.

The issue of drought is one I have been involved with for many years. Fortunately, drought conditions are improving in Nebraska, but we have endured a number of very difficult years struggling with the impact drought has had on our economy and environment and the social implications that go along with a disaster like this.

One of my biggest frustrations the past few years as an elected official, trying to help the areas of my State devastated by drought, has been making people understand that this drought really was a disaster—as much as a hurricane, or an earthquake, or a tornado.

I even named the drought in Nebraska—Drought David—in an effort to crystallize it so people could see that it is the same kind of experience as any other natural disaster.

Unlike other natural disasters, however, droughts are much more difficult to identify. It is hard to miss an oncoming flood or tornado—or their immediate aftermath. Drought, and its effects, is much harder to quantify. It develops slowly; it doesn't necessarily have a beginning point or an ending point but it spans over an extended period of time.

Because it is difficult to forecast and plan for droughts, it is especially important that we have programs in place such as the National Drought Mitigation Center at the University of Nebraska-Lincoln. The Drought Mitigation Center, among other things, maintains a web-based information clearinghouse, provides drought monitoring, prepares the weekly U.S. Drought Monitor which covers all 50 States, and develops drought policy and planning techniques. I believe it is crucial to encourage more investment in research programs such as the Drought Mitigation Center.

The research done upfront in monitoring drought trends will help our capabilities to mitigate and respond to its effects in a much more effective manner. It is cost effective to support programs such as the National Drought Mitigation Center and I advocate for continued support for this important program.

The National Drought Policy Commission stated in their May 2000 report to Congress that "Drought is the most obstinate and pernicious of the dramatic events that Nature conjures up. It can last longer and extend across larger areas than hurricanes, tornadoes, floods and earthquakes . . . causing hundreds of millions of dollars in losses, and dashing hopes and dreams." Among its recommendations to move the country toward a more proactive approach to drought preparedness and response, the Commission called for improved "collaboration among scientists and managers to enhance the effectiveness of observation networks, monitoring, prediction, information delivery, and applied research and to foster public understanding of and preparedness for drought."

The call for improved drought monitoring and forecasting has also been advocated by the Western Governors' Association (WGA). In the WGA policy resolution adopted in June 2005, "Future Management of Drought," the Governors state that NIDIS "would provide water users across the board—farmers, ranchers, utilities, tribes, land managers, business owners, recreationalists, wildlife managers, and decision-makers at all levels of government—with the ability to assess their drought risk in real time and before the onset of drought, in order to make informed and timely decisions that may mitigate a drought's impacts. The Governors urge Congress and the President to authorize NIDIS and provide funding for its implementation."

NIDIS has also become a key component of the multi-national effort to create the Global Earth Observation System of Systems (GEOSS), a mechanism for linking the individual networks of satellites, ocean buoys, weather stations and other instruments scattered across the globe. The U.S. Integrated Earth Observation System (IEOS), the U.S. contribution to GEOSS, has identified NIDIS as one of six "near-term opportunities" in their Strategic Plan.

Finally, the Administration supports this program. Funding for NIDIS is included in the President's FY 2007 budget request.

The National Integrated Drought Information System Act of 2006 that Senator DOMENICI and I are introducing today would authorize the much needed drought early warning system envisioned by the National Drought Policy Commission, the Western Governors' Association, and the Integrated Earth Observation System. If enacted, this bill will allow our Nation to become much more proactive in mitigating and avoiding the costly impacts and contentious conflicts that so often happen today when water shortages and droughts occur.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Integrated Drought Information System Act of 2006".

SEC. 2. NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration.

(b) SYSTEM FUNCTIONS.—The System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

(i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(ii) the private sector; and

(iii) the public,

in order to facilitate better informed, more timely decisions and support drought mitigation and preparedness programs that will reduce impacts and costs; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions; and

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system, improved forecasts, and the development of mitigation and preparedness tools and techniques;

(3) build upon existing drought forecasting, assessment, and mitigation programs at the National Oceanic and Atmospheric Administration, including programs conducted in partnership with other Federal departments and agencies and existing research partnerships, such as that with the National Drought Mitigation Center at the University of Nebraska-Lincoln; and

(4) be incorporated into the Global Earth Observation System of Systems.

(c) CONSULTATION.—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

(e) DROUGHT DEFINED.—In this section, the term "drought" means a deficiency in precipitation—

(1) that leads to a deficiency in surface or sub-surface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(2) that causes or may cause—

(A) substantial economic or social impacts; or

(B) substantial physical damage or injury to individuals, property, or the environment.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for use by the Under Secretary of Commerce for Oceans and Atmosphere in implementing section 2—

(1) $8,000,000 for fiscal year 2007;

(2) $9,000,000 for fiscal year 2008;

(3) $10,000,000 for each of fiscal years 2009 and 2010; and

(4) $11,000,000 for each of fiscal years 2011 and 2012.

Mr. DOMENICI. Mr. President, I rise today to join Senator NELSON of Nebraska to introduce the National Integrated Drought Information System Act of 2006. I would like to thank Senator BEN NELSON; his strong leadership and hard work on this bill has been key in bringing us forward on this important issue.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. Unfortunately, when we find ourselves facing a drought, towns often scramble to drill new water wells, fires often sweep across bone dry forests and farmers and ranchers are forced to watch their way of life blow away with the dust. This year, my home State of New Mexico is facing a very real threat of devastating drought, as our snow pack was far below average.

We must be vigilant and prepare ourselves for quick action as this next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I submit that this bill is the exact tool needed for facilitating better planning.

This Act establishes the National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve national drought preparedness, information collection and analysis. This information system collects and integrates information on key indicators of drought in order to make usable, reliable and timely drought forecasts and assessments. This information will be disseminated to federal, state, tribal and local decision makers in order to better prepare them for the effects of drought.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern states caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

On April 18, 2006, the Texas Agriculture Experiment Station predicted a dramatic decrease in water flows and reservoir storage throughout New Mexico. Early predictions indicate that river water supply will be at 54 percent due primarily to receiving half our annual snow pack and above average temperatures in my state. Additionally, several of our reservoirs are at severely diminished capacity. Specifically, the Elephant Butte, El Vado and Caballo reservoirs will all be below 10 percent of capacity by Labor Day. Several New Mexico communities have already begun to institute water restrictions in preparation for what is predicted to be one of the worst years on record. As this drought persists, I want to ensure each New Mexican that I am committed to doing everything possible to make sure they have the tools and information they need to make the best decisions.

While drought affects the economic and environmental well-being of the entire nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly, as is the case with other natural disasters.

I am pleased to be following through on what I started in 1997. The bill that we are introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

By Mr. AKAKA:

S. 2753. A bill to require a program to improve the provision of caregiver assistance services for veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would provide assistance to those who care for our Nation's veterans. These caregivers provide a great service to our country and play a vital role in providing non-institutional long-term health care for veterans.

There is deep concern regarding the anticipated number of veterans that will need long-term care by the year 2010. In 2005, there were almost one million veterans age 85 and over, and by 2010, it is anticipated that the number of veterans in this age category will grow to 1.3 million. The Department of Veterans Affairs (VA) will be faced with a crisis related to the demand for care of this population, and we must help VA prepare for this situation.

VA has been disturbingly inactive in instituting the long-term care provisions of the 1999 Millennium Health Care Act. The General Accounting Office has been the most critical, citing major inconsistencies across the VA system in the implementation of non-institutional care. During the Committee on Veterans' Affairs' oversight work in Hawaii, we found that the Kauai clinic lacked a home care specialist and the Maui clinic was arbitrarily limiting non-institutional care. Caregivers are crucial in bridging these gaps in non-institutional long-term care services.

With more veterans returning from combat with severely debilitating injuries, young spouses and parents have been forced to take on an unexpected role as caregivers. Many have interrupted their own careers to dedicate time and attention to the care and rehabilitation of loved ones. These caregivers do not plan for this to happen and are not prepared mentally or financially for their new role. Therefore, we must protect, educate, and lend a helping hand to the caregivers who take on the responsibility and costly burden of caring for veterans, both young and old.

This legislation serves to provide comprehensive assistance to these caregivers. By providing such services as respite care, caregivers can have time to run errands and attend to their own health concerns. They can rest easier knowing that there is someone there to care for their disabled veteran while they are out. Another service provided through this legislation is adult-day care for veterans. This serves a dual purpose in that it provides short-term supervision and also gives veterans a place to go for some camaraderie.

The last years of a veteran's life can be difficult for both the veteran and for the caregiver. This legislation would also provide hospice services so that this period is one of peace and comfort.

Other services that would support caregivers under this legislation include education, training, transportation services, readjustment services, rehabilitation services, home care services, and any other new and innovative modalities of non-institutional long-term care.

I cannot try to quantify the invaluable service that caregivers provide. What can be done is to make funds available to carry out programs to assist them. The legislation authorizes $10 million to be allocated to individual medical facilities within VA, especially to those in rural areas without a long-term care facility, based upon the proposals submitted by the facilities. In efforts to evaluate the improvements made in caregiver assistance services, a report shall be submitted to Congress by the Secretary no later than a year after enactment of this bill. The report should include information on the allocation of funds to facilities and a description of the improvements made with the funds.

Let us meet these caregivers halfway by giving them the assistance they need to care for the veterans that depend on them. I ask my colleagues to join me in supporting this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVEMENT OF SERVICES FOR CAREGIVERS OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program to expand and improve the services that assist caregivers of veterans, including veterans of the Global War on Terrorism.

(b) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term "caregiver assistance services" includes the following:

(1) Adult-day health care services.

(2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.

(3) Transportation services.

(4) Caregiver support services, including education, training, and certification of family members in caregiver activities.

(5) Home care services.

(6) Respite care.

(7) Hospice services.

(8) Any modalities of non-institutional long-term care.

(c) FUNDING.—

(1) SOURCE OF FUNDS.—In carrying out the program required by subsection (a), the Secretary shall identify, from funds available to the Department of Veterans Affairs for medical care, an amount not less than $10,000,000 to be available to carry out the program and to be allocated to facilities of the Department pursuant to subsection (d).

(2) MINIMUM ALLOCATION OF FUNDS.—In identifying available amounts pursuant to paragraph (1), the Secretary shall ensure that, after the allocation of funds under subsection (d), the total expenditure for programs in support of caregiver assistance services for veterans is not less than $10,000,000 in excess of the baseline amount.

(3) BASELINE AMOUNT.—For purposes of paragraph (2), the baseline amount is the amount of the total expenditures on programs in support of caregiver assistance services for veterans for the most recent fiscal year for which final expenditure amounts are known, adjusted to reflect any subsequent increase in applicable costs to support such services through the Veterans Health Administration.

(d) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds identified pursuant to subsection (c)(1) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services for veterans. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include information on the allocation of funds to facilities of the Department under subsection (d) and a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services for veterans.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 465—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING MAY 6, 2006, AS "NATIONAL CHILDHOOD STROKE AWARENESS DAY"

Mr. CHAMBLISS (for himself and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 465

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by—

(1) a clot in the artery; or

(2) a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke; and

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2006, as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke, including—

(A) the Children's Hemiplegia and Stroke Association;

(B) the American Stroke Association, a division of the American Heart Association; and

(C) the National Stroke Association.

SENATE RESOLUTION 466—DESIGNATING MAY 20, 2006, AS "NEGRO LEAGUERS RECOGNITION DAY"

Mr. NELSON of Florida (for himself, Mr. TALENT, Mr. DEWINE, Mr. REID, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 466

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2006, as "Negro Leaguers Recognition Day"; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

SENATE RESOLUTION 467—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD USE ALL DIPLOMATIC MEANS NECESSARY AND REASONABLE TO INFLUENCE OIL-PRODUCING NATIONS TO IMMEDIATELY INCREASE OIL PRODUCTION AND THAT THE SECRETARY OF ENERGY SHOULD SUBMIT TO CONGRESS A REPORT DETAILING THE ESTIMATED PRODUCTION LEVELS AND ESTIMATED PRODUCTION CAPACITY OF ALL MAJOR OIL-PRODUCING COUNTRIES

Mr. THUNE (for himself and Mr. FRIST) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 467

Resolved by the Senate, That is the sense of the Senate that—

(1) the President should use all diplomatic means necessary and reasonable to influence oil producing nations to immediately increase oil production levels to—

(A) increase the supply on the world market; and

(B) reduce the price of oil;

(2) a major oil-producing country is a country that—

(A) had an average level of production of crude oil, oil sands, or natural gas to liquids that exceeded 1,000,000 barrels per day during the previous calendar year; and

(B) has crude oil, shale oil, or oil sands reserves of at least 6,000,000,000 barrels, as recognized by the Department of Energy; and

(3) not later than June 30, 2006, the Secretary of Energy should submit to Congress a report detailing the estimated production levels and estimated production capacity of all major oil-producing countries.

SENATE RESOLUTION 468—SUPPORTING THE CONTINUED ADMINISTRATION OF CHANNEL ISLANDS NATIONAL PARK, INCLUDING SANTA ROSA ISLAND, IN ACCORDANCE WITH THE LAWS (INCLUDING REGULATIONS) AND POLICIES OF THE NATIONAL PARK SERVICE

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES 468

Whereas Channel Islands National Monument was designated in 1938 by President

Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

Whereas the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

Whereas Santa Rosa Island was acquired by the United States in 1986 for approximately $29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

Whereas Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

Whereas under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

Whereas there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources: Now, therefore, be it

Resolved, That—

(1) Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and other applicable laws;

(2) the National Park Service should manage Santa Rosa Island in a manner that ensures that—

(A) the natural, scenic, and cultural resources of the Island are properly protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience; and

(3) the National Park Service should not be directed to manage Santa Rosa Island in a manner—

(A) that would result in the public being denied access to significant portions of the Island; or

(B) that is inconsistent with the responsibility of the National Park Service to protect native resources within the Park, including threatened and endangered species.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a Senate resolution concerning Channel Islands National Park, with Senator BOXER as an original cosponsor.

We firmly believe that Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the laws, regulations, and policies of the National Park Service, including the National Park Service Organic Act.

Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Antiquities Act.

The monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 in order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California.

Santa Rosa Island was acquired by the United States in 1986 for approximately $30 million for the purpose of restoring its native ecology and making the island available to the public for recreational uses. The previous owners of the Island retained only an agreement for the non-commercial use and occupancy of a 7.6-acre parcel of land through 2011.

The non-native elk and deer population are to be removed from the park by 2011 under a court-approved settlement and the Island restored to management consistent with other national parks.

We introduce this resolution to express our concern with a provision that the House Armed Services Committee has included in the House version of the Defense authorization bill.

The provision would prohibit the Park Service from carrying out the court-approved settlement's direction to remove the population of non-native deer and elk.

To the contrary, we believe that Congress should not direct the National Park Service to manage Santa Rosa Island in a manner that would result in the public being denied access to significant portions of the Island for any substantial period of time.

If the Park Service is unable to manage the non-native deer and elk population, the population will likely be managed through the present practice of privately organized hunting editions that currently require the closure of about 90 percent of the Island to the general public for 4–5 months out of the year. The national parks belong to the American people, and the parks should remain freely open to the people.

We also believe that Congressional direction for Santa Rosa Island should not be inconsistent with the requirement to protect and enhance native park resources, including threatened and endangered species.

There are 11 endangered or threatened plant and animal species on the Island, many of which would be harmed by the proposal.

In particular, the bald eagle is at risk from eating carcasses containing lead bullets used by the hunters; the Santa Rosa Island fox is preyed upon by golden eagles attracted by fawns and other deer; and the Island's endangered plants are threatened by the deer and elk.

In addition, there are substantial archaeological resources on the Island which could be at risk, including potentially the oldest discovered human remains in North America, 13,000 years old, and remains of the rare pygmy mammoth.

In summary, we believe that the National Park Service should manage Santa Rosa Island to ensure that the Island's natural, scenic, and cultural resources are properly protected, restored, and interpreted for the public, and that park visitors are provided with a safe and enjoyable park experience.

I urge my colleagues to support this Senate resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3860. Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

TEXT OF AMENDMENTS

SA 3860. Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

Provided further, That unexpended balances for Health Resources and Services Administration grant number 7C6HF03601–01–00, appropriated in P.L. 106–554, shall remain available until expended.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 11, 2006 at 10 a.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Clint Williamson at (202) 224–7556 or Steve Waskiewicz at (202) 228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 4, 2006 at 9:30 a.m. in closed session to mark up the National Defense Authorization Act for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the senate on Thursday, May 4, 2006, at 10:30 a.m. to markup an original bill entitled "Financial Services Regulatory Relief Act of 2006."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 10 a.m. The purpose of this meeting is to consider the nomination of Dirk Kempthorne of Idaho to be Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 4, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226. The agenda is attached.

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Brett Kavanaugh, to be U.S. Circuit Judge for the DC Circuit; Milan D. Smith, Jr., to be U.S. Circuit Judge for the Ninth Circuit; Renee Marie Bumb, to be U.S. District Judge for the District of New Jersey; Noel Lawrence Hillman, to be U.S. District Judge for the District of New Jersey; Peter G. Sheridan, to be U.S. District Judge for the District of New Jersey; Susan Davis Wigenton, to be U.S. District Judge for the District of New Jersey.

II. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 2039, Prosecutors and Defenders Incentive Act of 2005, Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback, DeWine.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 4, 2006 at 2:30 p.m., to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Thursday, May 4, 2006, at 2:30 p.m. to hold a hearing on Housing and Urbanization Issues in Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup S.J. Res. 12, the Flag Desecration Resolution, on Thursday, May 4, 2006 at 1 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. ALEXANDER. Mr. President. I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, May 4, 2006, at 10 a.m., on Protecting Consumers from Fraudulent Practices in the Moving Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM AND ECONOMIC DEVELOPMENT

Mr. ALEXANDER. Mr. President. I ask unanimous consent Subcommittee on Trade, Tourism and Economic Development be authorized to meet on Thursday, May 4, 2006, at 2:30 p.m., on Promoting Economic Development Opportunities Through Nano Commercialization.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 22 AND S. 23

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills for the second time

The assistant legislative clerk read as follows:

A bill (S. 22) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 23) to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1086) to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment in the nature of a substitute.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as—

[(1) the "Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Act"; or

[(2) the "Sex Offender Registration and Notification Act".

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.

[TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

[Sec. 101. Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.
[Sec. 102. Definitions.
[Sec. 103. Duty of covered individuals to provide information.
[Sec. 104. Duty of covered individuals on parole or supervised release to comply with device requirements.
[Sec. 105. Duties of Attorney General and State or tribal actors.
[Sec. 106. State and tribal sex offender registries.
[Sec. 107. National Sex Offender Registry.
[Sec. 108. Development and availability of registry management software.
[Sec. 109. DNA database for covered individuals.
[Sec. 110. Duty of courts to determine whether an individual is a sexually violent predator.
[Sec. 111. Duty of Attorney General to determine whether State or tribal actors are qualified.
[Sec. 112. Use of other Federal information to track sex offenders.
[Sec. 113. Implementation by State and tribal actors and assistance grants to those actors.

[Sec. 114. Immunity for good faith conduct.
[Sec. 115. Regulations.
[Sec. 116. Authorization of appropriations.
[TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE
[Sec. 201. Failure to provide information a deportable offense.
[Sec. 202. Repeal.
[Sec. 203. Conforming amendments to title 18, United States Code.
[Sec. 204. Effective date.

[TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

[SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM.

[(a) In General.—The Attorney General shall carry out this title through a program to be known as the Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[(b) References to Former Program or Former Law.—Any reference (other than a reference in this Act) in a law, regulation, document, paper, or other record of the United States to the program carried out under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), or to any provision of that subtitle, shall be deemed to be a reference to the program referred to in subsection (a), or to the appropriate provision of this title, as the case may be.

[SEC. 102. DEFINITIONS.

[In this Act:

[(1) Covered individual.—The term "covered individual" means any of the following:

[(A) An individual who has been convicted of a covered offense against a minor.

[(B) An individual who has been convicted of a sexually violent offense.

[(C) An individual described in section 4042(c)(4) of title 18, United States Code.

[(D) An individual sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

[(E) An individual who is a sexually violent predator.

[(2) Covered offense against a minor.—

[(A) In general.—Except as provided in subparagraphs (B) and (C), the term "covered offense against a minor" means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(i) Kidnapping of a minor, except by a parent of the minor.

[(ii) False imprisonment of a minor, except by a parent of the minor.

[(iii) Criminal sexual conduct toward a minor.

[(iv) Solicitation of a minor to engage in sexual conduct.

[(v) Use of a minor in a sexual performance.

[(vi) Solicitation of a minor to practice prostitution.

[(vii) Any conduct that by its nature is a sexual offense against a minor.

[(viii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

[(ix) Use of the Internet to facilitate or commit a covered offense against a minor.

[(x) An attempt to commit a covered offense against a minor.

[(B) Exception.—The term does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim and the individual who committed the offense had not attained the age of 18 years when the offense was committed.

[(C) Inclusion.—The term includes a violation of section 103 of this Act.

[(3) Domicile.—The term "domicile" means, with respect to an individual, any place that serves as the primary place at which the individual lives.

[(4) Domicile state.—The term "domicile State" means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which is the individual's domicile.

[(5) Educational institution.—The term "educational institution" includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

[(6) Employment.—The term "employment" includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

[(7) Jurisdiction.—The term "jurisdiction", with respect to a tribal actor, means the Indian country (as defined in section 1151 of title 18, United States Code) of that tribal actor.

[(8) School state.—The term "school State" means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the educational institution at which the individual is a student is located.

[(9) Sexually violent offense.—The term "sexually violent offense" means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

[(B) An offense an element of which is engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse.

[(10) Sexually violent predator.—The term "sexually violent predator" means an individual who—

[(A) has a conviction for a sexually violent offense; or

[(B) suffers from a mental abnormality (as defined in section 110 of this Act) or personality disorder that makes the person likely to engage in a predatory (as defined in section 110 of this Act) sexually violent offense.

[(11) State actor.—The term "State actor" means any of the following:

[(A) A State.

[(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or any other territory or possession of the United States.

[(12) Student.—The term "student" means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

[(13) Tribal actor.—The term "tribal actor" means a federally recognized Indian tribe.

[(14) Work state.—The term "work State" means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the individual's place of employment is located.

[SEC. 103. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

[(a) Information Required Periodically.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) Registration information.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 6 months (or, in the case of a sexually violent predator, at least once every 3 months), the individual shall appear before a person designated by the individual's domicile State and provide—

[(A) the individual's name;

[(B) the individual's Social Security number;

[(C) the address of the individual's domicile;

[(D) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

[(E) any address at which the individual expects to have a domicile in the future;

[(F) the name and address of any person who employs the individual and the address at which the individual is so employed; and

[(G) the name and address of any educational institution at which the individual is employed or is a student.

[(2) Photograph.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 12 months, the individual shall appear before a person designated by the individual's domicile State and submit to the taking of a photograph.

[(3) Fingerprints.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 12 months, the individual shall appear before a person designated by the individual's domicile State and submit to the taking of fingerprints.

[(4) Other regulatory requirements.—The Attorney General may, by regulation, require the individual to provide any information that the Attorney General considers appropriate on any basis, and at any time and in any manner, that the Attorney General considers appropriate.

[(5) Individual in custody in state other than domicile state.—Whenever an individual is required by any paragraph of this subsection to provide information immediately after being sentenced (or immediately before completing a term of imprisonment) and the State actor or tribal actor that has sentenced (or imprisoned) the individual is not the individual's domicile State—

[(A) the individual shall provide that information (in the same time, place, and manner as prescribed by that paragraph) to an appropriate official of the State actor or tribal actor that has sentenced (or imprisoned) the individual; and

[(B) the State actor or tribal actor that has sentenced (or imprisoned) the individual shall promptly make available that information to the individual's domicile State.

[(b) Information Required Upon Change of Registry Information.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) Change of address.—Not more than 3 days after establishing a new domicile, the individual shall—

[(A) appear before a person designated by the individual's domicile State and provide the address of the new domicile, and the address of the previous domicile; and

[(B) if the new domicile and the previous domicile are not both within the jurisdiction of a single State actor or tribal actor qualified under this Act, appear before a person designated by the individual's new domicile State and—

[(i) provide the address of the new domicile and the address of the previous domicile; and

[(ii) submit to the taking of a photograph and the taking of fingerprints.

[(2) Change of employment.—Not more than 3 days after beginning, or ceasing, to be employed by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to—

[(A) a person designated by the individual's domicile State; and

[(B) if the individual's work State is different from the domicile State, a person designated by the individual's work State.

[(3) Change of student status.—Not more than 3 days after beginning, or ceasing, to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to—

[(A) a person designated by the individual's domicile State; and

[(B) if the individual's school State is different from the domicile State, a person designated by the individual's school State.

[(c) Duty to Provide Information to Attorney General.—

[(1) If state actor or tribal actor not qualified.—Whenever an individual is required by subsection (a) or (b) to provide information to a State actor or tribal actor, and the actor is not qualified for purposes of this Act, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b), as the case may be) to the Attorney General, and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b), as the case may be.

[(2) If providing information to more than one state.—Whenever an individual is required by subsection (a) or (b) to provide information to more than one State actor or tribal actor, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b), as the case may be) to the Attorney General, and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b), as the case may be.

[(d) Punishment.—

[(1) In general.—A covered individual who violates subsection (a) or (b) shall—

[(A) on the first conviction, be fined under title 18, United States Code, and imprisoned not more than 5 years (or, in the case of a sexually violent predator, not more than 10 years), and shall thereafter be subject to supervised release for not less than 36 months; and

[(B) on any conviction after the first, be fined under title 18, United States Code, and imprisoned not more than 20 years (or, in the case of a sexually violent predator, for life), and shall thereafter be subject to supervised release for life.

[(2) Strict culpability.—In a prosecution for a violation of subsection (a) or (b), the state of mind of the individual committing the violation is not an element of the offense and it need not be proven that the individual had any particular state of mind with respect to any element of the offense.

[(3) Affirmative defense.—In a prosecution for a violation of subsection (a) or (b), it is an affirmative defense that uncontrollable circumstances prevented the individual from complying, and that the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply, and that the individual complied as soon as such circumstances ceased to exist.

[(4) Violations are continuing.—A violation of subsection (a) or (b) is a continuing violation for purposes of the statute of limitations.

[(e) Exception for Certain Individuals.—Subsections (a) and (b) apply to any covered individual, unless each of the following is true with respect to the covered individual:

[(1) The individual is not a sexually violent predator.

[(2) The individual has only one conviction for an offense that qualifies the individual as a covered individual.

[(3) A period of at least 20 years, excluding ensuing periods of imprisonment, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in paragraph (2).

[(4) the conviction referred to in paragraph (2) was not for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code) or a comparable, or more severe, offense.

[SEC. 104. DUTY OF COVERED INDIVIDUALS ON PAROLE OR SUPERVISED RELEASE TO COMPLY WITH DEVICE REQUIREMENTS.

[(a) In General.—A covered individual shall comply with any requirements that the Attorney General prescribes under subsection (b)—

[(1) for the period of supervised release or parole, if the individual has only one conviction for an offense that qualifies the individual as a covered individual; and

[(2) for the life of the individual, in all other cases.

[(b) Regulations Required.—

[(1) In general.—The Attorney General, in consultation with State actors and tribal actors, shall prescribe regulations to ensure that every covered individual referred to in subsection (a) wears and maintains a device that transmits information about the individual's whereabouts to the domicile State.

[(2) Penalties for failure to comply.—The regulations shall include penalties for the failure of the covered individual to wear or maintain the device.

[(3) Devices and procedures.—The regulations shall describe the devices to be used and, for each such device, the procedures to be followed by the individual and the domicile State. The type of device to be used may vary from domicile State to domicile State, from offense to offense, or both.

[SEC. 105. DUTIES OF ATTORNEY GENERAL AND STATE OR TRIBAL ACTORS.

[(a) When an Individual Provides Information.—Whenever an individual is required by this Act to provide information (including information such as photographs and fingerprints) to the Attorney General, to a State actor or tribal actor, or to both, the Attorney General (or the actor, or both, as the case may be) shall—

[(1) ensure that the individual complies with the requirement;

[(2) ensure that the information provided is accurate and complete;

[(3) ensure that the information provided is included in the National Sex Offender Registry; and

[(4) ensure that the information is promptly—

[(A) made available to any law enforcement agency responsible for the area in which the individual's domicile is located and to the State law enforcement agency of the domicile State;

[(B) entered into the appropriate records or data system of the actor; and

[(C) made available by the actor, together with information relating to criminal history, to the Attorney General.

[(b) When a Covered Individual Is Missing.—

[(1) State or tribal actor.—Whenever information is made known to a State actor or tribal actor that an individual has violated section 103(a)(1) or section 103(b), the actor shall promptly notify the Attorney General of that information.

[(2) Attorney general.—Whenever information is made known to the Attorney General that an individual has violated section 103(a)(1) or section 103(b), or is notified of information under paragraph (1), the Attorney General shall—

[(A) revise the National Sex Offender Registry to reflect that information; and

[(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

[(c) When a Covered Individual Changes Address.—

[(1) In general.—The Attorney General and each State actor or tribal actor shall ensure that, whenever information is made known to the Attorney General or to that actor (as the case may be) that a covered individual has established a new domicile, and the individual's new domicile State and previous domicile State are not the same, the information about the new domicile and all other information collected under this Act about the individual is promptly made available to—

[(A) the local law enforcement agencies responsible for the area in which the previous domicile is located, and to those responsible for the area in which the new domicile is located;

[(B) the previous domicile State; and

[(C) the new domicile State.

[(2) Electronic forwarding.—In addition to the requirements of paragraph (1), the Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that, whenever information is made known to the Attorney General that a covered individual has established a new domicile, and the individual's new domicile State and previous domicile State are not the same, the information about the new domicile and all other information collected under this Act about the individual is automatically and immediately, by means of electronic forwarding, transmitted to the new domicile State, if the new domicile State is qualified for purposes of this Act.

[(d) When a Covered Individual Is Sentenced or Completes a Term of Imprisonment.—The Attorney General and each State actor or tribal actor shall ensure that, immediately after a covered individual is sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), a responsible official—

[(1) notifies the Attorney General that the individual has completed the term of imprisonment; and

[(2) notifies the individual of the individual's duties under this Act.

[SEC. 106. STATE AND TRIBAL SEX OFFENDER REGISTRIES.

[(a) STATEWIDE REGISTRY REQUIRED.—Each State actor or tribal actor shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this Act.

[(b) RELEASE OF INFORMATION IN REGISTRY.—Each State actor or tribal actor shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

[(1) INTERNET SITE.—

[(A) IN GENERAL.—The actor shall release to the public, through an Internet site maintained by the actor, all information, except for Social Security numbers and information relating to a covered individual for an offense committed when the covered individual had not attained the age of 18 years, collected under this Act. The site shall have multiple field search capability and shall include, for each covered individual, the name, aliases, home address, work address, photograph, conviction for which registration is required, and risk level. The site shall include, as much as practicable, links to sex offender safety and education resources.

[(B) INTEGRATION OF STATE SITES.—The actor shall consult with other State actors and tribal actors to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other actors.

[(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

[(D) RISK LEVEL.—For purposes of this paragraph, the risk level for an individual shall be determined under procedures established by the actor, under which the individual is provided notice and an opportunity to present evidence, including witnesses, to the trier of fact, and upon proof of indigent status is provided counsel at the expense of the actor. The actor shall establish not fewer than two risk levels.

[(2) COMMUNITY NOTIFICATION.—Appropriate law enforcement agencies shall release information collected under this Act relating to a covered individual to—

[(A) public and private schools, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the Attorney General, of the home or work address of the individual; and

[(B) residents who reside within a radius, prescribed by the Attorney General, of the home or work address of the individual.

[(c) PUBLICATION OF NUMBER OF OFFENDERS REGISTERED.—Every three months, the Attorney General shall collect from each State actor and tribal actor information on the total number of covered individuals included in the registry maintained by that State actor or tribal actor. The Attorney General shall release that information to the public in a manner consistent with this Act.

[(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the feasibility of requiring State actors and tribal actors to actively notify individuals within a community should a covered individual move into that community.

[SEC. 107. NATIONAL SEX OFFENDER REGISTRY.

[(a) IN GENERAL.—The Attorney General shall maintain a database to track the whereabouts and movements of covered individuals. The database shall be known as the National Sex Offender Registry.

[(b) DISCRETIONARY RELEASE OF INFORMATION.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General may release information in the National Sex Offender Registry concerning a covered individual if the Attorney General determines that the information released is relevant and necessary to protect the public.

[(2) IDENTITY OF VICTIM.—The Attorney General shall not, under paragraph (1), release the identity of the victim of an offense by reason of which an individual is a covered individual.

[(c) REQUIRED DISCLOSURES TO CRIMINAL JUSTICE AGENCIES.—The Attorney General shall disclose information in the National Sex Offender Registry—

[(1) to Federal, State, and local criminal justice agencies—

[(A) for law enforcement purposes; and

[(B) for releases of information under subsection (b); and

[(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

[SEC. 108. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

[(a) DEVELOPMENT OF SOFTWARE REQUIRED.—The Attorney General, in consultation with State actors and tribal actors, shall develop a software application that can be used by State actors and tribal actors for purposes of this Act. The software shall operate in such a manner that a State actor or tribal actor can, by using the software, fully comply with all the requirements under this Act for collecting, managing, and exchanging information (including exchanging information with other State actors and tribal actors).

[(b) AVAILABILITY TO STATE AND TRIBAL ACTORS.—

[(1) IN GENERAL.—The Attorney General shall make the software developed under this section available to State actors and tribal actors. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.

[(2) FEE.—The Attorney General shall make the software available under paragraph (1) for a fee not more than one percent of the Attorney General's cost to develop, implement, and support the software.

[(c) SUPPORT.—The Attorney General shall ensure that a State actor or tribal actor purchasing the software is provided technical support for the installation of the software and for maintaining the software.

[SEC. 109. DNA DATABASE FOR COVERED INDIVIDUALS.

[(a) DATABASE REQUIRED.—The Attorney General shall establish and maintain a database for the purposes of—

[(1) managing DNA information with respect to covered individuals; and

[(2) making that information available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[(b) REGULATIONS.—Under regulations issued by the Attorney General—

[(1) Federal, State, and local agencies and other entities may submit DNA information to the Attorney General for inclusion in the database;

[(2) Federal, State, and local law enforcement agencies may compare DNA information against other DNA information in the database; and

[(3) Federal, State, and local prosecutors may use DNA information in prosecutions.

[SEC. 110. DUTY OF COURTS TO DETERMINE WHETHER AN INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR.

[(a) IN GENERAL.—A determination of whether an individual is a sexually violent predator for purposes of this Act shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

[(b) WAIVER.—The Attorney General may waive the requirements of subsection (a) with respect to a State actor or tribal actor if the Attorney General determines that the State actor or tribal actor has established alternative procedures or legal standards for designating a person as a sexually violent predator.

[(c) DEFINITIONS.—In this section:

[(1) MENTAL ABNORMALITY.—The term "mental abnormality" means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of the individual in a manner that predisposes that individual to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

[(2) PREDATORY.—The term "predatory" means an act directed at an individual (whether or not a relationship with that individual has been established or promoted) for the primary purpose of victimization.

[SEC. 111. DUTY OF ATTORNEY GENERAL TO DETERMINE WHETHER STATE OR TRIBAL ACTORS ARE QUALIFIED.

[(a) IN GENERAL.—A determination of whether a State actor or tribal actor is qualified for purposes of this Act shall be made by the Attorney General in accordance with this section.

[(b) REQUIREMENTS.—The Attorney General may determine that a State actor or tribal actor is qualified if, as determined by the Attorney General, each of the following apply:

[(1) The actor has in effect, throughout its jurisdiction, laws that implement the requirements of section 103, or substantially similar requirements, with respect to each covered individual whose domicile is within that jurisdiction.

[(2) The actor participates in the National Sex Offender Registry in the manner that the Attorney General considers appropriate.

[(3) The actor ensures that an audit of the activities carried out under this Act is carried out at least once each year and that the findings of each audit are promptly reported to the Attorney General.

[(c) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each State actor or tribal actor is qualified for purposes of this Act.

[SEC. 112. USE OF OTHER FEDERAL INFORMATION TO TRACK SEX OFFENDERS.

[(a) TAXPAYER INFORMATION.—The Secretary of the Treasury, in coordination with the Attorney General, shall develop and maintain a system under which taxpayer information that pertains to a covered individual and is useful in locating the individual, or in verifying information with respect to the individual, is made available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[(b) Social Security Information.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall develop and maintain a system under which Social Security information that pertains to a covered individual and is useful in locating the individual, or in verifying information with respect to the individual, is made available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[SEC. 113. IMPLEMENTATION BY STATE AND TRIBAL ACTORS AND ASSISTANCE GRANTS TO THOSE ACTORS.

[(a) Implementation by State and Tribal Actors.—

[(1) In general.—Each State actor or tribal actor shall have not more than 3 years from the date of the enactment of this Act in which to fully implement this Act.

[(2) Implementation by tribes and in Indian country.—The Attorney General shall coordinate with the Secretary of the Interior to assist tribal actors in fully implementing this Act throughout the jurisdiction of each tribal actor.

[(b) Ineligibility for Funds.—

[(1) In general.—For any fiscal year after the expiration of the period specified in subsection (a)(1), a State actor or tribal actor that fails to fully implement this Act shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the actor under any of the following programs:

[(A) Byrne.—Subpart 1 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

[(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

[(C) Other law enforcement grants.—Any other program under which the Attorney General provides grants or other financial assistance, except for the SOMA program under this section.

[(2) Reallocation.—Amounts not allocated under a program referred to in paragraph (1) to an actor for failure to fully implement this Act shall be reallocated under that program to State actors and tribal actors that have not failed to fully implement this Act.

[(c) Sex Offender Management Assistance Program.—

[(1) In general.—From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the "SOMA program"), under which the Attorney General awards a grant to each State actor or tribal actor to offset costs directly associated with implementing this Act.

[(2) Distribution of funds.—Each grant awarded under the SOMA program shall be distributed directly to the State actor or tribal actor for distribution by that actor to public entities within that actor.

[(3) Uses.—

[(A) In general.—Subject to subparagraph (B), each grant awarded under the SOMA program shall be used for training, salaries, equipment, materials, and other costs directly associated with implementing this Act, including the costs of acquiring and using devices in carrying out section 104.

[(B) Databases of individuals in custody.—Up to 10 percent of a grant awarded under the SOMA program may be used to participate in one or more databases that identify individuals in custody, such as the JusticeXchange database.

[(4) Eligibility.—

[(A) Application.—To be eligible to receive a grant under the SOMA program, the chief executive of a State actor or tribal actor shall, on an annual basis, submit to the Attorney General an application (in such form and containing such information as the Attorney General may reasonably require) assuring that—

[(i) the actor has fully implemented (or is making a good faith effort to fully implement) this Act; and

[(ii) where applicable, the actor has penalties comparable to or greater than Federal penalties for crimes listed in this Act, except that the Attorney General may waive the requirement of this clause if an actor demonstrates an overriding need for assistance under the SOMA program.

[(B) Regulations.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to implement the procedures used (including the information that must be included and the requirements that the State actors or tribal actors must meet) in submitting an application under the SOMA program.

[(5) Allocation of funds.—In allocating funds under the SOMA program, the Attorney General may consider the number of covered individuals registered in each actor's registry.

[(6) Incorporation of certain training programs.—Before implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941). In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

[(d) Incentives.—

[(1) Bonus payments for early compliance.—A State actor or tribal actor that has fully implemented this Act within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the actor has achieved full implementation. The amount of the bonus payment shall be equal to 5 percent of the funds that the actor received under the SOMA program for the preceding fiscal year. However, if the actor has fully implemented this Act within 1 year after such date of enactment, the amount of the bonus payment shall instead be equal to 10 percent of the funds that the actor received under the SOMA program for the preceding fiscal year. An actor may receive a bonus payment under this paragraph only once during the course of the SOMA program.

[(2) Reduced payments for late compliance.—A State actor or tribal actor that has failed to fully implement this Act within 3 years after the date of the enactment of this Act is subject to a payment reduction under the SOMA program for the following fiscal year. The amount of the payment reduction shall be equal to 5 percent of the funds that would otherwise be allocated to the actor under the SOMA program for that fiscal year. In addition, if the actor has failed to fully implement this Act within 4 years after such date of enactment, the amount of the payment reduction shall be equal to 10 percent of the funds that would otherwise be allocated to the actor under the SOMA program for that fiscal year. An actor may be subject to a payment reduction under this paragraph only twice during the course of the SOMA program.

[(e) Reports to Congress.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each State actor or tribal actor has fully implemented this Act.

[SEC. 114. IMMUNITY FOR GOOD FAITH CONDUCT.

[A law enforcement agency, an employee of a law enforcement agency, a contractor acting at the direction of a law enforcement agency, and an officer of a State actor or tribal actor are immune from liability for good faith efforts to carry out this Act.

[SEC. 115. REGULATIONS.

[The Attorney General shall issue regulations to carry out this Act.

[SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this Act.

[TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE

[SEC. 201. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.

[Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

[(1) by redesignating clause (v) as clause (vi); and

[(2) by inserting after clause (iv) the following new clause:

["(v) Failure to provide registration information as a sex offender.—Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.".

[SEC. 202. REPEAL.

[Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

[SEC. 203. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

[The following provisions of title 18, United States Code, are each amended by striking "and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)" and inserting "and that the person comply with the Sex Offender Registration and Notification Act":

[(1) Probation.—Section 3563(a)(8).

[(2) Supervised release.—Section 3583(d).

[SEC. 204. EFFECTIVE DATE.

[This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as—

(1) the "Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Act";

(2) the "Sex Offender Registration and Notification Act"; or

(3) the "Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Effective date.

TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM

Sec. 101. Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Program.
Sec. 102. Definitions.
Sec. 103. Assistance grants to participating States.
Sec. 104. Duty of covered individuals to provide information.
Sec. 105. Duties of Attorney General and participating States.
Sec. 106. Participating state sex offender registries.
Sec. 107. Development and availability of registry management software.
Sec. 108. Election by Indian tribes.
Sec. 109. Provision of notice and access to Indian tribes.
Sec. 110. Applicability to minors.
Sec. 111. Rule of construction.
Sec. 112. Immunity for good faith conduct.
Sec. 113. State unconstitutionality.
Sec. 114. Regulations.
Sec. 115. Authorization of appropriations.
Sec. 116. Effect on current law.

TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005

Sec. 201. Short title and definitions.
Sec. 202. National sex offender public registry.
Sec. 203. Release of high-risk inmates.

TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

Sec. 301. Short title.
Sec. 302. Assured punishment for violent crimes against children.
Sec. 303. Increased penalties for sexual offenses against children.

TITLE IV—JESSICA LUNSFORD AND SARAH LUNDE ACT

Sec. 401. Short title.
Sec. 402. Pilot program for monitoring sexual offenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Access to Interstate Identification Index.
Sec. 502. Limitation on liability for NCMEC.
Sec. 503. Missing child reporting requirements.
Sec. 504. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 505. Authorization for American Prosecutors Research Institute.
Sec. 506. Sex offender apprehension grants.
Sec. 507. Access to Federal crime information databases by educational agencies for certain purposes.
Sec. 508. Grants to combat sexual abuse of children.
Sec. 509. Severability.
Sec. 510. Failure to provide information a deportable offense.
Sec. 511. Repeal.
Sec. 512. Conforming amendments to title 18, United States Code.

TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

Sec. 601. Comprehensive examination of sex offender issues.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.

TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM

SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM.

The Attorney General shall establish guidelines for States' sex offender registration programs pursuant to this title. Collectively, the guidelines and the programs shall be known as the "Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program".

SEC. 102. DEFINITIONS.

In this title:

(1) COVERED INDIVIDUAL.—The term "covered individual" means any adult or juvenile in a participating domicile State, participating work State, or participating school State convicted as an adult—

(A) who has been convicted of a covered offense against a minor;

(B) who has been convicted of a sexually violent offense;

(C) who has been convicted of an offense described in paragraph (2);

(D) who has been convicted of an offense under State law that is similar to the offenses described in described in paragraph (2);

(E) who is described in section 4042(c)(4) of title 18, United States Code, except for those convicted of a violation of section 2257 or 2258 of title 18, United States Code; or

(F) who has been sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

(2) COVERED OFFENSE AGAINST A MINOR.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the term "covered offense against a minor" means an offense (whether under the law of a State, Federal law, or military law) that is comparable to or more severe than any of the following offenses:

(i) Kidnapping of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.

(ii) False imprisonment of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.

(iii) Criminal sexual conduct toward a minor.

(iv) Solicitation of a minor to engage in sexual conduct.

(v) Use of a minor in a sexual performance.

(vi) Solicitation of a minor to practice prostitution.

(vii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

(viii) Use of the Internet to facilitate or commit a covered offense against a minor or to attempt to commit such an offense against an agent of the government who has been represented to be a minor.

(ix) Video voyeurism as described in section 1801 of title 18, United States Code, when committed against a minor.

(x) An attempt or conspiracy to commit any of the offenses listed in this definition.

(B) CONVICTIONS UNDER THE LAWS OF A FOREIGN COUNTRY.—The term "covered offense against a minor" includes convictions for offenses specified in subparagraph (A) that have been obtained under the laws of any foreign nation that has been certified by the Attorney General, after notice and an opportunity for a hearing, as having a sufficiently reliable criminal justice system.

(C) EXCEPTION FOR CERTAIN OFFENSES.—The term "covered offense against a minor" does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim, and if individual had committed the offense either had not attained the age of 18 years or was less than 4 years older than the victim when the offense was committed.

(3) DOMICILE.—The term "domicile" means, with respect to an individual, any place that serves as the primary place at which the individual lives.

(4) DOMICILE STATE.—The term "domicile State" means, with respect to an individual, the State within the jurisdiction of which is the individual's domicile.

(5) EDUCATIONAL INSTITUTION.—The term "educational institution" includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

(6) EMPLOYMENT.—The term "employment" includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

(7) MINOR.—The term "minor" means any person who has not attained the age of 18 years or the age of consent in the relevant jurisdiction, whichever age is lower.

(8) NATIONAL SEX OFFENDER REGISTRY.—The term "National Sex Offender Registry" means the database maintained by the Attorney General pursuant to section 105.

(9) NATIONAL SEX OFFENDER PUBLIC REGISTRY.—The term "National Sex Offender Public Registry" means the Internet site maintained by the Attorney General pursuant to section 202.

(10) PARTICIPATING STATE.—The term "participating State" means a State participating in the grant program authorized under this title.

(11) SCHOOL STATE.—The term "school State" means, with respect to an individual, the State within the jurisdiction of which the educational institution at which the individual is a student is located.

(12) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" means an offense (whether under the law of a State, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

(B) An attempt or conspiracy to commit such an offense.

(13) STATE.—The term "State" means any of the following:

(A) A State.

(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Northern Mariana Islands.

(C) A federally recognized Indian tribe that has elected in accordance with section 108 to carry out this Act as a jurisdiction subject to its provisions.

(14) STUDENT.—The term "student" means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

(15) TIER I INDIVIDUAL.—The term "Tier I individual" means an individual required to register under this title who is subject to the least intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(16) TIER II INDIVIDUAL.—The term "Tier II individual" means an individual required to register under this title who is subject to more intensive registration requirements than Tier I individuals, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(17) TIER III INDIVIDUAL.—The term "Tier III individual" means an individual required to register under this title who is subject to the most intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(18) WORK STATE.—The term "work State" means, with respect to an individual, the State within the jurisdiction of which the individual's current place of employment is located or, if the individual is unemployed, the individual's most recent place of employment.

SEC. 103. ASSISTANCE GRANTS TO PARTICIPATING STATES.

(a) SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the "SOMA program"), under which the Attorney General may award grants to participating States to offset costs directly associated with implementing this title.

(2) DISTRIBUTION OF FUNDS.—Each grant awarded under the SOMA program shall be distributed directly to the participating State for distribution by that participating State to public entities, including local governments and law enforcement agencies, within that participating State.

(3) USES.—Up to 10 percent of a grant awarded under the SOMA program may be used to participate in 1 or more databases that identify individuals in custody.

(4) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a grant under the SOMA program in a fiscal year and except as provided in subparagraph (B), the chief executive of a participating State shall submit to the Attorney General an application (in such form, at such a time, and containing such information as the Attorney General may reasonably require) assuring that—

(i) the participating State has substantially implemented (or is making a good faith effort to substantially implement) this title; and

(ii) the participating State has made the failure of a covered individual to register as required a felony.

(B) EXCEPTION.—The Attorney General may waive the requirement of subparagraph (A) if a participating State demonstrates an overriding need for assistance under the SOMA program.

(5) ALLOCATION OF FUNDS.—In allocating funds under the SOMA program, the Attorney General may consider the number of covered individuals registered in each participating State's registry.

(6) INCORPORATION OF CERTAIN TRAINING PROGRAMS.—

(A) STUDY.—During the course of implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941).

(B) INCORPORATING.—In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

(b) INCENTIVES; BONUS PAYMENTS FOR EARLY COMPLIANCE.—

(1) BONUS.—A participating State that has substantially implemented this title within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the participating State has achieved substantial implementation.

(2) AMOUNT.—The amount of the bonus payment under paragraph (1) shall be—

(A) equal to 5 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year; or

(B) if the participating State has substantially implemented this title within 1 year after the date of enactment of this Act, the amount of the bonus payment shall be equal to 10 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year.

(3) ONE PAYMENT.—A participating State may receive a bonus payment under this subsection only once during the course of the SOMA program.

(c) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each participating State has implemented this title.

SEC. 104. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

(a) INFORMATION REQUIRED PERIODICALLY.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

(1) REGISTRATION INFORMATION.—Initially during the time period specified in accordance with paragraph (4), and thereafter as provided in paragraph (5), the individual shall—

(A) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State); and

(B) provide to such persons—

(i) the individual's name and aliases;

(ii) the individual's Social Security number;

(iii) the address where the individual maintains or will maintain his domicile;

(iv) a photocopy of a valid driver's license or identification card issued to the individual from the Department of Motor Vehicles in the individual's domicile State;

(v) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

(vi) the name and address of the place where the individual is employed or will be employed; and

(vii) the name and address of any educational institution at which the individual is a student or will be a student.

(2) PHOTOGRAPH.—Initially during the time period specified in accordance with paragraph (4), and thereafter at least once every 12 months, the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of a photograph.

(3) FINGERPRINTS.—During the time period specified in accordance with paragraph (4), the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of fingerprints. This paragraph does not apply if the State determines that it already has a valid set of fingerprints in its possession.

(4) TIMING OF INITIAL REGISTRATION.—The Attorney General shall prescribe the time period within which a covered individual must fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3).

(5) ONGOING REGISTRATION.—

(A) IN GENERAL.—The ongoing registration requirement under paragraph (1) is—

(i) for Tier I individuals every 12 months;

(ii) for Tier II individuals every 6 months; and

(iii) for Tier III individuals every 3 months.

(B) EXEMPTION.—A covered individual is exempt from the ongoing registration requirement of this subsection if the covered individual is incarcerated at the time specified in subparagraph (A).

(6) COVERED INDIVIDUAL IN CUSTODY OF A STATE OTHER THAN DOMICILE STATE.—A covered individual who, during the time period specified in accordance with paragraph (4), is in the custody of a participating State that is not the individual's participating domicile State, shall fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3) by providing the specified information to an appropriate official of the jurisdiction that is holding the individual in custody. The official shall promptly make available that information to the individual's domicile State.

(7) INDIVIDUAL IN FEDERAL OR MILITARY CUSTODY.—Whenever an individual is a covered individual on the basis of subparagraph (C), (E) or (F) of section 102(1), the procedure upon release or sentencing of the individual shall be as provided in section 4042(c) of title 18, United States Code, or section 115(a)(8)(C) of title I of Public Law 105-119. The individual shall promptly register and continue to register as provided in this section in each participating domicile, work, and school State of the individual. To the extent that any procedure or requirement of this section cannot be applied to the individual, the Attorney General may specify alternative procedures and requirements for the registration of such individuals in participating domicile, work, and school States.

(8) RETROACTIVE APPLICATION.—The Attorney General shall have the authority to—

(A) specify the applicability of the requirements of this title to individuals who are covered individuals based on a conviction or sentencing that occurred prior to the date of enactment or who are, as of the date of enactment of this Act, incarcerated or under a non-incarcerative sentence for some other offense;

(B) specify the applicability of the requirements of this title to all other individuals who are covered individuals based on a conviction or sentencing that occurred prior to the enactment date of enactment of this Act or the implementation of the requirements of this title by a participating State; and

(C) specify procedures and methods for the registration of individuals to whom the requirements of this title apply pursuant to subparagraph (A) or (B).

(b) REQUIREMENT TO REGISTER AND KEEP REGISTRATION INFORMATION CURRENT.—

(1) REGISTRATION REQUIREMENT.—A covered individual shall, for the life of that individual (except as provided in this section), promptly register in each participating domicile, work, and school State of the individual and keep the registration information current. To the extent that the procedures or requirements for registering or updating registration information in any participating domicile, work, or school State are not fully specified in this section, the Attorney General may specify such procedures and requirements.

(2) CHANGES TO REGISTRATION INFORMATION OF CERTAIN OFFENDERS.—The following shall apply to changes of registration information under this section for Tier II and Tier III individuals:

(A) CHANGE OF NAME.—Not more than 5 days after changing his or her name, the individual

shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the new name.

(B) Change of address.—Not more than 5 days before or after establishing a new domicile, the individual shall—

(i) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the address of the new domicile and the address of the previous domicile; and

(ii) if the new domicile and the previous domicile are not both within the jurisdiction of a single participating State under this Act—

(I) appear before a person designated by the individual's previous participating domicile State (and appear before persons designated by the individual's participating work State (if different from the previous participating domicile State) and participating school State (if different from the previous participating domicile State)) and fulfill the requirements of clause (i); and

(II) appear before a person designated by the individual's new participating domicile State to—

(aa) provide the designated person the address of the new domicile and the address of the previous domicile; and

(bb) submit to the taking of a photograph and, unless the participating State determines that it already possesses a valid set, fingerprints.

(C) Change of employment.—Not more than 5 days before or after beginning, or ceasing, employment by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to—

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating work State is different from the domicile State, a person designated by the individual's participating work State.

(D) Change of student status.—Not more than 5 days before, after beginning, or ceasing to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to—

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating school State is different from the domicile State, a person designated by the individual's participating school State.

(c) Punishment.—

(1) In general.—Whoever—

(A) knowingly fails to register in any jurisdiction in which such person is required to register under this title; and

(B)(i) has been convicted of a Federal offense, an offense under the Uniform Code of Military Justice, or a tribal offense, for which registration is required by such Act or law; or

(ii) travels in interstate or foreign commerce.

shall be fined under this title and imprisoned according to the penalties in paragraphs (2) and (3).

(2) First conviction.—On the first conviction under paragraph (1)—

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 3 years, or both;

(B) a Tier II individual shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

(3) Subsequent convictions.—On any conviction after the first under paragraph (1)—

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

(B) a Tier II individual shall be fined under title 18, United States Code, or imprisoned not more than 20 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned for any term of years or for life, or both.

(4) Affirmative defense.—In a prosecution for a violation under this section, it is an affirmative defense—

(A) that uncontrollable circumstances prevented the individual from complying;

(B) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(C) the individual complied as soon as such circumstances ceased to exist.

(5) Continuing violations.—A violation under this section is a continuing violation for purposes of the statute of limitations.

(6) Exceptions.—An individual may petition for relief from the requirements of subsections (a) and (b) based on a claim that—

(A) the conviction that subjected the individual to those requirements has been overturned;

(B) the individual's inclusion on the applicable registry is the result of an administrative or clerical error; or

(C) the individual has been pardoned by the chief executive of the jurisdiction in which the individual was convicted of the crime that subjected the individual to the requirements of subsections (a) and (b).

(d) Exceptions for Certain Individuals.—Subsections (a) and (b) apply to any covered individual, except as provided as follows:

(1) Tier I individuals.—The individual is a Tier I individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 10 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

(2) Tier II individuals.—The individual is a Tier II individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 20 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

SEC. 105. DUTIES OF ATTORNEY GENERAL AND PARTICIPATING STATES.

(a) Duty to Obtain Acknowledgment of Obligations.—

(1) In general.—During the time period specified in paragraph (2), an appropriate official shall—

(A) inform each covered individual of the duty to register and of that individual's ongoing obligations under this title;

(B) require the individual to read and sign a form affirming that—

(i) the duty to register has been explained to the individual;

(ii) the individual's ongoing obligations under this title have been explained to the individual; and

(iii) the individual understands the registration requirements; and

(C) ensure that the individual has completed the initial registration process.

(2) Appropriate time period.—The Attorney General shall prescribe an appropriate time period during which the requirements set forth in paragraph (1) shall be fulfilled.

(3) Fulfillment.—The requirements of paragraph (1) shall be fulfilled—

(A) before a covered individual has been released from custody; or

(B) if the covered individual is not in custody, shortly after the individual has been sentenced.

(b) Obtaining and Sharing Information.—

(1) Obtaining information.—When an individual appears before the Attorney General or a participating State to provide information pursuant to this title (including information such as photographs and fingerprints), the Attorney General (or the participating State, or both, as the case may be) shall—

(A) ensure that the individual complies with the applicable requirements of this title;

(B) ensure that the information provided is accurate and complete; and

(C) ensure that the information provided is promptly entered into the appropriate records or data system of the participating State.

(2) Sharing information.—

(A) Domicile state.—The domicile State of an individual, and the State which originally registers the individual if different from the domicile State, shall promptly notify each domicile, work, and school State of the individual of which it is aware concerning the individual's domicile, employment, or student status in such State and shall make available to each such State the information concerning the individual.

(B) Change in domicile.—If a domicile State of an individual is informed by the individual, or otherwise becomes aware, that there will be or has been a change in the individual's domicile State, the domicile State shall promptly notify the new domicile State and make available to the new domicile State the information concerning the individual.

(C) Available information.—A domicile State shall promptly make available the information concerning an individual to a law enforcement agency or agencies in the State having jurisdiction where—

(i) the individual's domicile is located;

(ii) the individual's place of employment is located; and

(iii) any educational institution at which the individual is a student is located.

(c) Entry of Information Into the National Sex Offender Registry.—

(1) Maintenance of a national sex offender registry.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation, to be known as the National Sex Offender Registry, which shall include information concerning covered individuals who are required to register in the sex offender registry of any jurisdiction. Information may be released from the National Sex Offender Registry to criminal justice agencies, and to other entities as the Attorney General may provide.

(2) Participation in the national sex offender registries.—Each participating State shall, in the time and manner provided by the Attorney General—

(A) submit to the Attorney General the information concerning each covered individual under this title, which shall be included in the National Sex Offender Registry or other databases as appropriate;

(B) submit the information described in subparagraph (A) in a manner that allows the Attorney General to include it in the National Sex Offender Registries; and

(C) participate in the National Sex Offender Public Registry maintained pursuant to section 202.

(d) WHEN A COVERED INDIVIDUAL IS MISSING.—

(1) STATE.—Whenever a participating State is unable to verify the address of or locate a covered individual, the participating State shall promptly notify the Attorney General.

(2) ATTORNEY GENERAL.—Whenever information is made known to the Attorney General under paragraph (1) that a State is unable to verify the address of or locate a covered individual, the Attorney General shall—

(A) revise the National Sex Offender Registry to reflect that information; and

(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record if an arrest warrant that meets the requirements for entry into the file is issued in connection with the violation.

(3) INVESTIGATION.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, the authority to investigate offenses under chapter 49 of title 18, United States Code, and the authority provided in any other relevant provision of law, as appropriate, to assist States and other jurisdictions in locating and apprehending covered individuals and any other individuals who violate sex offender registration requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 106. PARTICIPATING STATE SEX OFFENDER REGISTRIES.

(a) STATEWIDE REGISTRY REQUIRED.—Each participating State shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this title.

(b) RELEASE OF INFORMATION IN REGISTRY.—Each participating State shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

(1) INTERNET SITE.—

(A) INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (iii), the participating State shall release to the public, through an Internet site maintained by the State that shall have multiple field search capability, the following information for Tier II and III individuals whose domicile State, work State, or school State is the same as the participating State:

(I) The name and any known aliases of the individual.

(II) The date of birth of the individual.

(III) A physical description of the individual.

(IV) The current photograph of the individual.

(V) The domicile address of the individual.

(VI) The address of the individual's place of employment.

(VII) The address of any educational institution at which the individual is a student.

(VIII) The nature and date of all offenses qualifying the individual as a covered individual.

(IX) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.

(X) Tier designation for the individual.

(XI) Compliance status of the individual.

(ii) TIER I INDIVIDUALS.—The participating State may, at its discretion, include information about Tier I individuals on its Internet site.

(iii) VICTIMS.—The participating State shall make every effort not to disclose the identity of the victim of an offense. Information about a covered individual whose duty to register is based solely on offenses against intrafamilial minors may, after consultation with the victim, be limited or withheld in its entirety from an Internet site or registry, at the discretion of the participating State.

(iv) LINKS.—The site shall include, as much as practicable, links to sex offender safety and education resources.

(B) INTEGRATION OF STATE SITES.—The participating State shall consult with other States to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other States.

(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

(D) WARNING.—The site shall include a warning that the information presented should not be used to injure, harass, or commit a criminal act against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in criminal prosecution.

(E) TIER DESIGNATION.—

(i) IN GENERAL.—The participating State shall establish 3 tier designations. The tier designation of an individual shall be determined under criteria promulgated by the participating State in accordance with the participating State's resources and local priorities.

(ii) SEXUALLY VIOLENT OFFENDERS.—All individuals convicted of sexually violent offenses shall be designated as Tier III individuals.

(iii) PHYSICAL CONTACT OF A SEXUAL NATURE WITH A MINOR.—All individuals convicted of any offense, an element of which is physical contact of a sexual nature with a minor, shall be designated as Tier II or Tier III individuals.

(2) COMMUNITY NOTIFICATION.—

(A) TIER II INDIVIDUALS.—Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier II individuals to public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual.

(B) TIER III INDIVIDUALS.—Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier III individuals to—

(i) public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual; and

(ii) residents who reside within a radius, prescribed by the participating State, of the home or work address of the individual.

(c) PUBLICATION OF NUMBER OF OFFENDERS REGISTERED.—

(1) IN GENERAL.—Every 6 months, the Attorney General shall collect from each State information on the total number of covered individuals included in the registry maintained by that State.

(2) PUBLIC AVAILABILITY AND CONTENTS.—The Attorney General shall—

(A) release information under paragraph (1) to the public in a manner consistent with this title; and

(B) include in such a release the number of individuals within each tier and the number of individuals who are in compliance with this title within each tier.

(3) DOUBLE-COUNTING.—In reporting information collected under paragraph (1), the Attorney General shall ensure, to the extent practicable, that offenders are not being double-counted.

SEC. 107. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

(a) DEVELOPMENT OF SOFTWARE REQUIRED.—The Attorney General, in consultation with participating States, shall—

(1) develop a software application that can be used by participating States for purposes of this title; and

(2) ensure that such software operates in such a manner that a participating State can, by using the software, fully comply with all the requirements under this title for managing and exchanging information (including exchanging information with other States).

(b) AVAILABILITY TO STATES.—The Attorney General shall make the software developed under this section available to States. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.

(c) SUPPORT.—The Attorney General shall ensure that States are provided technical support for the installation of the software and for maintaining the software.

SEC. 108. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this title as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this title to a participating State or participating States within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such participating State or participating States to carry out and enforce the requirements of this title.

(2) ELECTION.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a participating State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this title and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN PARTICIPATING STATE AND TRIBAL AUTHORITIES.—

(1) NONDUPLICATION.—A tribe subject to this title is not required for purposes of this title to duplicate functions under this title which are fully carried out by a participating State or participating States within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a participating State or participating States—

(A) arrange for the tribe to carry out any function of the participating State under this title with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for the participating State to carry out any function of the tribe under this title with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 109. PROVISION OF NOTICE AND ACCESS TO INDIAN TRIBES.

(a) CONFORMING AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 4042(c)(1)(A) of title 18, United States Code, is amended by striking "State" and inserting "State, Indian Country,".

(b) RESPONSIBILITY OF PARTICIPATING STATES.—An appropriate participating State official, pursuant to this title and exercising jurisdiction pursuant to Public Law 93-280, shall ensure that notice is provided to any Indian tribe of the release into the jurisdiction of the Indian tribe of a covered individual.

(c) ACCESS TO NATIONAL SEX OFFENDER REGISTRY.—From funds made available under section 107, the Attorney General shall use such

amounts as the Attorney General determines to be appropriate to make grants to Indian tribes for the development of electronic databases to provide access to information in the National Sex Offender Registry.

SEC. 110. APPLICABILITY TO MINORS.

Notwithstanding any other provision of this Act, the requirements of this Act are not applicable with respect to any individual who is only subject to such requirements because of a delinquent adjudication that occurred when the individual was a minor, unless that individual was charged and convicted as an adult.

SEC. 111. RULE OF CONSTRUCTION.

The provisions of this title that are cast as directions to participating States or their officials constitute only conditions that must be substantially met, in accordance with section 107, in order to obtain Federal funding under this title.

SEC. 112. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, participating States and political subdivisions thereof, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

SEC. 113. STATE UNCONSTITUTIONALITY.

(a) IN GENERAL.—Nothing in this title shall be deemed to require a participating State to take any action that would violate that participating State's constitution.

(b) FUNDS.—The Attorney General shall not withhold funds to any participating State under section 107 if the participating State declines to implement any provisions of this title on the ground that to do so would place the participating State in violation of its constitution or a ruling by the participating State's highest court.

(c) DEFERENCE.—In considering whether compliance with the requirements of this title would likely violate the participating State's constitution or rulings by the participating State's highest court under this section, the Attorney General shall defer to the participating State's interpretation of the participating State's constitution and rulings of the participating State's highest court unless those interpretations are clearly erroneous.

SEC. 114. REGULATIONS.

The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this title.

SEC. 116. EFFECT ON CURRENT LAW.

This title does not diminish any existing conditions on participating and non-participating States under current law.

TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005

SEC. 201. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Dru Sjodin National Sex Offender Public Database Act of 2005".

(b) DEFINITIONS.—The definitions in section 102 shall apply in this title.

SEC. 202. NATIONAL SEX OFFENDER PUBLIC REGISTRY.

(a) IN GENERAL.—The Attorney General shall maintain a national Internet site, to be known as the "National Sex Offender Public Registry," through which the public can access information in the public sex offender Internet sites of all States by means of single-query searches.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to Tier II and Tier III individuals and except as provided in subsection (e), the National Sex Offender Public Registry shall provide the following information:

(1) The name and any known aliases of the individual.

(2) The date of birth of the individual.

(3) A physical description of the individual.

(4) The current photograph of the individual.

(5) The domicile address of the individual.

(6) The address of the individual's place of employment.

(7) The address of any educational institution at which the individual is a student.

(8) The nature and date of all offenses qualifying the individual as a covered individual.

(9) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.

(10) Tier designation for the individual.

(11) Compliance status of the individual.

(c) SEARCH CAPABILITIES.—The National Sex Offender Public Registry shall have multiple search capabilities, including—

(1) searches by name; and

(2) searches by geographic area including searches by zip code area and searches within a radius specified by the user.

(d) TIER I INDIVIDUALS.—The Attorney General shall also provide, in accordance with this section, information related to a Tier I individual only if such information is provided by a State on that State's Internet site.

(e) FAMILY MEMBER OFFENSE.—The Attorney General shall provide, in accordance with this section, information related to a covered offense against a minor committed by a family member of the minor only if such information is provided by a State on that State's Internet site.

SEC. 203. RELEASE OF HIGH-RISK INMATES.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General may make grants to participating States for activities specified in subsections (b) and (c).

(b) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any participating State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to a State official responsible for considering whether to pursue such proceedings upon the impending release of any person incarcerated by the participating State who—

(A) has been convicted of a sexually violent offense; or

(B) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(c) MONITORING OF RELEASED PERSONS.—Each participating State shall intensively monitor, for not less than 1 year, any person who—

(1) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor;

(2) has been unconditionally released from incarceration by the participating State; and

(3) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the "Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005".

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559(d) of title 18, United States Code, is amended to read as follows:

"(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal crime of violence against the person of an individual who has not attained the age of 12 years and has the intent to commit a serious sex crime as defined in section 2241 of title 18 shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

"(1) if the crime of violence results in the death of a person who has not attained the age of 12 years, be imprisoned for not less than 30 years to life;

"(2) if the crime of violence is a kidnapping or maiming (or an attempt or conspiracy to commit kidnapping or maiming) or results in serious bodily injury (as defined in section 1365), be imprisoned for not less than 20 years to life; and

"(3) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for not less than 10 years to life.".

SEC. 303. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by—

(A) designating the second sentence as paragraph (4); and

(B) striking the first sentence and inserting the following:

"(1) Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned for not less than 10 years to life, or both.

"(2) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned not less than 30 years to life, or both.

"(3) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has attained the age of 12 but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.".

(2) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by striking "A person" and inserting "(a) IN GENERAL.—A person"; and

(B) by adding at the end the following:

"(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, engages in conduct that includes a sex act with a person who has not attained the age of 12 years and that results in the death of that person, shall be punished by death or imprisoned for not less than 30 years to life.".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) Sexual exploitation of children.—Section 2251(e) of title 18, United States Code, is amended by striking "any term of years or for life" and inserting "not less than 30 years to life."

(2) Using misleading domain names to direct children to harmful material on the internet.—Section 2252B(b) of title 18, United States Code, is amended by striking "or imprisoned not more than 4 years" and inserting "or imprisoned not more than 10 years.".

TITLE IV—JESSICA LUNSFORD AND SARAH LUNDE ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Jessica Lunsford and Sarah Lunde Act".

SEC. 402. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) Definition.—In this section, the term "sexual offender" means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) Sexual Predator Monitoring Program.—

(1) Grants authorized.—

(A) In general.—The Attorney General is authorized to award grants (referred to as "Jessica Lunsford and Sarah Lunde Grants") to State and local governments to assist such States and local governments in—

(i) carrying out programs to outfit sexual offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) Duration.—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(2) Application.—

(A) In general.—Each State or local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) Contents.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(c) Innovation.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(d) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2008 to carry out this section.

(2) Report.—Not later than April 1, 2008, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) In General.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the Interstate Identification Index (established under the National Crime Prevention and Privacy Compact (42 U.S.C. 14616)) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) Conditions of Access.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

(c) Limitation on Liability.—

(1) In general.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil action sounding in tort for damages related to its access to the Interstate Identification Index.

(2) Intentional, reckless, or other misconduct.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard of a substantial risk of causing injury without legal justification, or for a purpose unrelated to its performance of activities or responsibilities under Federal law.

(3) Ordinary business activities.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.

SEC. 502. LIMITATION ON LIABILITY FOR NCMEC.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

"(g) Limitation on Liability.—

"(1) In general.—Except as provided in subparagraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, shall not be liable in any civil or criminal action for the performance of its CyberTipline responsibilities and functions as defined by section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

"(2) Exception for intentional, reckless, or other misconduct.—The limitation on liability under subparagraph (1) shall not apply in any action in which a plaintiff or prosecutor proves that the National Center for Missing and Exploited Children or its officers, employees, or agents described in subparagraph (1), as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

"(3) Exception for ordinary business activities.—The limitation on liability under paragraph (1) shall not apply to any alleged act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.".

SEC. 503. MISSING CHILD REPORTING REQUIREMENTS.

(a) In General.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;"; and

(3) in paragraph (3), as redesignated, by striking "immediately" and inserting "within 2 hours of receipt".

(b) Definitions.—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking "if" through subparagraph (B) and inserting a semicolon.

SEC. 504. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) Sex Offender Management.—

"(1) In general.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

"(A) Sex offender management programs.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

"(B) Residential sex offender treatment programs.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

"(2) Regions.—At least 1 sex offender management program under paragraph (1)(A), and at least 1 residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

"(3) Authorization of appropriations.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.".

SEC. 505. AUTHORIZATION FOR AMERICAN PROSECUTORS RESEARCH INSTITUTE.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 506. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"PART II—SEX OFFENDER APPREHENSION GRANTS

"SEC. 2992. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

"(a) In General.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribes, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

"(b) Covered Activities.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.".

SEC. 507. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) In General.—The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or a State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) Protection of Information.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) Criminal Penalties.—An individual who knowingly exceeds the authority of subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) Definition.—In this section, the terms "local educational agency" and "State educational agency" have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 508. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) In General.—The Bureau of Justice Assistance is authorized to make grants under this section to—

(1) each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) Use of Grant Amounts.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff, to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 509. SEVERABILITY.

If any provisions of this Act, any amendment made by this Act, or the application of such provisions or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

SEC. 510. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

"(v) Failure to provide registration information as a sex offender.—Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.".

SEC. 511. REPEAL.

Sections 170101 and 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072) are repealed.

SEC. 512. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Title 18 of the United States Code is amended—

(1) in sections 3563(a)(8) and 3583(d) by striking "and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)" and inserting "and that the person comply with the Sex Offender Registration and Notification Act";

(2) in section 4042(c)(3) by striking "shall be subject" and all that follows through "1994)" and inserting "must comply with the Sex Offender Registration and Notification Act"; and

(3) in section 4209(a) by striking "register in any State" and all that follows through "1994)" and inserting "comply with the Sex Offender Registration and Notification Act.".

TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

SEC. 601. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) Definition.—In this section, the term "sexual offender" means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) In General.—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of State, tribal, and local responses to the requirements of this Act, including the effectiveness of particular jurisdictions as compared to others;

(2) compliance by sex offenders with the registration requirements of this Act;

(3) how this Act has affected the number of reported sex crimes against children;

(4) how this Act has affected the number of prosecutions and convictions of sex crimes against children;

(5) the utility of the National Sex Offender Public Registry to the public;

(6) the costs to States, tribes, and local entities of compliance with this Act and the relative costs and benefits of approaches undertaken by different jurisdictions;

(7) the effectiveness of treatment programs in reducing recidivism among sex offenders;

(8) the potential benefits to Federal, State, and local law enforcement agencies of access to taxpayer information pertaining to sexual offenders and the privacy implications to those individuals and others; and

(9) the potential benefits to Federal, State, and local law enforcement agencies of access to Social Security information pertaining to sexual offenders and the privacy implications to those individuals and others.

(c) Recommendations.—The study described in subsection (b) shall include recommendations for reducing the number of sex crimes against children and increasing the rates of compliance with registration requirements.

(d) Reports.—

(1) In general.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (b) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian Tribes.

(2) Interim reports.—The National Institute of Justice shall submit yearly interim reports.

(e) Appropriations.—There are authorized to be appropriated $3,000,000 to carry out this section.

Mr. FRIST. I ask unanimous consent the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table and any statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1086), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, S. 1086, which we just passed, is the Sex Offender Registration and Notification Act. I do want to take a few moments to comment because this is an important piece of legislation. The House has passed companion legislation already in the past, but the fact that we have passed this bill tonight means we will dramatically impact the lives of hundreds, indeed thousands, of victims and potential victims of sexual predators.

This has been remarkable to me. I followed a Dateline series, "To Catch A Predator," over the last several weeks and months, but it was 2 nights ago that my legislative director and my counsel e-mailed me, or BlackBerried me, at 9 o'clock at night and said that in a few minutes another episode of "To Catch A Predator" is coming on and I turned it on. Once again I saw the devastation that occurs today, which cannot be totally prevented but we know can be prevented by arming the American people with the tools that can help catch these predators and, once they are caught, making sure they are kept away from children, that children are kept out of their reach. I think we have all been moved by this excellent investigative type of reporting that has demonstrated, in shocking terms, today how vulnerable our children are to sexual predators, much of that originating and facilitated by the use of the Internet, at times when our children simply do not have that supervision there, minute by minute. The sexual predators reach into their lives, taking advantage of them, as vulnerable as they might be, and then literally ruining their lives.

This evening I am proud of what we have done. This body passed the Sex Offender Registry and Notification Act. It has been a long time. Several weeks ago on the floor I tried to get unanimous consent from the other side to agree to go to the bill unattached to other types of amendments unrelated to the registry itself, unrelated to these sexual predators. There was objection. We have been able to overcome, in the best spirit of this body, working together, those objections and pass this bill.

Among its many provisions—let me comment on three—it creates a National Sex Offender Registry that is accessible on the Internet and searchable by ZIP Code. For the first time you will be able to go on the Internet or have somebody in your family go on the Internet, put in a ZIP Code or surrounding ZIP Code, and you will know whether any sex offenders who might be in your neighborhood are actually in your neighborhood. For the first time you will be able to be armed with that information.

Second, it requires convicted sex offenders to register, including child predators who use the Internet to commit a crime against a minor. That registration is required. If you have been into the legal system and you have been labeled, appropriately so, a sex offender, you are going to go into this registry.

Third, it toughens criminal penalties for violent crimes against children under 12 years of age.

Just by creating a national registry we are going to make it easier for law enforcement to act on that tip and to identify and intercept sex offenders before they can commit those repeat crimes and victimize more children.

From the episode I saw two nights ago it was very apparent that one of the criminals—maybe it was more, but the second one I saw—was somebody who had been convicted before and was just about ready to go to jail but, once again, in that period before going to jail slipped out to commit another crime.

Currently, there are over 100,000 missing sex offenders who have failed to register under current State laws. This bill will enhance the penalty for failure to register from a Federal misdemeanor to a Federal felony. I am proud the Senate is acting to protect our Nation's most valuable resource—our children.

I close by thanking those people who are recognizable in the sense that they have been fighting for this legislation for such a long time; namely, our distinguished colleague from Utah, Senator ORRIN HATCH, whose bill this is, who has been on the issue, has helped educate all of us on both sides of the aisle, who has fought for this piece of legislation, who has encouraged me to keep fighting for this legislation in spite of others' attempts to attach unrelated amendments, and indeed because of his persistence, again, thousands of young kids will be safer in the future.

Also, there is someone I have gotten to know personally, but the American people know in large part because of his very effective voice on television, and that is John Walsh. John Walsh, who runs the National Center for Missing and Exploited Children, is commenting constantly and staying on this issue, having suffered a real tragedy with his own child in the past.

On "Dateline NBC," the producer, who has done a tremendous job, Chris Hansen, has been the face and voice in heading this show, "To Catch a Predator."

The list could go on and on, but I know we have to keep moving on with tonight's business. This is such a huge success for the American people and for families. I appreciate my colleagues coming together to pass this bill.

NATIONAL CHILDHOOD STROKE AWARENESS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 465, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 465) expressing the sense of the Senate with respect to childhood stroke and designating May 6, 2006, as "National Childhood Stroke Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I rise today to raise awareness about childhood stroke. Very little is known about the cause, treatment, and prevention of childhood stroke. Only through medical research can effective treatment and prevention strategies for childhood stroke be identified and developed. The earlier that we are able to diagnose and begin treatment for victims of childhood stroke, the better the chances are for recovery and a reoccurrence is less likely to happen.

The need for awareness on this issue was brought to my attention by a young man from Norcross, GA, Alan Blinder. In January of 2006, Alan was having a normal day at school, as any sophomore in high school would. As he was sitting in his fourth period Algebra class, the entire left side of his body went numb and he was unable to speak. Alan was escorted to the school nurse and she sent him home. That evening Alan's mother explained her son's situation to a friend who suggested the incident could have been a pediatric stroke. After seeing a physician, Alan learned that he had suffered a transient ischemic attack, or a mini stroke. These attacks can be ominous warning signs for potential future strokes. While Alan was able to receive a diagnosis from a specialist, there are thousands of children, adolescents, and parents who do not know the signs of this life threatening episode that leaves many individuals impaired. Alan was very lucky and I am happy to report that he is doing well. Alan is a smart young man who has a very bright future ahead of him.

Each year a stroke occurs in 20 out of every 100,000 newborns. Almost 3 out of every 106.000 children experience a stroke before the day they are born. Of these children who experience a stroke, 12 percent will lose their lives as a result. Over half of the children who have a pediatric stroke will have serious, long-term neurological disabilities, including seizures, speech and vision problems, and learning disabilities. The result of a pediatric stroke may require ongoing physical therapy and surgeries for years and into their young adulthood. The permanent health concerns and treatments resulting from childhood stroke can result in a heavy financial and emotional burden on both the child and the family.

It is my hope that greater awareness of the symptoms of childhood stroke, I introduce legislation to designate May 6, 2006, as Childhood Stroke Awareness Day. I urge the people of the United States to support efforts, programs, services, and advocacy of the American Heart Association to enhance public awareness of childhood stroke.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 465) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 465

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by—

(1) a clot in the artery; or

(2) a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and preventio9n strategies for childhood stroke; and

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2006, as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke, including—

(A) the Children's Hemiplegia and Stroke Association;

(B) the American Stroke Association, a division of the American Heart Association; and

(C) the National Stroke Association.

NEGRO LEAGUERS RECOGNITION DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 466, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 466) designating May 20, 2006, as "Negro Leaguers Recognition Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I, along with Senators TALENT and DEWINE, have proudly introduced a resolution recognizing May 20, 2006, as "Negro Leaguers Recognition Day."

Since 1885, long before Major League Baseball was integrated in 1947, African Americans were organizing their own professional leagues. These leagues did not succeed because of racial prejudice and lack of adequate financial backing. However, this changed dramatically with the inception of the first successful Negro league. On May 20, 1920, the Negro National League played its first game. Its creation was the result of the efforts of an African American player and manager named Andrew "Rube" Foster. Mr. Foster's success inspired the formation of other leagues.

As a result, on October 3, 1924, the first Negro League World Series game was played between the Kansas City Monarchs of the Negro National League and Hilldale of Philadelphia of the Eastern Colored League. This historic and exhaustive first series lasted ten games, covered a span of almost three weeks, and was played in four different cities. In the end, Kansas City claimed the championship.

But the lasting legacy of the Negro leagues, as the six separate leagues between 1920 and 1960 are collectively known, are the tremendous baseball players they produced. Some of the names we know and some we don't. Among them is Jackie Robinson, the first African American to break the baseball color barrier; Leroy "Satchel" Paige, who was considered one of the greatest pitchers of all time; Josh Gibson, who was a prolific home-run hitter; Larry Doby, the first African American to play in the American League in July 1947; and John Jordan "Buck" O'Neil, who was the first African American coach in the Major Leagues and who is now head of the Negro Leagues Baseball Museum.

It is important that we remember and honor these players. In breaking down the baseball color barrier, these pioneers dealt a blow to hatred and prejudice across America. Today, we can honor them by declaring May 20, 2006 as, "Negro Leaguers Recognition Day."

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 466) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 466

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2006, as "Negro Leaguers Recognition Day"; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

HONORING THE CONTRIBUTION OF CHIEF JUSTICE REHNQUIST

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. J. Res. 83 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 83) to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, I am pleased to support passage of H.J. Res. 83, which authorizes funds for a bust to be placed in the Supreme Court honoring the late Chief Justice Rehnquist. Chief Justice Rehnquist served admirably on the country's highest court for 33 years—19 as Chief Justice. It is appropriate that we honor his service as we have the other Chief Justices with a bust in the Supreme Court building.

I was privileged to have known the Chief Justice for many years and to have had the pleasure of serving with him on the Smithsonian Board of Regents. We also shared a love for the beautiful land and the independent people of Vermont—a place that served as a special refuge for the Chief Justice and his family over the years. His courage and commitment were without question, particularly recently when he attended the last inauguration and continued work to the end.

It would also be fitting in my view to honor other important figures in the Supreme Court's history. Justices Sandra Day O'Connor and Thurgood Marshall broke barriers and became the first woman and first African American justices on the Supreme Court in our Nation's long history. Both are role models not only for women and African Americans who will follow them on the Supreme Court, but for judges everywhere and all Americans. It would be appropriate to honor their significant accomplishments and contributions to the law, to the Supreme Court and to the country by including them among those honored at the Supreme Court building.

Mr. FRIST. Mr. President, I ask unanimous consent the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 83) was read the third time and passed.

The preamble was agreed to.

AUTHORIZING USE OF CAPITOL GROUNDS FOR SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRIST. I ask unanimous consent that Senate proceed to the immediate consideration of H. Con. Res. 359 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 359) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 359) was agreed to.

ORDERS FOR FRIDAY, MAY 5, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, May 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Tomorrow, the Senate will continue to discuss medical liability and small business health plans. Tomorrow, it will be necessary to file cloture motions on the motions to proceed to these bills. Senators can expect two votes Monday afternoon at approximately 5:15. These votes will be cloture votes to proceed to the two medical liability bills. If cloture is not invoked on these bills, we will have a cloture vote on Tuesday morning on the motion to proceed to the small business health plans bill.

I am pleased we will be addressing these health care issues which, if we enact this legislation, both the medical liability and the small business health plans, will diminish the cost of health care to everyone who is listening, to my colleagues and others listening across America. There is no question about it, the cost of health care will go down.

Secondly, it will improve access to health care. Right now, it is crazy. It is absurd that expectant mothers have to worry about whether they are going to have an obstetrician to deliver their child or there are people who have to worry about, if they are in a trauma accident, whether there is going to be somebody at the hospital who can give them the immediate treatment, therapy that can be curative at the time they arrive. But that is the reality. That is where we are today.

If we come together, put partisanship aside and address these bills on principle, then we can do a lot for the American people in terms of affordable health care, assuring access to health care, and raising the quality of health care.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Friday, May 5, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 4, 2006:

THE JUDICIARY

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE STEPHANIE K. SEYMOUR, RETIRED.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CONSUELO B. MARSHALL, RETIRED.

DEPARTMENT OF JUSTICE

CHARLES P. ROSENBERG, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE PAUL J. MCNULTY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT J. ELDER, JR., 7484

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA, 6792

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR., 0278

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JAMES G. STAVRIDIS, 5127

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, May 4, 2006:

THE JUDICIARY

BRIAN M. COGAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

THOMAS M. GOLDEN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 4, 2006 withdrawing from further Senate consideration the following nomination:

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATE DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2006.

EXTENSIONS OF REMARKS

NATIONAL POLICY CONCERNING PRIVACY OF HEALTH CARE RECORDS

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. STRICKLAND. Mr. Speaker, on behalf of the National Academies of Practice I would like to submit the National Policy Concerning Privacy of Health Care Records Paper to the CONGRESSIONAL RECORD.

NATIONAL POLICY CONCERNING PRIVACY OF HEALTH CARE RECORDS

SUMMARY

Confidentiality—the understanding that information given in confidence will be held in confidence—has characterized the patient-practitioner relationship for the last 2400 years or more. It has been an essential component of the professional's promise to be a conscientious fiduciary, a promise that has been the cornerstone of patient trust in the health care system.

Privacy—the right of the individual "to be left alone," a liberty of personal autonomy that the Supreme Court has held to be protected by the 14th Amendment—has been emerging over the last several decades as a salient issue in health care. This emergence is driven by technological changes that have radically altered the ability of confidentiality pledges alone to assure the security of sensitive personal information. Privacy is related to confidentiality but has differing implications that need to be understood.

An effective health care system requires sound public policy that sensitively addresses privacy and confidentiality issues in ways that do not jeopardize the crucial patient-professional relationship and do not impair the practitioner's ability to justify the trust of his/her patients.

Introduction: This paper is a brief description of the issues involved in health care confidentiality and in statutory regulation of patient privacy rights. It suggests the direction that national policy should take in addressing these issues. It reflects the perspective of the National Academies of Practice (NAP), a multidisciplinary body of distinguished health care practitioners that was founded to distill the wisdom of the practice community into functional national health policy.

Confidentiality: Confidentiality is the assurance that information received in confidence will be held in confidence. As part of their ethical commitment, professionals have promised confidentiality of patient information from as long ago as approximately 400 BC, with the introduction of the Hippocratic Oath: "All that may come to my knowledge in the exercise of my profession . . ., which ought not to be spread abroad, I will keep secret and will never reveal." A similar confidentiality promise has been incorporated into almost every ethics code of almost every health care profession since that time. Trust, based in part on assurance of confidentiality, is necessary to achieve open communication and cooperation. Without such trust, professional effectiveness is severely limited or impossible. The National Consumer Health Privacy Survey of 2005 (California HealthCare Foundation) suggests that this trust is severely stressed in our modern health care system.

Privacy: Privacy, in the words of Justice Louis Brandeis in 1890, is the "right to be left alone." This right has been held to be supported by the 14th Amendment, and partially supported by the 1st, 4th, and 5th Amendments. In varying degrees, the right has been extended to certain personal records and other information; however, case law and judicial holding about the right to privacy of personal information is still in flux. The November 2, 2005 ruling on No. 04-2550 in the United States Court of Appeals for the Third Circuit, Citizens for Health v. Leavitt, suggests that such right may depend more on individual statutes than on constitutional protection.

Privacy was not a traditional consideration in health care, but has become one. The patient does not want to be "left alone" in the treatment relationship, but does want his or her health information to be held in confidence. Traditionally, when only the professional had access to the record, usually a hand-written notation in his or her private file, privacy of the record itself was automatic so long as confidentiality was maintained. Today, good health care requires that the professional's findings be entered into a permanent health care record that is available to multiple other parties. When that happens, the professional loses control of the information, and only protection of the record itself can assure professional confidentiality. That protection is directly dependent on privacy policies or laws that fall under statutory rather than professional control.

Adjudication of privacy rights under law, especially the extension of those rights to health record information, did not have its origin in health care concerns. herefore, people writing privacy policy tend to be unfamiliar with the tradition of health care and confidentiality, just as health care providers, steeped in the tradition of confidentiality as an ethical commitment, tend to be uninformed about the nuances of privacy law. The hazard is great that health care practitioners, with the wisdom of the ages behind them in building necessary patient trust, will be ignored in the development of privacy law and that those who develop privacy policy will be insensitive to the critical nature of the patient-practitioner relationship. At risk is the functionality of health care delivery, one of the most humanely important and economically significant enterprises in the country.

Cultural Shift from Confidentiality as Sole Protector of Privacy: The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and other groups require accredited facilities to have in place patient's rights regulations that protect sensitive health information. As noted, the safety of such records can no longer depend on confidentiality agreements alone. Privacy of the health care record itself has to be assured. Extensive national policy positions have recently been established to address the privacy issue. The most notable is the Health Insurance Portability and Accountability Act (HIPAA), which laudably adds many necessary patient protections. Health care professionals nevertheless find HIP AA to be both ineffective and burdensome in certain key respects. Future refinements are clearly needed. Understanding the shift from exclusive reliance on confidentiality to the need for privacy laws can point toward effective solutions. Four trends warrant highlighting.

Numerous health care professionals, third party payers, employers, and support personnel are routinely involved in today's health care system. The health care record has become the medium of communication among these involved groups. The health care professional can neither functionally withhold sensitive information from the record nor control the use of that information by others. The old promise of confidentiality is therefore no longer adequate protection of the sensitive information.

Technology has greatly increased the amount of sensitive information that directly enters the record, information that is not directly under the practitioner's control. These data include X-rays, blood chemistries, and numerous other laboratory or technologist-based findings. At the same time, the need for these laboratory personnel and technologists, as well as insurers, consultants, and others, to have access to health care information increases. All of these developments magnify the importance of controlling the health care record itself and its use by everyone with access to it.

The growing complexity of the health care system places increasing demands on the health care record. In response, the information age is replacing traditional multiple written records with a single electronically encoded one that can be accessed by almost any properly prepared person almost anywhere on earth. This shift to an agglomerated record in electronic format greatly magnifies the utility of the record as an aide to effective health care. At the same time, it creates a nightmare for control of privacy of the information it contains. Not only are confidentiality pledges inadequate but so also are privacy laws that cannot prevent hacking and other forms of electronic information theft.

The primary ingredient of effective health care over the last 2400 years or so has been the commitment of health care professionals to be conscientious fiduciaries. That continues to be the primary ingredient, but one that is being increasingly obfuscated by the shift from guild control to legal control of health care practice. As already noted, laws are necessary to implement privacy rights. Similarly, legally enforced licensing laws have replaced guild control of code of conduct issues, and the growing complexity of the health care system has interfaced health care with the legal system as never before. The result has been a tendency to raise both public and regulatory expectation that legal mandate can guarantee professional integrity. In fact, laws can supplement but cannot guarantee or replace professional integrity,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which is as critical today for effective health care as it ever was. How far this muddying of the critical importance of the professional relationship will go remains to be seen. In the mean time, it creates a pressure for the professional to shift away from "caring" practice to "safe" practice and for the patient to shift away from a "trusting" attitude to a "litigious" attitude. Both of these trends are often at the expense of effectiveness of treatment and economy of service delivery. The shift toward legal regulation is inevitable, so the sensitivity with which policies and laws are drafted is absolutely critical for the future health of the nation.

The foregoing are dramatic changes in long-accepted traditions. Privacy of the health care record, legally regulated, is the visible "new kid on the block." Unlike professional confidentiality, it has little "wisdom of history" behind it. Not surprisingly, there is a tendency to address privacy by tactics that might work for confidentiality but do not work for privacy, by placing heavy penalties on professional breaches. This is ineffective when little attention is given to the leaky-sieve aspects of the health care record system itself. In fact, it can be severely counter-productive if it poisons the traditional trusting relationship between patient and professional. The urgent need is for highly sensitive and highly enlightened health care policy that preserves the wisdom of the past.

Tentative Answers to Complex Questions: Five questions arise in the context of the new privacy era in health care.

1. How extensive should the health care record be? The health care record will, and should, become increasingly complex and extensive. Information technology allows the retention and utilization of vast quantities of information. The future health care record will almost certainly be in electronic form. With electronic data manipulation techniques, even an extensive record can be efficiently sorted to allow quick decisions about immunizations, allergies, past responses to specific treatment approaches, drug interaction risks, excessive or inappropriate drug use, and similar questions of care. Aggregated data across a given problem or disease spectrum could identify both promising and ineffective treatment approaches. The potential gain from having such records is impressive indeed, and the technology for collecting, preserving, and utilizing them is already largely in place.

2. Who should have access to what information? Portions of the health care record should be accessible by every health care practitioner with whom each client will potentially interact. Other portions should be accessible by insurers, managed care officials, and similar non-health-care personnel who have a direct and necessary "need to know." Portions should be available for malpractice monitoring and similar purposes. Portions should be available to research programs, perhaps stripped of data identifying the individual source. The number of people who should have legitimate access, in the interest of improving the health of both our individual citizens and the nation itself, will inevitably grow.

3. How can access be made easy on a "need to know" basis? In this electronic age, partitioning the record for limited access is technologically easy. For example, a school nurse needing to certify an immunization record neither needs nor wants to sort through the entire record. An electronic summary of immunizations can be programmed into the record and be made immediately available to a coded request by a "school health worker." Similarly, current health status and current proposed or completed treatments can be electronically isolated for benefit of reimbursement or managed care assessments without exposure of the entire chart. The mental health record can be sequestered, with access limited to those with legitimate interest in that area. In general easy electronic access to appropriate data can be designed into the system, provided inappropriate policies do not frustrate legitimate access in the name of security.

4. How can inappropriate access be prevented? Any effective solution requires that the electronic record itself be designed from the beginning to incorporate essentially fail-proof security features. In the past, "loose lips" were the primary problem, people with legitimate information intentionally or unintentionally leaking that information. Control of people was the primary solution. Within the health care professions, lapse of confidentiality has long been addressed by guild ethics and by licensing laws that regulate the actions of the professionals. Outside of the health care professions, especially in the economic sector, abuse of confidentiality still needs to be addressed more effectively.

Although important, loose lips are not the primary problem. They usually endanger only one person at a time, rather than thousands whose data may be accessible in the electronic record. Limiting access to the electronic record to those with a legitimate need to know is the most significant key to guaranteeing privacy. Electronic data can be hacked, copied, transported, collected, sold, and otherwise manipulated in ways that are difficult to detect by people who are hard to identify. Passwords and other access codes, encryption, and the like may be essential, but they are not enough. The Internet, the primary platform for current electronic data portability, has not yet achieved the levels of security that are necessary.

A workable system might involve a completely separate health information network operating out of a centralized data bank and accessible only through authorized terminals. Security might involve requiring bioelectronic screening for palm prints, iris patterns, voice prints, or the like prior to system access. Electronic "footprints," or audit trails, could preserve a record of all data accessed and for what purposes. An alarm system could alert a central information-monitoring group when an unauthorized access was attempted or when an unusual pattern of access was detected. Such steps would make unwarranted penetration of the system rare, access to the system by authorized persons easy, and apprehension of violators probable.

5. Who should control the privacy information? Privacy rights should guarantee that health care information is held confidential within the health care system, except as the patient explicitly opts out of the privacy agreement. It is the patient's knowledge that his or her own sensitive information will be used only for health care purposes that assures the trust necessary for effective cooperation. Circulation of the information within the legitimate health care system is necessary and functional, but circulation outside of that system, without explicit and uncoerced patient consent, should be taboo. Public knowledge of personal health problems can be severely damaging. One only has to recall Eagleton's vice-presidential nomination.

A few legally mandated requirements, such as the duty to protect or the duty to alert authorities of abuse of helpless patients, currently require exceptions to confidentiality. Perhaps other exceptions are warranted, but professional experience suggests that they should be rare and very carefully crafted. We suggest that they should be limited to those circumstances that pose an explicit future threat to others or an abuse against which a patient is not capable of protecting himself/herself.

While a patient may voluntarily choose to waive some privacy rights, perhaps in exchange for convenience or other benefits, waivers that are determined by law as part of health care policy, as in certain sections of HIPAA, are often more disclosure notices than they are matters of voluntary consent. Without true voluntary consent, there is no choice and no trust. These complexities reflect the early growing pains of privacy law and can have serious unintended consequences.

It is in these areas of developing health care policy and related privacy law that health care practitioners can make some of their most important policy contributions. The danger is that others who determine such policies may either fail to understand or simply disregard the practitioner perspective, at great harm to the nation's health.

Conclusions: Practitioner work is anchored on two premises that have stood the test of time: patient trust, which is necessary for essential communication, and the guarantee of confidentiality of information, which requires that the health care record be used exclusively for health care purposes. The National Academies of Practice recommends that information in the health care record should be exclusively available for health care purposes and that the record should be protected from access for any other use.

Maintaining privacy with an ever expanding and easily accessible electronic health care record, in an ever more complex health care delivery system, requires new approaches. These approaches must be integrated into the record keeping and service delivery systems themselves, through technological safeguards. Health care practitioners cannot control the privacy of the health record and do not control privacy policy, but our long experience with confidentiality issues and our pragmatic wisdom concerning the treatment process offer understanding that should be an essential part of policy development.

Some present trends in national privacy policy are threatening the integrity of the practitioner/patient relationship. A sensitive and sophisticated privacy policy for health care records that does not jeopardize the necessary trust of the patient is critical to assure the effectiveness of health service delivery. Health care professionals that represent the wisdom of the multidisciplinary practitioner community are an indispensable resource for such policy development. Failure to incorporate them, visibly and functionally, into the policy making process risks jeopardizing the millennia-long practitioner tradition of establishing consumer trust on which the effectiveness of health care depends.

THE POLICE UNITY TOUR

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Police Unity Tour. On May

9th, the Police Unity Tour will kick-off their 10th anniversary bicycle tour to our Nation's capitol.

For the past nine years, police officers have mounted their bicycles and cycled from New Jersey to Washington, DC, in memory of the men and women of the police force, who have sacrificed their lives while protecting our communities from harm. This year, the ride will begin on May 9 and end on May 13. The officers will depart from the Florham Park Police Headquarters, in Florham Park, NJ and will arrive at the National Law Enforcement Officer's Memorial in Washington, DC, culminating their journey with a candlelight vigil.

Established 10 years ago by Patrick P. Montuore of the Florham Park, NJ, Police Department, the Police Unity Tour started with 18 riders and has grown into a Nationwide project with participants and supporters from all over the country. The mission of the tour is to bring awareness to the lives of police officers who have died in the line of duty. The number of participants continues to grow with over 700 police officers participating last year.

In route to Washington, the tour will stop at Ground Zero, a place that will forever remind us of American heroes. The Police Unity Tour honors the heroes who lost their lives that day and reminds us that everyday our police officers, firefighters, and emergency service personnel devote their lives to protecting and serving our communities. Too many of these officers make the ultimate sacrifice and to them we are eternally grateful. We must never take their actions for granted and always remember the families and friends they leave behind.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the participants of the Police Unity Tour on their 10th anniversary and for the work they do honoring those police officers who have died in the line of duty.

CELEBRATING THE 60TH ANNIVERSARY OF LA PERLA CAFÉ IN PHOENIX, AZ

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 2006

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to La Perla Cafe, a Mexican food restaurant in Glendale, Arizona, and its owners, the late Joseph Peralta Pompa, his wife Eva Macias Pompa, and their family, on the occasion of the 60th Anniversary of their restaurant.

La Perla has been a popular family-operated restaurant in the west Valley since 1946. In an industry where small business owners sometimes struggle to survive, the Pompas have thrived by following one simple rule: Serving food as good as what you make at home.

The Pompa family history in Arizona dates back to the early 1900s. Joseph Pompa was born in Pierce, Arizona, the son of the Pompas from Sonora, Mexico. When he was one year old, his father abandoned the family, which included his mother and seven sisters. The family moved to Jerome, Arizona, and Joseph, or Joe, began working as a copper miner at the age of 14.

Eva Macias Pompa was born in Camargo, Chihuahua, Mexico, and immigrated to the United States at the age of 1, along with her widowed mother. They arrived in Clarkdale, Arizona, where Eva's mother made a living by cleaning houses. She eventually remarried and had five more children. Eva's stepfather later became very ill so Eva had to quit high school in order to work to support her family. She cleaned houses to help make ends meet.

Joseph and Eva Pompa met and married in 1935. When Joe married Eva, he was the Welterweight Champion for Arizona. Eva couldn't bear the violence of boxing, and Joe retired from the sport. He took correspondence courses on electronics when he had free time, and received his degree. He was then hired as an electronic engineer at Goodyear Air Research.

The couple opened La Perla in 1946, determined to make their restaurant a success. Eva learned her cooking skills from her mother and had a passion for not only cooking Mexican food, but all ethnic foods. The Pompas were very kind, hard working people who wanted their children to have all the educational opportunities available, and to pursue a life defined by faith in God, pride in one's work, and happiness. As the restaurant took off, Joe and Eva had four children: Sylvia, Gloria, Joanne and Joseph. In 1961, Joseph senior passed away. Despite his sadness, the younger Joseph, also known as Butch, started working in the restaurant at the age of 13 to take his father's place. Butch grew up, married and had four sons and a daughter. Butch's son Gabe, a graduate of the San Francisco Culinary Art School, now is head of catering for La Perla and oversees cooking assistants.

La Perla has at one time or another employed aunts, uncles, cousins, and multiple generations of Pompa family members. The four generations of Pompas number into the hundreds and are part of the great American success stories woven into our U.S. history. Working as cooks, chefs, lawyers, teachers, salespeople, or real estate agents, all the Pompas have contributed to this country in their pursuit of the American Dream.

For this reason, I wish to honor The Pompas and I ask my colleagues to join me in congratulating the family on the occasion of La Perla Cafe's 60th Anniversary, and wishing them many more years of success.

COVER THE UNINSURED WEEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, this is Cover the Uninsured Week. As we take this occasion to reflect on the ways in which we can cover the uninsured, I encourage my colleagues to address the issue head-on. We need a solution that will not only address the uninsured problem, but will also address the rising cost and inequities.

Consider that we pay almost twice as much for health per person than the average of other industrialized countries. Yet the World Health Organization ranks our health care system 37th in the world. The situation is worsening as costs continue to increase, employers continue to scale back coverage and the number of uninsured, now 46 million, continues to rise. Four out of five (82%) of the uninsured are in working families. 46% of all bankruptcies were either fully or partly caused by illness or medical bills according to a Harvard study. Three-quarters of those bankrupted by illness were insured when they first got sick. Our health care system based on private health plans gives us low quality, inefficiency, inaccessibility and is ultimately unsustainable.

The inefficiency of privately administered health care is especially stark. Between 1970 and 1998, total healthcare employment in the US grew 149 percent while the number of managers in health care grew 2348 percent. Our businesses bear the burden of that inefficiency because they provide health care to most Americans lucky enough to have it. All other industrialized countries have universal health care that costs less. The result is that our businesses are losing competitive advantage. Ontario now makes more cars than Detroit. Canadian GM, Ford, and Daimler Chrysler signed a letter in support of their single payer heath care system because of the advantage it gives them.

Managed care has failed. Employer based insurance is failing and dragging down American businesses. Consumer driven health care being trumpeted by right wing ideologues tries to control costs by providing less care, not more. Instead, we need to control costs by addressing the real inefficiencies, not by growing the uninsured and underinsured. We know exactly how to do it.

Traditional Medicare enjoys consistently higher satisfaction ratings than private insurance. Its overhead costs are about 3 percent compared to overhead costs of private health plans which average about 31 percent. Medicare's rates of cost increase have been significantly lower than in private health plans. We need such a time tested, rock solid model like Medicare to address our health care crisis. In fact, by addressing the inefficiencies, we could bring everyone in the U.S. under Medicare and they would pay no premium, no deductible, and no copayments.

Polls consistently find that Americans favor expanding government guaranteed health insurance like Medicare to all Americans. The Deans of medical schools including Harvard and Stanford, 14,000 doctors, including the former editor of the New England Journal of Medicine, and two former Surgeons General now support national health insurance like HR 676. Newspapers around the country are making the case for Medicare for All, including two recent editorials in the New York Times and the Wall Street Journal. Over 100 unions have officially endorsed it. HR 676 boasts the support of 69 members of Congress, including 9 ranking members of full committees and 28 ranking members of subcommittees.

Access the high quality health care is a right. I encourage my colleagues to support real health care reform that covers all of the uninsured and contains costs. Please support HR 676, the Expanded and Improved Medicare for All Act.

IMMIGRANTS ANSWER CALL TO SERVICE, CALL TO NEW LIFE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today to call attention to a problem we're seeing the effects of all over the country, immigration.

As a former cop, I respect and appreciate those who've dedicated their lives to serving others as well as those who appreciate the rule of law and honor it. In my time in Congress, I've seen these two values come together in an interesting way as my office has assisted in immigration casework.

Abdullah Yousify contacted my office because he needed citizenship to continue his work in Iraq with Northwest Medical Teams. Repeatedly, Yousify would travel at his own expense back to Seattle when CIS requested new fingerprints again and again and he once risked his life in Iraq to have fingerprints taken there. He was sworn in as a citizen last October and is now able to continue serving with the Northwest Medical Teams.

A neurologist from China who specializes in treating patients with multiple sclerosis contacted my office. This young doctor was trying to teach medicine in this country but was having trouble working with CIS. We tracked down her work authorization and it was sent to her and she is now poised to begin teaching medicine at Stanford.

Wade Bain from Trinidad wanted to join American Special Forces but couldn't get the national security check completed in order to do so. We were able to help him and he received his citizenship, allowing him to join Special Forces.

These individuals didn't want to become Americans for personal gain; they wanted to become Americans to serve others. They embody the American ideal of helping others regardless of personal cost.

It is vitally important that we implement immigration reform. We need a bill that strengthens our borders and protects this nation, but that also makes it simpler for good people to become Americans. We need a bill that provides a way for immigrants who are in this country illegally to register and become documented, lawful immigrants. There must be penalties for individuals who've violated American immigration laws. However, we must encourage undocumented individuals to "get right" with our government and register.

We must face the reality of immigration in this country. In Washington State, the immigrant population has grown by 42 percent in the five years between 2000 and 2005—which is an increase from 8 percent to 10.6 percent of the overall population—and the jobless rate in the state has hit a 6 year low. Immigration is not just compatible with but is a necessary component of economic growth. Going forward, as we work to strengthen our border in the interests of homeland security, we must also recognize the economic importance of immigration reform. I look forward to voting for a bill that appreciates the importance of both when safeguarding the security and economic future of this country.

CONGRATULATING NANCY AMOS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Nancy Amos for being named the 2006 Woman of the Year by the Dallas-Fort Worth Chapter of Women in Transportation.

Ms. Amos attained her Bachelors in Business Administration from Texas Wesleyan University. She then went on to receive her Masters Degree from the University of Texas at Arlington. Ms. Amos is an avid member of the American Heart Foundation, the Fort Worth Chamber's Foundation Board, and the founding member of UTA Fort Worth's Advisory Council. She and her husband Charley reside in Arlington, Texas and have two children as well as two grandchildren.

Through her remarkable clout and ingenuity in her twenty-five years in the field of public transportation, Ms. Amos has definitely raised the bar for the advancement of women in this area. One of Ms. Amos' many highlights was her active involvement in the introduction of the Trinity Railway Express to the Dallas-Fort Worth Metroplex as the coordinator for the acquisition of the Rock Island and Pacific freight railroad. This laid the groundwork for the only commuter rail in Texas.

Mr. Speaker we are truly fortunate in my community to have the type of dedicated professional that Nancy Amos personifies, and I wish her every success during the continuance of her future endeavors.

CONGRATULATING BOB RUTLEDGE ON THE OCCASION OF HIS RETIREMENT AS HEADMASTER OF ST. PAUL'S EPISCOPAL SCHOOL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BONNER. Mr. Speaker, it is a real pleasure to rise today to honor Mr. Bob Rutledge, a man who has devoted practically all of his adult life to the benefit of literally thousands of young men and women who live in Mobile, Alabama. In just a few days, Bob will be stepping down as headmaster of St. Paul's Episcopal School in Mobile.

For the past 33 years, Bob has been an integral part of the school's history and development, and he leaves behind a rich legacy that has helped to make St. Paul's one of the finest schools in Alabama.

Bob began his career in education in the Florida public school system where he served as a teacher and coach of both the football and track teams. In 1971, he moved to Jackson, Mississippi, where he served at St. Andrew's Episcopal School as the director of the upper school, director of athletics, and varsity football coach.

In 1973, he joined the staff of St. Paul's, initially serving as the school's head football coach and athletic director. In no time, it became apparent that Bob Rutledge's influence and leadership extended far beyond the athletic field.

In 1984, Bob assumed the role of upper school director, and a few years later, he was tapped assistant headmaster as well as admissions and alumni director. And in 1994, the Board of Trustees appointed Bob headmaster, making him only the sixth person to hold this important position in the school's rich history.

Mr. Speaker, without a doubt, Bob Rutledge has worked tirelessly to help transform St. Paul's into one of the premier college-preparatory schools in the southeast. Moreover, he has worked hard to build a school that is recognized throughout the state for its top-notch staff and first-rate faculty.

Without question, Bob Rutledge is an outstanding example of the quality of individuals who have devoted their entire life to the field of education. Mr. Speaker, I ask my colleagues to join with me in congratulating Bob on his remarkable career and his many, many contributions. I know his lovely wife, Martha, as well as his family, friends, and the entire St. Paul's community join with me in praising Bob for his accomplishments and extending our sincerest thanks to him for his many efforts over the years on behalf of the young men and women who have been a part of St. Paul's Episcopal School.

BAHIA GRANDE'S NATIONAL COOPERATIVE CONSERVATION AWARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to commend the U.S. Fish & Wildlife Service and the Bahia Grande Restoration Project's 60 partners upon their receipt of the Department of the Interior's 2005 Cooperative Conservation Award. This award acknowledges the collaboration activity among diverse agencies working to restore our environment.

The legacy we leave our children and our grandchildren is the condition of the Earth beneath our feet. Some of the most fragile—and at the same time, most important—parts of that legacy are the delicate wetlands that buffer our continent.

The project's participants have demonstrated an understanding of this delicate intersection of wetlands and our continent by finding new and creative ways to sustain the Bahia Grande wetland in South Texas.

Through their teamwork and innovativeness, the Bahia Grande partners have managed to walk the line between environmental and economic prosperity to achieve an ecologically and economically successful community. Federal, state, local and tribal governments, as well as private groups, nonprofit institutions, and nongovernmental entities have worked together on discerning a path to solve what seemed to be an unsolvable problem, further exemplifying the cooperative spirit this award honors.

The Bahia Grande suffered from the construction of the Brownsville Ship Channel in the 1930s, which blocked the natural tide action necessary to maintain the basin under water. The basin eventually dried up and began blowing clouds of dust, jeopardizing the health of nearby residents and damaging area schools.

With the help of many people, these consequences were addressed and mitigated. By allowing the Port of Brownsville to flood the Bahia Grande, the moisture will prevent the dry sand from blowing around and affecting the health of those in the area.

What was once an idle dust bowl plaguing surrounding cities has now become the largest wetlands restoration effort in U.S. history. Once completed, more than 10,000 acres of the Bahia Grande wetland system will be permanently flooded and restored.

I ask the House of Representatives to join me today in honoring the active support and involvement of those contributors in the Bahia Grande Restoration Project. Mr. Speaker, they have recognized the importance of environmental conservation on our lives; and for that, we must recognize them.

IN TRIBUTE TO ART HEITZER'S 40 YEARS OF COMMUNITY LEADERSHIP

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor a noted Milwaukee community leader, Mr. Art Heitzer, as his colleagues, friends, and family gather to celebrate his 40 years of activism. Throughout his life, Art has maintained an unwavering commitment to improving the quality of life for everyone in Milwaukee, while never losing sight of Milwaukee's connections to the wider world.

Art emerged as a compelling student leader while studying at Marquette University in the 1960s. As President of the Marquette Student Government, he helped organize student demonstrations that led to the creation of the Equal Opportunities Program, which provides low-income students and students of color with the academic support, tutoring and mentoring they need to succeed. A whole generation of community leaders who have since been educated at Marquette—myself included—are indebted to Art for leading this charge.

Art Heitzer is nationally known for his pathbreaking work in employment law, and has attained leadership positions in state and national professional associations as a result of his success. An active citizen, he has been a noted member of the Midtown Neighborhood Association, and a committed leader of Peace Action Wisconsin. He serves on the boards of the Fourth Street Forum and Ko Thi Dance Company, and is a member of Central United Methodist church.

A true citizen of the world, Art has been a longtime advocate for changes to U.S. foreign policy toward Cuba. A strong opponent of the travel ban, he has organized religious and civic delegations to visit Cuba, and has been instrumental in developing a sister city relationship between Milwaukee and Nuevitas. He has acted out of his passionate belief that increasing connections between U.S. and Cuban citizens can only improve the state of democracy and human rights in Cuba and at home. Mr. Speaker, it is truly a privilege to pay tribute today to Art, his wife Sandra Edhlund and son Franz, and to thank all of them for their commitment to improving Milwaukee and our world.

LETTER TO PRESIDENT BUSH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, on April 14, 2006, I sent the following letter to President Bush regarding reports of United States troops conducting military operations in Iran:

> DEAR PRESIDENT BUSH: Recently, it has been reported that U.S. troops are conducting military operations in Iran. If true, it appears that you have already made the decision to commit U.S. military forces to a unilateral conflict with Iran, even before direct or indirect negotiations with the government of Iran had been attempted, without UN support and without authorization from the U.S. Congress.
>
> The presence of U.S. marines in Iran constitutes a hostile act against that country. At a time when diplomacy is urgently needed, it escalates an international crisis. It undermines any attempts to negotiate with the government of Iran. And it will undermine U.S. diplomatic efforts at the U.N.
>
> Furthermore, it places U.S. troops occupying neighboring Iraq in greater danger. The achievement of stability and a transition to Iraqi security control will be compromised, reversing any progress that has been cited by the Administration.
>
> It would be hard to believe that such an imprudent decision had been taken, but for the number and variety of sources confirming it. In the last week, the national media have reported that you have in fact commenced a military operation in Iran. Today, retired Col. Sam Gardiner related on CNN that the Iranian Ambassador to the IAEA, Aliasghar Soltaniyeh, reported to him that the Iranians have captured dissident forces who have confessed to working with U.S. troops in Iran. Earlier in the week, Seymour Hersh reported that a U.S. source had told him that U.S. marines were operating in the Baluchi, Azeri and Kurdish regions of Iran.
>
> Any military deployment to Iran would constitute an urgent matter of national significance. I urge you to report immediately to Congress on all activities involving American forces in Iran. I look forward to a prompt response.
>
> Sincerely,
>
> DENNIS J. KUCINICH,
> *Member of Congress.*

CONGRATULATING REV. JOHN S. KRAFCHAK ON THE OCCASION OF HIS 50TH ANNIVERSARY OF ORDINATION TO THE PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Rev. John S. Krafchak, pastor of St. Mary of Czestochowa Church, Nanticoke, Pennsylvania, who is celebrating his 50th anniversary of ordination to the priesthood on May 26, 2006.

Father Krafchak was born in Old Forge, Pennsylvania, in 1931, a son of Ann Marie Potempa and John Krafchak. He graduated from St. Ann's Monastery High School in West Scranton. He attended St. Mary's College, Orchard Lake, Michigan; St. Mary's Seminary and University, Baltimore, Maryland. He was ordained on May 26, 1956, in St. Peter's Cathedral, Scranton, by then Bishop Jerome D. Hannon.

Father Krafchak was first assigned as assistant pastor at Holy Name of Jesus Church, Swoyersville, Pennsylvania. He was later transferred to St. Mary's Church, Nanticoke and then to St. Hedwig's Church, Kingston. Following that assignment, he was transferred to St. Mary's Church of the Maternity in Wilkes-Barre. In 1974, he was named administrator at Ss. Peter and Paul Church, Sugar Notch and, in 1983, was named pastor at St. Mary's Church in Nanticoke, where he is presently.

Over the years, he taught at Marymount High School in Wilkes-Barre and West Side Central Catholic High School in Kingston.

Father Krafchak is well known as a "people's priest" because of how intensely he has worked with his parishioners on a myriad of projects and issues.

Over the years, Father Krafchak was especially interested in building his parish's religious education programs as well as the marriage preparation and family life programs. He was also very concerned about parish restoration and expansion projects as well as stabilizing parish finances. At his present parish, he oversaw the construction of a new rectory in 1986.

Mr. Speaker, please join me in congratulating Father Krafchak on a remarkable priestly career. His devotion to his chosen vocation and his commitment to the people he served is an inspiration for others in the value of selfless service. Father Krafchak has left an indelible mark on the lives of thousands in northeastern Pennsylvania and, in the process, has earned their eternal love and respect.

TRIBUTE TO SYBYL ATWOOD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Sybyl Atwood. For the past 40 years Sybyl has been the linchpin of the social services community in my hometown, Flint, Michigan. On May 11 she will be honored for her selfless work on behalf of the less fortunate at a dinner hosted by the Resource Center in Flint.

Relocating to the Flint area after earning her Baccalaureate Degree in Community Development from Central Michigan University, she gathered together a group of volunteers on February 14, 1966 and founded the Volunteer Bureau. Serving as the chief executive officer of the Bureau for more than 20 years, Sybyl defined its direction as an organization promoting volunteerism, grassroots community involvement and expanded delivery of social services in the Flint area. The Bureau evolved into the Voluntary Action Center in 1989 and Sybyl continued at its helm. After merging with United Way, the Voluntary Action Center became part of the Resource Center. Sybyl continues to head the Volunteer Services at the Resource Center.

Thousands of volunteers have benefited from her training and guidance. She compiled the Genesee County Community Sourcebook, a reference book listing over 400 service agencies in Genesee County. Sybyl is also responsible for assembling the information and the publishing of the "Emergency Assistance Directory," the "Youth Volunteer Opportunities Directory," and the "Reduced Income Planning Guide." She also coordinates the weekly "Volunteer Here" column in the Flint Journal and runs the Information and Referral Program. This program receives about 350 calls per month from persons seeking emergency assistance.

For her service to the community Sybyl has received the American Society of Training and Development Chapter Award for Service, City of Flint Human Relations Commission People's Award, Genesee County Bar Association Liberty Bell Award, Toastmaster International Regional Communication and Leadership Award, the YWCA of Greater Flint Nina Mills Women of Achievement Award, the Rotary Club's Paul Harris Award, Citizen of the Year Award from the National Association of Social Workers, and earlier this week Michigan State University named her the 2006 Outstanding Field Educator for the Flint Program.

In addition to her work with Volunteer Services, Sybyl is also a founding member of the Emergency Services Council, the Genesee County Service Learning Coalition, the local Americorps collaborative, and has found time to work toward a master's degree in Public Administration. As a member of the Committee Concerned with Housing, she is currently studying the gaps in service in the emergency housing sector. Sybyl works within her neighborhood promoting the historic Carriage Town area and the propagation of Michigan's indigenous plants and grasses.

Mr. Speaker, Sybyl Atwood embodies the sentiments in her favorite quotation, "While there is a lower class, I am in it; while there is a criminal element, I am of it; while there is a soul in prison, I am not free." She is a champion of the poor, the helpless, and the innocent. I am proud of my association with her, grateful for the good that she does, and treasure her inspiration, commitment and wisdom. The Flint community is a more humane place because of Sybyl Atwood. I ask the House of Representatives to rise today and join me in honoring this exceptional woman.

HOLOCAUST REMEMBRANCE DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in solidity with Jews across this nation and around the world to pay tribute to those who perished at the hands of the Nazis during the Holocaust. Today in the Nation's Capital, we gather to pay our respects at the National Commemoration of the Days of Remembrance. I would like to thank the United States Holocaust Memorial Museum for arranging this important and emotional event.

My district, the 9th Congressional District of Illinois, is home to perhaps the largest concentration of survivors in the country and certainly in the state, and this day holds deep meaning for those individuals and the entire community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. And the President of one these countries, Iran, has threatened to use nuclear weapons to wipe Israel off the face of the map.

With anti-Semitism on the rise we must be reminded that "Never Again" is not a guarantee, but a pledge that we must uphold through education, dialogue, and determination. It also reminds us that we must continue to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

"Never Again" means that we must combat hate wherever it exists. While the Holocaust was a unique incident, a genocide is taking place right in front of our eyes in the Darfur region of Sudan. I recently traveled to Darfur where President Bush and the U.S. Congress have officially acknowledged "genocide" is taking place. According to official estimates, out of an estimated pre-conflict population of 7 million in Darfur, anywhere between 180,000 and 400,000 Darfurians have already died and over 2 million have been displaced. The conflict has spilled across international borders and hundreds of thousands have fled into Chad. The window to provide security and hope is narrowing. According to the Commander of the African Union forces who briefed the participants of my Congressional Delegation in Darfur, "There is no sense of urgency outside."

As a Jew I cannot sit idle while these atrocities continue to unfold in Darfur. The lessons from the Holocaust have taught us that we must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable. I believe that everyone should take a moment today to consider the role of the U.S. in the prevention and prosecution of genocide.

We must honor those who were lost during the Holocaust by carrying on and living honorable and productive lives. At the same time we must also honor them by carrying out measures to bring to justice those who were implicated and who profited from their suffering. And we must do everything within our power to provide the utmost measure of restitution for those who survived the Nazi's evil plan.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. While it is hard to grasp how terrible those events must have been, what all of our children, and us must do is to listen to the stories of those few remaining survivors of the Holocaust and ensure that their stories and their suffering are a permanent part of history.

Today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures others will not suffer their fate.

TRIBUTE TO EDWARDSVILLE PUBLIC LIBRARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Edwardsville Public Library of Illinois as we celebrate its 100th anniversary. For the last 100 years, the library and staff have served the residents of Edwardsville and the surrounding area.

The first library in Edwardsville was established in 1819; just one year after Illinois was admitted into the Union. In 1823, the Edwardsville Library Association was chartered and it was again revived in 1879. In 1903, through the efforts of the Library Board President Charles Boeschenstein, Edwardsville was given a gift of $12,500 from Andre Carnegie. On June 26, 1906 the library building was dedicated.

The library has gone through several structural changes over the years, including growing from 8,000 square feet to 20,000 square feet. No matter the structural changes, the library patrons still have access to a wealth of information and resources.

It is my pleasure to congratulate the people that have made the Edwardsville Public Library a sanctuary of intellectuality for 100 years and I wish all the best for the years to come.

CONGRATULATIONS TO REBEKAH NASTAV

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate 15-year-old Rebekah Nastav of Amoret, Missouri. Miss Nastav's design for a new stamp won the Federal Junior Duck Stamp Design Contest on April 20, 2006.

Miss Nastav's acrylic painting of a redhead duck, entitled "Morning Swim," will be featured on the 2006–2007 Junior Duck Stamp. More than 34,000 Junior Duck Stamp designs were submitted from all 50 states. Miss Nastav's stamp will be made available by the Fish and Wildlife Service for $5.00 to the general public on June 1, 2006. Proceeds from the Junior Duck Stamp sales will be used to support environmental education efforts.

Mr. Speaker, I am certain that the Members of the House will join me in congratulating Miss Rebekah Nastav and in wishing her luck in all her future endeavors.

CONGRATULATING BRUCE FITCH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize and congratulate Mr. Bruce Fitch of Frisco, Colorado, who recently retired from his post as Executive Director of Outward Bound Wilderness. As a friend and former Executive Director of Outward Bound, I am honored to have the opportunity to congratulate Bruce on his contributions to Outward Bound and to wish him well on his future endeavors.

Bruce Fitch began his stellar career at Outward Bound with a simple love of the outdoors and a desire to provide young people with a strong outdoor education. These passions led him first to a position as a river instructor for the Colorado Outward Bound School, then to a variety of administrative positions within the organization. Bruce's leadership skills and devotion to outdoor education became obvious, and he climbed the ranks until he landed at the top of the organization as Executive Director, COBS. His responsible and forward-thinking stewardship as separate Outward Bound entities merged to become Outward Bound Wilderness provided a visionary path for the organization, and ensured that young people would continue to have the opportunity to participate in Outward Bound's life-changing programs.

With the same devotion to outdoor education that Bruce showed as a young instructor and administrator for Outward Bound, he has accepted a position as the Executive Director of the Breckenridge Outdoor Education Program. I have no doubt that he will provide this organization with the same leadership and vision that he contributed to Outward Bound over the years, and I look forward to seeing what the BOEP accomplishes with Bruce at the helm.

As Bruce and his family begin this new chapter in their lives, I hope my colleagues will join me in congratulating him on his continuing service to the outdoor education community and to those that it serves.

THE HARLEM CONGREGATIONS FOR COMMUNITY IMPROVEMENT, INC. AND THE NEW YORK STATE ASSEMBLY CITATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. RANGEL. Mr. Speaker, again I rise to offer yet another much deserved tribute to the Harlem Congregations for Community Improvement, Inc. (HCCI) and to also enter into the RECORD the wording directly from a New York State Assembly Citation proudly bestowed upon the HCCI in recognition of the HCCI's exemplary contributions to the citizens of Harlem.

The HCCI, founded in 1986, is a diverse inter-faith consortium of more than 90 congregations established to revitalize the Central Harlem community. Needless to say, the HCCI continues to make a substantial impact in Harlem. To sing the praises of this dynamic organization I will reiterate some of the initiatives they have successfully launched and maintained over the last twenty years. The HCCI is responsible for developing low and moderate income housing, creating supportive health and human services facilities and programs, providing commercial development opportunities for local businesses, expanding cultural programs, and providing assistance to families and individuals living with disabilities by providing housing and support facilities.

On April 27, 2006 during the HCCI's 20th anniversary gala dinner celebration held at the Rockefeller Center's Rainbow Room in New York City, HCCI honored the Bank of New York with their "Community Development Award" recognizing the bank's support of HCCI's comprehensive community development initiatives in Harlem, in particular, the bank's operating support for the organization and mortgage financing to HCCI clients. The Bank of New York offers affordable mortgage loan products for first time homebuyers, homeowners seeking refinancing, home renovation, reverse mortgages and also provides construction loans to both not-for-profit and for-profit housing developers. The bank, through its program support, has been instrumental in contributing to the remarkable revitalization initiatives in Harlem.

As Lloyd Brown, executive vice president of the Bank of New York stated during the award acceptance speech . . . "We congratulate HCCI on its 20th year of community service in Harlem . . . (HCCI) is an organization that is successful in building affordable housing, creating commercial and job opportunities and providing health and social services to the people of Harlem." I join Mr. Brown to add my heartfelt congratulations.

Mr. Speaker, lastly, I would like to acknowledge and enter into the RECORD the wording from the prestigious citation bestowed upon the Harlem Congregations for Community Improvement, Inc. by the New York State Assembly.

NEW YORK STATE ASSEMBLY CITATION

Whereas, Harlem Congregations for Community Improvement (HCCI) was founded in 1986 as a consortium of 16 Harlem Churches, whose first president was the late Bishop Preston R. Washington, Sr. and today has a membership of over 90 Churches, Mosques and a Synagogue;

Whereas, HCCI began as a grassroots planning and organizing initiative, that has raised millions of dollars through ecclesiastical, entrepreneurial, and educational partnerships throughout the years. HCCI's interminable drive to improve the quality of life of all Harlemites, and dedication to community service is evidenced in the reversal of urban blight and deterioration concurrently, block by block;

Whereas, quality affordable housing has been the centerpiece of HCCI's services to the community from the beginning and to date has over 2,000 units of truly affordable housing built through innovative cross sector collaborations including elected officials, housing departments and banking institutions;

Whereas, HCCI has enhanced the livelihoods of many through adult education programs, welfare to work training literacy, trades and construction and computer technology and programming with proven success in job readiness and placement;

Whereas, HCCI has taken the leadership in addressing health issues affecting the community, most notably is the pilot program Community Organizations and Congregations for Health that offers technical assistance to faith based institutions to start nonprofits that sustain HIV/AIDS prevention services;

Whereas, a Great State is only as great as those persons who give exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and

Whereas, such services, which is truly the lifeblood of the community and state, so often goes unrecognized and unrewarded; now, therefore, be it

Resolved, that as a duly elected Member of the State Assembly of New York, I recognize that in Harlem Congregations for Community Improvement we have outstanding citizens, ones who are worthy of the esteem of both the Community and the great State of New York.

RECOGNIZING THE SESQUICENTENNIAL OF THE CITY OF MONMOUTH, OR

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the city and citizens of Monmouth, Oregon, as they prepare to celebrate the 150th anniversary of the city's foundation. Monmouth is a city that understands the meaning of words like history, tradition, and most of all, community.

Since its incorporation in 1856 by members of what became the First Christian Church, the people of Monmouth have held firm to the values that make it an outstanding example of the All-American city. The city is home to Western Oregon University which was founded in the same year and is the oldest public university in Oregon, as well as Campbell Hall, the oldest building in the state's public higher education system. The campus of Western Oregon University is also home to one of the tallest Christmas trees in the U.S., a giant Sequoia planted by the students in 1879 that has been nominated for inclusion in Oregon's Heritage Tree Program.

Monmouth is home to the Oregon Department of Public Safety Standards and Training which provides training facilities for both local and state law enforcement officers along with the Oregon Military Academy. The partnerships forged between the town and these institutions shows the dedication of the citizens to not just a safe community, but safe communities across Oregon and the nation.

Beautiful parks in Monmouth are large enough for city-wide festivals such as the annual Western Days Fourth of July celebration—which draw 10,000 visitors annually for the largest and longest patriotic festival in Oregon, yet intimate enough for families to gather and enjoy a day of recreation. Family-friendly activities are available year-round, from active sports programs to dance recitals to high school plays where the whole town comes out to show their support.

And so tomorrow, on this town's 150th birthday, I join the residents of Monmouth, Oregon, in celebrating the wonderful community that they have created.

APRIL 18, 2006 LETTER TO PRESIDENT BUSH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, On April 18, 2006, I sent the following letter to President Bush regarding the United States' use of Iranian anti-government insurgent groups in fomenting opposition and supporting military operations in Iran:

DEAR MR. PRESIDENT: Last week I wrote to you regarding reports that U.S. troops are conducting military operations in Iran.

There are also reports, however, that the U.S. is fomenting opposition and supporting military operations in Iran among insurgent groups and Iranian ethnic minority groups, some of whom are operating from Iraq.

The Party for a Free Life in Kurdistan (PEJAK) is one such group. PEJAK is based in the Kurdish region of Iraq, a few miles from the Iranian border, and has staged attacks across the border in Iran since 2004 on behalf of Iranian Kurdish interests, according to an April 3, 2006 article in the Washington Times. PEJAK claimed to kill twenty-four Iranian soldiers in three raids against army bases in March. Iran's official news agency also reported that three Republican Guard soldiers were killed in a gun battle near the Iraqi border in late March. Iran has denounced PEJAK as a terrorist group and has accused the U.S. of funding PEJAK. According to an April 15, 2006 article in the Economist, Iranians and Turks both believe that the U.S. is supporting PEJAK. It is hard to believe that PEJAK is operating successfully from Iraq without U.S. knowledge, support and coordination.

The Mujahedin e-Khalq (MEK), an Iranian anti-government group which has been listed as a "terrorist group" by the State Department since 1997, is another anti-government group that has received U.S. support. An article by Jim Lobe published on Antiwar.com on February 11, 2005 claims that Pentagon civilians and Vice President Cheney's office are among those in the U.S. government who support the MEK. His article further describes how according to Philip Giraldi, a former CIA official and a source in an article about this subject in the American Conservative magazine, U.S. Special Forces have been directing members of the MEK in carrying out reconnaissance and intelligence collection in Iran from bases in Afghanistan and Balochistan, Pakistan since the summer of 2004.

Seymour Hersh's April 10, 2006 article in the New Yorker also confirms that the U.S. troops are establishing contact with anti-government ethnic-minority groups in Iran. According to a government consultant with close ties to civilians in the Pentagon, American combat troops now operating in Iran are "working with minority groups in Iran, including the Azeris, in the north, the Baluchis, in the southeast, and the Kurds, in the northeast." The consultant further says, "The troops are studying the terrain and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds."

U.S. support for insurgent activity in Iran is not tolerable. You have claimed numerous times that the object of the so-called "War on Terror" is to target lawless insurgent groups.

Previously I asked you to immediately report to Congress on the extent of U.S. military operations currently in Iran. Now, in light of the evidence described above, I urge you to report to Congress on U.S. support for military operations in Iran by anti-Iranian insurgent groups.

It is a great breach of public trust to set this country on another path of war while keeping the Congress and the American people in the dark. I am demanding that you respond.

Sincerely,

DENNIS J. KUCINICH,
Ranking Democrat, Subcommittee on National Security, Emerging Threats and International Relations.

14TH ANNUAL "STAMP OUT HUNGER FOOD DRIVE" FEEDS HUNGRY, RAISES PUBLIC AWARENESS OF PROBLEM

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today in praise of the 14th annual letter carriers food drive, "A Family Affair", which will occur on May 13th 2006. This is the Nation's largest one-day food drive. Last year the food drive raised 750,000 .lbs of food and the letter carriers have set an even bigger goal this year. For the 14th year, they would like to raise 1,000,000 .lbs of food. 60 percent of the food raised goes to children.

The "Stamp Out Hunger Food Drive" was organized in 1993 by postal employees, members of the National Association of Letter Carriers and rural carriers to collect food to raise public awareness and combat hunger. Since its inception, over 658 million pounds of food has been collected in more than 10,000 cities and towns across America and delivered to food banks by letter carriers and other Postal Service employees. Their commitment to feeding America's hungry is as unceasing as their other commitments extolled in the Postal Service's unofficial motto: "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds." In this case, postal service employees have included feeding America's hungry in their "appointed rounds". God bless them for it.

Working in partnership with Campbell Soup Company and America's Second Harvest, as well as local offices of the United Way and the AFL–CIO, the Postal Service's commitment to fighting hunger is admirable.

IN HONOR OF ROBERT JAMES WIDMER, SR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to a man who can only be described as truly American, Robert James Widmer, Sr. who passed away on Monday, May 1, 2006, in Newark, Ohio, under the care of hospice.

Mr. Robert James Widmer, Sr., 84, of Granville, Ohio, retired in 1985 after 38 years in sales and management with Lederle Laboratories. Born July 9, 1921, in Toledo, Ohio, to the late Elsie Hollice Pace Rubin and Girard Winfield Widmer, Mr. Widmer attended Toledo University, Columbia University and graduated from Haverford College.

During World War II, Mr. Widmer served in the U.S. Army Air Corps from 1943 to 1946, and achieved the rank of Captain. He was assigned to the 454th Bombardment Group stationed in Italy and was shot down on his 13th mission on April 13, 1944, over Budapest and became a POW in Stalag Luft III. For his dedication and bravery, Mr. Widmer received the following medals for service to his country: two purple hearts with two clusters, Presidential Unit Citation for 454th Bombardment Group, Prisoner of War Medal, WWII Victory Medal, and the European African Middle East Campaign Medal with four battle stars.

Mr. Robert James Widmer, Sr., was a member of the Atlantis Country Club and Atlantis Golf Club, a founder and member of the 454th Bombardment Group, member of the Caterpillar Club, VFW, American Legion, Disabled American Officers, Former Prisoners of War at Stalag Luft III, Ex-Prisoners of War, Licking County SCORE, and a member and Elder of the First Presbyterian Church (USA).

This all-American man is survived by his loving wife Janet Clark Widmer; his daughters, Deborah A. Lewicki, Judith N. Widmer, and Nancy J. Freeman; his son, Robert J. Widmer, Jr. of Argyle, Texas in the 26th Congressional District; and five grandchildren, Aaron and David Lewicki, and Jay, Jocelyn and Jimmy Widmer.

Today, we honor Robert James Widmer, Sr., for his commitment to the safety of his country, his passion for life and the love of his family. He will always be remembered for his kindness and generosity to others. May he continue to serve as a role model for others in the future.

CONGRATULATING MR. CHARLES McDONALD ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BONNER. Mr. Speaker, it is with a tremendous amount of pride that I rise today to honor Mr. Charles McDonald on the occasion of his retirement after serving as president of the Alabama Retail Association for 35 years.

Charlie McDonald has been a devoted advocate for the retailers and business community of Alabama all of his life. Moreover, Charlie is a worker, not a talker, and he knows how to get the job done.

He served the Alabama Council of Association Executives for over three decades. In 1987, he served as chairman of the Alabama Civil Justice Reform Committee, and in 1992, he chaired the Alabamians for Workers' Compensation Reform.

A graduate of the University of Alabama, Charles received the School of Commerce and Business Administration's Retailer of the Millennium Award in 1999. He was also honored by the Food Marketing Institute with the Donald H. MacManus Retail Association Executive of the Year Award, and the American Society of Association Executives awarded him the Grand Award for Management Achievement. This year, the National Retail Federation honored Charles with the prestigious J. Thomas Weyant Lifetime Achievement Award.

Mr. Speaker, I ask my colleagues to join me in congratulating a dedicated community leader and friend to many throughout Alabama.

I know Charles's colleagues, his wife Elaine, his children, and grandchildren, and his many friends from throughout the country join me in praising his accomplishments and extending our heartfelt thanks for his many efforts over the years on behalf of the state of Alabama.

THE PORTER COWBOYS' 5A SOCCER TITLE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Porter Cowboys, winners of the University Interscholastic League Class 5A boys' soccer state championship. These young players came painstakingly close to defeat, but rose to victory in a 2–1 double-overtime win, earning Brownsville's first 5A state championship, and the pride of South Texas.

The Cowboys came back from a 1–0 deficit against the highly regarded team of Coppell in a match that went to two 10-minute overtime periods. The agility and perseverance of this team gained the recognition of even the rival coach who could not deny the heart the Cowboys put forth.

Less than a minute later, Porter tied up the game 1–1, after Coppell's only goal. The winning shot scored with 3:42 left on the stadium scoreboard, leaving the Cowboys' solid defense squad to protect the lead. The team left it all on the field to earn the Rio Grande Valley's first 5A title in soccer.

With such dedicated players and skilled coaching, it seems only right that their remarkable qualities led them to this year's championship. Their triumph is significant to both the team and their fans because it tells the story of how the road to victory is paved by those who never give up.

The Cowboys' success comes from sheer persistence and true teamwork. These young men have learned the supreme principles of both sports and life. They have experienced that winning is great but success is sweeter when teamwork and faith defy expectations and confront challenge.

These are the young champions: Eric Chapa, Edgar Sanchez, Aldo Sierra, Juan Razo, Jose Alvarado, Peter Ruiz, Victor Vela, Cristian Sierra, Wilfredo Fernandez, Edgar Acuna, Jorge Briones, Jovanny Briones, Alex Lara, Humberto Lopez, Gerardo Herrera, Mario Perez, Gerardo Martinez, Diego Rodriguez, Michael Cedillo, Angel Cardenas, Jesus Sanchez, Miguel Vasquez, Jose Mojica, Jorge Gandara, Abpsa Cardenas, Jose Sosa, and Abel Perez.

The coaches who led them to victory are Luis Zarate, Arturo A. Puig Jr., Pedro Valdez, and Miguel Marroquin.

I congratulate the Porter Cowboys who through their unwavering endurance and determination have brought great pride and joy to all of South Texas. I ask the House of Representatives to join me today in commending this outstanding band of champions who have learned the most important lessons of competition, faith, and commitment. Mr. Speaker, these young men have inspired us and made us exceptionally proud.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, on Tuesday, April 25 and Wednesday, April 26, I was absent for votes on rollcall numbers 100 through 108. Had I been present, I would have voted "Yes" on rollcall number 100, "Yes" on rollcall number 101, "No" on rollcall number 102, "No" on rollcall number 103, "Yes" on rollcall number 104, "Yes" on rollcall number 105, "No" on rollcall number 106, "Yes" on rollcall number 107, and "No" on rollcall number 108.

CONGRATULATING RAYMOND S. ANGELI ON THE OCCASION OF RECEIVING THE B'NAI B'RITH AMERICANISM AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Raymond S. Angeli, of Lackawanna County, Pennsylvania, who will be the recipient of the B'nai B'rith's annual "Americanism Award" on May 7.

The honoree of this prestigious accolade is traditionally selected by past award recipients and the presidents of various service organizations.

Mr. Angeli, who serves as president of Lackawanna College, was previously a member of the late Pennsylvania Gov. Robert P. Casey's cabinet. He served as secretary of the Department of Community Affairs after having served as Deputy Secretary for Programs at the agency and as Director of its Northeast Regional office.

A veteran of the United States Army, Mr. Angeli retired with the rank of lieutenant colonel. He served two combat tours in Southeast Asia, one as commander of a helicopter company. He also served as a Department of Defense inspector general and as foreign area officer in the U.S. Embassy in Paris, France.

While in military service, Mr. Angeli was awarded the Meritorious Service Medal, the Purple Heart, the Bronze Star, The Air Medal and the Pennsylvania Meritorious Service Medal.

Active in state, regional and community affairs, Mr. Angeli served as chairman of the board of the National Institute for Environmental Renewal, the state's Interagency Task Force on affordable housing and the Pennsylvania Housing and Finance Agency.

Mr. Angeli serves on the boards of the Great Valley Technology Alliance, St. Joseph's Center, Lackawanna Heritage Valley Authority and the Delaware and Lehigh Corridor Authority.

Mr. Angeli is a past recipient of the Boy Scouts of America's Outstanding Citizen Award in Northeastern Pennsylvania, UNICO's Man of the Year Award and the University of Scranton's Distinguished Alumnus Award.

A native of Blakely, Pennsylvania, Mr. Angeli earned a bachelor's degree in political science from the University of Nebraska and a master's degree in education from Scranton University.

Mr. Angeli and his late wife, Nancy, are the parents of two daughters, Ms. Emy Angeli and Mrs. Tracy Barone.

On a personal note, I want to express my own appreciation for the commitment Ray has made to his community. Although I met him during his tenure in Governor Casey's Cabinet, it has only been since my Congressional district expanded to include Scranton that I have had the opportunity to work closely with Ray on several projects. I know that I can count on him to have thought carefully about every project he undertakes and to have determined that it is in the best interest of the

Northeastern Pennsylvania. We are indeed fortunate to have him in our community.

Mr. Speaker, please join me in congratulating Mr. Angeli on this auspicious occasion. Mr. Angeli's commitment to service and excellence has earned him the respect and admiration of the greater Scranton community. It is fitting that such an award would be presented to him.

APRIL 5, 2006 LETTER TO SECRETARY RUMSFELD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, I sent the following letter to Secretary Rumsfeld requesting records pertaining to Pentagon plans to use U.S. Special Forces to advise, support and train Iraqi death squads:

Hon. DONALD RUMSFELD,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD: I am writing to request a copy of all records pertaining to Pentagon plans to use U.S. Special Forces to advise, support and train Iraqi assassination and kidnapping teams.

On January 8, 2005, Newsweek magazine first published a report that the Pentagon had a proposal to train elite Iraqi squads to quell the growing Sunni insurgency. The proposal has been called the "Salvador Option," which references the U.S. military assistance program, initiated under the Carter Administration and subsequently pursued by the Reagan Administration, that funded and supported "nationalist" paramilitary forces who hunted down and assassinated rebel leaders and their supporters in El Salvador. This program in El Salvador was highly controversial and received much public backlash in the U.S., as tens of thousands of innocent civilians were assassinated and "disappeared," including notable members of the Catholic Church, Archbishop Oscar Romero and the four American churchwomen. According to the Newsweek report, Pentagon conservatives wanted to resurrect the Salvadoran program in Iraq because they believed that despite the incredible cost in human lives and human rights, it was successful in eradicating guerrillas.

Mr. Secretary, at a news conference on January 11, 2005, you publicly stated that the idea of a Salvador option was "nonsense." Yet mounting evidence suggests that the U.S. has in fact funded and trained Iraqi assassination and kidnapping teams and these teams are now operating with horrific success across Iraq.

We know that the Pentagon received funding for training Iraqi paramilitaries.

About one year before the Newsweek report on the "Salvador Option," it was reported in the American Prospect magazine on January 1, 2004 that part of $3 billion of the $87 billion Emergency Supplemental Appropriations bill to fund operations in Iraq, signed into law on November 6, 2003, was designated for the creation of a paramilitary unit manned by militiamen associated with former Iraqi exile groups. According to the Prospect article, experts predicted that creation of this paramilitary unit would "lead to a wave of extrajudicial killings, not only of armed rebels but of nationalists, other opponents of the U.S. occupation and thousands of civilian Baathists." The article further described how the bulk of the $3 billion program, disguised as an Air Force classified program, would be used to "support U.S. efforts to create a lethal, and revenge-minded Iraqi security force." According to one of the article's sources, John Pike, an expert of classified military budgets at www.globalsecurity.org, "the big money would be for standing up an Iraqi secret police to liquidate the resistance."

We know that some of the Pentagon's Iraq experts were involved in the Reagan Administration's paramilitary program in El Salvador.

Colonel James Steele, Counselor to the U.S. Ambassador for Iraqi Security Forces, formerly led the U.S. Military Advisory Group in El Salvador from 1984-1986, where he developed special operating forces at brigade level during the height of the conflict. The role of these forces in El Salvador was to attack 'insurgent' leadership, their supporters, sources of supply, and base camps. Currently Colonel Steele has been assigned to work with the new elite Iraqi counter-insurgency unit known as the Special Police Commandos, operating under Iraq's Interior Ministry.

Director of National Intelligence, John Negroponte, was U.S. Ambassador to Iraq from June 2004 to April 2005. From 1981 to 1985, he was ambassador to Honduras where he played a key role in coordinating U.S. covert aid to the Contras, anti-Sandinista militias who targeted civilians in Nicaragua. Additionally, he oversaw the U.S. backing of a military death squad in Honduras, Battalion 3-16, which specialized in torture and assassination. The U.S. had similar programs of supporting paramilitary groups set up Nicaragua and Honduras as its program in El Salvador. In a Democracy Now interview on January 10, 2005, Allan Nairn, who broke the story about U.S. support of death squads in El Salvador, suspected that Ambassador Negroponte would most likely be involved in the economic side of U.S. support to death squads in Iraq.

We know that a wave of abductions and executions, in the style of the death squads of El Salvador, and with ties to an official government sponsor, and to the U.S., has hit Iraq.

. News reports over the past 10 months strongly suggest that the U.S. has trained and supported highly organized Iraqi commando brigades, and that some of those brigades have operated as death squads, abducting and assassinating thousands of Iraqis. Some news highlights:

May 1, 2005—Los Angeles Times reports that the U.S. is providing technical and logistical support to the Maghawir (Fearless Warrior) brigades, the Interior Ministry's special commandos, according to Major General Rasheed Flayih Mohammed. Iraqi authorities plan to increase deployment of the 12,000-strong Maghawir (Fearless Warrior) brigades, which are composed of well-trained veterans who have worked closely with U.S. forces in Najaf, Fallujah and Mosul and include the Wolf, Scorpion, Tiger and Thunder brigades.

May 16–20, 2005—Los Angeles Times and New York Times reveal discovery of 46 bodies, all Iraqi men abducted and slain execution-style, in various locations: floating in the Tigris, dumped in ditches and garbage-strewn lots, and buried at a poultry farm.

June 15, 2005—Washington Post reports that U.S. forces had knowledge of secret and illegal abductions of hundreds of minority Arabs in Kirkuk. The abductions were by forces led by Kurdish political parties and backed by the U.S. military.

June 20, 2005—Los Angeles Times reports that Saad Sultan, of Iraq Human Rights Ministry said that police and security forces attached to the Iraqi Interior Ministry, thousands of whom have been trained by American instructors, are responsible for abusing up to 60% of estimated 12,000 detainees in prison and military compounds. He says the units have used tactics reminiscent of Saddam's secret intelligence squads.

July 3, 2005—Reuters News reports that the government of Iraq publicly acknowledged that the new security forces were using torture. Article further says that accounts are common of people being seized by armed men in the uniforms of the police, army or special units like Baghdad's Wolf Brigade police commandos, and then disappearing without trace or being found dead.

July 28, 2005—Los Angeles Times reports that members of a California Army National Guard company, the Alpha Company, who were implicated in a detainee abuse scandal, trained and conducted joint operations with the Wolf Brigade, a commando unit criticized for human rights abuses. In an online Alpha Company newsletter, Captain Haviland wrote, "We have assigned 2nd Platoon to help them transition, and install some of our 'Killer Company' aggressive tactical spirit in them." The article further states that despite the Wolf Brigade's controversial reputation for human rights violations, it is regarded as the gold standard for Iraqi security forces by U.S. military officials.

August 31, 2005—BBC reports that on the night of August 24, a large force of the Volcano Brigade raided homes in Al-Hurriyah city in the Baghdad, kidnapping and then executing 76 citizens. The victims were all shot in the head after their hands and feet had been tied up. They suffered the harshest forms of torture, deformation and burning.

November 16, 2005—Reuters News reports the discovery of 173 malnourished men, some of whom were tortured, imprisoned in a secret jail run by Shi'ite militias tied to the Interior Ministry.

November 17, 2005—Newsday reports that in the past year, the U.S. military has helped build up Iraqi commandos under guidance from James Steele, a former Army Special Forces officer who led U.S. counter-insurgency efforts in El Salvador in the 1980s. The brigades built up over the past year include the Lion Brigade, Scorpion Brigade and Volcano Brigade.

February 15, 2006—Associated Press reports that the Interior Ministry has launched a probe into death squad allegations.

February 19, 2006—BBC reveals that morgues in Baghdad receive dozens of bodies picked up daily from rivers, sewage plants, waste burial sites, farms and desert areas. Most of the bodies are handcuffed and blindfolded civilians with a bullet or more in the forehead, indicating that they were executed. The handcuffs used on the victims are like those used by the Iraqi police.

February 26, 2006—The Independent reports that outgoing United Nations' human rights chief in Iraq, John Pace, revealed that hundreds of Iraqis are being tortured to death or summarily executed every month in Baghdad alone by the death squads working from the Ministry of Interior. He said that up to three-quarters of the corpses stacked in the Baghdad mortuary show evidence of gunshot wounds to the head or injuries caused by drill-bits or burning cigarettes.

March 9, 2006—Los Angeles Times reports that Iraqi police officers who worked at the Interior Ministry's illegal prison had received American training, and that U.S. trainers have also given extensive support to 27 brigades of heavily armed commandos accused of a series of abuses, including the death of 14 Sunni Arabs who were locked in an airtight van last summer.

March 10, 2006—Sidney Morning Herald reports that men wearing the uniforms of U.S.-trained security forces, which are controlled by the Interior Ministry, abducted 50 people in a daylight raid on a security agency. Masked men who are driving what appear to be new government-owned vehicles are carrying out many of the raids.

March 27, 2006—The Independent reports that while U.S. authorities have begun criticizing the Iraqi government over the "death squads," many of the paramilitary groups accused of the abuse, such as the Wolf Brigade, the Scorpion Brigade and the Special Police Commandos were set up with the help of the American military. Furthermore, the militiamen were provided with U.S. advisers some of whom were veterans of Latin American counter-insurgency which also had led to allegations of death squads at the time.

Mr. Secretary, in light of this evidence of U.S. support for and the existence of death squads in Iraq, what is the basis for your January 11, 2005 statement, that the idea of a Salvador option in Iraq is "nonsense"?

I request a copy of all records pertaining to Pentagon plans to use U.S. Special Forces to advise, support and train Iraqi assassination and kidnapping teams. I look forward to receiving your response.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

TRIBUTE FOR THE 50TH ANNIVERSARY OF THE NAACP BAY CITY BRANCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to honor the Bay City Branch of the National Association for the Advancement of Colored People as it celebrates 50 years as a dedicated champion of civil rights. On June 2, 2006 the members of the Bay City Branch will come together to revere its founding members and renew its commitment to justice for all.

Roy Wilkins chartered the first branch of the NAACP in Bay City in 1918. This was at a time when the NAACP was instrumental in convincing President Woodrow Wilson to publicly denounce lynching. The Branch was disbanded but it was re-chartered in 1938 by Attorney Oscar Baker Sr. and chartered a third time in 1946.

In 1955, NAACP member Rosa Parks was arrested for refusing to give up her seat on a Montgomery Alabama bus and one of the largest grassroots civil rights movements was born. The NAACP was at the forefront of this struggle and Reverend Obie Matthew, Pastor of the Second Baptist Church, organized the present Bay City Branch the following year on October 8, 1956. 50 years later the Branch is still fighting for equality of all citizens.

The Bay City Branch has led the fight against discrimination in housing, education, employment, healthcare, and the criminal justice system. Some of its notable fights were the Migrant Negroes from Georgia Case, the Bay County Skating Rink Case in the 1960s, the Woolworth 5&10 Store Sit-in, the hiring of the first African American teachers by the Bay City School District, and the inclusion of a Black History Class in the Bay City Central High School curriculum. The Branch has given away more than 70 scholarships to high school students. They have supported CORY Place, sponsored a summer USDA Food and Activity program for children, and worked with other local agencies to improve the living conditions in Bay City.

The hymn, Lift Every Voice and Sing, was written by James Weldon Johnson in 1900. In it he wrote, "Sing a song full of hope that the present has brought us; Facing the rising sun of our new day begun, Let us march on till victory is won." Under the current leadership of President Idella White, the Bay City Branch is marching on in the fight to remove barriers to racial equality. The Bay City Branch remains committed to educating citizens about their constitutional rights, and the adverse effects of racial discrimination.

Mr. Speaker, I am asking the House of Representatives to join me in congratulating the Bay City Branch of the NAACP for 50 years of commitment to social justice. The members are to be commended for their steadfast fight against racial hatred and I pray that together we will eliminate this scourge from our nation and the world.

FREEDOM FOR ALFREDO MANUEL PULIDO LÓPEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my colleagues about Alfredo Manuel Pulido López, a political prisoner in totalitarian Cuba.

Dr. Pulido López is a dentist, an independent journalist and a member of the Christian Liberation Movement. He believes in writing and speaking the truth about the nightmare that is the Castro regime. As a dentist, trained in protecting and nurturing human life, he could not tolerate the tyrant's incessant abuse of Cuban people. He understood the human condition and he knew that freedom is infinitely superior to the ills of tyranny and repression.

On March 18, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy activists, Dr. Pulido López was arrested because of his belief in liberty over repression. In a sham trial, he was sentenced to 14 years in the inhuman, totalitarian gulag.

On April 18, 2006, Dr. Pulido López's wife Rebeca Rodriguez Sauto visited him and found that his health has significantly worsened. According to the report that she filed with Cubanet, Dr. Pulido López is dangerously malnourished, deeply depressed and distraught. She reports that he is afflicted with chronic bronchitis and dark bruises of an unknown origin have appeared on his skin.

Despite his seriously declining health, Dr. Pulido López stated in the Cubanet report that he has no real reason to ask for a medical parole since he is an innocent man to begin with and what the dictatorship's officials really have to give him is freedom. He continued telling his wife, "I am more firm in my convictions every day. I am not going to renounce them. They know that my health is affected. They can do what they want."

Dr. Pulido López's commitment to freedom, in the face of declining health in the grotesque gulag, is a brilliant example of the heroism of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Dr. Pulido López, who represent the best of the Cuban nation.

Mr. Speaker, we must speak out and act against this abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My colleagues, before it is too late, we must demand the immediate and unconditional release of Alfredo Manuel Pulido López and every political prisoner in totalitarian Cuba.

TRIBUTE TO THE VILLAGE OF BREESE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Breese, Illinois upon her sesquicentennial. The Village of Breese was formed in 1856 and will celebrate her sesquicentennial on June 2–4, 2006.

Breese was settled in 1822 by way of the Goshen Road. The first Post Office was established at Shoal Creek in 1855. Breese then continued to prosper by establishing roots into electrical generation in 1905 and water treatment in 1937.

Chief Justice Sidney Breese, for whom Breese is named, was an outstanding early National and State figure. He is recognized as a Speaker of the Illinois House of Representatives, Chief Justice of the Illinois Supreme Court, and a United States Senator. A statue representing him now stands in Springfield, Illinois.

I am pleased to congratulate the citizens of Breese on 150 years of history in their community. I thank them for their contributions to our great Nation. May God bless Breese and may He continue to bless America.

TRIBUTE TO RETIRING COLONEL SHARON S. DERUVO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SKELTON. Mr. Speaker, let me take this opportunity to recognize the long and distinguished career of Colonel Sharon S. DeRuvo, who is retiring after serving our Nation's military with distinction for over 20 years.

Colonel Sharon S. DeRuvo was commissioned through the Walter Reed Army Medical Center Institute of Nursing in 1989. She graduated from the University of Maryland with a Bachelor of Science Degree in Nursing and received a Master of Science Degree from the University of Arizona in 1992. She also earned a Master of Strategic Studies Degree in 2003 from the Army War College.

Colonel DeRuvo has held a variety of positions culminating in her current assignment as Commander, General Leonard Wood Army Community Hospital, Fort Leonard Wood, Missouri. Past assignments include staff nurse positions at Fitzsimons Army Medical Center, Denver, Colorado and Brooke Army Medical Center, Fort Sam Houston, Texas. She also held positions as Head Nurse, Hematology-Oncology, Brooke Army Medical Center, Fort Sam Houston, Texas; Director, Quality Assurance, Brooke Army Medical Center, Texas; Assistant Chief, Department of Clinical Investigation, Tripler Army Medical Center, Hawaii; Chief, Medical Nursing Section and Chief Clinical Nursing at Landstuhl Regional Medical Center, Germany; and Deputy Commander for Health Services, Fort Carson, Colorado.

Colonel DeRuvo has earned numerous decorations and badges for her outstanding service in the military. Her awards include the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal, and the Army Achievement Medal with Four Oak Leaf Clusters. She has received several Tri-Service Nursing Research Grants, and was awarded the Orthopedic Surgeons and Nurses National Research Award. She is a member of the Order of Military Medical Merit and the Sigma Theta Tau Nursing Honor Society.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Sharon S. DeRuvo for her exceptional service to the United States and will wish her and her family all the best in the days ahead.

HONORING MRS. BONNIE SCOTT GENDASZEK AND MS. LOIS ELIZABETH LYONS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. HOLT. Mr. Speaker, today I rise to honor Mrs. Bonnie Scott Gendaszek, an eighth grade mathematics teacher at John Witherspoon Middle School in Princeton, New Jersey and Ms. Lois Elizabeth Lyons, a high school science teacher at High Technology High School in Lincroft, New Jersey. Mrs. Gendaszek and Ms. Lyons are the two New Jersey recipients of the 2005 Presidential Awards for Excellence in Science and Mathematics Teaching.

The Presidential Awards for Excellence in Science and Mathematics Teaching program is administered by the National Science Foundation to recognize and reward outstanding mathematics and science teachers who serve as role models for their colleagues, and to encourage these talented individuals to remain in the teaching field. We must, as Members of Congress, celebrate these fine individuals.

Each of us is in Congress today because we had along the journey of our education, teachers who inspired us to achieve, to inquire, to excel, and to dream.

Teaching today is different than when we were in eighth grade or high school. It is not just the content of mathematics and science courses that is different. Additionally, there is more valid scientific research in the area of how students learn and how to integrate mathematics and science knowledge into their intellect, and into their lives. We know that students must be engaged in the learning process, actively involved in the lesson, not just listening to the teacher.

Mrs. Gendaszek's classroom is one of questioning for deeper understanding. She has created a learning community of inquisitive middle-schoolers who seek to understand mathematics in their everyday lives. This is no small accomplishment, Mr. Speaker. To create such an environment requires daily dedication to her students.

Ms. Lyons' classroom is also one of questions and exploration. She has learned how to make chemistry less intimidating to her student by connecting the concepts to her students' lives first, thus engaging their curiosity. Research into student motivation tells us that relevance is key to facilitating intrinsic motivation in students and creating life-long learners.

Teachers in our Nation do not receive enough respect or recognition for the work that they do each day of the school year for our youth and for our Nation. As I work to pass the Congressional Teacher Award Act, I am happy to celebrate these mathematics and science teachers through the Presidential awards. As the United States seeks to find its place in the emerging global knowledge economy, our attention has turned to those who educate our youth, for teachers truly can change the future. I look forward to the leadership in the classroom, in New Jersey, and in the United States of Mrs. Gendaszek and Ms. Lyons to help maintain the leadership of the United States in the global economy.

A TRIBUTE TO THE LIFE OF EARL WOODS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the life of Earl Woods, a gentleman who was more determined to raise a good son than a great golfer. As a testament to his legacy I submit that he achieved both goals. Sadly, Earl Woods passed away today at the age of 74.

Earl Woods was born March 5, 1932, in Manhattan, Kansas, the youngest of six children. His parents died by the time he was 13. His father wanted him to play for the Kansas City Monarchs in the Negro Leagues, and his mother stressed education. He eventually attended Kansas State, graduating in 1953 with a degree in sociology and he also fulfilled his obligation to play baseball.

More than a dedicated father, Earl was a true mentor, a dedicated soldier, an author and a coach extraordinaire. During his lifetime, Earl Woods played catcher for Kansas State; the first black to play baseball in the Big Eight Conference. He was also a Green Beret in the U.S. Army Special Forces. He served for two tours in Vietnam rising to the rank of lieutenant colonel. His second tour shaped the latter part of his life.

He met his soon-to-be second wife Kultida Punsawad, a receptionist in Thailand and they wed in 1969. He fought alongside a Vietnamese friend who he nicknamed because of his courage and bravery. Earl promised Tiger Phong that he would name a son after him.

Eldrick "Tiger" Woods was born December 30, 1975.

Earl Woods was instrumental in helping his son establish the Tiger Woods Foundation and he also wrote a book, "Training a Tiger: A Father's Guide to Raising a Winner in Both Golf and Life" to share his experiences of guiding and nurturing his son.

Most people identify with Earl Woods as Tiger Woods' father. Yes it is true that Earl Woods had done a remarkable job raising a son who was empowered to chose his direction, accept responsibility, and stay committed, focused and honest as he journeyed into becoming a role model with great character. Earl Woods made sure that Tiger had tools essential to his development as he grew into a good person first and a championship golfer second.

Earl Woods was extremely proud of his youngest son. I know he can rest assured that his legacy will live on. He devoted countless hours to shaping and molding his son's character and making sure that Tiger was "mentally strong." He told Tiger, when he was a young man, "You'll never run into another person as mentally tough as you." Tiger believes his dad. In a statement made by Tiger today he admits, "I wouldn't be where I am today without (my father), and I'm honored to continue his legacy of sharing and caring." This statement is a true testament to how the love and dedication of Earl Woods was the reason for Tiger Woods' success.

Mr. Speaker: I send heartfelt condolences to Kultida, Tiger, and the rest of the Woods family as they mourn the passing of their loved one. I pay tribute to an extraordinary man who left an indelible impression in his own right.

RECOGNIZING THE SESQUICENTENNIAL OF THE FIRST CHRISTIAN CHURCH OF MONMOUTH, OR

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the First Christian Church of Monmouth. In the past 150 years, the members of this church have proven again and again the depth of their caring and giving, not just to their community, but to all those in need.

From 1850 to 1853, pioneers like Elijah Davidson, Ira F.M. Butler and others came to the Oregon Territory from their homes in Monmouth, Illinois—the inspiration for what became Monmouth, Oregon. These settlers, members of the Disciples of Christ Church, came to create a new community and school steeped in their religion and their values, tenets that they shared with the long history of pioneers going back to the Pilgrims. In 1856, Monmouth University (present-day Western Oregon University) was chartered, and it became the first home for the church.

The First Christian Church has long since outgrown its small beginnings, a single 20 by 30 foot room on the corner of Monmouth Avenue and Church Street. The church moved to its current location in 1913 and remains there today, where it still acts as a staple of town fellowship and camaraderie.

Just as the buildings that house this faith community have changed and grown over the years, so has the church's congregation. Active in the community, their good works include a teen center for local youth as well as the home for the Monmouth chapter of Meals on Wheels. This congregation represents the heart of the community and the goodness in people which we should all strive to achieve.

I want to take this opportunity to honor this church for the efforts that they have made on behalf of the residents of Monmouth and students of Western Oregon University. On this, their sesquicentennial anniversary, I acknowledge and honor the First Christian Church of Monmouth for their service and dedication to their community.

SENATE—*Friday, May 5, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, source of knowledge and wisdom, give us Your truth.

Open our eyes to see Your truth. Strengthen our hearts to face Your truth. Illuminate our spirits to understand Your truth. Fortify our minds to remember Your truth. Give Your Senators today the determination to obey Your truth. Show them what to believe and what to do.

Help us all to listen carefully to Your wise counsel and store up knowledge that transforms lives.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a few minutes I will set up votes for next week on several measures that we began to discuss yesterday. Once we set the schedule for next week, we have some Senators who would like to make statements on those bills and other matters. Therefore, we provided this period today for that purpose.

MEDICAL MALPRACTICE LIABILITY

Mr. FRIST. Mr. President, I will set up those votes in a bit, but I want to speak to one of the issues that we will be voting on Monday night, and that is the medical malpractice liability issue which, in many ways, is destroying the practice of medicine today. As one who has spent longer in the profession of a physician/doctor than I have in politics, this is something that hurts me as I look to what it is doing to patients, to consumers, to all Americans as it drives up their health care costs unnecessarily, wastefully, but then, even more importantly than that, it affects access to health care. Literally, we have expectant moms today who are having to worry whether there will be an obstetrician there to deliver their baby.

We have right now people who should be worrying, if they are in an accident today driving to work or driving home from work, about whether there will be a trauma surgeon once they arrive at a hospital. That is the threshold we have reached, affecting access, affecting cost, and affecting availability of health care.

A couple years ago, I took my son Harrison, who is in college, to Ohio, Pennsylvania, and Florida. Those were the hot States during the last Presidential campaign. I took him to be with him, and he observed a lot as we went to those three States.

It is interesting, those three States also happen to be three States that have been most dramatically impacted by the skyrocketing health care medical liability premiums. Because I am a physician, when I went to these town meetings or we would go to cafes, physicians would come up, their spouses would come up, their family members would come up and talk with me and pull me aside—Harrison would be at my side—and say: Dr. FRIST, something has to change. My dad was a physician. I am in practice with my dad. Right now we are going to have to dissolve our practice because our health care liability malpractice premiums have gotten so high we simply cannot afford to stay in business.

Then the discussion would continue a little bit and someone else would come up, and Harrison would be listening—at the time studying pre-med as well as history—and they would say: Dr. FRIST, right now I am going to get sued. I just got out of my residency, and I am going to get sued on average three times in the next 10 or 15 years, sued not just for $1,000 or $5,000 but for $1 million or $4 million or $5 million, even if I have done nothing wrong.

What hurt me about this is when we got back home after traveling around, Harrison took me aside and said: Dad, I know your dad—his grandfather, my dad—was a physician who practiced 55 years in family practice in cardiology in Middleton, TN. Harrison said: Dad, you love that noble profession of medicine, surgery, heart and lung transplants and healing, but why in the world would you encourage me, your son, to go into a profession that right now, based on what I have heard as we have gone around the country, is being destroyed by predatory personal injury trial lawyers and frivolous lawsuits?

It is a hard question to answer. I probably told him it's a noble profession and there's nothing greater than the healing process. But he looked at me and said: Dad, why would I subject my future wife and my family to lawsuit after lawsuit if I have done nothing wrong? Why would I jeopardize my own family no matter how noble that profession is?

I tell that story because it is personal in many ways, but I think it signifies why it is important for us to be allowed to proceed to debate how we can solve—probably not totally solve but help solve what has gotten out of control in our medical liability system today.

Across the country, rising medical malpractice premiums are driving doctors from the practice of medicine, limiting access to care. What that means is that your health care costs, my colleagues' health care costs, the American people, everybody's health care costs are driven up unnecessarily and access is diminished. Doctors leave the practice of medicine or they move to

States where this may not be quite as big a problem, and when you need a doctor, they are not there.

Across the country, one out of two counties do not have an obstetrician/gynecologist to deliver a baby or to manage that complication from an expectant mom. Seventy-five percent of neurosurgeons today no longer operate on children, and an even higher number have made a decision not to take a trauma call at a hospital. These are highly trained neurosurgeons, surgeons who focus on the brain and the back, on the neurological system, which is usually damaged if you are in a motor vehicle accident or any kind of blunt trauma accident. They basically said: We are not going to take the call; why subject ourselves to these exorbitant, frivolous lawsuits that affect our access, access for our children, for our families.

My own State of Tennessee the other day was put on the crisis list, one of 20 States now in crisis; 81 out of 95 counties in Tennessee don't have a neurosurgeon; half don't have an orthopedic surgeon, an emergency physician or an OB/GYN.

So we see these unnecessarily high malpractice premiums driving doctors out of the State, out of the profession. The average malpractice premiums in my State of Tennessee have increased a whopping 89 percent in the past 6 years. Again, these premium increases drive up the cost of your health care.

Doctors pass on the premiums they have to pay to the insurance company and the insurance company passes it on to you, so it affects everybody's health care unnecessarily.

Without reforms, over two-thirds of Tennessee physicians report they are contemplating early retirement or just totally changing careers. Dr. Steven Stack, a 34-year-old emergency doctor from Memphis is moving to Lexington, KY, to escape the litigation lottery. He told me the following:

> The high risk nature of my chosen speciality, the associated predator tactics of the trial bar, and very unreasonable and unfunded regulatory burdens imposed by governmental agencies have robbed me of much of the professional satisfaction I otherwise receive in caring for the health of my patients. . . . A fair number of my friends share my disillusionment and hope to leave the practice of medicine as expeditiously as possible.

Dr. Stack and his friends he referred to are far from alone. We all hear it. We get the letters. We get the e-mails. We have the conversations.

Dr. Justin Hensley of Johnson City, TN, says:

> As a Tennessee resident and having grown up in Knoxville, it pains me that I will choose to do my residency and practice in another State simply because the climate in my State is unbearable. My fiancee, who is also a resident and medical student, feels the same way.

The issue is even affecting the futures of medical students, the future of medicine, the people who will be delivering care to our children, to the next generation.

Patrick Emerson, writing from Memphis, reports:

> As a medical student here in Tennessee, the issue of medical liability is definitely a concern both to me and many of my classmates. The issue is going to shape our decisions in medicine drastically in the coming years, from what speciality we pick to what tests we order for our patients. Without reform, we are doing a grave injustice to our fellow citizens of Tennessee by depriving them of cost-effective and efficient care.

Patrick's story is one of the many stories that are pouring in. The bottom line: The system is broken and it needs to be fixed. The good news, on the optimistic side, is if we are allowed to, we can fix it. We can make this problem go away.

It is not just the bad doctors who are getting sued. People will say we have to have a strong medical liability system, strong medical malpractice system. I agree. I have been right in the middle of it. I have been right in the middle of where medicine is practiced, and with the complexity, the technology, the great miracles that can be done, is still subject to malpractice, still subject to medical errors—and I know that—and we need to have a fair, commonsense, balanced compensation system that punishes malpractice. But good doctors are getting dragged into this as well.

Consider this one statistic: Of those who have practiced in Tennessee for the past 10 years, in my profession, heart surgery, 100 percent of cardiac surgeons have been sued. Of those who have been in practice 10 years, 92 percent of orthopedic surgeons, bone doctors, have been sued; 70 percent of all doctors have faced legal action.

That is common sense, and the American people get it. But I am not sure all of our colleagues get it. Does it make sense or does anybody believe that all heart surgeons in Tennessee are bad or that all are committing malpractice, bad practice or that 7 of 10 doctors across the State deserve to be sued? Of course not. The system is out of control. The problem affects not just my State but patients and doctors from across the country. Rising medical liability premiums are increasing because of health care for every American. Again, it is common sense. The statistic is that 8 out of 10 doctors practice defensive medicine—defensive medicine—to fend off these frivolous lawsuits, and it makes sense. Right now, if you know with almost 100 percent certainty or 70 percent certainty that you are going to be sued no matter what you do—no matter what you do—what you are going to do is put a paper trail out there that will protect you in the courtroom. It makes sense. You want to protect yourself, and that is what you will do. You prescribe a few extra tests that are not necessary—something you wouldn't do otherwise. You prescribe an extra blood test, maybe an extra CAT scan, maybe an extra positron emission tomography, an extra fluorodeoxy with glucose, a PET scan—unnecessary, totally unnecessary, but you do it because the likelihood is you are going to be sued. You do it to have that whole paper record there showing that you did the right thing. That is a cost. It is a huge cost, and it is a waste of money. It doesn't result in better patient care. It is a total waste.

Again, it gives me a sense of optimism because if you omit this waste—I would call it fraud—this abuse out of the system, everybody's cost of health care goes down.

It is estimated that the defensive medicine costs in this country are over $100 billion. Wasted money. It is not Government money, it is your money. It is the American people's money. It is not even your tax dollars, it is how much you have to pay for that health care premium. That is why, if you are uninsured, you can't afford an insurance policy, because the cost of your insurance policy is too high.

Last month, I was in Texas, and again it is remarkable because medical liability reform is alive and well there, and it is working. I talked to patients, I talked to doctors, and I talked to nurses, and it is working. Since 2003, medical malpractice claims, following their reform, have dropped by at least 80 percent in most Texas counties. I talked just moments ago about physicians fleeing States because of medical liability, and since their reform was put in place, 3,000 doctors haven't fled that State but are coming back into that State today. We need to get on board with that reform movement.

When children who are dying of cancer can't get the lifesaving surgery they need, when a mother is forced to drive hundreds of miles to a doctor just to have her baby delivered, when doctors who have spent years training, years training and sacrificing to give people hope are having to leave the practice of medicine, it is time for us to act.

In a few moments, I will be filing cloture on the medical liability bill, and on Monday we will have those votes. I know a number of my colleagues will come by today and on Monday to explain the legislation as well as make the case of the importance of that legislation. I urge my colleagues, for the sake of all Americans and every citizen who is either walking into a doctor's office now or who will walk into a doctor's office in the future, that we vote to move forward on this bill.

I have seen firsthand that we have the best medicine in the world. The fact that I was able to do heart transplants with the technology on a routine basis, the fact that I was able to do lung transplants on a routine basis or to use that positron emission tomography to make a diagnosis on the metabolic processes of the heart or the brain today is truly astounding because it translates into better health care for all. We have the best doctors, we have the best medical schools, and we have the best hospitals in the world. We have the best laboratories. We have the best universities and schools. I have been a beneficiary of that, and I have witnessed it. But we have a broken medical liability system, and it is bringing down that greatness. By pulling together, we are going to be able to deliver to the American people a system that works, and this will be a major step forward.

MEDICAL CARE ACCESS PROTECTION ACT OF 2006—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, we have been in discussions with the Democratic leader, and we have agreed to a plan for the next several days that I will outline now and I will place in order now with the next series of requests.

We have set aside next week to address several important bills relating to health care issues, but as I understand it, there will be objections to proceeding on these bills. Because there is objection to proceeding on the bills or bringing them forth and debating them and amending them, we have to go through a process to overcome that obstruction.

I now move to proceed to Calendar No. 422, S. 22, the Medical Care Access Protection Act of 2006, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 22: A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

Bill Frist, Johnny Isakson, Sam Brownback, John Thune, Thad Cochran, Wayne Allard, John Ensign, Pat Roberts, Larry Craig, Ted Stevens, David Vitter, John McCain, Lamar Alexander, Norm Coleman, Judd Gregg, John Sununu, Craig Thomas.

Mr. FRIST. Mr. President, I now withdraw the motion to proceed.

HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, I move to proceed to Calendar No. 423, S. 23, the Healthy Mothers and Healthy Babies Access to Care Act, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 23: A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Bill Frist, Johnny Isakson, Sam Brownback, John Thune, Thad Cochran, Wayne Allard, John Ensign, Pat Roberts, Larry Craig, Ted Stevens, David Vitter, John McCain, Lamar Alexander, Norm Coleman, Judd Gregg, John Sununu, Craig Thomas.

Mr. FRIST. Mr. President, I now withdraw the motion to proceed.

I ask unanimous consent that notwithstanding rule XXII, the vote on the first motion to invoke cloture occur at 5:15 p.m. on Monday, May 8; provided further that if cloture is not invoked on that motion, then the Senate proceed immediately to a vote on the second cloture motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH INSURANCE MARKETPLACE MODERNIZATION AND AFFORDABILITY ACT OF 2006—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, I move to proceed to Calendar No. 417, S. 1955, the Small Business Health Plan bill, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 417, S. 1955, Health Insurance Marketplace Modernization and Affordability Act of 2005.

Bill Frist, Johnny Isakson, Sam Brownback, John Thune, Thad Cochran, Wayne Allard, John Ensign, Richard Shelby, Larry Craig, Ted Stevens, John McCain, Lamar Alexander, Norm Coleman, Judd Gregg, Pat Roberts, Craig Thomas, Richard Burr.

Mr. FRIST. Mr. President, I withdraw the motion to proceed.

Mr. President, I ask unanimous consent that on Monday, May 8, the time for debate be divided as follows: 1:30 p.m. to 2 p.m., minority control; and 2 p.m. to 2:30 p.m., majority control. Further, that the time rotate under this format, with the final time from 5 p.m. to 5:15 p.m. under majority control. Finally, I ask unanimous consent that the three live quorums related to the cloture motions be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, to summarize what we just went through and where we are, we have scheduled for next week the consideration of several important bills related to health care. Given the objection to the motion to proceed to these bills, it was necessary to file cloture motions on the motions to proceed; thus, we now have scheduled up to two cloture motions on Monday at 5:15, beginning at 5:15. The first will be on a motion to proceed to the Medical Care Access Protection Act, and the second vote will be on the cloture motion relative to the motion to proceed to the Healthy Mothers and Healthy Babies Access to Care Act. If those cloture motions fail, on Tuesday morning we will have a cloture vote on proceeding to the Small Business Health Plans legislation.

Mr. President, the way this is configured is that we have a vote on the first medical liability bill, which is a comprehensive bill built pretty much on this Texas model that I referred to in my earlier remarks. If that is successful, we will continue the debate on that. If it is not, we would continue with another medical liability bill that has a slightly different focus to it, again based on the Texas model. It will focus on in particular where medical liability premiums are felt most acutely: in women's health care and babies' health care, pediatrics and maternal health care, and that is obstetricians and gynecologists. I hope we will be allowed to proceed and debate on those two. We will be voting on both of those, or at least one of those but up to two on Monday night, with no votes after those two votes on Monday night.

Depending on the outcome but following whatever that outcome is, we will turn to the small business health reform plans. The small business health plans, as we know, have the potential for addressing many of the issues I talked to earlier—the cost issue, the access issue, and the quality issue as well—because what they do is allow small businesses—and most businesses in this country are small businesses; they create about three-quarters of the jobs in this country—they allow small businesses to group together so that they will have that purchasing clout which we know comes with numbers. When we add that purchasing clout, you can go and bargain for better prices, negotiate for better prices, and with that comes a lower cost of health care to all people who work in small businesses that participate. With that, people who don't have health care today who work for small businesses will be able to get a plan that is within reach, instead of the hugely expensive plans that are out there today.

So I am very excited about addressing the skyrocketing costs of health care head-on: choice, consumerism, patient-centered health care, all of which will be centered on the medical liability issue we will be debating and the small business health plans.

Mr. President, I yield the floor.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICAL CARE ACCESS PROTECTION ACT OF 2006—MOTION TO PROCEED—Continued

Mr. FRIST. Mr. President, I move to proceed to S. 22, so that Senators may speak to that motion.

The ACTING PRESIDENT pro tempore. The motion is pending.

Mr. FRIST. Mr. President, over the course of the morning we will have various speakers coming in to talk about a number of issues focusing on the issues I have spoken to on health care and the cost of health care and how it affects people in their everyday lives.

CINCO DE MAYO AND THE CONTRIBUTIONS OF MEXICAN AMERICANS

Mr. FRIST. Mr. President, I also will take a moment to interject what is a celebration today. It started with two events that happened 144 years ago this week, two events that signify great advances in the history of freedom in North America.

On May 1, 1862, Admiral David G. Farragut—the first Latino flag officer in any branch of the U.S. military and the first person awarded the rank of Admiral in the U.S. Navy—won a decisive engagement with Confederate naval vessels in New Orleans Harbor.

This was, perhaps, the most important naval engagement of the Civil War.

While almost 3 more years of difficult fighting still awaited Union troops, Farragut's victory at New Orleans: cut the Confederacy in half; granted union forces control of the Mississippi; contributed greatly to the Union victory; and, in turn, helped end slavery.

As Farragut's troops occupied the city of New Orleans, another event over 1,000 miles away was unfolding.

On May 5, 1862, a fighting force of 2,000 peasants confronted 6,000 well-equipped and expertly trained French troops. The French had come to conquer the small town. Instead, they found a fierce and proud resistance, and the peasant army prevailed.

A Mexican defeat that day could have even undone Farragut's victory at New Orleans.

French Emperor Napoleon III hated the United States and had clear sympathies with the Confederacy and its slave-holding culture.

With a base in Mexico, Napoleon's forces might have crossed the Rio Grande to offer support to the South in its battle with Union forces.

And Union forces were fully aware of the threat. General Phillip Sheridan supplied the Mexicans with the ammunition and equipment they needed to expel the French. Some Americans even joined the Mexican Army.

The battles were waged and won.

The Union prevailed, and Mexico successfully fought off the French invasion.

The Mexican victory on Cinco de Mayo wiped the last vestige of indigenous monarchy from the North American continent.

As the Cinco de Mayo story illustrates, our countries have a long and intertwined history. It has, at times, been a difficult one. But it has also been one of shared victory.

Cinco de Mayo also gives us an opportunity to recognize the invaluable contributions of Mexican Americans to our culture.

Through their vibrant traditions and deep commitment to faith, family, and country, Mexican Americans have enriched our society.

They are our friends and neighbors, our fellow citizens and protectors. Citizens of Mexican descent are, at this very moment, fighting in Iraq and Afghanistan to protect the American homeland.

So, today, we celebrate the unique contributions of our Mexican American comrades, and we toast our future, shared achievements.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, today 46 million Americans are living with no health insurance.

I am not sure everyone understands what it means to have no health insurance. We as Senators don't have a problem with that. We have insurance. I think it is very good insurance.

I can remember my parents having no health insurance when my dad worked in the mines. Once in a while he would go someplace else to work and he would have some insurance. After my dad passed away my mother had Medicare. That was the best insurance she ever had.

You would think that since I was a boy, America would have made progress in this health care problem, but it has gone the other way. More people are uninsured now than before. There is a real health care crisis in America today. The crisis can be felt in people's homes, in neighborhoods, in the workplace, and even corporate board rooms because they realize it is a problem when 46 million people have no health insurance.

Health care costs are going up and up. In all of the newspapers around America today there is an article which talks about what has happened. More people are forced to opt out of employers' insurance, the article says. A growing number of Americans who work for companies that offer health insurance are having to turn it down. Many companies don't offer insurance, but even at those that do, people can't afford to opt into the system. Why? Because of a 42-percent jump in premiums over five years.

The Robert Wood Johnson Foundation said 3 million fewer U.S. workers eligible for employer-sponsored health insurance enrolled in 2003 compared with 1998.

Even where insurance is available people are not opting into it. Why? Because now it costs on average $3,481 to be able to afford this insurance for an employer-sponsored individual policy. And these statistics from the Robert Wood Johnson Foundation are 3 years old.

It would be far more than that now.

Health care costs too much. Premiums are going up. Premiums have increased 70 percent since the year 2000. It has crippled businesses, including some of the stalwarts in American society such as Ford and GM. And the cost of prescription drugs is part of that.

The Medicare drug plan has been a mess, to say the least. In Nevada, a relatively small State in numbers of people, almost a half million people have no health insurance. More than 100,000 children have no health insurance in Nevada.

Then there is the fact that many diseases could be cured, which would cut down on the cost of health care, diseases such as diabetes, Parkinson's, Alzheimer's. We don't know all of them for which we are looking for a cure.

Of course, we can't move forward in research because the Republican majority refuses to allow us to move forward with this crucial legislation.

We need a new direction in health care. Republicans have had 5½ years to put their arms around this crisis. But even with control of the White House, the Senate, and the House, they failed.

They continue to hold in their arms the insurance industry.

Next week, Republicans have scheduled what they call a Health Care Week. This is really a mini debate in an area where we have a major crisis—the Republican approach to a national emergency is one that brings a number of questions to mind.

My first question is, Why has it taken so long even to have a mini debate?

We are about 80 percent of the way through this 109th Congress. We have spent weeks and weeks picking fights over radical judges and weeks to help big business on issues such as class actions and asbestos.

With a national emergency on health care we are going to spend a handful of days, literally. This Health Care Week is a public relations gimmick—something like the "Mission Accomplished."

The majority couldn't be serious about helping American people with health care and do what we are expected to do about health care in a week.

My second question is, Who do the Republicans want to help? The people getting help under this Republican majority are special interests. Not the people we have tried to break through and have the middle-class American people represented in Congress. Republicans don't have a single prescription for America's health care emergency, except that they have a cabinet full of medicine to fatten big business.

On Monday, they want to have a vote on this same, tired medical malpractice bill that we have defeated day in, day out, week in, week out, month after month, year after year.

They keep bringing them up and having them defeated. Why? Because they do not mean anything to the American people.

If we are going to do something about health care, are we going to do something that just makes the insurance industry even bigger and stronger and fatter than it now is?

That is what these medical malpractice bills do: they enrich the insurance industry and do nothing to help working Americans.

Nevada is a good example. A few years ago, we were told there was a medical malpractice "crisis" in Nevada. The Republican Governor called a special session of the legislature. They set caps on pain and suffering damages.

Who has benefitted? Not those people who have the wrong leg taken off in surgery, or who have been given the wrong medicine in surgery. And the doctors haven't benefitted either.

The insurance rates in Nevada haven't gone down. Let me repeat that, in the few years since that legislation passed, insurance rates have not gone down in Nevada for doctors. That "crisis" was something that was put forward by the insurance industry, and they have done well—they are paying victims less but they are still charging doctors the same high premiums.

The insurance industry wants to have this benefit in every state, even the states that have refused to enact caps on damages. It's the same old story. Last Congress, the Senate rejected three times virtually identical bills—the same one-size-fits-all medical malpractice bill for the most seriously injured victims.

It's true that people make mistakes. But when you are talking about medicine, these mistakes can be very serious. Most of these mistakes aren't made in a wanton fashion. Rarely does that happen. But people make mistakes. They are negligent.

Two years ago or so, I went to Walter Reed for surgery on my left foot. They wheeled me into the operating room, and as I am laying there getting ready for the surgery, I asked the doctor and the people in attendance: Why do you have a black mark on my right foot?

They said: That is where we are going to do the surgery.

Luckily, I pointed out that they had marked the wrong foot. So they erased the black mark on my right foot and did the surgery on the left foot, the correct one.

This surgery was not life threatening to me, but it took 4 or 5 months for me to recover from the surgery to the foot that needed it, let alone if I'd have had to recover also for a foot that didn't. People make mistakes.

That is what medical malpractice is all about. Doctors make mistakes and hurt people. In our system of fairness and justice, the only way to respond is with dollars. To set these arbitrary caps to save the insurance industry is senseless and unfair.

Not one of these bills we are going to take up next week has anything to do with helping people with their health care.

One bill they claim will help small business. The others they claim will help patients and doctors. These bills will do just the opposite.

In the Orwellian world in which we find ourselves in Washington, under Republican control, whatever they say it does just the opposite. Far from helping, the measure dealing with small business health care, for example, that we will get to next week, threatens the coverage of those who have insurance now. It does nothing to extend coverage to those who need it. It gives control of our health care to the insurance companies even more. Insurers, not doctors, will decide if you get coverage and what you will be charged. That is what the legislation is about.

After these three bills, we are done with health care this year. That is enough. We have had health care week. Three bills that do nothing, and we are done with health care and on to something else.

The third question: Why is this majority refusing to consider real solutions to Americans' health care problems in their so-called health care week? I applaud my colleagues for recognizing health care deserves the Senate time. But the agenda is frightening. A Republican in the White House, both Houses of Congress controlled by Republicans—excuses? They should have none. They have it all. But they have given America nothing.

Where, for example, is stem cell research? Where are Medicare improvements? Where is relief for the uninsured and small businesses in this country?

In one bill, sponsored by Senators BAUCUS, LINCOLN, and DURBIN, they have health care legislation in the Senate that would actually help small businesses. It would give them the ability to pool and choose from the same health care options that we as Senators have. If it is good enough for us, why don't we give everyone the same opportunity we have, and do it soon—such as next week?

Senator LEAHY, ranking member of the Judiciary Committee, has insurance reform legislation that brings the insurance industry under the Federal antitrust laws. Right now, the insurance industry can conspire and fix prices and do all kinds of things other businesses cannot do because they are not subject to antitrust laws. Why is the insurance industry exempt? Because of the McCarran-Ferguson Act. I am sorry to report that a Nevada Senator by the name of Pat McCarran has his name affixed to some of the most unfair legislation this country has ever seen.

It was enacted during the height of the Depression when Senator McCarran and a man by the name of Ferguson, a Member of Congress, got together and said, let's give the insurance industry a break. We will not have the Sherman Antitrust Act apply to them.

The legislation was supposed to be in existence for a couple years, but 70-plus years, it is still in effect. Who is the biggest, most powerful industry in America? It is the insurance industry, yet they are not subject to the Sherman Antitrust Act. The only other business that isn't subject is professional baseball, major league baseball. Senator LEAHY wants to change this. I support him in this. This is a real way to bring insurance premiums in line and really help doctors and health costs. Make the insurance industry subject to the same laws all other industries are subject to and premiums will go down.

What about stem cell research? We talked about that yesterday. Senator FRIST said he is going to bring it up. I hope he does. I talked to him about that before. Time is running out. Every day we wait to give our scientists the tools they need is another day of suffering for millions of Americans, fearing they will never have the opportunity to have their loved ones or themselves cured of these dreaded diseases. We need this groundbreaking research. If the Government acted in the 1940s and 1950s such as the Republicans are acting today, we would not have a vaccine for polio.

Where is Medicare on the Republican agenda? After May 15th, a few days from now, any people who have not signed up for this flawed plan have to wait until next year. And next year when they sign up, they have to pay a penalty. They cannot sign up in the meantime. They have to wait until next year.

Five months after this program has gone into effect, it is still mired in confusion and red tape.

A real health care week would fix Medicare's problems, extend the May 15 deadline, it might eliminate penalty from the President's drug program, and include a repeal of Medicare's prohibition from negotiating with drug companies for cheaper prescription drug prices.

Isn't it hard to comprehend that Medicare cannot bargain for lower prices for the drugs they purchase? CVS can. Rite-Aid can but not Medicare. Why? Because when that bill was written, they wanted to give an unfair advantage to the drug companies. And they gave it to them.

America's health care crisis is real. Unfortunately, the majority's commitment to solving it is not. Next week, as we did with gas prices, Republican actions will tell us they care about health care, as they cared about gasoline prices. The best they could come up with was a $100 rebate which has been panned in every newspaper and by every commentator in America the last 10 days.

It is not what they say they stand for, it is whom they stand for that matters. And it is not for the American people. With their health care week, the majority is making it very clear they stand with insurance companies, not the American people.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I, for one, am pleased we are moving forward this next week with the health care agenda in an attempt to hold down the costs of health care.

My colleague who just spoke said: I don't think any Senators have ever experienced life without health insurance. Before I came to the Senate, I didn't have health insurance. So I come to the Senate today as a small businessman who has had to struggle with the costs of health insurance in my small business. I also had to struggle with my employees, making sure that they had appropriate health insurance to meet the immediate needs of their family.

The fact that the majority leader has decided this next week to declare health care week to help put forth three pieces of legislation, Senate bills 22 and 23 which deal with liability reform is great. We cannot continue to bury our heads in the sand and ignore the fact that lawyers, some way or the other, do not contribute to the cost of health care. The fact is, the threat of lawsuits do add to the cost of health care.

Finally, I am pleased one of the bills coming forward in the Senate is the bill allowing small businesses to form associations. Then, as a purchasing unit, they have more power in the marketplace and can negotiate cheaper health insurance policies as a general rule. It does not happen all the time. But at least it gives the small businessman one more tool in trying to hold down the costs of health care.

As a small businessman, I had to struggle to maintain health coverage in my veterinarian practice and reached the point at one time where I said: I think what we finally need to do, as a small businessman I cannot afford health insurance, so we will work with each individual employee and give them extra pay so they can go out and shop for their own health insurance. So many times when you have small businesses, as I did, you become the first employer of many new employees entering into the workplace. With the idea they would be somewhat mobile and moving around from one employer to another for the next few years, we decided that was okay, and my wife and I decided to begin setting aside our own savings account to pay for health care costs in case, for some reason or another, I had an incident or she had an incident where we needed to go to the hospital and have some health care.

Being a veterinarian and lifting heavy dogs on the exam table all the time and not expecting the dog owner to pick up the other half of a Great Dane, I ended up having back problems and had to have back surgery. I didn't have health insurance. I paid for it myself out of my own pocket. Fortunately, my wife and I had the foresight to set aside a savings plan so that if something such as this did happen, we could pay for it. But it set us back. We were able to survive that particular incident. It was kind of an interesting thing. They did not want us to go into the hospital. They would not let us in because we did not have health insurance. I said: I will pay for it. When we got in there, we had the surgery, and I did very well, and I am very active today. Consequently, they did a great job on the surgery, and when we checked out of the hospital, they said they would reduce our costs 20 percent because "we do not have to deal with the paperwork of dealing with the costs of having to process your claim."

So much of the paperwork is driven by trying to protect themselves from frivolous lawsuits. That has been my personal experience.

That is why I am in the Senate today talking in favor of Senate bill 22, called the Medical Care Access Protection Act of 2006, which is a comprehensive liability reform bill, and in support of Senate bill 23, which is called the Healthy Mothers and Healthy Babies Access to Health Care Act, and talking in favor of the association health plans bill that allow small businesses to come together and form associations so they can, as a bargaining unit, bargain down and get a more reasonable cost on their health insurance.

What happens if we do nothing? Right now there are many smart young men and women across the country who are being literally driven away from the health care industry. We are attracting fewer and fewer high-quality medical students than ever before. In some States and some specialties, practicing doctors are actually leaving their professions behind.

A little later on I will give you the experiences of a doctor in a rural community who is actually preparing to leave his profession because of the high cost of health insurance. Most of it is because of the high liability insurance, and it is extremely prohibitive for young students and doctors to stay in a field they cannot afford because of the high liability insurance costs. This is creating a problem for patients in health care across the country but particularly in the rural areas. I will address that later on.

Doctors are more reluctant to perform complex and high-risk medical procedures such as those involving pediatric orthopedics and spine surgery. It is not an easy procedure having to repair the bone of a fractured infant or having to do spinal surgeries as I experienced. This puts patients' access to emergency and trauma care at risk, also, because this is another high-risk area. Many times, you have to tailor the treatment plan to what is happening with the patient. There is not always a textbook approach, where you treat every patient exactly the same. Every patient is a little bit different.

Doctors are moving to States with a more favorable medical liability climate, leaving some areas underserved. In the State of Colorado, which I proudly represent, about a decade ago we did a lot to try and hold down the costs of medical insurance. We dealt with a lot of aspects of medical liability reform. Many of those we have in this bill, but we actually went further than what is in the bill.

The bottom line is, in Colorado, we were able to hold down the costs of medical insurance for medical doctors fairly significantly. One of the problems that happened in States such as Colorado, although we had done a lot of things to hold down the cost of health insurance, we found because health insurance companies pool their risks from States other than Colorado, we did not have the impact in some cases we expected to have because other States have not done that much in trying to hold down the cost of health insurance and liability problems that doctors incur when they are in their practices.

We were disappointed in that regard. That is why I, as a Senator, feel we need to have a national approach to this problem. That is because there is a lot of variation out there between States, and those States that are not doing anything have an adverse impact on States such as Colorado that are willing to step forward and try to reduce the liability risk and to reduce frivolous lawsuits.

Now, in Colorado, we are lucky enough today to already have had some liability reform for frivolous lawsuits. But across the Nation, States are experiencing extreme shortages in health care professionals because of the cost of liability insurance.

Now, another thing that may happen if we do not do anything is that medical students that may eventually wish to settle in States such as Colorado, but cannot because they cannot get the training they need because they cannot afford the liability insurance in States where they have to go to do their residency. We have a medical school in Colorado, but lots of times medical students are encouraged, with their residency and whatnot, to go to other hospitals and other institutions because everybody has a little bit different view of how they are going to handle different types of cases, and this exposes them to different points of view, so they can make up their mind what best works for them. So they will lose that opportunity.

Now, the bill, S. 22, would create a graduated cap system similar to what was just put in place in Texas. If we look at the Texas model, we have seen some remarkable results. But the bill would provide for unlimited economic damages. So if the patient wins a lawsuit against a medical doctor to provide for a decent living for their family, then they can collect those economic damages. It provides a stacked cap model that would keep non-economic damages at or below $750,000. They break it out this way: There would be up to $250,000 from a decision rendered against a health care provider and $250,000 from a decision rendered against a single health care institution and $250,000 from a decision rendered against more than one health care institution, not to exceed $500,000. It also provides punitive damages, but those are not to be any greater than twice the economic damage award or $250,000.

This bill also guarantees that lawsuits are filed no later than 3 years after the injury and extends the statute of limitations for minors injured before age 6. Under the age of 6, not always does an incident emerge right away. So if you have too short of a statute of liability, then it does create a problem for the patient. So this bill also looks at what we can do to take care of legitimate lawsuits that patients might have. This is one of the aspects which is provided for in the bill we have before us.

The language also intends to maximize patient recovery of payment by focusing on attorney payment regulations. It also establishes standards for expert witness rules, promotes fairness in the recovery of health benefits, and attempts to prevent double recovery.

It keeps the focus on the patient by attempting to curtail frivolous lawsuits, which is the key.

I mentioned Texas earlier in my comments, where there was legislation that was recently put into effect. Here is what happened in that State since September of 2003. They have added nearly 4,000 doctors in their State. Insurance premiums have declined. The number of lawsuits filed against doctors has been cut in half. Those are very significant events. It is similar to what we experienced in the State of Colorado when we passed a far-ranging liability reform bill.

Currently, we are at a crossroads on a very controversial issue.

Now, in the interest of my constituents, I have cosponsored this particular piece of legislation, S. 22, the Medical Care Access Protection Act of 2006. It still allows for individuals to file claims for compensation for all economic damages they have incurred and allows for a reasonable amount of punitive damages.

Now, I have a few anecdotal situations I would like to talk about that affected Colorado. These are doctors who came and visited my office, and here is what they had to say, why they think we had to have medical liability reform.

The first one is about a medical doctor in Ft. Morgan. It is a relatively small rural town in northeastern Colorado. He expressed his concern in having to stop accepting new patients. He was concerned that with the rising costs of liability insurance, he would no longer be able to afford to accept new patients with the amount he is reimbursed. Even more distressing for this doctor in rural Colorado was the fact that he was going to have to start turning away patients whom he had been serving for years. His final question was, if he could not afford to serve them, who would? This brings up anecdotal evidence of what I explained earlier, that because of the high cost of liability insurance, doctors are giving up patients in rural areas because they simply cannot afford to service them because of the liability incurred.

Last week, a student with the American Osteopathic Association expressed his troubles finishing up his education. This applies to student experiences. This student is from rural Colorado, with plans to return to rural Colorado to practice. The problem is, he cannot afford the medical liability insurance in other States to get the specialized training he needs to come and practice in rural Colorado.

Now, doctors in small bordering towns of Colorado, such as Wray, Holyoke, and Burlington, cross the border into Nebraska to serve the rural areas of both States. Now, even if they are lucky enough to be able to afford the medical liability insurance in Colorado, it is nearly impossible for them to afford the additional liability insurance they would need to practice in the rural areas of the bordering State, which is probably closest and more accessible. This is another reason I think we need to have some national legislation.

Doctors and specialists from Ft. Collins drive as far as Cheyenne to serve the patients of the frontier country in between those two destinations. Without their dedication, the constituents they serve would be left without health care. We are now faced with that reality because these dedicated doctors can no longer afford the medical liability insurance they are required to have to practice in rural areas.

It was expressed in a meeting this week that eventually the need for liability reform legislation would be null and void. Why? Because large hospitals are beginning to pay on a salary so doctors can afford the rising cost of medical liability insurance without worrying about the rate of reimbursement. That may be a solution in urban areas where there is the opportunity for doctors to practice at a large hospital. But in rural areas, that is not an option, and the cost of medical liability insurance will force doctors out of rural areas where they are desperately needed. That is why I think it is so very important we move ahead with these pieces of legislation.

I have shared with my colleagues some anecdotal evidence as far as the State of Colorado is concerned. Based on the Colorado experience and based on my personal experience, we cannot afford to continue to stick our head in the sand. We need to realize and recognize there is a problem out there with frivolous lawsuits against dedicated, hard-working medical doctors, particularly those who are trying to make their practices operate in rural areas.

So I, for one, ask my colleagues to join me because of the serious problem that is facing the medical community. I believe it is time for the Congress to act, and I am delighted that the Senate has decided to take up the bill this next week.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the Senator from Colorado for his comments. He has made a great contribution. He knows a little bit about this because of his own background as a veterinarian in terms of health care.

I come to the floor to speak as somebody who has personally experienced the phenomenon of being placed in the position toward my practice—I am a practicing physician. I still practice on Monday mornings. I still practice on the weekends. I have delivered several babies during this session of the Senate.

What the American people need to understand is we are going to spend $2.3 trillion this year on health care in this country. And $1 out of every $3 does not go to help anybody get well. We are never going to be able to compete globally if we cannot control the health care costs in this country. So I wish to walk you through, for just a minute, how this threat of liability raises the cost of health care for everybody in this country.

Only 16 percent of the lawsuits that are filed across the entire country have any merit whatsoever. Mr. President, 84 percent of them are filed with the idea that we can intimidate people into settling a case so a lawyer can make money. It has nothing to do with the patient. It has everything to do with enriching the trial bar. I have experienced that personally as a physician who has delivered over 4,000 children into this world.

What happens is, we change the behavior of physicians because of the tremendous liability that is out there. There are some very good statistics that reveal that. We know that 6 percent of the cost of health care today is for tests that are ordered on patients in this country that are not needed by the patient at all but are needed by the physicians to protect them in case they have some aggressive lawyer who wants to try to say: You didn't do everything in your power to make sure somebody is getting well. So we are going to waste $140 billion—$140 billion—this year on tests that our people do not need because of the threat of liability exposure. Think what that money could do for access for everybody else who does not have health care today. We could buy everybody in the country who does not have health care health care with just the money we are wasting on the tests.

The idea of extorting a settlement from a frivolous lawsuit does not come without significant cost to this country. It is not just the cost of the tests that are ordered that are not needed, there is also the cost of defending it. In the one case I have had in 24 years as a physician, the lawyer costs to defend me in that case, which was thrown out of court twice, were $65,000—for that one case. That was just the lawyer fees, and that was back in the 1980s. And I spent about $60,000 worth of time that I was not working taking care of patients to prepare myself for all the grilling and interrogation that comes from an aggressive lawyer who thinks they are going to hit a home run off my insurance that I pay. The consequences of that have been that malpractice rates, liability insurance rates, have skyrocketed.

In Texas, what we know is happening is, it is not just that with their new system, they have more doctors coming, it is not just that the cost of liability insurance is going down, but the availability of care is increasing, and the number of dollars spent on waste for tests we don't need is declining in Texas. But it is going up everywhere else where we have not addressed this problem.

We are going to hear all sorts of cases: that the problem is not the trial bar; the problem is we make mistakes and don't get compensated. Well, that is not the case because most insurance companies, if there is a legitimate case—and doctors make errors—they settle the case. They don't go to court.

What actually happens some of the time as to that 16 percent of the cases that are legitimate, in Oklahoma, is that somebody who truly had an injury does not get compensated because the lawyers who are now defending the doctors have gotten so good that they win cases they probably should not have.

So we have all these distortions that are occurring because the focus is on how much money can we put in the hands of people who "are representing somebody with an injury," when, in fact, they are representing themselves and their own wealth.

I am going to support both of these bills, but we need to wake up in America. If we are going to compete globally, then we have to readdress all of health care in this country. We have to go to a consumer-driven, transparent market where you know what the price is, you know what the outcome of the provider is, you know they are following best practices, and you should not be paying more than anybody else for the same thing. And the value judgment you make on your health care needs to be yours.

We also need to make your insurance yours, not your employers'. And it needs to be able to go with you wherever you go. There will never be job lock if we do that. We need to give the individual the tax break rather than the company the tax break. And we need to put everybody with some skin in the game when it comes to health care. In our country, we know, if we have markets that really drive that, we will improve the quality, we will increase the access, we will get rid of the bad players, and we will lower the costs. And we have to lower the costs of health care. We can do it.

At $2.3 trillion, if we took 20 percent and squeezed it out, we would have $460 billion we would not be spending on health care because it is not being spent on it now—it is spent on the machine of health care and the waste, as I just described it, on tests that are not necessary. That money would go into capital which would raise innovation, which would raise salaries, which would create more jobs, which would create greater prosperity.

But when we have this false sense of entitlement to the trial bar, through extortion—and that is what it is; it is pure extortion, because most of them are filed not with the hopes of winning the case but with extorting the settlement because it is cheaper to settle than to pay all the lawyer fees—we continue to have this ordering of tests that are not necessary because we have to defend ourselves. I am glad we are going to be addressing that. I plan on introducing another couple of bills in the next week as we address health care to move some of the things I talked about.

In Oklahoma, we have three cities that have over 50,000 people. Since 2003, they each had a total of six OB/GYNs. There are two left out of those three cities because of malpractice rates. Malpractice rates for OB/GYNs in Oklahoma rose 89 percent last year. My partners can't deliver over 100 babies a year without having a tremendous increase, and their average cost for the delivery per baby is over $500 per child, based on the malpractice cost alone.

We have great problems. We can fix them. But we can't fix them by protecting a special interest group that has been protected for years that claims they want to do something great for people but who most of the time are motivated to do something great for themselves.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. I ask unanimous consent to speak in morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this has been an interesting week, and next week in the Senate will also be interesting. I want to talk about a couple of those matters.

I know there are a lot of people in the country, some in this Chamber, who believe that politics in America these days is pretty dysfunctional. We are not speaking directly to the issues that are most important to the American people. We are not confronting the issues that have developed with the American economy and foreign policy. Many people are concerned about that. I count myself among them.

I have always been proud to serve in the Senate. I come from a town of 300 people, a high school class of nine students, and to go from a desk in a small high school in southwestern North Dakota to a desk in the Senate. I have always felt enormously privileged to do that. But there are times when I am very concerned about the institution of politics.

John F. Kennedy used to say that every mother kind of hoped that her child might grow up to become President, as long as they didn't have to be active in politics. But of course, politics is the method by which we make decisions. The document called the Constitution that starts with the three words "we the people" means the people are in charge. They are the ones who decide, grabbing the American steering wheel, which direction we head.

Let me describe my concern about the dysfunctional politics and the dysfunctional system that exists. I don't think one party is all bad and the other party is all good or that one is all right and one is all wrong. I do think that we are on the wrong path and off track. We have one-party control in the White House, the House, and the Senate. It seems to me we need to get busy and get serious about addressing the fundamental problems we face in domestic policy and foreign policy.

Next week we are going to deal with health issues, we are told. But even though we are going to deal with health issues, the majority leader has said the way the Senate will deal with health issues is, he will file cloture on some bills to come to the floor dealing with medical malpractice, dealing with health care costs. The purpose of this process is to say: We are going to deal with the issue of medical malpractice, and we are not going to allow anyone else to deal with any other issue dealing with health care costs.

I happen to have pretty strong views about this issue of medical malpractice. We have somewhere, it is estimated, between 40,000 and 90,000 people a year die in hospitals as a result of mistakes. To suggest that someone should be immune from accountability because of mistakes is wrong. I have a longer story about all of that. But would I like to see there be a process that is simpler and easier than going through the tort system to resolve these issues? Yes, I would. I believe that is possible. But to suggest that we ought to limit those who are victimized by bad medicine—and there are cases of bad medicine; it does exist—to suggest we ought to limit their opportunities to seek redress is wrong.

As long as we are going to talk about health care costs—and that is a very serious issue; health care costs are increasing dramatically for families, for businesses, for the Government in Medicaid and Medicare—perhaps we should talk about the array of issues we should be dealing with. Let me cite some examples.

No. 1, the highest rate of growth in health care costs is the cost of prescription drugs. It used to be when someone got sick, you would put them in a hospital bed for acute care, and then they would be let out, discharged, a week or 2 later, and that was the way health care was delivered. These days we have miracle drugs. Prescription drugs are used to treat illnesses so that people don't have to have acute care hospital stays. But the increased price in prescription drugs is almost unbelievable. We pay the highest prices in the entire world for prescription drugs. Why is that the case? It is the case because the pharmaceutical industry can charge the highest prices in the world for prescription drugs.

I took a bus one day and took some North Dakota citizens to Canada. In a one-room pharmacy in Emerson, Canada, just miles north of a pharmacy in North Dakota, these North Dakota citizens purchased their prescription drugs.

They were all FDA approved, in many cases made in America and shipped to Canada. So our citizens went to Canada to buy prescription drugs, Lipitor, Prevacid, a whole series of prescription drugs. All of them were dramatically less expensive in Canada than they are here. And not only Canada, they would have found the same thing in England and France and virtually every other country. We pay the highest prices in the world for prescription drugs.

A bipartisan group of Senators and Members of the House believe that the way to break the back of increased drug prices or drug pricing that is unfair to the American consumer is to allow the reimportation of prescription drugs from Canada. The FDA will allow someone to come across for personal use with maybe 3 months' worth of drugs, but otherwise it is illegal. In Europe, it is not illegal. If you are in Germany and want to buy a drug from France, if you are in Spain and want to buy a prescription drug from Italy, they have a system by which you do that. It is called parallel trading.

It has been done for 20 years. There is no safety issue. And through it the consumers are able to get the best prices on approved prescription drugs. In this country, you can't.

The majority leader is going to bring a health care bill to the floor next week that deals with medical malpractice and will apparently "fill the amendment tree" or file cloture so that no amendments can be offered. But will the majority leader allow us to vote on a bipartisan proposal to put downward pressure on prescription drug prices? No, he would not do that. Why? Because the pharmaceutical industry doesn't want that legislation on the floor. So we will not have it, I guess.

We have been trying for years. A bipartisan group of Senators believe we ought to do that, believe we ought to tackle the issue of increased cost of health care by tackling the escalating prices of prescription drugs. But we can't get that bill onto the Senate floor.

The majority leader is taking specific steps now to prevent it. Why? Because he is helping, in my judgment, the pharmaceutical industry. It is what they want. How about doing what the American people want for a change? Let the American people in these chambers. How about opening the door to having the people's interests served here? So we won't be dealing with the issue of prescription drug prices, I guess, next week. We are going to try, but the majority leader will block us, I assume. That is what we have been told.

How about this little provision—the most unbelievably pernicious provision that was put in the bill that was passed to add prescription drug coverage to Medicare. Do you know there is a provision added in that bill that says, by the way, the Federal Government cannot use its purchasing power to negotiate for lower prescription drug prices with the pharmaceutical industry. Is that not unbelievable? A prohibition on the Federal Government negotiating for lower prescription drug prices with the pharmaceutical industry. In whose interest is that, do you think? Is that in the pharmaceutical industry's interest? Of course it is.

I wish somebody would come to the Senate floor and take credit for it and say I wrote that, and I wrote it because I believe the pharmaceutical industry should be able to charge higher prices and should not have to negotiate. Not one Senator, I believe, will claim credit for that legislation. But it was there. So the majority is deciding that they are going to block an opportunity to get rid of that, repeal that provision and allow the negotiation for lower drug prices that will put downward pressure on health care costs. The majority says we don't want anything to do with that; you cannot offer that amendment next week. We are going to talk about health care and health care costs, but you are prevented from offering that amendment. Why? Maybe it would pass and that would not be good for the pharmaceutical industry. It is unbelievable to me. Talk about dysfunctional behavior in the Senate. If we are going to deal with health care and health care costs, how about allowing legislation on the Senate floor that really does that. Let's have an up-or-down vote on the issue of reimportation of prescription drugs so that the American people can benefit from the same prices people are paying in other countries. Should the American people be paying the highest prices?

Some time ago. I sat on a hay bale on a farm at a meeting of farmers. And a fellow in his mideighties said:

> My wife has been fighting breast cancer for 3 years, and for 3 years we have driven to Canada every 3 months to buy her prescription drugs.

I asked why. He said:

> Because we pay only 20 percent of the price we have to pay in the United States for the same drug.

Tamoxifen is a drug to treat breast cancer. If one uses that, you can save 80 to 90 percent if you buy that in Canada. It's an FDA-approved drug. Is that fair to the American people—to say you should pay the highest prices in the world? Oh, by the way, we are not interested in helping you put downward pressure on prices in this country.

That makes no sense to me. Next week we will see this dysfunctional behavior in the Senate. We will be prevented from the ability to consider pieces of bipartisan legislation. In both cases that I have talked about this morning, they will prevent votes on them. Why? Both are opposed by the pharmaceutical industry. So God forbid the Senate should have an up-or-down vote.

It is interesting. Regarding pharmaceuticals, senior citizens in this country are about 12 percent of the population, and they consume about one-third of the prescription drugs. So senior citizens are 12 percent of the population and consume one-third of all of the prescription drugs. In many cases, they are the least able to pay these escalating prices. And pharmaceuticals—the prescription drugs that you need—are not a luxury; you need them.

It is interesting that the same is true with respect to energy, isn't it? Another part of the dysfunctional behavior around here is dealing with energy costs. That is another subject.

Are we going to get legislation on the floor of the Senate to deal with energy issues? Not likely—at least not in a meaningful way. We have seen press reports about what is happening. Exxon oil had a $36.1 billion profit last year, which is the highest profit in the history of corporations. I am not against profit at all. Good for them. But all that profit comes at the expense and pain of the American consumer. So that is not good for the consumer.

So what do we do about that? I say this. If all that money that is going into the coffers of the oil industry is being used to sink back into the ground for exploration and development of additional supplies, and therefore lower prices, good for them and good for us. But I know that is not happening. I know that Exxon is using about a third of its profits to buy back its stock. Business Week magazine says that big oil invested in trying to find oil on Wall Street. Well, there is no oil on Wall Street. That is all about mergers and acquisitions. That doesn't expand the supply of energy. I think we ought to say this to big oil: If you are not using these profits to expand the supply and reduce the price, then you ought to be paying a portion of that into the Federal Government as a recapture, a windfall profit recapture that we send back in its entirety to the consumers from whence it came. I would like to vote on that in the Senate. I think that is something we ought to consider on the floor of the Senate.

Energy is not a luxury. Look, I understand we have serious problems with energy. Those who come to the floor and say there is a free market in oil—what a load of nonsense. There is no free market in oil. First of all, you have OPEC ministers in a closed room around a table deciding how much they are going to produce out of the sands of the Middle East. OPEC ministers decide how much they are going to produce and what that might do to affect price. Second, the big oil companies have two names now. They fell in love and got married. It was Exxon and Mobil, and then they merged and now it is ExxonMobil. There was Philips and Conoco. Now it is PhilipsConoco. They decided to get hitched. The Federal Government turned a blind eye to that and said that is fine.

And finally, you have futures markets. The futures markets become orgies of speculation. It is a dramatic amount of speculation that drives up prices. The result is that the consumers in this country, I think, are seriously injured by what is happening. All of the pain is on the side of the person who is driving up to the gas pump or the farmer who is trying to figure out how to pay for the fuel he needs for spring planting. All of the gain is on the side of the enterprises, the major integrated oil companies, making the highest profits in the history of corporations, and the OPEC countries. And the royal family of Saudi Arabia thanks you.

This is something wrong with this. I understand that we have long-term problems and we need aggressive energy policies that address them. I have been working for some long while on the issue of trying to pole-vault over the circumstances by which we power our vehicle fleet in this country. We need to get to a hydrogen fuel cell future, with twice the efficiency of power to the wheel. You put water vapor out the tailpipe using hydrogen and fuel cells. We have, for a century, decided we are going to use gasoline to run through carburetors, and now fuel injectors, to power our vehicles. It doesn't make sense to me. Sixty percent of all of the oil comes from troubled parts of the world—Saudi Arabia, Kuwait, Iraq, and Venezuela. It makes no sense to be that dependent and for America to be hostage to that situation.

We need to move to a different future. I think it ought to be hydrogen and fuel cell. Even as we move along, we are never going to not need oil, natural gas and coal, but at least let's remove our addiction to finding it from troubled parts of the world that hold our economy hostage. We need to increase production of fossil fuels and do it in a way that doesn't injure our environment. We need to do much more with respect to renewables. I am talking about the biofuels, ethanol, and biodiesel. We need to do much more with respect to efficiency as well. Everything that we do every day with light switches and virtually everything that powers everything we do needs to be made much more efficient.

We need to tell the auto makers that you cannot do this anymore; you cannot build 5,000-pound cars that get 15 miles per gallon. At least we should say to consumers that it is not in your interest to buy them. We ought to say to the auto companies that the way you are going to compete best is to make efficient cars, and we are going to hold you to a better and higher standard. In the long term, we understand this.

We suck 84 million barrels of oil out of this planet of ours every single day—84 million barrels a day out of this Earth. We use one-fourth of it in the United States. This little spot uses one-fourth of all of the oil. China has 1.3 billion people. They now have 20 million automobiles. In 15 years, China is going to have 120 million automobiles. They are going to add 100 million automobiles to the roads. Where is the energy going to come from? That is the question.

That is why I say we have long-term issues we have to deal with. We have to decide that we are going to go to a different future. Senator LINDSAY GRAHAM from South Carolina and I had a caucus on hydrogen and fuel cells. If you don't care where you are going, you are never going to be lost. You have to decide what your destination is. What policies do we want for our energy future? We cannot sit around thumbing our suspenders and bellowing about all of these issues and doing nothing about them.

We passed an Energy bill a while ago—and my compliments to Senators DOMENICI and BINGAMAN. I am one of the senior members on the Energy Committee. I helped write the renewable fuels title and the hydrogen fuel cell title. But we need to do much more. And at the moment, what has happened to oil prices at $75 a barrel—when the major oil companies had their highest profits in history when oil was at $40 a barrel, it is fundamentally unfair to American consumers. We need to do something about it. I would like to vote on that in the Senate.

I think it is important to consider how do we deal with this issue because this is clearly unfair. The oil industry is important to us. I have done a number of things to try to be helpful to them. But when I see something that is wrong, I think we ought to set it right. The oil industry is upset with my saying, look, if you are going to accumulate these profits, use them to reduce price; and if they are not going to do that, we ought to recapture it and use it as a rebate exclusively to the American consumers and find a way—not this $100 nonsense that floated around here, but a real rebate that takes some pressure off of these American consumers. I think that is something that we have a responsibility to do.

I want to mention as well that yesterday we passed an emergency supplemental bill. The reason we are dealing with an emergency bill is that President asks for zero money, no money in his budget for operations in Iraq and Afghanistan. I have spoken on the floor many times about that. The administration comes in and says, all right, we don't know how much it is going to cost to have our soldiers fighting in Iraq and Afghanistan, so we are not going to ask for money in the regular budget. We are going to ask for it later as an emergency, so it doesn't count and isn't scored, and we add it to the Federal deficit. That is a game. It should not happen. We are now spending somewhere between $7 billion to $10 billion a month in Iraq and Afghanistan. Honest budgeting would require this administration to say here is what we think we are going to spend this year and ask for the money; then figure out how we are going to pay for it. Is the only sacrifice we are going to ask from the soldiers who we say, go to Iraq for a year, or the National Guard to whom we say, put your boots on and for the next 16 or 18 months you are going to be gone from your home, your family, your job—you are a citizen soldier, but you are going to spend 12 months in Iraq and 4 or 5 months perhaps training to get there. So we are going to take you away from home for 16, 18 months. Is that the only sacrifice being asked in this country? Could we perhaps, as a Congress, decide to ask the people to begin to pay for the cost of this? Is that wrong to ask the American people to sacrifice as well? We have to spend this money, so maybe we can all pay for it.

The President doesn't want to do that. The President doesn't want to confront the reality of where our fiscal policy is. We are far off track. We have the biggest deficits in history, and I know they brag that they say our deficit is only going to be $300 billion, $350 billion in the coming year. But look at the increase in debt. They are to go borrow more than $600 billion in the coming year. In addition, they are borrowing over $700 billion for the biggest trade deficit in history. We are out of kilter to the tune of $1.4 trillion, and they snore their way through all of this.

Just hang around, shine your shoes, thumb your suspenders and snore a little. Don't worry, things will be happy, things will be better.

What a dysfunctional system. The American people, I think, deserve this Congress and this President to stare truth in the eye and understand what is going on, yes, in fiscal policy, in health care, in education, in military policy and, yes, in foreign policy. I don't think, regrettably, that is happening.

There is a remarkable thing that happens in this country, and that is every even-numbered year, our Constitution provides the American people grab the steering wheel.

Last weekend, I was in Philadelphia. I went to the Constitution Center. It was the first time I had been back to Philadelphia in a while. I remember something that happened, I believe, in 1988. In 1988—I think I have the year right—was the 200th birthday of the writing of the Constitution.

As all of us remember, the Constitution was written by 55 White men. Fifty-five White men went into a room in Philadelphia, pulled the shades—there was no air-conditioning; it was a hot Philadelphia summer—and they wrote a constitution for this country. George Washington's chair, by the way, is still in that room.

When you go to the room and see where they sat, you will notice George Washington's chair is still there with half a rising Sun decorated on the back of the chair. Ben Franklin sat over here. Mason and Madison sat over here.

So on the 200th birthday—at the time 55 White men wrote the Constitution, and I emphasize "White men" only to make the point that our country has changed in the way we govern and the way we respond—55 Americans went back into that room in Philadelphia. I was one of the 55 chosen to go back into that room to be involved in the 200th anniversary ceremony of the writing of the Constitution. Among the 55 were men, women, minorities.

It was pretty remarkable. I sat in that room thinking about coming from a small school in North Dakota and studying the Constitution, understanding the first three words, "We the people," and then trying to think back a couple hundred years in which these 55 men, really remarkable people who wrote this framework of ours, the framework of our Government, that has been altered only 17 times in over 220 years, outside of the 10 amendments for the Bill of Rights.

I tried to think of how they were evaluating what kind of country is this, what kind of country will it become, and what kind of a constitutional framework will be flexible enough to allow it to change with changing times.

It is pretty remarkable what they did. The work they did was pretty dramatic. It is work that is the creation of the most successful democracy in the history of humankind, and it is relatively young, not much more than a couple hundred years old. Not very old. And yet it is the most successful in the history of humankind.

It provides for the separation of powers, branches of Government—legislative, judicial, and executive. And it provides that the American people, we the people, are in charge. All the power in America is in the power of one—one person casting one vote on one day. That is all the power in America. There are no guns. There are no armies that march. There is just the power of one enumerated in the Constitution that on even-numbered years, the American people one by one grab America's steering wheel.

The reason I mention that is this is another even-numbered year. We have two grand political parties in this country. I am not somebody who believes one is all bad and one is all good. Both parties have contributed substantially to this country's past, and I hope they will contribute to its future. Occasionally, this country gets off track, and I think we are very seriously off track. It is the case in fiscal policy. It is the case in health policy, certainly the case in foreign policy, immigration policy—you name it.

We have serious problems that require, should require this Congress to stare them in the eye and work in a bipartisan way to fix them. But we have this dysfunctional system. We have a complete abject lack of leadership coming from the White House, in my judgment, with all due respect, and we have a majority party in this Congress that now in the next series of issues dealing, for example, with health care costs will decide next week that we should not be able to offer amendments to deal with the real issues of health care costs. So we are not addressing head on the kind of issues about which the American people care.

Having said all of that, I want to make the point that if I felt so discouraged that nothing can get done and nothing will get done, it would be hard to get up in the mornings to go to work. But I think there are enough people of good will, enough people who come to these positions who understand that America needs good stewardship, and responsible politics means addressing real issues, as hard as they are and as tough as they are. I think there are enough of them that at some point very soon, we are going to see a different track, a different approach, and we are going to see real efforts to address real problems at long last.

There is much to be concerned about regarding our country's future, but there is also much about which to be hopeful. This country has been a beacon to the world in many ways. We have survived a civil war. We beat back the oppression of Adolf Hitler. We have done so many unbelievable things. We split the atom. We spliced genes. We invented plastic. We invented radar. We invented the telephone, the television, the computer. We built airplanes and learned how to fly them. Then build rockets to fly to the Moon, walk on the Moon, and plant the American Flag. What an unbelievable place this is.

Travel around the world and ask people how they see this country—I haven't talked about immigration, but if tomorrow we said as a country we have no more immigration quotas, this country is open to anyone living anywhere in the world who wishes to come to America, welcome, come and stay and work, if that happened, we understand what the circumstances would be. We would be overrun with immigration.

I landed in a clearing in kind of a jungle area between Nicaragua and Honduras one day. The helicopter ran out of gas. The campesinos had come to see who came down in a helicopter. We had an interpreter with us and started talking because we were lost and didn't get found for some hours. We asked the campesinos from Honduras and Nicaragua: What is it you aspire for your lives? We want to come to America; we want to come to America, they said. Why? Because there is opportunity in America.

It is unbelievable. So if we just said: Look, anybody who wants to come can come, we would be overrun with people coming into this country. We can't do that. This is an Earth that spins around the Sun. It has 6.4 billion people living on it. Half of them have never made a telephone call, half of them live on less than $2 a day, and 1.5 billion don't have daily access to potable water. And this little spot called the United States is extraordinary, but it didn't get there by accident. It got there because enough people cared about the right things. Yes, about rights—especially rights—women's rights, worker rights, civil rights, the rights that people have, the rights to which people, we the people, refer. Those are fights we have had for a long time.

Having said all that, I still believe there is a great reservoir of hope for this country to have its best 200 years ahead of it. It requires, however, for us to work together and to understand you can't gloss over problems, you have to confront problems and deal with problems in a thoughtful, sensitive way.

I will come on Monday, I assume, and if the plans are as I heard yesterday to bring a bill to the floor and then prevent any other ideas on health care costs, we will be right back in the same dysfunctional approach we have seen for far too long coming from both the White House and the Congress. I think the American people hope for better. They certainly deserve better. And I hope next week we will see something better than that.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes, and I probably will not speak that long.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY are printed in today's RECORD under "Morning Business.")

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for as long as I shall require.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I come to the floor to address two topics today. The first has to do with medical liability, and the second has to do with my resolution to have the Senate express what I think almost every American understands, which is that when we say the Pledge of Allegiance, when we sing the National Anthem, when we take the oath of allegiance for citizenship in America, we should do it in our common language: English.

MEDICAL LIABILITY REFORM

Mr. President, first let me express my concern about the medical liability crisis that is occurring in Tennessee and across our country. I am particularly concerned about a crisis in access to medical care for mothers and babies in Tennessee. In 45 of Tennessee's 95 counties, pregnant mothers have to drive for miles to get prenatal health care and to deliver their babies. In 15 of those counties, pregnant mothers have no access whatsoever to any prenatal care within their counties. Only 1 of 104 medical students graduating from Vanderbilt University Medical School in 2004 chose to be an OB-GYN, according to Dr. Frank Boehm, professor of obstetrics and gynecology at Vanderbilt University Medical Center. Dr. Boehm cautions that:

> We must not lose sight of the fact that one of the side effects of our current medical malpractice crisis in OB-GYN is a steady loss of medical students choosing to practice one of our most important medical specialties. If this decline in OB-GYN doctors continues, patients having babies or needing high-risk gynecologic care will be faced with access problems this country has not seen.

That is Dr. Frank Boehm, Vanderbilt Medical School, as reported in the Tennessean on July 20, 2004.

Dr. Ron Blankenbaker, associate dean of the University of Tennessee College of Medicine, Chattanooga, said four of the six doctors at UT Family Practice who provided obstetrical care have stopped working in this specialty because of fears of malpractice lawsuits. That was in the Chattanooga Times Free Press in February of 2005.

It is clear that we are in a medical crisis and we must do something to improve access to care for mothers and their babies. For this reason, I am proud to be a cosponsor of S. 23, the Healthy Mothers and Healthy Babies Access to Care Act, a bill to protect access to care for mothers and babies by providing medical liability reform for obstetric and gynecological care. I am also proud to be a cosponsor of S. 22, the Medical Care Access Protection Act of 2006, a comprehensive medical liability reform bill.

This is the third time during my tenure in the Senate that I have come to the floor to discuss medical liability concerns. While we have debated solutions every time, we have not had the votes necessary to enact those solutions.

Sadly, during this time of inaction, the situation has gotten much worse in my home State of Tennessee. In February of this year, Tennessee was declared a medical liability "Crisis State" by the American Medical Association, joining 20 other crisis States where broken medical liability systems are jeopardizing access to health care.

I have heard from doctors and hospitals from one end of Tennessee to the other, all concerned with the skyrocketing costs of medical liability premiums. The average medical liability insurance premium for Tennessee doctors has increased 84 percent since 1999 due, in large part, to our out-of-control jury awards. That is according to the Tennessee Medical Association. In the past 10 years, 100 percent of cardiac surgeons, 92 percent of OB-GYNs, 92 percent of orthopedists, and 70 percent of all doctors in Tennessee have faced legal action—again, according to the Tennessee Medical Association. The medical liability crisis is driving up the cost of health care for all Tennesseans. The annual cost of defensive medicine,—that is the extra tests and procedures performed by doctors to protect them from lawsuits—is estimated at $70 to $120 billion per year, nationwide, according to the U.S. Department of Health and Human Services.

Defensive medicine adds $2 billion to health care costs just for Tennesseans. That is almost $1,000 for every Tennessee household that is spent on unnecessary defensive medicine costs—tests, and procedures performed by doctors to keep them from getting sued—and they are still getting sued.

In Tennessee, 78 percent of doctors report ordering extra tests and procedures due to litigation fears. Nearly half of those doctors estimate that 20 percent or more of their procedures fall into the defensive medicine category. Again, I believe it is pretty clear we are facing a crisis.

Here is what the bills would do. The Healthy Mothers and Healthy Babies Access to Care Act and the Medical Care Access Protection Act would help us get out of this crisis. I hope we can pass these bills and see them signed into law. These bills ensure fair and just compensation for patient injury by providing full compensation for economic damages. In plain English, if you are actually hurt, this bill permits you to be paid 100 percent of the value of those damages. It does not interfere with that at all. If a patient is injured, he or she will have unlimited access to economic damages to pay for recovery.

These bills also place a sensible cap of up to $750,000 on awards for non-economic damages. The caps on non-economic damages are fashioned after the Texas State law. After Texas passed statewide medical liability reform in 2003, medical malpractice rates decreased, access to care has been increasing, new doctors are moving to Texas, current doctors are staying in Texas, and new insurers are entering the Texas medical liability market, creating more choices for physicians.

I am happy for Texas. A lot of our family lives in Texas. But I would like to see Tennesseans and other Americans have some of these same advantages. Our Senate bills are modeled after the Texas law, and I hope to see this success story spread to Tennessee and spread nationwide because Tennessee mothers and Tennessee babies and all medical patients deserve access to health care.

THE NATIONAL ANTHEM

Mr. ALEXANDER. Mr. President, I turn my attention to another subject, one I have discussed several times. As a courtesy, I want to let my friends on the other side know that I intend to ask unanimous consent, at the end of my remarks, that my resolution be discharged from the Judiciary Committee. I hope that will be approved, but if it is not approved, I want my friends on the other side to know they need to have a way to register their objection before I make that request.

Today is May 5. In Mexico and in Mexican restaurants across this country, today is known as "Cinco de Mayo." That is because today is the day General Ignacio Zaragoza defeated the invading French forces of Napoleon III.

In the United States, we often think of this holiday as a good reason to go to a Mexican restaurant and enjoy a margarita, but for our southern neighbors it is a very important holiday. France invaded Mexico in 1862, 41 years after Mexico had won its independence from Spain. It took the Mexicans 5 years, but once they succeeded in driving out the French occupiers, their country was finally free, and it has remained free since that time.

As they celebrate this important day in their nation's history, I have no doubt that many Mexicans will be singing their national anthem, and I suspect they will all sing it in Spanish, their nation's common language.

I make this point because at the beginning of this week, on Monday, I introduced a resolution in the Senate to affirm that here in the United States of America, statements of national unity, especially the Pledge of Allegiance and the national anthem, ought to be said or sung in our common language—English.

I am not talking about what we are free to do as Americans, I am talking about what we ought to do as Americans.

Last Monday, I offered this resolution which now has 12 cosponsors, including the distinguished Presiding Officer, because I thought it was important for this body to remember what unites us as Americans. Ours is a nation not based upon race, not based upon ethnicity, not based upon national origin, but based upon our shared values, enshrined in our founding documents, the Declaration of Independence and the Constitution, upon our history as a nation and, yes, upon our shared common language—English.

Every Senate office received a request for this resolution of mine to be passed by unanimous consent. That request was agreed to by every Senator on the Republican side. But the other side, the Democratic side, objected. I can only assume that at least some on the Democratic side objected because at least some of them believe that Americans should, at least some of the time, sing our national anthem in Spanish or some other foreign language. Perhaps they also believe we should recite the Pledge of Allegiance in Chinese, which is the second most spoken foreign language in the United States.

Yesterday, I tried again. I tried to pass this very simple and straightforward resolution. Again I was blocked by objections from the Democratic side. I am surprised by this reaction because leading Hispanic Democrats have said they agree with me.

On Monday, Wolf Blitzer of CNN asked Mayor Antonio Villaraigosa about singing the national anthem in Spanish. Here is what the Mayor of Los Angeles, a Hispanic and a Democrat, had to say in his conversation with Wolf Blitzer:

> Wolf, let me just say to you, let me just make it absolutely clear. I was offended. I was offended because, for me, the national anthem is something that I believe deserves respect. And I think that . . . without question, that the vast majority of people in the United States of America were offended as well.

Continuing the quote from the Mayor of Los Angeles, Mayor Villaraigosa:

> . . . our anthem should be sung in English. The Spanish and Mexican anthems should be sung in Spanish. The French anthem in French.
>
> So I was offended by it—

Said the Mayor of Los Angeles—

> and I think most people were. And remember very few people bought into that. It really was a non-issue, but I think it was important to dismiss it as quickly as possible.

Apparently a few of the very few people in America who buy into that are on the other side of the aisle. They are objecting to this resolution that says, when we start the day with the Pledge of Allegiance, when we sing the national anthem, when we take the oath of allegiance, we ought to do it in our common language, English. It doesn't require it. It doesn't make it a law. It doesn't say we are not free to do whatever we want to. It just says we ought to. And as the mayor of Los Angeles said, he was offended by the suggestion that we should not do it, and he thought very few people bought into that, it is a nonissue; let's dismiss it as quickly as possible. The way to dismiss it is to adopt this resolution sponsored by 12 Members of the Senate.

I agree with Mayor Villaraigosa, we should dismiss this idea of singing the national anthem in foreign languages as quickly as possible, and that is what I tried to do by offering this resolution.

Governor Bill Richardson of New Mexico, also a Democrat and a Hispanic, agrees. He appeared on the CBS "Early Show" with me on Monday morning. We were talking about the day without immigrants. After I explained my view on singing the national anthem in English and talked about this resolution, here is what Governor Richardson had to say:

> Well, I agree. The national anthem should be in English. And I believe that, again, most immigrants want to become Americans. They want to learn English. They want to be part of the American mainstream. They wear NFL jerseys. They want to be American.
>
> So I don't believe that view that immigrants want to learn the anthem in Spanish is accurate. I think that was a side show. But, definitely our anthem is English.

That is Governor Bill Richardson of New Mexico. But apparently some Senate Democrats disagree. Apparently some of them think we should at least some of the time sing it in a foreign language. But maybe I misunderstood, so let me try again.

Let me say again, I understand from the other side that there is no one here to object, that the Democrats have all gone home, and that if I were to bring up my resolution today, as I had intended to do, that it would pass by unanimous consent without an objection from the Democratic side because no one is here to object.

I think as a matter of Senatorial courtesy I should not do that. I respect my colleagues, and I don't intend to surprise them any more than I would like for them to surprise me. So I will not, today, ask for unanimous consent that S. Res. 458 be discharged from the Judiciary Committee and that the Senate proceed to its consideration and ask that the resolution and preamble be agreed to and the motion to reconsider be laid upon the table. I will not do that today.

But I would like to put my friends on the other side on notice that I intend to do this every other day, every other day that I am here and as long as this is not enacted I intend to do it, and each day I will do it in a constructive way. I will try to help the American people have a short civics lesson on what unites us as a country.

This is not a country where our identity is based on our race. This is not a country where our identity is based on our ethnicity or where our ancestors came from. This is a country that is based on a few ideas that are found in our founding documents, based on our common history, and based on our common language. We are proud to be from wherever we come from or where our ancestors came from. We are prouder to be American. Almost every American agrees with that.

That's why we created our common schools 150 years ago. In the words of Al Shanker, as I said yesterday, we created the common school to help mostly immigrant children learn to read and write in English and learn math and to learn what it meant to be an American. In 1906 we passed a law that anyone who becomes a citizen of this country needs to pass a test in English. Today we require it to be an eight-grade level of understanding of English.

This Senate, by a 91-to-1 vote last month, said that as we consider an immigration bill, we better focus especially, and redouble our efforts, on helping prospective citizens become Americans because when we have a lot of people from other countries come here, the real limit on that is how quickly we can assimilate them into our culture, how quickly they can become Americans. We want new legal immigrants, but we do not want enclaves of people living here who have their allegiance to other countries and who permanently decide to speak another language and who don't pledge allegiance to our flag. That underlies our debate on immigration as much as anything else.

So this is a very fundamental issue for me, and I believe it is so for a great many Americans. It is important for the people of this country to know that 12 of us in the Senate have before this body a very simple resolution, not about what we are made to do but about what we ought to do, and what we ought to do—whether we are at our Boy Scout or Cub Scout meeting or whether we are opening the day in the Senate, and we say the Pledge of Allegiance—we ought to say it in our common language. If we are singing the national anthem before a football game, it ought to be in our common language, English. If we are taking the oath of allegiance required for citizenship in the United States of America, which a half million to a million new citizens do every year, we ought to do so in English.

We ought to say that as Senators. The mayor of Los Angeles said it. He is offended by the idea, he says, that our national anthem should not be sung in some other language. Governor Bill Richardson says it. He agrees. He doesn't think it ought to be an issue.

This bill has been introduced in the House of Representatives. It has strong Democratic support there. What is wrong with the Senate Democrats? Why do they insist, day after day, that our national anthem, our Pledge of Allegiance, and our oath of citizenship ought to be said or sung in some other language than our common language, English?

I would like to get this cleared up.

Out of respect for my colleagues in the Senate and the fact they are not here to object, but they do object, I will not ask unanimous consent today. But I again wish to say to my friends that this floor is for the debating of important issues. This is an important issue. We have so little civics and U.S. history taught in America's schools today that perhaps we need a little civics lesson every single day on the floor of the Senate. I intend to provide it every single day I am here until this legislation is voted on. And when it is voted on, I predict it will pass by a wide margin with bipartisan support; it might even pass with unanimous support.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

THE RISING COST OF GASOLINE

Mr. GRASSLEY. Mr. President, I would like to speak on a matter that has gotten a lot of attention lately, and for good reason. The rising cost of gasoline is hitting all Americans hard. Families, businesses, farmers, and truckers are all hurting as the cost escalates out of control.

With gas prices now hovering around $3 a gallon, everyone in Congress is looking for a solution or for someone to blame. Unfortunately, some have chosen to pinpoint ethanol as the culprit. However, blaming ethanol for the costs at the pump ignores the fact that crude is at near record highs, and our country is still suffering from a strained domestic refining industry.

Around the country, gasoline refiners are making a voluntary decision to remove MTBE, a gasoline additive, from the market. In its place, they are using ethanol. So, ethanol is currently being blended for the first time in many parts of the East Coast and in Texas.

Because of the new demand for ethanol, some of my colleagues have begun to argue that there is a shortage and that it is responsible for the rising cost of gasoline. They look to increased imports of ethanol, and the lifting of the import tariff, as the solution. Let me be clear: there is no shortage of ethanol. And, ethanol is a tiny fraction of cost of gasoline.

You don't have to take my word for it. Guy Caruso, Administrator of the Energy Information Administration of the Department of Energy, recently stated that the 10 percent blend of ethanol is affecting prices by "just a few pennies." Ethanol's role in gasoline prices is a tiny fraction of the overall increase.

I would like to address the claim that there is a shortage of ethanol. According to the Energy Information Administration, 130,000 barrels per day of ethanol are needed to replace MTBE. Last month, 302,000 barrels of ethanol were produced each day. That seems to me like it is enough to meet the demand. There is also 25 days of ethanol supply in storage.

Have there been some transportation issues surrounding the transition from MTBE to ethanol? The answer is yes, and they're being dealt with. Sufficient supplies of ethanol are where they need to be. There is no shortage of ethanol.

If there is no shortage, what good does it do to eliminate the import tariff on imported ethanol? None. Domestic supplies are sufficient.

Lifting the tariff won't have an impact on gas prices because the only other major producer of ethanol—Brazil—simply doesn't have enough ethanol to export at significant levels at this time. I know this issue well. I was in Brazil just six weeks ago, and one thing I heard over and over was that Brazil is experiencing an ethanol shortage.

Shortages of ethanol in Brazil are being driven by strong demand for ethanol in that country. Looking at the longer term, USDA analysts in Brazil are reporting that Brazil is anticipating even higher demand for ethanol later this year and in 2007.

Given low supplies in Brazil, there has even been talk of importing ethanol into Brazil.

I would like to point out something else. Brazil and other countries can already ship duty-free ethanol to the United States. They don't have to pay the U.S. tariff. Under the Caribbean Basin Initiative, Brazilian ethanol that is merely dehydrated in a Caribbean country can enter the U.S. market duty-free up to 7 percent of the U.S. ethanol market. That's generous access, but Brazil has never even come close to hitting the 7 percent cap.

And it isn't that the Caribbean countries don't have the capacity to dehydrate more Brazilian ethanol. They do.

As we're already providing duty-free access for Brazilian ethanol shipped through Caribbean countries, and as Brazil isn't taking full advantage of this duty-free treatment, I don't know why we should bend over backwards to provide even more duty-free access for Brazilian ethanol.

I especially don't know why we should do this given Brazil's stance in the Doha Round negotiations of the World Trade Organization. Brazil is the leader of the G-20 negotiating group in the WTO negotiations, a group that is resisting our efforts to obtain improved market access for U.S. products around the world.

In addition, the Brazilian government intervenes extensively in the price and supply of ethanol in that country. But the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol. So by lifting the tariff, we would in effect be giving the benefits of a U.S. tax credit to subsidized Brazilian ethanol.

Providing yet more duty-free treatment for Brazilian ethanol would send the wrong signal to those Americans who are devoting their careers to help America become more energy independent. The U.S. ethanol industry is working every day to lessen our dependence on foreign oil. This is a virtue that President Bush has touted again and again.

Just last week the President restated his goal to replace oil from around the world by expanding the use of U.S. ethanol.

The President stated:

> The federal government has got a role to play to encourage new industries that will help this nation diversify away from oil. And so we're strongly committed to corn-based ethanol produced in America.

The President clearly understands the need to assist our domestic ethanol industry so that they can get a foothold and succeed. Why would the United States want to send a signal that we're backing away from our efforts to seek energy independence by promoting renewable fuels in the United States?

We're already dependent on foreign oil. Surely, President Bush doesn't intend for our nation to go down the path of eventually becoming dependent on foreign ethanol also. Providing yet more duty-free treatment would be a step in the wrong direction. I don't think our country should take any action that would harm the farmers and investors in rural America that have worked so hard to develop this industry. The efforts to reduce our dependence on foreign oil have only just begun.

Providing more duty-free treatment for ethanol won't increase supplies or reduce prices at the pump. It's a bad solution in search of a problem. It's a bad idea for our energy independence and our national security.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

LIMITING THE TERM OF THE PUBLIC TRUSTEES OF SOCIAL SECURITY AND MEDICARE

• Mr. BAUCUS. Mr. President, I rise to comment on legislation that Chairman GRASSLEY and I introduced yesterday that would limit public trustees for Social Security and Medicare to a single four-year term of service. The bill, S. 2752, will also codify that the President should consult with Congress on the nominations of public trustees for these important programs. This legislation was prompted by recent events.

Upon learning last November that the White House intended to renominate John L. Palmer and Thomas R. Saving as pubic trustees, Chairman GRASSLEY and I both responded immediately that the White House should find two new individuals to nominate as public trustees. Both individuals had already served one term as Social Security and Medicare public trustees, and their terms ended in March 2005. Dr. Palmer and Dr. Saving served admirably as public trustees during their term and the Chairman and I thank them for their service, but I did not want to see an important tradition abandoned. Never in the history of the public trustees have individuals served more than one term, and that's for good reason. Fresh thinking and new ideas are critical to the proper assessment and administration of the Social Security and Medicare programs. If the executive branch will not voluntarily follow this vital precedent, this principle must be written into law.

There was a second problem last year. The White House is supposed to consult with the chairman and ranking member of the Finance Committee before sending the nominations to the Senate. Unfortunately, no such consultation occurred last year prior to the nominations being forwarded to the Senate. Therefore, the bill a adds language to the Social Security Act requiring the President to consult with the chairman and ranking member of the Committee on Finance before considering individuals to be nominated as public trustees.

Ignoring our views, on April 19 of this year, the White House announced the recess appointments of Mr. Palmer and Mr. Saving as public trustees of the Social Security and Medicare programs. I immediately objected to this action by the White House because I believe the role of the public trustees is too important to be diminished by the recess appointment process. It was this extreme action on the part of the White House—in combination with the other two problems I mentioned previously—that prompted the chairman and me to introduce this bill today.

I think some good has come out of this unfortunate episode regarding the public trustees. Hopefully, everyone has a better understanding of the role of the public trustees. The Greenspan Commission recommended creating the positions of two public trustees to help ensure that the reports on the Social Security and Medicare trust funds were objective and not solely the work of administration officials. The Greenspan Commission envisioned experts from outside the executive branch who are confirmed by the Senate. They are unlike most other Presidential appointments because they do not represent the administration, they represent the public. Because of that unique distinction, it is inappropriate to recess appoint the public trustees. Individuals who are nominated to be public trustees should be selected by a process of consultation between the White House and Members of Congress. Once confirmed by the Senate, they should only serve one term. To do otherwise undermines the public trustees' role as an objective check on the production of the trust fund reports.

Since this legislation should not spark any controversy, I hope both Chambers will quickly consider and pass this bill and send it to the President for his signature.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2459. A bill to improve cargo security, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 2754. A bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMAS:

S. 2755. A bill to enhance the energy production, refining, infrastructure, conservation and efficiency capabilities of the United States, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 2756. A bill to authorize the President to utilize Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist utility companies that contribute to recovery efforts from the effects of a major disaster; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 22, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 811

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. BIDEN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 1086

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1325

At the request of Mr. FRIST, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1325, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2486

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2486, a bill to ensure that adequate actions are taken to detect, prevent, and minimize the consequences of chemical releases that result from terrorist attacks and other criminal activity that may cause substantial harm to public health and safety and the environment.

S. 2487

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2487, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 2703

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2703, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 2756. A bill to authorize the President to utilize Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist utility companies that contribute to recovery efforts from the effects of a major disaster; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would make a change to the Stafford Act that, in some cases, could facilitate recovery from natural disasters.

Governments on the local, State and Federal level have a primary and critical responsibility when it comes to responding to natural disasters. A wide variety of private organizations also play an important role in the recovery process that complements and facilitates public response efforts. In the case of private utility companies, their work to restore normal telecommunications, power, and other services in a disaster area can greatly speed the recovery process.

Our investigation into the response to Hurricane Katrina has shown that a number of utility companies were hampered in their recovery efforts by shortages of fuel, transportation, equipment, and other resources in the afflicted areas. In some cases, we also found that FEMA had supplies of scarce resources, received requests to share those resources but lacked the legal authority to do so.

What this bill would do is provide FEMA authority to share its resources during a disaster—at FEMA's discretion and for full compensation. This would allow FEMA—in those cases where it has sufficient resources to share—to advance the recovery process in the wake of a disaster at no expense to the Government.

Mr. President, I am introducing this commonsense legislation because it will incrementally improve our capacity to respond to disasters without additional costs to the Government. I ask for my colleagues' support.

PRIVILEGES OF THE FLOOR

Mr. FRIST. Mr. President, I ask unanimous consent that floor privileges be granted to Dr. Alex Mason and Jay Khosla, fellows in the majority leader's office, and Dr. Roger Johns, a fellow for Senator HATCH, for the duration of the debate on S. 22, S. 23, and S. 1995.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports from standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Saxby Chambliss:									
Switzerland	Franc		570.00						570.00
Kuwait	Dinar		406.00						406.00
United Arab Emirates	Dinar		519.00						519.00
Germany	Euro		304.00						304.00
Krister Holladay:									
Kuwait	Dinar		406.00						406.00
United Arab Emirates	Dinar		519.00						519.00
Germany	Euro		304.00						304.00
Clyde Taylor:									
Kuwait	Dinar		406.00						406.00
United Arab Emirates	Dinar		519.00						519.00
Germany	Euro		304.00						304.00
Shawn Whitman:									
Italy	Euro		55.00		10.00				65.00
Pakistan	Rupee		43.00						43.00
Kuwait	Dinar		750.00						750.00
England	Pound		203.00						203.00
Craig Thomas:									
Italy	Euro		13.27		10.00				23.27
Pakistan	Rupee		25.00						25.00
Kuwait	Dinar		273.00						273.00
England	Pound		125.00						125.00
Total			5,744.27		20.00				5,764.27

SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Apr. 17, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Italy	Euros		2,880.25						2,880.25
Switzerland	Franc		944.75						944.75
Belgium	Euros		432.00						432.00
United States	Dollar				7,000.03				7,000.03
Sid Ashworth:									
Italy	Euros		2,880.25						2,880.25
Switzerland	Franc		944.75						944.75
Belgium	Euros		432.00						432.00
United States	Dollar				7,000.03				7,000.03
Senator Mitch McConnell:									
Argentina	Peso		556.00						556.00
Brazil	Real		370.00						370.00
Chile	Peso		354.00						354.00
Paul Grove:									
Argentina	Peso		556.00						556.00
Brazil	Real		370.00						370.00
Chile	Peso		354.00						354.00
Roy E. Brownwell:									
Argentina	Peso		556.00						556.00
Brazil	Real		300.00						300.00
Chile	Peso		354.00						354.00
Thomas Hawkins:									
Argentina	Peso		556.00						556.00
Brazil	Real		370.00						370.00
Chile	Peso		354.00						354.00
Austria	Euro		954.00						954.00
United States	Dollar				5,684.72				5,684.72
Alycia Farrell:									
Germany	Euro		649.00						649.00
Italy	Euro		1,379.00						1,379.00
United States	Dollar				5,688.75				5,688.75
Brian Potts:									
Japan	Dollar		816.00						816.00
Republic of Korea	Dollar		716.00						716.00
United States	Dollar				5,198.69				5,198.69
Brian T. Wilson:									
Japan	Dollar		816.00						816.00
Republic of Korea	Dollar		716.00						716.00
United States	Dollar				5,198.69				5,198.69
Sid Ashworth:									
Japan	Dollar		816.00						816.00
Republic of Korea	Dollar		716.00						716.00
United States	Dollar				3,218.19				3,218.19
Dennis Balkham:									
Germany	Euro		304.00						304.00
Italy	Euro		1,173.00						1,173.00
United States	Dollar				5,540.29				5,540.29
Sean Knowles:									
Germany	Euro		304.00						304.00
Italy	Euro		1,173.00						1,173.00
United States	Dollar				5,535.29				5,535.29
Christina Evans:									
Germany	Euro		304.00						304.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Italy	Euro		1,173.00						1,173.00
United States	Dollar				5,510.29				5,510.29
Paul Grove:									
Hong Kong	Dollar		442.00						442.00
Vietnam	Dollar		490.00						490.00
Cambodia	Dollar		424.00						424.00
Thailand	Dollar		464.00						464.00
United States	Dollar				8,230.26				8,230.26
Timothy Rieser:									
Uganda	Dollar		235.00						235.00
Kenya	Dollar		690.00						690.00
Dem Repub Congo	Dollar		245.00						245.00
United States	Dollar				5,128.00				5,128.00
El Salvador	Dollar		435.00						435.00
Guatemala	Dollar		450.00						450.00
United States	Dollar				877.00				877.00
Katherine Eltrich:									
United Arab Emirates	Dirham		326.83						326.83
Afghanistan	Dollar		360.00						360.00
France	Euro		453.00						453.00
United States	Dollar				7,294.20				7,294.20
Jennifer Park:									
United Arab Emirates	Dirham		326.83						326.83
Afghanistan	Dollar		360.00						360.00
France	Euro		453.00						453.00
United States	Dollar				7,294.20				7,294.20
James Ward Poole:									
Netherlands	Euro		968.62						968.62
Total			32,696.28		84,398.63				117,094.91

THAD COCHRAN,
Chairman, Committee on Appropriations, Apr. 25, 2006.

AMENDED 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard J. Durbin:									
Dem Repub Congo	Dollar		368.00						368.00
Rwanda	Dollar		454.00						454.00
Kenya	Dollar		444.00		444.00				888.00
France	Dollar		906.00						906.00
United States	Dollar				9,370.00				9,370.00
Michael E. Daly:									
Dem Repub Congo	Dollar		368.00						368.00
Rwanda	Dollar		454.00						454.00
Kenya	Dollar		444.00		444.00				888.00
France	Dollar		906.00						906.00
United States	Dollar				6,665.05				6,665.05
Total			4,344.00		16,923.05				21,267.05

THAD COCHRAN,
Chairman, Committee on Appropriations, Feb. 3, 2006.

AMENDED 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVE FROM OCT. 1 TO DEC. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Bennett:									
China	Yaun		292.00						292.00
Thailand	Baht		282.00						282.00
Cambodia	Dollar		282.00						282.00
Vietnam	Dollar		232.00						232.00
Kyrgyzstan	Dollar		119.00						119.00
Chip Yost:									
China	Yuan		292.00						292.00
Thailand	Baht		282.00						282.00
Cambodia	Dollar		232.00						232.00
Vietnam	Dollar		232.00						232.00
Kyrgyzstan	Dollar		119.00						119.00
Total			2,364.00						2,364.00

THAD COCHRAN,
Chairman, Committee on Appropriations, Feb. 3, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sandra E. Luff:									
United States	Dollar				6,369.70				6,369.70
Qatar	Rial		252.13						252.13
Afghanistan	Dollar		50.00						50.00
Pakistan	Rupee		509.26						509.26
India	Rupee		1,021.39						1,201.39
Evelyn N. Farkas:									
United States	Dollar				6,369.70				6,369.70
Qatar	Rial		190.00						190.00
Afghanistan	Dollar		30.00						30.00
Pakistan	Rupee		431.00						431.00
India	Rupee		869.00						869.00
Senator Jack Reed:									
United States	Dollar				8,821.44				8,821.44
Kuwait	Dollar		272.00						272.00
Qatar	Dollar		45.00						45.00
Afghanistan	Dollar		1.50						1.50
Pakistan	Dollar		181.00						181.00
Elizabeth King:									
United States	Dollar				8,821.44				8,821.44
Kuwait	Dollar		272.00						272.00
Qatar	Dollar		45.00						45.00
Afghanistan	Dollar		2.50						2.50
Pakistan	Dollar		194.00						194.00
Senator John McCain:									
Germany	Euro		4.60						4.60
Senator Lindsey O. Graham:									
Germany	Euro		251.15						251.15
Senator Joseph I. Lieberman:									
Germany	Dollar		541.20						541.20
Frederick M. Downey:									
Germany	Euro		588.20						588.20
Mark Salter:									
Germany	Dollar		348.00						348.00
Richard H. Fontaine, Jr.:									
Germany	Dollar		348.00						348.00
Michael J. McCord:									
United States	Dollar				7,495.00				7,495.00
Kuwait	Dollar		1,188.00						1,188.00
Senator James M. Inhofe:									
United States	Dollar				6,579.29				6,579.29
Cameroon	Dollar		102.00						102.00
Uganda	Dollar		120.00						120.00
Ethiopia	Dollar		70.00						70.00
Germany	Dollar		103.00						103.00
John Bonsell:									
United States	Dollar				6,639.29				6,639.29
Cameroon	Dollar		152.00						152.00
Uganda	Dollar		160.00						160.00
Ethiopia	Dollar		117.00						117.00
Germany	Dollar		128.65						128.65
Mark Powers:									
United States	Dollar				6,579.29				6,579.29
Cameroon	Dollar		162.00						162.00
Uganda	Dollar		120.00						120.00
Ethiopia	Dollar		70.00						70.00
Germany	Dollar		85.00						85.00
Senator Lindsey O. Graham:									
United States	Dollar				8,322.47				8,322.47
China	Dollar		1,147.20				110.77		1,257.97
Hong Kong	Dollar		17.81				20.13		37.94
Matthew R. Rimkunas:									
United States	Dollar				8,489.00				8,489.00
China	Dollar		1,027.00				26.00		1,053.00
Hong Kong	Dollar		41.00				13.00		54.00
Richard H. Fontaine, Jr.:									
New Zealand	Dollar		840.00						840.00
Richard H. Fontaine, Jr.:									
Switzerland	Dollar		579.00						579.00
Senator John Thune:									
Kuwait	Dinar		259.92						259.92
Jordan	Dinar		269.50						269.50
Richard H. Fontaine, Jr.:									
Kuwait	Dinar		323.42						323.42
Jordan	Dinar		330.80						330.80
William M. Caniano:									
Italy	Euro		125.00						125.00
Kuwait	Dollar		325.00						325.00
United Kingdom	Pound		228.00						228.00
Turkey	Dollar		10.00						10.00
Charles S. Abell:									
Italy	Euro		125.00						125.00
Pakistan	Rupee		50.00						50.00
Kuwait	Dinar		325.00						325.00
United Kingdom	Pound		228.00						228.00
Daniel J. Cox, Jr.:									
Italy	Euro		124.00						124.00
Kuwait	Dollar		363.00						363.00
United Kingdom	Pound		262.80						262.80
Senator Jeff Sessions:									
Italy	Euro		13.27		10.00				23.27
Pakistan	Rupee		25.00						25.00
Kuwait	Dollar		273.00						273.00
United Kingdom	Pound		125.00						125.00
Arch Galloway II:									
Italy	Euro		95.00		6.00				101.00
Pakistan	Rupee		65.00						65.00
Afghanistan	Dollar		15.00						15.00
Kuwait	Dollar		318.00						318.00
United Kingdom	Pound		267.00		40.25				307.25

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			17,222.30		74,542.87		169.90		91,935.07

JOHN WARNER,
Chairman, Committee on Armed Services, Apr. 28, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				7,268.49				7,268.49
United Kingdom	Pound		891.00						891.00
Luxemburg	Euro		172.00						172.00
Switzerland	Franc		1,730.00						1,730.00
Kathleen L. Casey:									
United States	Dollar				7,268.49				7,268.49
United Kingdom	Pound		891.00						891.00
Luxemburg	Euro		172.00						172.00
Switzerland	Franc		1,588.00						1,588.00
Steven B. Harris:									
United States	Dollar				7,268.49				7,268.49
United Kingdom	Pound		793.00						793.00
Luxemburg	Euro		172.00						172.00
Switzerland	Franc		1,533.00						1,533.00
Senator Mel Martinez:									
United States	Dollar				4,679.91				4,679.91
Portugal	Euro		135.00						135.00
Spain	Euro		2,660.00						2,660.00
Melissa Shuffield:									
United States	Dollar				4,797.41				4,797.41
Portugal	Euro		135.00						135.00
Spain	Euro		2,660.00						2,660.00
Total			13,532.00		31,282.79				44,814.79

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, Apr. 3, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Maureen O'Neill:									
United States	Dollar				7,253.43				7,253.43
United Kingdom	Pound		1,760.00						1,760.00.43
Total			1,760.00		7,253.43				9,013.43

JUDD GREGG,
Chairman, U.S. Senate Budget Committee, Mar. 31, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Sununu:									
United States	Dollar				7,561.57				7,561.57
New Zealand	Dollar		737.75						737.75
Senator Kay Bailey Hutchison:									
United States	Dollar				7,309.05				7,309.05
Germany	Euro		348.00						348.00
Senator Gordon Smith:									
United States	Dollar				7,841.25				7,841.25
Belgium	Euro		575.25						525..25
Spain	Euro		760.00						760.00
Robert Epplin:									
United States	Dollar				7,841.25				7,841.25
Belgium	Euro		386.72						386.72
Spain	Euro		760.00						760.00
Floyd Deschamps:									
United States	Dollar				6,817.15				6,817.15
Belgium	Euro		664.00						664.00
Switzerland	Franc		408.00						408.00
France	Euro		246.00						246.00
Jean Toal Eisen:									
United States	Dollar				887.72				887.72
Switzerland	Franc		238.00						238.00
Jeff Bingham:									
United States	Dollar				7,609.43				7,609.43

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Netherlands	Euro		154.00						154.00
Switzerland	Franc		308.00						308.00
France	Euro		146.00						146.00
Total			12,548.87		39,050.27				51,599.14

TED STEVENS,
Chairman, Committee on Commerce Science and Transportation,
Apr. 13, 2006.

AMENDED 4TH QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete V. Domenici:									
United States	Dollar				6,659.36				6,659.36
France	Euro		235.00		36.32				271.32
Netherlands	Euro		144.12						144.12
United Kingdom	Pound		409.32						409.32
Edward G. Hild:									
United States	Dollar				6,714.18				6,714.18
France	Euro				36.32				36.32
Netherlands	Euro		144.12						144.12
United Kingdom	Pound		273.32						273.32
Clint Williamson:									
United States	Dollar				6,714.18				6,714.18
France	Euro		235.00		36.32				271.32
Netherlands	Euro		144.12						144.12
United Kingdom	Pound		273.32						273.32
Kathryn Clay:									
United States	Dollar				348.00				348.00
Canada	Dollar		800.00						800.00
Total			2,658.32		20,544.68				23,203.00

PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources, Apr. 6, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Joshua Johnson:									
United States	Dollar				11,538.30				11,538.30
Japan	Yen		166.71						166.71
Micronesia	Dollar		377.99		360.00				737.99
Allen Stayman:									
United States	Dollar				8,572.00				8,572.00
Micronesia	Dollar		285.15						285.15
Senator Jeff Bingaman:									
Italy	Euro		407.80						407.80
Pakistan	Rupee		184.00						184.00
Kuwait	Dinar		359.91						359.91
Turkey	Lira		171.99						171.99
United Kingdom	Pound		487.80						487.80
Jonathan Davey:									
Italy	Euro		407.80						407.80
Pakistan	Rupee		184.00						184.00
Kuwait	Dinar		544.82						544.82
Turkey	Kira		196.99						196.99
United Kingdom	Pound		487.80						487.80
Total			4,262.76		20,470.30				24,733.06

PETE DOMENICI,
Chairman, Committee on Energy and Natural Resources, Apr. 6, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christy Plumer:									
United States	Dollar				7,697.00				7,697.00
Brazil	Real		950.00						950.00
Dan Utech:									
United States	Dollar				7,697.00				7,697.00
Brazil	Real		950.00						950.00
Jo-Ellen Darcy:									
United States	Dollar				7,697.00				7,697.00
Brazil	Real		950.00						950.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Stephen Aaron:									
United States	Dollar				7,697.00				7,697.00
Brazil	Real		950.00						950.00
Alison Taylor:									
United States	Dollar				7,697.00				7,697.00
Brazil	Real		950.00						950.00
Senator James Jeffords:									
United States	Dollar				1,519.38				1,519.38
Costa Rica	Colon		1,767.00						1,767.00
Margaret Wetherald:									
United States	Dollar				1,519.38				1,519.38
Costa Rica	Colon		1,817.00						1,817.00
Ken Connolly:									
United States	Dollar				1,838.38				1,838.38
Costa Rica	Colon		2,336.00						2,336.00
Geoff Brown:									
United States	Dollar				1,599.72				1,599.72
Costa Rica	Colon		2,077.00						2,077.00
William Holbrook:									
Belgium	Euro		537.80						537.80
John Shanahan:									
Belgium	Euro		537.80						537.80
Total			13,822.60		44,961.86				58,784.46

JAMES INHOFE,
Chairman, Committee on Environment and Public Works, Apr. 26, 2006.

AMENDED QUARTER—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike Crapo:									
China	Yuan		292.00						292.00
Thailand	Baht		283.00						283.00
Cambodia	Riel		282.00						282.00
Vietnam	Dong		232.00						232.00
Kyrgyzstan	Som		119.00						119.00
Josh Kardon:									
China	Yuan		292.00						292.00
Thailand	Baht		283.00						283.00
Cambodia	Riel		282.00						282.00
Vietnam	Dong		232.00						232.00
Kyrgyzstan	Som		119.00						119.00
Total			2,416.00						2,416.00

CHARLES GRASSLEY,
Chairman, Committee on Finance, Feb. 13, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.:									
United States	Dollar				8,847.50				8,847.50
Senator Russ Feingold:									
Thailand	Baht		532.00						532.00
Indonesia	Rhupia		590.00						590.00
Malaysia	Dollar		53.00						53.00
United States	Dollar				7,305.09				7,305.09
Senator John Kerry:									
United Kingdom	Pound		229.00						229.00
India	Rupee		260.00						260.00
Pakistan	Rupee		260.00						260.00
United Arab Emirates	Dirham				561.00				561.00
Israel	Shekel		278.00						278.00
Jordan	Dinar		551.00						551.00
United States	Dollar				15,195.00				15,195.00
Switzerland	Franc		570.00						570.00
Belgium	Euro		196.00						196.00
United Kingdom	Pound		354.00						354.00
United States	Dollar				3,480.00				3,480.00
Senator Mel Martinez:									
Brazil	Real		370.00						370.00
Argentina	Peso		556.00						556.00
Chile	Peso		354.00						354.00
Senator Lisa Murkowski:									
South Korea	Won		390.00						390.00
Japan	Yen		331.00						331.00
China	Yuan		444.00						444.00
United States	Dollar				7,359.60				7,359.60
Canada	Dollar		180.00						180.00
United States	Dollar				1,161.07				1,161.07
Senator Barack Obama:									
Qatar	Rial		156.00						156.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait	Dinar		406.00						406.00
Jordan	Dinar		254.00						254.00
Israel	Shekel		750.00						750.00
United States	Dollar				7,606.59				7,606.59
Senator John Sununu:									
Switzerland	Francs		453.12						453.12
Jonah Blank:									
Pakistan	Dollar		1,700.00		5,930.00				7,630.00
United Kingdom	Dollar		100.00						100.00
United States	Dollar				4,118.86				4,118.86
Anthony Blinken:									
United States	Dollar				8,728.20				8,728.20
Isaac Edwards:									
South Korea	Won		390.00						390.00
Japan	Yen		362.00						362.00
China	Yuan		561.00						561.00
United States	Dollar				7,783.60				7,783.60
Canada	Dollar		180.00						180.00
United States	Dollar				1,161.07				1,161.07
Heather Flynn:									
Belgium	Euro		711.07						711.07
Ethiopia	Birr		522.00						522.00
United States	Dollars				8,479.93				8,479.93
Grey Frandsen:									
Thailand	Baht		529.00						529.00
Indonesia	Rhupia		563.00						563.00
Malaysia	Dollar		78.00						78.00
United States	Dollar				7,305.09				7,305.09
Kenya	Shilling		536.32						536.32
Uganda	Shilling		661.00						661.00
United Kingdom	Pound		375.44						375.44
United States	Dollar				9,743.94				9,743.94
Frank Jannuzi:									
Indonesia	Rupiah		1,209.00						1,209.00
United States	Dollar				7,275.00				7,275.00
Mark Lippert:									
Qatar	Rial		156.00						156.00
Kuwait	Dinar		406.00						406.00
Jordan	Dinar		254.00						254.00
Israel	Shekel		750.00						750.00
United States	Dollar				5,961.47				5,961.47
Carl Meacham:									
Haiti	Dollar		456.00						456.00
United States	Dollar				1,121.00				1,121.00
Michael Phelan:									
Tunisia	Dinar		453.61						453.61
Libya	Dinar		452.23						452.23
Morocco	Dirham		1,205.80						1,205.80
Algeria	Dinar		718.60						718.60
United States	Dollar				7,532.92				7,532.92
Nilmini Rubin:									
Madagascar	Ariary		784.00						784.00
Tunisia	Dinar		970.00						970.00
United States	Dollar				10,185.93				10,185.93
Nancy Stetson:									
United Kingdom	Pound		212.00						212.00
India	Rupee		1,108.00		333.00				1,441.00
Pakistan	Rupee		358.00						358.00
United Arab Emirates	Dirham				561.00				561.00
Israel	Shekel		212.00						212.00
Jordan	Dinar		406.00						406.00
United States	Dollar				14,620.00				14,620.00
Puneet Talwar:									
United States	Dollar				6,457.20				6,457.20
Qatar	Dollar		694.00						694.00
France	Dollar		906.00						906.00
United Kingdom	Dollar		388.00						388.00
Germany	Dollar		532.00						532.00
United States	Dollar				8,556.18				8,556.18
Caroline Tess:									
Haiti	Dollar		456.00						456.00
United States	Dollar				1,121.00				1,121.00
Tomicah Tillemann:									
Hungary	Forint		536.00						536.00
Ukraine	Hryvnia		272.00						272.00
Moldova	Leu		176.00						176.00
United States	Dollar				5,154.81				5,154.81
Mark Lippert:									
Uganda	Shilling		830.00						830.00
Kenya	Shilling		733.00						733.00
Republic of Congo	Dollar		274.00						274.00
United States	Dollar				9,292.41				9,292.41
Senator Russ Feingold:									
Kuwait	Dollar		259.92						259.92
Jordan	Dinar		269.00						269.00
Total			32,223.11		182,938.46				215,161.57

RICHARD LUGAR,
Chairman, Committee on Foreign Relations, Apr. 27, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Burr:									
Brazil	Real		370.00						370.00
Argentina	Peso		556.00						556.00
Chile	Peso		354.00						354.00
Total			1,280.00						1,280.00

MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor, and Pensions,
Apr. 26, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Johnny Isakson:									
United States	Dollar				1,664.00				1,664.00
Mexico	Peso		140.00						140.00
Senator Norm Coleman:									0.00
Mexico	Peso		341.00						341.00
Michael Quiello:									
United States	Dollar				1,076.00				1,076.00
Mexico	Peso		140.00						140.00
Heath Garrett:									
United States	Dollar				1,664.00				1,664.00
Mexico	Peso		140.00						140.00
Raymond Shepherd:									
United States	Dollar				1,076.00				1,076.00
Mexico	Peso		140.00						140.00
Ana Navarro:									
United States	Dollar				1,076.00				1,076.00
Mexico	Peso		140.00						140.00
Eric Mische:									
United States	Dollar				8,376.00				8,376.00
China	Yuan		873.00						873.00
Total			1,914.00		14,932.00				16,846.00

OLYMPIA SNOWE,
Chairman, Committee on Small Business and Entrepreneurship,
Mar. 29, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JAN. TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Johnny Isakson:									
Kuwait	Dinar		297.00						297.00
United Arab Emirates	Dirham		360.00						360.00
Germany	Euro		67.00						67.00
Catherine Henson:									
Kuwait	Dinar		297.00						297.00
United Arab Emirates	Dirham		360.00						360.00
Germany	Euro		67.00						67.00
Chris Carr:									
Kuwait	Dinar		297.00						297.00
United Arab Emirates	Dirham		360.00						360.00
Germany	Euro		67.00						67.00
Senator Ken Salazar:									
Italy	Euro		60.00						60.00
Kuwait	Dinar		306.00						306.00
United Kingdom	Pound		175.00						175.00
Michelle Gavin:									
Italy	Euro		31.00						31.00
Kuwait	Dinar		600.00						600.00
United Kingdom	Pound		114.00						114.00
Total			3,458.00						3,458.00

LARRY CRAIG,
Chairman, Committee on Veterans' Affairs, Mar. 31, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy St. Louis:			1,072.00						1,072.00
United States	Dollar				7,130.32				7,130.32

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth O'Reilly:			992.00						992.00
United States	Dollar				7,130.32				7,130.32
Christopher White:			1,072.00						1,072.00
United States	Dollar				7,130.32				7,130.32
John Livingston:			972.00						972.00
United States	Dollar				7,334.32				7,334.32
Senator Olympia Snowe:			454.33						454.33
United States	Dollar				7,457.02				7,457.02
John Maguire:			463.06						463.06
United States	Dollar				7,477.22				7,477.22
Samuel Horton:			355.34						355.34
United States	Dollar				7,477.02				7,477.02
Senator Evan Bayh:			1,027.00						1,027.00
United States	Dollar				5,362.00				5,362.00
Todd Rosenblum:			1,547.00						1,547.00
United States	Dollar				5,362.00				5,362.00
Louis Tucker:			1,474.00						1,474.00
United States	Dollar				8,001.94				8,001.94
Total			24,703.89		159,056.98				183,760.87

PAT ROBERTS,
Chairman, Committee on Intelligence, Apr. 7, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), PRESIDENT PRO TEMPORE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Heath:									
Switzerland	Franc		944.75						944.75
United States	Dollar				5,584.72				5,584.72
Total			944.75		5,584.72				6,529.47

TED STEVENS,
President Pro Tempore, Apr. 25, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dorothy Taft:									
United States	Dollar				7,968.65				7,968.65
Uzbekistan	Soum		593.91		50.00		37.08		680.99
Austria	Euro		640.36		7.14				647.50
Hon. Christopher H. Smith:									
United States	Dollar				5,684.72				5,684.72
Austria	Euro		620.94						620.94
Hon. Benjamin L. Cardin:									
United States	Dollar				4,980.72				4,980.72
Austria	Euro		931.41						931.41
Chadwick R. Gore:									
United States	Dollar				5,684.86				5,684.86
Austria	Euro		931.41						931.41
Shelly Han:									
United States	Dollar				6,388.72				6,388.72
Austria	Euro		714.94						714.94
Dorothy Taft:									
United States	Dollar				4,927.93				4,927.93
Turkey	Lira		1,134.07		143.60		116.60		1,394.27
Shelly Han:									
United States	Dollar				9,385.18				9,385.18
Azerbaijan	Manat		817.00		25.00		100.00		942.00
Kazakhstan	Tenge		1,432.00				158.00		1,590.00
Ron McNamara:									
United States	Dollar				5,680.39				5,680.39
Ukraine	Hryvnia		807.00				45.00		852.00
Orest Deychakiwsky:									
United States	Dollar				5,680.39				5,680.39
Ukraine	Hryvnia		807.00						807.00
Sean Woo:									
United States	Dollar				5,125.49				5,125.49
Ukraine	Hryvnia		1,076.00						1,076.00
Dorothy Taft:									
United States	Dollar				6,763.70				6,763.70
Poland	Zloty		572.00						572.00
Hon. Christopher H. Smith:									
United States	Dollar				6,763.70				6,763.70
Poland	Zloty		572.00						572.00
Total			11,650.04		75,260.19		456.68		87,366.91

SAM BROWNBACK,
Chairman, Committee on Security and Cooperation in Europe, Apr. 20, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON DEMOCRATIC LEADER FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rahul Verma:									
United States	Dollar				1,593.00				1,593.00
Guatemala	Quetzal		404.00						404.00
Total			404.00		1,593.00				1,997.00

HARRY REID,
Democratic Leader, Mar. 28, 2006.

ORDERS FOR MONDAY, MAY 8, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, May 8; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of the motion to proceed to S. 22, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Monday, the Senate will continue to debate issues that I spoke to earlier this morning, issues that are critically needed, very important to slow down the incessant rise in the cost of health care, that will improve the quality of health care, will improve access to health care, will keep my colleagues in medicine from having to desert or leave a State that they want to practice in or leave a profession, a specialty they want to continue, because of exorbitant, high medical premiums that result in frivolous lawsuits.

At 5:15 on Monday, we will have two cloture votes on motions to proceed to a comprehensive medical malpractice bill and a tailored bill designed to give women access to health care. I hope that cloture will be invoked on the motions to proceed so the Senate could begin to debate the merits of those bills. They are very important bills. We have spoken to the substance of those bills today and will continue to do so Monday. I encourage my colleagues to allow us to continue that debate on those bills and bring them to resolution.

If we are unsuccessful, if cloture fails on both of those measures, then we would vote on Tuesday morning on a cloture motion on the motion to proceed to the small business health plans bill. All three of these issues are very important pieces of legislation. We have set them up in order that we can deal with them one at a time. We are trying to get on them to debate them, and so far there has been indication that there is going to be attempts to obstruct and stop and not let us get on those. We hopefully will be successful in doing just that.

ADJOURNMENT UNTIL MONDAY, MAY 8, 2006, AT 1 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:09 p.m., adjourned until Monday, May 8, 2006, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 2006:

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

KEVIN OWEN STARR, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009, VICE DAVID DONATH, TERM EXPIRED.

KATHERINE M.B. BERGER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2010, VICE NANCY S. DWIGHT, TERM EXPIRED.

KAREN BROSIUS, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 6, 2006, VICE THOMAS E. LORENTZEN, RESIGNED.

KAREN BROSIUS, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR THE TERM EXPIRING DECEMBER 6, 2011. (REAPPOINTMENT)

IOANNIS N. MIAOULIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2010, VICE TERRY L. MAPLE, TERM EXPIRED.

CHRISTINA ORR-CAHALL, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2010, VICE MARIA MERCEDES GUILLEMARD, TERM EXPIRED.

SANDRA PICKETT, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2010. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

U.N. SANCTIONS AFTER OIL-FOR-FOOD: STILL A VIABLE DIPLOMATIC TOOL?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, I, the Ranking Minority Member on the House Subcommittee on National Security, Emerging Threats and International Relations, delivered the following statement to the Subcommittee's hearing on "UN Sanctions After Oil-For-Food: Still A Viable Diplomatic Tool?

I'd like to thank Chairman SHAYS for holding this hearing and providing Ambassador Bolton the opportunity to testify before this Subcommittee. We are in a critical moment for U.S. policy at the UN, especially regarding Iran. Just last Friday marked the Security Council's deadline for Iran to freeze all nuclear fuel enrichment, and the beginning of the inevitable struggle at the Security Council over what to do to contain Iran's nuclear ambitions.

We've seen this kind of struggle at the Security Council before. The U.S. spent much time in 2002 pressuring the Security Council to take action against Iraq to contain its supposed WMDs. Finally, on November 8, 2002, the Council approved resolution 1441, which imposed tough new arms inspections in Iraq, and promised "serious consequences," to be determined by the Security Council, if Iraq violated the resolution.

Even though Iraq did submit a weapons declaration, and began destroying its Al Samoud missiles as instructed to by UN inspector Hans Blix, serious consequences were imposed on the country anyway. It was the United States, however, and not the Security Council that determined those consequences for Iraq, when President Bush went to war against Iraq on March 20, 2003.

Experience in Iraq has proven that this administration will act unilaterally, outside the mandate of the Security Council, thereby rendering the work of the Council almost irrelevant. At the same time, however, experience has indicated that this administration will use the UN to make its case for war to the world community.

In the coming weeks and months, I think it's fairly predictable that we will see the United States' case for war against Iran unfold at the U.N.

I think it's highly probably that the administration has already made the decision to go to war against Iran. There are already U.S. combat troops inside Iran (REPEAT for emphasis). On April 14th, retired Col. Sam Gardiner related on CNN that the Iranian Ambassador to the IAEA, Aliasghar Soltaniyeh, reported to him that the Iranians have captured dissident forces who have confessed to working with U.S. troops in Iran. Earlier in the week, Seymour Hersh reported in the New Yorker that a U.S. source had told him that U.S. marines were operating in the Baluchi, Azeri and Kurdish regions of Iran. On April 10, the Guardian reported that Vincent Cannistraro, a former CIA counter-terrorism chief, said that covert military action, in the form of special forces troops identifying targets and aiding dissident groups is already under way and that it had been authorized.

We also know from reports that the U.S. is supporting military activity in Iran by Iranian anti-government insurgent groups, some of whom are operating from U.S.-occupied Iraq, such as the terrorist group Mujahedin e-Khalq (MEK). An article published by Newsweek magazine on February 14, 2005 confirms cooperation between U.S. government officials and the MEK. The article describes how "the Administration is seeking to cull useful MEK members as operatives for use against Tehran." Furthermore, an article by Jim Lobe published on Antiwar.com on February 11, 2005 claims that according to Philip Giraldi, a former CIA official and a source in an article about this subject in the American Conservative magazine, U.S. Special Forces have been directing members of the MEK in carrying out reconnaissance and intelligence collection in Iran since the summer of 2004.

Even a statement attributed to Ambassador Bolton, and which I would like elaboration on today, seems to confirm that U.S. policy for Iran is war. According to an article published April 10, 2006 in the Guardian, Ambassador Bolton told British parliamentarians that he believes military action could halt or at least set back the Iranian nuclear program by striking it at its weakest point.

U.S. policy for Iran advocates regime change, not behavior change. We should expect that even if Iran decides to negotiate with the U.S. or other Security Council members over its nuclear program, U.S. policy promoting war in Iran will remain steadfast. When Iraq destroyed its missiles and submitted its weapons declaration, abiding by Security Council Resolution 1441, the Administration decided to unilaterally attack Iraq anyway.

This Administration is reckless and hungry for war. It is imperative that Congress exercise oversight on the Administration's plans for war with Iran before our country is immersed in another quagmire, with more U.S. casualties, diminished national security, and greater a financial burden. I thereby feel very privileged to have Ambassador Bolton with us here today. I have several questions for him regarding the Administration's plans for Iran, and I look forward to his candid answers. Again, thank you, Ambassador for being with us today, and thank you, Chairman SHAYS for holding this hearing.

ISSAQUAH NURSE SERVES OTHERS, DEDICATES LIFE TO WASHINGTON PATIENTS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today to call attention to the important and essential role that nurses play in providing quality care. Nurses are intelligent, well-trained and highly skilled professionals who provide quality clinical and supportive care to patients and their families. In short, they are integral to our Nation's healthcare delivery system.

On behalf of the people in Washington's 8th Congressional District, I would like to specifically acknowledge Patricia Buchsel from Issaquah, Washington for her service on the Oncology Nursing Society Board of Directors and her role as a nursing educator at the Seattle University College of Nursing. She received her BSN from Seattle University and her MS from Seattle Pacific University. Patricia has worked tirelessly to develop, plan and implement countless cancer programs in Washington State.

Cancer is a complex, multifaceted and chronic disease and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year approximately 28,330 people in Washington state will be diagnosed with cancer and another 11,440 will lose their battles with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional and financial challenges that people with cancer face throughout their diagnosis and treatment.

I would like to once again acknowledge and thank Patricia Buchsel for her hard work and leadership on the Oncology Nursing Society Board of Directors. As a nurse and leader in the field, Patricia has made it her life's mission to help others and she should be applauded for all she has done.

IN RECOGNITION OF RICKY WHITFIELD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BURGESS. Mr. Speaker, it is my honor to stand before you today and recognize Ricky Whitfield for his outstanding service to both his high school and community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ricky Whitfield is a senior at Aubrey High School in Aubrey, Texas. He is a modern-day renaissance man in the field of athletics by lettering in every major sport for the Chaparrals. Mr. Whitfield's leadership and strong work ethic is legendary in the Aubrey community. Excellence and devotion are the standards by which this young man lives by. In addition to his many athletic talents, Mr. Whitfield acclaimed further notoriety by creating a video at the request of the Aubrey Police Department to warn kids of the dangers of drunk driving on prom night.

The Texas Alcoholic Beverage Commission was also very impressed with Mr. Whitfield's work and has since used the video as part of its "Shattered Dreams" campaign in schools around the state. This video should indeed go a long way to warn others of the critical dangers of drunk driving. As he graduates, the impact that Mr. Whitfield has left behind will be felt at Aubrey High School and the Aubrey community for years to come.

I believe that Ricky Whitfield's professionalism should be emulated and his service honored here today on the floor of the United States House of Representatives. He is indeed a young man of all trades and I am proud to represent such a person in my district.

CONGRATULATING MR. FRED TAUL ON THE OCCASION OF HIS RETIREMENT FROM SERVICE TO REGIONS BANK

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Fred Taul on the occasion of his retirement from Regions Bank after nearly 40 years of service.

Shortly after graduating from The University of Alabama, Fred began his long and distinguished career in banking with Merchant's National Bank. He remained with the bank, now known as Regions Financial Corporation, for 38 years holding many positions of responsibility while working his way up to local president.

In the midst of his demanding professional schedule, Fred always found time to make Mobile and southwest Alabama a better place to live and work. Among the many groups and organizations that he lent his time and considerable talents, Fred served as chairman of the United Way of Southwest Alabama's 2004 campaign, and he is an active member of Board of Trustees for the Mobile Arts and Sports Association.

On behalf of Regions Bank, Fred was also instrumental in building a tremendous amount of community support for the protection and preservation of the Battleship USS *Alabama*. In no small part due to Fred's leadership, the USS *Alabama* Memorial Park Capital Campaign got off to a strong start.

There are many more people in life who like to talk about what can be done to make their community a better place than there are people who are willing to actually roll up their shirt sleeves and go to work to help make it a better place. Mobile is indeed fortunate that Fred Taul is one of those individuals who always believes in getting the job done. He is an outstanding example to all of us.

Mr. Speaker, I ask my colleagues to join with me in commending Fred Taul for his many contributions to banking as well as to the Mobile community. South Alabama is a better place because of people like Fred.

As he now faces a challenge unlike any other, I hope Fred knows that his colleagues at the bank and his friends throughout the country are keeping him and his family foremost in our thoughts and prayers.

THE RETIREMENT OF MAYOR CESAR GONZALEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the Honorable Cesar Gonzalez, Mayor of the City of San Benito, for his many years of dedicated service to the South Texas community. His extensive efforts and accomplishments throughout his career as a public servant have impacted both the city and people of San Benito.

Mayor Cesar Gonzalez's leadership and involvement in the lives of South Texans has earned him the reputation of being a devoted family man and hardworking businessman. His commitment to the prosperity and development of the City of San Benito and the State of Texas underscores his unwavering community spirit.

Mayor Gonzalez's first service to our country was in the United States Air Force. He went on to serve as a livestock inspector with the U.S. Government. Both positions were only stepping stones leading to a prolific and remarkable public career.

At the local level, Mayor Gonzalez helped form the first San Benito Boy's and Girl's Club as well as in the establishment of the Cameron County Livestock Show. He also served as president of the San Benito Quarterback Club, served as a Scoutmaster for Boy Scouts of America, and remained a longtime affiliate of the San Benito Chamber of Commerce.

He extended his public service efforts throughout the Rio Grande Valley serving as president of the Lower Rio Grande Development Council, secretary-treasurer to the Lower Rio Grande Development Economic Authority, Vice President of the Lower Rio Grande Certified Corporation, and as Industrial Developer of the Year.

Mayor Gonzalez's public participation has stretched beyond the local scope of his close-knit community to the entire Texas population. His positions include: Chairman of the Texas Municipal League Insurance Board, Chairman of the Texas Department of Human Resources, Chairman of Border Cities and Counties and as President of the Mayor's Association of the State of Texas.

These distinguished positions illustrate his lifetime of service, both to South Texas and to the State of Texas, yet they do not speak to his kind heart and charming ways. He is an exceptional human being who is much beloved in South Texas.

I ask the House of Representatives to join me today in celebrating the life of service of an outstanding public official. Mr. Speaker, the Mayor Cesar Gonzalez's three years as City Commissioner, astounding 22 years as Mayor of the City of San Benito, and lifetime of public service are a source of Texas pride.

IN TRIBUTE TO THE LIFE OF ROSE-MARIE COGGS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor the life of a beloved member of the Milwaukee community, Ms. Rose-Marie Coggs.

The daughter of Calvin Jr. and Erma L. Coggs, Rose-Marie was born in Milwaukee on May 26, 1953. As a child, she was a student at Fifth Street Grade School, Robert Fulton Junior High School, and graduated from Rufus King High School. In addition, she graduated from Milwaukee Area Technical College in its metallurgist program.

Rose-Marie displayed her significant artistic talents in drawing and painting and exhibited her works in Milwaukee art showings. In addition she was known as an accomplished jewelry designer with a particular gift for watches and rings, of which she produced beautiful collections. An award-winning artist, she often featured in showings at the Inner City Arts Council and African World Festival and in fact, her work was a regular feature in art festivals throughout Southeastern Wisconsin.

Rose-Marie Coggs was a woman of many creative talents and interests, from modeling for the African World Center with the Bashir Family to antiquing as a licensed antique dealer and appraiser who traveled throughout Wisconsin and Illinois participating in shows and fairs. She worked in the hospitality arena at various locations, was employed at OIC–GM as a receptionist, and worked as a Community Organizer for Project Respect.

Rose-Marie prided herself in being a mother to her only child, son Ayinde J. Coggs. She was also blessed in having thirteen grandchildren: Ayinde Starling, Raymond Quesada, Ayana Coggs, Nielah Coggs, Ayinde Sprewell, Deonte Sprewell, Amber Coggs, Adanna Coggs, Brittney Harris, Angel Johnson, Lyric Elvord, Amani Carter and Naomi Noble. She was an extremely giving person who loved celebrating family events and faithfully remembered others' birthdays.

Mr. Speaker, so many of us in the Milwaukee community are saddened at losing her suddenly and much too soon. My thoughts and prayers are with her friends and loving family at this time, and I ask my colleagues in the House to join me today in remembering her life and many contributions to our community.

CONGRATULATING KAWNEER COMPANY AS IT CELEBRATES 100 YEARS OF BUSINESS GROWTH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Kawneer Company which is celebrating its 100th anniversary on May 5 at its facility in Bloomsburg, Pennsylvania.

Founded by Francis J. Plym, an architect, in 1906 in Kansas City, Missouri, the Kawneer Company distinguished itself in the field of architectural products, earning more than 400 patents in the past century.

Between 1910 and 1920, Kawneer developed the first metal air frame sections used in American aircraft, an achievement that earned the company a commendation from the U.S. War Department.

Between 1920 and 1930, Kawneer became the first manufacturer to incorporate lightweight, strong, economical aluminum in architectural products including ornate grills and soffits.

From 1930 to 1940, nearly 75 percent of Kawneer's business centered on aluminum, and Kawneer became the largest American user of aluminum for architectural purposes.

Months after the attack on Pearl Harbor in 1941, every inch of the Kawneer plant was devoted to making airplane parts. American soldiers flew into battle supported by Kawneer rib assemblies, fuel tank supports, flap controls and many other aviation components.

For the past half century, Kawneer has been in the vanguard of architectural innovation, especially with regard to large commercial window applications.

In the future, Kawneer intends to commit itself to developing sustainable environmental solutions, such as the Kawneer Power Wall, the first proven integrated photovoltaic curtain wall system designed to control the sun in large commercial buildings.

Mr. Speaker, please join me in congratulating the Kawneer Company, which employs 400 people in its Bloomsburg facility. Its impressive sales performance over the past 2 years saw gross sales double from $51 to $100 million. Clearly, Kawneer is an important part of northeastern Pennsylvania's economy and we wish them every success in the future.

A TRIBUTE TO SERGEANT LEA MILLS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor an American soldier who gave his life in service to our Nation.

Marine Sergeant Lea Mills of Masaryktown, Florida was killed by a terrorist IED explosion last week while on patrol in Iraq. Sergeant Mills was 21 years old, and leaves behind a young wife and a grieving family.

Dedicated to serving his country, Sergeant Mills joined the Marines following his graduation from Hernando High School in 2002. Lea felt that the Marines would give him the best opportunity to serve his Nation on the front lines and make a difference in people's lives.

When I spoke to Sergeant Mills' father Rob, he told me that Lea was inspired to volunteer for the military after the September 11 attacks.

Not only did Sergeant Mills request to be sent to Iraq, but he also felt that it was his duty as a Marine and that it was the right thing to do for his country.

A dedicated soldier, Sergeant Mills understood what the Marines' mission was in Iraq. As his father Rob said to me, "He believed very strongly in what he was doing." In fact, Lea had recently just re-upped for a second stint with the Marines.

Sergeant Mills leaves behind his wife Keesha Malicoate, his parents Dee and Rob Mills, and his brother Parker Mills.

Mr. Speaker, it is soldiers like Sergeant Lea Mills who have volunteered to protect the freedoms that all Americans hold dear.

While brave men and women like Lea have perished in the cause of freedom and liberty, his family, friends and loved ones should know that this Congress will never forget their sacrifice and commitment.

CELEBRATING PROGRESS IN THE U.S. MOX PROGRAM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. WILSON of South Carolina. Mr. Speaker, in 2000, the United States and Russia agreed to dispose of surplus, weapon-grade plutonium by turning it into MOX fuel for use in existing, commercial nuclear reactors. South Carolina was thrilled when its Savannah River site was chosen to fulfill this important mission.

While the United States has initiated its responsibilities, Russia's program has not proceeded as quickly. Yesterday, I offered an amendment to ensure that the pace of the Russia MOX program will not dictate the progress of the U.S. MOX program. The amendment also restores $34.7 million in funding for the construction of the MOX facility at SRS.

By passing my amendment, my colleagues on the House Armed Services Committee have helped create hundreds of jobs in South Carolina and guarantee that our state will not become the permanent resting place for tons of plutonium. I will continue to work with my directly affected colleagues GRESHAM BARRETT, and CHARLIE NORWOOD to support the Savannah River site as it moves forward with this important mission.

In conclusion, God bless our troops and we will never forget September 11th.

RECOGNIZING COLONEL YVONNE J. PRETTYMAN-BECK, COMMANDER OF THE NORFOLK ENGINEER DISTRICT, NORFOLK CORPS OF ENGINEERS, VIRGINIA FOR HER SERVICE AND DEDICATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. FORBES. Mr. Speaker, I rise today in recognition of Colonel Yvonne J. Prettyman-Beck, Commander and Norfolk District Engineer, for her loyal service to the United States Corps of Engineers and to the people of Virginia's Fourth District.

Over the past 3 years, I have had the fortunate opportunity to work with Colonel Prettyman-Beck on numerous occasions. I commend her leadership in advancing the growth and preservation of numerous projects of great value in our district and the Commonwealth of Virginia. Her hard work and integrity will be greatly missed upon her reassignment from the Norfolk District post she has held since August 2003.

With over 24 years of service in the U.S. Army, Colonel Prettyman-Beck's devotion to duty has reflected the highest standards of the military profession. Following graduation from the New Mexico Military Institute, she went on to obtain a Master of Science degree in Management Science and a Master of Science degree in National Security and Strategic Studies. She has served on numerous assignments throughout the U.S. and overseas. Her military education is extensive and includes the Engineer Basic and Advanced Courses, the Combined Arms and Services Staff School, the Command and General Staff College and the National War College.

Colonel Prettyman-Beck's decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, the Joint Service Achievement Medal, the Army Achievement Medal, the National Defense Service Medal with star, the Military Outstanding Service Volunteer Medal, the Armed Forces Reserve Medal, Parachutist Badge, and the Army and Joint Staff Identification Badges.

Colonel Prettyman-Beck has shown tremendous commitment and devotion to her country. Today we recognize her for her unwavering patriotism and dedication to her profession and the American people.

Mr. Speaker, please join me in honoring Colonel Yvonne J. Prettyman-Beck.

PERSONAL EXPLANATION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. CARDIN. Mr. Speaker, I regret that I missed one vote on May 3, 2006. Had I been present, I would have voted "yea" on H. Res. 781 (Rollcall 120).

WASHINGTON 8TH DISTRICT SCHOOLS NOTED AS NATION'S BEST

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today in recognition of the tremendous students, teachers and administrators at Newport High School, Interlake High School, Bellevue High School, International High School and Sammamish High School, all located in Bellevue, Washington. These schools were named to Newsweek magazine's list of " America's Best High Schools."

For the second year in a row, three high schools in Bellevue were in the top 50—Newport is ranked 37th, Interlake is ranked 44th and Bellevue is ranked 49th. The International School in Bellevue is ranked 57th, up from 160th last year. Sammamish of Bellevue is ranked 186th.

Sincere congratulations to: Newport High School's Principal, Patty Siegwarth and Assistant Principals, James Peterson and Bethany Spinler and the Knights; Interlake High School's Principal, Sharon Collins and Assistant Principals, Eric Cochran and Keith Schacht and the Saints; Bellevue High School's Principal, Mike Bacigalupi and Assistant Principals, Doug Sovde and Johnnie Gregory and the Wolverines; International High School's Principal, Peter Bang-Knudsen, and International's student body; and Sammamish High School's Principal, Spencer Welch and Assistant Principals, Laura Bang-Knudsen, Jennifer Rose and Andrea Pfeifer and the Totems.

Newsweek determines its ranking based on the number of Advanced Placement and International Baccalaureate tests taken by all of the schools' students in 2005. These tests are the best measure of overall college readiness, according to Newsweek.

Newsweek noted the schools for Creating Good Citizens, Celebrating Liberal Arts, Preparing Students for Work, Emphasizing Science and Technology and Reaching Out to Everyone as well.

I am filled with pride for these students and teachers, that their dedication to their educations has distinguished them from others. Their accomplishments are noteworthy, but their drive to get where they are—the countless hours of preparation it entailed—is the real accomplishment. Juma Ikangaa, a Tanzanian marathon runner once said about preparing for marathons, "The will to win means nothing without the will to prepare."

Teachers and administrators at Newport High School, Interlake High School, Bellevue High School, International High School and Sammamish High School have prepared students not just for college with an outstanding high school education, but for life with a real lesson that will serve them well—real accomplishments take time and sustained effort to achieve. They do not happen overnight. They do not come easy. They are often impeded by unsuccessful attempts. These schools, students, teachers and administrators have demonstrated the philosophy Aristotle spoke of when he said, "We are what we repeatedly do. Excellence, then, is not an act, but a habit." Don't break the habit.

TRIBUTE TO ERIC KING

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BAIRD. Mr. Speaker, I rise to honor a fallen soldier from my district. Army Specialist Eric King of Vancouver, Washington, was killed in Baghdad on April 22. He was 29 years old. Specialist King leaves behind his wife, Tracie, and daughters Ashlin and Shealyn, who will remember their father and husband's love of laughter, fishing, and the Northwest. His death is a tragedy not only for this family but for our community. On April 22, Specialist King was driving the lead Humvee in a convoy patrolling a Baghdad neighborhood when a roadside bomb exploded and killed King and his three comrades in the vehicle.

The Army awarded King the Bronze Star Medal, Purple Heart, Good Conduct Medal, National Defense Ribbon, Global War on Terrorism Service Medal, Iraqi Campaign Medal and Army Service Medal.

Specialist King was born in Florida and moved to Vancouver in 1996. He left a union job as a truck driver in Portland to enlist in 2004. He was assigned to the First Squadron, 67th Armored Battalion in Baghdad.

My thoughts and prayers are with Mr. King's family, and with the families and loved ones of all our nation's fallen heroes. Let this stand as a solemn reminder of just how many brave men and women have made the ultimate sacrifice and given their lives for our country.

PERSONAL EXPLANATION

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. OSBORNE. Mr. Speaker, there is a great deal of cynicism about politics today. H.R. 4975, the Lobbying Accountability and Transparency Act of 2006, is a significant step toward additional transparency and accountability in the legislative process and will ensure that everyone has equal access to the legislative system. Had I been present on May 3, 2006, I would have voted "yea" on H.R. 4975.

HONORING MRS. PHYLLIS McCARRICK

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize a beloved constituent and community leader, Mrs. Phyllis McCarrick, of Rocky Point, New York, who recently passed away at the age of eighty-three.

Born Phyllis Healy in Arlington, Massachusetts, she served in the Navy during World War II and later settled in Rocky Point with her childhood sweetheart and husband, Mr. Thomas McCarrick. After running a milk delivery service, Phyllis and her husband opened the McCarrick Dairy and Grocery store, which grew into a beloved landmark in our community, and is owned and operated by their sons today.

Named Rocky Point's Citizen of the Year in 1999, Phyllis raised money for Catholic charities and was a Cub Scout den mother in addition to running a successful business. Her enduring contributions to eastern Long Island will always be remembered by our community with fondness and deep gratitude.

Phyllis is survived by eight children, nineteen grandchildren and one great-grandchild. Mr. Speaker, on behalf of New York's First Congressional District, I express our profound sorrow following Phyllis' passing as well as the gratitude of our community, which will always remember her extraordinary life and lifelong dedication to Rocky Point, New York.

CONSTITUTIONAL AMENDMENT ON VOLUNTARY PRAYER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. RAHALL. Mr. Speaker, today is a significant day for me, the people of West Virginia and the Nation. Today we commemorate the National Day of Prayer.

As a people of faith, we know that prayer is a powerful instrument. And as one Nation under God, we know that many times our most powerful tool is prayer.

With that in mind and in celebration of National Prayer Day, today I have proposed in the House of Representatives a Constitutional Amendment that would restore voluntary prayer in our Nation's schools.

West Virginia's senior Senator, ROBERT C. BYRD, introduced identical legislation in the United States Senate last week.

I believe that the Framers of the Constitution made their intent clear when they wrote the First Amendment. I believe they wanted to keep the new government from endorsing one religion over another, not erase the public consciousness or common faith.

For hundreds of millions of Americans who believe in God, prayer is our bridge between Earth and Heaven, our way of opening our hearts to the Lord. Through this intimate relationship we find peace and guidance. It is as important to us, as Christians, as the air we breathe, the water we drink, the food we eat. It nourishes our souls and makes us strong.

Nothing in this Constitution, including any amendment to the Constitution, shall be construed to prohibit voluntary prayer or require prayer in school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity. Nor does this resolution alter the language of the First Amendment.

The Constitutional Amendment I am introducing today simply clarifies our right, and the right of our children in school, to bow our heads and give thanks for our bountiful blessings, to begin the day as many of us do—with the comfort of prayer. It is a right that is protected by both the Free Speech and Free Exercise Clauses of our Constitution.

Today, during the National Day of Prayer, I am reminded of the verse in Second Chronicles that reads, "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and will heal their land."

Today we thank God for all the blessings He has bestowed upon this great Country and ask Him to continue to heal our land and meet our needs—and we do so through the power of prayer.

CELEBRATING THE BIRTH OF JOSHUA BEN TELLER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. PENCE. Mr. Speaker, today, I am happy to congratulate Paul and Maxine Teller of Washington, D.C., on the birth of their son. Joshua Ben Teller was born this morning, May 4th, 2006, at 8:31 a.m., weighing 6 pounds, 11 ounces, and measures 19 inches long. Joshua is blessed to have been born into a loving home, with wonderful parents, and his birth is a blessing to our Nation.

THE TESTIMONY OF PENELOPE A. GROSS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, the Chesapeake Bay is one of our region's greatest assets. Keeping the Bay clean is a major priority for the state and local governments.

Our colleague Wayne Gilchrist recently held a hearing on the status of the Bay. One of the participants in that hearing was Supervisor Penelope Gross from Fairfax County, Virginia. I would like to enter into the RECORD her thoughtful comments presented at that hearing. Supervisor Gross has long been an advocate for Bay restoration and her testimony reflects how local governments can be critical partners in that effort.

WATER RESOURCES AND ENVIRONMENT SUBCOMMITTEE HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

MAY 4, 2006.—Good morning, Mr. Chairman, and thank you for the opportunity to appear today to discuss Chesapeake Bay restoration activities and the vitally important role of local governments in those efforts. I am honored to be invited to provide testimony. Chesapeake Bay issues are of particular interest to me, which is why I serve on the Chesapeake Bay Policy Committee of the Metropolitan Washington Council of Governments, was a member of the Chesapeake Bay Program's Blue Ribbon Financing Panel and recently was elected Chair of the Bay Program's Local Government Advisory Committee, also known as LGAC. I also chair Virginia's Potomac Watershed Roundtable, and I represent the Mason District on the Fairfax County Board of Supervisors. As you may know, Fairfax County is one of the largest jurisdictions, population-wise, in the Chesapeake Bay watershed.

Each of these responsibilities has helped shape my perspective on what is needed to keep our efforts to achieve a clean Bay on track. I would like to share several themes that are the basis of my remarks today:

Implementation and restoration happen primarily at the local level and we need more state and federal funding to get the job done; EPA and their state counterparts need to provide stronger leadership on regulatory issues that will drive much of the multi-billion dollar Bay cleanup effort; a more focused approach to enforcement of existing federal laws, regulations, and policies by EPA to the state would alone make significant strides to clean up the Bay.

The Chesapeake Bay Program partners need to set clear implementation priorities, emphasizing those measures that offer the greatest pollution reduction return on investment;

The implementation and funding burden must be shared equitably between and among sectors and levels of government.

Of the 98 commitments in the Chesapeake 2000 Agreement, 22 specifically involve local governments, and other commitments imply local government involvement. And I want to remind you that there are more than 1,650 local governments throughout the 64,000 square mile Chesapeake Bay Watershed. From a local government perspective, we know what to do to continue making progress, but we need more help from our state and federal partners. The Bay Program has successfully generated plans and documents that outline what actions local governments should take to help restore the Bay. However, I believe we're heavy on written plans, and we're struggling on the follow-through—i.e., technical and financial assistance to get more done. This was the most common and strongly voiced concern among LGAC members from all jurisdictions at our most recent meeting, held right here in this building. And I want to take this opportunity to thank Congressman Gilchrest and his staff for engaging in substantive dialogue with LGAC members about this legislation.

Local governments throughout the watershed are currently spending millions of local citizenry dollars to do our part in cleaning up the Bay. However, there needs to be a greater emphasis on developing mechanisms to capture those substantial implementation efforts by local governments and others which are not funded through state or federal Chesapeake Bay funds. For instance, the Commonwealth of Virginia still does not have an effective mechanism to track urban nonpoint source Best Management stormwater facilities. This could be accomplished through a direction to the Chesapeake Bay Program Office and the states to develop an enhanced tracking and reporting system. I understand that the states may already be working on such a system, but to facilitate reporting by implementing entities, I would recommend that this system be web-based and simple to use.

I'm sure it is no surprise to you that the biggest help we could use is additional federal and state funding. The "Cost of a Clean Bay" report prepared by the Chesapeake Bay Commission estimated that more than half of the cost for meeting C2K nutrient and sediment reduction goals would be borne by local governments. In some of the most expensive programmatic areas, such as stormwater management and urban nonpoint source pollution control, the local government share is closer to 100% since there are virtually no federal or state funds to help address the problem. While, sadly, the thoughtful recommendations of the Chesapeake Bay Blue Ribbon Finance Panel seem to have faded from memory, the needs that were identified there have not. It is critical that the federal and state governments in the watershed assume a major role in providing financial assistance for implementation at the local level.

On the issue of funding, I also need to mention my concern with deep cuts being proposed to the Clean Water State Revolving Fund (CWSRF). While local governments and our State partners are working to increase funding for clean water programs, the federal SRF is being targeted for cuts totaling $199.2 million. Many local governments, especially in rural areas, in the Bay watershed depend on this federal funding to pay for high priority water pollution control projects, and the proposed budget cuts are exactly the opposite of what's needed to achieve our goal of a clean and healthy Bay.

But funding alone isn't enough. We also need our state and federal partners to work cooperatively with local governments on a watershed basis to:

1. Clearly articulate measurable goals for local governments to achieve and couple these with appropriate levels of funding support. I support the requirement for measurable goals for local governments under the Local Government Involvement section, with the provisions that this be woven into a realistic implementation plan that includes equitable levels of funding support. To guarantee success of the Tributary Strategies, it is critical to have a detailed plan for implementation that explains who, what, when, where, why, and how.

2. Increase the level of support for the Small Watershed Grants Program to the proposed authorized amount of $10 million. While far short of the estimated funding necessary to achieve the C2K goals, the Small Watershed Grants are perhaps the most effective mechanism for engaging local governments in the common effort to achieve water quality and habitat goals. The current funding level of $2 million translates into just $1,212 for each of the 1,650 local governments in the Chesapeake Bay Watershed. In addition, I recommend increasing the cap on individual small watershed grants to as much as one million dollars, a substantial increase over the present $50,000 limit. Let me give you an example: in Fairfax County, we often do not apply for small watershed grants because the staff time involved in preparing the grant application actually costs more than the grant itself. The current $50,000 cap effectively eliminates larger jurisdictions from participating in the Small Watershed Grants Program. In addition to the review and prioritization of grant proposals by the Chesapeake Bay Local Government Advisory Committee, there also should be a mechanism for prioritizing grants within watersheds or metropolitan areas to ensure that grants address priority local or tributary-specific issues. A good example of a priority might be the ongoing efforts to restore the Anacostia River which flows into the Potomac River just a few blocks from here.

3. Establish a "Measurable Goals" provision for Soil Conservation Districts comparable to the provision for local governments. As the level of accountability and responsibility for local governments is increased, equity suggests that there be a comparable provision for "Measurable Goals" for the agricultural sector. A logical geographic unit would be the soil conservation district. As above, implementation should be coupled with equitable levels of funding support.

4. Enhance the Tributary Strategies and Implementation Plans to explicitly address nutrient and sediment "Cap Management" as growth continues. Cap management is clearly required by the Chesapeake 2000 Agreement, and the population of the watershed is projected to increase by upwards of 2 million between now and 2030. If not explicitly addressed at the State level in Tributary Strategies and related implementation plans, there is a very real risk of losing ground, literally, as new development occurs.

5. A one-size-fits-all approach to local government coordination and C2K Agreement implementation will not work. Outreach and implementation must be tailored to the abilities of large and small jurisdictions to undertake those efforts. Differences in local government access to technology must be considered during the development of communications strategies. A strong, structured technical assistance program to local governments is needed, especially in smaller, more rural jurisdictions that lack staff expertise in stormwater management and watershed protection. In many localities, watershed management still is not reflected in land use planning. As a result, development patterns and practices ignore the many values that riparian buffers, protected floodplains and protected natural resource lands offer for water quality, water supply, and wildlife habitat. More importantly, as a local elected official, I know that local government officials need to understand the local benefits that would result from changes in land use policies. Otherwise, they won't be persuaded to defend these changes before their constituencies.

6. We are concerned about the proposed language that requires tributary strategy goals or BMPs to be included in NPDES permits, both point and nonpoint source, or MS4 permits. In Virginia, nonpoint source pollution standards should not be written into MS4 permits because, as mentioned earlier in my testimony, the Commonwealth does not yet have an effective mechanism to track urban nonpoint sources.

Each of these areas is of strong interest to LGAC. With appropriate staff and requisite resources, I can envision an activist role for LGAC, as the Tributary Strategies are turned in to action plans, including:

Developing goals at the local level and helping to ensure that localities live up to their responsibilities;

Partnering with state and local agencies to achieve an equitable allocation of funding;

Reaching out to other sectors, especially agriculture and private industry. We need to open or continue dialogue with all our partners in the Chesapeake Bay Watershed. We are all in this together: from those who labor under the Statue of Freedom atop the Capitol dome to the Pennsylvania farmer, the Maryland waterman, the Virginia technology worker, the long-time resident, and the new Americans. Finger-pointing won't clean up the Bay; working together just might.

Mr. Chairman, thank you again for the opportunity to appear here today and for your leadership in helping to keep the Bay restoration effort moving forward. We are looking forward to working with you, other members of Congress, and our State and federal partners to achieve our shared goals of a restored Chesapeake Bay watershed.

COVER THE UNINSURED WEEK HIGHLIGHTS NATIONAL PROBLEM

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. REICHERT. Mr. Speaker, I rise today to call attention to the nearly 46 million Americans who lack health insurance, according to the U.S. Census Bureau. Cover the Uninsured Week (May 1–7, 2006) aims to raise awareness of this National problem and the will to solve it.

One in seven Americans, including more than 8 million children, does not have even basic healthcare coverage. Each day, these men and women hope they do not become sick or are not injured. Parents hope their children remain healthy. As healthcare costs continue to rise, it becomes more difficult for many families to continue healthcare coverage.

During the week of May 1–7, events will be held at hospitals, medical centers, community centers, on campuses and in place of worship worldwide. Volunteers will help to enroll uninsured adults and children in public programs that provide low-cost and free coverage to those who are eligible. Information about local help available will be distributed as well.

Ensuring Americans have access to adequate medical care should be a priority for all of us. Cover the Uninsured Week gives all of us the opportunity to say that we care—and we want this issue to be a national priority.

THE REMARKABLE LEGACY OF U.N. SECRETARY GENERAL KOFI ANNAN

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. LANTOS. Mr. Speaker, I rise to reflect on the distinguished legacy of United Nations Secretary General Kofi Annan, a great friend of this Congress and of the American people, and a dear friend of our family.

Kofi Annan began his service as Secretary General in January 1997, and his second five-year term will be completed in December of this year. Although he is the seventh individual to serve as Secretary General in the history of the United Nations, he is the first individual to be selected for this position from the ranks of U.N. staff.

As the Secretary General completes his work in New York, Mr. Speaker, the world's luminaries will weigh in and a consensus will quickly emerge that Kofi Annan is the United Nations' greatest secretary general. Because Kofi and his wife Nanne are dear personal friends of my wife, Annette, and me, I want to be the first to reflect on the remarkable term of this outstanding international civil servant.

Mr. Speaker, in looking back on the decade that Kofi Annan has shaped the United Nations, it is clear that his term has been sustained by a powerful vision—his belief that this complicated world body could become something much more than a Cold War relic useful only for convening meetings and servicing international conferences.

Since Secretary General Annan's first day on the job, he has been driven by the conviction that the United Nations must undergo what he has called a "strategic refit" to help the organization reach its full potential in the 21st century, to better serve the pressing needs of mankind that individual states are unable or unwilling to meet.

Every day for the last decade, Mr. Speaker, the Secretary General has worked tirelessly, against impossible odds, to convince 191 sovereign states to let him reshape the organization in line with his vision. This has been no small task, given that each one of these 191 states—democracies, monarchies, military juntas, and brutal dictatorships—is jealous of its own sovereign rights.

As we enter the closing months of Kofi Annan's term at the helm of the most important and most unruly international organization, we can say with absolute confidence that—against all odds—he has succeeded in this project.

Mr. Speaker, perhaps the most profound measure of Kofi's success was the groundbreaking consensus agreement he led the United Nations to adopt last September at an historic summit of more than 100 heads of state. This agreement consisted of a binding pledge by all U.N. member states to recognize a collective "responsibility to protect" individuals threatened with genocide, ethnic cleansing or crimes against humanity, a responsibility that supercedes the sovereignty of any individual state.

Kofi Annan's inspiration for his effort to reshape the fundamental principles underlying the United Nations grew out of his profound sadness in the tragic failure of the global community to protect its most vulnerable citizens in Srebrenica, Bosnia, and in Rwanda.

Mr. Speaker, during the decade between the latter of these two tragedies and that World Summit pledge last September, Secretary General Annan, has focused U.N. activities on three goals: preventing conflict, promoting democracies, and eradicating poverty. He has done this methodically and with steely determination, step by step, surmounting numerous pitfalls and hurdles along the way.

Despite inheriting a United Nations beset with a sclerotic bureaucracy and severely limited resources, Kofi Annan's achievement in mobilizing the world body to start to close what he has called "the chasm between [those who are] rich and poor, free and fettered, privileged and humiliated." This effort has been breathtaking in scope and scale.

In the past nine years under Secretary General Annan's watch, Mr. Speaker, the number of civilian soldiers deployed on U.N. peacekeeping missions has increased from 20,000 to 80,000, bringing hope and a measure of stability to damaged lives in places like Liberia, Burundi, Haiti, the Ivory Coast, and the Democratic Republic of Congo.

U.N. capacity to move beyond simply keeping the peace to helping shell-shocked societies recover and prosper has also been greatly enhanced under Kofi Annan's leadership. His most notable accomplishment in this process was to establish a U.N. Peacebuilding Commission during that World Summit last September.

Mr. Speaker, the Secretary General's efforts to build U.N. capacity to promote democracy have also enjoyed remarkable success. During his tenure the Secretariat's Political Office has helped conduct more than 100 successful elections, including those in Iraq and Afghanistan. The people involved in this enterprise have also helped achieve democratic openings in places previously thought to be beyond democracy's reach, such as Georgia, Ukraine, Sierra Leone and Lebanon.

Secretary General Annan's moral leadership has also inspired the U.N.'s member states to remake a wholly dysfunctional U.N. Human Rights Commission by replacing it with a Human Rights Council that for the first time in the history of the United Nations will require countries to meet human rights qualifications to gain membership. This change will forever shatter the pernicious myth that had long operated in Geneva, that a pathological dictatorship like Sudan somehow occupied the same moral high ground as Sweden in enforcing agreed human rights standards.

The Secretary General has also created a new architecture to attack poverty and chronic disease by committing states to tangible Millennium Development Goals, and by creating a Global Compact committing corporations to pledges to upgrade environmental, labor and human rights conditions. This will serve to bring the benefits of globalization to more people worldwide.

Mr. Speaker, it was my honor to be the first person to nominate Kofi Annan for the Nobel Peace Prize. When the distinguished Secretary General accepted that prize in October 2001, he explained why he is so committed to ensuring that the United Nations can live up to its responsibility to protect each and every vulnerable human being.

As he most eloquently phrased it on the stage in Stockholm, "What begins with the failure to uphold the dignity of one life, all too often ends with a calamity for entire nations." And "a genocide begins with the killing of one man—not for what he has done, but because of who he is."

Mr. Speaker, it is hard to overstate the contribution that United Nations Secretary General Kofi Annan has made to advancing human dignity, peace and stability in the world. I invite my colleagues to join me in saluting Kofi Annan, the finest Secretary General ever to have served at the helm of the United Nations.

HURRICANE KATRINA STATEMENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. KUCINICH. Mr. Speaker, on May 4, 2006, I prepared the following opening statement for the Committee on Government Reform's hearing, "Sifting Through Katrina's Legal Debris: Contracting in the Eye of the Storm":

Thank you, Chairman DAVIS, for holding this important oversight hearing to examine federal contracting for Hurricane Katrina relief. I appreciate that you have kept your promise to hold a series of hearings on the subject of Hurricane Katrina as you said you would in September of last year. I am grateful for your leadership in this regard.

Since this Administration has come into office, we have witnessed multiple federal contracting sprees, which have all been reckless and wasteful. After 9/11, and the establishment of the Department of Homeland Security, a variety of security functions were contracted out to private companies. The Iraq war and reconstruction brought the next round of federal contracts, and finally, after Hurricane Katrina, several contracts were administered to aid in relief and reconstruction.

Contracts awarded have consistently been cost-plus and no bid contracts, have lacked oversight and transparency, and have led to costly waste, fraud and abuse.

Despite the waste, fraud and abuse, which have been well documented by government oversight bodies, including this Committee, the Federal Government has refused to learn its lesson and change its contracting practices. The contracts handed out for Katrina relief and reconstruction were just as flawed as those for Homeland Security functions and Iraq reconstruction.

Halliburton, for example, which has been the target of investigations for robbing the American taxpayer blind in its Iraq contracts, was one of the first companies awarded no bid contracts after Katrina hit the Gulf Coast, to repair 3 different Navy facilities in Mississippi.

Furthermore, measures put forward immediately following Hurricane Katrina to help ensure proper contracting, such as Ranking Member Waxman's bill, the "Hurricane Katrina Accountability and Clean Contracting Act," were disregarded.

Now, eight months later—eight months too late—we are here in this Committee examining what went wrong. Our government should have known better.

Today's hearing will reveal how FEMA, the U.S. Army Corps of Engineers, and other federal agencies entered into at least eight major contracts, worth over $5.6 billion, that have resulted in significant waste, fraud and abuse.

We will also hear some familiar testimony: how full and open competition has been the exception, not the rule, in awarding Katrina contacts; how lack of contract management and oversight were missing in Katrina contracts; and how these flawed contracting procedures lead to significant cost or performance problems in nearly every major contract related to Hurricane Katrina.

Far too much taxpayer money has been squandered on important jobs that aren't getting done. I look forward to the testimonials from the witnesses today. Despite the Federal Government's record, it is my sincere hope that this hearing will lead to concrete reforms in contracting practices.

INTRODUCTION OF THE DC NATIONAL GUARD HOMELAND SECURITY ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. NORTON. Mr. Speaker, today I introduce the fourth bill in the Free and Equal DC series. This series includes measures that all involve obsolete or inappropriate intervention into the local affairs of the District of Columbia. The other bills in the series are the District of Columbia Budget Autonomy Act, the District of Columbia Legislative Autonomy Act, and the District of Columbia Hatch Reform Act. This bill would give the Mayor of the District of Columbia the same authority over the District of Columbia National Guard (DCNG) as the governors of all 50 States have over their guard units. My work on the Homeland Security Committee convinces me that this bill is necessary now more than at any time in the District's history. In most circumstances involving a suspected terrorist incident and in all circumstances constituting local emergencies, the Mayor of the District of Columbia should have the same authority as governors. The National Guards in the 50 states operate under similar dual federal and local jurisdiction. Yet the President of the United States as the Commander in Chief alone has the authority to call up the DC National Guard for any purpose here, local or national. Each governor, however, as the head of state, has the authority to mobilize the National Guard to protect the local jurisdiction, just as local militia did historically. Today, the most likely need is to call upon the National Guard to restore order in the wake of civil disturbances and natural disasters. Today it could prove necessary to act quickly without knowing the origin of an event. The Mayor, who knows the city better than any federal official and works closely with federal security officials, should be able to call on the DCNG to cover local natural disasters or civil disturbances without relying on the President, who may be preoccupied with national matters, including perhaps war or security matters, or relying on a delegated official with little familiarity with the city. It does no harm to give the Mayor the authority. However, it could do great harm to leave him powerless to act quickly. If it makes sense that a governor would have control over the mobilization and deployment of the state National Guard, it makes the same sense for the Mayor of the District of Columbia, with a population the size of that of small states, should have the same authority.

The Mayor of the District of Columbia, acting as head of state, should have the authority to call upon the DCNG in instances that do not rise to the level of federal importance necessary to implicate the authority of the President. Today requiring action by the President of the United States could endanger the life and health of DC residents, visitors and federal employees. Procedures that require the Mayor to request the needed assistance from the Commander in Chief for a local National Guard matter are as old as the republic, and are dangerously obsolete. This bill would deprive the President of his authority over the

DC National Guard. The President could still nationalize the Guard at will, as he can with the Guards of the 50 states, and particularly here in the nation's capital.

Following the September 11th terrorist attacks, I succeeded in including a provision in the Homeland Security Act recognizing that the District of Columbia must be an integral part of the planning, implementation, and execution of national plans to protect city residents, federal employees, and visitors by including the District of Columbia, as a separate and full partner and first responder in federal domestic preparedness legislation. At a minimum, such recognition also demonstrates the respect for local governance and home rule that every jurisdiction that recruits members of the military to its National Guard deserves, especially today when the Guards are no longer weekend warriors, as the Iraq war demonstrates. The confusion that accompanied the September 11 attack plainly showed the danger inherent in allowing bureaucratic steps to stand in the way of responding to emergencies in the nation's capital. September 11 has made local control of the DCNG an imperative.

This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. District authority over its own National Guard apparently was not raised during the Home Rule Act process. However, it was almost unthinkable then that there would be war in the homeland, much less terrorist threats to the nation's capital. What should be unthinkable after 9–11 in an era of global terrorism is allowing to stand old and antiquated layers. Giving the mayor of the District of Columbia authority to call up the National Guard could make the difference in protecting the safety of the residents, federal employees, and visitors alike. I urge my colleagues to support this bill.

HOBBS HIGH SCHOOL INSPIRATION AWARD

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. PEARCE. Mr. Speaker, I rise today to congratulate Hobbs High School, in Hobbs New Mexico, which recently earned the 2006 College Board Inspiration Award.

The College Board's Inspiration Award annually honors three schools nationwide that have demonstrated extraordinary achievements in expanding access to college, particularly in financially disadvantaged areas.

Hobbs High School is a model of educational success and its receipt of this award is an accolade to their hard work and dedication to improving the opportunities available to their students.

Hobbs is a community that receives less funding per pupil than any other district in New Mexico and has twice as many people in terms of percentage living at or below the poverty level compared to the national average. However, in spite of these setbacks Hobbs High School has made extraordinary advances in expanding access to college for their students.

Approximately 55 percent of all secondary students at Hobbs High School now participate in Advanced Placement and Pre-Advanced Placement courses and they currently have the largest Advanced Placement program in the State of New Mexico. Demonstrated success has already been seen with last year's 97 percent graduation rates and the increase in the number of those individuals who went on to college upon graduation.

Hobbs High School is a wonderful example of what can be achieved when teachers, students, and community leaders come together to ensure that plentiful opportunities exist for their students. I ask my colleagues in the U.S. House of Representatives to join me in congratulating Hobbs High School for this wonderful academic achievement.

UKRAINIAN AMERICAN COMMUNITY STATEMENT ON CHERNOBYL NUCLEAR DISASTER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. LEVIN. Mr. Speaker, last Friday evening, I was honored to join Southeast Michigan's Ukrainian American Community in remembrance of a terrible tragedy: the Chernobyl nuclear disaster on April 26th, 1986.

Here in Washington, the Congressional Ukrainian Caucus organized a number of events last week to ensure that Congress adequately remembered this solemn anniversary. Through all of these events, and at the commemoration I attended in Michigan, there was a consensus that as we remember those victims of Chernobyl who lost their lives, we must continue, and indeed strengthen, our efforts to help those who are still living with its consequences.

To that end, I ask that a statement from the Ukrainian American Community in Michigan be placed in the RECORD. It calls on us all to do our part in standing with the Ukrainian people to address the consequences of this disaster that so many still struggle with 20 years later.

APPEAL: TO THE MEMBERS OF THE MICHIGAN DELEGATION TO THE U.S. CONGRESS ON THE OCCASION OF THE SOLEMN 20TH ANNIVERSARY OF THE NUCLEAR DISASTER AT CHERNOBYL, UKRAINE

The Ukrainian American community, gathered at St. Josaphat's Ukrainian Catholic Church in Warren, Michigan, on Friday, April 28, 2006 in solemn commemoration of the 20th Anniversary of the Nuclear Disaster at Chernobyl, Ukraine, recommends to the Michigan Delegation to the United States Congress the Testimony of H.E. Oleh Shamshur, Ambassador of Ukraine to the United States, before the Commission on Security and Cooperation in Europe and urges the members of the Delegation to assist in addressing the urgent problems noted in Ambassador Shamshur's testimony, excerpted below:

"Chernobyl was not only a "maximum credible accident" and the greatest man-made technological disaster. There is much more about Chernobyl catastrophe: this has become a frightening reminder of the awesome human cost—measured in lives and life-threatening health problems—of the lack of freedom, democratic procedures, civic control and transparency.

The plain and awful fact is that the biggest nuclear catastrophe in human history was kept secret from ordinary citizens, who were massively exposed to radiation exceeding the maximum acceptable level by hundred times.

During the critical period after explosion, while evacuating the local population from direct neighborhood of the nuclear power station, the Soviet government let millions of people in Ukraine, Belarus and Russia conduct their daily life as usual—unaware, unwarned, unprotected. On May 1st, four days after the disaster, people in Kyiv and dozens of other cities were urged to go outdoors to celebrate May Day, an official holiday in the Soviet Union. In those moments when radioactive cloud was reaching Sweden, when West Europeans were called to restrain from buying fruit and letting children play outside, in Ukraine parents carried their kids to the festivities. It was only days later, that people of Ukraine came to know the full extent of what had happened to them, their families, their land. By early May millions of people, including children, received unthinkable amounts of radiation as the volume of radioactive materials released into atmosphere exceeded Hiroshima by 400 times.

Experts and humankind are yet to comprehend and assess the full scope of the hazardous consequences of the nuclear devastation, including continuous exposure to radiation of such magnitude. About 5 million people were directly affected by explosion. As of January 2006, 2.6 million Ukrainians have had the status of those affected by consequences of the Chernobyl accident. Over 570 thousand children officially registered as affected by the disaster continue to live in Ukraine. 6,769 children died of horrible diseases caused by the calamity including thyroid and other cancers. Tens thousand square kilometers of once fertile and flourishing land remain radiation-polluted, as well as 2,218 Ukrainian townships and settlements.

The international community should be aware that the period of so-called half-life of radioactive strontium released into atmosphere in 1986 is 90 years. Therefore however scaring it might sound, the full story has not been told yet. The gravest implications of the catastrophe might be still ahead for Ukraine and other nations. We should be well prepared to face this eventuality.

The price Ukraine has paid for the lies, hypocrisy and greed of the Soviet regime epitomized by Chornobyl and its aftermath has been enormous. What we need now is assistance in addressing two very concrete and urgent problems.

Building a new reliable Shelter. Taking this opportunity I am asking the distinguished members of the Commission to weigh in their political authority to call upon all G8 members and other countries concerned to follow the example of the U.S. Government and to make adequate financial contributions making possible the erection of the Shelter–2. The construction costs are estimated at slightly over 1 billion USD representing rather modest amount of money compared to the damages which 200 tons of highly radioactive waste still glowing underneath the corroded Shelter–1 might incur. We also urge all the signatories of the Ottawa Memorandum to honor their obligations concerning compensation of the losses suffered by Ukraine due to the decommissioning of the Chernobyl NPS.

Meeting the health needs of the innocent children, suffering from hazardous effects of Chornobyl. We deeply appreciate the work done in this respect by the members of the U.S. Congress, such as Co-Chairman Chris Smith and Representative Lincoln Diaz-Ballard. It was largely due to Mr. Diaz-Ballard's efforts that on April 20th one of the biggest humanitarian airlifts organized by the Children of Chornobyl Fund arrived in Ukraine for the benefit of Chornobyl-affected children. I know that more projects are in preparation and I'm deeply thankful for them to our American partners."

Ambassador Shamshur concludes with the following words, words which the Ukrainian American community in Michigan and, we trust, our elected officials, fully share and support.

"I strongly believe that our two countries—Ukraine and the United States—will stand united in facing the challenges and preventing any new human tragedies that might be caused by the consequences of the disaster that happened twenty years ago, but remains so present in our lives."

THE PASSING OF BILL WALSH

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. SIMMONS. Mr. Speaker, it is often said one of the best things we can do in this world is to take a tragedy and use it as a catalyst to do something positive. The April 5th death of a 64-year-old homeless man, Bill Walsh, in the woods of southeastern Connecticut has become a rallying cry for the homeless. I hope that the death of Bill Walsh will be turned into something positive.

As a Vietnam veteran I have long been involved in addressing the dilemma of homelessness. Vietnam divided our nation and many soldiers returned from Southeast Asia with a variety of troubles. On far too many occasions their troubles led them to the streets and to the ranks of the homeless. We know that many of the homeless suffer from addictions and mental problems. We will never be able to help them secure a home and until their lifestyle issues are addressed.

In Connecticut we are taking action. A coalition of business leaders, social service agencies and government officials have produced the Southeastern Connecticut Ten Year Plan To End Homelessness. The three pronged attack seeks to establish a safety net by identifying social services available to the homeless and finding more effective ways to deliver them. Supportive housing is an essential component—supportive housing helps address issues of heart and head while providing a place to live. In supportive housing complexes individuals find companionship, security and a staff that will help them address issues such as substance abuse, education and other barriers that prevent people from participating as productive members of society. The third part of the program is to help the homeless find employment.

I attended Bill Walsh's funeral and those who knew him described him as "a gentle soul," "just like us," and a "sweet man who never bothered anybody." No doubt we also would all agree that a 64-year-old "gentle soul" should not be living in the woods.

Many families are one paycheck away from being homeless. They are our neighbors and our friends. Those who are already experiencing life on the street or in the shelter are in need of support. A society that is dedicated to helping others help themselves will take the tragedy of Bill Walsh and use it as motivation to address homelessness. I believe ours is such a society.

In attendance at Mr. Walsh's funeral was the Rev. Emmett Jarrett, of St. Francis House, in New London. He made some insightful and compassionate remarks about Bill Walsh. I ask by unanimous consent that his meditation be included with my statement for the RECORD.

SEEING THE INVISIBLE: A MEDITATION ON LUKE 16:19–25

(By Fr. Emmett Jarrett, TSSF)

The story you have just heard—the story of Lazarus, the poor beggar, and the rich man—is one of the stories Jesus told to call people to live not in selfish isolation but as sisters and brothers. It's also a story that Martin Luther King, Jr., the great American patriot, preached on many occasions, including the last Sunday sermon he ever preached, a few days before he was assassinated in April, 1968. King said of this story that it was not about Jesus condemning wealth, or the rich. "There is nothing in that parable," King said, "that said [the rich man] went to hell because he was rich. . . . [He] didn't go to hell because he was rich; [he] didn't realize that his wealth was his opportunity . . . to bridge the gulf that separated him from his brother, Lazarus. [He] went to hell because he passed Lazarus by every day and he never really saw him. He went to hell because he allowed his brother to become invisible."

Our country remembers Dr. King because of his dream that America would some day fulfill its promise and become a land of freedom and equality for all. But King was not just a great patriot, he was not just a great civil rights leader. He was also a leader in the movement to end the war in Vietnam. He was a leader in the struggle to end poverty in our country. When he preached his last sermon at the Washington National Cathedral in 1968 he was on his way to Memphis, Tenn., to support sanitation workers in a strike for decent wages. He was preparing to lead a national march on Washington from the rural South, from Appalachia, from the ghettos of Northern cities, a march of white people as well as black people, a "poor people's march." He was working to make the invisible people in our country visible. He was working for brotherhood and sisterhood, for what he called "the beloved community."

We are gathered here today to remember an invisible brother, Bill Walsh, who died in the woods a few days after the New London winter emergency shelter closed. Bill died in the woods—technically in Waterford—but he was a New London resident. His last residence had been the shelter at St. James Church around the corner, but his last proper home was an apartment in the Mohican just down State Street from here. But Bill was invisible, and so he died, without the minimal attention any human being requires and is entitled to. Like Lazarus, the poor beggar in Jesus' parable, Bill was our brother, and most of us didn't see him.

So we gather here today in the First Congregational Church of New London, the church where Bill worshipped, and where he ate breakfast many mornings. Because the beloved community includes not only like-minded people who worship together, but people who break bread together, people who eat together. As the prophet Isaiah says, the life God asks of his people, of us, is a practical life of friendship and service. God requires of us that we "share our bread with the hungry, and bring the homeless poor into our house" (Isa. 58:7). It is appropriate, then, that we gather this morning and remember Bill, and pray for him and for ourselves.

But we will not be the beloved community if we do not accept our responsibility for Bill's neglect, and for his death. The great rabbi Abraham Heschel said that "in a democracy, some are guilty, but all are responsible." All of us, as a community, as the people of the City of New London, are responsible when some of our brothers and sisters, some of our neighbors made in the image of God, have no place to lay their head. Thomas Jefferson said about slavery in America, "I tremble for my country when I reflect that God is just." Well, friends, I tremble for our country today. There are more than three million homeless people in the richest nation in the world. We are that rich man, who went to hell not because he was rich but because he allowed his brother Lazarus to become invisible. We have an opportunity to feed the hungry, clothe the naked, and shelter the homeless. It's no use blaming other towns and cities. God will judge them. It is myself and my city that I tremble for. It is for New London that I will be judged.

So I ask you this morning, as we remember Bill Walsh, to join the struggle in our city to make him and others like him visible. I invite you this morning to see the homeless poor, many of whom are present in this house of worship today. Look around you. See your neighbors. Some of your neighbors have homes to go to tonight. Some don't. But all of us are neighbors. All of us are brothers and sisters to Bill Walsh and to one another. Let us resolve today, in his memory, to make our city a "city on a hill," to which everyone can look for inspiration, to make our country "a light to the nations," that cares for its neediest citizens. We have to see each other to do that. As the great labor organizer Mother Jones said, "we've got to mourn the dead, but fight like hell for the living." We can't bring Bill Walsh back from the dead. He is with Lazarus, the poor beggar that Jesus talked about, "in Abraham's bosom." But we can see the invisible poor, and shelter the homeless and needy, and not find ourselves under judgment for our failure to see.

Now let us remember Bill. But let us get up tomorrow morning and start to work together to create a homeless hospitality center in New London that will be a model for the rest of our region and our nation. Let us see the invisible poor, and live together with all our sisters and brothers in the beloved community the God of justice invites us to become. Then Bill will be like one who has risen from the dead and brought us to the promised land.

TRIBUTE TO THE COLORADO ASSOCIATION OF BLACK PROFESSIONAL ENGINEERS AND SCIENTISTS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. DEGETTE. Mr. Speaker, I would like to recognize the history and invaluable contributions of an exceptional organization in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this organization for its educational leadership and record of extraordinary service benefiting underrepresented young people in Colorado and the Denver area. It is to commend this exemplary organization that I rise to honor the Colorado Association of Black Professional Engineers and Scientists on the occasion of its 25th anniversary.

The growing importance of innovation in science and engineering to our economic well-being and to a better quality of life for our citizens is well documented. Currently, there is much discussion and concern in this Congress about the ability of the United States to sustain its scientific and technological superiority. Sustaining our leadership hinges upon expanding our human capital to meet the technical challenges of a new economy and its increasingly global and complex systems. In this regard, cultivating students with the requisite skills to enter the pipeline of future engineers and scientists has become a priority.

Over 25 years ago, a group of committed African-American engineers anticipated the future. They recognized the need to expand the pool of talent entering our colleges and universities. In 1980, they founded the Colorado Association of Black Professional Engineers and Scientists (CABPES) with the express purpose of increasing the representation of minorities in the fields of engineering and applied sciences. CABPES has been in the vanguard of cultivating talented youth and it has become a learning gateway for students from all walks of life desiring to expand their horizons. Its commitment to the future is longstanding and our communities are well-advised by its example and the foresight of its founders.

Professional mentoring sets CABPES apart and a cadre of dedicated parents and committed volunteers are responsible for its outreach and educational programs including: the Junior Engineers, Tomorrow's Scientists Program which concentrates on developing student interest in engineering and applied sciences; the Math Enrichment Program which tutors students with their mathematics assignments; the SAT Preparation Program which prepares students for the college entrance examination; and the Widening Our World Program which gives CAPBES' students the opportunity to use their computer skills and develop leadership abilities through community service. These programs have served to enrich the learning experience by providing an environment that offers real-world perspective, dialogue and exchange. Students have gained a richer and deeper understanding from practitioners who not only impart a passion and enthusiasm for their disciplines, but convey the sense of wonder that accompanies discovery and scientific endeavor.

We are indeed fortunate to have CABPES in our community. It is an invaluable resource and I am deeply appreciative of the good work CABPES does in making science and engineering careers more attractive to all our students, particularly the under-represented. CABPES' programs help improve performance in the classroom and its mentors provide solid role models that encourage achievement. We owe a debt of gratitude not only to CABPES' founders, its board, volunteers and management professionals, but to its private sector partners as well. Their engagement and support of this organization make a real difference in the lives of our young people and thereby, in the communities CABPES serves.

Please join me in commending the Colorado Association of Black Professional Engineers and Scientists. It is the strong leadership and meaningful service this organization provides on a daily basis that continually enhances our lives and builds a better future for all Americans.

STATEMENT ON DISCHARGE PETITION ON H.J. RES. 55, THE WITHDRAWAL OF U.S. FORCES FROM IRAQ RESOLUTION OF 2005

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to support the discharge petition for H.J. Res. 55 not because I support the substance of the underlying resolution, but because I believe a full and open debate of our Iraq policy on the floor of this House is long overdue.

I believe the invasion of Iraq was a mistake. It has diverted resources from the fight against Osama bin Laden and those who attacked our country on September 11, 2001. It has fueled al Qaeda with fresh recruits and inflamed anti-American sentiment around the world. It has resulted in the loss of the lives of thousands of American soldiers and tens of thousands of Iraqis. It has cost the American taxpayer hundreds of billions of dollars. It has made us less, not more, secure.

From the outset I have been an outspoken opponent of the Bush administration's decision to go to war in Iraq. I argued strongly that the United States should support the request of the United Nations' weapons inspectors for additional time to complete their mission. The Bush administration spurned that request. We know the result—the primary justification given for going to war in Iraq, namely the alleged existence of stockpiles of weapons of mass destruction and the alleged collaboration between the government of Iraq and al Qaeda, proved to be false.

Many of us warned repeatedly that invading Iraq would open Pandora's box and unleash forces and historic rivalries that we would not be able to control. The rising sectarian conflict, the insurgency and the brutal executions carried out by militias were foreseeable. The total failure of the administration to plan for the aftermath of the invasion made what was certain to be a bad situation even worse.

We went to war in Iraq in an irresponsible manner; we should leave Iraq in a responsible way. Having invaded Iraq, we have both a moral and national security obligation to do everything possible to prevent the situation and sectarian conflict from spiraling even farther out of control. We must devise a plan to leave Iraq in a way that maximizes the chances for stability and minimizes the possibility for the eruption of a full scale civil war with even more bloodletting than there is today. We must leave Iraq in a way that does not allow al Qaeda—which did not have a base in Iraq before the war—to develop a stronghold there. We must not compound the blunders of the Bush administration by creating the conditions for even more bloodshed in Iraq and allowing it to become a launching pad for terrorist activities. That is why I have not supported proposals that set a date certain for the total withdrawal of all American forces from Iraq. I believe such well-intentioned legislation, like H.J. Res. 55, would have the unintended consequence of accelerating a budding civil war and strengthening the hands of those who would like to see Iraq plunged into even greater chaos and bloodshed.

While I do not support H.J. Res. 55 in its current form, I believe the Congress must have a serious and full debate on our strategy for bringing our troops home. Since the President declared "Mission Accomplished" in April 2003, we have seen more death and destruction in Iraq. The administration's efforts to achieve a political solution have been grossly inadequate. This House was wrong to give the President a blank check to go to war in Iraq. It now must fulfill its obligation to bring our troops home in a responsible manner. Let us honor our troops by having a serious debate. That is why I am signing the discharge petition for H.J. Res. 55.

TRIBUTE TO KELLY KEEFE BROOKS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. MEEHAN. Mr. Speaker, I rise to pay special tribute to my dear friend Kelly Keefe Brooks, who passed away on Wednesday, April 26, 2006 at the age of 43 after a courageous battle with breast cancer. Kelly was a devoted wife, loving mother of two girls, and a warm and caring friend.

Kelly fought a courageous battle against her cancer while remaining the same loving, jovial, and caring woman that her friends and loved ones will always admire. She has become a role model and inspiration to all who knew her and all who face the same struggle against cancer. I ask unanimous consent to enter into the CONGRESSIONAL RECORD the eulogy delivered by Kelly's good friend Suzanne Galvin Harvey on Saturday, April 29, 2006, which was partially written by Kelly Keefe Brooks herself.

Good Afternoon.

First let me begin by saying that Kelly did a very unusual thing before she died: she wrote her own eulogy. Anyone that knew her would not be surprised. Kelly knew what she wanted and was not afraid to tell you. I asked her if I could add to it and surprisingly, she agreed. Her words are all about saying goodbye to the people in her life. I'd like to start first by saying goodbye to her.

It has been my distinct honor and privilege to have called Kelly Keefe Brooks my friend for almost thirty years. We met as freshmen at Lowell High School when she asked me to share a locker with her. She introduced me to the seven friends we still have to this day—Our Girls Club. I'll be forever grateful for that gift she gave me.

Kelly was fortunate to have married Billy, who she called "the love of her life". A few days ago she said, "Sue, let's face it, who else could have stood me?" I repeated that to Billy recently and he said he "enjoyed every minute of the ride." "Well maybe not every minute!"

Kelly gave Billy the same wonderful gift she gave me . . . an abundance of friends. She had a way about her that drew people to her in droves. She crammed many of us into her short life with 4th of July cookouts by the pool on Wilder Street; Superbowl parties; Cinco de Mayo celebrations on Clark Road: and founding Our Girls Club and presiding over it with an iron fist. From the folks at the Post Office to her golfing buddies at Longmeadow; from Our Girls Club to her sisters' original Girls Club: and from Billy's mom and family to her own family, there is no shortage of supporters for Billy and the girls with this entourage she built for them.

We all admired Kelly and Billy's love for each other so much. God sent her a peach when he sent her Billy Brooks. His devotion was unending and he would have done anything for her, whether she had cancer or not. His only regret is that Kelly wanted to see Hawaii before she died. When he got the news that her health was declining, he was thinking of ways to get her there just to see it. "I was thinking maybe I could get her on a medical plane—but it would be too far if something happened," he said. That's the kind of guy Billy Brooks is.

Together they were blessed with two beautiful daughters—Emma and Molly. She may have seemed a little tough on you girls at times, but she loved you with all her heart. These past few months she spent so much thought on giving you both special memories and personalized mementos to last a lifetime. Her likes have become your likes—New York City, General Hospital, stalking celebrities outside the Daytime Emmy awards and looking for stars around the streets of New York. I know she will always be the real star in your eyes and has become a celebrity in her own rite, which was evident from the turnout at her wake last night. Your mom also liked pictures—not so much taking them as having people take them of her and plenty with both of you, those pictures are a chronicle of your life with her. Another wonderful gift she gave you, gave all of us.

Kim and Sharon. She couldn't have asked for two better sisters who were always there for her and the girls. Auntie Sharon, always thinking of ways to help with the girls, or buying things for the house, or helping Kel decorate for the holidays or change of seasons. So glad you could be with her the morning she died. Auntie Kim, always there with at least seven or eight phone calls a day, checking in with her and being there for the girls as well. I cannot imagine the loss the two of you will feel. Not only sisters, you were true friends.

And finally her loving parents, Paul and Maryanne. Tomorrow was supposed to be a surprise 50th Anniversary party for you. Kelly has been feverishly planning that for the last few months. The video she created for you and the songs she chose—what a tremendous gift she has left for you. No parent should have to bury a child, and that is what bothered her the most when she was diagnosed—worrying about what that would do to her Mom and Dad. You should be so proud of the wonderful daughter you raised.

Kelly has been a role model for hundreds of us: family, friends, medical staff, and even to complete strangers right here in Lowell, who have been inflicted with this devastating disease. Never complaining, showing tremendous courage and spirit, fighting the uphill battle against all odds, always with a smile on her face, and never losing faith in her doctors and caregivers or in her God. There was no time for tears with Kelly—she had much to do before she left us. Like demand a list of exactly what people were bringing over for meals. "Enough pasta!" she'd say "Can't a girl get a couple of pork chops?" Thanks to Denise Perrin and Lesley Byrne for spearheading all those dinners and house cleanings.

Goodbye Kelly and in the motto of Our Girls Club, which is engraved into the gold heart shaped charms that hang from our bracelets, we will truly be "friends forever" and we will all miss you dearly.

That is the end of my portion of this—my tribute to her. I think she asked me to do this because she thought I was funny. I'm glad I could provide you with some comic relief but sorry Kel I didn't have them rolling in the aisles because I didn't feel much like entertaining and laughing today. I did, however, briefly consider wearing my nun costume up here. But I think I traumatized my mom enough with that once before. Thank you mom for helping me write this for Kelly—she would really have been happy that it came from both of us. And now for Kelly's own words.

EULOGY

(By Kelly Keefe Brooks)

Good afternoon.

Surprise, surprise! You didn't think I would leave and not get the last word in. Seriously, I wanted to take this time to thank some people and to let you know my thoughts; you know how the cancer really changed me. Who am I kidding? To know me is to love me!

Everyone always told me I had a great attitude and I did, but I had so much help from family, friends, co-workers and medical professionals. That is what made it possible.

I do have some requests from a few of you. Babs, Cathie, Lesley, Mary and Carolyn—you have all become the monkey in the middle for Sharon and Kim. I hope they are laughing. Emma and Molly, take care of Dad, he probably doesn't remember what he had for lunch yesterday, so go easy and get along with each other. With all the women out there I am not concerned about how many mothers you girls are going to have. And you thought I was bad. Good luck girls! You thought I was annoying, ha!

Girls be successful in life and by that I mean be happy. Get careers not jobs, a big mistake most people make. Emma, I hope you live in NYC for at least a brief period of time. Molly, even though you are the youngest you will be the glue to keep the family together and I don't mean just you, Emma, and Dad. I mean everyone. It's a big job but I have no doubts.

What can I say about my girls club? They cooked, cleaned, sat with me on that king-sized bed and watched movies. Thank you!

Theresa and Dr. Anamour—thank you for giving me the extra time in life.

I don't have words for my parents only I am sorry they had to bury me first.

Sharon and Kim—take care of the girls and each other. Remember they see what you do.

Billy as much as I hated the post office, it is where I met you and hunted you down like a dog. Thank god for Denise, Mary and the keg (good times) you gave me two beautiful girls and Papa two beautiful grandchildren. Now you are his favorite son-in-law. There also is not another man who can make me laugh like you do, or could stand being married to me. I didn't get the nickname Paulette for nothing. I love you with all my heart.

Hope you all have a great time at the mercy meal. I can't tell you how mad I am I won't be there. Have a good time leaving church—lots of singing—I picked these songs.

Kelly didn't realize that the three songs she wanted at the end are unfortunately not allowed at a Catholic Mass. So instead of singing and clapping, leave here today with a song in your heart, a beat in your step, and a smile on your face for the special woman we knew and loved.

IN HONOR OF EARL WOODS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BACA. Mr. Speaker, I rise today to honor an extraordinary individual, role model, and parent. Yesterday, Earl Woods, father of golfer Tiger Woods, succumbed to cancer at the age of 74. He not only leaves behind a gifted son, but a legacy of integrity, pride, excellence, and passion.

Even before he raised a golf genius, Earl Woods lived an accomplished life. He gave up the opportunity to play professional baseball to attend Kansas State University, and became the first black scholarship player in the old Big 12 Conference. Later on he went into military service, served two tours in Vietnam, and spent time in Thailand where he met his second wife—Tiger's mother—Tida.

Earl Woods was a man who believed foremost in raising his son, Tiger, to be a good person, not a great golfer. Woods dedicated himself to instilling in his son a strong work ethic, mental toughness, and the drive to succeed—all factors that have allowed Tiger to become one of the most celebrated athletes of our time.

In the midst of cancer, heart disease, and diabetes, Earl Woods stood by his son, tournament after tournament, providing the guidance and friendship Tiger needed to win. Earl Woods said that his relationship with his son was one of friendship: they were equals. And he considered that to be the greatest achievement of his life.

Mr. Speaker, I extend my sincere condolences to the Woods family for their loss. Our prayers are with the Woods family today and we ask that God grant them peace during this difficult time.

TRIBUTE TO MUSLIMS IN THE UNITED STATES

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. COLE of Oklahoma. Mr. Speaker, I rise to commend an important community in Oklahoma's Fourth Congressional District. It is often said that the media in general does not run enough positive news, and I am afraid that this is especially, and unfortunately, the case for American Muslims. Many have associated the terrible events of September 11, 2001, with the millions of law-abiding, good-hearted Muslims in the United States. I wish to set the record straight about those decent Americans who work to make their communities and our Nation a better place to live, work, and worship.

A poll conducted in 2004 uncovered some troubling numbers, Mr. Speaker. Those consulted were asked to give the first thought that came to their minds upon hearing the word, "Muslim." Two-thirds had a neutral reply: "religion" or "mosque," to give two examples. A little less than a third, 32 percent, had negative replies: "violence," "hatred," and, I am sorry to say, epithets unsuitable for polite company. Only two percent of respondents had comments considered positive.

Numbers the following year, 2005, were more promising. Negative comments had fallen six percent to total 26 percent. Positive comments had tripled from two percent to six percent. Still, the sum of positive comments is far too low for such a vibrant community. Further, these numbers mean that the negative comments outnumber positive comments by a little more than four-to-one.

Mr. Speaker, these numbers were as startling to me as they were to the many Muslims I know, respect, and represent. My home state of Oklahoma has a dynamic and growing Muslim community. Given public perceptions of the faith by Americans at large, much of their activity is directed at educating the public about themselves and their beliefs. Education about the Muslim community is clearly important as less than half of Americans claim to be "very knowledgeable" or "somewhat knowledgeable" of Islam.

I am pleased to report that in my home state of Oklahoma, Muslim groups are among the first to respond in times of crisis. Oklahoma's Muslims gave generously to the victims of the Oklahoma City bombing, to earthquake victims in Turkey, and to those who suffered from the tsunamis along the Pacific Rim. They came to help when Hurricane Katrina struck, adopting and helping resettle displaced families. Three days after September 11, 2001, these men and women hosted a blood drive for victims in Washington and New York.

Oklahoma's Muslims also do much within our state. They host a free medical clinic in my state and often pay bills and rent for the needy. They adopt highways and contribute to public libraries, reach out to students and to other faiths. They host T-ball teams and Scout troops. In short, they are valued members of our communities.

Like all Americans, Oklahoma Muslims want good schools for their children, talk over the dinner table about how to pay the bills, and want to balance their work with their home life. The values and common interests that they share with their fellow Oklahomans far outweigh any differences in matters of faith. I urge my colleagues, and my fellow Americans, to get to know their Muslim neighbors next door. They help make America the vibrant, tolerant country it is. After all, whatever one's faith, in this land of liberty we are all Americans.

HONORING JOHN KENNETH GALBRAITH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. McDERMOTT. Mr. Speaker, America lost one of its best and brightest intellects and public servants in recent days with the death of John Kenneth Galbraith.

To say that Professor Galbraith understood economics is like saying Albert Einstein was good at arithmetic.

Ken Galbraith pioneered economic theories that transcended numbers, products, and nations, because he added people into the equation.

He recognized and helped the whole world understand that market forces alone could not be anonymous engines of economic activity. There was more at stake—people, and more to consider—policy, in a nation's economic growth and development.

If you stop and think about it, every parent has told a child at one time or another that there are consequences to their actions; John Kenneth Galbraith helped nations understand that there are consequences to economic actions.

Mr. Galbraith's impact on modern economic theory can be seen in the books he authored including The Affluent Society and New Industrial State. In all, his astonishing contributions as a world-renowned economist and professor span more than five decades.

But, there is so much more to his life and contributions to the American people.

John Kenneth Galbraith served his country as a Presidential advisor and ambassador to India.

He helped FDR implement the New Deal, serving in his administration. He also served President John F. Kennedy, among others.

Mr. Galbraith walked among giants, because he too was a giant—in intellect, heart, and commitment to his country.

If ever there was a single individual who embodied the positive change he wanted to see, it was John Kenneth Galbraith.

I was privileged to know him in my role as President of ADA, Americans for Democratic Action.

When liberal activists gathered in January 1947 at the Willard Hotel to form Americans for Democratic Action, Ken was there to inspire and to lead. He never stopped doing either.

From the beginning, Professor Galbraith was ADA's guiding light—both philosophically and as a pragmatic politician.

As its president, he led ADA during the Vietnam War to take a stand and become the first national organization to oppose the last fatally flawed war this country waged.

His participation in ADA continued as an ADA national board member, national convention speaker and author of the pithy Galbraithian letters, some of which were private and many of which attracted members to this organization which he held so dear.

I received a personal note from him just recently. John Kenneth Galbraith was that kind of person; he never stopped thinking, and feeling, and interacting, even as his own health was failing.

Just a few weeks ago, as he lay bedridden, he met with an ADA board member to discuss ways to further the goals and objectives of the organization.

John Kenneth Galbraith was nothing short of astonishing and his loss to us and to the world is enormous.

His legacy will be sustained by the countless people he inspired, through his sons—including Jamie, who serves on ADA's national board—and through the Galbraith Fellows, who will continue to work in the public service in his memory.

To say that John Kenneth Galbraith will be sorely missed is an understatement of the highest order.

What I am proud to say is that I knew this great American, and this institution can honor his memory by ensuring that his voice resonates throughout America for all time.

TRIBUTE TO JOHN KENNETH GALBRAITH

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. LANTOS. Mr. Speaker, the United States lost an intellectual giant in the passing of economist and public figure John Kenneth Galbraith.

Both he and I were immigrants to the United States—he from Canada, I from Hungary—and we both earned a Ph.D. in economics from the University of California, Berkeley. But I came to find that we had much more in common than that.

When I ran my very first race for Congress in 1980, Mr. Speaker, I received an unsolicited contribution—and as my colleagues know, that is truly remarkable for a challenger seeking to upset an incumbent member of Congress. The contribution was from John Kenneth Galbraith. The hand-written message with the check said, "From one economist to another." He added that he was delighted to see economist leaping into the political arena.

I cannot tell you how touched I was, not only at receiving an unbidden sign of support from someone so well-known and respected, but also to realize that a man of his caliber was in my corner.

Mr. Speaker, Dr. Galbraith was a profoundly influential American economist and a prolific author. His four dozen books and more than 1,000 articles covered an amazing breadth of subjects, from Keynesian economic theory to political progressivism and fiction. Many of his volumes were bestsellers in the late 1950s and during the 1960s; they including memorable titles such as The Affluent Society and The Industrial State.

He is widely quoted. Some of his most pithy observations are among the most profound. For example, he once noted that "all successful revolutions are the kicking in of a rotten door." And who can forget that it was Galbraith who said, "In economics, the majority is always wrong."

John Kenneth Galbraith was a dynamic presence with a nimble political mind. He advised U.S. Presidents from Roosevelt to Clinton and was actively engaged in the Presidential campaigns of John Kennedy and Eugene McCarthy. And he served with great distinction as U.S. Ambassador to India from 1961–63.

In the year 2000, President Clinton awarded him the Presidential Medal of Freedom, the nation's highest civilian award recognizing exceptionally meritorious service. He was also awarded the Padma Vibhushan, India's second highest civilian award, for his contributions to strengthening ties between India and United States.

It is difficult today to recall another man whose judgment and advice was valued by so many for so long, and who also managed to touch so many personally. My wife Annette and I extend our heartfelt condolences to his devoted wife of nearly 70 years, Catherine, and their sons Alan, Peter, and James.

Mr. Speaker, John Kenneth Galbraith was an extraordinary human being and a dear friend whose prodigious life's work helped shape American politics and economics. I ask my colleagues to join me in paying tribute to this astonishing individual.

HONORING THE FORDHAM UNIVERSITY SCHOOL OF LAW UPON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. FOSSELLA. Mr. Speaker,

Whereas it is the sense of the House of Representatives to recognize and commend those American universities which have achieved world renown and brought pride and honor to our Nation through their traditions of academic excellence;

Whereas attendant to such concern, and in full accord with its long-standing traditions, the House of Representatives is justly proud to honor the Fordham University School of Law upon the occasion of its 100th Anniversary;

Whereas on September 28, 1905, the Fordham University School of Law opened its door in the City of New York to 13 students; since that time it has evolved into one of the largest, most diverse and most respected law schools in the Nation, with nearly 1,600 students and over 200 full-time and adjunct faculty;

Whereas to commemorate this milestone in the life of the school and the educational history of the City and State of New York and the Nation, the Fordham University School of Law has designed a year-long celebration commencing on September 28, 2005;

Whereas the Fordham University School of Law's Centennial Celebration will feature symposia, lectures, galas and, in keeping with its dedication to serving others, a commitment by its alumni, faculty, and students to contribute 100,000 hours of public pro bono work to help those that are less fortunate;

Whereas for 100 years, the Fordham University School of Law has been defined by unparalleled standards of learning and has produced countless leaders throughout the world; and

Whereas with great admiration, the House of Representatives is proud to pay tribute to this eminent university which stands at the threshold of the future with its legacy of outstanding achievements and its impressive body of distinguished alumni;

Therefore, be it resolved that the House of Representatives honors the Fordham University School of Law upon the occasion of its 100th Anniversary, fully confident that in its future, it will enjoy the same success which has so characterized its past.

HONORING HOME SCHOOLERS

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. ISTOOK. Mr. Speaker, I rise today to congratulate all concerned parents who have made an enormous commitment. All parents are teachers, but these parents have accepted total responsibility for their children's learning, by schooling them at home.

Of course I am talking about the successful home school movement that has taken root and is rapidly growing throughout the United States. It is not easy to be a parent. I should know since I'm the proud father of five children and seven grandchildren. But adding "teacher" to the list of responsibilities parents face every day illustrates their incredible determination to ensure that their children get a solid education.

It has been said that in order to understand the future we must first look to the past. That is being done here. Thousands of present day students, like many of our Founding Fathers, are being taught at home.

The motives of these parents vary, many parents don't like the curriculum being taught to their kids, or are wary of the threat of peer pressure or the presence of drugs or violence lurking in too many of our schools today.

In a world where it is common to pass the buck, tens of thousands of families have adhered to the principle set forth by former President Harry Truman, saying that "the buck stops here" when it comes to their children's education.

The home schooling movement has proven it works and the numbers show. According to a recent report from Reuters News Services, between 1.7 and 2.1 million children across the country are taught at home. This is a 29 percent jump from the number of home schooled children in 1999.

When they are asked to compete against children from traditional schools, these students do quite well. One illustration is how often they show up in the finals of national spelling competitions. If you "google" the words "home schooled" and "spelling bee" together you will see page after page after page of success stories from places like Albuquerque, New Mexico, Oswego, New York or Fayetteville, North Carolina—as well as the national competition here in Washington, DC.

There are other examples too.

I would especially like to congratulate Braden Juengel from Edmond, Oklahoma who was recently notified that he is one of only 39 people in the United States to receive a perfect score of 36 on his ACT test. Branden has been home schooled since the second grade. He is also a National Merit Scholar Finalist and plans to either attend Oral Roberts University or my alma mater, Baylor University, next fall. I congratulate him and his parents Mr. and Mrs. Randy and Luann Juengel.

These children are living proof that the "one size fits all" approach to education is not necessarily the only or the best way for our children to learn. This is not a knock against traditional schools. My wife and I chose for all of my kids to be taught in the Putnam City public school system. But let's remember that the first and most important teachers that children have are their parents. We show them how to eat, help them to walk and teach them to communicate.

The Reuters news article also helps dispel the mistaken myth that home schooled kids are socially inept because they supposedly have less social interaction. Nothing could be further from the truth. Home schooled children frequently combine for many purposes—and they interact well. The growth of the home schooling movement means that more and more children are learning together, just not in a traditional classroom. For example, a group of 70 home schooling families living in a Washington suburb organize regular group field trips and extracurricular activities for their home schooled children. They also come together for music lessons, soccer and basketball games and for art classes.

These are all ideas and events planned by parents, not school boards. Students are transported by mom or dad driving mini vans, not school buses. Home cooking beats school cafeteria food any day of the week. Education begins at home and I applaud the parents who recognize that they—not someone else—must take responsibility to assure that their children are well educated. I remind everyone: Whether you school them at home or send them to school, you as a parent have the responsibility to make sure they learn and behave. Teachers and principals may help, but parents are the ones who must accept responsibility.

I congratulate all the parents out there who made a commitment to put their children's education first. These are parents that our Founding Fathers would find worthy of praise.

PAYING TRIBUTE TO AMY ARNAZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Miss Amy Arnaz for her outstanding service to the community of Boulder City as the owner and operator of Dance Etc. Dance Studio. She also serves as the Executive Director of the Boulder City Ballet Company. Miss Amy, as she is known to the community, will retire from her service of Boulder City on May 27, 2006.

Miss Amy began her ballet career at age 7 under the direction of English Ballerina Christina Carson. She attended college at San Diego State University, where she danced with the San Diego Ballet Company. After traveling to New York to study with the Joffrey School Ballet, she returned to Las Vegas and joined the Sulich's Nevada Dance Theater. In 1979, Miss Amy purchased Dance Etc., and she continues to teach ballet, tap, jazz, and exercise to this day.

In 1997, in cooperation with her husband Desi Arnaz Jr., she founded the non-profit Boulder City Ballet Company. While serving as the company's Executive Director, Miss Amy has brought joy to the lives of the children who live in the small town of Boulder City.

Miss Amy has been trained to teach the Royal Academy of Dancing System used by the Royal Academy of England. Her students are also exposed to various types of dance through guest instructors and special workshops. She is certified through the American Council on Exercise, and continues to train in order to remain at the top in her field. Miss Amy and her valuable efforts to bring dance to the community will be very missed by the city of Boulder City; however, she will not be forgotten.

Mr. Speaker, I am honored to recognize Miss Amy Arnaz on the floor of the House. I commend her for her contributions to Boulder City and thank her for her continued service to the children of southern Nevada. I now yield the remainder of my time.

RECOGNIZING CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. HULSHOF. Mr. Speaker, I rise today to recognize the Central Missouri Eagles Youth Hockey Association for winning one of the Positive Coaching Alliance's 2006 "Honoring the Game" Awards. For those of you not familiar with the Positive Coaching Alliance, they are a partnership of coaches, athletes—both current and retired—and community leaders who are dedicated to improving the quality of youth sports programs by offering training workshops and providing resources to coaches and parents that stress sports fundamentals, positive coaching and good sportsmanship.

The Positive Coaching Alliance presents an Honoring the Game Award to youth sports organizations and schools that demonstrate excellence in coaching, strong organizational culture and the promotion of good values. Award winners receive an all expenses paid trip to San Francisco where they are recognized for their accomplishments. The Central Missouri Eagles Youth Hockey Association was one of three national winners and the only Midwest team to be honored.

The Eagles are composed of 4 coed teams with 60 players, ranging in age from 5 to 18. The Eagles have a motto—"Building Good Athletes and Great Citizens"—and they have certainly lived up to it. Since 2001, all players have participated in a community service project as part of their commitment to the team. This season, the Eagles made numerous outstanding contributions in Mid-Missouri.

The Eagles pee-wee team, which includes 11 and 12 year-olds, gathered 500 stuffed animals and 130 backpacks for abused and neglected children. The high school varsity squad also collected more than 400 stuffed animals for sick children at the University of Missouri's Children's Hospital in Columbia. Finally, the mite and squirt teams, which are 5 and 10 year-olds respectively, collected more than 300 cans of food for those in need.

The involvement of our youth in activities that build character through community service and athletic competition is a positive experience, and it is refreshing to hear of organizations such as the Eagles that not only promote sportsmanship, good coaching, and having fun but also encourage player development outside the rink. This is exemplified in an excerpt from the Eagles mission statement, which reads as follows:

"The community is best served when the Eagles graduate young citizens enriched by meaningful participation in a disciplined team sport, long after the outcomes of distant games have faded from memory."

The Eagles are an outstanding organization and should be commended for all their efforts. The coaches and parents who have made this program a success are also deserving of our praise and recognition. I wish the Eagles continued success both on and off the ice and again offer my sincere congratulations for their winning an Honoring the Game Award from the Positive Coaching Alliance.

RECOGNIZING JOAN STELLA HOLMAN ON HER 90TH BIRTHDAY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my dear friend Joan Stella Holman of Lakeport, California as she celebrates her 90th birthday and a lifetime of inspiring achievements.

Mr. Speaker, for the past 70 years Joan has been lighting up stages around the world. At an early age, Joan realized she wanted to become an actress. At only 17 years old, this driven and intelligent young woman traveled the world in pursuit of her dreams. She performed in England, South Africa and began her United States acting career in Washington, DC.

Mr. Speaker, Joan was born in England and became a naturalized citizen in 1952. After settling in San Francisco she began working as a journalist for the San Francisco Chronicle and the Oakland Tribune. While working in San Francisco she continued to perform in community theaters around the Bay Area. At age 66, Joan retired from her journalism career and settled in Lakeport, California, however, she could not retire from the stage.

Mr. Speaker, Joan has become and integral and dearly beloved member of our community. She is recognized throughout Lake County for her leadership, heartwarming personality and devotion to the arts. She has bettered our community through her love of acting. She has been cast in numerous community theater plays performing with the Lake County Repertory Theater, Ukiah Playhouse and Lakeport Community Players. In 1994 Joan received the Actress of the Year Award for her portrayal of Miss Daisy in Driving Miss Daisy.

Joan is currently co-starring in "The Gin Game" which opens on the eve of her 90th birthday. While she may be in her 90th year she continues to portray characters with as much heart and spirit as someone who is starring in their very first role.

When not on stage, Joan continues to support the arts and our community through her dedication to several art organizations, including the Clearlake Performing Arts Council and the Lake County Arts Council.

Mr. Speaker and colleagues, it is appropriate that we take this time to thank and honor my dear friend Joan Stella Holman for all she has done for our community and for the arts. She is an inspiration to us all and on behalf of the United States Congress; I wish to extend our best wishes to her as she celebrates her 90th birthday on April 24, 2006.

COMMEMORATING COVER THE UNINSURED WEEK

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to commemorate Cover the Uninsured Week. Since its inception in 2003, the week held from May 1–May 7, recognizes the plight of one of the greatest threats to our Nation—46 million Americans who lack health insurance coverage.

This important initiative is led by former Presidents Gerald Ford and Jimmy Carter. During the week, community-based events are organized throughout the Nation to heighten public awareness about the importance of making health care coverage a civil right and a priority on our public policy agenda. Over the past three years, the week of events has included health fairs, seminars for small businesses, as well as faith-based, college and university activities.

Mr. Speaker, 46 million Americans—which equates to 15 percent of the population—are living without any form of health insurance coverage. As a Nation that embodies democracy and spreads its principles of equality throughout the world, we should be shocked by this astounding figure. The statistics regarding the uninsured are equally shocking:

Proportionately, Hispanics and African-Americans have been hit the hardest by our failure to provide health care for all. At least 60 percent of Hispanic Americans, more than 43 percent of African Americans, and 23 percent of Caucasians are among the uninsured.

More than one in four uninsured adults (or 26.6 percent) have less than a high school education.

Only 9 percent of people in families with income over $50,000 per year are uninsured, compared to 40.8 percent of people with family income below $5,000.

A national survey conducted in 2003 found that almost six in 10 uninsured adults (59 percent) have been without health insurance for two years or more.

In the state of Maryland, approximately 810,000 people, 14.6 percent of the total population, lack health insurance coverage.

Mr. Speaker, these statistics illustrate something very concrete and clear: the human consequences of having tens of millions of Americans uninsured are appalling. Necessary medical treatment is being delayed too long or altogether, and the Americans are dying unnecessarily.

Apart from this fact, the employment-based health insurance system, which provides health insurance for almost two-thirds of the non-elderly population, is also broken.

The reasons are complex, but this much is clear.

Too many Americans are working at low-paid or part-time jobs that do not provide health Insurance coverage.

Insurance costs are increasing—and those employers who do offer coverage are attempting to shift more and more of those costs onto their employees.

We also know that those areas of our economy in which any job growth is occurring are about 10 percent less likely to provide health care coverage than those in which the number of available jobs is shrinking.

Mr. Speaker, based on all of these facts, the time to change our Nation's healthcare equation is upon us. There has to be a better way to ensure universal, high quality care. I am convinced that there is no human right more fundamental than the preservation of life. Wealth should not be a pre-condition to world class health care in a nation that truly values all of its people.

With that said, I have joined Michigan Congressman JOHN CONYERS and many others in proposing the United States National Health Insurance Act (H.R. 676).

This proposal would create a nation-wide, single-payer health care system that is publicly financed but provides private care. It would include expanding and improving the existing Medicare program to cover Americans of all ages. Under the plan, Americans would retain (or regain) the right to choose their own doctors. Other health care professionals and all medically necessary services would be covered. There would also be neither co-pays nor deductibles.

Today, I encourage my colleagues to work with us in advancing the vision of universal health care for the following three reasons:

We must not allow the sick and dying Americans in our communities to be marginalized.

We must make common cause with all of the Americans to provide the care that they need at a cost that they can afford.

We must be clear in our assertion that health care is a fundamental human right whatever may be the color of a person's skin.

Now is the time to create a health care system that truly serves ALL Americans and now is the time for America to transform our human right to health care into a civil right guaranteed—and funded—by federal law. I urge my colleagues to cosponsor H.R. 676.

NATIONAL FOREST SERVICE OF FLORIDA LAND SALE

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. CRENSHAW. Mr. Speaker, today I introduced common sense legislation that provides the Forestry Service the flexibility they need to properly manage their assets. This legislation modifies the Florida National Forest Land Management Act in two simple ways, which will provide the Forest Service essential authority to manage the National Forests in Florida effectively.

The first provision simply adds an unmanageable tract of land located in Tallahassee, FL to the list of lands the Secretary of Agriculture is currently authorized to sell. This specific property, tract W–1979, is approximately 114 acres of land that has evolved into an unmanageable problem area for the Apalachicola National Forest. Due to the configuration and surrounding development, the vegetation cannot be managed through prescribed fire. Although a very valuable tract from a real estate/commercial aspect, this tract has lost its National Forest character. The sale of this land will allow the Forest Service to purchase other lands located within the Forest that are more manageable and will enhance National Forests in Florida.

Secondly, this legislation would allow the Forest Service to use proceeds from the sale of other "non-green land" to be used for construction and improvements to Administrative facilities essential to the proper management of the Forest. These "non-green land" tracts of land are owned by the Forest Service, but have urban improvements like fairgrounds or sporting complexes and are not conducive to the overall purpose of protecting our National Forests.

This legislation would allow the Service to use the proceeds from the sale of improved lands to build critical infrastructure they need to manage the Forests in Florida, while allowing the Forest Service to continue its practice of using receipts from all nondeveloped "green land" tracts for the acquisition of other "green land" tracts to enhance the National Forests in Florida. By passing this legislation, the Forest Service will have the ability to efficiently and effectively manage our Nation's precious resources.

CONGRATULATING CHIEF MASTER SERGEANT JEFFERY D. GUSTAFSON

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. GUTKNECHT. Mr. Speaker, I rise today to congratulate CMSgt Jeffery D. Gustafson of Rochester, Minnesota, on his dedicated service in the United States Air Force.

In November of 1975, Chief Master Sergeant Gustafson enlisted in the United States Air Force at the 934th Airlift Wing, Minneapolis-St. Paul International Airport Air Force Reserve Station in Minnesota. He retired from the same station on April 1, 2006, having achieved the highest attainable enlisted rank in the United States Military.

Chief Master Sergeant Gustafson has served the United States from across the world, including Saudi Arabia, Turkey, and Honduras. He was given the distinct honor of being the first troop commander of a fully manned Aerospace Expeditionary Force for the United States Air Force. He was also the first recipient of the General Rawlings Air Force Sergeant Association and Air Force Association Chapter's Chief Master Sergeant of the Year. In addition, Chief Master Sergeant Gustafson has been thanked in person for his military service by President George W. Bush and First Lady Laura Bush.

Mr. Speaker, I offer my sincere gratitude to CMSgt Jeffery D. Gustafson for his service in the United States Air Force and his commitment to our nation. His distinguished accomplishments reflect to the highest degree upon himself and the United States Air Force.

AMTRAK 35TH ANNIVERSARY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to recognize Amtrak on its 35th Anniversary, and commemorate its 35 years of public service to this Nation through it's commitment to passenger rail.

I travel all over the country and the people I talk to love Amtrak. It is a great way to commute to work, it takes cars off our already congested highways, and in many areas of the country is the only mode of transportation available. In fact, ridership has increased in 8 of the last 9 years reaching a record level of over 25 million passengers last year. It is also important to note that Amtrak's long distance trains are the only inner city passenger trains in half the states in America.

Amtrak was also a First Responder during hurricane Katrina, and helped evacuate thousands of Gulf region residents while President Bush and his Administration were nowhere to be found. Now they are becoming a key part in each State's future evacuation plans.

Now what I can't understand is why the Bush Administration is trying to destroy passenger rail in this country. Every industrialized country in the world is investing heavily in rail infrastructure because they realize that this is the future of transportation. But sadly, as there systems get bigger and better, our system gets less and less money.

President Bush has a lot of wacky ideas for dealing with the high gas prices he created, but I can assure him that as prices climb to $4 dollars per gallon, you are going to see Americans lining up to use a passenger rail system that has been neglected by this very Administration. But what more do you expect when you put J.R. Ewing in the White House.

Once again we see the Bush Administration's paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs. This Administration sees nothing wrong with taking money from the hard working Amtrak employees who work day and night to provide top quality service to their passengers. These folks are trying to make a living for their families, and they don't deserve this shabby treatment from the President.

With the passage of the latest emergency funding for the war, President Bush will have spent over $439 billion on the war in Iraq, but could only find $900 million for Amtrak's 25 million passengers. Just one week's investment in Iraq would significantly improve passenger rail for the entire country for an entire year. This is another perfect example of just how out of touch this Administration is because I can assure the President that there is a whole lot more support for Amtrak in this country than there is for the war in Iraq.

Unfortunately, there is a lot of misinformation spread about Amtrak, and it is important for people to know the real facts about Amtrak. Ridership numbers are at record levels, outstanding debt has been reduced by $300 million, major infrastructure projects have been completed. All with a workforce that has been reduced by over 4,000 employees.

We still have a lot of work ahead of us when it comes to Amtrak. But we're starting $900 million closer to our goal, and I know with the help of the American public, we can fully fund Amtrak at $1.6 billion and keep Amtrak running long into the future.

REMEMBERING FRIEDA FRY

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. BROWN of Ohio. Mr. Speaker, March 8, 2006, marked the death of Frieda M. Fry, age 94, an honored resident of my district. Her passing prompts me to remark on this remarkable woman, and how she exemplifies qualities that we should encourage in all of our citizens.

A lifelong citizen of Summit County, and 50 year resident of Richfield Township, Frieda was wife of Federal Administrative Law Judge Walter Logan Fry, who preceded her in death in 1978. Judge Fry served long and well in federal service, culminating with his appointment to the Bureau of Hearings and Appeals, DHEW, including 3 years as ALJ in charge of the Cleveland, Ohio, Office.

Frieda was born in Barberton, Ohio, and traces her roots to the Swiss and German settlers of the early eighteenth century. She graduated from Akron East High School in 1929; and received the Diploma for Elementary Teaching from Kent State College (now University) in 1931.

From 1931 to 1935, she taught Fourth Grade at the Betty Jane School in Akron. Beginning in 1941, she taught elementary grades for the Boston Rural School District in Peninsula. Beginning in 1962, she taught elementary grades at Hillcrest Elementary School in Richfield, Ohio.

Mrs. Fry's interest in learning began early. Son, W. Logan Fry, recounts: "mother told us that when she was a little girl, she would spend half her allowance on lunch—and the other half on books. Books opened the whole world to her. At her death, her personal library included books on art, science, religion, medicine, psychology, nature, history and the cultures of the world."

Following Judge Fry's death in 1978, Mrs. Fry traveled five continents. She traveled across China; visited small textile factories in India; rode on the backs of elephants in Kashmir; and experienced the smells of the opium dens of Katmandu. On this later trip, a very finely dressed gentleman with a well-trimmed mustache, who described himself as a diplomat, asked if she had any daughters—and volunteered to care for them generously if she did. Mrs. Fry politely declined, but continued in a mutually rewarding conversation.

In Russia, she attended a performance of the Moscow Ballet on a wintry Christmas Eve; and enjoyed the circus in Uzbekistan. The jet flight to Tashkent, with goats and chickens on the passenger list, was a harrowing but thrilling experience.

Frieda made many trips to Germany and Switzerland. On one such trip, with daughter Nancy Fry Laessig, two German citizens on a facing train car seat said, in their native language: "Look at those two Americans, they don't even know the difference between the Danube and the Rhine." Nancy translated, and Mrs. Fry shot back: "We are guests in your country, you should be telling us all about your country, not disparaging your guests." That led to a deeper conversation, and her German critics soon became friends, sharing ideas and experiences until their train arrived in Zurich.

Mrs. Fry also traveled in and across Turkey, Romania, Bulgaria, Slovakia, Germany, France, Denmark, Norway, Iceland, Argentina, Uruguay, Brazil, Australia and New Zealand, among others.

Moreover, as part of Richfield's "Mundialization" program, she entertained friends from Wolfach, Germany; and visited them in their own homes in Wolfach. (In the 1960s, Richfield, Ohio became America's first 'world town,' followed by Minneapolis, Los Angeles, St. Louis and Boston, among others.)

Frieda Fry placed her beacon atop of her basket; and has served as an example for two generations of her own children. Grandson Michael Fry who competed for the United States in Amateur Rope Skipping Competitions in Korea, Australia, Belgium and Canada; granddaughter Bonnie Laessig who traveled across Norway with her paternal grandfather, artist Robert Laessig; granddaughter Holly Laessig who studied language and culture in Bangkok, Thailand; granddaughter Rachel Mitton Fry who studied language in Tel Aviv and biochemistry in Munich; and granddaughter Elizabeth Anne Fry who studied Russian in Moscow, built homes in South Africa with President Jimmy Carter and Habitat for Humanity and, last year, taught elementary students in Tanzania.

The qualities that Frieda M. Fry demonstrated in her daily life are well suited for all Americans—the delight in learning, the calling to teach and spread knowledge, and the engagement with the people with whom we share our planet. For her, 9/11 was not a call to isolation and retreat, and certainly not an excuse to erect rigid barriers designed to bar students, artists, immigrants and refugees from our shores.

Frieda Fry embraced the people of the world, and their diverse cultures.

We will all miss her.

RESPONSE TO 2006 USTR SPECIAL 301 REPORT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. WAXMAN. Mr. Speaker, last week the USTR issued its annual Special 301 report evaluating intellectual property laws in foreign countries. During this year's review process, I wrote to Ambassador Portman along with a bipartisan group of my colleagues raising concern about the agency's consideration of complaints by the pharmaceutical industry against Israel. PhRMA had called on USTR to elevate Israel to the worst designation of "Priority Foreign Country" and work to block Israel's membership in the OECD because of pharmaceutical IP issues.

I am glad to see that the USTR chose not to take these drastic steps. Such action would have been unwarranted and damaging to an important ally. However, I am deeply disappointed that Israel did remain on the "Priority Watch List." Israel has worked in steadfast consultation with the U.S. to adopt broader protections for pharmaceutical products. Israeli lawmakers, under the leadership of then-Minister of Trade Ehud Olmert, passed legislation that strikes a balance between the need to provide strong protections for innovators and timely access to affordable treatment for the Israeli public.

Similar to a U.S. law, commonly referred to as Hatch-Waxman, the Israeli system provides patent extensions for delays in the drug approval process as well as 5 years of exclusive marketing rights for new drugs that enter the market. This is far beyond the level of protection required by the World Trade Organization agreement on Trade Related Aspects of Intellectual Property (TRIPS). Yet, by keeping Israel on the "Priority Watch List," the Special 301 report criticizes Israel just as harshly as major IP offenders like China and Russia, and more harshly than many other countries with weaker IP regimes.

These inconsistencies raise serious questions about how the agency makes its designations. I am particularly concerned about the report's inordinate emphasis on the protection of pharmaceutical test data submitted for the approval of new drugs. Of the 48 countries named in the report, 28 were criticized for inadequate test data protection nearly double those cited on this issue in 2001.

USTR has insisted that the TRIPS "data protection" requirement be strictly interpreted like a Hatch-Waxman provision that mandates a 5-year period during which a generic copy cannot be approved. As one of the principal authors of that legislation, I find this position at best misguided and at worst immoral.

First, nothing in TRIPS requires any period of "data protection," much less 5 years. Article 39.3 of TRIPS only requires protection from "unfair commercial use" and there is certainly no global consensus about what that actually means. Second, the U.S. system is not a "one-size-fits-all" solution that is appropriate for all countries. For many poor countries, adoption of five years of "data protection" will deprive their citizens of any and all access to life-saving drugs.

When Special 301 Report designations become arbitrary and excessive, they lose their credibility and effectiveness. It is time for Congress to examine the process by which the USTR reviews intellectual property protection laws, weighs submissions from industry and related advisory committees, and ultimately, how it determines the status of the foreign countries in its annual report.

MOREHOUSE COLLEGE CROWNED NATIONAL CHAMPION AT 17TH ANNUAL HONDA CAMPUS ALL-STAR CHALLENGE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I wanted to inform fellow Members about a recent academic competition featuring some of the nation's sharpest young minds. The 17th annual Honda Campus All-Star Challenge (HCASC) in Orlando featured students from the nation's Historically Black Colleges and Universities (HBCUs). This year, the team from Morehouse College, which is located in my Congressional District, won the competition. I want to offer my sincere congratulations to Dr. Anderson Williams, Coach of the Morehouse team, along with Jordan A. Harris who was captain of the winning team.

In addition to the sense of personal satisfaction the Morehouse team gained from winning, they also received a $50,000 grant for their school. The runner-up, North Carolina Central University, took home a $25,000 grant. The remaining 62 teams earned grants ranging from $3,000 to $15,000. Through the program, more than $300,000 in institutional grants are awarded annually to participating schools.

For 17 years, HCASC has celebrated the academic and cultural benefits offered by the HBCUs while honoring African American cultural icons. Since Honda founded this program in 1989, more than 50,000 HBCU students have participated, and Honda annually awards educational grants to participating HBCUs.

More than 320 college students from 64 HBCUs across the country competed in the 4-day round-robin format tournament. The top two teams from each of eight divisions advance to the "Sweet 16," in a single-elimination playoff. The final two teams then compete for the National Champion title in a best 2- out of 3-final series.

Nearly 100 HBCU presidents, educators, alumni and community volunteers attended the event, themed "Your Challenging Spirit" to support the participating students. The theme speaks to the spirit the students have exhibited to get to this point and may have to call upon throughout their lives. Influential PBS Talk Show Host and radio personality, Tavis Smiley, kicked off the event with a keynote speech at the welcome dinner.

In addition to winning institutional grants, the one-of-a-kind competition gives HCASC students the chance to exercise teamwork and establish long-term relationships through unique networking forums.

The Morehouse team included: captain Jordan A. Harris (Senior, Economics), and players Mark A. Bernard (Senior, Chemistry), Anthony Christopher Smith (Senior, Political Science & Pre-Law), John Ramsey Clarke (Senior, Economics) and Alvin McNair (Freshman, Undeclared). They were coached by Dr. Anderson Cornelius Williams (Professor; Elberton, Ga.).

The Honda Campus All-Star Challenge is the only competition of its kind and was established by American Honda Motor Co., Inc., in 1989. Since the inception of the program, more than 50,000 HBCU students have participated, and Honda has awarded more than $5 million in grants to HBCUs to improve campus life through facility improvements and increasing academic resources.

Below is a list of the 16 playoff teams which qualified for the "Sweet 16" playoff round in Orlando. Congratulations to all the participating teams and thanks to Honda for sponsoring such a wonderful event.

2006 Honda Campus All-Star Challenge Sweet 16 Playoff Teams

1. Alabama State University.
2. Benedict College.
3. Central State University.
4. Clark Atlanta University.
5. Elizabeth City State University.
6. Florida A&M University.
7. Harris-Stowe State University.
8. Howard University.
9. Mississippi Valley State University.
10. Morehouse College.
11. Morgan State University.
12. Norfolk State University.
13. North Carolina Central University.
14. Spelman College.
15. Tennessee State University.
16. University of Maryland Eastern Shore.

2006 SAILOR OF THE YEAR AWARDS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. CRENSHAW. Mr. Speaker, I rise today to honor 30 young men and women in the United States Navy. On March 23, I attended the Sailor of the Year awards at Naval Station Mayport in my hometown of Jacksonville, Florida. The Sailor of the Year is bestowed upon one young man or woman in each of the naval units stationed at Naval Station Mayport.

We all know that it takes courage and dedication to enlist in our armed forces. All of these honorees have made that valiant decision to serve our country. They have successfully navigated the Navy Basic Training Course and have excelled in their chosen rating. However, these men and women were picked today because over the course of the past year, they have gone above and beyond the call of duty and demonstrated great character and resolve. Their command leadership who work with them day in and day out, in peacetime and in wartime have hand selected these honorees because they see a great leadership potential in each one of them. It was my honor to be the guest speaker at their award ceremony, and I wish them the best in their future in the Navy and in life. They make us proud of our men and women in uniform. Thank you and Godspeed.

Sailor of the Year Honorees:

AD1(AW) Crystal T. Cooper assigned to AIMD Mayport,

BM1(SW) Paul Burt assigned to ATG Mayport,

HM1 Andrea M. Searcey assigned to BMC Mayport,

AE1(AW) Bret F. Stroman assigned to CNL Mayport,

IT1(SW) Michael T. Laurie assigned to COMHSLWINGLANT,

IS1(SW) Walter J. McKinley assigned to COMUSNAVSO,

AO1(AW) Christopher M. Ham assigned to HSL 40,

AZ1(AW) Cory S. Benfield assigned to HSL 42,

AE1(AW) Christopher B. King assigned to HSL 44,

AD1(AW) Christopher N. Howell assigned to HSL 44,

AW1(NAC/AW) Spencer G. Wait assigned to HSL 46,

AM1(AW) Aristile S. Guidry assigned to HSL 46,

AD1(AW) Abraham Tolbert assigned to HSL 48,

NC1(SW) Lizzie Martin assigned to HSL 48,

AW1(AW/SW) Jason C. Kleinsmkith assigned to HSM Weapons School,

CS1(SW/AW) Stephan Jones assigned to NS Mayport,

GSM1(SW) Gregory L. Crum assigned to SERMC,

CTT1(SW) James C. Woods assigned to the USS Boone,

FC1(SW) Christopher D. Weddel assigned to the USS Carney,

IT1(SW) Benjamin J. Padgett assigned to the USS Doyle,

GSM1(SW) Scot A. Wanser assigned to the USS Halyburton,

CTT1(SW) Scott B. Aaron assigned to the USS Hue City,

EM1(SW) Adam J. Smyk assigned to the USS McInerney,

OS1(SW) Hannabal E. Forbes assigned to USS John L. Hall,

EN1(SW) Andrew J. Hochgraver assigned to USS Samuel B. Roberts,

TM1(SW) Christopher Moore assigned to the USS R.G. Bradley,

EN1(SW) Paul A. Gurrola assigned to the USS Simpson,

EM1(SW) Oliver Cummings assigned to the USS Taylor

EM1(SW) Timothy Howard assigned to the USS The Sullivans.

EM1(SW) Cory Baron assigned to the USS Vicksburg.

RECOGNIZING THE HONORABLE GERALD D. "JERRY" COCHRAN OF CRESCENT CITY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to commend the Honorable Gerald D. "Jerry" Cochran on the occasion of his retirement as the Del Norte County Assessor, an office he has held for the last 36 years.

Mr. Cochran has been a dedicated advocate for the citizens of Del Norte County since first being elected to office on November 3, 1970. He is a tenacious public servant with a reputation for being forthright, open and responsive to the needs of the community. He has been a consistent advocate for working families and for those less fortunate. I consider him a true friend and counselor, someone I rely upon to advise me about issues affecting the most northern coastal county of California, home of the Smith River National Recreation Area and Redwood National Park.

Over the last three decades in Del Norte County, Mr. Cochran has provided outstanding and resourceful leadership during critical, watershed events for the region. He was a fierce advocate on behalf of the county leading up to the expansion of Redwood National Park in 1978. He led the local effort to site a California correctional facility in Del Norte County in 1980's. He has fought for highway improvement projects, protected the county's interest in state and federal land acquisitions and always focused on ways in which to help build the local economy to secure good-paying, long-term jobs.

Mr. Cochran moved to California from the state of Wisconsin when he was five years old, one of five children of Tom & Alvina Cochran. He attended Humboldt State University and joined the United States Air Force, serving our nation for four years with duty in Japan, Vietnam and at the Air War College in Montgomery, Alabama.

Mr. Cochran has served on numerous local boards, including Sutter Coast Hospital, Rural Human Services, Humboldt State University Advisory Board, and the Wild Rivers Community Foundation. He currently serves on the North Coast Regional Water Quality Control Board and the prestigious Golden Gate Bridge District Board of Directors.

He is an active member of Rotary International of Crescent City, the Humboldt County Democratic Central Committee and was recently asked to serve as the Del Norte County Veterans Service Officer. In 2005 he received the "Lifetime Achievement Award" from the Crescent City/Del Norte County Chamber of Commerce.

Jerry married the lovely Jacqueline Cochran 41 years ago; they have one daughter, Marcy, son-in-law Darin Bradbury, and a beloved grandson, Dalton.

Mr. Speaker, it is appropriate at this time that we recognize Gerald D. "Jerry" Cochran for his vision, leadership and commitment to a healthy and vibrant Del Norte County and for his extraordinary record of public service to the people of the North Coast of California.